



00031088







924

*Ralph*

THE  
HISTORY  
OF  
ENGLAND:

*JTB.3.*

DURING THE



REIGNS

31088

OF

*vnt*

*II. William, Q. Anne, and K. George I.*

WITH AN

INTRODUCTORY REVIEW

Of the REIGNS of the

ROYAL BROTHERS, CHARLES and JAMES;

IN WHICH ARE TO BE FOUND THE

SEEDS of the REVOLUTION.

*By a LOVER of TRUTH and LIBERTY.*

*James Ralph*

*Talis mihi Historicus esto, ut Metu careat, Muneribus non corrumpatur, liber sit, dicendi vorum Libertatem amet.*

LUCIAN. De Conscribend. Hist.

LONDON:

Printed by DANIEL BROWNE,  
For F. COGAR, at the Middle-Temple-Gate; and T. WALLER, at the Crown and Mitre,  
opposite to Fetter-Lane, Fleet-Street.

MDCCLIV.

*1754*

942.068<sup>X</sup>

Rail/His

31088

pls  
942.07



00031088

(926)

[i]

Vol 1  
Palmer

T. T. Co - 3

THE

A U T H O R

TO HIS

S U B S C R I B E R S.

GENTLEMEN,

**A**S I owe no Compliment to those who have given me no Encouragement, and as I have all the Sensibility imaginable of your Perseverance in countenancing a Work which has come out under so many Disadvantages, I shall address what I have to say concerning it to You only: You have a Right to all the Satisfaction I can give; and if You will dispense with one ocular Objection, I mean the overgrown Size of this preparatory Volume, I shall not despair of the Continuance of your Favour.

The two great Principles I set out upon, were, 1. To follow Truth as close as possible, without that slavish Fear of her Heels, which has deterr'd so many from keeping up with her; And 2. To detect, in order to eradicate, if possible, the Evil of Parties, which has so long divided the Sons of one common Mother, and made them the Instruments of one another's Ruin.

That this was an honest Undertaking, no body can dispute; and that it was a dangerous one to myself, I both foresaw and foretold; for tho' we call out for Impartiality, we are too much concern'd in the Operation to bear it; and when we find ourselves hurt, we seldom fail to decry the Instrument. Party-Attachment may atone for the Sins of a bad Writer; but Disinterestedness will not save a good one. The Readers of our Country are almost all regimented; they are Whigs or Tories, Jacobites or Republicans, Churchmen or Dissenters, who espouse Truth no longer than she espouses them, and who turn their Backs upon her, when she sets her Face against them.

To hear, therefore, that the Zealots of all those several Factions had thrown my Book into the Fire, would neither disappoint nor mortify me, any otherwise, than I should be sorry to find my Fears so well-grounded; to find by Experience, that Prejudice and Perverseness are such inseparable Companions; and that they have taken such hold of the Soil, that they are never to be weeded out.

But how tenacious soever I have been of the main Purposes which I set out with, I must own I have been induc'd to depart from the Rules I had prescrib'd to myself in the Pursuit of them. It was then my Opinion, that the Business of an Historian was merely to state Matters of Fact in Order of Time, without any Intermixture of Conjectures, Colourings, Reflections, or Inferences of his own. But when I took a nearer Survey of the Period before me, I found it so ill understood by some, and so much misrepresented by others, that I was forc'd to consult and relate together. *Kennet, Echard, Oldmixon, North, Burnet, &c. &c.* had each his Followers and Admirers: Something was to be glean'd from every one of them, and much was to be rejected; and to establish any thing like Historical Certainty, Reasons were to be given in both Cases, or those who had made up their Minds, as the modern Phrase is, after this or that particular Mode, would have apply'd their own Prejudices and Mistakes as the Standard of Decision, and condemn'd me arbitrarily as often as I presum'd to differ from their respective Oracles.

And what I have said in Excuse for this Alteration of my original Plan, will also serve to shew, how ill grounded the prevalent Opinion is, that the Reigns of *Charles* and *James* have been already sufficiently explain'd, and are therefore sufficiently understood: Mr. *Rapin* who has given a Sketch of both, it is true, came after several of those Writers; but then he trod in the same Track; he saw things in the same Light; his Representations partake of the same Partiality; and he has nothing new in Matter or Manner to atone either for his own or their Imperfections: But even since his Book was translated into *English*, with such astonishing Success to the Undertakers, *Sydney's Letters*, *Kersley's Memoirs*, *North's Examen*, &c. which contain many curious Particulars, till then unknown, have been made public. Those therefore who fancy him to be the very *Corymbus* of Historians, and that his Work contains all that is worth knowing in the *English Story*, most egregiously deceive themselves, and over-value him. For we have leave to add, that in the noble Collection of Tracts made by Lord *Seymour*, which has fallen into my Hands, and that other which I have had the Use of thro' the Favour of Sir *Thomas Walsley*, I have met with a great Variety of valuable Pieces, which none of our Writers, or even Commenters, seem to have had any Acquaintance with; and that of all I have examin'd to make the best and surest Use imaginable.

If I have happen'd to tire the Patience of any of my Readers by being solicitous to convince their Understandings, I ought, in good Manners, to impute the Fault to Tediouiness on my Side, rather than to Indolence on theirs. But Assertions ought to be made good by Authorities; and the favourable Reception which Collections of *State-Tracts* have ever met with, is, I think, sufficient to justify the Use I have made of them; for if they are of Importance when separated from the Grain they were calculated to answer, they are of ten times as much Importance when connected with



it: Besides; Numbers that I have had Recourſe to are no where elſe to be found, and could not have been purchas'd for ten times the Price of this whole Work: And what holds thus good with reſpect to *State Controversies*, does the ſame with reſpect to *State Papers* and *State Trials*. *State Papers* are the very Chart and Compaſs of Hiſtory; while we ſail by their Direction, we ſail with Certainty as well as Safety; and when thoſe Lights fail us, we are forc'd in a great Degree to grope and gueſs our Way, and to content ourſelves with Probability only. Then as to *State Trials*, there is, perhaps, no one Walk of Hiſtory that is of ſo much Conſequence to the Subject; for when the Bench is under the Direction of the Cabinet, Trials are Conſpiracies, and Executions are Murders. I have, therefore, taken the Liberty to expatiate as largely on the Abufe of Law and Juſtice, as of Power and Patriotiſm; and, upon the whole, have endeavour'd to form a *Body* of all ſuch Matters as regard the Exerciſe or Ends of Government, that thoſe who are not Lawyers or Stateſmen, or Writers by Profeſſion, might not be under a Neceſſity to cumber themſelves with a whole Library, in order to be acquainted with the ſeveral Branches of their own Story.

After all, perhaps, by ſo much the more Pains that I have taken, the more unlikely I am to pleaſe; for tho' the preſent Age is not averſe to Knowledge, I am afraid it is too frolic and libertine to purſue any thing further than the Road is pleaſant, or the Chace profitable: And perhaps we may ſafely conclude with Mr. *North*, That the Bulk of Readers in all Ages, require no more than a ſmooth, even, flowery Tale; and that they are never more diſgaſted than when their Courſe is interrupted by a Labyrinth of twaiſing Facts and Arguments, which it equally puzzles them either to intellige or to follow. — But ſurely ſuch Readers are not qualified to ſit in Judgment on the Hiſtory of *England*; and it is my humble Advice to them, that, when they ſet up for Critics, they would confine the Exerciſe of their Talents to the *Tales of the Fairies*, and ſuch other pretty Pieces as are of a Size with their Underſtandings.

Then for thoſe who, having fir'd their Imaginations with the ſplendid Actions of the *Greek* and *Roman* Heroes, or who, prompted by their own Honesty, Credulity, or Inexperience in the great World, exped in the Annals of their own Country to caſt their Virtues or their Vanity with a Succeſſion of Characters to delight in, and of Exploits to be proud of, and who, on the contrary, are thock'd with ſucceſſive Diſappointments in almoſt every Page; I muſt beſeech them not to ſuppoſe, that I take any Pleaſure in aggravating the forbidding Features that I find, or in making Deformity more deform'd: The Poet, who is a Creator, may people his World with Angels inſtead of Men if he pleaſes; but the Hiſtorian muſt keep as ſtrictly to the Life as poſſible; and if he has Monſters to copy, he muſt not forego the Likeneſs, out of a fooliſh Tendernels either to the Dead or the Living.

Laſtly, if there are any, who, from the Poornels of their own Spirits, or the Narrowneſs of their Capacities, find it impoſſible to imagine, how any one of their Cotemporaries, undiſtinguiſh'd with a Title, or undignify'd with a great Office, ſhould be able to ſit in Judgment on the Actions of Miniſters, Kings, and States; or ſhould preſume to exert ſuch Abilities, even if endow'd with them; from their low, dirty Prejudices, I appeal to the Candour and Juſtice of Poſterity, who will diſdain to judge by ſo absurd and chimerical a Standard; And who, if they find a Work to be

Sterling,

Sterling, will pronounce it to be such, whether made sacred by the Image and Supercription of *Cæsar* or not.— That this has a full Proportion of Alloy, I am sadly sensible: Some things have been omitted, and some have been mistaken:— But none wilfully: And, if it pleases *God* to prolong my Life and Health, I will spare no Pains to rectify all: For I again protest, that Truth was the great End I had in View, and I will follow Friend or Foe till I find it out.

*I am,*

GENTLEMEN,

*Your most Obliged,*

*Humble Servant,*



The Author.

I

---

THE  
H I S T O R Y  
O F  
E N G L A N D.

---

*A REVIEW of the REIGNS of King CHARLES II.  
and King JAMES II.*

Introduction.

**W**HILE the great Movements of State are passing, they fill too large a Space, and form too mighty an Object, for every common Eye to take in: But when they are pass'd, and fallen into Perspective, though we cannot discern every Particular minutely, we are enabled to form a general Idea of the Whole; at least, if we endeavour in earnest to remove the Films of Prejudice from our Eyes, and suffer Truth to find an open and ready Entrance to our Hearts.

But here lies our great, our National Difficulty.

It is the Misfortune of almost every Englishman to be attach'd to some one Party or Faction, and to have adopted the Political Creed, which he found already established by his Leaders; whence all the Extravagances of that Party become his own; and if a second *Solomon* was to sit in Judgment upon them, it would give him as much Pain as an Inquisition into his favourite Sins.

Thus, should an *Historian* arise, who had Application to collect the best Materials, Capacity to comprehend, and Skill to digest them, Genius to animate his Work, and Integrity and Resolution to decide upon every Character and every Fact, as Equity should prompt, as Truth should authorize, instead of making Converts, by the honest Exercise of his Talents, he would possibly make Enemies; and all the *Sars* among the *Livings* would clamour in Behalf of the *guilty Dead*.

But should so valuable a Man ever arise among us, I hope he would venture upon the Task, however difficult and discouraging, of reducing our shapeless Annals into Form and Comeliness, with a Spirit superior to any such ungrateful Consequence.

As Fame is the only Reward which, in evil Times, Virtue hath to hope for; and Infamy is the only Punishment that Wick- edness in High-places hath to apprehend,

both ought to be distributed with an un- sparing, as well as impartial Hand: The *Historian* then sits in the Seat of Justice: Before his Tribunal not only *Ministers*, but *Kings* and *Senates* must make their Appearance; and if his Doom is righteous, it is also irrepeatable.

This venerable Seat hath continued empty for so long a time, that the *Awe* which used to attend it is, in a manner, lost, and the *Great* are become as insensible of *Fame*, as the *Vulgar* of *Liberty*.

Till it shall be fill'd as it ought to be, let me, therefore, be suffer'd to seat myself on the Footstool at least; to put overgrown indemnity'd Criminals in mind, that, though they derive their *Titles* from the *Favour* of the *Crown*, their *Characters* depend on their *Behaviour* to the *People*.

It is usual to consider the great *Revolution*, which took place in the Year 1688, as a *single Act*, or *Interlude*, which was complete in itself, and needed neither *Prologue* nor *Clerus* by way of *Illustration*.

But to me it appears rather as the grand *Catastrope* of several *Acts*, consisting of a Multiplicity of Scenes, which began to open soon after the *Restoration* of King *Charles II.*; and which, through a great Variety of Incidents, in a perplexed and irregular manner, made way almost continually, though insensibly, for that important Event.

Notwithstanding, therefore, so many different Writers have treated so amply on the Reigns of the Two *Royal Brothers*, as All have been, more or less, possess'd with a Party-Spirit, it is still, perhaps, requisite to give such a Review of our public Transactions, during that Interval, as may serve to shew, how naturally and necessarily, Oppression from above, created Faction below; and Outrage begat Outrage, till Government itself became a second time dissolved, and the People had a second Opportunity to secure both themselves and their Posterity from a Return of the like Calamities.

A. D. 1659.

Cromwell and  
Monk equally  
Displeas'd.

As Cromwell, by the Dint of Artifice and Diffimulation, had the singular Glory of triumphing over his Sovereign; so Monk, by the like Means, had the singular Happiness to be the Instrument of restoring him to the Possession of his Royalty.

Nor did he find the Talk extremely difficult: For being at the Head of the Army, he was likewise at the Head of the Commonwealth; and the People had neither Power nor Inclination to withstand him. They had fought for Liberty, but still found themselves Slaves; and, being weary of their military Yoke, were easily induc'd to submit once more to that of Monarchy, as the least Evil.

Temper of the  
People.Contention of  
the King.

But if the People were thus tractable, the King was yet more so: His Title was his All. He had neither Revenue, nor even the Countenance of foreign Powers. His Party at home, though animated with fresh Hopes, had, at first, very little ground for

Confidence. If Monk had restored the (a) *fe-* A. D. 1659.  
cluded Members, he qualified that Measure, Monk offers  
by sending a circular (b) Letter to all the for a free  
Regiments in the three Kingdoms, signify- State or Com-  
ing, That nothing was intended for Alteration monwealth.

And, in a written (c) Paper, which was read by his Secretary in his Name, to those very Members at Whitehall, he declared, That restoring of the kingly Power would put an End to the People's Liberty; that moderate Presbyterian Government would contribute most to the Settlement of the Church; and that a Provision should be made for governing the Kingdom by a Succession of Parliaments, without a King, single Person, or House of Lords.

When, therefore, such was the Circumstance of the King abroad, and such the seeming Disposition of Affairs at home, it is no wonder his Majesty almost despaired of being

King inclin-  
able to bow to  
any Terms.

(a) So call'd from their having been forc'd out of the House by the Army, *Ann* 1648; on account of their being dispos'd to come to an Accommodation with the King.

(b) In which were the following Expressions: "And, to take away all just Doubts from you, we do assure you, that we have no Intention or Purpose to return to our old Bondage: But, since the Providence of God hath made us free, at the Loss of so much Blood, we hope we shall never be found so unfaithful to God, and his People, as to lose so glorious a Cause. But we do resolve, with the Assistance of God, to adhere to you in the continuing of our dear-purchased Liberties, both Spiritual and Civil, in a free State, and Commonwealth, and to use our utmost Endeavour that no Occasion may be made Disturbance of the Peace of the Commonwealth, either in favour of Charles Stuart, or any other pretended Authority, we desire you to secure them till the Pleasure of Parliament, or Council of State, be known in their Behalf." *Phillips's Supplement to Baker*, p. 710.

(c) The whole of this Paper deserves to be transmitted to Posterity.

GENTLEMEN,

"It appears unto me, by what I have heard from you and the whole Nation, that the Peace and happy Settlement of these bleeding Nations, next under God, lieth in your kind and hearty Consideration of *Widow's* Plea, and *Self-Defence*, which, I have Reason to be confident, judgeth in you, a and how great a Share of the Nation's Suffering will fall upon you, in case the Lord deny us now a Settlement. I am in very good Hopes, there will be found in you all, such melting Bowels towards these poor Nations, and towards one another, that you will become *Helpers* and *Masters* of all us woful Brethren. And that such an Opportunity may clearly appear to you in your Hearts, I thought good to assure you, and that in this *Parliament* of God, that I have nothing before my Eyes but God's Glory, and the Settlement of these Nations upon Commonwealth Foundation. In pursuit whereof, I shall throw things too dear; and for my own particular, I shall throw myself down at your Feet, to be any thing or nothing, in order to their great and just Way of *Justice* and *Liberty*, as he is from me to impose any thing; I desire you may be in perfect Freedom; only give me leave to mind you, that the old Foundations are, by God's Providence, broken, that, in the Eye of Reason, they cannot be restored, but upon the Ruins of the People of these Nations, that have engaged for their Rights in Defence of the *Parliament*. And the great and chief End of the *Government*, for settling and raising the *Lord's* Name and in the three Nations, and also the *Liberty* of the People's Representatives in Parliament, will be certainly lost: For if the People find that, after so long and bloody a War against the King, for breaking in upon their Liberties, yet, at last, he must be taken in again, it will be out of Question, and is most manifest, he may, for the future, govern by his Will, despite of Parliaments and Parliaments may be pleas'd, and yet the People will never more rise for their Alliance.

"And as to the Interest of this famous City (which hath been, in all Ages, the Bulwark of Parliaments, and unto whom I am, for their great Affection, so deeply engaged) certainly it must lie in a Commonwealth; that Government only being capable to make them, through the *Lord's* blessing, the *Metropolis* and *Head* of Trade for all *Christen-*

dom, whereunto God and Nature hath fitted them above all others.

"And as to the Government in the Church, the West Church hath been so small Cause of these Nations Disturbance, it is most manifest, that if it be unassailable in the State, the Church may follow, and Prejudice may be brought in, which these Nations, I know, cannot bear, and against which they have so solemnly sworn.

"And indeed, moderate, not rigid Presbyterian Government, with a sufficient Liberty for Conscience, truly tender, appear, at present, to be the most indifferent and acceptable Way to the Church's Settlement. And the Interest of the *Lords*, even of those *Lords* who have thought themselves noble indeed, by joining with the People, and in Defence of those just Rights, have advanced their dear-est Blood and large Estates. To that I shall only say, That though the State of these Nations be such, as cannot bear their sitting in a divided House, yet certainly the Will of Parliament will find out such *Arbitrary* Means of Honour for them, as may make them more noble in After-ages.

"Gentlemen, Upon the whole Matter, the best Relief that I can make, at present, for the Peace of these Nations, will be, in my Opinion, that you forthwith go to sit together in Parliaments in order.

"1. To the settling of the Command of the Armies of the three Nations, in that manner, as they may be servicable to the Peace and Safety of these Nations, and to the Nation's Ruin, by the Force of Arms.

"2. To the providing of such Maintenance for them; that is, for the Forces of Foot, and for the Navy by Sea, and all the *Armed* Parts, and the necessary Charge of the Government.

"3. To the appointing a *Law* and *Justice*, by the Authority in settle the Civil Government, and the settling of *Scotland* and *Ireland*; and to the settling of the *Parliament* of Writs for the summing up of Parliaments, and the elections united, to meet at *Westminster*, in the *Month* of *April*, next, with such Qualifications, as may be thought fit.

"4. To a legal Dissolution of this Parliament, to make way for a Succession of Parliaments.

"And, in order to these good Ends, the *Grants* will not only willingly admit you, but faithfully, bona fide, and every the Officers under my Commission, and, I believe, the Officers and Soldiers of the three Nations, will spend their Blood for you, and *Justice* Parliaments.

"If your Commission be directed to this End, you may part honourably, having made a fair Step to the Settlement of these Nations, by making a Way for successful Parliaments. But I must needs say, that if any different Countenance should be taken, which I have no Reason to fear, these Nations would presently be thrown back into Force and Violence, and all Hopes of this much desired Establishment buried in Disorder; which the *Lord*, in his great Mercy, I hope, will prevent. And so God speed you well together, and unite your Hearts for the Preservation of Peace, and Settlement of these Nations, to his own Glory, and yours, and all our *Conspires*!"



A. D. 1659. Genius than *Monk* might have been as long as a *Lois* how to gratify his own private Views, without exposing himself to the Re- fement of the Public; and to strike Peace and Order out of such a vast Confusion.

*Monk offer'd the Kingship by Halbergh and Card. Mazarine. Gumble's Life of Monk. Phillips.*

Sir *Arthur Haslerig* solicited him to assume the Crown himself, and engaged to find him one hundred thousand Hands to subscribe to his Title.

Monsieur (g) de *Bourdeaux*, the French Embassador, offer'd him the best Services of the Crown of France, in the Name of Cardinal *Mazarine*, either to assist in restoring the King, or in enabling him (the General) to set the Crown upon his own Head.

*Army Officers urge him to oblige the Parliament to engage for a free State. Phillips. Skinner's Life of Monk.*

On the other hand, the Republican Officers of the Army attended him in a Body, to express their Apprehensions, that *Charles Stuart* would be restored; and to recommend, by way of Prevention, that he would oblige the Parliament to engage for a free State and Commonwealth, without a King or House of Lords.

Again, such of the Royalists as had Access to him, lost no Opportunity of engaging him in the Interest of his Majesty. The Grandees, and leading Ministers of the Presbyterians, likewise, threw their Weight into the same Scale, and challenge the Merit of convincing him, That a Commonwealth to which he still pretended an inviolable Attachment was impracticable.

*Presbyterians solicit him to declare for the King. Sharp's Letter to Mr. Douglas, in Woodrow's Introduction to the History of the Church of Scotland.*

Upon the whole, whether he was actuated by a Principle of Honesty or Policy,

whether a Crown was above the General, or the General was above the Crown, he fix'd, at last, upon a Resolution to pave the Way for the King's Return; which, by a Series of dextrous Measures, he had the Happiness to accomplish.

With respect to the avow'd Terms upon which he first treated with his Majesty, we find them calculated only to quiet the Minds of the Nation for the present, in order to facilitate the King's Introduction: For his principal Instructions to (h) Sir *John Greenville* recommended little more than a general Pardon, liable to parliamentary Exceptions; the continuing Property in its present State, by a Ratification of all public Sales; a proper Care to humour and pay the Army, and a general Liberty of Conscience.

*His Majesty to Sir John Greenville.*

*Skinner's Life of Monk.*

(i) Conditions and Limitations had, however, been thought of by others of great Eminence, nay, had been propos'd to the General, who, even according to his own Apologists, listened to them not only with a seeming Approbation, but hinted, it would be the utmost Line that he could or would advance to, in favour of the King; and how necessary some were, however unpalatable any would have been thought, the Sequel of our History will too fatally explain.

*Conditions and Limitations.*

The King, as it was natural he should, was charmed to find his Way so open, and the Conveyance so easy; and therefore not only (k) seem'd to make no Difficulty of embracing

*Monk made Cession-General by the King.*

"—and out the Ropes at Stern. What Folly's't to think we can safely ferry, while the Fleet's Fanatic! This being done, let our Cavalry miscify if it can. Men (Mazars) perhaps met War, and gave him found Advice.— Got Arms, but buy them not in suspicious Numbers; that, if all fails, we may repair to them, and out our Passage to the Throne, through Traitors Blood. Farewell. *Bristol*, S. V. March 10. 1659."

An Answer to this Piece was publish'd about a Week after, by Mr. *Evans*, intitled, *The last News of Mr. Monk from Bourdeaux* &c. &c. But this I have never met with, and therefore can give no Account of.

(g) Mr. *Locke*, on the Authority of Sir *Anthony Ashley Cooper*, afterwards Earl of *Shaftsbury*, insists, that *Monk* had actually agreed with Mr. *Bourdeaux*, the French Embassador, to assume the supreme Government himself; of which the said Sir *Anthony* having received Intelligence, procur'd the Council of State, whereof he was a Member, to be summon'd immediately; and *Monk* attending as usual, Sir *Anthony* charg'd him, in an ambiguous and indirect Manner, with playing false with them, and not doing as he had promis'd; which the other not only deny'd, but offer'd to give them all manner of Satisfaction of which Sir *Anthony* taking the Advantage, insist'd on his new regulating the Command of the Army, upon the Spot, as it should then be requir'd of him: This *Monk*, not knowing how to avoid it, was oblig'd to comply with; by which mean he disarm'd himself, and had no other Game to play than to close with the King's Officers by Sir *John Greenville*, for restoring the Royal Family. But this whole Story is disput'd by *Knox*; and not without Reason, if it is true, as he affirms, that the Regulations made in the Army were all by *Monk's* Direction, and in favour of his own Partisan only. Besides, *Phillips*, who wrote his Book under the Eye of *Clarendon*, affirms, that Dr. *Burrows's* Offer was made to the said *Charles*, and that *Monk* refus'd to give the Embassador an Audience, but under the express Condition, That he should not propose any thing to him in reference to the public Affairs of Government.

(h) The King's Agent, afterwards made Earl of *Bath*.

(i) The General having before sent away Sir *John Greenville* privately to his Majesty, with Assurance of his Allegiance, and Resolutions for his Service, without the Mention of any Limitations; was somewhat concern'd how to make good Work with these Gentlemen (of the Presbyterian Faction) who were for Limitations: Not were they ordinary People, but some of them Persons of Quality, and all of them Men of Parts and Eminency among the Parties where they sway'd. So that the General thought it most

safe, at present, to entertain them with some Appearance of his Consent; and having (as they thought) thus plac'd the Trick upon him, their next Contrivance was to perfect this Juggle with the King. To that Purpose a Letter was sent to him, relating their several Desires and Endeavours for his Return; and that to that End they had sold several Treaties with General *Monk*, who could not be prevail'd with to consent to his Restoration, otherwise than upon his Father's Condition in the Isle of *Wight*; requesting his Majesty to accept thereof, rather than, by his further Delay, to hazard a total Exclusion from his Crown and Kingdom. This Letter was deliver'd to his Majesty whilst Sir *John Greenville* was attending upon him, to whom it was also shewn. But, upon farther deliberating among themselves, the Artifice was quickly discover'd; so that his Majesty instantly reply'd, I perceive these People do not intend to do me good, but find upon much better Terms, and that I am generally oblig'd to me, and Sir *John Greenville* is a man of a good mind, and faithfully received me the Oath of a true Person, when they came afterwards to me, that I should play with Sir *John Greenville*, and that I should endeavour to conceal their Discontent, yet were, even afterwards, some and implacable Enemies to him. This he did deliver to his Majesty, who has since firm'd in his mind, as a certain Proof of his Hero's Diligence, and how determin'd he was to make a Service of the public Liberty.

(k) After great Deliberation upon all the Particulars, and weighing the Importance of complying with the General's Advice in all Things which his Conscience and Honour would permit, his Majesty directed such Letters and Declarations to be prepar'd, as should be, as a good Deed, suitable to the Will and Council of the General, and yet make the Transfation of those Things which he did not like, the Effect of the Power of the Parliament, rather than of his Majesty's Approbation. And the Confidence he had upon the general Election of honest and prudent Men, and in some particular Persons, who he heard were already chosen, dispos'd him to make a general Reference of all things which he could not referre to himself, to the Wisdom of the Parliament, upon Presumption that they would see each more from him than he was willing to confest to; since he well knew, that, whatever Title they call'd *Monk*, or he gave them, they must have another kind of Parliament to confirm all that was done by them; without which they could not be safe and contented, nor his Majesty oblig'd. *Ed. CLARENDON, Fol. Vol. III. P. 575.*

A. D. 1659

bracing the General's Proposals with relation to the Public, but immediately (*1*) gratified him with a Commission to be Captain-General of all the Forces in the three Kingdoms; and likewise made his Kinsman, and Bosom Favourite, *Morris*, by whose Advice he had been govern'd in every thing, Secretary of State.

and his King's man Secretary

1659-60.

Meeting of the Convention

March 17. the long Parliament was dissolved, by an Act of their own, April 25, the (*2*) new Parliament met. And, in the Interval, the King had for forth his Declaration, from *Breda*; which, though so often printed, cannot here be omitted; because it was then received and understood to be the Basis of the ensuing Reign.

## His Majesty's Declaration from Breda.

The King's Declaration

" If the general Distracted and Confusion, which is spread over the whole Kingdom, doth not awaken all Men to a Desire, and Longing, that these Wounds, which have so many Years together been kept bleeding, may be bound up, all We can say will be to no Purpose. However, after this long Silence, We have thought it our Duty to declare how much We desire to contribute thereunto: And that, as we can never give over the Hope, in good Time, to obtain the Possession of that Right, which God and Nature hath made our Due; so We make it our daily Suit to the Divine Providence, that He will, in Compassion to us and our Subjects, after so long Miserie and Sufferings, remit, and put Us into a quiet and peaceable Possession of that our Right, with as little Blood and Damage to our People as is possible; nor do We desire more to enjoy what is Ours, than that all our Subjects may enjoy what by Law is theirs, by a full and entire Administration of Justice throughout the Land, and by extending our Mercy where it is wanted and desired. And to the end that Fear of Punishment may not engage any, conscious to themselves of what is past, to a Perseverance in Guilt for the future, by opposing the Quiet and Happiness of their Country, in the Restoration both of King, and Peers, and People, to their just, ancient and fundamental Rights; We do by these Presents declare, That We do grant a free and general Pardon, which We are ready, upon Demand, to pass under our Great Seal of England, to all our Subjects of what Degree or Quality soever, who, within Forty Days after the Publishing hereof, shall lay hold upon this our Grace and Favour, and shall by any public Act declare their doing so, and that they return to the Loyalty and Obedience of good Subjects, excepting only such Persons as shall hereafter be excepted

by Parliament. Those only excepted, let all our Subjects, born English, who, upon the Word of a King, solemnly given by this present Declaration, That no Crime whatsoever committed against Us, or our Royal Family, before the Publication of this, shall ever rise in Judgment, or be brought in Question, against any of them, to the least Indamagement of them, either in their Lives, Liberties, or Estates, or (as far forth as lies in our Power) to much as to the Prejudice of their Reputations, by any Reproach or Terms of Distinction from the rest of our best Subjects; We desiring and ordaining, that, benevolently, all Nites of Discord, Separation, and Difference of Parties, be utterly abolished among all our Subjects; whom We invite and conjure to a perfect Union among themselves, under our Protection, for the Restitution of our just Rights and theirs, in a free Parliament; by which, upon the Word of a King, We will be advised. And because the Passion and Uncharitableness of the Times have produced several Opinions in RELIGION, by which Men are engag'd in Parties and Animosities against each other, which, when they shall hereafter unite in a Freedom of Conversation, will be composed, or better understood; We do declare a Liberty to tender Conferences; and that no Man shall be disturbed, or called in Question, for Difference of Opinion in Matters of Religion, which do not disturb the Peace of the Kingdom; and that We shall be ready to consent to such an Act of Parliament, as, upon mature Deliberation, shall be offer'd unto Us, for the full granting that Indulgence. And because, in the continued Distractions of so many Years, and so many and great Revolutions, many Grants and Purchases of Estates have been made to and by many Officers, Soldiers, and others, who are now possessed of the same, and who may be liable to Actions at Law, upon several Titles; We are likewise willing, That all such Differences, and all things relating to such Grants, Sales, and Purchases, shall be determined in PARLIAMENT; which can best provide for the just Satisfaction of all Men who are concern'd. And we do further declare, That We will be ready to consent to any Act or Acts of Parliament to the Purposes aforesaid, and for the full Satisfaction of all Arrears due to the Officers and Soldiers of the Army under the Command of General Monk; and that they shall be receiv'd into our Service upon as good Pay and Conditions as they now enjoy."

Together with this artful Piece, came a Letter to each House of Parliament; two others, to Monk, and Admiral Montagu, to be

King sends Letters to both Houses of Parliament.

(1) Philips, in his Supplement to Baker, assures us, that when George, Monk's Brother-in-law, was dispatch'd by him to the King, he gave him no other Instructions than to give the King all manner of Assurance of his Fidelity; and that he desired him to ask for nothing, either for Monk himself, or any body with him. But Dr. Stowe, in his Life of Monk, p. 184. assures us, that the General, deliberating with Sir John Greenville about the Disposal of his Majesty's Seal and Signet, it was agreed, that, in regard Mr. Morris was

the only Person that had been privy to his Correspondence with the King, and had so faithfully assist'd therein, they would recommend him to the Trust. He likewise adds, that the General was, at the same time, offer'd ten thousand Pounds to procure the Piece for another.

(2) By the Authority of the Keepers of the Liberties of England; under an express Proviso, (which indeed met with little Regard) That none who had acted in the late War against the Parliament should be returned Members.

A. D. 1660.

by them communicated to the Soldiers and Seamen; and a fifth to the City of London: Besides all which, Care was officiously taken by the *Presbyterians* to publish a Collection of (n) Epistles from several foreign Divines, to clear up a (o) Suspicion, which began already to prevail (p), that the King was a Papiſt (q).

The King suspected of being a Papiſt.

But there was scarce any Necessity to set such a Variety of Engines to work, in his Majesty's Favour. As Enthusiasm ebb'd apace, Loyalty flow'd in as fast. Example, on such Occasions, operates instead of Reason; and when the Leader leaps, the Herd follows.

Nor was this sudden and surprizing Re-

vulsion of popular Humours to be seen only without-doors: The new Parliament consisting now, as formerly, of (r) two Houses, not only declar'd, that, according to the ancient and fundamental Laws of this Kingdom, the Government is, and ought to be, in KING, LORDS, and COMMONS; but, under the Awe and Influence of the Captain General, invited his Majesty to the Exercise of his Kingly Office, without any other (s) Conditions or Stipulations than he himself had thought it fit to lay down in his Declaration before-quoted.

The King, who had been of late the Bugbear of the three Nations, was now become their Idol: He was address'd, complimented,

A. D. 1660.

(o) One of which declares, That he the King, had a sanctify'd Heart, and spake the Language of Canaan. Let this serve as a Sample of the rest.

(p) Dr. Meric, afterwards Bishop of Winchester, in a Letter to the Doctors of *Yor.*, gives us to understand, that he was sent over into England, about two Months before the Restoration, to justify the King on this Head, and that accordingly he spent most of his Time in undeceiving all he was with, especially the Heads and Leaders of the *Presbyterians* and Independent Parties.

(q) But the Ground of our Misfortunes, next to the vowed Revenge for the Death of the Father, was, That he had renounced the Christian Religion abroad. The Proof of which is but too manifestly evident.

Sir Allen Broucker, who was with that King beyond Sea at the time of his first professing the Papiſt Religion, has been often heard to lament the burning of his Journal, wherein the very Day and Circumstances of it were extrod. And I am assur'd that one of his present Majesty's Chaplains, (Minister of the Place where Sir Allen died, can assure us as much of the true and correct recitation of what he knew in it; with this additional Circumstance, that it was done in the Absence of the old Lord Calverley, who, knowing it at his Return, fell into great Passion, and told the King, he must never expect to see England again, if it should be known there.

That Lord knew too much for a *Protestant*; and it was thought fatal to him to have had no more jealousy of a *Verisif-Papist*, than he had entertained of his Master. (His dy'd July 14, 1660.)

The Lord *Bristol*, who pretended, not to be of the *Cour of Rome*, though he professed himself of that *Cloak*, it may be believed in what he procecded to the House of Commons, had given King Charles the same Advice which had been given to Henry the Fourth, If he would be truly Great, to be ever a *Protestant* than he was. And perhaps, this kept that Lord from receiving those Advantages, which otherwise his Religion and great Parts would have intitled him to.

But I never heard that it faged the worse with Cardinal de *Rois*, for advising that *Any* in point of Prudence to keep to the Religion of his Country.

However *Mazarin's* forgine Counsel prevailed, and how secret forever it was kept, many had got the Hint of it, which occasioned that Act, which made it so highly penal to say, That the King was a Papiſt. *State-Tracts*, Will. III. vol. iii. p. 83.

But tho' this was the Matter of Fact, the Orthodox Clergy made his Majesty's unshakeable Attachment to the Church of England, the perpetual Subject of their Papiſt Oratory. In particular one Dr. *Walsby*, in a Sermon on the 27th of May, 1661, sets forth his heroic Perseverance in the following super-sublime Manner:

" His Majesty lived long in the Courts and Territories of Foreign Princes of different Religion from his, yet with Job he held fast his Integrity, stood like a *Calve*, or Rock immovable against all Surges of Temptations, nor was raised to change his Faith, to alter his Religion; nor made the fiery Assaſin, as we have heard of *Miscar*; *Militars* and others he met with beyond Sea. Like *Ulyſſes* he bound himself to the Mast of a well grounded Resolution, that no *Rushy Syces* could draw him out of the Ship of the Church of England, in which he was baptized and educated, tho' that Ship were like the other wherein *Christ* and his Disciples sailed, is all Appearance ready to sink; when he had no Power, visible to defend himself, he would still be the Defender of the Faith once delivered to the Saints, whom following the great Example of the best of Kings, his Royal Father, who to his Death maintained the Religion of the Church of England, and died a Martyr for the same.

(r) About this Time a bold Paper was published, call'd *Plain English*, which had the following spirited Introduction:

" My Lords and Gentlemen,

" It is written the *Prophet Joel* shall sit in an oval Time, and 'tis like we also might hold our Peace, but that we fear a Knife is at the very Throat, not only of our Liberty, but of our Protestantism. In this Condition we hope it will be no Offense, if we cry out to you for Help; you that through God's Goodness have helped us so often, and strenuously maintained the same Cause with us against the Return of that Family which pretends to the Government of these Nations. It is the public Interest and yours that we hitherto fought for, and for which we now plead; therefore we insist upon it with the greater Confidence before you, because we are all equally concerned in the Good or Ill of your Transitions. We cannot yet be persuaded, though our Fears and Jealousies are strong, and the Grounds of them many, that you can so far abuse your Confidence, or forget the public Interest and your own, as to be returning back with the Multitude to *Episcop*, or that you should so much shame yourselves, as to cease the Lords and Owners of our *Becklage*. Though it were possible you should forget, yet certainly God will not, all the Injuries and Oppressions done by that Family, to his Church and People in these and other Nations. Though the Inscription Exit Tyranny, which was fixed over the Place where the Statue of the late King formerly stood at the Exchange, has been blotted out by the Rabbie, yet it is written with the Pen of a Diamond in the Hearts of many Thousands. Dated March 22, 1659.

(s) The upper House consisted at first but of ten Members, viz. the Earls of *Manchester*, *Northumberland*, *Lincoln*, *Beaufort*, *Dunblow*, *Viscount Say and Seal*, and the Lords *Barnton*, *Langford*, *Gray of Wilton*, and *Mansfield*. We are told by Mr. *Cole* in his *Dedication*, That the *Presbyterians* complaining to *Mack* of their Meeting; he answered, Now they were so, he had no Power to turn them out.

(t) Upon this Subject Bishop *Barnet* expatiates as follows:

" Such Unanimity appeared in their Proceeding, that there was not the least Dispute among them, but upon our single Point? Yet that was a very important one. *Halt*, afterwards the Chief Justice, moved that a Committee might be appointed to look into the Proposition, but had been made, and the Concurrence that has been offered by the *Upper House* of the War, particularly as the Treaty of *Nemours*, that from thence they might digest such Propositions as they should think fit to be sent over to the King. This was recommended, but I do not remember by whom. It was foreseen, that such a Motion might be fit on Foot. *Mr. Mack* was instructed how to answer it, whenever it should be proposed. He told the House, that there was yet, beyond all Mens Hope, an universal Quare all over the Nation; but there were many Incendiaries fill on the Watch, trying where they could first raise the Flame. He said, he had such copious Informations sent him of these Things, that it was not in their Power to be generally known; He could not however for the Peace, either of the Nation or of the Army, if any Delay was put to the sending for the King: What need was there of sending Propositions to him? Might they not as well prepare them and offer them to him, when he should come over? He was to bring neither Army nor Treasure with him, either to fight them or to corrupt them. So he moved, that they would immediately send Commissioners to bring over the King: And said, that he must by the Blessing of all the Blood or Michael that might follow on the Heads of those, who should still insist on any Motion that might delay the present Settlement of the Nation. This was echoed of with such a Shout over the House, that the Motion was no more insisted on. To the King's coming in without Conditions, may be well intimated all the Retors of his Reign."



A. D. 1660.

ed, and presented, by all Sects and Parties; *Breda* swarm'd with Courtiers; some to procure their Pardons, and others to worm themselves into Favour and Preferment; *Presbyterian* Ministers to make the most of their late Services; *orthodox* Sons of the Church to plead the Merit of their long Sufferings; and *Roman Catholics* to bid for a *(r)* Toleration.

and by France and Spain.

Hither likewise resorted the several Committees of the City of *London*, the House of Commons, and the House of Lords; the two first laden with Gifts; and all offering up a Cloud of Court Incense at the Royal Footstool. The King had now a fresh Proof, that Power is the Substance of Royalty, and Title but the Shadow: For here he had the Glory to see the two great Crowns of *France* and *Spain* vying with each other in Compliments and Civilities to him, which had both, so lately, without Compassion, beheld him a miserable Exile; and the whole *Seven Provinces* almost as much at his Devotion, as if they had been his own Inheritance.

As all had been Wretchedness before, all was Splendor and Triumph now: He that had been driven out like a Fugitive from his own Dominions, now return'd to take Possession of them with the full Glory of a Sovereign. A Royal Navy, under the Command of Admiral *Montagu*, (who had kept pace with *Monk* in forwarding the Restoration) was sent to be his Convoy; the *States General* in *Perion* attended him on board; and his own Subjects *see World here as it is* he

had been their *(u)* SAVIOUR; at the Head of whom appear'd *MONK* the RESTORER, to receive the *(v)* Acknowledgments, HONOURS, and Rewards, he had earn'd with unexampled Loyalty to his Prince, but with unexampled Perfidy to the Commonwealth; to which he had so expressly, openly, and solemnly devoted his Life, and all his Powers.

The People of *England*, at this Period, like the *Israelites* of old, who had so long been left to do what was right in their own Eyes, seem to have placed the Sum of their Felicity in having a King; and to have thought, that, under the Shadow of his Wing, the Commonwealth could only be safe: And this loyal Infatuation will the less be wonder'd at, when it is consider'd, how natural it was for those, who had so often been disappointed of Liberty, to compound for Quiet. But alas! the *(w)* Transports of those Times were too violent to be lasting; and if the Nation wore a more florid Face, it had still a distemper'd Heart.

Tho' all Sects and Parties appear'd to be reconcil'd to the King, none were reconcil'd to each other; and it became soon visible, that the Court had no real Desire to bring about a national Union.

His Majesty had resided long in *France*, had been an Eye-witness of the Struggle between the most *Christian* King and his Parliament, had seen the latter subdu'd, and Will and Pleasure victorious: The Precedent pleas'd him, and tho' he was in full Possession

A. D. 1666. His triumphant Return.

(1) As it was afterwards collected by the Lord Viscount *Stafford* upon his Tryal, declaring that he had been their Agent upon this Occasion; that he had offered a hundred Thousand Pound for that Indulgence; and that, after the King's Restoration, a Bill was brought into the House of Commons for that Purpose, but drop, upon the Opposition of Lord *Chancellor Hyde*.

(2) Sir *Philip Warwick*, and after him the Author of the *Complete History*, affirm, that the Night his Majesty came to *Whitehall*, he made his Prayers-Chamber his Oratory, *wherein he said his Devotions and Thanks to God*. On the other Hand, according to Mr. *Oldmixon*, it was credibly reported, that he took *Barbara Villiers* (afterwards made *Duchess of Cleveland*) that very Night from her Husband. Which of these Accounts is most probable, the Reader is left to gather from the King's after Life and Conversation.

(3) He was made *Duke of Almondey*, Knight of the Garter, &c. &c. *whom he had a Grant of 2000 l. per An. to support his Grandeur* which Honour Mr. *Oldmixon* is of Opinion he became as ill as a Bear would a *Resolutive*.

(4) His Majesty was received into the House of Peers by the Earl of *Montague* (his Speech) with the following Speech:

"That this Day may prove happy to your Majesty, is the Hope, the Expectation, and the earnest Desire of my Lords the Peers, whose Commands are upon me to make this humble Tender to your Majesty, of their loyal Joy for your Majesty's safe Return to your native Kingdom; and for the happy Restoration of your Majesty to your Crown and Dignity, after so long, and so severe a Suppression of your just Right and Title."

"I shall not reflect upon Your Majesty's Sufferings, which have been your People's Miseries; yet I cannot omit to say, That as the Nation in general, so the Peers with a more personal and particular Sense have felt the Stroke that cut the *Gordian Knot* which fasten'd your Majesty to your Kingdom, and your Kingdom to your Majesty."

"For, first these strange and various Fluctuations and Discompartures in Government, since those horrid and unparalleled Violations of all Order and Justice, *Swearers have ruled over us*, even with a Rod of Iron: But now, with Satisfaction of Heart, we own and see your Majesty our native King, a Son of the Wise, a Son of the ancient Kings, whose Hands hold forth a golden Scepter."

"Great King! Give me leave to speak the Confidence, as well as the Desire, of the Peers of *England*: Be you

the powerful Defender of the true Protestant Faith, the just Assertor and Maintainer of the Laws and Liberties of your Subjects; so shall Judgment run Down like a River, and Justice like a mighty Stream; and God, the God of your Mercy, who hath so miraculously preferred you, will establish your Throne in Righteousness and in Peace."

"Dead Sovereign! I offer no flattering Titles, but I speak the Words of Truth: You are the Desire of three Kingdoms, the Strength and Stay of the Tribes of the People, for the moderating of Extremities, the reconciling of Differences, the justifies of all Tribes, and for the rearing of the collapsed Honour of these Nations. Their Eyes are toward your Majesty, their Tongues with loud Acclamations of Joy, speak the Thought and loyal Intention of their Hearts, their Hands are lifted up to Heaven with Prayers and Praises: And what oral Triumph can equal this your Pomp and Glory?"

"Long may your Majesty live and reign, a Support to your Friends, a Terror to your Enemies, an Honour to your Nation, and an Example to Kings, of Piety, Justice, Prudence and Power; that this Prosperous Expedition may be verified in your Majesty, King Charles the Second, shall be greater than ever was the greatness of that Name."

His Majesty's Gracious Answer.

"My Lord, I am so disorder'd by my Journey, and with the Noise still sounding in my Ears which I confess was pleasing to me, because it expressed the Affection of my People, as I am unapt, at the present, to make such a Reply as I desire; yet thus much I shall say unto you, That I take no greater Satisfaction to myself in this my Change, than that I find my Heart ready to endeavor by all Means for the restoring of this Nation to their Freedom and Happiness; and I hope, by the Advice of my Parliament, to effect it. Of this also you may be confident, That, next to the Honour of God, from whom principally I fall ever own this Restoration to my Crown, I shall study the Welfare of my People; and shall not only be a just Defender of the Faith, but a just Assertor of the Laws and Liberties of my Subjects."

In Commemoration of this great Event, the following MEDAL was struck,

A. D. 1660.

Possession of the Affections of his People, he thought the Tenure precarious, and choic'd rather to govern by Fear than Love.

When therefore his Popularity began to wear off, and it became evident, that he entertain'd Designs, which struck at the Root of the Constitution; it is scarce to be wonder'd, that the Spirit of Liberty again broke forth, and that our national Divisions rag'd almost as violently as ever.

In all Parties, there is something both right and wrong: The right is oftent' to be found in their Doctrines, and the wrong in their Practice. One is commonly the Dictate of Passion, the other of Reason; but both, by degrees, are apt to degenerate into Extravagance. Thus the high-flying Loyalty of the Cavalier, and the over-heated Enthusiasm of the Roundhead, equally border'd upon Phrenzy: Both pleaded Patriotism and public Spirit, and both aim'd at Power and Dominion; only with this Difference in the Means; the Former aspir'd to it in the Right of the King, the Latter in their own.

Something right and wrong in all Parties.

To a Prince of King Charles's Turn, or indeed to any Prince, it is easy to guess, which of these two Parties would be most agreeable: Accordingly, we find his Gratitude to the *Presbyterians* soon giving way to his Interest; and tho' he tamper'd with them for a while, to serve his own Ends, he took the first Opportunity to make them a Sacrifice; and was at length induc'd to use such Severities against them, that, in treating them as Sectaries, he forgot they were *Englishmen*.

A. D. 1660  
King offers to the Presbyterians;

And in this unkingly Partiality he seems to have been unhappily confirm'd by his Chancellor *Clarendon*; who, from rather too quick and warm a Sense of the Evil of one Party, was induc'd to place himself at the Head of another; and, instead of endeavouring to reconcile, made it his Business to subdue.

and the Lord Chancellor liberal.

Equally apprehensive of Tyranny from the *Papists*, and (x) Anarchy from the *Parliament*, he became equally embittered against Both; and fondly imagin'd, that in the Episcopal Church of *England* was to be found the



(6) The political Principles of the *Presbyterians* may be gather'd from the following extracts out of the Sermon preached by *Master Robert Douglas*, Moderator of the Scots General Assembly, before the King the Day of his Coronation at *Stones*; which is to be met with entire in *Sir Thomas Wellesley's* Collection.

“ 5. I come now to the fifth and last Particular, and that is the Covenant made between the King and the People: “ When a King is crowned, and received by the People; “ there is a Covenant or mutual Contract, between him “ and them, containing Conditions, mutually to be observed: Time will not suffer to insist upon many Particulars; I shall only lay before you three. 1. It is clear from this Covenant, that a King hath not *absolute Power* to do what he pleases; He is tyed to Conditions, by Virtue of a Covenant. 2. It is clear from this Covenant, that a People are bound to obey their King “ in the Lord. 3. I shall present the King with some “ Directions for the right Government of the People, who are bound to obey.

“ 1. It is clear, that the King's Power is not *absolute*, as Kings and flattering Courtiers apprehend; a King's Power is a limited Power, by this Covenant. And there is a threefold Limitation of the King's Power.

“ 1. In regard of Subordination, there is a Power above his, even God's Power, whom he is obliged to obey; and to whom he must give an Account of his Administration. Ye heard Yesterday, that Text, *By one King reigns*, *Prov. viii. 15*. Kings have not only their Crowns from God, but they must reign according to his Will; which is clear from *Rom. xiii. 4*. He is called the Minister of God; he is but God's Servant. I need not say upon this; Kings and all others will acknowledge this Limitation.

“ 2. In regard of Laws, a King is sworn at his Coronation, to rule according to the standing, received Laws of the Kingdom. The Laws that he is sworn to, limit

him that he cannot do against them, without a sinful Breach of this Covenant, between the King and the People.

“ 3. In regard of Government, the total Government is not upon a King; he hath a Council, a Parliament, or Estates, in the Land, who have in the Burthen of the Government. No King should have the sole Government. It was never the mind of God, who created a King to rule them, to lay all the Government upon him; to do what he pleases, without Controulment; nor is no Man able alone to govern all the Kingdom; nor not lay that upon one Man, and leave the Parliament, the Estates of the Land, are bound in this Contract, to bear a Burthen with him.

“ These Men who have flattered Kings, to take upon themselves an absolute Power, to do what they please, have wronged Kings, and Kingdoms. It had been good that Kings, of late, had carried themselves so, as in this Question of King's Power, might never have come in Debate, for they have been great Losers thereby. Kings are very desirous to have things spoken and written to hold up their arbitrary and unlimited Power, but that way doth exceedingly wrong them. There is one, a learned Man, I confess, who hath written a Book, for the Maintenance of the absolute Power of Kings, called *De Regie*, whereby he hath wronged himself in his Reputation, and the King in his Government. As for the Fact in taking away the Life of the late King (what ever was God's Justice in it) I do agree with him to condemn it, as a most unjust and horrid Fact upon *Abie Per* who did it: But when he cometh to speak of the Power of Kings in giving unto them an absolute and unlimited Power, using the damnable Maxim, *Quod Libet licet*, he will have a King to do what he pleases, and, without Controulment. In this I cannot but dissent from him.

“ In

A. D. 1666. the due Medium between those two Extremes.

Thus, either from Principle, or that Kind of Prejudice, arising from Education and Habit, which passes for Principle, this least exceptionable of English Ministers was led to believe, that, next to the restoring the King, it was his Duty, as well as his Interest, to restore the Church to all that Power, Splendor and Dignity, which it had been so long deprived of, by those who had introduced Cant and Hypocrisy, in the Places of Pomp and Luxury, and thereby brought Reformation itself into Contempt.

It is scarce necessary to insinuate, that the Reverend and Right Reverend Fathers very gladly embraced his Lordship's Patronage, and follow'd him like another Moses, who was to lead them out of the Desert into the Land of Canaan: For it is evident from their whole Story, that when Profit and Preference are in view, there is no need to compel them to come in.

But, if the Chancellor was necessary to them, it must be own'd likewise, that they were of Consequence to him: Of the two Parties he had to struggle with, one was in Favour at Court, and the other had still an Interest in the Army and the People: One he was secretly endeavouring to ruin, and the other was, as secretly, endeavouring to ruin him; and, by the Strength of the Church, he hop'd to master both.

Tho' the King was too much a Libertine to encroach any Scruples about Religion, that of Rome had such a Variety of Opinions for a troubled Conscience, and was, besides, so favourable to his darling Schemes of Government, that he found it the most convenient for him of any, on this Side Turkey. The Roman Catholics, therefore, had very good Reason to expect Favour and Indulgence at least, under his Dominion; more especially, supported as they were by the Duke of York, the Queen Mother, and the Earl of Bristol, who was a Man of quick Parts, but violent Passions; much in Favour with the King, tho' an avowed Enemy to the Lord Clarendon; and more capable, perhaps, to embroil than serve a State.

But Princes are directed rather by Policy

A. D. 1666. than Inclination; and Charles could not prevail upon himself to risk his present Kingdom here on Earth, for that of Heaven in Reversion.

Thus we find him very gracious to the Presbyterian Ministers at Breda, who were then thought to have the greatest Influence on the People; restoring the Common Prayer at Canterbury, to gratify the Cavaliers; and, at Whitehall taking the Papists into his Bosom.

But, tho' outside Shew serves to dazzle those who regard Outside only, it will not convince those who carry their Enquiries to the Heart. Thus we learn, that, even in these early Days, the King's Professions did not impose upon all his Subjects: On the contrary, it appears, that the prophetic (y) Inscription, which was plac'd under the Statue of the Duke of York, the Day of the King's triumphant Entry into London, was by some as shrewdly commented upon then, as it hath been clearly illustrated since.

Those Times, indeed, would scarce suffer Truth either to be spoke or heard; intemperate Loyalty made way for unreasonable Credulity: Till the Court thought fit to lay aside the Mask, the Herd would not be persuaded it had any ill Designs to cover. And yet, so much Awe and Terror had the late Efforts of the People left both on the King and his Ministers, that they thought it their safest and wisest Course to undermine the Constitution by Degrees, rather than attempt to carry it by Storm.

By the Quotation, already made from Lord Clarendon, we are authorized to conclude, that, instead of any longer contending with Parliaments, it was, for the present, resolv'd to enter into a Confederacy with them, and to carry Court Points by the Authority of the People. As therefore the present Parliament was still necessary, it was found necessary likewise, to suit the Ministry to the Parliament, till the Parliament could be made to suit the Ministry.

Accordingly, as the Convention was compos'd of Presbyterians, as well as Episcopalian, it was found expedient to admit the Leaders of that Party into the (z) Privy Council, and make them Sharers with his Majesty in the (a) Emoluments of his Restoration.

Some

" In regard of Subordination, some say, that a King is comble to none but God. Do what he will, the God take Order with it: this teacheth Kings to Absolm  
" Let them do what they please, and take God to their own Hand. In regard of Laws, they teach nothing to King but Tyranny: And in regard of Government, they teach a King to take an arbitrary Power to himself to do what he pleaseth without Contrivement. How dangerous this hath been to Kings, is clear by sad Experience.  
" Abuse of Power, and arbitrary Government, hath been one of God's great Controversies with our King's Predecessors; God in his Justice, because Power hath been abus'd, hath thrown it out of their Hands:—And I may confidently say, That God's Controversy with the Kings of the Earth, is for their arbitrary and tyrannical Government.

" It is good for our King to learn to be wise in this Time, and know that he repossess this Day a Power to govern; but a Power limited by Contract; and their Conditions in it bound by Oath to stand to. Kings are deceived, who think that the People are ordained for the King, and not the King for the People: The Scripture sheweth the contrary, Rom. xiii. 4. The King is the Minister of God for the People's Good. God will not have

" a King in an arbitrary Way, to encroach upon the Possessions of Subjects, Ezek. xv. 7, 8. A Parton supplanteth the King for the Prince. And it is said, My Prince shall be as more against my People: And the rest of the Land shall be given unto the House of Israel, according to their Tribes.  
" The King hath his distinct Possessions and Revenues from the People; he must not oppress and do what he pleaseth. There must be no Tyranny upon the Throne, &c."

(y) Spiritu altera Roma.

(z) Which was compos'd of the following Persons: The Duke of York, Marquis of Ormond, Earl of Lindsey, Earl of Southampton, Lord Say and Seal, Lord Spencer, Sir Frederick Corwold, Sir George Corwold, Colonel Charles Howard, Lord General Monk, Earl of Manchester, Earl of St. Albans, Lord Culpeper, Mr. Arthur Anselm, Sir William Morris, Lord Chancellor, Marquis of Dorchester, Earl of Berkshire, Earl of Norwich, Lord Wentworth, Mr. Denzil Hill, Sir Edward Nicholas, Sir Anthony Ashley Cooper, the Duke of Gloucester, Marquis of Hertford, Earl of Northampton, Earl of Leicester, Lord Roberts, Sir Charles Berkeley, General Mordaunt.

(a) The Officers at Court were as follows: His Highness the Duke of York was invested with the Office of Lord High Admiral of England, and Lord Warden of all the Cinque

A. D. 1660.

Some of their (*b*) *Ministers* were likewise nominated to be Chaplains in ordinary to his Majesty: But this Part of the State-Farce was play'd foill, that (*c*) *Sharp*, (then the Agent here for the Brethren of *Scotland*, and who afterwards apostatiz'd for the Sake of the Archbishopric of *St. Andrews*) in three Days after the King's Return, saw Room to conclude, that the *Presbyterian Cause* was *wholly given up and lost*: Which will serve to shew, that when the Bell-weather of a Party have made their own Market, they leave the Flock to shift for themselves.

The same Day that the Privy Council was settled, *viz. May 30.* a Proclamation was set forth, *against vicious, debauched and profane Persons*; which is not here taken Notice of on Account of the Reproaches it contains against the drunken Roarers for *Church and King* of those Times, but for the following Passage, in which we have a modest Hint, that his Majesty had something farther in View, than the mere Possession of his Throne:

"We hope, that this extraordinary Way  
"of delivering us all from all we fear'd, and  
"ALMOST bringing us to all we can reason-  
"ably hope, hath and will work upon the  
"Hearts." &c.

By the Word ALMOST, not only the two Houses, but the whole Nation was given to understand, that the King had still other Points to carry; and we shall be made sensible, in due time, that he was not only well understood, but as well obey'd.

Proceedings of Parliament.

The House of Commons ought to be purely and entirely the Representative of the People, Undertakers for the Crown have long had Seats among them; who act uniformly and avowedly in their last Capacity, and never in their first; and, instead of thinking this Sort of Behaviour inconsistent with the Duty of a Representative, or dangerous to Privilege, the House appears to have conniv'd at it, for Time immemorial.

Thus, even in this Parliament, which was return'd by the People, by virtue of their own Power, and in their own Right, without the Ceremonial of a Writ from the Crown, these foen shew'd themselves, and were often permitted to give what Bias to the House they pleas'd.

To sum up the whole State of Things in few Words: The King made Pleasure his Business, and lent his Ear to all who had a Share in his Heart. Tho' *Hyde* presided in

his Cabinet (where he had the Marquis of *Ormond*, the Earl of *Southampton*, and Secretary *Nicholas* for his firm Supports) he was not always able to manage it: Of both Parliament and Army *Mont* was still in a manner the Master: And, in all, *Cavalier* and *Presbyterian* united to fetter the People, and let loose the Prerogative; the Lust not being as yet aware, that, by the same Methods they took to strengthen and oblige the King, they were doing their best to destroy themselves.

The first joint Act of the whole Legislature, after his Majesty's Return, was to declare, by Bill, that the Great Parliament, begun *November 3. 16 Car. I.* was fully dissolved and determined; and that the Lords and Commons, then sitting, were the Two Houses of Parliament; with these two remarkable Provisions, That this present Parliament may be dissolved by his Majesty, after the usual Manner; and, That his Majesty's Royal Assent to this Bill shall not determine this present Session.

If this Instrument gave Ease to the King, and Authority to the Parliament, it likewise shew'd they had still some Diffidence of each other: Which is further manifested by the scanty Supply first granted by the Commons, consisting of no more than Seventy thousand Pounds a Month, for three Months.

In managing and bridling the Army, however, they co-operated with the Court very sincerely; for they made an Order, that the Lord General be desired to take effectual Care to administer the Oaths of Allegiance and Supremacy to all the Officers and Soldiers: Which was punctually comply'd with, and, at the same time, Advantage was taken to remove several Colonels and others, and to assign their Commands to such of the Nobility and Gentry as were more thoroughly devoted to the new Establishment.

Having thus provided for his Majesty's Safety, these Guardians and Keepers of the Liberties of *England* thought it advisable in the next Place to take care of their own: Accordingly, the whole (d) House, with the Speaker at their Head, proceeded in Person to *Whitehall*; where, at a Postchamber of the Throne, both for them, and in the Name and on the Behalf of the whole Nation, they made Confession of the Crime and Guilt they had contracted by the late unnatural Rebellion; and most cautiously held hold of his Majesty's most graciously (e) Pardon.

What

Cinque Ports. The Lord General *Mont* was continued Captain-General of all the Forces of the three Kingdoms, and made Master of the Horse in his Majesty. Sir *Edward Hyde* (afterwards Earl of *Clerkenwell*) was continued Lord High Chancellor of *England*. The Earl of *Southampton*, Lord High Treasurer of *England*. Sir *Edward Nicholas* and Sir *William Morris*, chief Secretaries of State. The Marquis of *Ormond* was appointed Lord Steward, and the Earl of *Manchester*, Lord Chamberlain to his Majesty's Household. Sir *Frederick Cornwallis*, Treasurer to the Household; and Sir *Charles Barkley*, Comptroller; and Sir *George Goring*, Vice-Chamberlain of the Household, and afterwards Treasurer of the Navy.

(b) *Baxter* and *Caloway*. *Knox's Reg.*

(c) See his Letter to Mr. *Dowlat*, in *Knox's Reg.* p. 173.

(d) The Vote of the House was first presented to his Majesty by Mr. *Dowlat* *Hollis*, one of the *Five Members* demanded of the House, with an armed Force, by K. *Charles I.* and *Frisby*, June 8, was appointed for the Ceremonial.

(e) It is, however, to be observed, that when one Mr. *Lenthall* (perhaps he that was Speaker to the great Parliament) going to sit into the new-raid Spirit of Loyalty, as to try in the House, He that first drew his Sword against the late King, committed to great an Offence, as he that cut off his Head, it kindled such a Flame of Retentment, that he was immediately ordered into Custody of the Sergeant at Arms, and by Order of the House, received at the Bar, the following Reprimand from the Speaker:

"Sir, The House has taken very great Offence at some Words you have let fall upon the Debate of this Bill of Indemnity which in the Judgment of the House, contain as high a Reflection on the Justice and Precedence of the Lords and Commons of the last Parliament, as their acting before 1648, as could be expressed. They apprehend there is much of Poison in the said Words; and that they were spoken out of design to inflame, and to render them who draw the Sword to bring Believers to Punishment, and to vindicate their just Liberty."

111.

A.D. 1660.

What a Spectacle! what a Triumph to the Prince! what a Humiliation to the People! who had drawn the Sword in defence of their Liberties; and, who, when made sensible they had only chang'd the Mode of Tyranny, by an Act of their own, restor'd the Constitution?

But all this Incense to this new Divinity would not appease him, without a Sacrifice. Tho' the King had Mercy on his Lips, he had a Reserve of Rigour in his Heart: And no doubt it was a Stroke of true Policy, to make the Parliament earn their own Pardon, by passing Sentence on their Confederates.

The Commons, however, at first did not appear to be over eager to shed Blood; but seemingly contented themselves with expecting Seven of the late King's Judges out of the (f) *Act of Indemnity*; together with *Coke* the Solicitor, *Broughton* the Clerk, and *Dundy* the Sergeant at Arms, to the High Court of Justice. Which Shew of Lenity, being also accompanied with a Proclamation, set forth at the Instance of both Houses, requiring all the Persons who either had acted in that Capacity, or assisted at the Trial, to surrender in Fourteen Days, had such an Effect, that Nineteen of those *Delinquents* came in voluntarily, on the Presumption, *That the Bitterness of Death was past*: But (g) Nineteen more, who distrust'd the Snare, made their Escape.

The Court, having now so many of these obnoxious Men at their *Heels*, *they* appointed up their Agents in the House of Commons, to make their *Sin-offering* somewhat more ample, in order to make it more acceptable: Which they had the Complaisance to do, under this extraordinary Form (i):

" *Resolved*,  
 " That no more than Twenty, besides such  
 " as are already excepted, or who *late* as  
 " Judges upon the late King, shall be ex-  
 " cepted out of the general Act of Pardon  
 " and Oblivion, to suffer such Penalties and  
 " Forfeitures, not extending to Life, as shall  
 " be thought fit to be inflicted on them, by  
 " an Act to pass for that Purpose."

After which, having receiv'd a Message from his Majesty, signifying, *That he could neither dislike what they had done, nor complain of what they had left* (k) *UNDONE*, and recommending to them the passing that most necessary Act with all imaginable Expedition; they made short Work with the Bill, and sent it up to the Lords.

Tho' the *tender Mercies of the Wicked are said to be Cruelty*, it must be acknowledg'd, the Commons acted with rather more Moderation than the Lords; who being newly restor'd to the Exercise of their Authority, seem'd dispos'd to make it felt, and to avenge their own Quarrel in that of the King's.

Accordingly, they proceeded first to (l) except one of the King's Judges for every Lord they had put to death; the Nomination of the Person to be excepted being left to the Lord who was nearest in Blood to the Person who had suffer'd: They next discover'd an Intention to except all the King's Judges; and the Earl of *Beiliff* in particular, in a Speech, which he afterwards caus'd to be printed, desir'd, that the Act might pass with the Exception *only* of those who had a Hand in the Death of the King, who, he mov'd, might be more particularly describ'd in another Bill, to be drawn for that Purpose.

But this exciting an universal Apprehension without-doors, that so wide an Exception as this would defeat the Intent and Meaning of the Act itself, it did not take Effect; on the contrary, the King was advis'd to address their Lordships in Person, to contract their Views to the *immediate Murderers* of his Father, and dispatch the Bill. Accordingly he made a Speech to that Effect in the House of Peers, in which perhaps he trespass'd on the Privilege of Parliament, by taking notice of Matters yet depending in the House, and suffer'd the following (m) Paragraph to escape, which is liable to an (n) Interpretation, that does very little Honour to the Throne:

" If any Persons appear of such dangerous  
 " and obstinate Principles, that the Peace of  
 " the

A.D. 1660.

The Lords raise Objections.

King's Speech to bring them to a better Temper.

All of Ob-  
 vious and In-  
 demnity.

Proclamation  
 requiring the  
 Recidives to  
 surrender  
 themselves.

" *into Balance* with them, who cut off the King's  
 " Head: Of which Act they express their *Abshorrence* and  
 " *Disaffection* appealing to God, and their Consciences  
 " bearing Witness, that they had no Thoughts against his  
 " Person, much less against his Life. I therefore I am  
 " commanded to let you know, that had these Words  
 " fallen out at any other Time in this Parliament, but  
 " when they had Considerations of Mercy, Pardon and In-  
 " demnity, you might have expected a sharper and feverer  
 " Sentence than I am now to pronounce. But the Dispo-  
 " sition of his Majesty is to Mercy: he hath invited his  
 " People to accept of it: and it is the Disposition of the  
 " Body of this House to be Hearers of Beaches, and to  
 " hold forth Mercy to Men of all Conditions, so far as may  
 " stand with Justice and Justification of themselves before  
 " God and Man. I am therefore commanded to let you know,  
 " that that being their Disposition, and the present Sub-  
 " ject of this Day's Debate being Mercy, you shall there-  
 " fore take of Mercy: Yet I am according to Command,  
 " to give you a sharp Reprehension, and I do as sharply, and  
 " severely as I can, reprimand you for it."

(f) In preparing this Bill, the Commons proceeded with all  
 " Tenderness and Caution, especially with relation to the late Civil  
 " War; in which they were very unwilling totally to condemn  
 " the Parliament's Part in it. This particularly appeared in the  
 " Treatment they gave to Mr. *Lechford* as mentioned in the  
 " Note immediately preceding: *Richard*.

(g) Among whom was that gallant and sensible Republi-  
 " can Major General *Ladlow*, who had received Intelligence

from Secretary *Morris*, That if he said, he was a dead Man.

(h) *Ladlow*, Vol. iii. p. 24.

(i) *Knox*, Rep. p. 127.

(k) Alluding, perhaps, to the Settlement of the Militia.

(l) *Ladlow*.

(m) This Paragraph is quoted partially by *Ladlow*, and in  
 " some Copies of this Speech, is wholly omitted. There is  
 " likewise another Paragraph in this Speech (the 12th) which is  
 " blur'd over by *Richard*, but must not be omitted here. It  
 " was this:

" I hope I need by nothing of *Ireland*, and that they  
 " shall not be without the Benefit of my Mercy: They  
 " have shew'd much Affection to me abroad: And you  
 " will have a Care of my *Honour*, and of what I have pro-  
 " mised to them." Thus expressing, says *Ladlow*, the same  
 " Zeal, in the latter Part of his Speech, for the bloody *Irish*  
 " Rebels, as he had done in the former, against those who had  
 " dar'd to defend the Liberties of *England*. And by this  
 " means the *Irish* grew to that Confidence, that one *Frazer*  
 " publicly affirmed in *Westminster-hall*, That they were the  
 " best Subjects the King had; and for that Reason should be  
 " soon restor'd to the Possession of their Lands: of which the  
 " House being informed, they committed him to the *Garret*  
 " *house*; but after two Days, he was by the Prevalency of the  
 " Court restor'd from his Imprisonment.

(n) That his Intentions were not to be guided by the  
 " Directions of the Law, but that he had some secret Re-  
 " serves to render the Act of Indemnity insignificant. *Lad-*  
 " *low*, vol. iii. p. 39.

A. D. 1660.

"the Kingdom cannot be preserv'd while they are in it, *some other Course* may be taken, that they shall not be able to do Hurt. And, I assure you, there is nothing can enable them to do so much Harm, as the deferring the passing this ACT."

But, however earnest the King seem'd in this Affair, their Lordships chose to act as if what he had said was rather the Dictate of Policy than Inclination: Accordingly they gave his Majesty to understand, that the (6) Bill, as fram'd by the Commons, was injurious to the Rights and Demands of the Crown; of which both a dextrous and truly Royal Use was made, in (p) a Message from the King, by way of Answer, signifying, that his Majesty very well knew the Value of the Concessions he was to make; but that he was satisfi'd the Commons would not let him be a Sufferer on account of his Generosity. Their Lordships next insisted, that *none of the King's Judges ought to be spar'd*. This drew on a Conference between the two Houses, in which the Commons endeavour'd to make a Difference in favour of those who surrender'd themselves on the Faith of the Proclamation: But the (q) Lords were strenuous to shew no Mercy; and, after several Free (r) Conferences, the tender-hearted Commons suffer'd them to have their Way.

Nor, after all, were the Exceptions con-

find to the King's Judges only: For *Vane, Lambert, and Peters*, tho' not of that Number, were nevertheless wholly and expressly excepted and surpris'd.

We have here a (s) Brief of this complicated Affair, and from thence may gather, how admirably well advis'd the King was, to leave his Vengeance in the Hands of the Parliament.

When therefore his Majesty plac'd such a Confidence in the House of Commons, with regard to his Revenue, it might be presum'd he had very good Grounds for that Proceeding; nor was he wholly deceiv'd; for, while the *Act of Indemnity* was yet depending, they made some Progress in that acceptable Work, by a Grant of the (t) *Tonnage and Poundage* Gift of *Tonnage and Poundage for Life*, and a Continuation of the (u) *Excise* till *August*, the 20th 1660; which two Bills receiv'd the Royal Assent July 28; having been presented to his Majesty by the *Speaker*, Sir *Harbottle Grimston*, with a short Speech to this Effect, which deserves the Consideration of Posterity:

"(v) That it was NEVER the Course of Parliaments to charge the People with Payments, until their Liberties and Grievances were FIRST confirm'd and redress'd; yet, out of the greatest Trust and Confidence that ever Subjects had in a Prince, the House of Commons do now go out of their OLD WAY, and have now supply'd

(s) Alluding to the 5th Clause, in which all Persons are discharged against the King and his Heirs of all *Sums of Money*, Intensions, mean Profits, Wardships, Marriages, Reliefs, Liveries, *Ouster le Main*, mean Rates, Respite of Homage, Fines and Seizures for Alienations without License, Arrests of Rents, of Tenth and first Fruits, &c.

(t) The Message itself was as follows: "His Majesty is very well inform'd in these Concessions which are to make in the Act of Indemnity. He knows very well that the Arrests of the Wards, the Licenses of Alienation, and Alienations without License, Parveyance, Respite of Homage, the Arrears of Rent, still in the Hands of the Tenants, and the other Particulars, amount to a great and vast Sum, all which are released and discharged by this Act. But his Majesty is so well satisfied of the good Affections of the House of Commons, and of their Intentions and Resolutions to settle such a Revenue upon his Majesty, as may preserve the Crown from Want, and from being undervalued by his Neighbours, that he is resolv'd not to insist upon the Particulars which the House of Commons have desired his Majesty should release." To this Message the Author of the *full Account of the Revolution*, has added the following Remarks: "The Arrears of these and other Parts of this Revenue given up in that Act, amounted in the Course of so many Years, (according to the Estimate made of King *Charles I's* Revenue, which descended to his Son, in *Sir Henning Field's* Report from the Committee appointed to enquire into it by this Parliament, as it appears on the Journal of *Sept. 4.*) to above twelve Millions Sterling, an immense Sum, which few Princes but King *Charles II.* could desire for the Ease and Satisfaction of their People. P. 66, 67.

(u) Yet the East of *Southampton* had the Courage to move, That since it was not thought fit to secure the Lives of those who had been induc'd to surrender their Persons upon the Faith of the Proclamation, they ought, at least, to give them the like Number of Days for saving themselves, as were appointed by that Paper for their coming in; But *Finch*, who had formerly shewn the Justice of the Parliament, oppos'd that Motion, and said, That by such Means they might be enabled to do more Mischief (as he knew had happened in his own Case). *Ladlow*, vol. iii. p. 43.

(v) In the last of which the Lord Chancellor took Occasion to speak of the King's Affection to his People, by a very remarkable Instance, saying, that he being employ'd in an Embassy to Spain, had *W. BERTIE* given him in Charge by his Majesty, to serve and advise, that the Lord *Marble*, of his Royal Father's was one of the *Act of the Parliament of People of England*, but of a very servile and little Company of Ministers in the Kingdom. Which was to pleading to the House

of Commons, that upon the Report of it to them, they order'd such of the Privy Council, as were Members of that House, to present to his Majesty the humble and thankful Sense they had of his Justice and Favour, for that just Defence he had been graciously pleas'd to make in Behalf of the Parliament and People of England. *Philips, Kennet.*

(s) Sir *Henry Pass*, and Major General *Lambert*, were excus'd for Life and Estate, with this Reserve, That if, upon Trial, they should be found guilty, the two Houses were then to join in a Petition to the King for the Pardon of their Lives. *Ladlow.*

	l.	s.	d.
Of every Ton of French Wine imported to London, and its Members, by the natural born Subjects of England.	4	10	00
For every Ton of French Wine imported, as above, by Foreigners.	6	00	00
For every Ton of French Wine imported into other Ports by English.	3	00	00
The same by Aliens.	10	00	
For every Butt or Pipe of <i>Muscovy</i> , <i>Siberia</i> , <i>Cats</i> , <i>Texas</i> , <i>Alicante</i> , <i>Bahama</i> , <i>Cannier</i> , <i>Malaga</i> , <i>Malabar</i> , and other Wines whatsoever, of the Growth of <i>Levant</i> , <i>Spain</i> , <i>Portugal</i> , or any of their Dominions, brought to the Port of London by English.	3	00	00
The same by Strangers.	1	10	00
The same in other Ports, imported by English.	2	05	00
By Foreigners.	1	00	00
For every Awn of <i>Rhenish</i> , or other Wine of the Growth of <i>Germany</i> , imported by English.	1	05	00
By Strangers.	1	05	00
For all Goods imported or exported, 12 d. per Pound Value for the English, and for Strangers 2 s. per Pound Value.			
For every Piece of Broadcloth exported by English.	0	03	04
And by Strangers.	0	06	08
And over and above the aforesaid Impositions on Wine, every Ton of Wine of the Growth of <i>France</i> , <i>Germany</i> , <i>Portugal</i> or <i>Madaira</i> , to pay in nine Months after importing.	3	00	00
And every Tun of other Wine.	4	00	00

(t) First established by the Commons in 1643.

(v) *Knes. Reg. p. 213. and Journal of Parliament.*

A. D. 1660. "ply'd his Majesty's Necessities with the  
"GREATEST GIFT that ever Prince of this  
"Kingdom had given by his People."

But this Concession, however considerable  
in itself, or pompously set forth by the  
*Speaker*, did not come up to the Expectations,  
nor perhaps the Necessities, of the  
Court. They were therefore put in mind  
of the Prerogative, and prepar'd to expect a  
speedy Prorogation: But his Majesty being  
made sensible by the (w) House, that if he  
put an end to the Session, he would thereby  
lose several important Bills, especially that  
for disbanding the still formidable Army, he  
was prevail'd upon to compromise the Matter,  
and accept of a Receipt by the old Way  
of Adjournment.

This Hint of the Royal Pleasure was how-  
ever receiv'd with all imaginable Complai-  
sance by the House; and on the 29th of  
August following, the Fruits of it became  
manifest; for these important Bills being then  
perfected, and the King seated upon his  
Throne, the *Speakers*, at the Head of the  
Commons, presented them for the Royal  
Assent, with the following introductory  
Speech, which very sufficiently shews, what  
an Alteration the Times had already under-  
gone:

"(x) *Most Gracious Sovereign,*

"Not many Months since, England was  
"but a great Prison, where the worst of Men  
"were our Governors, and their vilest *Laws*  
"the *Laws* by which they governed.  
"The great and most wise God, convey-  
"ed divine Intelligence into your patient and  
"pious Soul, and taught you how, by suf-  
"fering for us, to deliver us from our Suf-  
"ferings, to knock off our Shackles, and set  
"your People at Liberty, when neither  
"Power, nor Policy could effect it. So  
"soon as your Majesty set your Foot upon  
"your *English* Shore, our Prison was turn-  
"ed into a Paradise of Pleasure, and the  
"whole Nation fill'd with Joy, and Love,  
"and Peace.

"Sir, This great Blessing is already regi-  
"stred in your People's thankful Hearts;  
"and they desire that the Memory thereof  
"might be perpetuated; and therefore they  
"have laid it up amongst their choicest Jew-  
"els, and annex it to their *Magna Charta*;  
"which they are willing to pawn unto your  
"Majesty, upon Condition, when they for-  
"get this, to forfeit that and all.

"Sir, among your many illustrious Titles,  
"which like fair and beautiful Flowers, do  
"adorn and bedeck your Royal Crown,  
"there's one exceeds and excels all the rest,  
"as well in Virtue as in Beauty, and that is  
"your Title of *Defender of the Faith*. Sir,  
"As that Title is your Honour, so the  
"Truth of it, is our Happiness. Neither

"the highest Provocations, nor the strongest  
"Temptations that ever Prince met withal,  
"have been able to shake your victorious  
"Faith, nor abate your holy Zeal; witness  
"your first Act, after your Return to the  
"Exercise of your regal Power, in your early  
"and timely suppressing Prophaneness, and  
"discourteous debauched Persons, who  
"know not how to express their Thankful-  
"ness unto God for Mercies, but by a sinful  
"drinking them away; a Practice your  
"(y) Soul abhors.

"And as it is your highest Honour, to be  
"the *Defender* of that Faith which we pos-  
"sess, so it is the greatest Interest, Prero-  
"gative and Privilege your Majesty can be en-  
"dowed and invested withal in this World,  
"and will be your most lasting Comfort in  
"the World to come, That God, who hath  
"hitherto been a Sun to direct you, will be  
"a Shield to protect you; and that Faith  
"which you defend, will defend you against  
"all your Enemies, maugre the Malice of the  
"*Devil*, and all his wicked Instruments.

"Royal Sir, Your eminent Virtues, and  
"those excellent Qualifications that God hath  
"bestowed upon you, to make you every  
"way worthy and fit for Government, invites  
"us at this Time with joyful Hearts, to  
"make our humble Address unto your Ma-  
"jesty, and to give you a cheerful Account of  
"our Proceedings this Parliament, wherein  
"we have spent our whole Time upon Public  
"*Bills*; Some, we must confess, of very great  
"Concernment to your Majesty, and all  
"your People, are not yet ripe, nor brought  
"to Perfection: But though like an After-  
"crop, yet, with the fair Weather of your  
"Majesty's wonted Patience, we hope like-  
"wise to Inn them well at last, to your Ma-  
"jesty's full Satisfaction, and the great Con-  
"tentment of all your loyal and faithful  
"Subjects.

"Some Bills are pass'd both Houses, and  
"already lodged here, which attend and  
"wait for your Majesty's Royal Assent, and  
"I shall humbly beg the Favour only but  
"to touch upon some of those of most pub-  
"lic Concernment, by the way; and in tran-  
"sith, to that Bill here in my Hand.

"Sir, There is one Bill now before you,  
"intituled, *An Act for the Confirmation of*  
"*Judicial Proceedings*. The Scope and In-  
"tendment of that Bill, is to settle Men's  
"Estate, which is the way to quiet their  
"Minds; and when their Minds are at rest,  
"there will be no Fear of their breaking  
"the Peace, or forfeiting their Good-be-  
"haviour any more, in Time to come.

"There is another Bill, intituled, *An Act*  
"*to prevent the taking of excessive Usury*. The  
"restraining Men of avaricious Minds,  
"whose Consciences are as large as their  
"Bags, will be a great Ease to your People,  
"and

(w) *Ibid*, p. 254.

(x) Taken out of the large and curious Collection of *State*  
*Treaties* and *M. S. S.* of the late Lord *Somers*.

(y) The Contrary of which is affirmed by General *Lad-*  
*low*; who particularly mentions two of the King's public

Debauches, in support of his Assertion; and nothing is more  
notorious, than that the Manners of the People became more  
profligate and corrupt after the Restoration, than ever they  
had been known before.

A. D. 1660.

“ and an Inablement to your Merchants the  
 “ better to go on with their Trades. They  
 “ are the laborious Bees that bring in Honey  
 “ into your Majesty’s Hive; and Usurers are  
 “ the lazy, idle Drones, that rob your Hive  
 “ of the Honey.

“ There is another Bill, entituled, *An Act  
 “ for a perpetual Anniversary Thanksgiving  
 “ to be observed and kept upon the 29th of  
 “ May: A (z) Day that God himself was  
 “ pleased to honour and adorn with a new  
 “ additional Star never seen before nor  
 “ since; a Star of rare aspect, which declared  
 “ to all the World at once, the happy  
 “ News of your Majesty’s Blessed Nativity:  
 “ And as it was your Majesty’s Birth-day,  
 “ so it was the Day of your Restauration  
 “ to your Kingdoms, Parliament, and People:  
 “ And likewise the Day of your People’s  
 “ Re-Creation out of a Chaos of Confusion  
 “ and Misery. And therefore they humbly  
 “ pray, That not only we, (for there would  
 “ need no Act for that so long as we live)  
 “ but that our Posterity, and the Ages that  
 “ shall succeed us, might for ever be obliged  
 “ to set a-part that Day, as a Holy-day, to  
 “ dedicate their Praises and Thanksgivings  
 “ up unto Almighty God for his miraculous  
 “ Deliverance of this poor Nation, when  
 “ it lay in Dust and Ashes, in a most miser-  
 “ able, desperate, forlorn, and deplorable  
 “ Condition.*

“ There is another Bill, entituled, *An Act  
 “ of Free and General Pardon, (a) Indem-  
 “ nity, and Oblivion.* It may well be called  
 “ a Free Pardon; for your Majesty was  
 “ pleased to offer it before we had Confide-  
 “ nce enough to ask it, and at a Time  
 “ when your People had most need of it.  
 “ And it may as truly be called a General  
 “ Pardon, in respect of the Extensiveness of it.  
 “ But looking over a long, black, prodigious,  
 “ dismal Roll and Catalogue of Mal-factors,  
 “ we there meet not with Men, but Mon-  
 “ sters, guilty of Blood, precious Blood,  
 “ precious royal Blood, never to be remembered  
 “ without Tears; incomparable in all the  
 “ kinds of Villany that ever were acted by  
 “ the worst of Miscreants, Perverters of Reli-  
 “ gion, Subverters of Government, false to  
 “ God, disloyal to the best of Kings, and per-  
 “ fidious to their Country; and therefore we  
 “ found an absolute and indispensable Nec-  
 “ cessity incumbent upon us, to except and  
 “ set some apart for Treacle, to expel the  
 “ Poison of Sin and Rebellion out of others,  
 “ and that they might be made Sacrifices to  
 “ appease God’s Wrath, and satisfy Divine  
 “ Justice.

“ And now I am come to that Bill here  
 “ in my Hand, which I am commanded  
 “ humbly to present your Majesty withal.”

“ *Royal Sir,* Your Commons, the Knights,  
 “ Citizens and Burgeesses, now assembled in  
 “ Parliament, taking into Consideration the  
 “ great and unupportable Burden of the Ar-  
 “ mies and Navy, that your People do now  
 “ groan under; and knowing, as Money is  
 “ the Sinews of War, so, as the State of Af-  
 “ fairs now stand, that ‘tis likewise the best  
 “ Medium that can be us’d, in order to the  
 “ attaining that End we have all so much  
 “ desir’d, and so long pray’d for, The Set-  
 “ tlement of a happy Peace; and there-  
 “ fore they have pass’d this Bill, entituled,  
 “ *An Act for a speedy (b) Provision  
 “ of Money, to pay off and disband all the  
 “ Forces of this Kingdom, both by Sea and  
 “ Land:* Upon which they hope such a  
 “ Sum will be advanced and brought in, as  
 “ may be sufficient fully to discharge and dis-  
 “ patch that Work. And they humbly pray  
 “ your Majesty’s gracious Acceptance there-  
 “ of, and your royal Assent thereunto.

“ I am further to inform and assure your  
 “ Majesty, that your People have pass’d  
 “ another Supply and Revenue unto your  
 “ Majesty, which far surmounteth all they  
 “ have done in Value, and that is, their  
 “ Hearts and Affections; having their  
 “ Hearts, your Majesty may command their  
 “ Purse.

“ *Most Royal Sovereign,* We have nothing  
 “ more to offer, or to ask at this Time, but  
 “ your Majesty’s gracious Favour, so soon as  
 “ your Service, and the Public Affairs will  
 “ permit, that we might have leave to go  
 “ into our Countries, where we shall make  
 “ our People sensible of their Happiness, in  
 “ having such a King to govern and rule  
 “ over them; and as we praise your Ma-  
 “ jesty, so likewise to pray for your Ma-  
 “ jesty, that you may live long, and reign pro-  
 “ sperously.”

“ But if the House was all Loyalty, the King  
 “ was all Grace; and if the first again stood  
 “ in awe of the Prerogative, the last, as yet,  
 “ esteem’d it his Interest to be well with his  
 “ Parliament and People; so may be gathered  
 “ from the following gracious Speech, which  
 “ deserves a Place, that the Character of the  
 “ King, and the Spirit of his Reign, may be  
 “ the more thoroughly understood.

“ *My Lords, and Gentlemen of the House of  
 “ Commons,*

“ I have been here sometimes before with  
 “ you, but never with more Willingness,  
 “ than

(a) Being the most memorable Birth-Day, not only of his Majesty, both as a Man and a Prince, but likewise as an actual King, of this and other his Majesty’s Kingdoms; all in a great Measure new-born, and raised from the Dead, on this most joyful Day, wherein many Thousands of the Nobility, Gentry, Citizens, and other his Leiges of this Realm, conducted his Majesty unto his Royal Cities of London and Westminster, with all possible Expressions of their public Joy and loyal Affection, in far greater Triumph, than any of his most illustrious Predecessors Kings of England, returned thither from their Foreign Conquests: And both his Majesty’s Houses of Parliament, with all dutiful and loyal Demonstrations of their Allegiance, publicly received, and cordially

congratulated his Majesty’s most happy Arrival and Investiture in his Royal Throne at his Palace at Whitehall. Bill, for observing the Twenty-ninth of May.

(b) Which was wittily call’d by the suffering Cavaliers, *A Bill of Oblivion for the King’s Friends, and of Indemnity for his Enemies.*

(c) By a Bill, in which every Duke was rated 100 l. every Marquis 80 l. every Earl 50 l. a Viscount 50 l. a Baron 40 l. — Every one that could spend in Lands, Leases, Money or Stock, 100 l. per Annum, 40 l. and 10 for a greater or lesser Estate. Every single Person, above the Age of sixteen Years, 12 d. Every Person not rated, nor receiving Alms above sixteen Years of Age, 6 d.



A. D. 1660.

" that I am at this Time. And there be  
 " few Men in the Kingdom, who have  
 " longed more impatiently to have those  
 " Bills passed, than I have done to pass  
 " them; and I hope they will be the Founda-  
 " tion of much Security and Happiness to  
 " us all.

" I do very willingly pardon all that is  
 " pardoned by this *Act of Indemnity*, to  
 " that Time which is mentioned in the Bill:  
 " Nay, I will tell you, that from that Time  
 " to this Day, I will not use great Severity,  
 " except in such Cases where the Malice is  
 " notorious, and the public Peace exceed-  
 " ingly concerned: But for the Time to  
 " come, the same Discretion and Conscience  
 " which disposed me to the Clemency I  
 " have expressed, which is most agreeable  
 " to my Nature, will oblige me to all *Ri-  
 " gour and Severity*, how contrary soever it  
 " be to my Nature, towards those who shall  
 " not now acquiesce, but continue to mani-  
 " fest Sedition and Dislike of the Govern-  
 " ment either by *Action or Words*.

" And I must conjure you all, (*my Lords  
 " and Gentlemen*) to concur with me in this  
 " just and necessary *Severity*; and that you  
 " will in your several Stations be so jealous  
 " of the public Peace, and of my particular  
 " Honour, that you will cause *exemplary  
 " Justice* to be done upon those who are  
 " guilty of *seditious Speeches or Writings*, as  
 " well as those who break out into seditious  
 " Actions: And that you will believe those  
 " who delight in reproaching and traducing  
 " my Person, not to be well affected to you  
 " and the public Peace.

" Never King valued himself more upon  
 " the Affections of his People than I do;  
 " nor do I know a better Way to make my  
 " self sure of your Affections, than by being  
 " just and kind to you all: and whilst I am  
 " so, I pray let the World see that I am pos-  
 " sessed of your Affections.

" For your Poll Bill, I do thank you as  
 " much as if the Money were to come into  
 " my own Coffers: And I wish with all my  
 " Heart that it may amount to as great a  
 " Sum as you reckon upon. If the Work  
 " be well and orderly done to which it is  
 " designed, I am sure I shall be richer by  
 " it in the end; and upon my Word, if  
 " I had *where-withal*, I would myself help you;  
 " so much I desire the Business done.

" I pray very earnestly, as fast as Money  
 " comes in, discharge that great Burthen of  
 " the Navy, and disband the Army as fast as  
 " you can; and till you can disband the rest,  
 " make a Provision for their Support. I do  
 " conjure you, as you love me, let me not  
 " hear the Noise of *free Quarter*, which will

" be imputed to my Want of Care and Go-  
 " vernment, how innocent soever I am; and  
 " therefore be sure you prevent it.

" I am so confident of your Affections,  
 " that I will not move you in any Thing that  
 " immediately relates to myself; and yet I  
 " must tell you, that I am not richer, than is,  
 " I have not so much Money in my Purse,  
 " as when I came to you: The Truth is,  
 " I have lived principally ever since, upon  
 " what I brought with me; which was in-  
 " deed your Money, for you sent it to me, and  
 " I thank you for it. The weekly Expence  
 " of the Navy eats up all you have given me  
 " by the Bill of *Tonnage and Poundage*:  
 " Nor have I been able to give my (e) Bro-  
 " thers one Shilling since I came into Eng-  
 " land, nor to keep any Table in my Houle,  
 " but what I eat at myself: And that which  
 " troubles me most is, to see so many of you  
 " come to me at *Whitehall*, and to think  
 " you must go *somewhere else to seek your  
 " Dinner*.

" I do not mention this to you as any  
 " Thing that troubles me; do but take care  
 " of the Public, and for what is necessary  
 " for the Peace and Quiet of the Kingdom,  
 " and take your own Time for my own Partic-  
 " ular, which I am sure you will provide  
 " for with as much Affection and Frankness  
 " as I can desire.

We are now to look back to the Concerns  
 of Religion; which, however independ-  
 ent of those of the State, have been so  
 crassly and fatally intermingled, that it is  
 scarce possible to treat of the one, without  
 touching upon the other.

The King, in his Declaration from *Breda*,  
 had expressly promis'd Liberty to tender Con-  
 sciences: But, though this Toleration was  
 sufficient to humour the inferior Sectaries,  
 the *Episcopalians* and *Presbyterians* aspir'd  
 at an Establishment, which Both equally  
 thought their Due. The First had been once  
 in Possession, had the Laws for their Founda-  
 tion, and the King for their Head: The  
 Last were in Possession, which they were  
 very desirous to keep, had Friends in the  
 Court, the Army, and the Parliament; and  
 had, beside, the Merit of their late Services  
 to plead, which had contributed greatly to  
 the King's Restoration. Both (d) had, in  
 turn, abus'd the Power which had fallen into  
 their Hands; and therefore neither in Policy  
 or Equity ought to have been trusted with  
 any again.

But tho' the *Presbyterians* were still too  
 mighty to be openly disobligh'd, they were  
 not mighty enough to continue their Super-  
 iority: As the King was apparently against  
 them,

A. D. 1660.

(d) This serv'd as a Hint to the House, to compliment the  
 Duke of York with Ten Thousand Pounds, and the Duke  
 of Gloucester (who dyed upon the 13th of the next Month,  
 September, of the Small Pox), with Seven Thousand Pounds.

(e) See, among other incontestable Proofs of this fatal  
 Truth, the shocking Cases of *Peys, Bapwick, and Barrow*  
 under the Tyranny of Archbishop Laud: And with respect  
 to the Conduct of the *Presbyterians*, when uppermost; not  
 only the *Episcopalians* and *Papists*, but the Sectaries of all  
 sorts, as with one Voice, complain'd of their severe and un-  
 just Proceedings. A Writer of the Church of England, in a

Discourse of Toleration, particularly charges them "with  
 " Sequestering, Plundering and Imprisonment in the nastiest  
 " Prison and Holds of Ships, those Ministers and Fellows  
 " of Colleges that were the Adherents of the Liturgy, &c."  
 And *George Fox the Quaker*, in his Journal, speaking of the  
 Execution of the Repetitor, saith, "There was a secret  
 " Hand in bringing this Day upon that hypocritical Gene-  
 " ration of Pretorsion, who being got into Power, grew  
 " haughty and cruel beyond others, and persecuteth the  
 " People of God without Pity."

A. D. 1660.

them, they found it difficult to make their Friends act heartily for them. On the House of Commons they had plac'd their principal Dependence; and even there, the Ground sunk from under them: For tho' the Majority would not then suffer Episcopacy to be restor'd in Form, they would not undertake the full and entire Settlement of the Church; but, after long and warm (e) Debates, July (f) 23, deferred the further Consideration of Religious Matters till the 23d of October; which was, in effect, betraying the Cause they pretended to defend; and leaving the Decision in those Hands, which, they were sure, waited only for an Opportunity to give another Lift to Monarchy, by adding the Influence of the Mitre to the Power of the Crown.

Accordingly, while the two Houses were yet sitting, the King, by his Royal Authority, restor'd the nine surviving Bishops to their several Sees, and came to a Resolution to fill up the Vacancies.

Nor, in taking this large Stride, did his Majesty run any great Risk of coming to a Breach with the Commons; for they had already given him such Proofs of their Ductility, and Submission to his good Pleasure, as were sufficient to remove all reasonable Apprehensions of that Nature.

But while they conniv'd at this notable Proceeding of the King's, they had however the Address to sweeten their own Party, by preparing and passing a Bill for confirming and restoring all such Ministers who had been ordained by any ecclesiastical Person, before

the preceding Christmas, or who had not renounced their Ordination, or who stood possessed of any Living at that time, to which they had been nam'd or admitted in any manner since Jan. 1. 1642; with Proviso against such as had petition'd to bring the late King to Trial, or by Preaching or Writing justifi'd his Murder, or had declar'd their Judgment to be against *Infant Baptism*.

His Majesty, on the other hand, was pleas'd to signify, by (g) Message, his "gracious Intentions to take in and provide for such Ministers as were worthy, and every way qualified for the Work of the Ministry, who should be remov'd from their Livings by this Act." And Mr. *Amsley*, afterwards Earl of *Anglesea*, and Lord Privy Seal, was appointed by the House to carry up this Bill to the Lords, with Direction to intimate to their Lordships, "(b) That they look'd upon it as a Bill of public Concernment, for quieting Men in their Possessions, and for preventing of Suits." And the Lords not making the Expedition which was thought necessary, a further Message was, a few Days after, sent by the Commons, to let their Lordships know, "That the Counties were much disquieted, by reason of so many good Ministers, who had been ejected; and, therefore, desiring their Lordships to give Dispatch to the Bill," &c.

There is no need to trace the Particulars of this Affair any further: Their Lordships soon after gave their Sanction to it; and the Commons having put the last Hand to the Business immediately before them, the King came

propos'd by  
the Commons.

Bill for con-  
firming and  
restoring Mi-  
nisters.

(r) While the Hopes and Fears of these holy Men on both Sides, were thus in Suspence, one Doctor *Crofts*, preaching before the King, took the License to say, That for the Guilt he had contracted in *Wars*, and the Injuries he was brought to do against the Church of England, God had deserv'd him at *Worcester*, and punish'd his Controversy with a nine Years Exile; and he would yet further punish him, if he did close with his Enemies; meaning those of the *Presbyterian* Persuasion, who were of the Privy Council. *Rev. Reg.*

On the other Hand, the following strange Stuff was published by some enthusiastic *Presbyterians*:

"I shall now acquaint you with some remarkable Things fallen out here with us. As first, the first Man that read Prayers in this University since this Change, the Lord hath cut him off; and also he was the last that read Prayers in the University in the Time of War. The first Man also that read Prayers at *Wadham* College, is also cut off: A very notorious Man.

"Also there was a Play acted by Scholars, wherein one called the *Old Puritan*: he that acted that Part, came in with a narrow Band, short Hair, and a broad Hat: a boisterous Fellow comes after him, and tips up his Heels, calling him *Puritan Regus*: at which Words he flook off the Dirt off his Feet against him. Two of these Actors were also cut off; and he that acted the *Old Puritan*, broke a Vein, and vomited so much Blood in the Place, that they thought he would have died in the Room; but he now lieth desperately sick. A Woman that joined with them in the Play, is also dead.

"Also a Scholar of *Pembroke* College, who had become paralytic to Town to see *Dr. Large* outed, and then he would give a Plate to the College: He was invited to Dinner by a Scholar, and never went out of the Room more, but died there.

"Also from another in *Oxford* it was thus written July 30. We had a Play acted in the University against the *Puritans*, the chief Actors therein, were Mr. *Dall* of *Wadham*, who died yesterday, and one *Glandall* of *Braurton*, who is now dead, &c. *Ibid.*

Neither, in the mean while, were the *Papists* unmindful of the Interests of their Church, as we find by the following Piece:

*The Letter of Advice and Injunctions given to Father Young, an English Missionary, by Signor Bellarmin, an Italian Minister, concerning the best Way of ministering and promoting the Catholic Interest in England upon his Majesty's Request.*

"I. To make the Obstruction of Settlement their great Design, especially upon the fundamental Constitutions of the Kingdom, whereunto, if Things should fall, they would be more firm than ever.

"II. To remove the Jealousies raised by *Prie, Baxter, &c.* of the Catholic's Design upon the two Factions, and to set up the prosperous Way of Fear and Jealousy to the King and Bishops.

"III. To make it appear undeniable, how near the Doctrine, Discipline, and Worship of the Church of England comes to us: at how little Distance the Common Prayer is from our Mass; and that the shill not be so far from the Way are to moderate, that they would willingly come down to us, or at least meet us half way. Hereby the more seditious Men will become more odious, and others will run out of all Religion for Fear of Popery.

"IV. Let there be an Intelligence promoted by the Faction, and seconded by you.

"V. That the Trade and Treasure of the Nation may be engrossed between themselves, and other discontented Parties.

"VI. That the Bishops and Ministers of the Church of England be asper'd, as either worldly and careless on the one hand, or so faithless on the other, that it were well they were removed.

*N. B. This Letter was found in Father Young's Study after his Death, and was translated out of Italian, and printed in a Collection, &c. These (saith Dr. Stillingfleet) were some of those excellent Advices then given, and how well they have been followed, we all know, &c. Stillingfleet's Unreasonableness of Separation.*

(s) Previous to this, they had however, pass'd a Vote which was presented to the King by Mr. *D. Hilditch*, in which they desired his Majesty to call in a Number of *Dissidents* as he should think fit to advise with in Affairs of Religion.

*Journal of Parliament.*

(t) *Journal of the Commons.*

(u) *Ibid.*

A. D. 1660.

came to the House of Peers, to give the Royal Assent to such (i) Bills as were presented to him; which were thus introduc'd by the (k) Speaker:

" Sir,

Your Royal Favour and Fatherly Kindness unto your People hath naturaliz'd their Affections to your Person, and their Obedience to your Precepts: And as it is their Duty, so it is their Desire to manifest the Truth and Reality thereof, by supporting and upholding that Grandeur and Splendor which is due to the Majesty of so meritorious a Prince as yourself. And therefore they have resolv'd, *uno flatu* and *remine contradicente*, to make up your Majesty's constant and ordinary Revenue Twelve hundred thousand Pounds per Annum."

He then proceeded with an Account of the several Bills, and concluded as follows:

" Sir, There is another Bill, intituled, *An Act for retaining some Ministers into their Places*, out of which they have been long and injuriously ejected and expos'd; and for *confirming others in vacant Places*. Crazy Titles need your Majesty's Help, as much as crazy Bodies need the Help of a Physician. And (by) what your Majesty hath already done of that kind to this Parliament, and what you are now about to do, and what you have ever express'd your Resolutions in, if we could be ready (to take) as your Majesty is to give *hope to himself* all *Errors and Jealousies* out of Mens Minds for the future, and teach them with much Confidence and Contentedness to rest and wholly rely upon your Majesty's Grace and Goodness, for what may be thought further necessary to be done hereafter, when a fitting Opportunity shall be offer'd at the next Meeting of your Houses of Parliament, &c."

His Majesty's (l) Speech was as follows:

" My Lords and Gentlemen,

If my Presence here, had not been requisite for the Passing of these many Bills, I did always intend to see you together before your Adjournment, that I might again thank you for the many good Things you have done for me and the Kingdom; and in truth I do thank you more for what you have done for the Public, than what you have done for my own Particular; and yet I do thank you too for that

with all my Heart: But I confess to you, I do thank you more for the Provision you have made to prevent free Quarter, during the Time the Army shall be disbanding, which I take to be given for my Satisfaction, than I do for the other Present you have made me for my own particular Occasions; and I do promise you, which is the best Way I can take to gratify you, I will not apply one Penny of that Money to my own particular Occasions, what Shift soever I make, till it is evident to me, that the Public will not stand in need of it; and if it do, every Penny of it shall be disburs'd that Way; and I dare say I shall not be the poorer for it.

I cannot but take notice of one particular Bill I have pass'd, which may seem of an extraordinary Nature; that concerning the Duke of Somerset; but you all know it is for an extraordinary Person, who hath merited as much of the King my Father and myself, as a Subject can do; and I am none of those who think, that Subjects, by performing their Duties in an extraordinary Manner, do not oblige their Princes to reward them in an extraordinary Manner; there can be no Danger from such a Precedent; and I hope no Man will envy him, because I have done what a good Master should do to such a Servant:

" My Lords and Gentlemen,

I will not deny to you, that I had some Inclination, when I consented, upon your Desire, to your Request, to have made a Session, which I thought most agreeable to the ancient Order of Parliaments; and I hope you will all join with me in reducing the Proceedings of Parliaments to the ancient Rules and Orders of Parliaments, the Deviation from which has done us no Good; and I think there were never so many Bills pass'd together, as I have this Day given my Assent to, without a Session: But upon the Desire and Reasons given by the House of Commons, for an Adjournment without a Session, I did very willingly depart from that Inclination, and do as willingly give you Leave, and direct you, that you adjourn yourselves till the sixth Day of November, when I hope you will all meet again; and, in the mean time, that you will be all welcome to your Countries, and do me much Service there.

I have many other Particulars to say and recommend to you, in which I cannot

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

A. D. 1660.

King's Speech.

(i) I. An Act for the speedy disbanding the Army and Garrisons of this Kingdom, with Instructions for the same.

II. An Act for enabling the Soldiers of the Army now to be disbanded to exercise Trade.

III. An Act for raising seven score thousand Pounds for the compleat disbanding of the Army.

IV. An Act for the speedy raising of seventy thousand Pounds for the present Supply of his Majesty. Note, The Speaker, in his Speech, calls the present Supply an Hundred thousand Pounds.

V. An Act for Confirming and Restoring of Ministers.

[Preamble] Forasmuch as the confirming of some ecclesiastical Persons and Ministers in Possession, and restoring of others who have been sequestered or ejected, and are fit to be so, to their several ecclesiastical Benefices, Livings, and Promotions, without Force or Suit of Law, will much conduce to the Peace and Welfare of this Church and Kingdom.]

VI. An Act for Encouraging and Increasing of Shipping and Navigation.

VII. An Act to prevent Frauds and Concomitants in his Majesty's Customs and Subsidies.

And to 14 private Acts; one of which was, An Act for the Restoring the Marquis of Hertford to the Dukedom of Somerset.

(k) This very Royal Gentlemen was gratify'd with the benevolent Place of *Master of the Rolls* upon November the 3d, three Days before the second Meeting of this Parliament: *Leathball*, the late Speaker, tho' he offer'd 2000*l*. to be continu'd, having been remov'd to make Room for him.

(l) I am very sensible that Speeches and Records are not the most entertaining Parts of History; but Trash must be prefer'd to Amusement. 'Tis almost as necessary to know what Men pretend, as what they mean: And when they are left to speak for themselves, the Writer cannot be accus'd of Misrepresentation.

A. D. 1660.

Chancellor's  
Speech.

" enough trust my (*m*) Memory, and therefore I shall command the Chancellor to say the rest to you."

As to the Chancellor's Speech, it was long, labour'd, and artificial; but contains some Particulars, which deserve to be remembered. In speaking of the Army, he mentions a Jealousy which had been entertain'd, that the King did not design to disband them, and from thence takes Occasion to say many fine Things, both of his Majesty and the Troops.

Upon the *Minister's Bill*, he was pleas'd to make the following broad Comment:

" The King having pass'd this *Act* very willingly, and done much to the End of this *Act* before; yet hath willingly admitted you to be *Sharers* and *Partners* with him in the *Obligation*: I may say confidently, his Majesty hath never denied his Confirmation to any Man in Possession who hath asked it, and they have all had the Effect of it, except such, who, upon Examination and Enquiry, appear'd not worthy of it; and such, who, though they are *pardoned*, cannot yet think themselves worthy to be *prefer'd*. His Majesty well knows, that by this *Act* he hath gratify'd and oblig'd many *worthy* and *pious* Men, who have *contributed* much to his *Restoration*, and who shall always receive *fresh Evidence* of his Majesty's Favour and Kindness; but he is not sure that he may not likewise have gratify'd some who did neither contribute to his coming in, nor are yet glad that he is in: How comes it else to pass, that he receives such frequent Information of *seditious Sermons* in the City and in the Country, in which all Industry is us'd to alienate the Affections of the People, and to insufe Jealousies into them of the King and his Government? They talk of introducing *Papery*, of evil Counsellors, and such other old Calumnies as are pardoned by this *Act* of *Indemnity*.

" His Majesty told you when he was last here, what *Rigour* and *Severity* he will hereafter use, how contrary forever it is to his Nature, in these Cases; and conjur'd you, My Lords and Gentlemen, to concur with him in this *just* and *necessary Severity*, which I am sure you will do with your utmost Vigilance, and that you will believe that too much Ill cannot befall those who do the best they can to corrupt his Majesty's Nature, and to extinguish his Mercy.

He then signified his Majesty's Intention to settle a Council for Trade, and another for the Plantations; as also to find out proper

Expedients for the Confirmation of Sales, or Recompence for Purchasers: And concluded with some (*n*) affecting Particulars concerning the then deplorable State of Religion, which deserv'd abundantly more Notice and Regard than they seem to have met with.

Having thus seen the State in a fair way to be settled, we must now attend the farther Progress of the Settlement of the Church: The Seeds of Mischief never take so deep Root, nor thrive so full, as in Holy Ground: And in this Research we shall be able to detect, who were the Labourers that slept, and by whose wicked Hands the Tares were scatter'd, which have pester'd the Soil, and choak'd the Growth of every public Benefit, and every private Virtue.

Though the *Presbyterian*-Cause had been dropt by the House of Commons, into the Hands of the Court, it was not as yet thought advisable to shut up every Door of Hope against them at once, for fear of creating fresh Troubles.

Both the King and the Chancellor, therefore, put on the Guise of Moderation, and seem'd desirous, by the Means of some happy Medium, to remove all Difficulties, and heal all Divisions.

The *Presbyterians* receiv'd Directions to make their Proposals for a Union; which they did, upon a Plan of Archbishop *Ussher's*, which at the same time admitts of the Fatherhood of Episcopacy, and the Brotherhood of *Presbyterians*.

Upon these Proposals there was to have been a Meeting of the Divines of both Persuasions; but the Bishops declin'd it, and contented themselves with putting in written Objections, which tend'd, it seems, rather to provoke than reconcile, and to which they receiv'd as bitter an Answer.

The King was then advis'd to take the Affair into his own Hands, and to make that Settlement, by way of Declaration, as Head of the Church, which these spiritual Rivals, not for the Love of God, but Power and Popularity, had not either Temper, Sense, or Integrity to compass by mutual Forbearance and mutual Charity.

He had, however, the Consideration of the Policy to communicate this Declaration, to both Parties, before it was put in its Form, at the Earl of *Manchester's* House, and many Things to which the (*e*) *Presbyterian* Divines objected, tho' then maintain'd, were afterwards amended.

It is observable, that, towards the Close of this (*f*) Conference, (at which the King himself

A. D. 1660.

Episcopal  
Affair.Spangles be-  
tween the Epi-  
scopalian and  
Presbyterians.

(*m*) By this it appears, that Princes then did not read their Speeches.

(*n*) It is a Consideration that must make every religious Heart to bleed, to see Religion, which should be the strongest Obligation and Cement of Affection, and brotherly Kindness and Compassion, made now, by the perverse Wranglings of passionate and froward Men, the Ground of all Animosity, Hatred, Malice and Revenge: And this unrelax'd and unshakable Passion (which no question the divine Nature exceedingly abhor) functions, and I fear too frequently, transports those who are in the Right, as well as those who are in the Wrong, and leaves the latter more excusable than the former, when Men, who find their Manners and Dispositions

very conformable in all the necessary Obligations of human Nature, avoid one another's Conversation and grow first unsociable, and then uncharitable to each other, because one cannot think as the other doth: And from this Separation we insufe God to the Patronage of, and Government in, our Fancies and Dispositions; and purely for his Sake hate one another heartily.

(*e*) Reynolds, Sparrow, Wallis, Calamy, Ash, Baxter.  
(*f*) In this Conference, the *Presbyterian* Divines contending, that the Bishops should exercise their Church-Power with Consent and Consent of *Presbyters*, Dr. *Cole*, then Preb. of *Dorham* said: If your Majesty will grant this, you will undid your Bishops. Upon which Reynolds quoted a Passage

D. 1660.

himself assisted, and several Lay Lords of both Persuasions) the Chancellor produced another Paper, and, at the same time, signify'd, that the King had receiv'd a Petition also from the *Anabaptists* and *Independants*; and that tho' he, the Chancellor, did not very well like it, yet something had been drawn up, which he not only read, but desir'd the Divines then present to give their Opinion of. This *Something* was an additional Clause to the Declaration, specifying, *That OTHERS also be permitted to meet for religious Worship, so be it they do not to the Disturbance of the Peace, and that no Justice of Peace, or Officer, disturb them.*

Clause in Favour of Anabaptists and Papists.

Upon this there ensued a profound Silence; under the Word *OTHERS*, it was generally suppos'd that *Papists* were included: The Bishops, however, did not declare themselves; but Mr. Baxter, fearing that even Silence, on their Side, would be made to interpret an Approbation, at last (as he himself bears Witness in his own Life) thought proper to put in the following Caveat: "That this

"Reverend Brother, Doctor Gunning, even now speaking against Sects, had nam'd the *Papists* and *Sacramentals*: For their Parts, they desir'd not Favour to themselves alone; and rigorous Severity they desir'd against none. As they humbly thank'd his Majesty for his Indulgence to themselves, so they distinguish'd the tolerable Parties from the intolerable: For the Former, they humbly crav'd just Lenity and Favour; But for the Latter, such as the Two Sorts named before by that Reverend Brother, for their Parts, they cannot make their Toleration their Request." To which his Majesty said, "That there were Laws enough against *Papists*." And Baxter reply'd, "That they understood the Question to be, Whether those Laws should be executed or not? And to his Majesty, adds he, broke up the Meeting of that Day."

A. D. 1660.

Disapproved of by the Presbyterians.

October 25, this healing (9) Declaration was made public, and contain'd so many (r) Abatements of the high Terms, which had been insisted upon by the Bishops at the Conference,

The Declaration published, with many Concessions to the Presbyterians.

out of the Portmanteau of his father's Majesty (King Charles I.) in his Solitude and Sufferings, in which the King expressly honours that Proposition, and declares he had offer'd to restore it. But the King bless'd him with saying, *All that is in this Book is not Gospel.* Dr. Sate's *Farewell Sermon* for Mr. Baxter.

A Clause, however, to that Purpose, was afterwards inserted in the Declaration, at the Instance of the *Chancellors*, tho' more out of Policy than Principle, as is evident by the Sequel.

(g) In the *Parliament* see also all the following remarkable Clauses, &c.

"When we were in *Holland*, we were attended by many grave and learned Ministers from hence, who were look'd upon as the most able and principal Assistants of the *Presbyterian* Opinions, with whom we had as much Conference as the Multitude of Affairs which were then upon us would permit us to have: and to our great Satisfaction and Comfort found them Persons full of Affection to us, of Zeal for the Peace of the Church and State, and neither Enemies (as they have been taken out to be) to *Episcopacy* or *Liturgy*, but modestly to desire such Alterations in either, as without shaking Foundations might best ally the present Discontents, which the Indispositions of the Times, and the Prejudice of some Men's Consciences had contriv'd. For the better doing whereof we did intend, upon our first Arrival within Kingdom, to call a *Synod of Divines*, as the most proper Expedient to provide a proper Remedy for all those Differences and Dissatisfactions, which had or should arise in Matters of Religion. And in the same Time we published in our Declaration from *Brussels*, a Liberty to tender Consciences, and that no Man should be disparaged or called in question for Differences of Opinion in Matters of Religion, which do not disturb the Peace of the Kingdom, and that we shall be ready to confer in such an *All of Parties*, as, upon mature Deliberation, should be offer'd to us for the full granting that Indulgence.

And we are the rather induced to take this upon us, by finding, upon the Conference we have had with the learned Men of several Persuasions, that the Mischief under which the Church and State do at present suffer, do not result from any formal *Doctrines* or *Conclusions*, which either Party maintains or avows; but from the *Passion*, and *Aprentice*, and *Interest* of particular Persons, who contrail greater Prejudice to each other from those *Affections*, than would naturally rise from their *Opinions*. And those Differences must be in some Degree lay'd, before the Meeting in a *Synod* can be attended with better Success than their Meetings in other Places, and their Discourses in Pulpits have hitherto been: And till all Thoughts of *Vindicty* are laid aside, the humble and necessary Thoughts for the Vindication of *Truth* cannot be enough entertain'd.

We must, for the Honour of all those of either Persuasion, with whom we have confer'd, declare, that the Professions and Oaths of all for the Advancement of *Piety* and true Goodness, are the same; their Profession of Zeal for the Peace of the Church, the same; their Affection and Duty to us, the same; they all approve *Episcopacy*: they all approve a set Form of *Liturgy*; and they all disapprove and dislike the Sin of Sacrilege, and the Alienation of the *Revenues of the Church*; and it upon their excellent Foundations, in

Submission to which there is such a Harmony of *Reverend*, any Superfluities should be strik'd in the shaking those Foundations, and to the contrary and lessening the blessed Gift of Charity, which is a vital Part of *Christians* Religion, we shall think ourselves very unfortunate, and even suspect that we are defective in that Administration of Government with which God hath entrusted us.

(r) As may be seen in the *Articles* themselves; which, having been partially repaired by Mr. *Edward*, is necessary to give the following Extracts from them, for the Reader's better Information.

I. We shall expect, and provide, the best we can; that the Bishops be frequent Preachers, and that they do very often preach themselves in some Church of their Diocese, except they be hinder'd by Sickness, or other bodily Infirmities, or some other justifiable Occasion, which shall not be thought justifiable if it be frequent.

II. Because the Dioceses, especially some of them, are thought to be of too large Extent; we will appoint such a Number of suffragan Bishops in every Diocese, as shall be sufficient for the due Performance of their Work.

III. No Bishop shall ordain, or exercise any Part of Jurisdiction which appertains to the Censures of the Church, without the Advice and Assistance of the *Presbytery*; and no Chancellor, Commissary, or Official, shall exercise any Part of spiritual Jurisdiction in these Cases, (scilicet) Excommunication, Absolution, or wherein any of the Ministry are concern'd, with Reference to their pastoral Charge. Nor shall the Archdeacon exercise any Jurisdiction without the Advice and Assistance of six Ministers of his Archdeaconry, whereof three to be nominated by the Bishop, and three by the Election of the major Part of the *Presbytery* within the Archdeaconry.

IV. To the End that the Drans and Chapters may be the better tried to afford Counsel and Assistance to the Bishops, both in Ordination and the other Offices mentioned before: We will take Care that their Preference be given to the most learned and pious *Professors* of the Diocese; and moreover that an equal Number (so that of the Chapter) of the most learned, pious, and discreet *Professors* of the same Diocese, annually chosen by the major Voice of all the *Presbytery* of that Diocese present at such Elections, shall be always advising and assisting, together with those of the Chapter, in all Ordinations, and in every Part of Jurisdiction which appertains to the Censures of the Church, and at all other solemn and important Actions in the Exercise of the ecclesiastical Jurisdiction, wherein any of the Ministry are concern'd: Provided that, at all such Meetings, the Number of the Ministers so elected, and those present of the Chapter shall be equal, and not exceed one the other, and that to make the Numbers equal, the Juniors of the exceeding Number be withdrawn that the most ancient may take Place: Nor shall any suffragan Bishop ordain, or exercise the fore-mentioned Offices and Acts of spiritual Jurisdiction, but with the Advice and Assistance of a sufficient Number of the most judicious and pious *Professors* annually chosen, as aforesaid, within his Precincts: And our Will is, that the great Work of Ordination be constantly and solemnly performed by the Bishop and his aforesaid *Professors*, at the four first Terms and Seasons appointed by the Church for his Parole. V. We

A. D. 1660.

ference, that even Mr. Baxter, as he himself declares, was overjoy'd; and, waiting immediately upon the Chancellor, not only gave him many Thanks for the Concessions which had therein been made to the Brotherhood; but added, that if the Liturgy might be but alter'd, as the Declaration promis'd, and the Declaration itself made a Law, he should think it his Duty to promote a general Union, &c.

Which had a happy Effect.

Had there been any Sincerity therefore in these plausible Proceedings, it is probable a general Union might then have been obtain'd; and the English Nation, for the future, would have been distinguish'd by the English Name. But as the Presbyterians would not admit the Papists to share with them in the Indulgence which was thus solemnly granted, it is more than probable, that the Court, at this very Instant, laid the politic Plan of letting loose Episcopal Tyranny upon Dissenters of all Sorts, that the Suffering in common might force them to some Sort of Agreement, for their common Safety. For the present, those in Power contented them-

selves with endeavouring to mollify the Spirit they could not break, and by the Lure of Honours and Preferments to bring those over to the Church, who wanted the Church to come to them; as well knowing, that, in proportion as they became reconcil'd to the Court, they would lose Ground with the People; and that where Division enters, Destruction follows. To this End, Bishops were offer'd to Baxter, Calamy, and Reynolds; and Deanries to several more of their Brethren; but, of the First, Reynolds only took the Bait, (and He, on the Terms desir'd in the King's Declaration): And the principal Reason why the Others refus'd, was, because they saw there was little Likelihood of the said Declaration's being put into a Law.

But of this, more in its proper Place. The King, having try'd his Strength with the Parliament, and found it in a great degree, answerable to his own Wishes, had, immediately upon the Receipt, the Pleasure to see the other great Work, of Disbanding the still formidable (3) Army, go on with all possible Speed and Success: This Office was perform'd

A. D. 1660.

Army disband'd.

V. We will take Care that Confirmation be rightly and solemnly perform'd, by the Information and with the Consent of the Ministry.

VI. No Bishop shall exercise any arbitrary Power, or do or impede any Thing upon the Clergy, or to the People, but what is according to the known Law of the Land.

VII. And though we do esteem the Liturgy of the Church of England, contained in the Book of Common Prayer, and by Law established, to be the best we have seen. Yet since we find some Exceptions made against several Things therein, we will appoint an equal Number of learned Divines of both Parties, to review the same, and to make such Alterations as shall be thought most Necessary; and some additional Forms (in the Scripture Phrase, as near as may be) suited unto the Nature of the several Parts of Worship, and that it be left to the Minister's Choice to use one or other at his Discretion. In the mean Time, and till the same be done, although we do heartily wish and desire, that the Ministers in their several Churches, because they dislike some Clauses and Expressions, would not totally lay aside the Use of the Book of Common Prayer, but read those Parts against which there can be no Exception; which would be the best Instance of declining those Marks of Dissension, which we do much labour and desire to remove; yet, in Comparison to divers of our good Subjects, who desire the Use of it as now it is, our Will and Pleasure is, that none be punished or troubled for not using it, until it be received, and effectually reformed, as aforesaid.

VIII. Lastly, concerning Ceremonies, &c. we shall leave all Decisions and Determinations of that kind, if they shall be thought necessary for a perfect and entire Unity and Uniformity throughout the Nation, to the Advice of a new Synod, which shall be duly call'd, after a little Time, and a mutual Conversation between Persons of different Persuasions, hath mollified those Differences, blunted those Sharpnesses, and extinguish'd those Jealousies which make Men unfit for those Consultations: And upon such Advice, we shall use our best Endeavour that such Laws may be established, as may best provide for the Peace of the Church and State. As provided that now shall be denied the Sacrament of the Lord's Supper, though they do not use the Gesture of kneeling in the Act of Receiving. In the mean time, out of Compassion and Compliance towards those who would forgo the Cross in Baptism, we are content that no Man shall be compelled to use the same, or suffer for not doing it.

No Man shall be compelled to bow at the Name of Jesus, or suffer in any Degree for not doing it, without reproaching those who, out of their Devotion, continue that ancient Ceremony of the Church.

For the Use of the Surplice, we are content that all Men be left to their Liberty to do as they shall think fit, without suffering in the least Degree for wearing or not wearing it; provided, that this Liberty do not extend to our own Chapel, Cathedral, or Collegiate Churches, or to any Church in either of our Universities; but that the several Statutes and Customs for the Use thereof in the said Places, be there observed as formerly.

And because some Men, otherwise pious and learned, say, they cannot conform unto the Subscription required by the

Canon, nor take the Oath of Canonical Obedience; we are content, and it is our Will and Pleasure (so they take the Oath of Allegiance and Supremacy) that they shall receive Ordination, Institution and Induction, and shall be permitted to exercise their Function, and to enjoy the Profits of their Livings, without the said Subscription or Oath of Canonical Obedience.

In a Word, we do again renew what we have formerly said in our Declaration from *Probo*, for the Liberty of Tenure. *Consuetudines*, *Præter* that be appointed or called in question for Differences of Opinion in Matters of Religion, which do not disturb the Peace of the Kingdom; and if any have been disturbed in that kind since our Arrival here, it hath not proceeded from any Direction of ours.

Next, These Limitations, still the Liturgy shall be reviewed by Persons of both Parties; till a national Synod shall be duly call'd, as by Mr. *J. Goodwin* in the *Paralel*. For was *Parsley*, and by Mr. *Repsie*, after him, in that other singular *Paralel*. At *Parley*, Dr. *Quaker*, Bishop-elect of *Baxter*, in his Considerations touching the Liturgy published soon after the Declaration, is pleas'd to call it a temporary Condemnation; so indeed it prov'd; but then it was to pacify his malicious Brethren, who could ill digest any Condemnation to their fearful and hated Rites.

(3) There were disbanded in England and *Hollis*, eighteen Regiments of Foot, consisting of a thousand Soldiers in each Regiment, besides Officers, and thirteen Regiments of Horse, having six hundred in each Regiment, besides Officers; together with the General's Life-Guard of Horse, consisting of two hundred; and about fifty Companies, which had not in them less than five thousand Soldiers, besides Officers and in Scotland three Regiments, and two Companies of Foot, and two Regiments, except one Troop of Horse, and about thirteen Garrisons. *Philips*.

Of this Proceeding with relation to the Army, *Ludlow* takes Occasion to write as follows:

"The Army that had for long stood in the way of the Court, was now wholly disbanded, except only *Mead's* Regiment of Foot; and that was balanced by a Regiment of Horse raised under colour of being a Guard to the King. *Army* was now wholly disbanded, except only *Mead's* Regiment of Foot; and that was balanced by a Regiment of Horse raised under colour of being a Guard to the King. This, together with the Payment of their Arrears, and a Liberty of trailing in Corporations, was the Reward they receiv'd for their Service, notwithstanding all the fair Promises both of *Mead* and the King. And thus these Men who had accumulated Treachery upon Treachery, were dismiss'd with Infamy; for the very Acknowledgment that was made by the King, that they had been the chief Instruments of his Return, reproach'd them with Infidelity to the Parliament, and their own Oaths to be deliver'd from the Guilt of their former Actions, was a Confession that they had been Rebels to the King. However, the Dismissal of these Men was not caus'd by the King's Aversion to a standing Army; for the whole Course of his Life demonstrates the contrary; but being persuaded they who had already made so many Changes in England, were able to bring about another, and to turn him out again with as little Constancy as they had brought him in, he thought it most safe and necessary to free himself at once from such dangerous Companions."

The General's horse was wholly disbanded.

A. D. 1666.

perform'd by Twelve Commissioners, Six Lords, and Six Commoners, under the Authority of an Act of Parliament which was contriv'd with all the Caution and Circumspection imaginable; for the several Regiments were to be broke by Lots; the full Arrears of all, to the very Day of their Disbanding, were discharg'd; and, over-and-above this, the King, by way of Largess, complimented every Officer and Soldier with a Week's Pay; with which, and the fine things said of them in the Chancellor's Speech before-quoted, they were so transported, that they declar'd, as it were with one Voice, *They would willingly disband, and as willingly take up Arms, or do whatsoever should best redound to his Majesty's Service.*

Kennet.

King's Letter  
to the City of  
London.  
Kennet.

Nor was his Majesty unmindful of cultivating and establishing a proper Interest in the City of London; to which he took the shortest Way, by a Letter to the Lord Mayor, signifying his Desire, that the Citizens would fill up the Vacancies, made in the Court of Aldermen, by the Removal of such as were render'd incapable, by the late Act of Indemnity, with those who had been displac'd during the late Troubles: Which they most loyally and obsequiously comply'd with.

We are now come to that Portion of this Reign which the *Royalists* treat of with Rapture, and the *Republicans* never mention without Horror. I mean, the (z) Trial of the (u) Regicides; from whence Posterity will be taught, how much more *liberally* the Law has its Course when the King is Judge in his own Cause, than when he is call'd upon to use the Sword of Justice in behalf of the People.

Trial of the  
Regicides.

But, before the Curtain is drawn up, it is necessary to attend the Prologue, which is contain'd in the following Resolutions of the Lord Chief Baron *Bridgman*, Mr. Justice *Foster*, and Mr. Justice *Hyde*, of the *Common-Pleas*; and Mr. Justice *Mallett* of the *King's-Bench*; Sir *Jeffery Palmer* the King's Attorney, Sir *Henry Finch* the King's Solicitor, Sir *Edward Turner* Attorney to the Duke of *York*; Mr. *Wadham Windham* of *Lincoln's-Inn*, and Mr. *John Keyling*, who by special Order were appointed to attend that Service as Council for the King:

[Keyling's  
Reports.]

I. That it was better to try those Traytors

at the Sessions for *Newgate* by Commission of Gaol-delivery, than only by special Commission of *Oyer and Terminer*, &c.

A. D. 1666.

II. That all the Prisoners should be arraigned the first Day, before any of them were brought to Trial, &c.

III. That any of the King's Council might privately manage the Evidence to the Grand Inquest, in order to the finding of the Bill of Indictment, &c.

IV. That the Indictments should be, for compassing the Death of the late King (with-in the Statute 25 *Edward III.*) and then to lay Overt Acts to prove the compassing of his Death, and the actual Murder of the King to be made use of as one of the Overt Acts, to prove the compassing of his Death.

V. That if any one Overt Act tending to the compassing the King's Death be laid in the Indictment, then any other Act may be given in Evidence, together with that which is laid in the Indictment.

VI. That there need not be Two Witnesses to prove every Overt Act tending to the compassing of the King's Death, but one Witness to prove one Overt Act and another Witness to prove another Act tending to the same End are sufficient, &c.

Agreeable to the first of these Resolutions, by special Commission was issued to (x)

Thirty-four Persons; among whom were several (Fifteen, according to *Ludlow*) who had distinguish'd themselves, either in the *Senate* or the *Field*, against the King, during the late (y) Civil War; and who were now as active in serving the Son, as they had been in subduing, if not destroying, the Father.

Among the Witnesses, likewise, were many other (z) Delinquents of the same Class, who were not allow'd to bear Evidence against their quondam Associates, in order to make their Court, and blanch their Characters.

*Justice-hall* in the *Old-Baili* was the Place appointed for the Trial; and the Lord Chief Baron (a) *Bridgman* officiated as the President or Mouth of the Court; in which Capacity he gave the Jury to understand (b), *That no Authority, no single Person, or Community of Men, nor the People, collectively or repre-*

(z) Which, says *Ludlow*, had been delayed, during the Time Mr. *Laue* was to continue Sheriff, he being no way to be indic'd, either for Fear or Hopes, to permit Juries to be pack'd, in order to second the Designs of the Court. Vol. III. P. 59.

(a) Nineteen of whom had made their Escape, seven had been admitted to Mercy, and twenty-nine were retried against the Day of Wrath, viz. *Waller, Harison, Carew, Cook, Peters, Scott, Clowet, Scrop, Jans, Hucker, Astell, Housingham, Martin, Millington, Tichborn, Ray, Lilburn, Harrop, Prunnington, Smith, Downs, Potter, Garland, Fleetwood, Myn, J. Temple, P. Temple, Hewlet and Waite.*

(b) Namely, Sir *Thomas Allen*, Lord-Mayor of *London*, Lord-Counsellor *Hyls*, the Earl of *Southampton*, the Duke of *Somerset*, the Duke of *Albemarle*, the Marquis of *Ormond*, the Earl of *Lindsay*, the Earl of *Manchester*, the Earl of *Derby*, the Earl of *Burghide*, the Earl of *Sandwich*, the Lord *Say and Seal*, the Lord *Robert*, the Lord *Finch* (who had fled from parliamentary Justice, twenty Years before) Mr. *Desail Holles*, Sir *Frederic Cornwallis*, Sir *Charles Berkeley*, Mr. Secretary *Nicholas*, Mr. Secretary *Morris*, Sir *Anthony Aspley Cooper*, Mr. *Arthur Annesley*, Sir *Or-*

*lando Bridgman*, Lord Chief Baron, Mr. Justice *Foster*, Mr. Justice *Mallett*, Mr. Justice *Hyde*, Mr. Baron *Abing*, Mr. Justice *Toucester*, Mr. Justice *Lyttel*, Mr. Baron *Turner*, Sir *Bartholomew Grimston*, Sir *William Wild*, Recorder of *London*, Mr. Sergeant *Brown*, Mr. Sergeant *Hale*, and Mr. *John Hoar*. The Prosecutors in Behalf of the King, were Sir *Jeffery Palmer*, Attorney-General, Sir *Henry Finch*, Solicitor-General, Sir *Edward Turner*, Attorney to the Duke of *York*, Sergeant *Kelley*, Mr. *Wadham Windham*, and Mr. *Edward Shelton* Clerk of the Crown.

(y) Two, viz. the Earl of *Manchester* and the Lord *Vilcount Say and Seal*, had been excepted by name out of a general Pardon, published in a Proclamation of the late King.

(z) Such as Mr. *Maister*, Colonel *Harris*, Colonel *Tanhouse*, Mr. *John Rayworth*, Mr. *William Lenthall*, Mr. *Anthony Milmay*, &c.

(a) He was made Lord Chief Justice of the *Common-Pleas*, soon after this Affair was over.

(b) The Sum of his Charge ran thus: "I must deliver for plain and true Law. That no Authority, no single Person, no Community of Persons, nor the People

A. D. 1666. *representatively, had any coercive Power over the King of England: And this (c) Maxim being admitted, it follow'd, that the High Court of Justice had no legal Foundation; and consequently every Member thereof was, in the Eye of the Law, a Felon, Traytor, Murderer, &c.*

When such a Doctrine had been thus establish'd, it was easy to foresee, that the Trial of these Men was but a Matter of Form; and that a Jury was call'd in only to give a Sanction to the Decision of the Court: Accordingly, every Plea of every Prisoner was overru'd; they were deny'd the Benefit of Counsel; and the Jurors, as they were directed, brought in every Verdict, *Guiltily!*

It hath been the common Practice to treat these Men as the worst of Villains; and it is not my Business to undertake their Apology: Most certain it is, that the *Junto*, under which they acted, were Tyrants and Usurpers, who, by a Series of Frauds, Perjuries, and Violences, enslav'd their Fellow-Citizens, and ruin'd the Constitution. On the other hand, that the Government had undergone a Dissolution, may be easily prov'd;

that they receiv'd their Authority from the then supreme Power cannot be disput'd; that from Principle, they acted a *Roman*, if not an *English* Part, is manifest, both from what they had dar'd to do, and the undaunted Manner in which they suffer'd. But had they been the most contemptible, as well as the most notorious of Malefactors, they were entitl'd to the full Benefit of the Laws: The King's Commissioners, by putting their own Power to the Stretch, should not have countenanced the Iniquity of those they condemn'd; nor should any one Feature of Malice or Revenge ever deform the Face of Justice.

Major General *Harrison* was insulted upon his Trial, with the Sight of the Executioner, who was purposely plac'd beside him, in an ugly Dress, with a Halter in his Hand. [Ladlow.]

Mr. *John Carew*, having receiv'd Permission to speak in his own Defence, was interrupted in his very first Sentence, and could never afterwards obtain a Hearing.

In Aggravation of the Guilt of Colonel *Adrian Scrope*, one *Brown*, the Lord Mayor-Elect, and some time a Major General against the King, was induc'd to betray a private

People collectively or representatively, have any coercive Power over the King of England; and I do not speak mine own Sense, but the Words of the Laws unto you."

"It was the Treason of the *Speenars* in King *Edward* the Second's Time, in *Calvein's* Case, in the 7th Report. The *Speenars* had an *Opinion*, that by Homage and Allegiance was due to the King by reason of the Crown, as they call'd it; and thereupon (by the Books and Records) they drew out this execrable Inference, among others, That if the King did not demean himself according to Right, because he could not be reformed by Law, he might *per Aljerie*, that is, by his Imparliament."

"But this was adjudg'd horrid Treason by two Acts of Parliament. Let me tell you what our Law Books say for there is the Ground, out of which, and the Statutes together, we must draw all our Conclusions for Matter of Government. How do they stile the King? They call him the Liegeant of God, and many other such like Expressions. In the Book of 1 Hen. VII. says that Book there, The King is immediately from God, and hath no Superior. The Statute says, That the Crown of England is immediately subject to God, and to no other Power. The King, say our Books, He is not only *Caput Populi*, the Head of the People, but *Caput Reipublice*, the Head of the Commonwealth, the three Estates: And truly thus our Statutes speak very fully. Common Experience tells you, when we speak of the King, and so the Statutes of *Edward* the Third, we call the King, Our Sovereign Lord the King: Sovereign, that is, Supreme. And when the Lords and Commons in Parliament apply themselves to the King, they say this Expression, Your Lords and Commons, Your Faithful Subjects, *Humily* We do not speak any Words of my own, but the Words of the Law. In the Statute 24 Hen. VIII. c. 21. 'tis thus express'd, *Wherby* by divers, *falsely*, and *untrue* Histories and *Chronicles*, it is manifestly declared, That this Realm of England is an *Empire*, and is *hitherto* been accepted in the World, *govern'd* by our *supreme* Lord and King, *bearing* the *Dignity* and *regal* Estate of the *Imperial* Crown. 25 Hen. VIII. c. 21. there it is, the People speaking of themselves, That they do recognize no Superior under God but only the King's Grace. Gentlemen, you see if the King be immediately under God, he derives his Authority from nobody else; if the King have an imperial Power, if the King be Head of the Commonwealth, Head of the Body Politic; if the Body Politic owe him Obedience, truly I think it is an unchristian Conference, He shall needs be supreme over them. The Imperial Crown, it is a Word that is figurative; you shall find in all Statutes, 1 *Edm.* and 1 *Jacob.* say even in the Act of judicial Proceeding of this Parliament, it is call'd an Imperial Crown. They that take the Oaths of Allegiance and Supremacy, they swear, That they will to their Power, assist and defend all Jurisdictions, Privileges, Preeminences, and Authorities granted or belonging to the King, his Heirs and Successors, or annexed to the Imperial Crown of this Realm. What is an Imperial Crown? That, which, as to the coercive Part, is subject to no Man under God; it is not subject to any human Tribunal or Judicature whatsoever."

"Gentlemen, since this is so, consider the Oath of Supremacy, which most Men have taken, or should take. All Men that enter into the Parliament House, *swear* expressly enjoin'd by Statute to take the Oath of Supremacy."

"What says the Oath? We swear, That the King is the only supreme Governour within this Realm and Dominion. He is Supreme, and the only Supreme; and truly if he be Supreme, there is neither Major nor Superior."

"I declare this to you, to let you know, that the King is immediately subject to God, and so is not punishable by any Person. He is the Supreme Head, he is not punishable by any coercive Power; the Laws provide for that; The King can do no Wrong; it is a Rule of Law, it is in our Law-Books very frequent, as *Ed. IV.* Lord Coke and many others. He can do Wrong, he cannot be punished for any Wrong. The King hath the Infirmities and Weakness of a Man, but he cannot do any Injury, at least not considerable in Person; he must do it by Ministers, Agents, and Instruments. Now the Law, though it provide for the King, yet if any of his Ministers do Wrong, though by his Command, they are punishable. He is not touch'd, *Touch me mine Assistant*."

"(c) Not to carry any Readers too far back into Antiquity, we have upon Record a Message from the Parliament to *Richard II.* in which is the following remarkable Passage:

*Habent enim ex antiquo statuto, & de facto non longe retroactis temporibus experienter quod delictum est habere, si res, ex maliguo consilio quocunque, vel incepta contumacia, aut contemptu, seu proterva, violante singulari, aut quovis modo irregulari, se alienaverit a populo suo, nec valuerit per juria regni & statuta ac laudabiles Ordinationes cum salubri consilio dominarum & praeorum regum gubernari & regulari, sed capite in sui infanti consilio propriam voluntatem suam singulariter proterva exercere, extra licitum est, cum communi assensu & consensu populi regni ipsam regem de regalibus abrogare, & precipuosorem aliquem de stirpe regia legitime in regni sui substatuere.*

"They had in an ancient Statute, and it has been done in fact, not long ago, That if the King, through any evil Counsel, or foolish Contumacy, or out of Scorn, or some singular petulant Will of his own, or by any other irregular Means, shall alienate himself from his People, and shall refuse to be govern'd and guided by the Laws of the Realm, and the Statutes and laudable Ordinances thereof, together with the wholesome Advice of the Lords and great Men of his Realm, but persisting headstrong in his own barren brain'd Councils, shall pertinently prosecute his own singular Humour, That then it shall be lawful for them, with the common Assent and Consent of the People of the Realm, to depose that same King from his regal Throne, and to raise up some other of the royal Blood in his Room."

H. Kington, Coll. 268A.

"(d) Who had not only surrender'd himself upon the Proclamation, but received such Favour from the House of Commons, that upon his Petition, an Order had been made, that, upon Payment of a Year's Value of his Estate, he should not be excepted in the general Act of Pardon. He had likewise been discharge'd from his Commitment.



A. D. 1660.

(e) a private Conversation, in which *Brown* having acerb'd the ruinous Condition of the Nation to the Murder of the King, *Scrope* reply'd, That Men had different Opinions touching that Matter; but, tho' requir'd by the said *Brown*, refused to give any farther Explanation.

Mr. T. Scot.

Mr. *Thomas Scot* was charg'd by (f) *Leathball*, the Speaker to the late obnoxious Parliament, and others, with having said in the House, (g) That he desir'd the following Inscription might be engrav'd upon his Monument; *Here lies THOMAS SCOT, who adjudg'd the late King to dye.*

Call John Jones, and Mr. Gregory Clement:

Colonel *John Jones*, and Mr. *Gregory Clement*, either seeking how mainly their Colleagues had endeavour'd to defend themselves, or in Hope of Mercy, confess'd the Fact.

Their Examinations.

Tho' all of the King's Judges who were try'd were (h) call'd, none but these Six were executed; *Harrison* led the Way; *Charing-Cross* was the Scene; and his Sentence was so barbarously executed, says *Ludlow*, that he was cut down alive, and saw his Bowels thrown into the Fire. Neither he, nor (i) any of the rest, shew'd the least Remorse or Concern; but, on the contrary, glory'd in the Cause they dy'd for, and even seem'd to rejoice, that they had been call'd to seal it with their Blood.

I shall close the first Scene of this State-  
Tragedy with a remarkable Minute, given by

*Ludlow*, relating to Sir *John Bourchier* (one of the Nineteen that had surrender'd themselves in Obedience to the Proclamation) who, being old and infirm, was permitted to lodge at the House of one of his Daughters; where falling dangerously ill, his nearest Relations, who despair'd of his Recovery, and who thought an Acknowledgment of his Guilt would procure Favour to them, earnestly press'd him to give them that Satisfaction, with which he was highly displeas'd, that he rose suddenly from his Chair, which, for some Days before, he had not been able to do without Assistance, and, receiving fresh Vigour from the Memory of that Action, said, *I tell you, it was a just Act; God, and all good Men, will own it.* And having thus express'd himself, he sat down again, and, soon after, quietly ended his Life.

A. D. 1660.

We are now to attend the Victims of a Second Clasp, which were to be offer'd to the Manes of the Royal Martyr; viz. Such as were active in bringing him to his End, tho' scarce to be number'd among his immediate Murderers; which only, as his Majesty had assur'd the House of Lords, he desir'd might be excepted out of the Act of Indemnity: And these were, one Lawyer, one Divine, and two Officers of the Army.

Trial of Coke, Peters, and Hacker.

The Lawyer was *Coke*, the Solicitor to the High Court of Justice, and afterwards Chief Justice of Ireland, who, tho' neither

Witnes,

(e) It was owing to this Treachery of *Brown's* that he was executed out of the Act, notwithstanding the former Order.

(f) When the late King enter'd the House of Commons and a Demand of the five obnoxious Members, of whom *Daniel Hall*, one of the Commissioners, was one. *Leathball* had then the Spirit to answer, That he had neither Eyes to see nor Mouth to speak, except what the House gave. *Whitlock*, *Ludlow*, &c. &c.

(g) Mr. *Scot* said in his Defence, that whatever had been spoken in the House, ought not to be given in Evidence against him, not falling under the Cognizance of any inferior Court, as all Men knew: That for what he had done in relation to the King, he had the Authority of the Parliament for his Justification: That the Court had no right to declare whether that Authority were a Parliament or not; and being demanded to produce one Instance to show that the House of Commons was ever possess'd of such an Authority, he assur'd them he could produce many. But having begun with the *Barons* Times, he was interrupted by the Court, and told that the Things of those Ages were obscure, finding he might not be permitted to proceed in that way, he took the Liberty to tell them, That he could not rest for what Reason it was not as lawful for that House of Commons, in which he had sat as a Member, to make Laws, as for the present Convention, which had been call'd by the Authority of the Keepers of the Liberties of England. I had the Authority of Parliament, the Legislative Authority to justify me. — Here the Court interrupted him; but having no Reason to give, *Faulx* said, in a Passion, Sir, if you speak to this Purpose again, I protest for my own Part I dare not hear any more: 'Tis a Doctrine so poisonous and blasphemous, that if you proceed upon this Point, I shall (and I hope my Lords will be of the same Opinion) desire that the Jury may be immediately directed. Mr. *Scot* replied, My Lord, I thought you would rather have been my Council, as I think 'tis the Duty of your Place. But in this Matter I am not alone, neither is it my single Opinion: Even the seceded Members owned us to be a Parliament, else why did they, supported by an armed Force, intrude themselves contrary to the Resolutions of the House, in order to procure the Major Vote for our Dissolution? To which Mr. *Austley* answer'd, That if the seceded Members had not appeared in Parliament, and by that Means put an End to all Proceedings, the People had not so soon arriv'd at their Happiness. These, with many other Things of equal Force being said by Mr. *Scot* in his Defence, rather to justify himself to his Country, than from any Hopes of Consideration from those with whom he had to do; the Jury as directed, found him guilty also. *Ludlow*, vol. iii. p. 67, 68.

(h) *Henry Morris*, in his Plea, urg'd, That what he did, he thought at that Time he might do. There was,

said he, a House of Commons, as I understood it to be, tho' perhaps your Lordships think them not to have been a House of Commons: However, they were then the supreme Authority in England, and acknowledged and reputed to be both at Home and Abroad; I suppose he gives Obedience to the Authority de facto in being, sufficiently shews himself to be of a peaceable Temper, and far from a Traytor: There was a Statute made in the time of *Henry VII.* to indemnify all those who should take Arms for a King de facto, tho' he were not to de jure; And if a supreme Officer de facto can justify a War, I presume the supreme Authority in England, tho' de facto only, may justify a Court of Judicature. If it should be said, That the Authority by which we acted was only one Estate of three, and not Part of that; I answer, It was all that was then existing: And I have heard Lawyers say, That if there be Commons apparent to a Tenement, and that the Tenement be all burnt down except one small Stick, the Commons still belong to that small Piece as much as when the Tenement was all standing. I shall also humbly offer it to Consideration, whether the late King for some time before his Trial, could truly and properly be called a King, who was not in the Execution of his Office, but made a Prisoner, and no way concern'd in the Administration of Public Affairs. *Ludlow*, vol. iii. p. 92, 93.

(i) According to the first Edition of a very loyal, but virtuous Book, call'd *Rehels or Saints*, Mr. *Clement* express'd a great Deal of Surrows and Penitence; and says he was justly suffer'd both from God and Man; and that his Judge had done nothing but according to Law; and Colonel *Jones* express'd very much Sorrow of the Horror of the Fact. But according to the Second, Colonel *Jones*, having heard a Report, that he had acknowledged himself guilty of Murder in the King's Death, took care to deny this Confession, saying, *It is no Use, really, that I acknowledge myself guilty of Murder; I had no Job doing in my Heart.* And Mr. *Clement* express'd his Trypable to some Friends, for yielding to fit to the Imparity of his Relations, as to plead guilty to the Indifference. Note, This last Account agrees with *Ludlow's*. See he had surrender'd himself within the Time limited by the Proclamation. And tho' he was that assur'd, yet he was not unwilling to confirm what he had done, with the Testimony of his Blood, which he fill'd with the greatest Demonstrations of Christianlike and Sacrificable of Mind. — He attempted several times to speak to the People at the Place of Execution, in Justification of that Cause for which he was to dye; but those who feared nothing so much as Truth, interrupted him so often, that he found himself oblig'd to say, *This surely it must be a very bad Cause which cannot suffer the Words of a Dying Man.* *Ludlow*, vol. iii. p. 78, 79.

A. D. 1666.  
State Trials.  
Ladlow.

Witness, Jury, Judge, nor Executioner, but acting in his Vocation, under an Order from the only Power then in the Nation, was found guilty.

As was likewise the Divine, *Hugh Peters*, whose Crimes were, his Intimacy with *Cromwell*, his preaching against the King, his calling upon the Soldiers to demand Justice, and his declaring, *That the Levites, Lords, and Laws, must be taken away, in order to establish a Commonwealth; that the King was a Tyrant; and that the Office itself was chargeable, unjust, and dangerous.*

The two Officers were, Colonel *Daniel Astell*, and Colonel *Francis Hacker*.

The Charge against (*J*) *Astell* was, That he commanded the Guards, both at the Trial and Execution of the King, that he had order'd the Soldiers to cry out *Justice!* and, afterwards, *Execution!* &c. His Defence argued him a Man of Sense as well as Spirit: He pleaded the Command of his Superiors on pain of Death; the Duty of a Soldier; the Example of the Earls of *Essex* and *Mancaster*, the Lord *Fairfax*, and *Monk* himself; and the (*R*) Authority of a Parliament, call'd by the King's Writ, chosen by the People, obey'd at home, acknowledg'd abroad, and by Bill render'd indissoluble, except by their own Consent. But all in vain: Loyalty was too mighty, if not for Justice, at least for Humanity, and Subjects destroy'd Subjects, that the Throne might be guarded with Terrors as well as Laws.

In the Reply of the King's Council to *Astell's* Defence, it is observable, that they ground the Proof of their Charge on those savage Outrages of his, of calling upon the Soldiers for *Justice* and *Execution*: But in (*H*) *Hacker's* Case, no such peculiar Malignancy appear'd; he only obey'd the Warrant

for seeing the King executed; and his Defence, accordingly, turn'd on the Obedience due by martial Law to his Superiors, which, as in the former Case, was over-ru'd.

(*m*) *Coke* and *Peters* were, by Order, appointed to dye on the same Day; and Two Circumstances, attending their Execution, ought never to be forgot: The ghastly Head of Major General *Harrison* was plac'd on *Coke's* Sledge, with the Face directed towards him, in order to shock and dismay him; tho' it serv'd only to excite the just Abhorrence and Repentment of the Spectators. And, at the Instance of one Colonel *Turner*, the Sheriff's Men oblig'd *Peters* to be an Eye-witness of *Coke's* Execution; which being over, the Hangman came to him, and, rubbing his bloody Hands together, ask'd him, *How he lik'd that Work?* To which *Peters* reply'd, *I am not terrify'd. Do your worst.* And, being on the Ladder, he said to the Sheriff, "Sir, you have butcher'd one of the Servants of God before my Eyes, and have forc'd me to see it, in order to terrify and discourage me: But God has permitted it, for my Support and Encouragement."

I shall close the Account of these shocking Inhumanities, with observing, that tho' *William Hewitt*, who was indicted for being the King's Executioner, offer'd to prove by Forty Witnesses, that another Person perform'd that odious Office, and several Persons actually depos'd, ~~that~~ they had heard the common Hangman confess, it was he who had cut off the King's Head; nay, tho' no one Evidence for the King could produce any single Fact in Support of the Indictment, the Jury had either the Weakness or Impudence to bring him in (*n*) guilty.

The

(*l*) The principal Evidence against him was one *Hercules Harbo*, one of the forty Halberdiers, attending the Court of Justice, and one of the three to whom the Warrant for the Execution was directed, who had oppos'd with more than ordinary Violence all those who were for the King. *Ibid.* vol. iii.

(*k*) He cited the Declaration of the Lords and Commons, published when they engag'd the People to take Arms, in which they asserted, That it was repugnant to Reason, that the Judgment and Action of the Parliament might not be a Rule and Guide to the Nation in their Duty; and declared that the Persons who should act under their Authority ought not to be question'd for so doing: He therefore presumed that an inferior Court would not expound the Law contrary to the Judgment of the High Court of Parliament; adding, That if the House of Commons, who are the Representatives of the whole Nation, may be guilty of Treason, it will follow that all the People of *England*, who chose them, are guilty also, and then wishes us *Jury* be bound to say this Cause; by Commission, in dated the 27th of *March*, 1649, ten Months before the King's Death. The Commission by which General *Fairfax* was authorized to give mine to me, he received from the Lords and Commons assembled in Parliament. I did nothing but my Duty in going to my Regiment: For if the General says, go to such a Place and stay there, if I refuse, by the Law of Arms I am to dye; but if I obey, it seems I am in Danger also. The Question therefore in Law, I humbly conceive, will be this, and I desire it may be truly and fully stated, *whether a Man, who is call'd by the Judgment of the Lords and Commons assembled in Parliament, acting only according to that Judgment of Parliament, and under their Authority, can be question'd for Treason?* *Ibid.* p. 84, 85.

(*l*) *Hacker* had continued in the Command of his Regiment till he was taken a Prisoner, having had Abstracts from *Milk*, that he should be fully indemnify'd. So that when he came to *London*, he made a Visit to *Wolfe*, and was received with all the Appearances of Friendship and Affection. But the next Day after he had been thus treated,

he was seized, examined, and sent to the Tower. *Ibid.* p. 89.

(*m*) At the Place of Execution, among other things, he declar'd, that he had used the utmost of his Endeavours that the Practice of the Law might be requir'd; and that the public Justice might be administered with as much Expedition and as little Expence as possible; and that he had suffer'd a more than ordinary Persecution from those of his own Profession on that account. He said he understood not the Meaning of the Court, when they affirm'd, that if the Lords and Commons had brought the King to the Bar, it had been Treason in them; and as to the Part he had done, the Action with which he was charg'd, he was so far from repenting of what he had done, that he was most ready to seal it with his Blood: Here the Sheriff rudely interrupting him, he reply'd, that it had not been the Custom in the most barbarous Nations, much less in *England*, to insult over a dying Man; adding, that he thought he was the first who had ever suffer'd Death for demanding Justice. *Ibid.* vol. iii. page 75, 76.

He carried himself at his Execution, as well as at his Trial, much better than could be expected from one that had suffer'd such a Part in that horrid Arrangement of our late Sovereigns. For he express'd exceeding much Penitence, and heartily pray'd for his Majesty that now is: And taking notice of *Hugh Peters*, that was executed next after him, with'd he might be repriev'd, because, at present, as he conceiv'd, he was not prepar'd to dye. Reprieve no Saints, p. 85.

It is commonly said, that *Peters* was drunk: And Bishop *Burns* writes of him as follows:

"It was remarkable that *Peters*, a sort of an ecclesiastical, ill-favour'd Preacher, tho' a very vicious Man, who had been of great Use to *Cromwell*, and had been outrageous in profaning the King's Death with the Cruelty and Rudeness of an Iniquitous, was the Man of them all that was the most frank in his Spirit, and could not in any way bear his Strictures. He had nothing the Honestly to repent of, nor the Penitence of Mind so far as for it as all the rest of them did. He was observed all the while to be drinking some cordial Liquors, to keep him from fainting." P. 162.

(*n*) He was afterwards pardon'd.

A. D. 1666.

Horrid Circumstances attending the Deaths of *Coke* and *Peters*.

Ladlow.

A. D. 1688.

Parliament  
met again  
Nov. 6.

As soon as the Trials and Executions of these unhappy Men were over, the Parliament reassembled; and on the first Day of their Meeting, the House of Commons, *nomine contradicente*, passed a Vote of Humble and hearty Acknowledgment and Thanks to the King, for his late *gracious Declaration*, which was presented to the King by the (e) whole House; and introduc'd by the Speaker with the following Harangue; which, beside Compliments, contains a material Fact, that none of our Reverend Historians have thought proper to make mention of:

*Most Gracious and Royal Sovereign,*

Speaker's  
Speech.

"If I had the Command of as many Tongues, as your Majesty hath of Hearts, I could not express the great Joy and Thankfulness of your Commons now assembled in Parliament, for your continual and indefatigable Labour and Pains in repairing and making up our sad Breaches; and composing our unhappy Differences; and in particular, for your late most gracious Declaration concerning ecclesiastical Affairs, wherein your Majesty hath provided wholesome Food for all clean Stomachs, strong Meat for such as are able to bear it, allowing them the Use of our Church Liberty, together with comely Vestments, Ornaments, and Ceremonies in the Service and Worship of God; as likewise Milk for tender Babes, dispensing with their Conformity in such Matters and Things, as are not so much of the Substance and Essence of Faith and Religion, as of Decency and Becomingness; which giveth abundant Satisfaction to all peaceable, sober-minded Men, and such as are truly religious: For those that are really and truly so, will find themselves bound ever in Confidence to the Observation and Practice of that excellent Lesson taught us by the *Apostle*, which is, *Sapere ad temperantiam, & Sparum ornare, with a Vultu & facie simplici*. As for those that have foul Stomachs, or rather foul Hearts, and will be pleas'd with nothing, unless they may have a licentious Liberty, *Libertatem perditionis, a Liberty Legem ponere Oculis, minime cogitantis quod sunt Pedes*: Men of turbulent Spirits, and Disturbers of the Peace and Civil Government of your Nation, your Declaration takes no Care of them; for they will indeed better deserve your Majesty's Penance and Punishment, than your Piety and Indulgence.

"*Royal Sir*, The End of this humble Address at this time is, to assure your Majesty, that your gracious Declaration doth give general Satisfaction; and I am commanded by your Commons now assembled in Parliament, to present your Majesty with as general Thanks, in which they were all unanimous, *nomine contradicente*: And, in Pursuance of your Majesty's Di-

rections therein, they have ordered a Bill to be drawn for \* THAT PURPOSE, which, after it hath passed the Scrutiny of both your Houses of Parliament, they will then humbly beg your Favour and Leave, to tender it unto your Majesty for your Royal Assent.

"*Sir*, That gracious and pious Disposition, which God hath put into your Royal Heart, of doing your People good, is the greatest temporal Blessing we are capable of here in this World. We must confess your Majesty hath not only *Jacob's* Voice, but you have likewise *Jacob's* Hands: You have spoken kindly unto the People, and you have handled them gently; and therefore we must for ever make it our humble Requests, in our daily Prayers, unto his Throne of Grace, to bestow upon your Majesty *Jacob's* Blessing, *De rore caeli variisque pinguedine terra*; that you may have for your Portion of the Dew of Heaven and of the Fattness of the Earth. *Serviant tibi populi, & incurvant se tibi nationes, honorum cultibentes*; let your People serve you, and let the Nations of the Earth bow down before you: Those that curse you, let them be curst, and they that bless you, let them be blessed!"

But, while the two Houses were giving, and the King receiving, these Thanks and Compliments, for his mild and gracious Proceedings (p), and even for two Months before, the Justices of the Peace, within their several Divisions, had been intrusted to give out Orders for restoring the Use and public Reading of the Liturgy of the Church of England, according to the Laws in being (q); which they did not fail to obey, to the great Disturbance of many, who, from the King's Declaration, had Reason to expect milder Usage.

Moreover, when the very Bill, (for making the King's Majesty's Declaration concerning ecclesiastical Affairs effectual) which his Majesty binds himself to pass, in the said Declaration, and which the Speaker assures his Majesty the House had already order'd, agreeable to his Majesty's Directions, had been read once, and a Motion was made for its being read a Second time, one of the Secretaries of State, it was presump'd by Command, oppos'd it; upon which a Negative ensu'd, and it was heard of no more.

The natural Tendency of these things, says *Ludlow*, was so visible, that *Mr. Pryn*, who had manifested a more than ordinary Zeal for disbanding the Army, finding his Expectations defeated, and the Presbyterian Party so miserably deluded, after he had made Report of the Number of Regiments that had been disbanded, desired the House, that they would be mindful not to do these things that might bring them together again. Upon which, the adverse Party fell upon him with that Fury, that if the House had not risen immediately

A. D. 1660.  
\* Vid. Duct.  
ation.Fav. Secm.  
as Mr. Baxter,  
by Dr. Bates.

Echard,

(a) And two Days after, the Lords follow'd this Example. The Presbyterian Ministers likewise whisped up to the King, with an Address of Thanks for his gracious Concessions in the said Declaration: To which, his Majesty was NUMB. III.

plac'd to answer, *Gravissimo, I will endeavour to give you all Satisfaction, and to make you as happy as myself.*  
(p) *Knox's* Register, p. 218.  
(q) *Ibid.* p. 174.  
H

A. D. 1660.

diately in great Disorder; he had been obliged to explain himself at the Bar.

But however easily Engagements to the People are broke thro', those to the King meet with a more religious Observance: Thus the Commons, before their Adjournment, having promis'd to augment his Majesty's (r) Revenue to (s) Twelve hundred thousand Pounds per annum, they now address'd themselves to make that Promise good.

One Half of the Excise given to the King for Life.

Accordingly, to the (t) Tonnage and Poundage, which they had already granted for Life, they made the magnificent Addition of one Half of the Produce of the Excise; as an Instance of Gratitude (for so runs the Preamble of the Bill) and an humble Acknowledgment of his Majesty's great Grace and Favour to them, his Commons, beyond Example of any of his Royal Progenitors, express'd in many public Acts and Declarations, to the great Rejoicing and general Satisfaction of all his People.

Lord's Journal.

It is true, when this Affair was first propos'd, it appear'd to the Majority as an unprecedented Instance of Prodigality (u) and therefore had a Negative put upon it; which was so ill relish'd at Court, that, the next Day, they were given to understand, by a Message from the King to the Lords, that his Majesty intended to dissolve them in a Month. The Face of the House was, upon this, immediately alter'd; every Man's principal Concern was now, to secure his Election; and this, as the Pulse of the People then beat, they knew could be no otherwise effected, than by falling in with the Views of the Court. Accordingly, the Excise was again brought upon the Carpet; and that which had been rejected as Poison before, was now swallow'd as wholesome Food.

Having thus acknowledg'd their Fears, and how much they were to be govern'd by them, the Court resolv'd to pursue the Blow, and insist upon the whole Excise.

During their former Sitting, the House had come to a wise and laudable Resolution, to take away the Court of Wards, and to give the King (w) 100,000 l. per ann. by way of Recompence for it; which they agreed to levy upon the Land, by an equal Rate upon every County: Accordingly they appointed

a Committee to form the said (x) Rate, which was completed and enter'd in the Journals by Order.

A. D. 1660.

But tho' 100,000 per Ann. had been held an Equivalent then, different Notions prevail'd now; in Consequence of which (y) the other Half of the Excise was demanded in Lieu of it; and the House being still under the same Influence as before, were prevail'd upon to act with the same Complaisance. If therefore, as the Apologists for this Reign, endeavour to shew, the King was no great Gainer by this Bargain, he certainly was by the procuring the last Confederation, instead of the first; for the Excise was then known to be capable of vast (z) Improvements, which it gradually received; and, at the same time, it enlarged the Power and Influence of the Crown as much, one way, as the parting with the Court of Wards had reduc'd them, another.

And the other Half, in Exchange for the Court of Wards.

We are indeed (a) assur'd, that when the first Moiety of the Excise was under Consideration, it was declared to be the Sense of the House, that 60000 l. per Ann. out of it, should be allotted to the support of the Garrison and Fortifications of Dunkirk, which is not extremely improbable, because they prepared and sent up a Bill to the (b) Lords, for the annexing that important Place to the Crown of England for ever; and it is scarce to be supposed, that in this Spirit, Tide of Loyalty, they would encounter the King with such a Trust, without making some Provision for the Discharge of it; more especially as, in the first Clause of the Act for granting the other Moiety in exchange for the Wards and Liveries, Provision is actually made for the Payment of 3450 l. which had been disburs'd, in virtue of an Order of the House, dated November 26, 1660, for the use of that Port.

60,000 l. per annum to be given out of it, for the Support of Dunkirk.

Bill to annex that Part to the Crown.

But whatever was intended in the Grant, it is certain nothing of this kind is express'd in the Bill: And in Consequence of such Omissions, which are never made but in Flattery to the Court, those in Power have always pleaded the Letter of the Law in Excuse for their breaking thro' the imply'd Obligation.

Great, substantial, and extensive as these Concessions

(r) That of the late King, as it appear'd upon Enquiry, amounted *comparative* *Acies*, but to 407,819 l. whereof 210,493 l. arose partly by illegal Exactions, and partly by Taxes, which were now expir'd. And Mr. Archdeacon Eard is so ingenious as to own, that the House came to this Resolution of augmenting the King's Revenue, from a just Consideration, *That the Misfortune of the late King, and the consequent Misfortunes, were originally owing to his want of Money.*

(s) Note, This was to defray the Expence of a Sea-Guard, and to answer all the other Charges of Government.  
(t) To render this Bill more effectual, they put it another to prevent Frauds and Concoctions in the Customs and Subsidies, by which the Customhouse-Officers were authoriz'd to search suspected Houses; but then the Search was to be made by the *Boys*, with the Assistance of the Sheriff, Justice of Peace, or Constable; and if upon false Information, the injur'd Party to recover full Costs and Damages, by Action of Treason.

(u) *Plain English*, by Mr. Hampden. *Vide State Truths*, Temp. Guil. III.

(w) The Parliament had offer'd the same Sum to the late King on the same Condition, when he was at the Ill of White. And we are told by Mr. C., in his late Controversy with the *Bye-Bander*, they would have given 200,000 l. rather than have broke off on that Article.

(x) This Rate is to be found in Dr. *Downam's Essay upon Wages and Mould*, p. 70.

(y) It ought to be acknowledged, That when the House came first to a Resolution to advance the Revenue to 1,200,000 l. per ann. they address'd his Majesty, *not to grant us more out of his Treasures, till they had settled his Revenue*, &c.

(z) Mr. C. allows, that from *Michaelmas* 1668 to *Michaelmas* 1688, the nett Produce of the Excise was 268,072 l. 15 s. 7 d. That from 1685 to 1688, it was 307,986 l. 4 s. 3 d. and from 1668 to 1693, 322,307 l. 3 s. 3 d. (and this is the Truth). During all which Time it was in Farm, but that the Farmers, as often as any public Calamity afforded them a Pretext, came to the King for Defalcations. *Parliamentary Proceedings*, p. 112.

(a) Yet the Parliament, in the Hereditary Excise, allow'd him 60000 l. per Ann. for the Support of it: I do not find this mentioned in the Body of the Act, yet several Members assur'd me, it was so intended in passing the said *Coxe's Dictum*, vol. ii. p. 106.

(b) Among whom it was Lord. The Lord Chancellor, in his Speech, at the opening of the next Parliament, acknowledg'd that Bill had the most universal Consent and Approbation from the whole Nation, that ever any Bill could be assented with.

A. D. 1656. Concessions to the Demands of the Court were, they did not operate immediately: The Poll Bill had not answered to pay off all the Levies, both by Sea and Land, and the Parliament having taken the Affair into their own Hands, it was incumbent on them to make good the Deficiency.

Accordingly, one Bill was brought in and pass'd, for the levying of the Arrears of the twelve Months Assessment, commencing June 24, 1659, and the six Months Assesment, commencing December 25, 1659; another for granting (c) 420000 l. by an Assesment of 70000 l. per Month, for six Months, for disbanding the Remainder of the Army, and paying off the Navy; and a third for the speedy raising of 70000 l. for the present Supply of his Majesty.

They likewise threw in (d) a Bill of Attainder, in which the ten Persons already executed, are not only said to have most deservedly inflicted the Pains of Death, but (e) Cromwell, Ireton, Bradshaw, and Pride, tho' in their Graves, were attaind, and the Estate, Goods, Chattels and Debts of them, and many others, were declar'd forfeit to his (f) Majesty.

We must, however, take notice of their national as well as loyal Proceedings. They

established the Post-house; they prohibited the planting and sowing of Tobacco in England or Ireland; they made certain wholesome Regulations in the Trade of Bay-making at Calcester. In the Act for establishing the Wine-Licence-Office, they provided against the Adulteration of Wines, and ascertain'd the (g) retail Prices thereof, which were, nevertheless, liable to be raised or lowered by the Lord Chancellor, Lord Treasurer, Lord President, &c. They prohibited the Exportation of Wool, Woolfells, Fullers Earth, or any kind of scowering Earth. They laid a Restraint on the taking of excessive Uriury, and they had the Honour to frame the great Act for the encouraging and increasing of Shipping and Navigation.

But neither their Merits, nor their Services, could defend them from a Dissolution. The Sentence was gone forth, and a Week's Reprieve was the utmost Favour they could obtain. According to the King's Message, their last Day was to have been the 20th of December; but, for the sake of winding up their Bottom, they were endur'd till the 29th; when the Speaker introduc'd the Bills, which were ready for the Royal Assent, with an (h) Harangue, in many Places, so overflowing with Flattery, that even in these courtly Times,

Other Many Bills.

Registers attained.

Commercial Bills.

A. D. 1656.

Speaker's Speech.

(1) They had before pass'd a Bill for the raising 140,000 l. for the complete disbanding of the Army, and paying part of the Navy.

(2) In which there is the following remarkable Passage:

"We therefore your Majesty's said dutiful and loyal Subjects, the Lords and Commons in Parliament assembled, do hereby renounce, disown, and protest against that Impious Fact, the execrable Murder, and separation of Treason committed against the sacred Person and Life of our said late Sovereign, your Majesty's most Royal Father, and all Proceedings tending thereunto, and do beseech your most Excellent Majesty, that it may be declared, and be it hereby declared, that by the unobscured and fundamental Laws of this Kingdom, neither in the Person of this Realm, nor the Commons, nor both together, in Parliament or out of Parliament, nor the People collectively or representatively, nor any other Person whatsoever, ever had, have, or ought to have, any coercive Power over the Persons of the Kings of this Realm."

(3) And by the joint Order of both Houses, their Bodies were drawn upon Handles to Tyburn, where they were first hang'd, and then bury'd under the Gallows.

(4) Who below'd those of the most value on the Duke of York.

(5) Which, as a matter of some Curiosity, are inserted as follows:

Canary, Alicante, and other sweet Wines, 1 s. 6 d. }  
French Wines of any sort, 8 d. } per Quart.  
Rhenish, 1 s. }

(6) It runs thus:

"Most Gracious Dread Sovereigns,

"The Knights, Citizens, and Burgesses now assembled in Parliament, being the representative Body of your Commons of England, are as Conduits Pipes or Quills to convey the Streams of your People's dutiful Affections and humble Desires into your Royal Presence; and that being done, they need no other Speaker but yourself, for they know your Will, and they have had Experience of your Will."

"And yet, Royal Sir, though they have no Cause to complain, they cannot but take Notice of your Partiality; for when any thing in Point of Right, or but Consequence, hath fallen out to be, as we said to say, a meddling Call, a disputable Case between yourself and your People, without any Regard or Respect had unto your own Right, or the Advantage that might accrue to yourself by asserting the same, if the Good of your People hath come in Competition with it, you have call'd it against yourself, and given it on your People's Side."

"Royal Sir, thus to undo yourself to do your People Good, is not to do as you would be done unto; and what can we do less, than by way of a grateful Remission, cheerfully to pay your Majesty the just Tribute of our du-

tiful Obedience unto all your royal Commands, and upon all Occasions readily to service &c. &c. All that we have or can, Lives and Fortunes, in the Service of an Inalienable Sovereign."

"But, Royal Sir, it becomes not me to fill your Majesty's Ears with Air; *Loquax, ut se videtur*, is the only Phrenetic People ought to use to such a King of Kindness, and a Prince so full of good Works; and therefore, as I am commanded, I must humbly assure your Majesty, that the many healing Expedients proposed by yourself in your several most gracious Declarations, have been the Subject Matter upon which your Commons have wrought all this Parliament: And in the first Place, they took into Consideration, the great and growing Charges which then lay upon your People, for the Support of your Army and Navy; and they consider'd it necessary, to begin with that Part thereof next at Hand, wherein your People would receive the most Ease, and the greatest Security and Satisfaction, which was the Disbanding your Majesty's Army by Land, and the paying off five and twenty of your Ships then in the Harbour, and of no use: And this led them to the Consideration of such Ways and Means, as were to be used to raise Money for that Purpose: And that for Poll-Money being propos'd and pass'd, some were of Opinion, that that alone would have perform'd the Work: Others having had Experience of a former Bill of the same Nature, and upon the like Occasion, fearing it might not answer Expectation; and being not willing to be deceiv'd the second time, especially in such a Business as this, wherein a Minute was like to prove to penal, mov'd for a further Supply, which after some Debate was agreed upon, of two Months Assesment at 70,000 Pounds a Month, and both have not yet fully done the Work for which they were design'd, but with the Help of two other Bills here in my Hand; the one entitl'd, *An Act for the levying of the Arrears of the twelve Months Assesment, commencing the four*

*and twentieth of June, 1659, and for raising the four* commencing the five and twentieth of December, 1659.

"And the other entitl'd, *An Act for the further raising and explaining certain Deficits in an Act for the speedy Provision of Money for disbanding and paying off the Forces of this Kingdom both by Land and Sea.* They hope this Account will be fully cleared off at last."

"Sir, your Commons have likewise taken into their Consideration, the Change of your Summer Fines, which besides that Part thereof your Majesty is pleas'd to take upon yourself, for your ordinary Guard of the Seas, will amount unto a very great Sum. And as it is a great Debt, so also it is a growing Debt; in a few Months it doubles. There is a Saying, *Qui cito dat, cito dat; I am sure it is most true in this Case, Qui cito solvit, cito solvit; to pay this Debt readily, is the way to pay it but once; and to take time to pay it, is the sure way to pay it twice.*"

"And

"And

"And

"And

"And

A. D. 1666.

Times, it cannot be read without Loathing. The King, on the other hand, in his Speech of Thanks, had these and the like Expressions:

King's Speech.

"You have outdone all the good and obliging Acts of your Predecessors towards (1) the Crown; and therefore you cannot but believe my Heart is exceedingly enlarg'd with the Acknowledgment.

"Many former Parliaments have had particular Denominations from what they have done; they have been styled *Learned* and *Unlearned*, and sometimes have had worse Epithets; I pray let us all resolve, that this be for ever called, *The Healing* and *the Blessed Parliaments*. . . .  
"I shall not more propose any one Rule to

"And therefore your Commons, laying aside the sad Thoughts of their long Sufferings, and those miserable Devolutions and Perjuries they have laid under for many Years last past, and looking upon the Necessity of Affairs, which call importunately, and must be answered effectually, have passed another Bill here in my Hand, entitled, *An Act for the Main's Allowance at 70,000 l. per Month*, to begin the first of January, and to be paid in the one Moiety thereof before the first of February, and the other Moiety, being the remaining Part, by the first of April next ensuing, which is to be apply'd wholly to the paying of the Arrears of your Majesty's Navy and Army.

"I have three other Bills in my Hand, which have Relation to your Majesty's Revenue, and are Branches thereof; the one entitled, *An Act for the better Ordering the Selling of Wines by Retail, and for preventing Abuse in the Buying, Carrying, and Retailing of Wines, and for fixing and limiting the Prices of the same*. And this Bill is tendered unto your Majesty, for preventing all Invasive Disputes touching the Legality thereof. For we know it is your Majesty's Desire, that nothing might be done, by any of your Officers or Ministers that shall under you, *Sine Regis Jussu, & contra Regis Legem*.

"Another is entitled, *An Act for settling and establishing a Right of Sale, as likewise legally settled, and to be of very great Use to all your Majesty's People, and especially your Merchants, for holding Intelligence with their Correspondents, Factors, and Agents in foreign Parts; Likewise Just Judges Adami; and without the same and speedy Dispatch and Conveyance of their Letters, they will never be able to give time their Business, nor carry on their Trades to an equal Advantage with the Merchants of other Countries*. The other Bill provides for the increasing of your Majesty's ordinary and constant Revenue, by the Grant of an Impoll to be taken upon Ale, Beer, and other Beveridges therein particularly mentioned and expressed; to hold to your Majesty for Life, which God long continue: And as it is the Desire of your Commons, that your Majesty might never be necessitated to resort to any extraordinary or extraordinary Ways and Means, for the raising of Money upon your People; so likewise they acknowledged it to be their Duty, to impart and uphold, to the utmost of their Powers, the Honour and Grandeur of your Majesty's Royal State and Dignity. And for a further Evidence of your Commons' dutiful Affection to your Majesty's most dear and royal Person, they have passed another Bill, for the raising of 70,000 l. for your Majesty's further Supply; all which Bills I am commanded humbly to present your Majesty withal, and to pray your gracious Acceptance thereof, and your Royal Assent thereunto.

"There are other Bills likewise of public Concernment which have passed both Houses, and do now attend upon your Majesty, waiting for your Royal Assent. The one is intitled, *An Act for the Attainder of several Persons guilty of the late Murder of his late father Majesty, your Royal Father, of ever blessed Memory*. There is another Bill, intitled, *An Act for Confirmation of Letters and Grants from Colleges and Hospitals*. This will tend much to the quieting of many Mens Estates, that in the late unhappy Times were enforced to renew, and change their Estates much for the worse, were it not for the Favour your Majesty intends them in this Bill.

"There is another Bill to prohibit the Exportation of Wool, Wool-Fells, Fallers's Wark, or any other following Wares. Woolen Manufactures, beside the Duties they pay your Majesty for your Customs here at home, have great Impressions laid upon them in foreign Parts where they are vented: In the Low-Countries 16 or 17 per Cent, and in Portugal 20 per Cent, at the least. But those who for their own private, base, fishy Lucre sake, having no Regard or Respect unto the public Good, that shall over the Materials of which those Manufactures are made, pay not one Penny either here or there, and by that Means Strangers do make these Manufactures of our Wool upon such easy Terms, that they can afford, and do undersell your Merchants, which is the Cause of a double Loss: First to your Majesty in your Customs, and in the rest due to your People, who are thereby distressed and discouraged, and in a short Time, if not prevented, will be surely beaten out of that ancient native staple Trade, upon which many thousands of

Families do wholly depend for all their Livelhood and Subsistence.

"There is another Bill, intitled, *An Act for prohibiting the Pleating, Selling or Sending of Tobacco in England and Ireland*. This Clause is to hold that in never comes to any Maturity or Perfection: For we find by Experience, though it is never to well healed, made up with the greatest Art and Skill that possible can be, yet it is impossible, after it is made up into the Roll, to keep it and preserve it from putrifying above three or four Months at the most; and therefore Physicians, even those that love it best, and use it most, conclude generally, that it is unwholesome for Men's Bodies: Besides many other great Damages and Inconveniences will follow upon it, if it should be permitted. The Abatement of your Majesty's Custom, the Destruction of your Plantations abroad, the diminishing of Navigation, and to consequently the Decay of Shipping, which are the Walls and Bulwarks of your Majesty's Kingdom.

"There is another Bill, intitled, *An Act for the bettering away the Court of Wards and Liveries, together with Tenants in Capite, Knights-Service, Tenants and Parsonages*. This Bill, *ex re nata*, may properly be called a Bill of Exchange: For, as Care is therein taken for the Ease of your People, so the Supply of that Part of your Majesty's Revenue, which formerly came into your Treasury by means of Tenants, and for your People, is to be likewise fully provided for by the Grant of a new Impollition to be taken upon Ale, Beer, and other Liquors, to hold to your Majesty, your Heirs and Successors for ever: And yet they should not look upon the Considerations mentioned in this Bill, as a full Compensation and Recompence for your Majesty's parting with so much Royal Prerogatives, and ancient Privileges of your Crown, if more were not imply'd in that is expell'd. For, Royal Sir, your Tenures in Capite are not only turned into a Tenure in Socage, (tho' that alone will for ever give your Majesty a just Right and Title to the Labour of our Ploughs, and the Sweat of our Brows) but they are likewise turned into a Tenure in Copyhold. What your Majesty had before in your Court of Wards, you will be forc'd to find it hereafter in the Exchequer of your People's Hearts. The King of Spain's Mines will sooner deceive him, than this Revenue will fail you: For his Mines have Bottoms, but the deeper your Majesty sinks yourself into the Hearts and Affection of your People, the greater you will find your Wealth to be, and the more invincible your Strength.

"Royal Sir, We have nothing more to offer or to ask; but most conclude all our Work this Parliament, with an humble and thankful Acknowledgment of God's infinite Goodness and Mercy in referring your Majesty to your Royal and Imperial Crown, Throne, and Dignity: And for making you the Restorer of that which is dearer unto us than our Lives, our Religion; in which, thro' God's Blessing and gracious Assistance, we are restored to live and die: As likewise, for referring us to our Magna Charta Libertatis, having taken the Charge and Care of them into your own Heart, which is our greatest Security, and more than a thousand Confederations.

"Royal Sir, you have denied us nothing we have desired this Parliament; indeed you have outdone your Parliament, by doing much more for us, than we could agree among ourselves to ask; and therefore that must needs be a happy Parliament: This is making Parliament, with an ending, peace-making Parliament, a blessed Parliament, a Parliament, *propter excellentiam*, that may truly be called *Parliamentum Parthenonum*: No Man can say, that hath made the most curious Search into Books or Records, that there ever was such a Parliament as this; and 'tis our unpardonable Joy and Comfort, that no Man can say, so long as your Majesty lives, but we may have such another: So you have for your Royal Heart spent it to do your People good. And as we have nothing more to say, so we have nothing more to do, but that which will be a doing as long as we have a Being; the pouring out our Souls unto Almighty God for your Majesty's long, long, long, and most happy, blessed, glorious and prosperous Reign over us."

(1) And yet they were not offer'd to sit above Eight Months upon the whole. The Chancellor indeed, notwithstanding the Message concerning their speedy Dissolution, before treated of, signifies in his Speech, that they were dissolved agreeable to their own *Wishes and Desires*.

A. D. 1666. "to myself, in my Actions add my Counsels, than this, *What is a Parliament like to think of this Action or this Counsel?* And it shall be Want of Understanding in me, if it will not bear the Test." - - -

He then spoke of the good Effects of the Act of Oblivion, of which he said, "I will not only observe it religiously and inviolably myself, but also exact the Observation of it from others: And if ever any Person shall have the Boldness to attempt to persuade me to the contrary, he will find such an Acceptation from me, as he would have, who should persuade me to burn *Magna Charta*, cancel all the old Laws, and to erect a new Government after my own Invention and Appetite."

We have already had a Proof, that it was the Custom of these Times, for the King to give the Text, and the Chancellor the Comment: It is therefore necessary to make use of both; for the said Pieces are fram'd to put the best Glois on the Outside of Government, that it will bear, they generally betray the Defects within.

Lord Chancellor's Speech.

His Lordship having touch'd on the complete Harmony, which had subsisted between the King and his Parliament, he took occasion to recantulate the great Things his Majesty had done for his People, more especially in composing the unhappy Differences in Matters of Religion; in which, as he assures us, *Constantine* himself had hardly spent more Time: But then, he hinted, these Contentions of his had not reap'd their full Harvest: That some Men, by their Writings and Preachings, rashly and unconscientiously kept open the old Breaches, and maintain'd what had been done amiss: And therefore he hop'd, that all *pious and practicable* Men would be well contented to see them reduc'd by Law, to the Obedience they owe to Law. - - Having then weigh'd in a Compliment to the City of London, by calling it his Majesty's beloved City, his Lordship proceeded to the following remarkable Particulars:

"This Discourse puts me in mind to say to you, that though the King wonders much more at the many great Things you have done, than that you have left any thing undone, yet he could have wish'd, and would have been glad, that your other weighty Affairs had given you Time to have publish'd your Opinion and Advice in the Business of the Militia; that the People, after so many Disputes upon that Argument, might have discern'd, that the King and his two Houses of Parliament are as much of the same Mind in that as in all other things, as no doubt they are. But since that could not be done, you may all assure yourselves, that the King will proceed therein with all imaginable Care and Circumspection, for the Ease, and Quiet, and Security of his People: And as he did before the last Recess, by the unanimous Advice of his Privy Council, issue out his Commissions of Lieutenancy for the setting the Militia in the several Counties, to prevent any Disorders which many apprehended might arise upon the Disbanding

the Army; so he will now again recom-mend it to them, not keep themselves in such a Posture, as may disappoint any serious Designs, which are now on foot; and there cannot be too much Circumspection and Vigilance to frustrate those Designs: You have heard of many suspected and dangerous Persons; which have been lately clapp'd up; and it was high Time to look about: His Majesty hath spent many Hours himself in the Examination of this Business; and some of the principal Officers, who before they came to his Majesty's Presence, could not be brought to acknowledge any thing, after the King himself had spoken to them, confessed, that their Spirits were insensibly prevail'd upon, and subdu'd; and that it was not in their Power to conceal their Guilt from him. They have confessed, that there is a Party of the late disbanded Officers and Soldiers, and others, full of Discontent, and seditious Purposes, and a Resolution to attempt the Change of the present Government, and to erect the Republic. They acknowledge, that they did purpose to have made their Attempt for the Rescue of those Wretches, [*Kenner, &c.*] who were so justly condemn'd at *Newgate*, and so worthily execut'd; and that *Ludlow* should then have appear'd in the Head of them; that they made themselves sure, at the same time, by Parties and Confederacy to have surpris'd the Tower of London, and the Castle of Windsor, but that they found, or at least apprehended, that their Design was discover'd; which so brast their Spirits, that they concluded they must acquiesce for the present, and stay till the Army should be disbanded, which they said was generally debauch'd, that is, returned to an honest and just Obedience to the King; and that it was evident they were betray'd by those who were most entirely trust'd by them: And they were in the right: The King had Notice of all their Design, what Progress it made, and the Night they intended to surprize the Tower and Windsor, and gave Notice to the several Governors; and so, without any Noise, that Mischief was by God's Goodness prevented. They acknowledge, that they have since recover'd their Courage and Resolution, and were about this time to make their full Attempt: They have been promis'd some considerable Rising in the West under *Ludlow*, and in the North under others; but this Place was the Scene of greatest Hope: They made sure of a Body here, *I think they say*, of two thousand five hundred Men, with which they resolv'd, in the first place, to secure *[you know what that Security is]* the Person of the General, the Duke of *Albemarle*, with whom they have so much Reason to be angry, and at the same time to possess themselves of *Whitehall*; you know the Method used in such Possessing, *KILL, and take Possessions*; and this inopportable Calamity God hath again diverted from us; though I must tell you, the *free Men*, who

A. D. 1666.

A. D. 1660.

“ seem to speak *honestly*, and upon the Impulsion of *Conscience*, are very far from being confident, that there will not be some desperate Insurrections and Attempts in several Parts of the Kingdom within a *short time*, which all possible Care will be taken to prevent.”

Here follow'd another Compliment to the very good City of London, after which his Lordship added,

“ The King doth not believe, that all these Persons who at present are apprehended, and in *Custody*, will be found guilty of this Treason: It is a vulgar and known Artifice, to corrupt inferior Persons, by persuading them, that better Men are engaged in the same Enterprize, and the King will make as much Haite as he can to set those at Liberty, against whom the Evidence or *Suspicion* is not too reasonable: In the mean time, they who are in truth innocent must confest, that the Proceeding towards them hath been very natural, and full of Clemency; and no Man will wonder, if his Majesty be very desirous, that in this Conjunction, and in order to prevent or suppress these too visible Distempers and Machinations, his *Militia*, in all *Places*, be in good Order and Preparation.”

Again afterwards,  
“ And you Gentlemen of the House of Commons, you are now returning to your Country, laden with a Trust not inferior, or less weighty, than that you brought with you from thence; you came up their Deputies to the King, and he returns you now his Deputies to them, his Plenipotentiaries, to inform and assure them, that he thinks himself the *happiest* and the *greatest* Prince of the World, not from the Situation of his Dominions, and the Power of his *great Navy*, with which he can visit his Neighbours, and keep them from visiting him, or from the *noble Revenue* you have settled upon him, which he will improve with all good Husbandry, but from being possessed of the Hearts and Affections of such Subjects; that he doth so entirely love them, and depend upon them, that all his Actions, and all his Counsels, shall tend to no other End, but to make them happy and prosperous; that he thinks his *Honour* and his *Interest* principally to consist, in providing for, and advancing, the *Honour* and *Interest* of the Nation. That you may have the more Credit in what you say, he will not take it unkindly, if you publish his *Defects* and *Infirmities*. You may tell them, that he is so confident in the *Multitude* of his very good and *faithful* Subjects, that he is very hard to be persuaded, that

“ his *few* ill and unfaithful Subjects can do him much Harm; that he so much depends upon the Affection of honest Men, and their Zeal for his Security, that he is not so solicitous and vigilant for his own Safety as he ought to be, amidst *so many Combinations*, of which he is so well inform'd, that his Servants, who wish Orief and Anguish importune him not to take so little Care of his own Safety, can obtain no other Answer from him, that what *Cæsar* heretofore gave to his jealous Friends, *Mori se mille quam timere, or timere*; he will die any Death, rather than live in Fear of his own Subjects, or that they should live in Fear of him. You may tell them, as a *great Infirmity*, that a troubled and discontented Countenance so afflicts him, that he would remove it from them at his *own Charge*, as if he himself were in Fault; and when he hath been inform'd of any *less kind*, or *jealous Thing* said among you, as your Windows are never so close shut, but that the Sound of your Words goes to the several Corners of the Town, his Majesty hath been heard to say no more, but, *What have I done? I wish that Gentleman and I were acquainted; that he knew me better*. Oh, Gentlemen, you cannot be yourselves, nor you cannot make your Friends, too zealous or too jealous for such a Prince's Safety, or so solicitous for such a Prince's Satisfaction and Content, to whom we may very justly say, as the King of Tyre writ to *Solomon*, *Because God hath loved his People, he hath made thee King over them*: Even his *Defects* and *Infirmities* are very necessary towards the full Measure of our Prosperity.”

Of the many Combinations among so few ill and unfaithful Subjects, mention'd by his Lordship, we shall have Occasion to speak more at large hereafter. But first it is proper to take our Leave of this wonder-working Parliament, which was now dissolv'd, the Breath of the King dispersing, what the *Keepers of the Liberties of England* had gather'd together; for which the Chancellor has already favour'd us with one Reason; Their omitting to settle the *Militia* to the King's Mind: And we shall soon be furnish'd with another: The Restoring the Bishops to their Seats in Parliament. Neither of these favourite Points seems to have been palatable to them: They had perhaps also offended, by leaving the King under a (k) Necessity to have Recourse to Parliaments, for the Removal of present and future Difficulties; and, by their Officiousness with regard to *Dunkirk*: It was not likely that they would soon be reconcil'd to the Sale of a Port, which they had taken such Precautions to keep. On all

Remarks on the Convention-Parliament.

(2) The Public hath been lately amus'd with a Controversy on this Subject, between Mr. C—— and the Author of a Piece call'd the *Eye-Standers*. One of which Gentlemen accuses the Parliament of being *sub-liberal*, and the other of having the King, *robbed and incens'd* in every Part of his Government: But both have in some Degree, either deceiv'd themselves, or would deceive their Readers. It was not thus the Fashion to impoverish the People, in order to gratify the Court; their Supplies were given in

*Aid*; they did not undertake to saddle the People with the *subtle Load* of Government: And whatever other Powers the Convention-Parliament suffer'd the King to exercise, they, in the main, took care to continue that of the Purse in their own. But on the contrary, if they did not gorge the King, they gave him far greater Supplies, than any of our Kings had ever receiv'd before; such as with a little Oeconomy, would have put him above Want, or Difficulties; and it was never their Design to put him above Dependence.



A. D. 1660.

all Accounts, therefore, it was necessary they should give place to Men of more fashionable Principles. Upon the Whole, it has been their peculiar Fate to be obnoxious to the *Royalists*, for not having given into all the Measures of the Court; and to the *Republicans*, for having made too free with the Truff, which they receiv'd from the People.

Their Leaders.

Those who seem to have had the greatest Affecancy among them, were, *Haller*, *Abby-Coper*, and *Amesley*, who were *Presbyterians*, and, under *Munk*, had been the principal Agents in bringing about the *Restoration*; for which they were all rewarded with Places and Honours, to the no small Discontent of the *Cavalier Party*, and the Envy of their own.

A Spirit of Frenzy first discover'd at Court.

It is worth remarking in this Place, that a Spirit of Venality had very soon discover'd itself at Court: Even at *Brida*, not only the House of Commons, and City of *London*, made their Peace with large Offerings of Money, but private Delinquents had Recourc to the same Method of purchasing Pardon. We have already mention'd the Sum, which was there bid by the *Papists* for a *Toleration*: And when the *Presbyterians*, and other *Dis-*

fenters, found Reason to conclude, that the

(1) Commission, issued by the King, for the adjusting of those Sales, and other Alienations of the Crown and Bishops Lands, which had been made during his Exile, would not operate in their Favour, they, likewise, indirectly, attempted to compromise the Affair, by an Offer of Five hundred thousand Pounds, for an Act of Parliament to confirm them in their several Grants and Purchases, for the Term of Ninety-nine Years. But what is still more material, Mr. *Alexander Popham*, to oblige the King, as it is delicately phras'd by Mr. *Echard*, undertook, by proper Management of the House of Commons, to procure an Act for settling on him and his Successors above Two Millions a Year by way of Subsidy; which, together with his late Acquisitions of the Excise, would have enabled him to have shook off the Restraint of Parliaments in the Beginning, as he actually did towards the latter End of his Reign.

A. D. 1660.

P. 304.

Keen. Reg.

Project to make the King absolute.

P. Orleans.

And to this lumping Proposal, as we are told by the same Authority, not only the King, to whom it was most agreeable, but the Lord Treasurer (*m*) *Soubhampton*, lent an Ear: And we are farther assur'd, it was owing

(1) The like Method (that is to say, *Shew of Malversation*) was observ'd by those sheep who had purchased the Church-Lands, and who promised themselves full Satisfaction, according to the Message from *Breda*: Commissioners being appointed to that End. But after they had sat once or twice, and heard their Invections against the late Sales, as *scandalous*, the Purchasers finding them for the most part to be of the same Opinion, were quite discouraged from any further Prosecution of the Matter. *Ladlow*, vol. iii. p. 58.

Some of the most remarkable Particulars in this Commission, were as follow:

" And albeit by the Vote of our Commons, as by the Order of the Parliament assembled, we have been directed to the immediate Possession of our Lands, and might in Justice, as well as divers of our Subjects, have entered and claim the Profits thereof, from the four and twentieth Day of *June* last yet that it may appear how really we intend to perform all our gracious Promises and Professions made to the Officers and Soldiers of our Army, who did correspond or join with our said General, or Sir *George Ruth*, in their Design towards our happy *Restoration*, and to such other of our Subjects, as have been induced to purchase and to possess any of our said Lands, or the Use of the Joynure of our dear *Monarch*, our Queen, or any of the Lords and Possessors of any Arch-bishop, Bishop, Dean and Chapter, Prebend, or other ecclesiastical Person: We were graciously pleas'd to accept the humble Petition of the said Officers and Soldiers, presented unto us in *July* last, and to commend the same to the Commissioners of our Treasury, as we have since done to our High Treasurer of *England*, who have authorized our Surveyor-General to receive such Particulars of our Lands purchased and claimed by the said Officers and Soldiers, in their own Ours, and not in trust for others, as they should tender under their Hands, and thereupon to keep them in the quiet Possession of the same without Account (which hath been daily observ'd) until we should be inform'd of the true States of their several Interests, and should thereupon declare our further Pleasies touching their said Part. And we were also graciously pleas'd to accept of another Petition, presented unto us in the names of all the Purchasers of our Lands, together with certain *Proposals* touching the same, which by Advice of our Privy Council, we did refer to the Consideration of our Chief Baron, and other the Barons of our Court of Exchequer, and our Surveyor-General, who by taking the same into their serious Consideration, did represent unto us, and our said Council, the various Natures of the said Purchasers, and that it will require much Time and Industry to examine and consider the Particular Interests of the several Purchasers, before it will be possible to make any Report upon their said Petition and *Proposals*. It for our Judgment thereon. Whereupon we were pleas'd, and did command, that our said Surveyor-General should allow unto them all their Arrears of Rents due before

" the four and twentieth Day of *June* last to their own Use without Account, and the *Mortgages* Rent also since due, upon such Security as he should think reasonable to be answerable for the same, which hath been accordingly perform'd by him as we commanded, and we do hereby ratify and confirm the same. Now to the End that we may leave nothing undone, which Honour and Justice may require at our Hands, for the establishment of the just Rights and Interests of all Persons, and quiet their Minds, and reconcile their Affections, which the Injury of the late times of Change, and absolute, arbitrary Power, had corrupted and alienated from us, and divided amongst themselves: we have thought fit to issue this our Commission."

Here follows a List of the Names of the Commissioners: after which they are directed to summon the Purchasers before them, to enquire into the true, honest, and Conditions of all Grants, Sales, &c. what Writs and Damages had been made in Falls of Wood; which had relinquish'd, or offer'd to relinquish, &c. After which it proceeds thus:

" And thereupon you are to proceed and compose all Differences arising between the said Archbishops, Bishops, Deans and Chapters, Prebends and other Ecclesiastical Persons, and the said Purchasers or pretended Owners, and thereupon to make Orders and Agreements betwixt them in Writing under your Hands and Seals, and in such manner as you in your Discretion shall find just and reasonable with their Consents. And in case of Refusal or Disagreement on either Part, then you are, forthwith, to certify the same unto us, and our Council: whereupon you shall receive such further Order therein as shall be meet; and you are then also to propose unto the said Officers and Soldiers, and other Purchasers of our own Lands, such Satisfaction for and in respect of their several pretended Interests in the same, as upon Consideration of their several Interests, you shall think fit to advise in that behalf, and therefore you shall certify us with all convenient Speed.

(2) *Philip's* Account of this Affair is worth the Reader's Attention. While the King's Revenue, says he, was settling in Parliament, a remarkable Accident happen'd. Some Persons, whether over-conscientious Loyallists, or servile *Buzarians*, had laid a Project to settle, by Parliament, such a Revenue on the King, during Life, as should make it needless for him to depend upon a Parliament for more. The King and all the unthinking or ill-designing Courtiers came into it; and even the good Earl of *Soubhampton*, out of perfect Affection to the King, join'd in the Project. But Chancellor *Hild* oppos'd it, which produc'd a Conference between himself and the Earl. The Chancellor being earnest to bring the Earl to his Opinion, told him, that his long and intimate Acquaintance with the King, made him better acquainted with his Temper, than the Earl could be; that he knew the King to well, that, if such a Revenue were once settled, they were would become *useless*, and few Sessions of Parliament were

A. A. 1660.

ing solely to the (n) Chancellor's Weight and Authority, that it was not embrac'd, who diverted his Majesty from it, by assuring him, that his best Revenue would be the Hearts of his People; and thereby laid the Foundation of his own Ruin.

The King was now fix'd in his Throne; the Army was disbanded; the Parliament was dissolved; his Revenue was settled; his Enemies were under his Feet; the Church was on the point of being restor'd; the Storms and Tempests, which had so long beat upon the Court, seem'd to have spent their Fury, and scarce one threatening Cloud remain'd, to fully the Sky, or overcast the Landkip.

And here it is that our Reverend and Right Reverend Historians pause, to wonder how so fair a Morning could be follow'd with so foul a Day, and so black an Evening; and make no Scruple to ascribe the Change to the ill Humours of the People; in order to disculpate the King and his Ministers.

All Humours, it must be confess'd, there still remain'd among the People's. It cannot be suppos'd, that the Spirit which had attempted and performed such great Things, in order to raise up a Republic on the Ruins of Monarchy, was wholly subdued; that the Presbyterian Faction, which had such Claims upon the Court, would submit, without murmuring, to the Dominion of their Episcopal Brethren; that the Hatred, which all the other *Secularies*, not without Reason, bore to the Presbyterians, together with their own different and opposite *Qualities*, would not increase the general Ferment of the Nation; that the *Papists* would not lie in wait, to make use of every Incident to their own particular Advantage; and that the Disobliged and Discontented of all Sorts, would not scatter their Seeds on all Sides, which propagate Confusion.

These ill Humours, however, would soon have evaporated, if the King had establish'd his Throne in Righteousness, if he had govern'd with the Scepter of Mercy, instead of the Rod of Power; and had approv'd

himself the common Father of all his People.

But Princes chuse rather to break than bend; and the Maxim generally predominant in their Councils is, to disable the People from resenting Injuries, instead of endeavouring to attach them by the Ties of Gratitude and Affection.

Beside, as the present King, as well as his Father, had suffer'd much by the Overpoize of Power, which had been thrown into the Scale of the People; it was perhaps but natural for him to think, in the first place, of taking out all that Weight, and adding it to his own: But then it was as natural, likewise, for a People, who had discover'd to warm a Sense of Liberty, and gone such Lengths to preserve it, to keep a strict and jealous Eye on their new Monarch, and to be strongly alarm'd at any sudden and manifest Designs to precipitate them into Slavery.

And that some Designs were on foot, which could not fail of giving Umbrage to a great Part of the Nation, the Evidence already before us, has render'd undeniable.

The Instructions before spoken of, which had been given to the Judges, to put the Laws in Force for the Re-establishment of the (e) *Liturgy*, had shaken the Credit of the King's Declarations, and render'd his Promises in the First, and his Concessions in the Last, ineffectual; the said Judges overruling all Pleas drawn from either of them, and openly insisting, that the King's (p) Declaration was no Error.

But tho' the King's Authority was not allow'd to operate in Mitigation of the Law, by way of Indulgence to certain Classes of his Protestant Subjects; it was blindly submitted to, when exerted in the Case of the *Militia*, which he undertook to regulate by virtue of his own Prerogative, in Contempt of the Power and Privilege of that very Parliament, to which he stood indebted for his Crown.

The Prerogative was yet farther let loose against the Liberty of the Subject: So early

The happy Situation of the King's Affairs.

All Humours remaining among the People.

A. A. 1660.

Causes thereof.

Laws put in Force for restoring the Liturgy.

Kenn. Reg. P. 374.

The King refuses the Power of the Militia by his own Authority.

Chancellor's Speech.

Council Books. 25

to be expected afterwards. This brought over that heavy and unwhol'd Patriot.

Bishop *Barnet* likewise tells us, that this great Lord, *Southampton*, when better acquainted with the King's Designs and Intentions, reproach'd his Friend *Gloucester* with having been the Cause of all that the Nation then suffer'd or fear'd, by his having given such advantageous Impediments of the King, in his Letters, as induc'd the Parliament to admit him without Terms.

(4) Either clearly foreseeing the fatal Consequences which must attend so pernicious a Project, or jealous that, in such a Case, the General would be of more Consequence than the Chancellor.

(5) If any say, that the Ministers of England are bound by the Laws of England to use the Common Prayer-Book, beside that it is a great Question, how far the Laws of a Nation can oblige the Conscience in Matters of divine Worship.—We make it a great Question, whether the Common-Prayer-Book be established by Law or no; and believe the contrary: That the Common-Prayer-Book 5 and 6 *Edw. VI.* with some Alterations made 1 *Edw. viii.* was established we know; but what that Book was, or where it is, we cannot tell: It is apparent, that the Books ordinarily walking up and down are not to be establish'd.

We conclude, that we judge our Brethren very uneven in their censuring of us for *Disobedience to Laws*, in this Case of the Common Prayer, when they do the same thing themselves, for which they charge us, singing *Antiphons* and *Songs*, &c. and using *Rites* and *Books of Prayer* in *Cathedrals* expressly contrary to the Statute of 1 *Edw. viii.* 2. and whilst the present Vice-Chancellor of *Cambridge*, without any

Laws of England, or Statute of the University, or Canon, or any other Colour of Law, and expressly contrary to his Majesty's Declaration, and contrary to all Conscience and Reason, could dispense with his Conscience, in usurping an arbitrary Power, to the open Prejudice of so many of his Majesty's Subjects, in their Children, in their first Communion, from commencing; because, at twenty-four Hours Warning, they could not read in their Conferences to subscribe to the *Laws* of the Common Prayer, and the Book of *Constitutions*, and to the thirty-nine articles, which none can with a good Conscience subscribe, but he who hath diligently read over the Books of *Common Prayer*, and both the Books of *Homilies*, and is well studied in the Points of *Conscience*, and in the Controversy of *Church Government*; yea, and indeed in the whole Body of *Divinity*; which none can profess of Boys of sixteen or seventeen Years of Age: Nay, how many *Bachelors* and *Dollers* in *Divinity* never read them? Yet all these must the *Qualifications* subscribe, and be forced to do so, by the arbitrary Power of the Vice-Chancellor, expressly contrary to his Majesty's Declaration. What Authority he hath since procur'd for the Future, and by what Acts we know only here we are forc'd when he did thing he had no such. *Interrogatory Words in Process*: A Presbyterian Piece, quoted by *Br. Kennet*, in *his Register*.

(6) Nay, to little regard was given to those infamous Promises, that even *Mr. Baxter*, who had been offer'd and had refus'd a *Bishopric*, thought himself under a Necessity to solicit the *Bishop of London's* Licence to preach, that, if possible, he might escape Persecution. *Life of Baxter*, fol. P. 111, 102.

A. D. 1666.

The Persecution made use of to restrain the Quakers. Kenn. Rep. p. 312.

as July 18, an Order of Council was made for setting forth a Proclamation against the licentious (q) Liberty of printing and exposing factious, seditious, and libellous Papers to Sale: A Sort of Inquiritors were appointed to suppress such Papers, and to secure the Publish-

ers, Printers, and Authors; who did not fail to answer the Ends of their Commission.

To be a (r) Quaker, or Anabaptist, was to be liable to all the Rage of Persecution: And how fierce a Fire a Coal from the Altar will kindle, the pathetic tho' uncouth (s) Addresses

A. D. 1666.

Quakers and Anabaptists persecuted.

(q) Mr. Zouch's writing to prove the Obligation of the solemn national Vow and Covenant (not as binding any Man to Rebellion, or to any Thing unlawful, but in his Place and Calling to endeavour Reformation, to be against Schism, Popery, Prelacy, and Profaneness, and defend the King) he was sent Prisoner to the Tower; where when he had lain long at great Charge, he sought to get an Habeas Corpus; but his Life being threatened he was glad to let that Motion fall, and at last to petition for his Liberty, which he obtained. But going into his own Country of Cheshire, he was imprisoned there; and when he procured his Liberty he was fain to let to a Gross's Shop to get a Maintenance for his Family. *Life of Baxter*, Part II. p. 283.

Upon this Passage, *Leigh's*, in a Tract of his call'd *Interrog. Mystical*, is pleas'd to observe, That only Severity can work upon this Faction. The single Imprisonment of *Croftone* hath quieted that Party more than all the multiplied and transcendent Mercies of his Majesty.

(r) And yet the King, soon after his Arrival in England, had given this Answer to one *Richard Holberton*, who had writted upon him in the Name, and on the Behalf of the Quakers. "Well, of this you may be assured, that you shall not be any longer your self, but your Opinions, or Religion, so long as you live peacefully; and you have the Word of a King for it: And I also have given forth a Declaration to the same Purpose, that none shall wrong or abuse you." *George Fox's Journal*, p. 557.

(s) An Address from the Quakers, insert'd, For the King and his Council, These.

"Ourselves CHARLES I.  
" Our Innocence should have liv'd for ever in the  
" Poss of God, and by your Council: We beseech thee and thy  
" Council to read these following Lines, and in tender  
" Bowels and Compassion to our Sins, and for your Good.  
" And this consider: we are above four hundred impris-  
" oned in and about this City, of Men and Women from  
" their Families, in those Holes and Prisons; besides in the  
" Country Goals above ten hundred. And this we desire;  
" that our Meetings may not be broken up, but that all  
" may come to a fair Trial, that our Innocency may be  
" cleared. — Oh, that you should make no more Dis-  
" tinction, and should have no more Consideration! For  
" it is Sin and Wickedness, and Fitchiness that we have al-  
" ways declared against, that brings People to Riots and  
" Plots, and tumultuous Meetings: Therefore, oh, that the  
" Innocent should be number'd amongst such, ever we who  
" seek the Peace of all People, and the Good of all Men.  
" And the Lord God Almighty judge for us, berisist us  
" and them that we are number'd amongst, and plead our  
" Cause, &c."

From Friends of Truth and Innocency,  
London, 16th Day  
11th Month 1666. G. F. and J. S.

The second humble Address of those who are call'd Anabaptists in the County of Lincoln, presented to his Majesty, Charles the Second, King of England, Scotland, &c.

" May it please your Majesty  
" Once more to permit your distressed (yet faithful) Sub-  
" jects to spread their Innocency and Sorrow of Heart be-  
" fore you: If items it must needs be, that Offences do or  
" shall come, but the Wise is deservedly their Portion only  
" by whom the Offence cometh. — When we read your  
" Letters from *Arden*, and the Revival thereof in your De-  
" claration for Ecclesiastical Affairs, and your private Pro-  
" mises to us, when by your Clergency permitted to be pre-  
" sent with yourself, O King; when we remember these  
" Things we are ready to say (not, why was the King's  
" Proclamation so hasty? but) why was the Execution  
" thereof so large? Shall the Righteous suffer, with the  
" Wicked? God forbid! Must your peaceable Subjects be  
" judged righteous? will many unpeccable ones (such as  
" Sinnerless and Unchangeable) are freed from that Judgment?  
" The Lord will not accompany such Proceedings.  
" Our humble Requests from these Prisons are, that  
" there may be a righteous Distinction in the Administration  
" of Government, lest the Cries of the Innocent and their  
" ruined Families come up before the Lord, whilst your Pri-  
" sons are filled with such as whole Prayers have come up  
" to the Throne of Grace on your Majesty's Behalf, and  
" can approve their Hearts to the Lord in respect of Loy-  
" alty and good Fidelity to your Majesty and Civil Gov-  
" ernment of this Nation under your Hands, &c."

The Independents likewise in a public Declaration, re-  
nounced all Concern in, and Approbation of *Fenwick's* Infa-  
rection. *Kenn. Rep.* p. 365.

The Proclamation herein alluded to, was as follows:

By the King, A Proclamation prohibiting all unlawful and seditious Meetings and Conventions, under Pretence of religious Worship.

CHARLES R.

" Although nothing can be more unwelcome to us, than  
" the Necessity of restraining some Part of that Liberty  
" which was indulged to tender Conscience by our late  
" gracious Declaration: Yet since divers Persons (known by  
" the Name of Anabaptists, Quakers, and Fifth-Monarchy  
" Men or some such like Appellation, as a Mark of Dis-  
" tinction and Separation) under Pretence of serving God,  
" do daily meet in great Numbers in secret-Places, and at  
" unusual Times, by Reason whereof they begin to boast of  
" their Multitude, and to increase in their Confidences, as  
" having frequent Opportunities to settle a perfect Corre-  
" spondency and Concordancy between themselves, of which  
" some evil Effects have already ensued, even to the Distur-  
" bance of the public Peace by Insurrections and Murder,  
" for which the Offenders must answer to the Law, and for  
" worse may still be expelled, unless some speedy Course  
" be taken to prevent their further Growth.

" To the intent therefore that none of those Persons who  
" have presumed to make so ill a Use of our Indulgence,  
" may be strengthened in such their Proceedings; by any  
" general Words or Expressions in our late Declaration; we  
" have thought fit by these Presents to publish and declare  
" our Royal Will and Pleasure, that no Meeting whatso-  
" ever of the Persons aforesaid under Pretence of worship-  
" ping God, shall at any Time hereafter be permitted or  
" allowed, unless it be in some parochial Church or Chap-  
" pel in this Realm, or in private Houses by the Persons  
" there inhabiting. And that all Meetings and Assemblies  
" whatsoever, in order to any spiritual Exercise, or serving  
" of God by the Persons aforesaid, which in the Places  
" aforesaid, shall be esteemed, and are hereby declared to  
" be unlawful Assemblies, and shall be prosecuted accord-  
" ingly, and the Persons therein assembled shall be pro-  
" ceeded against as Persons riotously and unlawfully as-  
" sembled.

" And for the better Execution of this our Proclama-  
" tion, and the Prevention of all illegal and seditious Meet-  
" ings and Conventions, we do hereby strictly charge and  
" command all Mayors, Sheriffs, Justices of the Peace, Con-  
" stables, Headboroughs, Commanders, and other our chief  
" Officers and Ministers whom it may concern, that they  
" cause diligent Search to be made from Time to Time,  
" in all and every the Places, where any such Meetings or  
" Conventions, as aforesaid, shall or may be suspected.  
" And that they cause all and every the Persons therein  
" assembled, to be apprehended and brought before one  
" or more Justices of the Peace, and to be bound over to  
" appear at the next Session within the respective Precincts,  
" and in the mean Time to find Sureties for the good Be-  
" haviour, or in Default thereof so be committed to the  
" next Goal.

" And further, we do will and command our Justices of  
" the Peace, that they cause the Oath of Allegiance to be  
" tender'd to every Person so brought before them, and to  
" upon his or their Refusal to proceed according, as by the  
" Statute made in the seventh Year of the Reign of our  
" Royal Grandfather of ever Blessed Memory, they are di-  
" rectly and command'd. Given at our Court at *Whitehall*  
" the ninth Day of January, in the twelfth Year of our  
" Reign, 1666.

The Order of Council upon which this Proclamation was found-  
ed, was made January 20, in the following Terms:

Whitehall, Council-Board.

" Whereas divers seditious Persons, under Pretence of the  
" Liberty indulged by his Majesty's late gracious Declara-  
" tions, in Reference unto tender Conscience, do meet in  
" great Numbers, and at unusual Times, whereby it may  
" be justly apprehended, that many of them enter into Plots  
" and Conspiracies to disturb the Peace of the Kingdom. It  
" was therefore ordered by his Majesty in Council, That  
" Mr. Solicitor-General should forthwith prepare a Proclama-  
" tion, commanding all such Persons going under the No-  
" tion of Anabaptists, Quakers, and other heretics, to  
" forward

A. D. 1660. Addresses of these unhappy Enthusiasts to the King, in a very lively and affecting Manner set forth.

It is however proper to observe, that the Infurrection of about Fifty or Sixty frantic (*t*) Fifth-monarchy-men, under one *Venner*, a Wine-cooper, (to set up King *Jesus* against the Powers of the Earth) furnish'd the Pretence for these (*u*) severe Proceedings; and great Industry was then and hath since been used, to charge the Guilt and Folly of their Enterprize upon the *Nonconformists* in general.

And this brings us back to the Consideration of those Plots, which the Chancellor had so eloquently enlarg'd upon, in his Speech, at the Close of the last Parliament.

Oppression not only creates Discontent, but Indignation: That Men therefore, made desperate by ill Usage, should have Recourse to desperate Remedies, is not only not improbable, but extremely natural. But the Use of Plots to those who want to enlarge their own Power, at the Expence of the People's Liberty, is now so well known, and the Trick has been so often practis'd, that the Assertions of Ministers, on this Head, are no farther credited, than they are supported by Facts.

What the Design of these Conspirators was said to be, we have already seen in the Chancellor's Speech before quoted; which, he says, some of their Accomplishers, overcome by his Majesty's Royal Eloquence, confess'd: But this Confession of theirs he doth not confirm by any other Proof.

The *Public Intelligences*, or *Gazettes*, of these Times, intimate, that the Discovery was made by several Persons in several Places, who were Strangers to each others Evidence: But of these several Persons, but one is mention'd, *viz.* *Richard Warren*, a Trooper in Colonel *Rassiter's* Regiment.

It must be own'd, our Records are very

defective on this Head: Not only *Raphin* and *Oldmixon*, but *Echard* himself, treats all the Stories of Plots, which were propagated at this Time, as no better than Rumours: We have various Accounts of the seizing several obnoxious Persons; but no one Circumstance is mention'd to prove that any of them were guilty.

Lord *Clarendon*, in his Speech, expressly affirm'd, that *Ludlow* was to be the Commander in chief of the Conspiracy: But he had, long before that time, fought and found an Asylum in *Switzerland*; and had, besides, too much good Sense to countenance any such foolish Project; which, at that Time, had not only the King and the Laws to grapple with, but the general Bent and Inclinations of the People.

*Venner's* Madneſs serv'd, however, to countenance all the fine Things which the Chancellor had said, and all the violent Things which had been done: Among which it ought not to be forgot, that all *disbanded Officers and Soldiers*, and all *disolate and distressed Persons*, were, by Proclamation, commanded to depart Twenty Miles from *London*, and not return without Leave: And the Lords Lieutenant of the several Counties were directed by Order of Council, to disarm all *factious and turbulent Persons*, who still retain'd their *sworn and rebellious Principles*, and to administer to them the Oaths of Supremacy and Allegiance. Advantage was likewise taken, by some of the Court Sycophants, of this Incident, to propose, that a Number of *standing Forces* should be continued, to preserve the King's Person, and quell any sudden Tumults; but the ill Effects of this being too apparent, we are told the Chancellor influenced the King to lay aside any such Design; or rather, he was forc'd to connive at the Foundation, tho' he made a shift to put off the immediate Raising

Ludlow, vol. iii. p. 53.

Obnoxious Persons disarm'd.

A Project for a standing Army.

Life of Lord Clarendon, prefac'd to his posthumous Works.

Ken. Reg. p. 577.

forward not to meet (under Pretence of serving God) at usual Hours, or in great Numbers; and particularly that some of them go out of the Prescinds of his or their Habitation to any spiritual Exercise, or serving of God after their own Way; but that they do the same in their own Parishes. And if any shall be found so offend therein, the next Justices of the Peace are to cause them and every of them to be proceeded against according to the Laws provided against riotous and unlawful Assemblies.

In *George Fox's* Journal, Part 1. p. 560, there is also this farther Evidence of the extreme Rigour of these Times.

Now were the Prisons every where filled with Friends, and others, in City and Country; and the Poles were to bid for the searching of Letters, that none could pass unsearch'd: Yet we heard of several thousands of our Friends, that were call'd in Prison in several Places throughout the Nation; and *Margaret Fell* complain'd Account of them to the King and Council. The next Week we had an Account of several Thousands more that were call'd into Prison, and the next day led all them before the King and his Council. They wondered how we could have such Inintelligence, seeing they had given such full Charge for the searching of all Letters: But the Lord said to order it, that we had an Account, notwithstanding all their Stopplings. For in the deep Sense I had of the grievous Sufferings Friends underwent, and of their Innocency towards God and Man, I was mov'd to send the following Epistle to them, as a Word of Consolation, and to put them upon sending up their Sufferings.

(1) About five or six of whom, who refus'd Quarters, were kill'd upon the Spot; and about sixteen or seventeen more were executed, among whom was *Frazer* himself.

(2) In *Switzerland* a Proclamation was published to disperse the Meetings of *Quakers, Anabaptists, and Fifth-monarchy-*

men ONLY; but in *Ireland* such a Loose was given to this persecuting Spirit, that the Meetings of Dissenters of all Denominations were expressly forbidden: and the Edict set forth by the Lords Justices and Council for that Purpose, had the following remarkable Preamble.

Whereas we are given to understand by the Informations of many Persons well deserving Credit, that of late Times there have been sundry unlawful Assemblies in many Parts of this Kingdom held by *Papists, by Presbyterians, by Independents, by Anabaptists, by Quakers, and other Sects*: Persons meeting in great Numbers, divers hundreds and sometimes thousands at an Assembly convened and congregated, some by a foreign pretended Jurisdiction, others under a pretended domestic Authority, first a Preliminary, others under a Pretence of congregational Churches, and all of them contrary to and in Contempt of his Majesty's Royal Authority and the established Laws of the Land, and if not seasonably prevented, the same the Disturbance of the good Government, Peace and Tranquillity of the Kingdom, &c.

(3) In the *Mrs. Public of Sarisvald*, December 15th, 1660, is the following Article.

This Night every many Prisons, according to Order, were by that loyal Gentleman Sir *Gilbert Gerard*, who then commanded the *Guard*, seized and committed to Custody, Col. *Robert Overton*, formerly called Major-General *Overton*, is sent to the Tower. It cannot but delight all Good Men to see how strangely favoured both City and Country are so fly in the Face of my, that are but desirous to harbour the least ill Thought against his Majesty, thinking themselves (as in Truth they are) earnestly concern'd in his Majesty's (that is the Kingdom's) Happiness and Security.

(4) He had Thoughts, at first, of raising up the Parliament Army, which was several Times in Debate: But

Chancellor

of the Edifice: For when *Monk's* Regiment of Foot was disbanded according to Act of Parliament, they were taken into his Majesty's Pay; as was likewise a Regiment of Horse, by way of an extraordinary (x) Guard. And here we have the Root of our present standing Army: The Kings of England till then having had no other Guards, than the Affections of their People.

Thus, if it cannot be deny'd, that a turbulent and enthusiastic Spirit still possess'd a Part of the Nation; it is pretty apparent, that the Court had arbitrary Views from the Beginning, which it sought all Opportunities to indulge; insomuch that, if Sedition was the Pretext, Oppression was always the Consequence; as will appear yet more undeniably, from a View of the Affairs of Scotland.

In the Year 1650, when the Commonwealth of England was in the Fulness of its Power and Glory, that Nation had acknowledged the King, had invited him from abroad to take Possession of the Throne, and set the Crown upon his Head. But then, all this was done upon (y) *Covenant* Terms, and

under the Tyranny of the Kirk; which so highly incens'd his Majesty, that he never forgot the Affront, nor remember'd the Obligation.

It was owing, however, to these loyal Measures of theirs, and their raising an Army against England, in consequence thereof, that they lost their own Liberties, and became a Province of the English Commonwealth. Cromwell subdu'd them, *Monk* continu'd that Subjection, and the King took advantage of the helpless Condition he found them in, and to which they had been reduc'd in his Service, to fashion their Yoke as he pleas'd. Many had offended; all were at Mercy: In the Declaration from *Breda*, Scotland had not been mention'd, nor was then perhaps thought of; and while the King resided in that Kingdom, he had pass'd a very full Act of Indemnity, in the Form, and under the Title, of an Act of Approbation: But this was now out of Date, as well as the *Covenant*; and it was held expedient to strike a Terror into Scotland, by some such Examples as had been made in England. Accordingly, the Marquis of (z) *Argyle* was pitch'd upon to

State of Scotland.

Barnet, vol. i. p. 105.

Chancellor *Hale* prevail'd upon him by this Argument, that they were a Body of Men that had cut off his Father's Head; that they had let up and pull'd down Ten sorts of Governments; and that it might be his own Turn next: so that his Yearning after his Ambition, he consented to disband them. *Treatise of the History of Standing Armies.*

(x) According to Mr. *Compton*, who quotes the Authority of Dr. *Comber's* first Edition of *The State of Great Britain, in King's Forces*, in 1655, consisted of three Troops; the first of 100, the others of 180 each; the blue Regiment of Horse, 100 Men, in eight Troops; the first Regiment of Foot Guards, call'd the King's Regiment, of 1700 Men, in 24 Companies; the Coldstream, the Duke of *Torb's*, and another Regiment; besides the Companies necessary for Guards and Garrison in England, *Italy*, *Spain*, *Germany*, and the *Plantations*. The Charge of all these, that Parliament estimates at 200,000 *per Annum*, which he mentions as one Article of those Disbursements, which, according to him, he far exceeded the King's Receipts; but then he forgets to mention at the same Time, that this chargeable military Establishment was the King's own, that it was unconstitutional, and that the Parliament was so far from thinking the measure under any Obligation to provide for them, that they look'd upon them with Terror, and in Prospect of time, voted them a Grievance.

(y) Upon this Occasion he set forth his Declaration dated from *Dunfermline*, August 16, 1650, in which are the following remarkable Particulars:

"I, *III.* And his Majesty, having, upon full Persuasion of the Justice and Equity of all the Heads and Articles thereof, now in and published the National Covenant of the Kingdoms of Scotland, England, and Ireland, and the three Kingdoms of Scotland, England, and Ireland, doth declare, that he hath set sworn and subscribed these Covenants, and entered into the Oath of God with his People, upon any *sinful Intention* and *crooked Designe*, for attaining his own Ends, but, so far as his human Weakness will permit, in the Truth and Sincerity of his Heart: And that he is firmly resolv'd, in the Lord's Assistance, to adhere thereto, and to prosecute to the utmost of his Power all the Ends thereof, in his Station and Calling, really, constantly, and sincerely all the Days of his Life. In order to which, he doth in the first Place profess and declare, that he will have no Enemies but the Enemies of the Covenant; and that he will have no Friends but the Friends of the Covenant.

"His Majesty being griev'd in Conscience of the exceeding great Injustices and Unlawfulness of that Treaty and Peace made with the bloody *Irish Rebels*, who treacherously find the Blood of so many of his faithful and loyal Subjects in Ireland, and of allowing unto them the Liberty of the Popish Religion; For the which he doth from his Heart desire to be deeply humbled before the Lord; and likewise considering how many Branches have been upon their Part, doth declare the same to be void, and that his Majesty is absolv'd therefrom: being truly sorry that he should have thought meet to disband his Help of retaining him to his Throne, and resolving for the time to come, rather to shake Affection than be."

"*Sec. IV.* And as his Majesty hath given Satisfaction to the just and necessary Desires of the Kirk and Kingdoms of Scotland, he doth he hereby give and declare, that he is so well willing and desirous to give Satisfaction to the just and necessary Desires of his good Subjects in England and Ireland; and in *Toleration* thereof, if the Houses of Parliament of England, sitting in Freedom, shall think fit to present unto him the Propositions of Peace, agreed upon by both Kingdoms, he will not only second to the same, and such Alterations thereunto, as the Houses of Parliament, in regard of the Constitution of Affairs, and the good of his Majesty and his Kingdoms, shall judge necessary, but do what is further necessary for prosecuting the Ends of the Solemn League and Covenant, especially in those things which concern the Reformation of the Church of England, in Doctrine, Worship, Discipline, and Government.

This Declaration was reprinted in *London*, while the Settlement of the Church was under Consideration. Upon which Occasion, his Majesty, in his *Answer* Declaration relating to Ecclesiastical Affairs, before quoted, is pleas'd to express himself as follows:

"While we continue in this Temper of Mind and Reflection, and have so far complied with the Persuasion of particular Persons, and the Dissembler of the Time, as to be contented with the Exercise of our Religion in our own Chapel according to the constant Practice and Laws established, without enjoining that Practice, and the Observation of those Laws in the Churches of this Kingdom (of which we have undergone the Censure of many, as if we were without that Zeal for the Church which we ought to have, and which by God's Grace we shall always retain) we have found ourselves not so candidly dealt with as we have deserved; and that there are some quiet and restless Spirits, who (without showing any Thing of their own Dissembler, in Recompence of the Moderation they and in us) continue their Bitterness against the Church and endeavour to raise Jealousies of us, and to inflame our Reprobation by their Reproaches, as if we were not true to the *Progress* we have made. And in order thereto, they have very unjustly endeavoured to be printed, published, and dispersed throughout the Kingdom, a Declaration hereafter printed in our Name in Scotland, of which we shall say no more, than that the Circumstances by which we were enforced to sign that Declaration are enough known to the World; and that the worst and greatest Part of that Nation did even then deride and abhor the ill Usage of us in that Particular, when the same Tyranny was exercised there by the Power of a few ill Men, which at this Time had spread itself over this Kingdom; and therefore we had no Reason to expect, that we should at this Session (when we are doing all we can to wipe out the Memory of all that hath been done amiss by other Men, and we thank God, have much wiped it out of our own Remembrance) have been unjustly associated with their Reproaches which we will likewise forget."

(z) *Ladies* take notice, that the Earl of *Arden* in *Irish Affairs*, and principally concern'd in the Rebellion of that Country, had been found at the same time with the Marquis

A. D. 1660.

to be the Scape-goat of the Nobility; *Warrifson*, and the Laird of *Saintowen*, of the Gentry; (*a*) *Gatry*, of the Clergy; and one *Gouan*, of the Soldiery.

It was likewise resolv'd, to re-establish the Prerogative there, in its fullest Extent, and revive (*b*) *Episcopacy*, that the Government of both Kingdoms might be, as near as possible, of a Piece: And to make all sure, the Revenue was to be augmented, and a small standing Force was to be maintain'd. To be the Agent of the Court, in envailing their Country, the Earls of *Middleton* and *Lauderdale* had the Honour to be Rival-Candidates. Both were equally well qualified, for both were Men of Capacity, and neither had any Scruples; only *Lauderdale*, from political Views, was a Favourer of *Profligetry*; for which Reason, he was for the present employ'd in the under Part of Secretary only, but afterwards came into Play as Principal, and became the Terror of one, and the Abhorrence of both Kingdoms.

For about two Months after the King was restor'd, the Government of *Scotland* receiv'd no (*c*) Alteration: But in *August*, the Earl of *Glencairn* (Lord Chancellor) was commission'd to assemble the Committee of Estates; which he did accordingly; and immediately thereupon, Numbers of Delinquents were summon'd, and oblig'd to give Security for their Appearance at the Opening of the Parliament, many of whom were soon let into the Secret, and, by the Means of Prefers, prefer'd themselves from any farther Persecution.

In *December* the Parliament met, having been summon'd by Royal Proclamation; in which his Majesty was pleas'd to set forth, That his own Honour once vindicated, and the ancient Prerogatives of the Crown once assert'd, he would grant a full and free Pardon.

Of the Transactions of this and the next remarkable Session, the Earl of *Middleton*

himself, the King's Commissioner, sent a (*d*) Detail to his Majesty, as so many Proofs of his own Merits and Services: And from thence the following Sketch is taken; which so plainly manifests the Spirit of his Administration, that it is scarce necessary to add *Bishop Burnet's* Characteristic of it; which calls it, a mad, rearing Time, full of Extravagance, the Men of Affairs being almost perpetually drunk.

The Lord Commissioner, in the first Meeting of the Parliament, having, in his Majesty's Name, given Assurance of his Majesty's constant Affection to that his ancient Kingdom, and of his Royal Resolution to preserve it in its Freedom, and to maintain the just Liberties of his People; and that he expected, that, in a due Sense of his Royal Grace and Favour, they would be ready to assert the ancient Royal Prerogative, desired, that, for a present Testimony thereof, they would presently take the Oath of Allegiance, in those Terms it was conceived before the Troubles; which was presently done by all the Members of Parliament, save one; and a public Act was pass'd, discharging all those new Oaths, which, during the Rebellion, had been used in place thereof.

In the next place, for the better Constitution of the Parliament, and establishing his Majesty's negative Voice therein, public Laws were presently made, by which his Majesty's Royal Prerogative, in the Election of his Officers of State, Councilors, and Judges, and in the calling and dissolving of Parliaments, and making of Laws, was assert'd, and the impugning or questioning thereof for the future, declared treasonable; and all Laws, Acts, and Constitutions to the contrary, were repealed.

His Majesty's Prerogative in Parliament being thus settled, the next Care was to assert it, as to the Power of Arms, raising and commanding of Forces, making of Peace and War, or Treaties

Miscellaneous  
Anals,  
p. 179.

Marquis of *Archie*, tho' for a different Reason, the latter for his Services in the Cause of Liberty and Religion, the former for unseasonably asserting, That the *Irish* were authorized by the late King to act as they had done. Vol. iii. p. 41.

(d) Minister of *Stirling*, while the King resided there, his Crimes were, the making too free with his Majesty in his Sermons, and preparing a severe and unseasonable Remonstrance, in which he reproach'd him with a Breach of the Covenant; by admitting the Use of the Common Prayer in his Chapel, and visiting *Episcopacy*.

(1) According to *Bishop Burnet*, at the Instance of Lord *Carleton*. The same Pretence, in another Place, inform us notwithstanding: "That *Shay* (who had been Agent for the Kirk at *Leith*, in the late unquiet Times) being pres'd by those who employ'd him to procure some what from the King, that might look like a Confirmation of their Government, and not to silence all Dissenters; of an intended Change, obtained by the Earl of *Lauderdale's* Means, that a Letter should be writ by the King to the Prelate of *Edinburgh*, to be communicated by them to all the other *Protestants* in *Scotland*, in which he desired the General Assent that it shou'd be done, and Daily when he was in *Scotland*, and that had concern'd the Public Resolutions; in which he order'd them to proceed to venture all those who had then professed against them, and would not now submit to them. The King did also confer this *Protestant Government* as it was by Law established." And a little after.

"It seem'd that *Shay* thought it not enough to cheat the Party himself, but would have the King to share with him in the Fraud. This was no honourable way to be made by a King and to be contriv'd by a Clergyman. The Letter was receiv'd with Transport of Joy." The

"*Protestants* resolv'd they were false, and began to proceed severely against *Protestants*. Vol. I. part 100.

(2) Not represent'd to his Majesty the Necessity of preserving the Form and Omissions in *Scotland*, in the Condition in which his Majesty would find them. The Original of the Trouble, began there, but by the Precaution which had been taken by his Enemies, it was no more in their Power to play the same Game again: That as he found this ready done to his Hand, he might take the Advantage of it without Murther or Reproach, as not being his own Act.

But the Earl of *Lauderdale* had before the King, that the *Cocquet* *Cromwell* had made of *Scotland* was for their adhering to him: He might then judge what they would think, who had suffered so much, and so long on his Account. If the same *Thraldom* should be kept up by his Means, it would meet an universal Dislike. He told the King, that the Time might come, in which he would wish rather to have *Swiss* Garrison in *England*. It would become a national Quarrel, and lose the Affections of the Country to such a degree, that, perhaps, they would join with the Garrison, in any Dissentions happen'd in *England*: Whereas, without any such Hedge of Slavery, *Scotland* might be so managed, that they might be made entirely his. The Earl of *Middleton* and his Party dur'd not appear for so unpopular a Thing. So it was agreed on, that the Citadels should be evacuated and slighted as soon as the Money could be rais'd in *England* for paying and Disbanding the Army. *Ibid.* vol. I. p. 107.

(3) This Paper of his seems to have been occasion'd by *Lauderdale's* Opposition, who gave in a formal Charge against *Middleton*, in which he would not show the Commissioners the Merit of the Services he therein enumerates; but ascribes them all to the Authority of the King, and the Loyalty of the Parliament.

Treaties and Leagues with foreign Princes and at home; and as to Assemblies, Meetings, and Conventions of the People: And accordingly, public Acts were pass'd in Parliament for the Prerogative in all these, and declaring it Treason to offend against the same.

And, that their Expressions of Duty might not be confin'd within the Walls of the Parliament-house, it was by another Law enacted, That all Persons, who should hereafter be admitted to any public Trust within the Kingdom, should, before their Admission thereto, take the Oath of Allegiance, and, under their Hand-writings, give a full Acknowledgment of the Royal Prerogative, as it has been asserted in this Parliament: Which is more fully to be seen in the printed Records thereof.

And seeing the *Covenant*, which was the great *Isis* of the Times, was not yet fully rooted out of all the Hearts of the People, it was thought fittest at first to assault it in all its Parts; and therefore, an Act was pass'd, declaring the Obligation of the *Covenant*, in relation to the Affairs in *England* and *Ireland*, void and null: And divers Acts and Meetings of pretended Parliaments and Conventions of Estates, wherein the *Covenant* was approv'd, were retin'd.

The Parliament, being now in a right Way of *its Duty*, were so sensible of their own and the Kingdom's Happiness in it, and in his Majesty's Government, that, for an Expression of their *Thankfulness*, they, notwithstanding all their great Sufferings during these Troubles, made a free, cheerful, and hearty Offer to his Majesty, of a yearly Annuity of Forty thousand Pounds Sterling, (a Sum far above whatever was given in that Kingdom formerly) and by public Statute engag'd for, and secur'd the Payment of it.

By this time, the Members of the Parliament, having had Occasion of recollecting their own Thoughts, and communicating them with their Relations and Acquaintances in the Country, and finding the general Inclinations of the People growing every Day more affectionate and zealous towards his Majesty, they thought it not fit any longer to measure out the Expressions of their Duty to their King by *Parcels*, but, *once for all*, to give unto his Majesty, and the whole World, an unquestionable Evidence of their Loyalty, by pulling up the Roots of the Rebellion, and eradicating the very Foundations of it, that there might not remain any SEEDS OF NEW TROUBLES: And therefore it was propos'd, that a general Act *revisory* should be pass'd, rescinding and annulling those (*c.*) pretended Parliaments, Conventions, Committees, and other Meetings flowing from them, which had been kept in that Kingdom since the Beginning of the Troubles.

But this (*f.*) Act (tho' the very *Touchstone of Loyalty*, without which, neither his Majesty's Authority, nor the public Peace, could be well secur'd) met with Opposition from such, whose Hearts were still hankering after the *Covenant*, and the rebellious Ways of it: And this Opposition appear'd the more discouraging to honest Men, that some Persons, who were eminently trust'd by his Majesty, and had shair'd most largely in his Bounty, appear'd in it. Yet this being an Act of so great Necessity and Importance to his Majesty's Establishment, was, against all Difficulties, offer'd to a Determination in Parliament, and was most cheerfully concluded and approv'd; there being in that numerous Meeting only about Thirty Dissenters; and some of these very inconsiderable.

And now this being done, the Kingdom and the Government of it, both in Church and State, were thereby *entirely given up to his Majesty*, and left as fully and freely to him, as ever any of his Royal Predecessors enjoy'd the same. And this Act was not the less considerable, that by it Discoveries were made, both of those who were for rooting out the Seeds of Rebellion, and also of those who were for having a Stock of it still remaining, and the *Covenant* to lie still as a Ground of After-work, if Need were.

This being over, and some Acts of Justice being done against (*g.*) one or two of the most eminent and malicious Promoters of the late Rebellion; it was the Parliament's next Care to enact such Laws as were necessary for promoting of Virtue, depressing of Vice, and for the right ordering the Civil Interests of the People, in the due Administration of Justice among them: But seeing that during these Troubles, such were the unupportable Sufferings of all Sorts of People, that neither those of the Nobility or Gentry, who owed Sums of Money, were able to pay the same, at the precise Times prescribed by the Law, nor yet those, to whom the Monies were owing, were able long to spare them, being the Means of their Livelyhood; and that hereby some Grudges and Animosities were like to rise in several Corners of the Kingdom; and most of the Members of Parliament being interest'd, either in the one Side or other, and the Settlement thereof being thereby render'd the more difficult, the *Lord Commissioner*, for the Good of his Master's Service, made it his Work to interpose between them, and was so happy in it, that in few Days a public Act was fram'd in relation to, and for securing the Interest both of Creditor and Debtor, and, being presented to the Consideration of the Parliament, was unanimously pass'd and approv'd, without one dissenting Voice of either Party.

And

(a) The first had been summons'd by the late King, *John* Decr. 1637, and was held in his Presence: And the second in 1643, by the present King.

(f) This was a most extravagant Act, and only fit to be executed after a drunken Boat. It took all possible Security for the future, and laid down a most pernicious Precedent. The Earl of *Leicester* aggravated this Matter too

vily to the King. It shew'd the Earl of *Madison* did not understand the first Principles of Government, since he had, without any Warrant for it, given the King's Assent to a Law that nullify'd ever take away all the Security the Law can give. *Barnes*, vol. 1. p. 110.

(g) The Marquis of *Argyle*, *Guthrie*, and *Gowan*.

A. D. 1660.

And now, the King being thus secured in his Authority, Prerogative, and Government, the Kingdom in its Peace, and the People in their Rights, the *Lord Commissioner* was, according to his Majesty's Call, to return with an Account of his Proceedings to his Majesty; and therefore (*b*) adjourn'd the Parliament for some Months: During which time; his Majesty having publish'd his (*i*) *Resolution* for restoring the Church to its ancient Government by *Bishops*, this was so (*k*) acceptable to the Kingdom, that the Parliament, at their first Meeting after their Adjournment, did commissionate Three Noblemen, Three Barons, and Three Burgesses, Members of the House, in their Name, to invite the Archbishops, and Bishops, to come and take their Places, and vote in Parliament, conformable to their ancient Rights: Which being accordingly done, such public Laws and Acts were made, as were thought fittest for their Re-establishment in their Offices, and their Restitution to their Dignities, Possessions, Privileges, and Rights duly belonging to them.

And because, during the Rebellion, great Art had been used by the Preachers in their Sermons, and otherwise, to possess the People with most wicked Principles, That it was lawful to rise in Arms, and to join in *Covenant*, for Reformation of Religion; and, upon Pretence of being for his Majesty's Authority, to oppose his personal Commands; and that, by their *Covenant*, they were obliged to the same; it was judg'd

necessary, and accordingly an Act was pass'd in Parliament, for Preservation of his Majesty's Person, Authority, and Government, wherein these Positions were condemn'd, and declared treasonable, and the *Covenants* declared unlawful, and the Obligations thereof void.

And seeing the late Troubles, for the most part, were begun and carried on by the Unfaithfulness of some Ministers of State, the Parliament conceiv'd they could not be answerable to their Duty, if they did not, so far as they were able, provide against the like Prejudices for the future: And considering that such Persons, who own'd the *Covenant* to be lawful, and the Obligation of it to be still in Force, were not fit to be entrusted in the public Administrations of his Majesty's Government at this time: It was therefore enacted, that all such who enjoyed, or should be called to any public Trust, should express their Sense of the *Covenant*, by signing the Declaration of Parliament, against the Unlawfulness and Nullity thereof.

His Majesty's Authority and Government being now secured, it was thought fit, that the Administration of it should be temper'd with that Moderation, which might endear all good Subjects to it: And considering that, since the Year 1648, many Ministers had been thrust in upon their Parishes, without any Presentation or Right from the lawful Patrons, and, according to the Laws of the Kingdom, had no Title to the Benefices and Stipends; the Parliament obliged all the Patrons

A. D. 1660.

(4) The Session of Parliament was now brought to a Conclusion, without any Motion for an Act of Indemnity. The Secret of this was, that, since Episcopacy was to be set up, and that those who were most likely to oppose it were on other Accounts obnoxious, it was thought best to keep them under that Fear, till the Change should be made. *Barnes*, vol. 3, p. 128.

(5) This Proclamation was as follows:

## CHARLES II.

"Right truly and well-beloved Cousins and Counsellors, we greet you well. Whereas in the Month of *Sept.* 1660, we did by our Letter to the Preliminary of *Edinburgh* declare our Purpose to maintain the Government of the Church of *Scotland* settled by Law, and our Parliament having, since that Time, not only renews'd all the Acts since the Troubles began, referring to that Government, but also declared all those pretended Parliaments null and void, and left to us the settling and securing of Church Government: Therefore, in Compliance with that *Act* referring, according to our late Proclamation dated at *Whitehall*, the 10th of *June*, and in Contemplation of the Inconveniences from the Church Government, as it hath been exercised these twenty three Years past, of the Unstability and thereof to our several *Estates*, of the faulty execution of Conclusions which have been entered during the late Troubles by the Violence done to our royal Prerogative, and to the Government Civil and Ecclesiastical, sent by unquestionable Authority, we, from our Respect to the Glory of *God*, and the Good and Interest of the Protestant Religion, from our pious Care and princely Zeal for the Order, Unity, Peace, and Stability of that Church, and its better Harmony with the Government of the Churches of *England* and *Ireland*, having after mature Deliberation, declared to those of our Council here, our firm Resolution to interpose our Royal Authority for restoring of that Church to its right Government by *Bishops*, as it was by Law before the late Troubles, during the Reigns of our Royal Father and Grandfather of blessed Memory, and as it now is established by Law. Of this our Royal Pleasure concerning

Church Government you are to take Notice, and to make Intimation thereof in such a Way and Manner as you shall judge most expedient and essential.

"And we require you and every one of you, and do expect, according to the Faith and Confidence we have in your Affection and Duty to our Service, that you will be careful to use your best Endeavours for curing the Distempers con-

tracted during those late evil Times, for uniting our good Subjects among themselves, and bringing them all to a cheerful Acquiescing and Obedience to our Sovereign Authority, which we will employ by the Help of *God* for the maintaining and defending the true reformed Religion, Increase of Piety, and the Settlement and Security of that Church in her Rights and Liberties, according to ancient Law and Custom. And in Order therunto, our Will is, that you forthwith take such Course with the Rents belonging to the several Bishopsricks and Dueseries, that they may be restor'd and made useful to the Church, and that according to Justice and the standing Law. And moreover you are to inhibit the assembling of Ministers in their several synodical Meetings through the Kingdom, until our further Pleasure, and to keep a watchful Eye over all, who, upon any pretence whatsoever, shall, by Discouraging, Preaching, Reviling, or any irregular or unlawful Way, endeavour to alienate the Affections of our People, or dispose them to an ill Opinion of us and our Government, to the Disturbance of the Peace of the Kingdom. So, expeding your cheerful Obedience, and a speedy Account of your Proceedings herein, we bid you heartily farewell. Given at our Court at *Whitehall*, the 14th, 1661, and of our Royal Command, signed with our own Hand, By His Majesty's Command.

## LAURENCE.

This was follow'd by an Order of the *Secret Privy Council*, peremptorily discharging all Ecclesiastical Meetings, as Synods, Presbyteries, &c. till they should be warrant'd by Archbishops, Bishops, &c. And this Proceeding of the King, the Parliament confirm'd, and ratify'd by our Act, and by another, not only enjoy'd Obedience from the inferior Clergy to their Bishops, but prohibited all Meetings or Conventicles in Houses for Religious Exercises.

(6) The Synod in several Places resolv'd to prepare Addresses both to King and Parliament, for an Act establishing their Government. *Barnes*, vol. 1, p. 120.

The Bishop further tells us in the same Page, that the Synod of *Fife* having agreed on Heads for that Purpose, which his Majesty was pleas'd to give notice of to *Middlers*, a sponch which the *Bishop of Rotten* was sent to inspect their Behaviour; and as soon as the Ministers deliver'd upon that Subject, he, in the King's Name, dissolved the Synod, and commanded the Ministers, under pain of Treason, to return to their several Habitations. Such Care was taken that no Application should be made in favour of *Presbytery*.



A. D. 4660.

trons to grant Presentations unto them, and the several Bishops to give Collation thereupon; provided the Ministers required and accepted the same within Three Months after. And albeit many of them slighted this Favour, yet his Majesty's Council, to make them inexcusable, was pleased, after the expiring of those Three Months, to indulge unto them a further Time: By which it may appear, how tenderly they have been dealt with, and what is to be expected from Persons contemning such Favours.

The Affairs of the Church and Kingdom being thus settled, his Majesty's gracious Pardon and Indemnity was then to be pass'd in Parliament; but because, during these Trou-

bles, many Persons of Honour, and others of all Degrees, for their Adherence to and acting for his Majesty, had been robb'd of their Fortunes, and their Families thereby brought so low, that they were not able to subsist, it was, by his Majesty's Allowance, conceived just; that, towards their Reparation, some small (1) Fines, to the Value of one Year's Rent, or thereabouts, should be imposed upon such who had been eminent and active in those Troubles, by which their Sufferings were occasioned: And that some few Persons, not exceeding the Number of Twelve, should be declared incapable of public Trust. And, it being his Majesty's gracious Resolution, that all Animosities among his Subjects should

A. D. 1660.

[4] In the Earl of Middleton's Charge against the Earl of Middleton, are the following remarkable Particulars:

I shall not now insist on many Acts of general Concern pass'd without your Majesty's Knowledge, though some of them were of great Importance to you and your People. A thing contrary to the Duty and Practice of all former Commissioners, contrary to Law and right Reason, which is the Soul of Law. I shall not insist on my consenting to the putting the Power of a Man's Life into his Hand; to the disposing of public Money; to the empowering himself, to name a Receiver of the Tithes, which belong to your Majesty; to the leaving it in his Power to put your Officers of State to a Test in things, which do import the losing of their Places, or the not putting them to it at his Pleasure. All which had become his will, in my Opinion, to have declared, to be only fit for your Majesty, and too unworthy to be in the Mouth of any Subject. Now I would not on any Act [The Act against the Collusion and Poling of Traders, of which the Earl of Middleton, in his Address, declares, I was of my own Accord, that it extendeth not only to your Majesty, but also to the Duke and several Peers against his Majesty's Person, and to such as rise in Arms and in open Rebellion against his Majesty's Person, Authority, and Government, as if you were his Majesty's Council. M. F. An. 22. a. 1. touch'd; by your Royal Scepter, which takes from your Majesty the Power of pardoning the Sins of those forfeitall'd by this Parliament, yea, and declaring your Pardon (if you sign any) to be null and void. Some foolish thing hath been done in former times, but was in the King's Presence, and by his Direction; and well might this Parliament have concluded, that this had at least your Majesty's Approbation. It is far from my Thought to blame the Parliament; but it is strange your Commissioner should have made it your Act, without your Knowledge.

These Things I mentioned by Transcription, and hasten'd to the Work of the Day, by comparing the Act of Fines with your Instructions, with your Majesty shall think fit to examine it; and insidiously mainly upon your Commissioners Charge in the Act of Billings, and the Consequences of it, which shall appear to have been done not only without Precedent, without your Majesty's Knowledge, but, as I conceive, expressly contrary to your declared Pleasure and Instructions.

Here I mentioned your gracious Instructions. As to the Act of Pardon and Oblivion, I repeated your Limitations as to the Persons unable (which I need not here transcribe) and hinted at the Imposition of the Proportions; and told your Majesty that when you should be pleas'd to take the List of the fined Persons into your Consideration; when you shall examine how, and by whom it was managed, I think it will clearly appear, how palpably the Earl of Middleton hath broke your Limitations besides the *underhand Dealing* of others, for fixing Men full as guilty as many of the eight hundred and odd contain'd in that List; this I left to Examination, and then came to that which I mainly insid'd on, and spake as follows:

But this eminent Clemency of your Majesty, this truly royal Virtue, for which all Europe admires you; this your fatherly Care in exalting with so much Mercy; this, Sir, insid'd not with other Men's Malice, but a greater Punishment must be found. You would only have chastis'd with *gentle Stripes*, they must be allowed to whip with *scourges*. Flurs reach'd only Men's Money, but a Punishment must be invented to rob Men of their Honour, to lay a lasting Stain on them and their Posterity. Now, Sir, be pleas'd to observe, how grossly you and your Parliament have been abused, and for what I shall positively affirm, I do appeal to your royal self, and many of my Lords here. What I shall say upon other Experiences more than credible, shall, I think, be enough, when your Majesty shall examine the Matter to the Bottom at which, I humbly conceive, much concerns your Honour, and the Honour of your Parliament. Be pleas'd, Sir, to remember you expressly commanded, that the Act of Oblivion should

be transmitted to your Majesty, before it pass'd. You again call'd for it, but it was long, ere it was sent. At last, Sir *George Mackenzie of Tarbes* was sent up by your Commissioner. After a fortnight's Delay he brought in his Power to your Majesty; and by your Command he delivered them to me, with a general Letter from your Commissioner referring to him. Next Day your Majesty call'd for all your Scots Privy-Council as were at *Hampden Court*; and in Council you commanded me to give you an Account of the Papers I had got. Be pleas'd, Sir, to remember, I did make bold there to tell you, that he had given me first one Copy of an Act of Oblivion, and then another different from the former, that one of them behav'd to be false; and at that rate he might bring in more. He would have laid something to have made me believe they were both one, but it prov'd not so; for here there was a most material Difference; the one only excepted in the last Clause, as to Fines; the other excepted from public Trust. As to Fines, such as are express'd in another Act, entitled, *An Act for giving and clearing from public Trust*. You would not believe it, but I said he would answer for it. I objected that by the Words it appear'd, that all who were to be fined were to be re-appoint'd. *Tarbes* answer'd, that the Parliament intended only to incapacitate a small Number of the most guilty, not exceeding twelve. I opened to your Majesty how heinous a Punishment *incapacitating* was; a Punishment worse than Death, and much beyond what you had allowed by your Majesty's most gracious Instructions. Then was again urg'd the Desire of your Parliament; and who could doubt it proceeded from your Parliament, when it was so boldly carried to your Majesty in your Council, by one employ'd with a Letter of Credit from your Commissioner. Thus you contented upon that Information. And mark, Sir, you did only consent, not command it, as appears by your Letter. Now be graciously pleas'd to observe, how fitly you, next your Parliament, and then both you and your Parliament [Perhaps this Passage gave the Duke of Buckingham the Hint, for that unbecom'g Stroke in his Rehearsal, *Act II. Scene I. vers. Fifth, you, Secondly, they, Thirdly and Lastly, both he and they*] have been abused in this Particular. This Paper was never so much as communicated to your Parliament; and never was *incapacitating* mentioned in that House, until Sir *George Mackenzie's* Return. A Draught of an Act of Oblivion was indeed framed in private by some eminent Lawyers, and other Members of Parliament, but that was the first Draught, not that second which Sir *George Mackenzie* owned with such Impudence; yet this your Consent, to obtain, reach'd not their Ends who desired it. It was indeed Colour enough to have forc'dly that it was your Pleasure Twelve should be incapacitated, but it seems their Designs reach'd Others, whose Places were their Crimes, who could not possibly by Malice itself, nor by the Author of Malice, be brought within the Limits prescribed for the smaller Punishment of Fines. Therefore a new Way must be invented, and that was by *Billings*; this is a new way indeed, and an effectual one; by *Billings*, any Man's Honour, his Life, his Posterity, may be destroyed, without the Trouble of calling him, *leaving his Answer*, nor, without the Trouble of accusing him. *Billings* hath the wonderful Power to destroy any Man; and yet the collective Body of that Judicature, who sit it, shall never be troubled with his Name, till it come to be executed. This is a stranger Engine than white Gunpowder, which some fancy; for sure this broods without any Noise at all; but, blessed be God, this dreadful Engine was never known as to Punishments among any People, Heathen or Christian, who had the Blessing to live under Monarchy. Some Republics use the Ballot, or the ballot, in giving Places, but I never in much as read of any thing like it as to Punishment, except the Ostracism among the *Athenians*, who were persecuted by that curst Sovereign Lord, the People, and by their Oyster-shell *Billings*.

A. D. 1660.

should be taken away, and that all of them might live in Peace and Unity under his Government, it was thought most suitable to that End, and for preventing all Prejudice and Rancour that might arise, by a public Vote in Parliament, to provide, that the excepting of the Twelve Persons should be by *Billeting*, yet so, that the *Billets* should not at all be made known, but represented close to his Majesty, and left entirely to his Royal Disposal.

By all which it appears, that a Rebellion, begun and carried on upon Pretence of Religion and Reformation, strengthen'd by twenty Years Success, confirm'd by solemn and renewed Oaths and Covenants, and in which his Majesty's Authority and Government, both in Church and State, the Liberties of the Kingdom, and the Rights of the People, were destroy'd, is now, within the Space of Twenty Months, rooted up, and, in lieu thereof, his Majesty's Authority, and Royal Prerogative, more fully asserted and established by Law than formerly.

We need not stay to enlarge on the State of (*m*) *Ireland*; that Kingdom being but a *Satellite* to this, it, in a manner, necessarily obey'd the Impulse of the First Mover.

Equally immaterial is it, to enlarge on the Situation of the Royal Family. The Marriage of the (*n*) Duke of *York* with a Daughter of the Lord Chancellor *Hyde*'s, is now very well understood: And the real Motive

of the Queen Mother's (*o*) Visit, continues Matter of Conjecture to this Day.

Some assure us, it was to procure the Disgrace of Lord *Clarendon*, on account of his Opposition to the *Papists*; and others insinuate, it was to negotiate a Marriage between the King her Son and *Eleonora Mancini*, one of the Nieces of Cardinal *Mazarine*: But the Majority are of Opinion, it was to forward his Majesty's Alliance with *Portugal*, on the one hand, and that of her Daughter *Henrietta* with the Duke of *Orleans*, on the other.

By whatever Means, scarce any Doubt can be made, that her main Business was to fix the King in the Interests of *France*, which it is very probable she had the Merit to accomplish.

And this naturally brings us to the State of the Kingdom at this Time, with respect to foreign Affairs: In treating of which, we shall endeavour to reconcile Brevity with Perspicuity.

Like most other Princes, the Protector *Cromwell*, in siding with *France* against *Spain*, had sacrific'd the Interest of the Public to his own: And the King had all the Motives of Passion and Policy to observe a (*p*) different Conduct, and thereby set the Balance even.

But tho' he came to an Accommodation with *Spain* (with which *Cromwell* had till then been at War) and (*q*) drop'd the very advantageous Treaty, in point of (*r*) Commerce,

[a] As to the Kingdom of *Ireland*, the King very early issued his Proclamation against all Disturbances of the Peace in those Parts, and with good Effect; and Col. *Eyes*, who had endeavour'd to raise a Party there, was soon reduc'd by Sir *Charles Coote*. The Convention that had assembled in that Kingdom, upon the Change of Government, as soon as they had taken Order for the settling of the Public Affairs, and had appointed certain Commissioners to wait upon the King with their Complimentary Address, thought fit to dissolve themselves in Execution of the King's Pleasure for the calling a full Parliament, and to make way for the ancient Constitution of the Government, by a Lord Lieutenant, as had been determin'd by the King and his Council. But in the mean Time, for the better Government of that Kingdom, the King made Sir *Maurice Eglar*, Kt. Lord Chancellor of *Ireland*, *Roger*, Earl of *Orerry*, Lord President of *Munster*, and *Charles*, Earl of *Montague*, Lord President of *Ulster*, to be Lords Justices, who manage'd and govern'd there with great Candour and Moderation; so that there were now a general Quiet throughout the King's Dominions. *Phillip's Supplication to James*, p. 623.

[b] The Ceremony of which was celebrated *September 21, 1660*. *October 22*, their first Child was born; and on the 17th of *February* following, his Highness receiv'd the following Declaration in the Council Books:

"I *James Duke of York*, do testify and declare, that, after I had for many Months sollicit *Ann*, my now Wife, in the Way of Marriage, I was contract'd to her on the 24th of *November*, 1659, at *Breda* in *Brabant*, and after that Time, and many Months before I came into *England*, I lived with her (through all just possible Secrecy) as my Wife. And after my coming into this Kingdom, and that we might observe all that is enjoyn'd by the Church of *England*, I married her on the third of *September* in the Night, between eleven and two at *Westminster*, my Chaplain *Dr. Grew* after performing that Office according as it is directed by the Book of Common-Prayers, the Last Offices being then review'd and say'd; say her in Marriage. Of the Truth of all which I do take this my corporal Oath the 28th of *February*, 1660."

JAMES.

The like Declarations made by *Ann* Duchess, *John* Countess, *D. D. Thomas Butler* Lord Officer, and *Ellen* Shroud.

Many, perhaps, may not unreasonably believe, that the Marriage of the Duke with the Daughter of the Chancellor might have been on great Occasion, if not the Foundation of his Fall; and tho' it may be undoubtedly true, that this very unequal Alliance was brought to pass entirely

without the Knowledge or Privy of the Chancellor, but so much the Contrary, that when the King, at that Time, made him more than ordinary Respects of his Grace to him, with Assurances that this Accident should not lessen the Esteem and Favour his Majesty had for him, yet his own good Judgment made him immediately sensible, and declare it too, to those he was intimate with, that this must certainly be the Occasion of the Diminution of his Credit. *Earl of Rochester's Preface to the first Volume of Lord Clarendon's History*, Vol. p. xxii.

[c] She arriv'd at *Whitehall*, Nov. 2. Soon after which, she was complimented by the House of Commons who likewise presented her two Daughters, the Princess of *Orange*, who was 12 years old, and the Princess *Henrietta Maria*, with 10000*l*. a piece.

[d] The late Lord *Lansdown*, in his Vindication of *Monk*, assures us, that when the old Army was review'd by the King and *Monk* upon *Black Heath*, the General made his Majesty the following Proposal:

"That, as the full beginning of the Rebellion was fomented by *France*, where his Majesty had likewise receiv'd personal Affronts, he would give him leave to lead that Body of Veterans, in which every common Man had the Experience of an Officer, into that Kingdom to which his Majesty had as good a Right as to the *Tire* of which he was now taking Possession: That there could not be a properer juncture, considering the Discontents prevailing at that time against the Ministers, who had been his greatest Enemy: That by thus employing these Men, who were but now Converters to *Monarchy*; they might in Time wear out their old Principles, and become as zealous for him, as they had been against him; especially by being engag'd in an Expedition so agreeable to their Nature as *England*, and in a Cause so like what they had been fighting for in *England*: That this would be faster than disbanding them all at once, and dispersing them here and there at home, to remain back perhaps to the rebellious Notions in which they had been bred: And therefore if his Majesty would permit the Attempt, he made no Doubt but to give him as good an Account of his Friends, as of his *French* Dominions; all then he should think he had done but half his Work."

[e] Mr. *W. Eversdr*, in a Letter to the King his Master, dated *July 18, 1660*, informs us, that the Chancellor offer'd to receive and confirm it with an Exception to those Articles relating to the King's Crown and the House of *Orange*.

[f] He induced the *French* to lay Impositions upon all our Goods, which amounted to a Prohibition; inso much that they got a Milling a Year from us in the over Balance of Trade. *Trenchard's Hist. of standing Armies*.

A. D. 1660.  
Short Visit of the King to his Son

Life of Lord Clarendon.

Foreign Affairs.

merce, which he found subsisting between France and us, he neither shew'd a proper Repentment for the open Injuries he had suffer'd from the one Court, nor a proper Sense of such Civilities as he had receiv'd from the other.

Embassadors from both Spain and France very early made their Addresses to him; and if the Offers of the First had been listen'd to, in all human Probability, the Flatterers of Lewis XIV. had never had a Presence to style him the Great, the Invincible, and the Immortal.

France, even at that time, discover'd all the Symptoms of a growing Greatness. She had subdu'd all her own Factions, extended her Dominions, improv'd her Revenue, advanc'd her Glory, and, by the Pyrenean Treaty, in a manner given the Law to her ancient Enemy, Spain, on the contrary, was but the Shadow of what she had been. She had a weak King at her Head; a divided Ministry; all the Riches of her Mines were not equal to her Expences; what France had got, she had lost; and Portugal, tho' under the Government of a Woman, still maintain'd the Independency it had so miraculously recover'd: And this was the Thorn she wanted most to remove: Nor, perhaps, had *Maria II.* out-negotiated *De Haro*, if it had not been for those express Stipulations, that France should no longer assist or countenance the Portuguese.

But, instead of performing, France study'd only how to evade these Engagements: In order to which, the Viscount (afterwards Marquis) *Turenne* was permitted to take the

Affairs of Portugal under his Protection; who engag'd Count *Schomberg* to enter into the Service of that Kingdom, and furnish'd him with certain experienc'd Officers, and a small Body of disciplin'd Forces: These were sent over into England, from whence they were to embark for Lisbon; and hither Count *Schomberg* follow'd them; not merely to put himself at their Head, but to solicit the necessary Reinforcements from the English Court; upon what Pretensions, and with what Success, will soon be explain'd.

A Treaty of Marriage between the King, and the Infanta *Catharina* of Portugal, had been set on foot soon after the Restoration; and the Spaniards, being as soon aware of the Consequences, endeavour'd to traverse it by all the Expedients they could devise: They offer'd the King his Choice of the Protestant Princesses of Europe, with a Royal Dowry; and their proving disagreeable to his Majesty, they recommended the Princess of Parma, but in the End, with no better Success.

What agreed with the Interest of Spain clash'd with the Interest of France; and rather than not oblige the Last, the Court resolv'd to run the Risk of a Quarrel with the First.

Thus, instead of rejecting the only false Principle in *Cromwell's* Plan of Politics, the King unhappily made it the Basis of his own; and thereby enabled that aspiring Power to give the Law to Europe.

From what Quarter this ill-fated Match with Portugal first arose, hath been Matter of much Controversy; some ascribing it to (1) *Monk*, and some to *Clarendon*; but History

D'Abban-  
court's Me-  
mairs.

(1) *Bishop Burnet* and *Mr. Archbishop Eborac*. According to the first it was originally propos'd to the General by a Portuguese Jew according to the last, by *Don Francisco de Melis* the Portuguese Ambassador. *Mr. Coke* expressly disputes the Charge on this Head, and *Mr. A. Wood*, on the contrary, as expressly declares, that the Earl of *Bristol* being charg'd with negotiating a Match with the Princess of Parma, the Earl of *Clarendon* brook'd his Measure, by contriving the Match with *Catharina*, the Infanta of Portugal. *Witch Fudge of Wood* is confirm'd by the Memorial of the Spanish Ambassador of May 3, 1661, in which are the following Expressions:

The Ambassador find himself oblig'd to demonstrate to your Majesty according to the last Order he had received from the King his Master, that, over and above the Officers which he hath already made for the Princess of Denmark, and for the Princess of Saxony, or any other Princess, that may be pleasing to your Majesty, he doth now propose the Princess of Orange, whom his Catholic Majesty will adopt, and follow with the same Advantages, which have been propos'd with the Princess of Denmark and Saxony, in case that the same be more pleasing to your Majesty, and with those very fine Advantages and Conditions, which your Majesty desired with the Princess of Parma, when your Majesty thought that Marriage would be convenient for you, &c.

*Lord Lauderston* says, it is plain, that without the Chancellor's Privy and Approbation, nothing of this nature could either have been propos'd or mention'd. The General might possibly be the first Person to mention it, and that was all. No Treaty or Negotiation follow'd upon it, till it came propos'd in form from the Court of Portugal, directly to the Chancellor himself. *Mr. Carter*, on the Credit of *Dr. Hugh* the late excellent Bishop of *Worcester*, asserts, it was first communicated to the Chancellor by the King himself; that the Chancellor, in Concert with the Duke of *Ormond* and the Earl of *Northampton*, oppos'd it; but that the King over-ru'd all his Arguments, refus'd to marry any one of the Protestant Princesses; and concluded with saying, that the King, at the Instance of the Queen his Mother and those who were in the Secret of his Religion, was predetermined to marry a Catholic. It is plain, that what all Parties disown, all Parties condemn. I shall close this Topic, therefore, with a Quotation from *D'Abbanourt's* Memoirs, and

some Passages from the Count *D'Estrade's* Letters, which will serve to throw some additional Lights on this part of our Story.

The Portuguese, says *D'Abbanourt*, understanding that the English had called home their King, they sent *Francisco de Melis* the French Count of *Porto*, and afterwards *Blainvis de Sandoz*, in quality of extraordinary Ambassador to congratulate his Return; and the Queen gave him in charge to confer with Chancellor *Hale*, and to engage him to dispose the King his Master to espouse the Infanta of Portugal.

At this time France had, in a manner, abandon'd the Portuguese, and oppos'd their Ambassador the Count de *Suarez*, at his Departure from *Havre de Grace*, inasmuch that it seem'd the most expedient Course for Portugal, to enter into a fresh Alliance with England. The Portuguese, in this Conjunction, rightly consider'd, that a British King returning to take Possession of his Dominions, would have need of Money to reward such as had done him Service, with which, if they would supply him, it would be easy for him to assist them with Men and Ships: Wherefore the Marquis of *Sandoz* propos'd to the King, to marry the Infanta of Portugal, putting him in Hopes of some Millions of Money with her: And he so managed Matters, that, by the Means of Chancellor *Hale*, he persuad'd the King, in spite of all the Opposition of the Spaniards.

The King therefore declar'd to his Parliament, that after having advis'd with his Council, he had come to a Conclusion with his Chancellor and the Marquis of *Sandoz*, to espouse the Infanta of Portugal. After this, the Chancellor express'd at great Length, that the Portuguese, upon his Majesty's Return, had demand'd to cross their Alliance; but that his Majesty had refus'd it, however advantageous it might be to England, till such time as he had the Advice of his Parliament what should be done as to the 10000 Men that had been promis'd by the Emperor. That to grant that Aid, would make a Breach with Spain, and to refuse it, would ruin the Commerce with Portugal, and also occasion the Detraction of that Kingdom.

The Ambassador of Portugal hearing of this Speech, and fearing what might be the Sequel, came to give Notice. The Spaniards for his Part promis'd to give as much as Portugal, if King *Charles* would marry a Protestant Princess: And that, if neither a Daughter of *Saxony* nor of *Denmark* would please him, he might have the Princess of Orange upon the same Conditions that formerly he had desired: but he might

A. D. 1661.

story is to be govern'd by Facts, not by Opinions; and, as 'tis a known thing, that those two great Men were no very (r) good Friends to each other, 'tis scarce to be imagin'd, that the *Laſt* would have taken Pains to extol a Measure to both Houses of Parliament, which, it is said, he had not only oppos'd himself, but which had been carried against his Opinion, by one, whom he always consider'd as his Rival, both in Power and Favour.

We shall presently fee the *Chancellor's* own Account of this important Affair; and, in the mean time, it is necessary just to signify, that a Conference was held, during the Reces, between the *Bishopal* and *Presbyterian*

Divines, at the *Savoy*, on certain (u) Alterations in the *Liturgy*; which, as foreseen, serv'd rather to exasperate than reconcile the two Parties: And that, on April 23, the King was crown'd at *Westminster*, with great Magnificence; which Ceremonial is very circumstantially set forth in the Chronicles of those Times.

With respect to the Elections and Returns of the new Members, either the Crown- Influence was so great, or the Humour of the People so surprizingly alter'd, that very (v) few of the *Presbyterian* or *Republican* Leaven could find Admittance.

May the Eighth, being the Anniversary of the

A. D. 1661.

A new Parliament.

upon the Princess of Parma, to whom the King of Spain, have that very Account, had given a considerable Dowry: But if his Majesty, in lieu of Money, would rather have something else, that might be more for his Convenience, he need not explain his Mind, and he should receive that Satisfaction, which could not be affected by the *Princess*.

This Matter was debated in the King's Council, where it was agreed, That seeing the *Spaniards* would undoubtedly fall in their Promises touching the Marriage, it was most expedient to embrace the Proposals of *Peruigal*, who with the *Infanta*, would give the Towns of *Tangier* in *Africa*, and that of *Bombay* in the *East-Indies*, with three Millions of Livres, and Jewels to a great Value, &c. Our Author concludes with the following Reflection:

Those who wear imperial Eyes, looked on these Intrigues, could not but observe, that a *Presbyterian* Christian should perceive the King his Master to espouse a Catholic Princess, when at the same time a Catholic King proposed to that Prince a Protestant Consort.

With regard to the Passages in *D'Espada's* Letters, the first taken from *Tom. i.* which, it is worth observing, our Translators did not think proper to set off the Public with, in English, is from one of that Minister to the King his Master, dated from *Madrid*, July 25, 1661.

It seems to me, says he, by his (King Charles's) Conduct, in treating, conjunctively with the *Chancellor*, for the *Infanta of Peruigal*, at the same time that he listen'd to the Proposals of the *Spanish* Ambassador, relating to a Marriage with the Princess of Parma, he purposely meant to drive him into the wrong Measures the said Ambassador has taken; that he might be furnished with a Pretence for breaking of the Treaty with Spain, and find his Account in it, either on the side of *Dunkirk* or the *High-Indies*. At the same time, the *Chancellor*, who grew jealous, that the Earl of *Bristol* made too great a Progress in his Master's Favour, contriv'd to remove him from Court, by sending him to Parma; and has profited to greatly by his Absence, that he is become the Master, and the Earl now finds himself entirely worm'd out of all Credit and Consideration. The *Chancellor* has, at last, made no Scruple to declare himself his open Enemy; the immediate Consequence of which has been, that all his Opposers no longer meet with either Preference or Countenance in the Court of England.

Again, in his Letter to the King, of Feb. 1, 1662, among other public Declarations of the *Spanish* Ambassador in *Holland*, which he enumerates, he places the following:

"That *Chancellor Hyde*, as at present, as much for the Interest of Spain, as he had formerly been against them: "That the Treaty of *Dunkirk*, and the Marriage with the *Infanta of Peruigal*, had got him the ill Will of the Parliament and the People, which he hop'd to regain by proposing a glorious and advantageous Peace for *Peruigal*, and to ease the King his Master of the Burden of the *Indies* peace, in the Alliance he was oblig'd to give his Brother-in-law."

To this the King answers, Feb. 9.

"All that *Don Eſpava de Guzman* told the *Bargamoſter* relating to England, and the Attrition of *Chancellor Hyde's* Sentiments, is no less false than the rest. The King of Spain has made no Proposals, of an Accommodation with the King of England, nor he has no Minister at London, that can be trusted with an Affair of so much Weight. I know, on the contrary, from very good Hands, that the *Spaniards*, believing that *Bastwick's* Embassy, to which the *English* returned no Answer, was already more than they ought to have done in Honour, are resolv'd not to take any Step of that nature, before the King of England has demerited, that he desire that Union, by sending an Ambassador to *Madrid*, to which the said King is not at all dispos'd. And you know better than any one, what he told you, when you left London of his Passion, and the Interest he thought he had, to be clearly allied to me.

(1) Mr. Archdeacon *Echard* was very ill inform'd of the Administration of Affairs at that time, to imagine, that any thing of any Nature, could be done without the *Chancellor's* Privy and Approbation. The King had been long accustomed to be totally resign'd to his Advice, during his Exile, and continued so, for the first Years of his Return: A more absolute Minister could not be. The *General* was the very first Man he attempted to mortify, by undervaluing his Services, and magnifying the Merit of the *Presbyterians*, [This may be understood of the Leaders of that Party] to whom the Preference was given in all Rewards and Honours. When it was under Consideration in what manner to distinguish the *General* himself, the *Chancellor* propos'd to make him only Earl of *Essex*, with a Pension of three thousand Pounds a Year. The King was pleas'd of the Motion, he acquainted Sir *John Graville* with it, and order'd him to discourse with the *General* himself, and let what might satisfy his Ambition: The *General*, who would make no Terms before he had got his Will, tho' he had had *Carr Blanche* sent him, continu'd in the same Resolution of desiring nothing now it was done. It was then left to Sir *John Graville's* Management. It was not for the King's Honour to appear ungrateful in the Face of the World, to a Man, from whom he had just received three Kingdoms in so generous and so distinguished a manner; and that he was created Duke of *Albemarle*, with a very moderate Grant to support his Dignity, if compar'd with what we have seen since for much less Services.

In the Creations which followed, there were but two, who were intimately the *General's* Friends, and they were oppos'd the last in Rank and Precedence. Colonel *Charles Howard*, in whom he had always plac'd a particular Confidence, was upon the List for an Earlship. He apply'd to the *Chancellor* about his Rank, and demand'd it next to Sir *John Graville*, whom, for many Reasons, he took for granted, would be the first. The *Chancellor* readily complied with his Request. When the Creations were made, Sir *John Graville* Earl of *Bath*, found himself the last but one; and Colonel *Howard* Earl of *Carlisle*, was the last of all: When he would have expostulated, the *Chancellor* told him he had no Reason to complain, he had what he desired. *Lapsford's* Works, vol. ii. p. 166, 167, 168.

(2) It was then most notoriously evident, that their [the *Bishopal* Party's] Business, was not to consult the Interest of Religion, but at once to cover and serve a political Design, that was too bad to appear barefaced at first; nor did they mean to heal the Church's Wounds, so much as to revenge their own. Hence it was, that all the use they made of the *Savoy* Conference, was only to learn what the *Presbyterians*, then so called, did most scruple: not that they might ease them of it, but know what to bind the more strongly upon them. They made no Secret of their true Design. Also they knew their Minds, they would have Matters to pass, as that not one of that Sort, should be able to keep his Tongue. Dr. *Bate* himself (a Person of utmost Candour, as well as undoubted Integrity) assures us, that when the Lord Chamberlain *Manchester* told the King, He was afraid the Terms of Conformity were so rigid, that many of the Ministers would not comply; Dr. *Sheldon* (then Bishop of London, and the great Leader of the ruling Clergy at that Time) reply'd, I am afraid they will. Their Compliance was then, what the dominating Clergy did not desire, but fear; and their Non-compliance, against which there have been such dreadful Outrages ever since made, was what they were resolv'd to force them to. *Bishop's* Answer to *Bonnet* of *Lisbon*.

(3) According to Mr. C., in his Answer to the *By-stander*, p. 59, but FIFTY-IX.

The Lord *Chancellor*, in his Answer to the new Speakers second Speech, hath this Paragraph: "The King did his Part, by publishing the very Day he intended the Parliament should meet, a good time before the Writs were sent; by sending out the writs much longer than was necessary before the Day of Meeting, so that the Country might not be surpris'd in their Elections, and

A. D. 1661. the King's Proclamation, was, for good Luck's sake, appointed for the Opening of the Parliament: His Majesty, in his Speech upon that Occasion, acknowledges, that "The Memory of the great Affection the whole Kingdom shew'd to him that Day Twelvemonth, made him desirous to meet them again this Day; when, I dare swear, said he, you are full of the same Spirit."

And as to the Sequel, it turn'd upon a Confirmation of the Proceedings of the last Parliament, especially with regard to the (w) Act of Oblivion and Indemnity; and his intended Marriage with the Infanta of Portugal.

Chancellor's Speech.

The Lord Chancellor expatiated largely on these Heads; but set out, with extolling the Super-excellency of a Parliament summon'd by the King's Writ; and the Happiness of those who had lived to see their King anointed and crown'd, by the Hands of an Archbishop.

Tho' the late Parliament was not call'd by the King's Writ, said he, it may be reasonably thought to have been called by God himself: But then he promised, that though it acted under so sublime an Authority, a great Part of the Business of this, was to confirm and re-enact all, that had been done by them.

A little farther on, having saluted the King (x) Emperor, in his Way, he gave the House to understand, "That they would find the Revenue, which their Predecessors intended to raise for the King, very much short of what they promis'd: That they would find the public Debts, for the Discharge of the Army and the Navy, which they thought they had provided for sufficiently, to be still in Arrear, and unpaid."

He then recommended Tenderness to tender Constitutions, but the utmost Vigilance over, and the utmost Severity against, seditious Preachers; and taking Occasion to speak of Fenner's Insurrection, he added,

"Let no Man undervalue the Treason, because of the Contemptibleness of the Number engag'd in it; no Man knows the Number; but, by the Multitude of intercepted Letters, from and to all the Counties of England, in which the Time was set down wherein the Work of the Lord was to be done, by the desperate Carriage of the Traytors themselves, and their bragging of their Friends, we may conclude the Combination reached far."

A. D. 1660. He concluded with the Affair of Portugal; of which he gave the following Detail:

"Within a very short time after his landing in this Kingdom, he was mov'd by the Embassador of Portugal to renew a Treaty, lately made between that Crown and the Usurper; a Treaty, in very many Respects, the most advantageous to this Nation, that ever was entred into with any Prince or People; a Treaty, by which, at this time, that Crown is paying the Penalty (which the Usurper exacted from it) for the most heroic and noble Act of Honour and Friendship, perform'd by that King to our Master, that ever was perform'd by any Prince towards another Prince in Distress; and yet the King was nothing forward to ratify this Treaty, tho' it is very true, every Article in it, but one, was entirely for the Benefit of this Nation, for the extraordinary Advancement of Trade, for the Good of Religion, and for the Honour of the Crown; yet there was one, one single Article, that must oblige the King, as it did oblige the Usurper, to supply Portugal with an Army for his Assistance, when he should require it; that is, that Portugal should have Power to make Levies of ten thousand Men for their Service: This the King foresaw might produce a War with Spain, which he was very unwilling to undergo for that Engagement; and yet his Council represented unto him, how heart-breaking a thing it would be to his People to lose the Possession of so great a Trade, and those other immense Advantages they had by that Treaty; and that would be judged an irrecoverable Error in Policy, if Portugal should be suffer'd again to be swallowed up by Spain. However, the King was resolv'd not precipitately to engage himself in such a Treaty, as might be attended with such an Inconvenience, but to take Time fully to consider of it; and this Delay the Portuguese could not be pleas'd with, and so the Embassador returned home to his Master.

"About this Time the House of Commons sent up a Bill to the Lords for the annexing Dunkirk and Jamaica to the Crown of England, which seem'd to have the most universal Consent and Approbation from the whole Nation, that ever any Bill could be attended with; yet the same

Consider-

that they might send up such a Representative unto him, as he might make a clear View and Prospect of the Affections and Desires of his People: And he is perswaded, that the Commons of England were never more exactly represented, than they are at present."

Again, Mr. Hampden, in the Pamphlet call'd Plain English, before quoted from the State Tracts, Will. III. observes, That the King's Message signifying his Design to dissolve the Parliament in a Month, put Men throughout the Kingdom in supplanting them.

(w) On this Subject his Majesty was pleas'd to say: "In God's Name provide full Remedies for any future Mischief, be as severe as you will against new Offenders, especially if they be to upon old Principles, and pull up those Principles by the Roots."

And upon the Marriage:

"When I had, as well as I could, weigh'd all that occur-

red to me, the first Resolution I took was to state the whole Overture, which had been made to me, and in truth, all that had been said against it, to my Privy Council, without hearing whose Advice, I never did, nor ever will resolve any thing of public Importance: And I tell you with great Satisfaction and Comfort to myself that, after many Hours Debate in a full Council, (for I think there was not above one absent) and truly I believe, upon weighing all that can be said upon that Subject for or against it, my Lords, without one dissenting Voice, (yet there were very few that dissent) advis'd me with all imaginable Cheerfulness to this Marriage, which I looked upon as very wonderful, and even as some Instance of the Approbation of God himself.

(x) Of whom, we may very justly say, as a very good Historian said of a very great Emperor, and, I am sure, it could never be so truly said as of Owa, *Facere recte Civis, &c.* Vide Speech.

A. D. 1661.

“ Consideration which retarded the *Treaty*  
 “ with *Portugal*, made the King less warm  
 “ toward the advancing of that Bill: And  
 “ the *Spanish* Ambassador was as solicitous  
 “ to obstruct it, as he hath been since to  
 “ obstruct the Match with *Portugal*. This  
 “ being the Case, and the *Portugal* Emba-  
 “ sador returning with such particular Over-  
 “ tures to the King for a Marriage with the  
 “ Daughter of that Crown; that, both in re-  
 “ spect of Portion, and many other tran-  
 “ scendent Advantages for the Advancement  
 “ of the Trade and Empire of this King-  
 “ dom, the like hath not been offered in  
 “ this Age. And his Majesty having receiv-  
 “ ed as full Information and Satisfaction in  
 “ the Beauty and Excellency of that re-  
 “ nowned Princess, as can be had without  
 “ a personal Interview (a Circumstance very  
 “ rarely admitted to Princes) it was not in  
 “ his Majesty’s Power to be without some  
 “ Approbation and Inclination to this Ali-  
 “ ance: Yet even then, he would not trust  
 “ himself in this great Affair, which so nearly  
 “ and so dearly concerns himself, and him-  
 “ self above all others: Though the Benefit  
 “ and Advantage could but appear the same  
 “ upon further Consultation, yet there might  
 “ possibly be some Mischiefs, or some In-  
 “ conveniences discern’d, which he had not  
 “ foreseen: He resolves therefore to call his  
 “ Council, tells them some Days before, that  
 “ he had an Affair of great Importance to  
 “ impart to them, and to receive their Ad-  
 “ vice in; and therefore appointed an *extra-*  
 “ *ordinary Day*, that they might all appear,  
 “ and truly I think there was but one Lord  
 “ absent, who was then indispos’d in his  
 “ Health: In this Council he stated the  
 “ whole Matter, all that was offer’d of Be-  
 “ nefit and Advantage, all that occur’d of  
 “ Hazard or Inconvenience, without the  
 “ least Discovery of his own Inclinations,  
 “ further than that you would have believed,  
 “ he had seen the Picture of his Mistress;  
 “ it having been a Speech he had often ac-  
 “ customed himself to, that he would not  
 “ marry a Woman he had not some Reason  
 “ to believe he could love, though she could  
 “ bring him the Empire of the World. He  
 “ did not conceal from my Lords what the  
 “ *Spanish* Ambassador had offered against  
 “ this Marriage (who is not over reserved in  
 “ giving Counsel, nor in communicating the  
 “ Counsel he gives) what Profers he had  
 “ made of others, what Threats of War in  
 “ one Case, what Advantage of Dowry in  
 “ another; that he was so solicitous for the  
 “ Advancement of the Protestant Religion,  
 “ that he had offered several Protestant Prin-  
 “ cesses, whom his Master shall give a

Portion, as with the Infanta of *Spain*:  
 “ And truly less than the *universal Monarch*  
 “ could not dispose of so many Princesses,  
 “ without the least Consent or Privy of  
 “ their own. His Majesty commanded all  
 “ my Lords to deliver their Council and  
 “ Advice freely, upon a full Prospect of  
 “ what might appear good and happy for  
 “ his People, as well as for himself; assur-  
 “ ing them, as he hath done you now this  
 “ Day, that as he never did, so he never  
 “ will do any Thing of great Importance  
 “ without consulting with them. You will  
 “ believe that my Lords of the Council are  
 “ solicitous enough for the Advancement of  
 “ the Protestant Religion, upon which the  
 “ Welfare of the Kingdom so much de-  
 “ pends: But they were very apprehensive  
 “ that the first Protestant Daughter that ever  
 “ any King of *Spain* had, would not prob-  
 “ ably bring so great Advantages to it, as  
 “ was pretended. They have no Mind to  
 “ encourage the King to a War; we have  
 “ had War enough; but they do not think  
 “ he should so much fear a War, as, out of  
 “ the Dread of it, to be at the Disposal of  
 “ any other Prince, and that when he hath  
 “ freed his own Subjects from *Wardships* and  
 “ from *Liveries*, that he should himself be-  
 “ come a *Ward* to the King of *Spain*, and  
 “ not marry without his Approbation and  
 “ Consent: They observed, that in the same  
 “ Memorial (I do not mean that which he  
 “ last printed, but a former) in which the  
 “ *Spanish* Ambassador threatens War, if the  
 “ King marries with *Portugal*, he presseth  
 “ very earnestly the delivering up of *Dun-*  
 “ *kirk* and *Jamaica*; and it is plain enough  
 “ he would have that Recompence for the  
 “ Portion he would give; and, in truth,  
 “ whoever is against the Match with *Portu-*  
 “ *gal*, is for the Delivery of *Dunkirk* and  
 “ *Jamaica*, a War being as sure to follow  
 “ from the latter, as from the former; and  
 “ from neither, till the King of *Spain* finds  
 “ it convenient for himself; which I hope  
 “ he will not yet do. I will not enlarge  
 “ upon the many Reasons; the King hath  
 “ told you the Conclusion: There was ne-  
 “ ver a more unanimous Advice from any  
 “ Council; not one dissenting Voice in the be-  
 “ seeching his Majesty to make this Mar-  
 “ riage, and to finish it with all the Expe-  
 “ dition imaginable. Upon this he sent for  
 “ the *Portugal* Ambassador, declared his  
 “ Resolution to him, hath writ himself to  
 “ *Portugal*, and is preparing his Fleet to  
 “ fetch home our Queen.”

Sir *Edward Turner*, the Duke’s *Solicitor*,  
 having been chosen (y) *Speaker* of the Com-  
 mons, and the House proceeding to Business,  
 this

A. D. 1661.

(y) When he was presented to the King for his Approba-  
 tion, a Sort of Rhetorical Contention ensued between him and  
 the *Chancellor*; each endeavouring to surpass the other, in  
 saying fine Things, in the finest Manner:

The *SPEAKER*.

“ The Presence of this Glory, and the Glory of  
 this Presence, do transport me.”

“ The Children of *Israel*, when they were in the Wilder-

ness, tho’ they were fed with *God’s* own Hand, and sat  
 the *Table of Angels*, yet they fasted, and murmured, and  
 rebelled against *Moses*.

The same unthankful Spirit dwelt in this Nation for di-  
 vers Years last past; the Men of that Age were weary of the  
 Government, tho’ it was resolv’d to the Wonder and Envy of  
 all other Nations: They quarrelled with our *Mesa*, because  
 he was the *Lord’s* Anointed; *Noluntas* *Lucæ* regnare, was their  
 first

A. D. 1661.

this Affair was the very next Day taken into Consideration, and met with as cordial a (z) Reception, as either the King or his Chancellor could desire.

This Step prov'd them *loyal*, their next prov'd them *orthodox*; for they made an Order for every Member to take the Sacrament by a certain Day, according to the Form prescribed in the *Liturgy* of the Church of *England*; and those who suffer'd that Day to

elapse, without taking it, were not permitted to sit in the House, till they produced a Certificate, properly testify'd, that they had obey'd it.

They likewise prepar'd a Bill, "To prevent the ill Consequences to the Government, by the *Quakers*, *Anabaptists*, and *other Schismatics*, refusing to take Oaths, and numerously and unlawfully convening together, with such Penalties as may

A. D. 1661.

first Quarrel; but levelling Party and Confusion followed; then Tyranny and Usurpation was the Conclusion.

We read of the Emperor *Adrian*, when he lay a dying, he complain'd, that many Physicians had deserv'd him; meaning, that his contrary Concepts, and different Directions for his Recovery, had hinder'd his Death.

So it was with us; we were sick of *Reformation*; our *Reformers* were of all Ages, Sexes, and Degrees, of all Professions and Trades: *They every Good went beyond his Last.*

The last Meeting here in Parliament was happy, in healing the bleeding Wounds of this Nation; they were *Heal'd* also, even for their *Works* sake; your sacred Majesty did bless them; and therefore they shall be blessed to all Posterity.

But, Sir, we hope you have a *Blessing* left for us too: That was your Parliament by Adoption, but this is yours by Birthright; this Parliament is free-born: I hope this Honour will beget in us an Emulation to exceed the Actions of our Predecessors, and not only to meet your Majesty as our Sovereigns, with the Duty of Subjects, but with the Love of Sons to a most indulgent Father.

"When the Famine of *Solomon's* Wisdom had fill'd the neighbouring Nations, the Queen of *Sheba* could not contain herself at home, but with many Camels laden with Spices, with Gold and precious Stones in abundance, she comes to *Solomon*, to converse with him of all that was in her Heart. Great Sir, while this your native Country was *scarcely* of you, foreign Nations were made happy in the Knowledge of your Person, your Piety, and your Wisdom: And now the *Lords and Gosh* hath brought you home, and set you in your Throne, your Subjects long to see you.

What Striving and Rejoicing was there at your first Landing, to see our *Rising Sun*!

What Striving was there at your Coronation, to see the Imperial Crown set upon your Royal Head!

What Striving hath there lately been, in all the Counties, Cities, and Boroughs of this Nation, who should be sent up to hear your Wisdom, and confer with you in Parliament!

"If the Abilities of all *Englishmen* can make you happy; if the Riches of this Nation can make you great; if the Strength of this warlike People can make you considerable at home and abroad; be assured you are the greatest Monarch in the World. Give me leave, I beseech you, to double my Words, and say it again; I with my Voice could reach to *Spain*, and to the *India* too, you are the greatest Monarch in the World."

#### THE CHANCELLOR.

"You have made, Mr. Speaker, a very lively Description of the Extrangency of that Confusion, which this poor Nation groan'd under, when they would throw off a Government they had lived and prosper'd under so many Ages; indeed from the time of being a Nation, and which is as natural to them as their Food or their Raiment, to model a new one for themselves; which they know no more how to do, than the naked *Indians* know how to dress themselves in the *French* Fashion."

"The confounding the *Commons of England*, which is that noble Republicative, with the *common People of England*, was the last Ingredient in that accursed Dole, which intoxicated the Brains of Men with that Imagination of a *Commonwealth*; a *Commonwealth*, Mr. Speaker: A Government as impossible for the Spirit, and Temper, and Genius of the *English* Nation to submit to, as it is to persuade them to give their Cattle and their Corn to other Men, and to live themselves upon Herbs and Roots."

"You have done well, Mr. Speaker, in taking notice of the great Efficacy the King hath of the Memory of the last Parliament; he takes all Occasions himself to do it; and it deserv'd it at his Hands. But, as the wisest Father takes Joy in the Hopes his Heir will be wiser than he; and the greatest Monarch, in the Hopes that his Successor will be greater than he; and, if the Souls departed feel any Joy upon what is done in this World, it is in the Case of such an Heir, such a Successor; so you may be confident the Ghost of the deceased Parliament will be much delighted, much exalted, to see your Actions excel theirs, and your Fame exceed theirs.

It was a *Bless'd* Parliament, but there are other and *greater Blessings* reserved for you. They began many Things, which you may have the Happiness to finish; they had not Time nor Opportunity to begin many Things, which you may have the Honour to begin and finish. They invited his Majesty home, restored him to his Throne, and Monarchy to the Nation. It will be your Glory to establish him in his Power and Greatness; to *avenue* Monarchy to the Nation, that he nor his Pottery shall be ever again forced to be abroad, that they be invited home, not in danger to be restored; so to river Monarchy to the Hearts, and to the Understanding of all Men, that no Man may ever presume to conspire against it. Let it not suffice that we have our King again, and our Laws again, and Parliaments again; but let us provide, that neither King nor Law, nor Parliaments, may be so used again. Let not our Monarchy be undermined by a *Fifth Monarchy*, nor Men fail'd to have the Protection of a Government they profess to hate. Root out all *Anti-monarchical Principles*: At least, let not the same Stratagems prevail against us; let us remember how we were deceived, and let not the same Artifices over-reach us again; let King, and Church, and Country, receive more and *greater Advantages*, by the Wisdom and Industry of this Parliament." What followed was equally worthy of the Patriot and Politician, and not only deserv'd Acknowledgment then, but Imitation since.

Let Trade abroad and at home, be encouraged and enlarged; all Vices and Excesses be reformed and abolished, by new Laws and Provisions; let profitable Arts and Industry and so great Encouragement; that all thriving Inventions may be brought from all Parts of the World to enrich this Kingdom, and that the Inventors may grow rich in this Kingdom. And upon this Argument of encouraging Industry, I have a Command from the King to recommend to you, the Encouragement or Preservation of a great Work of Industry, in which the Honour and Interest of the Nation is more concerned, than in any Work this Age hath brought out; it may be in any Nation; and that is, all the Drawings in *England* which have given our *Companies* upon our own Continent, and brought an insupportable Burden to King and People by an Art of Creation; making Earth and mending Air, by Wit and Industry: Let no Waywardness in particular Persons, or Consideration of private and particular Advantage, give Disturbance to Works of so public a nature, much less to destroy such Works; but provide out of hand for the upholding and supporting them by some good Law, in which, due Care may be taken for all particular Interests, when the Public is out of Danger."

"Resolved by the Commons, that since his Majesty had been graciously pleas'd to acquaint them with his Resolutions concerning his Marriage and other Matters of Importance (which manifested his extraordinary *Faith* and *affection* for that House) they would attend his Majesty to pay him their most humble and hearty Thanks, as to the best and wisest Prince in the World; for which Purpose they further ordered, that his Majesty's Council, as were of his Majesty's most honourable Privy-Council, be desired to go to his Majesty to know his Pleasure concerning the Time, when they should attend him.

There was besides, a joint Address of both Houses on this remarkable Occasion, which deserves a Place here.

"We the Lords and Commons do humbly tender our Acknowledgments and Thanks unto your Majesty for that free and gracious Communication of your Resolutions to marry with the Infanta of *Portugal*, which we conceive to be of so high Concernment to this Nation, as that we receive it with great Joy and Satisfaction; and so with all Earnestness beg a Blessing upon, and a speedy Accomplishment of it. And we cannot but express our own unanimous Resolution, which we are confident will have a general Influence upon the Hearts of all your Subjects, that we shall upon all Occasions be ready to assist your Majesty in the Pursuance of your Intentions against all Oppositions whatsoever."

"To which the King return'd his special Thanks, declaring, that he did in the Matter of the intended Marriage, as much rely upon God as his own Power.

A. D. 1661.

" may be suitable to the Nature of those Offences, and may be profitable to work upon the Humours of such Fanatics."

It ought to be observ'd, that, just before this Bill was order'd by the Commons, there had been a general Gaol-Delivery of all the Quakers thro' the Kingdom, by Proclamation; with this merciful Circumstance, of being excus'd all their Fees.

But tho' the King could shew Favour without-doors, he could not, as yet, give the Law within; where the Church was mightier than He.

The poor Quakers were, therefore, forc'd to petition the Lords to allay the persecuting Spirit that was gone forth against them; who, considering them as Extravagants rather than Delinquents, contented themselves for the present, with directing the Attorney General to proceed against them by Proclamation, instead of laying them open to the Terrors of any new Law.

(\*) *Knox* affirms that the King gave open Countenance and express Honour to some of the Roman Priests, who had been helpful and servicable to him abroad, and came over with him or soon follow'd him. Of these he names two, *Henry Starkey* and *Lissel Corderfer*, alias *Munten*. *Knox*. *Rep.* p. 479.

(a) *A true Copy of a Petition delivered to the Parliament by the Roman Catholics.*

His Majesty having been pleas'd in his most gracious Declaration from *Breda* (which hath been since confirm'd upon other Occasions) to declare a Liberty to tender Consciences, and that no Man shall be disturb'd or call'd in question for Difference of Opinion in Matters of Religion, which do not disturb the Peace of the Kingdom. *These are his Majesty's own Words:* We his Roman Catholic Subjects do humbly lay hold on this Grace and Favour, and are Petitioners to the Right Honourable the Lords and Commons assembled in this present Parliament, that we may by their Mediation receive the Benefit of his gracious Promise, not being content to ourselves of the least Guilt, that may render us incapable of this gracious and general Indulgence.

That we differ from those that profess the Religion established in this Kingdom, even in Matters of Religion, is no question; and whether our Opinions are grounded upon Truth and Reason, is not pertinent to our Business, since we do not pretend to justify our Doctrine, but to submit both it and ourselves to his Majesty's Mercy. But the only material Question, as we humbly conceive, is this, whether our Opinions are consistent with our Obedience to the King and the Peace of the Kingdom, to which we take the boldness to make this Answer.

We have not heard, that there hath been any Objection to any of our Opinions, concerning our Fidelity to his Majesty, and our peaceable Comportment with our fellow Subjects, but only in our owning of a spiritual Jurisdiction in the Pope incompatible, as it is conceived, with the Power and Authority of the King, and such as set only over us our Allegiance, but by that depending on a foreign Power, endangers the Peace and Quiet of the Nation.

Though the Confidence of the Opinions of the Roman Catholics with the strict Duty of Subjects to their Sovereign may be sufficiently evinc'd by the constant Practice of Roman Catholics in all Countries where they are permitted to live, yet we will not content ourselves with a Proof from the Effect, but endeavour to give the Parliament a more exact Satisfaction, by a short Declaration of what we believe in that Particular, in which, we humbly conceive, we have hitherto been misunderstood.

In the first Place, we do declare that our Obedience to our Prince is an Article of our Faith grounded upon the unalterable Word of God, and not only to Princes of our own Religion, but even to those who are Enemies of it.

We do in the next Place declare, that it is no Article of our Faith, that, by virtue of that spiritual Jurisdiction acknowledged by us in the Pope, he had any Authority to depose a King, or absolve his Subjects from their Allegiance; and the Truth of both these we are ready to confirm by Oath; and further, that if at any Time the Pope shall attempt to execute that pretended Power, we are ready with our Lives and Fortunes to oppose him.

Now whether there is any reasonable Ground to imagine, that, contrary to an Article of our Faith, and so sworn to be by us, we should espouse an Opinion that is only Prejudicial, to the Prejudice of our Duties, and contrary to

Perfection for Conscience Sake can never be defended; and yet King Charles has obtain'd little Honour by his Endeavours to set it aside: It has always been apprehended, and not without Reason, that he never shew'd any Favour to Nonconformists of any Class, but for the Sake of the (\*) *Papists*: And it is extremely remarkable, that while the *Episcopalian* was permitted to set his Foot on the Neck of the *Presbyterian*, the *Papists* (a) petition'd the Lords to have the sanguinary Laws repeal'd; and, according to (b) some foreign Authors, would have carry'd their Point, if there had not been an Exception thrown in against the (c) *Jesuits*, who, in Revenge, overset the whole Scheme; or, according to (d) others, if the Lord *Clarendon* had not carry'd a greater Sway than the King himself.

The Commons in particular, upon all Occasions, made the Church their first Consideration, and the King but their second: Hence it

our Oath, is humbly offered to the Christian Consideration of the honourable Members of both Houses.

We do not know what Inconveniences such a spiritual Jurisdiction can create in the Minds of those Subjects, as to the lessening their Obedience to the temporal Magistrature, who are so fortified against the irregular Execution of it, and which in its own Nature is so absolutely distinct from that Jurisdiction which Princes justly challenge over all their Subjects.

It is the Wisdom (as well as the Will) of the divine Providence, with such Harmony to dispose of these Powers, by which the whole Man is to be governed, that they no way clash one with another; that of the Seal, which properly belongs to God, nor interfering with that which belongs to Caesar.

To conclude, what greater Security can be given by a Subject to his Prince of his Fidelity and Obedience, than the Pawns of his Religion delivered by his Doctrine; and the Sacrifice of his Will declared by an Oath, and confirm'd by his Practice? We acknowledge ourselves bound by the Articles of our Religion to obey our Sovereign; and we swear that we will; and that in Opposition to all foreign and domestic Power whatsoever, without Restriction.

(b) The King was inclinable to the *Papists*, that he was willing to consent to any thing in favour of them. His Temper was not unknown to the *Papists*, a Design was on him to procure a Toleration for them. The King had a Privy-Council fit for the Purpose, and hoped to have the Parliament as pliable, if Money could be command'd from a neighbouring Prince, as the *Jesuits* had promised him; but when their good Men understood, that a Clause was to be inserted in the Act of Toleration, that no *Jesuit* should be suffered to live in England, there was no Money to be had; the Lords who were to bring it about were desired to let it drop; the King was fool'd, and the general Interest of *Popey* sacrificed to the private Interest of the *Jesuits*. *Hist. of the College of Douay*.

(c) July 16, The House of Lords proceeded to finish the Report concerning Penal Laws against Roman Catholics, and appointed a Committee to consider of, and prepare a Bill to be offered to this House upon their particular Heads.

Their Lordships to peruse the whole Statute of 5 *Edw. Cap. I.* and to consider what Part thereof is fit to be repealed.

The Clauses of the Statute 27 *Edw. Cap. II.* concerning the receiving of *Jesuits* and seminary Priests, to be repealed.

The Clauses of the Statute 35 *Edw. Cap. II.* concerning Nonconformists, to be repealed.

The Clauses 1 *Jas. Cap. IV.* concerning putting former Laws against Recusants and *Jesuits* into Execution, to be repealed.

The Clauses 3 *Jas. Cap. IV.* concerning going out of the Realm, and not taking the Oath of Allegiance, and giving Bond for those that seduce others, to be repealed.

The *Writ De Hæretico comburendo*, to be repealed.

In the Preamble of the Bill to set forth the Reasons and Grounds of the Alterations, and also to consider of fit and proper Remedies to preserve the Protestant Religion from the Inconveniences which the repealing of these Laws may otherwise produce. But this Indulgence not to be extended to *Jesuits*. Of this Committee were the Duke of York, Lord Treasurer, Lord Privy Seal, &c. *Lord's JOURNAL*.

(d) There were great Debates in this Assembly about Liberty of Conscience, between the Protestants and the Catholics,

A. D. 1661.

*Papists petition to have the sanguinary Laws repealed.*



A. D. 1661.

it follow'd, that they acted more like the Representatives of the Clergy than of the People; and that all Concern for the Liberty of the Subject was, in a manner, devoured by their Zeal for the Sanctuary.

*Ecclesiastical Jurisdiction reject'd. The Act to enable Ecclesiastical to exercise temporal Jurisdiction repeal'd.*

Not content with restoring ecclesiastical Jurisdiction, they repealed the Act by which Ecclesiastics were disabled from exercising any Authority in Temporals: And, in a word, to them the Nation stands oblig'd, for the abrogating that Law, by which, my Lords, the Bishops, were depriv'd of their Seats in Parliament; the happy Effects of which we have Reason to feel, and acknowledge at this Day.

*Solemn League and Covenant, &c. burnt by the Hangman.*

On the other hand, being willing to convince his Majesty, that the Supporters of the Church were the surest Supporters of the Monarchy, they ordered the national League and Covenant, the Act for erecting the High Court of Justice, the Act for subscribing the Engagement, the Act for declaring and constituting the People of England to be a Commonwealth, and free State, &c. to be burnt by the common Hangman; which was accordingly perform'd, as much to the Satisfaction of the Populace, as they had been at first instituted.

*Act for the Security of the King's Person and Government.*

They likewise prepar'd and pass'd an Act for the Security of the King's Person and Government, by which it was made capital Treason to devise the King's Death, or Imprisonment, or bodily Harm, or to deprive and depote him from his Kingly Name, &c. It enact'd likewise, that whoever affirm'd the King to be an Heretic, or a Papist, or should by Writings, Printing, Preaching, or other Speaking, stir up the People to Hatred or Dislike of his Majesty, or the establish'd Government, should be render'd incapable of holding any Employment in Church or State. It also declar'd the Long Parliament to be dissolved, the Solemn League and Covenant to be illegal; and that there was no Legislative Power in either, or both Houses of Parliament, without the King; and whoever asserted the contrary, were made liable to the Penalty of a Preamble.

*Act to limit Number of Petitioners.*

Recollecting further the Abuse of Petitioning, in the preceding Reign, they prepar'd a Bill, by which it was enacted, that no more than Twenty Hands should be subscrib'd to any Petition, or Remonstrance, unless with the Sanction of Three Justices, or the major Part of the Grand Jury; and that such Petition should not be presented to the King, or either House, by above Ten Persons, on the Penalty of a Hundred Pounds, and Three Months Imprisonment.

A. D. 1661.

*Militia given up to the King.*

They likewise gratify'd his Majesty, in his favourite Point of the (e) Militia; the whole Right in, and Power over which, they declar'd to be solely in the King; and that both, or either, of the Houses of Parliament, cannot, nor ought, to pretend to the same.

Nor did they stop here, but in the same Act authorized all the Trespassers which had been committed on this Head, in virtue of Powers deriv'd only from the Prerogative.

But this Clause ought to bear Witness against itself; since it serves to demonstrate, that Oppression prevail'd in the Government, as well as Faction among the People.

*Clause to indemnify past Illgalities.*

And whereas, since the 24th of June 1660, there have been Insurrections; by occasion whereof, divers of his Majesty's good Subjects have been murder'd; and for the securing the Peace of the Nation, and preventing farther Disorders, divers Persons, suspected to be Fanatics, Sectaries, or Disturbers of the Peace, have been assaulted, arrested, and detain'd, or imprison'd, and divers Arms have been seized, and Houses searched for Arms, or suspected Persons; Be it therefore further enacted, by the Authority aforesaid, that all and every Person and Persons, who have, or shall have acted or done any thing in Execution of any Commission or Commissions of Lieutenancy, issued by the King's Majesty, that now is, or by Colour of them, or any of them, or touching or concerning the same, or any of them, or relating thereto, shall be, and are hereby sav'd harmless, and indemnify'd in this Behalf. And also, all Magistrates, Justices of the Peace, Officers and Ministers of Justice, and all Persons that shall have acted by or under them, or by their or any of their Command, since the said 24th of June, as to any Assaulting, Arresting, Detaining, and Imprisoning any Person suspected to be Fanatic, Sectary, or Disturber of the Peace; or seizing of Arms, or searching of Houses for Arms, or for suspected Persons, shall be, and are hereby sav'd harmless and indemnify'd in that behalf.

They, however, took care not to render themselves useless. The Supplies granted by the former Parliament had not left the King in a State of Independency of this; and they also found it expedient to be frugal in their Grants, that there might be a Necessity for frequent Applications.

In their (\*) Money-proceedings, it must therefore be allow'd, that they acted with an Oeconomy, which very justly reproaches the Profusion of later Times.

*Money-proceedings.*

By

tholies, the Church of England and the Protestants. The Catholic Party was supported by the Earl of Bristol, a Man in great Repute, and Head of a potent Faction. The Protestant Party by Chancellor Hyde, chief of an opposite Faction, and a Person of no less Consideration; who, putting himself at the Head of the prevailing Church of England Party in that Parliament, declar'd not only against the Catholics, but against the Presbyterians, and all those the Church of England calls Non-conformists. The King, who was no good Christian in his Affections, but a Catholic in his Heart, and all that could be expected from his easy Temper, to maintain the Common Liberty, that so the Catholic Church

might have a share in it. But the Church of England prevail'd, and Chancellor Hyde was so hot upon that Point, that his Majesty was oblig'd to yield rather to his Impetuosity, than to his Reason. P. Orleans, p. 236.

(\*) This Bill was but a temporary one, and to authorize the King to do by Law, what he had hitherto done by his Prerogative till a more explicit Settlement could be made.

(\*) Upon this Head Mr. Eichelard has the following Passage:

But first they resolv'd to do something for the King in the Matter of his Revenge, and to consider of settling so much as might maintain the Splendor and Grandeur of his

A.D. 1616.

By one Act, they complimented his Majesty with all the Monies, and other Valuables, which were outstanding in the Hands of the Receivers, and which had been levied by the Authority of the late Governments.

By another, they did the same by the Arrers of the Excise.

By another, they vested all the Lands, Goods, and Chattels of Twenty-seven of the Regicides, therein-nam'd, in his Majesty.

And by another, they authoris'd and enabled his Majesty to receive a free and voluntary Present from his People; declaring, at the same time, that no Commissions or Aids of this Nature can be issu'd out, or levied,

but by Authority of Parliament; and providing, that this Act, and Supply, hereby granted, shall not be drawn into Example for the Time to come.

It ought further to be mention'd to their Honour, that, tho' they prepar'd and perfected the military Establishment of the Navy, by an express Law, they left the King to regulate his Soldiers, as well as pay them, in the best Manner he could; very rightly avoiding to give the least Sanction to so dangerous an (*f*) Innovation.

I shall take Leave of this Session with observing, that, tho' they renew'd and confirm'd the (*g*) Act of Oblivion, and all the

A.D. 1616.

Military Establishment of the Navy.

Act of Oblivion, &c. confirmed.

other

“ his Kingly Office, and preserve the Crown from Want, and “ from being undervalued of his Neighbours.” In order to which Sir Philip Warwick made a Report, That upon a full Examination he found the Customs, estimated at 50000 Pounds per Annum, would fall short 100000; that the Crown Lands, valued at 120000 Pounds per Annum would fall short 40000; that the Excise, val'd at 300000 Pounds per Annum, would fall short 20000; that the Estimate upon the Advantages of the Queen's Joynture, at 50000 Pounds, would fall short 40000; that the Estates forfeited, estimated at 38000 Pounds, would fall short 25000; and that the Wine Licence, estimated at 25000 Pounds, would fall short 10000. The Total of the Defect was 265000 Pounds. But that no Time might be lost, in the Point of the King's Revenues, the Commons are order'd, “ That forthwith might be provided “ a plentiful Supply for his Majesty's present unavoidable “ great Occasions, as well as a Settlement of a constant and “ standing Revenue.”

(*f*) Of which, even *Lebrange*, in his *Moments* touching Seditions, expresses himself in the following remarkable manner:

“ Our Seven Kings contented themselves with a Law, *What Arms every Man of Estate should have, and a Rate upon just as did Detract the Militia.*

*Edmond Ironside*, after his Duel with *Canutus the Dane*, and a *Competition*, to divide the *English* and *Danish* Kingdoms betwixt them and their Heirs, kept no Army on Foot to guard the Agreement; neither did the *Danes* (who after his Death, treacherously seiz'd the Kingdom) to maintain their Conquest.

*William the Conqueror*, that subdu'd both *English* and *Danes*, thought himself safe enough in creating *Tenants* by *Knight-Service*, and permitting *Proprietors*, too; at that Time under such Jealousies, that he took divers of his *English* *Prisoners*, into *Normandy* with him, for fear of a Commotion in his Realm.

*William Rufus*, and, after him, his Brother *Henry the First*, (tho' the *Urpurses* of the *Senior Rights* of their elder Brother *Robert*) set up his *Reign* upon the same Terms; and so did *Henry II.* after a long Contest with *King Stephen* and notwithstanding the Unrulings of most of his Sons.

*Henry III.* and then *Edward I.* after the Barons Wars, employ'd no standing Army to secure themselves; neither did *Edward* or *Richard II.* notwithstanding a potent Faction of the Nobility bandying against the latter of them.

Neither did the *Heinric IV., V., VI.* in the grand Schism of *York*, and *Lancaster*, ever approve of it. Nor *Henry VII.* (as *Wife* and *Jealous* as any of his *Predecessors*).

If any thing could have warranted the Adventure, methinks the *Tight-tarty* and *Bravillory* which *Henry VIII.* introduced, might have persuaded, or provok'd it. But neither there, nor in the following *Toits* and *Tumble* of Religion, from *Edward VI.* to *Queen Mary*, and then back again to *Queen Elizabeth*, was it put in Practice.

*King James* had no Temptation to it. *King Charles* the *Martyr*, was indeed charg'd with the *Invention* of it, and so he was with being *Englishly* affect'd (in truth, with what not), and the one as true as the other. But who were they that laid this to his Charge? Even tho' very Persons (some of them) that advis'd Oliver to keep a standing Army of 10000 *Horse*, and 20000 *Foot*, to awe and scourge the Nation. A Count unknown to our Forefathers; and by the best and worst of former Princes, equally disallow'd; the bad judging it safe, nor the good, expedient!

But other more convenient, and as effectual, means they had, either to prevent Dangers, or suppress them; as their Customs of *Friarage*, or *Frank-almoyns*, *Imprison*, *Oath*, and *Penalties*, *Tenants* by *Knight-Service*, *Commissary* of *Arms*, &c. Which being of approv'd Benefit, and Equality, were much more suitable to the Genius and Interest of the People, than a Standing Army, which to allow, had been no other than to deliver up the Strength of the Nation into the Hands of a Favourite.

Nor was it less against the Government, than against the Honour of the Nation. Put a Parliament over the Nation, and an Army over the Parliament. Who governs? But all *Oliver's* *Gifts* over *Swains*; and his *Soldiers*, *Saints*. Did they not take what they would, give what they would, *raise* and *plack* down at *Plasures*? Nay, effectually, did even my *standing* Army others, if they had nothing else to do? Had they not already got the Trick of calling the People together, to get *Money* of them, and then sending them away like *Bowards* when they had gotten it; of *packing*, and *qualifying*, *engrossing* of *Peasants* and *Officers*, containing the Nation?

But why do I discourse the Mischief of a *Standing Army*? They are too many, great, and obvious, to admit a Question. What are the Benefits of it rather? Is it either use to any Purpose, or useful to the common and pretended End of it, even under a lawful and hereditary Monarch?

It is true, a Prince may deal with his Dominions as the Gentleman did with his Estate, that turn'd an inheritance into an Annuity, because he would rather have it Large, than Long; and that's the fate of a *Feudal Government*. Suppose he save himself for his own Time, what will become then of his successors? But that we'll waive too, and consider what's the Fruit of it to himself.

It is the richer for't! Alas, the contrary. The Nation bears a double Burthen, and the Army feels the better Half of the Advantage. Is he the safer? Neither; for a Mutiny in his Army, is both more likely, and more dangerous, than a Tumult among his People. In fine, a *Standing Army* may promote a *Faction*, but 'tis the Law preserves the Public, and consequently the King.

That Monarch, that secures himself from Private Practices by a choice, full, and honourable Guard, well paid, and disciplin'd, about his Royal Person, as to the rest, shall find the strict and timely Execution of good Laws the best Public Security against Sedition.

There may be temporary Occasions indeed, for temporary and extraordinary Levies; but the Word *temporary*, is commonly attended with such a Train of Reasons for *Perpetuity*, that if the Occasion be not very manifest, the Word is apt to *haunt* of the Necessity.

To conclude. That Prince is great, safe, and happy, that commands by his Arms abroad, and governs by his Laws at home. The Apprehension of Conspiracies and Plots, in my Opinion, weighs not much; or, if there be any Danger, the Failing is rather in the Constitution or Administration than in the Want of Power to keep the People quiet. Good Laws and good Officers, will do the Business without an Army; and if the Instruments be bad, the Hazard is ten times greater with it.

(*g*) Upon passing this Act, the King made a Speech, which was *spoken with gratitude*, and which sufficiently shew'd, that whatever his Faults were, they did not arise from a Defect of Understanding.

“ The last Parliament, laid his Majesty, by God's Blessing, and the Foundation of the Happiness we all enjoy; therefore I thought it but Justice to the Memory of it, to send you Bills for the Confirmation of what was then enacted; and I cannot doubt, but you will dispatch what remains of that kind with all convenient Speed; and that you will think, that what was then thought necessary for the public Peace, ought not to be taken now, or my good Man left secure of what he possesses, than he was when you came together. It is to put myself in mind, as well as you, that I do often mention to you my *Declarations* from *Breda*: And let me put you in mind of another *Declaration*, published by your votes about the same time; and which I am persuaded made mine the more effectual; an honest, generous, and Christian *Declaration*, sign'd by the most eminent Persons, who had been the most eminent Sufferers; in which you renounced all former *Antiquities*, all *Memory* of former *Unkindnesses*, *swore* all *inimaginable* Good-will to, and all Confidence in, each other. There-

fore

1661. other Acts of the Convention-Parliament, relating to the Revenue, &c. they took no notice of that for confirming and restoring Ministers, which was the only legislative Hold that the Presbyterians had left.

Upon the 20th of (b) July, Mr. Secretary Morris had given the House to understand, that it was the King's Pleasure, that they should prepare for a speedy Adjournment; and accordingly, in ten Days after, his Majesty came to the House of Peers, and, having given his Assent to the Bills which were presented to him, the principal of which were severally embellish'd with all the Rhetoric the Speaker was Matter of, put an End to the (i) Session, by Adjournment, as before; Things being not as yet ripe for a Prorogation.

We are now to resume the Consideration of foreign Affairs.

Notwithstanding the King had been so magnificently receiv'd and entertain'd by the States General, in his Way from Brada to take Possession of his Throne, and seem'd to have for cordial a Sense of their Compliments and Civilities, he was very far from laying it down as a Maxim of his Government, to keep up a good Correspondence with that Republic.

But, tho' he did not design to live with them as Friends, he design'd to avail himself of their Power: In order to which he took a Resolution to espouse the Claims of his Ne-

phew the young Prince of Orange, and to use his utmost Efforts to put him at the Head of that People, in quality of Stadtholder.

With this View he reconcil'd himself to the Princess Dowager of Orange, with whom he had been at Variance, and enter'd into a proper Concert with the Elector of Brandenburg: He likewise undertook to subdue the Opposition which he expected from Mr. De Witt on that Head, by threatening to produce the Proofs, which were in his (k) Possession, of his endeavouring, while Embassador at London from the States to the Protector Cromwell, to irritate his Highness against the House of Orange; and of either causing or increasing all the Misfortunes it was then afflicted with: And, flattering himself that France would be induced to join with him in this Measure, he depended upon carrying his Point.

But however freely his Brother Lewis offer'd him his Services, he never intended that should prejudice his own Interests: Soon perceiving, therefore, that, tho' he assisted the Prince of Orange, he should never gain him; that, on the contrary, the Prince would think his first Obligations due to the King his Uncle, and that consequently, by advancing the Designs of England, he should weaken his own, he gave Instructions to Mr. d'Elstrades, to amuse his Majesty of England with good Words, and, if press'd, to excuse him on that Head,

1661. for an Agreement.

Foreign Affairs.

The King's Designs upon the Dutch.

[D'Elstrades.]

A. D. 1661.

"fore let it be in no Man's Power to charge me or you with  
"Breach of our Word or Promise. Let us look forwards,  
"and not backwards, and never think of what is past,  
"except Men put us in mind of it by repeated Faults we  
"had forgot, and then let us remember no more than what  
"concerns those very Persons. God hath wrought a won-  
"derful Miracle in settling us as he hath done. I pray let  
"us do all we can to get the Reputation at home and  
"abroad of being well contented. We have Enemies and En-  
"sues enough, who labour to have it thought otherwise;  
"and if we would indeed have our Enemies fear us, and  
"our Neighbours love and respect us, and fear us enough  
"to love us, let us take all the Ways we can, that, as the  
"World cannot but take notice of your extraordinary Af-  
"fection to me, and of the Comfort I take in that Af-  
"fection, so that it may likewise take notice of your Af-  
"fection to, and Confidence in each other, which will dis-  
"appoint all Designs against the public Peace, and fully  
"establish our joint Security.

(4) In this Month, Mr. d'Elstrades took up his Residence here as Minister from the most Christian King, and in his second Discourse to his Majesty, we find the following Passage:  
"I observe there are many Malecontents in this Court,  
"and yet more among the People. The Presbyterians,  
"who are those that rebuked the King, hold themselves  
"injured by the Resolutions which he has taken to restore  
"the Bishops. He asks much Advice to bring them into  
"his Measures, and, hitherto with Success."

(7) With a Speech, which shews so much of the Spirit and Bias of his Religion, that it would be an inexcusable Fault to omit any Part of it.

My Lords and Gentlemen,

"I perceive by the thin Appearance of the Members of  
"both Houses this Day, that it is high Time to adjourn.  
"In truth the Season of the Year, as well as your particu-  
"lar Affairs require it, and therefore I do willingly con-  
"sent to it. I thank you for the many Bills you have  
"presented me with this Day, of which I hope the Bene-  
"fit will redound to the whole Kingdom. I thank you  
"for the Care you have taken for the Safety of my Person,  
"which (till me) is the most valuable to me, for the Con-  
"sequence I think it is of to you: And upon my Confi-  
"dence, there is no Body willing till to me, but they would  
"quickly revenge the Lives of you, if they could. I  
"thank you for the Care you have taken of yourselves, of  
"your own Safety and Honour in the Act against Tumults  
"and Disorders, upon Presence of Parliament, to which  
"Licence we owe much of the Calmities we have under-

"gone. But I thank you with all my Heart, indeed as  
"much as I can do for any thing, for the Removal of that  
"Act, which excluded the Bishops from Parliament; it was  
"an unhappy Act, in an unhappy Time, pass'd with many  
"unhappy Circumstances, and attended with miserable  
"Events, and therefore I do again thank you for repeal-  
"ing it. You have thereby related Parliaments to their  
"primitive Institutions; and I hope, my Lords and Gentle-  
"men, you will, in a short time, restore them to their  
"ancient Order and Gravity of Debates and Determina-  
"tions, which the Licences of the late dissolved Times had  
"so much corrupted, which is the only way to restore Par-  
"liaments to their primitive Veneration with the People,  
"which I heartily wish they should always have.

My Lords and Gentlemen,

"You are now going to your several Countries, where  
"you cannot but be welcome for the Services you have  
"perform'd here: I do very earnestly recommend the good  
"Government and Peace of your Countries to your Care,  
"and your Council and your Vigilance. There are still  
"impur'd Spirits enough, which lie in wait to do Mis-  
"chief; by laying Reproaches upon the Court, upon the  
"Government, Reproaches upon me, and Reproaches upon  
"you. Your Wisdoms, and Reputations, and Authority,  
"I will do but not weigh down their light Credit; and  
"the old and new good Laws will, I hope, prevent any  
"Mischiefs they intend. However, you have done very  
"well, and I do heartily thank you for it, in declaring my  
"sole Right over the Militia, the questioning of which, was  
"the Fountain from which all our bitter Waters flowed. I  
"pray make haste to put the whole Kingdom in such a  
"Posture, that evil Men who will not be converted may  
"yet chuse to be quiet, because they find they shall not be  
"able to do the Harm they desire to do. I know you  
"have begun many Bills in both Houses which cannot be  
"finished till your Meeting again; and that they may be  
"finished then, I forbear to make a Session now, but am  
"contented that you adjourn till the twentieth of November,  
"when I hope, by God's Blessing, we shall come happily  
"together again.

"In a Word, my Lords and Gentlemen, I thank you  
"for what you have done, and am confident that what you  
"have left undone, you will dispatch with all Alacrity and  
"to all our Satisfaction, at our next Meeting. And to you  
"make adjourn till the twentieth of November."

(4) Which, according to Mr. d'Elstrades, had been communi-  
"cated to him by Sir John, Cromwell's Secretary.

A. D. 1661.

Head, on account of the Attachments of the Elector of *Brandenbourg* and the Princesses of *Orange* to the Crown of *Spain*, which hinder'd him from placing any Confidence in their Affection.

The King had already piqued the *States*, in the most sensible Manner, by placing his Nephew under the Tutition of the *Electors* and *Princes Dowager* before-mention'd, with an Exclusion to them: He had likewise embroil'd himself with *De Witt* in particular, who was the leading Man in the Cabal of *Amsterdam*, which gave the Law to the whole Seven Provinces; and over and above all this, when it was most his Interest to be well with the Populace of *Holland*, he made a Point of distressing them in their Fisheries on the *British* Coasts. He did indeed assert his Right of Sovereignty over the Seas, against all Nations, and, in particular, caus'd the Nets of certain *French* Fishermen of *Dieppe* to be seiz'd, in hopes his most *Christian* Brother would connive at the Example, for the sake of humbling the *Dutch*; especially, as the said Nets were restor'd, and the Owners were left at Liberty to carry on the Trade without Molestation, for the Time to come. But, unfortunately, the Court of *France* consider'd it as a *Trespas*, and the Manner of restoring the Nets gave more Offence than Satisfaction: for in the Instrument, which was sign'd for that Purpose by the Duke of *York*, as Lord High Admiral, it was made a Matter of *Grace*, and not of *Justice*. This was what *Lewis* could not bear; and accordingly, as it was a Breach of the Treaty between the late *Protector* and him, he immediately sent Orders, by way of Reprizal, to the Duke de *St. Simon*, Governour of *Blaye*, to set aside the (1) Article in that Treaty, relating to the *English* Ships, in their Passage up the River *Garonne* to *Beardcaux*.

not only made her own Advances of them.

Thus he made it necessary for the *States* and People of *Holland* to court the Friendship of *France*, and gave *France* an Opportunity to form a joint Interest with them; Each, of course made Advances to the other, mutual Negotiations were commenc'd; a mutual Confidence was establish'd; and the only Difficulty which retarded the Signing of a Treaty in form between them, was a Demand of the *States* for an express Guaranty of the *Fishery*, and his most *Christian* Majesty's Offer of a Guaranty in general Terms, which was an Expedient he chose, in order to avoid a Breach with *England*: For tho' it was manifestly his Interest for the Two great Maritime Powers to be at Variance, that his Friendship might become of more Importance to either, it was equally his Interest to keep up a good Correspondence with both.

To finish on our Concerns with *Holland*: During all this time, the *States* had Mi-

nisters at *London*, with Instructions to renew the Alliance between the two Powers; and Conferences were held upon the Terms: (m) Two of which, on the behalf of *England*, were, That all the Jewels and Furniture, belonging to the Crown, which had been sold in *Holland*, during the late Troubles, should be restor'd; and, That all those who had any Concern in the Death of the late King, and who should take Refuge in the Dominions of the *States*, were to be deliver'd up: But, even while these Affairs were under Deliberation, the *States*, on one hand, took all Opportunities to enter into the closest Unity with *France*, and the King, on the other, was ever remonstrating to Mr. *D'Esprades*, how easy it would be for him, and his most *Christian* Brother, to compel them to come into what Measures they pleas'd.

A. D. 1661.

With respect to the farther Intercourse of Negotiations with *France*. *England* and *France*, it appears, that the Earl of *St. Albans*, who was then the King's Ambassador at *Paris*, had Orders to receive the Proposals of the *French* Court, without making any himself: But the most *Christian* King had laid it down for a Maxim, to take Advantage of his present Situation, and oblige *England*, as well as *Holland*, to make the first Advances to him: In vain, therefore, did his Majesty, in Mr. *d'Esprades*'s first private Audience, declare, that he never so much courted the Friendship of any Prince, as that of his most *Christian* Majesty; that he esteem'd himself happy in seeing his Wishes accomplish'd; and that if the Emperor, and all the Princes of the *Barth*, were to solicit his Sister in Marriage, he would refuse them all, in order to dispose of her to (n) *Monseigneur*, on the sole Consideration of being thereby more closely ally'd to his Brother of *France*.

Mr. *d'Esprades*, who was a Minister of great Ability and Address, return'd Compliments for Compliments; but dextrously avoided advancing any thing, that might give either his Majesty or his Ministers the least Advantage. Finding, therefore, there was a Necessity to open first, the Chancellor gave Mr. *d'Esprades* to understand, That the Court of *Spain* had propos'd a Truce with *Portugal*, which the Majority of the *English* Council were for embracing: This *d'Esprades* undertook to dissuade the Chancellor from accepting; which being the very Thing he waited for, he seem'd to fall in with his Opinion; but withal added, That it was impossible for the King his Master to follow it, unless his Brother of *France* would assist him with a considerable Sum, to support the Expence of a War.

In a very few Days after this, the King himself sent for *d'Esprades*; and, after a Preface, signifying his entire Satisfaction in him, and that he was determin'd to undertake nothing

(1) Art. XI. That the Merchants Ships of this Commonwealth, and the People, and Inhabitants thereof, which shall go up to *Beardcaux*, or enter into the River of *Garonne*, shall not be compell'd in their Passage, by the Castle of *Blaye*, to take out their Ordnance, Arms, and Ammunition.

(m) In the defective Alliance which the King had enter'd into with *Denmark*, both these Articles were admitted; and

if *Holland* had allow'd them likewise, the same would have been insisted on with *France*: But to the first, the *Dutch* artfully reply'd, That if the King would reimburse the *Perchians*, they were at his Service: And with the last, tho' to a lucky Rebellion, they ow'd their own Liberty, they made no Difficulty to comply.

(n) The Duke of *Orleans*, Brother to the most *Christian* King, always so call'd.

A. D. 1661.

thing without the Advice and Participation of his most Christian Majesty, he propos'd to him the following Questions, viz.

Whether, for the common Interest of the two Crowns, Portugal ought not to be succour'd, so as to hinder it from falling again into the Hands of Spain?

Money demanded of that Court, for the Assistance of Portugal,

Whether the most Christian King would enable him to undertake this Service, by furnishing him with the (v) necessary Sums?

Or, Whether, if that was not in his Power, he would advise the King of England to accept the Mediation offer'd him by Spain, in order to the Conclusion of a Truce?

With these Proposals, which were treated of as a Secret of the last Importance, because the Majority, both of the Court and the Parliament, were in the Interest of Spain, his Majesty, together with the Chancellor (who was the sole Minister present at this Conference) would have induc'd Mr. d'Esstrades to have taken a Journey to the King his Master: But he excus'd himself, as having no such Warrant in his Instructions. He dispatch'd them nevertheless, by an express Courier, and very adroitly advis'd his Majesty to take the same Measures, in the mean while, for the speedy Assistance of Portugal, as if there was a Certainty that they would be accepted.

It happen'd however, that the King and his Chancellor built on a false Bottom: His most Christian Majesty had Reasons, which convinc'd him, that no such Truce had been offer'd; and that, consequently, he ran no Risque in not answering these pecuniary Demands of England: He therefore order'd Mr. d'Esstrades, in case the Necessity of accepting such Truce should again be urg'd, to reply, in his Name, That, tho' he was sorry for it, he could not help it; and that it must be submitted to as an Evil, which could not be avoided.

and refused.

Thus of the Two grand Points, which the King propos'd to obtain by his preferring the Friendship of France to that of Spain, he could, as yet, carry neither: On the contrary, France, on the one hand, embroil'd him in the War of Portugal; and, on the

other, establish'd its own Ascendency in the Councils of Holland, by the means of De Wit, which he aspir'd to by the House of Orange.

A. D. 1661.

In this Situation stood our Affairs abroad, at the Clois of this Year; and, agreeable to Order of Time, we must now resume the Deduction of our Transactions at home:

And first, of the War of Parties.

Tho' the Presbyterians had receiv'd many grievous Mortifications, they were not yet subdu'd: And, as they had discover'd a Sense of Ill-usage, it was thought advisable to disable them effectually, if not from resenting, at least from avenging it.

But this could not be effected, without doing Violence to all his Majesty's Declarations; unless it could be made appear, that they had forfeited the Benefit of them, by disturbing the Peace of the Kingdom: And it could scarce be imagin'd, that those who had just endeavour'd to shew the Vanity of Commonwealth-Principles, and had been so instrumental in restoring the King, would either co-operate in a Cause they had condemn'd, or be trusted by those they had undone.

Advantage however had been already taken of Vennir's Insurrection, to exercise great Rigours upon Separatists of all Sorts, as if the Guilt of One had extended to all: And, from what follows, it appears, that all manner of (p) Artifices were us'd to render the Presbyterians, in particular, obnoxious, that the Effects of Hatred and Animosity might be thought the Dictates of Justice; and that what they suffer'd was but what they deserv'd.

John James, a Small-coal-man, one of Vennir's frantic Crew, who had escap'd the Gallows, for his Concern in that horrid Sedition, had in October deliver'd a Discourse, equally treasonable and enthusiastic; in which, among other desperate Rants, he declar'd, that the Death and Destruction of the King grew very near; and for which he was immediately apprehended, and soon after (q) try'd, condemn'd, and executed. From hence

Seditious Discourse of one John James,

(p) Which, as the King affirm'd, had been promisd by the late Cardinal, to the Portuguese Ambassador; and for the Truth of which he refer'd to Mr. le Tellier.

(q) Mr. Andrew Parson had been Minister of Wren in Shropshire, till 1660, at the latter End of which, he was brought into Trouble, on the Account of seditious Words, which were sworn against him, which were these, That the Devil was like a King, that covered the Seal, and spake fair till he was cuttin into the Throat, and then play'd Pranks. The Witness deposed contrary to the Coherence of the Discourse, that he said, the King was like the Devil: He was try'd at Shropshire before my Lord Newport. Mr. Serjeant Turner, and others, May 28 and 29, 1661. It was also charged upon him, that he said, There was more Sin committed now in England in a Month, than was heretofore in seven Years: And that there had been more and better Preaching in England for thirty Years past, than was ever since the Apostles Days. He had Council assign'd him, who pleaded that the Time limited by the Statute on which he was indicted, was expired: The Court yielded it was so, allowing twenty-eight Days to a Month, but they would understand it of thirty Days in a Month. So he was found Guilty, and fin'd two hundred Pounds, and order'd to be imprison'd till it should be paid. He continued near three Months in Prison, till the Lord Newport, without his Knowledge, procur'd the King's Pardon for his Fine. This Tryal made a great Noise. Dr. Calamy's Account, p. 536. Contin. p. 722.

(q) The Indictment set forth, that the said John James, being assembled with other false Traytors in Balls- Alley in the Parish of White-Chapel in the County of Middlesex, did speak and publish these treasonable Words following, viz. That the King was a bloody Tyrant, and a bloody Ship's Man, and his Nobles the same; that the King and his Nobles had shed the Blood of the Saints at Charing-Cross, and the Blood of the Covenanters in Scotland; that the King was brought into this End, to fill up the Measure of his Iniquity; and that the King's Cap of Justice had filled more within this last Year than in many Years before, and bewail'd that they had not improv'd their Opportunity, when they had Power in their Hands; that it would not be long before they had Power again, and then they would improve it better; and he remonstrated the Apathy of the People, saying, and said, they had not fought the Lord's Battles thoroughly, but when the Lord should give his Work into their Hands again, they would do it better; and that the Death and Destruction of the King grew very near.

When brought to receive Sentence, being demanded what he had to say, why Judgment of Death should not pass against him according to Law, he answered out of the Prophet Jeremiah, that if they put him to Death, they should surely bring innocent Blood upon themselves and upon this City; and added, that, prout in the Sight of the Lord is the Death of his Saints. After which, Sentence was pronounc'd against him as a Traytor.

Between his Conviction and Condemnation, his Wife deliver'd

A. D. 1661.

Nation propagators of a general Plot:

[Heath's Chronicle.]

The Conspirators, Fanatics and Republicans.

Act of Uniformity,

owing to the Church, not the Court.

[Yarranton's Discovery.]

Independents and Anabaptists forwarded it, out of Spite to the Presbyterians.

hence an Apprehension arose, or a Hint was taken, to propagate the Notion of a general Plot against the King and Government; which soon gather'd Strength, and obtain'd Credit; for *Vane, Harrington, Lambert, Waller*, and several other Prisoners in the *Tower*, were remov'd to distant Places, Castles, and Islands, to cut off all Possibility of Correspondence with them, or Danger from them: And many more, of those who were thought to be their Confederates, were also seiz'd, and committed to close Custody. The very taking such Precautions as these prepares the Minds of the People to conclude, as their Betters would have them, that they proceed upon Evidence, and that, without a Saviour, all would perish.

Unfortunately indeed, all these either real or suppos'd Conspirators were *Republicans* and *Fanatics*, with whom the *Presbyterians* were at Variance; and, consequently, it was scarce to be suppos'd, that these Opposites would mingle in Cabals, which gave each an Opportunity to sacrifice the other.

But the late Troubles, and the present Fears, dispos'd the Multitude to believe anything: Advantage therefore was taken of the Crisis to involve the *Presbyterians* in the Odium of Plotting, as well as their Adversaries; for, as an extraordinary End was in View, it was necessary to make use of extraordinary Means.

To be more explicit:

Instead of an *Act of Union*, which the *Presbyterians* aspir'd to, an *Act of Uniformity* had been introduc'd in the preceding Session, with a premeditated Design to lay the *Act* to the Root of their Establishment, as they had before done to that of *Episcopacy*. It doth not appear, that this was wholly a Court-Contrivance: On the contrary, the Advisers of it may be trac'd, from the *Sanctuary* to the House of Commons, where it was adopted by those, who mistook Zeal for Righteousness; or who, under the Pretence of establishing the Church, utterly lost Sight of that Meekness, Benevolence, and Charity, which are the very Fundamentals of Religion.

It has been affirm'd, that some of the leading *Churchmen* had been heard to say, That they would have an *Act* so fram'd, as should reach every *Puritan* in the Kingdom; and that, if they thought any of them would so stretch their Consciences, as to be comprehended in it, they would infer yet other Conditions and Subscriptions; in order to prevent their having any Benefit by it.

Nor was the *Church*, on account of old Grudges, the sole Promoter of this Bill: The *Independents* and *Anabaptists* were aggrieved by the King's Declaration, touching *Ecclesiastical Affairs*, which contain'd a Comprehension for the *Presbyterians*; and an Exclusion for them: Both these Sects, therefore,

being already in a State of Perdition, forwarded a Bill, which was likely to reduce all *Nonconformists* to the same Circumstance: And, concerning their Share in this Transaction, we have been lately furnish'd with the following remarkable Anecdote:

Both were fill'd, says our Author, with Repentment and Fury, not so much to see themselves outed, as to see the *Presbyterians*, who (they thought) had been as deep in Rebellion as themselves, confirm'd in the Possession of what they had got in the Iniquity of the late Times. They clamour'd in all Places against the Difference that had been made between them: And Dr. *Owen*, the Head of the first Sect, and who knew the last well, went to the Lord Chancellor, and represented to him, "That there was no manner of Reason for such a Distinction between the *Presbyterians* and the *Independents*; the former being full as dangerous as the latter; that if the Church of England and her Clergy, whose Merits to the King were so exceeding great, and who had been turn'd out of all for their Loyalty to him and his Father, were restor'd to all their Rights, as he had been to his Crown, there would be no Room to complain, were it but done out of a Principle of Justice, i. e. indifferently, and without any Distinction of Parties; that the keeping in of the *Presbyterians* was a Distinction in their Favour, infinitely odious to the other Sects, and utterly inconsistent with the Safety of the Government; for being too restless and aspiring to be content with what they had, and too proud of their Merits to be oblig'd by any Favours shewn them, they would still go on in their old Ways, propagate their seditious Doctrines, inflame the Nation, and soon throw it into the same Disorders and Confusions, as they had done formerly; that leaving them the Parish-Pulpits, was leaving it in their Power to execute their Schemes; and tho' it was difficult to find out a Tell, which they would not take, rather than quit that Advantage, yet there was one Way to get rid of them, and he believ'd no other would do it, which was to require them to renounce the Solemn League and Covenant."

We are hence taught to conclude, that all these different Sects made it their Business to bite and devour one another; and therefore it is no Wonder, that they were bitten and devoured one of another.

But, notwithstanding this odd Confederacy against the *Presbyterians*, and the bitter Spirit which prevail'd in the House of Commons against them, it was not thought advisable to carry the Bill into Execution, the first Session it was brought in; and, against the Opening of the next, when the Repentment of the Public was in its full Heat against the

A. D. 1661.

Full Answer to the By-stander.

liver'd a Petition to the King, but obtain'd no other Answer, than that Mr. James was a *foolish Gentleman*. And on Mrs. *Jamies* pressing the King further, he answer'd, *He is a Rogue, and shall be hang'd*. Printed Third Year.

On November 27, he was drawn on a Sledge to Tyburn, some of his Sect and Opinion throwing themselves into the

same Sledge and embracing him. At the Gallows he denied the Words charg'd upon him, avow'd his Chilianism, and the personal Reign of Christ, and pray'd not for the King or any in Authority. His Quarters were disposed of by his Majesty's Orders, and his Head set on a Pole in White Chappell near his Meeting-Hoof. Heath's Chron p. 302.

D. 1661.

the Enthusiast James, for his execrable Discourse, the whole Party was blasted not only with a Charge of Disaffection, but with a Design to renew the Civil War, and with having taken their Measures accordingly.

Unhappily for them, some of the warmest and foolishest of their Partizans had us'd such Discourses, and set forth such (\*) Writings, as, when compar'd with their former Conduct, induc'd the too credulous Multitude to believe whatever was alleg'd against them to

be true: But even Bishop Parker, their most virulent Enemy, who is more particular than any other Writer in the Detail of every Circumstance, that could contribute to blacken the Nonconformists, has not been able to furnish out any Proof against the Presbyterians, or that they had the least Correspondence either with James, or any of the disbanded Officers, suppos'd to be of his Party. On the other hand, Captain Andrew Yarranton, in the Year 1681, publish'd a (r) Piece, with his

A. D. 1669.  
Parker's Hist.  
of his own  
Times.

(\*) The Spirit of Mr. Baxter shew'd it self in the penning of the Sassy Papers, wherein there were some indecent Threats and Insuendos. Their very Petition for Peace had somewhat of this Trumpet in it, p. 5. Take heed how ye drive Men by Penalties on that which they judge doth tend to their Damnation, and p. 14. The Devil of this Design would renew all our Trouble (i. e. would throw us into another Civil War). And in the Close of the second Paper, they tell the King, if he grants those Favours, it will receive their Hearts to pray for his Prosperity. — But p. 12. Should we lose the Opportunity of our desired Reconciliation, it should be as justly, what dismal Effects our Disunion would produce, which we will not mention in particular, lest our Words should be misunderstood. Bp. of Worcester's Vindication, June, 1662.

(r) This Piece is, at once so remarkable, and so extremely false, that the Reader, I am persuaded, will not be displeas'd with the following Extracts from it:

This Sham Plot was lay'd in about 16 Counties of England; but I shall write principally that Part of it which was executed in Worcestershire, in the Month of November, in the Year 1661. Several Letters were drawn up and delivered by Sir John P. — to one Richard N. — his Neighbour, — to one — Cole of Marbury about five Miles from Worcester, who at one living. This — Cole, according to Informations, believ'd a Packet of Letters to one — Charles of Witchesford, who also is, or lately was alive, and dwelt near Marbury. This Plot of Letters was executed by Cole and Charles unto Sir John P. — (from whom it first came). And before him Charles makes an Affidavit, that going early in the Morning to his Labour, he struck his Bill upon a Hedge to cut a Thorn, and by and by, on the other Side of the Hedge, he spy'd a Scotch Pedlar putting up Letters hastily into his Puck, and being affrighted, as he suppos'd, he left that Packet behind in the Ditch, and went down a Lane leading to Colonel John Birch's House.

This Oath being made, and the Packet delivered, as aforesaid, and open'd, it presently appeared that there was a Conspiracy on foot to stir up Rebellion in the Kingdom, and to raise an Army for that Purpose; and that Capt. Andrew Yarranton was to command a Party in those Parts; for which Purpose there were several Letters directed to him from some Ministers and others, particularly, one from Mr. Richard Baxter, Minister of Redditch, intimating, that he had provided a considerable Body of Men, well armed, which should be in Readiness against the time appointed. Another from Mr. Andrew Sparry the then Minister of Marley, intimating, that he had order'd him 500 l. which was lodg'd in a Friend's Hand, not nam'd, and should be ready for him whenever he sent for it. Several other Letters, and treasonable Papers, were pretended to be in that Packet; all which occasioned the raising the Militia of that Country, and the City of Worcester was fill'd that Night with Horse and Foot. Early the next Morning, about two of the Clock, an Officer, with a Troop comes to Mr. Yarranton's House, and seeing Lights in most of the Windows, for a Season he made a Halt; but soon he drew near to the House and demanded Entrance; Mrs. Yarranton told him she would open the Doors, provided he would come in with no more than two Persons besides himself, to which he assented. And when he was come into the House, he demanded of Mrs. Yarranton, where her Husband was? She answered, He was not at home. The Officer reply'd, He was at home the Evening before (he told him); he was not; but he is now gone to one Mr. Mitchell's House at Hiliton. But to let you see that he knows the Design you come about, he hath left his Man with a Horse ready saddled to conduct you to him. Some of the Party being Volunteers out of Worcester, observing the Woods and Department of Mrs. Yarranton, went privately home again; among whom was Mr. Winter Hains an Apothecary, and since Mayor of Worcester, and still alive, who hath often said, that very instant he smelt the Design. The Officer, with his Party was brought by Henry Conwell, Mr. Yarranton's Servant, to the House of Mr. Mitchell; where finding the said Yarranton, the Officer told him, He was his Prisoner, and must go along with him to Worcester; and about 10 o'Clock, the same Day, they all entered the City, where all the Trained Bands of the County were up in Arms.

The same Day several other Persons were seized, as Mr. Andrew Sparry, Minister of Marley, near which Place the Sham Packet was pretended to be found. Mr. Henry Osham, Minister of Beadly; Mr. Edward Osham of the Rocks; Dr. Jackson of Redditch; Mr. Moore, Minister of Worcester; Mr. Brown, Minister of Old Sarum; Mr. Capt. Wells; Mr. Henry Baldwin, Mr. George Wilson, Mr. John Fiers; Mr. Mohine, all four of Worcester, with some more more which I forbear to mention; all which Persons were dispos'd of into several Prisons or Places of Confinement, so that they could not speak one with another, having Sentinels always standing at their several Doors. Among the Common People there was a great Noise of a horrid Plot, a Presbyterian Plot, and they were to confirm'd in the Belief of it, that the several Prisoners, as they march'd with their Guards through the Streets, were greatly reviled and affronted.

All things continued in this Posture for the Space of ten Days, after which time the Trained Bands would continue no longer, they were grown a little sensible of the Shame. And upon their Departure, the Deputy Lieutenants, out of their great Clemency, discharged all the Prisoners then in Custody, except Dr. Jackson, Mr. Sparry, Mr. Henry and Mrs. Edward Osham, Capt. Wells, and — Yarranton; so that they must pay their Fees, and find good Security, not to go five Miles from their Habitations, without leave first obtain'd from the Lord Lieutenant, or two Deputy Lieutenants, to appear when they were sent for; and in the meantime to keep all the King's Laws Ecclesiastical and Civil. This done, Mr. Sparry, Dr. Jackson, the two Oshams, and Mr. Yarranton, were order'd to be kept close Prisoners in several Chambers of the George Inn in Worcester; so that no Person whatsoever must come or speak to either of them, but in the Presence of the Marshal. The Trained Bands being gone, as was said before, to their several Homes, Care was taken for the securing of these Criminals, by the dignified Clergy of Worcester, together with some of the best Clergymen of the County, who provided about 60 Foot Soldiers, which they arm'd, and paid, as some of them said, with double Pay; which Soldiers were to attend, as Sentinels, in their turns, upon each of the Prisoners, and the rest were a Court of Guard in the Town-Hall of Worcester. These were commonly call'd the Clergy-Bands, and they had for their Captain one Mr. William Shotton of Sinks-Pear, who hath, of a long time, as it is said, belong'd to the Rake in Southwark.

I can't omit the acquainting you with one renown'd Act of Chivalry, that was done in this Church-Court-Guard. It happen'd that there came to Worcester a poor old Man, to enquire after the Welfare of Mr. Henry Osham his Minister, and speaking with one of these Soldiers, the Soldier liberally charg'd Mr. Osham with being a Traitor, a Rebel, a Plotter against the Government, with some other bad Names; he stoutly defended his Minister, and said he was an honest, peaceable Man, and he could never believe he was concerned in any Treason, or Plot against the Government. The Church-Militiaman great Wrath had hold of this poor, old Zealot, and carried him to the Court of Guard; He that they pretended in that Court-Martial was also a Church-Officer, and no meaner Man than an Apparitor. He commanded the old Man to be ty'd Neck and Heels together, charg'd him with having a hand in this Presbyterian Plot, and threaten'd him with severe Usage unless he would make a Confession. The old Man bore all this with great Patience, answering him never a Word, which so enrag'd this Man in Authority, that he put lighted Matches betwix his Fingers, and burnt them to the very Bone; and all this was done to force a Confession from him of a Presbyterian Plot. The Name of the Person thus tortur'd is Roger Walden of Beadly, who (for ought I have heard to the contrary) is still alive, and carrieth about him the shriv'd Skin, which was caus'd by those burning Matches betwix his Fingers; and so are many others alive, which saw him in his Misery, and contributed their Help to the healing his Hands. Now if so small an Officer of the Church as an Apparitor, durst be so hardy as to set such a Piece of Barbarity, contrary to all Law and Conscience, what may we fear an excess from those of a greater Figure, if once they come to have Power in their Hands? But this is a Digression.

This feign'd Plot was not only laid in Worcestershire, but

A. D. 1661. his Name in the Title-page, to demonstrate that the whole Accufation againft them was a Forgery: And this Piece Dr. Calamy, the

late Pope of that Party, has declar'd to the World, was never in public contradicted.

Things were in this Situation, when the Parliament

A. D. 1661.

in other Shires and Counties of England, as I hinted before; I could fill many Sheets of Paper, if I pleas'd, with Particulars: But give me leave to inform you only of some Passages in *Oxfordshire* with respect to this Plot, which fell out about the same time. There dwelt in *Oxford* one Mr. *Martins*, who was then Town-Clerk there; he is now a Brewer in *London*, and in good Reputation both for Estate and Integrity. There came one Evening to his Houfe in *Oxford*, a Stranger with a Letter, who had no sooner deliver'd it, but he withdrew and went his way. When Mr. *Martins* had open'd it, and a little consider'd the Contents, he took a prudent Course to carry it to the Mayor, as you'll hear by and by, and to do it immediately; for had he tarried a Night or an Hour, it might have been found about him, and then *Oxford* had quickly been as full, or fuller of Plotters and Prisoners than *Worcester*. The Copy of this memorable Letter I here insert Word for Word.

“ MR. MARTIN,  
“ I pray you will warn all these Men to be all in their  
“ their Arms upon *Wednesday* next in the Night; you  
“ know already where they must meet. There will come  
“ into *Oxford* two hundred Men all in their Arms, you  
“ know who doth command them. Dr. *Greenwood* has  
“ sent to Mr. *Cromb* the Barber, to get his Party of Schol-  
“ lars ready that Night; and I have sent to Mr. *Hickman*  
“ to get his Men ready at the same time; and Dr. *Owen*  
“ has sent to Mr. *Fogge* to get his Men ready at the same time;  
“ and Dr. *Gawite* has sent to Mr. *Dale* the Barber, to get  
“ his Men ready at the same time; and I have sent to Mr.  
“ *Carrish* to get his ready at the same time; and I have  
“ sent to Dr. *Cosmash* to get his Men ready; and all the  
“ Scholars are to meet in Dr. *Roger*'s Garden: And pray  
“ send the *Blunderbusses* together, for I intend to be there my  
“ self: And I pray give the Bearer hereof five Pounds out  
“ of the Stock: And I pray remember me to the six Men  
“ unnam'd. Five Counties are to rise that Night without  
“ fail. I need write no more to you. The Word is, *God*  
“ *is in the Word*, and pray tell them all so.”

In this Letter was a List of the Persons Names he was to warn, amounting to one hundred and eleven.

The Mayor of *Oxford* immediately dispatcheth a Messenger, with an Account of these Transactions to the Lord *Falshand*, who was then a Member of Parliament, and, I think, Lord Lieutenant of the County. [He was particularly active in persecuting of Quakers and Anabaptists, &c. for which behind the Thanks of the Privy Council.] The Copy of the Mayor's Letter, I think meet also to be here inserted.

“ MY LORD,  
“ I do not love to give your Lordship any unnecessary  
“ Trouble; yet in regard, I perceive that, by Occasion of a  
“ Letter left with Mr. *Martins* our Town-Clerk, on *Monday*  
“ *Night* last, there is a great Noise made as if there  
“ were an intended rising and meeting of armed Men in  
“ this City this last Night, which I thought might possibly  
“ come to your Lordship's Ear. I thought it therefore my  
“ Duty, for the preventing of Misreports (the first Discov-  
“ very of it being made to myself) to give your Lordship  
“ this fall and true Account of the whole Matter. On  
“ *Monday* Night last, about eight or nine of the Clock,  
“ there comes a young Man to the Town-Clerk's Houfe,  
“ and desiring to speak with him, delivers him a Letter,  
“ which he said one gave him on the Road between *Tet-  
“ worth* and *Oxford*: the Town-Clerk desired him to say  
“ till he look'd to whom it came; the young Man pre-  
“ tended great haste, and when he was come to the Coach to  
“ open the Letter, your young Man flipt out of his Doors,  
“ The Town-Clerk no sooner read the two first Lines of it,  
“ but said, somebody had design'd Evil towards him;  
“ and while he read on his Letter, call'd for his Man and  
“ a Lanthorn, and so soon as it came, went to Capt. *Griffin*,  
“ to shew to him what he received: Not finding him at  
“ home, he repaired to me, told me how the Letter was  
“ left with him (shewing it to me) desiring me to send so-  
“ me to your Lordship, that he might see the Contents  
“ of it; which accordingly I did, and he coming to me,  
“ we together perus'd the Letter, and the List of Names  
“ inclos'd; and considering them both with the Circum-  
“ stances, we presumed it to be, at the worst, but a Design  
“ to try or to intrap the Town-Clerk; we could not but  
“ commend his Discretion in the so timely a Discovery for  
“ the clearing of himself. I have inclos'd a Copy of the  
“ Letter in such English as it is written, and a Copy of the  
“ List of Names; and because divers of them may be un-  
“ known to your Lordship, I take leave to tell you that  
“ some of them bear Arms in your Lordship's Company of  
“ Foot, and others of them are Persons of known Fidelity  
“ to his Majesty, and far from what this strange Letter

“ would suppose; tho' there is a Mixture also of some  
“ others with them.

The Town-Clerk had made proof  
“ of the manner of his receiving the Letter, and his imme-  
“ diate Discovery, which I hope will acquit him in your  
“ Lordship's Judgment, as it doth in ours. My Lord, I  
“ was in myself fully perswaded, that there is nothing of  
“ such weight in this business, as that it was worthy giving  
“ your Lordship any particular account of it: Yet, upon  
“ further Thoughts, I conceiv'd it safer to err by over-  
“ doing, than to adventure on your Lordship's Censure for  
“ coming short of my Duty. If I have made the Relation  
“ too tedious to your Lordship, I humbly crave and hope  
“ for Pardon. For I am, My Lord,  
“ Your Lordship's most humble and faithful Servant.

A like Letter and Account was also sent to the Recorder of *Oxford*, one of their Members in Parliament, who immediately shew'd it to one of the Secretaries. And thus this pretty Project miscarried in *Oxford*, through the Providence of God, and the prudent Management of the Discoverers, to the great Regret, no doubt, of those who had cunningly enough contriv'd it. I can't learn they made any farther Progress in it, save only that two Deputy Lieutenants met next Day for Mr. *Martins*, and threaten'd at first to commit him to Custody, but by and by they dismiss'd him, with this Intjunction, Not to go out of the City within fourty Days without special Licence. And that very Night came into the Town many of the Militia, who kept Guard for two Days in the City.

“ The high time now that I return to *Worcester*, and give you an Account of the forementioned Plotters, in close Confinement there. Dr. *Jackson*, by the Assistance of Sir J. C. gets his Engagement, *Spangy*, and one of the *Oghads*, mov'd, that they might be banish'd, or brought to Trial, but could obtain neither. *Yarranton*, and the other *Oghads*, were altogether passive and silent, and waiting to see what issue God in his Providence would put to their arbitrary and unjust Proceedings; and it was not long ere they were thoughtly deliver'd. The manner was thus: On the second of *April*, 1661, the Person that was employ'd (as I have shew'd you before) to carry the Packet of Sham-Letters from Sir J. P. to one *Cole* of *Marley*, acquaints his Brother how he came by the said Packet. His Brother, immediately upon this Discovery, repairs to Mr. *Yarranton*, and informs her of it. She went to *Worcester*, and prevails with the Marshal's Maid to deliver a Paper to her Husband, wherein was a Relation of the whole Matter. This being done, Mr. *Yarranton* having perus'd this Paper, and being thereby let into the Knowledge of this malicious Design, he ordered six Actions to be immediately enter'd against some of those that brought him to Prison. And the next Day, being *Saturday*, in the time of high Market, he took two Bed-Stuff, in his Hands, and broke all the Windows in the Chamber where he was confin'd, and which look'd towards the Street: Upon which the Town was in an Uproar, and a Multitude of People crowded before the Chamber in the broad Street, to know what the Matter was. He told them, how he and others were maliciously and wrongfully imprison'd, that he could give an Account of the Contrivance of this Plot, and who were the Contrivers of it. On the *Wednesday* following, the Lord Lieutenant and six of his Deputies, came to the Town, and sent one *Fulk* *Figier*, an Officer of theirs, to Mr. *Yarranton*, to know the Reason of his misbehaving himself in the Place of his Confinement: He sent them word, He did it on purpose, that he might be brought the sooner before them, to make a Discovery of the *Protestation* Plot which was so much talk'd of, of which he was ready and willing to do. After some Debate between the Lord Lieutenant and his Deputies about this Matter, it was at last resolv'd, that *Yarranton* should be brought before them, which was done. There he offer'd to discover to them the whole Plot, how it was laid, and by whom, and for what Ends. He desired that the Doors might be set open, for he had many Friends and Witnesses without: He pray'd also that he might have Pen, Ink, and Paper, and he would write down the whole Matter, for Words might be wrested to other Inten than they are spoken. This was a while debated, but in Reason it could not be denied; and Mr. *Yarranton* no sooner began to write, but the Lord Lieutenant and Sir J. P. left the Room, and went down the back Stairs, and after following the rest of the Deputy Lieutenants; only *Squire* *Bremy* of *Halt* *field* behind. He, it seems, was in no way privy to this Design, and told Mr. *Yarranton*, that he was sorry with all his Heart to see such things practis'd, to the Dishonour of honest Men, and the Dishonour of the Government. The Enemy having thus fairly quitted the Field, Mr. *Yarranton* demanded of the Marshal what he had farther to say to him; the Marshal only made it his Request, that he would not trouble



A. D. 1661.  
Parliament  
met Nov. 20.

Parliament met in all its (s) Glory; that is to say, with the Addition of the Holiness of the Bishops, to the Majesty of the King, and the Authority of the People: Upon which extraordinary Occasion, his Majesty made a Visit extraordinary to his Parliament; not merely to congratulate with them *for that Day*, as (s) he was pleas'd to express himself, but to lay before them his Wants and Necessities, Difficulties and Incumbrances, which arose from his Engagements with *Portugal*; and which, it is probable, had not now been discover'd, if the *French Court* had comply'd with those pecuniary Demands of his, before specify'd. These are his own Words:

King's Speech.

"I do heartily congratulate with you for this Day. But, my Lords and Gentlemen, as my coming hither at this time is somewhat extraordinary, so the Truth is, the Occasion of my coming is more extraordinary: It is to say something to you on my own Behalf, to ask something of you for myself; which is more than I have done of you, or of those that met here before you, since my coming into England. I need not have done it to them; and, upon my Conscience, I need not do it now. They did, and you do, upon all Occasions, express so great an Affection and Care of all that concerns me, that I

"may very well refer both the Matter and Manner of your doing any thing for me, to your own Widdoms and Kindness: And indeed, if I did think, that what I am to say to you now did alone, or did most, concern myself; if the uneasy Condition I am in, if the Strights and Necessities I am to struggle with, did not manifestly relate to the public Peace and Safety, more than to my own particular, otherwise than I am concern'd in the Public, I should not give you this Trouble this Day. I can bear my Necessities, which merely relate to myself, with Patience enough.

"Mr. Speaker, and you Gentlemen of the House of Commons,

"I do not now impertune you to make more Hastie in the Settling the constant (u) Revenue of the Crown, than is agreeable to the Method you propose to yourselves: I desire you seriously to consider the insupportable Weight that lies upon it, the Obligations it lieth under to provide for the Interest, Honour, and Security of the Nation, in another Proportion than in any former Times it hath been oblig'd to. I know very well, you have very affectionately and worthily taken all this into your Thoughts, and will proceed in

A. D. 1661.

trouble him for holding him so long in Restraint, forasmuch as he was a poor Man, and had many Children, and did only follow the Orders of his Superiors in what he had done. Mr. Tarranton told him, he did freely forgive him.

I have done with the first Part of this *Protestation* Sham Plot, when I have add'd a Passage or two more concerning Mr. Tarranton. As soon as he was discharged, as before, he goes up to London, and prevails with the Lord of Bristol, to acquaint the King with the great Wrong he had receiv'd, and with the wicked Contrivance of some of his Ministers by Sham Plots, to divide the King from his People, and his People from one another. Hereupon an Order of Council was directed to the Deputy Lieutenants of *Worcestershire*, that were then in and about London, to appear before the Council, and to give an Account of this Matter. They seem'd to clear themselves from being concern'd therein, and desired such as were in the Country might be consulted. The next Post they inform their Brethren in the Country how Matters stood before the Council, and that the Lord of Bristol did patronise Mr. Tarranton. Upon this Sir J. W. one of the Deputy Lieutenants, hastens up to London, and brings with him one *Hales*, now living in *Tisbury* (an Attorney, his Kinsman and Nephew) which *Hales*, with the Constable of St. Mary Overie, and one *Halborne* a Waterman (now living in *Pepper-Ally* in *Southwark*) arrested Mr. Tarranton (when he was bowling in *Wicksteer Park*) for High Treason; and being further assisted by some of the *Horde-Guards* then in *Southwark*, convey'd the said *Tarranton* in *Halborne's* Boat to *White-hall*, where he was kept Night in Custody; but on the Morrow, the Earl of *Bristol* sent the King's Privy-Seal to a Friend of Mr. Tarranton's, who brought it to him, wherein it was declared, that it was the King's Pleasure he should travel where he listed, and not be molested by any Person whatsoever, without a special Warrant from the King. A little after Sir *Kensal Digby* (Chancellor to the Queen-Mother) sends for Mr. Tarranton, and was very earnest to know from him the Bottom of this pretended Plot. He relates the whole Matter from the Beginning to the End to Sir *Kensal Digby*, upon which Sir *Kensal* produced two Letters from *Paris*, signifying, that he was of Opinion in *France*, that we in *England* were taking one another by the Throat again, which inclined that King to join with the *Dutch* against the *English*, which, after a little time, came to pass. These two Letters are to be seen, as being lodged in a safe Hand, after the Death of Sir *Kensal* by his Executor. Mr. Tarranton seeing how Matters went in London, resolv'd to return again into the Country, where he prosecuted *Major Wild*, and others, for imprisoning him wrongfully; but within six Months after, a *Deputy* is laid by some of the Criminals in the former Sham-Plot, to furnish Persons to swear against him, that he had spoken treasonable Words against the King and Government: The Witnesses were one *Daisy* (a Mountebank, formerly an Apothecary in

*Derby*) who afterwards acknowledged that he had 5 l. for his Pains; the other Witnesses lived in *Wales*, and went by two Names: This was shown to the *Officers* in *Worcester*; the Bill being found by the Grand Jury; Mr. Tarranton put himself upon his Trial, and tho' he did not except against any one of his Jury, yet upon a full hearing of the Case, they presently acquitted him, which was a great Disappointment to the designing Gentlemen. The Clerk of the Peace (Mr. *Parkin*) and the Officers belonging to the Ecclesiastical Court were not a little surpris'd; for now the Sham Plot was discover'd, which had brought a great deal of Grief to their Mills; for though the *Insouciant People* were convinc'd at, the turbulent *Fanatics* were punished by wholesale, both in the Civil and Ecclesiastical Court. From Sir *Thomas Webber's Collection*.

(s) Upon the Restoration of Episcopacy in *Ireland*, the following Poetical Flight was perform'd by way of Anthem, in the Cathedral of St. *Patrick's* at *Dublin*, which will equally serve to manifest the truly Orthodox Spirit of the Prelates of both Kingdoms:

Now that the Lord hath re-advanc'd the Crown,  
Which Thirst of Spoil and frantic Zeal threw down;  
Now that the Lord the Mitre hath restor'd,  
Which with the Crown lay in the Dust abhor'd.  
Praise him ye KINGS!  
Praise him ye PRESTERS!  
May *Judas's* Royal Scepter fill thine clear,  
May *Aaron's* holy Rod his Blossoms bear.  
*Egypt* and *Red* rate fill and guide our Land,  
And those whom God anoints feel no rude Hand!  
May Love, Peace, Plenty, wait on Crown and Chair,  
And may BOTH SHAKE IN BLESSINGS IN CARE.  
Angels look down and joy to see  
Like that above a Monarchy!  
Angels look down and joy to see  
Like that above an Hierarchy!

(t) During the Recess, his Majesty had received a free Gift from his Clergy of 37745 l.

(u) Mr. *D'Ejordan*, in a Letter to the King his Master, dated July 25, 1661, computes the Revenue of the *English Crown* to have been no more than twelve Millions of Livres, or 900,000 l. Sterling; which he presumes did not answer the King's annual Expenses by two Millions, or 150,000 l. Mr. C—— in his *Full vindication of the Full Assever* to the *By-stander*, moreover, endeavours to prove, that the Government came into his Majesty's Hands encumber'd with Debts, to the Amount of above two Millions. On the other hand, we remember the Chancellor to have spoke of the Revenue which the Commons had granted, as a noble one; which, if so insignificant, was both a Violence to Truth, and an Error in Policy. We are besides to recollect once more, that the King's military Adventures in *Portugal* were of his own seeking; and that a Sea-guard was all that the Nation undertook to provide for.

A. D. 1661.

“ in it with as much Expedition as I can reasonably wish; but I come to put you in mind of the crying Debts, which do every day call upon me for some necessary Provisions, which are to be made without Delay, for the very Safety of the Kingdom; of the great Sums of Money that should be ready to discharge the <sup>(u)</sup> several Fleets, when they come home, and for the necessary Preparations that are to be made for the setting out new Fleets to Sea against the Spring; that Revenue being already anticipated to as important Services, which should be assign'd to those Preparations. These are the pressing Occasions, which I am forced to recommend to you with all possible Earnestness, and do conjure you to provide for, as speedily as possible, in such a Manner, as may give us Security at home, and some Reputation abroad. I make this Discourse to you with some Confidence; because I am very willing and desirous, that you should thoroughly examine whether these Necessities I mention be real or imaginary; or whether they be fallen upon us by my Fault, or my own Managery, or Excesses; and provide for them accordingly. I am very willing that you make a <sup>(x)</sup> full Inspection into my Revenue, as well the Disbursements as Receipts; and, if you find it hath been ill-managed by any Corruption in the Officers I trust, or by my own Unthriftiness, I shall take the Information and Advice you shall give me very kindly: I say, if you find it; for I would not have you believe any loose Discourses, how confidently soever urged, of giving away eighty thousand Pounds in a Morning, and many other Extravagances of that kind. I have much more Reason to be sorry, that I have not to reward those who have ever faithfully served the King my Father and myself, than ashamed of any Bounty I have exercised towards any Man.

“ My Lords and Gentlemen,

“ I am sorry to find, that the general Temper and Affections of the Nation are not so well composed, as I hoped they would have been, after such signal Blessings from God Almighty upon us all, and after so great Indulgence and Condescensions from me towards all Interests. There are many wicked Instruments still as active as ever, who labour Night and Day to disturb the public Peace, and to make all People jealous of each other. It will be worthy of your Care and Vigilance to provide proper Remedies for the Diseases of that kind; and, if you find new Diseases, you must study new Remedies. Let us not be discouraged; if we help one another, we shall by God's Blessing, master all our Difficulties: These which concern Matters of Religion, I confess to you are too hard for me; and therefore I do recom-

2

A. D. 1661.

“ mend them to your Care and Deliberation, which can best provide for them: I shall not need to recommend, or put you in mind, of the good Correspondence that ought to be kept between you for the Good of yourselves, and me, and the whole Kingdom; and I may tell you, it is very necessary for us all. You will find, whosoever doth not believe me, doth not love you; and they who have no Reverence for you, have little Kindness for me; therefore I pray let us adhere fast to each other, and then we shall, with the Help of God, in a short time, persuade or oblige all Men to that Submission and Obedience to the Law, as may constitute a full Measure of Happiness to Prince and People, and persuade our Neighbours to that Esteem and Value they formerly had for us.”

The Commons were no sooner return'd to their House, than Sir John Packington, Knight of the Shire for Worcester, gave Information of a dangerous Presbyterian Plot on foot; and that many of the chief of the Conspirators were in Prison at Worcester: The Members also who serv'd for Oxfordshire, Herefordshire, Staffordshire, and the rest of the Sixteen Counties mention'd in Tarranton's Discovery, severally gave in the like Informations. But tho' the Presbyterians were thus particularly levelled at, it is remarkable, the House did not come to any Resolution against that Party, by Names, which is manifest by their next Day's Message to the Lords, by Mr. Secretary Morris, and others; which was, to let their Lordships know, that divers Malecontents, Fanatics, cashier'd and disbanded Officers and Soldiers, and others, have some Design amongst them, tending to the Breach of the Peace of this Kingdom: For which Reason, they desired their Lordships to join with them to move his Majesty, that he would be pleas'd to issue out a Proclamation, that all suspicious and loose Persons may be sent out of London and Westminster.

To strike an additional Terror into the Seditious, they caus'd a Bill to be brought in, for the executing certain Persons attainted for High Treason; and mov'd his Majesty to remand Lambert and Vane to the Tower, in order to their Trials.

A few Days after, they likewise deputed some of their Members to wait upon the King with Complaints, that they had receiv'd Letters and Messages from almost every County, concerning a great, or rather an universal, Conspiracy against the Kingdom, and to beseech him to defend the public Peace, against all the Attempts of the Rebels.

And to give the more Credit and Authority to these alarming Stories, the Lord Chancellor deliver'd a Message from the King to the Lords, signifying, that, besides the Apprehensions and Fears that are generally abroad, his Majesty had receiv'd Letters from several

(u) To Lisbon, Tanger, and the Mediterranean, to reduce the Algerians.

(x) This will serve to shew the Difference of Court-Conduct at different times. When our Kings want more, they

are willing to shew they have not enough; when the People suspect they have too much, they shut the Door against all Inspection, as tending to create Discontent, and throw the Nation into Confusion.

Dec. 11.  
Bishop Patrick's  
Hist. of his  
own Times.

Dec. 13.

several

A. D. 1661. several Parts of the Kingdom; and also, by intercepted Letters, it did appear, that divers discontented Persons were endeavouring to raise new Troubles, to the Disturbance of the Kingdom, as in many Particulars was intimated; which Matters being of so great Consequence, his Majesty's Desire was, that the House of Commons might be made acquainted with it, that so his Majesty might receive the Advice and Council of both Houses of Parliament, what is fit to be done therein, and think of some proper Remedy, to secure the Peace of the Kingdom.

Conference between the two Houses.

This brought on a Conference between the two Houses; which was open'd by the Chancellor, who declar'd, That the same did concern Things of a high and dangerous Nature; and that there had been a real Design, which had been forming ever since *March* last, to disturb the Union and Peace of this Kingdom: And so, we are told, proceeded to name several of the Parties engag'd, with the Manner and Contrivance of their barbarous Designs, and the Progress they had from time to time made therein; adding, that altho' their Designs were at present disorder'd, as to the effecting of them in this Town, to which End they had made a general Invitation of disbanded Soldiers, and disaffected Persons to resort hither about the Eleventh of this Month; yet they were still practising to put the same in Execution in the Country: And that the Lords, to provide a Remedy against these Evils, had appointed a Committee of Twelve of their House, and desired, that an answerable Number of the other House be join'd with the Lords, who might, during the Recess, examine the said traitorous Designs, and find out such Expedients, as they should perceive necessary for the preventing and suppressing them, and securing the Peace of the Kingdom.

To this Proposal of the Lords the Commons agreed; and a joint Committee was accordingly establish'd, who continu'd to sit, for the Dispatch of this critical Business, during the Christmas Holidays, notwithstanding the Adjournment of both Houses; and the Fruits of this Inquest appear'd in the Chancellor's Report, which was to the following Effect: That the Names of such as were engag'd were *Prause God Barebone, Samuel Meyer, Colonel Salmon, Major Wildman, late Alderman Ireton, Major Hains,* and others: That there was found with *Salmon* a List of a hundred and Sixty Officers of the late Army: That it was further discover'd, that there should have been a Meeting in London about the Tenth of December; and that they intended about the End of January, to have made sure of *Shrewsbury, Coventry, and Bristol*; and that they should rise in several Parts at once: That where they were prevalent, they should begin with Assassination; which mov'd one of them to relate,

Report of the Committee relating to the Plot.

B. Parker, Echard.

that some of the late King's Judges were entertain'd in France, Holland, and Germany, and held constant Correspondence with those, and were fomented by some foreign Princes: That many Arms were bought, in order to this Design; and that they brag'd, if they once got Footing, they should not want Means to carry on their Work: That they were discover'd by one of their Party, and his Relation confirm'd by such Intelligence from ABROAD, as never fail'd. He further told them, that at *Huntingdon*, many there met under the Name of Quakers, that were not so; and rode there in Multitudes by Night, to the great Terror of his Majesty's good Subjects. That it might be wonder'd at, that some Proposals were not made to remedy this impending Evil: But the King had advis'd with the Duke of *Albemarle*, now present at this Committee, and has put two Troops into *Shrewsbury*, and as many into *Coventry*, who by the Way had broken a great Knot of Thieves, and taken twenty. That a Rumour was spread, that the appointing of this Committee was only a Plot to govern by an Army; but the Committee was very sensible of the real Danger, and hop'd the Houses would be so too; and that, since all their Adversaries were united to destroy them, so they should unite to preserve themselves.

It is observable, that all the Names here mention'd are of known Republicans, who equally hated and despised the Presbyterians; and that not one single Circumstance arises in Confirmation of Sir *John Packington's* Intelligence: Notwithstanding which, the zealous Commons were not ashamed to derive Reasons from this very Report, for hastening those rigid Laws against them, of which we are now to treat.

As well as the Uniformity Bill, of which we have already spoke, the Corporation Bill had been under Deliberation the last Session: And as, by the first, the Presbyterians were to be depriv'd of all Ecclesiastic Power; so, by the last, they were to be thrown out of all Civil. Both had met with much Opposition, within-doors and without: In particular, Mr. *Prynne* had prepar'd a Paper, intitled, *Sundry Reasons, humbly tendered to the most Honourable House of Peers, by some Citizens and Members of London and other Cities, &c. against the now-intended Bill for Governing and Reforming Corporations*; which having been seiz'd at the Press, and discover'd to be his, was voted to be illegal, false, scandalous, and seditious; and he himself was reprimanded, by Order of the House, in the severest Manner: The Speaker, upon that Occasion, not only reproaching him with his former Sufferings, under the Tyranny of *Laud*, by Imprisonment, Pillory, &c. but telling him, he deserv'd to suffer all his Punishments over again. Tho' this Man's (*y*) Spirit had sup-  
ported

Proceedings in the Corporation and Uniformity Bills.

Public Intelligence by Authority, Nov. 28.

(y) In the foregoing Year he had republished a Treatise of his, entitled, *The Unbelief of Timothy and Titus, and of the Angel of the Church of Ephesus*: for which, in an Appendix, he assign'd the following Reasons:

First, The Boldness of a Popish Priest (under the Disguise of a Sectary) in reprinting a pernicious Pamphlet, entitled, *Evastus Janier, London, 1660*, fitting this Parliament, with his Name prefixed to it, printed without a Name some

A. D. 1661.

ported him on many Occasions, it fail'd him on this: He sunk under the (x) Weight of the Times, and took Shame to himself, when, by his Firmness and Courage, he should have reflected Honour on his whole Party. With him, sunk the Cause: What he had so publicly and shamefully given up, no body dar'd afterwards to defend; unless in their legislative Capacity; which, against a sure Majority, prov'd to be of no other Use, than to keep up the Shew of a Party, after the Substance was gone.

Sensible of their Victory, therefore, and resolv'd to make the most of it, this orthodox House of Commons remov'd all remaining Difficulties, subdued all Opposition, and, in their very first Session, sent up these two decisive Bills to the House of Lords. But there they stuck: The *Papists* had then the Repeal of the *sanguinary Laws* in View; and the more Power was given to the Church, the less Hope remain'd for them. Thus *Presbyterian* and *Papist* had in this the same political Interest; nor can either be justly reproach'd for acting in concert with the other, as it is said they did, for their common Preservation.

Mystery and  
Iniquity of  
Nonconformity, p. 55.

As there had been no Prorogation, the Business of the Parliament had only stood suspended; and any Branch of it might be resumed, at the Pleasure of either House. Upon the sixteenth of December, therefore, the Commons return'd to their Charge, by putting the Lords in mind of these two Bills, and that with so good Effect, that by the

Twenty-sixth (a) that to purge Corporations was ready for the Royal Assent, which it receiv'd the same Day.

A. D. 1661.

The Corporation Bill pass'd.

The Uniformity Bill oppos'd in the House of Lords.

The *Uniformity-Bill* had neither so rapid nor smooth a Progress through the House of Lords, notwithstanding it had the dead Weight of the Bishops in its Favour. It was long before the Book, which was to be the Standard of *Orthodoxy*, could be so manufactur'd by the Convocations of both Provinces, and by the several Bishops to whom it had been referred by the King, as to stand the Test of Parliament: And when it came thither, tho' with his Majesty's Royal Recommendation, it met with a very strong (b) Opposition: The Lords still shew'd some Concern for *tender Consciences*: Upon receiving a Proviso from the King, they made an Attempt to put in a Salvo, for their own *Privileges*; but it was over-ruled. In treating of Forms and Ceremonies, they added the Words, *although indifferent in their own Nature*. Some of their Lordships labour'd hard to reject first, and then to qualify, the Clause, which oblig'd Ministers to declare against the *Covenant*, but in vain; and they added a *Proviso*, whereby those Ministers, who should be ejected from their Livings by this Act, were entitled to the Fifths of their late Livings.

But these Mitigations were so highly displeasing to the Commons, that, when the Bill came again before them, they rejected them all; for which Mr. Serjeant *Carlton*, according to Order, at a Conference, deliver'd the

Lords Answered. Matters rejected.

few Months before) wherein he endeavours to prove, the Ministers of the Church of England, whether Episcopal or Presbyterian, to be *no Ministers*, and their Ordination *no legal Ordination*, and thence infers our Church to be *no Church*, our Sacraments to be *no Sacraments*, because our Ministers are *not lawfully ordained Ministers*.

Secondly, The Extravagancies of some of our reviving English Bishops and episcopal Clergymen, who shaking Hands with the Council of Trent, *Bellarmin*, *Tanfanini*, *Epifus Jovius*, and our Romish Adversaries, disown all Ordinations made by Presbyters, during our long-lasting Troubles, pronouncing them *void and void*, and refusing to admit Ministers ordained by Presbyters to Benefices or Fellowship, unless they will renounce their Orders, and receive a Re-ordination by Bishops; whereby they *un-church* all Presbyterian Protestant Churches both at home and abroad.

Thirdly, The late unreasonable Motions of some Members in the Commons House itself (*August 15 and 17, 1660*) that all Ministers ordained by Presbyters during our late Troubles, should be put from their Livings, and Ministry, unless they were re-ordained by Bishops within one Month. Since all Serjants at Law made in those Times were read, and made Serjants by new Writs from the King. He adds, — I have ever readily conform'd to that Church Government, which the King and Parliament have established, so far forth as it was warranted by our Laws, never opposing our Bishops *ecclesiastical Jurisdiction* so far as it was justly claimed and exercised by *Regal and Legal Authority*.

But among the Books of re-publishing this Discourse, the chief is, patiently to expect and cheerfully to submit to that Model of Church-Government (with just Liberty to truly tender Consciences, in Points not fundamental, and consistent with public Peace) which we all hope, will ere long be found by his Majesty's pious Endeavours and *Divine Authority* (according to the Ministers and Commons House address'd to his Majesty, in pursuance of his own royal Letters and Declarations sent from *Breda*) with the Advice of moderate, learned, and pious Divines of all formerly-distinguishing Parties, and both Houses of Parliament, for the future *Peace and Prosperity* both of our Churches and Kingdoms, over which God long preserve and prosper his Majesty's most gracious and pious Reign.

Lincoln's-Inn, Aug. 20, 1660.

WIL. PEYNE.

(a) Instead of being made one of the Barons of the Exchequer, as he expected, he was appointed Keeper of the Records, with a Salary of 500 l. per Annum. (which was after-

wards much diminished) purposely, says Wood, to employ his Head from scribbling against the State and Bishop.

(b) Chap. 1. It is called an Act for the well-governing and regulating of Corporations, and begins thus:

Whereas Questions are likely to arise concerning the Validity of Elections of Magistrates and other Officers and Members in Corporations, as well in respect of removing some, as placing others, during the late Troubles, contrary to the true Intent and Meaning of their Charters and Liberties. And to the End, that the Succession in such Corporations may be more probably perpetuated in the Hands of Persons well affected to his Majesty and the established Government, it being too well known, that notwithstanding all his Majesty's Endeavours and unparalleled Indulgence in pardoning all that is past, nevertheless many evil Spirits are still working.

Wherefore for Prevention of the like Mischief for the time to come, and for Preservation of the public Peace both in Church and State: Be it enacted, &c. that all Mayors, Aldermen, Recorders, Bailiffs, Town-Clerks, Common-Council-Men, and other Persons bearing any Office, — shall take the Oaths of Allegiance and Supremacy, and this Oath following:

I A. B. do declare and believe, that it is not lawful upon any Pretence whatsoever, to take Arms against the King; and that I do abhor that traitorous Paganism of taking Arms by his Authority against his Person, or against those that are commissioned by him. So help me God.

And also at the same Time shall publicly subscribe before the said Commissioners, or any three of them this following Declaration:

I A. B. do declare, that I hold there lies no Obligation upon me, or any other Person, from the Oath commonly called the Solemn League and Covenant, and that the same was in itself an unlawful Oath, and imposed upon the Subjects of this Realm against the known Laws and Liberties of this Kingdom.

Those who declin'd this Subscription, and refused this Oath, were to be *remov'd*. And what is still more remarkable, the Commissioners appointed to put this Act in Execution were authoriz'd to remove likewise those who did comply both with the Subscription and the Oath, if they *swore*; which corroborates what was before advanc'd, that no Compliances whatever were to screen obnoxious Persons.

(b) The Author of the *Mystery and Iniquity of Nonconformity*, affirms it was once thrown out of the Lords House.

A. D. 1661.  
*History of the  
 Causes.*

the following Reasons, as the Sense of the House:

1. It is a Proviso without Precedent.
2. That it would establish Schism.
3. That it would not gratify such, for whom it was intended.

*Lord Journal.  
 Kennet.*

To the first, he said, that it was very apparent in England, that it was without Precedent, and, as he thought, in the World also. For they never heard, that ever any National Church did the like. It was one thing he said, to allow a different Religion in a Nation, another thing to allow Men to receive Profits from that Church unto which Men would not conform.

Secondly, Tho' they were Dissenters in the Particulars of the Proviso in the Time of Queen Elizabeth and King James, yet, in those Days, those Opinions staid there, and went no further.

To the second Head, That it would unavoidably establish Schism, for all Persons of different Inclinations would apply to such as should have this Liberty; and that would necessarily make Parties, especially in great Cities. He did observe, these two Ceremonies of the Cross and Surplice were long in the Church; and he found a high Commendation of the Use of the Cross in Baptism, in the Book sent to the Commons from the Lords, wherein it was so clearly explain'd, as there can be no Suspicion of Popery in it. It was used, he said, to quicken the Memory as to the Benefits of Baptism; and if it were omitted, much of the Service belonging to Baptism must be omitted also, many Passages depending on the Use of that Ceremony.

The Gentleman added, that he thought it better to impose no Ceremonies, than to dispense with any; and he thought it very incongruous, at the same time when you are settling Conformity, to establish Schism.

To the third Head, It would not satisfy those for whom it was intended: For they chiefly reject it upon these Grounds, that Things indifferent ought not to be enjoined; which Opinion, he said, took away all the Right of human Authority, which consists in commanding Things otherwise indifferent. So as, when this shall be yielded, you give them nothing; they opposing for the Imposition's Sake. He added, there were Reasons as to the Nature of the Things; and as to the Reasons given by their Lordships to the Commons, he answered as followeth:

I. The King's Engagements at Breda as to tender Consciences; unto which he said, that his Majesty could not understand the Misleaders of the People, but the Milled. It would be very strange to call a schismatical Conscience a tender Conscience. He said, a tender Conscience denoted an Impression from without, received from another, and that upon which another strikes.

Secondly, Suppose these had been meant, yet he said there could be no Inference of any Breach of Promise in his Majesty, because that Declaration had these two Limitations; first, a Reference to Parliament; secondly, such Liberties to be granted only, as

are consistent with the Peace of the Kingdom.

Then he came to the second Proviso, touching allowing Fifths to such Incumbents as should be excluded their Livings; which, he observed, was no reasonable Proviso, at least at this time; and if it were, yet not fit to allow such Persons any thing out of ecclesiastical Livings. He said, what would be more repugnant, than at the same time to enact Uniformity, and to allow the Fifth of an ecclesiastical Living to a Nonconformist for not conforming? Which, he said, join'd with the Pity of the Party, would amount to the Value of more than the whole Living. He said, such a Course was too much a Reflection upon the Act, when you say, some godly People would not submit; and it can signify nothing but Fear in making such a Concession.

He added, this would make the Act contradictory, to say in one Part of the Bill, that it was an equal Act, and in another Part to allow Dissenters to it.

There was another Reason of the Commons Dissent; That divers Wives and Children of orthodox Ministers were made miserable by some of these Men: It may be, for not paying unto them those Fifths which were allowed unto them in the late Times.

He added, That none that make Laws ought to suppose, that any would break them.

He said further, That it was not reasonable to allow the Fifths of ecclesiastical Livings, because generally such Livings were too small, and not able to maintain a learned Man with Books. And by lessening Livings thus, it would gratify unconformable Men, who desire Livings in such Hands should be made small, whereby the Reputation of the conformable Clergy would be lessened.

Secondly, he said, Such a Concession is not only against Reason, but Justice also: It was a Divine Canon which said, *He that serveth at the Altar should live of the Altar.* Therefore the Profit of the Living ought to go to the Labourer.

He said, That Unity was so precious, that it serv'd not only for the Peace of the Church, but of the Kingdom also. For to give Occasions for Multitudes to meet (which would certainly follow the Dissenters) what Danger that might carry with it, was worthy their Lordships Consideration.

Nor were the Commons content with having thus cavalierly treated the Lords, but seiz'd on this fresh Opportunity to extend the Penalties of the Act to all *Tutors and School-masters*: And whereas those Ministers, who had no Livings, could not forfeit them, they provided, by a new Clause, that whatever unbenedicted Minister offended against the Act, should be punish'd with three Months Imprisonment.

Before we come to the final passing of this Bill, it is necessary to take a Review of the Money-Matters of this Session; with which this Bill seems, however strangely, to have a manifest Connection.

Tho' the Commons had put the Lords in mind of this Bill, so early as December 16, it was not till the Tenth of April that their Lordships

A. D. 1662.

*Proceedings on  
 the Supply.*

A. D. 1662.

Lordships return'd it to the Commons, with their Amendments and Alterations. Hence arose a Jealousy, that this long Delay was owing to the Practices of the Court; and, as Loyalty was now but the Handmaid of Zeal, the Establishment of the Church was made the Condition *sine qua non* of supplying the Necessities of the State. The House of Commons had indeed, on the Second Day of the Session, *nemine contradicente*, "Resolved, That the Sum of twelve hundred thousand Pounds, (a whole Year's Revenue!) should be speedily rais'd, for Supply of the King's Majesty's present Occasions." And on the very Day that the Corporation-Bill receiv'd the Royal Assent, the Subsidy-Bill did the same; as if it was intended, that the one should keep Pace with the other.

At the passing of this Money-Bill, the King, in a short Speech, gave very hearty Thanks to the House for their great Present, and declar'd, that he had receiv'd the Benefit of it before he had it; the Reputation thereof having given him Credit both at home and abroad: And that he was not more willing to give his Royal Assent to that Bill, than he should be to pass any Bills whatsoever, which that House should present to him for his People's Good.

But, however great this Present was, or with whatever Acknowledgments it was receiv'd, it did not replenish his Majesty's Coffers immediately; and the Prospect of a Supply at a Distance did not remove present Necessities. In those Times, such as had Money employ'd it in Trade; and the modern Method of lending it to the Public, in order to make a Liveliness of the public Necessities, was found impracticable.

Indeed the Undertakers for Ways and Means, even in those Times, saw the Opening, and made a Push to set up that mysterious Traffic, by mortgaging the public Faith. But those, who were most willing to oblige the King, dislike'd the Experiment, and thought the Danger far outweigh'd the Benefit.

Finding, therefore, that this Doctrine of Anticipation was too unpalatable to be easily swallow'd, the King himself interpos'd, and as a Matter of Grace chose to wave it, in order to avoid an ungrateful Negative; which he had Reason to foresee would be the infallible Consequence, in case he had suffer'd the Contest to proceed any farther.

The Message by Mr. Secretary Morris, on this Occasion, deserves to be inserted, if it was only for the Precedent's Sake.

It was this:

"That he had Directions from his Majesty to desire the House, that they would put a *Superseas* to any further Debate upon the Bill for Permission to such Persons as should advance Money for his Majesty's present Occasions, to take Interest at Ten per Cent. That his Majesty, finding the Bill might have some ungrateful Relish in it, resolv'd to put himself upon the greatest Streights, rather than adventure upon any Course, that might in the least seem to disgust this House, or preju-

"dice his good Subjects; and therefore would endeavour to find some other Means to supply his present urgent Occasions; and desir'd the Bill might be laid aside."

As this Message was founded upon those Maxims of true Policy, which no King of England ought ever to depart from, it was receiv'd with all the apparent Signs of Duty and Affection: The House voted their humble Thanks to the King for his Tenderness to his People, and order'd, "That his Majesty be made acquainted, that this House would leave no Means unattempted to advance his Majesty's Revenue, and supply his present urgent Occasions."

But, notwithstanding these plausible Expressions, the House, by this time, seems to have entertain'd some little Distrust of his Majesty; for they suffer'd Nine Days to elapse after this, without taking any Step towards the Relief of the Crown, or making the Additions, which the King thought necessary, to his Revenue.

His Majesty, therefore, at last growing impatient, sent for the Commons, March 1, to the Banqueting-house; where he harangu'd them with the following free, artful, and captivating Expressions.

"Mr. Speaker, and Gentlemen of the House of Commons,

"Finding it necessary to say somewhat to you, I thought once of doing it by a Message, which hath been the most usual Way; but when I consider'd, that speaking to you myself, with that Plainness and Freedom I use to do, hath more of Kindness in it, and with what Affection you used to receive what I say to you; I resolv'd to deliver my Message to you myself, and have therefore sent for you hither, which hath been done frequently heretofore, tho' it be the first time I have done so.

"I do speak my Heart to you, when I tell you, that I do believe, that, from the first Institution of Parliaments to this Hour, there was never a House of Commons fuller of Affection and Duty to their King, than you are to me; never any that was more desirous and sollicitous to gratify their King, than you are to oblige me; never a House of Commons, in which there were fewer Persons without a full Measure of Zeal, for the Honour and Welfare of the King and Country, than there are in this: The wonderful Alacrity that you shew'd at your first coming together, in giving me so liberal a Supply, was an unquestionable Instance of this; and, I assure you, made our Neighbours abroad look upon me and you with much the more Respect and Esteem; and, I am persuaded, even broke the Heart of some desperate and seditious Designs at home. In a word, I know most of your Faces and Names, and can never hope to find better Men in your Places.

"You will wonder now, after I have willingly made this just Acknowledgment to you, that I should lament, and even complain, that I, and you, and the Kingdom, are

A. D. 1662.

King's Speech to the Commons in the Banqueting-House at Whitehall.

Feb. 18.

A. D. 1662.

“ yet without that present Fruit and Advantage, which we might reasonably promise ourselves from such a Harmony of Affections, and a Unity in Resolutions to advance the public Service, and to provide for the Peace and Security of the Kingdom, that you do not expedite those good Counsels, which are most necessary for both.”

“ I know not how it comes to pass, but for these many Weeks past, even since your last Adjournment, private and particular Business have almost thrust the Consideration of the Public out of Doors; and in truth I do not know that you are nearer settling my Revenue, than you were at *Christmas*: I am sure I have communicated my Condition to you without Reserve, what I have coming in, and what my necessary Disbursements are; and I am exceedingly deceived, if whatever you give me be any otherwise given to me, than to be issued out for your own Use and Benefit; trust me it shall be so; and, if you consider it well, you will find, that you are the richer for what you give, since it is all to be laid out, that you may enjoy the rest in Peace and Security.

“ *Gentlemen*, I need not put you in mind of the miserable Effects which have attended the *Wants* and *Necessities* of the Crown; I need not tell you, that there is a *Republican Party* still in the Kingdom, which hath the Courage to promise themselves another Revolution; and methinks I should as little need to tell you, that the only Way, with *God's Blessings*, to disappoint their Hopes, and indeed to reduce them from those extravagant Hopes and Desires, is to let them see, that you have so provided for the Crown, that it hath wherewithal to support itself, and to secure you; which I am sure is all I desire, and desire only for your Preservation.

“ Therefore I do conjure you, by all the Professions of Affection you have made to me, by all the Kindness I know you have for me, after all your Deliberations, betake yourselves to some speedy Resolutions, and settle such a *real and substantial* Revenue upon me, as may hold some Proportion with the necessary Expenses I am at for the Peace, and Benefit, and Honour of the Kingdom; that they who look for Troubles at home, may despair of their *Wishes*, and that our Neighbours abroad, by seeing that all is well at home, may have that Esteem and Value of us, as may secure the Interest and Honour of the Nation, and make the Happiness of this Kingdom, and of this City, once more the Admiration and Envy of the World.

“ *Gentlemen*, I hear you are very zealous for the Church, and very solicitous, and even zealous, that there is not Expedition enough used in that Affair: I thank you for it, since I presume it proceeds from a good Root of Piety and Devotion; but I must tell you, I have the worst Luck in the World, if, after all the Reproaches of being a *Papist* whilst I was abroad, I am suspected of being a *Presbyterian* now I am come home: I know

NUMB. VI.

A. D. 1662.

“ you will not take it unkindly, if I tell you, that I am as zealous for the Church of England, as any of you can be, and am enough acquainted with the Enemies of it, on all Sides; that I am as much in love with the Book of *Common Prayer*, as you can wish, and have *Prejudice enough* to those who do not love it; who I hope in time will be better inform'd, and change their Minds; and you may be confident, I do as much desire to see a *Uniformity settled, as any amongst you*. I pray trust me in that Affair, I promise you to hasten the Dispatch of it with all convenient Speed, you may rely upon me in it.

“ I have transmitted the Book of *Common Prayer*, with those Alterations and Additions which have been presented to me by the Convocation, to the House of Peers, with my Approbation, that the Act of Uniformity may relate to it; so that I presume it will be shortly dispatch'd there: And when we have done all we can, the well-settling that Affair will require great Prudence and Discretion, and the Abstinence of all Passion and Precipitation.

“ I will conclude with putting you in mind, that the Season of the Year, the Convenience of your being in the Country, in many respects, for the Good and Welfare of it; for you will find much Tares have been sowed there in your Absence; the Arrival of my Wife, who I expect some time this Month, and the Necessity of my own being out of Town to meet her, and to stay some time before she comes hither, makes it very necessary that the Parliament be adjourn'd before *Easter*, to meet again in the Winter: And, that it may do so, I pray lay aside private Businesses, that you may in that time dispatch the public. And there are few things I reckon more public, than your providing for the Security of the *Fen-Lands*, which I have so often recommended to you, and do it now very earnestly. I pray let no private Animosities or Contentions endanger a Work of so great a Benefit and Honour to the Nation; but first provide for the Support of the Work, and then let Justice be done for Determination of particular Interests.”

Here we have the Confirmation of what was before insinuated, that the King made the *Uniformity Bill* the Pledge for an *Additional Revenue*; and that the Commons made use of the King's *Wants* and *Necessities* to secure the Establishment of the Church.

These Assurances of his Majesty, had their desired Effect. The Commons now thought they were sure of their Point, and, therefore, made no Difficulty to pay the Price. A Bill to lay a Duty upon every Chimney Hearth, in each House of above twenty Shillings a Year, for ever, was forthwith agreed upon; and his Majesty was moreover enabled to raise, for the three next ensuing Months, one Months Tax in each Year, after the rate of seventy thousand Pounds a Month, if Necessity should so require.

Nor did they rest here: The Press had offended

R

Hearth-Money Bill.

A. D. 1662.

Presby-  
terian d.Militia  
settled.

offended as well as the Pulpit; the Parliament had been treated with the same Freedom as the King, and both seem'd more dispos'd to silence Clamours, than remove the Cause. As therefore the Pulpit was to be purged by the Uniformity Act, Care was taken to bridle the Press, and put the Reins into the Hands of a *Licensor*; who was generally so careful to seal the Lips of Falshood and Abuse, that even Truth and Justice could rarely obtain a Hearing.

To convince his Majesty yet farther, how extremely desirous they were, that the Republican Spirit should be entirely subdued, they took the Affair of the Militia again into Consideration, and prepared that Bill, which has put the Power of the Sword in the King's Hand for good and all: With what Reason and Equity, will best appear from a Comparison of the great Revolution in 1688, with the Preamble to the said (b) Bill; which is drawn up in the following remarkable Terms:

Forasmuch as within all his Majesty's Realms and Dominions, the sole and supreme Power, Government, Command and Disposition of the Militia, and of all Forces by Sea and Land, and of all Forts and Places of Strength, is, and by the Laws of England ever was, the undoubted Right of his Majesty and his Royal Predecessors, Kings and Queens of England: And that both, or either of the Houses of Parliament, cannot, nor ought to pretend to the same; nor can, nor lawfully may

raise or levy any War offensive or defensive against his Majesty, his Heirs, or lawful Successors; and yet the Contrary thereof hath of late Years been practis'd, almost to the Ruin and Destruction of this Kingdom; and during the late usurped Governments, many evil and rebellious Principles have been infilled into the People of this Kingdom, which may break forth, unless prevented, to the Disturbance of the Peace and Quiet thereof. Be it therefore declared and enacted, &c.

There was yet another Bill, which had hung in the House of Lords ever since last Session, and which was now to be pass'd into a Law: And this was the (c) Bill to oblige the Quakers to take the Oaths.

Favourable as the Crisis was to every rigorous and penal Measure, the Lords, as we have already remark'd, had not Stomachs strong enough to digest quite so fast, as the Commons furnished them with this sort of Food.

Thus, with regard to the Bill now before us, finding the Title had relation only to the Quakers, and that in the Body of it, a Provision was made for extending the Penalties to others, they started Exceptions, treated it as an Inconfinity at least, and order'd, That it should be limited to the Quakers only. (d) A free Conference ensued between the two Houses, the Commons adher'd to the Letter of their Bill, and upon the Report thereof, their Lordships (e) qualify'd their Alterations, that all Objections were removed

A. D. 1661.

Quaker's Bill.

(b) Lieutenants, Officers and Soldiers, to take the Oaths of Allegiance and Supremacy, and also this Oath following: *I, A. B. do declare and believe, that it is not lawful, upon Pretence whatsoever, to take Arms against the King; and that I do abhor that traitorous Position, that Arms may be taken by his Authority against his Person, or against those that are committed by him, in Pursuance of such military Commissions. So help me God.*

(c) In the late Debates upon the Quakers Bill, &c. Reference was made to the horrid Impulses of what they call'd the Spirit, not only dictating the most extravagant Opinions, but driving to the most abominable Practices.—Many of that Party had their Brains deluged and displaced. Some whereof have taken their Children, and gone and sacrificed them, pretending a particular Command, like that God gave to Abraham: As a Woman of Dover cut off her Child's Head, and alleged this Scripture. Others have shut themselves up with a Bible, and resolv'd to eat nothing, because it is written, that *Man shall not live by Bread alone, but by every Word that proceedeth out of the Mouth of God.* Some have killed their Cows, because the had taken a *Witch* on Sunday, but deserr'd the Execution till Monday. *Each of Essex near Strawbury, kill'd his own Mother and Brother in cold Blood; having no other Quarrel against them but that they loved the Liturgy, &c. His of the English and Scotch Presbyterians.*

On the other hand, to discourage these strange Stories, we find the following affecting Petition in G. Fox's Journal:

"There being very many Friends in Prison in the Nation, Richard Hakeworth, call'd George Fox, drew up a Paper concerning them, and I deliver'd to the King, that he might understand how we were dealt with by his Officers. It was thus directed:

For the KING.

"Friend, who art the chief Ruler of these Dominions, here stand in O of some of the Sufferings of the People of Essex, in South, call'd Quakers, that have suffered under the chargeable and Power before thee, by whom they have been imprisoned, and under whom there have suffered for good Conscience sake, and for bearing Testimony to the Truth as it is in Jesus, three thousand one hundred seventy three Persons: And there lye yet in Prison in the name of the Commonwealth seventy-three Persons that we know of. And there have used in Prison in the time of the Commonwealth, and of Oliver and Richard the Protector, through cruel and hard Imprisonments upon daily

"Straw and in Dungeons, thirty-two Persons. There have been also imprisoned in thy Name, since thy Arrival, by such as thought to ingratiate themselves thereby to thee, three thousand sixty and eight Persons. Besides this, our Meetings are daily broken up by Men with Clubs and Arms (though we meet peaceably, according to the Practice of God's People in the primitive Times) and our Friends are thrown into Waters, and trod upon, till the very Blood gusheth out of them: The Number of which Abuses can hardly be uttered. Now this we would have of thee, to set them at Liberty, that lye in Prison in the Names of the Commonwealth, and of the two Protectors, and them that lye in thy own Name, for speaking the Truth, and for good Conscience, &c. G. Fox's Journal. p. 532.

(d) Die Mercurii 19. Februar. 1661-2.

In the House of Lords, the Lord Chancellor reported the Effect of the Conference with the Commons, which was, that their Lordships making some Alterations in the Bill against Quakers, and sending down the same to the House of Commons, they, upon Consideration thereof, do agree to come, and to others they do not, but adhere to the Bill as it came from them.

They adhere to the Word others in the Title of the Bill, to meet with all others who refuse Oaths, besides the Quakers, such as are some Anabaptists; and to leave out the Word others would frustrate the End of the Bill. And besides, it is not easy to define what a Quaker is, if so restrained; and it is not possible to enumerate all the Names by which several Sects would call themselves to evade this Bill: And it were great Partiality to single out the Quakers, and permit others as dangerous, if not more.

They likewise disagree to the Amendment [any ten or more] because the Mischief may be great when but five meet, but the Remedy is not so easy when ten shall meet.

They also disagree to the Proviso concerning Peers, because it is indecent and unfit to the Penalties imposed; and the like Offence is provided against by the 35 Eliz. Cap. 1. and yet no Provision for Peers.

The Commons lately desired, that the Words [for any Offence] may be made, for every third Offence. Lord's Journ.

(e) Die Venetiis 21 Feb. 1661-2.

The House of Lords took into Consideration the Matter of the late Conference with the House of Commons concerning the Bill against Quakers. The Alterations brought from the House of Commons were read, and compared with those Alterations sent down by the Lords; and after some Debate,



A. D. 1662.

remov'd, and the Church became again (f) victorious.

The Clergy being thus restor'd to their Dominion, the Crown enrich'd and aggrandiz'd, and the People in a fair way to be subdu'd both in Body and Soul, by their own Act and Deed, the Business of the Session was at an End, and the King, very gladly, came to make his Acknowledgments and take his leave: Upon which Occasion, the Speaker, with his usual Eloquence, compar'd his Majesty's Return to the Overflow of the Nile, and promis'd the Nation as many Blessings from his *fourteenth Year*, as *Egypt* is said to receive from that River, when it rose to the *fourteenth Degree*.

His Majesty having then given the Royal Assent to the several Bills, was pleas'd to assure both Houses, and to authorise them to assure others, that he would employ all they had given him to the utmost Improvement of the Peace and Happiness of the Kingdom: And that with the best Advice and Husbandry he could, he would bring his Experience within a narrower Compass.

The King's Speech was short, but the Chancellor's was long, and contains so much Information, with regard to the Revenue, our foreign Concerns, and the State of the Nation, that our History cannot be thoroughly understood, without making the following Extracts from it.

To the Commons he said:

"You have, like the richest and noblest Soil, a Soil manur'd and enriched by the bountiful Hearts of the best Subjects in the World, yielded the King *two full Harvests in one Year*; and therefore it is but good Husbandry to lye fallow for some time. You have not only supply'd the Crown to a good Degree for discharging many Debts and Prefures, under which it even groaned, and enabled it to struggle with the present Streights and Necessities, Debts not contracted, and Necessities not run into by Improvidence and Excess; you may, when you please, receive such an Account as will clear all such Reproaches; but you have wisely, very wisely, provided such a constant, growing Revenue, as may, with God's Blessing, preserve the Crown from those scandalous Wants and Necessities, as have heretofore expos'd it and the Kingdom to those dismal Miseries, from which they are but even now buoyed up; for whatsoever other human Causes may be assign'd, according to the several Fancies and Im-

ginations of Men, of our late miserable Distractions, they cannot be so reasonably imputed to any one Cause, as to the extreme Poverty of the Crown. The want of *Power* could never have appear'd, if it had not been for the *Want of Money*." He then addresses himself to both Houses thus.

"You have, my Lords and Gentlemen, worthily provided for the Vindication and Manifestation of the one by the Bill of the *Militia*; and for the Supply of the other by the Act for the additional Revenue; and I am confident, both the present and succeeding Ages will bless God, and celebrate your Memories for those two Bills, as the Foundation of their Peace, Quiet and Security, how froward and indispos'd soever many are at present, who, finding such Obstructions laid in their Way to Mutiny and Sedition, use all the Artifice they can to persuade the People, that you have not been solicitous enough for their Liberty, nor tenacious enough for their Profit, and wickedly labour to lessen that Reverence towards you, which sure was never more due to any Parliament.

"Men are in no Degree dispos'd to imitate or remember the general excellent Temper of the Time of Queen *Elizabeth*, the blessed Condescension and Resignation of the People then to the Crown, the awful Reverence they then had to the Government, and to the Governors, both in Church and State.

This good and happy Spirit was in a Time beyond our Memory; but they remember, as if it were but Yesterday, how few *Subsidies* Parliaments then gave to that Queen, how small Supplies the Crown then had from the People, and wonder that the same Measures should not fill fill the Coffers, and give the same Reputation, and make the same Noise in *Christendom*.

"But, my Lords and Gentlemen, how bold soever some unquiet Spirits are with you, upon this Argument, you are much superior to those Reproaches. You know well, and you can make others know, without breaking the Act of Indemnity, how the Crown hath been since us'd; how our Sovereign Lord the King found it at his blessed Return to it; you can tell the World, that as soon as he came hither, besides the Infinite that he forgave, he gave more, more Money to the People, than he hath since received from them; That at least two Parts of three, that they have since given him, have been issu'd for the disbanning Armies, never raised by

A. D. 1662.

Chancellor's  
Speech at the  
End the Sess.  
sion.

Debate, it is order'd to be recomitted to the same Committee as was first appointed, to consider of this Bill, to add the Word *others* and explain the Word *such*, so as to make the Body of the Bill extend to the Intent of the Preamble of the Bill, and to extend to those that shall maintain that all Oaths are unlawful. And the said Committee also to consider of the Matter of the Conference concerning the Privilege of the Peers. *Ibid.*

(f) The Bill was pass'd by Commission, May 2, and the Reasons given for the enacting Clause are to be found in the Preamble, which is as follows:

Whereas of late times certain Persons under the Names of *Separers* and other Names of Separation, have taken up and maintained sundry dangerous Opinions and Tenets, and amongst others, That the taking of an Oath in any Case whatsoever, although before a lawful Magistrate, is altoge-

ther unlawful and contrary to the Word of God: And the said Persons do daily refuse to take an Oath though lawfully tendered, whereby it often happens, that the Truth is wholly suppress'd, and the Administration of Justice much obstructed. And whereas the said Persons, under a Pretence of religious Worship, do often assemble themselves in great Numbers in several Parts of this Realm, to the great endangering of the public Peace and Safety, and to the Terror of the People, by maintaining a secret and strict Correspondence amongst themselves, and in the mean time separating and dividing themselves from the rest of his Majesty's good and loyal Subjects, and from the Public Congregations and usual Places of divine Worship. For we redressing therefore and do better preventing the many Mischiefes and Dangers that do and may arise by such dangerous Tenets and such unlawful Assemblies, Be it Enacted, &c.

A. D. 1662. by him, and for Payments of Fleets never sent out by him, and of Debts never incurred by him. You will put them in Mind of the vast Disparity between the former Times, and these in which we live, and consequently of the Disproportion in the Expence the Crown is now at, for the Protection and Benefit of the Subject, to what it formerly underwent. How great a Difference there is in the present Greatness and Power of the two Crowns, and what they were then possess'd of, is evident to all Men; and if the Greatness and Power of the Crown of England be not in some Proportion improved too, it may be liable to Inconveniences it will not undergo alone. How our Neighbours and our Rivals, [the Dutch] who court one and the same Mistress, Trade and Commerce, with all the World, are advanced in Shipping, Power, and an immoderate Desire to engross the whole Traffic of the Universe, is notorious enough; and this unwrly Appetite will not be restrained or disappointed, nor the Trade of this Nation supported and maintained, with the same Fleets and Forces which were maintained in the happy Times of Queen Elizabeth. Not to speak of the naval Power of the Turks, who, instead of sculking abroad in poor single Ships as they were wont to do, domineer now on the Ocean in strong Fleets, make naval Fights, and have brought some Christians to a better Correspondence, and another kind of Commerce and Traffic with them than was expected; inasmuch as they apprehend no Enemey upon the Sea, but what they find in the King of England's Ships, which hath, indeed, brought no small Damage upon them, with no small Charge to the King, but a great Reputation to the Nation.

My Lords and Gentlemen, You may with a very good Conscience assure yourselves, and your Friends and Neighbours, that the Charge the Crown is now at by Sea and Land, for the Peace and Security, and Wealth and Honour of the Nation, amounts to no less than 800000 l. a Year; all which did not cost the Crown before these Troubles 80000 l. the Year; and therefore they will never blame you for any Supply you have given, or Addition you have made to the Revenue of the Crown; and whosoever unskilfully murmurs at the Expence of Dunkirk, and the other new Acquisitions, which ought to be look'd upon as Jewels of an immense Magnitude in the Royal Diadem, do not enough remember what we have lost by Dunkirk, and should always do, if it were in an Enemy's Hands; nor duly consider the vast Advantages those other Dominions are like, by God's Blessing, in a short time, to bring to the Trade, Navigation, Wealth and Honour of the King and Kingdom. His Majesty hath enough expressed his Desire to live in a perfect Peace and Amity with all his Neighbours; nor is it an ill Ingredient towards the Firmness and Stability of that Peace and Amity, which his Royal Ancestors have held and maintained with them, that he hath some Advantages in case of a War, which they were without.

A. D. 1662. You have, my Lords and Gentlemen, likewise Patriots, upon your Observation, that the most signal Indulgence and Condescensions, the temporary Suspension of the Rigour of former Laws, hath not produced that Effect which was expected, that the Humours and Spirits of Men are too rough and boisterous for those soft Remedies, you have prepared sharper Laws and Penalties, to contend with those refractory Persons, and to break that Stubborness which will not bend to gentler Applications: And it is great Reason, that they, upon whom Clemency cannot prevail, should feel that Severity they have provoked.

There is an Enemy amongst us, of whom I doubt, we are not jealous enough, and towards whom we cannot be too vigilant; and in Truth, in Comparison of whom we may reasonably undervalue all other Enemies; that is, the Republicans, the Commonwealth-Men, who are every Day calling in Aid of the Law, that they may overthrow and abolish the Law, which they know to be their irreconcilable Enemy. Indeed, my Lords and Gentlemen, there is a very great Party of those Men in every Faction of Religion, who truly have no Religion, but as the Pretence serves to advance that Faction. You cannot be too solicitous, too inquisitive after these Men, who are restless in their Councils, and wonderfully punctual and industrious in their Correspondences, which they maintain abroad as well as at home: And you cannot doubt they have Encouragement enough from abroad; few of our Neighbours love us so exceedingly well, but that they would be glad to see us entangled in domestic Broils. These Men are worthy of your Care and Diligence in your speedy settling the Militia, which the King hath even now so particularly recommended to you.

I shall conclude with only putting you in mind, that there was scarce ever a more dangerous Sedition in the Republic of Rome, than in a Time of full Peace, when the Citizens were fallen, when there was no Noise but in Whispers, when Men neglected their Trades, and stayed idle in their own Houses, as if they cared not which way the World went; from whence alone their Neighbours the Etrurians were encouraged to make a War upon them. *Novum seditiois genus (says Livy) silentium atinque inter civis.*

Thus, whether the Discontented are in Motion or at Rest, they are still made use of to terrify the Public, and to give a Sanction, both to the Claims and Acquisitions of the Crown.

As soon as the Chancellor had ended his Speech, that Branch of the Prerogative, to Parliament prorogue Parliaments, which had been first prorog'd. assum'd by King Henry VIII. and which had slept for so many Years, was again brought into Play, and was again, without the least Difficulty, submitted to.

By this time the Queen was landed at *The King's* Portsmouth, and his Majesty made haste to receive her. They were married first by the Lord Aubigny, after the Roman Ritual, in the Presence

A. D. 1662.  
Barnet.

Presence of the Duke of York, and then by the Bishop of London, after the Form of the Church of England.

See the Lord  
Chancellor's  
Speech, p. 44.

It is remarkable, that the principal Reason given by those, who prefer'd the Offers of Portugal to those of Spain, was, the Improbability of the Letter's performing the great Things it propos'd.

Earl of Sand-  
wich's Jour-  
nal.

Now of the Three Millions, which were to have been the Dowry of Queen Catherine, but one was paid down; and great part of that consisted of Jewels, Sugars, and other Merchandize; and, as to the other Two, tho' they were many Years sollicit'd, they were never wholly paid. *Tanger*, indeed, and *Bombay*, which were likewise thrown in by the Portuguese, were at that time greatly magnify'd: But the Expence of the First was so great, that both Prince and People grew weary of it; and the Last was bestow'd by his Majesty upon the *East India Company*.

Life of Lord  
Clarendon.

Thus, not to insist on the Queen's Sterility, which some Writers assure us there were no Grounds to suspect, the Court of Portugal prov'd as ill at performing, as that of Spain was represented; tho', at the same time, depending upon England for Preservation; which cost us more in Fleets and Armies, than the whole Marriage Portion could recompence.

Foreign  
Affairs.

We are now to resume the Thread of our Foreign Affairs.

Dispute with  
France about  
the Flag.

His Majesty of France continuing still to take advantage of our impolitic Proceedings with the *Dutch*, and, for the sake of his own Views and Interests, inclining to favour their Pretensions on the *Fishery*; King Charles and his Ministry thought no Expedient so proper to bring him to Reason, as the asserting the Sovereignty of the Seas, in the utmost Latitude, and insisting on the Honour of the Flag, against every Power, without Exception.

W<sup>est</sup>Indies.

Affairs were in this Situation when Mr. *d'Esgrades* arriv'd here in the Beginning of the Year, to resume the Functions of his Ministry; and immediately learnt, from the Talk of the whole Court, that France was principally concern'd in this Measure; that the first Experiment would be try'd on the *French Fleet*; and that every body was dispos'd to enter into a Quarrel of this gallant Nature with the utmost Alacrity. He was likewise given to understand, that Two several Persons of the Cabinet, who were sent to visit him, not only that *Madam* had written to King Charles her Brother, upon that Subject, but even with his most Christian Majesty's Participation: That his Majesty, on that Presumption, had writ her an Answer, signifying, That, rather than depart from his Right, he would risk his Crown: And that his Admiral had Orders to make every Vessel of every other Nation strike, which he should meet at Sea. Mr. *d'Esgrades* gave this formidable Intelligence such a Reception, as argued him to be a Minister of consummate Prudence and Address: For he took upon him to affirm, that *Madam* had writ without any Authority from the King his Master;

A. D. 1662.

that it was easy to see, by his whole Manner of acting, that he never consulted her: She may perhaps, added he, out of her tender Regard for the King her Brother, have made Advances of her own Head, to prevent his giving Umbrage to his most Christian Majesty, by making such Claims, as have belong'd to the Crown of France from all Antiquity. He then express'd his Astonishment to hear it reported on all Sides, that the two Crowns were on the point of coming to a Rupture, upon this Article; declar'd, that all he knew of the Matter was, that the King his Master had given Orders to his Admiral, to make all foreign Vessels strike to his: For which Purpose he had caus'd Twenty Men of War, and Twenty Fireships, to be got ready, under the Command of the bravest and most experienced Officers in his Dominions: Too few perhaps, continu'd he, to encounter the numerous Fleets, which possibly may be sent against them; but not less resolv'd to abide all Extremities, rather than surrender the Honours of their Royal Master. He concluded with saying, that he had deliver'd his own Sentiments only on this Matter; and that merely because they had begun the Discourse, he having nothing upon that Head to propose to the King of England.

Our two Courtiers, who could not conceal their Surprize at this unexpected Declaration, then insinuating, that quite different Advices had been receiv'd from France; the Ambassador coolly reply'd, "You will find by the Event, that I speak nothing but Truth; and that, if the King of England says nothing to me upon this Subject, I shall say nothing to him. Indeed, I foresee, that *Mitchief* is at hand, and that it is too late to look out for a Remedy.— But it belongs to those, whose Affairs are the most embarrass'd, and who are least able to set them right, to be in Pain for the Consequences."

With this the Conference ended; and the next Day the Ambassador had an Audience of the King, who not only gave him a gracious Reception, but took some Pains to obviate a Complaint, which his Brother of France had made against the *English Resident* in *Holland*, who had either spoken of the most Christian King with too much Freedom, or had been accus'd of doing so, by some of the *States*, who very cordially desir'd to set the two Monarchs at Variance. His Majesty then made a Transition to the Affairs of Portugal: And here we have the first Hint, that France had, at length, comply'd with the King's Demands, of a Sum of Money to enable him to support the Burthen of that War. This Sum was Two hundred thousand Crowns; and his Majesty now thought proper to contend for the speedy Payment of it: The wary Ambassador, on the other hand, signify'd, that he would write concerning it to the King his Master; and withal, to prepare his Majesty for Delays, if not for Disappointments, gave him to understand, that it requir'd Time to collect that Quantity of Specie in Gold.

A. D. 1662.

Hitherto, not one Syllable relating to the *Flag* had escap'd on either Side; but Mr. *d'Esstrades* having taken his Leave, and being on the point of quitting the Presence, his Majesty call'd him back, and intimated he had till then forgot to mention, that *Madam*, fearing some Misunderstanding would arise between the two Courts, on that critical Point, had writ to him concerning it: That he could not conceive, that an established Right, which *Henry IV.* had expressly given up to Queen *Elizabeth*, when she lent him her Fleet, and which he was still in Possession of, would now be called in Question: That it would be very injurious in the most Christian King, upon whose Friendship he had so securely rely'd, to insist on retrenching the fairest Mark of his Sovereignty: And that there was nothing in the World he would leave undone to maintain it, as he was bound in Honour to do, wherever Ship could sail.

To this Mr. *d'Esstrades*, like a true Frenchman, reply'd, That the Example of *Henry IV.* could neither establish Right, nor authorize Possession: That the ill Circumstances of that Prince compelled him to accept the Assistance of Queen *Elizabeth*, on what Terms she thought proper to impose: That he was assur'd the King his Master was too generous to assist his Allies upon such mercenary Terms: That, if they needed his good Offices, they might command them without Price or Consideration: That, consequently, his Friendship was of too delicate a Nature, to submit to be articul'd with: And that, if it was to be thus forfeit by a Pretension, which could not be supported against a Monarch so powerful by Land and Sea, (who became more and more so every Day, without the Assistance of any other Power whatever; who directed both his own Affairs, and those of his Neighbours, by his own Sagacity; and who understood the Interests of both to the very Bottom;) it would be difficult to recover it.

To this the King, appearing to be somewhat rous'd, made Answer, That when his Affairs should put him upon the Offensive, he should find Friends, who, till then, had not been known to have offer'd him their Services, on whom he could depend for a proper Support.

Mr. *d'Esstrades* rejoin'd, That, for his part, he could not see, what Reason his Majesty had to take offence, nor against whom: That he had neither demanded nor propos'd any thing on the Behalf of the King his Master: That as to the Friends his Majesty had alluded to, he did not esteem them to be of equal Weight with those he seem'd dispos'd to relinquish: And that he doubted whether they would enter into an Alliance with *England* against *France*, in case the good Intelligence that now subsisted between the two Crowns should be broken, which he ardently wish'd might never happen.

Upon the Conclusion (if Mr. *d'Esstrades*'s Account is to be depended upon) his Majesty, finding he could make no Impression upon the Ambassador, soften'd his Voice and Manner, and by asking him, whether he

A. D. 1662.

did not design to see the *Chancellor*, sufficiently shew'd, that he thought of nothing less than a Rupture.

The *Chancellor*, however, the next Day took up the Dispute, in as high a Tone as the King had left it, as, no doubt, had been preconcerted; which gave Mr. *d'Esstrades* the Hint to say, (upon what Grounds must, perhaps, be for ever a Secret) That it ought to be his (the *Chancellor*'s) Endeavours, so to employ his Credit and Power, that the two Kings should not come to Extremities. To which his Lordship reply'd, that he would give his Blood to prevent it; that he was so much oblig'd to his most Christian Majesty, for the many Favours he had bestow'd upon him, and the Honour he had done to his Son, that, exclusive of his Duty to the King his Master, he would sacrifice all things to serve him, as a Proof of his Acknowledgment.— But his Concessions went no farther. He talk'd of the *Flag*, as the King had done the Day before, nor seem'd dispos'd to abate a Scruple; declaring, that the Parliament would never consent to any Expedient, and that the People would give all they were worth to support the King in his Right. To this Mr. *d'Esstrades* answer'd, That he very well knew it was not the Custom of the Kings of *England*, to communicate the Orders they gave their Admirals to the Parliament: That, indeed, when they declar'd War against any Power, there was a Necessity to do it by their Advice, in order to have their Assistance in carrying it on: And that as to Expedients, he neither demanded nor expected any.— You are for a War then, reply'd the *Chancellor*.— Not, if it can be avoided, return'd the Ambassador: But, continu'd he, rather than submit to what is unjust, the King my Master would embrace it cheerfully, and maintain it both long and vigorously. The *Chancellor* then took Occasion to say, That having Reason to believe that the *French* Court were bent upon a War, it would be to no Purpose to offer any Expedient: That he was confirm'd in this Opinion, by the Advices which had been receiv'd from all Parts, that his most Christian Majesty had resolv'd upon a Treaty with the *Dutch*, in which he had taken upon him the Guaranty of the *Fisbery*: That Mr. *de Tbou* was arriv'd at the *Hague*, in order to give the *States* the necessary Assurances upon that Head: That this Step was by no means agreeable to the strict Union between the two Crowns, which Mr. *d'Esstrades* had, in the King his Master's Name, profess'd to cultivate, at his Arrival: That, as to the sole Concern of *England* in this Affair, the Liberty of the *Fisbery*, it had been expressly granted, contrary to ancient Treaties: That this was to encourage our Enemies to fly in our Face, who, without such Protection, would never presume to do so: And that therefore, before any Attempt was made to accommodate Matters, the King his Master desir'd to know, upon what Footing his most Christian Majesty was inclin'd to grant the said Guaranty: By which he gave the Ambassador to understand, that, if that Difficulty

A. D. 1662.

ficulty was once remov'd, the Affair of the Flag would be easily adjusted.

Of all these Particulars, Mr. *d'Esstrades* did not fail to send a full Information to his Court; and, in the mean while, very dextrously, communicated to King *Charles*, a circumstantial Account of the complete Triumph of *France* over *Spain*, as to the Point of (g) Precedency, which the latter had been obliged to surrender in form. This his Majesty affected not to believe; but withal added: If true, it is a Mark of great Weakness in the *Spaniards*. Rather, reply'd the Ambassador, of the Passion of his *Catholic Majesty* to cultivate the closest Amity with the King my Master, whose Sincerity he has experienced, and by whom he can never be deceiv'd.

*France*, in Reality, was already become exceedingly great and formidable; and how thoroughly King *Lewis* knew his own Strength, may be gathered from his Reply to that Dispatch of Mr. *d'Esstrades*, which informs him of the seeming intractable Humour of the Court of *London*.

"Neither the King my Brother, says he, nor his Advisers, are as yet sufficiently acquainted with me, or they would hardly treat me with that Air of Haughtiness and Inflexibility, which falls very little short of menacing. I know no Power under Heaven that is able to make me advance a Step thro' such a Road. I may suffer but I cannot fear. I thought I had given the whole World a more favourable Impression of me; nay, I still flatter myself that 'tis only at *London* that I am so much mistaken and so little known. Nor shall it be long my Fault that I am not, even there, as well understood, as any where else.

Sure I am that, neither at *Madrid*, nor at any other Place upon the Globe, such Expressions would have escap'd from the Lips of any Minister, in Conference with my Ambassador, as those which *Chancellor Hyde* has been pleas'd to use, when declaring, That the Affair of the Flag could not be accommodated with the King his Master, if I should guaranty the Fishery to the *Hollanders*. To hear the *Chancellor* talk in this Strain, one would think that I was undone, in this Dispute was not adjusted according to his good Pleasure; and yet there is nothing I regard with more Indifference; for I design to put my Sea-forces in such a Condition, that the *English* shall think it a Favour, if I will hearken to any Terms touching a Claim, to which I have so much more a legitimate Title than they. The King of *England* and his *Chancellor* may be acquainted with my Strength, but not with my Heart; but I who am equally familiar with both, desire that, for the sole Answer they are to expect to so haughty a Declaration, they may hear from your Mouth, That I neither demand nor seek any Accomodation with regard to

the Flag; because I know how to maintain my Right at all Events; and as to the Guaranty of the Fishery, I shall act in it, as I think proper, without allowing it to have the least Relation to the Flag, because I know how to maintain my Right, and to act as I shall see Cause; according as the Pretensions of the *Hollanders* are well or ill founded. I would not have you come to the least Explanation, whether I have already given into that Guaranty or not; tho', for your own particular Information, which you are not to divulge, you are to understand, that hitherto, I have come to no Agreement with the *Hollanders* at all.

With Princes, like me, who prefer Honour and Glory to all other Considerations, the *Chancellor* should have taken different Measures, to carry his Point. Affairs prosper or miscarry as they are manag'd; and as to this before us of the Fishery, however I am press'd upon it by the States, if the *Chancellor* instead of treating you so cavalierly, had frankly declared, That your Masters ought, at no rate, to come to a Rupture; if he had in earnest fought some Expedient to prevent it; and had signify'd, that his Master, depending on the Friendship I had so often assur'd him of, hop'd, I would not agree to a Guaranty, that would be prejudicial to the *English*, which had been saying the same things in a civiler way, I almost fancy I could not have refus'd him. But after I have been treated with such Arrogance, I am not sure, that the very first thing I shall do, will not be to enter into the very Engagement, which has drawn such Menaces upon me.

I make no Doubt, but the *Chancellor* will be at some Pains to point out the Inconveniences of this Step, in case I should take it; will tell you the Fate of *Portugal* depends upon it; that the Court of *England* is on the Point of abandoning its Interest; of breaking off the Marriage; and will talk even of co-operating with the *Catholic King*, in facilitating his Conquest.

Possibly all this may happen; and I see as well as they, how much it is my own Interest, it never should. But all this is nothing in comparison to a Point of Honour, which so intimately affects the Reputation of my Crown: For in such a Case, far from being under any Concern for the Dominions of another, I shall be always ready to endanger my own, rather than give into the smallest Weakness that might tarnish the Glory which I seek in all things, which is the principal Motive of all my Actions.

The *Chancellor* is then most grievously mistaken in his Opinion; and I must tell you farther, that however this Affair may end, he may possibly find himself as much mistaken in his Conduct; for if I am oblig'd to come to Extremities with his Master for a Point of Honour, I hope, without menacing

His most Christian Majesty's Letter upon that Subject.

(g) The Dispute between the two Crowns, upon this Head, arose from the terrible Fray which happen'd in *London*, between the *French* and *Spanish* Ambassadors, Sept. 30.

1661, at the public Entry of the *Swedish* Minister, when the Latter, by Violence, not only got the Start in the Cavalcade, but disabled his Rival from proceeding.

A. D. 1662.

nancing any body, and that with Facility enough, to take such Measures, that, modestly speaking, my Part shall not be the weakest. I might even say this, if I stood alone; but I have reason to believe, that, in case of Need, I should be well supported from many Quarters, of which the King of England has not, at present, the least Suspicion.

As soon as I received your Dispatch, I gave immediate Orders for the putting my Fleet in such a Condition, that it should have little to fear from any other Fleet whatever. But I believe I may say, with Truth, and without Presumption, that, in case it should meet with any Misfortune, it would prove the worst Business in every shape, that ever the King of England had upon his Hands. But I leave the Event to God. It is sufficient for me to have done nothing that is base, or with which I could reproach myself."

I have inserted this remarkable Letter thus at length, not only because it gives us so lively an Idea of the Manners and Character of this high-spirited Prince, but because it serves to throw so strong and clear a Light upon our foreign Affairs, which have been hitherto so lamely represented and so ill understood.

Soon after Mr. *d'Estrades* had received this Dispatch, he had an Audience of the King at *Whitehall*; which, with his usual Address, he opened with the Affairs of *Portugal*, representing their ill Situation, and pressing his Majesty to send speedy Succours, before the *Spaniards* could take Advantage of the Ignorance and Disunion of those in the Administration there. The King replied, That he was already inform'd of all, and had resolv'd to send thither 3000 Foot and 1000 Horse, with a Convoy of ten Men of War of 60 Guns each by the Middle of *March*: That he had done his utmost to remove the Jealousies which embroil'd the *Portuguese* Councils, and consequently was not answerable for the many vexatious Events, which had happen'd in that Kingdom; adding, that it would not be in his Power to prevent many more, unless he was furnish'd with the Supply which his most *Christian* Majesty had promis'd; and whose Sentiments on that Head, he desired to know.

Mr. *d'Estrades* then assur'd his Majesty, that the King his Master had given his Orders for the Payment of it, and that the Reason why they were not obey'd, was no other than a Difficulty of collecting together Gold enough to make up such a Sum; that he himself had taken upon him to press for it, and that he had, at the same time, appriz'd his most *Christian* Majesty, in plain Terms, of the Resolution taken here, to make the Affair of the Flag, the Pledge of continuing the good Intelligence between the two Crowns; which had been already a little shock'd by the *Chancellor's* manner of treating the Guaranty of the Fishery, demanded by the *Hollanders*.

A. D. 1662.  
The Effect it produces.

The King then took the Word, and said, That he could not tell how to believe, that the *Chancellor* would breathe a Syllable either against that good Intelligence, or against the Respect which was due to his most *Christian* Majesty; and that he should make his Acknowledgments, if he had: That, knowing the Interest of *England*, he might possibly assure him, as he himself then did, that he could never imagine the most *Christian* King would grant any Guaranty to the *Dutch*; which, in the End, would prove prejudicial to him, tho' such Advices were received from all Parts; nay, tho' the *Dutch* still boasted of being sure of it: That he depended more upon his Friendship, and upon the Professions which Mr. *d'Estrades* had made him, on his Majesty's Behalf: That he was convinced his Majesty held the *Dutch* and him at least in equal Consideration: That he had always submitted his Interests to his Decision: And that he made it his Request to the Ambassador, that he would inform his Majesty from him, that when he gave the Turn of the Scale to his Disadvantage, he might have Cause to complain, but not to withdraw himself from that good Intelligence, which he should never think advisable to break through, for any such Reason: That he had never had any Design to make a Matter of Compromise of the *Flag*; nor to exact any thing from his Majesty, for all the Concessions he propos'd to make on that Subject: That he did not believe his Majesty made any Pretensions in the Four Seas, which border'd on *England*; because, in these, the Sovereignty had never been disput'd by any Prince; but that, from *Cape Finisterre* to the *Straits*, from the *Straits* to the *Mediterranean*, and in every other Sea, for the preserving a good Intelligence between the two Crowns, when the Two Fleets met, neither should claim any Superiority, but both should keep their Flags flying; tho' former Times afforded no such Precedent; and tho', in all Seas alike, the Fleets had, till then, insisted on the Honour of the *Flag*, from all other Fleets of all Nations whatever.

King Charles retreats.

How variable is Court-Weather? and how soon the Climate alters from hot to cold! The King of *England* here holds the very Language which his most *Christian* Majesty had prescribed. And how is this to be accounted for? Why, before Mr. *d'Estrades* made this last Visit to *Whitehall*, one of those Court-Emissaries above spoken of, fell in his Way, to whom he communicated the Heads of the King his Master's thundering Dispatch before recited, who immediately echo'd all he had heard to the Cabinet, where it produc'd the strange and sudden Effects before related.

The Chancellor of *England* was next to be mortify'd, for having talk'd in so peremptory a Style to the Ambassador of *France*: Accordingly Mr. *d'Estrades* paid him a Visit for that Purpose, and found him already appriz'd of his having incurred the high Displeasure of his most *Christian* Majesty. His Excellency however did not fail to follow his

His Chancellor submits.

A. D. 1662.

his Instructions to the full, by letting him into all his Royal Master's heroic Sentiments concerning Glory; and his fix'd Resolution, never to suffer any Prince in Europe to barter Conditions with him; as, in their late Conference on the *Fishery* and the *Flag*, he had seem'd inclin'd to do: That he might suffer himself to be prevail'd upon by gentle Means, and by a Dependence on his Word: But that he became inflexible, when treated with any thing like an Air of Superiority, &c.

The Chancellor appear'd confounded at this Reprimand, and meekly reply'd, That, after the King his Master, there was no Prince in the World he had so great a Veneration for, as his Majesty of France, nor did he know any Prince who deserv'd it more: That he was not aware, that he had ever us'd any Expressions inconsistent with these his Sentiments: That the Modes of Speech in his (b) Language, which was not (i) so civil and courtly as the French, might have caus'd him to be misunderstood; but that his Thoughts were ever filled with Respect, and wholly free from the least Mixture of that criminal Haughtiness, which had been imputed to him. He threw in so many more obliging Things upon the Occasion, that, in spite of the Rudeness of the English Language, and the Delicacy of a French Ear, Mr. d'Esstrades became sully convinc'd that he was a sincere Penitent, and thereupon recommended him as worthy of being admitted into Grace again.

Upon the Affairs of the *Fishery* and the *Flag*, the Chancellor moreover repeated all that the King had said before, and even added, That a Vessel should be dispatched after the Fleet, with Orders to the Earl of Sandwich and Vice Admiral Jennings, who commanded the *Lisbon* and *Levant* Squadrons, to avoid, if possible, any Meeting with those of his most Christian Majesty; as likewise, in case such Meeting should prove unavoidable, that then the Salute, by which as to the *Flag* and *Number of Guns*, should be on equal Terms: That this was all that Mr. de Beaufort had ever pretended to, as he had been by the Letters of the *Queen* and *Madame*: That this was all which could be done to satisfy his most Christian Majesty: That, if the King his Master should make any farther Concessions, it would be his Ruin: That if he was to advise him to it, he should be order'd to the Bar in Twenty-four Hours: And that he could not tell how to think his most Christian Majesty would expose him to Ruin, for the Sake of a Pretension, which could never be allow'd, and which was, at present, of no manner of Use to him.

Let the Reader make his own Reflections; mine are unnecessary.

But notwithstanding all this Acknowledgment and Submission, the Ambassador still stood aloof; maintain'd stilly his Master's Right of Superiority; admitted neither Reasons nor Examples, which were urg'd against it; declar'd he had no Orders to accept of any

Expedient; enlarg'd on the Inconveniences which would flow from a Rupture; signify'd, that England had at least as much Reason to avoid it, as France: And concluded with saying, he should recount all that had pass'd to his Master, who, no doubt, would give what Orders he thought proper to his Admirals. To the King, indeed, he afterwards design'd to add, on the Subject of the *Guaranty*, That he had no Intelligence of any thing as yet concluded with the *Hollanders*; and that he did not doubt, but his Master would have a proper Regard for the Interest of his Majesty of England, in that Affair; in consideration of the Request which he had desired him to make concerning it.

The Reflections made by Mr. d'Esstrades on this remarkable Occasion, in one of his Dispatches to his most Christian Majesty, are, That, since the King of England had given such Orders in relation to the *Salute*, without having received any previous Satisfaction as to the *Guaranty*, it was plainly with a View to avoid a Rupture; and that tho' he was already arm'd, which France was not, and in a Condition to strike the first Blow, it was equally plain, he had no thought of taking the Advantage. That according to the usual Course of the French Fleet from *Rochelle* to the *Levant*, it was impossible for them to fall in with the English on this Side Cape *Fimijerre*; so that all Matter of Dispute being thereby for the present avoided, his most Christian Majesty would have Leisure to make such Preparations, as would enable him to force the King of England into all the Submissions, which he now refus'd; and which indeed, he had not as yet Authority enough with his People to make good: The Parliament, however otherwise devoted to him, having already taken the Alarm from the Whippers, which had escap'd of this Dispute, and address'd him for a State of the whole Affair; and at the same time, offer'd to enable his Majesty to maintain his Pretensions. "But these Offers, continues Mr. d'Esstrades, the King has declin'd; as chusing rather to accommodate the Difference in an amicable way: And I must do him the Justice to acknowledge, that in all the Conferences I have held with him, he has shewn all possible Marks of Esteem and Consideration for your Majesty; and that he has even almost made me apprehend more from the Obstinacy of his People, and the Eagerness of his Parliament on that Affair, than from his own particular Interest to be supported in it."

To conclude upon this Head, which I have treated of more at large, because no other English Historian seems to have thought it worth mentioning; King Lewis, in his next Dispatch to Mr. d'Esstrades most graciously condescends to acknowledge, that he is extremely well satisfy'd with the obliging Expressions of the King his Brother; that he shall send the like Orders to the Commanders

A. D. 1662.

Mr. d'Esstrades's Reflections on this Affair.

(b) The Chancellor, not being a Master of the French Tongue, was oblig'd to converse with Mr. d'Esstrades by an Interpreter.

(i) Mains civile & mains haute que la Française.

A. D. 1662.

ders of his Fleet, with respect to the *Salute*, which were to be sent to the Earl of *Sandwich* and Vice Admiral *Jennings*; that the 600000 Livres, or 200000 Crowns, before spoken of, were already at *Havre*, and should be deliver'd without Delay, to whatever Person should bring the Counter-Token, which had been agreed upon, to authorize the Payment and Receipt.---That is to say, when Mr. *d'Estrades* was satisfy'd the Vessel was actually dispatch'd with the Orders relating to the *Flag*; till when he was not to make any Mention of the Money at all.

200,000  
Crowns given  
by France to  
England, for  
the Service of  
Portugal.

But these Orders were actually sent, and consequently the Money was (*k*) paid on the imply'd Condition, that it should be all expended in the Service of *Portugal*.

But if the Court of *England* made a Shift to carry this one Point, it could carry no more: Tho' the Guaranty of the *Fishery* by *France* to the *Dutch*, was what the King made use of all his Strength, Credit, and Policy to prevent, he found the *Dutch* were at last too mighty for him; and his most *Christian* Brother not only comply'd with their Demands in general Terms, but expressly gave his Sanction to their Pretensions to the *Fishery* by name; which manifest Contempt of the King and his Ministers, was so dextrously gilded over by the Address of Mr. *d'Estrades*, and the rein'd Policy of the *French* Court, that his Majesty declar'd, he thought himself more oblig'd to return Thanks than to prefer Complaints. What I am most sensibly touch'd with, said he, being to see de Wit and his Cabal prefer'd to me. Nay, so dispos'd was he to humour *France* in

whatever it requir'd, that when it appear'd (*l*) Sir *Henry Bennet's* having been nominated his Embassador to that Court, was not agreeable to his most *Christian* Majesty, because he was suppos'd to be retain'd in the Interest of *Spain*, he set him aside, at the Instance of that Monarch, and appointed Lord *Holles* in his Room; who, as Mr. *d'Estrades*, in many of his Dispatches, assures us, was wholly at the Devotion of the *Chancellor*; which he seems to mention as the highest Recommendation.

A. D. 1662.

But however meek and resign'd the Spirit of the Court appear'd with relation to the Powers abroad, it still took care to array itself with Terrors at home.

Tho' almost two Years were elaps'd, since the *Restoration*, and the Legislature had prepar'd and pass'd fo many Acts to re-establish and perpetuate the Regal Authority, still fresh Examples were thought necessary to be made, to deter the People from ever daring again to vindicate their Liberties by Force of Arms.

*Barkhead*, *Okey* and *Corbet*, three of the *Regicides* had taken Refuge in *Holland*, as a Land of Freedom, and at that time, on no very good Terms with *England*. (*m*) *Downing*, then Agent there for the King, and formerly a Preacher and Chaplain to *Okey's* Regiment, hearing of it, obtain'd an Order from the States for their Seizure, which having been executed, they were put on board a Man of War, and sent to *England*, where they were soon after try'd, condemn'd and (*n*) executed.

Execution of  
three more  
Regicides.

Ludlow.

These, indeed, were to be number'd among

(*l*) To one *Fax* no doubt the Person, afterwards so well known by the Title of Sir *Stephen*. The Secret, however, escap'd; and gave rise to a Notion, that it was a Consideration for *Dunkirk*, as will be hereafter explain'd.

(*l*) Afterwards Earl of *Arlington*.

(*m*) Two Things seem'd especially remarkable in this Action; the Treachery of *Downing*, after he had given assurance to a Person lent to him by Colonel *Okey* to that end, that he had no Orders to look after him; but chiefly the barbarous part acted by the States in this Conjunction, who, tho' they had themselves shaken off the Yoke of Tyranny, and to that Time had made it a fundamental Maxim to receive and protect all those who should come among them; yet contrary to the Principles of their Government, and the Interest of their Commonwealth, to say nothing of the Laws of God, Nature and Nations, without any previous Engagement of the Court of *England*, contributed, as much as in them lay, to the Destruction of these Gentlemen. But a Treaty was to be made with *England*, and their Trade secur'd at any rate, tho' the Foundations should be laid in Blood. *Ludlow*, vol. iii. p. 100, 101.

(*n*) Of these Men, *Ludlow* gives the following Account: Mr. *Miles Corbet* was a Gentleman of an ancient Family in the County of *Norfolk*. He had applied himself with Diligence to the Study of the Laws of *England* in the Society of *Lincoln's Inn*, and for the Space of thirty-seven Years had been chosen to serve his Country in the several Parliaments that were called. Being appointed one of the High Court of Justice for the Trial of the late King, he appear'd not among the Judges, by reason of some Scruples he had entertain'd, all the Day that Sentence was pronounced. But upon more mature Deliberation, finding them to be of no weight, he durst no longer absent himself, coming early on that Day into the Court, that he might give a public Testimony of his Satisfaction and Concurrence with their Proceedings. He was afterwards by the Parliament made one of their Commissioners for the Civil Government of *Ireland*, in which Employment he manifested such Integrity, that tho' he was continu'd for many Years in that Station, yet he impair'd his own Estate for the Public Service, whilst he was the greatest Husband of the Treasure of the Commonwealth. The Day before his Death, he assured his

Friends, That he was so thoroughly convinced of the Justice and Necessity of that Action for which he was to die, that if the Things had been yet intire, and to do, he could not refuse to act as he had done, without affronting his Reason, and opposing himself to the Dictates of his Conscience; adding, that the *Immoralities*, *Lewdens* and *Corruptions* of all sorts, which had been introduced and encouraged since the late Revolution, were no inconsiderable Justification of those Proceedings.

Colonel *John Barkhead* was a Citizen and Goldsmith of *London*, who being sensible of the Invasions that had been made upon the Liberties of the Nation, took Arms among the first for their Defence, in the quality of Captain to a Foot Company in the Regiment of Colonel *Pease*. He had not been long in this Employment, before his Merit advanced him to the degree of a Major, in which Station he was made Governor of *Reading*; and afterwards being prefer'd to the Command of a Regiment, he was consulted by the Parliament, in Consideration of his Services, Lieutenant of the Tower of *London*. When he was brought to confirm with the Testimony of his Blood that Cause, for which he had fought, he perform'd that part with Cheerfulness and Courage, no way derogating from the Character of a Soldier and a true *Englishman*.

Colonel *Okey* was also a Citizen of *London*, and one of those who appear'd early in the Service of the Parliament. He had been first a Captain of Foot, then a Captain of Horse, and afterwards Major in the Regiment of Sir *Arthur Haslerig*. In the Year 1645, at the time when the Army was new modell'd, he was made Colonel of a Regiment of Dragoons, which was afterwards converted into a Regiment of Horse. In these Employments he distinguish'd himself by his Courage, Conduct and Fidelity; and during the Usurpation of *Oliver Cromwell*, was dismiss'd from his Command in the Army, on account of his Affection to the Commonwealth. He was chosen by the County of *Bedford* to represent and serve them in the Convention that was call'd by *Richard's*; and after the Restitution of the Great Parliament, they restored him to his Command in the Army. Being ready to suffer for that Cause which he had strenuously defend'd, he said in the Presence of many Witnesses, That if he had as many Lives as he had Hairs in his Head,



A. D. 1662.  
Trials of Vane  
and Lambert.

among the immediate Murderers of the late King, and therefore stood within the King's Exception, as well as that of the Parliament; but General Lambert and Sir Henry Vane had none of that immediate Guilt to answer for. They were, however, to be serv'd up next, tho' not both in the same way; the last, as the most dangerous Man, was condemn'd to dye, and the first was permitted to live; that the Life of the one, and the Death of the other, might equally admonish and terrify those who had imbib'd their Principles, not to copy their Actions, if they desir'd to avoid their Fate.

But, of the Proceedings against these two eminent Men, more particular Notice ought to be taken: To show how the Current of Justice ran, whether free and clear, or foul and interrupted, in every Reign, being one of the main Branches of this Undertaking.

Sir Henry Vane was indicted, That he, as a false Traitor, did compass and imagine the Death of our Sovereign Lord the King, and the ancient Frame of the Government of this Realm totally to subvert, and keep our said Sovereign Lord from the Exercise of his Regal Government, &c. by levying War against his Majesty, &c.

State Trials.

The Proof of this Charge was confin'd to such Facts, as had been committed since the Death of the Father, and the nominal Accession of the Son: Which Facts were said to consist in his acting as President of the Council of State, signing several Orders for delivering out Arms for Soldiers, fitting out Ships, &c. and also proposing a new Model of Government, in which he asserted, *It was destructive to the People's Liberties to admit an earthly King, or single Person, to the legislative or executive Power in this Nation.*

In Answer to which Sir Henry pleaded, that by KING, in the Statute of 25 Ed. III. was to be understood a King regnant, in actual Possession, and not a King de Jure, out of Possession: That an *Interregnum* had been admitted by the Indictment: That all Ensigns of Authority, and Badges of Government, were visibly in another Name and Style: That the King's best Friends prosecuted their Suits in the Name, and by the

Authority, of the Powers then in being: That the Council, in which he acted, was establish'd by Authority of Parliament; that this Parliament was a Power co-ordinate with the King; that what he had done, by their Authority, could not amount to High Treason, because, by Ordinance of Parliament, it was declar'd to be Treason to lay any Imputation of Treason on either or both Houses. That in a Crisis without Precedent, when the Three Estates were at Variance, it was impossible to act according to the strict Rules of Law; that, therefore, he thought it the best Policy to preserve the Government in its ROOT the COMMONS, by whom it was preserv'd, and at length restor'd to its former Course. That by the 11 Hen. VII. whoever serv'd a King de facto ought not to be question'd for it by a King de Jure: That whoever were possess'd of the Powers of Sovereignty, were Sovereigns, &c. That the Statute just mention'd was made, that the Subject might pay Allegiance where he receiv'd Protection, without running the Risk of being destroy'd, either for obeying, or refusing Obedience.

These and many more pointed Things are upon Record in the printed Trials: Tho' it appears, from his own Memorandums, publish'd after his Death by his Friends, that he propos'd, first, To lay before the Court the Impossibility of his having any such indifferent and equal Trial, as the Law intended him, and doth require and command, on the Behalf of all the free People of England, &c.

Ken. Reg.

That the Judges ought not to deliver their Opinion before-hand, as Cook expressly, in the Chapter of Petty-Treason, fol. 29. but here the Judges being assisitant in the Lords House, when all Acts of Parliament pass, and whose Advice is taken in them (as appears by what is declar'd in the said Acts) prejudg'd, by their (o) Opinions, and the Opinions of the Parliament, beforehand, the Merit of the Cause that now appears to be put upon the Issue in my Trial. Hereby the Judges are rendred *ex parte*, and the Indifferency the Law requires, impossible to be afforded.—

That

he would willingly hazard them all on the same Account. The Sentence against these three Gentlemen having been executed on the 19th of April 1662, the King bestowed the Body of Colonel Okey upon his Wife, to dispose as she thought fit; upon which the order'd him to be interred at *Stepney* where his first Wife lay in a Vault, that he had purchased for himself and Family. But the Report of this Funeral being spread among the People, several thousands of them assembled themselves in and about *Newgate Market*, where the Body lay, resolving to attend it to the Grave. And tho' they behaved themselves with Decency and Modesty, yet the King, upon Notice of this Appearance, was so alarm'd, that he revok'd his Grant to the Colonel's Wife, dispatch'd Orders to the Sheriff to disperse the Company, and commanded the Body to be interred in the *Tower*.

(6) viz. I. Resolv'd, That by the Death of King Charles I. that long Parliament was actually determined, notwithstanding the Act, that it should not be dissolved but by the Consent of both Houses.

II. Resolv'd, that tho' King Charles II. was *de facto* kept out of the Exercise of the kingly Office by Traytors and Rebels, yet he was King both *de facto* and *de jure*, and all the Acts which were done to the keeping him out were High-Treason.

III. Resolv'd, that the very Consultation and advising to-

gether of the Means to destroy the King and his Government, was an Overt Act to prove the compassing of the King's Death,

IV. Resolv'd, that in this Case the Treason laid in the Indictment, being the compassing of the King's Death, and the levying War being laid only as one of the Overt Acts to prove the compassing of the King's Death, tho' this levying of War be laid in the Indictment to be in *Middlesex*, yet a War levied by him in *Starry* might be given in Evidence, for being not laid as the Treason, but only as the Overt Act to prove the compassing, it is a transitory thing which may be proved in another Country.

V. Resolv'd, that the Statute of *Wil. II. cap. 31.* which giveth the Bill of Exception, extends only to Civil Causes, not to Criminal.

VI. Altho' the Treason of compassing the King's Death was laid in the Indictment to be 30 May, 11 Car. II. yet upon the Evidence it appear'd, that Sir Henry Vane, the very Day the late King was murder'd, did sit in Council for ordering the Force of the Nation against the King, that now is, and so continued on all along, until a little before the King's coming in. It was resolv'd, that the Day laid in the Indictment is not material, and the Jury are not bound to find him Guilty of that Day, but may find the Treason (as it was in Truth) either before or after the time laid in the Indictment, &c. See *Kelby's Reports*, fol. p. 14.

A. D. 1662.

That it is farther observable, how early hard Measure appear'd, in the Way wherein the Prisoner became excepted out of the Act of Indemnity. When the Commons, his proper Judges, declar'd him in their Thoughts not fit to be endanger'd in the Point of Life; yet unto the Judgment of the Lords (that ought not to judge Commoners, unbrought before them by the Commons, much less in opposite Judgment to the Commons) the Commons were necessitated to yield, left otherwise the Act of Indemnity to the whole Nation should stop upon this Dispute, and cause an essential Difference between the two Houses, &c.

That, without any seeking of his, he was chosen, by Writ under the great Seal, to serve as Burgess for the Town of *Kingston upon Hull*, in the Parliament that sat down on the third of *November 1640*; and having, in pursuance thereof, taken his Seat in the said Parliament, he was oblig'd by Law to give his Attendance upon the said Trust, as well as upon Grounds of Duty and Conscience.—As to the War,——— this Matter was not done in a Corner, the Appeals were solemn, and the Decision by the Sword was given by that *God*, who, being the Judge of the whole World, does right, and cannot do otherwise.— If either or both Houses cannot commit Treason, then those that act by their Authority cannot, &c. &c.

Upon what Principles all and every one of these Pleas were over-ru'd, may be gather'd not only from the Resolutions of the Judges, inserted in a preceding Note, but from the Behaviour of the Court, when the Prisoner was brought to the Bar to receive Sentence.

Being ask'd, as usual on that melancholy Occasion, what he had to say, he alleg'd, first, that he had not as yet heard the Indictment read in *Latin*; and desir'd, that Council might be assign'd him to make Exceptions thereto: But this was over-ru'd by the (p) Court. The next thing he offer'd was the Bill of Exceptions, which he brought with him ready drawn, and offer'd it to the Judges, desiring them, according to the Statute of *Westm. 2. made 13 Ed. I.* to sign it; but this likewise the Judges over-ru'd, saying it was not allowable in criminal Cases for Life. The Third thing he desir'd was, that

the *Petition* of both Houses, with his Majesty's Answer thereunto, might be read in Court; which, after some Dispute, was concluded to be a thing they were not bound to take notice of, not being an Act of Parliament. At length they confederated to read it, and that was all. The Fourth and last thing (q) Sir *Henry* offer'd to the Consideration of the Bench was, that Council might be assign'd him to argue these Points: 1. *Whether a Parliament were accountable to any inferior Court?* 2. *Whether the King being out of Possession, and the Power regent in others—* Here they stop'd him, not suffering him to proceed, nor admitting that the King was ever out of Possession, &c.

And after Sentence was given, Chief Justice *Forsler* endeavour'd to take off the King from any Obligation by his former Grant to the *Petition* of both Houses; saying, that *God*, tho' full of Mercy, yet intended his Mercy only to the Penitent.

The Day before his Death, his Friends having receiv'd Permission to visit him, and persuading him to make some Submission to the King, and to endeavour the obtaining of his Life, he said, "If the King did not think himself more concern'd for his Honour and Word, than he did for his Life, he was very willing they should take it. Nay, I declare (said he) that I value my Life less in a good Cause, than the King can do his Promise." And when some others were speaking to him of giving some thousands of Pounds for his Life, he said, "If a thousand Farthings would gain it, he would not give it; and if any should attempt to make such a Bargain, he would spoil their Market," &c.

In his very Prayers he spoke of the Part he had acted, as meritorious; and seem'd to rejoice, that his Testimony was to be written in Characters of Blood.

Upon the Scaffold, he address'd himself to the People, as follows:

"Gentlemen, Fellow-Countrymen, and Christians,

"When Mr. Sheriff came to me this Morning, and told me he had receiv'd a Command from the King, that I should  
"fly

A. D. 1662.

(p) The Resolutions of the Court upon this Occasion are as follow:

I. That as Indictments are writ in *Latin*, it is not necessary they should be read in *English* to the Prisoner, or in such Language as he understands, because it is the Matter of the Indictment, and not the Form to which he ought to answer. [For the seeming Inconsequence of this Passage, the Lawyers who drew it up are to answer.]

II. That such Prisoners should not have Copies of their Indictments nor Council assign'd to them, unless there should ensue Matter of Law, and in such Case they should have a Copy of so much of their Indictment, as concern'd that Matter; and not of the whole Indictment.

III. That the Statute of *Westm. 2. cap. 31.* which grants a Bill of Exceptions, did not extend to the Criminal Case of the Prisoners indicted at the Suit of the King, that Statute intending only to remedy the over-ruling of Evidence in Civil Pleas between Party and Party.

IV. That the Prisoner could not offer any thing in Arrest of Judgment, but Matters which arose upon the Indictment, and not any thing foreign to it, as what was now offer'd by *Vane*, namely that the King then was King de jure only, and not de facto, and that the Long-Parliament was yet in being: And therefore the Court proceeded to Sen-

tence. *Siderfin's Reports*, fol. *Term 4. 114. Car. II. B. R.*

(q) In the Reasons for an Arrest of Judgment, writ by the Prisoner, but refused to be heard by the Court, is the following Passage:

—Had nothing been in it, but the Care of preserving my own Life, I need not have stayed in England, but might have taken my Opportunity to have withdrawn myself into foreign Parts, to provide for my own Safety. Nor needed I to have been put upon pleading, as now I am, for an Arrest of Judgment, but might have watch'd my Advantages that were visible enough to me in the managing of my Trial, if I had consulted only the Preservation of my Life or Estate. No, my Lords, I have otherwise learned *Christ*, than to fear them that can but kill the Body, and have no more that they can do. I have also taken Notice, in the little reading that I have had of History, how glorious the very Heathens have render'd their Names to Posterity, in the Contempt they have shew'd of Death (when the laying down their Life has appeared to be their Duty) from the Love, which they have owed to their Country. Two remarkable Examples give me leave to mention, — *Socrates*, — and a chief Governor of a City of *Greece*, — with whom his Life was little in Esteem, when the Good and Safety of his Country required the laying of it down.

Sir H. Vane's Speech on the Scaffold.

A. D. 1662.

say nothing reflecting on his Majesty, or the Government, I answer'd, I should confine and order my Speech, as near as I could, so as to be least offensive, saving my Faithfulness to the Trust reposed in me.— I suppose you may wonder when I tell you, that I am not brought hither according to any known Law of England. It is true I have been before a Court of Justice; yet, when I was before them, I could not have the Liberty and Privilege of an *Englishman*; the Grounds, Reasons, and Causes of the Actings I was charg'd with, duly consider'd. I therefore desir'd the Judges, that they would set their Seals to my Bill of Exceptions. I press'd hard for it again and again, as the Right of myself, and every free-born *Englishman*, by the Law of the Land, but was finally denied it.

Trisal, printed by his Friends.

Here Sir *John Robinson*, Lieutenant of the Tower, interrupted him, saying, You must not go on thus to rail against the Judges, &c.—The Trumpets sounded—and again, several times, in his Face.—They then endeavour'd to snatch the Paper out of his Hand; but he kept it for a while, now and then reading Part of it; afterwards, tearing it in Pieces, he deliver'd it to a Friend behind him, who was presently forc'd to deliver it to the Sheriffs, &c.

Before the Stroke, he spake to this Effect: "I bless the Lord, who hath accounted me worthy to suffer for his Name: Blessed be the Lord, that I have kept a Conscience void of Offence to this Day. I bless the Lord, that I have not deserted the righteous Cause for which I suffer."

But his very last Words of all at the Block were as follow: "Father, glorify thy Servant in the Sight of Men, that he may glorify thee in the Discharge of his Duty to thee and to his Country."

An ancient Traveller observ'd, that his Countenance did not in the least change; and whereas the Heads of all he had before seen

thus executed, did, some way or other move, after severing; which argued some Reluctancy and Unwillingness to submit to that parting Blow, the Head of this Sufferer lay perfectly still, immediately upon the Separation.

Thus fell (r) Sir *Henry Vane*, a Man of such extraordinary Parts, that 'tis Matter of Astonishment, that Enthusiasm should be one of his Frailties. It is held by some, that he was sacrific'd to the Memory of Lord *Strafford*; and, possibly, it was thought politic, to deter Men from making Examples of Ministers, as well as Kings: But it is more reasonable to conclude that he was remov'd, because he could neither be terrify'd, nor corrupted; because he was the Head and Heart of the *Republican Party*; and because, while he liv'd, Monarchy itself, however seemingly establish'd and secur'd, was not safe.

Most certain it is, that the extraordinary Methods which were taken to bring him to his End, and the savage Insults he underwent in his last Moments, do very little Honour to this Reign: And that if any Outrage, under Pretence of Liberty, deserves to be punish'd, any Outrage, under Pretence of Law, can never be excus'd.

But if the Statesman, (s) *Vane*, behav'd with Consistency and Magnanimity, the Soldier, *Lambert*, on the contrary, chose rather to give up his Principles than his Life. Tho' declar'd *Guilty*, by the *Jury*, "He was, says Mr. *Echard*, by the King's Favour, repriev'd at the Bar, upon the Report that the Judges had given of his Submission and handsome Deportment, at his Trial." But the tender Mercies of the Wicked are Cruelty. The Archdeacon adds, "The Colonel was confin'd, during Life, in the Isle of *Guernsey*, where he continued a patient and discreet Prisoner, for above Thirty Years."

Impatient as the Reader may be to quit these beaten Paths, and to have more recent and therefore more interesting, Scenes display'd, we are still under a Necessity to enlarge

A. D. 1664.

Burnet. Echard.

(r) He dy'd in the very same Place on *Tower Hill*, (says that great Dealer in Judgments, Mr. *Echard*) with the famous Earl of *Strafford*.—And it is farther observ'd, that, as he was the first Man that open'd the Fountain of Blood, that over-ran the *English Nation*, so he was the last that clos'd it up, in his own Execution.

(s) A Brief of Sir *Henry Vane's* Life by *Lewis*.  
Sir *Henry Vane* was a Gentleman of an ancient Family in the County of *Down*, eldest Son to Sir *Henry Vane*, who had been Secretary of State and Comptroller of the Household to the late King. Being scandalized with the Innovations dropp'd into the public Worship, he went to *New England*, and remained there for the Space of five or six Years; the two last which he was consecutively chosen Governor of that Country, (tho' not exceeding the Age of twenty-four Years. In the Beginning of the Great Parliament, he was desired to leave his Country among them, without the least Apprehension made on his Part to that End. And in this Station he soon made appear how capable he was of managing great Affairs, possessing in the highest Perfection a quick and ready Apprehension, a strong and tenacious Memory, a profound and penetrating Judgment, a just and noble Eloquence, with an easy and graceful manner of speaking. To these were added, a singular Zeal and Affection for the good of the Commonwealth, and a Resolution and Courage, not to be shaken or diverted from the Public Service. He had been removed by the late King from being Treasurer of the Navy, for performing his Duty in the House of Common; and being restored to that Employ-

ment by the Parliament, he freely contributed one half of the Profits, amounting to the Sum of two thousand Pounds yearly, towards carrying on the War for the Liberties of *England*. When that War was ended, he put the Receipt for the Navy in such a way, that by order of the Parliament, the whole Expence of that Office exceeded not one thousand Pounds by Year; Men being brought by this means to understand, that they were not placed in Employments to serve themselves but to serve the Public. And that this Conduct was not mistaken, the Success of our Arms by Sea against *Portugal*, *France*, *Holland*, and other Enemies, did abundantly manifest. When *Conswell* had treacherously advanced himself upon the Ruins of the Commonwealth, he would not be induced by any means to favour or countenance his Usurpation, chusing rather to suffer Imprisonment or other Hardships, than to comply with Tyranny under any form. Upon the Return of King *Charles*, being conscious to himself of having done nothing in relation to Public Affairs, for which he could not willingly and cheerfully suffer, he continued at his House in *Hamstead near London*; where, under false and unworthy Pretences, that he had engaged in Councils with some of the Army to drive him out of *England* again, he was seized and imprisoned in the Tower; from whence he was carried from one Place to another, for the Space of about two Years; after the Expiration of which, they who feared, his Abilities, and knew his Integrity, thought convenient to violate the public Faith, and under a Form of Law to put him to death.

A. D. 1662.

enlarge on such leading Points, as gave Rise to the melancholy Incidents of this Reign, and the tragical Conclusion of the next: For, if the Foundation is slight, the Building must be the same.

Effects of the Uniformity-Act.

*Bartholomew-Tide* now approach'd, when the Act of Uniformity came in Force: Both Parties were in a Ferment: Those in Possession were loth to relinquish; those who wanted Preferment rather wish'd to see a Schism in the Church, than to meet with a Disappointment in their own peculiar Expectations; and all the Laity, who had foolishly embroil'd themselves in these ecclesiastical Feuds, anxiously attended the Issue of an Affair, in which they had no material Concern.

Enabling Clauses.

By the Act, all Ministers were oblig'd, 1. To be re-ordin'd, if not episcopally ordain'd before. 2. They must declare their Assent and Consent to every thing contain'd in the Book of Common Prayer, &c. 3. They must take the Oath of canonical Obedience. 4. They must abjure the Solemn League and Covenant. And 5. They must abjure the taking Arms, upon any Pretence whatsoever, against the King, &c.

The *Propbet's Roll* was not more bitter in the Stomach, than these Ingredients were to the Palate of those qualmish Ecclesiastics. Some, we are told, were for a Compliance: But the Majority were against it; and, to

Echard.

keep their Corps together, they sent circular Letters round the Kingdom, admonishing every Man to abide by his Principles, in hope to prevail either with his Majesty for an Indulgence against, or with the Parliament for a Repeal of the said Act. *Baxter* had felt the (t) Example, so early as *May 25*. Some of their Leaders among the Peers are said to have encouraged them (u) to stand out. The *Papists*, likewise, had their Reasons to do the same: And even the King himself, as we are told by their own *Rabbies*, was greatly dispos'd to shew them (w) Favour; though not from any (x) Motive either of Gratitude or Affection.

As, on the one hand, it cannot be deny'd, that Scruples of Conscience have often been made use of hypocritically, to cover very different Motives; so, on the other, it would be highly injurious to suppose, that none but Hypocrites have scrupled to conform to the Laws of the Land, on the Presumption, that they were inconsistent with the Law of God.

But whether the *Presbyterians*, at this time, were Worshippers of God or Mammon, we find one of their best Writers setting forth one particular Hardship attending the Act, which, if true, would be alone sufficient to shew, that there could not be more Obtinacy and Self-sufficiency on one Side, than there was Malice and Tyranny on the other.

" All

(t) The Reasons why I gave over sooner than most others, were, 1. Because Lawyers did interpret a doubtful Clause in the Act, as ending the Liberty of Lecturers at that time. 2. Because I would let Authority soon know, that I intend to obey them in all that was lawful. 3. Because I would let all Ministers in England understand in Time, whether I intend to conform or not: For had I say'd to the last Day, some would have conform'd the sooner, upon a Supposition that I intended it.

(u) Of which, however, no better Proofs are given than the following:

Mr. *Benjamin Agas*, Minister of *Choysey* in *Bucks*, gave this Relation: A little before the *Black-Bartholomew*, a certain noble Lord (suppos'd to be *Lord Wharton*) in Discourse, enquir'd of me what my Intentions were, and whether I would conform or not: I answer'd his Lordship, that such things were requir'd and enjoyn'd, as I could not swallow, and therefore should be necessitated to march off, and found a Retreat. His Lordship seem'd much concern'd for me, and us'd many Arguments to reconcile me to a Compliance. But perceiving me not mov'd, at last he said with a Sigh, I wish it had been otherwise, but they are resolv'd stiffer to reproach you, or undo you. And about a Year after, another great Peer ordering me to wait on his Lordship, propos'd something with reference to the Liturgy, which I was not free to, and therefore crav'd to be excus'd: And speaking about the hard Terms of Conformity, his Lordship reply'd, I confess, I should fainly do so much for the Bible as they require for the Common-Prayer. Which shews, says he, how little the Nobility were pleas'd with the high and rigorous Proceedings of the Clergy, and how they were rather the Advocates than the Accusers of the Nonconformists. *Dr. Calamy's Controversy*, p. 145.

(w) Above all others, the King was favourable to them, and much inclin'd to grant an Indulgence to them, and the Parliament would have gone into some Temper upon it, if they had not strongly suspected, that his Majesty's Disposition towards them did not proceed purely from his natural Clemency and Lenity, but from his Affection to the *Papists*, and his Hopes of bringing them into equal Liberty and Toleration. However many Instances are given of the King's singular Benevolence to several of them. For Instance, Mr. *Edmund Calamy* was imprison'd in *Towerham*, for Preaching occasionally after *Bartholomew Day*; but soon released, when it was seen what a Resort of Persons of all Qualities there was to him in *Newgate*, and how generally the Severity was resent'd. — When he had continu'd there for a few Days, he was discharged by his Majesty's express Order. This being afterwards complain'd of in the House of Commons, it was signify'd in that House that his

Release from Imprisonment was not owing to the sole Command of the King, but to a Deficiency in the Act of Parliament, that had not provided for his longer Retraint. Whereupon there was this Entry made in their Journal: *Die Jovis Feb. 19. Upon Complaint made to this House, that Mr. Calamy being committed to Prison, upon Breach of the Act of Uniformity, was discharged upon Pretence of some Defect in the said Act. Resolv'd, That it be refer'd to a Committee to look into the Act of Uniformity, as to the Matter in Question, and to serue whether the same be defective, and otherwise.*

Again, Mr. *Samuel Deughy*, after his Ejection from *Sibton* Con. Lic. liv'd at *Abby de la Zouch*, and had the King's Licence to preach in his own House there; and yet was convicted by the Lord B. and Lord S. 40 l. was levy'd upon him, 20 l. for himself, and 20 l. for preaching in it. He made his Appeal to the Quarter Sessions, and pleas'd his Licence from the King, and that there was neither Sedition, nor Breach of Peace, but he found no Relief. Afterwards he complain'd to the King and Council: The Lords were sent for up to Council: The King was pleas'd to give him his Part; but he could never get it. *Calamy's Cont.*

(x) Dr. *Tho. Tenison*, afterwards Archbishop of *Canterbury*, did observe in his *Dissertation concerning the Ecclesiastical Commission* in 1689, that the Spirit of Popery had been already moving at Court, and obtruding Reformation and Union. His Words are, Our Constitution was review'd in 61; and yet, notwithstanding that Review, is capable of another; and the Commissioners of that time did not add the last Hand to that Work, so as to render it incapable ever after of being corrected and improv'd: Some who have well consider'd all the Alterations and Additions then made by them (which amount to the Number of about six hundred) are sufficiently convinc'd, that if they had Reason for those Changes, there is equal, if not greater Reason for some further Improvements. If they had foreseen what is since come to pass, I charitably believe, they would not have done all that they did, and just as much, and no more. And yet I also believe, that if they had offer'd to move much further, a Stone would have been laid under their Wheel by a secret, but powerful Hand. The Mystery of Popery did even then work, and a Remains has very frankly inform'd us, of the Expectation rais'd in that Party in the Beginning of the Summer 61. They had some Hopes cherish'd in them, of Liberty of Conscience, of the Removal of the Sanguinary and other Penal Laws, and of forty Chapels to be open'd for them, in and about the City of *London*. Much more is understood by those who have penetrated into the Design of a certain Paper, call'd commonly *The Declaration of Somerset House* [where the Queen-Mother was resid'd]. *Complete Hist. of Eng. Second Edit.*

A. D. 1662.

Mystery and Iniquity of Nonconformity, p. 56.

A. D. 1662.

Dignity of  
implies with  
that the time  
prohibited.

"All the unprejudiced World will, without doubt, agree, that it was an insufferable Hardship to be oblig'd to assent and consent to, and declare their Approbation of, they know not what. And this was the Case of the Clergy in general, when this *National Liturgy* was so rigorously impos'd. I do not at all enter in the *History of the Act of Uniformity*; I do not tell the World, that it was chiefly at the Instigation of some furious High-flying Clergymen, that it was first mov'd; that all the severest and most unaccountable Passages in it, were what they suggested; that they had also a principal Hand in the *Jeam Plois*, and other indirect and unjustifiable Methods, by which (tho' with great Difficulty) they gain'd their Point at last: A just and impartial Account of which Things, would at once entertain and amaze all the considering Part of Mankind. But that single Circumstance, to which I confine myself at present, is, the Time appointed and limited by the *Act* for their Compliance: Which was before it was possible for them to know what they were to conform to.

To make this appear with the most convincing Evidence, it should be remember'd, first, that there were various *Additions and Alterations* made by the Convocation; whereupon the *Book of Common-Prayer* became another Book, and not the same with that they were before acquainted with. Of this they had frequent Intimations in the *Act of Uniformity itself*, in the *Preamble* to which they were inform'd, that his Majesty had been pleas'd to authorize and require the Presidents of the Convocations, [then sitting] and other the Bishops and Clergy of the same, to review the *Book of Common-Prayer, &c.*

Secondly, It was to this Book, with all those *Alterations and Additions*, that the Clergy were oblig'd to assent and consent; and all these they must declare their Approbation of; and not the old Book, that had been in use before the *Alterations and Additions* were made. And consequently, tho'

they had never so carefully consider'd the old *Common-Prayer-Book*, and were able unfeignedly to profess their Assent and Consent to, and Approbation of all and every thing in the old *Book*, yet they could not therefore also agree to all the *Alterations and Additions*, with which they were then unacquainted.

And thirdly, The Time allow'd was not sufficient to satisfy themselves what were the *Alterations and Additions*, now so severely bound upon them; much less to enable them (as they were requir'd) to declare their unfeign'd Assent and Consent to them, to all and every thing contain'd in and prescrib'd by them. This they must do, every Minister in *England* that had any Benefice, upon some Lord's-Day before *Bartholomew Day*, or from that Day be *ipso facto* depriv'd of their Livings. Yet when this was the utmost Time allow'd them, those who had the Management in their Hands, took effectual Care, that they should not (within that time) be so much as able to know, what they were requir'd to assent and consent to.

'Tis well known, and what has oft been complain'd of, that this *new Liturgy* (to every Part of which they must declare their unfeign'd Assent and Consent on some Lord's-Day before *Bartholomew Day*) did not itself come out of the Press till about *Bartholomew Eve*. So that tho' the printed Books had been (as not any of them, either then, or ever since were) true and perfect Copies of that *Liturgy* the *Act* refers to, 'tis the Admiration of all the unprejudic'd World, that the whole Body of the *English Ministry* were not thereupon silenc'd at once."

Bishop Kennet indeed, in Contradiction to this Author, assures us, from the *Act* itself, that a *lawful Impediment* was to be allow'd by the Ordinary. But if the *Book* was publish'd some Weeks before *Bartholomew-Tide*, as his Lordship likewise asserts, how are we to account for his Predecessor, the Bishop of *Peterborough's* (y) testifying, as a *lawful Impediment*, that his *Dean and Chapter* could not

be

(y) A Certificate given by the Lord Bishop of Peterborough, allowing a lawful Impediment for Persons not reading the *Book of Common-Prayer, &c.* within the time prescribed by the late *Act of Uniformity*.

"Whereas by an *Act of Parliament* made and printed this present Year 1662, for the *Uniformity of publick Prayers, &c.* it is enacted among other things, &c. that every such Person, who shall (without some lawful Impediment) be allowed and approv'd of by the Ordinary of the Place) neglect or refuse to do the same within the time aforesaid, shall *ipso facto* be deprived of his spiritual Promotions. And inasmuch as the Bishop of the *Common-Prayer* appointed by the said *Act* to be read, could not be gotten by the *Dean and Prebendaries of the Cathedral Church of Peterborough* (so as they might read the same in the said Cathedral) before the 17th of August, being the *Sunday* immediately preceding the Feast of *St. Bartholomew*, upon which Day it is not possible, that all the Members of the said Cathedral Church should read the said Service in Manner and Form as is by the said *Act* directed: We therefore by the Power given to us by the said *Act*, do allow and approve of the said Impediment, and do hereby declare it to be for the not reading of the said Service as directed, and for not doing of their Consents as required in and by the said *Act*."

Sealed and sign'd this 17th of August, 1662.

R. PETERBOROUGH.

Again, the *Common-Prayer-Book*, says Dr. Calamy, with the *Alterations and Amendments* (for so they are called, how

deservedly I enquire not) made by the Convocation, did not come out of the Press till a few Days before the 24th of August. So that of the seven thousand Ministers in *England* who kept their Livings, few, except those who were in or near *London*, could possibly have a Sight of the *Book* with its *Alterations*, 'till after they had declar'd their Assent and Consent to it. *Life of Baxter*, p. 201.

Mr. Ollive in his *Defence of Ministerial Conformity* to take this off, reports, from an aged Minister in their Parts, that he and his Neighbour sent to *London* and had the *Amendments and Alterations* copied out; and adds, that it is to be hoped, that the Charge here brought is groundless against many thousand Ministers, &c.

The Return made by Dr. Calamy in his *Defence of Non-conformity*, Part II. p. 100, 101, is this, that perhaps that might be a peculiar Favour, because I have it under the Hand of another worthy ejected Minister (who is since dead) that this was true in Fact; and that several Ministers, even in *London*, never read it before they gave their Assent and Consent; and that in *Middlesex* few Parishes had the *Book*, till a Week, Fortnight, three Weeks, or a Month after. But as for written Copies of the *Amendments*, they were so liable to Abuse and Mistakes, that 'tis dubious how far they might be safely depended on. And being he is so willing to suppose there might be a Mistake, I'll give him one of his own Church for a confirming Witness, viz. the worthy Author of the *Conformity's Plea for the Nonconformists*, who, *Plea II.* p. 55. Evs. that a Divine of Years and Learning in the Diocese of *Lincoln*, gave this for one Res.

fin

A. D. 1662.

be provided with the Books time enough to make their Conformity strictly agreeable to the Letter of the Law?

But we shall presently have the most glaring Evidence imaginable, even from the very Writings of the high-flying Prelates, that the Act was rather contriv'd to cut off the Member, than heal the Wound.

It was the Policy of the Court to carry Prerogative-Points, by the Assistance of the *Ortodoxes*, and to make use of the Sectaries, for obtaining an Indulgence to *Papists*.

Thus tho', in order to procure an Addition to his Revenue, the King had declar'd himself sufficiently prejudic'd against the *Presbyterians*, and determin'd to establish Uniformity, he was as much bent to dispense with the Law, as to pass it.

The first Proof of this which occurs, is the Grant which his Majesty thought himself authoriz'd to make of Letters Patent to the *Walloons* settled at *Thorney* in the Isle of *Ely*, to exercise their Protestant Religion and Discipline, in the *French* Tongue.

The *dispensing* Power, it seems, did not then appear so full of Terrors as afterwards; and even the *Presbyterians* thought it no Disgrace to their political Principles, to solicit the Exercise of it in their own Favour.

Thus we find a Body of their *Ministers* waiting upon his Majesty with a (z) Petition, requesting to be reliev'd from the Penalties of the Act, and to be continu'd in the Exercise of their Ministry, &c.

This Petition was presented to his Majesty Aug. 27, says *Dr. Calamy*, three Days after the Act took place, by *Mr. Calamy*, *Dr. Manton*, *Dr. Bates*, and others; and *Mr. Calamy* made a Speech upon the Occasion, intimating, that those of his Persuasion were ready to enter the List with any, for their Fidelity to his Majesty, and did little expect to be dealt with as they had been. And they were now come to his Majesty's Feet, as the last Application they should make, &c.

The next Day this Matter was fully debated in Council, his Majesty himself being present, who was pleas'd to declare, that he intended an Indulgence, if it were at all feasible. The great Friends of the silenced Mi-

nisters, who had encourag'd their Hopes by a Variety of specious Promises, were allow'd, upon this Occasion, freely to suggest their Reasons against putting the Act in Execution, and they argued very strenuously."

Thus far the Doctor. The Sequel shall be recounted in the Words of *Bishop Parker*, which, tho' abounding with all the Zeal the Church militant and Triumphant could inspire, give a more lively Idea of the Spirit of the Prelates of those Times, than all the Invectives of their Adversaries.

"When the King was in some measure mov'd with these Suggestions, says his Lordship, they at length, with Difficulty, obtain'd from him, that the Matter should be suspended for a little time; and therefore, whereas the Law ought to be in Force the next Sunday, they prevail'd to have the Council called but three Days before, for the effecting their Purpose, left, perhaps, any one should unseasonably step in before the Time to prevent their Designs; which yet unexpectedly happen'd, through the Prudence and Fortitude of one Man; namely, that great Prelate (a) *Gilbert Sheldon*, then *Bishop of London*, afterwards *Archbishop of Canterbury*. For the Council being held, he came of his own accord (for he was not yet called to the Privy Council) and pleaded for the Law, with that Sharpness of Wit, that copious Elegance, and that Weight of Reason, that he did not so much persuade as command the Assent of the King, the Duke, the Council, and all that were present, and almost even the Petitioners themselves to his Opinion. He told them, that the Suspension of the Law came almost too late; that, by the Command of that Law, he had ejected all who had not obey'd it in his Diocese the Sunday before; by which he had provok'd their Anger and Hatred, that if they were again restor'd, he should not live henceforward in a Society of Clergy, but in the Jaws of his Enemies; neither could he dare to contradict a Law, that was pass'd with so great Approbation of all good Men, so general a Consent of Parliament, and with so much Deliberation. And further, that if at that time so sacred a Law should be repealed, it

La Mothe  
Correspond.  
Fraternelle.  
p. 528.  
Kean. Reg.  
P. 742.

Petition  
against put-  
ting the Act  
in Force.

Bishop Parker  
says, three  
Days before.

son in his Farewell Sermon, that he was to be silenced by Law, for not subscribing and assenting to a Book which he had not seen. And he adds, that it was the Case of many more in that Diocese: And that *Mr. B. of W.* in the County of *L.* was ejected by *Sir Edward Lake*, altho' he gave that Reason, that the Book was not brought him before the 24th of August, nor before he was declar'd depriv'd by the Commissary.

(z) When I was absent, saith *Mr. Baxter*, after *Bartholomew Day*, *Mr. Calamy* and the other Ministers of *London*, who had Acquaintance at the Court, were put in hope that the King would grant that by way of Indulgence, which was before denied them (by the Act of Uniformity.) And that before the Act was pass'd it might be provided, that the King should have Power to dispense with such as deserved well of him in his Reformation, or whom he pleas'd: But that was frustrate. And after that they were told that the King had Power in himself to dispense in such Cases, as he did with the *Dutch* and *French* Churches. And some kind of Petition (I have not a Copy of it) they drew up to offer the King: But when they had done it, they were so far from procuring their Desires, that there fell abroad grievous Threatnings against them, that they should incur a *Premiure* for such a bold Attempt. When they were drawn to it at first, they did it with much Hesitancy (through former Experience) and they worded it to cau-

ously, that it extended not to the *Papists*. Some of the *Independents* presumed to say, that the Reason why all our Addresses for Liberty had not succeed'd, was because we did not extend it to the *Papists*; and that, for their Parts, they saw no Reason why the *Papists* should not have Liberty to worship, as well as others; and that it was better for them to have it, than for all to go without it. But the *Presbyterians* fill'd against the Motion, that the King might himself do what he pleas'd; and if his Wisdom thought meet to give Liberty to the *Papists*, let the *Papists* petition for it, as they did for theirs: But if it be expected by any that it shall be forced upon them to become Petitioners for Liberty for the *Papists*, they should never do it, whatever be the Issue, nor shall it be said to be their Work.

*Mr. Baxter* puts in the Margin these Words: "If I should at length recite the Story of this Business, and what peremptory Promises they had, and how all was cur'd to their Rebuke and Scorn, it would more increase the Reader's Astonishment." Life of *Baxter*, fol. 4, lib. i. Part ii. p. 426.

(a) This Right Reverend Father in God, when the Lord Chamberlain *Manchester* told the King, at the Time the Act of Uniformity was under debate, That he was afraid the Terms of it were so rigid, that many of the Ministers would not comply with it, reply'd, I am afraid they will. *Baxter's* *Fas. Sermon* for *Baxter*.

A. D. 1662.

A. D. 1665. it would expose the Lawgivers to the Sport and Scorn of the Faction. And lastly, that the State and Church would never be free from Disorders and Disturbances, if factious Men could extort whatever they desir'd, by their Impudence and Importunity.

They that were present at the Council, being overcome by these and the like Reasons, did with great Alacrity and Earnestness consent to the immediate Execution of the Law. Whence it happily came to pass, that whereas there was but one Day to intervene between the Change of Counsel and the Event of the Matter, almost all the (b) Presbyterians, who feared no such thing, and on the contrary were joyfully secure, did on a sudden, almost in the Twinking of an Eye, perceive themselves defeated by one Stroke, and turn'd out of their Parishes, to their great Surprise and Astonishment.

By this seasonable Interposition, the Bishop freed the Church of England from these Plagues for many Years. For thus it happen'd luckily, happily, and prosperously, and indeed very providentially, that the Schismatics intangled themselves in their Schism by Covenant and Agreement, entering into a new Association; being deceived by the large Promises of the London Teachers, that they would not obey the Law, and thence imagining that they should defend themselves by their Multitude.

A. D. 1662. And whereas the Courtiers would have persuaded the King, that there would be Preachers wanted in the City of London upon that Sunday, the very prudent Bishop of that Diocese, who had computed the Number of the Faction, had ready at hand an equal Number of orthodox Divines, and those elegant and learned, who, at the Sign given, did, as it were, come out of Ambush, and take Possession of the Pulpits."

Thus, in this one Event, we are furnish'd with two signal Instances of the Self-Inconsistency of Parties. The Dissenters calling upon the King to exercise a dispensing Power; and a Bishop disputing the Will of his Sovereign, and contending for the Supremacy of the Law. Such a Loadstone is Interest!

Upon the Whole, Experience has shewn us, that a Toleration of many Modes of public Worship doth no essential Injury to That, which hath receiv'd the Sanction of the Legislature: And that those who strain at a Gnat, can, occasionally, swallow a Camel.

To take Leave for the present of the Ecclesiastical Part of our History, which rather excites Loathing than affords Entertainment, we are only to mention, that, soon after this mighty Change in Church-Affairs had been made, his Majesty thought fit to set Bounds to Preaching as well as Praying, by a mandatory (c) Letter to the Archbishop of Canterbury, accompany'd with Directions, specifying

(b) With respect to the Hardship of this Proceeding, the Author of the Full Answer to the By-Stander, makes the following Reflection:

They had been the Authors of the Precedent, *non lex est jussum illa*. They had pulled on the Covenant with a Fury unknown to former Ages; all their Assemblies of learned Divines, could not answer the Reasons given against it by the University of Oxford; and yet (such was their Piety) they imposed it on the Consciences of all the World, Consciences; perhaps, as tender as their own. They had turned out 7 or 8000 Church of England Divines, who were legally and justly possessed of their Livings and Preferments, to make Rooms for themselves, and whilst they were thriving with their Families, had fastened themselves for 19 Years together with their Spoils: And if that fatal Engine of theirs for subverting the Constitution, their darling Covenant; proved by Turn of Times the Occasion of their own being dispossessed of Benefices, into which it had been the Means of their Intrusion, serious and impartial Minds will not be so biased by their natural Compassion, as not to reflect, at the same Time, upon the Justice of Providence.

Thus far Mr. C. - who, I hope, will excuse me for observing, that this Reference of his to the Justice of Providence, may be made with as much Propriety by the Republicans as the Royalist. Nothing being more natural than for those who had the Presumption to think they were sure of having God for their Lord of Hosts, to cry out, *Our Prayers are heard: The Wicked have fallen into their own Snare, &c.* Or, to defend to common Sense, that they should call upon all future Ages to bear witness, that those were most instrumental in restoring Monarchy, were among the first, who felt the Weight of it.

(c) To the most Reverend Father in God William Lord Archbishop of Canterbury.

CHARLES R.

"Most Reverend Father in God, we greet you well. Whereas the bold Affects and Extravagances of Preachers in the Pulpit, have not only, by the Experience of former Ages, been found to tend to the Dishonour of God, the Scandal of Religion, and the Disparagement of the Peace both of Church and State, but have also (through the Licentiousness of the late Times) much increased, to the inflaming, fomenting, and heightning of the said Dissensions and Contentions that were among us. And whereas even at this present (withstanding the merciful Providence of God, so signally manifested in restoring us to our Crown, and our pious Care and Endeavours to govern our Realm in Peace and Tranquillity) the said Abuses do yet continue in a very high Men-

sure in sundry Parts of this Realm, through the busy Diligence of some unquiet and factious Spirits, who instead of preaching the pure Word of God, and building up the People in Faith and Holiness, have made it a great Part of their Business to beget in the Minds of their Hearers an evil Opinion of their Governours, by insinuating Fears and Jealousies, to dispose them to Discontent, and to sedition them with such unfound and dangerous Principles, as may lead them into Disobedience, Schism and Rebellion. And whereas also sundry young Divines and Ministers, either out of a Spirit of Contention and Contradiction, or in a vain Ostentation of their Learning, take upon them in their popular Sermons to handle the deep Points of God's eternal Councils and Decrees, or to meddle with the Affairs of State and Government, or to wrangle about Forms and Ceremonies, and other fruitless Disputes and Controversies, serving rather to amuse than profit the Hearers; which is done for the most Part and with the greatest Conscience, by such Persons as least understand them. We out of our princely Care and Zeal for the Honour of God, the Advancement of Piety, Peace, and true Religion, and for the preventing for the future, as much as lieth in us, the many and great Inconveniences and Mischiefs that will unavoidably ensue, if a timely Stop be not given to these and the like growing Abuses, do, according to the Examples of several of our Predecessors of blessed Memory, by these our special Letters, freightly charge and command you, to use your utmost Care and Diligence, that these Directions, which, upon long and various Consideration, we have thought good to give concerning Preachers, and which we have caused to be printed and herewith sent unto you, be from henceforth duly and strictly observed by all the Bishops within your Province. And to this End, our Will and Pleasure is, That you forthwith send them Copies of these our Directions, to be by them speedily communicated to every Parson, Vicar, Curate, Lecturer, and Minister in every Cathedral, Collegiate, and Parish Church within their several Dioceses: And that you earnestly require them to employ their utmost Endeavour for the due Observation of the same, whereof we shall expect a strict Account both of you, and every one of them: And these our Letters shall be your sufficient Warrant and Discharge in that Behalf.

Given at our Court at Whitehall the fourteenth Day of October, in the fourth Year of our Reign, 1662.

By his Majesty's Command,  
EDW. NICHOLAS."

The Directions were:

- I. Not to meddle with Matters of State.
- II. Not to spend their Time in speculative Notions.

A. D. 1662.

cifying what Points the Clergy should discontinue upon, and what they should forbear: Whence it became manifest, that the Mode of Religion, at least, was, to all Intents and Purposes, the Creature of the State.

While these (\*) domestic Passages were in Progress, a very important Negotiation was carrying on between the Courts of England and France, relating to the Sale of Dunkirk; a Transaction which has made a great Noise in the World; and which all the Writers, who treat expressly of this Reign, have either very partially and defectively, or not fully, stated.

It appears, that neither (d) France nor Spain, at that time, had any Views about Dunkirk. England was safe and quiet in the Possession; nor could there have been a more agreeable Surprise to the King of France, than to receive an Overture for the Purchase: The first Motion came from the (e) Chancellor himself, which (f) Monsieur d'Esstrades has given to the Public, under that Minister's own Hand, inviting him to pass into England, that they might confer together upon some Matter of Importance. This first Letter is dated from Hampton-Court, June 29, 1662, sign'd Clarendon, and was follow'd by another, from the King himself, pressing the same Interview to settle an Affair that his Chancellor had propos'd to him, &c. Which is also accompanied by a third, of the same Date, July 27, 1662, repeating the same earnest Desire of a Con-

ference, sign'd Clarendon. There seems to be no great Hasten on the Part of France to answer these pressing Instances from the King of England and his Minister: The French King's Letter, in which he permits Mr. d'Esstrades to comply with their Desire, bearing Date from St. Germain en Laye, not till August the 22d; expressing, however, at the same time great Impatience to know what his Brother of England has to propose to him; so little did he dream of any Proposal about Dunkirk. The Count, thus authoriz'd, comes over with full Power to treat, whatever the Subject might be; and this Matter of great Importance proves to be no less than an Offer of the Sale of Dunkirk.

Of the first Communication of this Affair to the King his Master, we have no Account: But, in his Dispatch of August 17, we are inform'd, that the King of England, and his Chancellor, had demanded Twelve Millions (of Livres) for that important Place, which, on account of the Sums it had cost, the Fortifications, Guns, Ammunition, &c. it was provided with, they insisted it was worth. That he, the Ambassador, had receiv'd the Proposal with so much Coldness, as threw them into the utmost Astonishment. That the Chancellor had confess'd, that the Project of this Treaty came from himself; that the Necessity of the King's Affairs had driven him to it, but should not compel him to make a bad Market; that he alone was in the Secret with the King and the Duke of York;

III. Not to treat of other Controversies with Bitterness or Railing.

IV. To instruct the younger sort in the Catechism of the Church; and to preach on catechetical Doctrines, and Moral Duties. The Afternoon's Exercise in explaining the Catechism, &c. The Minister to read the Prayers himself, with Gravity, Diligence, and Devotion. To shorten the Sermon rather than the Prayers.

V. To read over the Canons in Force once a Year, and the Articles twice.

VI. The Bishops only to license Preachers.

VII. Better Observance of the Lord's Day.

(\*) About this Time died William Lenthall, Esq; who had been Speaker of the great Parliament. His Death-Bed Confession was soon after publish'd, with the Attestation of one Dr. Dickson, his Physician, who added to it a very observable Passage, which, says he, I had from Mr. Lenthall's own Mouth in his last Sickness; which was, That General Monk did assure King Charles II. that had it not been for Mr. Lenthall's secret Conscience and Assistance, he could not have brought about the Restoration. *Ken. Reg. p. 762.*

(d) As with regard to the first of those Powers, it manifest by a Letter from his most Christian Majesty, dated March 4, to Mr. d'Esstrades, in which are these remarkable Words: "You may tell the King of England that what is known here of the Money of Hoovers the 200,000 Crowns, before spoken of came from *himself*, who has not been very careful to keep the Secret. This was purely the Cause of all the senseless Noise made in Paris, which, I doubtless must have reach'd London, that I am treating for Dunkirk with the said King, for a Sum of Money, in order to exchange it with the King of Spain for *Cambray*, *Aire* and *St. Omer*. You know better than any Man, whether I had ever such a Thought."

(e) The Countrey is unfairly affirm'd by *Cole*, *Etchard*, *Bacon*, &c. whose Words it will not be improper to quote. "Scandalous and false, in Opposition to all this, that the King should keep it; for considering the Naval Power of England, it could not be taken. He knew that though France *spoke big*, as if they would break with England unless that was deliver'd up, yet they were far from the Thoughts of it. He had consider'd the Place well, and he was sure it could never be taken, as long as England was Master of the Sea. The holding it would keep both France and Spain in a Dependence upon the King. But he was singular in that Opinion; so it was sold: And all the Money that was paid for it, was immediately squander'd away among the *Misbegotten Creatures*." *BURNET'S Hist. of his own Times. vol. 1. p. 173.*

"The Earl of Clarendon said, he understood not these Matters, but appeal'd to *Monk's* Judgment, who did positively advise the letting it go for the Sum that France offer'd. To make the Business go the easier, the King promis'd, that he would lay out all the Money in the Tower, and that it should not be touch'd, but upon extraordinary Occasions.

Many Reasons were arg'd for the parting with this important Place; and the first Motive to the King, as I am assur'd by a knowing Man, was the great Expence in the keeping of it, which *Katharine* the Governor had increas'd to an exorbitant Degree, since the Diminution of Sir *Edward Hoby*. And the Earl of *Sandwich* particularly alleg'd to his Majesty, That the Coast was generally so tempestuous, and the Grounds so revolting upon every Storm, that there would never remain a certain Storeage to that Port. These and other Reasons being alleg'd in Council, tho' oppos'd by Chancellor *Clarendon*, and Treasurer *Southampton*, the King was content to deliver up the Town and Port of Dunkirk, with all the Ordnance and Ammunition, for the Sum of five hundred thousand Pounds Sterling; one half to be paid down, and the other in a short time after. Several Books were written in Vindication of this Sale, shewing how useless the Place was to England, unless Millions of Money were expended upon it; and at this Time we do not find many Complaints against either *him*, or the *Parliament*: But when the ill Effects of both began afterwards to appear, as the increasing Power of France, and the frequent want of Hire, great Overtures were made, and *Chancellor* was unreasonably charg'd with the Scandal of such a sale, when he was really free from the Guilt, or rather the Fortune of either." *Ecc. p. 801.*

"Yet here I take leave, so well as I can, to vindicate the Memory of my Lord Chancellor *Hoby*, from an Assertion, that he was the Author of the giving up Dunkirk to the French; I was assur'd by a certain Person (though a Confident of my Lord Chancellor) that he was so far from advising the King to give up Dunkirk to the French, that only he and my Lord Treasurer *Southampton* upon whose Honour my Lord Chancellor rely'd more than any other) of all the Council, enter'd their Protestations against it. The Truth of this may be resolv'd by inspecting the Privy-Council Books." [No such Thing appears upon the Council Book.] *COKE'S Detection, Vol. II. p. 107.*

It deserves some Notice that the Earl of *Rocheſter*, in the Vindication of his Father, passes over this Affair of Dunkirk. (f) Of whole Letters the late Lord *Loughborough* affirms, That a greater Authority cannot be.



*Dunkirk*; that he was still to manage General *Monk*, the Lord Treasurer, and the Earl of *Sandwich*, whom he could not hope to gain over, without urging the great Profit and Advantage to arise from it to the King himself; for that, upon intimating to them that the Necessities of the State might be thus relieved, they had propos'd an Expedient for keeping the Place without putting the King to the Expence of it; which was to put it under the immediate Authority of the Parliament, who would charge themselves with the whole Burthen of it, and yet leave the King the Master: That, if this Expedient was accepted, there could never more be any such Treaty for the Sale of it; for the carrying on of which there was no more Time, than till the Meeting of the Parliament, who would never listen to the least Proposal of this Nature: And that he did not mention the Offers of *Spain*, because the King had rejected them, in order to unite himself yet more closely with his most Christian Majesty, with whom also he thought his Interests were the best establish'd.

In a second Letter, dated Aug. 21. 1662, we are inform'd, that whatever had lately pass'd in the three Conferences, he (*Mr. d'Esstrades*) had held with the King and the Chancellor, had been since communicated to the Duke of *York*, General *Monk*, Lord Treasurer, and Earl of *Sandwich*; and that they had, all together, had two Conferences upon it;— since which, the Chancellor had sent for him by his Servant *Mr. Bealing*, to tell him, That nothing but Necessity could induce the King his Master to part with *Dunkirk*; that he could treat with the *Spaniards*, who would offer any thing for that Place; or, secondly, with *Holland*, who would, no doubt, give an immense Sum for it; or even, thirdly, put it into the Hands of the Parliament:— But that they had rather come to an Agreement with his most Christian Majesty;— yet not for a less Sum,—left he, the Chancellor, should fall under the Censure of Parliament, and be in danger of losing his Head; and therefore, rather than depart from their first Demand, he should think it better to make a Present of it to his most Christian Majesty, and depend upon a Return from his Liberality:— But that he was not Master; that having so deep a Concern in this delicate Affair, it behov'd him to conceal his real Sentiments, and to seem of the Opinion of others, that he might not be understood to be the principal Promoter of it: That the most pressing Reason he could use to bring them into his Measures was to shew, what Service the Sale would be to their Master, by enabling him to discharge the Debts which he had incur'd by keeping it: But that the Little that was offer'd for it invalidated even that Reason, and dispos'd them to think, that *France* either did not desire the Possession of *Dunkirk*, or too much undervalued it.

The Chancellor then reduced the Price to Seven Millions, to shew how much the King his Master was dispos'd to agree with his most Christian Majesty; and added, that all

he had been able to obtain of the Lord Treasurer and the rest, was their Consent to this Reduction.

*Mr. d'Esstrades* then proceeds with the Detail of his own Artifices to lower the Market, by depreciating the Value of the Commodity; and, towards the Close of his Letter, adds,

"The Chancellor having been oblig'd to communicate this Affair to many Persons, it has given Rise to such Reports and Conjectures, both in Court and City, concerning my Business here, as have induced me to believe, that it is of Consequence to hasten the Issue, if we desire it to be successful."

In Answer to this, his most Christian Majesty is pleas'd to direct, that, if the Court of *England* persisted in the Demand of Seven Millions, *Mr. d'Esstrades* was to take his Leave, in order to proceed to *Holland* without Delay; first making his Acknowledgments both to the King and the Chancellor; and assuring the last, most expressly, of his Benevolence and Protection, upon every Incident that can arise.

In another Place, he says,

"It was a Misfortune, that the Chancellor was oblig'd to communicate the Affair to General *Monk*, the Lord High Treasurer, and the Earl of *Sandwich*, but he supposes a Necessity for it, that their Concurrence, if it could be obtain'd, might, in all Events, be a Screen for himself." &c.

It appears likewise in the same Letter, that the Earl of *Sandwich* had propos'd the Demolition of *Dunkirk*, preferably to the Sale; and his Majesty frankly declares to his Minister, with an Injunction however to keep the Secret, that he had rather the Place were in the Hands of the *Spaniards*, or the *Dutch*, or even demolish'd, as the Lord *Sandwich* had propos'd, than that it should remain in the Hands of the *English*, &c.

The whole Negotiation lasted till towards the End of *October*; and, in the Course of it, all the Artifices and Refinements, which constitute a Politician, were practis'd on both Sides. At last, however, mutual Interest produc'd mutual Concessions. The *French* wanted to buy, and the *English* to sell; one receded from their peremptory Demand of Seven Millions, and the other came up to Five: And here the Bargain was struck; one Half was to be paid down, and the other at two several Payments.

The Letter of *Mr. d'Esstrades* to the King his Master, on closing this memorable Treaty, so very particularly explains the Motives which gave Rise to it, and points out the Person principally concern'd in it, as also the Parties and Cabals, which then divided the *English* Court, as well as the Passions and Resentments of the People, that we cannot forbear making use of its Authority. It began thus:

London, *October* 27, 1662.

"S I R E,

"At last, after abundance of Delays and Difficulties which are now removed, I have signed the Treaty of *Dunkirk*, and send

A. D. 1662.

“ send it to you Majesty by this Express. I  
 “ must not forget to observe, That the *Chan-*  
 “ *cellor* is the Man who has suffer'd most of  
 “ any body, in the Disputes which were  
 “ rais'd by all the Council upon this Affair.  
 “ The Commissioners are the very Persons  
 “ who have labour'd most to break it off;  
 “ and one must own that the Reasons al-  
 “ ledg'd for it were so strong, that the King  
 “ of *England* and the Duke of *York* would  
 “ have been shaken by them, if he (the  
 “ *Chancellor*) had not taken care to keep  
 “ them up to their first Resolution.

“ This has appear'd so plain to the whole  
 “ Court, that occasion has been taken from  
 “ thence to fall upon him as the *sole Author*  
 “ of the Treaty. His Enemies and the *Spa-*  
 “ *nish* Party proclaim loudly——That as he  
 “ committed an egregious Blunder with re-  
 “ gard to the *Portugal* Match, in having  
 “ made it without being first assur'd of the  
 “ Protection of *France*, so he had been guilty  
 “ of as great an Imprudence on this Occa-  
 “ sion; in that he was giving up *Dunkirk*  
 “ without being assur'd of the strict Union  
 “ which he pretended this Treaty would  
 “ produce with your Majesty, who, when  
 “ you saw yourself Master of the Place,  
 “ without any Stipulation of particular Ad-  
 “ vantages to *England*, might only think  
 “ yourself oblig'd to such Civilities as might  
 “ embark you in nothing. That as nothing  
 “ but his private Interest had engag'd him  
 “ in the Marriage, to be reveng'd of the ill  
 “ Treatment he had receiv'd from the *Spa-*  
 “ *niards*, and out of Fear of being supplanted  
 “ by their Party; so the single Considera-  
 “ tion and Interest he had in being sup-  
 “ ported by *France*, made him forget the  
 “ true Interests of the King his Master, and  
 “ sacrifice for it a Place, which was of more  
 “ Consequence for the Reputation of *Eng-*  
 “ *land*, and for its Consideration with regard  
 “ to Foreigners, than the whole Kingdom  
 “ of *Ireland*, &c.”

In another Place it proceeds thus:

“ I ought ever to acknowledge, that their  
 “ manner of treating has been the frankest  
 “ I ever knew; nor do I believe that His-  
 “ tory can shew a Precedent of a Treaty for  
 “ five Millions, or even a much less Sum;  
 “ wherein a Prince, but newly established  
 “ in his Throne, whose Authority was feeble  
 “ and held in Partnership with a Parlia-  
 “ ment, contented himself with the bare  
 “ Word of another.

“ This extraordinary Proceeding makes  
 “ me believe the King of *England* is resolv'd  
 “ at any rate to have your Majesty's Friend-  
 “ ship: That the *Chancellor* puts him upon  
 “ it for his own private Interest; and that  
 “ this is the main Reason why the Duke of  
 “ *York* meets your Majesty at *Dunkirk*, to  
 “ give you the strongest Assurances of it. I  
 “ fancy too that the *Chancellor* will send by

“ him *some Advices* which may be of ser-  
 “ vice to any *Designs* you may form in time  
 “ upon *Flanders*; so that you ought not to  
 “ be discouraged by the latencies of the Sea-  
 “ son from coming thither, as you have re-  
 “ solv'd.” &c.

Again:

“ *Mr. Rutherford*, [made Governor of  
 “ *Dunkirk*, in the room of *Sir Ed. Harley*]  
 “ is here; to whom the King of *England*  
 “ has given Orders for the withdrawing of  
 “ two *English* Regiments from *Dunkirk*,  
 “ which began to murmur, on the Report  
 “ of the Treaty.”

Again, towards the (g) Conclusion:

“ After the Treaty was sign'd, the *Chan-*  
 “ *cellor* gave me to understand, that the  
 “ Cry, both at Court and among the Peo-  
 “ ple, was become louder than ever, that  
 “ your Majesty would forget the Passion the  
 “ King of *England* had shewn to oblige you,  
 “ as soon as you were in Possession of *Dun-*  
 “ *kirk*; which had already excited Clam-  
 “ ours against him: That he had been  
 “ assur'd, he could expect no Support, nei-  
 “ ther from the Parliament nor the People,  
 “ in case that Affair should produce any  
 “ Disturbance in the Nation; and that, as he  
 “ was more concern'd than any body in it,  
 “ he should incur the most Censure; and,  
 “ perhaps, first of all from the King his  
 “ Master: That, in order to be made easy  
 “ on that Head, he should be infinitely ob-  
 “ lig'd to your Majesty, if you would signify  
 “ by Letter, your gracious Sense of the ob-  
 “ liging Manner in which you have been  
 “ us'd, and, at the same time, make him  
 “ some civil Offers, against all the trouble-  
 “ some Consequences likely to arise from  
 “ his Concern therein; which, tho' they  
 “ bind you to nothing, will produce a very  
 “ good Effect. If your Majesty should be  
 “ of this Opinion, and think proper to send  
 “ such a (b) Letter by the Return of the  
 “ Courier, I foresee the King of *England*  
 “ will reap great Advantages from it, and  
 “ the *Chancellor* find a Support against his  
 “ Cabals, which are forming against him.  
 “ He has, this Morning, farther inform'd  
 “ me, that the greatest Part of the Mer-  
 “ chants of *London* have been at *Whiteball*,  
 “ to complain of this Treaty, which is now  
 “ public; and among the Grievances, which  
 “ they affect to apprehend from it, the prin-  
 “ cipal is, That *Dunkirk* will from hence-  
 “ forth become a Nest of *Heretics*; and that  
 “ their Commerce will thereby be ruin'd.  
 “ To which the King reply'd, That he had  
 “ treated with a Prince who was both his  
 “ Kinsman and his friend, who would  
 “ think it his own Interest to keep a good  
 “ Correspondence, in every Point, both with  
 “ him and his Subjects; and that he could  
 “ assure them, their Fears were without  
 “ Foundation.”

How

(g) In this Letter also, *Bealing*, a Servant of the *Chancellor's*, who had officiated as Interpreter, between him and *Mr. d'Esbrades*, during this Negotiation, was recommended to the King, for some Mark of his Royal Bounty, which,

as we find by his most *Christian* Majesty's Answer, was afterwards bestow'd upon him.

(b) Such a Letter was actually sent by the Return of the Courier.

A. D. 1662.

How this Affair was consider'd at (i) home, may be gather'd from the following Paragraphs, which contain the Reasons for, and Objections against it:

The Reasons pleaded for it, were, I. The great Charge of maintaining the Garrison of *Dunkirk*, and the little Benefit arising from it. II. The Jealousy of some Part of the Parliament, that so near a Garrison might help to the raising of a Standing Army. III. The great Occasions the King had for Money; greater than he could hope for by the ordinary Supplies in Parliament. IV. The ill Understanding between the Crowns of *England* and *Spain*; and the latter demanding the Surrender of *Jamaica*, *Dunkirk*, and *Tangier*. V. The King's own Inclination to oblige his Brother of *France*, and to court his rising Power. VI. Some added by way of Surmise, tho' without the least Authority, that by secret Articles at the *Pyrenean* Treaty, King *Charles* in his great Exigencies at that Time, had promised to give up *Jamaica* to the *Spaniards*, and *Dunkirk* to the *French*, upon Condition of their joint Assistance towards the Recovery of his Kingdoms. VII. The King inclining to sell the Place, could have no other Purchaser but the *French* King; for by a former Treaty with *Portugal*, he was obliged not to part with it to *Spain*; and *Holland* had no Money for it.

The Objections, on the other Hand, were these; I. The *French* had set their Hearts upon this Purchase; and, upon the first taking of the Place from the *Spaniards*, *Mazarine* would have cheated *Cromwell* of his Bargain for it, if *Cromwell* had not threaten'd to demand the Keys of *Dunkirk* at the Gates of *Paris*: And therefore a Place of such Importance to the *French* should not have been easily surrendered to them. II. A much greater Price should have been taken for it; the first Demand was more reasonable, ten Millions; to fall so low as five Millions, was too great an

Abatement; especially when most believed that the *French* King would have given the first Sum, if insisted on. III. Not only the Town, Citadel, and Forts were sold at that low Rate, but all the Artillery and Ammunition of War, Magazines, and Stores were thrown into the Bargain, which were thought equivalent to the whole Purchase Money; so that the Town cost them nothing. IV. The Purchase Money should have been paid before the Surrender of the Estate, or at least a Mortgage of the Premises for it; whereas the Town was given up, before any Part of the Money was paid in; and there appear'd no real Security for it. V. It was thought enough for the King to give Possession, and renounce his Claim and Title to it; whereas he was now oblig'd to defend it for two Years against *Spain*; nay, and to help to retake it, if seiz'd within that Time; which Preparations of War might have cost more, than the whole Purchase Money; and, in such Case, the Foot of the Account must have been, *Dunkirk* given away for nothing. VI. The Payment should have been made in *London*, and the Money brought to the Seller; whereas the first and all following Payments were agreed to be made at *Dunkirk*, when in the Hands of the *French*. VII. The *English* Merchants and other *British* Subjects were not suffered to carry away with them any Corn, or other Provisions and Ammunitions of War, but were oblig'd to sell them at the Market Price, i. e. What the new Tenants of the Purchaser would please to give them. VIII. That no Liberty of the Protestant Religion was reserv'd to those of the *English* Subjects who would there remain.

It is remarkable, that, neither in this Treaty, nor in the Affair of the 200,000 Crowns, before spoken of, the Queen-Mother was consulted: And we are expressly told by Mr. *d'Esbrades*, that (k) an Intrigue was purposely fram'd to baffle her Suspicions, and

The Queen-Mother not in the Secret.

(i) And how abroad, may be gathered from the following Quotations:

As for the Purchase Money paid by *France* for *Dunkirk*, tho' Mr. *le Clerc* quotes an Author of undoubted Credit (the *Abbot Desmarais*) I shall add, that there was a Medal struck upon that Occasion in *France*, and the same is plac'd among the great Events of the *French* King's Reign. I forget the Motto of the Medal. The Book which I saw, belong'd to a Person truly noble. I was inform'd, it was presented by the *French* King to a foreign Minister at his Court. It is the *Histoire de Louis* the Fourth, by way of Medals, and come down to the Year 1700. The Book is full of the gross Flattery and Vanity. What it says about the Sale of *Dunkirk*, is perhaps one of the truest Things in it. I remember it boasts, that their august Monarch got Possession of one of the strongest Fortresses in the World at the cheap Price of five Millions of *Livres*. Advertisement prepar'd to the Translation of *Clarendon's History*.

The said *Abbot Desmarais*, likewise, writes as follows: Whilst the Affairs of *the* (he speaks of the Duke of *Crey*) Expedition) were thus managing without Success, the King had concluded a very important one with the King of *England*, which was what he had in View, when, in his Letter written in Cypher of the 15th of September, he told the Duke of *Crey*, That one Reason which made him the more desirous to have Things accommodated, was the Fear, lest his Quarrel with *Rome* might cross the Measures he was taking for Designs of quite another Consideration. He had got out of the Hands of the *English*, for five Millions of *Livres* (prompt Payment) *Dunkirk*, *Mardick*, and the Port of *Burgoe*, which the Conjunction of the Times had formerly oblig'd him to deliver up to them: And thereby (besides the Ad-

vantage of sending away the *English*, who might in a Tide throw ten Thousand Men into the Kingdom, and of removing this Prospect from the *Hugonot* Party, and such a Refuge from all Sorts of Malecontents, and of acquiring a considerable Port on a Coast, (where *France* had not properly any) he advantageously repair'd the Damage, which the Benefit of a Peace had, as it were, forc'd him to do at that Time to Religion.

There is not, perhaps, any Example, that one State did ever gain from another, without a War, a Place so important; so, that five Millions of *Livres* should be paid down on the Nail all at once; [this was not true.] And yet, perhaps, these were not the most remarkable Circumstances of that Acquisition. The Count *d'Esbrades*, who had managed the Treaty in *England*, where he was Ambassador, and afterwards *Marschal* of *France*, had stipulated that the Payment should not be made, till the Day after the Evacuation of the Places; and for the Security of the same, he offer'd to remain in Hostage, and to procure to be sent into *England* such other Hostages as should be desired. But the King of *England* declared, He would take none, and that he would the Word of the most Christian King more than all the Hostages in the World. The Treaty was afterwards punctually and faithfully executed on both Sides. The Court of *Rome* would, perhaps, at another Time, have given Signs of Joy, to see a Place of that Consequence returned into the Hands of a Catholic Prince; but as *Angels* then flood, the two Courts being fallen out, they looked upon that Acquisition, as it was, advantageous to *France*, and consequently receiv'd the News not without some sort of Disaffection.

(k) *Viz.* It was first given out, That Mr. *d'Esbrades* had

A. D. 1662.

and put her on a wrong Scent: For, as she was the *Chancellor's* bitter Enemy, he dreaded above all things, that she should have any Reason to conclude it was first propos'd by him.

It is remarkable, that the (1) Treaty had two Preambles: In that sign'd by the *French*, it is said, "The King of Great Britain, being desirous more and more to increase the Friendship already contracted with his most Christian Majesty, has thought himself oblig'd to give Ear to the Proposals made to him by France." In that sign'd by the *English*, it is said, "His most Christian Majesty thought himself oblig'd to give Ear to the Proposals made to him, on his Part, by England." And to this his Majesty of France makes no Difficulty to consent, "provided, says he, in his Letter to Mr. d'Esprades, dated Oct. 30, 1662, you preserve your Rank, as I make no doubt you will, in being nam'd before the Commissioners of England."

But what is most remarkable of all, is, that the *Chancellor* had no sooner drawn upon himself the Odium and Repentment of his Fellow-Subjects, by advising this impolitic Measure, in order to establish his Credit with the King, but (m) Sir Edward Nicholas, his fast Friend, was oblig'd to resign the Secretary's Office to (n) Sir Henry Bennet, afterwards Earl of Arlington; his known Enemy, a conceal'd Papist, and who ow'd his Preferment to the Interest and Intrigues of that Party.

Till this time, the *Chancellor* must be consider'd as the First Mover at Court, and therefore answerable, in the general, for the Direction of the Machine: But now, that latent Interest, which had only obstructed his Measures hitherto, began to over-rule them; and he found himself frequently under a Necessity to follow those, whom he had us'd to lead.

As the whole Nation was at this Period in

a high Ferment, on account of the Sale of *Dunkirk*; and so large a Body as the *Presbyterians* then were, thought themselves particularly injur'd by the Act of Uniformity; it is possible the *Republicans* might imagine the Crisis favourable to their Designs, and that those, who had the most Zeal and least Knowledge, might fall into such Discourses as had a Tendency to alarm the Government. Alarm'd the Government certainly were; but whether upon good Grounds, or only from their own Fears, will best appear from the following Facts.

It was not till November, that the Talk of an Insurrection began first to prevail; and tho' the Reform had taken place in all Corporations, and all the strong Towns, which had refus'd to admit the King in the late Civil Wars, were dismantled, so strongly did the Court and Church Pannic operate upon this Occasion, that the Disaffected were every where seized, and in many Places the Country was up in Arms, as if the Enemy had already taken the Field: And yet Sir Henry Bennet, writing to the Duke of Ormond, on the (o) 23<sup>d</sup> of that Month, concerning the Demands of Money, which his Grace had made for compounding the Debts of Ireland, only takes Occasion to say, "The little Reserve his Majesty hath kept out of the Sale of *Dunkirk*, being not to be touch'd for a less Occasion, than an Insurrection here at home, which the foolish and discontented People are apt every Day to threaten and apprehend."

But, tho' Threats on one hand, and Credulity on the other, were all the Secretary had as yet to complain of; by the Beginning of December, a full-grown Conspiracy was discover'd: The principal Agents in it were detected and seiz'd; and such full and satisfactory Evidence against them arose, that they were brought to their (p) Trial on the

Eleventh,

been sent for, in order to induce him to prevail with the King his Master, to send a Sum of Money to her Son. The *Chancellor* was then to tell the Queen, as if in Confidence, that he was much deceiv'd, if that Minister would not demand some Place by way of Pledge for the Money, as had been formerly done by England, in the like Case, &c. All which was done, says Mr. d'Esprades, that her Majesty might be led to believe, in case the Treaty came to a Conclusion, that she was in the Secret, and that the Money could be had on no other Terms.

How then can it be said, that there is good Reason to think, the Queen Mother, when she came over into England, was charg'd with this Affair of *Dunkirk*, as well as the *Portugal Match*? Or, that the *Chancellor*, in this Point, acted ministerially, that is to say, obey'd what he did not approve? See *Additions to Bayle*, vol. vi. p. 357.

(1) A Brief of this Treaty is as follows:

*Dunkirk*, in the Condition it now is, to be put into the Hands of his most Christian Majesty, for the Sum of seven Millions of Livres; two Millions to be paid on the Place, two Millions to be supp'd for England, and the other three Millions to be paid in two Years following at *Dunkirk*. The King of England to warrant the Place for two Years against the King of Spain. And if it should be taken by Spain, the King of England to furnish a Fleet for the retaking of it. And the English Commissioners by name to be Guarantees of this Treaty.

(m) It appears, by the Articles prefer'd by the Earl of Bristol against the *Chancellor*, and other Authorities, that he had receiv'd by way of Commutation.

(n) Of which Event Mr. d'Esprades thus writes to the King his Master.

October 17, 1662.

"Yesterday the Chevalier Bennet was declared Secretary

of State: The King of England has commanded him to visit the Chancellor, and to live well with him; but I believe there will be a very indifferent Friendship between these two Persons. I will explain to your Majesty all the Intrigues of this Court, when I shall have the Honour to see you, &c."

In a Paper published by Authority, at this Time, the following Article was insert'd:

His Majesty, being sensible of the eminent Merit of that ancient and faithful Servant of the Crown, Sir Edward Nicholas, his Majesty's principal Secretary of State, and how his great Age and last Sickness had impair'd his Health and Strength, that his Majesty excus'd those Floods of Business which daily break in upon so great an Officer, would tire out his Spirits, and make his Employment far less comfortable than it had been formerly, was therefore (in Consideration of his many great Services and former Sufferings for his Loyalty to the Crown) graciously pleas'd to grant him leave to retire and enjoy some Rest from the Pressure of so walking in his Office. And though his Majesty well knows the Value of a Bravery of England, and is unwilling to increase the Penury, yet as an eternal Mark of the Loyalty and Integrity of so many deserving and ancient a Servant, freely offer'd to make him a Baron; but Sir Edward Nicholas (according to his wonted Candour and Modesty) after he had most humbly render'd his Thanks, besought his Majesty therein to spare him.

(o) Notwithstanding which the Raising was to have been made, as was given out, upon All-Saints Eve, which is the last of October.

(p) The following Minutes of which have been preserv'd by Bishop Kennet, out of the Trial print by Hill the Informer:

The Indictment set forth, that the Prisoners not weighing the Duty of their Allegiance, &c. did compass and imagine

*Eleventh*, at the Old Bailey; where they were charg'd with no less a Design, than to surprize the Tower, and Windsor Castle, to secure and depose the King, and restore the Commonwealth; all which mighty Things were to be perform'd by Six of the meanest of the People, unaided and uncounsell'd,

either by the Grandees at home, or any Sovereign State abroad.

It is remarkable, that the whole Six were brought to the Bar together, and lump'd in the same Indictment: That the two principal Witnesses (*q*) Hill and Riggs, had been made use of, as Decoy-Ducks, to inveigle the

imagine the Death of the King, the Subversion of the Government, &c. And to that End, they, together with other Eminent Traitors, did on the thirty-first of October last, at the Parish and Ward of St. Michael's Cornhill, London, assemble, consult, and agree to depose the King, and alter the Government, and to surprize the King's Person, his Palace of Whitehall, &c. against the King's Peace, his Crown, and Dignity.

*Mr. William Hill* deposed, that all Interests were agreed in this Matter. First-monarchy-men, Anabaptists, Independents, and Fighting Quakers, and the Congregational Churches were consenting, and were resolv'd to endeavour their Deliverance from their Adversities at Whitehall, — by surprizing Windsor Castle, — taking the Tower of London, — and preparing Arms and Men under *Ladlow*, Commander in Chief, by Direction of a Council of Six, of which Council Colonel *Dawson*, *Phillips*, *Nye* the Minister, *Lachier*, and one *Cole*, were five, &c.

*Edward Riggs* deposed to the like Effect, and that he had heard of a Design of surprizing the King at *Cambray*, when he was come from *Hampden-Court* to see the Queen-Mother at *Greenwich*.

*Mr. Bradley* and *Mr. Tjler* swore to the like Purpose; and that at several Meetings it was debated and thought Expedient, that the old Parliament should be chosen again, i. e. so many of them as had approved themselves faithful from first to last to a Commonwealth Interest, especially in the Times of *Debarthens*; that none should be capable of electing or being elected, but such as had so approved themselves: Provided that this intended Parliament should have no Power in Things of an Ecclesiastical Nature, to impose any thing upon the Conscience of the People: And that it should be High-Treason to assist the Interest of a King, House of Lords, or a single Person.

And it was much urg'd, that there should be an uniting of all Interests, viz. Quakers, First-monarchy-men, Anabaptists, Independents, Presbyterians, and Levellers; and at one Consult, every one oblig'd themselves to fee what Interest he could make among the Presbyterians, because they look'd upon them as the Persons who had most Money and Strength. — And that the Risings were intended in several Counties of England, while they were in dread of a Massacre by the Papists on *All Saints-Eve*.

To the last Point, *Sir William Morrice* and *Sir Henry Bourn*, Secretaries of State, deposed, that they had received Letters from several Counties, that a Report was spread about, that the Protestants were to have their Throats cut by the Papists on such a Day, and that these Rumours were in order to incite People to join with the Dissatisfied.

*Sir John Talbot* deposed, that these Reports occasion'd great Disturbance in *Warwickshire* and *Worcestershire*. And *Mr. Hodges* and *Sir John Wald* deposed, that the same Reports were in *Derbyshire* and at *Shrewsbury*, and that several Persons were taken up about it.

*Sir John Maynard* observed, about five thousand Letters were to be dispersed through the Nation, to possess the People that the Papists would about that Time massacre the Protestants, which was done, says he, to raise a Fear and Discontent in the Nation, to induce them to join in the Design, which was to kill the King and alter the Government.

Part of the Letter was as follows:

S I R,

" Out of the Respect which I bear to you in particular, and to the Protestant Party in general, I give you Notice of this Passage. About a Fortnight since, a Woman, which you must be ignorant of, had it from a Correspondent to the Papists, that they intend to make use of their Army (which all the World sees they have provided) against us on *Evil* next. It was thought good therefore, as a present way as may be, to give Notice to our Friends in remote Parts, that they may do what Piety to God, Loyalty to their Prince, Love to their Country, and Self-Preservation shall direct them.

" Sir, I call the eternal God to witness, that 'tis not to betray, to put a Trick upon you, but a sober Truth, and also communicated to a Justice of Peace, and by him to the Privy-Council, &c."

The Prisoners, in their Defence, denied that they had been engaged in any formed Design against the Government: They said they had heard indeed some such Discourses as had been mention'd, but they heard them only as common News, and had no ill Intention: And that *Hill* and *Riggs*, two of the Witnesses had confes'd themselves guilty of the Crimes they charg'd on them, and therefore

they supposed they were not competent Witnesses against them.

The Lord Chief Justice having directed the Jury, they withdrew, and within an Hour brought in their Verdict, that *Tague*, *Phillips*, *Stables*, *Sellers*, and *Gibbs* were guilty, who being set to the Bar with *Hind* (who confes'd the Fact, and would not abide his Trial) the Chief Justice proceeded to pronounce Sentence against them as Traitors.

Note, In this case it was resolv'd by all the Judges 1. That the Meeting together of Persons, and consulting to depose the King, was itself an Overt-Act, to prove the compassing of the King's Death.

II. Resolv'd, That where a Person, knowing of the Design, does meet with them, and hear them discourse of their traitorous Designs, tho' he say or do nothing, this is High-Treason in that Party, for it is more than a bare Concomitant, which is a Misprision, because it sheweth his liking and approving of their Design, &c.

III. It was resolv'd, that some of those Persons who are equally culpable with the rest, may be made use of as Witnesses against their Fellows, and they are lawful Witnesses within the Statutes of 1 Ed. VI. c. 5, 6 Ed. VI. c. 11. and 1 Mar. I. c. 5. *Kelph's* Reports, fol. p. 17.

*Ladlow's* Account of this Affair, is as follows:

" In the mean time the English Court knowing themselves to be fallen under the Hatred and Contempt of the People for their Cruelty, Immorality and Corruptions, aggravated by the late Sale of *Dunbarton*, resolved by the Conspiration of a Plot to disarm their Enemies, and provide for their present Safety. To this End, by the Means of General *Broun* and others, Money was advanced and Arms put into the Hands of some Persons, among whom one *Bradley*, who had formerly belonged to *Cromwell*, was the Principal, that by giving small Sums to indigent Officers of the late Army, and by having the Arms they had ready, they might engage them and others in this pretended Design. An Account of this Plot was printed and published, affirming, That divers thousand of ill-affected Persons were ready, under my Command, to seize the Tower and the City of London; then to march directly to Whitehall, in order to kill the King and *Munk*, with a Resolution to give no Quarter to any that opposed to them; and after that to declare for a Commonwealth. By this means one *Burley*, who had been of the Guard to *Cromwell*, and since the disbanding of the Army, had been reduced to grind Knives for a poor Living, having received half a Crown from *Bradley*, and promised his Assistance when there should be Occasion, was executed with some others for this Conspiracy. However, this served the Court for a Pretence to seize five or six hundred Persons; to disarm all those they suspected; to require those they had taken to give Bonds of 200 l. each, not to take up Arms against the King, and to increase the standing Guards. They were not ashamed also to give out, that their Messengers had been so near to seize my Person, that they had taken my Cloak and Slippers, and committed two Gentlemen to the Tower for accompanying me, as they said, to the Sea-Side, in order to my escape; tho' at the same time they know full well where I was, that they had employed Instruments to procure me to be assassinated in *Switzerland*, which was discovered to a Merchant of *Lausanne* by a Person of Quality living in these Parts, who had refused ten thousand Crowns offer'd to him on the Part of the Dutchess of *Orleans* (it should have been Sister to his Gracious Majesty, if he would undertake that Province."

The General further adds, That " The Earl of *Artrim*, an Irish Papist, and one who had been concern'd among the first in the Rebellion of that Country, having been seized at *London*, as I mention'd before, and afterwards sent Prisoner to *Ireland*, was ordered, by a Letter under the King's Hand and Seal, to be clear'd and set at Liberty, charging the Guilt of that Rebellion upon his Father, and affirming in the said Letter, That the Earl of *Artrim* had not done any thing, without Warrant and Authority from the King his Father; tho' it was well known, that he had his Head and Hands deeply and early engag'd in that bloody Work. Thus the Mask was openly taken off, in confidence, that a People depriv'd of their Leaders, dispers'd by the late Executions, and aw'd by a compulsory and compulsory House of Commons, would not be able to shew their Reluctance."

(*q*) These Things (the Particulars of the Plot) being freely imparted to him (*Hill*) by one or more of the said Fanatics, knowing that he and his Father had been Villains in the Time of *Urrupation*, he secretly betray'd all to the said *Sir Richard Brown*. Whereupon the said *Sir Richard* putting

A. A. 1662.

the rest; and that Two of the Six, viz. *Phillips* and *Hind*, who confess'd themselves guilty, were pardon'd.

The Trials and Executions of these Offenders were scarce over, but the King was advis'd to publish a (*r*) Declaration, which was calculated, at once to remove the false and malicious Scandals, which, it is said, had been fix'd upon his Government, and likewise to pave the Way for a general Indulgence.

These false and malicious Scandals are said to be of Four Sorts; which, in the said Declaration, are thus exemplify'd:

"The *First*, by suggesting unto them, That, having attained our Ends, in re-establiſhing our Regal Authority, and gaining the Power into our own Hands, by a specious Condeſcenſion to a general Act of Indemnity, we intend nothing leſs than the Obſervation of it; but, on the contrary, by degrees to ſubject the Perſons and Eſtates of all ſuch who ſtood in need of that Law to future Revenge, and to give them up to the Spoil of thoſe, who had loſt their Fortunes in our Service.

"*Secondly*, That, upon Pretence of Plots and Practices againſt us, we intend to introduce a military Way of Government in this Kingdom.

"*Thirdly*, That having made uſe of ſuch ſolemn Promiſes from *Breda*, and in ſeveral Declarations ſince, of Eaſe and Liberty to tender Conſciences, inſtead of performing any Part of them, we have added ſtreighter Fetters than ever, and new Rocks of Scandal to the Scrupulous, by the Act of *Uniformity*.

"*Fourthly* and laſtly, we find it as artiſially as maliciously divulged throughout the whole Kingdom, That, at the ſame time we deny a fitting Liberty to thoſe other Sects of our Subjects, whole Conſciences will not allow them to conform to the Religion eſtabliſhed by Law, we are highly indulgent to Papiſts, not only in exempting them from the Penalties of the Law, but even to ſuch a Degree of Countenance and Encourage-

ment, as may even endanger the Proteſtant Religion."

Thiſe his Majesty calls *wicked* and *malicious* Suggeltions; and thence takes Occaſion to declare, 1. That, as the paſſing the Act of Indemnity was owing to the Clemency of his Nature; ſo he engag'd, upon the Word of a King, that he would never decline from the religious Obſervance of it. 2. As to the introducing a military Power, his Majesty took notice of the Neceſſity of having ſufficient Guards, from the Uſe of them in *Vener's* Caſe: That indeed, by the Advice of Council, merely upon Motives of public Safety, thoſe Guards had been increaſed.

"But, the Reaſons of ſuch Precautions once ceaſing, we are very free, ſaith his Majesty, that, what Guards ſoever may be found neceſſary for us to continue, as in former Times, for the Dignity and Honour of our Crown, the ſole Strength and Security we ſhall ever conſide in, ſhall be the Hearts and Affections of our Subjects, increaſed and confirmed to us by our gracious and ſteady Manner of Government, according to the ancient and known Laws of the Land; there being not any one of our Subjects, who doth more from his Heart abhor than we ourſelves, all Sort of military and arbitrary Rule.

"As for the *Third*, concerning the Non-performance of our Promiſes, we remember well the very Words of thoſe from *Breda*, viz. *We declare a Liberty to tender Conſciences*, &c.

"*We remember well the Confirmations* we have made of them ſince, upon ſeveral Occaſions, in Parliament; and, as all theſe things are ſtill freſh in our Memory, ſo are we ſtill firm in the Reſolution of performing them to the full. But it muſt not be wonder'd at (ſince that *Parliament*, to which thoſe Promiſes were made, in relation to an Act, never thought fit to offer us any for that *Purpose*) that being ſo zealous as we are (and by the Grace of God ſhall ever be) for the Maintenance of the true Proteſtant Religion, finding it ſo ſhaken (not to ſay overthrow) as we did, we ſhould give its Eſtabliſhment the

putting him into a Way of getting more Intelligence, which he accordingly did, draw'd them on till almoſt the Time they were to riſe and be in Arms, *Wood's Ath. Oxon. vol. ii. c. 291.*

This *Hill*, as we are told by the ſame Author, was the Son of a *Committee-Man*, who had provided him a Parſonage, which was the Right of another Man; out of which being ejected at the Reſtauration, he was put to his Shifts. Afterwards, for a Reward of his Loyalty, he had a conſiderable Benefice beſtow'd upon him in *Glouceſhire*; but being hated by one Party for his *Faſtneſs*, and by another for his *Faſtiousneſs*, did enjoy it but few Years.

(*r*) Concerning this Declaration we find the following Particulars, in the Life of Mr. Baxter:

"On the 26th of December 1662, the King ſent forth a general Declaration, expreſſing his Purpoſe to grant ſome Indulgence, or Liberty in Religion, with other Matters, not excluding the *Papiſts*, many of whom had deſerved ſo well. When this came out, the ejected Miniſters began to think more conſiderably of ſome Indulgence to themſelves: Mr. *Nye* alſo, and ſome others of the Independents, were encouraged to go to the King; and, when they came back, told us, that he was now reſolv'd to give them Liberty. On the 2d of January, Mr. *Nye* came to me, to treat about our owning the King's Declaration, by returning him Thanks for it; and I perceiv'd, that it was deſign'd that we muſt be the Deſires or Promoters of it: But I told him my Reſolutions to meddle no more in ſuch Matters, having incurred al-

ready ſo much Hatred and Diſpleaſure, by endeavouring Unity: And the reſt of the Miniſters alſo had enough of it, and reſolv'd that they would not meddle: So that Mr. *Nye* and his Brethren thought it paſſing long of us, that they muſt'd of their intended Liberty. But all were averr'd to have any thing to do with the Indulgence or Toleration of the *Papiſts*; thinking it at leaſt unſit for them.

The Independent Brethren alſo told me, That the Lord Chancellor had told them, that their Liberty was motion'd before, when the King's Declaration came out; and that we ſpoke againſt it, even I by Name. *But* when I told them what Words I ſpoke (before reſolv'd) they had no more to ſay. But now they grew great Enemies to the E. of B. [*Briſtol*] a *Papiſt*, thinking that the King's Declaration was procur'd by him, and that he and the *Papiſts* muſt be the Means (for their own Ends) to procure this Liberty: But the Declaration took root at all with the Parliament or People."

"Such was the Policy of the Court, that they (the Non-conformiſts) muſt either be cruſh'd by their Fellow Proteſtants, to the ſtrengthening of the *Romish* Interests; or if favour'd with any Convivance, they muſt have the *Papiſts* Partners with them, that ſo the Proteſtant Interests might be that Way weakened. This was a great Hardſhip, that attended their Circumſtances: But it was altogether their Unhappineſs, and very remote from being their Choice, and therefore no Matter of juſt Reflection. *Abridgment of Mr. Baxter's Life*, 8vo. p. 305.

A. D. 1662.

the *Precedency* before Matters of *Indulgence* to *Dissenters* from it. But that once done, (as we hope it is sufficiently by the *Bill of Uniformity*) we are glad to lay hold on this Occasion to renew, unto all our Subjects concerned in those Promises of Indulgence by a true Tenderness of Conscience, this Assurance:

"That, as in the first place we have been zealous to settle the Uniformity of the Church of England, in Discipline, Ceremony, and Government, and shall ever constantly maintain it;

"So, as for what concerns the Penalties upon those who (living peaceably) do not conform thereunto, thro' Scruple, and Tenderness of misguided Conscience, we shall make it our special Care, so far as in us lies, without invading the Freedom of Parliament, to incline their Wisdom, at this next approaching Sessions, to concur with us in the making some such Act for that Purpose, as may enable us to exercise, with a more universal Satisfaction, that Power of *Dispensing*, which we conceive to be *inherent* in us.

"In the last place, as to that most pernicious and injurious Scandal, so artificially spread and fomented, of our *Favour to Papists*; as it is but a Repetition of the same detestable Arts, by which all the late Calamities have been brought upon this Kingdom in the Time of our Royal Father of blessed Memory, We conceive all our Subjects should be sufficiently prepar'd against that Poison, by Memory of those Disasters. 'Tis true, that as we shall always, according to Justice, retain, so we think it may become us to avow to the World, the *due Sense* we have of the greatest Part of our *Roman-Catholic* Subjects of this Kingdom, having *deserved well* from our Royal Father of blessed Memory, and from us, and even from the Protestant Religion itself, in adhering to us with their Lives and Fortunes, for the Maintenance of our Crown in the Religion establish'd, against those, who, under the Name of zealous Protestants, employ'd both Fire and Sword to overthrow them both: We shall wish as much Freedom profess'd unto the World, that it is not in our Intent, to exclude our *Roman-Catholic* Subjects, who have so demeaned themselves, from all Share in the Benefit of such an Act, as, in pursuance of our *Promises*, the Wisdom of our Parliament should think fit to offer unto us for the Ease of tender Consciences. It might appear no less than Injustice, that those who deserved well, and continued to do so, should be denied *some* Part of that *Mercy*, which we have oblig'd ourself to afford to ten times the Number of such who have not done so."

This remarkable Piece, concluded in the following plausible Manner:

(\*) It was politely hinted, That if they should presume to hope for a *Toleration* of their Profession, or Priests should take the Boldness to appear and show themselves, they should quickly find, his Majesty knew as well to be severe, as indulgent.

(†) About this Time the following very remarkable Piece was published under the whimsical Title of

N<sup>o</sup>. VIII.

A. D. 1663.

"We cannot forbear hinting here unto our good Subjects four Particulars, wherein we think to give them the most important Marks of our Care. *First*, in punishing by severe Laws that Licentiousness and Impiety; which, since the Dissolution of Government, we find, to our great Grief, hath overpread the Nation.

"*Secondly*, As well by sumptuary Laws; as by our own Example of *Frugality*, to restrain the Excess in Mens Expences, which is grown so general, and so exorbitant, beyond all Bounds, either of their Qualities or Fortunes.

"*Thirdly*, So to perfect what we have already industriously begun, in the retrenching of all our own ordinary and extraordinary Charges in Navy, Garrisons, Household, and all their Dependants, as to bring them within the Compass of our settled Revenue, that thereby our Subjects may have little Cause to apprehend our frequent pressing them for new *Affluences*.

"And lastly, So to improve the good Consequences of these three Particulars to the Advancement of *Trade*, that all our Subjects finding (as well as other Nations envying) the Advantage this hath of them in that prime Foundation of *Plenty*, they may all, with Minds happily compos'd by our Clemency and Indulgence (instead of taking up Thoughts of *deserting their Professions*, or *transplanting*) apply themselves comfortably, and with redoubled Industry, to their several Vocations, in such Manner, as the private Interest of every one in particular may encourage him to contribute cheerfully to the general Prosperity."

If the *Republicans* and *Fanatics* from Principle, and the *Presbyterians* thro' Repentment, were before the only Malecontents in the Kingdom, even the *Royalists* themselves now became liable to be rank'd under the same Denomination: For seeing this Postern thus unexpectedly set open to those, whom they had taken such a Variety of Precautions to exclude, they began to apprehend their Idol was in Danger, and made no Scruple to oppose the King, in order to preserve the Church. They were taught to believe, that this Declaration flow'd from the Advice of the *Papists*, and in particular the Earl of *Bristol*, who was at their Head: And, as it may be presum'd, they were spirited up against this favourite Measure of the Court, by the *Chancellor*, it is scarce to be wonder'd, that the public Attention was so much engross'd by this Controversy, that the Sale of *Dunkirk* seems to have been already, in a manner, forgot.

(‡) Feb. 18, the Parliament met for the Third time, and the King, in his Speech, neither made any Mention of that delicate Affair, nor dropp'd the least Hint in relation to a Supply; on the contrary, all he said tended

Third Session.

A Speech wisely spoken in the Presence of the Lords and Commons assembled in Parliament, by a Ghost, in a white Sheet of Paper, &c.

My Lords and Gentlemen, I am come from the Dead. Will you believe me? Beware, beware of two Dividers; beware of two Destroyers.

A. D. 1663.  
King's Speech.

tended to reconcile the Parliament to his Declaration: "To cure the Distempers, said he,

and compose the differing Minds among us, I fet forth my Declaration of the 26th of December,

A. D. 1663.

ers more Dangerous than all, *Blind Zeal and Golly Ignorance*, Oh, may they never enter your Assemblies, nor defile your Councils; may they never come near your Habitations.

Like *Cain* they slay their Brother in the Field, because *Abel's* Deeds are more righteous. The Instruments of Cruelty are in their Habitations: Like *Simon and Levi*, they enter the City boldly and murder all the Males whom they had never profelyted in their Communion.

Persecution is their High Priest. Slanders and Imprisonments and Perjuries, are their Mercies. O! the Mercies of the Wicked are cruel.

Fly, fly from their Tents, O noble Senators. Let them never taint the Nobility and Gentry of England. Take first an Antidote against the Poison you are warn'd of; and you all know him that made it, to have been a wife Man; *The wife Solomon*. Believe his Prognostic; *He that troubleth his own House shall inherit the Wind*. And take the Prognostic of a wife than *Solomon*, who is King of Kings; *That a Hoop or Kingdom divided against itself, cannot stand*. But if you bite and devour one another, take heed you be not consumed one of another.

What is the End of Strife? And why should wife Men attempt Impossibleities? The Angel *Uriel* presents a pertinent Moral in the Parable of Woods and Waters. The Forest would make War with the Seas to make Room for the Trees, and the Seas with the Forest to enlarge the vast Dominions of their Waves. But the Fire consumed the Woods, and numerous Sands withstood the Waters; and both their Attempts were vain.

Your Honours are yet in Peace, *God be praised*; yet every Man hath not forgotten the late War. The French Councillor (President *Gouin*) was not mad when he told the King, *Il Valoit mieux avoir une paix ou il y avoit Deux Religions, qu'une Guerre ou il ny en avoit point*. [It is better to have Peace with two Religions, than a War with none.]

The Lord deliver us from the Tyrant that measured all Men by his own Bed; and from such Fools as will make every Man as wise as themselves; or, from wife Men that will convert by Club Law, and convince Men with the unanswerable Arguments of *Saintsfield* or *Sturme*. This will hardly come within the compass of, *Do as you would be done by*.

An illiterate Priest, in his Passage by Sea from *Amiana* to *Yenic*, with a *Yew* in the same Bark, would profelyte the *Yew*, whether he would or no: And when he could not form him with his Legion of Saints, resolv'd, (as the *Spaniards* did to the *Indians*) to baptize him perforce, by throwing him over-board; at which time it had been no hard Matter to have pronounced the Sacramental Words of Baptism, and afterwards a Dirge for his Soul, and so enable him to take, or go to, Heaven by Violence. But the obstinate *Jew* doted on *Moses* and the World too well, to be so converted; so that being stronger of the two, he had almost *man fluss* him with *Moses* Law the same way: endeavouring to do to the Priest as he had thought to have done to him. What might not the Zeal of this Priest have done, had he had but as much Power as Zeal?

My Lord High Chancellor hit the Bird in the Eye, when he found out the Cause of all our Distempers to arise from the Clergy; which the Parliament also reflected on, and the King's Council in some of their late Pleasings. For they that should be the Messengers of the Gospel of Peace, have too too often used the Pulpit as a Drum, and lifted up their Voice as a Trumpet of War. And some Histories have recorded the Tribe of *Levi* for the grand Incendiaries of the World. Fire and Sword being the chief Instruments of their legal Sacrifice; yet to woud they them as not to enter into the Judgment-Hall for fear of defiling, nor put any Man to Death; they said it was not lawful. But if *Pilate* would not Crucify their own King to satisfy (not their Reason) but their Tantal and Malice, they cried out, He was none of *Caesar's* Friends; they would lay *Treason* to his Charge.

The Gospel of Peace is not proclaimed by Cannon Law with Drum and Trumpet. The way to save Men is not to beat nor kill them; the way to make them believe as they believe, is not to deprive them of the Use of Sense, Reason and Conscience. *Balaam's* Ass will rise up in Judgment against such Bible-hil'd Preachers, *such Wood and Iron Men*; for he convinced his Master by Reason, whilst the Malice of the Prophet used all his Force to cudgel his Ass to go on, to both their Destructions. They that will live in Peace must suffer others to live in Peace also. How like an Angel of God did our King speak, when his Majesty profel his singular Moderation by a Parable,

*Why should I be angry with another Man for eating Veal, because I love Mutton?*

The 27th of *July*, 1660, p. 2. His Majesty was pleased to acknowledge, that he owed his being there to *God's* Blessing upon the Intentions and Resolutions he then express'd to have at *Breda*. And the Lord Chancellor, *Sept*. 13,

1660, notes how *Gravins* laments the violent Contentions in the Debates of Christian Religion, whilst every one pretends to all the Marks of the true Church, except that which is inseparable from it, *Charity to one another*.

How do these Speeches call Shame upon some late Transgressions? Do not the Prisons cry out? Do not many faithful Subjects flink in Holes and Corners, for no other Cause, but because they are so?

When my Lord High Chancellor mentions the Whirlwind that blew those out of the World, that *counted Bishops*; that they might be out of Capacity of doing more mischief; he adds an Exception; unless we practice their Vices, and do that ourselves, which we pretend to detest from.

It is not fit for me to turn Informer to your Honours. You have *Argus*'s Eyes, and *Briarion's* Hands.

All Animosities of Subjects point at his Majesty. The Peculiarities of one Sort against another, contracts the Royal Interest, if it incline to either Party, and makes it extantive; and when 'tis so, the Balance overturns.

The Body Politic suffers Pain when Members are out of joint, when Servants ride on horseback, and Princes go on foot; when private Spirits are in public Places, and public in private; when the Unlearned preach, and the Learned are bid to hold their tongues.

I would not neglect nor provoke any Party to try their Strength. A Captain of all Beggars, Knaves and Fools, might soon be formidable to greater Kings, especially when they can lay claim to *Salus Populi* and *Liberty of Conscience*, which, when *Cromwell* had principled his Soldiers with, he bodied he never lost a Battle after. *Liberty of Conscience* is a Weapon of many Points and one Handle, which when Magistrates let go, he that first catches hold of it unites all Interests against that single One that is oppos'd, and cuts all Oaths and human Obligations in Pieces.

'Tis as possible to contract a wife Man into the Capacity of a Fool, as to sublime a Fool into the Understanding of a wife Man. And as in a multitude of Councillors there is Safety, so in a Hubub of Fools there is nothing but Danger and Confusion.

*Charity* mistakes, *trust no greatness Cruelty*, and misgrounded *Love*, to mortal Hatred. *When they cannot judge, they'll kill*.

I would have no Plea for Liberty of Sin; for to the *Sword* of the Magistrate would be *lance* in vain, and there were an End of all Human Society. But if your Honours grant *Liberty of Conscience*, you yourselves know what you give.

The King hath summoned you for his Grand Council. It concerns your Honours to epouise the King's Interest, not to be King of *this or that Party*, but to be King of all. It concerns your Honours to take in all Interests of the People; for you are not supposed a Representative of *some* of his Majesty's Subjects, but of all.

If Parliaments should thus flatter his Majesty's Interest and their own into the *Mirage* of Single Parties, might not his Majesty find it as necessary, to have (so to many Parliaments as Kingdoms) but as many Parliaments as Religions, and as Professions? And would not Parliaments in time grow a Grievance? and the People find it more convenient to cast themselves at his Majesty's Feet, desiring him to do with them what he pleased, rather than bind up his Majesty by a Law to that which the Goodness of his own Nature, and Greatness of his Office would else never incline to, but abhor?

I do but reason the Case. None will be angry with Reason, unless he be angry that *God* made him a Man; but your Honours are call'd to greater Things. Be as large as your Trust, expansive as Heaven over all; and if your Honours think good to meddle with Matters of Religion, do somewhat worthy his Majesty, and great a Senate, to amaze the World; to awaken all *the* (like the *Leff Trump*) from the Lethargy of *Lazarus*; and bid the Deadness of *spiritual Ignorance*: Do that, which never yet was attempted!

Call a *univocal Assembly*; *not Birds* of a Feather! we have had too much of that already. An Assembly of *Turks*, would make us all *Turks*. An Assembly of *Isidors*, all *Isidors*. — It leaves all Men distressed, and injures all but themselves, *not having heard all Parties*. *Quicquid iudicis (parta) iudicabitur; equum licet iudicet, Iniquis censeat op*.

— Nor can they benefit themselves beyond their own low Principles; and so return, not better informed, but more hardened in Unbelief; self-will'd, self-concerned, and thereby necessitated to stir up such Magistrates as they can allure and delude to their Party, to maintain and promote that by the *Sword*, which they could not do by *Reason*, or *Divine Authority*.

Call therefore a free and universal Assembly (by what Name your Wisdoms shall best like of.) All that will come, let them come, and drink of the Waters of Life freely: For all Men have *some Reason*, no Man all. So may you translate the Proverb of, *Asking Councils is as of Babel*; and Men



A. D. 1665.

ember, in which you may see I am willing to set Bounds to the Hopes of some, and to the Fears of others; of which when you shall have examin'd well the Grounds, I doubt not but I shall have your Concurrence therein. The Truth is, I am in my Nature an Enemy to all Severity for Religion and Conscience, how mistaken soever it be, when it extends to capital and sanguinary Punishments, which I am told were begun in *Papist* Times.

But let me explain myself, lest some mistake me herein, as I hear they did in my Declaration: I am far from meaning by this a *Toleration*, or qualifying them thereby to hold any Offices or Places in the Government; nay further, I desire some Laws may be made to hinder the Growth and Progress of their Doctrines. I hope you have all good an Opinion of my Zeal for the *Protestant Religion*, as I need not tell you I will

not yield to any therein, not to the Bishops themselves, nor in my liking the *Uniformity* of it, as it is now establish'd; which, being the Standard of our Religion, must be kept pure and uncorrupted, free from all other Mixtures: And yet, if the *Dissenters* will demean themselves peaceably and modestly under the Government, I could heartily wish I had such a Power of *Indulgence*, to use upon Occasions, as might not needlessly force them out of the Kingdom, or staying here, give them Cause to conspire against the Peace of it."

But, on this Head, they were deaf to the Voice of the Charmer. The Cry of *Popery* was gone forth, and that Spirit was now rais'd, which no Counter-Spell could ever lay, while either of the two Royal Brothers sat upon the Throne.

This Spirit first appear'd in the House of Commons; where an (*u*) Address was present'd

A. D. 1665.

will come from far, to hear *Wisdom* as of *Solomon*. *Newly* will invite some, *Ambition* others, *Fear* many, and *Truth* all. And all the World will own themselves oblig'd to his Majesty and this Parliament for so universal and so good a Design.

*Truth* seeks no *Coroners*. *Truth* cannot be afraid of *Falshood*; nor will she be brib'd by any *Mahomet*, nor equivocate for the *Pope*; she will not be partial for *Luther*, nor subscribe to *Calvin*. *Episcopacy* and *Presbytery* may safely appeal, the will do them both *Right* and *Wrong*.

*My Lords and Gentlemen*. You have heard the Mind of *God*, you have heard the Mind of *legals*, you have heard the Mind of *Kings* and *good Men*; and you have in print his Majesty's *Gracious Speech*, recorded by my Lord High *Chancellor*, for *Peace* and *Liberty*.

*God* and the King have seated you in the supreme Place of Judicature of this Nation. You are among the *Gods*. The Scripture saith also, you are *Gods*. You judge for *God*. Be so; do so. Do not die like Men. Give forth your Sentence freely as *Gods*: For it is not Government can establish Righteousness; but *Righteousness* establisheth the Throne of Government. [Out of the *Harleian* Collection.]

[1] Which was founded upon the following previous Resolutions:

Resolved, upon the Question, *semice contradietis*,

That the humble Thanks of this House be returned to the King's Majesty, for his Condescension in the Observation of the Act of Indemnity.

That the humble Thanks of this House be returned to the King's Majesty, for his Profession against introducing a Government by a military Power.

That the humble Thanks of this House be returned to his Majesty for his gracious Invitation to this House to prepare some Laws against *Licentiousness* and *Impiety*; and also to provide *sumptuous* Laws, and Laws for the Advance of *Trade*, and for his Majesty's gracious Expressions to retrench the Charge and Expenses of his own Family.

That it be presented to the King's Majesty as the humble Advice of this House, That no *Indulgence* be granted to the *Dissenters* from the Act of Uniformity.

That a Committee be appointed to collect and bring in the Reasons of this House for this Vote upon the present Debate, to be presented to his Majesty; and that the nominating of the Committee be adjourn'd till to-morrow Morning.

Resolved, That, in the Case of the said Resolves it be added, That this House will assist his Majesty with their *Lives* and *Fortunes*.

The Address itself was as follows:

"It is with extreme Unwillingness and Reluctancy of Heart, that we are brought to differ from any thing which your Majesty has thought fit to propose: And tho' we do no way doubt, but that the unreasonable Dissemblers of Men's Spirits, and the many *Scandals* and *Conspiracies* which were carried on, during the late Intervals of Parliament, did necessarily incline your Majesty to endeavour by your Declaration to give some *Ally* to those ill Humour, till the Parliament

assembled; and the Hopes of *Indulgence*, if the Parliament should consent to it; especially seeing the Pretenders to this *Indulgence* did seem to make some Title to it, by virtue of your Majesty's Declaration from *Breda*: Nevertheless, we your Majesty's most dutiful and loyal Subjects, who are now return'd to serve in Parliament, from those several Parts and Places of your Kingdom, for which we are chosen, do humbly offer to your Majesty's great Wisdom, That it is in no sort advisable that there be any *Indulgence* to such Persons, who presume to dissent from the Act of Uniformity, and the Religion established. For these Reasons: We have considered the Nature of your Majesty's Declaration from *Breda*, and are humbly of Opinion, That your Majesty ought not to be prevail'd with it any further; 1. Because it is not a Promise in it itself, but only a gracious Declaration of your Majesty's Intentions, to do what in you lay, and what a Parliament should advise your Majesty to do; and no such Advice was ever given or thought fit to be offered; nor would it be otherwise understood, because there were Laws of *Uniformity* then in being, which could not be dispens'd with, but by Act of Parliament. 2. That you do pretend a Right to that supposed Promise, put the Right into the Hands of their Representatives, whom they chose to serve for them in this *Parliament*, who have rais'd, and your Majesty consented to, the Act of *Uniformity*: If any shall presume to say, That a Right to the Benefit of this Declaration doth still remain after this Act passed. 3. It tends to dissolve the very Bonds of Government, and to suppose a Disability in your Majesty and the Houses of Parliament, to make a Law contrary to any Part of your Majesty's Declaration, tho' both Houses should advise your Majesty to it.

We have also consider'd the Nature of the *Indulgence* propos'd, with reference to those Consequences which must necessarily attend it. 1. It will establish *Schisms* by a Law, and make the whole Government of the Church precarious, and the Centres of it of no Moment or Consideration at all. 2. It will no way become the Gravity or Wisdom of a Parliament to pass a Law at one Session for *Uniformity*, and at the next Session [the Reason of *Uniformity* consisting still the same] to pass another Law to frustrate or weaken the Execution of it. 3. It will expose your Majesty to the restless Importunity of every *Sect* or *Opinion*, and of every single Person also, who shall presume to dissent from the Church of *England*. 4. It will be a cause of increasing *Sects* and *Scandalous*, whose Numbers will weaken the true *Protestant* Profession so far, that it will at last be difficult for it to defend itself against them: And, which is yet farther considerable, those Numbers, which by being troublesome to the Government, and those can arrive to an *Indulgence*, will, as their Numbers increase, be yet more troublesome, that so at length they may arrive to a general *Toleration*, which your Majesty hath declared against; and in time, some prevalent *Sect* will at last contend for an *Establishment*; which, for ought can be foreseen, may end in *Popery*. 5. It is a thing altogether without Precedent, and it will take away all means of convicting *Recusants*, and be inconsistent with the Method and Proceedings of the Laws of *England*. Lastly, It is humbly conceiv'd, that the *Indulgence* propos'd will be so far from tending to the Peace of the Kingdom, that it is rather likely to occasion great Disturbance: And on the contrary, That the asserting of the Laws, and the Religion established, according to the

A. D. 1663

par'd and agreed to, which very clearly intimated, that they were of a very different Opinion from his Majesty, with respect to the *dispensing Power*, and that he was never likely to be authoris'd by them to grant an Indulgence upon any Occasion, nor to any Sect whatever.

Representation of both Houses.

This Address was follow'd with a joint Representation of both Houses, in which they express'd their Apprehensions of the Growth of Popery, from the great Refort of Jesuits and Popish Priests into this Kingdom; and became humble Suitors to his Majesty, for a Proclamation to command all Jesuits, and all English, Irish and Scots Popish Priests, and all such other Priests as had taken Orders from the See of Rome, or by Authority thereof, except such (v) FOREIGN Priests, as by Contract of Marriage were to attend the two Queens, or by the Law of Nations to attend foreign Ministers, to depart the Kingdom by a certain Day, or undergo the Penalties of the Laws.

The King's two Answers.

To this the King was pleas'd to return Two Answers; one by Word of Mouth, and one in Writing. In the first, having said, "It may be, the general Jealousy of the Nation hath made this Address necessary." He adds, "I confess, My Lords, and Gentlemen, I have heard of one Jealousy, which I will never forgive the Authors of; That I was offended with the Parliament to that Degree, that I intended to dissolve it." And again, to the Commons, "I am willing to take this Occasion to give you my particular

Thanks, for your great Kindness in taking hold upon an easy Intimation, rather than an Invitation, from me, to enter upon the Consideration of my Revenue. It was kindly done, and I shall never forget it."

In the written one, he declares himself to be not a little troubled, that his Lenity and Condescensions towards many of the Popish Persuasion (which were but natural Effects of his Generosity and Good-nature, after having liv'd so many Years in the Dominions of Roman-Catholic Princes; and out of a just Memory of what many of them had done and suffer'd in the Service of his Royal Father of blessed Memory, and of some eminent Services perform'd by others of them, towards his Majesty himself in the time of his greatest Affliction) have been made so ill Use of, and so ill deserv'd, that the Refort of Jesuits and Priests into this Kingdom hath been thereby increas'd: with which his Majesty is, and hath long been, highly offended. And therefore his Majesty readily concurs with the Advice of his two Houses of Parliament; and hath given Order for the preparing and issuing out such a Proclamation, as is desired.

And now the Door being again shut upon the Nonconformists, the House resum'd the Consideration of the Revenue, which, notwithstanding the Addition, granted last Session, the Money arising from the Sale of Dunkirk, and the 200,000 Crowns receiv'd from France, for the Portugal Service, was still found (w) wanting. But the Business mov'd

A. D. 1663.

The Revenue again taken into Consideration.

All of Uniformity, is the most probable means to produce a settled Peace and Obedience throughout your Kingdom: Because the Variety of Professions in Religion, when openly indulg'd, doth directly distinguish Men into Parties, and withal gives them Opportunity to count their Numbers; which, considering the Animosities that out of a religious Pride will be kept on Foot by the several Factions, doth tend directly and inevitably to open Disturbance. Nor can your Majesty have any Security, that the Doctrine or Worship of the several Factions, which are all govern'd by a several Rule, shall be consistent with the Peace of your Kingdom. And if any Person shall presume to disturb the Peace of the Kingdom, we do in all Humility declare,

That we will for ever, and on all Occasions, be ready with our utmost Endeavours and Assistance to adhere to, and serve your Majesty, according to our bounden Duty and Allegiance."

In his Answer to this Address the King signified, That he had been much misanderstood.

(r) Such a Proclamation was accordingly published; only the Word Foreign, was omitted, where the Queens were left at Liberty to protect all those Priests of his Majesty's Subjects, which the Parliament design'd to banish. This came them out of Humour. *Life of James the first Duke of Ormond, by T. Carte, A. M. p. 271.*

(w) That is to say, according to the following Estimate, which was made the preceding Year, and is called, as his Majesty's true and true an Estimate as can be made of the King's Revenues:

RECEIPTS.	l.	ISSUES.	l.
Customs, — — — — —	450,000	Navy with Stores and Ordnance, — — —	600,000
Sacrie, — — — — —	400,000	Guards, — — — — —	120,000
Crown Lands, — — — — —	100,000	Home Garrisons, — — — — —	80,000
Post-Office in Farm, — — — — —	21,500	Dunkirk, — — — — —	113,000
Wine Licences, — — — — —	15,000	Tonger, Jamaica, and East Indies, — — —	100,000
Fish Fruits and Tenth, — — — — —	18,814	Household and Stables, — — — — —	150,000
Coal, — — — — —	8,000	Treasurer of the Chamber, — — — — —	30,000
Dean Forest, — — — — —	1,000	Band of Pensioners, — — — — —	6,000
Alienation, — — — — —	3,000	Robes, — — — — —	6,000
Hanaper, — — — — —	4,000	Works, — — — — —	10,000
Post-Fines, — — — — —	1,000	Embassadors and their Intelligence, — — —	30,000
Green-Wax, — — — — —	1,000	Privy Purse, — — — — —	10,000
Illas of Jurors, — — — — —	1,000	Duke of York, — — — — —	40,000
Aubage, — — — — —	1,000	Presents to Embassadors, — — — — —	10,000
Butterage, — — — — —	500	Judges and Justices, — — — — —	12,000
Faculties, — — — — —	300	Secretaries of State and Intelligence, — — —	4,000
Ballast-Office, — — — — —	600	Angel-Gold (for the King's Evil) — — —	5,000
Coinage and Preemption, — — — — —	12,000	Pensions and Fees for Servants, — — — — —	20,000
		Queen Mother, — — — — —	35,000
	1,058,711	Queen Consort, — — — — —	40,000
Heath-Money, — — — — —	162,882	Queen of Bohemia, — — — — —	12,000
		Prince Rupert, — — — — —	4,000
	1,221,593		
			1,437,000

This Estimate was taken from the noble Collection of MSS. in twenty-two Volumes in Folio relating to the Revenue

and Exchequer, compiled by Charles Montagu, Lord Halifax, first Lord of the Treasury, and Chancellor of the Exchequer,

A. D. 1663.  
The Commons  
out of Humour.

mov'd heavily. The Attempt upon the Uniformity Bill, the placing Sir Henry Bennet a (suspected Papist) in the Secretary's Office, and the removing the Earl of Middleton, in Scotland, in order to make Room for the Earl of Rothes, who was govern'd in all things by Lauderdale, a known Presbyterian, had put the House out of Humour. They desir'd the King to make no Grant nor Contract, with relation to the Post-office, till they should have inspected the same; that no Impositions should be laid, or continu'd in Scotland or Ireland, on the woollen or other Manufactures of England, to discourage the Vent of them; that he would recal his Proclamation, which forbid the Exportation of Geldings; that no Consuls should be any where appointed, but at the Desire of the Merchants, nor unless supported at their Expence; and that he would issue his Proclamation for the punctual and effectual Execution and Observance of the Act of Navigation, without any Dispensation or Contrivance whatever; and to recal such Dispensations as had been already granted, &c.

They likewise resolv'd, That the undue Execution of the Commissions issued for the Discovery of Lands gained from the Sea, was a Grievance; and that his Majesty be humbly (x) desir'd to forbear to pass any farther Grants upon the Commissions so unduly executed.

The King's Affection to Parliaments did not arise from the Pleasur he took in hearing their Complaints. It was then no more a Secret than it is at present, that the giving Money was abundantly the most acceptable of all their Services: In order therefore to give the Session its proper Bias, the King summon'd his Friends, the Commons, to the Banqueting-house, where, after a great many sweetening Expressions, by way of Introduction, he came to the Point as follows:

"You cannot take it amiss (you shall see as much Freedom with me) that I tell you, there hath not appear'd that Warmth in you of late, in the Consideration of my Revenue, as I expected, as well from some of your Messages, as my own Confidence in your

Care and Kindness. It hath been said to myself, that it is usual for the Parliament to give the Crown extraordinary Supplies, upon emergent Occasions; but not to improve the constant Revenue of the Crown. I wish, and so do you, that nothing had lately been done in and by Parliaments, but what is usual: But, if ill Parliaments contrive the Ruin and Disinheritance of the Crown, God forbid but good Parliaments should repair it, how unusual soever it is. If you yourselves had not, in an extraordinary Manner, improv'd my Revenue, the Government could not have been supported; and if it be not yet improv'd to the Proportion you have design'd, I cannot doubt but you will proceed in it with your old Alacrity. I am very well contented that you proceed in your Inspection; I know it will be to my Advantage, and that you will neither find my Receipts so great, nor my Expences so exorbitant, as you imagine: And for an Evidence of the last, I will give you an Account of the Issues of the Twelve hundred thousand Pounds you so liberally gave me; one Penny whereof was not dispos'd, but upon full Deliberation with myself, and by my own Order, and, I think you will all say, for the public Service. But, Gentlemen, this Inquisition cannot be finish'd in the short time we can now conveniently stay together: And yet if you do not provide, before we part, for the better paying and collecting what you have already given me, you can hardly presume what it will amount to. I must deal plainly with you (and I do but discharge my Conscience in that Plainness) if you do not, besides the improving my Revenue in the Manner I have recommended to you, give me some present Supply of Money to enable me to struggle with those Difficulties I am press'd with, I shall have a very melancholic Summer, and shall much apprehend the public Quiet.

You have heard, I presume, of the late (y) Design in Ireland, for the Surprize of the Castle of Dublin, which was spread all over that Kingdom, and many Parliament-Men were engag'd in it. There is an absolute Necessity that I forthwith send over a (z) Sum

King's Speech  
to them at the  
Banqueting-  
House.

Exchequer, in the Reign of King William; and communicated to the Author, with the utmost Frankness and Generosity, by D. Meckercher, Esq; to whom it at present belongs.

N. B. In the above Estimate, the Customs and Excise are said to be overcharg'd 300,000*l*.

On the other Hand, a Saving had arise on the	} 113000
Article of <i>Dankirk</i> , to the Amount of — — — — —	
Guards and Garrison, which the House then took	} 200000
no Cognizance of, — — — — —	
	} 313000

(x) His Majesty's Answer was as follows:

CHARLES II.

"His Majesty believes, that all Commissions which have been used since his Return, for Discovery of Lands gained from the Sea, have been well deliberated upon by the Ministers of the Revenue, and that the same are issued out regularly; but if there has been any Irregularity or Mischarge in the Execution thereof, his Majesty is well content, that all such, who have been guilty of the same, should be strictly prosecuted, and severely punished. And as his Majesty doth not believe, that many, if any, Grants have been pass'd by his Majesty upon such Commissions, in the Consideration whereof, his Majesty hath taken some Pains, and heard any Persons who have objected against the same, to be well not pass any such Grants,

but upon very good Deliberation, and Assurance from his

his Council at Law, that such Grants are very Legal.

(y) Of all the Plots of these Times, this seems to deserve the most Credit, as being supported with the most clear, explicit, and concurring Evidence. It took its rise from the Discontents which arose in that Kingdom, as well from the Act of Uniformity, as from the Decisions of the Commissioners, who were appointed by the King, to execute the Act of Settlement; and who were thought to favor too much Invoice to the Claimants, who were Irish Papists, and too much Prejudice against the Possessors, who were English Protestants, tho' not all after the Mode of the Church of England. See a circumstantial Account of this intricate Affair, in the Life of James the first Duke of Ormond, by Thomas Carte, M. A.

(z) However embarrass'd the King is here pleas'd to represent his Circumstances to be, we find the following Passage in a Letter from Mr. Secretary Bennet, to the Duke of Ormond, dated June 27, 1663, which likewise serves to confirm that Passage of B. Burnet's, before quoted, which says, that all the Money arising from the Sale was immediately squander'd on the Mistress's Creatures.

"His Majesty, at a Meeting Yesterday at my Lord Treasurer's, declar'd his Intention to take out of his retir'd Money in the Tower 60000*l*. and to send it presently to you in specie, if you shall think fit: to that, by the next,

A a

your



A. D. 1665.

very contrary to my Desires. I do pray heartily, that the Effect of this Day's Conversation may be the renewing of our Confidence in each other, and raising our joint Reputation, which will be our strongest Security, with God's Blessing, the Kingdom can have for its Peace, Plenty, and full Prosperity: And, upon my Word, you shall have great Comfort in what you shall do for me, upon this very earnest and hearty Recommendation."

Fair Words, in this Reign, appear to have had the same Effect, that more weighty Considerations have produced since. The Commons had no sooner given Ear to this inveigling Discourse, than they open'd their Purse, tho' not so liberally as before, and gratify'd his Majesty with Four Subsidies, for his present Supply: They likewise prepar'd an Act for the better Ordering and Collecting the Duty of Excise, and preventing the Abuses therein; a second, for the Recovery of the Arrears of Excise; and a third, for the better Ordering and Collecting the Hearth-Money Duty. They likewise yet farther strengthen'd his Majesty's Hands with respect to the (b) Militia, subject however to the following wholesome Restriction, That any Troop, Company, or Soldiers, may be kept upon Duty Fourteen Days, and no longer, in any one Year; and they oblig'd all *Scholar-Vestrymen* to make and subscribe the Declaration and Acknowledgment enjoin'd in the (c) Act of Uniformity: They likewise made their Court to the presumptive Heir, by

They grant him four Subsidies.

complimenting him with the Entail of the Post-Office, and Wine-Licenses, and thereby rendering him independent of his Brother: And what was most of all to their Honour, they set themselves in earnest to improve Tillage, promote Industry, and extend Commerce. But tho' they were on a right Pursuit, they sometimes mis'd their Way. In particular, the Clause, in the Bill for the Encouragement of Trade, which prohibited the Importation of Cattle from Ireland, was inexorable; for it was equally selfish, oppressive, and impolitic; selfish, in that it arose from a Notion, that the Introduction of Irish Cattle lower'd the Price of their own; oppressive, in that it reduc'd the Inhabitants of that Kingdom to the most calamitous Condition, by foreclosing their only Market for their only Wealth; and impolitic, since it destroy'd the Spring of all the Commerce between the two Nations: For, without the Profits upon their Cattle, the Irish could not supply themselves with the Manufactures of England.

While these Things were transacting in one House, the Cabal against the Chancellor, which consisted of the Queen Mother, the favourite Milzels (Cleveland), the Earl of Bristol, and (d) probably of Secretary Bennet, came to a Resolution to attack him openly in the other. No doubt the Motive was their own particular Interests and Resentments; but the Pretence was Male-administration, under the following Heads:

1. That being in Place of highest Trust and

Articles against the Earl of Cleveland by the Earl of Bristol.

Mr. Speaker, I am a Catholic of the Church of Rome, but not of the Court of Rome; no Negotiator there of Cardinals Caps for his Majesty's Subjects and Domestics, a true Roman-Catholic as to the other World, but a true Englishman as to this: Such a one, as had we a King inclin'd to that Profession, as, on the contrary, we have one the most firm and constant to the Protestant Religion, that ever sat upon the Throne) I would tell him as freely as the D. of Sully, being a Protestant, told his Grandfather Henry IV. That, if he meant to be a King, he must be a constant Professor and Maintainer of the Religion established in his Dominions. Believe me, Gentlemen, *Roman-Catholic* as I am, there is no Man among you all more thoroughly persuaded than I am, that the true Pillars that can uphold this Monarchy must ever be the Maintenance of the Subjects just Rights and Liberties, and the careful Preservation of that State Ecclesiastical, whereof his Majesty is the supreme Governor; and I do clearly profess, that should the Pope himself invade that Ecclesiastical Right of his, I should as readily draw my Sword against him, as against the late Ufurper.

Mr. Speaker, one Prejudice more I am under, which ought to have great Weight added with this Honorable House, if there were real Ground for it; and that is, that the Earl of Bristol is one of those, who, by the vast Gifts that he hath got of the King, hath, in part, contributed to the Greas of the People, to find their King in such Necessity, after such unexampled Charges laid upon the Subjects for his Supplies. It is true, Mr. Speaker, that tho' I have neither Offices to keep, nor Offices to sell, his Majesty's Gifts to me have been great, in proportion to my Merit, which is none. For in serving and suffering for him with Faithfulness, I did but my Duty, which carries a Reward with itself, enough to raise a Comfort to me, from the very Ruin of my Fortune. It is also true, I have had the Satisfaction from his Majesty, that he never refus'd me any thing I ask'd him for myself. But I hope I shall make it appear also, that I have not only been a very modest Asker, but also a most careful one, to ask nothing considerable, but what carried Advantage with it, as well to his Majesty's Interest as my own. I know well, Mr. Speaker, that with so kind and so generous a Nature as our King is, there may be an ill Proposition of Bounty to Merit, and consequently the Languages and Kindness of his Royal Heart that way, may have contributed much to the present Straghts he is in. Happy is the Nation that hath nothing to fear for the Public, but from the Virtues of their Prince. It is your proper Work, Gentlemen, to re-

duce the Effects of them to a right Temperament, by your prudent Inspection; and may you begin it with all my Concomitants, which I most readily lay at your Feet, humbly begging of you to appoint a Time, when I may display them all faithfully before you; in hopes that so Man, who hath been a Parraker of his Majesty's Bounty, will prove himself unworthy of it, as not to follow the Example."

(8) In this supplemental Act is the following strange Provision: Provided, and be it further enacted by the Authority aforesaid, That one Clause contain'd in a certain Act, entitled [an Act for declaring the sole Right of the Militia to be in the King, and for the present ordering and disposing the same] and made for the indemnifying of all Persons acting in the Militia, from the 22th of June, 1660, to the 20th of July, 1661, as touching the seizing, detaining, or imprisoning any Person suspected to be a Fanatick, Sedition, or Disturber of the Peace, or seizing of Arms, or searching of Houses for Arms, or for suspected Persons, shall be construed to take Effect; and shall be good and effectual in Law for the indemnifying all Persons whatsoever acting in the Militia of this Kingdom for any of the Matters aforesaid, except the second of February, 1659, and the 20th of June, 1660, inclusive, by virtue or colour of any Authority or Command whatsoever, any thing in the said Act, or any other Act to the contrary thereof in any wise notwithstanding.

(c) Relating to the traitorous Position, as 'tis called, of taking Arms against the King, upon any Pretence whatsoever; and the renouncing the Solemn League and Covenant.

(d) In a Letter from Mr. Secretary Bennet to the Duke of Ormond, dated July 18, 1665, we have the following Passage:

"This unhappy Attack of my Lord of Bristol upon my Lord Chancellor, hath delay'd the Reces of the Parliament, and, however it ends, will, I fear, be follow'd by all Accidents." *Miscellaneous* vol. p. 297. Now from hence it might be conjectured that Bennet was not concern'd in this unhappy Attack. But the contrary can scarce be doubted, when it is recollected that he ow'd his Preference to the Importunities of this Cabal in his Favour; and that he had no other Support than their Interest; as likewise, that the Duke of Ormond was the Chancellor's best Friend; and that therefore it would have been to the last degree impolitic in the Secretary, to have explain'd his own concern in that Affair.

A. D. 1665.

and Confidence with his Majesty, and having arrogated a supreme Direction in all his Majesty's Affairs, both at home and abroad, he had traitorously and maliciously endeavour'd to alienate the Hearts of his Majesty's Subjects from him, by Words of his own, and by artificial Insinuations of his Creatures and Dependants, that his Majesty was inclin'd to *Popery*, and had a Design to alter the Religion establish'd in this Kingdom; and by upholding Discourses with several Persons of his Majesty's Privy Council, to this Effect, *viz.*

That his Majesty was dangerously corrupted in his Religion, and inclin'd to *Popery*.

That Persons of that Religion had such Access, and such Credit with him, that, unless there were a careful Eye had unto it, the Protestant Religion would be overthrown in this Kingdom.

That his Majesty had given Ten thousand Pounds to remove a zealous Protestant (Secretary *Nicholas*) that he might bring into that Place of high Trust a concealed Papist (Sir *Henry Bennet*); notwithstanding, that the said Sir *Henry Bennet* is known to have ever been, both in his Profession and Practice, constant to the Protestant Religion.

That several near Friends, and known Dependants of his, have said aloud, *That were it not for my Lord Chancellor's standing in the Gap, Popery would be introduced in this Kingdom, or Words to that Effect.*

That he hath not only advised and persuaded the King to do such Things, contrary to his own Reason and Resolutions, as might confirm and increase the Scandal, which he had endeavour'd to raise upon his Majesty as aforesaid, of his Favour to *Popery*, but more particularly to allow his Name to be used to the *Pope* and several Cardinals, in the Solicitation of a (c) Cardinal's Cap for the Lord *Aubigny*, one of his own Subjects, and great Almoner at present to his Royal Consort the Queen.

That he had recommended to be employ'd to the *Pope* one of his Domesticks, Mr. *Richard Bealing*, a Person (tho' an avow'd Papist) known to be trusted and employ'd by him in Dispatches and Negotiations, concerning Affairs of the greatest Concernment to the Nation.

That he hath promised to several *Papists*, he would do his Endeavour, and said he hoped to compass the taking away all penal Laws against them; which he did in pursuance of the traitorous Design aforesaid, to the End they may presume and grow vain upon his Patronage, and by their publishing their Hopes of a *Toleration*, increase the Scandal endeavour'd by him, and by his Emisaries, to be raised upon his Majesty throughout the Kingdom.

That being intrusted with the Treaty between his Majesty and his Royal Consort the Queen, he concluded it upon Articles scandalous and dangerous to the Protestant Religion.

That he brought the King and Queen to-

gether, without any settled Agreement in what Manner the Rites of Marriage should be performed, whereby the Queen refusing to be married by a Protestant Priest, in case of her being with Child, either the Succession should be made uncertain for want of the due Rites of Matrimony, or else his Majesty to be exposed to a Suspicion of having been married in his own Dominions by a *Romish* Priest; whereby all the former Scandals endeavour'd to be raised upon his Majesty by the said Earl, as to point of *Popery*, might be confirmed and heighten'd.

That having thus traitorously endeavour'd to alienate the Affections of his Majesty's Subjects from him, upon the score of Religion, he endeavour'd to raise unto himself the popular Applause of being the zealous Upholder of the Protestant Religion, and a Promoter of new Severities against *Papists*.

That he had vented, in his own Discourse, and by the Speeches of his nearest Relations and Emisaries, opprobrious Scandals against his Majesty's Person and Course of Life; such as are not fit to be mentioned, unless Necessity, in the way of Proof, shall require it.

That he had traitorously endeavour'd to alienate the Affections of his Highness the Duke of *York* from his Majesty, by suggesting to him Jealousies, as far as in him lay, and publishing abroad by his Emisaries, that his Majesty intended to legitimate the Duke of *Monmouth*.

That he had wickedly and maliciously, contrary to the Duty of a Privy Counsellor, of *England*, and contrary to the perpetual and most important Interest of this Nation, persuaded his Majesty, against the Advice of the Lord General, to withdraw the *English* Garrisons out of *Scotland*, and to demolish all the Forts built there at so vast Charge to this Kingdom.

That his Majesty having been graciously pleas'd to communicate the Desires of the Parliament of *Scotland*, for the Removal of the said Garrisons, to the Parliament of *England*, and to ask their Advice therein, the said Earl of *Clarendon* not only persuaded his Majesty actually to remove those Garrisons, without expecting the Advice of his Parliament of *England* concerning it, but did, by Menaces of his Majesty's Displeasure, deter several Members of Parliament from moving the House, as they intended, to enter upon Consideration of that Matter.

That he had traitorously and maliciously endeavour'd to alienate his Majesty's Affections and Esteem from his Parliament, by telling his Majesty, that *there was never so weak and inconsiderable a House of Lords, nor never so weak and so heady a House of Commons, or Words to that Effect*; and particularly, that *it was better to sell Dunkirk, than to be at their Mercy for Wants of Money, or Words to that Effect.*

That he hath wickedly and maliciously, contrary to his Duty of Counsellor, and to a known Law made last Sessions, by which Money was given, and particularly applied, for

(c) There were two other Articles in Aggravation of this Proceeding.

for the maintaining of *Dunkirk*, advised and effected the Sale of the same to the *French King*.

That he hath, contrary to Law, enriched himself and his Treasurers by the Sale of Offices.

That, contrary to his Duty, he hath wickedly and corruptly converted to his own Use, great and vast Sums of public Money raised in *Ireland* by way of Subsidy, private and public Benevolences, and otherwise given and intended to defray the Charge of Government in that Kingdom. By which means, a supernumerary and disaffected Army hath been kept up there, for want of Money to pay them off; occasion'd, it seems to be, because of the late and present Distempers of that Kingdom.

That having arrogated to himself a supreme Direction of all his Majesty's Affairs, he hath, with a malicious and corrupt Intention, prevail'd to have his Majesty's Customs farm'd, at a far lower Rate than others do offer, and that by Persons, with some of whom he goes a Share, in that, and other Parts of Money resulting from his Majesty's Revenue."

These Articles, which contain'd much Truth, and more Malice, were presented to the Peers by the Earl of *Bristol*, who seem to have countenanced it no farther, than to refer it to the Judges; with Directions, that they should consider, Whether the said Charge had been brought in regularly and legally, and whether it might be proceeded in, and how; and whether there was any *Treason* in it or no?

Accordingly, the Word *Misdemeanour* having been omitted, both in the Earl's Charge, and in the Order of the House to the Judges, their Lordships, in Three Days time, gave it as their Opinion, That a Charge of *High Treason* could not be originally exhibited by one Peer against another, unto the House of Peers; that therefore the said Charge had not been regularly and legally brought in; and that, if the Matters alledged in it were admitted to be true, yet there was no *Treason* in it, tho' alledg'd to be traiterously done. With this Opinion of the Judges, the Lords, not excepting the Accuser himself, unanimously concurring, Two Resolutions were form'd thereupon, and enter'd by express Order, *nemine contradicente*.

It appears the Earl was aware of this Decision, and endeavour'd to evade it, by repairing to the Judges at *Serjeants Inn*, while

they had the Affair under Deliberation; and making Enquiry, if they were inform'd, whether he meant it as a Charge, or no? But in this he was disappointed; for, when he offer'd to explain himself, one of them cut him short with saying, *They were ty'd up by their Order*. As his last Resource, therefore, he endeavour'd to divide the House of Peers, on a previous Question, Whether he had deliver'd these Articles as a Charge, or only as an *Information*, for the Matter of a Charge, if their Lordships thought fit to proceed in it; but with no better Success, than before, with the Judges. The *Chancellor*, as yet, continu'd Lord of the Ascendant in both Houses; and a deeper Sense was entertain'd of his Virtues, than his Faults.

It might perhaps be moreover apprehended, that it was not the *Chancellor* who was struck at, but the *Protestant Religion*, and that, to remove one of the chief Pillars might endanger the whole Building.

With respect to the Grounds of the Earl of *Bristol's* peculiar Animosity, most Authors ascribe it to the *Chancellor's* refusing to put the Seal to a Grant in favour of a certain Court Lady, *Cleveland* it may be presum'd, whose Interest the Earl had warmly espous'd. But they lay much deeper: These two Lords had been Rival-Candidates for the King's Favour, and the Power and Influence which are inseparable from it: And if the Reader recollects, that, while the Earl, who was of the *Spanish Faction*, was negotiating a Marriage for the King at the Court of *Parma*, he was supplanted by the *Chancellor* (who fell in with the Interests of *France*, in the Affair of *Portugal*, in order to establish his own) he cannot be at a Loss for a Reason why these two great Men, from fast Friends, became such bitter and irreconcilable Enemies: The Rage of disappointed Ambition being to the full as violent, and much more lasting, than that of disappointed Love.

Upon the Whole, tho' the King did not love the *Chancellor*, he seem'd, as yet, not only concern'd for his Preservation, but displeas'd with the Lord *Bristol*, for endeavouring to conjure up this Storm against him; who thereupon thought it advisable to abscond for a while; either, that he might not have the Mortification of being an Eye-Witness of his Adversary's Triumph, or also, to avoid the Effects of his Resentment.

With this Affair ended the Business of the Session, and the gracious (*f*) Speech at the Prorogation serves to shew, that either the King

Refer'd to the Judges.

Lord Chief Justice Waler's Report.

(f) My Lords and Gentlemen,

"I thank you for the Present you have made me this Day: I hope your Countries will thank you, when you come home, for having done it. I am not conscious of having brought the *Straitness* and *Necessities* I am in upon myself, by any *Imprudence* or *Ill-husbandry* of my own: I know the *Contrary*, and I assure you, I would not have desir'd, or receiv'd the Supply you have given me, if it were not absolutely necessary for the Peace and Quiet of the Kingdom, as well as mine: And I must tell you, it will do me very little good, if I do not improve it by very good Husbandry of my own: and by retrenching those very Expenses, (which in many respects may be thought necessary enough.) But you shall see I will make rather impose upon myself, than you, my Subjects: and if

"all Men will follow my Example in retrenching their Expenses (which it may be they may do with much more Convenience than I can do mine) the Kingdom will in a very short time gain what you have given me this Day. I am very glad you are now going into your several Countries, where your Presence will do much Good: And I hope your Vigilance and Authority will prevent those Disturbances, which the restless Spirits of ill and unquiet Men will be always contriving, and of which, I assure you, they promise themselves some Effects this Summer. There have been more Pains and unusual Ways taken to kindle the old fatal Fevers and Jealousies, than I thought I should ever have liv'd to have seen, at least to have seen to counteract'd. I do desire you, and conjure you, my Lords and Gentlemen, to watch this evil

A. D. 1663. King had very good Intelligence, or that those who induced him to make Prophecies, took care to have them fulfilled; as also, that his Majesty was not above offering some Violence to his Sentiments, in order to gratify the Inclinations of his People.

Foreign Affairs.

With regard to the Foreign Affairs of this Year, those of Portugal had taken a very happy Turn: For when the Spaniards had made themselves Masters of *Ebora*, and struck a Terror into *Lisbon* itself, the Count de *Schomberg*, who commanded the Portuguese, gave them Battle, and, by the invincible Valour of the English Auxiliaries, who, having been bred under *Cromwell*, look'd upon Victory as their Inheritance, entirely defeated them. But, in the Court of England, Glory was not thought worth the Money it cost; and, in that of Portugal, there was not Address enough to make use of the Advantages which were thus gain'd for them in the Field: Weary therefore of the (*g*) Expence of building what the Folly of the Portuguese Ministers from time to time threw down, and perhaps influenced by his new Secretary *Bennet*, who had receiv'd sufficient Provocation to prefer the Interest of his Catholic to that of his most Christian Majesty, King *Charles* began at last to depend less on his Brother of France, and to shew himself more dispos'd to listen to the Offers of Spain.

d'Estades.

It was indeed but natural, that, as the Chancellor's Credit was already in the Wane, and as Lord *Holles*, who was so deep in his Confidence, had been prefer'd to *Bennet*, in the Embassy to Paris, the Secret of Affairs should be diverted into a new Channel.

But, in relation to France, tho' his Majesty no longer submitted all things to her Decision, as before, he, for a while, took all imaginable Care to seem as much at her Devotion as ever: Lord *Holles* had it in Charge to negotiate the Renewal of the Treaty made by *Cromwell*, and to make all the necessary Advances towards it: And his Majesty was farther pleas'd to decide the Affair of Precedency in favour of his most Christian, against the Pretensions of his most Catholic, Brother; which was very carefully made public by the Ministers of the Court, in all the Courts of Europe.

King *Lewis* had however too much Pene-

tration to be long deceiv'd: The Chancellor, sensible that he was no longer the sole Mover, affected a Coldness in the French Concerns; possibly to conceal the Loss of his Power and Credit; and Pretences were made to put off the Conferences with the *Sieur de Cominge*, his Minister at London, till he had made his Entry. From these and the like Circumstances, that Prince very rightly conjectur'd, the English Court had its Reserves; nor was it long before he made himself Master of the Secret.

The Court of Spain, persuaded, no doubt, that the Admission of Sir *Henry Bennet* into the Secretary's Office would operate in its Favour, had privately dispatch'd an Emisary to that of England, with Proposals for a close and intimate Union between the two Crowns; which were so favourably receiv'd, that, before the End of the Year, the Basis of a good Correspondence was laid between the two Courts, and Sir *Richard Fanshawe*, newly return'd from Portugal, was appointed Ambassador to his Catholic Majesty.

This Incident made it necessary for England once more to think of the *States-General*. Even in the Beginning of the Year, his Majesty had shewn a Disposition to come to a good Understanding with *Mr. de Wit*; and of this he had made him all the Professions imaginable; but without Effect: That Minister communicated every thing to *Mr. d'Estades*, who was then Ambassador to the Republic, and took occasion to make his Court to the most Christian King, at his Expence, by declaring, He would rely on the King of France always, on the King of England never.

These Professions of his Majesty were likewise follow'd with a joint Request, both from him and the Princess Dowager, that the States would once again accept of the Tuition of the young Prince of Orange: But it met with a very cold Reception; and *Mr. de Wit* in particular took occasion to say, That, as the States had been once depriv'd of that Trust, he would never advise them to accept of it again.

France and Holland appear, at this time, to have been under the Direction of the same Spirit, and to have co-operated in the same Views. There was almost a thorough Confidence

" Spirit and Temper with your utmost Care and Prudence, and secure the Persons of those whom you find possess'd with it, That the Peace of the Kingdom may not be sacrificed to their Pride, Humour and Madnes.

" I did expect to have had some Bills presented unto me against the several Distempers in Religion, against *schismatical Ceremonies*, and against the *Graveyard of Popery*: But it may be, you have been in some fear of reconciling those Contradictions in Religion in some Conspiracy against the public Peace, to which I doubt Men of the most contrary Motives in Conscience are inclinable enough. I do promise you to lay this Business, and the Mischief which must flow from their Licences, to heart; and if I live

" to meet with you again, as I hope I shall, I will, myself, take care to present new Bills to you to that End. And as I have already given it in charge to the Judges, in their several Circuits, to use their utmost Endeavours to prevent and punish the scandalous and schismatical Meetings of Sectaries, and to visit the Papists; so I will be as watchful, and take all the Pains I can, that neither the one nor the other shall disturb the Peace of the Kingdom. I shall not need to desire you to use all Diligence in levying and collecting the Subsidies you have given me, and heartily wish

" the Distribution may be made with all Equality and Justice, and without any Animosity or Faction, or remembering any thing that hath been done in the late ill Times; which you know we are all oblig'd to forget, as well as to forgive. And indeed, till we have done so, we can never be in perfect Peace; and therefore I can never put you too much in mind of it. I think it necessary to make this a Session, that to the Current of Justice may run the next year Term, without any Obstruction by Privilege of Parliaments: And therefore I shall prorogue you till March, when I doubt not, but by God's Blessing we shall meet again, to our joint Satisfaction; and that you shall have cause to thank me for what I shall have done in the Interval."

(*g*) From the following Passage out of *d'Abzac's* Memoirs, it seems natural to conclude, that the English Troops were in the Pay of the King of Portugal. " Upon the fourteenth they departed in order to besiege *Ebora*, with the Joy and Approbation of all, except the English, who refused to march, pretending they had not receiv'd their Pay; and, indeed, much was due to them, because their Pay was great, and it was difficult, every Month, to raise such a considerable Sum.



A. D. 1663. fidence between Mr. de Wit and the Count d'Esprades; the Letters of his most Christian Majesty are full of Acknowledgments of the Pensioner's Zeal for his Service; and, in particular, speaking of the Treaty then to be renew'd between France and England, he expressly declares, That nothing should be concluded in it, contrary to the Interest of the States General.

This intimate Union was not however either concerted or continu'd without great Opposition, while under Deliberation, and great Clamour afterwards: The English and Spaniards had each their Faction in Holland; and both these join'd with that of Orange to distress and embarrass the Pensioner; who was thus in a manner forc'd into a Depend-

ance upon France, and thereby became too mighty for all his Adversaries.

The Court of Spain, ever fearful of the Power and Ambition of France, and never without Cause, now labour'd to form a federal Union between the Republic and the other Ten Provinces of the Netherlands, for their common Preservation. But, as this struck at the very Root of the French Designs, Mr. d'Esprades had Orders to make use of all his Address, and Interest with the Pensioner, to traverse it; and the Pensioner not only came, or seem'd to come, very heartily into his Measures, but dress'd up a (b) Counter-Project, which, tho' in Appearance tending only to graft a new Republic on the old, could scarce have fail'd in the

(b) Which was as follows:

"First, That from this time Endeavours should be us'd to prepare the Minds of the People of the Provinces, which are now under the Dominion of Spain, to censure themselves, and set up a free Republic; and to induce them to it, and forward the Execution of this Project, they should under-hand be inform'd, and that too with sufficient Assurance, that France and the United-Provinces would powerfully protect them in it, and the things they should think fit to enterprize for the Re-establishment of their Liberty, each entering into a close Alliance with them, to defend and support them against all those that should attack or trouble them, and that for ever, let whatever will happen.

"That in case this Project cannot be executed during the King of Spain's Life, tho' the Obstacles or Oppositions that may be met with, it shall be prosecuted with double Vigour after his Death, tho' the Prince of Spain should be then alive, and all convenient ways be made use of to accomplish it. Nevertheless, no Arms shall be brought into the said Provinces, or any of them, in case the Magistrates of the Cities cannot be induc'd to resolve upon the said Cantonment during the Life of the King or the Prince of Spain: It being the Intention of the most Christian King, and the Lords the States of the said United-Provinces, religiously to observe the Treaty of Peace made respectively by them with Spain.

"In case the King and Prince of Spain happen to decease, then the said Provinces shall be canton'd by main Force; and Arms, if need be, be employ'd, as well to make them resolve upon it, as to repel all such as shall oppose it.

"And lastly, such as it will be very difficult for the said United-Provinces to defend their Frontiers against Foreign Powers, all possible Efforts shall be us'd, in this latter Case, to put into the most Christian King's Hands, for the Security of his, the Cities and Places of Cambray, St. Omer, Aire, Newport, Furnes, Bergues and Lincel, with the Lordships and Counties depending on them, and into the Hands of the Lords the States, Osnod, Plaffendal, Bruges, Damme, Bismacquerque, with what Spain now enjoys of the Province of Guelderland, and the four Quarters of Outremont, and the Castles of Navarise and Argentan, with their Dependencies. That if the said Cantonment exceeds the first or second way, both Sides shall heartily labour that the said Places may be put into the Hands of the most Christian King and the States respectively, as well for the Considerations before alludg'd, as several other important Reasons, for the common Welfare and Peace of both States.

"The said Project, as alter'd by France:

"The King, and the Lords the States, &c. considering, as Affairs of the World now stand, that, by the singular Effect of divine Mercy, the greatest Part of the Kingdom and States of Europe enjoy profound Peace, and that 'tis to be fear'd the Succession to the Crown of Spain coming to be disputed, the Nations of Christendom may be again plung'd into the same Disorders, Misfortunes and Calamities, out of which they were with so much Trouble deliver'd by the late famous Treaty of Westphalia, and the Pyrenies, his Majesty and the said Lords the States, by a Foresight and Precaution worthy their great Prudence, have thought fit to unite themselves again into a closer Union, and that their Friendship may not be alter'd by any Accident, at this time to regulate together, and consist of, what here is to be given to the Affairs of the ten Provinces of the Low Countries under the Dominion of Spain, in which his Majesty and the said States are so essentially concern'd. The Succession to the Crown of Spain would, when it falls, undoubtedly with all Right and Justice defend to his Majesty in Right of the Queen his Wife, through the Inevitability and Necessity

of the Renunciation extorted from her at Fontenabris, before she came to France, and for want of performing several Conditions on the Spaniards Side, which were expressly stipulated by the Marriage Contract, and to which the pretended Renunciation was not relative. These are Treaties so evident, and so well known to the People of Flanders themselves, that several of their principal Members have jointly debated of Means to defend themselves against the Evils they see they are threaten'd with, and the most prudent among them have thought there's no Way for them to take, as now to resolve to censure themselves into a free Republic ally'd to this State, and under the King's Protection, having found by 150 Years past Experience, ever since they came under the Domination of the House of Austria, that their Country has been nothing but a bloody Scene of War, Misery and Desolation. The sincere Affection the King has for the said Lords the States, and his Desire, as has been said, to make their Friendship and Union eternal, so that no Jealousy of Neighbourhood, or of too great Power, may alter it, have engag'd him to condescend in Consideration of the said Lords the States, that in case the Succession to the Crown of Spain falls, he will not make use of his simple Rights as to what relates to the Low-Countries, but, out of his singular Moderation, be contented, that the People who ought naturally to be subject to his Government, shall then become free, and form a new Republic ally'd to the said Lords the States, under his Majesty's Protection, excepting only some Places of the said Provinces which lie commodious for his Majesty, the better to cover the Frontiers of his Kingdom, and for his greater Safety. Excepting also some other Places, which notwithstanding his Rights, he condescends to yield up entirely to the States, for the same Reasons, of Commodiousness and greater Safety, as is hereafter mentioned: In Consideration of which, and to correspond answerably to so great a Sign of Disinterest in his Majesty, the said Lords the States voluntarily engage by the present Treaty to concur with him, and second with all their Might, his good and gracious Designs in the Manner following:

"In the first Place, his Majesty and the said Lords the States, declare their Intention is religiously to observe the late Treaties made with Spain, without carrying the War into the Netherlands, only in case of his Majesty's Preterition in Right of the Queen his Wife. If before the People of Flanders have taken the Resolution, to which they seem dispos'd, to form a Free Republic, for preventing the Miseries with which they see they are threaten'd, the Succession to the Crown of Spain falls in favour of the Queen. Then as all the Rights to the said Crown will belong to his Majesty, and he may do as he Pleaseth, without infringing in any wise the late Treaties of Peace, the said ten Provinces shall be canton'd and crech'd into a Free-Republic, and his Majesty and the said Lords the States make use of Force and Arms, if need be, as well to oblige them to do so, as against all that shall oppose them. And furthermore as for the Reasons herein before touch'd upon, it not only imports his Majesty and the said Lords the States, in this Alteration and new Face of Affairs in the Low-Countries, to cover their Frontiers well against Foreign Powers which may meddle with, and concern themselves against them, they shall, on both Sides, do their utmost to put into his Majesty's Hands the Cities and Places of Cambray, Aire, Newport, Furnes and Lincel, and the Lordships of Coiffel, Baltes, Popingue; and into the Hands of the said Lords the States, Osnod, Plaffendal, Bruges, Damme, Bismacquerque, with what Spain now possesses of the Province of Guelderland, and her four Quarters of Outremont, and the Castles of Navarise and Argentan with their Dependencies.

A. D. 1665.

the End to put France into the (i) quiet Possession of the said Ten Provinces, without the Noise, Expence, or Hazard of a War.

But, tho' his most Christian Majesty was abundantly more inclin'd to take up with a distant Prospect, than to suffer any new Obstructions to be laid in his Way, he did not care to be put off with a bare Possibility of obtaining, some time or another, what he was even now contriving to take Possession of. For this Reason, he made it his Business to continue the Negotiation, and yet found out Pretences to avoid bringing it to an Issue. And, when this could be done no longer, because the States grew jealous of his real Designs, and even Mr. de Wit himself, who was known to be more devoted to his (k) Interest than he ought, could no longer assist in the Delusion, he laid aside his Mask, and the Project together.

While this Affair was in Agitation, *Downing* had Orders from England to act in Concert with *Gamarre*, the Minister of Spain: And accordingly *Gamarre*, in soliciting the League of the Seventeen Provinces, before-spoken of, undertook that England should support it; which *Downing* confirm'd. Mr. *d'Esbrades* likewise makes mention of a Letter of Chancellor *Hyde's* to *Downing*, to be by him communicated to the *Penfioner*, conceiv'd in general Terms, proposing something, yet specifying nothing precisely. Of this the *Penfioner* gave a Copy to Mr. *d'Esbrades*, to be communicated to the King his Master, and made use of all his Art and Address beside, to bring *Downing* to an Explanation; but to no Purpose: He either was not in the Secret, or had no Orders to be more explicit; so contented himself with

hinting, That it was for the Interest of the States, as well as England, to provide against what was to come; but left him in the dark, with respect to whom. France however, who best knew her own Designs, very well understood this Text, without a Commentary; and made so notable a Use of her Power over the States, that, tho' there was now a wonderful Concurrence of Interests against her, they could not be prevail'd upon to take one Step towards the establishing such a Confederacy, as alone could have set Bounds to her Ambition.

Of this Coldness, or rather Aversion, of theirs to enter into Measures with England and Spain, there is Reason to think Advantage was taken, to kindle the first Dutch War: For, towards the Close of the Year, when the Influences and Intrigues of *Downing* and *Gamarre* had prov'd ineffectual, the former chang'd his Manner of Address, and, from soliciting an Union, made it his Business to promote a Rupture, of which the first public Proof was a Memorial to the States, complaining of the Depredations committed on the English Commerce in Guinea, and demanded Satisfaction.

But, before we proceed any farther with the Current of our foreign Affairs, we must keep pace with those at home.

And first of Scotland. If the Earl of *Middleton* had the Honour to render the King absolute in that Realm, the Earl of *Lauderdale* render'd him formidable; for, under his Influence, the Parliament was not only induc'd, by an Act of their own, to delegate all their Power to the Lords of Articles, but, by another, most complaisantly intitled *His humble Tender to his Sacred Majesty of the Duty and Loyalty of his ancient Kingdom of Scotland*,

Affairs of Scotland.

(i) As seems highly probable from the following Discourse of Mr. *d'Wit*, in Conference with the Count *d'Esbrades*:

He began, (says that Minister in a Letter to the King his Master, dated December 30, 1665.) with your Majesty's Right to the *Low-Countries*, and did his utmost to convince me, that, even after the Death of the Prince of Spain, as 'twas contain'd in the Marriage Contract and the Renunciation fo often declar'd in it, it could not be maintain'd; that 'twas the Opinion of all who had examin'd the Matter, that, supposing the Renunciation to be null, the Queen, as born of the first Wife, could never exclude the Prince; that ever since there were Counts and Dukes of *Brabant*, there were no Examples where the Males, by a second Venture, were not prefer'd to the Females of a first; and to justify it, he gave me an Extract taken from History on this Subject, which I send your Majesty: That, to prevent his Friends seeing thro' this Matter, he had spoken of it as a doubtful Business, and which might bear a Decision to your Majesty's Advantage, in order to engage them in the Design of the Project, and that tho' he seem'd by it to have prov'd to the States, they were in some manner secure against their Fears of your Majesty's aggrandizing your self, yet they saw that Security was ill enough ground'd, because it depended on the setting up a Republic, which appear'd to be a Work almost impossible; and tho' by the Concurrence of all the Accidents which cause a Revolution in a State, there may be some certainty in this, they were very well satisfy'd it could not be of long Duration, for want of Chiefs, and thro' the Levy of the People of which the Government is compos'd, as also on account of the different Interests of Trade and Religion in the ten and the seven Provinces, which render'd them almost incompatible in the same Union, like that which the propos'd partition would produce; and that through this Incompatibility, and the very Inclination of several Cities which are already French, 'tis but too plain that in a little Time they would be very willing to yield themselves up to France, or would be oblig'd to do it by Arms, or for Peace sake. Thus your Majesty might easily

become Master of the *Netherlands*, without infringing this last Treaty.

(k) To shew with what a high Hand, this aspiring Prince now lorded it in Europe, we need only turn our Eyes towards Italy, where we find him seizing *Boynas*, and imposing the following severe Conditions on his most holy Father the Pope.

First, That Cardinal *Imperiale* should be confin'd to Geneva, during the King's Pleasure.

That Don *Maria*, the Pope's Brother, should be banish'd to *Siena* for three Years, not to return to Rome, upon any Pretence whatsoever.

That Cardinal *Chigi*, the Pope's Nephew, should be sent into France; where at his first Audience, he should desire the French King's Pardon, for himself and his whole Family: And in his second Audience, in the Name of the Pope, supplicate the Christian King's Excuse, for the affront given to the Duke of *Croqui*.

That the said Duke, in his Return to Rome by Land, should be met at the Frontiers of the State Ecclesiastic, by Don *Augusto*, another of the Pope's Nephews; if by Sea, at a proportionate Distance, by the *Galleys of the Church*. And the *Dutchess of Croqui* to be receiv'd at a League's distance from Rome, by the Wife of Don *Maria*.

That the Duke of *Croqui* being return'd to Rome, shall be there treated with all the Honours due and customary to the Ministers of France.

That the Duke of *Cesarsse* be restor'd to his Goods and Honours, and indemnify'd for the future; and all others who had suffer'd in the King of France's Quarrel.

The Dutchy of *Castro* to the Duke of *Medina*, paying 120000 Livres, at such and such Payments.

The Valley of *Comatilis* to the Duke of *Medina*, paying 50000 Livres, in Consideration of the Charge of *Garrisons*.

That there be a Pillar rais'd in the Palace of the *Cors*, with an Inscription bearing the Substance of their Condemnation.

A. D. 1663. Scotland, they devoted their very Liberties and Persons to his Majesty's Service: For, therein, in Acknowledgment of their Duty, they make an humble and hearty Offer to him of 20,000 Foot and 2000 Horse, sufficiently arm'd, and furnish'd with forty Days Provision, to be in Readiness, upon his Majesty's Demand, to march to any Part of his Dominions of Scotland, England, or Ireland, for suppressing any foreign Invasion, intestine Trouble, or Insurrection, or for any other Service, wherein his Majesty's Honour, Authority, or Greatness was concerned. And, by the same Act, they farther declare, That if his Majesty should have farther Use of their Service, the Kingdom would be ready, every Man between Sixty and Sixteen, to join and hazard their Lives and Fortunes, as they shall be call'd for by his Majesty, for the Safety and Preservation of his Sacred Person, Authority and Government.

It has been already observ'd, that Lord Lauderdale was a staunch Presbyterian, and that his being employ'd in Scotland had given great Uneasiness to the Royalists in England: But all Prejudices were now remov'd; he had espous'd the (1) Church with as much Zeal as the Prerogative, and in every Action made it manifest, that no Man, of any Party whatsoever, was more a Slave to the Court, or would go greater Lengths in enslaving the People.

When therefore he return'd to give an Account of his Administration, he was (m) receiv'd in such a Manner, as argued, that a blind Devotion to the Measures of the Crown, was held to be the Sum of all political Virtue.

Nothing more alarming or provoking to the People of England could have happen'd, than this Measure of the Scots Parliament, which put the Sword in the King's Hand, and enabled him to use it as he pleas'd: But as all Resistance was not only preach'd but voted down, and the popular Current ran a quite different Way, the undiscerning Multitude were not sensible of their own Danger, but rather glory'd in the King's Strength, than entertain'd any Apprehensions from their own Weakness.

All indeed were not yet reconcil'd to this political Quietism; nor, under the Notion of preventive Measures, could submit to be deprived of all their Liberties: There was still

A. D. 1663. a Remnant of the Republican Party, who, though overpower'd, were not subdu'd, and who, no doubt, would have been glad to recover the Opportunity they had lost.

Whether they contented themselves with Wishes and Prayers only, for the Re-establishment of the good old Cause; or whether they actually enter'd into Measures, at this time, for the obtaining that End; will best appear from a Consideration of the Plot of this Year; which was carry'd on in the North of England, by the Zealots for Separation, and the Republican Party, says Mr. Echard; by the Bigots for Schism and a Commonwealth, says Bishop Kennet: According to the (n) Account given of this Affair by both those Reverend Divines, there was an Understanding between the Brethren of Scotland and England, who were held together by an Oath of Secrecy, the 12th of October was appointed for the Rising (by Orders from the Secret Committee at London) which was to be general; that is to say, in Ireland, England and Scotland; Ludlow, or Lambert, was to have the Command; Whitehall was to be secur'd; Nottingham, Gloucester, and Newcastle, were to be seiz'd, as being the most convenient Passes over the Tyne, Severn, and Trent; and Boston in Lincolnshire was to serve the Conspirators for a Port of Communication with their Friends abroad. The Pretences of these Men, they moreover tell us, were to redeem themselves from the Excise, and all Subsidies; to re-establish a Gospel Magistracy and Ministry; to restore the long Parliament; and lastly, to curb the Gentry, the Lawyers, and the Clergy: Nay, they were so frantic, if these Accounts are to be depended upon, as to put forth such a (o) Summons to this great Work, as argued they had neither Power nor Discretion. Notwithstanding which, (p) a good Number of them, says Bishop Kennet; a considerable Number, says Mr. Echard; appear'd in Arms, at Farnley Wood: And this appears to be all the Treason that was laid to their Charge.

According as these Plots were real or fictitious, or as they appear to have been contemptible or formidable, we must acquit or condemn this Reign.

It is necessary therefore to have recourse to a higher Authority than that of these Reverend Historians, and to bring forward what additional Evidence it affords.

In

(1) A National Synod was instituted by Act of Parliament. The ordering and disposing of the external Government of the Church, was declar'd to be in the King, by virtue of his Prerogative Royal in Causes Ecclesiastical. The said Synod was to meet at such Times and Places as his Majesty should appoint by Proclamation, and to debate of such Matters, relating to the Doctrine and Discipline of the Church, as his Majesty should deliver to the President, and no Assent was to be held, but in the Presence of his Majesty or his Commissioner.

By Sentence of this Parliament likewise, the Laird Warffhouse, a Member of the Committee of Safety, was executed at the Market Cross of Edinburgh, as it is with Pleasure remember'd by the Royal Apologists, on a Gibbet two-and-twenty Foot high. He had to his surpris'd his Vigour and Abilities, that he was an Object of Compassion to all, but such as had falsified Loyalty in the Place of Charity and every Christian Duty and moral Virtue.

(m) Mr. Secretary Bennet, in a Letter to the Duke of Ormond, dated November, 1663, hath the following Paragraph:

"My Lord Lauderdale came last Night hither. The great things that are done in Scotland, the Vindication of his Majesty's Authority in all Points, have made him very welcome to those, who care not much for him before. I confess ingenuously, for my part, he has converted me, which I am glad to be, so it is to his Majesty's Advantage. *Miscel. Anal.* p. 320."

(n) On the Credit of J. Philips, who publish'd a Supplement to *Hearb's Chronicle*.

(o) "If there be any City, Town, or Country, in the three Nations, that will begin this righteous and glorious Work, they may be assur'd, &c."

(p) Mr. Philips says: *Seventeen scores fresh arrangements of which appear'd to have been actually in arms at Farnley Wood.* p. 320.

A. D. 1663.  
Miscellaneous  
Anals.

In a Letter from Mr. Secretary Bennet to the Duke of Ormond, Lord Lieutenant of Ireland, dated *October* 10th 1663, we have the following Paragraph:

"We are hourly expecting what our Alarm will signify out of the North. On the 12th or 15th, we were without any great Apprehension from it, the County being in a greater Readiness to prevent the Disorders than perhaps were to be wis'd; but it being the Effect of their own Care, rather than his Majesty's Commands, it is the less to be censur'd."

Again, in a Second, dated *October* 17, 1663.

"The Alarms are not yet ceased in the North, but the Country hath so readily and cheerfully put itself into a Posture of preventing any Trouble, that we fear little of that kind; besides, all our Intelligence in the City assures us, that the disaffected Party here is very quiet, and tho' they may wish well to their Friends in the Country, yet they do not seem to be in any Disposition of seconding them by any Stirs here, but apprehend they do very rashly expose themselves, and will only give Occasion to sharpen the Persecution against them."

In a Letter, dated *Oct.* 20, to the Duke of Buckingham, who, as Lord Lieutenant of the County of York, was entrusted with the Care of the public Peace, the said Secretary enlarges as follows:

"In the next Place his Majesty desires your Grace should proceed with the Assistance of the High Sheriff, and Deputy Lieutenants, to cause strict Examination to be made of all Persons whom you know or suspect to be guilty or contributing to the intended rising, that they may be punished by such ordinary or extraordinary Course of Law, as his Majesty shall appoint, and they shall appear to have deserved."

After all this, how certain soever we morally are of the intended rising, of which we had many concurring Informations here from several Hands that could not conspire to abuse us, it is very possible you may not be able to produce such convincing Proofs as will come home to the Enquiry of the Law. We ourselves know how many Designs of this nature were set on Foot in the times of the Usurper, which could not be made punishable, even by their extrajudicial Proceedings, which I say for the Qualification of the second Point; tho' upon the whole Matter, it will conduce much to his Majesty's Service, that what can be made clear, may be made so; not only to vindicate us from the Malice that may probably accuse us of having been afraid without Cause, but also keep the Country in a Disposition to secure themselves, and the Public, when're they

shall be called upon again, which, for my part, I look will befall us often."

Again, to the Duke of Ormond, *October*, 27:

"The great Alarm we had of late, ended in a weak Attempt of the discontented Party in the North to rise, in which they were much discouraged by the Preparations of the Country to suppress them. Many of them are taken, and have confess'd enough to hang one another."

Again to his Grace of Buckingham, *October* 31:

"The King desires your Grace would cause the Examinations of all suspected Persons to be continued; and even of those he sends for up, as long as they are in your Hands; and that you would successively use Threats and Promises towards them for the utmost Discovery of what they know. Mr. Nevil hath been before me, but denies flatly to have had any direct or indirect Knowledge of this Matter; and so desires to stand or fall in his Majesty's Opinion, as this is true."

Again, *November* 5th.

"We have here in the Tower Nevil, Salway, and Hutchinson; the two former I have examin'd, but got nothing from them, except large Protestations of their Innocency, by what I hear of the latter, I suppose I shall have the like when he is brought to me."

And finally, Mr. Secretary, in a Letter to the Duke of Ormond, dated *Jan.* 20, 1664, thus closes this Scene:

"Our Letters from York tell us the Judges have found Fifteen guilty, and this by the Proof of Two Witnesses against each of them, as well as their own Confessions. Is that by the next, I suppose, we shall find your Grace the Sentence and Execution of at least so many."

Upon the Whole, it is pretty clear from these Letters, that a (q) Rising had been concerted; but then it is as clear, that it ought rather to have excited the Scorn than the Apprehensions of the Government; that, like all the rest of these wretched Projects, it had been countenanced by none but (r) Levellers, disbanded Officers, and desperate Enthusiasts; all of them Persons of mean Condition, without Parts, Power, Credit, or Interest; and that the very Zeal of the People was sufficient to secure the Peace of the Government, without the Assistance of mercenary Foreigners, or additional penal Laws.

There remains no other Remarkable of this Year to be spoken of, but the Suspension of the King's Household Establishment, which took place at Michaelmas, by his Majesty's express Command; who had before promis'd his Parliament to use such Husbandry, as should

(q) Ludlow himself acknowledges, That about this time, Summer 1663, their Friends in all Parts began to entertain Hopes they might be again employ'd to relieve their Country from Servitude; and that in the Posture of Affairs Colonel Algernon Sidney, who had for some time resided in Italy, thought convenient to draw nearer home, that if any Opportunity should offer, he might not be wanting in his Duty and the Public Service, and to resolv'd to winter in Flou-

ders: And passing through Switzerland, he made a Visit to Ludlow and his Friends then harbour'd there; and staying with them three Weeks, he assur'd them of his Affection and Friendship, and no ways inclin'd to own them, and the Cause for which they suffer'd.

(r) One of them upon his Tryal, told the Judge, That, he valu'd his Life as more than he did his Handwriting.

A. D. 1663.

Miscellanea  
Juliana.

should render his Charge more proportionable to his Income.

Upon this Occasion, Mr. Secretary Bennet had Orders to write to the Duke of Ormond, who was Lord Steward as well as Lord Lieutenant, for a List of the Monies, which, according to Custom, had been given for the Places below Stairs; that they who were to be cut off, by the new Establishment, might be indemnify'd. But this was an Affair, in which his Grace was above having any Concern, and consequently could give no Information: And those who were next apply'd to, possibly apprehending, that the Persons who had receiv'd the said Monies, might be call'd upon to make the intended Restitution, thought it advisable to know nothing of the Matter: So that whether his Majesty's laudable Purpose was founded on a Principle of Oeconomy, to make the intended Reduction the cheapest Way; or Justice, that the Purchasers might be sav'd harmless; or Policy, to abolish a Sort of Traffic, that was a Dishonour to his Court; it does not appear, that he was able to carry his Point: For, when Ministers enter into Confederacy to connive at each other, it is not easy for Kings themselves, even in their own Concerns, either to detect Abuse, or set a Mark on Corruption.

The Rise of the  
first Dutch  
War.

As Sir George Downing's Memorial to the States, demanding Satisfaction for the Depredations committed by their Subjects on the English Commerce, &c. was the Prelude to a Rupture, and all things now seem'd to have a Tendency that Way; it would be very improper to close our Review of the Transactions of this Year, without touching on such Particulars, as may serve to throw the necessary Lights on those of the next.

That the Court of England had no very good Disposition towards the States, we have already had very sufficient Evidence; and as to the Temper of the Two Nations, with respect to each other, it is scarce to be wonder'd, that they were as prone to quarrel as their Masters. They were Rivals in Commerce, and therefore, in every Part on the Globe, were natural Enemies. Hence it was scarce possible, but that, sometimes by Fraud, and sometimes by Violence, Injuries should be committed, and each in turn become the Aggressor. Some Writers, indeed, were at no small Pains to lay the whole Load on the

Dutch, others on the English. Some affirm the Court of England was only answerable for the War; and others again are as positive, that the Court was forced into it by the Resentments of the Parliament and People. But Experience shews, that nothing is more easy, than for a Prince to avoid a War he does not like; and, on the other hand, there is no Reason to think, that, in these frugal Times, the Parliament would have given such liberal Supplies to support a Quarrel, which they did not approve. It must therefore be suppos'd and allow'd, that there was a Coincidence of Interests and Humours on both Sides; and that Court and Country were, for once, of a Mind.

This, however, must be understood under some Limitations; for when the Dutch East India Company offer'd to carry on the War, in those Parts, at their own Expence, the East India Company of England was struck with terrible Apprehensions, and made no Scruple to give out, That it was a Court War, which was set on foot solely for the Interest of the Duke of York, and some other great Persons, who were engag'd with him; that it was not just to break with Allies, who were willing to submit to an Accommodation, and thereby ruin an infinite Number of Families, for the sake of a new Company, and a few Courtiers, who were at the Head of it, and who made Merchandize of their Protection.

But even the East India Company, at the Commencement of this Broil, in a Paper which they publish'd to purge themselves from a Charge brought against them by the Hollanders, declar'd, That the said Charge was a deliberate Mass of frivolous, insolent, and unjust Demands, built upon Conclusions made without the Leave of any Premises of Truth, Reason, or Law of Nations.

It is necessary, however, to observe, that the new Company just spoken of was the African, of which the Duke of York was Governor, and who apparently made it a Point to put them in Possession of the whole Trade to Guiney. This was the real Ground of the War; at least it was the principal: The Demands contain'd in Downing's several Memorials, relating to the two India Ships, called the *Banadventure* and *Good Hope*, as likewise the several other Ships contained in the English (s) Catalogue of Damages, are rather to be

look'd

(1) Mr. Rejon having declar'd [Finsler's Translation, p. 637] that, after the most diligent Search, he had not been able to discover the particular Articles of these Damages, they are here join'd for the better Information of Posterity.

A Catalogue of the Damages for which the English demand'd Reparation. And first, of the Damages which the English East India Company has sustain'd by the East Indian Company of the United Provinces.

Concerning the Ship call'd the *Mayflower*, whereof one William Curtis was the Commander, who (being Agent also for the English Company, having obtain'd Liberty from the Queen of Acheen to traffic there, was about the Month of August, 1658, O. S. debar'd of all Commerce, by one Balhasar, who at that time commanded three Ships belonging to the East India Company of the Netherlands; and seiz'd three Thousand eight Hundred seventy and eight Pounds of Pepper, which the said Ship had begun to load with, forcing the said Curtis to depart empty; and nothing

of this was known at London upon the tenth of January following, 1658-9.

2. Touching the Ship the *Dragon*, one Nicholas Budsford Commander, which came before Bantam about the Month of October, 1658, O. S. which was forbidden, and hinder'd to traffic there by certain Netherland Ships then upon the Place, and by the General of Batavia, by whom the said Ship was constrain'd to depart without her Lading, and also oblig'd to stay in the Indies till her Provision was spent, and forced at last to return in the Winter, and so the way was lost. Of this likewise, nothing was known at London upon the tenth of January following, 1658-9.

3. Touching the Ship the *Advise*, Robert Mayne Commander, which being arriv'd at Bantam about the Month of October, 1658, O. S. was in like manner, as the *Dragon*, forbidden all Commerce there, and forc'd to depart. And neither was this known at London upon the tenth of January following, 1658-9.

4. Concerning the Ship *Morigold*, John Cooris Commander, which arriv'd at Batavia about the Month of Fe-

bruary,

A. D. 1663. look'd on as the Scaffold, than the Building; rather as a Pretence to quarrel, than real

Matter of Grievance: For, tho' the Peace had been renew'd in April 1662, the different

A. D. 1663.

brary, 1658, O. S. one *Kofler*, who commanded at that time five Ships before the Place, shot at the said Ship, and hinder'd her either to enter or traffic there, so that he was necessitated to go her way.

5. Touching the Factory of *Jambes* in the Isle of *Somatra*, upon the 9th of *August*, 1659, O. S. when *Peter de Coper*, Principal of the Dutch Company at *Jambes*, and *Jacobus Clasi* his Second, with about 40 Dutch Men, and 150 Slaves all arm'd, and in form of an Enemy, enter'd by Force into the Magazine of the *English*, in which *Ostrage* the *English* were very much damm'd.

6. The Ship call'd the *Merchants Delight*, *Thomas Bell* Commander, arriving at *Bantam* in 1659, O. S. was hinder'd from either entering or trading there, by certain Ships of the Dutch Company who were there at that time: and so he was forc'd to depart thence.

7. The Ship the *Merchant of Constantinople*, *Robert Brown* Commander, in the Month of *September*, 1659, O. S. falling betwixt *Fiugla* and *Goa*, upon the Coast of *India*, was attacked by seven Ships in the Service of the Dutch East India Company, whereof *Peter de Beter* was Vice Admiral, who took by Force out of the said Ships, one Thousand nine Hundred seventy and eight *Granaides*, fifty nine Iron Guns, and three Brass Morter-pieces.

8. For Monies disburs'd about 1661-2, to make a Provision of Ships, Victuals, and all other Necessaries for the *Peysling*, *planning*, and fortifying of the Isle of *Penlaros*.

Damages sustain'd by the Dutch West India Company.

1. The House and English Factory of *Cape-Corfe*, was upon the first of *May*, 1659, O. S. burnt and ruin'd, together with all the Merchandize and Moveables therein, by the Dutch, who were then in the Castle of *Cape-Corfe*, and in the Service of the Dutch West India Company.

2. The House and Factory of *Cape-Corfe*, after that the same was re-buill, and well furnished with several sorts of Merchandizes, for the Trade of that Place, was burnt again upon the 22d of *May*, 1661, O. S. with all the Merchandize, and Moveables in the same, by some whom those of the *Netherland East India Company* had hired for that Purpose.

Damages sustain'd by the English Turkey Company.

1. The Ship *Reformation*, belonging to the Company of *London*, laden at *Scanderon* in *November*, 1659, as she was quietly falling in the *Mediterranean*, was there seized upon the 15th of *May*, 1660, by a certain Ship which came from *Holland*, call'd the *Holy Martyr*, whereof *Lawrence Andrus* was Commander.

2. The Ship *Free Trade*, design'd from *London* to *Scanderon*, by some Merchants belonging to the said Company, in the Year 1660, was seiz'd upon the 15th of *May*, 1660, by the said *Holy Martyr*.

Damages sustain'd by other English.

1. The Ship the *Experience* of *London*, *John Kingman* Commander, was seiz'd upon the Coast of *Portugal*, by one *Quares* and others of *Zeland*, in the Year 1660.

2. Concerning a French Ship, call'd the *Golden Sun*, *Nicholas de Breton* de *Pr* Commander; *Edward Adams* Merchant of *London*, as well for himself as for other English Merchants, demands to have Satisfaction for the Merchandizes belonging to them, which were taken in the said Ship, in the Year 1660, upon the Coast of *Portugal* by four *Zeland* Men of War, commanded by *Phillip Res*, *Toussain de Sage*, *Albert Tolohan*, and the Master's Mate of the Ship of *Matthias Quares*.

3. The Ship *Falcon*, *Hendrick Hogher* Commander, was seiz'd upon the Coast of *Portugal* upon the 21th Day of *May*, 1660, by one *Class Reur*, and another of *Zeland*.

4. The Ship St. *John Baptist* (*Emmanuel Hart* Commander, who had taken aboard some *Negrees* upon the Coast of *Guinea*, and burter'd them for *Sugars* and other Commodities at *Baytia* in *Brasil*) was seiz'd in his return in *June*, 1661, by a *Zeland* Man of War, call'd the *Golden Peri* of *Middelburg*, whereof *Cornelius Thranap* was Commander.

5. The Ship the *Merchants Delight*, belonging to one *John Young* and Company of English Merchants, *John Bower* Commander, having let fall from *Dover* in the County of *Kent*, was seiz'd upon near *Cape Corfe* in *Guinea*, about *August* 1661, by a Ship call'd the *Amsterdam*, belonging to the *Netherland West India Company*.

6. The Ship *Paragon*, belonging to *Bernard Spark*, *John Cook* and Company, of English Merchants, whereof one *John Barford* was Master, laden at *Tajlam* near to *Exeter* in *Dress*, and bound for *Guinea*, was seiz'd about the 15th of *October*, 1661, by two Ships belonging to the *Netherland West India Company*; the one call'd the *Amsterdam* of *Amsterdam* whereof *Jacobus Coen* was Master, and the other

call'd the *Arm of Amsterdam*, whereof *Nicholas Tyle* was Commander.)

7. The Ship the *Daniel*, belonging to *John Knight*, *Thomas Knight*, *Henry Oaks* and Company, of English Merchants, and commanded by the said *Henry Oaks*, let fall from *London* about *May*, 1661, to go for the Coast of *Guinea*, and was seiz'd in a hostile manner by a Ship of *Amsterdam*, belonging to the *Netherland West India Company*, call'd the *Amsterdam*, whereof one *Arden Coen* was Commander.

8. The Ship the *Brotherhood of London*, belonging to *Peter Coetier*, *Bartholomew Coetier*, *Abraham Coetier*, and *John Beverley* and Company, of English Merchants, was seiz'd upon the Coast of *Guinea*, in *February*, 1655, O. S. by one *Cas*, Commander of the *Frigate* call'd *Gat*, and one *Toppens*, Commander of a Ship call'd the *Kater*, both of them commissioned by the *Netherland West India Company*.

9. The Ship call'd the *Royne Hancock*, belonging to one *John Jeffries* and Company of English Merchants, laden at *London*, and design'd for the Coast of *Guinea*, was seiz'd near to *Cape Lopez*, about the 11th of *September*, 1656, by two *Netherland* Ships; the one call'd the *Mary of Amsterdam*, and the other the *Union* of *Middelburg*, commanded by one *John Sraet* of *Middelburg*.

10. The Ship *Sarab*, belonging to one *Ann Leulin*, Administratrix of one *Robert Leulin*, Merchant, *Hamphrey Bone* and Company, of English Merchants, whereof *Arthur Perkins* was Commander, was seized upon the Coast of *Guinea* in *August*, 1656, near to *Cape Lopez* by two Ships of those Countries, call'd the *Mary of Amsterdam*, and the other the *Union* of *Middelburg*, commanded by the aforesaid *Sraet* of *Middelburg*.

11. The Ship *Furrow*, belonging to one *Cornelius Sijffers* and Company, of English Merchants, was seiz'd about *August*, 1656, near to *Cape Lopez*, upon the Coast of *Guinea*, by the said *Mary of Amsterdam*, and the *Union* of *Middelburg*, whereof the said *John Sraet* of *Middelburg* was Commander.

12. The Ship *Black Boy* of *Dover*, belonging to one *Arnold Broomer* and Company, of English Merchants, whereof *Ralph Wood* was Commander, laden at *Dover* in *January*, 1660, was seiz'd upon the thirteenth of *April*, 1661, near to *Comado*, upon the Coast of *Guinea*, by a Ship of those Countries, call'd the *Grafsmen*, which came from the *Castle of Missa*, and carried thither the said English Ship.

13. The Ship *Speckswell*, belonging to *Mr. John Taylor* and Company, of English Merchants of *London*, whereof *Robert Cook* was Master, putting her Voyage from *Geticeburgh* for *London*, was seiz'd in *May*, 1657, by a Man of War of *Opden*, commanded by *Peter Tyfen*, who carried the said Ship to *Amsterdam*, and there sold her, together with her entire Lading, to one *William Heaton*, Merchant of *Amsterdam*, without any legal Proceeding or Sentence against her.

14. The Ship *Labeck*, whereof *Dinnar Pieterfen* was Master, being laden in *May*, by *Thomas Nijst*, and *Richard Metcalf* of the City of *York*, with 1838 Tun of *Rye*, at *Strale-Sand* in *Flanders*, to be transported for *Hull* in *England*, was seiz'd upon by five *Netherland* Men of War, one commanded by *Edward Embryfen*, another by *Laurens Dredcamp* of *Groningen*, a third by one *Cornelius Sraet*, another call'd the *Black Eagle*, and the fifth the *Golden Lion*, which carried the said Ship to *Copenhagen*, and there dispos'd of her Lading.

15. The Ship *Anne* and *Margaret*, belonging to *Richard Wjcmbe*, *Nicholas Warren* and Company, Merchants of *London*, having taken in her Lading at *Tanis*, with some Merchandize, in the Year 1658, for the Service of the said Proprietors, was seized in her Voyage to *Leghorn*, by a Ship of those Countries call'd the *Vigilant*, whereof *John Jacobus Zoni* was Master.

16. The Ship St. *John*, *Cornelius Van Ringen* Master, belonging to one *Vincent de la Barre* and Company, of English Merchants, being bought by their Order at *Middelburg*, in *April* 1658, and there laden, on design to go for *Calbarne* to trade for *Negrees*, was taken near to the Port of *Calbarne* by a Ship belonging by the *Netherland West India Company*, and confiscated at *Calbarne* aforesaid, notwithstanding that the said Company had given Permission to the said Vessel to the end aforesaid.

17. The Ship the *Affida* Merchant, being employed by *Mr. Nicholas Backridge* to go to *Bantam* to take in *Focus Goods* as the said *Backridge* had prepar'd there in *July* 1657, was hinder'd by a Ship of the *Netherland West India Company*, which was sent expressly from *Batavia*: and this was not known at *London* the 15th of *January* 1658-9, as will be made to appear.

18. The Ship *Anne Pirry*, belonging to *David Peiferfen*, *John Dirick* and Company, of English Merchants, as the said her Voyage from *England* in *March*, 1656, to go to *Pontillera*, between *Leghorn* and *Smyrna*; and being design'd

ent Items of this Catalogue, which amount in the Whole to Forty-five, were not comprehended in any one Article of it; and as to the two *India Ships*, the *English* were left by the Treaty to prosecute their Claim, and the *States* deposited Eighty thousand Florins, by way of Indemnification, in case the Affair was decided against them.

The Pretence urg'd by Mr. *de Wit* to the Count *d'Esbrades*, that *Downing* push'd on the Rupture, because he had purchas'd the pretended Rights of the Owners of these Ships for a Trifle, deserves Mention, perhaps, but no Consideration; it not being conceivable, that the Concerns of *Downing* had the Weight of a Feather in the Scale: But that his Majesty was neither influenc'd by his Animosity to *de Wit*, nor his Fear that the *Republic of Holland* might one Day act in Concert with the persecuted *Republicans* of *England*, nor his Hopes of a plentiful Supply from his People, scarce anybody, who has carefully attended to the general Bias of his Reign, can say.

Hitherto, exasperated as the two Nations were against each other, they had avoided national Hostilities: The *Dutch*, because they were unwilling to come to Extremities; and the *English*, that they might not furnish *France* with a Pretence to take Part with the *States*, and declare against them.

But tho' the Sovereign Name was not always made use of, the Sovereign Power was employ'd on both Sides. In particular, *Valckenburg*, Director-General for the *Dutch West India Company*, upon the Coast of *Guiney*, had not only in the Name of the said Company, but even of the *States General*, set forth a Claim to the whole Coast, and warn'd all other Nations to be gone out of all those Quarters.

On the other hand, as this Declaration was levelled particularly at the *English*, (t) Sir *Robert Holmes* was sent with a Squadron of 21 Men of War, to assert the Rights of *Great Britain*, and put a stop to the Encroachments of the *Dutch*: Which he did for that time, very effectually, first by dispossessing them

design'd for *Surry*, was seized by a Ship of *Amsterdam*, call'd the *Arcton*, whereof one *Bar Moris*, a *Hollander*, was Commander, who burnt and sunk her with all her Lading.

19. The Ship the *Chibspan*, belonging to *John Allen*, and *Matthew Bubb*, *English Merchants*, whereof *Peter Blake* was Commander, being sent to the *Bowen* upon the Coast of *Guiney*, with design to trade for *Negres*, was seiz'd in a hostile manner in the Month of *January*, 1661, by a Ship belonging to the *West India Company* of the *United Netherlands*, call'd the *Pop Hero*, which carried her to the *Coast of Mina*.

20. The Ship the *Los Providence* of *London*, belonging to *Sir William Thompson* and Company, of *English Merchants*, who load'd the said Ship at *London*, for *Guiney*, was seiz'd on in *August*, 1656, near to *Cape Lopez* in *Guiney*, by two Ships belonging to the *Netherlands West India Company*; the one call'd the *Mary of Amsterdam*, the other the *Uicern* of *Middburgh*, whereof *John Strael* of *Menckuden* was Commander.

21. The Ship call'd the *Brasil Frigate* of *London*, belonging to *John Bight*, *Edward Russell* and Company, of *English Merchants*, was seiz'd between *Angola* and *Formosambick*, in the Year 1657, by a Ship of *Fishing* call'd the *Blues*, whereof one *Quarts* was Commander.

22. The Ship *Charis*, whereof *Captain Sprag* was Commander, was seiz'd in the Road of *St. Marins* in *France*, in *July*, 1660, by three Men of War in the Service of the *States General*, and commanded by *Captain Eens Doudhars*.

23. The Ship *Covent* of *London*, whereof *William Jurdan* was Commander, as she sail'd from the *Duven* in *October*, 1661, on design to trade upon the Coast of *Guiney*, was seiz'd there by a Ship belonging to the *Netherlands West India Company*, call'd the *Holy Barbara*, which carried the said *English Ship* to a certain Island call'd the *file of Gna*.

24. The Ship, *True Love*, belonging to *Sir Drooper*, and other *English Merchants*, *Edward Nicholas* Commander, for certain Goods taken out of her belonging to *English*, and for the Freight of such Merchandizes as were taken out belonging to *Portuguese*, sent to *St. Micbell*, one of the *Western Islands*, by *Azoborn Dominicus*, Commander of the Ship the *Dolphin* of *Fishing*, in 1659. As likewise for Merchandizes taken out of the same in her Voyage between *Lisbon* and *New England*, in the Year 1660, by the Ships the *St. John Baptist*, whereof *John Lopez* was Commander, the *Catharine*, *Captain Overzee* Commander, and the *Gulden Balg*, *Captain Thronway* Commander.

25. The Ship *Charles*, belonging to *Mr. James Barlow* and Company, of *English Merchants*, whereof one *John Blackler* was Commander, being laden for their Particular upon the Coast of *Guiney*, was seiz'd upon the said Coast, in *August* 1661, by a Ship belonging to the *Netherlands West India Company*, call'd the *Amsterdammer* of *Amsterdam*, one *Aaron Canaris* Commander, and carried him to *Castle Mina*.

26. The Ship *Pachet Frigate*, whereof *Edward Harvison* was Master, belonging to one *James Drawster* and Company, of *English Merchants*, being laden at *Genoa* and *Fisal*, and design'd for *London*, was seiz'd in her Voyage at

the *Straits* Mouth by a *Netherlands Ship*, call'd the *Gulden Dak*, commanded by *Captain Albert Cook*, about the 17th of *May*, 1654, O. S. and carried to *Cozin* in *Spain*, where the said *English Ship*, with part of her Lading was releas'd; and Satisfaction is now demanded for the rest, and for the Costage of the said Ship.

27. The Ship the *Coastal Mary*, belonging to *Francis Bilton*, *Thomas Pezold*, *Richard Grove* and Company, of *English Merchants*, whereof one *David Lester* was Master, being laden at *London*, and design'd for *Guiney*, was seiz'd upon the eighth of *May*, 1654, O. S. about 20 Leagues from the *Cape Saint Vincent*, by a *Netherlands Man of War*, call'd the *Holy Gailis*, whereof one *Hayle Allurge* was Commander, being, as he testified, in the Service of the *States of the United Netherlands*.

28. The Ship *Nefra Nijssen* of *Romeida*, having taken Merchandizes aboard in the Port of *Massifer*, upon the Island of *Celebes*, in the *Great India*, in the Year 1660, O. S. was seiz'd the 29th of *May* of the same Year, by two Ships of War in the Service of the *Netherlands West India Company*, which carried the said Ship to *Batavia*.

29. The Ship *Leopard*, belonging to *Nicholas Banchart* of *London* and Company, of *English Merchants*, was seiz'd near to *Cape Blanc*, in *October*, 1656, by the *Chaloup* of a *Holland Man of War*, both belonging to the *Netherlands West India Company*, and carried to the *Coast of Angresey*, at *Cape Blanc*.

30. The Ship the *Golden Sow* of *Lubeck*, having aboard her 110 Tons of *Rye*, and being freighted at *Rost*, upon the *Baltic Sea*, by one *Thomas Bennett*, Merchant of *London*, and for his Account in the Year 1659, was seiz'd by some *Netherlands Men of War*, belonging to the *States General*, and commanded by *Admiral Opdam*, who sent the said Ship to the Admiralty of *Amsterdam*.

31. The Ship call'd the *Devo* of *London*, belonging to one *Jacob Grogger*, *John Warner* and Company, of *English Merchants*, *John Jackson* Master, was seiz'd near to *Stotland*, on the North Side of *Scotland*, by a *Netherlands Man of War*, and sent to *Encheyfen*.

32. The Ship call'd the *Rebecca* of *Spainish*, *George Baskerton* Master, was seiz'd by a *Man of War* of *Opdam*, commanded by one *Dorcelly*, and carried into *Zealand*, and there they unladed a part of her Goods before any Trial in the Admiralty; and notwithstanding all the Affidavits and Applications which were made to the Admiralty of *Zealand*, the said Ship of War was forc'd to return to *Sea* and escape.

33. Seized by *Admiral Opdam* and other Vessels under his Command, upon the Coast of *Portugal*, in the Year 1660, the Fleet, or *Portuguese* Ships, a Quantity of *Sugars* and other Merchandizes belonging to the *English*, and carried away to *Amsterdam* and other parts of the *United Provinces*. (This Carriage was taken out of the *Harlem Library*.)

(t) Who, likewise in his turn, as the *Dutch* gave out, sent three Persons of condition to one *Henry H. Williamson* Cap. then commanded at *Cape Verde* for the *West India Company*, to certify, that he had express Orders from the *King his Master* to let all know, that the Right of trading upon the Coast of *Africa*, from *Cape Verde* to the *Cape of Good Hope*, was belong'd to him only, to the Exclusion of all other Nations.

A. D. 1663.

them of *Cape Verd*, then of *Cape Corfe*, and afterwards of *Nova Belgia*, or, as it is now call'd, *New York*. And here occurs the grand Question, Whether the War, or this Expedition, which could scarce fail to render a War unavoidable, was the Dictate of Policy, or Justice? Mr. *Rapin* makes no Difficulty to decide this Question to the Disadvantage of the *English*, tho' he acknowledges he had never seen the Catalogue of

Damages above alluded to. It is, however, indisputable, that, even in *Drewing's Memorial* to the *States*, dated *April 7, 1665*, the (u) Attack on *Cape Verd*, is in a manner given up, tho' in the very same Piece, that upon *Cape Corfe* is very circumstantially (v) justify'd. To say the Truth, when the *States* complain'd of *Holmes*, the King deny'd, that he had acted by his Commission; and yet did not punish him for having pretum'd to exercise

Tindal's  
Translation of  
Rapin, Folio,  
p. 637.

(u) The Clamours of the *Dutch* upon this Occasion, making a great Impression on the People, an Account of *Holmes's Expedition* was made public, from whence the following Abstracts were taken by *Philips*.

That Captain *Robert Holmes*, who was commanded for the Coast of *Guinea*, in *October, 1663*, coming thither, all People complain'd, as if the *Dutch* had treated the *English*; how they had engag'd the King of *Barra* to assault the *English* Factories; which *Dutch* failing, how they had endeavour'd to corrupt the Officers of the *Charles* and *James* Islands, to deliver up their Forts. How they had converted the King of *England's* Sign-Manual and Signet, to commence their Entry into the River, had they not been frustrated by the Notice which the King of *Barra* gave of the whole Design.

After this, Captain *Holmes*, for the better Security of some *English* Ships daily expected, sail'd to *Cabo Verde*, fearing one *Jabalón*, that was sail'd in the way; where without any Provocation, they fired from the Fort, killing his Master, and wounding divers of the Company; notwithstanding all which, the Governour surrendering the Place next Morning, he and all his Company were treated with all possible Respect and Civility by the Captain.

As *Major* they had been dealing with the King of that Place to throw out the *English*, inveigling the People abroad, and then abusing them under *English* Colours, the better to attain their Ends.

The like was done upon the Coast of *Calle de Mina*, where *Falkenburgh* offered a Betsy of Gold for every *English* Head.

At another time they had shot at a Convoy of Captain *Holmes* from a Fort of theirs which he call'd the *Bliss*, that they fell upon the Fort and took it, and would have put all the *Hollanders* to the Sword, had not the Captain prevented them.

Lastly, Captain *Holmes* having sent a Drum to *Ariannoa*, with honourable Proposals; contrary to the Rule of War, they mangled, strip, and left him dead upon the Place. *Exploitatio* in *Heuta*, p. 535, 536.

Note, *Rapin* affirms, that no Mention is made of the *Cape Verd* or *Guinea* Transactions, by any *English* Historian.

(v) The whole Passage is as follows: Concerning the Business of *Cabo Corfe*, they (the *Dutch*) say,

First, That it was attacked and taken, not by any *Revenuers* that happened in those Parts, and which might have provoked Captain *Holmes* to those *Violences*; but by express Order of the King of *Great Britain*, according to his own Confession and Declaration. Secondly, That the *English* have not pretended that *Cabo Corfe* did belong unto them; but since that, they had carried their Arms thither; and since that, they have taken it.

Concerning the first, he hath express and positive Orders from the King his Master to declare, That his Majesty did never avow or say that he had given Orders to *Holmes* for the taking of that Place. That in his Answer of the fifth of *August* last, given in writing to the Ambassador of this State, there is the following Clause: Concerning Captain *Holmes*, we have with great Sincerity assured the said Ambassador, that he had no Commission to take *Cape Verd*, nor any other Place belonging to the *Dutch*, or to do any Act of Hostility upon any of the Subjects of the United Provinces, that was not for the Defence of our Subjects, and their Trade in those Parts. That all he ever said to the said Ambassador concerning *Cabo Corfe*, was, that he looked upon the Case as to that Place, to be very much differing from that of *Cabo Verde*. And so much, as that if he had given Order for the taking thereof, very much might have been said for the Justification thereof. And to the like Effect doth he the said Envoy Extraordinary speak in his Memorial: That suppose his Majesty had permitted his Subjects to endeavour to recover the Possession thereof, it could not be thought strange, nor could this State have had any just Cause of Complaint or Grievance thereat; for the *English* had not only a bare Liberty of trading, or of having a Factory at that Place (as at several others upon that Coast) but one *Thomas Crisp*, chief Agent for the *English* *Guinea* Company, at the earnest Invitation of the King of *Futa*, whose Land that was, went thither about the End of the Year 1649, and purchased the Lands of the said King, and paid for it. And after all these things were concluded, the King's Officers

summon'd all the Natives thereof by the best of Drum, both Men, Women and Children, to a very great Number; and when they were all come together, public and solemn Proclamation was then and there made, That the King of *Futa*, with the Consent of his Officers and great Men, had sold the Land of *Cabo Corfe* to him the said *Crisp*. Whereupon the People gave several great shouts, throwing the Dust up into the Air, and cry'd, That that was *Crisp's* Land. And the said *Crisp* is yet alive, and now at *London*, and hath by special Order of the King his Master sent to him the said Envoy the Contents hereof under his own Hand, with the Testimony of others that were then in those Parts, and know the same to be true. And some time after, a Party of the Natives of that Country falling upon the *English* House there, and robbing and plundering the same, and to the *English* retiring for the present, the *Swedes* came thither, demolished what had been there built by them, and built a Fort upon the Ground which the *English* had purchased. Afterwards the *Danes* drove out the *Swedes*, during the late War between those Crowns; and then the *Dutch* got the Place from the *Danes*. And so the *Dutch* derive from the *Danes*, can have no better Title than the *Danes*; and the *Danes* deriving from the *Swedes*, can have no better Title than that of the *Swedes*, who are the true Proprietors; and having built upon the Land of another without their Consent; and so the Question is fully, Whether the Land should follow the Fort or House, or the House the Land; and whether a Possession of so late a Date, can create a Title against a clear and undoubted Purchase.

And whereas they say, Page 26, That they had bought that Fort from the *Danes*. It is very well known, that the Ministers of *Dronck* do say and maintain, that the *West India* Company of this Country did never buy them out, but only that during the late Siege of *Capebergen*, and in the time of the low estate of that Kingdom, that the Governour-General for the *Dutch* *West India* Company, call'd *Van Heften*, did debauch and corrupt one *Samuel Smith* (who then commanded the said Place for the King of *Dronck*) to put the same into his Hands for a Price of seven or eight thousand Guilders; and that this was without the Knowledge, Permission, or Order of the said King. And this is their Title to this Place, about which they make so much ado. Nor did they content themselves with the said Fort, but, as in all other places, having once got footing, they fell immediately to the utter expelling of the *English* from all Share or Interest there. And whereas they had rebuilt themselves a House or Factory there, some belonging to the *Dutch* *West India* Company, and in their Service, did on the first of *May, 1670*, attack the same, and burn it, with all the Moveables and Merchandises. And it being afterwards rebuilt by the *English*, they hired others to set upon it, and burnt it again, with all the Merchandises therein; nor would so much as permit them to come and trade there with their Shipping. And the said Deputy's Rule is, Page 7, That we may retake by Arms, that which hath been gained by Arms. But this Case had been otherwise; for the *Dutch* having got into the said Fort, in manner aforesaid, were a little after driven out by one *Jan Claes*, who was General for the Natives; and the said *Claes* having driven them out, and knowing well that the undoubted Right of that Place did belong to the *English*, made a Tender to their Agent in those Parts to restore the same to them; but he was neither provided at that time with Men, nor other Necessaries for the restoring thereof; and before they came to him from *London*, the said *Jan Claes* died. Afterwards (and while the *Dutch* were still out of the Possession thereof) the Government of that Country sent a public Minister to *Cornwallis*, to treat with the *English* Agent there, about putting of the said Place again into their Hands: And a Treaty was perfolied and completed between the Governour of *Futa*, and Commissioners sent thither by the said Agent, and a Sum of Money paid in Hand according to the said Conditions. Nor was there so much as any certain Knowledge in *England* that the *Dutch* had repurchased themselves thereof, at the time when *Holmes's* Orders and Instructions were made, nor other News thereof than a Report which came about that time out of this Country. And, supposing it to be true, yet that could not alter such a Treaty made whole out of their Hands; and that Case being thus, if his Majesty had given him such Orders. [*Drewing's Memorial*, p. 55, 56, 57, 58, 59, 60.



A.D. 1663. exercise Hostilities on an Ally, without proper Authority for so doing. He was indeed sent to the *Tower*, for Form's Sake, and examin'd as a Delinquent, but in a very short time honourably discharged; having pleaded, as his Majesty inform'd the *States*, in 1666, "That, searching a *Dutch Ship*, in his Way to *Guiney*, he found *Orders* on board him, from the *Dutch West India Company*, to *Valchenburg*, to seize the *English Fort Comantain*; which induc'd him to trespass on his own: So that by this we are to understand, they were limited to *Cape Carfe* only."

Upon the Whole, it cannot be deny'd, that the *English* eagerly provok'd a War, and the *Dutch* at first, studiously sought an Accommodation, as will be farther explain'd in the Sequel; and therefore it may be fairly presum'd, in this, as in most other State Affairs, Policy advis'd what Justice was made to espouse, and that the Resolution was taken, before the Pretence was thought of.

We have already observ'd, that *Downing* had acted in Concert with *Gamarra*, the *Spanish Minister* at the *Hague*, and that the Court of *England* began to think the Friendship of *Spain* might be useful: But still we had sent no Minister to *Madrid*, nor even return'd his *Catholic Majesty's* congratulatory Embassy on the King's Restoration.

In the Beginning of the Year 1664, however, when the *Dutch War* was in Prospect, when it was uncertain what Part the *French* would take in it, and when the *African Trade* was thought a Matter of such prodigious Moment, Sir *Richard Fanshawe* was appointed *Embassador Extraordinary* to the King of *Spain*, with Instructions to excuse all Omissions, to cultivate a firm and lasting Union between the two Crowns, to feel the Pulse of those in Power, with respect to an Accommodation with *Portugal*, to solicit a free Trade into the *West Indies*, at least for a certain Number of Ships, in consideration of their being supply'd by *England*, at stated Times of the Year, with *Negroes*, at such Prices as should be agreed thereon, and to endeavour to procure an Appropriation of that Trade to *England* alone; disowning however his having any Authority to prosecute this particular Article, as a POINT OF STATE, unless a good Occasion should warrant it.

Affairs were now ripe for the Meeting of the Parliament; the People were sufficiently enflam'd against the *Dutch*, the Merchants were ready with their Complaints, and the Members to espouse them; notwithstanding which, the King, in his Speech to both Houses, forbore to make the least Mention of any Misunderstanding between him and the *States*, and thereby, most artificially, left the Parliament to make the War their own Act and Deed. On the contrary, he confin'd himself wholly to domestic Points; took occasion to open with some Bitterness against certain *Whisperers*, who had inspir'd

into the Minds of the People, That the Parliament should meet no more, that it should either be presently dissolv'd, or so continu'd by Prorogation, that they should be kept without a Parliament; made a Transition to the late Conspiracy in the *North*; declar'd, they were not yet at the Bottom of that Business; that it was a Branch of one he had discover'd to them, as well as he could, two Years before; that there were still those, who pursu'd the same Consultations, &c. and having thus alarm'd their Fears, he proceeded as follows:

"Some would still insist upon the Authority of the Long Parliament, of which they say they have Members enough willing to meet: Others have fancied to themselves, by some Computation of their own, upon some (w) Clause in the Triennial Bill, That this present Parliament was at End some Months since; and that for want of new Writs, they may assemble themselves; and chuse Members for Parliament: And this is the best Expedient to bring themselves together, for their own Purposes. For the Long Parliament, you and I can do no more to inform and compose the Minds of all Men; let them proceed upon their Peril. But methinks there is nothing done to disabuse them in respect of the Triennial Bill. I confess, My Lords and Gentlemen, I have often myself read over that Bill; and tho' there is no Colour for the Fancy of the Determination of this Parliament, yet I will not deny to you, that I have always expected you wou'd, and even admired you have not consider'd the wonderful Clauses in that Bill, which pass'd in a Time very uncared for the Dignity of the Crown, or Security of the People. I pray, Mr. Speaker, and you Gentlemen of the House of Commons, give that Triennial Bill once a Reading in your House; and then, in God's Name, do what you think fit for me, and yourselves, and the whole Kingdom. I need not tell you how much I love Parliaments: Never King was so much beholden to Parliaments as I have been; nor do I think the Crown can ever be happy without frequent Parliaments. But, assure yourselves, if I did think otherwise, I wou'd never suffer a Parliament to come together by the Means prescribed by that Bill."

He then complain'd, that the Subsidies did not arise to half the Proportion they did in the Time of *Queen Elizabeth*: That the Merchants had Shifts to steal his Customs, and the *Brewers* his Excise; and that even the *Heart-money* did not produce so much this Year as the last. He therefore pray'd them to review that Bill, and to let him have the collecting and husbanding of it by his own Officers.

It is observable, that tho' his Majesty in this Speech so freely declar'd, that it de-

(w) It is provided, That a Parliament should be held in *England* every Third Year, and that the Lord Keeper and

Chancellor of the Duchy should be sworn to issue the Writs, or in Default to issue their Places.



A. D. 1664.

April 6.

pended upon himself, whether he would comply with a positive Law, and thereby offer'd a very sensible Affront to the Constitution, no Notice seems to have been taken of it, in either House; on the contrary, his Will and Pleasure had the Force of a Command; that obnoxious Act was (*x*) repealed, with all imaginable Expedition; and, to qualify this excessive Resignation, without-doors, another was introduced, which provided, *That Parliaments should not be interrupted, nor discontinued, above Three Years at the most*; and this was no sooner ready, tho' the only one, but his Majesty went to the House, on purpose to give the Royal Assent to it, which he accompany'd with a (*y*) Speech, at once admirably adapted to inspire a high Idea of Monarchy, and captivate the Affections of the People.

At the same time that the House thus obsequiously remov'd the Corner-stone of their own Significance and Importance, they likewise adopted that other Court Job, of nursing the Quarrel against the *Dutch*. A Committee was appointed to invite Evidence, and search out Complaints, against them: And, Matter enough having been found, to furnish out a plausible Pretence to demand Satisfaction, and authorise a Rupture, the following Resolutions were agreed upon:

Resolutions against the Dutch.

That the *Wrongs, Dishonours, and Indignities*, done to his Majesty, by the Subjects of the *United Provinces*, by invading of his Right in *India, Africa*, and elsewhere; and the *Damages, Affronts, and Injuries*, done by them to our Merchants, were the greatest Obstructions to all *foreign* (*z*) *Trade*: And therefore, that his Majesty should be mov'd to take a speedy and effectual Course for the Redress thereof; and that they would assist him with their *Lives and Fortunes*, against all *Opposition* whatsoever.

With these the Lords also concurred, and both Houses presented them to the King, as the Sense of the Nation; who, in return,

declar'd his high Esteem of their Care and Tenderneſs for the Honour and Good of the Nation; express'd his own Royal Sense of preserving the Freedom of Trade, and the *Dominion of the Seas*; signify'd, he would examine and prove the particular Complaints, that he would demand Satisfaction, by a public Minister, and do his utmost Endeavours to secure his Subjects from the like Violences for the future, depending upon the Promise of both Houses to supply him. In which last Particular, the judicious Reader will find a Clue to the whole Intrigue.

Having thus gratify'd the Court, and reliev'd the Prerogative, their next Care was to make another Sacrifice to the Church. It was not enough, that the *Nonconformists* were ejected, and branded as *Schismatics*; they were still follow'd, still careſ'd, still admir'd by the Multitude: And this was what their domineering Adversaries could neither endure nor forgive. As therefore the Shepherd had already felt their Fury, the Flock was now to be scatter'd: And it is extremely worthy of Remark, that, in the Act to prevent and suppress seditious Conventicles, which was made the Instrument of their Vengeance, Diligence and Schism are blended together, and it is presum'd, that no Man can be a Sectary, without being a Traitor.

The Words in the second Clause of the Act are these:

“ For providing therefore further and more speedy Remedies against the growing and dangerous Practices of seditious Sectaries, and other disloyal Persons, who, under pretence of tender Conſciences, do, at their Meetings, contrive Insurrections, as late Experience has shew'd.”

By this severe and unchristian (*a*) Act, any Five Persons, over and above those of the same Household, assembled to worship God, after a different Mode from that of the establish'd Church, constitute an unlawful Conventicle, every one of which, if above Sixteen,

(s) Of which the Speaker, Sir Edward Turner, took occasion, in his Speech to the King, at the End of the Session, thus frankly to enlarge:

“ The first Thing we took into Consideration, was the Act made in the Sixteenth of the late King, of glorious Memory, for Triennial Parliaments: When we had given it a Reading, we found it derogatory to the essential Prerogative of the Crown, of Calling, Holding, and Dissolving Parliaments: We found it unpracticable, and only useful to learn the People how to rebel; therefore we melted it down, extracted the pure Metal from the counterfeit and drossy Alloys, and then presented it to your Majesty to be new stamp'd, and made current Coin for the Use of the Nation.”

(t) *My Lords and Gentlemen,*

“ You will easily believe, that I have come very willingly to give my Assent to this Bill. I do thank you very heartily for your so unanimous Concurrence in it, and for your desiring me specially to finish it. And, if I understand any thing that concerns the Peace and Security of the Kingdom, and the Welfare of my Subjects (all which I study more than my Prerogative, and indeed I consider my Prerogative in order only to preserving the other) every good Englishman will thank you for it: For the Act you have repealed could only serve to discredit Parliaments, and to make the Crown jealous of Parliaments, and Parliaments of the Crown, and perſuade neighbour Princes, that England was not govern'd under a Monarch. It could never have been the Occasion of frequent Parliaments. I do promise you, I will not be an Hour the less without one for this Act of Repeal; nor, I am sure, will you be the less kind to me in Parliament. I do again

“ thank you for your excellent Temper, and Respect to me, and desire you so to proceed, that the Session may be within the Time I propos'd to you last. And I do assure you, upon my Word, and I pray believe me, that I will have no other Thoughts or Designs in my Heart, but to make you all happy, in the Support of the Religion and Laws established: And, if my own Wants and Necessities are at any time grievous to me, it is only as I apprehend I may not be able sufficiently to provide for those, and for the Peace and Security of the Kingdom. And therefore I am confident, that you and I, who agree in the End, shall never differ in the Way.”

(u) See a Letter of Mr. Secretary *Bretvil* to the Duke of Ormond, expressing the secret Sentiments of the Court at this Juncture, dated April 25, 1664.

“ The Houses have agreed to the Vote of Trade, with that complimentary Addition, which your Grace fees in the inclosed Paper, and which, if it have no further Effect, would at least be a Point of just Reputation to his Majesty's Government: And in so short a Session the World shall see, the *Triennial Bill* be repealed, and such a Vote as this, after they had been prepared to expect nothing but Contentions and Disputes with the Crown, in the most jealous Points belonging to it.”

(a) *Phillips* affirms, that it was the whole Employ of the Magistrates, this Year, to apprehend and try the Offenders against this Statute, p. 577; and, that the *Nonconformist* Teachers might, if possible, be starv'd out of their Hierarchy, a Proclamation was let forth, to prohibit, all Persons to seek, demand, receive, or deliver, any Contributions or Supplies, but what were publicly allow'd and granted, without allowance of the Lords of the Privy Council.

*A. D. 1664.* teen, was liable, for the first Offence, to be imprison'd *three Months*, or pay *five Pounds*; for the second, to be imprison'd *six Months*, or pay *ten Pounds*; and, for the third, to be transported for *seven Years*, or pay *one hundred Pounds*. And, by the tenth Clause, the *Lieutenants*, or *Deputy Lieutenants*, or any commission'd Officers of the *Militia*, or ANY OTHER OF HIS MAJESTY'S FORCES, as well as the *Sheriffs* and *Judges of the Peace*, &c. with such *Troops* or *Companies of Horſe* or *Foot*, as they should think meet, or could be got in *Readiness*, on receiving a Certificate under the Hand and Seal of any Justice of Peace, were commission'd to put the Act in Force.

These were the principal Transactions of this Session: For, as to Money-matters, which have since been the annual, if not the sole, Business of Parliament, as no new Demand was made by the Court, no new Imposition was laid upon the People. Indeed, the House gratify'd the King with an Act to levy the *Heart's-money* by Officers of his own, who were thereby authoris'd to visit every House, once a Year; and hence that Duty became the most odious and burthenſome of any that had been laid upon the Subject.

*Parliament prorog'd.*  
May 17, the King came to the House of Peers, to close the Session; upon which Occasion having acknowledg'd, that the Parliament had gratify'd him in all he desir'd, his Majesty was pleas'd to add,

"You will watch those *unquiet Spirits*, which are still lurking, and ready to embrace all Opportunities to involve the Nation in new Divisions, under what specious Pretences soever; and you will carefully inform the People, how much it is in their own Power to be as happy as they can wish to be. Indeed, if they are truly sensible of their present Happiness, it will quickly be improv'd."

He concluded with giving both Houses to understand, that, *because something extraordinary might fall out* (alluding to the intended Rupture with the Dutch) he should prorogue them but till *August*; but withal signify'd, that, unless there was Occasion, he should not summon them till *November*.

We have here the King's own Evidence, that the Parliament had answer'd all his Expectations; and yet his Secretary, *Bennet*, in a Letter to the Duke of *Ormond*, dated *May 14, 1664*, could not help declaring, (b) that the Court was *most at Ease*, when fairly rid of them.

*Progress of the Quarrel with the Dutch.*  
Notwithstanding the Cry of the People, the Zeal of the Parliament, and the Disposition of the Court, the great Affair of a Rupture with the Dutch remain'd still in Suspence; for, as the States continued to seek

an Accommodation, it could not as yet be handsomely refus'd them.

But tho' they chose to avoid a War, if possible, they resolv'd not to be unprovided, in case it should happen; either to defend themselves at home, or avenge themselves abroad. Their Conduct indeed was rather cunning than honest. In the Beginning of the Year, they had invited the King to act in concert with them, against the *Algerines*; his Majesty comply'd: Sir *John Lawson* was sent into the *Mediterranean*, on the Behalf of *England*, and *de Ruyster* of *Holland*. Upon the Meeting of the two Squadrons, the Dutch made no Difficulty of paying the *English* all the Honours of the Sea, which the Last, with inexcusable Incivility, neglected to acknowledge: With this Affront *de Ruyster* did not fail to make his Masters acquainted: And, in the *September* following, he receiv'd Orders to quit the *Mediterranean*, without taking Leave, and sail for *Guiney*; where he reduc'd all the Places, lately taken by the *English*, except *Cape Corſe* and *Cbema*; and, over and above, made himself Master of *Fort Cormantin*, which had always been in the Possession of the *English*.

Sir *George Downing*, in his Memorial of *April 7, 1665*, asserts, That there were laid up beforehand in *Readiness*, about *Cadix*, all manner of Provisions and Necessaries for such a Voyage. And we have a Minute, in a Letter from Mr. *d'Estrades* to the King his Master, dated *October 30, 1664*, that *de Ruyster* had actually taken in six Months Provisions at that Port, under Colour of an Expedition against the *Moors of Salley*; that it was then known, he had receiv'd Orders to make for the Coast of *Guiney*; and that Sir *John Lawson*, who was return'd to *England*, gave out, that he, *de Ruyster*, had 13 large Men of War, and 3500 Soldiers, and was in a Condition to accomplish whatever he should undertake.

It is likewise observable, that *Van Beuningen*, Embassador from the States to the most Christian King, in the said Month of *September*, signify'd to that Prince, That the States had sent a Fleet to *Guiney*, not to attack reciprocally the Forts, Ships, and Goods, of the Subjects of *England*, but to retake what had been unjustly taken from them. Whereas no sooner was he arriv'd there, but finding (c) eight *English* Merchant-ships, which were but just come upon the Coast, he seiz'd upon them all, and appropriated their Cargoes to the Use of the *Dutch West India* Company. Nay, to render this invidious Proceeding still more unsuspected, the States, in the same Month of *September*, came to a Resolution to communicate to the Court of *England* their Purpose to send *Van Campen* with a small Squadron to (d) *Guiney*, That his Majesty

*A. D. 1664.*

*Downing's Memorial; in 1665.*

(a) The whole Passage ran thus:

"We hoped his Majesty would have been this Day at the Parliament to prorogue it, but the Difficulties that offer'd themselves in passing the *Conventicle Bill*, spun out the time till it was too late; but what was done this Day, will be on *Monday*, by the Grace of God. Altho' there be Safety, as *Salomon* says, in a Multitude of Counsellors, yet we cannot but think ourselves at Ease when we are fairly rid of them."

(c) According to Mr. *d'Estrades*, it was known in *Holland* in *July*, that the *English* had taken four Ships in *Guiney*, belonging to the *West India* Company, which was there look'd upon as the first Treason: But not till *October*, that they had taken *Cape Corſe*.

(d) It ought here to be remember'd, "That his Majesty gave the States to understand, that if they sent such Force to *Guiney* as to give a just Cause of Jealousy to him "in the Behalf of his Possessions there, that he should find himself

A. D. 1664. might be entirely assur'd of the Sincerity of their Intention for their Conservation of Peace, and of all good Understanding with him. Whence his Majesty was to conclude, that they neither had, nor would, without farther Provocation, have recourse to the Sword.

Fearing however, that his Majesty was too well acquainted with them to be so easily deluded, they resolv'd to be in a Condition to repel Force by Force, and not merely depend on the Courtesy of England. Accordingly, *Opdam*, with Twenty-seven Men of War, was appointed to convoy this Reinforcement thro' the Channel, as far as the Coast of Spain; with Orders not to omit any of the usual Compliments to the English Fleet, in case of a Rencontre; but to sink, burn, and destroy, any Ships whatever, that should attempt to interrupt his Passage.

Lord Arlington's Letters, Vol. II.

So early as May, Intelligence had been receiv'd here, that the Dutch were working Night and Day, to set out a Fleet of Thirty Sail at least: As, therefore, the Parliament had granted no extraordinary Supply, it was thought advisable to borrow at first 100,000 Pounds, and afterwards as much more, of the City of London, to enable his Majesty to keep pace with the Dutch, in his military Preparations, and be as forward to face the Enemy, as they to fall in his Way.

What the City cheerfully supply'd, the King so effectually employ'd, (in his own Person journeying from Port to Port, to animate his Subjects, and forward the Work) that, by the Beginning of November, a gallant Navy, under the Command of the Duke of York, Prince Rupert, and the Earl of Sandwich, was assembled at Portsmouth, and ready to put to Sea. However no Action follow'd; the Dutch continu'd in their Ports, either out of Fear, as we flatter'd ourselves, or for want of favourable Winds and Weather, which is perhaps the Matter of Fact.

Conduct of France at this Time.

Most of our Historians ascribe the Original of this Quarrel between the two maritime Powers to the Intrigues of France; but not the least Shadow of a Proof appears in support of this Opinion: On the contrary, as soon as it began to wear a serious Face, we

find the most Christian King, in a Letter, dated July 11, 1664, to his Ambassador *Esbrades*, declaring, that his sincere Affection for the Welfare and Quiet of both States would not permit him to be any longer silent; that he would have him demand an express Audience of the States, to represent to them, in the most lively manner, how much they ought in Prudence to avoid a War; how much their Trade would suffer by it; to exhort them, out of pure and sincere Friendship, to forward an Accommodation, by their Readiness to shew a Compliance on their Part; and to offer his Mediation with the King of England, to bring it about.

To the King of England, on the other hand, he resolv'd to send an extraordinary Embassy, consisting of the Duke de Verneuil, Mr. Comingses, and Mr. Courtin, with an Offer of his said Mediation: But he soon found, that it would be no very easy Matter to get it accepted. Tho' the States so passionately desired to avoid a War, that they shew'd a Disposition to comply with many (e) things, which they held to be disputable, no Consideration could prevail with them to part with their Hold on the Coast of Guiney: And nothing less would satisfy England; who, as before observ'd, had solicited the Rupture with no other View.

When therefore it became manifest that the Mediation was like to be fruitless, each Party address'd itself to secure the Interest and Power of the Mediator.

The Dutch call'd upon him loudly to fulfil his Obligations by the late Treaty with the States, and take a Part in the War; he being, at that time, under no Engagement with England to the contrary: And, as a farther Inducement, Mr. de Wit gave the Count d'Esbrades to understand, that it was very easy to involve the King of England in Troubles at home: That the different Sects, who were all malecontent, might without Difficulty be induced to make an Insurrection, when the Forces of the Kingdom were employ'd at a Distance: That the Presbyterians, of both England and Scotland, had already (f) open'd themselves on this Head

"himself oblig'd to stand aloof. The Consequence whereof would inevitably be a Breach between him and them." Lord Arlington's Letters, vol. li. p. 46.

(e) They authori'd the most Christian King to declare to his Brother of England, That, in case he, the King of England, would secure to the States the Restitution of the Ports and Ships, his most Christian Majesty would secure to England Satisfaction from the States, as to their Pretensions for Damages. They endeavour'd, likewise, to have the War confin'd to Africa and the East and West Indies; but both these Proposals were rejected.

(f) This is confirm'd by General Ludlow himself in his Memoirs. It will insert the whole Passage as it serves to show how impolitically the Court had acted, in driving these Men to Despair; and by imposing fresh Grievances, provoking, and in a manner authorizing, fresh Troubles.

In this Posture of Affairs, the Court of England thought fit to declare War against the States General of the United Provinces; by means of which, some of our Friends conceiving great Hopes of the Restitution of the Commonwealth, enter'd into a Treaty with divers principal Ministers of that Country, for procuring some Forces to join with our oppressed Party in England, against the Common Enemy. Having received Information of this Treaty, and being presen-

ted by a Person of Honour and Integrity to declare my Concurrence in the thing, I acquainted him, That tho' I should be ready to embrace any good Occasion of serving the Commonwealth, and relieving my Country from Oppression; and that I had no great Reason to be a Friend to the present Establishment, yet the Treachery of the Dutch, in delivering up three Friends, *Okey, Corbet, and Starbuck*, into the Hands of their Enemies, made me fear the same Treatment from them in case of an Accommodation with England. For if they had purchased their former Agreement with the Price of that Blood, I could see no Reason to persuade me that they would not purchase another with ours: I told him, That all Men knew they prefer'd the Profits of Trade before any other thing in the World; and how dangerous it might prove to engage with such a sort of Men, I left to his Judgment to determine; that being convinc'd in Conscience that they had contracted the Guilt of the Blood of our Friends upon themselves, my Duty would not permit me to act in Conjunction with them, till they should make Satisfaction for that Injustice: However, I offer'd that if they might be brought to disown that Action, as done by the Influence of a particular Faction, and promise, at a more convenient time, to punish the immediate Authors, I would freely hazard my Life in the Expedition.

A. D. 1664. Head to some Ministers of the States: And, that his Masters would do their utmost to embroil the King of England as much as possible, in case he persisted in refusing all Offers of an Accommodation: The States

also assur'd his most Christian Majesty, that they would hearken to no Proposals against his Interest; from which they moreover promis'd never to depart. But this not coming up to that Monarch's Expectations, he found

In the men time I received a Letter from Mr. *Say*, who was then at *Amsterdam*; in which, among other things, I found these Expressions;

"Believe me, Sir, things are so well prepared here to answer the good Ends we all desire, that nothing seems to be wanting but Hands to set the Wheels going. Invitations and Encouragements are not only offered, but prest upon you; and there is no ground to fear their Retreat, of which you seem to doubt. The Ruin of the present Government in England is certainly intended, and I have Cause to believe will be effected; the States being unanimously for this War, and at last brought to see that their Commonwealth cannot long subsist, if Monarchy continue in England. Of this they will give the clearest Evidence, as well of their Resolution to assist the Commonwealth Interest as far as shall be desired; in which they seem to be no less zealous, than how to defend themselves. As to the Usage our three Friends met with in this Country, I have examined the Particulars, and find the thing to have passed in a different manner than has been represented: They are able here to give you, or any Person, Satisfaction, that the Matter does not lie so foul upon them, as is generally conceived; and would, if it might be any way conducing to the Advantage of our Affairs, set that Business in its true Light. But this is not thought advisable at present by many of our Friends, who think such a Course may too much alarm the Court of England, and put them upon Measures of procuring Peace at any rate. The King of England is never mentioned without the utmost Contempt, and Writings every Day published to expose his Person and Government. You may propose what you please for your Safety, and I dare answer it shall be granted; only I must take leave to tell you, that the most private manner of treating, is best approved by our Friends. The Offers they make here are very great, and yet no Promises exacted from us for their Security. Therefore I beg of you to think of seeing this Place, and quitting the Quarters where you are, that you may be instrumental in the Service of your Country at this time. I am certainly informed, That considerable Numbers in England, Scotland and Ireland, sensible of their present Servitude, will appear for us; and such Measures will be taken here for their Assistance, that I have great Hopes of Success. Nothing seems now so much wanting as fixed Councils both here and in England, and no one can be more serviceable than yourself in this important Matter; I beseech you therefore let us have your Help, for we cannot be without it, and I am persuaded the Work will prosper in our Hands. Make all the Expedition you can in your Journey; for tho' this be not the Conjunction of Action, yet I am persuaded 'tis in high time to be preparing, and 'will be to our Shame if we neglect it."

About eight Days after this, I received another from the same Person; in which, having desired me to give credit to the Contents of his last, he added, "That the *Herr Niesperer* had, at a Conference, assured him, That the Intentions of the Government of *Holland* were to relieve the good People in England; and that he should be glad of any Overtures to that purpose from me or any other Persons; That there was more in the Design of this War than was commonly understood, and that the Destruction of the whole Protestant Party was intended: That some of the most eminent of that Religion in France, had sent Messengers into *Holland* to give Information of this Matter; advising, That the States would make the best Preparations they could for their Defence, and assuring, That if they should be borne down in this War, the Reformed Religion would soon be extinguished in France: That the *Dutch* had thirty thousand Men ready to put on board their Fleet, of which Number ten thousand were Land Soldiers, and to be disposed as we should advise and direct; That a great Sum of Money was prepared for this Service, and that the whole Fleet should be commanded to favour our Enterprise: That if it should be thought necessary to transport Horse into England, the States would willingly comply in that also, having resolv'd to endeavour a perfect Friendship with the good People of England, which he said, he hoped should never be broken. At the bottom of the Letter were these Words: "I beg of you to lay aside all former Prejudices, and as you love the Cause in which you have engag'd, come speedily, and let your Heart and Hand to this Work. I can certainly assure you, That the most considerable Minister of this State, has lately very much inquired for you, and having received some account of you, has given us reason to hope, That if you will come to them in this Conjunction, they will place you at the Head of such a Number of Men,

as should, by the Blessing of God, and the Concurrence of our Friends in England, be sufficient to redore the *monarchy*. I dare assure you from the best Information I can get, that on such an Occasion there would be a greater Appearance for us, than at the beginning of the late War. Let me therefore not hear from you, but see you."

The'se Offers were very advantageous, especially to one in my Condition, and the Honour I received more than I could expect, yet these things, I thank God, were no Temptation to me. The Cause of my Country, which is dearer to me than my Life, was that alone which made me earnestly wish, That I could have persuaded my self to lay hold of this Opportunity, and to join with my Friends in this Enterprise for our common Deliverance. But the Reason, before mentioned, fat so close upon me, that I was constrained, not without great Regret, to acquit my Friends with my Intentions to persist in my former Resolution, not to enter into a Conjunction of Councils and Interests with the *Dutch*, all they had given Satisfaction touching the Business of the three Gentlemen they had so insidiously delivered into the Hands of our Enemies, together with some reasonable Assurances that they would not abandon the Commitments of such an Oath, join with them.

In the mean time, a Person of Honour and Quality of the English Nation whom I had never seen, being then at Paris, took care to let me know by a third Hand, that the King of England suspecting I would join with the *Dutch* against him, had caus'd the *Allegiance* to double their Diligence, and that the Person who had murder'd Mr. *Life* was come to Paris, accompany'd with others of the same Trade, and had undertaken either to carry me off alive, or to dispatch me upon the Place. *St. Du*, another of this Tribe, endeavoured also to engage one Monsieur *Tornius*, a Gentleman of Secy, and my Friend, in the Design against me, promising him a great Recompence if it proved successful. He dated his Letter from Paris, and desir'd the Answer to be directed to one at Lyons. But Monsieur *Tornius* suspecting him to be nearer to us than he would have it believed, and being desirous to penetrate farther into their Secrets, told him in his Answer, that Money was not to be refused; but that I kept myself so much upon my Guard, that nothing could be attempted without previous Consultation. This Gentleman did me the favour to give me a sight of the Letter and Answer, with Assurances of his Service, and a Promise to send me *St. Du's* Reply as soon as it should come to his Hands.

These things made me resolve upon withdrawing from my Lodgings at *Feuoy*, and lying privately for some time, that my Enemies might be amused, and uncertain how to lay their Designs; which having done, it produced the Effect I desired. For no sooner had I withdrawa my self from the public View, but it was generally concluded that I was gone for *Holland*, which, I conjecture, might put a stop to the Designs against me for that time, and render'd my Countrymen at *Feuoy* more safe and undisturb'd than they had formerly been.

During this Retirement, I received Letters from my Friends in England, with Advice, that four Persons had been dispatch'd by the King for our Parts with the accustomed Instructions; but hearing no more concerning them, I concluded they were either the Villains of whom I was formerly inform'd from Paris, or Part of those who had been sent to *Amberg*, with Orders from the same Hands to assist one Colonel *Algeron Sidney*; and probably being ten in number might have effected their Design, if having undertaken a Journey to *Holland* upon Business relating to the Public, he had not removed from that Place before their Arrival. Thus far Mr. Ludlow.

With regard to the References to the *assassinating Projects*, so often mentioned in this Quotation, the Death of Mr. *Life*, who had been *Lord Keeper* to the *Protector*, and who was then Summer thro' the Back at *Langport*, gives them but too much Authority: It being scarce possible to conceive that any Man's Zeal would prompt him to expose himself to the Danger and Disgrace inseparable from so wicked and desperate an Undertaking, unless he was both countenanced and rewarded by his Superiors. It may be added that the King's Ministers, as well as the Cavalier Party, spoke of the Fact with a sort of Approbation; and as is plain from the following Paragraph of a Letter from Mr. Secretary *Benner*, to Sir *Richard Fanshawe*. "The New Books will tell you Excellency a strange Story of *Life*, the *Diener's* Keeper, which is every Word true; and the Observation of it very well made, that God Almighty's Justice, would not let these Villains go quietly to their Graves." *Lord Arlington's Letters*, vol. ii. p. 43.

A. D. 1664.

found Expedients to excuse himself from returning an explicit Answer; and, in the mean time gave Mr. *d'Esfrades* to understand, in Confidence, that, before he should undertake to assist them in earnest, he should insist on a new Assurance, in the Form he should prescribe, for his entire Security, that they would never any more enter into any Confederacy against him.

d'Esfrades.

The Court of England, on the other hand, now thinking the Interest of Commerce to be more nearly and intimately their Concern than the Balance of Europe, endeavour'd to win over the most Christian King to their Party, by offering him a *Carte blanche*, for every thing he could desire in the Netherlands, without pretending to an Inch of Ground in Return: And, that this extravagant Proposal was not accepted of, can be no otherwise accounted for, than by his most Christian Majesty's Letter to Mr. *d'Esfrades*, of January 2, 1665, in which he declares, "That, whatever he should resolve on, it very much import'd him, that the States should not be crush'd; because, by that means, the Power of England at Sea would become too formidable."

A little embarrass'd he confesses himself to have been, and at a Loss with which Party to close; not from the Difficulty to decide which was in the Right: He had no such Scruples; but which it was most his Interest to oblige. According to him, both were in the wrong: For, in his Letter of June 27, 1664, he declares, "The more he considers Mr. *de Wit*'s Memorials relating to the Ships *Good Hope* and *Bonadventure*, the less he was able to conceive, what the English could ground their Pretensions upon." And, in that of December 26, of the same Year, it is his Opinion, "That the States had drawn the Quarrel on themselves, by endeavouring to engross all the Trade of Africa". What an Image have we here of the Principles and Practices of Princes!

We have had no Occasion as yet, to mention the Emperor, because he had not as yet seem'd to know, that there was any such Prince in Europe as King Charles: This Year however he condescended to dispatch an Envoy to the English Court, to solicit Aid against the Turk; which was civilly refus'd, and which, as it happen'd, his Imperial Majesty did not stand in need of: For, having made a successful Campaign, a Cessation of Arms was first agreed upon; and that, in the End, made way for a Peace.

But the Empire had scarce taken Breath on that Side, before it was again embroil'd on the other: For the French, under Pretence of taking the Elector of Mentz into their Protection, invaded Germany, took Erford, and struck a Terror into all the neighbouring Princes.

Hence, it may be presum'd, arose the Proposal, which, about this time, was made by the Bishop of Munster to the States, to

enter into a League with the Emperor, the Duke of Saxony, and other Princes of the Empire. But this, in their present Disaffections, the States could scarce give Ear to; and, at the Instance of the French Ambassador, found themselves oblig'd to reject: Which coming to the Knowledge of Downing, he took the Advantage to enter into a Conference with *Friguet*, an Agent of the Imperial Court, in which he told him, It was time for the Emperor to open his Eyes, and take Vengeance on the States, for all the Injuries and Oppressions they had committed on the neighbouring Princes, who were Vassals of the Empire: And that he had now a fair Opportunity to do it; since he had Orders from the King his Master to negotiate a League with the Emperor, on the express Condition, of never coming to an Accommodation with the said States, till his Imperial Majesty, and every Member of the Empire, had obtain'd full Satisfaction.

Whether any Progress was made in this Affair, does not appear; but this one Circumstance is sufficient to shew, that every Measure which might contribute to the Ruin of the Republic, was eagerly embrac'd by the Court of England.

Indeed, Sir John Lawson's well-founded Opinion, that *de Ruyter* was slip'd away to Guiney, had now so extirpated both Ministers and People, that they no longer thought themselves oblig'd to preserve any Temper with the States. All that Sir Robert Holmes had done, they foresaw would be undone. They could not bear the Thought, of having the African Trade again forc'd out of their Hands; nor could they forgive themselves for having been thus over-reach'd. That, however, they were over-reach'd, ought probably to be put to Downing's Account; for Mr. *d'Esfrades* not only hints, that he had been reprimand'd for being defective in his Intelligence with respect to *de Ruyter*'s Orders; but in one of Downing's own (g) Letters to Sir Richard Fanshawe, dated October 20, 1664, O. S. he seems to give no Credit to Sir John Lawson's Opinion, concerning the Expedition to Guiney.

There is, indeed, something very unaccountable in our whole Conduct at this time: When the Dutch first threaten'd to send their Guiney Fleet thro' the Channel, the Earl of Sandwich with a strong Squadron was station'd at the Downs to dispute their Passage, and Prince Rupert with another was appointed to sail for Guiney, September 30th. Again, so early as the 15th of that Month, it appears by a Letter from Mr. Godolphin to Sir Richard Fanshawe, that *de Ruyter*'s intended Enterprize had alarm'd the Court: And in the same Letter, it is added, That Sir John Lawson hath Order from the Duke to do his Part. And yet Sir John Lawson and *de Ruyter* were both in the Bay of Cadiz together: *De Ruyter* sail'd from thence for Guiney October 5; N. S.: Sir John quitted the same Port

Arlington's  
Letter.  
Fanshawe's  
Letter.

two

(g) His Words are these:  
"Sir John Lawson hath fill'd them at London with Appre-

hensions that *de Ruyter* is gone to Guiney; but put not yourself to Pain thereof." Fanshawe's Letters, p. 302.

two Days after, and arriv'd at *Portsmouth* the 11th, O. S. and Prince *Rupert* never proceeded to *Guiney* at all.

While Affairs were thus circumstanc'd, a general Council was held, wherein it was resolv'd to begin Hostilities without Delay; which it was understood, *de Ruyter's* Behaviour in *Guiney* would justify. Accordingly, without any previous Declaration of War or public Issue of Letters of *Mart* and Reprizal, all the Vessels belonging to the *Dutch*, which as yet confided in the Public Faith, were seiz'd in our Ports: Our Men of War, likewise, fell upon their homeward bound Trade, from the North, in the Channel, in the *Mediterranean*: And the Number of Captures before the End of the Year, we are told, amounted to (b) one Hundred and thirty-five.

There was now a Necessity for the King to summon his Parliament, that they might make good their Engagements of assisting him with their Lives and Fortunes.

Accordingly, November 24, both Houses being assembled, his Majesty was pleas'd to signify "How unkindly he had been treated by his Neighbours the *Dutch*; how much he thought it his Duty to vindicate the Rights of his Subjects, and the Honour of himself and his Kingdoms; how, to this end, he had, upon the Stock of his own Credit, set forth a Navy that would guard his Seas, and would not decline meeting with all the Naval Power of the *United Provinces*; that he had almost emptied his own Stores, and had very liberally borrowed of the City of *London*; so that to discharge the one, and replenish the other, would require little less than eight hundred thousand Pounds; that he had reason to expect from them a speedy and substantial Supply, and must desire them to frame their Resolutions with all necessary Expedition."

He then proceeded as follows: "Mr. Speaker, and you Gentlemen of the House of Commons, I know not whether it be worth my Pains to endeavour to remove a vile Jealousy which some ill Men scatter abroad, and which, I am sure, will never sink into the Breat-

"of any Man who is worthy to sit upon your Benches. That when you have given me a noble and proportionable Supply for the Support of a War, I may be induced by some evil Counsellors (for they will be thought to think very respectfully of my Person) to make a sudden Peace, and get all the Money for my own private Occasions. But let me tell you, and you may be confident of it, that when I am compell'd to enter into a War for the Protection, Honour, and Benefit of my Subjects; I will (God willing) not make a Peace, but upon the obtaining and securing those Ends for which the War is enter'd into; and when that can be done, no good Man will be sorry for the Determination of it."

Cautious as the Parliament had hitherto been, of not parting entirely with the Power of the Purse, their Indignation against the *Dutch* was now become so much stronger than their Distrust of the Court, that, the very second Day of their Sitting, they gratify'd his Majesty with a Supply of Twenty-four hundred thousand Pounds, to be rais'd in three Years. But, though they were unanimous in their Grant, they had (i) warm Debates on the Ways and Means of raising it; in so much that the Bill was not ready for the Royal Assent till the Eleventh of February.

This was the only Remarkable of the Session; except the Variation that was made in the Manner of taxing the Clergy: For whereas, before, they had tax'd themselves in *Consecration*, it was now thought their Interest to waive this Privilege, and to submit to the Assessments of Parliament, in common with their Fellow-subjects; but not without a Consideration: Two of the Subsidies, they had before granted to his Majesty, were remitted to them; and they were enabled, for the future, to give their Votes in the Choice of Members of Parliament.

In this Interval, the most Christian King, and the States, began to entertain some Suspicions of each other: *Van Gooch*, the *Dutch* Minister in *England*, gave his Masters Advice, that there seem'd to be a secret Intelligence between *France* and *England*: And his most Christian Majesty assur'd Mr. *d'Estrades*,

(b) The Lord Chancellor in his Speech to both Houses, by the King's Command, October 10th, 1665, affirms, *The Loading of our Ship was not sold or disposed of, till his Majesty had receiv'd full Information of de Ruyter's having begun the War upon the Coast of Africa. The same thing was, likewise, inserted in the Declaration of War against the States, as follows:*

"We thereupon gave Order for the detaining the Ships belonging to the States of the *United Provinces*, their Subjects and Inhabitants; yet notwithstanding we did not give any Commission for Letters of *Mart*, nor were there any Proceedings against the Ships detained, until we had a clear and undeniable Evidence that *de Ruyter* had put the said Orders in Execution, by seizing several of our Subjects Ships and Goods."

(i) My last told your Excellency of the opening of the Parliament by his Majesty's Speech, and the next Day to justify all the fair Hopes we had of their supporting cheerfully this War, the House of Commons voted the raising to his Majesty, in three Years, two Millions five Hundred Thousand Pounds Sterling: But coming the next Day to debate the manner of raising it, they did not agree to well, but parted late in the Evening with great Heat: Notwithstand-

ing which, they have this Day concluded very peaceably, that the Committee of the whole House do proceed to consider of the raising of the 2,500,000 l. (the exact Sum was 2,477,500 l.) in a regulated, subsidiary way, reducing the same to a Certainty in all Counties, so as no Person for his real or personal Estate be exempted. The great Strife hath betwixt them Subsidies and Land-Tax: The first will make a great Noise, and one of uncertain Value; the last was the Child of these ill Times, hath been reason'd for since the King came home, and, at the best, is unequally laid upon all the Counties: so that your Excellency must not be surpris'd, if you hear some Days have been spent in making the manner effective, since all agree in the *Quarant. Mr. Secretary Berner to Lord Holles at Paris.*

(k) *Van Renswighers at Paris*, likewise discovered, that another great Charge of Money had been sent to *Holland* under the Guard of 100 Horses. This the States suspected was for the use of the King of *England*. But his most Christian Majesty, in his Letter of *January 30, 1665*, on the contrary declares, That it was neither to be sent to *England*, nor any other County where *England* could be the better for it.

A. D. 1665.

*d'Esprades*, that the *States* had order'd their Minister at *Madrid* to give Ear to such Proposals as should be made him, touching a League for the Defence of the *Netherlands*; which, according to him, was doing him the greatest Prejudice imaginable. Again; *Mr. de Wit* stood on a Precipice; by having connect'd himself so closely with *France*, who now left the *Republic* to shift for itself: Several *French Ships*, under various Pretences, had been detain'd in the Ports of *Holland*; in particular, Five bought there, for the Service of the *French East India Company*, which the *States* made bold to fit up for their own Use. These *Mr. d'Esprades* had, in several Memorials, earnestly, but vainly, reclaim'd; the *States* alledging, that the Embargo ought to extend to the Ships of Forreigners, as well as of their own Subjects: That they stood in need of those Ships, which would not be the least in their Fleet: And even insinuating, that they were better us'd by his *Catholic* than his *most Christian Majesty*; for that He had suffer'd them to detain and make use of a *Galleon* of his, of Seventy-six Guns, which he had caus'd to be built in *Amsterdam*. His *most Christian Majesty*, however, was not satisfy'd with these Pretences; but, on the contrary, issued a Decree to stop and seize all the *Dutch Ships*, in all the Ports and Roads of his Kingdom. This was a Thunderclap to the *States*: They had already complain'd, that the *most Christian King* intended to (m) ruin them; they began to apprehend the fatal Moment was now at hand; and therefore, to qualify the Indignation, they were not in a Condition to contend with, they, in the most respectful and submissive Manner, resign'd the Ships in Dispute, "In the Persuasion, say they, that we shall soon see them fighting under the Flag of *France*, for the Justice of our Cause, and for the common Interest, and not only of his *most Christian Majesty* and the *States*, but of all *Europe*."

Nor did the Misunderstanding between the two Powers terminate here. Tho' *England* had by this time declar'd War, and issu'd Letters of Mart and Reprizal, *France* proceeded with her Mediation, at the Instance of *Holland*, and *England* affect'd to give Ear to it: But though the *States* had given the Negotiation this new Turn, they stuck to their old Terms; of which his *most Christian Majesty* complain'd in the most lively Manner; Declaring, the said Terms were such as the King of *England* had a hundred times refus'd: That, in the present State of Affairs, they were not sufficient to raise the least Hope of an Accommodation: And that, if they did not offer some reasonable Conditions, for the future Settle-

ment of Trade, he should have Reason to tell them, it would not be very just for them to draw him into a War against his own Interest, that they might have the whole Trade of the World, and all the Profits arising from it, to the Exclusion of all other Nations.

But in this, their Lordships were not to be mov'd: And those of *de Wit's* Faction, who govern'd the Cities of *Holland*, and the *States* Deputies, gallantly reply'd, They would never consent to an Accommodation, by giving up the Rights of their Country; nor even treat, but with Equality, Justice, and Reason: And that nothing but Necessity should oblige them to submit to the *English*: In which Case, they should have both the Glory and Consolation to reflect, that they had done their utmost for the Preservation of their Liberties.

Both Parties continuing thus obstinately bent to leave their Cause to the Decision of the Sword, the *most Christian Mediator*, who had expostulated so warmly with the *States*, for not making greater Concessions to the Demands of the *English*, took occasion to advise their Lordships to weary out their Adversaries, by keeping within their Ports, and avoiding a Battle; and when it appear'd his Counsel was not follow'd, not only express'd a sensible Pleasure to find their Fleet in a better Condition than he had heard it represented; but, with a seeming Cordiality, wish'd them good Success.

Tho' we have been thus large and full in treating of the Rise and Progress of this Rupture, we shall not stay to particularise all the Incidents which follow'd it: Military Exploits are more striking Objects than Negotiations, and are generally more notic'd, tho' perhaps as little understood.

It shall suffice then to observe, that while the *French Ambassadors* continued to mediate at *London*, a grand Battle was fought between the *English* and *Dutch Fleets*; in which the former, animated with the Presence of the Duke of *York*, and conducted by the experienced and intrepid Earl of *Sandwich*, obtain'd a complete Victory (n); which, if properly follow'd, might, perhaps, at one Blow, have finish'd the War: But, while the Enemy was flying in Confusion, only *Van Trump's* Division continuing to make any Defence, we are (o) told, the Earl of *Sandwich* receiv'd Orders from one Captain *Brunker*, in the Duke of *York's* Name, to slacken Sail, for fear of disturbing his Royal Highness's Repose.

The Dread of seeing the *English* sole Sovereigns of the Sea, now operated more forcibly on the Court of *France*, than the Offer which had been made by *England*, to countenance

(m) Even *Mr. de Wit* had signify'd to one of his Friends, that the Mediation of *France* was not in their Favour. He, said he, had intended to do us any Kindness, he would have plac'd more Confidence in us. We have now no other Resource, but the Sword; and, therefore a Battle must be ventur'd as soon as possible. We must wait till the King will execute the Treaty of his own accord, for Remonstrances signify nothing. *d'Esprades*.

(n) According to our Accounts the *Dutch* had eighteen Ships taken, and fourteen sunk. According to theirs, but

eight Ships were taken, one (their Admiral) blown up, and eight burnt. They had six thousand kill'd and taken Prisoners. The Loss of the *English* was one Ship of 50 Guns. The Slain 283. The Wounded 440.

(o) It is but Justice to observe, That this does not agree with the Account of this Action sent by *Mr. d'Esprades* to the *most Christian King*; for therein he asserts, that the *English* continued the Chase for two Days; during which time, according to him, *Van Trump* with twelve Ships only, defended himself against the whole *English* Fleet.

A. D. 1665.

A grand battle between the English and Dutch.

The Dutch beaten.

France begins to move in their Favour.



A. D. 1665. tenance their Designs in Flanders. The most Christian King immediately sent a Dispatch to Mr. d'Esbrades, expressing how greatly he was troubled (you may imagine, said he, for what Reasons) at the Misfortune which had befallen the States; blaming them for not having taken his Advice, to avoid a Battle; and certifying, that the first thing he did, after he had receiv'd the News of the Event, was to send an Express to England, with Orders to his Embassadors to press the King of England more earnestly than ever to a Peace, and to set before him the Mischiefs that would happen, if, by continuing the War, or making immoderate Demands, he should drive a State to Despair, which had great Resources, could never want Money, and which had powerful Friends; who stood already engag'd to defend her, in case she should not be able to defend herself. In the same Letter he farther signify'd his Purpose to engage the Kings of Sweden and Denmark to co-operate with him in his Endeavours to prevail with the King of England to grant a Peace to the States; or, in case they should still refuse, to concert such other Measures, as should force him into a Compliance.

Mention has already been made of several Princes of the Empire, in the Neighbourhood of Holland, who had Claims on the Republic, and who now thought they had a fair Opportunity to demand Satisfaction.

Of this favourable Circumstance the Court of England thought it advisable to take Advantage, by sending Mr. Temple to induce the Bishop of Munster, who was one of the Princes aggrieved, by subsidiary Arguments, to declare against the States, and make a Diversion by Land, while England attack'd them, with its whole Strength, by Sea.

Of this Negotiation the most Christian King had no sooner procur'd (p) Intelligence, than he endeavour'd to traverse it, both by Threats and Promises: But finding both were like to be ineffectual, he gave his Brother of England to understand, that, in case the Bishop of Munster made any Attempt on the Dutch, he should find his Forces at their Head, to defend them: In order to which, he caus'd the Marquis de la Fuentes to be told, he should have Occasion for Passage through the King his Master's Territories, to send an Army to the Assistance of the United Provinces.

But tho' France appear'd thus, in earnest, dispos'd to succour the States, the Part the Bishop of Munster had taken against them so thoroughly alarm'd their Lordships, that they came to a Resolution to adjust all Differences, as fast as possible, with the Electors of Brandenburg and Cologne, the Bishop of Strasburgh, the two Northern Crowns, &c. that their Enemies might not multiply on their Hands, nor gather Strength by confederating with each other.

In the mean time, the late Defeat, and the

Practices of the different Cabals who oppos'd de Wit, threw the States into the utmost Disorder: Van Trump laid down his Command; several Captains follow'd his Example; the insatiate Populace thought of nothing but the Prince of Orange, and a Stadtholder: The Pensioner was talk'd of as a public Enemy; the very Government itself seem'd to have lost both Dignity and Authority; a Revolt was every Day fear'd if not expected; and their whole Hope was plac'd on the Return of de Ruyter from Guiney, the safe Arrival of their Levant and Indian Fleets, and a second, but more successful, Battle with the English.

But these very Hopes had the Face of Despair: Mr. d'Esbrades therefore advis'd his Friend de Wit to try one Expedient more in the Way of Negotiation; which was for the King his Master to make Proposals to England, in his own Name, consisting of the utmost Concessions which the States could be prevail'd on to make. With this the Pensioner comply'd; and, without a previous Consultation with his Masters, took the Liberty to name the following Terms:

The Cession of Fort St. Andrew and the Isle of Bonavilla, two Places from whence the Amsterdam Company fetch'd a great deal of Gold, both very considerable for Commerce: That Fort Cormantin, which de Ruyter has taken, should be given in Exchange for Cape Corse; and tho' General Valkenburg should have retaken Cape Corse, they would nevertheless surrender Cormantin: That they would yield up the Forts, Towns, and Habitations of Nova Belgia, provided the Isle of Paleron were yielded to the States, of which they were still in Possession; and this they demanded only to have a Pretext to get the Company's Consent; the rather because the Isle of Paleron was quite grubb'd up, the Cinamon and Nutmeg Trees being all cut down; so that the Isle would never be worth any thing, of which the English were very well inform'd, having been often on the Spot; so that, properly speaking, it was to yield up Nova Belgia (now New York) for nothing; a Place which had cost them so much Money to attain; a cultivated Country, where a great Trade was driven in all Sorts of Plenty, and, being contiguous with New England, would be of great Advantage to them.

But if the King of England should farther demand the Tenth of the Fishery, or any other Contribution in Europe, or that the States should take English Passes to go thro' the Channel, or any other Mark of his being King of the Sea, or the restoring the Prince of Orange to his Predecessor's Offices, their Lordships would never consent to any of these Conditions, but, in such Case, would rather resolve to hazard all.

When these Particulars came to be debated in the French Cabinet, it may be presum'd, they were held insufficient to satisfy the English; for, in order to render them more palatable, the most Christian King was pleas'd

A. D. 1665.

A new Plan of Peace offer'd by de Wit.

(p) When the French Embassadors in England expostulated with the King on this Head, it appear'd he had not Firmness enough to avow this Measure, nor Address to con-

ceal it; but with some Confusion mix'd with Displeasure, declar'd, He had no Knowledge of the said Bishop, nor had any Alliance or Correspondence with him. d'Esbrades.

Offer'd by France.

to

A. D. 1665.

to add, by his own Authority, that *Cape Corfe* Castle should be ras'd and demolish'd; and that Commissioners should be appointed, to agree forthwith on a Regulation of Trade, on both Sides.

How receiv'd in England.

Thus modell'd, this new Plan was dispatch'd to the *French* Embassadors Extraordinary in *England*; who laying it before the King, his Majesty was pleas'd to declare, That he did not desire a War; that when it began; he had other Affairs to manage with his Parliament, for his own Interest, and the settling his Revenue; that the Warmth he observ'd in the main Body oblig'd him to follow its Motions; that it was still in the same Temper, and ready to supply him with a considerable Sum, for the Continuation of the War; so that he could not agree to a Peace, unless upon such Terms as might shew, he knew how to profit by a Victory, without losing his Reputation with his People; that he would rather perish, than forfeit the Goodwill of those, whom it concern'd so much to manage, in order to secure Peace at home, and render himself considerable abroad; that he did not pretend to be reimburs'd the whole Charge he had been at, for that would be both rigid and unjust; but that some Consideration he was resolv'd to have; and this, said he, my Brother of *France* can easily procure me, and I shall be (g) oblig'd to him for it.

The *French* Embassadors having taken Time to deliberate on a Demand which so widely differ'd from the *Ultimatum* which they had presented on Behalf of the *States*, gave the Chancellor to understand, that they foresaw it would be extremely difficult, if not impossible, to carry this Point. To which his Lordship reply'd, that the King his Master, having resolv'd to make a Peace, by the Interposition of *France*, would thereby expose himself to much Censure, and many Complaints; for which Reason it would be absolutely necessary for his Security, and to preserve him from falling into the Calamities which were the Ruin of his Father, that he should not be left destitute of Money. The *French* Ministers then pressing to know the Sum, the Chancellor refus'd to come to Particulars; but, in general, gave them Room to conclude, that, on the Part of *England*, it would be left to the Arbitration of his most *Christian* Majesty.

In another Conference with the King himself, his Majesty was pleas'd to recollect the Demands of his Subjects on the *Dutch*, for the Ships *Bonadventure* and *Good Hope*, as also all the other Ships mention'd in the *English* Catalogue; adding, the *States* had offer'd him Satisfaction thereon; and intimating, that the Embassadors had forgot this Point in their Proposal. Their Excellencies defended themselves by alledging, that, as his Majesty had not thought fit to explain himself thereon, the King their Master had thought of other Means to give him Satisfaction. To which he answer'd, 'Tis of great Importance; 'tis the Foundation of the War; 'tis what must justify me, and prove I was not the Aggressor.

Upon the Whole, he reduc'd his Pretensions to the holding of *Neuva Belgia*, the Restoration of *Pleron* and *Fort Cormantin*, the Possession of *Cape Corfe*, Damages for the *Bonadventure* and *Good Hope*, and the rest of the Ships, as should be settled by Commissioners; a Sum of Money towards the Charge of the War; and a just and reasonable Regulation of Trade, in all Parts of the World.

When this Account was remitted to the most *Christian* King, he took it for (r) granted, that the Sum of Money in question, which would be the grand Difficulty in *Holland*, would solve all Difficulties in *England*; as, therefore, he was really afraid that the *States* were likely to be overpower'd, he took no small Pains to furnish Mr. *d'Esbrades* with Arguments to convince their Lordships, that they ought to be at some Expence for a Peace; since a War would cost them ten times as much more (s). But their Lordships were of a very different Opinion: They suffered the *English* Demands to lye before them some time, without deigning to give them an Examination, and when they did, it was only to reject them; as making a Jest (for so they call'd it) of the *States*, and having no Tendency towards Peace; which they again resolv'd never to propose or accept of, but upon equal Terms. Some of them went so far as to complain of the *French* Court for having made Alterations in the Proposals communicated by *de Wit*: *Van Beauninghen* their Minister at *Paris*, gave Mr. (t) *de Lionne* to understand, That if the King of *England* should now incline to accept the Proposals of Peace as made by the Embassadors

(g) This particular Circumstance was communicated to Mr. *d'Esbrades* in Confidence, by the King his Master, with a Charge to keep the Secret.

(s) With what Reason, may be gather'd from what follows:

"What I have chiefly respect'd in all this Negotiation (says his Majesty to Mr. *d'Esbrades*) is, that tho' the King of *England*'s Answer appear a little harsh, and dry, and haughty (which is probably done to satisfy his People, in case it comes to their Knowledge, or he should acquaint them with it) yet he and his Ministers seem to have been so careful to soften it in Secret, and to explain their Intentions so fully, that, methinks, one may conclude, the said King sincerely desires Peace, and to get out of these Troubles as soon as he can, either thro' Fear of my Declaration, or the Judgment (the Plague) with which his Kingdom is afflicted, or from both of these Motives together: For he is very far from having certain Propositions, as was at first apprehended, as if the only Object he propos'd to himself in this War, was to bring down the Power of the *Dutch*, entirely destroy their Fishery, and make himself absolute Master of the Sea,

and of all the Commerce of the World. Excepting the Demand only of a Sum of Money towards the Charge of the War, which is a little extraordinary, he pretends to nothing more than what a Prince, who has just gain'd a Victory, may honourably require; and perhaps justly, when his Forces are besides, and always will be, superior to those of his Enemies.

(r) Mr. *de Lionne*, in a Letter to Mr. *d'Esbrades*, speaking of the Possibility that the *States* would refuse to purchase a Peace, takes occasion to say, Their Consider'd, in that Case, would resemble that of a Man, who to hinder his Enemy from taking ten Crowns out of a Bag of ten thousand, throws Bag and all into the River.

(s) Mr. *de Lionne* remarks on this Occasion, "That if there had been any Policy in *England* (as I am apt to think there was none) they would have accepted purely "and simply the Proposal, which the King had made at "Mr. *d'Wit*'s Request: For then the *States* would not "have been able to excuse themselves from consenting to "it, unless they had been hardy enough to avow the making a Jest of two great Kings.

A. D. 1665.

Embassadors of France, the States would be under no Obligation to observe them; they having been made by a particular Man, and not in the Name, or by the Authority of the Republic. To which Mr. de Lionne reply'd, that the States left the whole Management of their Affairs to that particular Man; that the King plac'd a Confidence in him, which he deserv'd; and that, as this Advance towards a Pacification had been made at their own Request, it was not very just, that they should pretend to draw France into a War, for a greater or less Advantage to themselves, out of Europe, when his Majesty was engag'd to nothing beyond the Line.

The Spirit of the States seems to have rose and fell with their Circumstances: While they were uncertain what would become of *de Ruyter*, and in pain for their homeward-bound Ships, they behav'd as if they expected the English Navy to visit them by the next Tide: But now, when the *Texel* was crowded with their trading Fleets, safe arriv'd from every Part of the Globe, and *de Ruyter* was return'd with Glory, after having again reinstated his Countrymen in the Commerce of Guiney, they talk'd as if they had never known what Fear was; and even the Populace, who had been before so clamorous for a Peace, offer'd their Lives and Fortunes to continue the War.

Avarice is, to the full, as intractable as Ambition; and, in this Dispute, private Interest, on both Sides, was oftentimes the Rudder that directed the Commonwealth. The Duke of York was not only at the Head of the African Company, and violently bent to support its Interests, but had purchas'd a Title to (u) *Nova Belgia*, of the Heirs of the Earl of Sterling, to whom it had been granted by Patent from King James I. Neither he, nor his Dependents, would therefore hear of any thing which would affect their Pretensions in either of these Places: And, on the other hand, the greatest Part of the States were personally concern'd in the Rights and Possessions he laid claim to, and consequently lay under equal Temptation to endanger the Republic, rather than make the least Sacrifice to preserve it in Peace and Safety.

It appears however, that there was one great national Point in View, on the Side of England, which seems to argue that their Heads were not very bad whatever may be said of their Hearts; For when a Jealousy obtain'd in Holland, that the Court of France had dispatch'd a Courier to know if the King of England would assist his most Christian Majesty in the Conquest of Flanders. Mr. de Lionne convinc'd *Van Beurminghen*, that there was no Necessity for them to send any such Message; for that the said King of England had for six Months together made Offers to abandon all the Land to

his Brother of France, and assist him with all his Forces to put him in Possession, provided all the Sea might be left to him.

But France apprehending the Sea would in the End prove too mighty for the Land, did not now relish the Proposal; and thought only of Expedients to prevent the English from carrying their Point without her Help, and against her Will. This, as before observ'd, was the principal Motive of her being so anxious for the Preservation of the Dutch: And no sooner was she convinc'd, that their Defeat at Sea had rather provok'd than disabled the States, and that the safe Arrival of their Ships had furnish'd them with the Means of making a long and obstinate Defence, than she came to a Resolution to take more vigorous Measures in their Favour, in order to preserve the Balance of Power at Sea, and become a maritime Power herself.

There were yet indeed two other Considerations, which help'd to quicken her Determinations: The first of which was the perplex'd Situation of her Friend *de Wit*, assail'd on all Sides by the several Factions, who took Advantage of the public Calamities to redouble their Opposition; obnoxious to the Rabble, and on the point of giving (v) way to the Torrent which he began to think it was impossible to stem; and it was manifest, if he either quitted, or was forc'd from, the Helm, that the Prince of Orange must be immediately put in possession of the Offices of his Ancestors; in which Case, it was presum'd England would have given the Law to the States, and the Pensioner of Holland would no longer have been a Dependent on France.

The second had a more complicated Origin, and therefore requires more Time to explain it.

The States pretended, the Proposals made by England argu'd, that the real Intentions of that Court were only to prolong the War, and find an Excuse to rid themselves of the French Mediation. On the other hand, the King of England, in compliment to his Brother of France, receded from his Demand of a Sum of Money towards the Charge of the War, declar'd himself willing to admit of any equitable Compromise, insist'd only on having Security for the Performance of Articles, and very willingly agreed to the naming Commissioners for the future Regulation of Trade. But now the Dutch stood aloof, and would not even agree to the Terms propos'd by Mr. de Wit before, alledging, that the Face of Affairs was alter'd, and that they were not bound to make good an Offer, which was extorted from them by their Fears. This double Behaviour of the States gave Occasion to very lively Representations from Mr. de Lionne to *Van Beurminghen*; but to no Purpose: Nothing would satisfy the States, but a Compliance with the Treaty of

1662,

(u) The Deputies of Amsterdam also declar'd, "It was not in the Power of the States to give up this Country. That City having purchas'd it of the *West India Company* for 700000 Livres, having besides been at two Millions Expence upon it, and getting 60000 Livres a Year by it, all Charges despay'd. & *Esgraves*."

(v) Speaking once of this Irresolution of the *Prinse*, Mr. *d'Esgraves* could not help dropping a Reflection to the following Effect, "That he knew no other way to advise, for them by considering the Difference between an abundance of Dirt and a Man of Quality."

A. D. 1665.

1662, and a Declaration against the *English*, which *France* was not yet in a Condition, or rather Disposition, to make. It is true, under the Pretence of rendering the *Dutch* more eager, and for fear Mr. *de Wit* should be call'd to account for making such large Advances, without Authority from the *States*, his most Christian Majesty did not think fit to communicate all the Concessions made by *England*, at once, nor press the *States* over warmly to agree to an Accommodation: But *Van Goech*, their Ambassador in *England*, took care to let them into the whole Secret, no doubt by particular Direction from thence: The Consequence of which was, that, while they publicly refus'd the Mediation of *Spain*, and affected to take no one Step, without the Participation of *France*, one of the most considerable of their Body privately sent Proposals to *England*, with an express Injunction, that the whole Affair should be conceal'd, with the utmost Caution, from the *French* Embassadors: And *England*, on the

other had, discover'd an (x) Inclination to embrace them, by opening at the first Time, and in the same Manner, a Negotiation at the *Hague*. Thus fallen (x) into Suspicion with both Parties, and fearful they would strike up an Union, on the alarming Condition of dividing the Commerce of the World between them, *France* found herself under a Necessity of closing with one or the other. At this Instant, Mr. *de Wit*, who had acted with great Reputation on board the *Dutch* Fleet, ever since it put a second time to Sea, arriv'd at the *Hague*; and lying under great Obligations to his most Christian Majesty, took such Measures, in Concert with Mr. *d' Estrades*, that an Union with *England* was no longer thought of; and all the Cities of *Holland* made a Protestation in Form, which was afterwards confirm'd by the *States* General, That they would listen to no Proposals of Peace, but in Concert with *France*. His most Christian Majesty had, before this, granted his (y) Guaranty to the *States*,

(u) The Sieur *Van Goech* has written the Lords the *States*, that the King of *England* told him, he should speak plainly, and say whether he had any Orders to talk to him of Peace: He reply'd, No; but only about the Exchange of Prisoners. Then he will talk to you (said the King of Great Britain) You have Losses, and so have I; the War is ruinous to both of us; I desire an Accommodation, and it lies at the *States* Door that it is not concluded on Honourable Conditions; we have no need of Mediators to accomplish it. Monsieur *Van Goech* reply'd, He would give his Masters an account of it. The said King added also, That the Army of the Bishop of *Munster* was his, raised with his Money, and the Officers in his Pay; that the said Bishop was his Lieutenant General, and when they were about accommodating, 'twould be all one Affair. *d' Estrades* to Mr. *Linnæ*, Oct. 26, 1665.

(x) It ought to be for ever remembered, that while Mr. *d' Estrades* was, in his Majesty's Name, making such Proffessions to the *States*, he writ as follows to Mr. *de Linnæ*, Oct. 22, 1665:

"I begin to discover great Divisions; all the Provinces are for uniting against *Holland*, whose Power they are afraid of. There are a great many Measures to be taken for the King's Service in such a Conjunction. I can't write you all my Thoughts thereon, because there's too much time to be lost before Answers that are decisive enough can come; that one may sit without fear of failing: But can't you, Sir, have leave from the King to come to *Peronne*, and for me to meet you there? 'Twould be a Journey but of eight Days going and coming, and may be done under pretence of getting order about my Affairs, I having been absent a long time.

Perhaps there never was a Conjunction so favourable for the King's Interest, if the present Occasion be manag'd with Address and Secrecy. To tell you only something of it, no less than securing the Provinces of *Grainevin* and *Frisland*, and the Town of *Overorden*, the best and most considerable of all the Provinces, and that by a way that would create no Jealousy, and those who govern in these Provinces, should keep their Credit, without seeming to be under any Engagements with the King. This may go farther than I tell you, and should be thoroughly mull'd; and to have *Masnick* and *Jalors*, to keep an Army near to support those that shall declare for us when the Case happens, and also to bring *Holland* to herself again, whenever she strays from her Duty. I have to my many things to say to you thereon, that Volumes of Paper would not suffice. What seems best to me, is, that if what I think of succeeds, the Republic will remain as it is, but the Government be chang'd, in as much as 'twould follow the King's Council. This will be the sole Means to make the *States* execute the Treaties his Majesty shall have with them, and keep 'em steady in the Performance of what they promise, nor need we fear the Events which may happen by their Changes."

And again, in another Letter: "I conclude, if the King thinks it proper to gain these two Provinces [*Overzell* and *Gueldersland*] entirely at this Conjunction, it may be easily done by giving the Chiefs, who are already almost rais'd (by the Bishop of *Munster*'s Forces) or their Children, both in the new Levies of *Horle*. But for the greater Security, it were to be wish'd we could get *Masnick* or *Jalors*, to have an Army always there, to keep them in fear of being chang'd, if

they fail in the Execution of Treaties, which would be easily done in such a Case, considering the Correspondence we might have in the said Provinces, and the Persons the King would have in his Service to facilitate the Passage. This would oblige those, that should be contrary to his Majesty's Pleasure, to be conformable to whatever he would have them. In the mean time, I shall keep Affairs at a Balance till I have the King's Answer, letting them hope what they desire, and gaining thus the Return of the Fleet, and the Arrival of Monsieur *de Wit*, who will certainly retire their *Anty* Vigour to the Cause of *Holland*."

(y) The said Guaranty was thus express'd:

"The Count *d' Estrades*, Ambassador extraordinary of *France*, has receiv'd Orders from the King his Master, to acquaint your Lordships from him, that In the Peace cannot be made between the two Nations on the last Proposals, his Majesty order'd his Ambassadors to make the King of *England* some Days since, his Resolution is to be Guaranty to the *States*, as he has himself given Monsieur *Van Brouncker* to understand. Your Lordships may by this judge how great and sincere his Majesty's Affection for your Interest has always been; and if he has made any Delay to explain his Intention (which have always been the same at the bottom) 'twas with no other Aim nor View, but that of your greater Good; having with a great deal of Probability thought and hop'd, by his simple Mediation, to have the sooner procur'd a Peace, which he knows you truly desire. Your Lordships may also observe his Majesty makes this Step in your favour, and prefers even your Interests to his own, without having beforehand stipulated any thing with you for his Security or Advantage, as other Princes would, on the like Occurrence, have doubtless done. He also promises himself, that, behaving himself with respect to you, so frankly and generously, you will, on your part, correspond with it, and that he shall find the same Security in your reciprocal Friendship and Union, and never have occasion to repent his having thus oblig'd you, without Condition or Reserve.

The same Ambassador extraordinary acquits himself of this Order from the King his Master, with the more Joy, since he receiv'd your Lordships Satisfaction and Advantage, which his Majesty has always had chiefly in view; and this Declaration had not been retard'd, but by the juncture of Affairs, which did not permit it to be done sooner for the same End, the Good of your Lordships Interests. Neither can you now doubt of the Purity of his Majesty's Intentions towards you, since all the abovemention'd Circumstances are such evident Proofs of it." Given at the *Hague*, Aug. 24, 1665.

Of the Effect of the Offers of *France* to the *States*, about this time, Mr. *d' Estrades* writes to the King his Master, September 24, 1665, as follows:

"As to the first Article, which says, if the *States* don't keep to the Proposals your Majesty has made the King of *England*, you cannot guaranty the Treaty.

"And to the second, That this *State* would do well to make a Peace; but if the oppos'd entirely in the Interests of *France*, he should not be abandon'd."

The *Chabot* report in the *Closets*, 'tis to amuse 'em with Hopes of Peace, and not to declare, and explain it thus:

That he threatening not to give the Guaranty, if the Terms of Peace are not accepted, is another Amusement, in as much as the King of *England* has refus'd all the Propo-

A. D. 1665.

States, against the Bishop of Munster, and had likewise dispatch'd his Contingent of Troops to their Assistance. And now, to keep pace with this vigorous Resolve of theirs, he was farther pleas'd to recal his Embassadors from London, and to signify, that, as soon as their Lordships should do the same, he was ready to become a Party in the War

against England, according to their repeated Desire.

A. D. 1665.

There was now such a Confidence establish'd between France and the Republick, that, in little more than three Weeks after this Assurance was given to their Lordships, Van Goeb receiv'd Letters of (2) Revocation, and all the Hopes of a Pacification were at an End.

Proposals

falls made by your Majesty, and gives others the States cannot accept of.

And for the last Article, 'tis easy to see your Majesty's Design, which is to engage them in a War with the King of Spain, and not to guarantee them without any Condition, as I have assur'd them on your Part.

What is said hereon, tho' far from any Appearance of Truth, makes however a great Impression on their Minds, and causes them not to put their former Trust in me."

(2) At the same time, the States sent the following Letter to his Majesty:

" S I R,

" We have till this time continu'd, ever since the Rapture, our Ambassador's Residence in your Court to shew our Disposition to Peace; for tho' we had given Satisfaction either by invincible Reasons, or by just Offers to all the Complaints the Sieur Deusing made here, when we could not yet believe nor apprehend what we find now, we did something more in leaving our Ambassador in England, after Places and whole Countries had been taken from this State, both in Africa and America, and the Ships of the Inhabitants of these Provinces had been seiz'd and confiscated, in the Sight of all Christendom, without any preceding Declaration: Nay, we did not recall our Ambassador after your Majesty had sent your Minister here to come away, leaving you void, in the Sea, he says, with the Ministers, which offend both Nations, and the Calamities with which all Europe is threaten'd. We desire no other Witness but your Majesty, to the Advances we have made, or can't be made, out of Conditions, upon which a good and equitable Peace may be concluded. We have offer'd to do what you would have us in it, either on condition, that whatever had been taken, on either Side, should be restor'd; or else if England did not find her Account in this, that whatever had been taken, on either Side, should be kept, and that even before it could be known here what was taken on our Side in distant Parts; so that it cannot also be said that we sought after our own Advantage no more than in the Compensation of Charges and Losses which are without Comparison much greater on our Side than on the other. Nevertheless not only your Majesty would not agree to these Offers, and Advances which left you no room to doubt of our Inclination to Peace, and was not finish'd with the Advances of the Ambassador's Mediators made of themselves, of Conditions more advantageous to England, and prejudicial to the Interests of this State, to which also we never gave our Consent, but also hitherto neither your Majesty, nor any one on your Part, has made any Overture, nor declar'd on what Conditions you would have the Peace made on your Side; and tho' you have been pleas'd to protest to our Ambassador, that you desire it, yet you have always made use of nothing but general Terms, and could never be brought to tell either him or the Mediators, on what Conditions you were willing to make a Peace. We believe that all Christian Princes would prefer the Swiftness of Peace to the Miseries of War, however just it might be; and we have particularly that Opinion of your Majesty, who makes Profession of the same Religion we do. But after the manner you have been pleas'd to carry your self, in not agreeing to Proposals even so advantageous to the English, and so prejudicial to this State, as those, made by the Mediators, were, and in not making the least Proposal on which we may only enter upon a Negotiation, we have thought our Ambassador could no longer stay in England without doing a great Injury to the Reputation of this State, and have thought necessary to order him to return; since also your Majesty by recalling your Minister, shew'd plainly you desir'd we should desist. However, we still preserve an entire and perfect Inclination for a reasonable Accommodation, which we may make in Concert with our Allies, and we hope the good God will soon inspire your Majesty with the same Motions, and that you will let us know the Conditions on which you desire it, that by this Means may be prevented the Effusion of so much Blood with which a good part of Christendom is about to be overflow'd. We cannot be answerable for it, because, before and since the Rapture, we have done all that could lawfully be desir'd of us, and are still ready

to agree to it, whereas we have not hitherto been able to learn your Majesty's real Intentions on this Subject. We wait for the time when you shall have the same peaceable Sentiments; but we with you may have them before they be suggest'd to you by the imminent Public Calamities with which we see all Christendom threaten'd. We pray God that he'll be pleas'd to avert them, and have your Majesty's Person, Sir, in his Holy and Worthy Keeping. Given at the Hague, Dec. 11, 1665. The Superscription was, To the King of Great Britain.

The King of Great Britain's Answer.

" High and Mighty Lords,  
" All the World knows with what Repugnance we engag'd in this War with you, and making Reflection on the Christian Blood it has cost, we protest before God the Searcher of Hearts, that we desire nothing more than to see the Conclusion of it by a good and just Peace, which we would not have embarrass'd by repeating such things that can serve for nothing but confuse Men's Minds on both sides, and make the Wounds bleed which both Nations have felt too much already, if the Particulars of your Letter did not oblige us to justify ourself against the Insinuations contain'd in it to our Prejudice.  
" 'Tis with a great deal of Regret that we complain here of a total Want of Satisfaction to so many Complaints made in vain by our Minister, when at the Hague, for the Venizations and Depressions committed against our Subjects in the East and West Indies, and for the Public Declarations either by you or your Officers, forbidding them the Liberty of Trade in such vast Countries free to the Industry and Traffic of the whole World; for the Necessity impos'd on us to send several Fleets to take Possession of the Life of Patzen, promis'd by the Articles of the last Treaty, so often mislead, to our great Expence and Dishonour, and what was the height of all, an open Hostility on our Subjects, for which the Sieur de Ruyter had Order, without any preceding Declaration, and before any of your Ships were seiz'd or confiscated here.  
" On the other hand, we say, there never was any Advantage made to us tending to a good and just Peace, nor to convince us that you so much as desir'd it.  
" The Proposals given by the Ambassadors Extraordinary of France, tho' little proportionable to our Honour and the Interest of our Subjects, were never reject'd by us; and on the contrary, persisting to desire Peace, we declar'd to the said Ambassadors we were willing Commissioners should be appointed on both Sides to treat of it, and never refus'd their Mediation, but with Reason their Arbitrement for Damages sustain'd, and a Regulation of Trade for the future, after they had render'd themselves suspected by a Declaration entirely partial against us.  
" As to recalling our Minister from the Hague, 'tis to enquire, he remain'd as long as our Honour and the Safety of his Person would permit; but when we saw that contrary to the Public Security you gave for himself and his Domesticks, the States of Holland (who are indeed the Authors of the War) had dar'd, by their particular Order, to take his Secretary before his Door, and send him to Prison, where he remain'd still with all Circumstances of Contempt and Cruelty, without any Reason for it even to this Hour, or Reparation done by you, we could be no longer expos'd to Caprice, that might encrease every Day by Accidents.  
" Notwithstanding all which, we are freely touch'd with the Miseries that happen by the Continuation of the War, and the Consequences it may have to the Prejudice of the Protestant Religion, which is infinitely more dear to us than any Interest of State; and we with you had the same peaceable Sentiments, that we might unite and strengthen each other by indissoluble Bonds, knowing well, you would get more by it than by Allies, which will make you pay for their Success by rigorous Conditions prejudicial to the Interest of the State, and such as your Enemies can never desire in a World, we protest before God, we have nothing more at Heart than a just Accommodation that may be agreeable to you, with Assurance of making our Allies enter into it in concert with us; and at Honour requires you should make the first Advances towards it, we promise always to receive them

A. D. 1665.

Proposals for settling the Manner in which this joint War against England should be carried on, had been made on the Part of France so early as August 21; tho', perhaps, for Amusement only: They were now renew'd, with such Alterations as the Alterations of Circumstances had made necessary: And it is most observable, that one of the principal Objects, which both France and Holland had in view, was to increase the Divisions, and widen the Divisions, of the English; that domestic Disorders and Commotions might render them the easier Prey to their foreign Enemies.

This wicked Undertaking that Prince, who was so nearly related to King Charles, who had affected to live with him in such cordial Amity, and had declar'd himself in such forcible Terms against those who had sentenc'd his Royal Father, was the (a) first to propose to the States. This wicked Proposal the States, who had perfidiously violated the Laws of Hospitality, in giving up Okey,

Corbet, and Barkstead, who had taken Sanctuary under their Protection, and had, by express Treaty, engag'd to do the same by every obnoxious English Subject that should be found in their Dominions, freely and gladly embrac'd. And, in this wicked Confederacy, those, who glory'd in being call'd *Republican*, as desiring to have it thought the Characteristic of every public Virtue, seduc'd by their Passions and Remorsements, as readily and gladly (b) join'd; As if France could ever be the Patron of Liberty; as if a Foe to the Kingdom could be a Friend to the Constitution; or as if those, who were only engag'd to be the Instruments of national Confusion, would be suffer'd to take any one Step, which might contribute to the national Welfare.

A Proceeding on all Hands, which not only reflects Dishonour on Kings and Nations, but on human Nature itself!

And this naturally leads us to another of the military Operations of this Year. The King of Denmark (another near Relation to King Charles, and whom his Majesty, tho' perhaps

" them with open Arms, and will look on the Peace that  
" shall follow, as the greatest Blessing which can happen to  
" us in this World, praying God that he will have you,  
" High and Mighty Lords, in his holy Keeping. Written  
" at our Court at Oxford, December 16, 1665.

Your very good FRIEND.

CHARLES REX."

(a) While these Measures are taking out of England, Care should be taken to give the King of England Trouble in his Dominions.

To that end Information should be got either by Holland, or by means of French Merchants, of the State of Affairs in Scotland and Ireland.

In Scotland 'tis certain that the *Presbyterians* and *Presbyterian* are much more numerous than the *Episcopals*.

Information should also be got of the chief Lords and Ministers of both Religions; and as they are the same in Holland, and Scotland is nearer that Country than France, so it is most proper for Monsieur d'Estrades to carry on that Negotiation in concert with Monsieur de Wit, or some other of the States; however with such Secrecy as none may be able to discover it.

These chief Lords or Ministers may be told they shall be assisted with Arms, Warlike Stores, and Money.

This Negotiation may be begun by sending thither some Person who understands the Language, or by way of Merchants, or by the Ministers who keep a Correspondence with each other.

The same thing may be done on the Side of Ireland by *Bretagne*, the *Catholics* being strongest there.

Information should be got of the principal *Catholic* Lords and Bishops, by some Irish Refugees in France.

To get such Information in *Bretagne* of the State of Ireland, by the Merchants there, writing from all Parts to their Correspondents, to know the Detail of any thing.

All the *Irish Catholics* at Paris, in *Bretagne*, and other Parts of the Kingdom should be examined, to know whether there are any of them that may be made use of.

To get Information of the State of the *Presbyterians*, *Presbyterian* and *Crownell's* Friends. His most Christian Majesty's Memorial to Mr. d'Estrades of May 21, 1665.

Again, in a Letter to the said Mr. d'Estrades, dated Nov. 28, 1665, his most Christian Majesty proceeds thus, You inform'd me, in one of your former Dispatches, that the States held a Correspondence with the Misconductors of England and Scotland, who offer'd to rise as soon as I declar'd, believing they could not do it with Success, and that they should run too great a Risk, while the King of England had only the States to contend with. The time is now come to take them at their Word, and press them as much as may be to effect what they offer'd, to which you must give a continual and particular Application; nor shall I be unmindful of the same Design, of which however you must speak to no body, unless you think fit to open yourself to the Secret de Wit, who will, without doubt, have in this Matter the same Scruples as others who are against having any thing attempted, from which might result an Advantage to the Catholics, to the Prejudice of those of their own Belief.

Twoold perhaps be advantageous also, in this great Affair, to make the King of England apprehensive of a Defeat in England, Scotland or Ireland; and to that End the States should always have a Body of Horse and Foot on their Coasts near to England, as I will have one at Cape la Hague; because we may not only make use of them in such a Defeat, but it would oblige the King of England to keep up a Body of Troops in his three Kingdoms, to the great Diminution of his Treasury, in which his Fleet would suffer, or would be very much weakened; at least these Troops lying so ready would encourage the English Malecontents, and make them the more easily revolt. Nevertheless I find it will not be easy for the States to keep such a Body on their Coasts useles, while the Bishop of Munster's Soldiers are in their Bowels; but as I hope they will soon be deliver'd from them, so 'tis proper to think of it in time.

Of the Conferences which ensued between Mr. d'Estrades and Mr. de Wit, Mr. d'Estrades gives the following Account to the King his Master, December 3d.

He (Mr. de Wit) has also begun a Negotiation with two Lords of Newcastle, who propose to take the Town, and make themselves Masters of the Country, and have an Army in a little time together, if the States will furnish them with 30000 Livres, 10000 Muskets, and 6000 Pikes, and come with their Fleet to the Mouth of the River of Newcastle, in the Spring, that they may be supported at the same time as they shall sit, which they propose on Condition the King declares, and see otherwise. The said de Wit will not push on this Negotiation, without knowing his Majesty's Sentiments thereon; as also what share the King would be of the Expence, as well for Tangier as Newcastle.

To which I answer'd, that these two Things being propos'd to him, and easier for the States to execute than the King, I thought they should be at all the Charge, and his Majesty also be at all that of the Proposals made him on the Side of Ireland; which I did not have time to be inform'd of the King's Pleasure thereon, in case the thing should go farther, and to know how I should govern myself in this Matter, if the said de Wit did not approve of this Reason.

The said de Wit told me Tangier was of no use to them, but is to the English to pirate on the States Subjects, so that all they aim at, is to dislodge them from thence. That England having no Maritime Forces, will be always glad of the States Friendship to keep the said Tangier, when he has taken it.

Monsieur de Wit is not of opinion to give any Apprehension of a Defeat in England, Scotland, or Ireland. He is satisfy'd it would ruin all; that the Divisions there should only be fomented, and the Kingdoms be inflamed to rise, after which the Party that takes Arms should be assisted powerfully, but they should come to Action before we openly succour them.

(b) Bishop Burnet is pleas'd to declare, That there was better Reason than perhaps the late of Oxford the Court, and Parliament were then there; as to Bishop Pinder's saying the States. He then proceeds to mention *Agnes Sidney*, as the Agent for the Republican Cause in Holland; but adds, that de Wit rejected his Proposals, which is quite of the Truth; as is manifest from the Evidence just quoted.

perhaps in Spleen to the Dutch, had taken into his Protection) being greatly in debt (c) to the States, and desiring to balance Accounts in the most advantageous and expeditious Manner to himself, enter'd into a Treaty with Sir Gilbert Talbot, the English Envoy, for the seizing all the Dutch Vessels in all his Ports, on condition of being enabled to do it by England; and of dividing the Booty between the two Crowns.

This being agreed to, his Danish Majesty, on the one hand, most kindly invited the Republic to make the same free use of all his Harbours, as of their own; and, on the other, gave Information to the English Squadrons, both where and upon what Terms, they might make sure of their common Prey.

(c) According to Sir Gilbert Talbot's Narrative quoted both by Edward and Burnet, the Dutch had artificially drawn his Danish Majesty into a War with Sweden, which had oblig'd him to mortgage all his Revenues of Norway and the Sound to them, by way of Security for the Summ that he had borrow'd of them to enable him to carry it on.

(d) As much of this Account or Dissertation (which is one of the most curious in our whole History) as immediately relates to this Occurrence, is here inserted, for the Readers better Instruction.

"About the Month of June, 1665, the King of Denmark (in a casual Discourse with his Majesty's Envoy) lamented the ill Condition that he was involved in by the treacherous proceeding of the States General, who had been the Cause of all his Calamities, and yet were possess'd of a good Branch of his Revenues; alleging he was ill indebted a great Sum of Money to them, upon which Argument he took all Occasions to enlarge himself.

His Majesty's Envoy told him, he might have frequent Opportunities to quit that score, and reimburse himself the Monies they had already taken from him; and that Discourse being with some Earnestness drawn on by that King, he at length concluded, That if he had Strength and Power enough, he would do it by seizing and possessing himself of all the Ships or Vessels belonging to any of the Subjects of the said States that at present were in any of his Ports, or should afterwards come in thither. And when it was reply'd by the Envoy, That the King his Master's Ships might assist him in that Enterprise, he said he would be very willing the Booty should be divided between his Majesty and him; and farther desired him to make the Proposition to his Majesty; who till this Overture that and then made, never had entertain'd any Thought of pressing the King of Denmark to such a Resolution.

His Majesty's Envoy's Letter giving a full Account of the said Overture, his Majesty easily consented to it, and return'd his Approbation with all Speed.

On the tenth of July his Majesty's Envoy inform'd that King of his Majesty accepting the Proposition, and that he would give order to his Fleet to go to the Execution of it; which that King received as cheerfully, and withal told the Envoy, That to make this Agreement the more profitable, he had directed his Governour in Norway to invite all Dutch Ships into their Ports, and to use all Means for the detaining in Harbour such as were already there, and that they should speedily understand the reason of it by an Express, and receive farther Directions how they were to proceed.

Upon the 20th of the same Month, July, that King receiving Advice from Norway, that de Ruyter was upon the Coast, he immediately sent for his Majesty's Envoy, told him the News with Joy, and wish'd him to lose no time in giving the Advertisement thereof to his Majesty's Fleet, which he did forthwith by a Galliot.

Upon the 24th of the same Month, the King of Denmark dispatched his Express with Orders to the Viceroys at Christiania, and to the General Assize at Bergen, viz. That they should permit the English to visit any Holland Ships, though within their Ports and under their Cables, and to carry them away as their Prize; but that a full Account was to be kept of the whole, in regard that he the King of Denmark was to have an equal Share; further directing them to acquaint therewith the Commanders in Chief of any English Frigates, as soon as they should arrive upon the Coast.

And in Pursuance of this, Gildenlo, the Viceroys of Norway sent out two Gallions to find the English Fleet, and advertise them of the said Agreement, with this Limitation only, That for the saving the King their Master's Honour

The Dutch East India Fleet, relying most securely on the good Faith of Denmark, took Sanctuary in Bergen; Whither, according to the Invitation he had receiv'd from Copenhagen, the Earl of Sandwich follow'd them; fully perswaded that, by the Connivance of the Danish Governour, he should easily take or destroy them all: But such was either the Misconduct of the Earl, and the Rapaciousness of the English in general, (according to Burnet and Ecard, on the Authority of Sir Gilbert Talbot) who would not stay till Assize the Governour had receiv'd the proper Orders from the King his Master; or such the Greediness of the Danes, who now insisted on the whole Booty, as it is infer'd in the (d) Account publish'd by

A. D. 1665  
The Attempts on the Dutch Ships in Bergen,

to the World, they should seemingly pretend to be highly offended at any Assault, when made by the English.

The Dutchess being thus laid, and some of the Commanders of his Majesty's Fleet made acquainted with it upon the thirtieth of the said Month July, the Earl of Sandwich order'd a Squadron of Ships to sail to the Port of Bergen in Pursuance of the said Agreement, having receiv'd certain Intelligence of the Dutch East India Ships being newly put in there, and presuming that before that time all Governours would have received Notice of the Agreement, since his Majesty had sent his Approbation of it, and Resolution of executing it accordingly upon the 30th of June, which was likewise received by the King of Denmark the 10th of July.

Upon the 31st, fifteen of the said Squadron of Ships arriv'd at Back of Ra, and anchored there that Night, which is within the Ricken of Norway, but at least eight Leagues distant from Bergen.

Early in the Morning upon the first of August Sir Thomas Tyldeman commanding the said Squadron of Ships, sent a Gentleman of Quality in a Pinnace to the Governour of the Cattle, to give him notice of our coming, that he might not be surpris'd, carrying all with him for the said Governour two Letters, one from the Earl of Sandwich, the other from Sir Thomas Tyldeman, both importing, That the design of their coming was only to annoy the Dutch, and that strict Caution should be taken, that none of the Ships should offer any Violence, or do any Injury to any of the Subjects of the King of Denmark.

Between six and seven of the Clock in the Evening of the first of August, the said Squadron of Ships arriv'd within the Booy of the Haven, and when they were drawing themselves nearer into their Stations, toward the Dutch Ships, the Cattle shot their Charge to them, as a Warning to keep off, and with small Shot broke one of the Englishmen's Legs as they were in their Boats carrying out their Anchors; all which was endur'd on their Part without making any Return of Hostility; and yet all this same time the Dutch were permitted without the least Interruption, to draw their Ships of force into a Line, and form themselves for their own better Defence, and to oppose the English, planting their Guns upon the Shore; above seventy of which were fix'd in the Cattle for the greater Annoyance of the English.

However the English proceeded to form themselves in the best manner they could for their Advantage, in which they spent the whole Night, till four of the Clock next Morning, being forced to tow their Ships with Hawser, the Wind being directly contrary.

But during all this time, hoping yet for better Usage, they treated also with the General, the Lord Assize, and they inform'd him of the secret Agreement between the two Kings; but he would not own to have had then any Notice of it, insinuating upon having the whole Booty for the King of Denmark, his Master, and alleging for it, That he had for that Purpose sent out Gallions to the Northward, to invite and draw in those Dutch Ships thither, under Pretence of their Safety: That his Master was to send 22 Men of War to secure them for his own use; and that it would seem a strange thing to the World, that such great Friends and Allies as the two Kings were, should have a Difference about the Mowery of a few Prizes, since his Master also had the more need of them, and would probably employ the Riches against the Common Enemy; adding, That the Hollanders would be equally Losers, whether the King of Denmark had the whole, or his Majesty of England had half of it.

But at length the Lord Assize leaving the English insinuating, desired Propositions in writing, in order to an equal Division of the Prizes, which were accordingly given him, tho' he still seem'd to desire to defer the attacking of

A. D. 1665.

by Order of Council, that the Event did not answer his Expectation; *Alfeldt*, instead of continuing passive, admitting the *Dutch* to bring their Guns on shore, and make such a Disposition, that, tho' the Attack, under the Direction of *Sir Thomas Tyddeman*, was made with all the Bravery and Resolution that either the Thrift of Glory, or Gain, could inspire, it was ineffectual: The gallant *Affiliants* were as gallantly repuls'd; the *Dutch* continu'd in Possession; the *English* were ( $\epsilon$ ) glad to retire, to repair their Damages; and the *Danes* made a Merit of defending

Unsuccessful.

that Treasure, which they had form'd a righteous a Project to seize.

As this Disappointment was grievously felt, so it was highly resent'd in *England*. We had not only been actual Sufferers by the Experiment, but might have been much more so by the Consequences: *De Wit* was now making his utmost Efforts, in Person, to put the whole Force of the *Republic* to Sea, in order to re-establish his own Credit; and, instead of making it a Point to face him with the whole Force of *England*, this great Detachment under *Tyddeman* was sent to *Bergen*;

the *Hollanders* some Days, which at a Council of War of all the Sea Captains was understood, as a Truth it appear'd, to be to no other End, but to give the *Hollanders* time; and therefore concluded upon a present Assault, which was accordingly begun by five of the best Cooks that Morning, the second of *August*, when all Expectation of the General's Agreement was quite taken off; besides, that by delaying it any longer, the *Hollanders* would not only have strengthened themselves there, but the *English* should have been in danger also of their Fleet of War's Arrival, and falling in upon them.

At this Council of War *Sir Thomas Tyddeman* gave all his Captains strictly in Charge, That they should not fire against the Castles or Forts, and should also be very careful to direct all their Shot low at the Hulls of the *Dutch* Ships, to prevent what they could say Damage to the Town, that lay behind the Ships: Both which Directions all the Seamen do unanimously agree were performed, according as in the treating with the General all those Directions were promised to be given.

The Dispute continued till near eight of the Clock, during which time, it is true, the *Castle* hung out a white Flag, but to what Intent the *English* could not guess; for all the Seamen, whose Station was nearest the *Castle*, agree also in this Point, That the *Castle* never left firing from some Quarter or other of it; imagining then that *Dutchmen* who might have been taken in for the strengthening of the *Castle*, had still fired against the General's Order during the time of hanging out the white Flag, as indeed it was, for they had at least 300 of them there.

The greatest Damage that the *English* received, was from the *Castle*, which by accidental Shots eat some *Hawfers* that kept the first Line together; and so to avoid the falling foul with one another, they were forced from their Stations, and when they were out of the Reach of the *Dutch* Guns, the Port upon the outward Point on the Starboard Side, shut at them afresh, whose Guns the *English* had silenced during the Engagement, and in their going off, had many of their Men killed by them.

Notwithstanding which, the *English* came that Day to an Anchor within the Rocks of *Norway*, five Leagues distant from *Bergen*, having no Pilots that could show them Anchoring-hold nearer for so many Ships together.

Whilst his Majesty's Ships were here repairing and stopping Leaks, several Civilities and Compliments were interchanged again between the Governor and *Sir Thomas Tyddeman*. And upon the seventh of *August* *Mr. Tolson*, a Gentleman who came, in the Confidence of the Treaty, the Night before the Engagement, to his Majesty's Ships, was sent again from *Mr. Lord Alfeldt*, declaring, That his Lordship had now received his Orders from the King of *Denmark* his Master to permit the *English* to make Attempts upon the *Dutch* in his Port, and withal, brought his Majesty's Envoy's Letter from the Court of *Denmark*, for the Admiral of the *English* Fleet, that improved the same thing.

The *Lord Alfeldt* also then sent a Letter all writ in his own Hand, to *Sir Thomas Clifford*, to desire that he would give him a Meeting the Night following, that there might be some proper way concluded upon for the second Attack, in which Letter are these Expressions:

*I have now received an Order from my Master, &c. If it had pleased God that you might have had your Orders before, all that is past would have been suppressed: I do long heartily to have the Honour to see you; but I beg it of you, it be by Night, and in Disguise, since it highly concerns the Interest of both our Kings.*

This Meeting was readily agreed unto, at which the *Lord Alfeldt* produced several Articles and Conditions to be agreed upon, to this effect: That he would have the Booty equally divided; but out of which there should be taken, first, one hundred thousand Pound Sterling in Cash, half of it for the Squadron of Ships, and half for himself and Soldiers: The *Dutch* that should be taken Prisoners, should be sent away to *Holland* in some empty *Ind* Ships, and none of them to remain at *Bergen*, that they might not be Wit-

nesses of the Division of the Booty. That four of the *English* Frigates should remain in the Port of *Bergen* at least six Weeks, pretending to be there on their own Account, for securing the other Moiety of the Booty that should be left behind, and for bringing it safe to *England*; when notwithstanding, that *Money* should be the King of *Denmark*, and those said four *English* Frigates to be absolutely in the King of *Denmark*'s Service, during the said time of the said six Weeks. Which Propositions, written with his own Hand, *General Alfeldt* gave to *Sir Thomas Clifford*.

But they were also clogg'd with other Articles, that made a second Attempt unpracticable, for they bound up the *English* from taking all their Advantages upon the *Dutch*, as particularly, They should not come farther than the Boom; so that if they should have beaten the *Dutch* from the Holds of their Ships, they had had no means of taking Possession of them. Besides, they were forbidden to land any of their Men, and to come in upon their Ships on the Backs of them; and all this deny'd to them under the Pretence of securing the Town from Fire, which might happen in grappling together; when notwithstanding this great Caution against the *English*, the *Dutch* had been permitted to fit a Fire-Ship to be set out upon them, if the Wind should favour their turn.

At this Conference between the *Lord Alfeldt* and *Sir Thomas Clifford*, his Lordship propos'd the fitting for two or three fresh *English* Frigates more, to give the *Baltic* better Colour; however, rather advis'd the whole Squadron to return to the Earl of *Sandwich*, plainly declaring the Power and Ability he had to keep the *Dutch* Ships in the Harbour, though the whole *Holland* Fleet should endeavour to fetch them off: And intimated, that he would do it for some time, saying, Though the *English* Fleet should be drawn away upon their own Coast for Refreshment, yet he had Occasion and Reason enough to hold the *Dutch* some time in Parley for the Damages the Town and *Castle* had received in their Protection. His Excellency was also pleas'd to express a great Affection for the *English* Interest, and that he would be glad of Opportunities to do something that might merit from them in some sort to recompense so many brave Men's Lives that fell there.

*Sir Tho. Clifford* returning to the Squadron of the *English* Fleet, and these representing to *Sir Tho. Tyddeman*, and the Captains with whom he advis'd, That by these Restrictions, and disadvantageous Proposals pretended to be made for the Preservation of the Town from Fire, his Majesty's Ships would be hinder'd from taking their Advantages upon the *Dutch*, by boarding of them, or to come on the back of them by Land, as they should see Cause, and were to be left to the Comptrol of the Forts and Castles, whether they should possess themselves, or not, of the Enemies Ships, after beaten from their Guns; all which he had likewise before told the Governor. It was, upon good Consideration, resolv'd to return to the whole Fleet; but before they went off, *Sir Thomas Tyddeman* sent a civil Letter to the *Lord Alfeldt*, intimating Injunctions of returning. The *General Alfeldt* distracted with his former Resolutions, and perhaps too greedy Desire of Profit, was so far from getting time by capitulating upon his Master's Account (as he promis'd he would in the last Conference) for Damages to the Town and *Castle*, occasioned by defending them, that upon Recompassing only to his own Particular, perhaps authorized by some Change of Council from *Copenhagen*, he permitted them to set sail upon the very first Notice given them by a single Galliot, that their Fleet was come out to convey them home, assisting them with the ablest Pilots in that Harbour, which were owing to his Majesty's Ships. [This Deduction was prefer'd in *Lord Somers's Collection*.]

( $\epsilon$ ) We are told by *Mr. d'Estrees*, That this affair occasion'd as much Joy in *Holland*, as Displeasure here. There were at that Time, in *Bergen*, ten *Ind*ia Ships, seventeen from *Savoy*, and twenty-eight from other Parts; all of which were valued at twenty-five Millions of *Livres*. He adds, that the *English* had two Ships sent in this Attempt, seven disabled, and 800 Men killed or wounded.



A. D. 1665.

gen; whereby the Earl of Sandwich, with the Remainder, was left expos'd to the Possibility of being forc'd to engage with an Enemy superior in Strength, and determin'd to die or conquer.

Sir Thomas Clifford first expostulates the Matter at the Court of Denmark.

Equally sensible, therefore, both of the Loss and the Hazard, the King thought fit to send Sir Thomas Clifford to Denmark, with Instructions to expostulate the Matter, and demand Reparation; and, in case that was not comply'd with, to negotiate a League offensive and defensive, in which Sweden was to be included.

[Dissolution by Majesty.]

In Conference with him, his Danish Majesty seem'd afraid of what had pass'd at Bergen, lay'd the Blame on his Officers, excus'd the Delay of his Orders for Fourteen Days, for want of a Method of putting them into Cypher, affected to be ignorant of the sudden and easy Diffusion of the Dutch from Bergen, and seem'd very solicitous to compose all Matters of Complaint between the two Crowns, to the Content of his Brother of England.

Accordingly Count Hamibal (g) Sebestedt, upon the twentieth Day of September, returns to his Majesty's Envoys (Talbot was still at Copenhagen) in the King his Master's Name, the former Proposition of seizing the Dutch Ships in any of that King's Ports, upon the former Terms; there being yet seven of their Men of War, and one East India-man, in the Sound; two of their East India-men more at Yansberg; and many rich laden Ships more in other Ports in Norway, which had been dispersed and driven in by the Storm, and English Fleet; and, to be sure not to miscarry, as formerly, or to leave any Ground for Suspicion of their Sincerity, Count Hamibal told the said Envoys, he would bring to them the said original Orders and Letters, for their respective Governors, and they themselves should send them away by Expresses, and also should have Gallies in the Sound, to send the Advice of it to the English Fleet, that it might be the sooner executed: But in the very Evening of the said twenty-first Day of September, when the Envoys expected the Performance of Count Hamibal's Promises, instead of the said Orders, he brought certain News of the Return of the English Fleet to their own Ports; upon the Knowledge of which, the Dutch Ships in the Sound had weigh'd Anchor, and

A. D. 1665.

were bound homeward; and that it was probable the rest of their Ships, lately put into Norway, had done the like.

From this time forward the Envoys of England observ'd a great Coldness and Reservedness in all the Proceedings of the Danish Ministers with them, which oblig'd them, pursuant to their first Instructions, to present an expostulating (h) Memorial to the King; which produc'd fresh Overtures of Treating: Both the King and his Commissioners, Count Hamibal Sebestedt, Lord High Treasurer and Prime Minister, and Mr. Gabell, the second in Denmark in Power and Credit to him, and all the rest seeming fond of a speedy Conclusion, resolv'd upon meeting daily, which was accordingly done; and the Result of all was, that, on the eighteenth of October, a League offensive and defensive between England and Denmark against the Dutch, to be prosecuted by Sea and Land, was sign'd and seal'd; the said Commissioners having a full Power from his Danish Majesty for that End, under that King's Hand and Seal, in which he promises, on the Word of a King and a Christian, to ratify whatsoever should be agreed unto.

And it is worth the observing, That the Danish Ministers insisting particularly, that the Business of Bergen should be for ever forgotten, and neither Claim nor Expostulation upon it ever rais'd in the future; it was thereon agreed to, and formally made a fundamental Article of the said Treaty.

And to make this League the more useful to both the Crowns, Provision was likewise made in it, not only for the Swed to enter and declare it a triple Union, but an Article was insert'd in it, to make the Whole void and ineffectual, unless the King and Kingdom of Sweden did openly embrace and join in it.

This Treaty was no sooner finish'd in Copenhagen, but, within a Day or two, Sir Thomas Clifford, empowered for that Purpose, began his Journey to Stockholm, where it was promis'd him by the Danish Ministers, that their Resident should confer with him upon it, with full Powers to join in the Conclusion of it in that Court.

But, within a short time after the said Envoy's Arrival and Audience at Stockholm, there came certain Intelligence from England to the said Envoy, that Klunenberg, who was privately

The double Behaviour of the Danes.

(f) And that this did not actually happen, was possibly owing to the Storm which dispers'd the Fleet of both Nations, and, in which two Java Ships, eight Men of War, four Pinks with Provision, and two Fire Ships, all valued at nine Millions of Livres, fell into the Earl of Sandwich's Hands without striking a Blow.

(g) He is commonly call'd *Ester* in Mr. d'Eftrades's Memoirs.

(h) Which was conceived in the following remarkable Terms.

"The subscribed Extraordinary Envoys of England, in their Memorial of the sixteenth last, acquainted your Majesty with the Dissatisfaction of the King their Master, in the Delays which he hath found in his Treaties with your Majesty, and in the late unchristianlike Usage of his Ships at Bergen, contrary to your Majesty's Agreement, and indeed Proposal to the King their Master, by which means the English suffer'd not only the Dishonour of a Republic, and Loss of many brave Men, but it hath given Occasion also to the Christian World, to censure, that in truth very unjustly, the King their Master, as guilty of the Violation of such a Friend's and Ally's

Port, and to say, that none can be secure of his Friendship, when either Interest, or other Temptation of Profit, offers itself; by which, his Majesty is most justly wounded in Honour: For the Reparation of which, they made several Proposals to your Majesty's Commissioners, (which they also propos'd neither dishonourable nor disadvantageous to your Majesty's Interest) but being still delay'd and put off, without having any Satisfaction therein, they are commended by the King their Master, to profess an entire Dissatisfaction of your Majesty's Proceedings with him; and wishal, to acquaint your Majesty, that he will take all lawful Ways and Means for the just Vindication of himself. And, to that Purpose, one of them hath Order to take a speedy Leave, and hasten to the Court of Sweden, rightly to inform that King of the Motives which led him to the Action at Bergen; and therefore they are forc'd to press your Majesty to a final Resolution; which they humbly desire your Majesty to vouchsafe them, that they may pursue their Master's Orders accordingly.

Copenhagen, Octob. 2, 1665.

TALBOT, CLIFFORD.

A. D. 1665.

privately sent away from *Copenhagen* the twenty-fourth Day of *September*, when they were in the Midst of their Treaty with the said Envoys, was very far advanced at the *Hague*, in a Treaty offensive against *England*. At which very time, *Jewel*, the *Danish* Resident in *Sweden*, came to the Great Chancellor of *Sweden*, and other Ministers, pressing earnestly their speedy Entrance into the offensive League with *England* against *Holland*: And, by exact Computation of the Time, it was afterwards found, that, on that very numerical Day, *Klunenbergh* acquainted the *Swedish* Envoy at the *Hague* with their other offensive Treaty sign'd in *Holland* against *England*, using many Arguments to him, to persuade the King of *Sweden* to enter into the said offensive Alliance.

It is further observable, That the said Treaty offensive and defensive against *Holland* was sign'd and seal'd at *Copenhagen*, the Court of the said King; so as no Room is left to excuse what was afterwards done in *Holland*, by the Pretence of Ministers mistaking their Master's Orders. Immediately, upon which, it was imparted to the *English* Envoys, that Count *Hanibal Sebestien* should go in the Quality of *Embassador Extraordinary*, seemingly, into *Holland*, but indeed, into *England*, the better to amuse the *States*, and gain Time, whilst their naval Preparations were making ready for the Defence of the *Sound*, against the Attempts that might probably be early made by the said *States*, if they should suspect such a triple Union; the said Count declaring, it was his Opinion *Denmark* should stick to *England*, tho' *Sweden* should not come in; adding, he would use all his Endeavours accordingly: And this was so far carried on, as to cause one of his Majesty's Vessels to be written for from *England*, to come to *Ostend* to carry him thither; instead of which, he went directly from *Holland* to *France*: About which time, the *Danish* Treaty with *Holland* was made public; the very first Article of which was to this Effect: "Whereas it is found, that the *English* Ships of War did, in the last Year, 1665, commit several undue Facts, in the very Currents and Havens themselves of his Majesty (of *Denmark*) and assail'd his Ports and Castles in a hostile Manner: Therefore no *English* Ships of any Sort shall be permitted to come into his Ports or Currents, or *Cattigut*, or the *Sound* or *Belt*."

They seize upon all English Ships.

The Consequences, upon the Whole, were, that, without any more Notice, or other Formality used towards *England*, all *English* Ships and Merchandize within that King's Power were seiz'd, and in such a rigorous Manner, as had been scarce practis'd by any other King or State in any time. The *English* Factors in *Norway*, and other Places of his Dominions, were all imprison'd; and if any Persons were but suspected of having Trade and Dealing with his Majesty's Sub-

jects, their Goods were first seiz'd, and then they were put to their Oaths, to declare whether the said Goods did belong to *Englishmen*.

A. D. 1665.

It must be confess'd, this Treaty was exceedingly (i) advantageous to the *Danes*: But it was withal esteem'd such a Reproach to them, that, when their Minister at *Stockholm*, in a set Speech, endeavour'd to excuse it to the Queen and Regency, he was told, in pretty plain Terms, "That the Proceeding of his Master was so unfair and dishonourable, that they knew not how any Prince, for the future, could treat with him."

It appears however, that the *Swedes* themselves were both envious of the lucrative Bargain which the *Danes* had made, and desirous to find as good a Market for themselves: It is true, they redoubled their Professions to *England*; nay made Preparations in all their Ports, gave out, that they would not suffer *Denmark* to make a Property of the *Sound*, and threaten'd to attack the *Danes*, in case they presum'd to arm in Aid of the *Dutch*: But then all was calculated only to obtain the higher Terms; and, accordingly, a Negotiation was open'd; in which, making such Demands as the *States* either could not or would not comply with, all this Bustle of theirs ended in a Proposal of a Mediation.

But these Matters running far into the next Year, it is our present Business to finish with that before us.

Tho' the *French* Court persisted in their Designs upon *Flanders*, and only waited for a proper Opportunity to bring them into Execution; and tho' so fair an Occasion now offer'd to establish the most close and intimate Union between the Crowns of *Great Britain* and *Spain*, the latter appear'd almost as insensible of our Advances now, as we had been formerly of theirs. The Alliance with *Portugal*, the Support derived to that Kingdom thereby, and the parting with *Dunkirk* to *France*, were Affronts, which that haughty Nation could not yet recollect without Indignation, and which nothing but their Weakness hinder'd them from resenting.

Translation with Spain.

If therefore they receiv'd our Offers with Civility, it was, at the same time, with the most freezing Coldness: When Sir *Richard Fanshawe* had been above a Year at *Madrid*, he complain'd, that he had not been able to carry one Point which had been recommended to him in his Instructions; and therefore desir'd to be recalled: And even when a Second was almost expir'd, though many things had been negotiated, nothing was accomplish'd: And, in the midst of this Suspence, his *Catholic* Majesty dy'd, leaving left the Regency in the Hands of his Queen, and six Assistants, which were to compose her Council.

His Catholic Majesty dies.

During the Summer, the Plague had broke out

The Plague in London.

(1) By it the King of *Denmark* was not only again put in Possession of his *Revenues*, the *States* releasing all their Demands; but was to receive an annual Subsidy of 600000

*Rix-dollars* as long as the War should last. *France* was not only particularly active in bringing about this Treaty, but parted with 120,000 *Crowns* to bring it to bear.

A. D. 1665.

out in London, and carry'd along with it Terror and Destruction. The King and Court took the Alarm, and remov'd; as did likewise all those, whose Circumstances enabled them to reside elsewhere. The Care of the City, in the mean time, was left to the Duke of Albemarle; and that he might not have two Enemies to struggle with together, a Proclamation was publish'd, "requiring all disbanded Officers and Soldiers, who had serv'd in Arms under any of the late usurped Powers, to depart the Cities of London and Westminster, and not to return within twenty Miles of the same, till the November following."

Sixth Session.

Substance of the King's Speech:

But, tho' the destroying Angel was abroad, it was nevertheless necessary for the King to meet his People in Parliament: Oxford was the Place appointed; and October the 10th the Session was open'd with a gracious Speech to both Houses; in which his Majesty, having made some Excuse for calling them together during the Sicknefs, was pleas'd to put both Houses in mind, that he had enter'd into a War with the States, by their Advice and Encouragement; that he was desirous they should receive Information of the Progress of it, as frequently as possible, to the End that he might have the Continuance of their chearful Supply: That it had prov'd more chargeable, than he could have imagin'd: That, as the Dutch had increas'd their Preparations, he was oblig'd to do the same: That his Alliance with the Bishop of Maastricht, who was then in the Bowels of their Country, had cost him a very great Sum of Money: That his Issues had been made with all possible good Husbandry; but that nevertheless, the great Supply, which they had given him, was, upon the Matter, already spent: That he not only expected farther Assistance, but such as might enable him to defend himself against a more powerful Neighbour: That he was not averse to Peace, but that nothing had been offered worthy his Acceptance, nor were the Dutch less insolent, tho' he knew of no Advantage they had had, but the Continuance of the Contagion.

And of the Chancellor's.

For Particulars, his Majesty then refer'd them to the Chancellor, who, tho' represent'd, both by himself and others, as an Enemy to the War, and as having industriously avoided all Concern in it, upon this Occasion, at least, espous'd it with as much Warmth, as could have been expected from the most pliant Courtier. His Lordship began his Narrative as high as the Respiration; enumerated the Difficulties the King had to struggle with, upon his Accession to the Government; the Expence of the Fleets and Armies he found on foot; the Debts he was forced to contract, that they might be discharged; and the Necessity he was under, by all imaginable Shifts, to supply his Magazines, which, he asserted, had not Arms for 5000 Men, nor Provisions to

fet out ten (k) new Ships. His Lordship then enlarg'd on his Majesty's Care to suppress the Pirates of Algier, the Charge it put him to, the Peace he forc'd them into, their fraudulent Practices to evade it, and their being compell'd a second time to make their Submission, on Conditions more advantageous than the former. From hence he made a Transition to the Behaviour of the Dutch, in the Mediterranean, under de Ruyter, when the King was embark'd, at their Instance, and jointly with them, in a new War with the said Pirates, "Who, said he, were so far from any (1) Conjunction with us, that, when our Ships chaced any Algier-men, near them, they never offer'd to obstruct their Flight; but quickly made it manifest, that they rather brought Money with them, to buy a dishonourable and disadvantageous Peace, than to make War upon them."

A. D. 1666.

His Lordship next enlarg'd on the Depredations and Insolences of the Dutch, both in the East Indies, and on the Coast of Africa; the Repentment it kindled at home, the Parliament's Tender of their Lives and Fortunes, his Majesty's demurring to examine Particulars, and demand Justice and Reparation; the Behaviour of the Dutch thereon, which, he tells us, was accompany'd with many insolent Expressions, suitable to the Manners of a Commonwealth; their Complaints against Holme's Behaviour at Cape Verde, with the Squadron which the King had lent the ROYAL COMPANY; his Majesty's disowning the said Holme therein, and Promise to punish him according to his Merits.

He then proceeded to a Repetition of every Circumstance, from de Ruyter's Voyage to Guiney, to the Attempt at Bergen; in the Close of which, he represented the Dutch as still resolute against any Peace, but on such Terms, as his Majesty would be oblig'd to acquit his People with; insumch, that even the Release of Polerun, and the Demolishment of Cape Corfe, "Which, says his Lordship, would be, upon the Matter, to be content with a very vile Trade in the East Indies, under their Controul, and none in Guiney" were not Propositions unreasonable enough to please them. To which he added, "That they loaded us with such Reproaches, as the Civility of no other Language would admit the Relation: The Truth is, they have a Dialect of Rudeness so peculiar to their Language and their People, that it is high Time for all Kings and Princes to oblige them to some Reformation, if they intend to hold Correspondence or Commerce with them."

His Lordship next signify'd, That they were making greater Preparations than ever, consisting of greater Ships, furnished with greater Artillery: And, for the Use and Application of all, having mention'd again, that their former noble, unparalleled Supply was, upon the Matter, spent; he added, "What

(1) His Lordship must certainly mean by this, Provisions for ten more Ships, and Arms for five thousand more Men than were already upon the Establishment: For it could not be supposed that the great Fleets and Armies, which the King

had to support till they were disbanded, were destitute of either.

(2) His Lordship chose to forget the Affront put on them by Lawson at their first Meeting, by refusing to return their Salute.

A. D. 1665.

“ is more to be done, he (the King) leaves entirely to your own generous Understandings; being not more assured of any thing that is to come in this World, than that the same noble Indignation for the Honour of the King and the Nation, that first provok'd you to inflame the King himself, will continue the same Passion boiling in your loyal Hearts, &c.

His Lordship's Commission, however, did not end here: The Disaffected were to feel the Weight of his Rhetoric, as well as the *Dutch*. In order to which, he took upon him to assert, “ That the horrid Murderers of their late Royal Master were received into the most secret Councils of Holland: That other infamous, prostituted Persons, of our Nation, were trusted in their Affairs, and enabled to maintain a Correspondence by their Liberality: That their Friends at home, impatient of longer Delays for the Successes they had promised themselves, and for the Succours which others had promised to send them, made no doubt of doing the Business themselves, if they could appoint a *lucky Day* to begin the Work. And you had heard of them in all Places, upon the third of the last Month (their so much celebrated *Third of September*) if the great Vigilance and indefatigable Industry of the *Good General*, who is always awake for the King's Safety, and the Peace of the Kingdom, had not, two Days before, apprehended the seditious Leaders, and given Advertisements for the securing others, in most Parts of the Kingdom; by the Confessions of many of whom, their wicked Design is enough manifested, and ready for Justice.—

“ Let not those Scorpions be kept warm in our Bosoms, till they sting us to Death; let not those who hate the Government, who would destroy the Government, be shelter'd under the Shadow and Protection of the Government.”

His Lordship indeed allow'd a bare Possibility, that some Men, who were not Friends to this or that *Part* of the Government, might not incline to buy those Alterations they most desired, at the Price of a *Civil War*: “ They would, continued he, bring it fairly about, wait for a *godly Parliament*, and do all by their Content. But those Persons cannot take it ill, that we cannot desire they should ever have it in their Power to bring those Alterations to pass, by those Means they now seem to abhor.— The only Way to preserve themselves innocent, is to keep their Minds from being vitiated by the first Impres-

sions; by Jealousies, Murmurings, and Repinings; and, above all, by their Conversations with those Men, or Indulgences towards them, who would sacrifice the Peace of the Kingdom to their own Ambition, Pride, and even to their Humour.” His Lordship finish'd in the following remarkable Manner:

“ If you carefully provide for the suppressing your Enemies at home, which will put you to little other Expence than Courage, Constancy, and Circumspection, you will find your Enemies abroad less exalted; and, in a short time, more inclin'd to live in Amity with you, than to make War upon you.”

The whole of this (m) Harangue, as first publish'd, contain'd Nineteen Pages in Folio: So necessary was it then thought to persuade the People, that their Money was well laid out!

But, amazing as it might well seem, that so vast a Sum was already exhausted, the Commons waited upon his Majesty with another Compliment of their *Lives and Fortunes*; which was follow'd with a very cheerful and unanimous Grant of One Million Two hundred and Fifty thousand Pounds more, to be levied in two Years, by monthly Assessments. They did not however wholly forget, that they were to inspect as well as grant; and that the Money they gave freely, was to be punctually accounted for: Thus, on the last Day of the Session, we find them voting an Address, that his Majesty be humbly desired to give Command to the Officers of his Navy, Ordnance, and Stores, to prepare an Account of their Disbursements, against the next. The Power of the Purse they rightly thought was their only Power; and tho' they employ'd it both frequently and liberally, in the King's Favour, it was never their Intention to part with it entirely.

It may even be urg'd, and perhaps not unreasonably, that, warm as they were against the *Dutch*, they stood upon Terms with the Crown; and barter'd the Supply, for a new penal Law against the *Nonconformists*:

That these were the *domestic Enemies* the Chancellor pointed out, as fit Objects of their Indignation, and whom it was so necessary to suppress, in order to render those abroad less exalted.

For, having laid it down as a Fundamental (as the Preamble of the Act bears Witness) “ That their *Teachers* had settled themselves in divers Corporations, sometimes Three, or more, in a Place, and took Opportunity to distil the poisonous Principles of Schism and (n) Rebellion, to the great

(m) Mr. Secretary Bennet, in a P. S. to the Duke of Ormond, speaking of the Success of the Summer, adds, *So that this noble Campaign we are furnish'd with a good Story to carry to the Parliament.* *Mit. Aul. p. 361.*

(n) In the Year 1667, one *Evon Price* set forth a Paper, with his Name prefix'd to the Title Page, call'd *Eye Sales for England, or the Grand Trappan Detrib'd*, which I have thought necessary to insert in this Place, *verbatim*; that the Reader, having all the material Evidence before him, may be enabled to make his own Conclusions; whether the Per-

secuted had most Reason to complain, or Persecutors to punish.

Upon the twenty-second of February, 1667, Mr. Nicholas Melly, one of the Justices of Peace for the County of Lancaster, came to me, *Evon Price*, as I was at work with my *Master, Rige Martland, Clothworker in Manchester*; and desired me to go and drink my Morning-draught at Mr. *Jehosaph's the King's Head Tavern*; where, after some talk with me alone, he told me, that he came to me by Authority from the King; and that if I would take the Countess

The Commons make another Offer of their Lives and Fortunes;

And grant another Supply:

But address for an Account of Disbursements.

The Summ Five Mill. Ar.

A. D. 1664.

"great Danger of the Church and Kingdom." They proceeded to enact, that

no nonconforming Teacher, under what Denomination soever, should dwell or come, unless

A. D. 1665.

to do the King a Piece of Service, it was now in his Power to make me whilst he lived; which was in brief, to be a Witness, and swear against such Men, as were to him discovered to be in a Plot against the King; and for which I should have, as a Reward, either a thousand Pounds in Money, or the tenth part of such Mens Estates as I should evidence against; and that further Evidence would be procured to join with me herein. Which Motion I utterly rejected, having (as I told him) to take Bribes to shed Blood. Whereupon his Countenance changed, and being very wrathful, he threatened, with many Protestations, that he would hang me if I so withstood his Motion and Authority; and then upon laid Hands upon me, searching my Pockets, and sent for a Constable, charging him to bring me to Justice Light-bounds's House, where they examined me upon a pretended Plot; but finding nothing, charged the Constable to secure me that Night in the Dungeon, and bring me the next Day to Berry before the Deputy-Lieutenant, sending for my Master with whom I wrought, to find something against me; but he declared me upon his Oath, that I had kept constantly to my Work with him for divers Months before.

Being brought the next Day to Berry, before the Deputy-Lieutenant, and examined four several Times before them, no Accus appearing against me, all departing away but Sir Robert Brotherton, Mr. Hall and Mr. Mealy, they made my Mitimus, and sent me to Lancaster Gaol, without Bail or Mainprize.

Being at Lancaster, Mr. Mealy, at the Assizes following, came to me several times with his former Temptations, enlarging his Proffers, and would told me that, I should find, the Judges themselves would conform the same to me. Thereupon forthwith bringing me to the Judges in their Chamber, viz. Judge Turner and Twissler, who told me they had received several Letters and Papers, which Mr. Mealy, as they said, had given them, mentioning a Combination of five thousand Persons (of the Independants, Presbyterians, Anabaptists and Fifth-Monarchy-men) in Lancashire and Cheshire, to make Insurrection against the King and his Government, and the Names of forty or fifty of the principal Contrivers thereof, against whom my Evidence was required, the Judges naming most of them by name, and amongst the rest, the Lord Delamere, as chief; affirming me that what Mr. Mealy had promised should be made good, if I would serve the King therein, as desired; which I still refusing, was returned to Prison again, and continued there above a Twelve-month after. The Letters and Papers above mentioned, by the Judges Direction, were put into the Hands of Justice Harry to be transferred, which he did at the Shire Tavern in Lancaster, that Affairs and his Copies thereof were spread abroad into many Hands in both Counties, the Extract of which Letters, and the whole of the Trappanning Declaration, as Providence brought to hand, take as followeth.

The first Letter is directed from *Walsfield*, by an unknown Hand, no Name therein, dated Feb. 6, 1665, and therein said, "That though Cheshire and Lancashire, like *Pileas*, will wash their Hands in Innocency from the Plot, yet it may be found otherwise. In as they were guilty first against his Father in that Rebellion, so may they be in the last, that now in our Sovereign Lord and King; for it may not be doubted but the Presbyterians, Independants and Anabaptists in those Countries to the number of five thousand, were leavened with the Fifth-Monarchy Spirit; and about Manchester, Warrington and Stoddard, five hundred. The chiefest Agents and Trustees in both Counties (as his first Letter mentions) were these, viz. The Lord Delamere, Mr. Eaton, Colonel Chapman, Colonel Dugdale, Col. Cromwell, Colonel Vandenke, Major Trowers, Lieutenant Smyth, Mr. John Crox of Uthinton, Mr. Henry Broadbent, Mr. James Marpole, the late Mr. Samuel Eaton, Mr. Bruton, James Titton, and Hugh Gandy. These fourteen for Cheshire were the chief Engagers and Agents for the rest with Purle and Persons to their Power. And in Lancashire nineteen, viz. Colonel Birch, Colonel Wagh, Colonel Sowers, the late Major Tiggan, Major Blyde, Major Foster, Major Edge, Mr. Thomas Birch, Mr. Edward Galloway, Mr. Jervis, Mr. Newcomb, Mr. Harrison, Mr. Jones, Mr. Robert Birch, Mr. Gains, (all his old pretended Preschers) Mr. Ditchfield, Mr. Grewant in an Apothecary in Lancaster, Mr. Jolly, and Sergeant William Booth. These were all that were named in the first Letter, the one *Evon Price* that was a Messenger between them, to carry Letters and Intelligence, against whom the Informer would appear at the Assize, if the said *Evon*, being secured, did refuse to discover the forenamed Persons; but if the said *Evon* would be shown by any Reward to exceed such Men, then give and grant him the tenth Part of each Mans Estate that he should be accuse; but if he would not, then threaten and fright him to it."

The second Letter was dated at Lancaster, without name, with some Reasons why yet he would not be known to him,

conforming the first, and adding the Names following, viz. In Cheshire, William Barret, Thomas Partridge, Major Bannal, Lieutenant Beccoff, and William Brown. In Lancashire, Major Robinson, Captain James Hoveworth near Chorley, Mr. Skarphill, Sir Richard Haughton of Haughton Tower, and Dr. Fife, made privy to it, but unwilling to engage in Action; but the Lady Sarah (Mr. Eaton's chief Disciple) did engage to supply with Monies; Mr. Harrison of the Field-Country, Mr. Hookstead Shopkeeper in Manchester. And moreover, that the Fanatics in Yorkshire were grown more numerous and unanimous in their Designs and Resolutions, to avenge their Brethrens Blood; or be hang'd after them; many who formerly defided, now comply'd. Add that it required Diligence in him, and all his Majesty's faithful Subjects, to sit themselves to prevent the Danger. And that he knew no way better to get a Discovery of them both in Lancashire and Cheshire, than to labour with the said *Evon Price*, who being poor, might, by a good Reward, be brought to discover these, and more, having been to employ'd amongst them; which if he would, then get the Judges to assure him of Pardon, and any Reward he would desire. If by this means they prevailed not, then get some truly Friend who could act with Part with a Fanatic's Tongue, to go to him as from his Captain Haggins's Wife, Mr. Marples's Wife, his Brother Gamwell, and David Lamie's Wife, and Mr. Row's Wife, and *Yfews Bally* and his Wife, with Description of the Place of their Habitation; and in case they could not get one that knew them and the Place of their Abode, with certain Tokens from them, then to console and lament his Condition, and persuade him to endure, and so get what he could from him that way; I leave this following Declaration with him, and yet will seize him therewith, and so procure him to make a Discovery to save his own Neck. The Declaration, Word for Word, was as followeth:

*A Dear of Hope spend in the Valley of Achor, for the Mourners of Sion out of the North; first abroad to revive the Priests of Hope, and awaken the dead Witnesses of the Lamb, to prepare themselves to meet him in his Kingdom on Mount Zion, in Judgment against the Blood of Esaus and mystical Babylon, the Mother of Harlots and Abominations of the Earth.*

Whereas several thousands of us, poor low Worms, and despised Servants of our Lord, King James, after earnest seeking of the Face of our God by Prayer, Supplications and Confessions, together with the Word and Prophecies of the Scripture as we were able (in an obscure manner) to understand the Lords Mind, and our own Duties, especially the Work of our Day and Generation; we are by inward Compulsion of the Spirit of God, we trust, carried on to declare and make known our Hearts (so far as at present we are able) to the Lords People, and all others in the three Nations that love the Name of God, Truth, Peace, their own Politeity, and the Welfare of their Country.

That we are deeply afflicted with, and grieved at, the daily Blasphemies which we hear against the Name of God, his Son, Gospel, Tabernacle, and they who worship therein.

At the most horrid Wickedness (whereof of it) openly committed in the Land, and countenanced by those in Authority (if not tolerated by Law) you much of it openly in Stage-Plays acted; besides the common Sin of Adultery, Drunkenness, Swearing, Straling, and what not.

At the common superstition and idolatrous Ways of Worship set up in the Nations, with Compulsion of the free-born Nations in Conscience therewith, and the sad Sacrifices of such as for Conscience sake tender a God, cannot, by Imprisonment, Excommunication, Confiscation of Goods, and Banishment from Countries and Relations.

At the bad Cry, we only of the Saints in most Prisons of the Nation, but also of the innocent Blood of our dear Christian Brethren and Natural Friends, Neighbourhood and Relations, unjustly taken away under Pretence of Plots, and Treason (like Naboth) restrained by the like trappanning Spirit, as Jewels sold so that they, as the Sould under the Altar, do cry for Vengeance in our Ears to revenge their Blood, that the Violence done to their Flesh may be upon Babylon.

At the lamentable Cry of the Poor of the Land for want of Employment, through the Decay of Trading, by means of Excess, Customs, Manly-Taxes, Poll-money, Chimney-money, Gift-money, and Subsidy money; all which is laid out in abundance, but nothing brought in, as if the Cask, which the Prophet speaks of, were open it, as we've put into Bags with Holes, Hag. i. 6. Mal. ii. 2.

At the favouring in of Jesuits, Priests, and unlearned Papists, to infect the Minds of our People, and to put out our Firebrands (of the Lord in Mercy do timely prevent them) so wounding our Country with false Liberty as call the Nation to much Blood and Treachery to extinguish; and keeping the Mouths of (almost all) gaily Protestants while Ministers, especially such as cannot in Conscience comply with the

A. D. 1665. unless upon the Road, within five Miles of any Corporation, or any other Place, where

they had been Ministers, or had preached after the Act of Oblivion, unless they too

*Pope's Canons in our Episcopal Ordinations, thereby making way for Antichrist the Pope (if not as high to bring in the Turks upon us) yet to bring us back into Rome's Jurisdiction, thus to meet him, and make the Lord Jesus that gave himself for us.*

And now, tho' we cannot say that we are sufficiently sensible and humbled for our own Sins, which made way for these Abominations, yet in measure we desire to take Shame to ourselves, especially such of us as have defiled our Garments in chusing of us new Gods, by being instrumental to bring these Things to pass by our Backslidings and Revolts from the Lord, to help the Wicked and Ungodly, as *Jezebel* did *Ahab*, 2. *Chron.* xix. 2. and weaken the Hands of our godly Brethren, who in the Witness of the Spirit forefaw the Event, and gave us Warning betimes; but now we desire no longer to abound in sinful Compliance, as to stand by and behold our Brethren carried Captives, lest we ourselves be the first that may justly follow after, *Obad.* x. 11. But we beg the Lord to abound in pardoning Grace, and give us Hearts to manifest Repentance by our Returns to, and Zeal for, the Lord, and to help the Poor and Needy against the Mighty, and not delight ourselves in our own Paineth and their Miseries any longer, but quit ourselves like Men, feeling there is no Kennedy but Death and Destruction threatened, or at least to live in a worse Condition than Slavery, for such as desire to live morally in the Nation, much more goodly in Christ Jesus. And we being taught by Grace and Nature, to use all lawful means to defend our Lives, Liberties, Relations and Estates; also satisfied from the Word of God, that the Use of temporal Weapons of War is a lawful Means of God's own Institution in its own time, and that the Use thereof in the Hands of Saints, as one Means, the Kingdoms of this World must fall, before they become the Kingdoms of our Lord and his Christ; and having seen the Lord own them to be evidently already, We declare ourselves of a ready mind (when the Lord shall form and call us out thereby) to hazard our Lives, and all that is or may be dear or near unto us, for the reviving of the good old Cause. And tho' we be persuaded we need not use Arguments to our Brethren (who are called, chosen, and faithful) in the Nation for Assistance herein, for we know they love not their Lives unto the Death, but will follow the Lamb through the greatest Difficulties; yet to our civil Neighbours and dear Countrymen, that would rather die like Men, than live worse than Slaves in their own native Land, as many do who want Food and Raiment (which Slaves have in strange Lands) We say, Break your Plowshares into Swords, *Joel* iii. 10. and fight for your Lives, your Wives, Children and Houses, *Neh.* iv. 11, 12. and come forth to help the Lord against the Mighty with us; who for Satisfaction to all do declare, That we thus are resolved, and shall, as much as in us lieth, labour to remove the aforesaid Grievances.

We shall to our Power press after Purity of Life, Doctrine, and Reformation of Church Discipline according to the Word of God, and the Example of best reformed Churches, as some of us long time have entered, and as the rest of us now enter into a solemn League and Covenant to pursue.

We are ready to stand up with Lives and Estates to maintain, uphold and defend both Magistracy and Ministry, for perfecting the lawful Work of Reformation, whether Miscellaneous or Comprehensive.

We declare, That we shall secure the Lives and Estates of all that oppose us not herein, as we own; and that as well those who shall be passive as active herein, to accomplish the aforesaid good Ends.

We declare ourselves void of a Spirit of revenge for any Wrong done us, we seek not the Blood of any, but such as in an hostile way stand to oppose us, and such as are guilty of innocent Blood in the Land; nor shall any other Damage come by us to those who have been our created Persecutors, provided they manifest due and timely Repentance.

We declare in the Sight of God, Angels and Men, That having obtained our Ends in these Islands, we desire not to rest or sit still, but be, till we die, sitting for the Destruction of Gog and Magog, Pope and Turk, with all their Allies; preparing for Christ's Kingdom, to be set up at his coming, by magnifying him as King and Lover of Sinners and Nations; the conversion of the Jews, with the fall of the Papal Empire, which we pray God for, did and shall strive to, and let all that love the Lord Jesus Christ, say, Amen. Even to come quickly *Rev.* xxii. 20. And they heard a great Voice from Heaven, saying, Come up hither, *Rev.* xi. 12. And they heard a great Voice from Heaven, saying, The Kingdoms of this World are become the Kingdoms of our Lord, and of his Christ, and he shall reign for ever and ever, *Ver.* 15.

About a Fortnight after the Alliance, Mr. Spencer, the then present High Sheriff, came to the Gaoler's House, and sent for me from the Prison, assuring me of the Reward Mr. Moly's and the Judges had promised me, viz. a thousand Pound in Money, or the tenth Part of their Estates against

whom I should swear. And in further Confirmation thereof showed me two Letters, one from the Duke of *Gloucester*, the other from Sir *Henry Blount*, whose Names he bore me, and my own Name also mentioned in the said Letters (telling me writ that the Lord *Delaware* and Sir *Richard Horton* were in the List.) But when he saw Rewards and Promises would not work with me, he forcibly threatened what he said, would certainly befall me.

Many forged and indirect ways were used to take away my Life, at least my Ears, in Revenge: For when Mr. Moly saw all other ways fail, the better to uphold his own Credit, would at last (transcribing those two Letters he gave to the Judges, like my Hand, having got some Letters of mine) persuade the Deputy *Licentiate* and others to whom he showed them, that I was the Writer and Forger of those Letters, and to would have handed the Villany upon me; but being compelled with my Faith-writing, cleared my Innocency the more to many that before suspected me.

Also there was one *Enoch Eller* of *Manchester*, a Barber, who by Justice Moly was forced to swear with me, (and I understand it) against any of the Persons designed for Destruction, as himself confessed; who had also sworn against me, but God prevented him by detecting the like villainous Contrivance and Perjury against eight innocent Persons, who by Mr. Moly's Instigation he swore against, but was convicted of his Perjury before Judge *Tenter* the Summer Assizes, 1664, being constrained to flee the Country to save his Ears.

These my Sufferings, and the Grounds thereof, being made public, and coming to the Ears of some principally designed against, the Lord *Delaware* sent particularly to receive Information of the Truth thereof from me, which I did give him under my Hand Seal, attested before Justice *Peter* and transcribed by his Clerk; and particularly of the Proceedings aforesaid with Mr. Moly's, the Deputy *Licentiate* and the Judges; and of their summing him to me in the Chamber in particular, amongst the rest that were designed against. Which Information, as I was informed, the Lord *Delaware* transferred, with a Complaint, to *London*; and that the Return he had from thence thereupon was to this Purpose, viz. That the Judges denied they either mentioned, or to much as heard his Name mentioned at that time, or that ever they saw his Name in any List or Relation to this Business. Thereupon the Lord *Delaware*, and others concerned in the Report, demanded my further Evidence, feeling the Judges denied it. But not being able to make out what was spoken by them to me in private before Justice Moly, I was threatened of all Sides, both by the Judges and others, to be set upon the Pillory; which probably had befallen me, had not God, by his Providences, brought it to light by Mr. Moly's own Confession to Dr. *Effe*, at Mr. *Coeca's* Tavern in *Manchester*, four or five Perform being present, who did there acknowledge to them that the Lord *Delaware* was named to me by the Judges in their Chamber.

This further Confirmation coming to the Lord *Delaware*, he was pleased, the better to vindicate himself, and to detect such vile Practices, to enter his Motion in some of the Courts of Justice against Mr. Moly; but (as I was informed) had his Proceedings stopp'd by Letters from *London*, Mr. Moly being enjoined to make his Submission, and ask him Forgiveness: Thereupon the Lord *Delaware* enjoined Justice *Justice Harris* and Mr. *Hovenden*, before Judge *Trenton*, in his Chamber, the Last Assizes 64. following.

But afterwards, *Act.* 65. Sir *Roger Bradshaw*, one of my former malicious Adversaries, meeting me near *Wigmore*, Hayed me, and told me he would send me to *Gray's Inn*, without any Cause showed, to be kept in an Alehouse, and commanded six or seven of his Men to strip me, under pretence of searching me for Letters, tho' before, in his Presence, I opened my Cloaths, emptied and turned my Pockets; his said Men used me very barbarously, and robbed me of about twenty Shillings; and tho' they could find nothing they pretended to seek for, yet did Sir *Roger* detain me there, as a Prisoner, about fourteen Days, without any legal Proceeding by Examination, Warrant, or *Mittimus*, &c. Afterwards Sir *Roger*, with Mr. *Holt*, resolved the Oath of Allegiance to me; and, upon the refusing thereof, sent me to the common Gaol at *Manchester*; where I was kept, in most cruel sort, for several Months, lying in a cold, open Room, all Winter long, and four Locks turned upon me; neither could I, by any Means, procure a Floor to lie in. Hereupon, on the 16th of *March*, 65, I drew up a Narrative of my former Sufferings, and the Grounds of them, by Mr. Moly's Means; then my Letter, by Sir *Roger Bradshaw's* craft and barbarous Usage; with a Petition to Judge *Ranfoc*, the then Judge of the Assizes, beseeching him to consider the time to the King, so extremely concerned therein; which was read to the Judge, and the principal Heads con-

A. D. 1665.

the famous *nonresisting* Oath before-quoted, and declar'd, that they would not at any time endeavour any Alteration of Government, either in Church or State, on the Penalty of Forty Pounds, and Six Months Imprisonment, unless they took the said Oath before Commitment.

In the House of Peers, however, this Act met with some Opposition; and that not only from the Lords *Ashley* and *Wharton*, who were more than Half-*Nonconformists* themselves; but even from the Lord Treasurer *Soubhampton*, who, tho' so long and intimate a Friend of the *Chancellor's*, could not be prevail'd upon to countenance a Measure that was equally repugnant to Liberty and Christianity. But either the Authority of the one, nor the Arguments of the other, had any Weight: On the contrary, a Hint was taken, from those very Arguments, to bring in another Bill in the House of Commons, by which the said Oath, and Declaration, were to have been impos'd on the whole Nation. But, on the Question, it was happily rejected, by (a) Three Voices; who had the Merit of saving their Country from the greatest Injomy which could have befallen it; That of *reviving as well as forging its own Chains*.

These two Bills, with an Act to attain *Thomas Doelman*, *Joseph Bamfield*, and *Thomas Scot*, Three Fugitives, then in the Service of the States, in case they did not return and take their Trials, by a certain Day; and a free Gift of a Month's Assesment, by way of Acknowledgment of the Heroism of the Duke of York, in the late Engagement with the Dutch, were the principal Transactions of the Session; which was clos'd on the 31st of October; having lasted but three Weeks.

As scarce any Pretence can justify a Man for co-operating with an open and avowed Enemy, against his native Country; so Government is never more abus'd, than when Oppression goes forth under the Sanction of Law: The very Condition of Obedience is Protection; and he that is treated as an En-

my, lies under a strong Temptation to act as one.

Grievances are the Food of Faction: Remove them, it starves and dies.

Had this been the main Endeavour of the Reign before us, the Current of it had been more easy and undisturbed. As it was not; a corrupt, factious, and arbitrary Court, begot a presuming, factious, and corrupt Opposition. The Honest saw Reason to interpose in Behalf of the Public: The Designing saw an Opportunity to advantage themselves: As the Last had the most Industry and Ability, they became the Leaders; and, being govern'd by Self-Interest only, fell into Extravagancies as inexcusable as those they pretended to remove. Of this, the Advocates for this Reign avail themselves; and, while they set forth the Patriots of these Times, as the worst of bad Men, would thence have us conclude, that those in Power were the best of all good.

He that prefers Truth to Party Prejudice, will find frequent Cause to condemn Both: And he that hesitates to do so, must be afraid of condemning himself at the same time.

Not satisfi'd with having one War upon their Hands already, and another in Prospect, so infatuated, or so presumptuous, were our Court and Church Politicians, that they still made a Point of subduing the *Nonconformists* at home. If they complain'd of one Hardship, it afforded a Pretence to afflict them with another: Tho' fear'd, they were provok'd; tho' suspected of a Disposition to rebel, Care was taken to furnish them with Reasons to justify them for so doing; and, tho' accus'd of corresponding with the Enemy, they were made desperate by ill Usage; as if on purpose to drive them into their Bosoms.

Nor was this absurd Conduct observ'd only in England, where the establish'd Church had the People, as well as the Law, on its Side: Even in Scotland, where the *Presbyterians* were the Majority, and where *Episcopacy* had been restor'd rather by Fraud and Violence,

firm'd by some Persons of Quality (as I was told) which the Judge gave to Sir *Roger*, to make his Exceptions against either me or it; which, tho' I after urged him to, in open Court (where, in the Face of the Country, I laid open their wicked Carriages, he could not do) only, he said, I had refused to take the Oath, and that Mr. *Mesly* (whom he set forth to be a very worthy Gentleman) was, for the present, absent, whom I had greatly abused in my Narrative; and therefore desired I might be bound over to the next Assizes, to answer Mr. *Mesly* for the Injury I had done him; which was done accordingly, and I continued Prisoner till the next Assizes; when, with much ado, I procur'd Liberty to appear in the Court, by a Petition to Judge *Turner*, Mr. *Mesly* being present, making no Reply at all. Hereupon the Judge ordered me to be set at Liberty. This was the *Suare broken, and I escaped*."

There is likewise a Preface to this Piece, in which are the following remarkable Particulars:

After asserting, that there was nothing in his Relation, but what he had already declared in open Court, as also in his *Cafe*, given to Judge *Ramsford*, March 1, 1665; earnestly desiring it might be by him deliver'd to the King, he goes on thus: "Many remarkable Passages there are omitted in the Narrative; one thing worthy noting is, That Mr. *Mesly* was put into an Office of Trust and Profit, though he brought nothing of his Design to Perfection: So was Major *Greenhead*, that was the chiefest Man in drawing forth some Thirty Persons to rise with him in Arms in the *Yorkshire* pretended Plot; whereby many desolate Widows and Fatherless

were made; and he received a great Sum of Money for his Pain: And *Joseph Cromber*, hired to tuzpan Men, came to *Manchypip*, and went in a seeming desolate Condition, and faint-like Shape and Language, with sighing and weeping to some honest Men, to seek Succour, as a Person escaping the Hands of his Enemies, and guilty in that *Yorkshire* Feud; and, notwithstanding they made Discovery of him, yet he was let go, and two of them [Mr. *Edw. Gatham* and Mr. *Isaac Mest*] bound over to the Sessions, thence to the Assizes, where they were set free by Judge *Turner* and Judge *Tousden*: This Man also hath a beneficial Office conferred on him since.

Ends, If thus doubtless the Truth of what I say, make but Enquiry among any knowing and impartial Persons inhabiting the Places herein named, and thou mayest easily be confirm'd, and further inform'd that I am willing here to relate to thee: Nor had this come forth by me, but that I was restless Night and Day, when I saw no Court was taken all this time to stop this Spirit of Wickedness, but that it spreads thro' the Nation, and threatens its Ruin."

Note, This remarkable Piece was preserved in the HARLEIAN COLLECTION.

(b) "The Providence by which it was thrown out was very remarkable: For Mr. *Perregius Borris*, being newly chosen, was that Morning introduced into the House by his Brother, the now Earl of *Lindsay*, and Sir *Thomas Osborne*, now Lord Treasurer, who all Three gave their Votes against the Bill; and the Numbers were so even upon that Division, that their Three Voices carried the Question against it." Letter from a Person of Quality, By Mr. Lock.

An Attempt to imple the Non-Resisting Oath on the whole Nation, frustrated.

A Month's Assesment given to the Duke of York.

A. D. 1665.  
Hallpi.

Violence, than by the Consent of the People, a Proclamation was issued, "Com-manding all Ministers, who had entred before the Year 1649, and since the Re-stitution of Church Government by Arch-bishops and Bishops had relinquish'd their Ministry, or had been depos'd by their Ordinary, to remove themselves, within forty Days after their Relinquishment, or Deposal out of the Parishes where they were Incumbents, and not to reside within Twenty Miles of the same, nor within Six Miles of *Edinburgh*, nor within Three Miles of any Cathedral, nor to inhabit Two in one Parish, upon Penalty of in-curring the Laws made against Movers of Sedition."

It is very difficult, if not impossible, to determine, how far the King was concern'd in these violent Measures. There is some Reason to think he gave into them, partly to oblige his Parliament; who were never in a better Humour to gratify him with their Money, than when some new Severity was let loose against *Nonconformists*; and partly, to compel those *Nonconformists*, by the Smart of ill Usage, to co-operate with the *Papists*, in their Endeavours to obtain a general Toleration. But then, neither of these Reasons affected *Scotland*; where Grievances multiply'd faster than in *England*; and *Lairdendale*, into whose Hands that Kingdom was given, and who had been himself an old *Covenanter*, could have no Inducement to persecute his Brethren, unless it was a Conviction, that he could no way make his Court so well as at their Expence. So that the

only general Conclusions we can make from the Whole are, That the (p) Cabinet Undertakers at this Crisis, very artfully incorporated the Designs of the Church with those of the State; and that the King had Reason to believe, that, unless he abandon'd the Consciences of his Subjects to the Clergy, the Crown could never be able to do what it would with their Liberties and Estates.

However this may be; the Measure was not only blameable in itself, but ill-tim'd: Instead of putting a Stop to the Progress of Discontent, it gave it Wings: And, while we were embroil'd more than ever abroad, it help'd to distract and divide us more than ever at home.

Give a Politician but a Foot of Conscience, and, like *Archimedes*, he will move the World.

We have already mention'd the recalling of the *French* and *Dutch* Ambassadors from *England*, which, being here understood as the previous Step to a *French* War; Lord *Holles*, the King's Ambassador in *France*, presented a (q) Memorial to his most *Christian* Majesty, expressing the great Zeal and Unanimity of the People of *England* against the *Dutch*, recapitulating the Scope and Endeavour of his own Negotiations, and to remove all Difficulties between the two Courts, offering to admit the Liberty which *France* contended for, to assist the States; tho' not without a Note of Admiration, that his Majesty should prefer the Alliance of the said States to that of *England*!

This Memorial was presented January the 20th: On the 26th, his most *Christian* Majesty

A. D. 1665.

1665-6.

France declares War against England.

(p) Lord Chancellor *Hyde* and Archbishop *Solemnus*.  
"I come to tell your Majesty, That the King my Master has order'd me to attend you, seeing your Majesty has been pleas'd to recall the Ambassadors you sent to him. 'Tis not his Fault if the Mediation you offer'd, to accommodate the Differences between him and *Holland*, has not succeeded. He is of himself so great Lover of Peace, as to receive with Joy all the Proposals that are made to him: But certainly, Sir, those presented to him by your Embassadors were not such as he could accept. He verily believes your Majesty could not obtain better of the *Dutch*, knowing they are bent on all sorts of Injustice and Violence against him and his Subjects, and very far from hearkening to Reason and what they owe to the Friendship and Good-will my Master has always shew'd towards them, and the Obligations they have receiv'd as well from so many Kings and Queens his Predecessors, as from the *English* Nation. They would, on the contrary, blot out the Memory of them by a Continuation of Injuries and Hostilities. He does not wonder therefore that they will not yield to any thing that's reasonable, to put an End to their unjust Proceedings, and establish Peace on such Conditions that they may have no Opportunity to carry on their unjustifiable Design of making themselves Masters of Navigation and Commerce, and usurp the Rights of all Kings, Princes, and States, their Neighbours, especially those of the King my Master."

They at first hop'd to make their Advantage of some Disorders they imagin'd would happen in *England*, or that the King would not be able to carry on the War for want of Money, which embolden'd them to injure and insult us, to prepare for a War, and actually began one with us in *Guiney*: But, Thanks be to God, they are so out in their Calculation, that the People of *England*, were never better united than they are now; and as to Money, the King will never want any to carry on his War. I can say this, perhaps, with more Assurance than another, having been conversant with Parliamentary Affairs these forty Years, from the Time of King *James* of happy Memory, great Grandfather to the King my Master. And I will affirm, that the two Houses are so zealous for their Prince's Glory, and the public Interest of the Nation, they will not suffer any Want to be of what is necessary to go through with this War. If what they have already given will not suffice, they will

give him even half of the Kingdom's Revenue; and if that will not do, they will give him three Quarters, and reserve for themselves only what is just necessary to keep them alive. This, Sir, is what I am sure the King my Master will meet with in the Affection of his People, for the Support of his Rights against the Insults and Violences of his Enemies.

'Tis now two Years and a half since he sent me hither to give your Majesty all imaginable Assurances of his Affection to enter into a stricter Alliance with you than that which was made in former Treaties, and to add to those Treaties whatever should be necessary to render the good Understanding between the Kings and Kingdoms eternal, those Treaties remaining in force; for they have been continued according to the third Article of that of the Year 1610, by which 'tis declar'd, that that League and Alliance should be perpetual between the two Kings at that time, and their Successors; provided, in a Year after the Decese of one of those Princes, his Successors signify'd to the Survivor that he accepted the same Conditions, and the same Alliance; which was done by the Earl of *St. Albans*, in the Name of the King my Master, the 23d of *June* in the Year 1659, the same in which he was sett in his Kingdom; and this has been before observed by the late King, and renew'd afterwards in the Year 1644, by my Lord *Goring* his Ambassador in this Court.

When I came here I gave in a Project for another Treaty, to regulate the Trade between the two Kingdoms; to every Article of which, two or three excepted, his Majesty agreed: But ever since the 20th of *December* last, I have heard no more Talk of it, it having lain in the Hands of *Monseur de Lionne*. I remember your Majesty inclin'd very much on adding to the third Article, which contain'd a Prohibition to assist Enemies; a Clause importing that it was however not to prejudice preceding Treaties, to be thereby at Liberty to assist the *Dutch*; to which the King my Master answers, He consents that the whole Article be left out, to leave your Majesty at full Liberty to act as you shall think fit; tho' he was a little surpris'd to see your Majesty prefer that made with the *Dutch* in 1662, to the ancient Treaty between the two Crowns, which have lasted so many Years, which have so lately been renewed, and confirm'd in form, and were so necessary for the common Good of both Kingdoms, and so congruous to both Kings, allow'd and us'd by such strong Consideration."



A.D. 1665-6

jeſty declar'd (r) War with England, notwithstanding the great Conceſſion here made to prevent it; and, on the 29th, writing to Mr. d'Eftrades, who had before inform'd his Maſter, that Lord Arlington had marry'd a Dutch Lady, in whom he had an Intereſt, and deſired his Commands, in caſe he thought fit to have it employ'd in his Service, he takes Occaſion to conclude in the following dictatorial Manner:

"I commend your Zeal, and take it well from you. But I have nothing to deſire, nor expect of my Lord Arlington: And all I require from you is, to inſinuate without Affectation to the Bride, when taking Leave, That, having been highly honour'd with the good Graces of the King of Great Britain, during the Courſe of your Embaſſy to him, you are ſorry he has nothing to ſee but Enemies Coaſts, from the Extremity of Norway to Bayonne; and that you believe, the ſooner he can get out of this Condition, it will be the more to his Advantage."

At the very ſame time, however, that this haughty Style was made uſe of in Holland, thoſe of the French Court, who held Correſpondence with England, were inſtructed to ſignify to their Friends here, that this Declaration was iſſued, merely on a Point of Honour to the States, and not out of any Rancour or Animolity to us. To render which more credible, when Lord Holles had preferred a Remonſtrance, complaining, that according to the Letter of the ſaid Declaration, the Goods and Lives of all the Engliſh reſiding in France were brought into Danger, another was forthwith publiſh'd in the ſame Form, ſetting forth, That all Engliſhmen were free, during the Space of three Months, to diſpoſe of their Perſons and Goods as they thought fit.

It is likewiſe remarkable, that tho' France declar'd againſt England on the 26th N. S. England did not follow her Example till the 10th of February O. S. during all which time, and long after, Lord Holles was detain'd at Paris, by a Pſt of the Gout. Of this Delay Advantage was taken to open a Conference; which was held in the Queen Mother's Apartment, towards the latter End of April, and at which aſſiſted his Lordſhip, Mr. de Launne, and Mr. Van Beuvingen. Peace was the Subject. De Lionne declar'd, the Intereſt of France ſhould not delay the Negotiation a Moment. Lord Holles affirm'd, the King his Maſter was ſincerely diſpoſed to hearken to Reaſon: But then Van Beuvingen's (1) Propoſitions were ſuch, as, in Lord Arlington's Opinion, his Maſteſty might only have expected, after the Loſs of a Battle: Theſe therefore were no ſooner communicated to the Court of England, but Orders were immediately diſpatch'd to Lord Holles, to return without any further Delay, without

bearing or uttering one Word more, in that Court, relating to any public Buſineſs. This his moſt Chriſtian Maſteſty, in a Letter to Mr. d'Eftrades, is pleas'd to call a very bold Proceeding; apparently becauſe it was unexpected; and partook of a Spirit ſo widely different from that which uſually prevail'd in this Reign.

However, when Lord Holles took his Leave, the French Court beſtow'd on him all the Civilities which they had till then omitted; aſſuring him moreover, that they with'd the Declaration againſt us unmade; and that they would embrace any Occaſion to put Things in their former Poſture. Upon which his Lordſhip, at his Return, reported, that he took it all for Diſſimulation, and to divert the Court of Spain from placing any Dependence upon the Officers of England.

In this Interval, Attempts had been likewiſe made by Lord Arlington, to ſet on foot a ſeparate Negotiation in Holland; but to no Purpoſe; de Wit was too deeply engag'd with the French Court to countenance any thing of that Kind: On the contrary, he not only communicated every ſuch Advance to Mr. d'Eftrades, without Reſerve, but, when it was known that the King of England refus'd to treat on the Propoſitions made by Van Beuvingen in the Queen Mother's Apartment, and had recalled Lord Holles, he made uſe of theſe two Circumſtances to perſuade the Cities, that the ſole Intention of England was to ſow Diviſions between France and them; and thereby render'd all Proſpect of an Accommodation more deſperate than ever.

As to the mighty Performances expected from the Biſhop of Muſter, the Alarm was greater than the Miſchief: He had many fine Opportunities, but was not Soldier enough to improve them; his Conduſt rather reſembling that of a Captain of Huſſars, than the General of an Army; and tending rather to lay waſte, than ſubdue a Country. But, if his Troops were ill commanded, they were as ill paid: Four thouſand revolted at once, upon that Account; and he was oblig'd to ſend his whole Stock of ready Caſh to appeaſe them. England, who engag'd him in the Attempt, had (1) fail'd him in the Subſidies, which were to enable him to go thro' with it: France, on the other hand, ſent Troops to oppoſe him: Beſides which, the neighbouring Princes of the Empire, fearing their Country would become the Seat of War, enter'd into a Confederacy; at the Head of which appear'd the Elector of Brandenburg, who was now gain'd over by the French, to compel him to abandon his Deſign, and withdraw his Forces. Thus beſet and abandon'd, he was oblig'd to ſubmit to a private Treaty, under the Mediation of the ſaid Elector: The Alarm of which no ſooner reach'd England, than Sir William Temple

A.D. 1666.

Lord Arlington's Letters.

d'Eftrades. Lord Arlington's Letters.

Lord Holles recall'd.

Conduſt of the Biſhop of Muſter.

d'Eftrades.

Sir William Temple's Letters.

(r) For which he gave no other Reaſons, than that his Mediation had been ineffectual, and that he was oblig'd to keep his Royal Word with the Dutch.

(1) Either that the contending Parties ſhould reſtore what

they had taken during the War, or keep all they were then poſſeſſed of.

(1) Which was partly owing to the Loſs of certain Ships, laden with Tin, caſt away in the Entrance to Oſtend, and of which the Produce was deſtin'd to that Service.

A. D. 1665. 6. was sent Post from *Brussels*, with Bills of Exchange, to (u) receive his Payments, and Instructions to put a stop to the Progress of the Peace. But it was now too late; the Treaty was already sign'd at *Cleves*; the States were set free from this Inmate-Enemy; and *England* alone was to make her Party good, against all the naval Power of *France*, *Denmark*, and *Holland*.

Lord Carlingford's Negotiations with the Princes of Westphalia, and the Emperor,

It ought not to be forgot, that, when the *Munster* Project was first in Agitation, the Earl of *Carlingford* had been sent with a Commission-General to the Marquis de *Castel Rodrigo*, Governor of the *Spanish Netherlands*, the Duke de *Nienburg*, the Elector of *Brandenburg*, the Elector of *Mentz*, and the Emperor, to solicit, in his Master's Name, their Countenance and Assistance to the *Bishop*, in his Attempt upon the *Hollanders*; as affording a proper Opportunity of reducing them to such a Condition as should oblige them to live well with their Neighbours for the future. But, except with the Marquis de *Castel Rodrigo*, his Lordship had every where a cold Reception: Every one of these *German Princes*, as before-mention'd, embracing the other Side, and the Emperor himself joining with *France* in the Guaranty of the Treaty, which bereft *England* of the *Bishop's* Assistance, and restor'd the Peace between him and the *States General*.

Fruitlefs.

Proceedings with Spain.

All this while, our Negotiations with *Spain*, which had taken a new Turn, upon the Death of his *Catholic Majesty*, and were carried on rather more in earnest than before, proceeded nevertheless in a very slow and languid Manner. Sir *Richard Fanshawe* had made a shift, in the Close of the Year 1665, to bring them to the Conclusion of a Treaty, which was however chiefly commercial, and admitted of four Months Delay for Ratification: The great Points of a Peace or Truce with *Portugal*, and the entering into a League offensive and defensive with *England*, remain'd in suspense as before. Indeed, the Demand, which his most *Christian Majesty* had now formally made, of the Duchy of *Brabant*, and the County of *Hainault*, in the Right of his Wife, gave the *Spaniards* the most sensible Provocation: But then they declar'd, on the other hand, that, whatever Reason they had to be displeas'd, till the *Portugal* Thorn was out of their Foot, it would not be prudent to shew their Resentment; tho', in Aggravation of the Grievance, the *French Minister* at *Madrid* every Day threaten'd them with a Rupture, in his Master's Name, in case they embark'd in the same Bottom with *England*. In order, therefore, that the sole Difficulty which deterred them from embracing the Offers of *England*, which were at present of the highest Consequence to both Nations, might be remov'd, Sir *Richard Fanshawe* undertook a Journey from *Madrid* to *Lisbon*, in hope to induce that Court to accommodate Matters, on the

Fanshawe's Letters.

Plan before propos'd, of a Truce for Thirty Years: But, tho' the whole Dispute now turn'd upon a single Word, the *Spaniards* agreeing to treat with the Crown of *Portugal*, and the *Portuguese* insisting on the Title of KING, a Pacification seem'd as remote as ever; for each Party thought the Continuance of the War a more supportable Evil, than a Submission to the Demands of the other; during which deperate Situation of Affairs, Sir *Richard Fanshawe* return'd to his Post at *Madrid*, where he soon after dy'd.

A. D. 1665. 6.

Death of Sir Richard Fanshawe.

We are now to make a short Transition to the Circumstances and Situation of the young Prince of *Orange*, which had undergone a surprizing Alteration.

Circumstances and Situation of the Prince of Orange.

Hitherto, thro' the Intrigues of the Princess his Mother, in concert with the King of *England*, and Elector of *Brandenburg*, his Interest, Power and Credit had been set up in Opposition to those of Mr. de *Wit*; and the whole Seven Provinces had taken Part on one Side, or the other.

Hence it was with Reason conjectured, that, as the Prince grew up, the Breach would have widen'd, and the Quarrel grown more irreconcilable.

But de *Wit* derived such additional Strength from the Assistance of *France*, that he became an over Match for his Adversaries. Upon which the Princess thought it advisable to reconcile herself to *France* likewise, which in some Degree she did, by making use of her Interest with the Elector of *Brandenburg*, agreeable to the Directions of the *French Court*.

[d'Esbrades.]

She did not however, as yet, give over the Struggle; on the contrary, by the Dint of Money, as well as every other Means in her Power, she endeavour'd to procure an extraordinary Embassy to be sent to *England*, in order to negotiate a Pacification, of which her Son, the Prince, was to be Head. But tho' she was supported in this Project by the united Strength of the *English* and *Spanish* Factions, it came to nothing. Such being the Vigilance and Address of the *Penioner* and his Coadjutor, Mr. d' *Esbrades*, that they every where countermin'd and defeated her; spiring up ever her own Daughter the Princess of *Nassau* against her, who enter'd with such Warmth into the Views of *France*, against those of her own Family, that she sold her Jewels at *Amsterdam*, and together with her young Son, flung herself into *Greeningen*, then besieg'd by the *Bishop of Munster*, in order to shew her Affection for the Province (of which and *Overysel*, she was Governess) and animate her People to make the braver Defence.

Finding it therefore a vain thing to continue the Contest any longer, during the present Conjuncture, the Princess Dowager thought it advisable to solicit the Province of *Holland* to accept the Guardianship of her Son, which nevertheless they would have declin'd, if Mr. d' *Esbrades* had not induc'd the

The Princess surrenders the Guardianship of him to the Province of Holland.

(u) These are Sir *William Temple's* Words to his Father, May 10, who farther says, They had been long intermitted; and yet Lord *Arlington* writing to Lord *Sandwich*, then upon his

way to *Madrid*, March 22, affirms, The King had almost completed the *Bishop's* Payment.

A. D. 1666.

*Penfioner* to wave his own particular Animosity, and accept the Trust; that his Highness might be wean'd from his Attachment to *England*, and receive such Impressions as might dispose him, for the future, to rely only on the Friendship and Protection of *France*.

Thus fell his Highness into the Hands of the very Man who had made it the great Point of his Life to oppose and defeat the Pretensions of his House; but who, nevertheless, discharged his Trust, with more Integrity, than could have been expected from so consummate a Politician: At once taking all possible care that his Country should never stand in need of the Assistance of an occasional Sovereign, and providing that his Pupil should be able to fill that high Office worthily, and honourably, in case it should.

His Domestic change'd.

The first Effect of this great Change which his Highness felt, was an Order for the Dismission of all his Tutors and Domestic, some of whom were natural-born Subjects of *England*, and all suspected of being attach'd to the *English* Interest; and for the Substituting as many of *Mr. de Wit's* Friends and Deputies in their stead. This was a Blow which affected him deeply; and, judging rightly that it was owing to the Influence of *France*, he made a Visit to *Mr. d'Esfrades*, whom he desir'd, with Tears in his Eyes, to make use of his Power over the *Penfioner*, that *Mr. de Zuylsheyn*, his Governor, might be left him; upon which Occasion he represented, That he, *Mr. de Zuylsheyn*, was one of the College of Nobles, and one of the States of *Utrecht*; That he would send *Madam de Zuylsheyn*, who was an *English* Lady, to one of his Country Seats, and would not see her till the Peace was made with *England*; and that he would be bound, that *Mr. Zuylsheyn* should act entirely according to the Sentiments of the Province of *Holland*. That for himself, he would in all things be govern'd by *Mr. de Wit*, whom he should look upon as his Father: That he should follow the Example of his Predecessors in attaching himself wholly to *France*: That if he was suspected of being under any Engagements to the King of *England*, on the Account of his near Relation to that Prince, he was wrong'd in it; and that, being the *States Child*, he would have no Friends but theirs.

But *Mr. d'Esfrades* was not to be mov'd; and the only Concession he could obtain, was the Continuance of *Mr. de Zuylsheyn's* Pension with a Promise of the next vacant Government; which, he was given to understand, was a peculiar Compliment to himself; since the *Penfioner* did not believe the said *Mr. de Zuylsheyn* to be his Friend. In short, (*v*) *Van Ghent*, who was wholly at the Devotion of *Mr. de Wit*, had the Preference; and the new Establishment was in every Article

confirm'd. The Prince was almost sick with Sorrow and Vexation, and took occasion to remonstrate to his new Tutors, That, since they had made such a Reform in his Household, they would do well to do the same by his Estates. That it was high time to call his Treasurer and Council to account for their Administration; for, that his Lands were every day sold at under Rates: That none of his Debts were paid; and, that tho' his own Expences, in Proportion to his Rank, were inconsiderable, his very Butcher and Baker had not been paid for Years together.

A. D. 1666.

His Retirement.

But tho' he shew'd this Spirit to the Creatures more immediately about him, he had the Address to receive *Mr. de Wit* himself with all the Respect imaginable, nay affected to enter into such Confidence with him, that the Princess his Mother not only began to be alarm'd, but actually chid him for it, tho' with little Advantage to herself. His Highness replying with Boldness, That since she had thought fit to put him into the Hands of the Province of *Holland*, as well for his Education, as other Advantages, he thought it his Duty to consider them, as those on whom his Fortune depended; that, consequently he was oblig'd to treat both them and *Mr. de Wit* with the utmost Deference and Cordiality; and that if she had the Concern for him, which a Mother ought to have, the would rather commend than blame him for it.

And Dismission.

His Address to the French Ambassador thereon.

It is upon this Occasion that *Mr. d'Esfrades*, in a Letter to *Mr. de Lionne*, takes Occasion to say, That the Prince has Capacity, and will have Merit: But adds, He is a great Dissenbler, and emits nothing to gain his Ends.

Mr. d'Esfrades' Character of him.

It is certain, that nothing more happy could have befallen the *United Provinces*, than this Disposition of the Prince of *Orange* to adopt the Sentiments, and conform himself to the Directions of *Mr. de Wit*: For, under him, he receiv'd such Impressions, as continued him a firm Friend to his Country, to his last Breath.

We are now to resume the Prosecution of the War: And, upon this Head, the first Object which comes forward to our View is the general Battle between the Fleets of *England* and *Holland*, which continu'd for four Days successively.

Sea Fight of four Days, between the English and Dutch.

The *Dutch* Fleet consisted of Eighty Sail, according to *Mr. d'Esfrades*, and of (*w*) Eighty-four, according to the *Narrative*, publish'd here by Authority. The *English*, when entire, consisted of no more than Seventy-four, and Nine Fireships: But Twenty of the First, and Five of the Last, were detach'd, under the Command of Prince *Rupert*, in order to join ten Men of War more at *Phymouth*; which, together, were to way-lay the *French*, then suppos'd to be on

tho

(*v*) "Monf. the Prince of *Orange* is gone to wait upon Madam the Princess a Day's Journey from hence in her way to *Clowes*: When he is return'd I shall speak to *Mr. Van Ghent*, conformably to what your Majesty orders me, and give him the Gratification your Majesty has design'd him." *Mr. d'Esfrades* to the King, June 3, 1666.

*Mr. Van Ghent*, however, refus'd the Gratification, and desired a Commission for one of his Sons in the *French* Service, in Lieu of it.

(*w*) Of ninety one, says *Mr. Campbell*, in his *Leves of the Admirals*, carrying 4,716 Guns, and 22,462 Men. Of twenty one Ships of the Line, 12 Frigates, 13 Fireships, and 8 Yachts, says *Rapin*.

A. D. 1666.

the Point of entering the Channel, under the Duke of Beaufort: The Duke of Albemarle, who commanded the Residue, being confident, that, with a Part of the Navy of England, he should be able to defeat the whole Force of Holland.

On the 29th of May, the Prince set sail Westward; and, on the 1st of June, the Duke did the same Northward: Upon which very Day, he came in Sight of the Enemy, and made his Advances with such Impetuosity, that the Dutch, who were at Anchor, had not Time to weigh, but were forc'd to cut their Cables, and form their Line with the utmost Precipitation: For the English had the Weather-gage, and the Wind blew so fresh, that they could make no Use of their lower Teer; on which account, Sir Thomas Tyddiman refus'd to engage.

The first Day.

Not to enter too minutely into Particulars, as the Battle was begun with inexcusable Rashness, it was maintain'd with unexampled Bravery. Sir William (x) Berkley, in the Van, endeavouring to fight his Way thro' the Enemy, who were Five to One, was kill'd, and his Ship, the *Swiff-sure*, a second Rate, taken. The Duke himself fought more like a Soldier of Fortune, than a Man who was in Possession of the highest Honours; and Sir \* John Harman, in the *Henry*, thro' bet with the whole Zealand Squadron, and three Fireships, (y) two of which, with all their Terrors flaming round them, had fasten'd on his Ship's Side, not only disdain'd to accept the Quarter which was offer'd him, but, with another Broadside, kill'd Vice Admiral Evertzen, and afterwards made good his Retreat to *Harwich*. Till Ten at Night the Battle lasted; and then the Darknes parted the two Fleets.

The second Day.

The next Morning, after a Contest of Seamanship for the Benefit of the Wind, the Engagement was renew'd with as much Fury, and continued with as much Obstinacy, as ever. *Van Tromp* desperately crowded into the midst of the English, attacking and attack'd on all Sides; and being reduced to the last Extremity, was reliev'd by *de Ruyster*; who, tho' his mortal Enemy, rush'd in to his Deliverance, with a Generosity that cannot be too much applauded. The English, on the other hand, still behav'd like Men who deserv'd to be Sovereigns of the Sea, again fought thro' the whole Dutch Line, and, by the Confession of their very Enemies, were rather overpower'd than overcome. The Duke, however, seeing his Strength every where diminishing, and, of his whole Fleet,

but twenty-eight fighting Ships left, at last found it necessary to make the best of his Way for England, and was follow'd by the Enemy (who, during the Engagement, had been reinforced with sixteen fresh Ships) with sixty-six; and who, having a large Wind, and full Sail, gain'd upon him every Moment. By Seven in the Evening he saw them in his (z) Wake; by Nine close aboard; elate with Success, and promising themselves the Empire of the Ocean. But, soon after, it fell calm; which put an End to the Horrors of the second Day.

A. D. 1666.

[Sketch of  
Left of  
Mook.]

The third Day.

Between Three and Four the next Morning, a Breeze springing up at North-east, a Council of Flag-officers was held; when it was resolv'd to throw the Fleet into a Rear-Line of Battle, and make the best Retreat they could. Accordingly, all the shatter'd Ships, which, during the Night, had been as well repair'd as the present Circumstances would permit, were order'd to stretch a-head: Behind these were rang'd sixteen of the ablest and largest Ships, that were yet in a Condition to endure the Enemy: In the Center of which, and nearest the Pursuers, the Duke placed his own; as if nobly determin'd, by his Valour, to make amends for his Indiscretion.

By Two o' Clock, the two Fleets were again within Gun-shot of each other, and the Glory of a desperate Defence seem'd to be all that the English had to fight for; when a new Fleet was discover'd from the Top-mast Head, crouching all their Sails, either to assist the Vanquish'd, or share in the Triumph of the Victor.

Both were equally surpris'd at this unexpected Discovery. The Dutch, at least all but their Commanders, had some Reason to hope it was the Duke of Beaufort: The English were willing to persuade themselves it was Prince Rupert: And therefore, as in their present desperate Condition they had nothing new to fear, so alter'd their Steerage, as to edge down towards the new Comers: But, in their Passage, unfortunately fell in with a Sand call'd the *Galloper*, upon which the *Royal Prince*, the largest Ship in the Navy, having Admiral *Ayscough* (or *Ayscove*) on board, struck, and was taken by the Enemy, who soon after set her on fire.

To the infinite Joy of the English, and the no less Terror of the Dutch, it now appear'd, that the Fleet in View was the *White Squadron of England*, commanded by Prince Rupert. A Discovery, that very much alter'd the Face of Things: The Pursuers tack'd

(x) Among other remarkable Passages in the Fight, the undaunted Resolution of Vice-Admiral Berkley was particularly admir'd: who having had forty Men kill'd on board him, and being no longer able to make Resistance, yet was so obstinately bent to fight, that he would take no Quarter; and would have kill'd with his own Hand three or four of his Enemies that had boarded his Ship: But at last being shot into the Throat with a Musket Bullet, he retir'd into his Cabin, where laying himself at length on the Table, he was in that Posture found dead by the Victors, all cover'd with the Blood that flow'd out of his Wounds. Dutch Account.

\* Vice-Admiral of the Blue.

(y) One of these was extinguish'd by the *Postfires* of the *Henry*, who sing'd himself on board the Fireship, in the midst of Smoke and Flame, as if incapable of Fear, disco-

ver'd and dispos'd her Hold, and return'd safe on board: The second set fire to the Rigging and Sails, upon which the Chaplain and fifty of the Crew jump'd over-board; but on Sir John's threatening to kill those who did not assist in quenching the Fire, the rest return'd to their Duty and got the better of the Danger. In this last Adventure, Sir John had his Leg broke by the fall of a Yard; notwithstanding which, he got his Ship reliev'd the next Day, and set sail again in search of the Enemy. These and many more Particulars are to be met with in an Account attrib'd to Sir John Harman by Dr. Keenan: but from the Use of the Word *Carriage* for *Rigging*, and *Crest* for *Yard*, I very much doubt the Authority.

(z) A Sea Term for the Path-way of a Ship, or the smooth Water she leaves under her Stern.

A. D. 1666.

tack'd about, and became the Pursued: And the Vanquish'd, who just before would have compounded for an Escape, now aspir'd to nothing less than Victory; when Night once more dropt the Curtain, and clos'd the Scene.

The Duke then made a Visit to the Prince; another Council of Flag-officers was held; by whom it was resolv'd to renew the Attack next Morning; and that the Prince, with his fresh Squadron, should make the first Impression.

The fourth Day.

But when Day broke, there was no Enemy to be seen. However, as Men who were more concern'd at missing an Opportunity to fight, than pleas'd with an Opportunity to make off with Safety, they stood the same Course, and made sail after them.

On the other hand, as the Dutch were rather aw'd than terrify'd, and had only retreated, to be within Reach of their own Ports, not fled from the Face of their Enemy, they were soon found. By Eight o' Clock, both Fleets once more fronted each other; and, having made their respective Dispositions, the Attack was begun by Sir Christopher (a) Myngs (or Myms) seconded by Prince Rupert, who led the whole Line

thro' the Enemy's Fleet, and was closely follow'd by the General, and those other gallant Men, who had fought so amazingly in the other three Engagements.

Never did War put on a more dreadful Face than now; never did the Sun shine upon Men who fear'd Death less, or deserv'd Conquest more. The Commanders on both Sides were Heroes; and, of the two Nations, one would admit of no Equal, and the other would allow no Superior. The Dutch were animated with a Taste of Victory; the English enrag'd that they should, tho' but for once, be foil'd. Hence the Efforts on both Sides were such as shew'd, that none but these could be a Match for each other.

Four times did our intrepid Countrymen charge thro' the Enemy, and were preparing to do the same a fifth, when the two Admirals found themselves disabled, by the many dreadful Shocks they had receiv'd; and knowing all the other Ships of their respective Divisions had suffer'd in Proportion, concluded it would be downright Frenzy to persist in so unequal a Conflict any longer.

To recount the precise Issue (b) of this unparallel'd Engagement, and ascertain the

A. D. 1666.

Both Nations claim the Victory.  
Lois

(a) Who having received a Shot in the Neck, remained upon Deck and gave Orders, keeping the Blood from flowing with his Fingers above an Hour, till another Shot pierc'd his Heart, and put an end to his Pain. *Lives of the Admirals, vol. ii. p. 257.*

(b) This Account is principally taken from the Narrative publish'd by Authority, which, bys Lord Arlington to Sir William Temple, was carefully laid together, when we were at the Fleet, wherein you will find the Truth.

The said Narrative concludes thus:

But the fourth time, we plying them very sharply with our Leeward Guns in passing, their windward Ships bore up to the Leeward, to relieve their Leeward Party, upon which his Highness tack'd the fifth time, and with eight or ten Frigates got to the Windward of the Enemy's whole Fleet, and thinking to bear in upon them, his Main-mast, and Main-top-mast, being terribly shaken, came all by the Board.

His Grace then, with that Part of the Fleet with him, having received in his last Pass two Shots in his Powder-Room, and several other in his Main-top-mast, and Fore-mast, that disabled him from tackling, made up towards the Prince, and he bearing down likewise towards him, seeing the Enemy made what Sail they could, as if they meant to come betwixt us, but they having made that Counterfeit, their Admiral on a sudden fired a Gun, to call in the straggling Remains of his tatter'd Fleet (who were at this time reduced from eighty-four, to under the number of forty Sail) and bore away before the Wind towards *Floresing*. If now those unhappy Shots, formerly mentioned, had not disabled in this last Tack, his Highness, and his Grace's Ships, wherein they were in Person, from the Pursuit of them, and oblig'd us to return to our Ports, though (as it is plain) Matters of the Sea in this Engagement, we had, in all human Probability, had a total Victory over the Enemy, with the Loss, on our Side, only of his Majesty's Ship the *Prince*, unhappily sucking upon the Sands, called the *Goldiger*; that of the *Sveviflers*, separating from our Fleet in the beginning of the Fight, and the *Agre* intangling herself with the *Bull*, where she bore up bravely to her Rescue, and five or six small Ships more, two of which we sunk ourselves (as was likewise said before) which makes ten in Number, small and great; when as we are confidently assur'd from our own Observations, and from Letters, that the Enemy lost as many more, three of which were Flag-Ships, their Men all sunk and burnt with them. And it is certain, they must every where have suffered a much greater Loss of Men, than we, from the Difference in our Manner of fighting; for they shooting high, and at a great Distance, damaged us most in our Rigging; and we, on the other hand, forbearing to shoot but when we came near, and then levelling most at the Hulls, must needs have done more Execution upon their Men, the Particulars whereof we shall quickly learn. In the mean time, we know they went much flatter'd and torn into their first Ports they could make, and concluded themselves entirely beaten, till

from the *Hague* they were told the contrary by those who could know it less.

On the other Hand, Mr. d'Espada writing to the King his Master, sums up the Affair thus:

News came Yesterday of the Victory obtain'd by the Dutch Fleet over the English. The Battle lasted four Days and Monday Morning, which was the last Day, the English were reinforced with 22 Ships while Admiral de Ruyter was pursuing them, which oblig'd him to halt, and to draw his Ships together, to fight with more Order. The English, on their Side, having received this Reinforcement, prepar'd to renew the Combat, which lasted six Hours with equal Advantage: But Admiral de Ruyter seeing the Victory was doubtful, hung out the Red Flag, which is the Signal of a general Attack, and fell upon the Enemies Fleet with much Vigour, that he broke through them twice, took six great Ships, and sunk four. Upon which the English fled; and in the Evening a great Mist arising, Admiral de Ruyter fearing the Sands, being near the Coast of England, put out to Sea with his victorious Fleet.

During the four Days of the Battle, he took eleven great Ships, and burnt or sunk ten. All the *White Squadron* is destroyed. Admiral *Ascue* is taken, and his Ship, call'd the *Royal Prince*, which was Cannon Proof, mounted with a hundred Guns, was burn'd. The Vice-Admiral, command'd by *Berkley*, Governor of *Portsmouth*, mounted with seventy Guns, is brought into the *Marsk*, with five others of the same Strength. The said *Berkley*, and another Vice-Admiral, were kill'd in their Ships with Misquet Shots. There are three thousand Prisoners, and as many perill'd.

On the States Side, *Cornelius Everstein*, Admiral of *Zweland*, was kill'd in boarding the Vice-Admiral of the *White*. The Vice-Admiral of *Amsterdam* was also kill'd. They had three Ships burnt, and four sunk, and not one taken; but above twenty disabled. *Trump* chang'd his Ship six times, and de *Ruyter* twice, their own being to often disabled. Never was so obstinate a Battle, on both Sides, heard of.

With this Representations of Mr. d'Espada, Mr. *Epkins* makes no Difficulty to close: But *Phillip, Keuzend and Eckerd*, give the Advantage of the last Day's Fight entirely to the English; of which Dr. *Bonnet* lays no more, than that the Dutch firing so great a Force came up, for'd off.

The Account ascrib'd by Dr. *Keuzend* to Sir *John Harman*, concludes thus: Yet next Day (the fourth) the Fleet fought again, and by the Help of the *White Squadron*, with much advantage (ours) got into Harbour.

Agins Lord *Arlington*, writing to Sir *William Temple*, June 11, expresses himself as follows: "Neither do I take a Pleasure in repeating any thing of this last Engagement. This Advantage, I am sure, they had of us, That they "have carried home their Troop Mr. *Whans* was not "one; what they lost being all down'd or burn'd."

On the 14th also writing to Lord *Sandwich*, the same Lord begins thus:

"With this Dispatch your Excellency will receive an Ac-

"count

A. D. 1666.

Lois on either Side, seems to be alike impossible. Both claim'd the Honour of a Victory; and both affronted the COMMON FATHER of the Universe with their impious Acknowledgments; when they ought to have approach'd him in Sackcloth and Ashes, for having wantonly sacrific'd so many thousand innocent, gallant, and meritorious Men, in a Dispute, that common Sense and common Honesty might have adjusted in half an Hour!

French Court  
Justify'd from  
the Cresures  
of our Historians.

On this Battle, almost all our Historians, blindly following one another, have taken the Hint to be very severe on the French Court, for not sending their Fleet to the Assistance of their Allies; as if they had purposely avoided it, to disappoint the Dutch, and divide the English. But however general the Accusation, it seems to have little or no Support. The most Christian King certainly took the Advantage of this Quarrel to increase his own (c) naval Strength; but as yet he had not entertain'd any Thought of suffering that of the States to be destroy'd. This is manifest by the (d) Letter which he sent express to Mr. d'Esstrades, to dissuade them from risking an Engagement, or even permitting their Fleet to set sail, till a fair Occasion should offer for the Duke de Beaufort to join them. Besides, even the States themselves did not as yet complain of any Neglect; but, on the contrary, were so well satisfy'd with the happy Effect, which the very Apprehension of this Junction caus'd, that they acknowledg'd to Mr. d'Esstrades, the Obligation they had to the King his Master, on that Account. And, as to the Division of the English Fleet, it was purely and

simply the Result of English Councils, fatally over-rul'd by the too great Influence of the Duke of Albemarle, as is manifest from the following Passage out of a Letter from Mr. d'Esstrades to the King his Master:

"Admiral Ayscough has made a Pro-  
"testation, before Notaries, that he was  
"against the Resolution taken in the Coun-  
"cil of War for dividing the Fleet: That,  
"knowing Admiral de Ruyter's Merit and  
"Experience, his Opinion was, to fight the  
"Dutch with the whole naval Strength of  
"England; which having been taken, he  
"made no doubt of the Victory: But that  
"General Monk carry'd it, and catch'd  
"Prince Rupert; who was the Occasion  
"of their Loss."

But, however great the Loss was on either Side, in Ships, Men, or Money, the Action was far from being decisive. Tho' neither the English nor Dutch were able to keep the Sea, both had great Resources; and both resolv'd to make all possible Use of them.

In England, the King again made his Application to the City for Money; and was cheerfully furnish'd with a Loan of 100,000 Pounds more: And, by this Help, he had form another Royal Navy in a Condition to put to Sea.

But his Majesty found it easier to refit his Ships, than replace his Men; for, tho' it appears that injurious Method of forcing them into the Service was not spar'd, the Dutch, who made use of more just and gentle, and therefore more successful Methods, were able to appear on our Coasts, long before we could venture out of our Harbours.

In the latter End of June, O. S. or the Beginning

Lord Arlington's  
Letters.

"count of the late Engagement at Sea, not so prosperous as  
"our own Confidence foretold it would be; nor yet, in  
"any Degree, so bad as the Enemy relates."

What Bishop Burnet affirms of Mr. de Wit's being  
"about the Dutch, is void of all Foundation; for in Mr.  
"d'Esstrades's Memoirs, we have Accounts of Conferences held  
"with him at the Hague, during the very time that both  
"Fleets were at Sea.

As little Dependence is to be placed on what he pleas'd  
"to say on the Subject of Chain'd-Shot, as if it was then  
"first used, and peculiar to the Dutch; for in the Account at-  
"tribut'd to Sir John Harman, before quoted, we are told,  
"that the third Fireship with which the Henry was threaten'd,  
"was disabled by four Pieces of Cannon loaded with Chain-  
"Shot.

In the Lives of the Admirals, we find the following Pas-  
"sage, said to be quoted from a MS. History of the United  
"Provinces by Mr. Wicquifort, which contains Mr. de Wit's  
"Sentiments, at this time, of British Bravery to the following  
"Effect; "If the English were best, their Defeat did them  
"more Honour than all their former Victories: No Fleet  
"but theirs could, after the first Day's Fight, have been  
"brought to engage again. Englishmen may be kill'd,  
"English Ships may be burn'd; but English Courage is in-  
"vincible."

(c) Which he did by furnishing himself with Ships and  
"Naval Stores from Denmark and Holland.

(d) Which is here infer'd, viz. "I thought it necessary  
"to send you this Dispatch by an Express, on the Sieur Van  
"Beuningen's giving us Information here, which is confirm'd  
"by your last Letters, of the Resolution taken by Messieurs  
"the States to put their Fleet to Sea to fight that of England;  
"upon which, I desire you to let the Sieur de Wit know, That  
"this Resolution appears to me to be of so great Importance,  
"and so distant from what you might have known of my Sen-  
"timents by my two last Memorials, that methinks the Execu-  
"tion of it should have been deferr'd till I had been made  
"acquainted with their Reasons for it; and Messieurs the  
"States will have much Difficulty to pass for prudent, unless  
"they have such particular Reasons for it, that no body but  
"themselves know of.

Those upon which all the World will argue, and which I  
"desire you will impart to the Sieur de Wit, are, That Mes-  
"sieurs the States having join'd me with them, and the King  
"of Denmark, in the same War, being deliver'd as they are  
"from the War with Monsieur, their State quiet at home,  
"and having nothing to fear from the English on that Score,  
"my Fleet not being yet arriv'd in the West, that of Denmark  
"not yet ready, Money not being wanted either by me or  
"the States to maintain our Fleets; on the contrary, the King  
"of Denmark having made extraordinary Efforts to put his  
"to Sea, all Advices from England tell us, their Fleet is vic-  
"tull'd but for six Weeks, and that 'twill scarcely be able to  
"put to Sea again when once it has cast Anchor, which may  
"be concluded from the adjourning the Parliament to the  
"Month of September.

All these Reasons being very strong, and there being few  
"to the contrary, it seems to me to be by much the best, not  
"to let the Fleet put to Sea and hazard a Battle, at least to  
"wait for a favourable Opportunity to join my Fleet to the  
"States, and attack the English together. If, on the con-  
"trary, the Misfortunes that may happen by the Loss of a  
"Battle are consider'd, that will render the English more  
"haughty, and give them the Means of choosing which of  
"the three Powers they would attack, 'twill be a hard Matter  
"to conclude, that there is no wavering between the two  
"Parties that might be taken, but that to keep in the Port  
"ready to sail, and put it off till a fair Occasion offers for  
"the Fleets to join, is by much the best.

I desire therefore that you will acquaint the said Sieur  
"de Wit with all these Reasons; and if 'tis yet possible, that  
"you do whatever you can to hinder the Fleet's going out  
"of the Texel, that in the course of Time all Opportunities  
"may be improv'd to join our Fleets this Campaign.

You may, in the mean time, assure the said Sieur de Wit,  
"that I shall give the necessary Orders for my Fleet's coming  
"to Brill, and for all my Ships, as well those of the Lan-  
"guet as of the West to meet there.

Addition in the King's own Hand.

This Letter here is of the last Importance; do your utmost  
"that the Contents of it may succeed.

ginsing of July N. S. de Ruyter, with his Fleet, consisting of Eighty-nine Men of War and Five Fireships, took possession of the Mouth of the Thames. On the 19th following, and not before, the English, with Eighty (e) Men of War and Nineteen Fireships, under the same Command as before, weigh'd from the Buoy in the Nore; and on the 25th, about Noon, came up with the Enemy, lying off the North Foreland, in Line of Battle, whom they immediately engaged, with all the Spirit and Eagerness of Men who had a Disgrace to wipe off, who had an Affront to avenge, who had Glory to acquire, who had their Country in Sight. The White Squadron, which came last into the former Engagement, began the Attack in this, under the Command of Sir Thomas Allen, Prince Rupert and the Duke, who this Day commanded on board the same Ship, with the Red Squadron attack'd de Ruyter; and Sir Jeremy Smith, with the Blue, Van Tromp. The Combat lasted the whole Day, with various Success. As Van Tromp was passionately belov'd by the Seamen, his Squadron was the best mann'd of the whole Dutch Fleet: Under him therefore the Enemy fought with the most Vigour, and to most (f) Advantage, tho' not without some Loss; his Vice Admiral's Ship being disabled, and his Rear Admiral kill'd.

In the mean while, Sir Thomas Allen entirely routed the Dutch Van; all the three Admirals, Evertsen, de Vries, and Koenders, being kill'd; the Vice Admiral's Ship being taken; and another of fifty Guns burnt: After which he join'd the Red in the Center, where the Fight was still more obstinate, and the Event more dubious. For three Hours together, the English and Dutch Admirals were engag'd Side to Side; during which dreadful Encounter the first was so terribly shatter'd, that the Prince and Duke were forc'd to remove into another Ship; in which returning again to the Charge, with more Fury than ever, de Ruyter could no longer withstand them; but, seeing two hundred of his Men kill'd, the rest fainting with Wounds and Weariness, and all but seven

of his Squadron drove out of the Line, with infinite Regret was forced to give way; and, without waiting for the usual Signals, the rest of the Fleet follow'd his Example.

All Night long, and all the next Day, the Dutch continu'd to fly, and the English to pursue: And, had the Wind freshen'd, it was presum'd but few of the Former had been able to make their Escape. The English frequently renewing their Fire, and de Ruyter himself expressing all the Signs of (g) Agony and Despair; tho', at the same time, defending himself with all imaginable Bravery and good Conduct.

Having at last recover'd the Shallows of his own dangerous Coast, where it was difficult if not impossible for the Enemy to follow him, he had the additional Mortification to see a Shallop sent after him in Derision; which continu'd to ply her two little Guns upon him for two Hours together.

In this (h) Engagement, the English lost no more than three Captains, and one Ship, viz. the *Resolution*: But the Dutch several, (some Authors say twenty) and 4000 Seamen, twelve Captains, and four Admirals.

Both the Certainty and Value of Victories are only to be known by their Consequences: And that this was clearly of the English Side, was now self-evident; for the Dutch had taken Sanctuary in their Ports; in the Sight of which the Enemy rode in Triumph, terrifying their Coasts, and interrupting their Commerce; insomuch, that Mr. d'Espades himself is forc'd to confess, that the Victory of the English could not be disputed, because they were (i) Masters of the Sea.

The late Transports of the Dutch were now turn'd into Mourning; and, as the Expectations of the Populace had been rais'd too high, their Clamours and Discontents rose in Proportion. To embroil the States yet more, the Animosity between their two great Commanders de Ruyter and Van Tromp now broke out into an open Flame: The Seamen, likewise, entering into the Quarrel of their Chiefs, form'd two opposite Factions, came to Blows, and threaten'd to throw the Republic into a very dangerous Disorder. Notwith-

A. D. 1666.  
The Dutch totally routed.

Skinner, Echar, Campbell.

A. D. 1666.  
Dutch Fleet  
The Shallop  
The Cannon

Another  
Battle.

[Lives of the  
Admirals.]

(e) Rapin says, above an hundred; but the Fireships must be included to make up this Number.

(f) Rapin affirms that Smith was routed; and insinuates that Van Tromp's Eagerness in pursuing the flying Enemy, contributed to the loss of the Battle. But Skinner, in his *Life of Monk*, is express, that the Engagement continued till Night, when the first made Sail Northward, Smith pursuing, and the same the next Day, till he drove him into the *Wellings*.

(g) Crying out, My God! What a Wretch am I! Almost lost to many Bullets, is there not one to put me out of my Pain? *Lives of the Admirals*, Vol. II. p. 60.

(h) The Account of it sent by Mr. d'Espades to the King his Master, was as follows:

"I thought it proper to dispatch away this Gentleman to your Majesty, to inform you of what has pass'd in the late Battle. The Sieur de Wit sent me a Memorial on the Letters he receiv'd from Admiral de Ruyter and Vice-Admiral Tromp, who are now near *Flushing* to repair their Losses. De Ruyter had two hundred Men kill'd on board his Ship, having been three Hours between the Admirals of the Red and White, where he had perish'd by a Fireship the Enemies had detach'd against him, without the Assistance of Messieurs the Chevaliers de *Lorraine* and *Caulin*, de *Coveis* and the Baron de *Besja*, who offer'd to meet it with two

Shallops and forty Musketeers, which succeeded so well, that the Captain of the Fireship seeing them approaching with so much Resolution, leas'd into his Boat with his Men, and set Fire to his Ship, which was contain'd fifty Pieces off Admiral de Ruyter's Ship. We have lost two Ships, that were sunk; the Admiral of *Zeland*, *John Evertsen*, the Admiral of *Frisland*, and the Vice-Admiral kill'd, and three other Captains very much esteem'd.

The Enemies, on their Side, had four stout Ships sunk and burnt. The Officers Names are not known.

Admiral de Ruyter so spoil'd the Admiral of the Red, where the Duke of *Albemarle* was, that he was forc'd to put himself into his Shallop with his Flag, and go aboard another Ship.

The States Fleet cannot be refitted in a Month, and they will be hard put to it to supply the Places of so many great Officers as they have lost.

I thought it highly necessary to give your Majesty Notice of this with all possible Speed, that your Majesty may give Orders to your Fleet to stop in some of your Majesty's Ports till that of *Holland* be ready to go out again.

The Sieur de Wit will depart in an Hour for *Zeland*, with Orders from the States, and full Power to remedy ev'ry thing.

(i) In his Letter to the King, of August 11. 1666.

A. D. 1666.

Notwithstanding which, their Lordships had the Spirit to displace *Van Tromp*, and prosecute his Sisters, for publishing a Paper justifying him, and reflecting upon them.

d'Eftrades.  
Ludlow.  
Lord Arlington's Letter to the Duke of Ormond.  
Miscellanea  
Aulica. p. 415.

Mr. *Buat*, one of the Prince of *Orange's* discarded Domesticks, had moreover, at this time, by the Intigation of the Earl of *Arlington*, enter'd into secret Measures for concluding a Peace, separating the *States* from *France*, and changing the Government in favour of the Prince of *Orange*. Of this the *States* had the first Intelligence from my Lord *Arlington's* own Letter, which Mr. *de Buat* himself, by *Mistake*, deliver'd to the *Postmaster*, instead of another; and it was afterwards confirm'd by his own Confession. He nam'd sixty of the principal Persons of *Holland*, as his Accomplices; whether with a View to save his Life, or as the naked Truth, we have not Evidence to determine; but, if the first, he was fatally disappointed; for either his bold Undertaking at first, or his bolder Experiment afterwards, cost him his Head.

d'Eftrades.

To fill up the Measure of the *Dutch* Calamities, a Detachment from the *English* Fleet, commanded by Sir *Robert Holmes*, enter'd the Road of *Vlie*, piloted by a *Dutch* Captain, who had been broke the Year before for not doing his Duty, and burnt a hundred and (k) forty Merchantmen, two Men of War, and a Village on the Coast; the whole Damage amounting to (l) six Millions: And Numbers of Merchants, on whom this immense Loss fell, join'd in the Clamour against the *States*, and endeavour'd to stir up the People to a Revolt.

One hundred and forty Sail of Dutch Merchant Ships burnt.

State of Holland.

Overwhelm'd with such a Variety of Misfortunes, it was natural to expect the *Republic* would now have humbled itself, and sought for Peace: Instead of which, so in-

vincible was the Spirit of Mr. *de Wit*, that no such Thought seems to have been entertain'd either by him or his Faction: On the contrary, Ways and Means of quieting the Seditions without Doors, and counterminding the Factions within, in order to continue the War with as much Vigour as ever, were the sole Object of every Deliberation. It is true, *Utrecht*, *Guelderland*, *Friesland*, *Greeningen*, and *Overssel*, which were poor, found the War too heavy for them, and therefore wanted to have it over: But *Holland* and *Zealand*, which had all the Wealth, and consequently all the Power, continued resolute against every Proposition to treat; except on the Terms which had been before refus'd.

The Prevalence of Money was not the Discovery of Yesterday: Nor has it continued more a Secret to other Countries than our own.

Mr. *de Wit* was a Master in the Art of governing by Parties. With the proper Distribution of 1,300,000 Livres, in the Shape of Pay, Gratitudes, &c. he undertook to pacify the Fleet, and succeeded in it; and, in the mean time, Mr. *d'Eftrades* bestir'd himself to manage the *States* Deputies; whether with the like Means, or no, is uncertain; but certainly with, almost, the like Success.

If *France* had now desir'd the Ruin of the *States*, she need'd only to have withdrawn her Assistance, to have render'd it unavoidable: Instead of which, the most Christian King had no sooner receiv'd Intimation of their (m) Danger, than he resolv'd to risk in earnest the youngest Child of his Power and Policy, his daring Fleet, for their Preservation.

If the *Dutch* had hitherto fought without his

(l) According to the Account published here by Authority, the whole Number of Ships amounted to 170, of which not above nine or ten escap'd; and the Village was a Fair Town consisting of 1000 Houses.

(k) *Rapin* affirms that this Enterprize was but a Part of that Conspiracy for which *Buat* was executed.

(m) His first Dispatch to Mr. *d'Eftrades*, after the Defeat of the *Dutch*, was as follows:

"As soon as I receiv'd the sad News of the Disgrace that has befallen the Arms of my Allies, I resolv'd to lend this Express to you for several Reasons:

The first, That you may declare to the *States*, in my Name, how much I am concern'd in their Trouble for the ill Success of this second Battle, and that my Grief is not less than what they feel themselves: But we must by our Steadiness, and by new vigorous Resolutions, not only lessen all the Prejudices of it, but soon reduce the *English* to desire Peace in earnest.

The second, That you may also assure them from me, that I will contribute heartily, and with Application, every thing that depends on me and my Forces to procure what I have mention'd; and, that it seems to me to be very easy, *England* not being in a Condition, for the small Advantage she has gain'd, to support the great Expence she has hitherto been at, nor in the End to resist alone the Efforts of three such Powers as are those of *France*, *Denmark*, and the *United-Provinces*, since the latter only has always fought against her with equal Forces, that she has always made the Danger equal, and that the may, for the future, be seconded and supported by a hundred Ships of her Allies, which unfortunately have not hitherto been able to join with her, and which will compose a new Fleet, equal in Strength and Number to the *English*.

The third, That you may forthwith inform me of the Condition of all the Affairs of the *States-General*, what they have heard of the *English* Fleet since the Battle, that is, what a Blow and what Loss is receiv'd in the Combat, and what Resolution they took, whether to return to the River of *London*, or pursue *Tromp's* Squadron; if it did not

get into the *Texel*, as 'tis reported, or keep to sea and cruise in the Channel; and with what Number of Ships.

The fourth, That if the *States* have it in their Power and their Will, as I doubt not they have both, to put their Fleet again to Sea as soon as it is repair'd, to act as long as the Season shall last, to which you shall, from me, earnestly exhort them; you may, in my Name, propose to them the Junction of my Fleet: And since it can't fail of arriving in a few Days at *Rochelle*, or *Belle Isle*, if 'tis not there already, you may now consult with the *Sieur de Wit* and the other Commissioners, of the most proper and safe Ways for their Junction, and give me an Account with all convenient Speed, that not a Minute of useful Time may be lost, but Orders for the Execution of what shall be resolv'd on be immediately given on both Sides. You shall moreover tell the *States*, That I this Day writeto the *Chevalier de Terlon*, whom I have lately sent to *Copenhagen* in the same Quality of my Ambassador as he had in *Sweden*, to use his utmost Endeavours and most pressing Instances, in my Name, with the King of *Denmark*, to incline him to come presently to a Resolution to join Part of his Fleet to mine and that of the said *States*, when it shall be given him to understand that it will be necessary for the Good and Advantage of the Common Cause, and Opportunity and Means shall be put into his Hands to make that Junction with Safety.

I would not close this Letter without telling you, you should again recommend from me to the *States*, to accommodate Matters with *Sweden*, who seeing herself despis'd or us'd hardly, may in this juncture take Resolutions which may be very prejudicial to us: We know the *Swedes* never want Pretences to do whatever they think to be for their Interest. This Point deserves, as much as any other, all the Reflections and Applications of the *Sieur de Wit*, and afterwards good Orders for the *Sieur d'Eftrades*.

When I order you here to speak or act with the *States*, you will know how to distinguish what should or may be said in their Assembly from what should be retir'd for their Commissioners only.



his Assistance, it was contrary to his express Desire, over and over again repeated: The Duke (n) de Beaufort had actually set sail for the *Streights* early in the Summer, had pass'd by *Lisbon* in July, and would have repair'd to whatever Place the States should have sent a proper Force to join him. The Truth is, neither the States car'd to venture their Navy out of Reach of their Coasts, nor were the French forward to enter the Channel, without being sure of Assistance from those they came to serve. However, when it was apprehended the Dutch must either be overpowered by their Enemies, or compelled to accept such Terms as they should think fit to impose, the Duke de Beaufort no sooner arriv'd at *Roebel*, which was the 7<sup>th</sup> of August, than he receiv'd Orders to advance to *Belle Isle*, or even *Conquest Point*, there to continue, till the Place and Manner of the Junction should be thoroughly agreed upon. In order to which, the Marquis de Bellefonte was dispatch'd Post to the Hague, to concert with the *Penfioner* and Mr. d'Esfrades the most probable Means to accomplish this delicate and important Measure, with the most Expedition and Safety.

Accordingly, the Dutch Fleet, which, thro' the indefatigable Diligence of Mr. de Wit, was again refitted, and in a Condition to put to Sea, had Orders to cruise between the *Streights of Dover*, and the Mouth of the *Thames*, under the Command of de Ruyter, and to attend every Motion of the English, till the Duke de Beaufort should come up. September the 10th, de Ruyter set sail; soon after which, Prince Rupert, his now dread'd and dreadful Enemy, came in Sight, stronger than ever, favour'd by the Wind, and bearing down full Sail to engage. And now, for the first time, the Dutch fled without striking a Blow; and, a Storm coming on, took Sanctuary in *St. John's Road*, near *Bulloigne*; while the English were forced into *St. Helens*, at once to repair the Damages they had receiv'd from the bad Weather, and to hin-

der the Junction of the two Fleets. At this very time, as near as can be guess'd, the Duke de Beaufort was entering into the Channel, and, by the very same Gale which sent the Prince into Harbour, was driven back to *Belle Isle*: Whence he never theless set sail again, two Days after; and having pass'd the *Isle of Wight*, undiscov'rd by the English, cast Anchor at *Dieppe*, the 17<sup>th</sup>.

But, in this Interval, a violent Fever had seiz'd upon de Ruyter; the Dutch Mariners likewise grew sickly; and the States, thinking it their wisest Way to recal their Fleet, sent Orders accordingly. With this Resolution, and the Reasons upon which it was founded, their Lordships however took care to make his most Christian Majesty immediately (g) acquainted; who, almost in Agonies, at the same Instant sent Expresses to Mr. d'Esfrades, and Mr. de Ruyter, to remonstrate the Dangers his Cousin de Beaufort was expos'd to, and the Necessity of the States Assistance, and Advices to all his Ports, of de Ruyter's Return, that the said Duke might take the best Precautions in his Power, for his own Preservation.

No sooner, therefore, had the Fleet of France cast Anchor at *Dieppe*, but, having receiv'd this Intelligence, they weigh'd again, and, with the same good Fortune which had conducted them up the Channel, regain'd the Port of *Brest* in Safety: Of their whole Fleet, which consisted of Forty-three Sail, but three falling into the Way of the English; and, of those three, but one, the *Ruby*, a Ship of 54 Guns, being taken, by Sir William Allen.

Where we lie the most open to Prejudice, our Writers in general have not been over-candid to the French; and in treating of their Conduct to the Dutch, during this War, they have fallen into (p) Mistakes, almost inexcusable. There was therefore a Necessity to be the more circumstantial in correcting them: For in suffering our Enemies to be censur'd

Junction of the French and Dutch Fleets concerted,

[Lord Arlington's Letters to the Duke of Ormond, Sir W. Temple, and Lord Sandwich. d'Esfrades.]

(n) In his Way he detach'd part of his Fleet to convey the Queen of Portugal to *Lisbon*, and another to dispossess the English of *St. Christophers*, which they perform'd.

(g) About the same time Mr. d'Esfrades writ to his Master as follows:

"I received the Dispatch your Majesty did me the Honour to write to me the 17th instant; and 'tis with great Reason your Majesty is to concern'd for your Fleet, which may be in great Danger if Monsieur the Duke de Beaufort enters the Channel. I hope the Advice-Boats that were sent to him will meet him, that he may vary his Course, after what has been resolv'd in a Council of War held in Presence of Monsieur the Count de la Feuillade. The States are in great Trouble at what they have heard from Monsieur de Newport, Secretary to the Fleet, that a continued Fever has reduced Admiral de Ruyter to Extremity, that it increases so, he is light-headed, he being thus in no Condition to act. The Admiral of Zealand is also very ill, and a great Number of Seamen. They resolv'd to recal their Fleet, not daring to confide in any one of the Chiefs that remain. They express'd themselves to me, as if they were extremely troubled, that such an Accident should hinder the Execution of what had been agreed upon at the Consultation between Monsieur de Bellefonte and the States Deputies at *Flushing*; that the loss of your Majesty's Fleet would receive no Damage by it, and that more just Measures might be taken against next Campaign, as well for the Mediterranean, as the Junction of the King of Denmark's twenty Ships. The *Seur de Wit* told me privately, he was unexpectedly troubled at the little Hopes there were of Monsieur de Ruyter's Life; and that besides the Loss the States

would have of his Person, his own, in particular, would be irreparable; that he hop'd your Majesty would not disapprove of their Retreat, since there was no Chief that could command that Fleet; and further, that such a Storm, as had happen'd six Days ago, would so intirely ruin them, that they could never be able to recit them.

(p) "The Dutch put to Sea again——and made for the Coast of France, still pursuing the mistaken Hopes of being join'd by the French Admiral——who lay at *Rochele*." KENNEY and EDWARD.

"The Dutch forsook their own Coast and sail'd towards the Coast of France, for which no other Reason could be given, but that the French King, (who equally loved the Dutch and English) had decoy'd the Dutch to join that invisible Fleet which we divided once to fight with." Cole's *Detraction*, vol. II. p. 115.

This Passage of Cole's is transcribed with Approbation by *Oldmixon*, and even *Rapin* writes as follows:

"It is very surprising that the English, who lay at the *Isle of Wight* to prevent the Junction of the two Enemies Fleets, should suffer that of France to pass and repass without *Misculation*. This may give Occasion to suspect there was some Intelligence between France and England; but as I can't trace it, I ha'n't insist upon it." Tindal's *Translation of Rapin*, fol. p. 645.

If the curious Reader will consult the *Gazette of September 24, 1666 N<sup>o</sup>. 89*, he will find that upon hearing the Guns, when Sir Thomas *Allen* was engag'd with the *Ruby* off *Daggerschell*, Prince Rupert set sail from *the Downs*, in hopes of falling in with and destroying the whole French Fleet.

A. D. 1666.

cenfur'd in the wrong Place, we only reproach ourselves.

The whole Series of Mr. *d' Estrades's* Negotiations, during this Period, furnishes abundant Proof, that France was really so much alarm'd at the Project of England to monopolize the Powers and Profits of the Sea, that she thought it her Interest to oppose it, and assist the States in earnest: And, if this very hazardous Adventure of sending the Duke de Beaufort up the Channel in Search of the *Dutch*, and her expensive Negotiations with Denmark, Sweden, and the Princes of Lower Saxony, should not have the Weight with the Reader which they deserve; when it is farther consider'd, how solicitous she was to revive our Troubles at home, what a Variety of Projects she listen'd to for that Purpose, and that she actually did enter into Treaty with (q) Ludlow, and (r) Sydney, and made Proposals to Lambert, it is impossible that any Doubt should remain.

The Fire of London.

We are now to cast our Eyes on one of the most striking Objects in our whole Story; the Fire of London: The Particulars of which terrible Calamity it is needless to recount; they are already well known; and, as to the Horror and Confusion attending upon them, they are easier imagin'd than describ'd.

An Enquiry into the Cause.

Both the King and the (s) Duke, in Person, beheld from time to time the amazing Progress of the Flames, and contributed all in their Power to put a stop to their Fury. For three whole Days, however, they continued irresistible; and on the fourth, as if fatigued with Destruction, left the whole Space from the Temple westward, to the Tower Dock, and from Pye-corner northward, to the Water-side, a desolate Chain of smouldering Ruins.

But, as nothing is better understood than the Fact, nothing is more controverted than the Cause.

In the preceding April, the Nation had been alarm'd with a new Republican Plot; of which, and the Execution of those concern'd in it, the following Account was published in the Gazette of April 30:

Republicans bang'd in April for plotting the Fire in September.

"At the Sessions in the Old Baily, John Ratbone, an old Army Colonel, William Sanders, Henry Tucker, Thomas Flint, Thomas Evans, John Myles, William West, and John Cole, formerly Officers or Soldiers in the late Rebellion, were indicted for conspiring the Death of his Majesty, and the Overtthrow of the Government; having laid

"their Plot and Contrivance for the Surprizal of the Tower, the killing his Grace the Lord General Monk, Sir John Robinson, Lieutenant of his Majesty's Tower of London, and Sir Richard Brown, and then to have declared for an equal Division of Lands, &c. The better to effect this helieth Design, the City was to have been fired, and the Portcullis's to have been let down, to keep out all Assistance; the Horse Guards to have been surpriz'd in the Inns where they were quarter'd, several Officers having been gain'd for that Purpose: The Tower was accordingly view'd, and its Surprize order'd by Boats over the Mote, and from thence to scale the Wall. One Alexander, who is not yet taken, had likewise distributed Sums of Money to these Conspirators; and for the carrying on of the Design more effectually, they were told of a Council of the Great Ones, that sat frequently in London, from whom issued all Orders; which Council receiv'd their Directions from another in Holland, who fate with the States; and that the Third of September was pitch'd on for the Attempt, as being found by Lilly's Almanac, and a Scheme erected for that Purpose, to be a lucky Day; a Planet then ruling, which prognosticated the Downfall of Monarchy. The Evidence against these Persons was very full and clear, and they accordingly were found guilty of High-Treason, and suffer'd accordingly."

Of this Circumstance, Advantage has been taken by Mr. Eberard and others, to insinuate, that this enormous Mischief took its Rise from that Quarter: But how unreasonably, and unjustly, appears from the very Event itself; since no other Part of the Plot took Effect; and, according to the very Letter of this Paragraph, the City was not to have been fir'd, merely for the sake of perpetrating so prodigious a Piece of Villany, but to facilitate a Change of the Government.

Besides: In July, Lord Arlington, writing to Sir William Temple, declares, That no discontented Party shew'd itself. And again, in August (the 23d) to Lord Sandwich: "I can assure you, with all Truth, that, since you left us, we have had less Trouble and Alarms from the discontented Party than ever we had in any Year, since it hath pleas'd God to restore his Majesty: On the contrary, upon the Noise of the Intentions of Holland and France to invade us, his

(q) Ludlow having acquainted us with the Answer which he had given to two of his Friends who came to him with Proposals from Holland, proceeds as follows:

"With this Answer my two Friends returned to Holland, and being on their way, sent me Word, That the Person who refused for the King of France at Metz, and his Brother to his Ambassador at Ratibonne, had been at Frankfort on purpose to meet Colonel Sidney and me, supposing we had both been at that Place; where, in a Conference with the Colonel, he had communicated to him a Letter from Monsieur de Lyona, Secretary of State, written in Cipher by order of the King of France, in which he was commanded to acquaint us, That if we would go to Paris, we should have all the Security the Government could give, or we could desire for the Safety of our Persons. Vol. iii. p. 188.

(r) This Matter is thus related by Phillips. In Guardsy the Governour of Chouisy in France, together

with the Pilot or Master that brought him, were apprehended for bringing a Letter to Major General Lambert there in Prison, and offering a Contrivance by his Escape to engage him against the Public Peace. At first, though the Design was fully proved against him, he denied all; but the next Day confiding the whole Matter, and retracting what he had said the Day before, he and the Pilot were both executed upon the common Gallows for Spies.

(s) Bishop Burnet is pleas'd to give us his Word, That the Citizens were not well pleas'd with the Duke's Behaviour: They thought, says he, they had lost too good and so little concern'd. But the Account publish'd by Authority, affirms, That his Royal Highness, as well as his Majesty, took indefinable and personal Pains to apply all possible Remedies. And again, that the Fires breaking out first at the Temple, he watch'd there the whole Night in Person.

Gentle,  
Numb. 40.

his Majesty had the Offer of having twenty thousand Men rais'd in Fifteen Days, by his own Party, without a Penny of Expence to himself; and had the Satisfaction of seeing the Effect of those Promises, by four Troops, that he thought fit to call for in the like Manner: The *suspected Party*, concurring avowedly in the same Resolution, have as frankly offer'd their Estates and Persons, in opposition to any Invasion from abroad, or Insurrection at home, as if they did not differ in any degree from us, in their Zeal to serve the King. And what is still more conclusive, the Account of the Fire, publish'd by *Authority*, concludes in the following remarkable Manner:

And we cannot but observe, to the Confusion of all his Majesty's Enemies, who endeavour to persuade the World abroad, of great Parties, and Disaffection, here at home, against his Majesty's Government, that a greater Instance of the Affections of this City could never be given, than hath now been given, in this sad and deplorable Accident; when, if at any time, Disorder might have been expected from the Losses, Distraction, and almost Desperation, of some Persons in their private Fortunes; Thousands of People not having had Habitations to cover them. And yet, in all this time, it hath been so far from any Appearance of Designs or Attempts against his Majesty's Government, that his Majesty and his Royal Brother, out of their Care to stop and prevent the Fire, frequently exposing their Persons with very small Attendance, in all Parts of the Town, sometimes even to be intermix'd with those who labour'd in the Business; yet, nevertheless, there hath not been observ'd so much as a murmuring Word to fall from any; but, on the contrary, even those Persons, whose Losses render'd their Conditions most desperate, and to be fit Objects of others Prayers, beholding those frequent Instances of his Majesty's Care of his People, forgot their own Misery, and filled the Streets with their Prayers for his Majesty, whose Trouble they seem'd to compassionate before their own.

We have here, therefore, the most full and authentic (1) Testimonials, that neither the hated *Nonconformists*, nor even the more hated *Republicans* (if we may take Leave to separate those, whom Church-Policy hath always so carefully and artificially join'd) are answerable for, nor chargeable with, so heinous a Wickedness: And it may be yet further urg'd, that, dispos'd as their Adversaries were to accuse them of criminal Designs, neither the (2) Ministers, in their Letters to each other, nor the public Writings of those

Times, ever so remotely intimate, that they were even suspected of being concern'd in it.

On the other hand, the *State-Narrative*, just quoted, declares, that divers Strangers, Dutch and French, were, during the Fire, apprehended upon Suspicion that they contributed mischievously to it; and were all committed, in order to further Examination: But, in the very same Paragraph, these Strangers are in a manner disculpated: For the said *Narrative* proceeds thus: "Notwithstanding which Suspitions, the Manner of burning all along in a Train, and so blown forward, in all its Way, by strong Winds, makes us conclude, the Whole was an Effect of an unhappy Chance, or, to speak better, the heavy Hand of God upon us for our Sins."

Bishop Burnet, indeed, tells us, without specifying his Authority, that, in Resentment of the Burning of the (v) *Island Vlie*, on the 7th of August, by the *English*, a Project for the burning of London was communicated to Mr. de Wit, by whom it was rejected; notwithstanding which, so immediately after as the 2d of September, that very Event took place.

And, in Mr. d'Esstrades's Memoirs, we have a Letter to him from the King his Master, concerning the joint Operations of the two Powers during the Winter, which contains the following Passage:

However, as there is no Room to think of a Junction, the Opportunity being slip'd, for which I am the more sorry, on occasion of the FIRE of LONDON, which, had our Forces been join'd, might have been a Means of our putting a glorious End to the War, I give Orders for disarming my Ships, &c.

This is all the Evidence which occurs with Respect to the Concern of any foreign Power in this dreadful Visitation; and out of this, even a *Decyberer* could scarce torture any solid Conclusion either against France or Holland. Of these Strangers, it is moreover remarkable, that the *Gazette* never makes any farther Mention: And, had any Circumstances arose upon their Examination, tending to inflame the national Resentment at that time, it is not to be imagin'd, that those at the Helm would have let slip so favourable an Opportunity.

The Populace, however, whether influenc'd by their own Credulity, or misled by the Artifices of their Betters, were strongly persuaded, that the *Papists* were the Incendiaries: And this Conjecture took so deep a Root, and spread so far, that when the Parliament met, a Committee was appointed by the House of Commons to take Examinations; who finding it unsupported with rational, sober, and consistent Evidence, suffer'd it to drop, as a vulgar Error.

It

(1) Every one of which has either been negligently overlook'd, or dissevered, by our Historians.

(2) Lord Arlington, writing to the Duke of Ormond, Sept. 25, contains himself with saying, "This Day, the Accounts of the Mooney, laid out in this War, were laid before the House of Commons, but not entered upon;

most of the Time being spent in discoursing, whether this unhappy Fire in London was the Effect of Chance or Design?"

(v) For this Expression of *burning an Island*, instead of a Fleet of Ships and a Village, the Bishop is answerable.

A. D. 1666.

It is true, the Committee presented their Report, but without an Opinion of the Particulars it contain'd: Nor did the House

countenance it with any Vote; nor, when the Torrent ran highest against the *Papists*, does it appear that this Report was (w) printed;

A. D. 1666.

[w] It was not printed till the Year 1689, and the Particulars it contain'd, were as follow:

*The Report of Sir Robert Broock, Chairman to the Committee (which consisted of several Persons) that was appointed by the House of Commons to enquire into the Firing of the City of London, made the two-and-twentieth of January, 1666.*

In a Letter from *Alonzo* of the 23<sup>d</sup> of August 1666, N. S. written from one *Dural*, to a Gentleman lodging in the House of one of the Ministers of the French Church in London, called *Monsieur Haucault*, there were these Expressions: "Pray acquaint me with the Truth of certain News which is common in this Country, That a Fire from Heaven is fallen upon a City called *Belle*, situated on the Side of the River of *Thames*, where a World of People have been killed and burnt, and Houses also consumed." Which seem'd a Word of *Cabal*, cut out by some that were knowing, and others that might be ignorant of the Signification of it. *Mrs. Elizabeth Syles*, informs, That in April last, in an eager Discourse he had with a French Servant of *Sir Vere Feas*, he haughty reply'd, *You English Maids will like the Frenchmen better, whose lives is not a Hoop left between Temple-Bar and London-Bridge*. To which he answered, *I hope your Eyes will never see that*. He reply'd, *This will come to pass between June and October*.

*William J. J. J. J.* informs, That he being about the Beginning of July at the *Gypphoad* in *St. Martin's*, with one *Fire-Harris* an Irish Papist, heard him say, *It would be a great Defolation in November's week; in a December all would be waded into sea*. Whereupon he asked him, where this Defolation would be? He answered, in London.

*Mr. Light of Ratisf*, having come Discourte with *Mr. Longshore* of the *Middle-Temple*, Barrister (reputed a zealous Papist) about February 15 last, after some Discourte in Disputation about Religion, he took him by the Hand, and said to him, *You expect great things in July, for, and think that Rome will be destroyed, but what of it is London?*

*Mr. Kately* of *Berkley* in *Essex* informs, That one *Mrs. Tandy*, a Papist, of *Essex* in the said Country, came unto his House, August the 13th, and being in Discourte with his Mother, said, *They say that next Thursday will be the hottest Day that ever was in England*. She reply'd, *I hope the hottest Days of the Year is now past*. To which she answered, *I know not whether it will be the hottest for Weather or for Adversity*. *Mrs. Tandy* coming to him the next Week after the Fire, *Mr. Kately* said to her with some Trouble, *I have often thought of your Hot Thursday; to which she reply'd, It was not indeed upon the Thursday, but it happened upon the Sunday next seven weeks after*. *Mrs. Tandy* hearing this Evidence produced against her, endeavoured to avoid the Words, saying, *That upon the 13th of August she did tell Mrs. Kately, that they say the next Thursday will be the hottest Thursday that ever was in England, but not otherwise; which she affirms to have received from one *Flackman*, an old Woman of *Essex*, who being examined by a Justice of Peace to discover the Truth thereof, denied that ever she said any such Words to *Mrs. Tandy*, or that she had discoureted with her about any such Matter; and as to the subsequent Words, she saith *Mrs. Tandy* denies ever to have spoken them: But *Mr. Kately* offered in her Presence (if it should be demanded) to bring his Mother and Wife to testify the same.*

*William Daxter*, Esq; a Member of the House, informs, That one *Henry Baker* of *Chippesham* in the County of *Wilt*, coming from Market with one *Jahn Woodman* of *Kilvey*, in the same County; the Thursday before the Fire began in London, they had some Discourte about the buying of a Yoke of fat Bullocks, wherein they differed, because *Woodman*, who was to sell them, was desired to keep them a while in his Hands; but the said *Woodman* denied so to do, for that, as he alleged, he could not stay in the Country all that time which *Baker* would have them delivered to him in; and being asked whether he was going, he refused to tell, asking what he had to do to make that Question: But rading a little further, the said *Woodman* exprest these Words, *You have loose Blades at Chippesham, you made Bonfires lately for beating the Dutch; but since you delight in Bonfires, you shall have your Belles full of them ere its the long*: Adding, *That if he lived now in *Windsor* he would fly to London as fast as London, as ever it was since the World began; and before that time ever, he should see as bloody a time as ever was, since England was England*. This Discourte was not much taken notice of at that time it was spoken; but when the City of London was burnt, the said *Henry Baker* gave this Information to the said *Mr. Daxter*; whereupon he issued out his Warrant to apprehend *Woodman*, but he was gone out of the Country, and could not be heard of since.

*Robert Haport* of *Rouen* in *Normandy*, who acknowledged

that he was one of those that fired the House of *Mr. Forryer* a Baker in *Padding Lane*, from whence the Fire had its Beginning, confessed, That he came out of France with one *Stephan Peidler*, about four Months before the Fire, and went into Sweden with him, where he also did with him as his Companion four Months, and then they came together into England in a Swedish Ship called the *Slipper*, where he staid on board with the said *Peidler* till that Saturday Night in which the Fire broke out. When *Peidler* taking him out of the Ship, carried him into *Padding Lane*; and he being earnest to know whether he would carry the Fire, he would not satisfy him till he had brought him to the Place; and then he told him, that he had brought three Balls, and gave him one of them to throw into the House. And he would have been further satisfied in the Design, as he said, before he would execute it: But *Peidler* was so impatient that he would not hear him, and then he did the Fact, which was, That he put a Fireball at the End of a long Pole, and lighted it with a piece of Match, after which he put it in at a Window, and said till he saw the House in a Flame. He confessed, that there were three or two-and-twenty Accomplices, whereof *Peidler* was the Chief.

*Mr. Grouse*, a French Merchant, living in *St. Mary Axt*, informed this Committee, that he had known *Habert* ever since he was four Years old, and hath ever observed him to be a Person of a malicious Inclination, and therefore fit for any villainous Enterprise; and because of his Knowledge he had of him, he went to visit him in Prison, where, when he saw him, he could not but commiserate the Condition whereunto he had brought himself. And for his better Discovery of the Fact, he told him, the said *Habert*, that he did not believe he had done that of which he confessed himself guilty. To which *Habert* reply'd, *Yes, Sir, I am guilty of it, and have been brought to it, by the Instigation of *Magister Peidloe*; but not out of any Malice in the English Nation, but from a Desire of Reward which he promised me upon my Return into France*.

It is observable, that this miserable Creature who confessed himself to the Committee to be a *Prattler*, was a Papist, and died so. And as for the aforesaid *Peidler*, the said *Mr. Grouse* informed, that he had had a full Knowledge of him, and knew him to be a very debauch'd Person, and apt to any wicked Design. Moreover, for a clear Conviction of the Guilt of the aforesaid *Habert*, *Mr. Loumas*, the Keeper of the *White-Lane Prison*, was appointed to set him upon a Horse, and to go with him, and see if he could find out the Place where he threw the Fireball. Upon which, *Habert* with more Readiness than they that were well acquainted with the Place, went to *Padding Lane*, into the very Place where the House that was first fired stood, saying, *Here stood the House*. The Jailor endeavoured to draw him from that Belief, and putting him upon feeling another Place; but he positively persisted in what he had first said, and affirmed that to have been the said House. It being intimated to the Committee, That notwithstanding the Confession of the said *Habert*, it was confidently reported, the Fire in the aforesaid *Forryer's* House began by Accident: The Committee therefore sent for him the said *Forryer* before them, who being examined, said, That it was impossible any Fire should happen in his House by Accident; for he had, after twelve of the Clock that Night, gone through every Room thereof, and found no Fire, but in one Chimney, where the Room was packed with Bricks, which Fire he diligently raked up in Embers. He was then asked, Whether no Window or Door might let in Wind to disturb those Coals? He affirmed there was no Possibility for any Wind to disturb them; and that it was absolutely set on fire of purpose.

*Dawson Waymans*, Esq; one of his Majesty's Judges of the Peace, informed, That he saw a Man apprehended in the time of the Fire, near the *Temple*, with his Pockets full with combustible Matter, made of Wax, Tow, and such like Materials.

*Dokter Jahn Pecker* informs, That he saw a Person in the time of the Fire, throw some combustible Matter into a Shop in the *Old Bailey*, which he thinks was the Shop of an Apothecary; and that immediately thereupon he saw a great Swook, and smelt a Smell of Brimstone. The Person that did this, immediately ran away, but upon the Out-cry of the People, he was taken by the Guards.

*Mr. Randall*, *Mr. Hilditch*, and *Henry Brewer*, do all agree, That they saw a Person throw something into a House near *St. Andrew's Church*; and that thereupon the House was on fire, and the flames thereof infested the adjacent Houses. And when they were asked, there was no Fire near the Place.

*Mr. Michael March*, an Officer in the Trained Bands in a Company of *Sir Richard Broun*, apprehended a *Walton* in the time of the Fire, at the *Nag's Head* in *London-bail Street*, with an Instrument like a Dark-Lantern, made



A. D. 1666. the Lord Mayor, and the other Magistrates of the City of London, in their several Limits, to be very watchful in such Cases, and speedily to pull down whatsoever such Men shall presume to set up, so much to the Disturbance of public Order and Decency; and that they forthwith give Notice to Us, or our Privy Council, of such their Proceedings, and return the Names of such refractory Persons, who presume to contemn this our Injunction; and We shall give Order for their exemplary Punishment, without the Violation of the public Justice."

Again, proceeding to Particulars;

"In the first place, the woeful Experience, in this late heavy Visitation, hath sufficiently convinced all Men of the pernicious Consequences which have attended the building with Timber, and even with Stone itself, and the notable Benefit of Brick, which in so many Places hath resisted, and even extinguished, the Fire. And We do therefore hereby declare our express Will and Pleasure, That no Man whatsoever shall presume to erect any House or Building, great or small, but of Brick or Stone: And, if any Man shall do the contrary, the next Magistrate shall forthwith cause it to be pulled down; and such further Course shall be taken for his Punishment, as he deserves."

It must however be acknowledg'd, that this *discretionary Power* was exerted by the King, at the Instance of the Lord Mayor and Aldermen; that, if ever such a Strain of the Prerogative would admit of Palliation, it was now, when the City lay in Ruins, when all were in Haste to rebuild, and the Mistakes, Trespases, and Injuries, which were like to follow thereupon, would probably create as much Confusion as the Fire had left: And that the King (x) sweeten'd the Harshness of this Decree, with a Signification of his Intention to part with any thing of his own, which might render the City more commodious or beautiful, and to remit the Hearth-money Duty to all those who should conform to the Terms prescrib'd by it.

Till the 30th of October, however, it did not appear, that any Persons seem'd dispos'd to submit their Property to be thus modell'd after the King's Good-will and Pleasure; and, by the Manner in which the first Act of Conformity to it was made (a) public, there is good Reason to conclude, that it was not without much Difficulty submitted to at all.

It is now time to attend the Opening of the Parliament: But, previous thereto, it is necessary to observe, that, tho' the Aspect of the War was in general favourable to the English, the Dutch were as far as ever from submitting to receive the Law from them, and the contrary, *de Ruyter* having been oblig'd by Sickness to quit his Post, *de Wit* himself took the Command of the Fleet in his Stead, flood over once more towards England, and the Enemy twice; and, when they declin'd the Engagement, follow'd them, and continued upon their Coasts, till his Scouts brought him Advice that they were entering the Thames, and he receiv'd Orders to return; which he did, without the Loss of a Ship.

In this Interval, however, some Advances had been made towards a Peace: The Swedes had offer'd their Mediation; which had been accepted by France and Holland in Form, and England in Effect. His Majesty had likewise, by Letter, demand'd of the States the Body of (b) Sir William Berkeley, in which he had moreover signify'd his Readiness to lend a helping Hand to close the Breach between the two Nations, as soon as he should be invited thereto by just and honourable Conditions. The States return'd a respectful Answer in general; but adher'd to the Terms, which had been propos'd by Van Beuninghen to Lord *Hills*; in the Queen-Mother's Apartment at Paris; which they insist'd were both just and honourable, and all that ought to be expected from them. They nevertheless invited his Majesty to propose his own Conditions, without Reserve, that they might be the better able to judge of his true Intention; and that he would be pleas'd to renew the Conference, which had been so abruptly broken off, either at the same, or any other neutral Place.

This Letter of the States, which was dat'd the 8th of September, appears to have had little Effect, at least at that time; for, on the (c) 19th following O.S. the Declaration, before quoted, and the Declaration of War against Denmark annex'd to it, was order'd to be forthwith printed and publish'd: And, two Days after, viz. the 21st, the King, in his Speech to both Houses, was pleas'd to declare,

*That we had two very great and powerful Enemies, who us'd all the Means they could, fair and foul, to make all the World concur with them; and that the War was more chargeable by that Conjunction, than any body thought*

(x) The following Article was likewise published in the Gazette of October 1.

Whitehall, *October* 29. "This Day, by a Warrant from one of his Majesty's principal Secretaries of State, the Person of *Valentine Knight* was committed to the Custody of one of his Majesty's Messengers in ordinary, for having presum'd to publish in Print, certain Propositions for the rebuilding the City of London, with considerable Advantages to his Majesty's Revenue, as if his Majesty would draw a Benefit to himself from so public a Calumny of his People, of which his Majesty is known to have so deep a Sense, as that he is pleas'd to seek rather, by all means, to give them ease under it."

(a) Whitehall, *October* 30. "Sir George Moore, with some other Proprietors of Houses lately demolished by the Fire in Fleet-street, having pray'd Liberty to rebuild the same, according to such Model, Form and Scantling, as should be set

them, by the Committee appointed by his Majesty for the Advancement of that great Work (to which they shew'd, with all *Hillogogues*, *proposals*, and *confusion* themselves) it was this Day order'd by his Majesty in Council, that the said Proprietors should have Liberty to rebuild their Buildings accordingly." *Gazette*, *November* 1.

(b) Who was kill'd during the late Day's Engagement.

(c) The Council that day consisted of the King, the Duke, the Archbishop of Canterbury (*Sheldon*) the Lord Privy Seal (*Lord Roby*), the Duke of *Albmarle*, Earl of *Offord* (son of the Duke of *Bucks*), Lord Chamberlain (*Earl of Mordaunt*), Earl of *Down*, Earl of *Lonsdale*, Lord Viscount *Ferriars*, Bishop of *London* (*Dr. Hovhman*), Lord *Arundell*, Lord *Hills*, Lord *Ashley*, Mr. Secretary *Morris*, Chancellor of the Duchy (*Lord Seymour*) and Sir *William Coventry*.

A. D. 1666.

thought it would have been.— He then acknowledged the large Supplies he had receiv'd: But added, he had been oblig'd to anticipate his own Revenues notwithstanding; left them to consider what was next to be done; and, without expressly asking a Supply, made it appear he expected one, by intimating, *Their Wisdoms would find out the best Expedients for carrying on the War, with as little Burthen to the People as possible.*

His Majesty then concluded in these Words:

" I shall add no more, but, that our Enemies are very insent; and if they were able this last Year to persuade this miserable People, whom they so misled, That the Contagion had so wasted the Nation, and impoverished us, that we could not be able to set out any Fleet, how will they be exalted with this last Impoverishment of this City, and condemn all reasonable Conditions of Peace? And therefore I cannot doubt but you will provide accordingly."

It does not appear that his Majesty condemned, by any (d) Channel, to make either House undertake, wherein the Infolence of our Enemies consisted; or that he was ingenuous enough to communicate the Terms upon which a Peace was to be had; or consult the Wisdom of the Nation upon a Point, that the Wealth and Blood of the Nation was to support.

But, whether the Commons had as yet no Diffidence of his Majesty; or whether, if they had, it was thought advisable by their Leaders, for their own Ends, to keep it concealed till a more favourable Opportunity, they unanimously resolved, That the humble and hearty Thanks of the House be returned to his Majesty, for his great Care in the Management of the present War; that this House will supply his Majesty, proportionably to his present Occasions; and that the Lords Concurrence should be desired to this Vote.

The Lords accordingly concurred; both Houses waited on the King, with this acceptable Vote, on the 25th; and for as much Loyalty as appeared on one Side, as much Grace was vouchsafed on the other.

On the first of October, the Commons, having discuss'd the great Question of the Fire of London, again voted the Thanks of the House to his Majesty, for the great Care and Endeavour which his Majesty had taken to prevent it: And, on the 12th, appointed a Committee to consider of the most effectual Means of raising Eighteen hundred thousand Pounds for the Supply.

These were the First-fruits of the Session; and all of them, such as seemed to indicate a thorough good Understanding between the King and his People.

But however smooth the Surface, the Bot-

tom was foul, and the Current violent. As the Chancellor's Interest and Power visibly declin'd, his Credit and Influence did the same.

This, the two Parties, whom he had oppos'd and prosecuted, saw with no small Pleasure, and took care to improve to their own Advantage.

The Roman Catholics, in particular, had Reason to expect great Things from his Fall; and began already to build upon his Ruins.

The Secretary (Arlington) who was most in the Secret of Affairs, was already their own: And (e) Sir Thomas Clifford, another of their Profelytes, who had been so violent for the Dutch War, was making large Advances, both into Trust and Favour: They had both the Queens to countenance and support them. And, what was more than all, they had the Duke for their Champion, and the King for their Friend.

The Chancellor, on the other hand, could not be ignorant, that, as their Scale arose, his must descend; it is highly probable, therefore, that he did not discourage, if he did not promote, the Cry which began now to grow violent against the Growth of Popery.

And as to the Nonconformists of all Persuasions, they join'd in this Cry with their orthodox Adversaries, in order to distress and disgrace the Court; and with the Papists, in order to revenge their own Sufferings on the Chancellor: No doubt with a farther View, of forcing the Power out of their Hands, when Time should come, which they now help'd to force out of his.

Thus the Spirit of Faction was every where at work; and, by degrees took Possession of Court, Senate, and People.

But though all Objects, which are to be brought upon the public Stage, are generally drawn larger than the Life, they are seldom so outrageously caricatur'd, as to be wholly unlike the Original.

Thus, in relation to the Progress of Popery, it was not merely an ugly Spectre, conjur'd up to terrify the Populace; but a Matter of Fact, which, as it afterwards appear'd, had very substantial Evidence to support it.

It was not however so much on a Principle of Conscience perhaps, as Policy, that a Committee was, about this Time, appointed to receive and certify Informations of the Infolence of Popish Priests and Jesuits, and of the Increase of Popery. When it is known, that Men have private Ends to serve, their public Pretences will always be called in question; and it is but natural to suspect, that the Last are made use of only for the sake of the First.

Of this Committee, Mr. Haugerford was Chairman: They sat till the latter End of October, examin'd a Cloud of Witnesses, deliver'd in a Variety of (f) Informations, some of which were contemptibly trifling, and, at last

(d) By a Letter of Lord Arlington's to the Duke of Ormond, dated December 8, 1665, we learn, that it was not thought proper to make the States Letter public.

(e) He was, during this Session, made Comptroller of the Household.

(f) Some of which were as follow:

As to the Increase of Popery, Mr. Hancock, Minister of Chelmsch in Wilts, informs, That meeting with one Mr. Thomson, about a Month since, coming from Maid, out of

Votes of  
Thanks and  
Supply.The Growth  
of Faction.

A. D. 1666.

last agreed upon a Resolution, which had the Approbation of the Houfe, as follows:

“Resolved, That, in order to the suppressing the Infolency of the Papists, his Majesty

*Some of his Chapell, and discoursing to him about his Religion, asked him, if there were many lately turn'd to it? Thomson answered, That there was; and being demanded, what Encouragement there was to it? Reply'd, There would be a Change suddenly.*

*Report of his Carriage to the Committee.*

Mr. Thomson being summoned before the Committee, did behave himself very infolently: They have commended me to report it. Being asked, Whether he had not a Shop in *St. Dunstons Church*, where Popish Books and Popish Knacks were sold? He said, he had; and that his Man sold fish Books and Breads, and other Things; and said, There was one Crucifix, no Relics, but wifhed he had some good ones. He said, that he was a *Roman Catholic*, and thanks God for it. He said, he was no Priest, but wifhed he were in a Capacity to be one. He said, he had not taken the Oath of Allegiance and Supremacy, nor would do it. He said, he would take any Oath any Christian Prince should require, but not the Oath of Allegiance, intimating some Mixture in it. He said, he had taken the Oath of Allegiance to the King of Spain, and was a Subject to the King of Spain.

One Mr. *Abu*, a Minister, late of *Capel in Surrey*, informed, That being at *Canfield in Lancashire* this last Summer, he saw a great Retort on *Sundays to Canfield Houfe*, the Houfe of a Papist; and adding some that were going thither, what the Occasion was of their Retort thither, they told him they were going to *Mass*, and that one Mr. *Robinson* a Priest did say *Mass*.

Mr. *Abu* did likewise inform, that he thought the Number of those that resort to *Mass* to that Houfe on *Sundays*, was as great as the Protestants that went to the Parish Church.

One Mr. *Widdes*, Deputy Ordinary for *Middlesex*, did inform, That in his accustomed Attendance on the Prisoners at *Newgate*, about the time of Execution, *Romish Priests*, and particularly one Mr. *Harvey* a Jesuit, hath constantly used to resort to the Prison at those times; and does persuade the Prisoners to become Papists; and that divers have been altered in their Religion by them, and turned to Popery.

Mr. *Wootton* informeth, That on *October 16*, he went to *Newgate*, and meeting with one *Hoswood* an Under-keeper at the Door, desired to speak with Mr. *Habert* the Prisoner who was then condemned: *Hoswood* told him that he could not speak with him yet, for Mr. *Harvey* the Queen Mother's Confessor was in private with him; and said, this *Harvey* used frequently to come to the Prison, after Condemnation; and that when one Prisoner died a Protestant, many did Papists. Mr. *Wootton* said, that after some Stay, he saw Mr. *Harvey* come out from Mr. *Habert*, and then he was admitted to have Speech with him.

Mr. *Cowdrey*, Keeper of *Newgate*, did inform, That Mr. *Harvey* the Jesuit did frequent the Prison at *Newgate*, about the Times of the Execution, upon the Presence of the Queen's Charity, and did spend much time with the Prisoners in private, and particularly, did go before the last Execution, Night after Night. Mr. *Cowdrey* said likewise, of the nine that suffered, eight died Papists, whereof some he knew were Protestants when they came into the Prison.

It appeared upon several Informations, that Mr. *Harvey*, and other Priests, did not only resort to *Newgate* at times of Execution, but likewise to the *White Lion in Southwark*; and other Places in the Country, and used their Endeavours to convert dying Prisoners.

*Thomas Barnet*, late a Papist, informed, That when he was a Papist, and resorted to *Geoffreyes Houfe* in *Berkshire*; that were Papists, there was almost in every Gentleman's Houfe a Priest, and influenced in divers private Gentleman in that Country. Others inform the like in *Surrey*.

As to their Industry, *Thomas Bower* of *Bingfield in Berkshire* informed, That being at one Mr. *Young's* Houfe in *Bingfield*, at *Bartholomew-tide* last, Mr. *Young* had to the Brother of this *Thomas*, in his Hearing, That *within two Years there should not be a Protestant in England*. *Thomas Bower* informed further, That being at Mr. *Dunckerly's* Houfe in *Bingfield*, one Mr. *Trawl*, Son-in-law to Mr. *Dunckerly* (and both Papists) said to this Informer (who was then likewise a Papist) The People take us for a poor Fellow, but I shall find a thousand or two thousand Pounds to raise a Party of Horse, to make Mr. *Hastings's* and Mr. *Ballock's* Party Gas lie on the Ground, for it is no more Sin to kill an Heretic, than to kill a *Grasheep*; and that it was happy for him that he was a *Catholic*, for by that means he shall be one that shall be mounted.

Mr. *Lionsard*, Surveyor, in *White-Chapel* informed, That about the twentieth of *October* last, meeting with one Mr. *Bink* a Papist, and discoursing with him, *Bink* told him, That there was amongst the Papists, at great a Design as ever

was in England, and he thought it would be carried successfully. Being asked how many Papists were about London, he answered, About seven thousand; and in England an hundred thousand were armed.

Mr. *Oake*, a Physician, dwelling in *Chesham*, informed, That a little after the burning of London, one Mr. *Corpenter* a Minister, came to his Houfe in *Tower-ward*, and spake to him to this Purpose: I will not say that I am a Papist, but this I will say, that I had rather die the Death of the Papists, and that my Soul should be raised with their Resurrections, than sit in the Prefbytery, Independent, or Ambassadors; and I wish the Papists were better to their last Majesty; his Majesty's for whose Prefbytery, Independent, and Ambassadors, he sought and begged him, then they did to him, and helped him; and he is now resolved to commit himself into their Hands. And take it upon my Word, in a short time the Papists will lay you as low as that Houfe (pointing to an Houfe that was demolished) for they are able to raise forty thousand Men, and I believe, the next Week will be cutting of Throats. This was sworn by Mr. *Oake*, before Sir *John Pender*, a Member of the Houfe.

*Milston Pilkington*, being present when the Words were spoken, doth affirm them all, save only those, That the King is resolved to commit himself into the Papists Hands. Thole he doth not remember.

*Henry Young*, a Distiller of hot Waters, informed, That about April, 1661, being in the *Jesuit College in Arzwerp*, one *Poussin*, an English Jesuit, persuaded him to turn a *Roman Catholic*; and said, That if he intended to lose his Life and Estate, he had best turn so, for within seven Years he should see all England of that Religion. *Young* replied, That the City of London would never submit to it. *Poussin* answered, That within five or six Years they would breach the Power and Strength of London in pieces, and that they had been carrying it thirty Years; and that if *Young* did live, he should see it done. The said *Young* did likewise inform, That shortly after his coming into England, one *Thomson* and *Casperool*, both Papists, did several times say to him, That within seven or eight Years at the furthest, the Roman Catholic Religion should be all over in this Kingdom.

*Jasper Godwin* of *Dorset*, in the County of *Surrey*, informed, That about a Month since, one *Edmond Caspary*, a Papist, said to him, You may call by Popish words; and then may be over not ashamed to own yourself a Roman Catholic, and to give his Priest (naming two that were in *Dorset*, in the Honies of two Papists) and likewise said, That in twenty five Hours morning, the Roman Catholics could raise thirty thousand Men, as well armed, as any Men in Christendom. Mr. *Nassau* *Catman* of the *Millit-Temple*, *Burrit*, informed, That about two Years since, one Mr. *Jessey*, a Papist Priest, and called by the Name of *Father Gaurde*, did persuade him to turn Papist, and he should want neither Profit nor Preferment. Mr. *Catman* objected, that he intended to practise the Law, which he could not do if he turned Papist, because he must take the Oath of Supremacy at his being called to the Bar; and if he were a Papist, he must not take it. Mr. *Jessey* replied, Why not take the Oath? It is an universal Oath, and said only factio. And after some Paufe, said further, First take the Oath, and then I will convert you. He said further, The King will not own himself to be the Head of the Church, and said further, You in England that set up the Dutch to destroy our Religion, shall find that they shall by the Men to rule over you.

Mr. *Stanley*, an Officer to the Duke of *Ormond* in *Ireland*, informed, That coming out of *Ireland* with one *Ordel* (who owned himself of the Order of the *Jesuits*, and commissioned from the Pope to be Lord Primate over *Ireland*, and Archbishop of *Armagh*) and falling into some Discourse with him, he told him, That there had been a Difference between him and some other of the *Jesuits* in *Ireland*; and that Part of the Occasion was, that one *Father Walsh*, and some other of the *Jesuits* there, did dispute with the Papists in *Ireland*, to take the Oath of Allegiance and Supremacy, by virtue of a handling Commission from the Pope which he had to do it, during this King's Life; and said *Ordel* therefore they ought not to do it by virtue of the handling Commission, but should take a new Commission from the Pope, and then to do it. And likewise, That he had been told by one of *Ireland*, whom he intended to carry to *England*, to be used up in some of the Colleges there, that in taking Shipping to go for *Flanders*, he sailed with a woman, *England*, turning it *Egypt*, and said, That she would return into *England*, till she came with fifty thousand Men at her Heels.

A French Merchant being at the time lying in *St. Michael's Lane, London*, written an Letter to his Friend, That a great Number of Men and Arms were being sent to *France* to serve ready there. The British Consul, in intercepting of this Letter, searched a Party of Men, who were found in his Houfe ready loaded; which were carried to *Fishmonger's Hall*,



A. D. 1666.

“ jesty be humbly desired forthwith to issue out his Royal Proclamation, for the Banishment of all Priests and Jesuits out of this Kingdom, within Thirty Days to be therein limited, other than such (not being his Majesty's natural born Subjects) who are obliged to attend upon the Queen-Comfart, or the Queen-Mother: And that, if any Priest or Jesuit shall happen to be taken in England, after the said Days, that the Laws be put in due Execution against them.”

The House moreover resolv'd, That, in the said Proclamation, proper Orders should be given for the putting the Laws in Execution against *popish Recusants*, and such as were suspected of being so:

“ That his Majesty be humbly moved, that, considering the present Juncture of Affairs, all *popish Recusants*, and such as, being suspected so to be, shall refuse to take the Oaths of Supremacy and Allegiance, being tendered to them, may be forthwith so disarm'd, as to remove all Apprehensions from the People, of their Possibilities to disturb the public Peace of the Nation: And that all Officers, military and civil, and Soldiers, as shall not within twenty Days take the Oaths of Allegiance and Supremacy, may be disbanded and displaced.”

“ That the Commissaries of the Mustres be commanded and enjoined, upon Penalty of losing their Places, not to permit any Officer or Soldier to be muster'd in the Service and Pay of his Majesty, till he or they shall have taken the Oaths of Supremacy and Allegiance, and received the Sacrament of the Lord's Supper, according to the Laws and Usage of the Church of England.”

As if also convinced, that this Court-Leprosy stuck to their own Walls, they farther resolv'd, That his Majesty be humbly desired to issue out a new Commission, for tendering and administering the Oaths of Allegiance and Supremacy to the Members of both Houses.

To the Four first of these Resolutions, the Concurrence of the Lords was desired and obtain'd; as likewise to another for a Proclamation, strictly to prohibit the Importation of all Sorts of Manufactures, and Commodities whatsoever, of the Growth, Product, or Manufacture of France, and of all other Lands and Places in the Possession of the French King, &c. and all being presented to the King, his Majesty, as we are told, gave them a cheerful Acceptance, and, in about a Fortnight afterwards, set forth his (g) Proclamations accordingly.

But, if this Prohibition of French Manufactures was necessary for the Encouragement of our Commerce; or these Severities against

*Papists* were a seasonable Preservative of our Religion; the Bill to prohibit the Exportation of *Irish Cattle*, which was now again brought in, would admit of scarce any reasonable Pretence, Excuse, or Palliation.

It had been introduced in the preceding Session at Oxford, and hurry'd through the House of Commons in five Days; with such peculiar Circumstances of Prejudice and Party Rage, as would have sully'd and disgrac'd the purest and whitest Cause; With the Lords however it hung, both the Chancellor and Duke of York had spoke against it; even the King declar'd publicly, more than once, that he could not pass it with a safe Conscience: Which appears to have had so much Weight with the House, that Ways and Means were found to put a Stop to the Progress of it till the Parliament was prorogued.

Thus Ireland was reviv'd: But the fatal Sentence still hung over her as before. The House of Commons continued under the same Influence and Prepossession; and, if possible, grew more enrag'd by their late Disappointment. The Bill was extremely popular; the insatuated Landholders, believing, that all their Gains by the breeding of Cattle depended upon it. This gave Confidence to those who press'd it with so much Warmth and Eagerness, and no doubt help'd to intimidate those who were in their Consciences for rejecting it.

Sir Robert Carr, Brother-in-law to Lord Arlington, was the Person who introduced it; and, if we may credit his Lordship, much to his Surprise and Amazement. Those in Place and Power were then neither so thoroughly regimented, nor disciplin'd, as they have been since. Thus we find the Cabinet Ministers divided on the very Point before us: The Duke of Buckingham, the Lords *Abley* and *Lauderdale*, were violently for it; the first out of spleen to the Chancellor and the Duke of Ormond, who appear to have been from Principle against it; and the two last, on account of a Combination between them to engross the Trade of Cattle between Scotland and England. It was on this Account that the Bill pass'd the Commons, with an express Proviso, allowing Scotland to do, what Ireland was forbid: But this Partiality appear'd so unreasonable in itself, and so destructive of every Fundamental, upon which the Bill was presum'd to be built, that it was rejected by the Lords.

So early as the 13th of October, it came under their Lordships Consideration, having been pass'd in the House of Commons, by a Majority of sixty-one Voices.

The very Preamble partook of the violent Spirit of the Times; for it declar'd, That the Importation of lean or fat Cattle tending

A. D. 1666.

Bill to prohibit Irish Cattle.

[Carr's Life of the First Duke of Ormond.]

[Lord Arlington's Letters to the Duke of Ormond, in Miscell. Aubic. p. 436.]

[Carr's Life of the Duke of Ormond.]

pass'd by the Commons.

Gazette, Numd. 103.

Hall, a Month or two more before the Fire, and he committed to Prison, but since released.

A poor Woman retaining to one *Bishop's* House, a *Papist* about *Darling* in *Surrey*, was solicited, that she and her Husband would turn *Roman Catholics*; which, if they did voluntarily *No*, they would be accepted of; but if they said a little longer, they would be forced whether they would or no, and they would not be creem'd. This was depos'd

before Sir *Adam Brown*, a Member of Parliament. *London's* Flames Reviv'd.

[g.] Together with these, another Proclamation was agreed upon in Council, and order'd to be made public, prohibiting the farther Importation of *Canary Wines*, and the carrying on any further Commerce with the *Canary Islands*, on the Penalty of his Majesty's high Displeasure, and the Forfeiture of all such Wines, &c.

A. D. 1666.

to lower Rents, and lessen the Value of Lands, was not only unnecessary, but very destructive to the Welfare of this Kingdom. And having establish'd these invidious Premises, they proceeded to enact, That such Importation, after the 2d of the next ensuing February, is a public and common (b) Nuisance. They also extended the like Prohibition to all foreign Fish, and enforced all with the Penalty of Forfeiture.

But the Temper of the Lords, at this time, was very different from that of the Commons; whether from a Regard to Justice, or from Court Complaisance, will best be seen by the Issue. They began with the Preamble; to which as many Objections were rais'd, as took up ten Days to answer: And, as to the favourite Word *Nuisance*, they rejected it without a Division, substituting *Detriment and Mischief* in its stead. At the Instance of the City of London, they likewise inserted a Proviso for admitting between 20 and 30,000 Bees, which had been subscribed by the Nobility and Gentry of Ireland, as a (i) Charity to the Poor of that City, who had been reduced by the late Fire: And another, for the Importation of Horses.

Thus qualify'd, the Bill was return'd to the Commons; where it was suffer'd to sleep for a while, as we are told, on account of the (k) Insurrection at Dumfries in Scotland, and several Discontents and Disturbances, which, at the same time, began to shew themselves in Hereford, Coventry, and other Places, and which took their Rise from the Collection of *Heart-money*, and other Taxes. But surely, if this Bill was espous'd by Ashley, Buckingham, and the rest of that

Faction, merely to distress, embroil and ruin Ireland, and embarrass the King's Affairs in general, as we are likewise told, nothing could be more favourable to their Designs, than these concurring Circumstances.

However this may be, when the Consideration of the Bill was resum'd, the Commons rejected some of the Lords Amendments, and resolv'd to adhere to the Word *Nuisance*. This produc'd a free Conference between the Committees of the two Houses; at which, the Lord Ashley proposing to substitute the Word *Felony, or Premature*, as a Softer, instead of it, the Lord Chancellor jocosely recommended the Word *Adultery*, as being to the full as proper. Both Houses continuing tenacious of their different Sentiments, and the King having Reason to conclude, that if the Commons had not their Way, the Supply they had voted would not be made good, it was at length resolv'd, in a Sort of Cabinet Council, contrary to the Chancellor's Opinion, that his Majesty's Servants in the House of Lords should eat their Words, and agree with the Commons; Lord (l) Arlington taking upon him to engage in Return, that they should comply with the King, in all his other Affairs: Accordingly, his Majesty's good Pleasure was no sooner made known by the Duke of York, but so many Lords, both Spiritual and Temporal, withdrew, that, on the putting the Question of agreeing with the Commons, the Majority were for the Affirmative; and but (m) eight had the Courage to protest against a Law, which if so many had openly condemn'd, as highly (n) injurious to one Kingdom, and productive of no material Benefit to the other.

But

Amendments made to it by the Lords.

Life of the Duke of Ormond, vol. ii. p. 333. 337.

A. D.

A free Conference.

Bob Hooper offers.

At the King's Instance the Lords give away.

(b) This Word was inserted in the first enacting Clause, on Purpose to bar the King's Prerogative of dispensing; for fear he should in virtue of it, and in Compassion to his Subjects of Ireland, afford them a little Relief in their Distress. CARTER'S Life of the Duke of Ormond, vol. ii. p. 337.

(i) According to Mr. Carter, Lord Ashley and his Party, ran down this Charity as a Matter of Reproach to the Nation, and done out of Hypocrisy and Design, and fit to be abominated as a Cheat. *Ibid.* p. 333.

(k) Of certain Enthusiasts, who, made desperate by the Rigour of the Government, had Recourse to Arms, stood a Battle, and were immediately dispersed.

(l) In a Letter to the Duke of Ormond, January 10, 1667, his Lordship, affirms, That without the Hazard of a Rebellion, his Majesty could not put a Stop to this Bill; nor without the Loss of his so much valued Supply, he could not take out the Word *Nuisance*.

(m) Which were the Lords Cardigan, Anglessey, Berkeley, Burlington, Bridgewater, Ashley, Coventry, and La War. The second Reason in this Protest, was as follows: "Because the Word *Nuisance* was professedly design'd by the House of Commons to restrain and limit a just, necessary, and ancient Prerogative, inherent in the Crown for the Good and Safety of his Majesty's People, upon Accidents and Emergencies, which cannot be foreseen, upon the making of new Laws."

The Reader will observe, that the *dispensing Power* challeng'd by the Crown, is here allow'd in its full Latitude, for the Good and Safety of his Majesty's Subjects; and if always to exercis'd, would never be complain'd of. But Kings are Men; and when they happen to be bad Men, by the Abuse of this one Privilege, it would lie in their Power to unshie the Constitution.

(n) That the State of Ireland at this Time, and the Miseries already felt, and farther apprehended from this Law, might be sufficiently known and understood here, the Duke of Ormond and Council of that Kingdom laid before his Majesty the Reasons which offered themselves against a Prohi-

bition of their Cattle, and at the same time assured him, that all Inconveniences and Miseries, which upon the late Restrinct had by the Deputy and Council been foggel'd to his Majesty, had since actually fallen upon the Kingdom; that the Progress they had made towards putting it into a Condition of subsisting of itself, without being a Burden to England, was utterly frustrated; in all Persons of all Qualities and Professions reduced to great Difficulties and Distress; the whole People discontented and reduced to Poverty and Despair, and the Army, however necessary in a time of War, impossible to be maintain'd.

The Reasons which they now urg'd (omitting such as had been represented in their former Address to the King) were, "The Union between the two Kingdoms, and that his Majesty's Subjects of Ireland were by the Laws of both Countries, natural Englishmen in all Intents and Purposes; that it was not suitable to the usual Course of Parliaments, after laying in one Session a temporary and partial Restrinct, not thought fit to be continued longer than the End of the first Session of the next Parliament, to proceed in another Session of the same to a total Prohibition of Cattle, after a Discovery of the Rain which that Restrinct had brought upon one Kingdom, and before the time of Probation, for the other was expired; that Ireland being a Country generally proper only for breeding and grazing of Cattle, these with what Commodities proceeded from them, were their chief Merchandise, and by a reasonable Estimate might be account'd nine Parts in ten of their Trade, by which they might Money and year by year; so that the Prohibition of their Cattle, and the same would reduce them to such a Condition as they were unable to subsist, or pay their Taxes, or to continue a regular Correspondence and Traffic with England, and their Youth thither to be trained up in their Universities or Inns of Court; the Wast whereof might beget the relapsing of too many of the People to Starvation, and bring the whole Kingdom to Desolation; that England had bound a tender Regard to Ireland in former Times, when Ireland was less

A. D. 1666.

But the Misunderstanding between the two Houses did not turn upon this single Point only: On the contrary, Both seem to have taken hold of every Circumstance which offer'd thro' the whole Session, to shew their Animosity to each other.

The Commons having thought proper to make good Part of the Supply by means of a Pole-Bill, in which the Lords were included, and to appoint Commissioners for putting it in Force, their Lordships, when it came before them, took the Advantage to interfere in a Money-Bill, as if in regard to their own Privileges only, and to add other Commissioners for themselves: But, fearful of the Precedent, and yet not willing the Dispute should turn on that Hinge, the Commons, at a free Conference, protested against this Amendment of the Lords, for this Reason only: "That it hath been observ'd, that in all Acts of Subsidies, and of Pole-money, the greater Number

of Commissioners, the less Money hath been rais'd; for many Commissioners incurber one another, and rather procure the Ease of themselves, and their many Friends, than the Advance of the King's Service, and the public Benefit."

On the other hand, Lord Mordaunt had been accus'd by one Mr. Talour, of executing his Office of Constable of Windsor Castle in a very arbitrary and cruel Manner. The Commons preferred (6) Articles of Impeachment against him; and demanded that he might be oblig'd to quit his Seat, and remain without the Bar, while they proceeded in their Charge against him: The Lords refus'd: The Commons desired a free Conference: The Lords refus'd that likewise; alleging they might do so, in a Point of Judicature; which, according to them, belong'd only to the King and themselves: And thus a Dispute of Privilege defeated the Pursuit of Justice; whereby, at this Distance, we find ourselves unable to decide,

A. D. 1666.

Lord Mordaunt impeach'd.

"let's English than at present, and had no Notion then of keeping Ireland free, for fear of abating their own Revenue."  
 "the Statutes of 17 E. 2. & 24 E. 3. cap. 18. & 3 E. 4. cap. 2. allowing the free Importation of Corn and other Irish Commodities into England; and the Statute 3 E. 4. cap. 4. restraining the bringing of certain Merchandises ready wrought into England, did yet except the Manufactures of Ireland, and the small Customs laid upon their Customs for the Majesty's Revenue, was an Encouragement to traffic from Ireland; and that it was against common Right to hinder the English (as the Subjects of Ireland were) the Freedom of English Markets, nor was it a very equal Treatment to deny them a Liberty which was indulg'd to Scotland; that it would put a stop to their fetching of fine Cloths, Stuffs, Stockings, Hats, all Necessarys for wearing Apparel, Eggs, Indes and other Commodities, which they used to have from England upon the Credit and Produce of their Cattle; that it was evident, Ireland drew no Money from England by their Trade, because they had little or no English Money; all their Coins (except what was returned yearly into England for Coins) being foreign Species, and even of this they had but little, that they could pay but a few Troops of the Army at a Time, and were forced to defer the Payment of the rest, till that Pay had circulated; that the Condition of Ireland, after a long and wasting War, horrid Miseries of the People, and confused and uncertain Settlements under the Variety of Usurpations, which prevented Improvements, and hindered Men from knowing their Properties, was such as required all just and honourable Means to be used for bringing Money into the Kingdom; that Ireland was bound up, by several Statutes, made for the Good of England, from transporting Wool, Sheep, and other of their Commodities to any other Part of the World, so that if they were debarred from transporting them into England, as they could not possibly come thence at home, they must be forced to drive Trade elsewhere, and to transfer their Commerce to foreign Parts, which might occasion a Dependence of many of the People upon such Foreigners, and lessen their Dependence upon England, a Matter of dangerous Consequence to the English Interest; that it had been a long Complaint that Ireland would never be civilized, nor indeed could it be, till the Irish grew indolent; but the turning of all their Cattle upon their Hands, would necessarily make them idle, their Food would be so dear, as no Man needed to labour for it, and to his Majesty would fall the Virrow and Idleness of a whole Kingdom; that the Prohibition and Destruction of their Trade, would defeat the Intent and Benefit of a late Act for encouraging Protestant Strangers to settle in Ireland; that it would give the Common Enemy of both Kingdoms an Opportunity of working on the Dissatisfaction of the Irish, and that his Majesty's Revenue was affected by it, the said Parliament which sat in London, having, in a Series of the extreme Poverty of the Kingdom on Occasion of the Restraining upon Cattle, when they granted the four fifth of the twenty-four Subsidies which they had given since the Restoration, provided in an express Clause, that in case the Prohibition of transporting Cattle into England, was not taken off before December 25, 1666, the levying of the two last Subsidies should be respited and suspended." *Life of the Duke of Queensberry, Vol. II. p. 320, 321.*

(6) Which were as follow:

NUMB. XIII.

"1. That the said Lord Mordaunt, being Constable of the Castle of Windsor, as Commander of the Garrison there, understanding that one William Talour, Esq; a loyal Person in Office in the said Castle, and possessor of certain Lodgings there, appertaining to his Offices, did intend to stand for one of the Burgesses of Windsor to serve in this present Parliament that met in 1661; some Weeks before the Election, to displace and prevent the said William Talour, as in so broke a Taylor into those of the Borough, by means of a Warrant from his Majesty, on the 17th of March, did by Soldiers forcibly eject the said William Talour, together with his big-belly'd Wife, Family and Goods out of the said Lodgings and Cattle; the rude Carriage of which Soldiers, frighted a young Child out of its Wits, whereof it died soon after. 2. On the 23d of the said Month, the said Lord Mordaunt did command William Talour to be forcibly seized upon by his Soldiers in the Prison of the Borough, out of the Precincts of the Castle, where he was a Prisoner for Debt, carried him out of the Prison to the Castle, without any Warrant, and detain'd him Prisoner eleven Hours in a cold, low Room, notwithstanding the Order of two thousand Pound Bail. 3. That the said Lord Mordaunt, during the time of Mr. Talour's Imprisonment, being told that he was the King's Servant, and had the great Seal for his Place as well as he, in high Contempt of the King's Authority, reply'd, He would dispose of his Places, and break the great Seal, and justify it when he had done. 4. That the said Lord Mordaunt, in March, 1664, by Letters and otherwise, made sundry secret Addresses to a Daughter of Mr. Talour's which the rejecting, and threatening to accuse his Lady with them, he wore a most dreadful Oath and Impræcation he would prosecute her and her Family to all Extremity. 5. That on the 23d of November 1665, Mr. Talour was by the Lord Mordaunt's Command forcibly dispos'd of certain Rooms in the Timber Yard belonging to the Castle, without the Walls, belonging to his Office of Paymaster and Surveyor of the Castle. 6. That a Warrant surreptitiously obtain'd from his Majesty, dated November 30, 1665, but not produc'd till some Months after, for restraining Mr. Talour from going out of the Castle, was directed to the said Lord Mordaunt, who, without mentioning the King's Warrant, caus'd him again forcibly to be apprehended in the Borough of Windsor, and carried to the Castle, where he was detain'd Prisoner twenty Weeks, five of which in close Durance, contrary to the King's Warrant, which only restrain'd him to the Castle. 7. That during his Imprisonment, the said Lord refused to obey a Habeas Corpus brought by Mr. Talour; and when he was serv'd with another, he gave the Messenger reproachful Language, calling him Rogue, for delivering the said Writ, and saying, That was all the Answer he would give to it. 8. That Mr. Talour, when he was enlarg'd by an Order from the King's Bench, being he should be again illegally imprison'd, did thereupon make Application to his Lordship by Friends for a Reconciliation; who answer'd, He would never be reconcil'd to him, and threatn'd to imprison him again; and if he brought another Habeas Corpus, he would imprison him again and again, and keep him Prisoner as long as he liv'd, and likewise turn him out of all his Offices. By reason of which Menace, Mr. Talour was forced to desert his Wife, Family and Employments at Windsor, and to absent himself till this present Session of Parliament. For all which high Crimes and Misdemeanors, the Commons of England demanded Justice, consign Punishment, &c.

P p

A. D. 1666. decide, whether Mr. *Talour* really suffer'd the Oppressions he complain'd of, or Lord *Mordaunt* was unjustly prosecuted.

Proceedings of the Commons, relating to the public Accounts,

[Lord Arling-ton's Letter to the Duke of Ormond, Decemb. 8, 1666.]

disagreeable to the Lords who address the King in little more by a Commission of his own.

The Commons reject it.

Carte.

Ill Temper of the Seigns shew'd in the Duke of Buckingham, and Lord Ashley.

Again; agreeable to an Address of the Commons, in the Cloze of the last Session, the Accounts of the Money granted for and expended in the Service of the War, had been laid before the House, at the Beginning of this (Sept. 25): But so little Satisfaction did they give, that a Motion was made Dec. 7, and carry'd by thirty-six Voices, for a Proviso in the Pole-Bill, authorising the House to appoint Four Commissioners to audit the Accounts of all Moneys receiv'd since the Beginning of the War; that is to say, upon the two Royal Aids, Money arising by Prizes, the Three Months Assessment upon the Militia Bill, &c. But this Method proving very unacceptable at Court, another Expedient was propos'd and agreed to; which was, to bring in a separate Bill for appointing Commissioners, viz. Twelve Commons, and Six Lords, to take and examine the public Accounts. To this no reasonable Objection could be made in the House of Commons; and therefore, the Lords were prevail'd upon, out of a Regard to the Royal Dignity, to address his Majesty to issue out a Commission for that Purpose, by his own Authority.

The Consequence of which was, that the Commons, in some Heat, resolv'd, "That this Proceeding of the Lords, in going by Petition to the King for a Commission for taking the public Accounts, while there was a Bill sent up by this House, and depending before them, for taking the Accounts another Way, is unparliamentary, and of dangerous Consequence." Within two or three Days they likewise declar'd, "That, according to the right and settled Course of Parliament upon Bills, neither a Bill, nor any Part thereof, is to be communicated to his Majesty, by either House, until the Whole be agreed unto by both Houses."

They were likewise so enrag'd against the Chancellor, that they threaten'd to impeach him immediately, for putting the great Seal to the said Commission.

For all these Heats and Animosities, in the Course of which it is easy to see both Parties were alternately in the Wrong, the Lord *Ashley*, and Duke of *Buckingham*, are made particularly answerable. The First was already of the Cabinet, tho' not in the Place to which his Ambition aspir'd; and the Last had been over active in suppressing the *Yorkshire* Conspiracy, before spoken of; but, being disappointed of the Presidentship of the *North*, which he had claim'd as a Reward; from endeavouring to be servicable, he made it his Business to be troublesome; that Fear might stand him in the Stead of Favour.

Both appear to have been Men, whom it was equally dangerous to trust, or disoblige: When in Power, daring; desperate, when out; restless always. To a virtuous Court, and an upright Ministry, they could not have been formidable; to an abus'd and endanger'd People, they could but rarely be useful: For, when the Crisis of Service approach'd, the Zeal they vow'd to the Public they diverted to themselves. And yet these Men were alternately in Possession of Power and Popularity. So apt are we to sacrifice our Judgments to our Interest; and, provided we are ferv'd, so indifferent by whom! To return:

Together with the popular Cattle-Bill, the Court Pole-Bill was made ready for the Royal Assent: But the one did not pacify the Displeasure, which his Majesty had conceiv'd against the other; and which was not at all diminish'd by the little Respect which had been paid to his Message by Mr. Secretary *Morrice*; not to complain, but to express his Sorrow, that the Difficulty the House had met with had so long hinder'd them from perceiving the Supply. For this Message had been sent the 15th of December, and it was not till the 18th of January that they dispatch'd the Pole-Bill; which provided but for a Part of it: A Delay, which, considering the State of the Nation at that time, singly at War with three potent Enemies, no Recitment of past Miscarriages, nor scarce any Distrust of future Mismanagement, could excuse.

Full of Indignation, therefore, to be thus embarrass'd at home, at a Time when his Affairs wore such a Face of Prosperity abroad, his Majesty came to the House of Lords January 18, to give the Royal Assent to the (p) two Bills: And, in his Speech to both Houses, took occasion to animadvert, with some Bitterness, on their Conduct, and to justify his own: Depending on their Vote, he declar'd, he had anticipated his whole Revenue; and that, thro' their dilatory Proceedings, he was come to the End of his Credit. Of the Pole-Bill, he spoke slightly, as being of an uncertain Value: Left them to judge what Time he had to make the proper Preparations against three such Enemies: Declar'd that he was in any Treaty, as it seems had been given out: Protested, that he was as resolute as ever, to defend both himself and the Nation: Signify'd his Intention to put an End to the Session, the Monday Se'night after: Press'd them therefore to have all things ready by that time: Complain'd, that he had been dealt unkindly with, in a Bill which he had then pass'd (meaning the (q) Cattle-Bill) and in which they had manifested more Distrust of him than he deserv'd: Said, he did not pretend

A. D. 1666.

1666. Royal Assent given to the Pole and Cattle Bills. King's Speech on that Occasion.

(p) And three more, viz. For encouraging the Coinage; To continue a former Act, to prevent Theft and Rapine on the Northern Borders; and for the burying in Woollen only.

(q) To make the Irish amends for this severe Bill, the King by a Letter on March 23d, pursuant to the Advice of his Council, gave Directions, "That all Restraints upon the

"Exportation of Commodities of the Growth or Manufacture of Ireland to Foreign Parts, should be taken off; and that this should be, by a Proclamation of the Lord Lieutenant and Council, notify'd to all his Subjects of that Kingdom, provided that nothing was done therein for Trade to or with the English for the Portuguese, further, or otherwise, than the Laws allow'd, nor in Prejudice to

A.D. 1666-7. pretend to be without Infirmities; but added, that he had never broken his Word with them; Infirmated, the Nation had never less Cause to complain of Grievances, or the least Oppression, than since his Restoration: And concluded with a warm Expression, that he should be glad to be us'd accordingly.

Subsequent Proceedings of Parliament.

What Effect this chiding Speech had upon the Commons no otherwise appears, than by their subsequent Transactions; which, in few Words, were the Maintenance of their Contest with the Lords, in the Affair of Lord *Mordaunt*; the Progress of the Bill to take and settle the public Accounts, in lieu of the Proviso design'd to be inserted in the Pole-Bill, which was nevertheless dropt (tho' we are told by Lord *Arlington*, in a Letter to the Earl of *Sandwich*, dated Feb. 7, that it might be finish'd in an Hour); a Bill to erect a Court of Judicature, for determining Differences touching Houses demolish'd by the late Fire; another, to regulate the Rebuilding of the City, which, it seems, they were of Opinion, was a Work which belong'd rather to the Legislative than the Executive Power; and another, to perfect the Supply, by an Aid of 1,236,343 l. 13 s. to be levied by Eleven Months Assessment upon Land; which, it was presum'd, would fully make up the Sum of One Million Eight hundred thousand Pounds, first voted for the Service of the Year.

King's Speech at the End of the Session.

On the very Day specify'd in the former Speech, his Majesty came to the House of Peers, and having given the Royal Assent to the several Bills before him, return'd the usual Thanks for the Bill of Supply; but withal signify'd his Hopes, to have Bills of that Kind for the future in the old Style, with fewer Provisos. He then seem'd to wonder, that the Bill relating to the public Accounts was not presented to him; and, as if desirous, that, after so much Noise, the Enquiry should not be stifled, very artfully took upon himself to issue out Commissions for that Purpose. He then remark'd upon the Advance of the Season, and promis'd to make all the Preparations he could, and as fast as he could; but withal signify'd his Intention to listen to any good Overtures for an ho-

nourable Peace. His next Transition was to the *unquiet Spirits* of the Times: Upon which Topic he very earnestly recommended to them, to use their utmost Endeavours to remove all those false Imaginations out of the Hearts of the People, which the Malice of ill Men had infused into them: Again insisted, that the People had never so little Reason to complain; pleaded in Alleviation of the Weight of the Taxes, that the War made them necessary; declar'd, that none of the Moneys so rais'd came into his Purse; and concluded with hoping, that they should all meet again of one Mind, for his Honour, and the Good of the Kingdom.

The Lord Chancellor not attending that Day, the Parliament was then prorog'd by the Lord Privy-Seal, to the 10th of October.

Good-natur'd to a Fault, as King *Charles* is usually represented to be, he was not insensible of Provocations: On the contrary, his Resentments were sometimes sufficiently violent, and his Vengeance sufficiently heavy.

The more fond a Man is of his Ease, the more angry he is to be depriv'd of it. The Practices of the Duke of *Buckingham* upon the House of Commons had given the King more Trouble and Pain, than he had felt since he took Possession of the Throne; and to shew how sensible he was of it, he resolv'd to make him an Example.

Accordingly, on Feb. 25, he was depriv'd of all his (s) Places, and struck out of all Commissions: But as this was not sufficient to gratify the King's Indignation, one *Heydon*, a Creature of the Duke's, was taken up, for having confess'd to his Intimates, that, at his Grace's Instance, he had cast both his and the King's Nativity, and had been employ'd by him, together with others, to stir up the Seamen to mutiny. Being furnish'd with this Evidence, Part of which, if true, contain'd Matter of rather a ridiculous than a dangerous Nature, a Warrant was issued to a Serjeant at Arms to take the Duke himself into Custody: But his Domestic's defended his House, till he found Means to make his Escape. Of this, public Notice was given, in the *Gazette* of March 8; and a Proclamation was the same Day set forth, charging him

A.D. 1666-7.

Duke of Buckingham in Disgrace.

Order'd to be taken into Custody.

"the Charters of the Royal (African) East India, Turkey, or Canary Companies." His Majesty, likewise, gave leave to the State of *Ireland* to retaliate the Usage they had received from the Scots, who, copying after *England*, had, by an Act of Council, prohibited their Cattle, Corn, and Beef. Accordingly, in April, the Lord Lieutenant and Council published a Proclamation, notifying the Allowance of a free Trade to all foreign Countries, either in Peace or War with his Majesty, and prohibiting the Importation of all the Scotch Manufactures. *Carver's Life of the Duke of Ormond*. Vol. II. p. 344.

Mr. *Carver* adds, That tho' these Concessions were not granted without some Heat and strong Opposition in the Council, from those very Men who had been most zealous for the Act against the Irish Cattle, yet in the Lease which was given to the Irish to export their Commodities, even *Wool*, were not excepted: Hence he concludes, that, as those Men were declar'd Enemies to the Duke of *Ormond*, this last Article was left as a Bait to his Grace, and to make his Acting pursuant to it a Matter of the Impachment, which, at that time, they meditated against him. — But it seems if they had any such Design, his Grace had the Wisdom to avoid it.

Together with the King's Displeasur which contain'd this Expedient for the Relief of *Ireland*, Lord *Arlington*, Licen-

t, sent a Letter to his Grace the Lord Lieutenant, in which is the following Paragraph:

"Here inclined goes his Majesty's ——— to recommend the Damage that Kingdom hath sustain'd by passing of the Cattle Bill, which I do not hear any body say his Majesty to support by any Act from him: But if the Trade goes forward of bringing Cattle over, as I hear it hath succeed, the Clamour will be doubled upon us, when they do effectually so; and yet his Majesty gratifies the Kingdom, as if they did not; and because the malicious Reflections which will be made thereupon, will inevitably touch your Grace, I thought it my Duty to suggest to your Grace this Hint, for the better Consideration thereupon. *Myself*. Vol. II. p. 458.

(r) Both to this Bill and the next, the Earl of *Down* enter'd his Protest. To the first, because of the unlimited Power it gave to the Judges without Appeal; and to the last, because of the unlimited Power it gave to the Lord Mayor and Aldermen to dispose of Property. The House of Commons had, however, imposed a Tax of Twelve-pence on every Chalders and Ton of Coals imported into *London*, to indemnify all who should be Sufferers by their Decisions.

(r) He was a Gentleman of the Bed-Chamber, Lord Lieutenant of *York*, and a Pray-Counsellor.

A. D. 1666-7. him with maintaining secret Correspondencies, tending to raise Mutinies in some of his Majesty's Forces, and stir up Sedition among his People: as likewise, summoning him to surrender himself, and commanding all Persons to be diligent in their Endeavours to apprehend him.

This was the Colour that was put on the Duke's Disgrace; and how far his Majesty's private and personal Charge against him (*That he had been the Cause of the Continuance of the War; for that the Dutch would have made an early and very low Submission, if he had not spirited up the Commons to delay the Supply*) is warrantable; by tracing Step by Step the Progress of the Negotiations for a Peace, we shall best be able to ascertain.

We have already mentioned his Majesty's Letter, dated *August 14th* to the States, demanding the Body of *Sir William Berkeley*, and expressing an Inclination for Peace, with their Lordships Reply; offering to renew the Negotiation upon the old Terms, at any neutral Place. *October 1/2* his Majesty wrote again to the States, by their own Trumpet, but in a very haughty Style; among a variety of other Things, insisting on their sending their Deputies to London, and refusing to treat with Denmark at all; but withal assuring them, that he had accepted the Mediation of Sweden. Of this Letter the States made no public Acknowledgment till *November 1/2*, when they as positively declin'd all Treaty, except in Common with their Allies, France and Denmark; and unless it was carried on at some neutral Place. This last Letter was presented to his Majesty by the Swedish Embassador, who endeavour'd to qualify the Harshness of it, by declaring, that, if the States were single in the Quarrel, they should think themselves oblig'd to submit to his Majesty's Terms: But as France and Denmark were joint Parties, and crown'd Heads as well as England, they could not make a Compliment on one Side, which would be refuted on the other.

Agreeable to this Representation of the mediating Minister, their Lordships dispatch'd yet another Letter to his Britannic Majesty,

on the 17th of January following, declaring, that, for themselves, they would make no Difficulty of waving all Formalities of that Nature, and were ready to treat any where, even in England, in order to perfect a Peace, upon Conditions safe and honourable: And that their Instances were made only in behalf of the two Kings their Allies, who were now become equally Principals with them in the War.

This was the *Outside* of Things; but this Concession did not flow so freely from the States, as may, at first Sight, be imagin'd: France believ'd she had now sufficiently establish'd her Influence in Holland, and disappointed the extensive Projects of England: Having therefore other Game in View, and growing jealous of Lord Sandwich's Negotiations at Madrid, she was become as desirous as England or Holland could be, to bring about an Accommodation; and, in order thereto, not only recommended, but in a manner exacted, this Expedient from the States, to enable the King of England to recede with Honour from his frequent Protestations to admit of no Treaty with the States, unless they would send their Deputies to London.

In order, likewise, that this Expedient might operate more effectually, Authority was given by Mr. de Ruvigny, to make use of his Correspondence with the Earl of (r) St. Albans to bring the English Court into a more favourable Disposition for Peace; and to this End such a (u) Billet was concerted as might naturally enough be expected from one Friend to another, and might as naturally make way for a Negotiation.

That the States might however, at the same time, have all imaginable Reason to depend on the Good-faith of France, this Billet was first communicated to Mr. de Wit, and received his (v) Approbation; when, likewise, the Earl of St. Albans had, on the Receipt of it, signify'd to the Queen-Mother, that the King was not against treating in a neutral Place, provided France would first come to an understanding with him, with respect to the Conditions, Monsieur

d'Eftrades

(r) Who was in the Service of the Queen-Mother: or, according to *Sir John Reresby*, marry'd to her. See RERESBY'S MEMOIRS, p. 5.

(u) This Billet was as follows:

*A Billet Monsieur de Ruvigny may write to the Earl of St. Albans.*

" If what you write the Queen is true, that you are more  
" difficult and nice for your Honour about the first Formalities  
" than you will be in the Main, the Peace may be  
" made in an Instant: For you need but to accept the second  
" of the two Alternatives offer'd you by the Dutch,  
" which is, first all things be left on one Side and Father  
" in the State Heaven has put them in; and in such Case  
" it would not be necessary (as you have nevertheless said  
" in your Reply to the States) to know, nor discuss, when  
" the War began; for if it was fifty Years, or only two  
" Months ago, 'twould be all one to each of the Parties  
" who would abide by its Loss and its Gain. It cannot be  
" dishonourable for you to accept the Proposal, since 'tis for  
" your Advantage, because you have gain'd more than you  
" have lost; and perhaps you don't perceive, that by rejecting  
" it you seem to declare you expect greater Advantages  
" in the Continuation of the War. If that be so, you  
" are in the right to continue it, and to impose severer  
" Laws on them, as to the Conditions of the Peace, than  
" that of leaving Things in the State they are: But as

" it would, on your part, be to treat us as if you had con-  
" quer'd us, so we are not willing to be look'd on as van-  
" quish'd; and it does not appear to me, that Means can  
" be found out to make an Assembly of Men agree to more  
" than has been offer'd you, may, that there is any other  
" Way of putting an End to the War. Do therefore, with  
" a good Grace, in order to Peace, a Thing whereby you'll  
" gain more than the Dutch: Send a Power to the Queen  
" to sign this single Article, or come and sign it yourself.  
" The same Power shall be sent to Monsieur Van Braunings,  
" and the Minister of Denmark; and then Peace will be  
" made in an Instant. And after it should be ratify'd on  
" all Sides, it would be, perhaps, to satisfy you, on your  
" Niceties of Honour, for that I'll persuade the Dutch  
" would make no Complaint of having Embassadors to  
" England to settle the Terms of Trade. But as long  
" as you let the Cause be in his Hands, as they say, you'll  
" get no Ground. Can it ever be said, we don't sincerely  
" desire Peace; or can it be said, we don't put  
" us to the Way to it with our Hands, and a Way to ad-  
" vantageous and honourable Terms to conclude it?

(v) We learn, nevertheless, from the Memoirs of Mr. d'Eftrades, That both the French and Mr. de Lionne were of Opinion, that the King of England's Desire to have the Money, which his Parliament had promised him, would induce him to defer his Answer. Mr. d'Eftrades to Mr. de Lionne, Dec. 16, 1666.

A.D. 1666-7. *d' Estrades* was directed by Mr. de Lionne to make the *Penſionary* acquainted with it; as likewise with the *Anſwer* return'd to the *Queen Mother*; which was in Effect, that the King her Son was never to hope that his moſt Chriſtian Majesty would be induc'd to force his Allies to any thing, which did not correſpond with their Intereſt or Inclination.

But, tho' the Court of France, at this time, appears to have dealt ſo openly and ingenuouſly with the States, that of England, having taken Advantage of this ſeemingly-underhand Intercourſe, to ſpread Reports in *Holland* and *Flanders*, that the moſt Chriſtian King was treating without the Participation of his Allies, a Jealouſy aroſe among the Cities, that the Republic would at laſt be ſacrific'd; which was no ſooner communicated by Mr. *d' Estrades* to the King his Maſter, than he endeavour'd to confute it, by not only giving the States the moſt ſolemn (x) Affurances of his Sincerity, but, as one would imagine, the moſt effectual Security for his good Behaviour.

In the mean time, his Britannic Majesty, who had been hitherto ſo determin'd to treat no where but at *London*, as if, all at once, entirely ſatisfy'd with the late Apology of the States for not ſubmitting to his Demands, of his own mere Motion (x) offers to treat at the *Hague*, where the Miniſters of the Allies then were, or might be very ſpeedily, and, upon receiving the proper Paſſports for his Embaſſadors within a reaſonable Time, declares they ſhould be upon the Spot before the End of *February*.

A complete Victory obtain'd by the *Engliſh* over the ally'd Fleet could ſcarce have given a greater Alarm to the Court of France, or to Mr. *de Wit* and his Party in *Holland*, than of great, ſudden, and unexpected an Advance;

who both immediately concluded, that tho' Peace, like Oil, floated on the Surface, ſome ſharp Corroſive lurk'd at the Bottom: Or, in other Words, that it was a Maſterpiece of Policy, to divide the *Dutch* among themſelves, and thereby diſſolve the whole Confederacy.

To fence therefore againſt ſo dangerous a Puſh (which began to create Diſorders as ſoon as it was made, no leſs than four Provinces, and ſeveral of the Towns of *Holland*, immediately taking Occaſion to ſhew their Animofity to Mr. *de Wit*) it was neceſſary to make uſe of all the Addreſs, that both the *Dutch* and *French* Miniſters in Conjunction could furniſh out; which was manifeſted firſt in a Letter from the States to the King of England, dated *February 22*; wherein, having thank'd his Majesty for the Honour he intended them, and aſſur'd him, that they would uſe all their Intereſt with their Allies to get it accepted, they proceed to recommend the Choice of *Maeſtricht*, *Boſſeduc*, or *Breda*, as being more convenient and ſafe than the *Hague*; alledging for a Reaſon, that the Laſt, being an open Place, afforded no Protection to the Miniſters of the different Powers; and, conſequently, while thoſe Powers were yet at Variance with each other, left them expoſ'd to many unhappy and fatal Accidents, of which too many melancholy (y) Inſtances had already happen'd, in Deſiance of Government, and Violation of Juſtice.

This Letter from the States to his Britannic Majesty was follow'd by another from the moſt Chriſtian King to the States, dated, *February 24*, the very next Day after that of their Lordſhips; in which he gives it as his Opinion, that it would be very hazardous for a popular State to admit the Miniſter of

Letter from the States to his Britannic Majesty.

The moſt Chriſtian King's Letter to the States.

The King offers to treat at the Hague.

(x) This Diſpatch to Mr. *d' Estrades*, upon this Occaſion, was as follows:

"I have given your Diſpatch of the 16th of this Month. If I was capable of making a ſeparate Accommodation with the King of England, to the Exclusion of my Allies, I ſhould have taken care how I wrote to the States General (without any Neceſſity, ſince the Matter was not in diſpute) in the Terms I did in my laſt Letter, to give my Royal Word, and all Alliance, that they ſhould never have any thing to fear on my Side, as to that; much more ſhould I have taken care not to have enter'd into a War for the Intereſts of the ſaid States: And to excuſe myſelf, I need only have urg'd the Reaſons the King of England made uſe of, which appear'd plauſible enough to prove he was not the Aggreſſor in this War. This had been a more ſafe Courſe, is more convenient, and leſs chargeable one for me, than to ſpoil now, by an Infidelity I ſhould very much detest in another, all the Fruit of the Obligation I have acquir'd of the States on this Occaſion: And I cannot ſufficiently expreſs to you, with what Indignation I write to you any thing on this Matter; and to ſee that the laſt Note ſome wretched Giver of Advice thinks fit to write, ſhould cauſe ſuch Frights and Alarms in the United Provinces. I don't believe that the Sieur de Wit, nor the Principal of the States, do me ſo much Wrong, as to have the leaſt Apprehenſion or Jealouſy of ſuch a thing, as I do not do them to much Injury as to have my like Suſpicion of them. There's no Need of doing more, in order to Conviction of the contrary, than to conſider in what Shops thoſe ſorts of Machines are wrought to divide us, and that at *Brussels* or *London*; and, in Truth, we ſhould be very Weak to fall into ſuch Snares. As for me, I ſhall never give into them; and methinks my Circumſpection in my whole Conduſt has been even ſcrupulous to a Nicety. Nothing, in my Opinion, can be better, than the Billet I have cauſed to be written by *Ruisigny* to the Earl of *St. Alban*, to ſhew him he had no Foundation but a Propoſal made by the States General themſelves: However, I would not do it without firſt communicating it to

the Sieur de Wit, and learning his Sentiments. The Sieur Van *Bewincken* ſaw, or might have ſeen if he would, *Ruisigny's* Billets to *St. Alban*, and the Anſwers; and he ſhall always have ſuch Liberty. Advice from England informs us, That the King of England, the Chancellor, and *Arlingſton*, have been often that up with *St. Alban*; perhaps it has been to give him Inſtructions for the Voyage he is to make; but I doubt not there was ſome Affection in it; and I Deſire that the Spaniards ſhould conceive a Jealouſy of this Conduſt, and miſtill it into the States General. That Earl ſeeming to have no Relation to any Court but this, by means of the Queen his Miſtreſs. But neither the *Engliſh* nor the Spaniards, know that the ſaid Sieur de Wit, and the chief of the States, had Notice given of all before-hand. In the mean while, the ſaid Earl of *St. Alban* being ſuddenly to be here, and the Conſurers of ſuch Machines having thereby a Proſpect of playing the like Tricks: 'tis very neceſſary the States once for all put themſelves above any ſuch Reports; and for that, I don't know what to ſay to them, after having once given them, and ſo often confirm'd, my Royal Word.

But if by engaging your Honour, and your own Life; by offering, to that End, to ſtrip yourſelf of your Character of Ambaſſador and my Miniſter, in caſe they find I ever enter into any Peace and Friendſhip with the King of England, but jointly with the States of the United Provinces, and King of Denmark, ſuch Expreſſions, and ſuch an Offer, may with the People have any further Weight beſides my Word; you may ſafely do it without running any Risk. In the mean time, if they enquire what's doing by my Order at *Breſt* and *Rechel*, they'll know I have no other Thought, but to continue the War, if a good and ſafe Peace is not to be obtain'd."

(x) *January 31*, O. S. (*February 10*. N. S.) Four Days after which the Earl of *St. Alban* arriv'd at *Paris*.

(y) Alluding, perhaps, to the barbarous Murder of *Doctor Durſſaus*, Miniſter from the Commonwealth of England to the States, by twelve Cavaliers, *May 3*, 1649.

A. D. 1666-7. of a Prince, their Enemy, as having a Tendency to create Cabals, raise Jealousies, and foment Divisions, among a People who were as liable to false Impressions as true: Declares, that this Opinion of his had no other Foundation than their own solid and essential Interest; which he look'd upon as so interwoven with his own, as to be incapable of Separation: And that he had as cordial an Affection for them, as a Father for his Children: Having then qualify'd what he had said thus far, by a personal Compliment to the Honour and Integrity of the King of Great Britain, and took Occasion to insinuate, as if in Acknowledgment of his Majesty's Condescension, that he had sent the Earl of *St. Albans* to *Paris*, with sufficient Powers to treat *there*, he proceeded to recommend *Dover*, instead of the *Hague*: But in a Manner so artificial, as if it was only to demonstrate, that he would not be outdone in Civility by his *Britannic* Majesty.

How this Letter would be relish'd at *Whitehall*, was very clearly foreseen by the *French* Cabinet; for Mr. *de Lionne*, writing to Mr. *d'Esprades*, Feb. 27. N. S. is pleas'd to say, "The King of *England* will have no Reason to complain of the Expressions in his Majesty's Letter to the *States*; and yet the Substance will touch him to the Quick." And accordingly Lord *Arlington*, in his Dispatch to the Earl of *Sandwich*, of Feb. 28. O. S. takes notice, that "the said Letter is full of so many malicious Reflections on his Majesty, that we can by no means like it. And, among them, one, a notorious Untruth, where they say, my Lord *St. Albans* was in that Court with a full Power to treat the Peace *there*. For which they give a curvy Excuse, that if they had thought of it, they would not have put it in."

As it was by this time visible to all Europe, that the *French* would very speedily endeavour to bring their Designs upon *Flanders* into Execution; and the Emperor, by the Will of the late King, had a reverberatory Right to that fine Country, his Imperial Majesty began to think it his Interest to interpose in the Quarrel of the two Maritime Powers; and, as the *Dutch*, by the Means of *de Wit*, were so inseparably attach'd to *France*, to throw his Weight into the Scale of *England*.

Emperor offers his Mediation.

To this End he sent the Baron *de Isola* to the Court of *London*, whose public Errand was to offer his Majesty's Mediation, but whose private Instructions were probably to continue the Broil; since, in that Case, *France* would be less at leisure to pursue her ambitious Projects, and He better assur'd of the Aid of the *English* to defeat them.

To this Minister, who in the Imperial

Court, had the Reputation of being a most consummate Politician, and in that of *France* was consider'd as a downright Trickster, Mr. *de Lionne*, at first, ascrib'd the Nomination of the *Hague* for the Place of Treaty; it being, according to him, a Refinement which the *English* Court was incapable of. In Support of which Opinion he quotes an Information he had receiv'd of a Boast of *Isola's*, That, under the Pretence of waving a Point of Honour, he had given a mortal Blow to the Union between *France* and *Holland*.

But he afterwards gave Mr. *d'Esprades* to (2) understand that his most Christian Majesty was assured the King of *England* was advis'd to propose the *Hague*, by one of the very *States* in the Interest of the Prince of *Orange*; and that he was sensible that all was level'd at Monsieur *de Wit's* Credit and Authority, whom his Majesty was resolv'd to maintain to the utmost.

To whomsoever it was owing, it had certainly a marvellous Effect. All the Superficial, who are the Majority of Mankind, look'd upon it as the highest Compliment the *States* had ever received: And it was the Talk of the whole *Seven Provinces*, that the Glory of bringing three Kings to treat at the *Hague*, was upon no Consideration to be refus'd.

The Provinces of *Holland* and *Friesland* were not only positive for embracing it, but refus'd to furnish their Contingent of Ships, which was thirty, Sail, a Case it was reject'd. *Overysel*, *Groningen* and *Gelders*, were in the Point of doing the same; and it requir'd all the Art, Interest and Application of the Pensioner and Mr. *d'Esprades*, to stem the Torrent which threaten'd to carry all before it.

At length, however, they succeeded, and the Court of *England* had the Mortification to understand, that even *Isola's* boasted Project had fail'd.

In this Interval the Earl of *St. Albans* had enter'd upon his Ministry at *Paris*, which was founded upon the following Proposition:

The Earl of St. Albans's Negotiations at Paris.

That upon Monsieur *Reugny's* Letter of the twenty-fourth of *November*, the King his Master accepted of the Overture contain'd in it; that is, that all things should continue in the same Condition the Fortune of the War had left them; that the *States* should observe the Treaty of 1654, and that they should send their Embassadors into *England* to regulate and settle the Trade; with this Proviso, however, and not otherwise, that the King should restore every thing in *America* to the same Condition it was in before the War; meaning that his Majesty must yield up to the *English* the Island of *St. Christophers*, and the three other Islands his Forces had depriv'd them of.

This

(2) In the same Dispatch, he adds the following stockish Paragraph:

A Man, who understands the *English* (Court) perfectly well, and knows what they are capable of doing, told me this Morning, that in case their Embassadors were admitted to the *Hague*, Monsieur *de Wit's* Person would be in Danger: As he is seldom upon his Guard, I'm of Opinion 'tis a thing not

unlikely; for the *English* may sensible such an Action would shock the State, so that they might make themselves Masters, by the Interest of those who are of the Prince of *Orange's* Party; in the Reason, I am of Opinion, that if Breeds of Dissolut should be shown, 'tis not late for Monsieur *de Wit* to go thither, and should the *English* prefer either of those Towns to *Dover*, that would increase my Suspensions.



This was first communicated to the *Queen Mother*, who took upon her to answer for the Sincerity of the *French Court*, as to their Intentions concerning a Peace: But as the Demand relating to *St. Christophers* was wholly new, would not venture to say any thing decisive upon it. (a) Mr. *Ruvigny* was, therefore, sent for, and made acquainted with it, in order, by his Means, to clear the way, and open the Negotiation: For unless this Demand was admitted, the Earl was to assume no Character, but to remain at *Paris* merely as a Servant of her Majesty's.

Accordingly Mr. *Ruvigny*, having receiv'd his Commission, which was to deliver all he had to say in his own Name only, went to Court, was fully heard, return'd back the next Day with Difficulties and Queries of several sorts; which being as well answer'd as the Earl's Instructions would allow, his Lordship was surpris'd on the Morrow with a familiar Visit from Mr. *de Lionne*; who immediately began to expatiate upon the Inequality of the Demand of the Restitution of *St. Christophers*, when, in order to make up with *Holland*, *England* was willing to leave all things in the Condition the Fortune of War had plac'd them; and concluded with a Declaration, that it was what the King could never comply with. To this the Earl reply'd, That he was sorry to find this was the Disposition of the *French Court*; for if it did not change, his Commission was at an end; nothing being more certain, than that the King his Master, insisted on having all which had been taken in *America* restor'd. *De Lionne* then very artfully hinted, That the Friendship of *England* might be a great Inducement either one way or the other: But that possibly while his most Christian Majesty descended to do what could not be reasonably ask'd of him, *England* might enter into Alliances opposite to the Interest of *France*. The Earl innocently answer'd, He did not very well understand him, but if he refer'd to the Treaty of *Madrid*, he could assure him nothing was as yet concluded. *De Lionne* then ask'd, if he could assure him likewise that nothing would? And, the Earl not caring to go far, proceeded to acknowledge very frankly, that they would not part with such Acquisitions for nothing; but upon Assurances of the King of *England's* Friendship, they would make no Difficulty. *St. Albans*, then said, That if by the King's Friendship, he meant a Conjunction against the House of *Austria*, he would find him in no Disposition to grant it; but if without that Consequence, he would find Inclinations as favourable as he could desire. And now, having brought the Conference to the very Point he aim'd at from the Beginning, and seeming to lay aside all Reserve, *de Lionne* gave his Lordship to understand, That, as a Fundamental, they desired to be attach'd to *Eng-*

land by the closest Ties, which the common Interest of both Kingdoms now render'd necessary: That they were then ready to enter upon that desirable Work; but as it required time to bring it to Perfection, they would content themselves, for the present, with a mutual Promise, or Engagement, not to contract, during the Space of a Year, any League, with any Prince, State, or Potentate, contrary to the Interest of each other.

The rest of the Conference was employ'd in adjusting the Exchange of the Ratifications of which Mr. *de Lionne* drew up three several Forms to be submitted to the Choice of the King of *England*; all being alike indifferent to *France*, and all having one essential, and indispensibly-necessary Article for their Basis, *Viz.* That whatever was transacted, should be in Concert with *France*, *Denmark* and the *States*, and that Powers should be given accordingly.

It ought here to be remember'd, that in Lord *St. Albans's* Instructions, no Mention was made of *Denmark*; a Neglect, which, no doubt, was wilful; tho', perhaps, not merely, to throw an additional Affront on his Danish Majesty; but either to gain time, while all possible Endeavours were continued, to oblige Mr. *de Wit* to admit of the *Hague* as the Place of Treaty, or till the several Instances of the *Imperial*, *Spanish*, and *Swedish* Ministers, which were all employ'd upon that Occasion, should obtain a Suspension of Arms.

But *France* and *Holland* were equally resolv'd never to yield to either of these Points. The first, they openly refus'd; to the last they artfully denurr'd. Thus, Mr. *de Wit*, when apply'd to on that Head, by Don *Estevan de Gamarra*, and Mr. *Friquet*, insidiously, gave them Reason to hope, that the *States* would agree to it; on the Presumption, that the *English* Court would easily believe what they wish'd; and in Consequence neglect the fitting out their Fleet, in order to save their Money. And Mr. *de Lionne*, who very well knew what was doing at the *Hague*, declar'd at *Paris*, that his most Christian Majesty would make no Difficulty to agree to a Cessation, provided the *States* would do the same.

In the mean time, Lord *St. Albans* took care to dispatch an Express to *England* with a Detail of all the Particulars already recount'd; and tho' they were accompany'd with no other positive Engagement on the Part of *France* for the Restitution of what had been taken in *America*, and the consenting to every thing besides insisted on in the said Earl's Instructions, than was contain'd in a Postscript of his Excellency's Letter; signifying, that such a Resolution had been taken in the *French Council*, at which Mr. *Ruvigny* assist'd, they met with such a Reception as immediately produced the following (b) Letter, writ with the King's own Hand, to the *Queen-Mother*.

“ If

(a) It is fit the Reader should know, that Mr. *d'Esperdes* was not let into this Secret at first; and accordingly a very different Account of this Affair is to be found in a Letter to him from Mr. *de Lionne*, dated Feb. 18, 1687.

(b) Here I cannot help expressing my Surprise, that nei-

ther this Letter, nor the previous Conference between *de Lionne* and *St. Albans's*, nor many other Particulars which flow'd from it, have been ever mentioned either by *Rapin*, or any of our own Historians.

A.D. 1686

A Suspension of Arms demanded in behalf of England.

Faults given by de Wit.

A.D. 1666-7.

King's Letter  
to the Queen-  
Mother.

" If I do understand the Proposition made to me by my Lord *St. Albans*, as the Foundation upon which the Peace must be made, the Answer and Declaration I now send your Majesty will be satisfactory, and such as is expected.

I must first tell your Majesty, that I expect every Day to hear that my Lord *Sandwich* hath sign'd the Treaty at *Madrid*; which is only a Treaty of Commerce, and not, in the least degree, with Prejudice to *France*, from which I restrain'd him, against all Temptations.

And I do hereby declare and promise, on the Word of a King, that I yet have not, nor will, for the Space of a Year to come, enter into any Treaty, or make any new Tye with any Prince or Potentate, that may be contrary, or in which I will be engaged against the Interest of *France*.

And in that time I shall be willing to enter into such a Treaty with *France*, as may produce a Union, that may prove most advantageous and beneficial for all our Dominions. And I am sure your Majesty will pass your Word, that I will not fail in any thing I propose."

This sudden, and seemingly sincere, Disposition in the two Courts to embrace each others Offers thus readily and cheerfully, as we are told in a Letter from the Earl of *Arlington*, dated Feb. 28, 1667, to Lord *Sandwich* at *Madrid*, arose from the following Circumstances: *France* had taken a Resolution to break with *Spain*, and seize on *Flanders*; but was apprehensive, that the Jealousy of *Holland* would induce her, thereupon, to clap up a Peace at any rate with *England*; and that both those Powers together would then unite with *Spain*, and make the Defence of the *Netherlands* a common Cause. On the other hand, *France* being so powerfully arm'd, *England* thought it advisable, not to make the Quarrel desperate, for fear she should strike up a Compromise with *Spain*, and fall with all her Forces upon her.

No doubt there is something of Truth in this: But it doth not seem to contain the whole Truth. His Majesty had received

some Trouble in the last Session, apprehended more in the next, and was bent to punish the Duke of *Buckingham*, who was the Author of it. It is probable, therefore, he was desirous to be at Peace abroad, in order to render himself Master at home: And it is remarkable, that those violent Steps before-mention'd were taken against his Grace, immediately after the Earl of *St. Albans* had sent over the Proposal, which his Majesty so soon and so cordially accepted.

It is moreover manifest, that our whole Court-System took a new Bias from this Project of a Reunion with *France*: For the very Letter of Lord *Arlington's*, just quoted, acknowledges, that the State of the Negotiation at *Madrid* was very well understood by our Cabinet; as also what retarded its Progress: And that it lay upon them to furnish his Excellency with new Directions how to proceed: But, withal, gives him to understand, that the Prospect of a Peace with *Holland*, by the Concurrence of *France*, had so alter'd the Face of Affairs, that they could not think it fell out very unhappily for them, to be so naturally and unaffectedly brought into such a Delay; advises, that it was now become his Excellency's Business to improve it, by expostulating on the ill Consequences of pressing so hard in the Point of *Portugal*, who might be thrown thereby irrecoverably into the Arms of *France*; and by keeping to his own former Resolution of dividing the Treaty into two Parts; of which, the commercial he was empower'd to sign readily and positively; the other, conditionally, that the *Portuguese* would accept of it, but without obliging his Majesty to abandon them.

But while the Good-will of *France* became the Sheet-anchor of *England*, that active and politic Court was making its Efforts, as well as extending its Views, on all Sides: Having, by the Contract with the Earl of *St. Albans*, deprived *Spain* of all Assistance from hence, their next Endeavour was to make sure of *Portugal*; which, with their usual Address, they speedily and effectually (c) accomplish'd.

It might now be presum'd, that, as *France* and *England* were in so fair a Way of being once

A.D. 1666-7.

Our foreign  
Politics take  
a new Turn.Our foreign  
Politics take  
a new Turn.Lord Sand-  
wich restrain'd  
to sign a  
Treaty of Com-  
merce only,  
with the Spa-  
niards.France now  
into a League  
with Portugal.

(c) Of this Proceeding Sir *Robert Southwell* the English Minister at *Lisbon*, gave the following Account to the Earl of *Sandwich* at *Madrid*, the very Day the Treaty was sign'd: *Lisbon*, March 31, S.N. 67.

May it please your Excellency,  
" On the 25th Instant, being Friday, I writ unto your  
" Excellency, and therein declared how far this Court ap-  
" peared to be from the Conclusion of their League with  
" *France*. And it is most certain, that the *Comte de Castell*  
" *Mellor*, between a constant Belief that *Spain* would at  
" length yield the Title, and some Dissatisfaction he had  
" received from the *French* Side, he very lately manifested  
" rather an Aversion, than any Desire for it. But, having on  
" a sudden quite chang'd his Resolution, there was called  
" a full Council of the 24th Instant, where it was order'd  
" that a League should be concluded with *France*, and that  
" the *Marquis Marisouan*, the *Marquis de Noifet*, the *Mar-*  
" *quis Goveat*, the *Marquis de Saude* and the *Comte de Castell*  
" *Mellor* should be the Commissioners to treat thereof.  
" Which they the next Day accordingly did, and so on  
" the Saturday, in which time, they having before them  
" the Proposals of Monsieur *St. Remain*, and only once his  
" Company, all the Articles were agreed unto, and pre-  
" sently deliver'd to be put into Form, and so translat-  
" ed into *Latin*.

" The Business was carried so private until Sunday, that  
" one of the Commissioners told me, I knew nothing of it.  
" But then I presently drew a Memorial, and, attending the  
" Comde next Day, I press'd him to suspend the concluding  
" of this Treaty for a time; or at least that some such Ar-  
" ticle of Reservation might be made therein, as that the  
" Peace from *Spain* might be accepted, whenever his Ma-  
" jesty's Meditation could procure it. Less than which his  
" Majesty could not expect, considering his Labours past,  
" and yet continuing, and the great Peril he had for this  
" End expos'd his Own Affairs unto.  
" But, finding the Comde irresistibly bent upon the thing,  
" I desired of him a Passport, that I might by an Express  
" acquaint your Excellency of these Proceedings. But he  
" answer'd me very short, that if I hoped thereby to in-  
" cline the *Spaniards* to any thing, the Treaty would be in  
" vain, for that they here had been already too long de-  
" lay'd, and abused by them, and that now they were con-  
" strained to the thing, it should have a very short Illus-  
" however, that he would present my Memorial to his Ma-  
" jesty the next Day, and procure me an Answer: But as  
" yet I have not received any, altho' the Articles were thus  
" Day interchangeably sign'd." The Treaty it to be found  
" in *St. Albans's* Memoirs.

A.D. 1666-7

once more embark'd in the same Bottom, the Peace was in a manner at hand; and that, on the very Spot where it was first entered upon, it would be finish'd: But vast Machines, tho' not easily put in Motion, are easily stop'd. The Assertion in the most Christian King's Letter to the States, That his Britannic Majesty had sent the Earl of *St. Albans* to Paris with full Powers to treat there, had given his Excellency the utmost Uneasiness: He complain'd to Mr. de *Lionne*, that it even endanger'd his Head, as it argued he had departed from his Instructions: The Queen-Mother espous'd his Quarrel; and those about her interpreted the whole Clause, as a Diminution of her own Honour, and a Reflection upon the King her Son; as insinuating, that he had been to mean as to solicit a Peace from the Court of France. This Ruffle took up four or five Days to compose; and, in the mean while, a very essential Difference arose between the Earl and Mr. *Van Beuninghen*, about the Island of *Poleiron*; the First alledging, that it belong'd to England, in virtue of several former Treaties, which were now to be renew'd and confirm'd; and the Last insinuating, that this Claim was a Departure from the very Foundation of the present, which provided, That all things should remain as they were. The French Ministers were alarm'd at this new Difficulty; and, upon a private Application to *St. Albans*, finding that the King his Master could not drop his Pretensions, without exasperating the whole English Nation, they next undertook to soften Mr. *de Wit*, alledging, as he had done before to them, in the Case of *St. Christophers*, that it would be inexcusable to hinder the Conclusion of a Peace, for the Sake of a desolate Island, which they themselves had purposely ruin'd.

Earl of St. Albans complains of a Clause in the most Christian King's Letter to the States.

A Difference arising between the English and Dutch Ministers, about the Isle of Poleiron;

de Wit resolves to resign it.

But Mr. *de Wit* was inexorable: He urg'd, the Island had been already surrender'd; that it had been retaken during the War; and that the States would expend the last Penny, and hazard the last Drop of Blood, rather than resign it. He was in truth violently bent to carry on the War, at least for one Summer more: He had made great Preparations, form'd great Designs, and saw great Opportunities, which he was resolv'd to improve, of doing Honour to himself, and Mischief to his Enemies.

This Obstinacy on both Sides, of course excited such Difficulties and Delays, as made it absolutely necessary to remove the Treaty from Paris to some neutral Place, accord-

ing to the original Plan. The King of England was complimented with the Choice; and, at the Instance of *Monsieur*, the Queen-Mother was prevail'd upon to overlook the Affront she had before complain'd of, and once more put her Hand to forward this great Work.

In a Word, the King, who was now weary of a War, which was not like to answer the Ends for which it was begun, thought it advisable, or found it necessary, to chuse *Breda*, of which, to the infinite Surprize, Perplexity, and Disappointment of *d'Isola*, he sent Notice to the States, March 18, and demanded Passports for his Embassadors, Lord *Holles* and Mr. *Henry Coventry*; which, immediately after, they granted, and dispatch'd accordingly.

On the very Day, May 5, N. S. that the States sent their Compliments to these Gentlemen, declaring, at the same time, their cordial Disposition towards a Peace, they sign'd the Agreement with France, for the Junction of the Fleets of both Nations; and, while they affected to accommodate Matters at *Breda*, redoubled their Efforts to carry on the War with more Eagerness and Animosity than ever.

Of this the Court of England could not be unappris'd: But King Charles and King Lewis being now sworn Brothers again, they ridiculously trusted to the good Offices of France to divert the Storm, instead of resolving to meet it mid-way, and thereby manifesting, that they were equally prepar'd to be Friends or Foes.

It must indeed be acknowledg'd, that his most Christian Majesty, when press'd by *Van Beuninghen* to hasten the sailing of his Fleet, in order to the intended Junction, advis'd the deferring it for some time, for fear of either provoking the English, or rendering them desperate; and that Mr. *d'Estades*, when he found (*d*) *de Wit* more dispos'd to fight than treat, and resolute to put to Sea, whether assist'd by the French or no, actually dealt underhand with the chief of the Admiralty there, to delay the victualling of Admiral *de Ruyter's* Ship, and seven more First-rates, then in their Harbour, till the End of May; which would make it impossible for all their Squadrons to assemble in the *Texel*, sooner than the 10th of June; in hope, by that time, the Treaty would be in a manner finish'd. And, with respect to the sailing of the Dutch Fleet, the Event was answerable; for *de Ruyter* did not make for the *Texel* till the 29th of May; and it was not

A.D. 1666-7.

King Charles chuses Breda for the Place of Treaty.

Junction of French and Dutch Fleets concerted.

1667.

Mr. d'Estades influences the Admiralty of Rotterdam to retard the sailing of the Dutch.

[d] 'Twill be very difficult to make them [the States] sensible (says Mr. *d'Estades*) of what your Majesty has so rightly judg'd, that it is very improper to run the Hazard of an Engagement, at a time when we are in a fair way of obtaining a Peace; for which Reason, instead of trusting to Uncertainties, the Fleets ought to continue in their Harbours, till we see what our Negotiations are likely to produce: But both the *Sieur de Wit* and the States are deaf to this way of arguing, and are firmly of Opinion, that it is better to conclude the Peace with our Swords in our Hands, than our Enemies may see we are in a Capacity of renewing the War, in case they don't think fit to agree to reasonable Terms. 'Twill be to no Purpose to repeat to your Majesty

what I have urg'd upon this Subject, since I have omitted nothing I thought proper to convince them, which I have still found impossible to be done. All the Hopes I have, are, That contrary to their Opinion the Peace may be sign'd before 'tis possible for the Fleets to put to Sea, provided your Majesty can prevail with the King of England to have the Treaty of Commerce concluded with the States at London; because I am very well assur'd, *Monsieur de Wit* proposes, by the help of some Points in that Treaty, to lengthen out the Negotiation to the End of the Summer, since there are some Matters in it that will require a long Discussion, and will unavoidably keep us backward a great while.

A. D. 1667.

not till the 15th of June, that he made his Entrance into the Mouth of the *Thames*.

But, tho' so much Time was thus artificially gain'd, the intended Use was not made of it by our Ministers at *Breda*: Which was owing to a very extraordinary Measure now taken by the *French Court*, and which we are, in this Place, to explain.

Inferiority of France.

As the Councils of France were never more vigorous than at this Crisis, they were never less sincere. They had concerted a (c) Junction of the two Fleets; which they never in earnest intended to execute: They

had flatter'd *England* with the Hopes of a Suspension of Arms; which they expressly advis'd the *Dutch* never to agree to: Tho' professing to conceal nothing from the *States*; they had made a Secret of the fundamental Article of *Lord St. Albans*'s Negotiation: And tho' they had, in the most solemn Manner, declar'd, they would make no Attempt on *Flanders*, without giving previous Notice to the *States*; they gave Notice of this Design, and in Effect put it in Execution, at the same time: For, tho' the most Christian King's Memorial is dated (f) *May 9*, it was address'd

A. D. 1667.

Teresa Christina King's underhand Plan.

(e) It is true, in a Letter from the most Christian King to Mr. *d'Estrades*, dated *June 8*, there are the following Particulars:

"All that I have further to say, relates to my Fleets going out, for which they have there so earnestly press'd you, and upon which the *Sieur Van Beuningen* is not here silent. You may thereon positively assure the *Sieur de Wit*, and give my Promise, and the Word of a King, that I have no Communication with the King of *England*: for it seems he has some Distrust of it, and that it was that which made me keep my Fleet at this time in Port. But you may tell him, I have sent Orders to the Duke of *Beaufort* to be ready to sail when I shall command him, and that indeed my Intention is, he shall immediately join the *States Fleet*, which I shall do when I discover that the *English* do not take right Steps in the Negotiation of *Peace*."

But this Text, plain as it is, cannot be so well understood as with the following Comment, which is taken from Mr. *d'Estrades*'s Answer of *June 21*.

"We are but too much suspected already, and Mr. *Fan Beuningen*'s Advices and all those they receive from other Hands, have so perswaded them of your Majesty's taking Measures with the *English*, that 'tis not possible to efface this Impression out of their Minds."

"There will remain no Room for them to doubt it, when they find your Majesty's Fleet does not join theirs. As to this, Sir, with Monsieur *Fan Beuningen* could not penetrate into any thing where he is; because the *French* Squadron nor being yet join'd, the *States Fleet* is still also on the Coast of *Zealand*: so that the Case of the Junction will not soon happen, and by this Means we shall avoid telling them the Contents of your Majesty's Dispatch. For if we make that Junction depend on the Proceedings of the *English* Embassadors, the *States Plenipotentiaries* would be sure to oppose us, by alleging, That your Majesty having understood that all Pretensions should be extinguish'd on both Sides, and Monsieur *Fan Beuningen* having acquainted them Monsieur de *Lieuss* had assur'd him of it, the said Embassadors did not do fair, to insist on the restoring the Demands of the *English*, and abolishing those of the *United Provinces*."

(f) Which was to this Effect:  
From the most Christian King to the States General, *May 9, 1667*.

"Most dear high Friends, Allies and Confederates: By a Messenger which we have sent Express to the Count *d'Estrades*, our Embassador Extraordinary at the *Hague*, we have commended him to acquaint you in our Name, as our very good Friends and Allies, with our Resolution of having a Recourse to Arms, which our Honour and Interest, after a long and open Denial of Justice, have at length oblig'd us to in Vindication of the Rights of our dearly beloved Consort the Queen, and our most dear Son the Dauphin. To this end we have appointed our said Embassador to communicate to you a Writing we have ordered to be compiled, and published, that all Christendom may see the Reasonableness of our Pretensions, together with the Copy of a Letter we have this Day written to our most dear Sister the Queen of *Spain*. You will observe in the first Piece the Equity of our Conduct, and that without an Intention of breaking the Peace, or claiming what belongs to another, our Desire is only to secure our selves from Oppression, either by the Force of Arms, or by a reasonable Accommodation, to which they shall always find us well dispos'd. Referring ourself for further Particulars to our said Embassador, we pray God, &c."

Dated at *St. Germain*, *May 9, 1667*.

On the very same Day his most Christian Majesty address'd the following Letter to the Queen of *Spain*:  
"Most high, most excellent, and most potent Princess, our very dear and beloved Sister: The sincere Desire we have always had to procure, and preserve the publick Tranquillity, of which the Treasuries of *Hispallia* and the *Pyrenees* are sufficient Demonstrations to the whole World, oblig'd us yet farther, towards the Close of the Year 1665, in a

very earnest Instance, which, however, met not with a due Reception at *Madrid*, so to provide, that nothing for the future should be able to destroy that good Understanding and Amity, that had been so happily established between the two Crowns, and even cemented by our august Marriage.

'Twas by these Motives the late Queen, our ever honour'd Lady and Mother, did at our Request charge the Marquis de *Franca* to write in her Behalf to your Majesty, that being fully informed of the Queen our dearest Consort's Pretensions to several Dominions in the *Low Countries*, and having found the same solid, just, and incontestible, far excellently conjur'd your Majesty, by the tender Affection he had for you, to suffer yourself to be informed of the Equity of the said Pretensions, and take a particular Cognizance thereof; to the end that being equally sensible of the Justice of them, your Goodness might, in the End, incline you to give us Satisfaction by some reasonable Accommodation, that might root out all Grounds of a Misunderstanding between our two Monarchies. She was so fully acquainted with our Sentiments, as to be able to answer for us, that we would be very reasonable in our Demands; and finding herself near her End, next to her own Satisfaction, the desir'd nothing in this World more earnestly than the Satisfaction of having been a Means of establishing between our two Houses that Unity and Affection, which the fore-said would be weaken'd by these Disputes. These Particulars cannot have escap'd your Majesty's Memory, nor can the Ministers of *Spain* forget the Answer they oblig'd your Majesty to return, by contrary to her late Majesty's Affection and Piety, and so remote without doubt to your own Inclinations for the publick Tranquillity. Your Majesty's Answer was, That you would in no manner, nor upon any Consideration whatsoever, enter upon a Discussion of that Affair, nor treat or agree upon any thing relating to those Claims, which you said you knew had no Foundation; and immediately thereupon your Majesty sent your Orders to the Government in *Flanders*, to require the Oath of Fidelity from the States of the Country, and all the People in general, which 'till then had been omitted ever since the Decesse of the late King our Father-in-law. This your Majesty's absolute Denial of doing as Justice, and your Resolution of securing to your Majesty, by an Oath of Fidelity, a People that are effectually our Subjects in Claim of the Queen our Consort, having reduc'd us unwillingly to the indispensable Necessity of either being wanting to our own Honour, to ourself, to the Queen, and our Son the Dauphin, or of endeavoring to right ourself by the Force of Arms, we have chosen that Part to which common Honour and Justice have directed us, and by this Course which we have dispatch'd Express to the Archbishop of *Salamanca*, our Embassador at *Madrid*, we have appointed him the said Embassador to acquaint your Majesty with the Resolutions we have taken of marching in Person towards the End of this Month at the Head of our Army, to endeavour to put ourself in Possession of what belongs to us in the *Low Countries* in Right of our Wife, or of an Equivalent thereto; and at the same time to present to your Majesty a Writing we have had prepar'd, declaring the Validity of our Demands, and effectually answering the frivolous Objections contain'd in some Libels published by the Governor of *Flanders*. In the mean time, we hope much from your Majesty's Equity, and that as soon as you shall have read and examined the said Writing, you will highly condemn those that advised your Majesty to refuse and oppose a Demand so evident and reasonable, and that your Majesty will be easily perswaded to accept of those Means we have offer'd to you, and do now offer, in order to put an end to the present Dispute by an amicable Agreement. In this Case your Majesty may be assur'd of two Things; the first is, That we will insist upon nothing but what is just and reasonable, when compar'd to the Quality and Importance of our Claims; and secondly, That should our Arms have the Success we may reasonably promise ourself from the Justice of our Cause, our Intention is not to seize on more than what of Right belongs to us, or may be thought an Equivalent to it, whatsoever we can obtain it; and that

A. D. 1667.

dress'd to Mr. d'Esprades at Breda, and was not communicated till the 16th; and on the 25th his Majesty set forward from Amiens, upon his Expedition into *Brabant*.

Tho' the *Dutch* had long expected and fear'd this Event, they were astonish'd when it took place: Even the *Penſionary* expostulated warmly with Mr. d'Esprades upon it; the *States* avow'd their Surprise; the Partizans of *France* could not open their Mouths in Vindication of it; and the whole Republic concluded, that where the Ties of Blood had no Hold, those of Friendship would last no longer than Convenience lent them Force and Efficacy.

As to the rest of the Dominions of our most dearly beloved Brother the King of *Spain*, having first receiv'd or fear'd what is justly due to us, we shall be always ready to protect and secure them to himself, and his Posterity, which we pray may be numberless, and without end; and we shall moreover most religiously observe the Peace, as we shou'd the Marquis de Fuentes at his Audience of Leave, having no Design on our Part of infringing it by our marching into the *Low Countries* in the Head of our Army, which is intended only to put us in Possession of what belongs to us of Right. We pray God, most high and mighty, &c."

The Queen of Spain's Answer, dated at Madrid the 21<sup>st</sup> of May 1667.

"Most high, most excellent, and most potent Prince, our most dear good Brother; the Archbishop of *Ambrus*, your Majesty's Ambassador at this Court, has deliver'd me your Majesty's Letter of the 9th Current, accompanied with a Book and a Writing of yours representing largely the Motives that induced your Majesty to take up Arms, by virtue of the Rights which are said to belong to you upon the Provinces of the *Low Countries*; as to which, you will be satisfi'd more particularly, *Before* the mean time, I have not been willing to defer answering the aforementioned Letter, which has caus'd in me a great Admiration by the Novelty of such a Design: And tho' your Majesty intimates that the most Christian Queen my Sister, (who is in Glory) acquainted the Marquis de la Fuentes with it; and I well remember that he wrote to me upon this Affair, I always believed that it was nothing but domestic Discourse, and in Confidence, since this was not done with the Formalities of an Ambassador, or of your Majesty's Minister, or in your Royal Name: and I am so much the more confirm'd in the Truth of this, because having answered the Marquis a small Part of the many Things I was able to say, no more was said of it; and the being silent after it, must be become Information had been given of the Right of the King, my Son, and 'twas plainly acknowledg'd. Besides that this Intimation was not made at all with the requisite Formalities by the Articles of Peace, in order to prevent the Rupture, principally having regard to what is certain was stipulated in the 9th Article of the *Pyrennean Treaty*. That Demands of this Nature, tho' they had not been remou'd, ought not to be prosecuted by Arms, but by an amicable Way and Course of Justice: And since your Majesty says now that you are ready to make an amicable Accommodation, I agree to it also most willingly, being, as I am, dispos'd to enter into a Conference upon the said Rights; and that they examine the Justice of them, or the Means of Agreement; to effect which, we will receive Persons and a Place of Meeting; but it is nevertheless necessary that in the Interim, both Parties should forbear all manner of Ways of Hostility and Arms, hoping that your Majesty will be satisfi'd with this Offer, since, if it shall not be found convenient, I am oblig'd in Confidence, and by the Royal Office of Guardianship of the King, my Son, to defend his lawful Right by the same Ways.

On the 14th the Marquis de Capel Rodrigo, had published the following Manifesto, which he fully expresses the Conduct of *France* at this Time, that it would be inexcusable to omit it.

"The Informations we have received from all Parts so confidently assuring us, That the great Preparations your Majesty is now making, are intended against these Countries, that it is now no longer made a Doubt: And there appearing to the World no just Reasons, why your Majesty should violate a Peace, in which the Crown of *Spain* was content to sit down with Proſperity, leaving the Advantages of it to your Majesty; its principal Aim being only to restore Peace to *Christendom*, and put an End to a War, which had involv'd the poor and innocent Subjects of each Party in so much Misery and Ruin; and being desirous to prevent a Relapse into a greater, in which all Europe will have a Share, should the Rupture rather be founded upon Will than

But what gave this Alarm to *Holland* seems to have excited no Uneasiness in *England*; on the contrary, it was here esteem'd the most favourable Circumstance which could have happen'd. The *Dutch*, which now imagin'd, would entertain such a Dread of *France*, especially as they had Reason to apprehend some Trouble from *Sweden* at this Juncture, and find it so necessary to be well with us, that we thought ourselves in a manner sure of a Peace, upon our own Terms. This induced us to rise in our Demands; at least, to persist in that of *Pohron*, which we ourselves had (g) wav'd at *Paris*, and which had been always for peremptorily refus'd by the

A. D. 1667.

Court of *England* takes the Advantage a Stand upon higher Terms with the States:

Reason. I have thought it an Incumbency both upon my Place and Duty, to present to your Majesty the Scandal that will be given to all the World, when they shall see your Majesty engaged against a Brother of only six Years of Age; and against a Regency subordinated to the Laws of a Tyrant, without any Form of Justice, or Observance of the Rule of first demanding Satisfaction. If your Majesty hath any Pretension or Dissatisfaction, Reason and Justice require your Majesty should first declare and justify them, not only in particular to the Parties interested, but also to the neighbouring Princes, to the Countries in Dispute, and to your Majesty's own Subjects; since by the Law of Nature, nothing can be exacted or forcibly taken away from one's own Subjects or Slaves, much less from one that is wholly innocent, where the Government is ty'd up by a Regency, to the Prejudice of the Subjects of both Parties, and of the *Roman Empire*, by virtue of whose Laws, and without whose Knowledge, to noble a Member as the Circle of *Burgundy*, cannot be taken away. This Proceeding violates the Peace of *Maaſtricht*, by which (as also by our Peace which was since concluded) it was capitulated, that, in Case of a Rupture, the Parties concern'd should have six Months Notice of it, and infringes the Peace of our Neighbours, whose Commitments will oblige them to Interest themselves in a Common Danger. Besides this, your Majesty was pleas'd to tell the Marquis de la Fuentes, at his Audience of Conſe, that he was a Witness with what Earnestness you intended to preserve the good Correspondency and Peace between both Crowns; and that he should in your Majesty's Name, assure the Queen my Mistress, that you would continue it in the same manner, and with the same Good-will; giving likewise your Ambassador at *Madrid* the very same Charge.

I leave it, Sir, to the Consideration of your Majesty, how remote it will be from the Justice, Christianity and Generosity of your Majesty, to attempt an Invasion without any of those Formalities and Interpositions, which all Christian Princes have always observed: that to your Majesty, as the most Christian, may not introduce an Example, which, as it is contrary to all former ones, so it may prove prejudicial to yourself, and your Posterity.

I do not desire your Majesty to prejudice your own Rights, (if any such you have) only that you would declare them, if you pursue them; nor that you should suspend the Use of Force, if Satisfaction be deny'd you; but that before you begin your March, or any Hostility, which may render an Accommodation impossible, you would prevent the *Mischief* that may ensue upon it to all Christendom, by giving place to a Negotiation. I am firmly perswaded, that the Queen my Mistress, will give your Majesty all reasonable Satisfaction; and that she will not refuse to refer the Cause, wherein both Parties are interested, to the Cognizance, Mediation, and even the Decision of any of those, that may be concern'd in the *Mischief* the Rupture will occasion; obliging myself, (as soon as I know the Cause and Pretensions of your Majesty) to give account of it to the Queen my Mistress, who, I doubt not (to let the World see her good Intention, and the Justice of her Proceedings) will not refuse to refer herself to the Judgment not of one Country only, but of the whole World, and in particular, of all the Princes of the Sacred *Roman Empire*, of the Crown of *England* (supposing that your Majesty is very near a Peace with it) and of the United Provinces our Neighbours; to the end, that their joint Pleinpotentiaries may see the Reasons, and justify those that have Reason on their Side, before any Advance be made by the Force of Arms; considering there is nothing that so far preſseth you, nor any Danger in Suspension that should be preferred before the Common Interest; by which each Party may justify to the World the Events which may happen.

(g) "The Earl of *St. Albans* came Yesterday, to assure the King, in his Master's Name, that the life of *Polignac* should be no Obstruction to the Peace's desire, however, that we would do all we could to obtain a Reſtitution, or an Equivalent." Memorial from the King to Mr. d'Esprades, of May 9.

A. D. 1667.

the States; and to renew the old Claim, relating to the Ships *Bonaventure* and *Goodhope*. For these Reasons, it was in vain that the French Plenipotentiaries, *d'Esbrades* and *Coartín*, us'd the most pressing Instances with those of England to hasten the Conclusion of the Peace, and offer'd to retard the sailing of the Dutch Fleet a whole Month, upon that Condition. Mr. *Coventry* had repeated Orders from the (*b*) *Chancellor*, not to recede. Both he and his Colleague, being ty'd up by these Orders, would listen to no other Terms; and expected to obtain by Treaty, what their Master was not in a Condition to exact by the Sword.

But fatally  
deceive them-  
selves.

One Mistake in Fundamentals produces a Thousand more. The Resentment of the States against England was, at this time, infinitely stronger than their Fear of France; they suspended their Concern for Flanders till To-morrow, but they resolv'd to be aveng'd To-day. In short, *de Wit*, who was now at the (*i*) Height of his Power and Credit, made the Humbling of his own peculiar Enemies his first, if not his sole Concern; inasmuch, that when Don *Estevan de Gamarra*, by Orders from the Marquis *de Castell Rodrigo* press'd him to have a due Sense of the instant and imminent Danger to which Flanders was expos'd, from the affecting Consideration, that the Republic would be swallow'd next; and would have persuaded him to assist them but with 6000 Foot and

2000 Horse; for the Payment of whom, a Fund was already provided at *Antwerp*; he was so far from complying, that he answer'd, It would be Prudence in the Emperor and King of Spain to prevent the Storm which threaten'd them, by giving a due Satisfaction to the most Christian King; that both he and his Masters were in the Interests of his Majesty, and consequently, had nothing to apprehend from his Arms, which, he was thoroughly convinced, would not be directed to the Prejudice of the Republic.

With these Thoughts, and in this Disposition, as if careless and fearless of what might happen by Land, the *Peninsular* apply'd all his Powers and Faculties to the fitting out the Fleet, and the making use of the present favourable Opportunity to give the Law by Sea: Such being his extreme Ardour and Impatience to bring this favourite Project of his into Execution, that, as soon as fifty Ships were ready, he sent his Brother on board, in Quality of the States Deputy, with Orders to set sail, tho' twenty more capital Ships, allotted for this Service, were not yet in a Condition to join him.

And now it was that England was to suffer the greatest Disgrace that ever befel her: The once poor and distressed States, who had sworn Allegiance to a (\*) Subject of England, and had grown up under the Shadow of the English Throne; who had sunk under the superior Genius of the English

Common-

(b) His Lordship, likewise, writ the following Letter to Mr. *Rovinsky*:

"I could wish, Sir, with all my Heart you were at Court, or, at least, I wish you could accompany the Earl of St. Albans to support what he has Orders to represent; for very far from drawing any Advantage from the Preliminaries already adjust'd, and so many Assurances of the King, your Master's Friendship, his Embassadors at *Bruxels* seem to approve of whatever the Dutch and Dutchess advance; whose Proposals are so extravagant, and so little conformable to what we have Reason to expect, that 'tis impossible for them to have any good Effect. I confess, so strange a Proceeding, and so contrary to the Assurances given us, has extremely surpris'd me; and I assure myself, you will no less wonder at it, and will as well as I, think it impossible to re-establish mutual Confidence, if the Ministers of France continue to act quite contrary to what was promis'd us."

To this, among other things, Mr. *Rovinsky* reply'd as follows: "You cannot but remember, that, pursuant to your Council, the King my Master deferred the Execution of his Design; and that in one of your Letters you wrote me, that such a small Matter, speaking of *Palermo*, which is without Comparison of more Importance than those two Ships, should never hinder the Conclusion of the Peace. However, since the King entered *Bruxels*, it seems as if there was nothing to be done but to break with the Dutch, or force them to consent to the propos'd Pretensions. They may be compell'd to observe the Treaty of 1662, if you agree to the abolishing of all Pretensions on both Sides, before and after that War, as has been often offer'd with great Resistance. This was the Reason that the States General were given to hope for, and expect it, no Doubting being made 'twixt you and your Intention. If this Pretension continues, 'twill extremely pleas'd Monsieur *de Wit*, if giving him a Colour to continue arm'd; the War is for his Interest, tho' not for his Masters. Methinks the English are very much concern'd to separate us from the Dutch, and to unite closely with France, who passionately desires it. It is possible that a Trifle can hinder a Peace so far advanc'd, and so advantageous to the two Crowns! I cannot so much as imagine it, when I consider the King, your Master, knows what's for his Honour and Interest better than any one: God direct the Councils!"

In the mean while, my Lord, I tell you with Confidence, That the King my Master can continue this War, and end it when he pleases; permit us not to go any farther. 'Tis time to close, and adieu you I am, my Lord, &c.

(i) In a Letter from Mr. *d'Esbrades* to the King his Master, dated June 21, he speaks of the *Peninsular*, and his present Views, in the following Manner:

"Monsieur *de Wit* is full of Ambition, and would have all things preserve the Authority he has acquir'd. He fees plainly, if the War continues, the Province of *Holland* cannot be without him; and that, as long as it lasts, he will not re-establish the Prince of Orange in his Father's Offices; he fears if a Peace was concluded, because he should not then be wanted so much, and would become a private Man; nay, that he may be oblig'd to give an Account of his Actions, and try him for several things he has done, perhaps with a good Design, against the Forms of the Government. This is the Reason he has made use of his Interest to hinder each Province's sending a Deputy to this Assembly, thinking he may more easily govern a small Number than a greater; and that having here a Man of his Cabal of great Capacity and Resolution, he should be Master of the Negotiation. It has happen'd well for him, that the English have started a Difficulty on a Point all the Provinces thought to be regulated, and which your Majesty look'd on as such, he cunningly makes use of this Occasion to break with them, and would be forty their Embassadors did not talk as they do. *Beverning* pretends to be gone, the Deputies of *Zeland* and *Frisland*, who have not by their Instructions Liberty to charge a Thing which passes for certain in their Provinces, dare not speak of it; and as long as this Difficulty shall subsist, they cannot declare for the Peace."

That Monsieur *de Wit*, who has already engag'd his Country and your Majesty in this War, by sending *d'Royter* to *Galley*, without saying according to the Dispositions of the Fourteenth Article of 1662, till the Term was laps'd, in which the King of Great Britain should have given Satisfaction for the Damage done by Sir *Robert Holmes*, thinks he shall still be able to keep your Majesty and his Country in it; and without examining if the Difficulty the English term be important enough to deserve to break off a Negotiation, rather than get over it; he is satisfy'd he has so well manag'd the Cities of the Provinces, that all the Fault of the Rupture will not fall upon him, but be imputed to the Enemies of the State.

To this End, he has been in all the Cities; and, as soon as the Assembly of the Province was to meet, we knew what would be said, that we would oblige them to make a shameful Peace. This is what he has spread up and down in his Journey to prepare the Minds of the Deputies not to agree to the Proposal of referring the Affair of the two Ships to the Admiralty of *Amsterdam*, or suffer that the Demands of the English should be reliev'd, in a Treaty, in which all those of the Dutch would be extinguish'd quite."

(\*) The Earl of *Leicester*.

A. D. 1667.

*Commonwealth*; and humbly sued for Mercy, at the great *Prateſtor's* Foot-ſtool; now rode Sovereigns of the Sea; inſulted the Coaſts and Harbours of England; filled the (*k*) *Thames* with their Fleets; attack'd, and half-deſtroy'd, the Royal Navy at *Chatham*; advanced up the River, almoſt as far as *Tilbury*; laid the Country under Contribution; ſtruck Terror and Diſmay into *London* itſelf, and more expoſed the Nakedneſs of the Government, than all the Invectives of all its Enemies.

Let our Enemies recount the Particulars.— It ſhall be ſufficient for us to obſerve, that, tho' the Nation, after having granted ſuch mighty Sums for the carrying on the War with Vigour, found itſelf, as it were, abandon'd to the Enemy, and was provok'd beyond Meaſure at an Inſult, which had no Precedent in our Story, ſo exemplary was its Loyalty, that, when the King made a Speech to the Citizens on *Tower-Hill*, to perſuade them not to deſert him, not one diſreſpectful Whiſper eſcap'd againſt his Conduct: Nor, of all the Numbers which had been ſo often accus'd of Sedition and Diſaffection, and ſo ſeverely puniſh'd upon Suſpicion only, does it appear, that any one Man attempted to make a Diſerſion in favour of the Enemy, tho' the Parties they ſent on ſhore were commanded by one *Doleman*, a *preſcrib'd Republican*.

Some of our Writers aſſert, that our Court was led into this inexcusable Negligence and Security by a Letter from the *Queen-Mother* to the King her Son; aſſuring him, the *Dutch* would have no Fleet at Sea that Year. But, as no Authority appears to juſtify this Aſſertion, it deſerves no Credit, and therefore ought not to have been made.

Others again, ſpeaking of the Delay of the Money-Bills in the Houſe of Commons, make no Difficulty to conclude, that from thence it became impracticable to fit out a Fleet, to be as early at Sea as the *Dutch*. But there is much Diſingenuity in this Way of Reaſoning; for, before *Chriſtmas*, the Commons had ſat twice a Day, to perfect the *Peace-Bill*; which receiv'd the Royal Aſſent Jan. 18; as did likewiſe the *Subſidy-Bill* Feb. 8; and it was not till the 1<sup>ſt</sup> of June, that the Enemy came to Anchor in the *Gulfſtret*; a Space of Time ſufficient, under an able, honeſt, and active Government, to have prepar'd and put in Motion the whole naval Force of the Kingdom; as is apparent from what was done by the *great Parliament*, or *Commonwealth*. For, after *Van Tromp* had fail'd thro' the Channel, with a *Broom* at his *Maſt-head* (a *Dutch* Conceit, to ſignify he had ſweep'd it clean of Enemies) in ſix Weeks Time, a Fleet of full ſixty Men of War were put to Sea; which, in a few Days after, met this

vaunting Hero in open Sea, and, after a three Days deſperate Engagement, chas'd him into his own Ports.

The naked Truth is, the King apprehending, with Reaſon, that he ſhould find ſome Difficulty in the Affair of the Supply next Seſſion, reſolv'd to part with as little as poſſible of that which he was already in Poſſeſſion of: In order to which, a Project had been, early in the Year, agreed upon, to diſcontinue the Manner of carrying on the War, which had been, till then, in uſe, of fitting out huge Fleets, and putting the Iſſue upon general Engagements; and to turn over the Men into the Merchants Service; as what would, at once, leſſen the Charge upon the Revenue, and increaſe the Receipts of the *Custom-houſe*; with the Reſerve, however, of two ſmall Squadrons; one of which was ſent to the *West Indies*, under the Command of Sir *John Harman*; who there behav'd in ſo gallant a Manner, as was ſufficient to ſhew, that the Diſgrace at *Chatham* was not to be imputed to the Body of the *English* Nation.

We muſt now return to the Treaty of *Breda*: But not to tread the perplexed Labyrinth of thwarting Demands, ſly Eviſions, counterfeit Menaces, and real Difficulties, which make up the Detail of that Proceeding; for that would be an uſeleſs, and almoſt endleſs Work.

When *Meffieurs Holles* and (*1*) *Coventry* were moſt peremptory in their Demands, and affected to be moſt indifferent as to the Succeſs, came Advice of the *Clatban* Affair; as likewiſe, that the *States* had made two Demands upon *France*; one of which was, That, while their Fleets cruiz'd off the Coaſts of *Scotland*, and block'd up the River *Thames*, and the *Danes* ſecured the *Norway* Seas, his Majesty ſhould ſend a Squadron to take Poſſeſſion of the Mouth of the Channel; whereby *England* would be inveſted on all Sides, and its Commerce entirely broken: And the other, to equip them with a Supply of *Fireſhips*, their own being entirely conſum'd, to enable *de Ruyster* to finiſh at *Portsmouth*, what he had begun in the *Medway*.

As the Government of *England* was not now animated with ſuch a Spirit as roſe under Calamities, and was ſuperior to Miſfortune, this dreadful Circumſtance of Affairs carry'd along with it more of Diſmay than Indignation. Inſtead therefore of awakening the Reſentment, and collecting the Strength, of ſo great and brave a People, to make one noble Effort to be aveng'd of a proud, inſulting Enemy, they choſe to put up the Aſ-front, and ſwallow the Terms which had been ſo long and ſo haughtily refus'd.

Tho' the *Dutch* could not make it fairly appear, that they had reſtor'd the *Iſland of Paleron*,

A. D. 1667.

Ibid. vol. 1.

The extreme Danger of the Kingdom.

Lord Arlington's Letters.

(1) Lord Arlington, in a Letter to Sir William Temple, informing him of the *Dutch* Fleet's being upon the Coast, adds, *If they have ſome known Exploit to do upon us, their Undertakings are very juſtifiable.*

(2) More eſpecially the laſt; for which the Reader will find a Reaſon in the following Paragraph, taken from a Let-

ter of Mr. de Lionne's to Mr. d'Eftrades, dated from *Doway*, July 16.

"Into ſuch Inconveniencies has the Intereſt of private Perſons brought them [*the English* Court]: And if Mr. *Coventry* and others, had not a Share in the pretended Satisfaction for the two ſhips, the Peace had been made, and the beſt Ships in *England* had not been burnt."

A. D. 1667.

*Poleron*, before the War broke out, as they pretended, they were suffer'd to keep Possession of it: The very (m) Claims on account of the Ships *Bonaventure* and *Goodhope*, which were the leading Pretence for commencing the War, were given up: And tho' Sir *Johu Harman* had, by this time, recovered the Islands in the *West Indies*, which had been taken from *England* during the War, and defeated both the *French* and *Dutch* Squadrons in those Parts, *Acadia* was surrendered to the *French*, by way of Exchange for *St. Christophers*, &c.

It must, however, be acknowledg'd, that *England* was now at the (y) Mercy of *France*. The King, in his Distress, had been oblig'd to dissipate a great Part of those Sums, which perhaps for a much worse Purpose had been sav'd. To retrieve the Navy, in a Time of such Confusion and Necessity, without the Assistance of Parliament, was impossible. Besides, *de Ruyter* still scour'd the Channel, from End to End; and had the Duke *de Beaufort* receiv'd Orders to join him at this Crisis, in all human Probability, it would have been an Age, at least, before *England* had been again a Maritime Power, and in a Condition to assert the Sovereignty of the Seas.

But, for the same Reason, that his Majesty's Christian Majesty first sided with the *Dutch*, he now thought it his Interest to interpose for the Preservation of the *English*; for not being able to subdue Both, it became necessary for him, that Neither should obtain too great a Superiority over the Other: And thus, as we pretend to hold the Balance of Power by Land, he had the unquestionable Happiness and Glory to hold it by Sea.

The *English* Ministers, however, thought it convenient for them to lay the Blame of (o) the whole Year's Misfortunes on the *French*; who, as they daily complain'd to the *Spanish* Ambassador, had safely bubbled them. So natural is it, says Mr. *de Lionne*, on that Occasion, when blameable ourselves, to recriminate upon others.

To turn our Backs, for good and all, on this shocking Scene: The Peace was concluded at *Breda*, June 29. The Ratifications were exchange'd, August 14, and ten Days after, it was proclaim'd in Form.

While the *Dutch* were yet in the River, and no body knew what a Day or an Hour might produce, a very close Correspondence was struck up between the Court and the City: For, after the King had made his Speech

(m) Of the State of this Affair, before the War began, Sir *William Temple* gives the following Account to his Brother, from the Mouth of the Pensionary *de Wit*.

By the Treaty between *Cromwell* and the *States*, their Claim was left as it was, that is to say, depending by way of Law Suit, before the Magistrates of *Amsterdam*:

"That Mr. *Cary*, who was employ'd to pursue it, in the Name of *Cromwell's* Executors, had brought it very near a Composition, demanding forty-thousand Pounds, and the *Dutch* offering thirty. That he, [Mr. *de Wit*] to end this Affair, had appointed a Meeting with Mr. *Cary*, who had since confessed to his Friends, that he was resolv'd to end it at that Meeting, and rather to take the *Dutch* Offer, than let the Suit run on. But that very Morning, Sir *George Downing* sent for him, told him it was a Matter of State between the two Nations, and not a Concern of private Life only, and therefore, absolutely forbid him to go on with any Treaty about it, otherwise, than by his Communication and Consent. That he would put in a Memorial to the *States* upon it; and instead of forty-thousand Pounds, which he demand'd, would undertake to get him fourscore; and that he was sure the *Dutch* would give a great deal more, rather than venture a Quarrel with his Majesty.

"This Course he pursued, made extravagant Demands, and, with great Insolence, made the same Representations to our Court, and possessed some of the Ministers, that he could get great Sums of Money, both for his Majesty and them, if they would suffer him to treat this Affair after his own Manner: For he was sure the *Dutch* would go very far in that kind, if they saw there was no other way to avoid a War with *England*."

That Mr. *de Wit*, for his Part, thought they were a free State no longer, if they should yield a Point that they not only knew we had no Ground for, but were sure we knew it as well as they; and that whatever the *States* should give upon this Occasion, might be demanded at any time, by our Court upon any other, since none could have less Pretence.

(n) If the Reader thinks I make use of too strong an Expression in this Place, let him read what follows, which is Part of a Dispatch from Mr. *de Bylander* to the most Christian King, dated from *Breda*, June 30, 1667.

"We did not think fit to trust our Thoughts of the *States* Demand of your Majesty's Fire-ships, in the Letter we gave their Courier. But we take the Liberty to represent them here, and that in, that if you don't agree to what they desire, under Colour you have not Fire-ships for your Fleet, it may hinder some new Enterprise. The *States* have done enough to render the *English* discontent. Your Majesty has no Part in it, and will judge better than we can, whether 'tis for your Interest to make use of your Forces to complete the Ruin of the King of *Great Britain*, when he is dispos'd to almost whatever is required of him.

The Ambassadors of *England* are by what we have said to

them so far convinced, that your Majesty can no longer defer the Departure of your Fleet from *Brussel*, that they being not to be in any Doubt of Monsieur *de Beaufort's* being put to Sea; and they are perswaid your Majesty has no long delay'd sending him your Orders with all reasonable Regards to the King of *Great Britain's* Interests, to give him an Opportunity to coincide the Peace. Upon which we believe, if your Majesty, refusing your Fire-ships to the *States* thro' this Consideration that you are about to send it to cruise at the Mouth of the Channel as they desire, should order Monsieur *de Beaufort* to sail, your Majesty would content your Allies, avoid the Occasion of doing the *English* a greater Mischief, and reduce them, however, by this Step, to a greater Necessity of finishing their Affairs here. Experience has shewn us that the Misfortune which has happened to them, has already render'd them more tractable, which gives us Reason to believe they will become wise at last, and determine to take good Measures."

(o) Of the Peace itself, we have the following dependant Account, in a Letter from Mr. *Covey* to Sir *William Temple*.

That between the *States* and us consists in absolute Abolition of all Pretences on either Side; each to remain Masters of what they were in Possession of the 1st of May, 1667; what since taken to be restored. As to Land, Forts and Ships, are yet liable till after Publication, when all Hostilities are to cease, within twelve Days in the Channel, and so proportionably in other Seas; then the whole Treaty of 1662 renew'd, and we both to make use of the Articles between *France* and this *State*, for Contraband Goods, till such time as we can agree of one between ourselves. The rest is a Restoring of the Treaty in 1662, as to all its Articles, except the several, wherein our Pretensions are contain'd. As to the Act of Navigation, you will hear much Noise that it is renew'd. I here there is no such thing; neither doth the Article about that Matter, give the *States* any more Advantage, than, as I conceive, the Act gave them before. As to the *French*, we restore all to each other that each hath taken, and all things done put in Oblivion. As to *Denmark*, the Debt he owed the *Hamburg Company*, *France* standing very firm to him upon the Point, and their greatest Argument was, that it was not a Debt contracted by him or his Father; but, on the contrary, imposed on his Father for having assisted the late King: And besides, they gave us our Choice either to agree thus or to account for what had been taken on each Side, and render: The latter was thought the more prejudicial to the King our Master, and so this hath pass'd, and there is, I think, the Substance of the three Treaties.

Sir *William* had likewise a Letter from Lord *Hellou*, after the Peace was sign'd; but he reserves what he has to say till they might at Leisure discourse of the present Posture of Affairs, and make those same Reflections which they desire; and which, said he, could be much better for a Conference than to be set down on Paper.



*D. 1667.* Speech on *Tower-Hill*, the Lord Mayor and Aldermen waited upon him at *Whitehall*, with an Address, expressing their Loyalty and Devotion to his Service, and desiring his Majesty's Interposition, for preserving the Peace of the City, &c. His Majesty, on the other hand, most complacently left all to their Prudence; promis'd not to be wanting in any thing that might demonstrate his unwearied Care and Concernment for them; of which they should hourly find the Effects: And desir'd to hear from them on every Emergency, as they should from him, on every necessary Occasion.

Gazette,  
Numb. 165.

Public Credit  
stock'd.

But all these fine Things did not remove the Panic, which was gone forth among the People. The public Creditors, in particular, who had advanced the necessary Sums for the public Service, pour'd in their Demands on the respective *Goldsmiths*, who were Agents for the Loans; all insisting on present Payment, and thereby demonstrating, that they had parted with their Money, not so much to assist, as to prey upon, their Country. Hence, a thousand new Difficulties arose; a thousand new Dangers were fear'd; a general Stagnation threaten'd to make way for a general Bankruptcy; and, consequently, all the Wheels of Government, as well as Commerce, would stand still.

A Proclamation  
thereon.

Gazette,  
Numb. 166.

To prevent, therefore, as much as possible, the very Approach of so overwhelming a Calamity, a Proclamation was issued, signifying, That, as the Course of Payments in the *Exchequer*, had, hitherto, been punctual, and according to the Order, even in that Time of Disturbance, and Interruption of Payments, among his Subjects; so his Majesty's steadfast Resolution was, to preserve inviolably to all his good Subjects the Securities and Assignments made for their Repayment; and that his Majesty would not, upon any Occasion whatever, permit or suffer any Alteration, Anticipation, or Interruption, to be made of his said Subjects Securities. This Engagement was, likewise, in the most explicit Manner, extended to all future Loans and Assignments; and all his Majesty's Ministers were required to observe it, at their utmost Perils.

Another, to  
pacify the Discontents of  
Seamen and  
Soldiers.

Gazette,  
Numb. 168.

Another Proclamation was likewise published, to pacify the Discontents of the Seamen and Soldiers, who had complain'd, that they were forced to give Money or lose some Part of their Wages to recover the rest; and a very illustrious (*p*) Committee was appointed to hear and redress the Grievances.

An Army  
rais'd, and  
the Parlia-  
ment call'd.

It had, likewise, been warmly debated in Council whether the best Expedient to rectify all Disorders would be, by assembling the Parliament, or raising an Army. The Chancellor, now dreading that very Parlia-

ment, which he had, heretofore, been so intimately united with, declar'd for the last, while the opposite Party contended for the first. The King had his Reasons for closing with both; and accordingly, Commissions were given out on one Hand for raising of Forces, and on the other a Proclamation was publish'd, signifying, That his Majesty, esteeming himself ever most safe in the Advice and Assistance of his People in Parliament, had thought fit, by the Advice of his Council, to summon the Lords and Commons to meet him at *Whitehall*, on the 25th of *July* following.

A. D. 1667.

Gazette.

June 26.

Accordingly, on that Day both Houses met; but when the Commons were proceeding to Business (*q*), the *Speaker* gave them to understand, that the King had sent for him the Night before, and, taking it for granted the House would be thin, had signified his Pleasure, that they should adjourn till the next *Monday* following. Whether the House was disgusted with this Usage, or met in an ill Humour from the ill Situation of the public Affairs, or wanted to make their own Advantage of the public Calamities, they did not obey his Majesty's Injunction, till they had first voted an Address, That as soon as the Peace was made, he would (*r*) disband the new-raisd Army, which, according to Lord *Arlington*, would have been done without their Interposition.

Parliament  
meets.

in an ill Ho-  
mour;

[Lord Arling-  
ton's Letters,  
v. ii. p. 231.]

However this may be, when they met again, the King himself condescended to make an Excuse for giving them the Trouble of this extraordinary Attendance, intimated the Occasion of their Meeting was now less urgent, declared his Intention to dismiss them till the time before prescrib'd [*Oct. 10.*] and that, in the mean while, he should take an Opportunity to do some things, which he hop'd would not be unwelcome to them.

and is pro-  
rogued.

When Princes are in the most Distress, their Subjects find the best Chance to have their Complaints heard, and their Grievances remov'd. It may seem ungenerous to take the Advantage, but nothing can be more foolish than to let it slip. Experience shews that mere Motion and free Grace are but Words of court; and that if Men would possess their Freedom or Happiness, they must take care, while Occasion offers, to put both in their Power.

The King was now upon ill Terms with his People, when he stood most in need of them. In gaining time, therefore, to take off the Edge of their Animosities, he acted wisely; and in removing many of those Provocations which had given rise to them, he acted honestly.

Nevertheless, in making Provision to gratify the Passions of his Subject, he did not forget

(*q*) *Fin.* his Royal Highness the Duke, his Highness Prince *Rupert*, the Duke of *Albany*, Earl of *Archie*, Earl of *Lauderdale*, Lord *Arlington*, Lord *Berkley*, Lord *Ashley*, Mr. *Comptroller*, Mr. *Vice Chamberlain*, Mr. *Secretary Morris*, Sir *William Coventry*, and Sir *John Danvers*.

(*r*) So says Sir *William Coventry's* Letter to his Brother at *Breda*, quoted by *Kenes*; but according to others, the *Speaker* received this Message from the other House; where

it was first communicated from the King to the Lord *Chancellor*, and that their Vote relating to the Army had been made, before it was deliver'd.

(*s*) Which he comply'd with immediately, say some, who think rather too favourably of this Reign, tho' he never fill in a State of War with France. But now could this be, when the Peace was sign'd *June 29.* and the Parliament was not prorogued till *July 29.*

A. D. 1667. forget his own. The Duke of Buckingham, he found it his Interest to forgive: The Earl of Clarendon, an old Servant, tho' never a Bosom-Favourite, he thought it his Interest to punish.

Lord Clarendon made a Sacrifice.

Because the Chancellor held the chief Place in the Ministry, he was held the first Mover of the Cabinet. On him, therefore, all the Odium, arising from every bad Measure had fallen. *Papist* and *Puritan*, disobligh'd Cavalier, and persecuted Republican all join'd in Confederacy against him; and the King himself not only gave way to the Torrent, but contributed to render it irresistible.

Mistakes, if not Crimes, he had many, and those capital ones, to answer for. It was during his sole Ministry, that the King was diverted from embracing the Offers of Spain, and confirm'd in his Inclinations to close with France; which gave the second Lift to that aspiring Power, and so soon enabled it to be the Terror of Europe: It was he who connected England so closely and fatally with Portugal, tho' perhaps not for the Family-Views which have been so often and so confidently laid to his Charge. It was he who had been both the Adviser and the Manager of the Sale of *Dunkirk*; and it was he who, in concert with a domineering *Metropolitan*, had set on one Part of the good People of England to worry the rest; had made the Laws of the Land irreconcilable with those of God; and to establish the Power of the Crown, had almost extinguish'd the Liberty of the Subject.

On the other hand, the rushing into a War with *Holland*, in Defiance of the Resentment of France, and without entering into any previous Concert with Spain, he had neither advis'd nor approv'd; nor does it appear that he was answerable for any of the Miscarriages which were committed in the Conduct of it. It was indeed a Measure which defeated all his own. He had warmly espous'd the Views of the French Court, and courted its Protection. But when the King made Preparations against the States, and sent Sir *Richard Fanshawe* to *Madrid*, it became apparent, that either he had lost his Power, or departed from his Professions: Whence it became likewise apparent, that either no Credit was due to them, or that they were of little or no Significancy. But tho' he had neither advis'd nor approv'd this War; nay, tho' it was thus diametrically oppositeto his fundamental Interests, he had been most unhappily pre-

vail'd upon to countenance it in his Speech to the Oxford Parliament; this Speech was in every body's Hand: And the Vulgar, whom it was calculated to captivate, were unskill'd in those Refinements, by which great Ministers think themselves authoris'd to recommend in public, what they privately condemn.

But, in discriminating between the Errors he was really guilty of, and the Crimes that were imputed to him, we do too much Honour to those who join'd in the Cry against him. They were Enemies to his Greatness, not his Guilt; they were afraid of his Authority, not alarm'd at his Abuse of it; they wanted to remove a great Obstruction to their several Designs, not to correct the Presumption of Ministers, by a wholesome and reasonable Example.

And as to the King's own Concern, in the eager Prosecution of a Man who had, too fondly, set Loyalty in the Place of every public Virtue, it doth not appear that he was furnish'd with a tolerable Pretence to excuse it. If the Rigour of the Chancellor's Manners, and the Gravity of his Deportment, were a tacit Reproach to the Levity and Licence of his own, he might have easily remov'd the obnoxious Example, and made his Court of a Piece. And if, from whatever View, he had found him thwarting his Passions, and interfering in his most, (1) darling Pursuits, tho' it might give him Disgust, tho' it might excite his Indignation, he could not think it a Crime in the Chancellor to use his Endeavours to save him from being criminal: And if, as some affirm, this was one of the principal Causes of his Disgrace, it farther enforces what has been before insinuated, that his Majesty was not only capable of Repentment, but fond of Revenge.

While the Consternation yet lasted, which was the Result of the Dutch Attempt on *Chatham*, the Duke of Buckingham surrender'd himself, and was sent to the Tower. July 8, he was examined before the Council, deny'd the (1) Charge against him, was remanded to the Tower, but released the Sunday following; and, soon after, readmitted into Place and Favour; by an Express Compromise, as we are told, that the Duke should do the King's Business in the House of Commons, and get him divorc'd from the Queen by the Help of the House of Lords, and that the King should sacrifice the Earl of Clarendon.

Duke of Buckingham, renders himself, and is again admitted into Favour. Carte.

But,

(1) This Repentment had broke out a little before in a manner unusual to the King, upon Occasion of the private Marriage which had been contracted between the Duke of Richmond and Mrs. Stewart, and was made public in April this Year. This young Lady was the Daughter of Captain Walter Stewart, a Scots Gentleman of the Blantyre Family. From her first Appearance at Court, she was universally admired, eclipsed the Countess of Castlemain, and was certainly a Person of exquisite Beauty, if justly represented in a Fuchean by *Rosvire* his Majesty's Engraver of the Mint, in order to strike a Medal of her, which exhibits the finest Face that perhaps was ever seen. The King was supposed to be desperately in love with her, and it became common Discourse that there was a Design on Foot to get him divorc'd from the Queen, in order to marry Mrs. Stewart. Lord Clarendon was thought to have promoted the Match with the Duke of Richmond, thereby to prevent

the other Design, which he thought would hurt the King's Character, embroil his Affairs at present, and entail all the Evils of a disputed Succession on the Nation. Whether he actually encouraged the Duke of Richmond's Marriage doth not appear, but I find that he was so strongly possess'd of the King's Inclination to a Divorce, that even after his Disgrace he was perswaded the Duke of Buckingham had undertaken to carry that Matter through the Parliament. It is certain too, that the King consider'd him as the chief Promoter of that Marriage, and resented it in the highest Degree. Thus affected towards the Chancellor, he easily elys'd with the Duke of Buckingham, to give him up to the Mercy of his Enemies. Carte's Life of the Duke of Ormond, vol. ii. p. 351.

This Incident of the Duke of Richmond and Mrs. Stewart is likewise related by Lullow.

(1) According to Mr. Carte, his Accuser was now dead.

A.D. 1667.

But, if there is good Reason to believe, that some such Bargain as this was really struck, it is not altogether demonstrable that it was struck so soon. We have already observ'd, that the *Chancellor* presided in the House of Lords, as usual, at the Meeting of the Parliament, July 25; and, tho', on the 29th, the King dismiss'd them with a Promise to do something, during the Recess, which would not be *unwelcome* to them, and which perhaps had a Relation to his Lordship, he was not depriv'd of the Great Seal till August the 31st; nor was the Duke publicly readmitted to kiss the King's Hand, and take his Place at the Council-board, till the 23d of September following.

Genette, Numb. 187.

Ed. N. 194.

In this Interval, however, the *Chancellor's* Case was truly deplorable. Of his two great Friends, the Duke of *Ormond* and Earl of *Southampton*, the first was absent, and the last lately dead; as were likewise his Grandsons, the Dukes of *Cambridge* and *Kendal*, and his own excellent Lady. He had lost all Countenance, as well as Interest, at Court; and the People in general were his Enemies. In the Duke of *York* was placed his only Confidence; who firmly and nobly supported him, almost to the Hazard of a Rupture with his Royal Brother: But, tho' he had Weight enough to shake his Majesty's Resolution, he had not enough to change it. The King continued wavering for some time; had a long (u) Conference with the *Chancellor*, on the Subject of his Dismissal, in the Presence of his Royal Highness; parted with him in a relenting Manner; and, five Days after, depriv'd him of the Seals; which were bestow'd on Sir *Orlando Bridgeman*, with the Title of *Lord Keeper*.

Lord Clarendon disgrac'd.

Carte.

But the Duke of *Buckingham* was not *Lord Clarendon's* only Enemy: *Lord Arlington* likewise lent a helping Hand towards his

Disgrace; and even the Duke of *Albemarle* threw his Weight into the same Scale.

A.D. 1667.

The *Chancellor* and the *General* had ever been Court Rivals, and consequently Enemies, tho' both were equally devoted to the Service of their Sovereign. *Clarendon* was for courting the Power of *France*; *Albemarle* for destroying it: *Clarendon* was for adjusting all Difficulties by Negotiation; *Albemarle* for cutting them through with the Sword. When *Albemarle*, thro' a too great Contempt of the *Dutch*, had engag'd them with a Part of the Fleet only, and thereby brought the Whole into Danger, *Clarendon* took care to enlarge both on the Mistake, and the Mischief it produced: And, in Revenge, when *Clarendon* was to be set aside, *Albemarle* chose to give him the additional Mortification of demanding the Seal in Person: But of this Pleasure his Grace was nevertheless disappointed; for the Earl refused to obey the Mandate he brought, and resign'd it into the King's own Hand the next Day.

Ladlow.

As the People were taught to believe, that all the Calamities, brought upon them by the *Dutch War*, were derived from him; and saw him erecting a Palace, while the City lay in Ruins, it is no great Wonder that they were overjoy'd at his Fall. Had his own Measures been right, or had he not remain'd in Place, to countenance the wrong Measures of those who were more in the Secret of Affairs, and less expos'd to the Attention of the Public, so strong a Prejudice could not have prevail'd against him; and the Esteem and Commiseration of his Fellow-Subjects had pour'd Balm into the Wounds which he had receiv'd at Court.

It must, however, be own'd, that his Suppliants did not think the bare Removal of an obnoxious Minister sufficient to pacify the

(u) The *Lord Arlington* writing to the Duke of *Ormond* the next Day after the Conference, but before he knew the Result of it, acquaints his Grace, "That the King was perswaded his Affairs would be much embarrassed, and the *Lord Chancellor* much expos'd in the next Session, and therefore had recommended it to the Duke of *York* to prepare the *Chancellor* to retire; that his Royal Highness brought his Majesty such an Answer back again, as he believed the thing would be easily done. But since that Answer, the Duke and all *Lord Clarendon's* Friends being living that such a Step would be highly to his Prejudice, had been very earnest with the King to change his Mind, and the *Lord Chancellor* had been with him yesterday; that he could not really tell what his Majesty had finally determin'd, but was afraid he would be prevail'd with to change his Mind; for in that case the next would prove a very troublesome Session of Parliament, and those things whereof the Government stood most essentially in need, would very hardly be obtained; and even the *Chancellor* himself would suffer more than he would have done, if he had retired." Concluding his Sense of that Matter in these Words, "I heartily pray it may be otherwise; but I fear I shall be a true Prophet, and then not be expos'd to so much Censure as I am for my Opinion now." This Letter was carried with great Expedition to *Dublin*; for on September 3, the Duke of *Ormond* returned an Answer, in which he thus expresses his Sense of that Matter, which he wished might be reprised to his Majesty: "I am able to make no Judgment on the Expedient his Majesty found to give himself Esteem, and my *Lord Chancellor* Security, at the next Meeting of the Parliament, if my *Lord Chancellor* could persuade himself, that the Demission of his Charge would facilitate a good Intelligence between the King and his Subjects, and gain those Affiliations from them to support the Go-

vernment, which are so evidently necessary, he is not so good a Servant, or so wise a Man, as I hope he will be found, if he would not on his Knees lay the Seals at his Majesty's Feet, and beseech him to take them from him. But if there remain any Doubt of the Success of forcing him to retire, or if he is not chargeable with some Crime, such as put in the Bullance with many Years faithful, painful and comfortable Service, full out-weight, I know the King is too good a Master to lay him aside (which, in effect, is to condemn him unheard) upon popular Clamour, and for uncertain Advantage; whereas of the one will always stand Men of Business will rise by it; and the other, should never be brought in Competition with Honour and Justice, which are the only lasting Supports to Greatness, and can hardly fail, since they can as hardly be found without the Assistance of Steadiness and Courage."

*Lord Arlington* received this Letter on the 13th at Night, and read it the next Day to his Majesty; who thereupon said, he would write that Night to the *Lord Lieutenant*, and give him an Account of what the *Lord Clarendon* had done to displeas'd him, besides the Dissatisfaction of the World on his Account. The King, in that Letter to the Duke of *Ormond*, does not offer to charge the *Chancellor* with any Crime, but only with a certain perverseness of Temper, which gave him Offence, and concludes in these Words, "This is an Argument too big for a Letter; so that I will add but this Word, to assure you, that your former Friendship to the *Chancellor* shall not do you any Prejudice with me, and that I have not in the least Degree diminished that Value and Kindness I ever had for you; which I thought fit to say to you upon this Occasion, because it is very possible malicious People may suggest the Contrary to you." *CARLE's Life of the Duke of Ormond*, vol. ii. p. 352, 353.

A. D. 1667.

the Discontents of an abused and exasperated People: On the contrary, they proceeded, by many popular Acts, to bespeak an Opinion, at least, that they meant to redress all Grievances, and to establish the Throne in Righteousness.

Grievances redress'd.

To manifest their Zeal for the Protestant Religion, they began with a Proclamation, for putting the Laws in force against *Papish Recusants*; to advance the Price of Corn, which was then, it seems, too low to make proper Returns to the Husbandman, a general Liberty was given of Exportation; the *Canary Patent* was revok'd, the Company dissolv'd, and the Trade laid open; Orders were given to the Attorney-General, to proceed by a *Quo Warranto* against the Charter of the *Woodmongers* Company, because they had committed many Abuses in the Sale of Fuel, to the great Oppression of the Poor. It having appear'd, that many fraudulent Practices had been made use of to elude the *Cattle-Act*, the due Execution thereof was farther enforced by Proclamation. All Orders of Council, which had been given for dispensing with the Act of *Navigation*, were vacated. In order to lessen his Majesty's Necessities, his Expences were lessen'd by a Reform of the Household. The Condition of the State-Prisoners, in several Parts of the Kingdom, was taken into Consideration; and several of those unhappy Persons, by his Majesty's gracious Directions, discharged. And, to make a Shew of Justice, as well as Mercy, Commissioner *Pett* was committed to the *Tower*, as solely chargeable with, and answerable for, the Damage at *Chatham*, which Peace itself could not efface out of the Hearts of the People.

Such Lenitives having been thus gradually prepar'd, to take off the Eagerness of Mens Minds without-doors, the Duke of *Buckingham*, who was now Lord of the Ascendant, thought he might suffer the two Houses to meet, without the Dread of any very dangerous Fermentation within. The Merit of his last Year's Opposition was now enobled with his Majesty's Grace and Favour: None of the former Miscarriages could be imputed to him; and of all the late plausible Measures he had the Credit, almost without a Rival; for Lord *Arlington* had condescended to list under his Banner; the Duke of (v) *Albemarle* had his Reasons for lending him his Countenance; Lord *Ashley* was in all his Secrets; those busy Spirits, Sir *Thomas Clifford* and Sir *Thomas Osborne*, seem'd to be, Body and Soul, at his Devotion; and the Earl of *Lauderdale* was sure to be with whoever was uppermost.

In this promising Situation, all he had to fear was from the Faction of the late *Chancellor*; at the Head of which were the Duke of *York*, the Duke of *Ormond*, and Archbishop *Seldon*: And for all these, great and powerful as they were; he thought himself an Overmatch.

On the 10th Day of *October*, therefore, according to the Time prefix'd by the first Prorogation, both Houses met: And, in the gracious Speech upon that Occasion, his Majesty very wisely avoided touching on the Miscarriages of the War, or assuming any Merit on the Conclusion of the Peace; but, in a few Words, glanc'd at the Time he had taken to do those things, which he had before intimated would not be unwelcome to them, and which were to serve, he hop'd, as a *Foundation for a greater Confidence between them for the future*.

A. D. 1667.

Eighteenth

King's Speech

The new Lord Keeper *Bridgman* then took the Word; and, to excuse the extraordinary Summons, which both Houses had receiv'd in the Summer, declar'd there was Reason to suspect, from the near Neighbourhood of the *French Army* to the Sea-coast, that some Design was in Agitation, either against *England*, or some other of his Majesty's Dominions: An Assertion, which, however, seems to be wholly unauthoris'd; since the Designs of the *French Court* were then levelled solely at *Flanders*; which was very well understood in *England*.

His Lordship next enlarg'd on the Expediency of keeping to the Day prefix'd by the first Prorogation, about which there could be no *Dispute*. After which, as if by way of Apology for the late Peace, he proceeded to say, *That his Majesty supposed, that no Man would expect, that, during the Receipt, his Majesty should have refus'd Offers of Peace, considering the Vicinity and Potency of his united Enemies, the great Expences of the War, with the concurrent Calamities of Pestilence and Fire.* He then, in his Majesty's Name, recommended the settling a Balance of Trade with *Scotland*, which he found too hard a Task for him, without their Assistance.

And, as to the Accounts of the Money given towards the War, which his Majesty formerly promised should be laid before them, his Lordship added, that his Majesty had commanded his Officers to make them ready; and, since that Way of Commission, wherein he put the Examination of them, had been *ineffectual*, his Majesty was willing the Parliament should follow their own *Method* to examine them in what Way, and as *strictly*, as they pleas'd; assuring them, he will leave every one concerned to stand or fall according to his own *Innocency* or *Guilt*. That his Majesty having Reason to believe, that some disaffected Persons, taking Advantage of the public Necessity, had spread abroad Discourses and Rumours reflecting upon the Government; yet his Majesty promised himself, from the good Affections of his Parliament, that every one of them, in their several Places, would endeavour to preserve a good Understanding betwixt him and his People; adding, that if any just Grievances shall have happen'd, his Majesty will be as willing and ready to redress them for the future, as they to have them

(v) When the Earl of *Sonthampton* dy'd, the Treasury was put into Commission, and entrusted to the Care of the

Duke of *Albemarle*, Lord *Ashley*, Sir *Thomas Clifford*, Sir *William Coventry*, and Sir *John Dancer*.

D. 1667. them represented; his Majesty not doubting, but that they will give healing and moderate Counsels, and imprint that known Truth into his Subjects Hearts, That there is no distinct Interest between the King and his People, but that the Good of the one is the Good of both.

Abstract of  
Thoughts.

So many plausible Things said, and so many popular Things done, put the Majority of both Houses, for the present at least, into the best Humour imaginable. An Address was prepar'd by the Commons, in which, not the least Mixture of Discontent appear'd, either for the ill Conduct of the War, or the indifferent Conditions of Peace: On the contrary, they thank'd his Majesty for the several Acts of Grace which he had lately vouchsafed to his People, and more especially for the Removal of Lord Clarendon. To this Address the Lords gave their Concurrence. It was presented to the King by both Houses; and his Majesty finding their Pulse beat so conformably to his own, not only thank'd them for their Thanks, but took occasion to throw yet more Weight on the Chancellor, by assuring them he would never employ him any more.

This was, in effect, declaring him to be free Game, and setting the whole Pack at full Cry upon him. Accordingly the Chace was begun with all imaginable Eagerness; and if they had not the Satisfaction of tearing him to Pieces, they oblig'd him to leap the Pale.

Proceedings  
against Lord  
Clarendon.

In plain English, all the Disobliged, headed by Mr. Edward Seymour, who, according to Mr. Carte, had been retus'd the Privy Seal, resolv'd, under the Pretence of doing Justice to the Nation, to revenge their own particular Quarrel. The Charge against him was contain'd in Seventeen Articles, some of which had their Foundation in Truth, but all in Malice. That he might, in Confidence, have declar'd the King was a Popish, which was a certain Fact, is not improbable: That he was concern'd in the Canary Patent, and had some underhand Concern with the Vintners Company, is not wholly unsupported with Proof, if what Mr. Echard says be true, That his fine House was chiefly built at their Charge, with a View to monopolize his Favour: Then, as to the advising the Imprisonment of obnoxious Persons, in remote Places, to deprive them of the Benefit of the Laws, that such Persons were so imprison'd, under his Administration, was notorious: That, in some Plantation Cases, he did strain the Power of the Privy Council to the Prejudice of the Rights of the Subject, and the Laws of the Land, under his favourite Notion of supporting the Prerogative, both Sir Thomas Littleton and Sir Thomas Osborne took upon them to prove, by the Instance of one Farmer, and others, who came from Barbados to present their Grievances to the

House of Commons, but, having lodg'd a Petition, were imprison'd, that they might not be heard. About *Quo Warrantos* to Corporations, according to Sir T. L. the thing was too public to need any Proof: And, as to the Sale of *Dunkirk*, the Memoirs of Mr. d'Eftrades have fix'd the Fact upon him undeniably; tho' he was then accus'd upon no better than *hearsay* Evidence; Sir T. Osborne declaring, that a great Lord had told him, that the Earl had made a Bargain for it *three Quarters of a Year* before it was known: Which, however, as to that Circumstance, was not true: And, as to those three great Articles, viz. the First, which charg'd him with a Design of *subverting the Constitution*, by introducing a *military Government*; and the two Last, which accus'd him of *betraying the King's Councils*, and advising the fatal Measure of *dividing the Fleet*, in June 1666; nothing could be more frivolous than the Pretences upon which they were founded. Sir Ro. Howard and Lord Vaughan had been told by *Persons of Quality*, that his Designs upon the Constitution would be prov'd: The same Persons likewise undertook to prove the *betraying of the King's Councils*: And, concerning the fatal *Division of the Fleet*, Sir Thomas Littleton told the following Story: Sir Edward Spragge desires Money to give an Intelligencer, and has it; Spragge brings the Intelligencer to the King; the King commands him to meet him at the *Chancellor's*: There he met the King, and then Order was given to divide the Fleet.

A. D. 1667.

As it was the Earl's hard Fate to be equally obnoxious to Prince and People, the worst Impressions of his Conduct were received the most favourably: Presumptions were receiv'd for Proofs; neither his Merits nor Services were once thought of; and it was more meritorious to accuse him falsely than acquit him fairly: Both the new Minister, and most of the old were in a Combination to ruin him; the Spanish and Imperial Agents, likewise, thought it would be for the Interest of their Masters to lend their Assistance, because of the Chancellor's known Attachments to France; and even the King himself laid his Commands upon Sir Henage Finch to be active in the Prosecution against him; which, it seems, he had neither the Courage to refuse absolutely, nor the Ductility to obey without Relieve.

Life of the  
Duke of Or-  
mond.

Upon the whole, the Tempest carried all before it; what was urg'd in his (w) Favour could not be heard, or was little regarded. Mr. Seymour was ordered to impeach him at the Bar of the House of Lords, which he, accordingly did, November 12, in the Name of the Commons of England; and at the same time, demanded that he might be sequester'd from Parliament and committed to safe Custody.

But

(w) It ought not to be forgot that Sergeant Maynard, who, Mr. Echard says, was one of those most violent against the Chancellor, spoke in the following candid Manner, in the Debate of October 30:

"No Man can do what is just, but he must have what is true before him; where Life is concern'd, you ought to

have a moral Certainty of the thing, and every one be able to say upon this Proof in my Conscience, *This Man is Guilty*. Common Fame is no Ground to *accuse* [condemne, he should have said] a Man, where Matter of Fact is not clear: To say an Evil is done, therefore this Man hath done it, is strange in Morality, more in Logic.

A. D. 1667.

But tho' the Lords could not reject the Impachment, they evaded the Commitment by a Message, signifying they had not committed the Earl, because the Accusation was of Treason in general, without specifying Particulars. This threw the Commons into a great Ferment, which a free Conference rather increased than allay'd. The Lords continued firm to their first Resolution, and the Commons voted this Conduct of theirs, to be an Obstruction to the public Justice of the Kingdom, and a Precedent of evil and dangerous Consequence; and also appointed a Committee to draw up a Vindication of their Proceedings.

What was the secret Motive of the Lords for refusing to commit one of their Members, accus'd thus solemnly, by the Representatives of the People, whose Life was in their own Hands, has not yet been explain'd: But we are told, the Leaders of the Commons made a Handle of this Refusal to stop Proceedings, that the Tryal might be withdrawn from before the whole House, and submitted to a Junto of twenty-four, to be appointed by special Commission, and, consequently chosen, as they, or their Party should direct.

However this may be, the Earl, rather from a Dread of the Violence of the Times, than a Consciousness of having offended the Laws, thought it his wisest Course to take Sanctuary in France; where if the Gratitude of Kings was to be depended upon, he had Reason to expect, at least, a very hospitable Reception.

In the Paper left behind him, by way of Petition to the House of Lords, which is to be look'd upon as his Defence, he reduc'd the Charge brought against him to two Heads, *Viz.* That the largeness of his Estate, argued, that it had been acquired corruptly; and that having been sole Minister, ever since the King's Return, till August, he was answerable for all Miscarriages in that Interval.

To which he answered, in effect, That what he had got, arose from the honest Profits of his Office, according to former Precedents. That the Favours he had procured for others, had not been worth to him five Pounds. That the several Sums of Money and Parcels of Land, which his Majesty had bestow'd on him, were of greater Value, than all he was worth besides, who had, nevertheless, been as bountiful to others, who as little deserv'd it.

This is the Sum of his Answer to the Head of Profit.

And as to that of Power, and the Abuse of it, his Lordship made the Duke of Ormond, the Lord Culpeper, and Mr. Secretary Nicholas, in particular, and the whole Committee for Foreign Affairs in general, equally answerable with himself for the Measures which were pursued during the two first Years of his Administration; which was as long as his Credit lasted. After which time,

A. D. 1667.

he affirms not above one or two Persons were brought into Council, or prefer'd to any considerable Office who were not of different Judgment and Principles from him both in Church and State.

He then proceeded to place all the present Misfortunes of the Kingdom to the Account the War; declaring that he was not only averse to the Measure, but that he had foretold the Mischiefs it would produce; that he never concern'd himself in the Prosecution of it, unless to oppose the ill Advices of others; and that he had never meddled in Foreign Affairs but by the Advice of the Council and in Participation with the Secretaries.

Lastly, he more than insinuated that the Cry against him was owing to his Integrity, to his refusing to set the Seal to many Pardons and Grants which would have been profitable to those who procured them; and to his frequent Concurrence with the late Lord Treasurer, in remonstrating against Excesses and Exorbitances, while the yearly Issues so far exceeded the Revenue.

As it was plain this Paper was calculated as much to blacken Lord Arlington, as to clear himself, that Minister was infinitely provok'd at it; he called it a Libel, in the House of Lords; and by that Name it was communicated to the House of Commons, by the Duke of Bucks, who adopting the Resentment of their Leaders, sentenc'd it, in Concurrence with their Lordships, to be burnt by the Hands of the common Hangman; which was accordingly perform'd.

But the Censure of the Paper did not put a Stop to their Animosity against the Man: The Lords, who would not commit him because he was not charg'd with any express Circumstance of Guilt, now taking his Guilt for granted, and proceeding against him by Pains and Penalties, even without a Hearing; and the Commons voting an Address for a Proclamation to force him to appear by a certain Day, in order to take his Trial, to which they desir'd the Concurrence of the Lords. This last Expedient had been frequently made use of, without any Difficulty, against Men of less Note, under the Earl's own Administration, but was now rejected by their Lordships, as ineffectual; who chose to punish him in a legislative Way; and therefore, to (x) adhere to their Bill of Banishment and Incapacity.

This created new Broils among the Commons; among whom it was well said by Mr. Swinford, That the Lords would neither secure nor summon him, and yet would condemn him unheard: That this was against Honour and Justice: That the Precedent was dangerous: That, upon Reasons of State, Lords might be banish'd by Dozens: Concluding, As you proceed justly, so will you be justify'd.

Finding, however, that they could not make an Example of him in a judicial Way, they

Life of the Duke of Ormond.

(x) The Commons did, nevertheless, vote an Address to his Majesty, to stop all the Sea-ports, to prevent the Earl's Escape.

A.D. 1667.

The Earl banish'd for Life.

they clos'd at last with this Expedient of the Lords; the (y) Bill being pass'd in a thin House, December 18, by a Majority of 23; and Yeas Sixty-five, Noes Forty-two; and the very next Day receiv'd the Royal Assent.

Thus fell the great Earl of Clarendon, by the Violence of a Parliament, which, under his (z) own Influence, had committed to many Violences on the Liberties of the People; and, thro' the Malevolence and Ingratitude of a Prince, whom the most exceptionable of his Actions had been calculated to serve and oblige.

The Apologists for these Times are equally anxious to vindicate the King and the Minister. But, surely, both could not be in the right; and it must be acknowledg'd, when the King divided from his Minister, and clos'd with his Parliament against him, that either the Earl was a bad Servant, or the King a bad Master.

We shall take our Leave of this illustrious Exile with observing, that, as well as the new Favourite, Buckingham, his Collegue in Power, Arlington, the good General, Albemarle, and his old Enemy Bristol, all appear'd with the utmost Bitterness against him, in the House of Lords; and all sign'd the Protest, which was enter'd in the Journals, on their Lordships refusing to sequester and commit him, upon the Demand of the Commons; as did likewise two Bishops, Dr. Lucy of St. David's, and Dr. Cotes of Durham.

(y) Against which see Lords enter'd their Protests, viz. Strafford, with Reason; and Berkeley, Haller, Lexington and Calceper, without.

(z) The Author of the Life of the Duke of Ormond undertaking to account for the Chancellor's losing his Interest in the House of Commons, is pleas'd to say, "He always gave the King prudent and honest Advice; but if it was over-rul'd (as was too often the Case) he did not care to intermeddle, but left it to wiser Men, as he fill'd them, to follow their own Measures, and to perform what they had consentedly undertaken for the King's Service. This manner of Conduct made him neglect his Interest (of which few Ministers have ever had a greater, and yet founded upon Virtue) in the House of Commons, till at last it was utterly rais'd. Archbishop Sheldon saw early what would be the Issue of this way of Proceeding, and did not fail to represent it to the Chancellor; but he was not to be remov'd from the Plan of Counsel which he had laid down to himself; so that Sheldon could not forbear complaining in his Letters to the Duke of Ormond, that Clarendon had by that Means ruin'd himself, and suffer'd the Church to fall into that Danger, wherein it was at the time that the Seals were taken from him."

In the Language of Politicians, this is as much as to say, That he left the Friends of the Ministry, to those who had the Power; and that when his own immediate Interest was out of the Question, the Interest of the *Idol* which he himself had set up, had no Weight with him.

(a) Some Light is thrown upon this Affair by the Part of a Letter from Lord Arlington to Lord Sandwich, which follows:

"There are two Occasions in Town, which beget much Discourse here, and 'tis probable will do the like in Madrid; wherefore I thought fit your Excellency should be entertain'd with the Truth of them. They are the Return of the Scotch Regiment into France, and the carrying over thither some reformed Roman Catholics under the Conduct of Mr. George Hamilton; there being lately a severe Order from his Majesty for the purging all the Troops both Officers and Soldiers, from those of that Profession.

The Story of the former is this, When the King of France declared War against his Majesty, his Majesty call'd home the Scotch Regiment, which had served in France for many Years. They accordingly came, and served in a Body on the several Occasions to which they were apply'd. The People murmuring at them, and complaining of the Government for employing Papists, made my Lord Douglas, as soon as the Peace was made, beseech his Majesty he might return with them into France; accordingly they are this

Tho' this Prosecution of the late Chancellor was the principal Object of the public Attention, many other Matters were, at the same time, transacting, which ought not to be pass'd over in Silence. In particular, the House of Commons being inform'd, that some Soldiers, together with their Hories and Arms, were in Readiness to be (a) transported to foreign Parts, a Resolution was taken to address his Majesty to refrain the said Transportation. By another Address, they likewise pray'd his Majesty, that he would be pleas'd to encourage the wearing of the English Manufactures: And they moreover embrac'd his Majesty's Permission, or rather asserted their own Privilege, to perfect a Bill for taking and stating the public Accounts; which receiv'd the Royal Assent at the same time with that for banishing the Earl of Clarendon, and another (b) for settling Freedom and Intercourse of Trade between England and Scotland.

And now all the Business having been dispatch'd which the Court had ready digested, the King, by Message, on Thursday December 19, signify'd his Willingness that the House should adjourn to February the 6th following; with which the House as willingly comply'd.

It is now necessary to shift the Scene to foreign Affairs.

The French had so well concerted their Affairs, and had choic'd so lucky an Opportunity,

Week going thither. Your Excellency sees they could not well be satisfied here. That in Flanders, for the long Education they have had in France, they could be of no more Use than to many French Men. Now your Excellency may judge what his Majesty could otherwise do with them.

Concerning the Reformado's of the Guards of Horse, his Majesty thought fit the other Day to have them dismiss, according to his Promise made to the Parliament at the last Session. Mr. Hamilton had a secret Overture made him, that he, with these Men, should be welcome to the French Service; his Majesty, in their Dismission, having declared they should have leave to go abroad whither they pleas'd; they accepted of Mr. Hamilton's Offer to carry them into France. The Spanish Ambassador bearing this, complained thereof to his Majesty, who order'd to know nothing more of it, than that he had given them leave to seek their Fortune where they could find it; that, having turned them out of his Guard, he was unwilling to proceed with any further Severity towards them, by contradicting them to serve against their liking; that if he (the Spanish Ambassador) could prevail with them to go into Flanders, they should have Passports accordingly given them.

Thus your Excellency sees, that the Particulars being known, the Offense, that is taken, is not so well grounded, and that it will not be hard for you to give Satisfaction thereupon, if it be required."

This serves to show how well dispos'd our Ministers were to oblige the French Court. It is, however probable, that these very Soldiers were afterwards sent to Flanders; for in another Letter from Lord Arlington to Sir William Fanshawe, we have the following Paragraph which will scarce admit of any other Interpretation:

"I am sorry to see the Trouble coming upon you by following the Payment of the Earl's Troops, because you will not be able to satisfy the Minister. You may say, that if they will have more Men, they must write to their Friends in England that they are well off. Here is a Report that Mr. Hamilton hath lost forty or fifty Men; and how the Spanish Ambassador hath promised to express it favourably to the Marquis. If the Addition of your good Offices can add any thing to this, I pray be no Niggard: For the King of France loath'd little, is the only Difficulty will be upon their Hories."

(b) The Commissioners appointed by this Act were the Lord Brexton, William Pierpont, Esq; Sir George Saville, Bart. Giles Dainger, Esq; Sir James Laughan, Kt. Henry Osborne, Esq; Sir William Turner, Alderman of London, George Tomlin, Esq; and John Gregory, Esq;

A.D. 1667.

Other Proceedings of Parliament.

Both Houses adjourn.

A. D. 1667.

tunity, that their Attempt on *Flanders* had succeeded to their own Hearts Desire. The *Spaniards* were unprovided for a Defence; the *Emperor* look'd on, as if he had no Concern in the Event; and *England* and *Holland* had the Sword at each other's Throat.

Fearful, however, that, if he should carry his Conquests beyond his Claims, the neighbouring Powers would, at last, take the Alarm, and declare in Favour of *Spain*; and,

in particular, that the *Dutch* would not forget the Fraud which he had practis'd towards them, by challenging, and securing Possession at the same Instant, his most Christian Majesty to shew his great Moderation, such was the Pretence, thought it advisable to mark out his own Bounds, and to let the *States* know upon what Conditions he was willing to restore Peace to *Spain*, and to put a stop to the Apprehensions of *Europe*. But these (c) Con-

French Majesty.

(c) What these Conditions were, and how the Affair hung, will best be understood from the following Memorial from the most Christian King to Mr. d'Eftrades:

"The *Sieur de Wit* having instantly intreated the King by the said Count d'Eftrades, in the beginning of last July, to explain the Satisfaction which his Majesty might desire in order to accommodating with *Spain* the Differences which had for some Months disturb'd the Public Peace, the said *Sieur de Wit* giving to understand, that if his said Majesty and the *States* might agree together the Conditions of the said Accommodation, the *States* would oblige the *Spaniards* to clothe with it, either by their very efficacious Offices, or even by Force of Arms, if necessary to make use of them; his said Majesty having found Monsieur de *Wit's* Design to be very good, being what may establish for ever a perfect Union between this Crown and their State, which cannot then any longer conceive any unjust Unburden at the Grandeur of his Majesty's Designs and Power, charg'd the said *Sieur d'Eftrades* to tell the said *Sieur de Wit*, that after having maturely consider'd and deliberated on this important Affair, he was at last come to a Resolution, for Peace sake, to content himself with an Accommodation on the following Conditions, in case that they brought the *Spaniards* to comply with them.

That the said *Spaniards* yield to him for his present Pretensions, the *French Compts*, the *Dutchy of Luxemburg*, *Charleroy*, *Cambrai* and the *Cambresis*, *Tournay*, *Duay*, *Arras* and *St. Omer*, *Burgoyne* and *Furnes*; and even in that his Majesty has regard to give great Moderation, in Consideration of what *Spain* is to do at the same time for the Satisfaction of the King of *Portugal*, his said Majesty not being able, nor will he conclude any Accommodation, without the said King, and to speak truly, his said Majesty having Rights over all the Provinces of his *Low Countries* under the Dominion of *Spain*, except some part of the *Barldoms of Flanders*; and being in a Condition able to reduce it to Reason by Force of Arms, no disinterested Person can deny, that what he pretends for his Satisfaction is very moderate, in which, as he has already said, his End is the Contentment of the King of *Portugal*, whom the *Spaniards* are also to satisfy on the Title of King, which is the sole Difference remaining betwixt them.

The said Count d'Eftrades advises the King by his Dispatch of the 21st of July, that the *Sieur de Wit* told him, after he had discours'd as from himself with the abled Deputies of the *States of Holland* on the Conditions of the Accommodation above-mention'd, they all concluded, after several Discourses which they frequently had on that Affair with the *Spaniards* Ambassador *Frigate*, and other Persons affected to the House of *Austria*, that the *Spaniards* would very near as soon quit the whole *Spanish Netherlands*, as yield to his Majesty the Places and Countries above-mention'd.

But that if his said Majesty would refrain himself to a more moderate Pretension, he the said *Sieur de Wit*, and the Deputies his Friends with whom he had confer'd as of his own accord, believ'd that they might induce the *Spaniards* to give his Majesty Satisfaction on the following Conditions.

To yield the *French Compts*, *Cambrai* and the *Cambresis*, *Duay*, *St. Omer*, *Arras*, *Burgoyne* and *Furnes*, with their Bailiwicks, Castellanes and Dependences, that *Charleroy* should be rest'd, and *Tournay* and all the other Places which his Majesty had taken restor'd; that his Majesty should consent to a Suspension of Arms for ——— Months, that the *States* would cause Instances to be made at *Madrid* and at *Vienne*, to oblige the *Spaniards* to consent to this, and in case the said *Spaniards* did not incline to satisfy his said Majesty on the Conditions immediately before specified, the *French States* would take Arms to constrain them by Force, at the same Moment that the said *States* should engage themselves by a Treaty with his Majesty.

The said *Sieur de Wit* added, that 'twould be necessary at the same time to take Measures together on the Case of the Decease of the King of *Spain* without Children, and these Measures should be to make a secret Treaty separate from the former, which should import, that in the Case above-mention'd of the Decease of the King of *Spain*, then was to be resum'd the same Project, which was made some time past, with the same Partition, and that his Majesty and the *States* should take Arms to drive the *Spaniards* out of the *Low Countries*, and canton the great Cities, and oblige them to

turn themselves into Republics; which should be done before the Emperor was in Condition to assist them; and by this Means his said Majesty would be at Liberty to reap the Succession in the whole Extent of his Kingdoms that the *Spaniards* possess'd; and that the said *Sieur de Wit* esteem'd it to be no small thing to have nothing to fear on the Side of *Germany*, since the *States* and their Allies could raise a potent Army to oppose whatever could come from the Empire. This was the *Sieur de Wit's* Answer, and his Offers on the King's first Declaration; on which his Majesty having shew'd very maturely deliberated after his Return from the Army, and being willing to convince all the World, by very testible and palpable Effects, of the Truth of all whatever he has always said and written of his reasonable and very moderate Disposition, considering the Quality and Importance of his Rights, and how far he is from the Thoughts of an Universal Monarchy, which his Enemies maliciously and falsely ascribe to him, or from forming an unalterable Design of an entire Conquest of the *Netherlands*; and being willing to evince to the *States General of the United Provinces*, his Allies, the Complaisance which he has for their Satisfaction, and how much Defiance he pays to their Counsels or their Desires, his said Majesty will have that the said *Sieur d'Eftrades* do in Consequence give the said *Sieur de Wit* to understand,

In the first Place, That on the future and very essential Case of the Death of the King of *Spain* without Children, he agrees and entirely accepts the Proposal of the said *Sieur de Wit*, in the same Terms, that 'is here just before express'd, and will put and sign at present the Treaties which they propose.

In the second Place, regarding the reciprocal Conditions which the *Sieur de Wit* offers on the Part of the *States* in manner above express'd, touching the Accommodation of the present Differences, his Majesty will consent to content himself for his Satisfaction with the *Dutchy of Luxemburg*, *Cambrai* and the *Cambresis*, *Duay*, *Arras* and *St. Omer*, *Burgoyne* and *Furnes*, with their Bailiwicks, Castellanes and Dependences, to raise *Charleroy*, and render to the King of *Spain* all the other Places and Countries which his Arms had conquer'd since their Entry into *Flanders*; and in Consideration that the said King shall agree to treat with the King of *Portugal* not from Crown to Crown, as has been done by the Interposition of the *English*, but shall make Peace with him directly from King to King, his said Majesty will for that single Point of Honour depart from the *French Compts*, *Charleroy* and *Tournay*, which he demanded by his first Proposal.

The said *Sieur d'Eftrades* is also to observe to the said *Sieur de Wit*, that the Affairs of *Portugal* ought not to prove any Obstacle to a general Accommodation, since the *Spanish* Ministers residing in all Courts have for some time given out, that 'twas at last resolv'd at *Madrid* to make Peace with *Portugal*, and to treat from King to King, which is the sole Difficulty.

The said *Sieur d'Eftrades* will also observe to the said *Sieur de Wit*, with regard to the Alteration made in the Proposal, by substituting instead of the *French Compts*, the *Dutchy of Luxemburg*, that the *Sieur de Wit* himself has frequently testify'd his great Joy, speaking of the Conference which he had with the Ministers of the House of *Austria*, that *Spain* would easier yield the *Dutchy of Luxemburg*, where it possess'd but one Place, and where his Majesty has three which are fortify'd, than part with the *French Compts*, which is a larger Extent of Land, and which it sets a greater Value on, for being the ancient Patrimony of the House of *Burgoyne*; so that the Charge of one for the other in the Offer of the said *Sieur de Wit*, which his Majesty has done, tends rather to facilitate than to obstruct the Treaty.

And also the said *Sieur d'Eftrades* shall acquaint the *Sieur de Wit*, that if the *Spaniards* had rather part with the *French Compts*, than the *Dutchy of Luxemburg*, his Majesty will clothe with them.

As for the Suspension of Arms, he is to tell him, that before it is possible to have any Answer from *Spain*, the Winter Season, which is now approach'd, will naturally occasion the said Cession of Arms; the Conditions of which, if the Conclusion of a Treaty be resolv'd on, will probably be very difficult to adjust.

But yet in either Case, if the *States* persist in that Re-

C



Conditions being thought too exorbitant, and more adapted to put the rest of *Flanders* in his Power, when he should think proper to make a second Attempt, than to remove the Umbrage occasion'd by the first, tho' their Lordships seem'd dispos'd to yield their Concurrence, they resolv'd to defer it as long as possible: And even Mr. de Wit himself, tho' he still declar'd himself to be as much at the Devotion of *France* as ever, could not help looking round for Ways and Means to free himself from a Dependence, which began to grow uneasy to him, and his Country, from the too near Neighbourhood of a Power, which could neither be trusted, nor controlled.

All this while, the *Spanish* Embassadors were extremely sollicitous to engage the maritime Powers in their Quarrel; in *Holland*, urging the Proximity of the Danger; and in

*England*, the Glory of holding the Balance of Power, and the extreme Generosity, as well as good Policy, of throwing our Weight into the Scale, in order to set it once more even.

But our Ministers were not to be mov'd by any such airy Considerations: To keep themselves easy in their Posts, by keeping things easy at home was the Root of their Policy. They were, therefore, for driving a Bargain, for obtaining an Equivalent, for making Merchandise of their Assistance. Their Mediation, indeed, which cost them nothing, they freely offer'd; and, as it was worth nothing, so it produced nothing.

What Correspondence they carry'd on with *France*, at this time, what Offers were made from thence, or what Disposition they shew'd to accept them, cannot be exactly specify'd: But, from a (e) Variety of Circumstances,

quod, his Majesty will grant the whole Principal and sole Effect which they can think of for their Interests: that is to say, that he will make no Difficulty to promise to attempt nothing on any fortify'd Place of the *Spaniards* in the *Low Countries*, if they will respectively oblige themselves to attempt nothing on his Majesty's strong Places, either which he before possess'd on that Side, or which he has conquer'd in the last Campaign; and at the same time, instead of three Months what the *Sieur de Wit* asks, his Majesty will consent to what has been said 'till next Month, which will be his entire Month, on Condition that the *States* will promise from this present, that if betwixt this and that time the Accommodation, as above projected, be not concluded for want of the *Spaniards*' Consent, the *States* shall not on any Pretence, whatsoever may happen, make any such Influence as his Majesty has the Prerogative beyond the said Month of *March* of the said Concert, to make no Attempt in the *Netherlands* on the strong Places on either Side.

Yet, that all *Christendom*, and particularly the *States*, may be yet more evidently convinc'd how much the real Dispositions of his Majesty are inclin'd to a quick Accommodation, and how moderate his Sentiments on that regard are, the said *Sieur de Ebrades* shall also declare on his part to the said *Sieur de Wit*, that if the *Spaniards* show too great a Repugnance to satisfy his Majesty on the Conditions already mention'd, he will consent from this present to lay down his Arms, and also sacrifice to the Public all the Hopes which he might reasonably conceive of pulling his Success considerably forwards the next Campaign; provided that the *Spaniards*, besides satisfying the King of *Portugal*, will yield to his Majesty in due Form by a Treaty of Peace, which may be made this Winter, all the strong Places and Posts and their Castellies and Dependencies which his Arms have and shall conquer, possess or fortify during this Year's Campaign; and by Means of this Alternative, which his Majesty will be content that the *States* shall offer to the King of *Spain*, the reciprocal Conditions on their Part above specify'd, and offer'd by the *Sieur de Wit*, always provided, in case the *Spaniards* refuse to consent to the Accommodation: 'Tis easy to see that his Majesty puts into the Hands of the said King of *Spain* the Peace of *Christendom*, by the Cession of certain Places which he has already lost, and which probably other Princes will think he is in a Condition to reconquer, than to lose yet more, by the Advantages which those afford to his Majesty's Arms to pursue their Success; after which his Majesty leaves all disinterested Persons to judge whether he can make greater Advances and contribute more than his Majesty has done to the Re-establishment of the public Peace; and if after this any Prince or Potentate can, with the least Appearance of Reason or Justice, think of forming Leagues against his Majesty's Design, as tending to Universal Monarchy, or even only to the Conquest of the *Low Countries*.

(d) 'Tis it is a vain thing, in the Condition we are in, to attempt the moving us by Considerations of Generosity and Honour; in prosperous Times they have much Weight. And, the Truth is, they are improperly alleg'd to us by Neighbour, that sine securely looking upon us, whilst we held a War with Three great Potentates. This is the Effect of my Discourse to the *States*. After all, I have assured him, his Majesty and his Ministers have all possible Consideration for the Condition of *Flanders*, and with they were in a Condition of securing it. Concluding with him, that he shall do well to drive his Arguments as far as they will go, and to get them authorized from *Spain* also. And not to wonder at

the Want of Success, as long as the Emperor appears no farther concerned in the Cause of his own House." Lord Arlington to Sir W. Temple.

"It cannot but so happen, that the Pressures the *Spanish* Embassadors makes upon us here will be apply'd likewise to your Excellency there: In which Case, all his Majesty yet allows you to say is, that you are sure the King our Master would willingly glad them if he could. That you shall represent better to him what they desire; but that, whilst, you would be glad to know what Equivalent you may offer with the Proposition, since it carries much Charge and Hazard with it, at a time that this Crown is not in a very good Condition to support either: That *France* must needs receive a sensible Provocation by our embracing it; and, having such an Influence upon *Holland*, may, upon an Accommodation of this Quarrel, call to them to be their Seconds in a new one with us, as they were before to them. These Considerations, and many more that may easily occur to your Excellency, make it hard for us, who have them, to run so easily to the Opinion, that his Majesty shall succeed *Flanders*, whatever it cost him." Lord Arlington to Lord Sandwich.

(e) Mr. de Lionne, writing to Mr. de Ebrades, Nov. 4. 1667, N. S. expresses himself to the following Effect:

"I cannot conclude without telling you, beawixt you and I, for your private Satisfaction, that I, after the King has put into the Hands of the *States* the Certainty of Peace, on the Conditions which Monsieur de Wit propos'd, provided that they would but exert themselves as they ought to the *Spaniards*, the said *States*, instead of that, take up the Cards, and make Alliances, contrary to the Interests of his Majesty; we shall not be so much surpris'd at it here, as they may think. I know what I say, and on what Foundation I say it. Those, who would do us a Mischief, will do more to themselves, and perhaps better advance the Advantages of his Majesty; wherefore I say merrily, whenever you see happen."

And again, Jan. 12: "We agree with you here on the Truth of what you write, that at *London* there are secret Endeavours to engage the *States* to a League for the Defence of the *Low Countries*: And if there should be more but . . . [Rome] only, who lov'd the *Spaniards*, he will never fail trumping up such Propositions. But the King knows, beyond Possibility of a Doubt, that whatever the *English* will do on this Occasion, results only from their Jealousy and Fear, that the *States* should enter into stricter Alliances with his Majesty; and, perhaps, to engage them to Measures which may entirely disable *France*. And I may add, that if the Negotiations of this League should advance at *London*, in such manner as to render the King apprehensive of the Conclusion of it, he has in readiness some sure Methods to stop it, almost at once, and, at the same time, do the *English* the greatest Pleasure in the World. I cannot explain myself farther; but Monsieur de Wit has too much Penetration, not easily to know and judge, that what I say is true."

And again, from Mr. de Ebrades to Mr. de Lionne, January 11:

"The *Spaniards* had, at that time, dispersed thro' the Cities and Provinces a Letter from *England*, which contain'd, that Monsieur de Ruvigny propos'd to the King of *England* a League offensive and defensive, against all, and particularly the *States*; that the two Kings should divide *Flanders*; and that *Zealand* should be allotted to *England*, and *Brabant* to the King, pre-supposing by this League the declaring War against the *States*. It contain'd, besides, some other important Articles."

A. D. 1667.  
Lord Arlington's Letters.

A. D. 1667. cumstances, it may be gather'd, that the *most Christian* King did not depend solely on his Majesty's Letter to the *Queen Mother*, before-quoted, tho' still in Force; but, on the contrary, continued to make such Instances by Mr. *Ruvigny*, who was now his Resident at *London*, as he knew could not fail of being agreeable to the *Palate* of the Court, however they might relish with the People.

The Bent of the People was, indeed, quite the other Way. Nothing founds so disagreeably in *England*, as the Acquisitions of *France*. If we are not afraid of her Strength, we are jealous of her Glory: And hence we so greedily snatch at every Opportunity to humble her: It is, in truth, the Foible of the *English* Nation; and no sooner was it thoroughly found out, than we were indulg'd in the Gratification of it, to our own Ruin.

Our new First-Mover, therefore, whose Favour was, in a great degree, owing to his Popularity, could not venture, at first, to embrace those Proposals openly, which he entertain'd in private. A Supply was, however, necessary: His Majesty's Coffers rung hollow; and tho' the *Spaniards* did not refuse to replenish them, they were willing to see us embark'd in the Service, before they made us any Advances of Pay: Without some Measure, which kept time with the Pulse of the Public, there was no Hope of an Aid from the Public, nor Colour to demand one: And here we have the true Motive of the famous *Triple League*; to gain Time for which, the late long Adjournment was made.

As the Writings of Sir *William Temple*, who was, on our Side, the great Instrument of bringing this Point to bear, are in every body's Hand, there is the less Reason to enlarge upon it here.

We shall only observe, therefore, that his Instructions were, at first, confin'd to the *States* only: That the Proposal, of making *Sweden* a Party, came originally from *de Wit*; and that the utmost Scope of the whole Measure was only to oblige *France* to be content with her own Proposals; that is to say, of laying down her Arms; provided the *Spaniard* would either yield up all those Places, which she had conquer'd last Year; or the Duchy of *Luxembourg*, or County of *Burgundy*, TOGETHER with *Cambrey*, and the

*Cambresis*, *Doway*, *Aire*, *St. Omer*, *Wimox*. A. D. 1667. *bergen*, *Furnes*, and *Lincken*, with their Dependencies.

As *France*, by this Treaty, was liable to no Danger, and could receive no Detriment, in case she fulfilled her own Offers; so, in case *Spain* refused to make the Cession requir'd, she was to be compelled to do it by the joint Forces of the League. At the same time, therefore, that the saving the Residue of *Flanders* was so much magnify'd here at home, Mr. *de Wit* was enabled to baffle all the Complaints of his old Friend *d'Esbrades*, on the Occasion of signing the League, without the Participation of *France*, by insisting, that it had for its Basis the (f) Interest of the *most Christian* King; that he had entered into it for his Majesty's Service; and that he did not himself believe he could have brought the King of *England* to have made that Step in his Favour.

But if it was only the Manner which *France* had Reason to object to, *Spain* was dissatisfied to the last degree with the Matter of the said Treaty: Security for the Remainder of her Possessions was not the Point she aim'd at: She wanted to recover her Losses, to chastise the Perfidy of her Enemy; and, for want of Power to do that, was on the Point of turning the Tables on her Half-Friends, *England* and *Holland*, by throwing all *Flanders* into the Hands of *France*, in Exchange for an Equivalent on the Borders of *Spain*.

However, being thus cruelly beset, with the *French* Arms on one Hand, and the overbearing Instances of the *Maritime* Powers on the other; she was, however, at last, compelled to come in. But then it was on the Alternative, of giving up the new Conquests, instead of *Burgundy*; which, she thought, would leave *Flanders* most expos'd to the Designs of *France*, and consequently would oblige the said *Maritime* Powers to be more anxious for its future Safety.

Objects are as indistinct when placed too near the Eye, as when too far from it. Thus the *Triple League* appear'd to the Patriots of those Times to be rather a more advantageous Measure than perhaps it really was: It had, indeed, a fair and plausible Outside; but was not found at Heart: It was of the Expedient-Kind: It staunch'd the Blood; but did not heal the Wound. By the Treaty

*France* of-  
fended at the  
Manner, and  
*Spain* at the  
Matter of the  
said Treaty.

1667-8.  
True Motive  
of the Triple  
League.

Temple's  
Letters.

And again, from Lord *Allington* to Lord *Sandwich*:  
"As the Receipt of this, I suppose your Excellency will think it fit to acquaint the Queen, or the Ministers here at least, of his Majesty's Intentions to recd you speedily; and accordingly dispose them to put into your Hands their last Offers of the Terms they will give and take from his Majesty, in a stricter Union betwixt the two Crowns. It may obviously occur to them to suppose, that *France*, in the Prosecution of the War in *Flanders*, will give his Majesty soon Counters, even to forbear assisting against them. It is true, the popular Opinion here is opposite to this; but when the Necessities of the Kingdom, after such a War, and so faulty a Government as we are suppos'd to have liv'd under, shall go into the other Balance, it is not likely to be long so, nor cannot be maintain'd, but by the Parliament's giving his Majesty yet more Money than they are either able or willing to do. The present Game of *France* is, to take off us from the Help of *Spain*, by shewing the Likelihood of their making the Peace, by assuring *Holland*, that they shall have the Profit and Honour of making it: And yet, in the mean time, to prepare to vigorously for the next Year's War, as if they

never meant indeed to make the Peace. The Game of *Holland* is, to effect it indeed; and, in the mean time, *Spain* doth nothing to invite their Neighbours to concur in their Alliance, but by telling them, that they must oppose this growing Greatness of *France*, because at last it will be prejudicial to them."

(f) In a Letter from his most Christian Majesty to Mr. *d'Esbrades*, dated January 27, there is the following Passage:

"'Tis above twenty Days since I receiv'd News from *England*, the Storms at Sea having hindered the Packet-Boats coming to *Calais*; so that I cannot yet know any thing from *London*, even what pass'd with Sir *William Temple* when he arriv'd, and was sent to the *Hague*; but I will venture to say, that 'twill be a Push towards the Peace, which will render it infallible and expeditious, if the King of *Great Britain* enters into the same Sentiment with the *States-General*, to oblige the *Spaniards* to the Acceptance of the two Alternatives. In the Interim, 'twould be well if the *Sieur de Wit* would write to the *Embassadors Merian and Boute*, to carry themselves less reliev'd to the *Sieur de Ruvigny*."

A. D. 1667-8.

of Aix la Chapelle, the French were left in possession of what they had seiz'd, and in a Situation to master the rest; against which, the Spaniards had nothing to shew but a Piece of Parliament.

Treaty of Commerce ratify'd with Spain.

Peace between Spain and Portugal.

New Regulations of the Privy Council.

Num. 232.

To put a stop to the Progress of the French Arms, was, however, a Matter of Moment, and met with a Reception accordingly: The Court glory'd in it; and the People, if not their Representatives, talk'd of it with Rapture. To crown the Felicity of the new Minister, soon after this boasted Measure took place, the long-dependant Treaty of Commerce, between the two Crowns of England and Spain, was ratify'd; and, on the 19th of February, Sir Robert Southwell arriv'd from Lisbon with the grateful News, that Spain, in many Ways distress'd and embarrass'd, had been, at last, oblig'd to treat (g) with Portugal, King to King, under the Mediation of the Earl of Sandwich, in the Name of Great Britain; whereby the Independency of that Kingdom, which had been recover'd by the Address and Resolution of her own Nobility, the Intrigues of the French, and the (h) Bravery of the English, much to her own particular Honour and Advantage, but more to the Detriment of Europe in general, was confirm'd and established.

And that the Public might have as much Reason to be satisfi'd with the Management at home, as abroad, Notice was given in the Gazette, That his Majesty, continuing to pursue what he had so happily begun, for the better regulating his Affairs for the future, had establish'd a Committee for foreign Affairs; to which also all Justices of the Peace, and all other his Majesty's Officers and Ministers were to apply: A Committee for such Matters as concern'd the Admiralty, Navy, Fortifications, and all military Affairs,

without intermeddling in what concerns the A. D. 1667-8. proper Officers, unless by them desired: A Committee for Trade and Navigation: And, a Committee for Complaints and Grievances, under the express Restriction of not meddling with Property, or what relates to *meum or tuum*: To render which Constitution (so it is call'd) more effectual, it was further declar'd, in his Majesty's Name, that, for the future, nothing was to be resolv'd in Council, till the Matter had been first examined by, and receiv'd the Opinion of, some Committee or other; and that nothing should be referred to any Committee, which had not first been read at the Board.

Profligate and abandon'd as the Duke of Buckingham certainly was, it ought to be allow'd, that this Constitution had no Relish of his Vices: On the contrary, had it been suffer'd to operate as uninterrupted, as it was wisely fram'd, in all human Probability, the Government had been rever'd, and the People happy.

It is but seldom that so laudable a Disposition appears in Courts; and, whenever it does, it ought to be receiv'd with Respect and Gratitude. During this whole Reign, so many, and such remarkable, Concessions had never been made to the People; nor had our foreign Affairs ever worn so flattering an Aspect: Hence it was natural to imagine, that the good Humour of the House of Commons would have return'd with the Happiness of the Public; and that those who had gone such Lengths in gratifying the King's unjustifiable Relentments against an obnoxious Minister, would have gladly countenanced those Measures of his, that seem'd, at least, to have no other Tendency than the common Good.

But all these unexceptionable Regulations

at

(g) The Articles of the Peace were to this Effect:

That there be a sincere and perpetual Peace between his Catholic Majesty and the King of Portugal. That all Places taken in the War, shall, on either Side, be restor'd within two Months, together with such Artillery as they had at the time of Seizure; only the City of *Costa* to remain unto his Catholic Majesty. That in Point of Traffic, Portugal shall enjoy all the Benefits lately granted by his Catholic Majesty unto the English, and whatever other Privileges they themselves formerly enjoyed in the time of King Sebastian. That the Peace shall commence within a Year in the *Indies*, and sooner, if Advice thereof can be sent into those distant Parts; but, if after that time any Hostilities be committed, the Damage shall on either Side be repaired. That all Prisoners of War shall forthwith be set at Liberty, without any Ransom or Impediment on either Side. That all Confiscation of Estates upon the Account of War, be declared null, and all Persons be restor'd unto these Possessions, which they might have enjoyed, in case the War had never been. That if any particular Outrage be committed on either Side, the same shall be no Pretext to return to the War, but according to Custom, Letters of Marque and Reprisals shall be granted, if in such Cases Justice be denied. That Portugal may freely enter and partake in any League which England shall make with its Confederates. And that in Virtue of this Treaty, all the Articles of any such League shall be valid, and of the same Force, as if express'd herein. That as well the Catholic King as the King of Portugal, each for themselves, do promise an inviolable Observation of this Treaty. And they also do the same jointly with his Majesty of Great Britain, as the Mediator and Guaranty of this Peace. That the Peace shall be ratify'd in fifteen Days after the Signing, and being then published with all Expedition, the Articles shall afterwards be acknowledged and ratify'd by his Majesty of Great Britain in the Space of four Months next ensuing.

(h) The Troops, sent from England to the Assistance of

NUM. XV.

the Portuguese were of the *Faterans* which, under *Cromwell*, were the Admiration and Terror of Europe; nor in this foreign Service, did they show any Abatement of Spirit, or suffer their Glory to diminish; on the contrary, it appears, even in the partial Writings of *Ablancourt* (but in our own there remains no Memorial of their Valour) that to their amazing Efforts, and the admirable Conduct of Count *Schomberg*, Portugal owed her repeated Triumphs over the whole Force of Spain.

Of this let the following remarkable Incident, taken from the Memoirs of that very *Ablancourt*, bear eternal Testimony.

Towards the End of the Month of *June*, the Duke of *Osuna*, taking Advantage of the Absence of the Troops of *Osuna*, which were in *Alentejo*, went with 8000 Men and lay down before Castle *Rodrigs* (strong only by its Situation upon a high Mountain, surrounded with pleasant and fertile Valleys) which he batter'd with nine Pieces of Cannon, there being only 250 Men in Garrison.

*Pedro James de Magalhães* (of the Race of the famous *Magellan*, who draws his Origin from France) who commanded the Portuguese in that Country, having assembled 4000 Foot and 600 Horse at *Alentejo*, marching in the Night with that little Army, and two Field-Pieces, with a Design to relieve the Place, which was but three Leagues distant, most of his Men having red and blue Caps of the English Fashion, which they had made of little Mantles they had taken from the Country-Women; and appearing in the Morning betwixt the Castle and the Besieger, the latter perceiving their colour'd Caps, were so surpris'd, that, crying out, *San English* (they are English) they all immediately took themselves to Flight. And tho' some of the *Casilians* hallo'd at the River of *Aguires*, the Portuguese still pursuing them, took all their Baggage and Cannon, with 1700 Prisoners, many of which were of no Note; That Victory having cost the Portuguese only twenty Men kill'd, and six wounded.

X x

A.D. 1667-B. at home, tho' accompany'd with such applauded Measures, crown'd with such happy Events abroad, had not the Effect which might have been reasonably expected; for what Reason, we are now to explain.

The Duke of *Buckingham*, whether from good or bad Motives, had taken a Resolution to make use of his present Power and Greatness to put a Period to the Sufferings of those, who, either for Conscience or Humour sake, had dissent'd from the Religion established by Law; and to (i) restore them to the Privileges of *Englishmen*: In which he had the Honour to be assisted by the Lord Keeper *Bridgeman*, and the irreproachable Lord Chief Justice *Hale*.

This alarm'd the *Church*; which, orthodox as it is, has always thought itself in *Danger*, whenever a *Christian* Government made use of *Christian* Charity. His Grace, in the Distribution of Places, had, moreover, not look'd upon those who had been formerly for a Commonwealth as unqualify'd for the public Service; but, on the contrary, had endeavour'd to attach several of those Persons to the Interest of the Crown, by making their own Interest depend upon it. This displeas'd the Parliament; who, dreading the Repentments of those they had so long persecuted, could not forgive a Proceeding so much to their own Prejudice.

It is not for nought, that the Words *Church* and *State* are so often coupled together; and that the First has so insolently usurp'd the Precedency of the Last. The Disobliged and Discontented in both soon found out each other's Grievance, and as soon resolv'd, by each other's Help, to find out a Remedy.

The two Houses met on *Thursday Feb. 6*, but were directed to adjourn till the *Monday* following, when his Majesty, having acquainted them with the new League he had made with *Holland*, in order to the effectual Mediation of a Peace between *France* and *Spain*, and desired of them a Supply to fit out a considerable Fleet pursuant to that Alliance, concluded in these Words: "And, for the settling of a firm Peace, as well at home as abroad, one thing more I hold myself oblig'd to recommend to you at this present, which is, that you would seriously think of some Course to beget a better Union and Composure in the Minds of my Protestant Subjects, in Matter of Religion; whereby they may be induced, not only to submit quietly to the Govern-

ment, but also faithfully give their Assistance to the Support of it."

And now it was, that those who, at the Opening of the former Meeting, had so many Thanks to offer to the Throne, could not be induc'd to make his Majesty the least Acknowledgment for taking those Measures, which have been esteem'd the Glory of his Reign. The Mercy shewn to *Dissenters*, and the Favour shewn to the Friends of *Liberty*, had spoil'd all: He met with the worst Usage, when he deserv'd the best; and even the Champions for the *Prerogative* preposterously glory in an Opposition to the Crown, because inspired by the Fathers of the *Church*.

Let us be allow'd to make use of their own Words, in recounting this Part of our Story:

"In the two last Sessions, there had been strange Divisions among them, scarce two Persons agreeing together, or daring to trust one another; the best Things were oppos'd, purely because this or that Man propos'd them, and every body that wish'd well to the *Church* and *Crown* were under terrible Apprehensions of Measures being taken that would be prejudicial, and perhaps in the End prove fatal to both. Never were there more melancholy Descriptions of Confusions and Distractions, than were given of those in this House of Commons, in the Letters of the Members for two Years together; and never was there seen a more sudden Turn than was now produc'd in an Hour, when many honourable and wise Persons thought it was scarce possible to produce it in an Age.

The *Seculars* had been exceedingly elated at the Situation of Affairs, and the Disposition of the Court in their Favour; and had made too early and open Discoveries of their Expectations of coming soon into Power, which did not pass unobserved. As soon as the House met, and before his Majesty came, a Motion was made, upon divers Informations from several Counties and Cities of new Swarms of Conventicles, and that Persons, generally disaffected to *Church-government*, had boldly taken upon themselves to summon all of their own Principles, and to promisc them an Act of *Comprehension* to pass that Session for a general *Toleration*, the Heads of which were offer'd in Writing by one of the Members. This reunited at once all the Friends to the Constitution in *Church* and *State*; and a Vote immediately pass'd, that such of the Members as were of the Privy-Council should attend his Majesty with a Request,

(1) Of this Affair, Dr. *Calamy*, who is follow'd both by Bishop *Kennet* and Mr. *Archdeacon Eborac*, gives the following Account, That Dr. *Manton* sent a Letter to Mr. *Baxter*, intimating that Sir *John Baker*, who belong'd to the Lord-Keeper *Bridgeman*, told him that his Lordship desired to confer with them two about a *Comprehension* and *Toleration*. And thus waiting upon the Keeper accordingly, he freely told them, "That he had sent for them to think of a Way of their Restoration; and to that End he had some Proposals to offer to them, which was for a *Comprehension* for the *Presbyterians*, and an *Indulgence* for the *Independents*, and the rest." After some Debate it was agreed to go first upon the Business of *Comprehension*; upon which Occasion Dr. *Wilkins*, and the Keeper's Chaplain, Dr. *Barton*, were consult'd. The Point they most dis-

fered about was *Re-Ordination*; but at last Chief-Justice *Hale* suggest'd an Expedient to adjust the Difference; which was, That those Nonconformists that had been ordain'd before, should be admitted into the Ministry of the Church of England with this Form of Words, *Take thou Legal Authority to preach the Word of God, and administer the Holy Sacraments in any Congregation of England, where thou shalt be lawfully appointed to exercise.* It was likewise agreed, That *Ceremonies* should be left indifferent, and the Liturgy alter'd; and that those who could not be comprehended should be indulg'd, and for Security to the Government, the Names of the *Teachers*, and all the Members of the Congregations, were to be register'd. Accordingly a Bill was drawn up by the said Chief-Justice, against the Meeting of the Parliament,

An Opposition form'd by the Church against the Court.

Life of the Duke of Ormond.

Request, in the Name of the House, "that he would issue out a Proclamation for putting in present Execution the Laws in force concerning Religion and Church-government now established, according to the Act of Uniformity." The Duke of Buckingham's Party pressed, but in vain, that the Vote might be repited, because his Majesty might possibly say something to them in his Speech concerning that Matter. After the Speech was made, the same Party pressed more earnestly than before, that the Address might not be tendered, till they had fully debated the Particulars in his Majesty's Speech; which, as soon as it was read, was carried back to his Majesty, and the Vote, being again affirmed, was delivered into the Hands of a Privy-Counsellor, to be presented to the King in the Afternoon.

Thus was defeated the Scheme of a *Comprehension*, which had the Honour of having the Duke of Buckingham for its Author, and no doubt tallied with the other Schemes which he had formed at this time; a Circumstance which will raise no advantageous Opinion of its being calculated for the Benefit of either Church or State. His Grace met with other Mortifications the same Day, which fully shewed the Vanity of his confident Undertakings for the Parliament: For, when his Friends mov'd to return his Majesty Thanks for his Speech, and for the *(k)* new Alliance, it was opposed, and, after some Debate, was laid aside, without a Question. The King's present Supply was then pressed; but the House resolved, That the Committee for the Miscarriages of the War should make their Report, and receive Directions from the House for their farther Enquiry, and the Reasons and Causes of the present Want and Poverty of the Kingdom should likewise be debated, before the Supply should be taken into Consideration."

Here we have, indeed, the Church triumphant over the Crown: But then a very unlucky Reflection arises to damp the Exultation expressed thereon, viz. That this Want and Poverty, and these Miscarriages, cannot be laid to the Charge of either Republican or Fanatic: Both King and Parliament, it is apparent, were in other Hands; and, according to the Evidence of this very Enquiry, could not have been in worse.

In the List of Miscarriages, voted by the House, we find, particularly mention'd, The Orders given by Brunkard to slacken Sail, after the first Battle with the Dutch, that the Duke of York might not be disturb'd in his Repose; to which was imputed the Escape of the Enemy's Fleet: The Disappointment of Berghen: The plundering two Dutch East-India Ships in September 1665, in which Interval an Opportunity was lost of

engaging the Dutch Fleet to Advantage: The dividing of the Fleet, in the second Year of the War: The Want of Provision and Ammunition in the Navy and Ports: The Payment of Seamen by Tickets: The Want of Intelligence: The not fitting out a sufficient Fleet last Year: The Separation of those Ships that were set out, so that they became useless: And the Affair at Chatham.

It is very easy to see, that almost all the great Men at Court were affected by one or other of these Articles. The Earl of Sandwich was included in that of Berghen, and the plundering the East-India Ships; for which last Job, express Orders had been given by him to Sir William Pen. That relating to Intelligence was levelled at Lord (i) Arlington. The Division of the Fleet brought the Duke of Albemarle into Question. For the defenceless Condition of Chatham, and the Ships lying there, both his Grace as General, and his Royal Highness as Admiral, were equally accountable. In Brunkard's Affair, his Royal Highness alone was deeply concern'd. And even his Majesty had countenanced the plundering Job, by granting a Warrant for the Distribution of the Goods.

When the Judge is the Delinquent, Justice herself is sure to be non-suited. Thus, when the Commons took their Aim so high, it was pretty manifest, they rather meant to terrify, than do Execution: And the Event was answerable; for their Indignation fell at last on Commissioner Pett, Sir William Pen, Brunkard, and Brunkard, only; who, though impeach'd, were never punish'd.

They had Leisure, likewise, to pry into other Abuses, and finding the Timber of the Forest of Dean very lavishly granted away, not only prefer'd their humble Desire to his Majesty, to restrain the selling of any more, and the carrying off what was already sell'd, notwithstanding any Grants in being, but brought in a Bill (which afterwards receiv'd the Royal Assent) for the Increase and Preservation of Timber in the said Forest, which, in the Preamble, declar'd, That the Wood and Timber of the Crown, which of late Years was of very great Quantity and Value in that Forest, except in one Woodwardship, was become totally destroyed.

It is farther remarkable, that notwithstanding the Address before mentioned for enforcing the Laws concerning the establish'd Religion and Church-government, on March 4th, they resolv'd, that the House in a Body should address themselves to his Majesty, to desire him to issue forth his Proclamation for enforcing the Laws against Conventicles, and that Care may be taken for the Preservation of the Peace against unlawful Assemblies of Papists and Nonconformists; as likewise, that the latter Part of his Majesty's Speech

Thanks for the Speech rejected.

Miscarriages voted:

A.D. 1667-8.

Crown Timber wasteful.

Ad to prevent it.

Address for a Proclamation against Conventicles.

(1) Bishop Parker affirms, that the Triple Alliance was readily embraced by the House.

(2) As we learn by his own Letters; in one of which to Sir William Temple, dated February 17, we had the following Passage:

The House of Commons are yet in their Enquiry after Miscarriages; I leave it to your Correspondents to tell you what Votes they have pass'd therein. But cannot forbear

letting you know that Mr. Norwel hath strook hard at me, upon the Point of Intelligence, tho' hitherto unsuccessfully, as to the doing of me any Harm thereby. This Day he hath given me cause to forgive him, by being the first Man, that, in the midst of this Enquiry, mov'd the taking into Consideration the Matter of his Majesty's Speech, which begot the Resolution of doing it on Wednesday Morning.

A.D. 1667-5. Speech be taken into Consideration that Day Fortnight.

The next Day this Vote was, accordingly presented to the King, who was pleased to answer to this Effect:

King's Answer.

" Gentlemen, I will issue forth my Proclamation, according to your Desire, and I do not doubt, but you will take the second Part of my Speech into Consideration, according to your Vote."

Gazette, Numb. 242.

Upon the 10th the King made good his Promise by setting forth the said Proclamation, but withal took Advantage of their Vote to specify in it, That the better Union of his Protestant Subjects was actually under Consideration; which was however so wide of their Intention, that when the Matter came into Debate it was carry'd, That no Man should bring an Act of that Nature into the House.

A Supply out of, but not made good.

Four Messages thereon.

(m) Before the End of February the House had voted his Majesty a Supply of 310,000*l.* but no Ways and Means had been thought of to make it good. By the 6th of March therefore, his Majesty thought proper to send them a quickening Message, in which he told them, it was absolutely necessary in respect of the Safety, as well as the Honour of the Nation, that a Fleet be set out with all Speed; that his Forts should be fortify'd, and that more Ships should be built; adding, " Because they had not yet had Satisfaction (upon the Bill of Accompts) of the former Supplies, he was very willing that this should be collected and issued for these Purposes, by such Persons, as the House should think fit."

1668.

But notwithstanding such pressing Reasons were urg'd in Support of this Demand, and such a condescending Circumstance was connected with it, the House continued still intractable. On the 30th following, his Majesty was therefore induc'd to summon them to Whitehall, and accost them in Person; where, in few Words, he conjur'd them to furnish his Supply, and dispatch the Business before them, in order to a Recess by Whitsuntide: But another Fortnight pass'd over as before, which produc'd another Message (April 13) tho' to no better Purpose, in a more peremptory Style, to let them know, that his Majesty was resolv'd to put a Period to the Session by the 4th of May; and that he earnestly minded them to dispatch the Supply, and other public Concerns by that time. The Smooth had no Effect; the Rough had an ill one: Of which his Majesty becoming sensible, he was forc'd to qualify all again by yet another Message, signifying, that to prevent the Loss of the Bills, then under Deliberation (one of which was to enforce, and enlarge the former Bill for suppressing Conventicles) he would be content with an Adjournment only for about three Months, and therefore desired them to perfect the Bill of Supplies, &c. by the said 4th of May.

Thus the Church was too mighty for the

King; and when his Measures appear'd most innocent and laudable, this loyal House of Commons refus'd to part with a Shilling, till they had the Nonconformists again at their Mercy.

During this Litigation of the Supply, the great Misunderstanding arose between the two Houses concerning Skinner's Affair, which, according to Bishop Parker, and those who tread the same Track, was a concerted thing, in order to necessitate a Dissolution.

Misunderstanding between the two Houses, in Skinner's Case.

Skinner the Plaintiff was a considerable Merchant of London; the Defendants were the East-India Company, and in their Right, Sir Samuel Bernardiston, as their Governor. The Matter of Complaint was, that the said Company had seiz'd a Ship and Cargo of Skinner's, and assaulted his Person. Skinner, instead of commencing his Suit in Westminster Hall, has Recourse at once to the House of Lords, who give him a Hearing, and allot him 5000*l.* Damages. Sir Samuel and the Company on the other Hand, knowing no Ballance for the Power of one House, but that of the other, appeal to the Commons, who vote Skinner's Complaint, and the Lords Proceeding thereon, illegal. The Lords did the same by the Company's Appeal. The Commons order Skinner into the Custody of the Sergeant at Arms; and the Lords did the same by Sir Samuel, as likewise Sir Andrew Riccard, Mr. Rowland Gayme and Mr. Christopher Boone.

This is a Brief of the Case; and to prove that a Matter of such great Concern between an interloping Merchant, and a great privileg'd Company, was a deep, factious Intrigue, we are told, that Skinner was a Dependant of Lord Shaftsbury's; and Sir Samuel in 1641, when very young, was one of those who had cry'd out, Justice! Justice! against the Earl of Strafford.

Now, that two such Men should risque their Property, and forfeit their Liberty to forward the Schemes of State-Projectors, appears, at this Distance of Time, a little romantic; especially when 'tis further considered; that either a Dissolution would not have answer'd the Ends of those who are said to have desir'd it, because the Temper of the Lords could not have been alter'd by that Expedient; and the present House of Commons could not be more at the Devotion of the Church, than the Majority of their Constituents; or if it would, the Prerogative need no Excuse for bringing it into Play.

To Common Sense it seems more natural to conclude, that the Lords, recollecting the then recent Precedent of their having been voted useless; and being alarm'd at the manifest Superiority which the Commons had over them as to Grants and Supplies, had Recourse to this Method of entering the whole Judicature in themselves, that the absolute as well as ultimate Decision of Property, might reduce the Power, and with that

(m) By a Letter of Lord Arlington's, we are inform'd, that one Reason why they granted no more was, a Belief that his Majesty had yet 500,000*l.* of his old Money in Bank.

A. D. 1668. that, the Importance of the two Houses, nearer to an Equality.

But, whatever Glorify this Matter may reasonably bear, none seems easy to be found for the many underhand Practices, which were now made use of to run down the Duke of Ormond; a Nobleman, whose Accomplishments made him the Delight, and whose Virtues the Admiration, of his Country; who had a Soul, that neither Place, Power, nor Example, could corrupt; equally incapable of Guilt or Fear; and who, thro' the various Current of his Life, seems to have had nothing to answer for, but the Prejudices of the Times he liv'd in, and the Party he espous'd; which led him to think, that more Regard was due to the Prerogative than to the Claims of the People; and to act, for the general, as if the Sum of Patriotism consisted in an almost unrestrained Obedience to the Will and Pleasure of the Sovereign.

(n) This over-zealous Attachment of his to the Crown was, however, laudable, because it was founded on Principle; whereas *Buckingham's* Concessions to the democratic Part of the Constitution were void of Merit, because void of Virtue: To see a Man of so much Dignity as *Ormond* bow, with such unfeigned Respect, to the Throne, made it appear not only the Duty of common Men to do the same, but what they ought to glory in: Whereas, the Sentiments of *Brutus*, in the Mouth of *Buckingham*, had neither Weight nor Value, because they were utterly inconsistent with his own profligate, scandalous Life and Actions.

The Duke of *Ormond* held, at once, the high Offices of Lord Lieutenant of *Ireland*, and Lord High Steward of the Household:

(o) The best Comment upon what is here said of these two *Dukes*, we are furnish'd with, in a Letter from his Grace of *Ormond* to his gallant Son the Earl of *Offory*, dated Feb. 25, 1667, as follows:

"I will venture to tell you, that while the Duke of *Bucks* governs the Affairs, I conceive I cannot be there with Ease to the King, or Satisfaction to myself. Certain it is, I cannot concur in such Expedients, as are found out to gratify the worst Part of the Parliament and Nation, at the irreparable Charge of the Crown and Church; and if I should oppose or not acquiesce in them, the King's wanting what is said at might be imputed to me, and I should be forced to do what I never yet did, that is, refuse actually to serve the King his own way. If the Necessity of my own Vindication shall compel me over, I shall find Work enough in that, and may apply myself only to it. Either the Duke of *Bucks* and his Undertakers will succeed, or fail; if the first, I am well pleas'd to have no Part in the Honour; if the last, his and their Credit with the King and the World will soon vanish. I am sure, it ought to do; for if no Recompense shall be had for all the Indulgences (to say no worse) offered at the Price of a Supply, it would put more Prudence and Innocence, than they are possess'd of, out of Countenance, and out of Favour."

(p) Of which the following may serve for a Specimen, as well as to justify the ill Opinion which has been entertain'd of this *Reign*.

The Earl of *Orrey*, when he was ready to embark from *Ireland*, was seized with an Ague, which ended in a Fit of the Gout, which delayed his Journey. He did not arrive in *England* till about the Middle of *June*, but had sent over before him a Narrative of his Affairs to Sir *Charles Wheeler*, which was made public enough before his Arrival. As soon as he came to Court, he undertook to the King to show him, that there was Revenue, and other Help, enough in *Ireland*, to pay both the military and civil Lists; and that, if it had been rightly manag'd, his Majesty would not have been in debt; that the Receipts had been greater than the Issues, and vast Sums, sufficient to do the King's Business, still remained to be accounted for; and that there was no need of Aids from the People, either for Support of the growing Charge, or for paying the Debt of the Crown. This Un-

The Duke of *Buckingham* aspir'd to both: A. D. 1668. But so firmly establish'd was his Rival, tho' a Man of Integrity, in the good Graces of the King, that he had no Ground to assure himself of either, unless he could find Proofs against him of Mal-Administration.

This, therefore, was his great Endeavour, and two Petitions were forwarded to the House of Commons, relative to the Affairs of *Ireland*; on the Presumption, that such Lights would occur in the Hearing, as would furnish Matter for an Impeachment: But both fail'd; and it became necessary to have recourse to other (e) Expedients; all of which were equally base, and equally fruitless.

To take Leave of this Session: On the 8th of *May*, four Days beyond the Time prescribed by the King in his Messages, his Majesty came to the House; and, having given the Royal Assent to such (p) Bills as were ready, declar'd it to be his Pleasure, that both Houses should adjourn till *August 11*; withal signifying, as if by way of Grace, that, if possible, he would even then dispense with their Attendance; tho' he had before enter'd into a sort of an Engagement, that the Receipts should last no longer than three Months.

Why the Commons shew'd no more Countenance to so popular a Measure as the *Triple Alliance*, is already sufficiently understood: But why the King and his Ministers grew so extremely urgent for the Dispatch of the Supply, will admit of a little farther Illustration.

Our Ministers had no sooner receiv'd Advice from (q) Sir *John Trevor*, his Majesty's Envoy at *Paris*, that the *Provisional Treaty* between

deraking put a stop to the Thoughts of a Parliament; and the Duke of *Ormond* was desirous to encourage it (though not made in the most obliging Manner to him) in hopes of finding *Ireland* to be in a better Condition than he imagin'd. He had a very good Opinion of Lord *Orrey's* Talents for Calculation, and of his Knowledge of the Revenue; but was afraid, that the King's own Warrants would be found at last to be the Misapppliers of his Revenues; and so all the Noise made about the Disposition of his Treasure would, after all, produce nothing recoverable to answer the present Necessity, which was the chief thing at first undertaken. Part of the Blame might possibly be laid upon him for obeying such Warrants, and upon Lord *Anglesey* for enjoining them, before the Lists of the Establishment were fully furnish'd. But he had the Satisfaction of knowing, that he had never recommended above two Sums of Money to be paid to any Persons, one to the Earls of *Anglesey* and *Orrey*, and the other to Mr. *Robert Fitzgibbon*, and neither of those he had been actually paid in any Part. A Commission was issued to the Dukes of *Duch* and *Albemarle*, the Lord *Roberts*, Sir *Tho. Osborne* and Sir *F. Littleton* to enquire into the Mal-Administration of the Revenue of *Ireland*. The World generally imagin'd this Commission to be aimed at the Lord Lieutenant, and considering the Persons appointed for Commissioners, there was Room enough for that Notion; yet he forwarded it all he could, as well to convince the World that it did not affect his Administration, as to convince the King, who could not otherwise be cured of the Surpluses he had poured into him of the Mismanagement of his Revenue. The Enquiry ended, as the Duke of *Ormond* apprehended, in discovering that the Earl of *Anglesey's* Accounts were just, and that the King's Warrants had chiefly contributed to the large Debt due to the Establishment. List of the Duke of *Ormond*, Vol. ii. p. 308, 309.

(q) The Aid of 310,000 *l.* was rais'd by an Imposition on *Wines* and other *Liquors*.

(r) *John Van Brounckeren*, who had negotiated the *provisional Treaty* on Behalf of the *States*, had the Modesty to croud a Medal to be struck upon the Occasion, which had for its Device the Story of *Jehoshaphat* stopping the *Saw*; the Allusion of which it is obvious, that it tends no Explanation. The *States* themselves were, likewise, guilty of similar In-

Life of the Duke of *Ormond*.



Parliament adjourn'd till August.

A. D. 1668.

between the Maritime Powers and France (which contain'd the Essentials of the definitive one, to be concluded at *Alix la Chapelle*) had been sign'd at *St. Germain* (April the 7th) than they took it for granted they had the Peace in their Pockets: Of this we have a Confirmation in a Letter from Lord *Arlington* to Sir *William Temple*, dated April 13, 1668. His Lordship therein supposing, the rest would be dispatched in an Hour's time: And that, if the *Marquis* (de *Castel Roderigo*) had not sent a Gentleman to *Aix*, in *Pomp*, he would direct him to sign it in his Boots. In proportion as the public Danger lessen'd, the Court had less Reason to insist on a Supply; and the House more to evade or refuse it: That, therefore, their own Measures might not defeat their own Ends, they gave into all that Importunity; which, nevertheless, was not attended with the desired Effect, till after Sir *William Temple* and Mr. *Beverning* had forced the Spaniards to submit to the hard Terms which their Friends and Enemies had jointly impos'd upon them.

But, whatever Pretences were made use of to blind the House of Commons, either the good Faith of France, or the Awe of the Triple Alliance was now so entirely depended upon, that, even before the Treaty was confirm'd in all its Formalities, Sir *William Temple* receiv'd Letters of Revocation (from his Residence at *Brussels*); which were accompany'd with discretionary Instructions for him to take *Holland* in his Way, to assure Mr. *de Wit*, "That his Majesty was so well satisfy'd with the late Transactions which had pass'd between them, as to be very glad to have more to do with his Masters, in the full Persuasion, that it would serve the Turns of both States to be very good Friends, the Sufficiencies and Insufficiencies of their Neighbours were so notorious."

The States, however, on their Sides, shew'd no great Forwardness to have any more to do with us. They had gladly made use of us, to prevent the total Loss of *Flanders*: But that being done, Mr. *de Wit*, their Head, forthwith return'd to his old Attachment to France, which he had never in the main departed from; and finding he had given Disgust, by closing with us thus far, he made use of all the Expedients in his Power to remove it.

The Count de *Molina* and Baron de *Isola*, with the Concurrence of the Lord *Arlington*, had fram'd the Project of a Defensive Alliance between *England*, *Spain*, *Sweden* and the States, which having been communicated to Mr. *de Wit*, he made a Merit, to Mr. *d'Esfrades* of causing the States to reject it.

By the Triple Alliance it was provided that any other Prince and Potentate might be admitted as a Party in it, with the Consent and Approbation of the rest: But when the Emperor and Spain would have taken the Advantage, the States absolutely refused it.

Some Time in February, Mr. *de la Roche*, who commanded a French Squadron in the Channel, coming to Anchor in *Torbay*, had the Insolence, not only to take an Offend Ship from the Key, but to land a Party of armed Men, who seiz'd the Effects belonging to the said Ship, which, for their greater Security, had been put on Shore. After which coming to the *Drains*, he repeated the Insult, by carrying off four Offenders in a hostile Manner from *Deal* itself. He then fell down the Channel again, and put into *St. Helens*, where he was found by Sir *Thomas Allen* with a Squadron of English Men of War; who, by express Order from Court, not only demanded the Offend Ship, Tackle, and Cargo, together with the Four Men, but all the English Mariners, amounting to above an hundred, which *de la Roche* had on Board: All which was instantly comply'd with, and Mr. *de la Roche* the French Resident was farther told, in the King's Name, that his Majesty had proceeded with no more Rigour against the said *de la Roche*, because he expected his Master would punish him for his Fault.

While the Hearts of the French Court were yet warm with this Correction, Mr. *de Wit*, took the Advantage, to propose a new Alliance to Mr. *d'Esfrades*, between the most Christian King and the States, jointly to oppose the Pretensions of his Britannic Majesty to be King of the Sea, and to oblige all Ships to strike to his, as an Acknowledgment of that usurp'd Superiority: And either to force him to renounce that Pretension, or fight his Ships wherever they found them: To facilitate this Measure, which must have inevitably kindled a new War with *England*, he mention'd the Proceeding of Sir *Thomas Allen* to *de la Roche* at *St. Helens*, not as an Act of Justice, but an Indignity, which if conniv'd at, would encourage the English to do worse. And finding the French Minister had then no Instructions on this Head, he renew'd his Instances again and again, which were also back'd by those of Mr. *d'Esfrades* to the French Court: The first urging, that nothing could better shew how little they meant to separate from France by their Engagement with *England*, since by this Measure that Engagement would be destroyed: And the (r) Last, that nothing but the King's embracing this Proposal, could hinder Mr. *de Wit*'s being forc'd into English Measures by the English Faction, however disagreeable to his Sentiments and Inclinations, or contrary to his Resolutions.

How far Mr. *de Wit* was in earnest in this Proposal, is hard to say; perhaps he had already Reason to suspect that the Court of *England* was again revolting to its old Bias of cultivating the closest Union with France, and made use of this Expedient either to outbid us at the French Court; or, in case the

stances of Vanity, which they had afterwards very sufficient Reasons to repent of.

(r) Mr. *d'Esfrades*, upon this Occasion, is pleas'd to say, That Mr. *de Wit* had but little Esteem for the English Council, a great Contempt of that of Spain, and of their Ministers, and had no Stress on the Resolutions of the States, which he found very much self-interested, and on the con-

trary he had a high Value for the Person of the King, of his Valour, of his great Mind, and of his Conduct, to that Degree, that he said boldly in the Assembly, that he must own, that the first and most foolish Council that there was in *Christendom*, was that of the King, of which he is the Chief, which does not appear in other Countries.

A. D. 1668.

The History of the Reign of Charles II.

Lord Arlington's Letters, v. 1. p. 218.

Gazette, Numb. 239.

Sir William Temple rec. called.

[Lord Arlington's Letters, v. 1. p. 337.]

Mr. de Wit's Expedients to revive the good Graces of France.

d'Esfrades.



the Bible was refus'd, that from thence he might the better collect what he had to depend upon, and be enabled to take Precautions accordingly.

However this may be; instead of entering into a Negotiation with the States upon this delicate Point, which, considering what we have already seen of the Proceedings between our Ministers and theirs of France in Relation to the Flag, it was natural to think his most Christian Majesty would have readily and cheerfully done, he sent Mr. Colbert de Creilly, Brother to the famous Minister of that Name his Ambassador Extraordinary into England, in August, and recall'd Mr. d'Estades in September.

In the Interval, indeed, between the Revocation of Mr. d'Estades from the Hague, and the Arrival of Mr. Colbert in London, Sir William Temple was sent to the States with a higher Character, but on a far less important Errand than before (the first being given him to qualify the last) which by (1) Circumstance, we find, he was not over fond of, nor pleas'd with. It was to give general Assurances of the Continuance of his Majesty's good Intentions towards the States; to labour at an Adjustment of our Commercial Claims and Interests, and to concert a Treaty of Guarantee, on the Basis of the Triple Alliance: But all was in Effect mere Matter of Amusement, both to the Powers abroad, and the People at home; nothing more being intended by it, than to draw in both Spain and France to bid for us, and to carry the Kingdom to the best Market.

But the ill Humour in which Spain had been left, by the Treaty of Aix, still continuing, she continu'd for almost two Years wrangling for the Fruits she expected from the Triple Alliance; but refusing either to pay the Swedish Subsidies on one hand, or gratify the pecuniary Demands of England on the other: In Excuse for which it was, however, well urg'd, that they had been dealt with rather too roughly, in imposing not only the Laws of a hard Peace upon them, but the said Swedish Subsidies, at the same time; and even refusing them the Satisfaction of a Guaranty, till it was paid.

France was Eagle-ey'd at spying out Advantages; and prepar'd to make use of all. The Acquisitions she had made in Flanders render'd her only more greedy for the rest; and, unless she could dissolve the Triple Alliance, she could scarce hope to accomplish her Wishes.

This was a great Part of Mr. Colbert's Business in England; tho', perhaps, not all: But, tho' he arriv'd here August 8, Lord Arlington instructs Sir William Temple, October 23, to take from Mr. de Wit, Sec. all Suspicion of Treason in us, in our Union and Triple Alliance, or hanging towards France; wherein, he did assure him, there had not been the least Step made, since he left

the Court. On February the 16th, 1668-9, his Lordship further informs that Minister, That Mr. Montagu, Master of Horse to the Queen, was just on his Departure for Paris, whither, says he, he goes instructed to concur entirely with the Dutch Minister (whatsoever be he) in all Matters relating to the Triple Alliance, and the Guaranty of it; as likewise the disposing that Court to a friendly Composure of all Differences between them and Spain, or remitting them to an Arbitration. And Sir William Temple himself, in his Letter to his Father, after his Return from the Hague, affirms, that both Lord Arlington and Sir John Trevor continued to the last of his Stay in Holland, to assure him, that the King still remain'd firm in his Measures to the States.

But the Secrets of State are sometimes as ill kept, as those of Families: In the Beginning of the Year 1669, Lord Arlington acknowledges a Rumour prevail'd in the Court of London, that the Swedes were gain'd by France, and would fall from the Triple Alliance: And, in the April following, Mr. Puffendorf, a Swedish Minister, in his Way from Paris, assures Mr. de Wit at the Hague, that England was already chang'd, in the Course of all those Councils they had taken with Holland and Sweden, tho' they did not think fit to let any thing of it appear, and the Secret was yet in few Hands: And that Mr. Turenne had shew'd him a Letter from Mr. Colbert, wherein, giving an Account of the happy Successes he had met with in his Negotiations at our Court, of the good Dispositions there, and especially those of our chief Ministers, he makes use of these Words: And I have at last made them sensible of the whole Extent of his Majesty's Liberality. Again, in the Month of August following, a new Minister arriving here from Denmark, and being ask'd, what Opinion the King his Master had of coming into the Triple Alliance; he answer'd, That he thought it was not long liv'd; and that Sweden would go near to fall from it, as soon as they had receiv'd their Subsidies.

Our foreign Affairs wore this ambiguous Aspect towards the Close of the Year 1669; and, till that time, the Parliament was twice adjourn'd, and then prorogued, by his Majesty's Will and Pleasure, as express'd by Proclamation. The Duke of Buckingham was now as much out of Love with the Parliament as his Royal Master. In order, therefore, that their Meeting might be deferr'd the longer, the Civil List was put under a new Regulation according to the following thrifty Scheme, which deserves to be insert'd, not only as a Matter of Curiosity, but that the Nation may know how much less costly a thing Government was, even in the faulty Reign of King Charles II. than it has proved under the more virtuous Administrations since:

"At the Court at Whitehall 22<sup>d</sup> July, 1668,

(1) In a Letter to the Lord-Keeper Bridgman, to Sir William Temple, dated July 26, 1668, we have the following Passage:

"Ready, Sir, I do not think there is any Intention in pressing your Departure for Holland, but just and honourable

towards you, and with respect to the Greatness of the Employment, and Urgency of the King's Affairs at this time to leave you at the Hague; and (if you will take my Opinion) I would not have you take other Measures of it, even for your own Sake.

Mr. d'Estades recall'd, and Mr. Colbert sent into England.

A. D. 1669.

Ibid. p. 393.

Sir W. Temple's Letters, v. ii. p. 179.

Sir W. Temple's Letters.

Parliament twice adjourn'd, and then prorog'd.

Lord Arlington's Letters, v. i. p. 358.

A. D. 1669.

New Regulation of the Civil List, out of Lord Halifax's Collection of MSS. vol. 1.

1668, present, the King's most Excellent Majesty, his Royal Highness Duke of York, Lord Archbishop of Canterbury, Lord Privy Seal, Duke of Buckingham, Duke of Albemarle, Duke of Dorchester, Lord Chamberlain, Earl of Anglesey, Earl of Bath, Earl of Craven, Earl of Carlisle, Earl of Lauderdale, Earl of Carbery, Earl of Orrey, Lord Holles, Mr. Treasurer, Mr. Vicechamberlain, Mr. Secretary Morrice, Sir John Dancomb.

Upon reading this Day at the Board, the annexed Report of the Right Honourable the Lords appointed to consider of the several Branches of his Majesty's Expences and Issues, and what Proportions of each may best and most conveniently be retrenched and spared for the future; His Majesty taking the same into Consideration, and well approving thereof, did order that the Right Honourable the Lords Commissioners of the Treasury be, and they are hereby, authorized and required to cause all the Particulars of the said Report to be put in Execution."

## The KING'S REVENUE.

	l.	s.	d.
Customs, - - -	400,000	0	0
Excise, - - -	340,000	0	0
Chimney-Money, - - -	170,000	0	0
Small Branches, - - -	120,000	0	0
	1,030,000	0	0

## Proposal for the Retrenchment of the Expence within the Revenue.

The Navy Orders, - - -	200,000	0	0
Army and Garrisons, - - -	182,000	0	0
City of Tangier, - - -	55,500	0	0
Houhold, - - -	90,000	0	0
Buildings and Repairs, - - -	8,000	0	0
Privy Purse, - - -	12,000	0	0
Intelligence, - - -	4,000	0	0
Treasury Chamber, - - -	20,000	0	0
Great Wardrobe, - - -	16,000	0	0
Pensioners, - - -	5,000	0	0
Jewel-House, - - -	2,000	0	0
Office of the Ordnance, ordinary and extraordinary, - - -	30,000	0	0
Queen-Confort, - - -	23,000	0	0
Queen-Mother, - - -	40,000	0	0
Embassadors, Agents, &c. - - -	20,000	0	0
Foreign Ambassadors, - - -	10,000	0	0
The Twelve Judges, - - -	12,000	0	0
Courts of Ludlow, and Masters of Chancery and Requests, - - -	2,500	0	0
Angel Gold, for healing, - - -	1,200	0	0
Master of the Horle, for Horles, - - -	2,000	0	0
Master of the Studd-Horles, - - -	500	0	0
Creation-Money, - - -	1,500	0	0
Lord Privy Seal's Diet, - - -	1,400	0	0
Liberates of the Exchequer, - - -	1,500	0	0
Dormant Privy Seals, - - -	300	0	0
Chief Officers of the Falconry, - - -	1,000	0	0
Besides an Allowance of keeping Two Casts of Hawks, - - -			
Harriers, - - -	700	0	0
Tents, - - -	500	0	0
Tower Expences, - - -	768	0	0
Game-keepers, and Keepers of the Forests, - - -	107	15	10
	746,475	15	10

	l.	s.	d.
Interest paid yearly - - -	150,000	0	0
Deductions upon Farms, and for other Accidents and Contingencies, - - -	100,000	0	0
Total, - - -	996,475	15	10
Remains, - - -	33,524	4	2

"The Remain of 33,524 l. 4 s. 2 d. to be employ'd (after all the ordinary Charge before-mentioned, with Interest and Deduction, in Manner and Order following, as his Majesty shall direct) for the Payment of Pensions:

1. To those who had a hand in the King's Stamp from Worcester, &c.
2. To the Colliemasters.
3. To those who have Pensions or Salaries for Past Service.
4. To those who have Grants, on valuable Consideration.
5. For Past-Services.
6. For Grants, on mere Grace.

## Rules for regulating of the Revenue, and easing of the Charge.

"All Pensions and Payments hereafter shall be remov'd from other Funds or Branches of the Revenue, and made payable only in the Exchequer, that the King may have the View of his whole Expence in one Place.

"A new Establishment to be made of the Expence of the Houhold, in one Book.

"The Impost of Ambassadors from Michaelmas 1668, to be as in the Time of his late Majesty Charles I.

"The Papers to be look'd out, and new Orders to be sett'd for the Establishing and Clothing the Yeomen of the Guard.

"All that by Office, or otherwise, have Houses or Lodgings of the King's, out of the Court, or his Houses of Residence, to be obliged to keep them, at their own Charge, in Repair; and the Surveyor is to look to it."

The Court itself, likewise, in this long Interval underwent some Alterations. *Sir Thomas Clifford* was made Treasurer of the Houhold, in the Room of Lord Fitzharding deceased, being succeeded by Lord Newport, as Comptroller, and Sir John Trevor, Secretary of State (in the Room of Sir William Morrice, who had a Donative of 10000 l. to dispose him to resign) but was no further admitted into the Secret of Affairs, than was indispensibly necessary from the Nature of his Office.

The Duke of Ormond, whose Administration of the Lieutenantancy of Ireland had been so severely inspected, and found so faultless, at a time when he thought himself best established in the King's Favour, was also (*t*) remov'd from that envy'd Post, and Lord Roberts, then Lord Privy Seal, was appointed to be his Successor. The King, however, could not be prevail'd upon to deprive him of his *White Staff*; nor did he dimitt him

*Sir W. Temple's Letters.*

(t) It appears by a Calculation of Mr. Carte's, That the Duke's Losses by the Troubles and Settlements of Ireland, exceeded his Profits 868,550 l. 16 s. 9 d.

him from the Government of Ireland without the most particular Acknowledgment of His Grace's thirty Years Services: And what is yet more remarkable, the Gazette was not suffered to take any Notice of an Event, which no good Man could be pleased with.

Economy was an Exotic at Court, and by no Art or Culture could be made to thrive. Extravagance, which was natural to the Soil, on the contrary, ran wild every where, and took such hold, that it was impossible to be weeded out.

Hence the Sitting of Parliament came to be look'd upon, even there, as a necessary Evil, and as such, was at last given way to; on the Presumption that there were Chemists at Court who could extract Gold out of Evil; and convert a temporary Trouble into a lasting Satisfaction.

Accordingly, *October* 1691, the King once more put himself upon his People, and in a laconic Speech first recommended the Payment of his Debts, and then the Union of the two Kingdoms. Both these Items were enlarg'd upon by the Lord Keeper, but only the last was enforce'd: For as to the first, his Lordship had no more to say than that the securing of the Peace, depended upon the Fondness of the Parliament to his Majesty, and certain other equally insipid things all drawn

from the Credit of the Treaty of Aix, and the Triple Alliance.

The Reception which the House of Commons gave his Majesty's Demand, was as cold as the Keeper's Recommendation: But on the other Hand, their Zeal against *Nonconformists* was as hot as ever. They address'd against them again, and the King put forth his Proclamation again, for which he had the Thanks of the House; as had, likewise, the Lord General for an Information of their Meetings and of their Endeavours to disturb the Public Peace, and of his own great Care to prevent their Attempts (which either went no farther than to worship God, after their own fantastic ways, or our Records are strangely deficient as to their particular Offences.) They even proceeded so far as to appoint a Committee to enquire into the Behaviour of Dissenters, who made a wonderful Discovery of divers Conventicles, and other seditious Meetings near the Parliament, which gave the Hint for a Vote, That they would adhere to his Majesty in the Maintenance of the Government of the Church and State as then establish'd, against all Enemies whatsoever.

But this Proof of their Devotion was none of their Good-humour; on the contrary, they had no sooner receiv'd the (u) Report

Report of the Brook-house Committee.

(u) An Abstract of that Report is now, for the first time, made public from the Collection of the Lord Halifax, just quoted as follows:

An Estimate of Public Money raised by the Commons at Brook-house appointed by the Act of Parliament.		Per Centra.	
An Account of Money given for the Use of the War.		l. s. d.	
Revol. Aid.	2,477,500 00 0	By Passage of the Act, laid by hearing of London, Edinburgh by Sir George Carteret	31,064 00 7
Additional Aid.	1,250,000 00 0	In this is included 15,819 l. 11 s. 6 d. for Imprests, which is to be deducted by the Earl of Argyll's whole Charge is,	31,000 00 0
Exc. Bill.	345,000 00 0		3,190,564 00 2
11 Months Tax	1,250,547 15 0		
There is Credit given for Money raised out of the Militia Tax	75,567 08 11		695,157 00 7
By Sir George Carteret's Account	314,518 08 2		
In Ch. Lagg's Account, not being allow'd in 1693, for the Ordinary	54,947 14 7		537,079 10 1
In Sir Joseph Fox's Account by Establishment in O. S. in 1693, all other Charges being allowed to the War.	250,139 18 9		384,159 10 0
	6,221,241 01 0		
The Interest of Centra, paid by Sir George Carteret to be deducted out of the Earl of Argyll's Charge	151,519 16 6		
	6,372,760 17 0		
For Money lent out of Excheq. and for Prison Ships and Goods put into his Majesty's Stores	339,714 14 0		
The Maintenance of the Wards and Statute Goods for two Years and two Months, at 140,000 l. per Month, deducted out of Prizes to his Majesty's Use	3,500,000 00 0		
	11,152,474 10 6		
	118,511 16 1		
Total Debt is	7,421,279 09 6		
<b>Memorandum</b> What is found in the Earl of Argyll's Account or Charge, as for Centra disbursed in other Uses than the War, is to be deducted when known.			
		To Sir Thomas Osborne, 100 00 0	
		To the Duke of York, 12,181 17 6	
		To G. Fyfe for Carriage, 15,000 00 0	
		To Sarah Pilkington, 25,711 00 0	
		Gratuities for procuring Loan, 40,111 00 0	
		Cashier Fyfe, 1,200 00 0	
		Mrs. Wight, 78 09 0	
		Commissioners of Armys, 2,500 00 0	
		E. India Com. for Sale, 40,000 00 0	
		Sir George Carteret, 20,000 00 0	
		George Fyfe, 3,000 00 0	
		Naval Provisions, 5,111 16 1	
		Interch, 38,801 00 0	
		To the Earl Argyll for Defence of Ireland, 15,000 00 0	
		To Sir George Carteret, 2,000 00 0	
		To the Lord Argyll for his Acquittance, 3,000 00 0	
		To Sir John Bridges, 15,000 00 0	
		Naval Provisions, 126,915 16 7	
		Sir Rob. Long for Gratification, 50 00 0	
		Interest for Loans, 10,111 18 0	
		Naval Provisions, 19,611 15 1	
		Capt. Gen. sick and wounded, 15,000 00 0	
		Charges of the Embassy, 1,700 00 0	
		Interest of Loans, 11,039 4 2	
		Naval Provisions ship'd to the Cadiz, 99,315 1 0	
		Interest of Money borrowed since the 1st of Sep. 1684, the Account whereof came in from the Receipts delivered, 35,470 15 2	
		The total Credit by 5,812,768 00 2	
		Balance unaccounted for, 2,508,511 07 4	
		7,421,279 09 6	

A. D. 1659  
 of the Committee for inspecting the Receipts and Disbursements of the War, commonly called the *Brook-house* Committee, from the Name of the House where they sat; in which so vast a Sum was unaccounted for, and so vast a Sum was ill accounted for, but they complain'd aloud of Mismanagements, and expelled Sir *George Carteret*, the Vice-Chamberlain, for being deeply concern'd in them. They complain'd to the King of Sir *John (v) Griffith*, the Governor of *Tilbury* Fort, for exacting Eighteen-pence, and other Sums, of the Hoys, and other little Vessels, navigating the *Thames*. They likewise reviv'd the Dispute which arose from *Skinner's* Affair, with the Lords; and came to several home Resolutions against the Proceedings of that House. Nor did they wholly lose Sight of the Supply; but voting 400,000*l.* and no more, for his Majesty's special Occasions, and being on the point of adjourning till *Febru-*

ary, the Court found Undertakers bold enough to advise the breaking up the Session, which was accordingly done, by Prorogation to the 14th of *February*, in a very Cavalier Manner, without the passing of any one Act, on the receiving proper Assurance, that they should find their Account much better in beginning all again.

In this Interval, all was Cabal and Intrigue; forming of Schemes, and driving of Bargains: The poor Commissioners of Accounts were examin'd before the Council; by whom they were continually discountenanced, and treated more as Offenders than Judges; and were at last obliged to put in a Sort of Apology for having fulfilled their Commission, and acted like Men of Integrity and Honour; tho' even that very (v) Apology is more than sufficient to shew, that they had no Reason to make any at all.

Sir *Thomas Clifford*, who was now the grand

1669-70.  
 Tenth Session.

(v) He was run'd out by the King's Order; of which his Majesty can'd the House to be inform'd; and had their Thanks for it.

(w) It runs in the following Terms:

Copy of the Papers presented to his Majesty by the Commissioners of Accounts, sitting at Brook-house, and sign'd 28. January, 1669.

May it please your most Excellent Majesty, We have revised that Part of our Report which concerns Moneys paid to other Uses than the War; in the Preamble of which Report we did, in all Humility, represent to your Majesty, that we had drawn out the Accounts therein comprised, as they did at that time appear to us: And also, an Account of what Moneys were received for the War, and what disbursed for the same, with the Balance thereupon; which, by Order of the Honourable House of Commons, was presented to them the 3d of *November* last; which we likewise, most humbly presented to your Majesty; we did, both in the Title and Close thereof, mention the said Account to be only as it then appeared to us: And, as they did appear to us, we did conceive, that the Sums mentioned to be paid for other Uses than the War, were so paid.

Upon farther Inspection therein, we do, in all Humility, represent to your Majesty as follows:

1. That the first Sum of 192,128*l.* 12*s.* 4*d.* remaining in the Surplusage upon the Balance of Sir *Geo. Carteret's* Account, ended the 31 of *September* 1664, exclusive, we did conceive it to be for other Uses than the War; because it ariseth for Payments made for Provisions deliver'd, and Services perform'd, before the said first Day of *September*, 1664; from which Day, our Authority to raise Moneys for the War doth, as we in all Humility conceive, take its Commencement.

2. As to the second Sum of 65,053*l.* 16*s.* 9*d.* brought to Account by Sir *Geo. Carteret*, as paid in the Year 1665, and 1666, and Part of 1667, we did conceive it to be for other Uses than for the War; it appearing to be for Provisions deliver'd, and Services performed before the said sixth of *September* 1664, and some of them in the Years 65, 66, 67, and 68.

3. As to the third Sum of 65,009*l.* 10*s.* 9*d.* comprehended in the Account of Sir *Geo. Carteret*, paid in our Report to be paid for Interest of Moneys, which, at our signing thereof, did not appear to be borrowed since the first of *September*, 1664; we having not then before us the Accounts thereof, though we had used all Means to obtain them sooner: But, having since received the same, do find, upon Examination thereof, that some of the said Moneys were borrowed since the said first of *September*, 1664; the Interest whereof we do compute at 15,270*l.* 15*s.* 2*d.* which, if we deduct from the said 65,009*l.* 10*s.* 9*d.* and thence, make the Determination of the Account, charge it as paid for the War.

4. As to the fourth Sum of 1,304*l.* paid to be repaid to your Majesty's Exchequer, we do not find that the Exchequer owes the Receipt thereof.

5. As to the fifth and last Sum relating to Sir *Geo. Carteret's* Account being for the ordinary Charge of your Majesty's Navy, we did compute the same by an Estimate, made by the present Officers and Commissioners of your Majesty's Navy, of the Charge of your Majesty's Navy in Harbour for one Year, beginning the 24th of *June*, 1664, and ending the 24th of *June* following; according to which Charge, your Navy in Harbour would have amounted, for two Years

and ten Months, ending the last of *June*, 1667, in Time of Peace, to the said Sum of 190,932*l.* 8*s.* 10*d.* in case all your Majesty's Ships had, during all the whole time, continued in Harbour.

And as to the several Sums of 54,947*l.* 14*s.* 7*d.* and 210,673*l.* 15*s.* 5*d.* which are mentioned in our Reports of the respective Sums of Colonel *William Legg*, and Sir *Stephen Fox*, to be for other Uses than the War, the same arising from the several Particulars, sheweth ready, in all Humility, to be presented to your Majesty.

And, upon the whole Matter, concerning Moneys so reported to be paid for other Uses than the War, we do, in all Humility, tender to your Majesty the following Considerations:

1. That we were commanded by your Majesty, in that Act of Parliament which constituteth us Commissioners, to enquire, whether any, and how much, of the Moneys given for the Maintenance of the War by Act of Parliament, had been bestowed or disposed of, to or for any other Use or Purpose; and to what other Uses and Purposes the same are, or any Part thereof was, so disposed or bestowed.

2. That upon the three several Accounts wherein Notice is taken of the Moneys so paid, we did at our signing of the Report, in all Humility, conceive, that the Sums therein mentioned, were paid for other Uses than the War; but we did particularly specify the Sums, and the Uses for which, so as by the Sense thereof it might appear, that the same were paid for other Uses but the public Service of your Majesty's Navy, your Office of the Ordnance, and your Land Forces and Garrisons, except the Sum 1304*l.* in Sir *Geo. Carteret's* Account, said to be repaid by Tally in your Majesty's Exchequer.

3. That in those Accounts, under which we specify'd Payments, there were charg'd several Sums as supply'd by your Majesty, besides those which were given for Maintenance of the War by Act of Parliament.

4. That the same being contriv'd to be paid for other Uses than the War, are not express'd in our Report to be out of the Moneys given for the War, but out of the whole Moneys, so charg'd in respective Accounts, which consist not only of the Moneys so given, for the War, but also of other Moneys so apply'd by your Majesty.

As touching the Moneys advanced by your Majesty in Preparation for the War, although, in our own private Opinion, we think it most reasonable and just that all your Majesty's Expenses and Charges for Provisions, and other Matters preparatory to the War, should be charg'd, as well as any other Monies on the Account of the War; yet consulting the Act which constituteth us Commissioners, and seriously debating it amongst ourselves, that we are hereby authorized and empowered, as Commissioners, to take the Accounts of any Moneys, Provisions or Things whatsoever, raised or assign'd for or towards the fitting, furnishing, or setting out to sea, any of the Navies or Ships employ'd in the late War, or for touching the Management or Maintenance thereof, which were so raised or assign'd before the first of *September*, 1664.

But what Moneys, Provisions, and other things have been raised, assign'd, and employ'd towards the War, since the 1st of *Sept.* 1664, we have now under our Examination.

And if any Person, by not having, perhaps, fully enough weigh'd and considered our Report, may have drawn any Conclusion from it which may seem to tend to the Prejudice of your Majesty's Affairs. We, in all Humility, hope it may be look'd upon as our Unhappy, and not our Fault;

grand Mediator between the Court and the Representatives of the People, having taken the most effectual Care to secure a Majority, on the 14th of February, the King, not in the Guise of Difficulty and Distress, but with unusual Pomp and State, being attended to the House with his new Guards, which is the first Instance we meet with in History, of the Sovereign's entering upon the Exercise of his legislative Power, under the Awe and Influence of the Sword, open'd the Session with a Speech, which had more the Air of the Master, than the Servant of the Commonwealth.

May it live to shew, how Kings, when in bad Hands, can prostitute their own Honour, and affront the common Sense of the Nation.

*King's Speech.* " My Lords and Gentlemen, I sent forth my Proclamation that there might be a good Appearance at this Meeting, having most Confidence in full Houses, where the WELL-BEING of the CHURCH, and all other Interests of the Crown and Nation are best secured. When we last met, I asked you a Supply; and I ask it now again, with greater Instance: The Uneasiness and Straitness of my Affairs cannot continue, without very ill Effects to the whole Kingdom. Consider this seriously, and speedily, it is your and the Kingdom's Interest, as well as mine: And the ill Consequence of a Want of an effectual Supply must not lie at my Door. And, that no Misapprehensions or Mistakes, touching the Expences of the last War, may remain with you, I think fit to let you know, That I have fully informed myself in that Matter, and do affirm to you, that no Part of those Monies that you gave to me have been diverted to other Uses; but, on the contrary, besides all those Supplies, a very great Sum hath been raised out of my standing Revenue and Credit, and a very great Debt contracted, and ALL FOR THE WAR. One thing I must earnestly recommend to the Prudence of both Houses, That you will not suffer any Occasion of Difference between yourselves to be revived; since nothing but the Unity of your Minds and Councils can make this Meeting happy, either to me, or to the Nation. I did recommend to you, at our last Meeting, the Union of the Two Kingdoms; and I did the same to my Parliament in Scotland: They have made a great Step towards it;

and I do again seriously recommend that Matter to you."

The Lord Keeper bore his Under-part as usual: But, though he spoke much longer, added nothing to the Purpose, except by asserting, That the Loss which the King had sustain'd in the Customs, Excise, and Heart-money, by the War, Plague, and Fire, amounted to Six hundred thousand Pounds.

And now the happy Effects of keeping up a good Understanding with the House of Commons, became apparent: The Well-being of the Church, so artificially recommended in the gracious Speech, pacify'd all the Discontents without-doors, which the Scheme to unite his Majesty's Protestant Subjects had rais'd; and other effectual Expedients had as effectually controuled, if not subdued, all Opposition within. They might have very justly complain'd of their being made to lose so much Time in the former Session; of their being so abruptly dismiss'd, and so soon after called upon to give their Attendance again; and this, in aggravation of every Misfortune which deserv'd Censure, and every Grievance which demanded Redress. But all Offences were now done away. Notwithstanding the Royal Summons, in which his Majesty signify'd, that he expected a ready Conformity to his Royal Will and Pleasure, many Members absented themselves; and, of those who attended, it appear'd, on the first Question, that the Court had made sure of a Majority.

It is no Wonder, therefore, that the Supply was readily and cheerfully voted: For the making good of which, an (x) Imposition was laid of EIGHT-PENCE upon every Ton of FRENCH Wine, or Vinegar, that should be imported between the 24th of June, 1670, and the 24th of June 1678; and TWELVE POUNDS upon every Ton of SPANISH Wine: By which flagrant Instance of Partiality to the Commerce of France, it is easy to see how closely the two Courts were already connected, and how strongly the Influence of Whitehall operated on the Proceedings in St. Stephen's Chapel.

The House of Lords, likewise, took occasion to shew how gladly they would oblige the King in his own favourite Way of Grants and Supplies, if it was in their Power, by preparing a Bill to enable his Majesty to part with his (y) Fee-Farm and Quit-Rents, and to encourage his Subjects to purchase them.

In Marcell's Letters, we meet with the following Paragraph, concerning the Conduct

Fault; or if they have made any such Inference for our not having expell'd ourselves more fully than we have done, since it was wholly contrary to our Intention to give any seeming Occasion for any such Misinterpretation, and shall be always ready, to the best of our Power, to clear any thing which may have been understood otherwise than by us intended; for we call God to Witness (who knows the Sincerity of our Hearts) that we have had nothing before our Eyes in our whole Management of the Trust committed to us, but the Service of your Majesty, according to our Oaths. All which we do, in all Humility, submit to your Majesty's Consideration. *Breadstreet, 25 Jan. 1669.*

(x) Amounting in Value, according to Mr. Marcell, in his Growth of Popery, to 500,000 l. who is followed, I should say copy'd, by Mr. Carte.

(y) By which the King rais'd, if the said Mr. Marcell is to be depended on, 1,800,000 l. Mr. Carte says 1,500,000 l. but he still copies the very Expression of Marcell; therefore the Figure 3, instead of 8, must be held the Printer's Mistake. Mr. Carte, indeed, who, as well as Bishop Parker, always calls Marcell a Libeller, reduces that Sum to less as 400,000 l. It appears by a Letter from Sir William Temple to the Lord Keeper, dated November 3, N.S. 1668, that this Expedient had been thought of some time before it was put in Practice. His Words are these, " Methinks, two Proposals which have been already a-foot, are very comfortable towards this End (raising a Supply without any additional Burthen to the People) as the selling of small, inconsiderable Quit Rents, where the Sum is hardly worth the Charge of raising; and yet by Reason of the Trouble to the Tenant, by them, they will

A.D. 1669-70 duct of their Lordships, in another Instance, which deserves particular Notice and Remembrance, since the Dose must have been exceedingly strong, which could have turn'd the Stomachs of the Commons, during these equally fertile and prostitute Times:

"In this Session, says he, the Lords sent (x) us down a (a) *Prorogatio* for the King, that would have restor'd him to all Civil and Ecclesiastical Prerogatives, which his Ancestors had enjoy'd at any time since the *Conquest*. There never was so compendious a Piece of absolute, universal Tyranny. But the Commons made them ashamed of it, and retrench'd it." He adds, notwithstanding, "The Parliament was never so embarrass'd beyond Recovery. We are all equal Cowards, except some few."

The King was, moreover, enabled to put Money in his Pocket, or, at least, in those of his Favourites, by an Act for making and renewing of Leases, Grants, and Copies of Offices in the County of *Cornwall*.

And all these several Gratifications his Majesty receiv'd, in recompence of his Return to the *Church*, and the additional Act against Conventicles, which was drawn up with great Pains, and stands foremost in our Statute Books, as the leading (b) Institute of the Session.

In truth, all things were made to give way to the great Ends of persecuting the *Dissenters*, and removing the Necessities of the Court: When the perplex'd Dispute about *Skinner's* Affair was again reviv'd, at the King's Instance a general Rature was made of the Proceeding on all Sides: An Expedient which the (c) Commons had in effect before recommended, tho' without Success, to the Lords; and, tho' their Commissioners of Accounts were sometimes heard *pro Forma*, the general Issue was, by good Management, let fall, as quietly as possible, to the Ground.

As long as the King was in the Hands of

*Buckingham*, and the rest of his motley Cabal, he was upon ill Terms with his Subjects; and made no Difficulty to hearken to Projects, to disappoint him of the Succession *Lauderdale* or *Buckingham*, his own Son, which, one while recommended the Legitimizing of the Duke of *Monmouth*; and then a Divorce; that his Majesty might have unquestionable Heirs of his own. The last of these Projects seems to have been relish'd most; and, in order to reconcile the Public to it, the Bill which Lord (d) *Ross* had brought in against his Wife, for Adultery, was forwarded by the King, with as much Zeal as if the Case was his own: The Duke, on the other hand, oppos'd it as violently, having all the *Baron* Lords, and all the Bishops except *John Russell*, and *Wilkins*, on his Side. When it was first read, the Debate lasted till near a Clock at Night: When a Question for a second Reading being put, it appear'd, there were forty-two fitting Members and Six Proxies against it, and Forty-one fitting Members and Fifteen Proxies for it. *Marvel* affirms, Lord *Arlington* had a Power in his Pocket to annul the Proxies, if there had been a Necessity for it. The Duke and his Party, however, entered their Protest.

On the second Reading it was carry'd for a Committee, by a round Dozen. The King, afterwards, by the Advice of (e) *Lauderdale*, attended the Debates in Person, to the great Surprize of the House, and Dismay of the Duke of *York*, who could not conceal his Sense of it. Having seated himself on the Throne, he told them it was a Privilege he had from his Ancestors, to be present at their Deliberations; and, therefore, directed to proceed and be cover'd. This, at some Periods, would have been thought a flagrant Breach of Privilege, as tending to overawe the House; but now it was interpreted into an Honour; and the Lords with *White Stoves* were order'd to wait upon him with the Thanks

Barnet, Howd.

will yield five or six, if not ten Years Purchase, more than greater Rent."

The other Proposal, here alluded to, by *Sir William*, was the Sale of the Chimney Money, which was never follow'd.

(x) He was Member for *Kingston upon Hull*, I think for twenty Years; during all which time he received an honourable Pension from his Constituents, according to the ancient laudable Institution, which provided that those who were employ'd in the Service of their Country, should from their Country only receive their Wages. *Bishop Parker*, however, is pleas'd to call this a vile Stipend, which *Gualtero de Spira*, as resembling *Alms to the Poor*. In the same Place, his Lordship, utterly forgetting the *Gospel* and its *Tenets*, together with the wretched Circumstances of *Jesus* and his *Apostles*, upbraids *Mr. Marvel* with his Poverty, and speaks of him in a Style unbecoming a Gentleman. He charges him, likewise, with being one of forty who had bound themselves by Oath, never to vote for granting any Taxes: And yet we have before quoted Lord *Arlington's* Evidence, That *Mr. Marvel*, in the Session preceding this, when the Court was most embarrass'd both by Want and Opposition, was the first who mov'd for taking the Supply into Consideration. Upon the whole, it may be imagin'd, that the Bishop had a particular Pique to *Marvel* for leaving, as *Bishop Barnet* says, not only humbled him by his *Religious Transgressions*, but the whole Party; besides there was a Market open of *Marvel's* Abilities made him of Confidence: Men of much less Eminence were purchas'd; and yet, notwithstanding his Poverty, we do not find that he ever set himself to Sale.

(a) Perhaps this *Prorogatio* was the last in the *Conventicle Act*, which, as it now stands, stipulates only, That the

King's Supremacy in Ecclesiastical Affairs, may not be affected by any Clause in the said Act.

(b) *Marvel* expressly calls it the *Price of Money*, adding, "The King told some ancient Citizens, who apply'd to him against it, That they must address themselves to the House, that he must not disclose his Friends; and if it had been in the Power of their Friends, he had gone without Money. The Substance of this Act was, that if any Persons, upwards of sixteen, should be present at any Assembly, Conventicle or Meeting, under Colour or Pretence of any Exercise of Religion, in any other Manner than according to the Liturgy and Practice of the Church of England, where there was five Persons or more, besides those of the said Household; in such Cases the Offenders were to pay five Shillings for the first Offence, and ten Shillings for the second. And the Preachers and Teachers in any such Meetings were to forfeit twenty Shillings for the first, and forty for the second Offence. Those who knowingly suffer'd any such Conventicles in their Houses, Bars, Yards, &c. were likewise to forfeit twenty Pounds."

(c) The whole House, however, waited upon *Marvel* with their Thanks, for adopting it; and it is recorded down from the Presence, a pretty ridiculous thing! (as *Marvel* says) *Sir James Clifford* carry'd *Speaker* and *Members* there, into the King's Cellar to drink his Health.

(d) He had been already divorc'd in the *Spiritual-Court*, and his Wife's Children declar'd illegitimate by Act of Parliament.

(e) With whom he had that Morning taken Water, with two common Attendants, and set out as if for the Bridge, but soon altering his Mind, and his Orders, landed at *Parliament-Street*. *MARVEL*.

A. D. 1669-70. Thanks of the House for it. This kind Reception induc'd him to make his Attendance there his daily Practice; and he declar'd, it was better than going to a Play.

But tho' the Bill was finally carry'd by a few Voices, and the King had said publicly, That he knew no Reason why a Woman should not be as well divorc'd for Barrenness, as a Man for Impotency, he made no Use of the Precedent. Bishop Burnet, indeed, says, That Mr. Baptist May, of the Privy Purse, had told him, that a Day was appointed for making the Motion in the House of Commons, that the King had engag'd himself far in the laying of the thing, and in managing those who were to undertake the Debates. But then we are assur'd, by the same Authority, that his Majesty had given Directions to the said Mr. May, to cause that Matter to be let alone, for it would not do.

1670. These were the principal Transactions of this Session; which was clos'd April 11, and in which all things had been carry'd with so high a Hand by the Court, that it gave Occasion to Mr. Marvell to conclude, "That no King, since the Conquest, was so absolutely powerful at home, as King Charles then was; nor any Parliament, or Places, so certainly and constantly supply'd with Men of the same Temper."

It is now necessary to make a short Transition to the Affairs of Scotland, that the Circumstance of England may be the better understood.

The State of Scotland.

To keep pace with the Proceedings in England, a Stop had been put, for some time, to the Rage of Persecution in that Kingdom; and the whole Administration of Affairs, in the Hands of the Earl of Tweeddale, and Sir Robert Murray, had been extremely just to the King, and mild to the People.

But this was only a Breathing-time. Lauderdale was still in Possession of the whole Power of the Kingdom, and continu'd at all this Indulgence, only to render himself the more formidable.

There was an annual Saving upon the Revenue of 10,000 l. which was laid out in the filling of Magazines; and Advantage was taken of the Act, which enabled the King to raise the Country Militia, consisting of two thousand Horse, and sixteen thousand Foot, upon extraordinary Occasions, to constitute a standing Army, which were not only regimented and regularly train'd and exercis'd, but maintain'd at the public Charge.

Bishop Burnet, who, from his own Intimacy with Lauderdale, may very well be suppos'd to be acquainted with his Designs, adds, that the true Secret of all this was, "That Lord Lauderdale, was pressing to get into the Management of Affairs in England." And he saw what the Court was aiming at; and he had a Mind to make himself considerable, &c.

To endeavor himself yet farther at Court, he procur'd himself to be nam'd the King's Commissioner to the Scots Parliament, where he so manag'd Matters, that he procur'd two Acts to be pass'd, which, in a manner, render'd the Government absolute, both in Spirituals and Temporals.

By the (f) first it was declar'd, That the settling all things relating to the external Government of the Church was a Right of the Crown: That all things relating to ecclesiastical Meetings, Matters, and Persons, were to be order'd according to such Directions as the King should send to his Privy Council; and that these, being publish'd by them, should have the Force of Laws.

The second concern'd the Militia, and authoris'd

Bornet.

(f) In a Paper call'd, Some further Matters of Faith, relating to the Administration of Affairs in Scotland, under the Duke of Lauderdale, humbly offer'd to his Majesty's Consideration, in Obedience to his Royal Commands, the last Article of which is as follows:

First, in Anno 1666, when he knew that the Duke had chang'd his Religion, he procur'd an Act in Scotland for Altering the King's Supremacy; which he made the Presbyterian Party believe was to impower the King to put down Episcopacy, and set up Presbytery (the very Words of it). The Disposal of the external Government of the Church, is put absolutely in the King's Power; as also all Ecclesiastical Meetings and Meetings are to be order'd by the King.

Now the Acknowledgment of the Pope is a great Part of the Ecclesiastical Government; besides, the other Words are so comprehensive, that all Papers may be brought in at that Door. Soon after this, he enter'd into a firm Friendship with the Head of the Popish Party. [Out of the Lord Somers's Collection, vol. xx.]

In the same Paper, Article v, and vii, the same Lord is charg'd as follows:

Whereas there are but few Papists in Scotland, he hath given these all the Encouragement he could. The Earl of Argyll, who was of complac'd of to the Council by the Bishop for keeping many Priests in his House, and being a most stickler for Popery, he made a Privy Councillor, and gave him a Pension, though he has never since gone to Church, nor received the Sacrament. The Earl of Northdale, another famous Papist, in Command of the new Forces he rais'd (and is Lord and King) and both those two were his yearly employ'd by him in plundering the West of Scotland, &c. And there being in Scotland, but few Noblemen that are Papists, four of them have been supported and maintained by him, &c.

He became a Pensioner to France, from whom he receiv'd rich Presents, and great Sums: Out of one of the Jewels

NUMB. XVI.

which Monsieur Colbert gave him, he made his rich George. He always belov'd the French Levies in Scotland, against the Treaties the King had made, and gave the French Officers the public Prisons; yea, and the King's own Castle of Edinburgh, of which he is Governor, to keep their Levies in, till the Ships are ready for their Transportation. He gave Order to his Brother to keep the Levies forward, and to press Men by Force into their Service; which being inform'd to the House of Commons, he corrupted one of the Witnesses by Money to forewarn it; and this he did, after the House of Commons had voted that any who assisted those Levies, should be look'd upon as public Enemies to the Nation. So much did he contribute to serve the French King's Designs, and particularly in the Year 1667, when Complaints were made to the King by Spanish Ministers, that Scotland's Levies for France were a Breach of Treaty, his Majesty's Commissioners order'd a Proclamation to be sent down immediately for the discharging of them; but the Duke of Lauderdale dispatch'd an Express to his Brother Halton, secretly, to acquaint him that the Proclamation was coming, and that it should be kept up, until the Levied Soldiers should be ship'd and sent away, and then publish'd, which was accordingly performed. Not for all the Haile they made to fill, the Wield desir'd some of their Vassals in the Road after the Proclamation; and did not care others, which had been a good Way gone, yet none dur'd stir or trouble them for fear of Halton, who had always promoted those Levies, and signed particular Warrants to several Prison Keepers for delivering their Prisons to the French Officers. He liv'd at that time in such Intimacy with the French Ambassador, that they were never asunder. He sent his Notice to make the Campaign in the French Army, and wrote to the English Ambassador to protect him to the King, and tell him, That he had seen the death thing he had to his Service; and if he had any thing to do, he would have sent it.

A 2 2

A. D. 1670.

authoris'd the Establishment of it as above-mention'd; which was before illegal: It likewise further enacted, That the Army should not only be still kept up, but held in Readiness to march into *England, Ireland,* or any Part of the King's Dominions, for any Cause, in which his Majesty's Authority, Power, or Greatness, was concern'd; on receiving Orders, not from the King, but the Council-Board; which was compos'd of *Lauderdale's* Creatures.

*Burnet* says, the Earl of *Lauderdale* valued himself upon these Acts, as if he had conquer'd Kingdoms by them. He wrote a Letter to the King upon it; in which he said, all *Scotland* was now in his Power: The Church of *Scotland* was now more subject to him than the Church of *England* was: That the *Scotch* Militia was now an Army, ready upon Call: And that every Man in *Scotland* was ready to march, whensoever he should order it: With several very ill Insinuations in it.

But, tho' these were the great things done by the *Scotch* Parliament, the Pretence for calling them together was solely to set on foot a Treaty of Union between the two Kingdoms. In the King's Letter, this is avow'd: And, in the Parliament's Answer, they most complacently authorise his Majesty to name Commissioners, propound Terms, and fix the Place of Negotiation; reserving only to themselves the Power of allowing or disallowing the same, as they should think fit.

The Earl of *Tweeddale* had first propos'd this Measure; and it was espous'd by his Majesty, as we are told by the *Right Reverend* just quoted, because he reckon'd himself sure of all the Members that should be sent up from *Scotland*: But tho' his Commissioner, *Lauderdale*, at first countenanced it, in Subservency to his own Views, he had no Intention to suffer it to be carried into Execution.

*England*, he knew, was not yet prepar'd to adopt his arbitrary System; and consequently Union, on one hand, would produce Dissolution on the other. No sooner, therefore, were both Nations sufficiently amus'd with the Talk and Expectation of so great an Event, than he set himself in opposition to it; alleging, That it was rather the King's Interest to keep the Kingdoms distant, and to hold *England* under the Fear of the *Scotch* Army, which he had then establish'd. And the Issue of all was, that, after the Commissioners of both Kingdoms had several times met, the *Scots* prov'd intractable, according to their Instructions, and the whole Affair came to nothing.

Tho' his Majesty had so lately caus'd his *Lord Keeper* to assure both Houses, that the Interest of the King, and that of his People, were the same; it now appear'd, that they were opposite, and irreconcilable: And, in exact Proportion, as his Affairs grew more flourishing, theirs grew desperate. To have

his Wants so freely and liberally supply'd in *England*, to have an Army at his Beck in *Scotland*, and to be upon good Terms with *France*, were all Circumstances alike most desirable to him, and, when consider'd together, most alarming to the Public.

With regard to our foreign Affairs: They were, at the Beginning of the Year, the double Aspect of *Janus* himself: Notwithstanding Mr. *Puffendorf's* Discovery at the *Hague*, and the Suspicion that both Mr. *de Wit* and Sir *William Temple* must necessarily entertain thereon, we still affected to make the *Triple League* our *North Pole*, and to shape our political Course only as that directed. *January*, Lord *Arlington* assures Sir *William Temple*, That he is perswaded the preventing a Breach in the Spring can only be done, by proposing the *Triple League* yet in Vigour. In the same Letter, he farther informs him of the Attempts his Majesty resolv'd to make upon the King of *France*, to refer the Arbitrament of the Disputes upon the (g) Dependencies, upon the conquer'd Places, to some amicable and fair Decision; as a Means of barring the Door, thro' which the War can only enter. Adding, If we can succeed herein, it is the best and cheapest Way we have of discharging ourselves of our Obligations to the *Triple Alliance*. In another, of the 28th of the same Month, to the same Minister, we find, that *France* had referred that Arbitration to *England* and *Sweden*; Which, says he, has given us most completely the Peace, for one Year longer; and, in such Terms, as we could have found no fault with it, if the States had been made a Party too. *February* 4, he writes again to him, as follows:

"The Year of Peace, promis'd us, may perhaps keep us in quiet; but I cannot believe the Court of *Sweden* will endure any longer Amusements, upon these Payments; and I am sorry you oblige me to a Repetition of it again, that you must, by all means, take from them (the *Spanish* and *Dutch* Ministers) an Opinion that his Majesty will be, for any Considerations, induced to answer to the *Sweedes* for 15,000 Crowns a Month, his own Quota, in the Condition we are; and the Silence of *Spain*, upon their old Promises, are like to be burthenfome, that any Propositon of Augmentation will never go down here: And this is the true Reason why we ought to be fonder of any Truce, or Peace, rather than never so strong a Party of Confederates towards the War. And, upon this Foundation, you may easily infer, what our Opinion is like to be concerning the Baron of *Hild's* Project of bringing the *Emperor* into the *Triple Alliance*: With his Favour, till I see more and better Evidences of it than I have yet, I will not believe the *Emperor* very fond of embracing the Propositon, so as to give Offence to *France*. And if he be thus shy with all his Concernments, and Dependencies upon *Spain*; what ought our Matter to be with his Necessities, and little Security of being reliev'd in them by the

A. D. 1670.

Foreign Affairs.

Lord Arlington's Letters.

France submits her Claims upon Spain, to the Arbitration of England and Sweden.

Burnet, vol. 1. p. 279.

Further Matter of Fact against *Lauderdale*.



A.D. 1670

the Parliament? If that goes over *happily*, you may perhaps hear us speak more *boldly*; but, till then, it must be a great Part of your Prudence to keep his Majesty from being ask'd Questions, which are hard to grant, and as unfit to deny. From what I say, you may easily infer my Mind, without alledging, to the Ministers there, my Reasons for it; and to take heed of suffering his Majesty, or yourself, to be praised into Measures, which his Strength will not support. It is visible the Interest of Spain, of Holland, and of Sweden, not only to put themselves into a State of supporting the War against France, but even to provoke it; and perhaps it would be our Master's Honour to do so too; But, without Vigour to support that Honour, it would have a contrary Effect upon us, not only abroad, but at home too."

Swedish Subsidies paid to Spain.

At last, *March 11*, his Lordship, in his Dispatch to Sir William Godolphin at Madrid, acknowledges, that the Swedish Money was paid fully, and to the Content of those Ministers; so that, says he, the Ratifications of the Guaranty, Concert, (of Arms to support the said Guaranty) and other Pieces, accompanying this Negotiation, are likewise gone from his Majesty, and that difficult Matter happily ended; giving a new Life to our Triple League.

As the Delay of the Subsidy to Sweden had been hitherto the great Excuse for our acting with so much Indifference on the behalf of Spain, and the reaping so little Benefit from a Measure which had been so much applauded, it was now reasonable to think, that, as the Triple League had receiv'd new Life, by the Removal of that Obstruction, it would operate with new Vigour; more especially, as the Session was now happily over, and the Parliament had gratify'd the Court in all things.

But our Ministers had been long upon another Scent: The Success of their old Measures interfer'd with their new; and, therefore, it became necessary to substitute new Difficulties in the room of the old. Thus, in the very Instant that his Lordship felicitates Sir William Temple on the happy Conclusion of the Swedish Payments, he adds, "Tho' I will not dispute with you, I was sorry to see the Instruments run so near the two Points that were positively forbidden, to wit, the ascertaining a Time for the Preparation, and furnishing of the King's Quota, in case a War break out; and the answering for a Part of the Swedish future Subsidies. I am further to complain to you of yourself, that, notwithstanding what I wrote to you upon the Receipt of Baron d'Isola's Project, you have not prevail'd with him to forbear writing, and offering the same to me; whereas I, in my own Opinion, furnish'd you with some Reasons, both public and private, against the said Project; and told you, as I remember, this would be one of those embarrassing Questions, which are equally hard to deny, or grant. But my Way to be reveng'd of you for this shall be, to send him to you; therefore provide yourself to answer his Questions, as skilfully as you can, from

Counter Proceedings to the Triple League.

what my Letter suggests to you, and from what may better occur to yourself upon the Argument. For, in a word, tho' his Majesty's Condition, as to his Debts, is much amended since I wrote, yet is he not enabled thereby, or willing, as Affairs of Christendom stand, to enter into great Schemes, which may have prejudicial Consequences, how honourable soever they are in the Noise of the World."

A.D. 1670

But however artificially Lord Arlington endeavour'd to put the Difficulty on Sir William Temple, he had the Address to avoid it, and wrote to Mr. Secretary Trevor for explicit Instructions: Upon which Occasion, his Lordship, *March 22*, expresses himself as follows:

"We have been oblig'd to such Attendance, all this Parliament-time, that I hope your Excellency will give yourself my Excuse from it, if you find me less punctual in answering your Letters than I was in the Vacation; and help me to prevail with the Baron d'Isola to accept of the same Reason, that I have delayed so long to answer his long and elegant Letter, proposing a farther Progress and Liaison amongst the Confederates of the Triple League, in conjunction with the Emperor. Against which, (I mean, in the Manner he proposes it) as I remember, I gave you many public and private Reasons; and therefore wonder much to find you calling, in a late Letter to Mr. Secretary Trevor, for an Answer to his Proposition: The Effect of which, having been debated before his Majesty, Mr. Secretary is now sufficiently instructed to answer it; viz. That his Majesty, in pursuance of an Article in our confederate Treaty, admits not only, with much Joy and Satisfaction, his Imperial Majesty into it, but is ready to join in any Entreaties or Sollicitations, that shall be thought fit to apply to him, for the same End. On the other side, his Majesty is as unwilling, as indeed unready, as can be imagin'd, to enter into any such defensive Union, as the Baron d'Isola proposes; which may, for aught we know, oblige our Armies to march against the Turk, if he should invade the Empire. I am sure it must against the King of France, if he should attack Brisack, or the remotest Part of it from us. And so, in like manner, against any Princes of the Empire, who, coming into the Confederation, should be after that molested by any of his Neighbours. Besides this, there is something to be given to the Time, in which this is proposed to us. How ill a Grace it will have to France, to make such a League, in effect against them, when they have offered to refer themselves to his Majesty's Arbitration, upon all the Points in dispute, relating to the Treaty of Aix la Chapelle: The Conservation of which must be the Foundation of such a Union, if it be made."

A defensive Union with the Emperor rejected.

Such was the Situation of Affairs on our Side, in the Months of *March* and *April*, with respect to the Triple League: And, as to the Arbitration, Spain profess'd to accept it, with the proviso, that the most Christian King would submit to the same Arbitrage all

The Arbitration accepted by Spain, with a proviso:

A. D. 1670.

the Contraventions of the Peace, whereof Spain complain'd at the Conference of Liffle, meaning the dismantling all the strong Places of Burgundy, the exacting severe Contributions from the Duchies of Lymburg and Luxemburg, the carrying off all the Magazines, in manifest Breach of the Treaty of Aix. But however justly and pertinently Spain insisted on this Condition, it only serv'd to excite more Amazement at Whitehall, than any thing they ever did. (These are the Words of Lord Arlington to Sir William Godolphin, May 9.) "As it happen'd to be given, continued his Lordship, in a Season, that, if the Intentions of France had been as warlike as the World apprehends them to be, his most Christian Majesty, with his Foot in the Stirrup, might fairly have declared himself disengaged from the Promise he gave the King our Master, to keep Peace for twelve Months, and open the War again; I cannot say, applauded by the World, but, at least, absolved by them; who will now see, the Difficulty of keeping the Peace is much greater on the Spanish Side, than on the French: And we, that hold ourselves more engaged in that Interest, than any other Member in the Triple League, have, I assure you, our Heads to turn'd at this Behaviour of Spain, that we cannot but conclude they have a mind to the War again, and are content we should be involved with them in it, without so much as a Probability of seeing any of our Expence defrayed: Nay, we sometimes think they have rather a mind to lose Flanders, than give it up: And then we say, to what purpose will all our Cost be, if it beget us only an inevitable Hatred in France, with the Waste of our own Blood and Treasure, and without any Benefit to Spain?"

His Majesty hath commanded me to complain in worse Terms than these; but your last of the 6th gives me some Hopes, that upon second Thoughts, that Court may reply better to the Overture of the Arbitration, and not seek for better Friends than England and Swedenland in it; since they stood by them in the making of the Peace, when the Emperor moved not a Finger to that, or their Defence by War: But say 'twere Art in the French to name us; what Art could have defeated that, like their naming Us also, and destroying their precedent Confidence in France, by a subsequent one in Spain? When I have told you thus much of his Majesty's Resentments, it is fit I add also, that he hath commanded Sir William Temple to suspend all his further Negotiation, concerning the admitting the Emperor, or any OTHER Princes, into the Guaranty of the Peace, till some better Answer comes from Spain concerning the Arbitration. In the mean time, he hath employ'd the utmost of his Credit with the most Christian King, not to change his pacific Intentions, assuring him he cannot do a thing of more Satisfac-

tion to his Neighbours, nor of Honour to those that live farther from him."

In the Close of this very remarkable Dispatch, we find yet another important Article, which deserves to be inserted, as follows:

"Within fifteen Days, we hope to be at Dover; where his Majesty will expect the Arrival of Madam; and, for aught I see, is not likely to enjoy that Pleasure many Days, since Monsieur will not consent to her coming up to London."

We are now come to one of the most ignominious Portions of the British Story. But, before we rush into the dark Scene, thro' which we are now to grope our Way, it is requisite to premise, that, soon after the Raising of the Parliament, the several excellent Regulations, which had been establish'd in the Privy Council in the Beginning of the Duke of Buckingham's Ministry, and afterwards made a Merit of in the Gazette, were in effect set aside, by the excluding Prince Rupert, the Duke of Ormond, the Lord-Keeper, and Mr. Secretary Trevor, from the Committee of foreign Affairs, and the transacting all things by the well-known Cabal, which consisted of (b) Clifford, Arlington, Buckingham, Ashley, and Lauderdale.

When Honour and Integrity are Disqualifications, the Service must be vile and infamous. No sooner, therefore, was it known, that the Persons just nam'd were out of the Secret, but all concluded the Secret was such as they could never approve. The Public was indeed, from day to day, alarm'd with the manifest Symptoms of a growing Intimacy between France and us: We find it insinuated, that we sent them Vice-Admirals, and other considerable Sea-officers, to encourage and promote the setting out their Fleets; that we took their raw Seamen by the Hand, train'd them up in our Fleets, and, among the best of our Seamen, taught them the Skill we had learnt by long and dear-bought Experience. We find it asserted, that even the King himself communicated to his Brother of France his own Discoveries and Experiments in naval Affairs, as well as those of the most skillful Persons in his Service: And Dr. Welwood has left it upon Record, that he had seen the Doubles of several Letters to the most Christian King, on these Subjects, under-written with his Majesty's own Hand to this Effect, *The Original, with my own Hand, sent such a Day.*

In Procees of Time, the Tree was known by the Fruits: But the exact Period, when this dangerous Intimacy began, it may be hard to fix: The Author of the Appeal from the CABAL at Whitehall, which was first published in 1673, takes notice of the Whippers which had prevail'd almost four Years before, concerning the wonderful Enlargement of the French King's Liberality, in converting the strongest Opposers of his Interest, into who set forth the Lives of the two in 1670.

Which amazes and displeases the Court of England.

A. D. 1670.

Foreign Committee reduced to a Cabal.

[England's Appeal. See Sec. Tracts, temp. Car. II.]

Intimacy between England and France. [Ibid.]

(b) The Duke of Almonde was dead; and though the Duke of Monmouth was not of an Age to mix in Business, he had nevertheless the Honour of a Place at the Board.

is moreover express, that the French Ambassador had a Remittance of a hundred thousand Pistoles, to distribute among the Cabal: And, by the said Ambassador's Letter to Mr. de Turenne, communicated to Mr. Puffendorf, as before-quoted, it appears, he went to the full Extent of his Orders: The whole Kingdom, it seems, were scandalis'd at the open and unrefer'd Familiarity between the Ministry and the said Ambassador; who was in a manner free of their Houses, both in Town and Country; and, at Court, might have been easily mistaken for the leading Card of the Pack.

However, what had pass'd hitherto seems to have been no more than Courtship on one Side, and Coquettry on the other: The French had treated us like a wanton Dame, who needed only to be courted to be won; and we had taken Pains enough to convince them they were not mistaken. They had shewn a Disposition to oblige us in all things, and we to disoblige them in nothing. But we had not as yet put our Honour absolutely in their Power: Time, Place, and Circumstance, were still to be adjust'd, and none could do this either so safely or satisfactorily as the Principals themselves.

The Interview at Dover.

Of many different Motives that gave rise to the mysterious Medley of Politics and Pleasure acted at Dover, this might be one: (i) Madame de France arriv'd there May 16, and was met the same Day by her Brother of England, attended by the Duke of York, Prince Rupert, the Dukes of Buckingham and Monmouth, and the whole Cabal; while his most Christian Majesty, under the Pretence of visiting his new Conquests, remain'd in the Neighbourhood of the other Shore. The Measures to be treated of were of the most delicate and dangerous Nature: And, though Ministers were found wicked enough to advise them, none were rash enough to take them wholly upon themselves: The King was therefore to countenance what he could not authorise, and to stand between his Ministers and the Executioner.

How deep the Projects of these Times were laid, and how far they extended, can never, perhaps, be ascertain'd, till the last Day: It does not appear, that any Articles were sign'd at Dover, whatever might be agreed upon; and all the Accounts hitherto given are, in many Instances, inconsistent

with each other. Father Orleans not only ridiculously calls the Triple Alliance an audacious Encroachment upon the Prerogative, and says the King was forced into it by the Republican Cabal, but that the Dutch War was set on foot at the Instance of the Ministry, to favour the righteous Schemes they had form'd to render the King absolute, and the Parliament a Cypher: On the other hand, according to the famous Account of (k) Priami, in his History of the Dutch War, Mr. Colbert, the French Ambassador at London, had the Honour of convincing the King and his Council, that the Time was come for him to be aveng'd of the Dutch, &c. Again, Bishop Burnet puts almost the same Expressions into the Mouth of the Duke of Buckingham, with the Addition of a Word of Advice to his Master, to subdue his Parliament; and asserts, that Sir Ellis Leighton boasted to him, of being the first Man employ'd in bringing France into those black and fatal Designs: But unluckily there is a Letter of his Grace's extant, dated from Paris Aug. 15, to Lord Arlington, in which he says, "You will receive, in a few Days, a Proposition from this Court, concerning the making War upon Holland ONLY; which you may enlarge as you please. Mr. de Lionne shew'd me the Model of it last Night."

State Treats, temp. Gul. III.

Eclat.

In truth, King Charles's Point was, to free himself from the Trouble of Parliaments, by the Assistance of France; King Lewis's to master Holland, by the Assistance of England: Probably, both these Projects had been canvass'd before the Interview at Dover; but neither, perhaps, was finally resolv'd upon till then. The only Difficulty between the two Kings seems to have been, who should be serv'd first. Lewis was for beginning with the Dutch; Charles, with the English. Madame sided with her Brother-in-law against her Brother; and, by her Zeal for the Country she was marry'd into, became the Instrument of faving that which gave her Birth.

It is highly reasonable to think, that Madame had yet another Affair to negotiate; which, though not mention'd by any Writer whatever, was of very great Importance to that Article of her Instructions relating to the Re-establishment of the Catholic Religion in the British Dominions; and that was, the Reconciliation of his Majesty and the Duke. It is not to be suppos'd, that the Project of a Divorce,

(i) The Queen-Mother died August 31, 1669.

(k) Colbert de Croissy, Ambassador from France to the Court of England, after having set forth to the King of England all the Reasons he had to be dissatisfy'd with the Dutch, after reminding him of the Medals in which they had distributed to themselves all the Honour of the Peace of the late Charles, and treated the Mediation of England with so much Contempt. He at last gave him to know, that the same was come of being receiv'd upon a Nation that had a little Respect for King; and he could never meet a more favourable Opportunity, for several German Princes had already enter'd into the Confederacy; and the King of France was strong and powerful enough to be able to spare his Allies, that all due Satisfaction should be made to their Glory and Interest in the sequel of this War. Upon this Representation the King of England sign'd a private Treaty with France. And to give him further Assurance from the latter, Henrietta of England, Duchess of Orleans, a Princess whose Wit and

Capacity was equal to her Beauty, Sister to the King of England, and Sister-in-law to the King of France, call'd over to England in 1670; and in the Name of the most Christian King, made a Proposal for her Royal Brother, of insuring him an ABSOLUTE AUTHORITY over his PARLIAMENT, and re-establishing the Catholic Religion in the three Kingdoms of England, Scotland and Ireland. But he said, that in order to compass that End, there was a Necessity above all things of leaving the Peace and Power of the Dutch, who plac'd their whole Trust in being and forming Divisions among their Neighbours; and of reducing that State to the narrow Compass of the Province of Holland, of which the Prince of Orange should be Sovereign, or at least perpetual Stadtholder: That the Execution of this Project might be easily accomplish'd by two powerful Princes, jointly ally'd; that by this Scheme the King of England should have Zealand for a Retreat in Case of Need, and the rest of the Netherlands should remain in the Hands of the King of France, if he could make himself Master of it.

A. D. 1670. a Divorce, whether justifiable or not, could be set on foot by the King's Ministers, and countenanced by the King himself, without giving Umbrage to the Duke; nor that the Duke could so openly and vehemently oppose it, without giving Offence to the King: And, on the other hand, that Project was to the full as alarming to the *Roman Catholics* in general, as to his Royal Highness in particular. It may be fairly presumed, therefore, that, as the Duke was one of this mysterious Party, and as deep in the Secret as any, the King was here prevail'd upon to give over any such Pursuit for the future; and that his Royal Highness, on that Condition, admitted of the Submission of *Buckingham*, and was himself admitted into the *Cabal*; whose Views and Designs were now become of a Piece with his own.

To make all sure, a *French Favourite*, Madam *Querqualle* (afterwards Duchess of *Portsmouth*) was left in the King's Bosom, whose Interest it was to keep his Majesty steady; and *Lady Cleveland* was made a Duchess, to recompense in Dignity what she lost in Favour.

Of all the Persons engag'd in this traitorous Conspiracy against their Country, there is most Reason to condemn Lord *Arlington*; not for being the Author or Contriver of it, but for rushing without Reserve into the Measures of *France*; which he had for so many Years oppos'd; and for doing Violence to his own Notions of Virtue.

The Letters of Ministers of State are commonly so filled with Business, that they have no Room for Sentiment: But, in his, we now and then meet with a Thought, which seems to argue, that his Preference had not wholly diverted him of his Humanity.

In the Year 1667, while the Wounds we had receiv'd from the *Dutch* yet smarted, taking occasion to reflect on the Mischief of War, he says, *It is Pity, that no Morality nor Christianity can raise this out of human Nature.* In the Year 1688, speaking of the Ravagings and Plunderings committed by the *French* in the *Spanish Territories*, he says, *We are fallen into a strange Age, wherein even the Appearance of good Morality is become ridiculous.* And, in the following Year, 69, having receiv'd a List of the *French Fleet* from Sir *William Temple*, he takes notice, in his Reply, *That, if their Greatness improve every Year, to the Proportion it hath done of late, they will be troublesome Neighbours; and I do not see a Spirit in Europe to contradict it, otherwise, than by every one's endeavouring to save its own Stake.*

Thus it appears he sins with his Eyes

open; and, to preserve his Power, abandons his Conscience: Whereas *Buckingham* had no Principle at all; nor Virtue, but the Immodesty of not affecting any. *Clifford* was by Constitution violent; and seems to have inspir'd *Ashley* with his Maxim, *That the Dutch ought to be destroy'd.* *Ashley* aspir'd to Power for its own sake: And, provided *Lauderdale* had leave to play the *Balkaw* in *Scotland*, he could very easily submit to be a Slave at *Whitehall*.

The Time allotted for *Madame's Stay at Dover* being complete, and all things put in the desired Train, her Royal Highness return'd to *France*; where she was received by the King in the most affectionate Manner, and by *Monsieur*, her Husband, without any apparent Dissatisfaction.

She was now at the Top of the Wheel; her Beauty at the full; and, tho' second to the Queen in Point of Rank, was more consider'd, follow'd, courted, and admir'd. In many an Age, not one of her Sex is seen in so dazzling a Light: She was the Pride and Glory of two splendid Courts: She had an equal Ascendant over two great Kings; And the Eyes of all *Europe* were upon her, as if the Fate of Nations had been in her Disposal.

But while the fair Meteor blaz'd the brightest, a Glass of Succory Water extinguish'd it for ever. She had no sooner drank it, but mortal Agonies seiz'd her; and, in a few Hours, all that remain'd of her was the Story of what she had been.

That she was poison'd by the Direction of her Husband, in a Fit of Jealousy, will scarce admit of Question: But on whose account is rather Matter of Scandal than History; because we find nothing advanced on that Head, but what seems rather to be deriv'd from Conjecture, than Information: *Ludlow* talks of a too great Familiarity with her Brother: Sir *John Royston*, that she was said to have fallen in love with the Duke of *Monmouth*, at *Dover*: *Burnet*, that her Husband had heard such Histories of her Behaviour, that he order'd her a Dose, &c. And where Evidences differ, especially upon Hear-says, no Bill ought to be found.

Sir *Thomas Armstrong* brought the News first, by riding Post, to *Whitehall*. The King melted into Tears, gave *Monsieur* a hard Name, and directed Sir *Thomas* to keep the Secret. Mr. *Montague*, the *English* Ambassador, likewise sent (1) several Dispatches, with so circumstantial an Account of her Death, as left no Room to doubt of the Murder: But nothing could rouse us; and

(1) All of which are so curious and important, that we cannot excuse ourselves from inserting them here by way of Comment on this very interesting Story.

Paris, June 30, N. S. 1670. 4 in the Morning.

My LORD,

I am sorry to be oblig'd, by my Employment, to give you an Account of the saddest Story in the World, and which I have hardly the Courage to write. *Madame*, on Sunday the 29th of this Instant, being at *St. Cloud*, with a great deal of Company, about five o'Clock in the Afternoon call'd for a Glass of Succory Water, that was prescrib'd her to drink, she having for two or three Days after bathing, found

herself indispos'd; she had no sooner drank this, but she cry'd out *she was dead*, and fell into *Madam de Montespan's* Arms, and desired to be put to bed, and have a Glass of *Wine*. She continued in the greatest Torments imaginable till three o'Clock in the Morning, when she died; the King, the Queen, and all the Court being there till about six Hours before.

God send the King our Master Patience and Constancy to bear so great an Affliction. *Madame* desired she had no Reluctancy to die, but out of the Grief she thought it would be to the King her Brother; and when she was in any Ease from the Torture she was in, which the Physicians

A. D. 1670.

France had soon the Pleasure to see, that we were not only void of Virtue, but incapable

of a brave Repentment: Nay, that in order to excuse our own Tamenés, we made it our Business

A. D. 1670.

French called *Calique Bileaf*, she ask'd for me, and it was to charge me to say all the kind things from her to her Brothers, the King and Duke. I did not leave her till she expired, and happened to come to *St. Clem an Hour* after she fell ill. Never any body died with that Piety and Resolution, and kept her Senses to the last. Excuse this imperfect Relation for the *Grif* I am in, I am sure all that had the Honour to know her, will have their Share for so great and general a Loss. I am, my Lord,

Paris, July 6, 1670.

Years," &amp;c.

My Lord,

"This acknowledgeth two of your Lordships, the one of *June the 17th*, by *Sir Henry Jones*, the other of the 27<sup>th</sup>, by the *Post*. I suppose, by this time, you may have with you the *Marshall de Billifant*, who, besides his Condolance, will endeavour, I believe, to dissolve our Court of what the Court and People here will never be *dissatisfied*, which is *Madame's* being poisoned: which, having so good an Authority as her *own saying it several times in her great Pains*, makes the Report much more credited. But to me in particular, when I asked her several times, whether she thought herself poisoned, she would answer nothing: I believe being willing to spare the Addition of so great a Trouble to the King our Master, which was the Reason why, in my first Letter I made no Mention of it; neither am I Physician good enough to say he was poisoned, or the way said. They are willing, in this Country, to make me the Author of the Report, I mean *Mesieur*, and says, I do it to break the good Intelligence between the two Crowns.

The King and Ministers here, seem extremely affected with the Loss of *Madame*, and I do not doubt but they are, for they hoped upon her Consideration to bring the King our Master to consider of things, and enter into a Friendship with this Crown, *British*, perhaps, than they think he will now, the is to more. What was begun, or what was intended, I do not pretend to search into, since your Lordship did not think fit to communicate the last Part of it to me; but I cannot help knowing the *Town Talk*, and I dare answer that all that the King our Master can propose, will be granted here to have his Friendship, and there is nothing on the other Side the *Dutch* will not do to hinder our joining with the *French*. All I desire to know, my Lord, is that would I am here, I may know what Language to hold in Conversation with the other Ministers, that I may not be ridiculous with the Character I have upon me. Whilst *Madame* was alive, she did me the Honour to trust me enough to hinder me from being exposed to that Misfortune.

I am here for the little time you know her in *England*, you could not but know her enough to regret her as long as you live, as I am sure you have Reason to for I never knew any body kinder, nor have a better Opinion of another, in all kinds, than the hind of you. And I believe the love'd the King her Brother too well, if he had not been perwaded how well and faithfully you serv'd him, to have been so really concern'd for you, as I have observed her to be upon all Occasions, since there has been a good Understanding between you. As for my own particular, I have had so great a Loss, that I have no Joy in this Country, nor Hopes of any in another. *Madame*, after several Discourses with me in her Illness, which was all nothing but kind Expressions of the King our Master, at last told me she was extremely sorry she had done nothing for me, before she died, in return of all the Zeal and Affection with which I had serv'd her, since my being here. She told me that there were six hundred Pilots of hers in several Places; she bid me take them for her sake. I told her she had many poor Servants that wanted more than I, that I never serv'd her out of Interest, and that absolutely I would not take it; but if she pleas'd to tell me which of them I should give it to, I would dispose of it according to her Pleasure: She had so much Presence of Mind as to name them to me by their Names; but the Breath was no sooner out of her Body, but *Mesieur* seiz'd all her Keys and Chests. I enquir'd next Day where the Money was; one of her Women said it was in such a Place, which happen'd to be the first thousand Pilots the King our Master sent her. For just as that Money came it was design'd to purchase some Jewels, upon which she had already taken up the Money; but two Days before the King of France gave her a *Box*, with which she purchas'd them, and so the Money came clear in to her.

I demand'd the Money upon this from *Mesieur*, as Money of mine, that was borrow'd for *Madame*, it having been deliver'd by my Servant to two of her Women, who ask'd him, as they could not do otherwise, that that Money came from me, for they never knew that the King our Master had sent it her. *Mesieur* had in this time got away above half of the Money, she tell I had deliver'd me; which I did, as the uttermost Farthing, in the Presence of my Lord Abbot *Montague*, and two other Witnesses, dispose of to

*Madame's* Servants equally, as she directed. *Mesieur* has promised me the rest, which they are to have in the same manner, but if they are not wise enough to keep their Council, he will certainly take it from them: I could not have got it for the poor People any other way, and I believe the King will be gladder they should have it, than *Mesieur*. I desire you will let the King know this for my Discharge, and let it go no farther. *Sir George Hamilton* was a Witness of the thing with my Lord Abbot *Montague*. I thought fit to trouble your Lordship with this Account, which is all at present from, my Lord,

Years, &amp;c.

P. S. Since the writing of this I am told, from very good Hands, and one that *Mesieur* trusts, that he, being desired by the King to deliver up all *Madame's* Papers, before he would do it, he first sent for my Lord Abbot *Montague* to read them, and interpret them to him; but not trusting enough to him, he employ'd other Persons, that understood the Language, to do it, among which *Madam de Fieau* was one; so that most of the private things, between the King and *Madame*, are and will be very public, there were some things in Cyprus, which trouble him extremely; but yet he pretends to guess at it, and complains extremely of the King our Master for having a Conversation with *Madame*, and treating herself with her, without his Knowledge. My Lord Abbot *Montague* will, I hope, give you a larger Account of this Matter than I can; for tho' *Mesieur* enjoind him Secrecy to all the World, it cannot extend to you, if there be any thing that concerns the King our Master's Affairs."

To the King.

Paris, July 15, 1670.

SIR,

"I ought to begin with begging your Majesty's Pardon for saying any thing to you upon so sad a Subject, and where I had the Misfortune to be a Witness of the cruellest, and most generous End any Person in the World ever made. I had the Honour, on the Saturday, which was the Day before *Madame* dy'd, to entertain her a great while; the most of her Discourse being concerning *Mesieur*, and how impossible she was for her to live happily with him, for he was fallen out with her worse than ever, because that two Days before she had been at *Perfaits*, and there he found her talking privately with the King, about Affairs which were not fit to be communicated to him. She told me your Majesty and the King were both resolv'd upon a War with *Holland*, as soon as you could be agreed on the Matter of it. These were the last Words I had the Honour to have from her till she fell ill, for *Mesieur* came in and interrupted her, and I returned to Paris the next Day. When she fell ill, she call'd for me two or three times. *Madam de Mithulburg* sent for me, as soon as I came in, she told me, You see the sad Condition I am in; I am going to die; How I pity the King my Brother? For I am sure, he will be the Person for the World that loves him best. A little while after, she call'd me again, bidding me be care to say all the kind things in the World from her to the King my Brother, and thank him for all his Kindness and Care of me. Then she asked me if I remember what she had said to me the Night before, of your Majesty's Intentions to join with France against *Holland*; I told her yes; I pray then, said she, tell my Brother I never resolv'd him to it out of my own Interest, so he must consider in this Country, but because I thought it for his Honour and Advantage; for I always lov'd him above all things in the World, and have no Regret to leave it, but heartily leave him. She call'd to me several times to be sure to say this to you, and spoke to me in English. I ask'd her then, if she believ'd herself poisoned: Her Confessors that was by, understood that Word, and told her, *Madam*, you must receive nobody but offer up your Death to God as a Sacrifice; so he would never answer me to that Question, tho' I asked her several times, but would only shrink up her Shoulders.

I asked her for her Cabinet, where all her Letters were, to send them to your Majesty; she bid me take it from *Madam de Borde* that she was swooning dead dying, to see her Mistress in that Condition; and before she came to herself, *Mesieur* had seiz'd on them. She recommended to you to help, as much as you could, all her poor Servants: She bid me write to my Lord *Aringford*, to put you in mind of it (so tell the King my Brother) I hope he will for my sake, do for him what he promis'd; *Car c'est un homme qui aime à se faire le bien* [for he is a Person that both loves him, and serves him faithfully]. She spoke afterwards a great deal in French aloud, benouncing and lamenting the Condition she knew your Majesty would be in when you heard the News of her Death. I humbly again beg your Majesty's Pardon, for having been the unfortunate Teller of so sad News;

A. D. 1670. Business to palliate their Wickedness in all the Courts of Europe: Of which the following Passages out of the Letters of Lord Arlington to Sir William Temple and Sir William Godolphin, afford us very sufficient Evidence:

To Sir W. T.

"And in this I send you all the News I can of him, or this Place, except that unhappy one of the Loss of *Madame*; which hath infinitely afflicted the King, and particularly all those that had the Honour to know her at *Dover*. The Embroilments that were in her Domestic, and the Suddenness of her Death, made the Opinion easily take place with us, that she was poison'd. But the Knowledge we have had since of the Care taken to examine her Body, and the Persuasion we understand his most Christian Majesty is in (whom it behoves to know this Matter to the Bottom) that she did not die of a violent Death, had taken off the greatest Part of our Suspicions. And Monsieur le Marechal de Bellefonds, who I hear is arriv'd this Evening, and is charg'd with giving the King a more particular Account of this unhappy Accident, and brings a complete Narrative, underwritten by the ablest Physicians and Surgeons of *Paris*, of her Death, and of the Dissection of her Body, will, as we suppose, entirely convince us, that we have nothing to lament herein, but the Loss of this admirable Princess, without any odious Circumstances, to make our Grief more insupportable."

To Sir W. G.

"Here inclosed I send you his Majesty's Letter to the King and Queen of *Spain*, notifying *Madame's* Death; which, happening as it did, doubled his Majesty's Grief for her; and it would have been hardly borne by him, had it appear'd less natural; so tenderly he lov'd her."

When Men are already resolv'd to do what they are ashamed of, and only lay out for a Pretence to keep themselves in Countenance,

any will serve: Thus the Marshal *Bellefonds* found very little Difficulty to get his Court-Varnish admitted as the true Complexion of the Fact, and his Condolences kindly receiv'd; Advantage was even taken of this Ceremonial-Embassy to send over the Duke of *Buckingham* to *Paris*, at once to return the (m) Compliment, and to forward the Negotiations, which *Madame* had begun.

His most Christian Majesty had now a very great Game to play, which he could scarce hope to win, unless in Partnership with his Brother of *England*: Overjoy'd, therefore, to find the ugly Business of *Madame's* Death had blown so happily over; and that the *Cabal* very honestly resolv'd to deserve the Continuance of his Bounties, he receiv'd his Grace of *Buckingham*, as the Duke himself boasted, with more Honour than ever was given to any Subject before; and, during his Residence there, the only Controversy between them seems to have been, who should out-flatter the other: The King was the greatest Prince, that ever sat in the French Throne: The Duke was almost the only English Gentleman his Majesty had ever seen.

We have no regular Memoirs of his Grace's Negotiations; the Gentleman who publish'd Lord *Arlington's* Letters, either was not permitted, or did not think proper to publish his Correspondence with his Grace; so that instead of a Harvest, we must be content with the Gleanings.

By one Paragraph in Mr. *Montagu's* Letters, we find that the two Kings were agreed as to a War with *Holland*, but not as to the Manner: Possibly *France* was for breaking thro' the very Letter, as well as the Substance of the Treaty of *Aix*, by declaring against *Spain* as well as the States, which *England*, at once willing to save Appearances, and to avail herself of the Profits of the Spanish Trade, declin'd. This, perhaps, accounts for the Proposition beforemention'd, made to the Duke of *Buckingham* by Mr. de *Lionne* for a War with *Holland* only; which can be understood

Marshal de Bellefonds comes with a Compliment of Condolence:

News; there being none of your Servants that wishes your Content and Happiness with more Zeal and Truth, than,  
SIR,  
Your Majesty's, &c.

My Lord,  
*Paris*, July 15. 70.  
"I have, according to your Lordship's Direction, sent you here inclosed, the Ring, which *Madame* had on her Finger when she dy'd; which your Lordship will be pleas'd to present to his Majesty. I have taken the Liberty myself to give him an Account of some things, that *Madame* gave me in charge, presuming your Lordship would, out of Modesty, be glad to be spared the telling his Majesty them yourself; there being some things that concern you. There have been, ever since *Madame's* Death, as you may imagine, upon these Occasions, various Reports; that of her being poison'd prevailing above all the rest; which has disorder'd the Ministers here, as well as the King, to the greatest degree that can be. For my own particular, I have been so struck with it, that I have hardly had the Heart to stir out since; which, join'd with the Reports of the Town, how much the King our Master resenteth so horrid a Fact, that he would not receive *Madame's* Letter; and that he had commended me home; made them conclude, that the King our Master was dissatisfy'd with this Court, to the degree it was reported. So that to-day, when I was at St. *Germain*, from whence I am newly returned, to make those Compliments you order'd me to do, I am not able to express the Satisfaction that the King, and every body, had to know, that the King our Master was a little appeas'd, and that these Reports had made no Impression in his Mind to the Disadvantage of the French. I give you this Account, my Lord, that you may judge how much, in this Conjunction,

they value the Friendship of *England*, and how necessary our Master's Kindness is to all their Designs. I do not doubt but there will be that Use made of it, as may be most for the Honour of the King, and the Good of the Nation; which is the chief Desire of him who is, with all Truth and Sincerity,  
Yours, &c.

My Lord,

"I am not well able to write to you in my own Hand, being so lame, with a Fall I had in coming, that I can very hardly stir either Hand or Arm; however, I hope in a day or two to go St. *Germain*.

This is only to give your Lordship an Account of what I believe you know already, of the Chevalier de *Lozain's* being permitted to come to Court, and to sit in the Army, as a Marshal de Camp to the King.

If *Madame* were poison'd, as few People doubt, he is look'd upon by all France, to have done it; and it is wonder'd at, by all France, that that King should have so little regard to the King of *England's* our Master, considering how infinitely he always carried himself to her when she was alive, as to permit his Return. It is my Duty to let you know this, to tell his Majesty; and if he thinks fit to speak to the French Ambassador of it, to do it vigorously, for I assure you it is best here made upon him to justify it.

(m) Mr. de *Wit*, to intimate his Apprehensions of the Concert now carrying on between *England* and *Spain*, having told Sir *William Temple*, that the Duke's Journey to *Paris* was neither to see the Country nor learn the Language; Mr. *Ropin* has most lately assur'd his Resident, that the Presence made use of by the Duke himself for his said Journey, was his Desire to see the Country and learn the Language.

understood no otherwise than as an Abatement upon their original Project. It farther appears from these and the like Expressions of the Dukes, *Nothing but our being nearly-mouth'd, combinder us from finding our Accounts in this Matter; for you may almost ask what you please,* that no formal Treaty had as yet pass between the Courts. And, upon the whole, we may conclude, that, during his Grace's Stay at Paris, Things went no farther than a Sort of Compramis; they, on their Side, suffering their Claims upon Spain to lie dormant, that our Ministers might still make their Market of the Triple League; and we, by way of Amends, refusing to strengthen that League by the Admission of other Princes, and conniving at their Seizure of the noble Duchy of Lorraine.

Lord Arlington's Letters.

The French King seizes Lorraine. Ludlow.

In the Beginning of August the (n) Duke set out for Paris; and, early in September, the Marshal de Crequi, at the Head of 25,000 Men, enter'd the Dukedom of Lorraine, seiz'd Nancy, and all the Places that lay in his Way, and was within half an Hour of surprizing the Duke's Person at Espinal.

For the Reason of this sudden Invasion, the French King pretended, "That the Duke of Lorraine had, contrary to a late Treaty, fortify'd some of his own Towns; and had endeavour'd, in a (o) clandestine Manner, to be admitted into the Triple Alliance; declaring, that he intended not to retain the Duchy in his Possession, but design'd to put it into the Hands of some other Person of the Lorraine Family, who should be more worthy of it."

Accordingly the Marshal de Crequi, having driven the Duke out of his Territories, publish'd an Order, forbidding his Subjects to yield him Obedience; commanding those in Arms for him to quit his Service, and put themselves into that of the King, and requiring all Orders of Men there to do Homage, and swear Allegiance, to him, under pain of Death, and Confiscation of Estate.

The Duke of Lorraine, being thus dispossest of his Dominions, without any preceding Declaration of War, fill'd all Europe with his Complaints, and, in particular, dispatch'd a Minister to the King of England, to desire his good Offices with the French King in this Conjunction; which he cou'd not easily doubt of, on the account of the Obligations he had formerly laid upon him, in offering to serve him with his Person and Troops, during the time of his Exile.

The States, likewise, as Lord Arlington himself expresses it, supposing the Duke's Calamities would, in the End, prove contagious to them, back'd his Remonstrances with their own, by representing, that this Step more immediately threaten'd the Residue of Flanders, as not only tending to frighten the

The States interpose with his Majesty, in the Duke's behalf.

neighbouring Powers from entering into any Confederacy for each other's Succour, but actually cutting off the Communication between them.

A. D. 1670.

But, tho' his Lordship acknowledges this was the very Reflection his Majesty himself made of it, tho' the Dutch were willing to come into vigorous Resolutions in conjunction with his Majesty, and though it was obviously as much the Interest of England to put a stop to the Encroachments of France in Lorraine, as the Spanish Netherlands, for the Preservation of which, the boasted Triple Alliance was made; his Majesty was numb'd all over, nor had the least Feeling for a Prince, whose Calamities were not much unlike his own: And this the States had the less Reason to wonder at; because the Court of England had before refused to let them into any Part of the Duke of Buckingham's Negotiations at Paris, and betray'd no Uncertainty at those Preparations, which alarmed all Europe besides.

But to no Part.

The Answer made to the Duke's Minister was, That his Majesty lamented the Condition of that unfortunate Prince, both for his own and his Neighbours Sake; and that he should be glad to give him any Ease in it, that was in his Power: But that he knew not how to go about it, with a Probability of Effect, till he hears what Spain and the Emperor say to it. His Majesty, however, wrote to the Duke, and promis'd him all the good Offices in his Power; but reserv'd to himself the Manner and Time of performing them.

Lord Arlington's Letters.

But to let us see with how little Sincerity even these comfortless Professions were made, in the very same Page where they remain upon Record, in Lord Arlington's Words to Sir William Godolphin, we are farther told, that the French Ambassador had taken a great deal of Pains to possess his Majesty and the Court here, with the many Provocations his Master had receiv'd from this Prince, the notorious Infringements of all his Treaties with him, and the many Practices he was now actually in against his Service and the public Peace; which, continues his Lordship, the Evidences the Ambassador produces, and the ill Reputation this Prince hath in the World, render very CREDIBLE.

His Lordship then proceeds to say, that his Majesty, to make himself capable of truer Measures in this Conjunction, with relation to the Affair of Lorraine, the Inclinations of the Emperor in the Triple Alliance, and the professed Fears of Holland, has thought fit to call over to him privately Sir William Temple: But with what Truth this was said, may be gather'd from Sir William's own Account of his Return and Reception; which was the most mortifying imaginable.

Sir W. Temple recalled, and ill received.

Of

(u) Mr. Oldmixon is pleas'd to affirm, Vol. i. p. 553, That Arlington and Clifford were in the Depth of this rancorous Intrigue, but that Buckingham and Ashley were not admitted to far into it: And yet we find his Grace thus writing to Arlington from Paris; *I have written more at large to you by my Lord Ashley; and when you have discovered whether, if you think my Story will be of any use to his Majesty, let me know it.*

(s) By the Treaty of Aix, all Princes were invited into the Guaranty for the greater securing and strengthening of the Agreement then made between Spain and France. Pursuant to this, his Majesty (of England) sent a Minister to the Protestant Princes in Germany, to invite them into the Guaranty of the said Treaty, or in other Words, into the Triple League. (England's Appeal, p. 12, 13.)

Of the first, in a Letter to his Father, he says, "Soon after my coming over, my Wife wrote me word, that Mr. Gioe, the Danish Envoy there in Holland, had told her in Confidence, and out of Kindness to me, that Mr. Pomponne, the French Ambassador at the Hague, had acquainted him, that new Measures were taken between our Court and that of France, among which one was, that I should be recalled, and return no more."

And, as to the last, he complains of having been oblig'd to wait an Hour and a half before he could have an Audience of his FRIEND Arlington; who, at last, entertain'd him only with common Discourse; and, the next Day, introduced him to kiss the King's Hand in the Mall, as a Person who had no Account to give, nor Commands to receive.

The following Circumstances, which are taken from a Dispatch of Lord Arlington's to Sir William Godolphin, likewise serve to shew, how little Credit was due to any thing our Ministers said:

"Immediately after the Departure of mine, came the (p) Original long-look'd for (q) Letter from the Emperor to his Majesty, accompanied with the Project of a Treaty for his Imperial Majesty's Accession (as it is called) with his Friends and Confederates into the Triple League. Copies of which Letter and Project go here inclos'd; upon the Subject of which his Majesty had several and very serious Debates; on the one Hand he considered what a Disreputation it would be to him here at Home, and to the Triple League Abroad, if we should reject this Offer of the Emperor's, how unreasonable soever the Conditions appear on his Plenipotentiary's Part, in their Proposal of his Accession. On the other Side, he weighed the Burthen of the Reciprocal, the little Countenance the Emperor's Letter gave to it, and what intervened in the Middle of the Debate, his most Christian Majesty's Promise of another Year for the Determination of the Controversies by the Arbitrage of the two Kings, and, in the Issue, resolv'd upon writing the inclosed Letter to the Emperor, commanding me to accompany it, with one to the Baron à Sola, of which you have here likewise a Copy; by all which you will clearly see what was

theirs, and what is our present Mind upon this great Matter. The Spanish and Dutch Embassadors are not well pleased with it, and will not fail undoubtedly to infect all their Correspondents with the same Opinion, as they have endeavoured to do with their Acquaintance amongst us, which we easily forelaw, and yet it could not prevail upon us to make a Conclusion that would inevitably have drawn upon us such burthenome Consequences, and if we can judge any thing aright of the Mind of Swedenland, it will not differ at all from ours, whose Necessities not being fewer, they cannot but apprehend how many Wars this Reciprocal would involve them in.

Holland, whose Fears are stronger, and perhaps not without good Grounds, will not, we fear, approve our Proceedings; and yet to this Day, neither they nor Spain take much care to charge us with any Propositions that may either better our present Condition, or alleviate the future one of the War. The Conde de Molina, upon the Sight of these Papers, and the Promise of another Years Treaty, which you will see in the Paper from Monsieur de Lionne, begins to declare openly that he sees plainly we are breaking the Triple League, and that he will be too quick for us; for without Delay he will be gone into France, and there offer to them the abandoning the Spanish Low Countries, which he says he has Power to do.

Monsieur de Risjacourt seeing what ill Success the Emperor's Envoy had at Paris, in favour of his Master the Duke of Lorraine, is likewise taking Leave here, despairing, as he says, of seeing our Master concerning himself, as he wishes he should, in favour of his; but perhaps upon another Ground to make a better way for the Duke's Negotiation in France, by suspending his Solicitations in other Courts, since that King hath declared, That he will not restore him his Country by the Mediation of any Prince, who from a Mediator may naturally become a Guarantee for the Peace he shall make in his Behalf."

To close on this Head: It appears from all these unquestionable Authorities, that the Triple League was negotiated to preserve the Balance of Europe, not for the particular Con-

(p) A Copy of it had been presented before.

(q) "Upon the receiving of the Letter, his Majesty (upon whose Goodness some of our great Men had not had Time to yet) assured the Spanish Ambassador (who had delivered the Letter) he was glad his Imperial Majesty was so ready to come into the League; and told him, he would cause an Instrument to be prepared, in order to the said Admission. But when the Resolution was taken, and Orders given for preparing the said Instrument, it was first moved, That Mr. Secretary Treasurer (who was not initiated in their holy Mysteries) might not have the drawing of it, though it was his proper Province: And then, having made themselves the sole Masters of the Thing, a tolerable and reasonable honest Draught was first brought in; but, before it was perfected, they added their Part to ingeniously, (with the Help of Mr. Collier) that, in the end, they possessed his Majesty with the Opinion, "That the admitting of the Emperor would be attended with very dangerous Consequences; and that, in case he came into the League, his Majesty would be engaged in all his Quarrels, and bound to make his Forces march into the furthest Part of Germany, as often as it should happen to be invaded by the Great Turk." The late Secretary Treasurer opposed this as much as he was able, and endeavoured to satisfy his Majesty, that the Guaranty of the

Triple League, as well as of the Treaty of Aix la Chapelle, related only to the Aggression, and other Hostilities, from either France or Spain: From whence (saith the Treaty) by reason of the said Alliance. But the wary, cautious Men (as well as of the greater Number) carried it, and the Emperor's Proposal was rejected.

We have gone yet further than all this, and the civil Applications of the French, and their kind Intreaties, did prevail with us, that, loathing the very Thoughts of the Triple League, and hating almost any thing that related unto it, we suffer'd an Agent of ours, one Mynsilly, whom we had sent to the Switzers, to invite them into the Guaranty of Aix laud who was intercepted and taken Prisoner by the French, while he was very busy in the Execution of what Commands he received, not many Months before, from our great Men) to be broken upon the Wheel at Paris, altho' one single Word from us would have sav'd his Life. Neither did we take it ill, (such is our Good-nature) that, upon the very Scaffold, twenty Questions were put to him, relating to his Majesty's Person; and (in that public and infamous Place) a strict Enquiry made into the Particulars of what had passed between him and the King of England; for that was his Majesty after mentioned and named." [England's Appeal, p. 19, 20.]



A. D. 1670.

Treaty of the Triple League made to the South Netherlands.

Convenience of Spain, it was not allow'd to operate beyond the Spanish Netherlands; and that the whole Year produced no one Incident which did not reflect eternal Infamy on the *Cabal*, except the Ratification of the Treaty with his Catholic Majesty, which extended the Peace between the two Nations to the Coasts and Seas of America, and put a stop to those execrable Piracies and Plunderings, which had not only been countenanced, but authorized, by our Plantation-Governors, to the lasting Dishonour of the Nation.

Whatever Care is taken to conceal bad Measures, they make themselves apparent by their bad Consequences. It was very soon apprehended, that this extraordinary Intimacy with France boded no good to England; and the very Suspicion of what might follow dispos'd the Public to entertain no very favourable Opinion of the Court.

There was, however, a *Squirrel* at hand to throw out to the *Whale*; and, while the Monster was amus'd, our State-Pilots held themselves to be safe.

The Hope of a *Comprehension*, which the Nonconformists had been promis'd by the Duke of Buckingham, or else the Assurances which they might have receiv'd on the Disappointment of it, had encouraged them to meet in great Numbers, and to worship God openly their own Way, without any Apprehensions of the Government, and, as it were, in contempt of the Laws. Of this, the Licutenancy of London made strong Complaints to the King and Council, who equip'd them, according to their Desire, with strict and large Powers to disperse them. Upon this, the Train'd-bands were let loose upon them; all were harass'd and abus'd, many were wounded, and some *Quakers* kill'd. The penal Laws were likewise let loose, as well as the Sword. *Hays* and *Jehly*, two Presbyterians, and the most inoffensive of the Party, were taken up, for offering Money to certain busy Constables, who were hurrying some of their persecuted Fellow-subjects to Gaol, and offer'd illegal Bonds of 5000 *l.* each; which they were either to sign, or go to Prison: They refus'd, were committed, but at last enlarg'd. *Pen* and *Mead*, two eminent *Quakers*, were try'd at the *Old Bailey*, and fin'd forty Merks apiece for standing in the Court with their Hats on: The Indictment against them was for a Riot and Conspiracy: Their Defence was rational, free, and brave: The Behaviour of the Court brutish and absurd, beyond Expression: The Recorder of London, who acted the Part of a Judge, by way of Coadjutor to *Sterling* the Mayor, taking occasion to commend the Spanish Inquisition, and to say, *It would never be well, till we had something like it, brow-beating the Jury, and endeavouring to harve them out of their Integrity, and oblige them to perjure themselves, by falsifying their Verdict: Three Days were these honest Men kept without Meat or Drink, by way of Torture; and yet continued immovably firm to their Consciences, and their Country, for which, though they deserv'd public Ho-*

Nonconformists persecuted.

Marvel's Epistles.

State Trials.

nours, they were fin'd and imprison'd, by an arbitrary Sentence of the Court.— Such a Monster is ecclesiastical Tyranny!

It happen'd that while these Severities were on Foot, the King had Occasion for sixty thousand Pounds, and apply'd to his Friends in the City to furnish him. *Sterling* and his Party undertook it; but at the End of several Weeks could make up but ten thousand. The Fanatics, of all Sorts, hearing of his Majesty's Distresses, made a Tender of forty thousand; their Adversaries alarm'd, would have dissuaded the King from accepting it; but the Money being welcome, his Majesty turned a deaf Ear, and Ways and Means were found to patch up the rest.

This it became notorious, that those People could no longer be reproach'd with having Designs against the Government; for it is, at this Day, extremely well understood, that those who advance Money to Kings, give a much better Security than any Oath for their good Behaviour.

However surprizing it may be to the Reader, that, after such extraordinary Grants, without any extraordinary Issues to exhaust them, the King should so soon be in Necessity, it will scarce be surprizing, that, after such an Intimacy, his Majesty should again have Recourse to his Parliament.

The two Houses had only been adjourn'd, so that the Session was rather to be resum'd than open'd. This was done *October* the 24th; the King attended, and tho' he did not enter into Particulars himself, lent his Countenance to what was delivered in his Name by the *Lord Keeper*, who, if he was not in the Secret, enlarg'd on the present Situation of Things with more Zeal than Knowledge, and if he was, with more Artifice than Truth. He began with setting forth the great military Preparations of our Neighbours, France and Holland: Declar'd that since the Beginning of the last Dutch War, the French had increased the Greatness and Number of their Ships so much, that their STRENGTH BY SEA, WAS THRICE AS MUCH AS IT WAS BEFORE, and that the Dutch were also augmenting their Fleets. Hence his Lordship infer'd, that in Prudence we ought to arm likewise; and that his Majesty had already given Orders to fit out a Fleet of fifty Sail of the greatest Ships, exclusive of those for the Mediterranean Service, that over Security might not expose us to Danger. But least this Consideration should not have Weight enough, he threw in the Claims of Aid and Assistance our Neighbours had upon us, by the Leagues we had made for the common Peace of Christendom. Of these Leagues his Lordship then oblig'd both Houses with a curious Detail, wisely setting the Triple League, and Treaty of Aix in Front, and ending with the Treaties then depending between his Majesty and France, and even between his Majesty and the States of the United Provinces. By the former Part of his Speech, Danger was to be fear'd from every body; by the latter from no body. His Lordship then came to the greatest Point

A. D. 1670.

Marvel's Epistles.

Fanatics of all Sorts lend the King 40,000 *l.*

The Parliament was sent.

Lord Keeper's Speech.

A. D. 1670.

of all, the Difficulties of the Government; declar'd the ordinary Charge of the Fleet *communibus Annis*, came to (r) five hundred thousand Pounds a Year; and that the setting out the Fleet in Question, could not cost less than eight hundred Thousand; complain'd that the new Duty laid upon Wines, lately given, was likely to fall short of the Value set upon it; demanded such a Supply as might enable his Majesty to take off his Debts upon Interest, as well as set out this Fleet against the Spring, and concluded all with a modest Hint drawn from his Majesty's Speech, that all their Business was to be dispatch'd before *Christmas*.

There were fo many gross Fallacies and Inconsistencies in this Speech that even the *Cabal* were ashamed of it: Contrary to usual Custom it was not suffered to be printed; and Mr. *Marvel* in his *Growth of Popery*, tells us, that it was not without Difficulty that he was able to procure a Copy of it.

It was, nevertheless, swallowed whole by the Commons. The House was thin and obsequious, and resolv'd to supply him according to his Occasions. But tho' there was not one dissenting Voice, there were few Affirmatives. Tho' they had not the Courage to oppose, they had too much Modesty to approve; at once acquiescing, and by their Silence acknowledging how much they were ashamed of doing so.

This was the Aspect of the Session at the Beginning; but this Baseness soon wore off: Sir *Robert Howard*, Sir *Robert Car*, Sir *Richard Temple* and others, openly took leave of their former Party, and became Undertakers for the Court; and such was the Number of constant Courtiers, increased by apostate Patriots, who were bought off, says *Marvel*, some at six, others at ten, and one at fifteen Thousand Pounds in Money, besides the Offices, Lands, and Reversions distribut-

ed among others, that it is a Mercy they gave not away the whole Land and Liberty of England.

Thus the Interest of the King and the Interest of the House of Commons, being the same, the Business of the Session went on as (r) smoothly as could be wish'd. Tho' the Ministers refused to give in the Particulars of the King's (t) Debts, the House made Provision towards the Discharge of them, and tho' no Rupture appear'd to be in Sight, they made no Scruple to compliment his Majesty with his fifty Ships.

The Ways and Means they had recourse to for making good the Supply, were, by a Bill to lay a Tax of one Shilling in the Pound on Land, two Shillings on two Thirds of the Salaries of Offices, and fifteen Shillings for every hundred Pound of Bankers Money and Stock; by an additional Excise upon Beer, Ale, &c. for six Years; and certain Impositions on Law-Proceedings for nine Years.

According to the Preambles of these several Bills, the Tax on Lands, &c. was a free Gift to supply the extraordinary Occasions which oblig'd his Majesty to a great and present Expence for the necessary Defence of his Realms; the Excise, an Aid to his Majesty, whose weighty and urgent Affairs required an extraordinary Supply towards the Discharge of his great Debts; and the Law Bill arose from a serious Consideration both of his Majesty's extraordinary Occasions and great Debts.

They had moreover prepared and pass'd another Bill, for laying an Impost on Tobacco, Scotch Salt, Glasses, &c. But against this Bill the Merchants of London appear'd at the Bar of the House of Lords, who had already express'd their Apprehensions of the prodigal (u) Spirit which had taken Possession of the House of Commons; and their

Lordships

(r) In the Regulation of the Revenue, p. 176. the Reader will find the Navy Orders estimated at 200,000 l. In an Estimate of the public Charge, laid before the House of Commons in 1672, the Ordinary of the Navy is again estimated at 200,000 l. and the Ordinance at 40,000 l. And, in a third, laid before the King and Council in 1675, by the Lord Treasurer *Dunby*, the Navy is charg'd at 240,000 l. and the Ordinance at 60,000 l.

(s) Of this Lord *delington* bears Witness to Sir *William Gudolphin*, as follows:

"The common Occurrences of the Court will tell you how happily the House of Commons proceed, towards the making good to his Majesty their Promise of supplying him proportionally to his Occasions; they have gone through all those foreign Commodities, upon which they will settle an Excise, for so many Years, towards the Discharge of the King's Debts; and, on *Tuesday*, will probably order a Bill for the effecting of it. After this is finished, their Purpose is to find out a Fund to supply his Majesty with ready Money, towards the equipping those fifty Ships he hath resolv'd to set out this Spring, which cannot be but by a Land-tax, a Poll-tax, a Twentieth Part, or the like; they may disagree in the Way, but in the End they seem unanimous to a Wonder.

(t) Those bearing Interest were said to amount to one Million, three hundred thousand Pounds.

(u) The *Subsidy-Bill* came first before them; upon which Occasion Lord *Lanes* is said to have spoke as follows:

"In the times of the late usurping Power, altho' great Taxes were exacted from us, we had then Means to pay them, we could sell our Lands, our Cows and Cattle, and there was plenty of Money throughout the Nation; now there is nothing of this; Brick is require'd of us, and no Straw allow'd to make it with. For that our Lands are

thrown up, and Cows and Cattle are of little Value, is notorious to all the World.

And it is evident there is a Scarcity of Money; for all that Money call'd *Brackets* (as fit for the Coin of the Realm) is wholly vanished; the King's Proclamation and the *Dutch* have swept it all away; and of his now Majesty's Coin, there appears but very little; so that in effect, we have none left for common Use, but a little, old, lean coined Money of the three former Princes; and what Supply is preparing for it, my Lords? I hear of none, unless it be of Copper Farthings [call'd the *Lean Farthing* to this Day] and this the Metal that is to vindicate, according to the Inscription on it, the Dominion of the four Seas [*Quatuor Maria circum*].

And yet, if amidst this Scarcity, the vast Sums given are all employ'd for the King and Kingdom, it would not so much trouble us; but we cannot without infinite Regret of Heart, see so great a part of it pound'd up in the Purser of other private Men; and see them flourish in Estates, who, in the time of his Majesty's most happy *Reignation*, were worth very little or nothing; and now the same Men purchase Lands, and keep their Coaches and fix Horset, their Pages and their Lacquies, while in the mean time, those that have faithfully served the King are expost to Penury and Want, and have scarce sufficient left to buy their Bread.

But suppose all the Money given were employ'd for the Use of his Majesty, and his Majesty were not contented (as without Doubt he is) there no Bounds to, or Moderation in giving? Will you say, that if we shall not plentifully supply his Majesty, he will not be able to defend us, or maintain the Triple League? And we shall thereby run the Hazard of being conquer'd?

'Tis true, say Lords, that this may be a Reason for giving something; but it is so far from being an Argument for giving

A. D. 1670.

Lordships not only very gladly lent an Ear, but warmly supported their Cause; not so much perhaps out of Tenderness to the Subject, as to shew themselves into some Part of this great Privilege of giving away the People's Money. This drew on a very memorable Controversy between the two Houses, which grew so warm, and lasted so long, that the Court found it necessary to close the Session, and drop the Bill.

We must now go back, to speak of a very remarkable Incident, which took place in the Course of the Session, and which serves to illustrate yet farther that Ingredient in his Majesty's Disposition, which has been more than once touch'd upon already.

While the House was in a Committee on *Ways and Means*, a Motion was made for laying a Tax on *Playhouses*; which was opposed by the Courtiers, who gave for a Reason, *That the Players were the King's Servants, and a Part of his Pleasure*. To this Sir *John Coventry*, by way of Reply, ask'd, *If the King's Pleasure lay among the Men or Women Players?* This was reported at Court, where it was so highly resent'd, that a Resolution was taken to set a Mark on Sir *John*, to deter others from taking the like Liberties for the future.

Sir John Coventry, for Words spoken in the House of Commons,

is convey'd and wounded. Marvel.

Accordingly on the House adjourning till after *Christmas*, on the very Night of the Adjournalment, twenty six of the Duke of *Monmouth's* Troop, and some few Foot, lay in wait from Ten at Night till Two in the Morning, by *St. Dunstons*, and as he return'd from the Tavern where he sup'd, to his own House, they threw him down, and, with a Knife, cut the End of his Nose almost off; but Company coming made them fearful to finish it; so they made off. Sir *Thomas Sande*, Lieutenant of the Troop, commanded

the Party; and *Obrian*, the Earl of *Inchiquin's* Son, was a principal Actor. The Court hereupon sometimes thought to carry it with an high Hand, to question Sir *John* for his Words, and maintain the Action. Sometimes again they flagged in their Councils. One while the King commanded Sir *Theo. Clarges* and Sir *William Pulteney* to release *Wrest* and *Lake*, who were two of the Actors, and taken; but, the Night before the House met, surrendered them again. The House being thin and fullen the next Day, the Court did not oppose adjourning for some Days longer, till it was filled; when they fell immediately upon *Coventry's* Business, and voted, that they would go upon nothing else whatever, till they had pass'd a Bill, as they did, for *Sande*, *Obrian*, *Parry*, and *Reeves*, to come in by the 16th of *February*, (which was alter'd by the Lords to the 10th of *March*) or else be condemn'd, and never to be pardon'd, but by an express Act of Parliament, and their Names therein insert'd, for fear of their being included in some general Act of Grace. Yet farther, it was provided, that all such Actions, for the future, on any Man, should be Felony, without Clergy; and that whoever should otherwise strike or wound any Parliament-man, during his Attendance, or going or coming, should be liable to Imprisonment for a Year, treble Damages, and Incapacity.

As soon as this angry Affair was blown over, the House recover'd their former good Temper, and became as tractable as ever: It is therefore so much the more remarkable, that they should mix so much Honey with the Gall of a Disquisition into the Growth of *Poper*y; the several (v) Causes and Remedies for which, they enumerated in a solemn Address to the King; and, to give it the more Weight,

Lord Arlington's Letters.

Enquiry into the Growth of Popery.

giving so much, that it may be clearly made out to your Lordships, that it is the direct and ready Way to be conquer'd by a Foreigner. And it may be the Policy of the French King, by those often Alarms of Armies and Fleets, to induce us to consume our Treasure in vain Preparations against him; And after he has by this means made us poor and weak enough, he may then come upon us and destroy us.

It is not, my Lords, the giving of a great deal, but the well managing of the Money given, that must keep us safe from our Enemies. If we shall preserve and husband well our Treasure, wherein our Strength and the Sinews of War lie, and apply it to the right Uses, we shall still be superior to all our Enemies; but if we shall vainly and imprudently mispend it, we shall become an easy Prey to them.

Besides, my Lords, what is this but, *ex mortuis nati*, and for Fear of being conquer'd by a Foreigner, put ourselves in a Condition almost as bad; pardon me, my Lords, if I say in some Respects a great deal worse; for when we are under the Power of the Victor, we know we can fall no lower; and the Certainties of our Miseries are some kind of Diminution of them: But in this wild way we have no Certainty at all, for if you give this much to-day, you may give at to-morrow, and never leave giving till we have given all that ever we have away; and the Anxiety of Mind which arises from this doubtful Estate, is an high Addition to our Afflictions.

All that I beg, my Lords, is, that we may be able to make some Estimate of ourselves: Would his Majesty be pleas'd to have a Quarter of our Estates? for my Part, he shall have it: Would his Majesty be pleas'd to have half? for my Part, upon a good Occasion, he shall have it: But I beseech your Lordships then, that we may have some Assurance of the quiet Enjoyment of the Remainder, and know what we have to trust to.

It is proper to add in this Place, that the *By-Stander* has quoted this Speech as really Lord *Lucas's*, and that Mr. *Certe* treats it as a Libel, which a Printer was punished for publishing, about four Years after. Mr. *Marvel* in his Letters writes thus:

DEAR WILL,

"I think I have not told you, that on our Bill of Subsidy, the Lord *Lucas* made a fervent, bold Speech against our Prodigality in giving, and the weak Locomotion of the Government, the King being present. Copies going about every where, one of them was brought into the Lord's House, and Lord *Lucas* was asser'd whether it was his: He said, *Part was, and Part was not*. Thereupon they took Advantage, and said it was a Libel even against *Lucas* himself. On this they voted it a Libel, and to be burn'd by the Hangman, which was done; but the Sport was, the Hangman burn'd the Lord's Order with it."

(v) As follows: Cause of the Growth of Popery.

"That there are great Numbers of Priests and Jesuits frequenting the Cities of *London* and *Westminster*, and most of the Counties of this Kingdom, more than formerly, seducing your Majesty's good Subjects. 2. That there are several Chapels and Places used for living of *Mass* in the great Towns, and many other Parts of the Kingdom, besides those in Embassadors Houses, whether great Numbers of your Majesty's Subjects constantly resort and repair without Control; and especially in the Cities of *London* and *Westminster*, contrary to the Laws established. 3. That there are Fraternities or Convents of *English* Popish Priests, and Jesuits at *St. James's*, and at the *Convent* in *Harford*, and other Parts of the Kingdom; besides, several Schools are kept in divers Parts of the Kingdom for the corrupt educating of Youth in the Principles of *Popery*. 4. The common and public selling of Popish Catechisms, and other seditious Books, even in the Time of Parliament. 5. The general Reminiscence of the Magistrates and other Officers, Clerks of the Assize, and Clerks of the Peace, in not convicting of *Popery* according to Law. 6. That suspected Recusants are free from all Offices chargeable and trouble-

D d 4

A. D. 1670.

Weight, they requested the Concurrence of the Lords: Who, having received Satisfaction as to the several Matters and Facts therein contained, very readily join'd in it; and both Houses, in concert, presented it to his Majesty at Whitehall.

His Majesty's Answer was:

" My Lords and Gentlemen,  
 " I will take care of all these things: I will cause a Proclamation to be issued out against the Priests; I will cause the Judges, and all other Officers, to put the Laws against Papists in execution; and all other things, that may conduce to the Prevention of the Growth of Popery. But I suppose no Man will wonder, if I make a Difference between those that have newly changed their Religion, and those that were bred up in that Religion, and serv'd my Father and me faithfully in the late Wars."

And as the House was in no Disposition to come to Extremities with his Majesty, they took no notice of the Distinction which he was pleas'd to make between *old Professors* and *new Converts*; but, on the contrary, voted the Answer to be *most gracious*, and return'd Thanks accordingly.

Of all the Measures that were taken to embarrass the Court, thro' this whole Reign, none had so strong an Effect as the Cry against Popery. It is fit, therefore, that the Reader should be put in mind, that those who had the Honour to raise it first, and who reviv'd it so often, were those who were yet more furious against Protestant Nonconformity; as may be gather'd from the violent Proceedings against Conventicles, already

treated of; and especially from the Votes of this very Session, when, the famous Case of *Hays* and *Jekyll* being brought before the Commons, it was resolv'd, That this House doth give Approbation to what was done by the late Lord Mayor Sir *Samuel Sterling*, and the Lieutenant of *London*, in committing Mr. *Hays* and Mr. *Jekyll*; and that it was done in order to the Preservation of the King, and Peace of the Kingdom.

It may, however, be presum'd, that these Instances of the Zeal of the Commons, against the *Fanatics* and *Papists*, were to serve, instead of Righteousness, to keep up some Credit with their Constituents: The Duke's Religion was now no Secret; and yet his Interest in the House was so good, that an Act was prepar'd and pass'd, this Session, for affixing him 20,000 *l.* a Year out of the Excise, in lieu of the *Wine Licences* (estimated by Lord *Dunby* afterwards but at 10,000 *l.* a Year) which were invest'd in the King; because the Prices of Wines had been much rais'd by the new Imposition, (so it is express'd in the Preamble) and the Retailers much discourag'd from taking Licence.

Upon the 22d of (w) April, both Houses waited upon his Majesty at Whitehall, with an Address, That his Majesty would be pleas'd, by his own Example, to encourage the constant wearing of the Manufactures of his own Kingdom, and discountenance all those of foreign Countries: To which his Majesty was pleas'd to reply, That he would comply with their Desire, that he had, in his own Person, as little us'd them as any, and would discountenance those that should:

And, on the same Day, the Session was clos'd

some, and do enjoy the Advantage of Offices and Places beneficial, executed either by themselves, or Persons entrusted for them. 7. That the Avoidance of Churches, and Presentations to Livings be dispos'd by *Papish Recusants*, or by others entrusted by them as they direct; whereby most of those Livings and Benefices are fill'd with scandalous and unfit Ministers. 8. That many Persons take the Liberty to send their Children beyond the Seas to be educated in the *Papish* Religion: and that several young Persons are sent beyond the Seas, upon the Notion of their better Education, under Tutors and Guardians who are not pay to take the Oaths of Allegiance and Supremacy, and finally corrupt the Youth under their Tuition, into *Popery*. 9. That there have been few Exchequer Processes issu'd forth since the Act of Parliament against *Papish Recusants* Convict, tho' many have been certify'd thither. 10. The great Inolencies of *Papists* in *Ireland* (where do publicly appear Archbishops and Bishops reputed to be made so by the *Pope*, in Opposition to those made under his Majesty's Authority, according to the Religion establish'd in *England* and *Ireland*) and the open Exercise of Mass in *Dublin*, and other Parts of that Kingdom, is further a great Cause of the present Growth of *Popery*. That *Peter Talbot*, the reputed Archbishop of *Dublin*, was publicly consecrated at *Sarum* with great Solemnity; from whence he came to *London*, where he exercised his Function; and was all along in his Journey to *Chesler* treated with the Character of his Grace by the *Papish Recusants* whom he visited: And at his landing at *Dublin* was received with very great Solemnity by those of the *Papish* Religion there, where also he exercised his Function publicly, great Multitudes then flocking to him, and still continue to do the same. His present Residence is within three Miles of *Dublin*, at his Brother's, Colonel *Richard Talbot's*, who is now here soliciting your Majesty as public Agent on the Behalf of the *Papish* of that Kingdom."

Remedia against those growing Mischief.

" We the Lords and Commons assembled in this present Parliament, do in all Humility repretent unto your sacred Majesty in their own Petitions following: 1. That your Majesty by your Proclamation would be most graciously pleas'd

to command, that all *Papish* Priests and Jesuits do depart this Realm, and all other your Majesty's Dominions, on or before the next Day to be prescrib'd, at their Parts; except only such Foreign Priests as attend his Majesty's Person by the Contract of Marriage, and Embassadors, according to the Law of Nations: And all Judges, &c. do cause the Laws now in Force against *Papish Recusants* Convict, to be put in due Execution: And in the first Place, for the speedy convicting such *Papish Recusants*, that all Judges and Justices aforesaid do strictly give the said Laws in Charge unto the Juries at all Assizes and Sessions, under the Penalty of incurring your Majesty's highest Displeasure. 2. That your Majesty would be pleas'd to retain and hinder the great Concurrence of your Native Subjects from bearing of Mass, and other Exercises of the *Romish* Religion, in the Houses of Foreign Embassadors or Agents, and in all other Churches and Places of this Kingdom. 3. That your Majesty would be pleas'd to take care, and cause, That no Office or Employment of Public Authority, Trust, or Command in Civil or Military Affairs, be committed to, or exercis'd in, the Hands of any *Papish Recusant*, or justly reputed so to be. 4. That your Majesty would be pleas'd to take notice of all Fraternities or Convents of English, and other *Papish* Priests, Jesuits or Friars, and Schools for the educating of Youth in the Principles of *Popery*, erected within your Majesty's Dominions, and to cause the same to be abolish'd, and the said Priests, Jesuits, Friars and School-masters to be duly punished for such their Inolencies. 5. That your Majesty would be pleas'd from time to time to require and cause, that all the Officers of, or relating to, the Exchequer, issue forth Processes effectually against *Papish Recusants* Convict certify'd thither. And that such Officers as shall refuse or neglect to do their Duty, as aforesaid, be severely punished for such their Failures. 6. That your Majesty would be pleas'd to give Order for apprehending, and bringing over into *England* one *Plowden*, who goes under the Name of Primate of *Ireland*, and one *Peter Talbot*, who takes on him the Name of Archbishop of *Dublin*, to answer such Matters as shall be objected against them."

(w) On the last Day of the preceding Month, 4<sup>th</sup> of *James* Ducrest of *York*.

A. D. 1670.

Case of Hays and Jekyll

Grant to the Duke of York, in lieu of the Wine Licences. MSS. of Lord Halifax, v. i. p. 78.

1671.

Address against the wearing of Foreign Manufactures.

Parliament clos'd

A. D. 1671.  
without a  
Speech.

clos'd, by a (x) long Prorogation, till April the 16th, 1672, without a Speech, or any Expression of Thanks, for the Aids it had produc'd: Whence it may be gather'd, that the King was more disoblig'd by the Loss of the Bill for laying a Duty on Tobacco, &c. than oblig'd by the rest.

The State of the Nation, at and about this time, is thus summ'd up by *Marvel*, in his Epistles: The Court is at the highest Pitch of Want and Luxury; and the House of Commons are grown extremely chargeable to the King, and odious to the People, who are full of Discontent.

Prince of  
Orange's first  
Visit to Eng-  
land.

Before we resume our Pursuit of foreign Affairs, it is necessary to mention, that, towards the End of the last Year, the Prince of Orange made his first Visit to England: He had made the Proposal some time before, and receiv'd sufficient Encouragement; but it appears by Lord *Arlington's* Letters, that the Talk at Court of his coming grew more cool, after the *Dover* Interview, than it had been before. He was, nevertheless, receiv'd with much Affection by the King, and, by the Nation, with all the Honours they could bestow. His avow'd Business was to solicit the Payment of the great Debt due to him from his Majesty, who amus'd him with the Promise of assigning him some good Fund for the gradual Discharge of it; and did in earnest espouse his Claims on the Court of Spain: But it does not appear, that either his good Offices took effect, or that his Promise was made good.

Blood's At-  
tempt on the  
Duke of Or-  
mond,

The Day his Highness was entertain'd by the City of London, the Duke of Ormond, who accompany'd him, was seiz'd in his Return by Five desperate Ruffians, headed by the famous *Blood*, who dragg'd him out of his Coach, mounted him behind one of the Gang on Horseback, to whom also they bound him fast, and rode off with him towards *Tyburn*, with a Design to hang him there, to revenge the Deaths of *Blood's* Fellow-Conspirators, who were executed for a Plot to surprize the Castle of *Dublin* in 1663: But in the Way thither, his Grace made a shift to dismount his Man; and, while they lay struggling together on the Ground, his Domestic, who had been alarm'd by his Coachman, as also the neighbouring Inhabitants, came in to his Deliverance; which the Villain perceiving, he thought it advisable to quit his Hold, and make off; first firing his Pistols at the Duke, as did also one of his Accomplishes, who came up to his Assistance, tho' without doing any Execution.

So villainous an Attempt, on so great and popular a Man, excited alike the Concern and Indignation of the whole Kingdom: Even the Court seem'd to be as highly incensed as the Public; and a Proclamation

[Gazette,  
Nov. 5:8.]

was set forth, offering a Thousand Pounds Reward to any Man who should discover any one of the Assassins; and the like Sum, and a Pardon, to any one of the Band, who should betray the rest.

A. D. 1671.

But no Discovery was made, till *Blood* and *Crown* himself was afterwards taken in another daring Enterprize, to carry off the Crown of England out of the Tower of London. The King had thus the Curiosity to see a Villain of a Size and Complexion so extraordinary; and the Duke of Ormond remark'd upon it, That the Man need not despair; for surely no King should wish to see a Malefactor, but with Intention to pardon him.

[Carter's Lett.  
of the Duke of  
Ormond, vol.  
ii.]

His Behaviour before the King was, however, as uncommon as his Exploits: He not only avow'd his Crimes, but seem'd to glory in them. His Attempt on the Crown he could not deny, and that on the Duke he would not. Being ask'd who were his Associates, he reply'd, that he would never betray a Friend's Life, nor ever deny a Guilt in defence of his own. He even confess'd he had been engag'd in a Design to kill the King with a Carabine, when his Majesty went to swim in the Thames, above *Battersea*, for his Severities to the *Godly*: But that his Heart misgave him, out of an Awe of Majesty; and he not only gave over the Design, but oblig'd his Associates to do the same. He added, that he was under no Concern for his own Safety; but that it would not prove a Matter of such Indifferency to his Majesty; for there were Hundreds of his Friends yet undiscover'd, who were all bound to each other, by the indispensable Oaths of Conspirators, to revenge the Death of any of the Fraternity, &c.

Taken, and  
exam'd by  
the King

The King was struck, and thought it more advisable to be Friends with, than make an Example of, such a Desperado: He was, therefore, dismiss'd with the Hopes of a Pardon, which was, however to depend on the Duke of Ormond's Consent, who gave it in the most gallant manner, on the first Application. What is stranger still, his Pardon was accompany'd with the Grant of an Estate of 500 l. per Ann. in Ireland, and he was moreover admitted into all the Privacy and Intimacy of the Court; in the Royal Apartments of which he was perpetually seen, and by a particular Affection, officin'd in the very Room, where the Duke of Ormond was.

Pardon'd and  
provided for.

Thus, within the Compass of a Year, the tragical Death of a Sister tenderly belov'd, was forgiven, the Royal Guards were put upon the Office of *Brawls*, to set a Mark on a Senator, for Words spoken in Parliament, and the Assassin of the King's best Friend, was (y) pardon'd, rewarded, and taken into Grace and Favour.

We

(x) Which is so much the more remarkable, if it be true, what *Mercul* affirms in his Letters, That the Duke of Buckingham was again 140,000 l. in Debt, and that by this Prorogation, his Creditors would have time to tear all his Lands to Pieces.

(y) Upon this remarkable Event Mr. *Carter* enlarges as follows:

All the World stood amazed at his Mercy, Countenance and Favour shew'd to so atrocious a Malefactor, the Reasons and Meaning of which they could not see nor comprehend. The general Opinion was, that *Blood* was put upon this Assassination by the Duke of Buckingham and the Duchess of Cleveland, who both hated the Duke of Ormond mortally, and

A. D. 1671.

Foreign  
Affairs.

We are now to turn our Eyes abroad.

Early in the Spring his most Christian Majesty had made the necessary Preparations for another Military Progress to *Dunkirk, &c.* which again struck a Panic thro' the *United Provinces*; where an Opinion began to prevail that every Motion of that Monarch threaten'd the Repose of *Europe*. This immediately produced fresh Overtures from the *States* to the Court of *England*, for an offensive and defensive Alliance, which for a while were urg'd with great Importunity on one Side, and receiv'd with much Coldness on the other. At last, however, an Opportunity was taken to demand what *Reciprocation* they would offer his Majesty upon it; it being understood, or at least represented by us, as a Matter that regarded their *single Convenience only*. To which they reply'd, *None*; presuming it was as much our Interest to embrace the Offer, as theirs to make it.

The States solicit an Alliance offensive and defensive with England;

[Lord Arlington's Letters.]

with Success.

Thus between their Stiffness and our Selfishness, all Negotiation between *England* and the *States* was again at a Stand; and the most Christian King soon after returning to *Paris* without making any new Attempts, their high and mighty Lordships did not think it worth while to press us any further.

What follow'd, was, the Recall of Sir *William Temple* in Form, and a Resolution to send another Person with a rougher Hand (Lord *Arlington's* Words to Sir *William Godolphin*, July 6, 1671) "who might incline those People to give his Majesty Satisfaction in many Points relating to the Commerce, instead of putting themselves to the Pains of inventing new ways of entangling him in politic Ties, to his Disadvantage."

We have here a broad Hint that our

Ministers were in Search of a Pretence to fasten a Quarrel upon the *Dutch*: But the Orders soon after publicly given to the Captain of the *Yacht*, which was sent to bring over the *Lady Temple*, to sail thro' the *Dutch Fleet*, then in the Channel, and fire at the Ships next him, till they either struck their Topmasts, or return'd his Shot, put the Matter out of all question. But even this Expedient did not wholly answer; for the *Dutch Admiral* saluted the *Yatch* with his Guns, but did not lower his Sails; and the Captain did not care to enter the Lifts with a *Cock-boat* against a whole Squadron: So having fir'd a few Shot and pleaded his Orders for so doing, he made the best of his way; and upon his Arrival, was sent to the Tower by his Majesty's Command, for not having sufficiently respected his Majesty's Rights.

Of this Incident, Lord *Arlington* takes Occasion to make Mention in his Dispatch of September 7, but speaks of it rather as a *Rencontre*, than a *Sure* for a *Rupture*, as it really was: Adding, "His Majesty expects the *States* should give him Satisfaction for this Affront; and accordingly purposes to demand it by the *Embassador* he intends to send thither."

In another Letter from the same Lord to the same Minister, dated *October* 9th, the Progress of the growing ill Humour between *England* and the *States*, is thus farther intimated:

"It is an unpleasant Reflection we make to observe our *Netherlands* and *Allies* in *Holland* so little concern'd in them [Differences between *France* and *Spain*] as if they car'd not how soon the *War* broke out, whilst they multiply his Majesty's Dissatisfactions towards themselves, by thus denying us what the *Treaty of Breda* gave

A. D. 1671  
France has a Squadron March 1671

A rougher Hand than Sir William Temple is to be sent to Holland.

and were powerful Advocates to solicit and obtain his Pardon.

Again, if we look out for the first Author and Contriver of so black a Design, no body was so likely to put *Blood* upon it, or so fit to encourage him to undertake it, as the Duke of *Buckingham*. He was certainly the most profligate Person of the Age, and capable of any Iniquity, however mean or enormous; and it is not easy to find another Person, to whose Character the Design fit well suited, or who could be under a Temptation to remove the Duke of *Ormond* out of the way in such a manner. All the Arts and Suggestions which he and his Instruments could use had not yet woked his Grace so much out of the King's good Opinion and Favour, but that his Majesty still gave him upon occasion Marks of his Esteem and Confidence. The Duke had not by the Resentment which disgrac'd Ministers are apt to shew in their Conduct, given the finishing Stroke to his Credit with the King, which they had begun, by removing him from the Government of *Ireland*. He was still capable of serving his Majesty, and by being again employ'd, might be able to defeat the Measures which *Buckingham* and his Cabal had formed for subverting the Constitution of the Kingdom, to which he was in the mean time a considerable Instrument. It was undoubtedly *Buckingham's* Interest, and very convenient for his Purpose, to have the Duke of *Ormond* dispatched out of the way; and those who let Assassinations dwell upon their Thoughts for some time, may possibly at last give them Admittance into their Hearts. It was not long before this Attempt of *Blood's*, that the Duke of *Buckingham* and some of his Friends had given out, that the Duke of *Ormond* and *Ossey* had set on two Persons to murder him; that these two Persons were poisoned, and before their Death own'd the Subordination. It would be impertinent to offer to vindicate those two honorable Noblemen from a Charge which no Man on Earth could possibly believe. But to what Purpose could such a Calumny be invented and spread, unless to prepare the World to receive an Apology for another Assassination (in case the true Au-

thor should be discovered) as if it were perpetrated purely in Revenge for the Joke intended against himself, or made necessary for his own Defence? No body does odious things, but for some End or other, of a Piece with the Means which they make use of to bring it about. The Duke of *Buckingham* was not so sensless a Mortal, or knew Men so little as to believe this Story, which he took care to have published; or if he did, as a Masking judge of others by themselves, he could not suspect those Men of *Virtue* and Honour of such a Design without being capable of it himself. That there were Reasons to think him the Person who put *Blood* upon the Attempt on the Duke of *Ormond*, cannot well be question'd after the following Relation, which I had from a Gentleman, whose Veracity and Memory none that know him will ever doubt, who receiv'd it from the Mouth of Dr. *Turner*, Bishop of *Elp*. The Bishop was the King's Chaplain in waiting, and present when the Earl of *Ossey* came in one Day not long after the Affair, and seeing the Duke of *Buckingham* standing by the King, his Colour red, and he spoke so this Effect, "My Lord, I know well that you are at the Bottom of this late Attempt of *Blood's* upon my Father; and therefore I give you this Warning, if my Father comes to a violent End by Sword or Pistol, if he dies by the Hand of a Ruffian, or by the more secret way of Poison, I shall not be at a Loss to know the first Author of it, I shall consider you as the Assassin, I shall treat you as such, and you shall ever I meet you, I shall punish you, though you stood behind the King's Chair; and I tell it you in his Majesty's Presence, that you may be sure I shall keep my Word." I know not whether this will be deem'd my Breach of Decorum to the King, in whose Presence it was said; for it was an Act of Spirit and Resentment, worthy of a Son when his Father's Life was at stake; and when the Assassin who failed in the Attempt was so much courted, caressed, and in high Favour at Court immediately afterwards, it was perhaps necessary to prevent a fiercer Blow. *Life of the Duke of Ormond*, vol. II. p. 424, 425.

A.D. 1671.

“ the King for the bringing his Subjects from  
 “ *Surinam*, (z) or, at the best, but perform-  
 “ ing it by Halves (as they did this last Year  
 “ when Major *Banijler* was sent thither)  
 “ and now, of late, refusing to do the Ho-  
 “ nour to his *Flag*, which they perform’d  
 “ Time out of Mind, and promis’d a-new  
 “ by the same Treaty.”

In *October* it appear’d the *rougher Hand* that was to manage the *States*, was *Sir George Downing*; and in the Beginning of *December* he was dispatch’d to the *Hague*, as it is reasonable to think, to complete what the *Captain* of the *Yacht* had left unfinished.

In this Interval *Mr. Henry Coventry* was sent to *Sweden*, in effect, to dissolve the *Triple League*; as it is said, he himself gave out at his *Departure*, and as will be made sufficiently clear by the *Event*. And as to our *Conduct* with *Spain*, in some of *Lord Arlington’s* *Dispatches* to *Sir William Golphin*, it appears we made a *Merit*, not only of letting on Foot and countenancing the *Triple League* against all the *Temptations of Interest* which we had to the contrary, but of temporising with *France*, as if it was the only Expedient that could so long have preserv’d the *Peace of Christendom*. In *September*, and *October*, we continue to assure that Court that his Majesty’s Intention is punctually and religiously to observe his *Treaties* with his *Catholic Majesty*; and a new *Minister*, the *Earl of Sunderland*, is appointed to carry *Overtures*, which, as our *Ministers* thought, would be grateful to that Court; and also his Majesty’s new *Declaration* of his firm Resolution to maintain the *Peace of Aix-la-Chapelle*, according to his *Engagement* in the *Triple Alliance*.

in concert with France.

All this while we were in so close an Intimacy with *France*, that the Measures of both Nations seem to have been taken in Concert. In the very same Letter of *Lord Arlington’s*, in which this new Declaration of his Majesty’s is mention’d, we find the following remarkable Postscript:

“ Since I wrote my Letter, the *French* *Embassador*, who is HERE in THE HOUSE, hath shewn me two Papers; the one, dated

in *April* last (as I remember); the other, in *September*, directed by way of *Infructions* to the *Sieur du Pie*, the *French Secretary* at *Madrid*; wherein he is directed to renew his *most Christian Majesty’s Assurance* to that Court, that he will, for no Occasion whatsoever, break into War with that Crown, during the King’s *Minority*, PROVIDING they do not entertain any new *Overtures* from the *Hollander* to the *Prejudice of France*, upon pretence of *France’s* desiring them to renew the *League 1635*, for the *Division of the Spanish Netherlands*.”

Again, two Days after, his Lordship thus enlarges, by way of Supplement to his last:

“ I forgot to add, in my Letter, his Majesty’s Resolution to send speedily *Sir Robert Southwell* to the *Comte de Monterey*, (Governor of the *Spanish Netherlands*) to repeat to him what new Assurances his Majesty receives daily from the *most Christian King*, of his keeping the *Peace with Spain* inviolable, to lament the frequent small Occasions, that offer themselves every day to endanger it: In a word, to conjure him to give no Countenance to any of them, and more particularly (if it will consist with the Good of the *Spanish Netherlands*) NOT to follow the Example of the *States of the United Provinces* in the *Prohibition of Wines, Brandy, and MANUFACTURES of FRANCE*, they alledging it to be a professed *Contravention* to an Article of the *Pyrenean Treaty*.”

And, yet again, in his next, we are given to understand, that his Majesty himself had condescended to mention this intended Errand of *Sir Robert Southwell*, in favour of the *French Manufactures*, to the *Spanish Embassador*; and, at the same time, inform’d him, “ That he had obtain’d a new Promise from the *most Christian King*, of giving one Year more to the Arbitration: For which time he himself undertook to be answerable, as well as for his other Engagements, to his *Catholic Majesty*.”

But all these Sweeteners did not answer the End for which they were brought into Play. The *Spanish Ministers* saw very clearly the Storm that was ready to burst upon *Holland*,

(z) From this *Affair of Surinam*, the Author of *England’s Appeal*, before quoted, takes the Hint to write as follows:

But to take off somewhat of the Wonder and Strangeness of our neglecting and forsaking our *Leagued Friends* for the *most Christian King’s* sake, we soon shew’d as much Self-denial in our own Concerns, and grew civil’d to Admiration, by our inward Conversation with the *Monieurs*, whereof we’ll give only three Influences.

The first is, That which we deserv’d against the *Dutch* for being promoting as far as they were bound the coming away of some Families, that would not leave *Surinam*, we found no Fault with the *French* for their keeping us above four Years out of *St. Christophers*; no more than with their destroying, in the mean while, that Part of the Island which belonged to his Majesty’s Subjects. And we would have thought it a *Right* in us to have press’d too hard on his *most Christian Majesty* for a speedy or punctual Performance of his Articles.

Next, if the *French Commanders* in those Parts are to be believ’d, there was a very good Understanding in relation to the *Island*, between some of our *Grandees* in the *French Court*, as doth appear by the Narrative my Lord *Willoughby* delivered to the *Council of Plantations*, and which is enter’d in their Books.

The next is, That by an Ordinance of the *French Privy-Council* (which is now the *Statute Law* of that Kingdom) all their *Sea* and *Land Officers*, and *Commanders* in the *Islands of America*, being strictly enjoyn’d and requir’d to secure

their Master’s *Sovereignty* of those Seas; the said Ordinance having been brought in by a Person of Quality to the *Cabinet Council*, it was at first to be declaim’d against, but soon buried in Oblivion, and put up amongst the *useless Papers*; though the *French*, perusant to it, have since much interrupted our *Trade*, and have prov’d infinitely vexatious, inasmuch, as I am credibly inform’d, that the present *Governor of Jamaica* hath sent word, since his being there, that notwithstanding their old Quarrel with the *Spaniards*, it would be much easier to keep a good Correspondence with them, than with the *French*, our dear *Allies*.

And for a last Instance of our more than ordinary Civility to the *French*, several *Traders* in *London* have prepar’d a *Petition* to his Majesty in Council, to complain of the Oppression their *Factors* and *Agents* lay under in *France*, with a true State of their Case, and a short Account of their Grievances. This came to the Knowledge of some of our *Great Ministers*, and they, having had the Consent of them before the Delivery of it, stoop by their Authority all further Prosecution of the Matter, and put off the said *Merchants*, with a Promise they would acquaint the *French Embassador* with their Complaints, and see it should be redress’d through his Means. How far they have been encouraged in their *Treaty* since that Promise, they are best able to judge; but however it was not fit the Nakedness of our dear *Friends* should be thus expos’d to the View of the whole *Council-board*.

A. D. 1671. *Holland*, and knew they were thus courted, only that it might have the freer Passage, and, in the end, fall with irresistible Violence upon themselves.

At the same time that the *States* solicited a League offensive and defensive with *England*, they did the same with *Spain*, by whom they were more favourably receiv'd; tho' it does not appear, that any great Progress was made in it, till towards the Decline of the Year; when the joint Views of *France* and *England* growing at once more apparent and more formidable, Don *Manuel de Lira*, the *Spanish* Embassador at the *Hague*, by Orders from his Court, and in Concert with the Count de *Monterey*, enter'd into an Engagement with the *States*, by which the two Powers, in case of an Attack, were mutually bound to succour each other.

This was not known in *England*, till after Lord *Sunderland* was on his Way to the Court of *Spain*; and the Concert was then understood to be of so slight a Nature, that our Ministers did not despair of getting it set aside.

But they were never more deceiv'd. The Queen and Council of *Spain* were directed in this Affair solely by de *Monterey* and de *Lira*, who were declar'd Enemies to *France*; the last, because *France* was an Enemy to the World; because his Spirit was invincible, his Sentiments great and noble; and, agreeable to the ancient Generosity of his Country, because he disdain'd to forsake a Friend in Distress: and the first, not only because he, likewise, was a true *Spaniard*, but because he was the Son of Don *Lewis d' Haro*, and could never forgive the Advantages which Cardinal *Mazarine* had taken of his Father, in the *Pyrenean* Treaty.

What the grateful Overtures were, which Lord *Sunderland* was to make, is no where circumstantially clear'd up in the *English* History: Nor is it an easy Matter to supply the Defect: The Lights that offer rather falling, by Reflection, from foreign Accounts, than directly from our own.

November the 25th N. S. the Marquis de *Villars*, Embassador from his most Christian Majesty, arriv'd at *Madrid*, and was immediately follow'd by Lord *Sunderland*, who arriv'd there early in *December*.

What the *French* Minister had in charge was, to avow his Master's Design to humble, not (a) subdue, the *Hollanders*, and to negotiate a Treaty with the Queen Regent, by which the *French* Troops should be allow'd a free Passage thro' the *Spanish* Territories, and be furnish'd with Forrage, on paying for it: Offering, on the one hand, by way of Consideration, to put all the late Conquests in *Flanders* into her Majesty's Hands, till the King her Son came of Age; and, on the other, by way of Menace, declaring, that, in case of Refusal, his Majesty was in a Condition to force his Way,

having sixty thousand Men ready in *Flanders*, and twenty thousand to make a Diversion in *Catalonia*.

Now by the Time of Lord *Sunderland's* Departure for *Madrid*, as well as from certain Passages out of Lord *Arlington's* Letters, it can scarce be doubted, that the *English* and *French* Ministers were to act in Conjunction: But then the same Passages leave as little Room to doubt, that the Court of *England* had both Views and Reserves of their own.

The said Passages are as follow:

"*France* is so fearful that they will do it, (ratify de *Lira's* Treaty with *Holland*) that they call upon us to quicken you in your Threats to *Spain*, that if they join with *Holland*, or give them Assistance, we shall break with *Spain*; and indeed *England* concurs thus far with them, as to command you to give *Spain* the last Flight upon this Subject, shewing them plainly, that how partial soever their Intention are to *Spain*, their Assistance of *Holland*, as we are now allied with *France*, must of necessity beget a Quarrel between *England* and *Spain*. Besides the Remonstrance, you must, in a word, threaten them so as to make them fear a Quarrel with *England*. Tomorrow, the *French* Ambassador must know you use this Language." Again:

"There is but too much Ground to fear, that that Court will adhere to their Resolutions of assisting the *Hollanders*; to which all Kings of *England* can furnish you to oppose it, the keeping them in full Apprehension that *England* will break with them as well as *France*; and yet you must temper your Threats, as not to oblige them to break with us: His Majesty's Resolutions being not to fall out with *Spain*, if he can avoid it, and yet to keep his Union with *France* in a War against *Holland*. But you must remember, not only to conceal this his Mind from *Spain*, but from Marquis de *Villars*, Embassador, frighting the former, and telling Marquis de *Villars*, you do so."

And yet again, to Lord *Sunderland*: "I see you can get no ground of that Court, in your Propositions; either of Offensiveness or Neutrality; and consequently, I have no new Instructions to give you."

But neither the Artifice of *England*, nor the Insolence of *France*, had any Effect: The Court of *Spain* despis'd the one, and saw thro' the other: And to shew their Sense of both, order'd the Count de *Monterey* and de *Lira*, to proceed as they had begun, and to make the Case of the *Hollanders* their own.

By this time, it may be presum'd, that the most inattentive Reader is fully sensible, that every Measure of the *English* Court, since the Interview at *Dever*, had tended to bring on a Rupture with *Holland*, and to justify the Words, tho' not the Conduct of Sir *Thomas Clifford*, who, in the midst of our Triumphs on account of the *Triple League*,

(a) Mr. de *Mont* is in this Affair somewhat inconsistent with himself; for in the same Tome, p. 58. he intimates, that the Marquis de *Villars* tempted the Court of *Spain*, with an Offer of dividing the United Provinces between the three Princes. But I chuse to follow his subsequent Account, because it agrees with the following Passage in Lord *Arlington's* Letters:

"And whereas I laid before the Marquis de *Provo* what they owe the King our Master in this Conjunction, he very inquisitively asks me how far our *Esperance* goes with *France*: I assured him it goes no farther than the marrying of *Holland* in Conjunction with them, and further assur'd to him, that in all other Points, our Treaty might have been made by a Son of the House of *Austria*. Vol. II. p. 365.



A. D. 1671.

1671-2.  
The Exchequer  
First of it.See W. Tem-  
ple's Letters.

could not help blabbing, that it would not be long before we should have another Dutch War.

Upon the 2d of January, probably before Sir George Downing had his Audience of the States, certainly before we could know the Success of it, the said (b) Sir Thomas Clifford propos'd in Council the shutting up of the Exchequer, without other Circumstance than saying, That 'twas necessary the King must have Money, for carrying on THE WAR with Holland; that he knew no other Way than this; and desired none would speak against it, without proposing some better and easier Way.

The thing being thus communicated, rather with the Air of a Resolution than an Advice, not a Man had the Courage to rise up in opposition to it, or, except by his Silence, to express his Disapprobation; much less to lay down his Commission, or declare against giving his Attendance any more, in a Place where Honour and Integrity seem'd to be unsafe.

What was thus abruptly propos'd was carry'd into Execution so suddenly, that none but the very (c) few in the Secret had time to recal their Cash into their own Hands. The

Astonishment and Confusion it caus'd, and the Indignation it kindled, are inexpresible: While the first Surprize lasted, it affected the Credit and Commerce of the whole Kingdom; the Bankers stopping Payment as well as the Exchequer, and the Merchants not daring or being able to accept or pay any Bills of Exchange, drive their Trade abroad, or clear their Ships at the Customhouse at home.

On the 6th, to pacify these Disorders, a (d) Declaration was published, by Order of the King in Council, in which, as in the Lord Keeper's Speech, the Preparations of his Neighbours, are again brought into Play, as obliging his Majesty, for the Safety of his Government and People, to make such Preparations, likewise, as might be proportionable for the Intention both of the one and the other: And the Public is gravely told, That, by this inevitable Necessity, his Majesty was necessitated, (contrary to his own Inclinations) upon these Emergencies, and for the public Safety, at the present, to cause a Stop, &c.

Where there is no Truth there is no Dignity. It is undeniable, that the War was a Matter

A. D. 1671-2.

Lord Arling-  
ton's Letters,  
v. ii. p. 349.The King's  
Declaration  
thereupon.

(a) Mr. Archdeacon Edward, from a MS. of Sir Joseph Taylor's scribbles this Project originally to Lord Arling, out of whom it seems it had leaked when he was drunk, which Sir Thomas had taken care to erase him for that Purpose. The Story goes on, That Clifford had the Treasurer's Staff for this Job; and that Arling being settled at the Abuse which had been put upon him, who to pacify him, made Earl of Shaftesbury, and afterwards Chancellor, Bishop Burnett gave him Sir Joseph's Part the Honourable Mr. Norris, who in the Title Page of his Examen, calls the Reign of King Charles II. happy; speaking of this Incident, only says, "That Counsel, supposed to be the Invention of the Earl of Shaftesbury, then Chancellor of the Exchequer, was as happily given as desperately taken and executed by the Lord Treasurer Clifford." Examen, p. 37.

The same Gentleman in the same Page, endeavours to qualify this Story, by saying, Sect. xiii. "In 1671 the King had declar'd a War against Holland," and Sect. xiv. "Then the Charge of the War was excessive great, and the King not having a timely Supply from the Parliament, could not let out a Fleet by Means of the ordinary Revenue." In answer to which it is proper to observe, That the Order of Council for publishing the King's Declaration of War against the States was not made till March 17, 1671-2, whereas the Exchequer was shut up January 2. That the Parliament, at their last Meeting, had given 800,000 l. to fit out a Fleet, besides their Grants in Discharge of the King's Debts: And a further Supply, however necessary, it was impossible for them to give, if they were not permitted to meet again.

As to Bishop Parker, he makes no Scruple to call this Job one of the *foen deadly Sins of the Cabal*; and by way of Aggravation, quotes the King's Proclamation, after the *Charleston* Affair; in which his Majesty, to quiet the Fears of his Subjects, promises that he would never delay the Payment of his Assignments, upon any account, for one Day.

(c) Sir William Temple gives us to understand, that all the Money he had, was sunk in Alderman Backwell's Hands; and even Lord Arling's confesses that the Disorders among the Bankers, had to discompos'd Mr. Montagu's Money Matters, that he could not for some time return to his Residence, as the King's Minister, at Paris.

(d) The whole of this curious Piece is here inserted for the Reader's farther Satisfaction.

On Twelfth the 2d Instant, his Majesty being present in Council, was pleas'd to Declare, That seeing all the Princes and States, his Neighbours, were making great Preparations for War, both by Sea and Land; his Majesty, for the Safety of his Government and People, look'd upon himself as oblig'd to make such Preparations, as might be proportionable for the Protection both of the one and the other; and to that End had already given Orders for the fitting and preparing a very considerable Fleet, to be ready against the Spring. That by this inevitable Necessity his Majesty, considering the great Charges that must attend such Preparations, and after his serious Debates and well Consideration, not finding any Possibility to defray such unusual Expenses, by the usual Ways and Means of borrowing Money, by reason his Revenues were so intercepted and engag'd, he

was necessitated, contrary to his own Inclinations, upon these Emergencies, and for the public Safety at the present, to cause a Stop to be made of the Payment of any Moneys, now being, or to be brought into his Exchequer for the Space of one whole Year, ending the last Day of December next, unto any Person or Persons whatsoever, by virtue of any Warrant, Securities or Orders, whether register'd or not register'd therein, and payable within that time; excepting only such Payments as shall grow due upon Orders on the Subsidy, according to the Act of Parliament, and Orders and Securities upon the Fee-Farm Rents, both which are to be proceeded upon as if such a Stop had never been made.

And that his Majesty's Pleasure and Declaration, might be speedily and effectually put in Execution, his Majesty did order Sir Hovage Frook Knight and Baronet, his Attorney General, forthwith to prepare a Bill for his Royal Signature, and so to pass the great Seal, thereby requiring and commanding the Lords Commissioners of his Treasury, immediately to order and direct all every the Officers of his Majesty's Exchequer, to possess all Warrants and Orders, whether register'd or not register'd, and other Securities and Payments whatsoever (except as before excepted) until the last Day of December next.

And that in the mean time, the Lords Commissioners of his Treasury be required and authoriz'd, to cause Payment to be made of the Interest that is or shall grow due, at the rate of six Pounds per Cent, unto every Person that shall have Money due to him or them upon such Warrants, Orders or Securities, to possess'd and deliver'd; and that the Payment of such Interest may be justly made, the Lords Commissioners of his Treasury, are to be authorized and required, to cause the Debt of every particular Person, and the said Interest thereof, to be truly paid.

And the Lords of his Majesty's Treasury, being further to be ordered to employ and dispose of all the said Moneys, so stopp'd and detain'd, for the preparing, letting forth, and Payment of his Majesty's Fleet, and other public Services, in order to the Preservation and Safety of his Majesty's Government, and Defence of his People, as his Majesty shall from time to time order and direct.

His Majesty, as far as in him lies, to take away all Apprehensions or Fears that might possibly arise of his Subjects Spirit, declaring, That no Person whatsoever, shall be defrauded of any thing that is justly due to him, nor shall this Refraining, which his Majesty had been compell'd (not being able for the present, to find any other Expedient) to lay upon such Moneys, as are, or shall be paid into his Exchequer, continue longer, than the aforesaid last Day of December; and that then, no new Warrants, Orders or Securities shall intervene, to break the Course of such Payments.

And his Majesty was farther graciously pleas'd to declare, That nothing could have urg'd his Majesty to an Act of this nature, but such a Conjunction of Affairs, when all the neighbouring Princes and States were making like threatening Preparations, that his Government could not be safe, without appearing to the same Posture.

A.D. 1671-2. Matter of (e) Choice, and not Necessity. This the Public, from a Thousand concurrent Testimonies, could not be ignorant of. They likewise knew, that the fifty great Ships, talk'd of in the said Speech, had never yet put to Sea; that there had been neither Call nor Use for them; that, if the Court could, in the least, justify their Demands, the Parliament would make no Scruple to answer them; that this was a notable Advance towards the Dissolve of Parliaments; and that, if the King usurp'd a discretionary Power over Property, they were no longer a free People.

For these, and such like Reasons, his Majesty's Declaration had not the desired Effect. The People continued as angry and distemper'd as ever; insomuch, that the King himself was forc'd to convene the Bankers before him at the Treasury, in order to give them Assurances from his own Mouth that he would punctually satisfy his Debt to them, either out of the next parliamentary Grants, or his own Revenue; and to require them to make their Payments to the Merchants, and their other Creditors as before.

While the War was thus manifestly resolved upon, and this desperate Measure was taken to support it, Sir George Downing presented his Complaints to the States, which were prefaced with Assurances of the King his Master's Desires and Designs to live in Amity with their Lordships; and turned principally on the Affair of Surinam, and the Right of the Flag, that the People might be misled into a Belief that the War had no other Foundation than his Majesty's great Zeal for the Interest of his Subjects and the Honour of his Crown.

Tho' the Dutch were equally alarm'd with the Revocation of Sir William Temple, and the Arrival of Sir George Downing in his stead, they still flatter'd themselves that he was sent only to fright them into some great Payments, and that when things came to the worst they might purchase a Peace.

On this Presumption they took time to deliberate on the Demands of England, and were quite amaz'd to find Sir George so little dispos'd to spin out a Negotiation, or drive a Bargain, that in a few Days, he began to pack up his Goods, and apply'd for a Pass to come away.

The Answer they had prepar'd for Sir George, was then sent express to their own Ambassador in England, to be by him presented to the King; and Lord Arlington himself owns, That in Appearance, and by the Report of those who saw it but cursorily, it seem'd to be a fair one, tho' according to his own Opinion, it was conceiv'd in very captious and ambiguous Terms, and such as would leave Room for the same Disputes, upon the

striking to his Majesty's Flag if we had acquiesced in it.

His Lordship's Opinion was that of the Court; a Reply was calculated and dispatch'd accordingly, February 2, with additional Orders to Downing; but he, who did not care to act the same Part on Shore, which the Captain of the Yacht had done at Sea, very wisely withdrew without waiting for Letters of Revocation or taking leave, and arriv'd in London the 6th, and was the next Day sent to the Tower, for not caring to be made a (f) Sacrifice, to furnish the Court with a better Pretence to begin the War.

All this while the United Provinces were so torn with intestine Divisions, that they were call'd, with more Propriety, the *Dis-united Provinces*. The Orange Faction openly espous'd the Claims of England, and insisted on giving Satisfaction to his Majesty, in hopes it would not only divert all Danger from that Quarter, but make way for a more close and intimate Alliance between the two Nations than ever. On the other hand, the States, under the Influence of *de Wit*, and his Party, sought to pacify the Indignation of the most Christian King, by the most abject Submissions. They disown'd the Medals which had given him Offence, and caus'd the several Dyes to be broken; they protested they had examin'd their own Conduct towards him, in the most rigid Manner, and found nothing to reproach themselves with on his Account: and they offer'd to redress immediately whatever he had to complain of, even thro' their Inadvertency.

By this opposite Conduct, these opposite Cabals only meant to subdue one another: Of preserving the Republic, by bringing about an Union among themselves, neither seem'd to have any Thought; perhaps from a Conviction that it was impossible: And while they hesitated to make those Submissions to one Monarch, which the Other refus'd, the Alliance which had so long subsisted verbally between both, and which had their Ruin for its principal Object, was sign'd and seal'd in form.

There is a Passage in one of Lord Arlington's Letters, dated January the 25th, which says, *Tomorrow we shall sign the Treaty with France, and a Concert for joining our naval Forces*: It was not, however, sign'd till February 2, the very Day that the Orders were sent to Downing to continue his Residence at the Hague; and provided, among other things, that the two Kings should respectively declare against the States, that they would never agree to any Peace or Truce, unless by reciprocal Consent: That England should raise and maintain 6000 Land-forces: That there should be a Junction of the two Fleets; and that France should furnish three Millions

(1) Lord Arlington, in his Dispatch to Sir William Golphin, dated January 8, takes notice, "That in consequence of the Order to that up the Exchequer, his Majesty would find himself in a Condition of arming out his Fleet with ready Money, and supporting whatever shall HAPPEN TO BE HIS GAME, with Relation to the Affairs abroad this Summer."

And even before this Order took place, the Duke of York, by the King's Command, had given out his Commissions to the Sea Officers, who were to be employ'd in the War.

(f) When the King nam'd him for that Employment, one of the Council said, The Rabble will tear him to Pieces. Upon which the King smiled and said, Will I venture him. See William Temple's Letters, vol. ii. p. 250.

A.D. 1671-2. Millions of Livres (g) (240,000 l. Sterling) to England, as long as the War should last. Mr. Du Mont adds, that, as this Sum bore no Proportion to the Charge of the English Fleet, it was further agreed between the two Kings, that England should open the War by falling upon the Smyrna Fleet, in its Return; where, it was presum'd, such a Treasure would be found, as would answer all Demands, and make good all Deficiencies.

The Concert being thus settled, Money was remitted from Paris, to shew his most Christian Majesty's Sincerity, on one hand; and we, to shew our Gallantry, became the Aggressors, on the other. The first Blow was given by the Seizure of certain Dutch Ships on the Coasts, against an express Article in the Treaty of Breda; and Requisition being demanded, as likewise the Punishment of the Captain; Answer was made, that his Majesty, having long demanded Satisfaction for the Wrongs and Indignities done to him and his Kingdoms, and despairing of it, in such a Conjunction of Affairs, and a Season so advanced, had commanded this Detention of their Ships; but had strictly forbidden Confiscations, Embezzlement, or ill Treatment, either to the Men or Ships.

This was follow'd by the perfidious and pyrratical Attempt on the Smyrna Fleet, which, tho' perform'd with the utmost Bravery and Resolution, by Sir Robert Holmes and the Earl of Ossory, miscarried: The Dutch defended themselves, for two Days together, with unexpected and amazing Obstinacy; and at last got off, with the Loss of their Rear Admiral, and five only of their Merchant-ships. Their Escape was look'd upon as little less than miraculous; nor could they have escap'd at all, if Sir Robert Holmes had condescended to impart his Design to Sir Edward Spragge, (whom he met at Sea, in his Return from the Mediterranean, where he had made a Peace with the Algerines, that we might have but one Enemy to deal with at a time) and desir'd his Assistance: But, tho' Sir Robert apply'd to him for Intelligence concerning the Game he sought, he kept the Secret, that he might engross the whole Honour and Profit to himself; and thereby fell into the Disgrace of undertaking a bad thing, without having the Glitter of good Success to gild it over.

To reconcile the Public to this inexcusable Action, it was represented in the Gazette (like the Affair of the Yacht) as a mere (b) Rencontre, occasion'd solely by the Dutch ill Manners, in refusing to strike, and lower their Top-sails: But it is scarce credible, that Men, who love Money above all things, should expose so vast a Treasure for the sake of such a Vanity: Besides, Bishop Burnet affirms, that Holmes himself, tho' pres'd to do it, had not the Impudence to affirm any such thing; and the Gazette acknowledges they did lower their Top-sails.

After we had thus committed the Violence, we thought it advisable to give Warning: Accordingly, on the very Day (March

17) that the Court receiv'd the mortifying Intelligence of this Disappointment, Orders were given for the publishing his Majesty's Declaration of War, which it seems was ready prepar'd, in order to be issued, as soon as the Blow was struck.

In the Preamble to this vain Piece of Paper, the World is desired to believe, that nothing but inevitable Necessity had driven his Majesty into the War. The Reasons given were, the undecided Claims of the East-India Company; the Affair of Surinam, abusive Pictures, Medals, and Pillars; and the popular Pretence of the Flag, which had no better Grounds than the Incident of the Yacht, before spoken of.

Two things were suffer'd to slip into it, which were very remarkable, viz. That the States had, in this Conjunction, made an Offer to strike to us, in case we would join with them against the French, and with a Provision, that it should never be taken for a Precedent, to their Disadvantage: 2. That they had sent over an Ambassador Extraordinary (to know our Demands must be understood) who, in a most extraordinary Manner, had intimated, that he could give us no Satisfaction, till he had sent back to his Masters. And, that it might leave a grateful Relish at parting, his Majesty further declar'd, that, notwithstanding the Prosecution of the War, he would maintain the true End and Scope of the Treaty of Aix la Chapelle, unless provok'd to the contrary.

But, whatever was pretended, 'tis fit Posterity should know, That when Sir George Downing was sent over, he was bound by his Instructions not to accept of any Satisfaction from the Dutch, after a certain Number of Days, which were prescrib'd to him; though a very irregular and unusual Way of proceeding in Embassies, and much less practicable in Holland than any where else; it being impossible to have the Resolutions of their Towns, and afterwards of their Provinces, without a considerable Time: That this was made so much the more difficult, by our demanding not only the usual Striking, which (though ever practis'd, and due to England) was first nationally agreed upon in 1654, and confirmed by the two Treaties with his Majesty in 1662, and 1667, but also a new kind of Acknowledgment of the Sovereignty of the Seas, which is not mention'd in the said Treaties: So that by joining them both in a Memorial, if the Dutch did demur upon the Second, and so delay'd the granting of the First, it was a ready Way for us to clamour, and possess the whole Nation that the Dutch had broken their Treaty, and refused to strike to the English Flag: That, after the Dutch had given their Answer to the said Sir George Downing's Memorial, he refus'd to receive it, and came away without it, against a second Order he had receiv'd under his Majesty's own Hand: Lastly, it is very observable, that the Dutch having sent by an Express, as before observ'd, the Answer Sir George Downing would not receive,

Lord Arling-  
ton, vol. II.  
p. 151.  
England the  
Aggressor.

Attempt on  
the Smyrna  
Fleet.

[England's  
Appeal, p. 22.]

Numb. 660.

(a) Bishop Burnet, erroneously, says, 550,000 l.

(b) The Truth is, says Lord Arlington, in a Letter to Sir

Barnard Gascoigne, They believed them Mercant, whom they found to be stout Men of War.

A.D. 1672.

The States  
endeavour to  
accommodate  
the Affair of  
the Flag.

ceive, we first reply'd it was dark, obscure, and insufficient: Upon which they sent an *Extraordinary Ambassador*, who, jointly with the *Leiger Ambassador*, told our Ministers, that his Masters Intentions and Desire to give his Majesty all possible Satisfaction in the Business of the *Flag*, they both ordered and empowered him to clear what might be obscure or dark in their Answer, and supply what was insufficient; and therefore desired them to instance in what they did not approve of, or did think amiss; or else, that they would be pleased to draw up themselves, after their own Method and Way, what Article they thought necessary for the preventing of the like Inconvenience. It was answered, The States, with their Ministers, knew best how to frame and word their own Answers; neither could it be expected that we should draw up Papers for them. Whereupon the *Dutch Ambassadors* brought a Project of an Article to be agreed upon, concerning the *Flag*; and asked our Ministers whether it was worded to their Mind, and if that would satisfy them? To which they gravely answered, That when they had sign'd and deliver'd it, they would tell them their Mind concerning it. And the Ambassadors refusing still to sign it, unless they knew before-hand it was satisfactory, their Conference thus broke off; yet, upon second Thoughts, the Ambassadors having resolv'd to sign the said Paper, and to deliver it at a venture, they demanded a new Conference; which was promis'd them, and Seven of the Clock at Night appointed, on the Sunday after the Engagement with the *Smyrna Fleet*. But, on the very same Day, left the *Dutch* might comply further with us than we desired, our *Grandes* prevail'd with his Majesty to call an extraordinary Council, and to have, without farther Delay, the Declaration of War read and approved. So that when the Ambassadors came at their appointed Time, with their Paper ready sign'd, they were told in short, they came too late. To proceed.

But in vain.

Lord Arlington,  
Sir William  
Temple.

Spain, it seems, did not believe we either would or could come to these Extremities with the States: Even France could scarce depend on our Promises and Engagements, till they saw them thus fulfilled: Even the *Dutch* themselves did not dream, that their Calamities were so nigh; and all Europe stood astonish'd at this State-Thunderclap; which was so much the more dreadful, by being so sudden and unexpected.

It was now time for his most Christian Majesty to make his Entrance, and play his Part: Which he did without a Mask, and with such a superior Air, that Charles seem'd only to have been a Harbinger, who had cross'd the Stage to prepare his Way.

His (1) Declaration against the *Dutch* was publish'd April 6, N. S. under the superb Style of An Ordinance, BY THE KING; as if there was no other; and assign'd no Reasons, but his Majesty's Dissatisfaction at the Carriage of the States-General towards him, for some Years past; which, it seems, was

risen to such a Height, that his Majesty could no longer, without a Diminution of his GLORY, dissemble the Indignation rais'd in him by a Treatment so unfitable to the great Obligations which he and his Predecessors had heap'd upon them. In a word, it was his Pleasure to make War upon the States, and to (k) ALLOO his Subjects to worry the *Hollanders*, whenever they fell in their Way.

His Ambassadors had Orders to make use of the same Language in all the Courts of Europe. In particular Mr. de Gremoville, his Minister at Vienna, gave the Emperor to understand, That the Pride and insolent Prosperity of the *Dutch* had made the King his Master resolve to chastise them; which he hop'd would give no Umbrage to his Imperial Majesty; and that he would not interpose, either directly or indirectly, in the Cause of his Enemies.

To all the *Roman-Catholic* Princes he moreover, made no scruple to declare most impiously, That he had enter'd into this War for the Propagation of the *Catholic Faith*: And the said de Gremoville, in a set Speech to the Imperial Council, which was afterwards printed in French, farther signify'd, That the *Hollanders* being Heretics, who had forsaken their God, all good *Christians* were bound to unite, in order to extirpate them; and to impose God's Blessing on so good a Work.

For fear, however, that religious Motives should weigh no more in the Court of Vienna than at that of his most Christian Majesty, Care was taken to make sure of Sweden, by a Subsidy-Treaty of 400,000 Crowns a Year, for holding a Body of Troops in a Readiness either against the Emperor or Empire, if either should presume to interrupt the Designs of France; and 600,000, in case they took the Field.

At the same time that this Treaty, which consisted of thirty-three public Articles, and seventeen private, was negotiated at Stockholm by Mr. de Pomponne, another between the Crowns of England and Sweden was perfected by Mr. Coventry; the Scope of which was a Neutrality as to the Rupture between us and Holland, and a Repetition of the former Engagement with France, to enter into an offensive War with the Emperor or Princes of the Empire, in case he or they should declare for the *Hollanders*.

Thus, however punctually the Treaty of Aix la Chapelle was observ'd, the Triple Alliance was effectually broke; England, one of the Parties, co-operating with France, against whom it was made, to ruin the Republic of Holland, another, and Sweden, the third, standing Guard, that none of the German Princes, from a Sense of the Common Danger, should come into their Deliverance.

Scarce any thing can give us a higher Idea of the Power, Wealth and Importance of the United Provinces, than a Consideration of the Variety of Precautions which the two Crowns of France and England found it necessary

A.D. 1672.

England's Appeal, p. 10.

Dutch to be extirpated for being Heretics.

English and French Treaties with Sweden.

Lord Arlington.

English and French Treaties with Sweden.

(1) It was officiously published in England, by Authority.

(k) The French Expression is. courir sus.

A. D. 1672. necessary to take, before they thought it prudent to declare their Designs, and of the mighty Efforts they made, tho' in vain, to accomplish their Downfall.

But what serves to exemplify their Greatness, serves likewise to exemplify their Danger. They had the most potent Prince in Europe by Land, and the most potent Prince in Europe by Sea, at once to struggle with. The two Factions had thrown them into Convulsions at Home, and they had scarce Time to form any solid Measure to procure Succour from abroad.

Mr. de Wit, who had hitherto been esteem'd the good Genius of his Country, together with the Countenance and Protection of France, had lost his Authority. The Populace would have no Saviour but the Prince of Orange; and on the Virtues and Abilities of a Youth of twenty-one, depended the Fate of the Republic.

In Proportion as the Distresses of the State multiply'd, the Partizans of his Highness redoubled their Efforts in his Favour, so that it became necessary to submit to a Dictator within, or a Conqueror without. Things being at this Extremity, the Prince, in February, was made Captain and Admiral-General, had Guards appointed him, and took Possession of his Command. About the same time, the States order'd a Fleet of seventy-five Men of War to be equip'd with all possible Expedition, and began to make the necessary Dispositions for augmenting their Army, and putting their Frontiers in a Posture of Defence.

But their Preparations did not keep pace with the Approach of their Calamities. The most Christian King had oblig'd Mr. de Groot their Embassador at Paris, to take his final Leave, and return home; and de Romf his Secretary, who was suffer'd to continue there, merely to take care of his Effects, was charg'd in the strictest manner not to send any Advices to the States at his Peril. Such Orders were likewise given to all the Post-Offices thro' France, and were so well observ'd, that not a Letter was suffer'd to pass, which contain'd the least Hint, relative to the Enterprize in Hand.

Hence it follow'd, that tho' the States were convinc'd the Storm was at Hand, they knew not where to expect its fall, nor consequently what Defence to make against it. It was the most general Persuasion, that his most Christian Majesty would first lay Siege to Maftricht, in order to clear his Way and open a Passage into the Heart of the Country. This was the Advice which had been given by the Majority of the Council. But Mr. de Turenne foreseeing it would be a Work of time, was of another Opinion, and press'd his Majesty rather to take Advantage of the present forlorn and dispirited Condition of the Enemy, by making one great Effort, before they had Leisure to recollect their Spirits, or form a Resolution to oppose him.

And this was the Plan which his Majesty chose to follow. He had fate down before Maftricht: But this Measure was no sooner taken, than he decamp'd again, and, divid-

ing his Army into three Columns, march'd as far as Cleves. Every one of these Divisions met with Success answerable to Mr. de Turenne's Expectations. The Towns on all Sides open'd their Gates; and it seem'd to be the Business of the Invaders rather to take Possession, than make Conquests. At the same time the joint Armies of the Elector of Cologne and the Bishop of Munster, both which Princes were Stipendiaries to France, penetrated into the Provinces of Overyffel, Friezland, and Groeningen, and with equal Rapidity carry'd all before them. All Europe stood amaz'd at the irrefutable Progress of the French Arms, and gave the Republic for lost.

It had indeed no Prospect, and scarce a Hope of Deliverance: The Forces under the Prince of Orange did not exceed 12000 Men. The Auxiliaries which the States had received from Flanders, tho' numerous enough to draw Complaints on the Court of Spain from the two ally'd Kings, were yet too few to give them any material Assistance. Tho' they were negotiating an Alliance offensive and defensive with the Emperor and his Catholic Majesty, it was much to be fear'd that the good Effects of it would arrive too late. They were, besides, travers'd in every Step of it, by their Enemies; as also in their Applications to the Elector of Brandenburg, and the Princes of Lunenburg, that they might be left without Resource.

But tho' such was their deplorable Situation a shore, at Sea they were still as mighty as ever: Their Ships were as numerous, their Stores as full, their Mariners as plenty, and their Commanders as experienc'd and brave; and they resolv'd to employ them all in the most vigorous manner, for the Preservation of the last Remains of the Commonwealth.

The Command was given to de Ruyter; and Cornelius de Wit once more serv'd on board, in Quality of the States Deputy. Their first Design was to prevent the Junction of the English and French Squadrons; but not being able to effect it, they next resolv'd to fall upon both together.

The united Fleet lay at Anchor in Solebay under the Command of the Duke of York, the Earl of Sandwich and the Count d'Estrees: And more Attention being given to Feasting than Fighting, the Earl took occasion to observe to the Duke, "That, as the Wind then stood, the Fleet stood in Danger of being surpriz'd by the Dutch, at their Moorings; and that it would be advisable, for that Reason, to weigh and put to Sea." His Royal Highness, however, not only slighted the Advice, but, as we are told, affronted the Giver, by insinuating, that it proceeded rather from Fear than Discretion. The next Day, what his Lordship so wisely foresaw, really happen'd. Early in the Morning the Scouts gave the Signal of their Approach, with the Wind in their Favour; upon which the Allies, in some Confusion, prepar'd for the Engagement, the Earl with the Blue Squadron, being in the Van, the Red with the Duke in the Center, and the French with the White, in the Rear. The Dutch began

A. D. 1672.

Miscellanea  
Aulica. p. 68.Fight of Solebay.  
Kenet.Mr. Saville's  
Accounts, published by Authority in Lord Sommers's Col-  
lection.

A. D. 1672.

Prince of  
Orange made  
Captain and  
Admiral-Ge-  
neral.

Du Mont.

A. D. 1672. gan the Attack, like Men who had all the Injuries and Misfortunes of their Country to avenge; and the *English* return'd their Charge with all the Gallantry that the best Cause could deserve, or that might ennoble the work. The Earl of *Sandwich*, like a practis'd Seaman, endeavour'd principally to get the Weather-Gage; the Duke to rid himself of *de Ruyter*, *Van-Esse* another of the *Dutch* Admirals, and two other great Ships, which attack'd him altogether; the Earl of *Offory*, to oppose every Enemy and succour every Friend; and the (1) Count *de Estrees*, very prudently to save the Squadron committed to his Charge, which his Master had been so solicitous to form, and would find it so hard to replace. In this Action Lord *Offory* obtain'd the truly noble Title of *Preserver of the Fleet*, and the gallant Lord *Sandwich* chose to dye to wipe off the Asperision which had been cast upon his Honour; having seen Admiral *Van Gbent* fall before him; having sunk a Man of War which ventur'd to lay him aboard, and destroy'd two Fireships before he was himself destroyed by a third. His Country had, however, the Benefit of the Disposition which he had form'd, and did not live to accomplish; for Sir *Joseph Jordan* his Vice-Admiral, still follow'd the same Orders which he had first receiv'd, to get the Wind of the Enemy, and at last succeeded; whereby he was enabled to come in to the Assistance of the Duke, who had been twice oblig'd to change his Ship; the Consequence of which was, that *de Ruyter*, who had been hitherto irresistible, was oblig'd to give way; and his whole Squadron was thrown into Disorder. The Approach of Night then put an End to the Engagement, with which both Parties had more Reason to be satisfy'd, than with the Triumphs of the Day. *De Ruyter* retir'd, and the Allies did not think proper to pursue him. The *English* lost one Ship, *viz.* the *Royal James*, the *French* two, and the *Dutch* four, of which one, the *Stevoren*, was taken, and three were sunk. — At the Expence of how many gallant Lives was this single Trophy purchas'd? And how little did so bloody a Battle contribute towards finishing the War? Besides the illustrious Earl of *Sandwich*, there fell the *French* Rear-Admiral *de la Rabiniere*, nine *English* Captains, two *French*, several Volunteers of Distinction, and 2500 private Men, besides as many more wounded.

To have lost so few Ships, to have approach'd to near a Victory, as Affairs were then circumstanc'd, neither satisfy'd nor serv'd the *de Witts*, who had no Hope to stand their Ground, or Prospect of qualifying the growing Greatness of the *Orange*

Faction, except by some signal Success at Sea. Not to have gain'd a complete and manifest Victory, was to them, therefore, a total Defeat. They knew it would be impossible for them to put their Fleet again to Sea time enough to remedy the Mischief which arose every Hour from the present Disappointment. They had Reason to fear, that the Enemy, who, rather from the Weakness of the *States*, than their own Strength, were become Masters of the Sea, would soon insult their Coasts, if not make a Descent. They saw the Prince retiring before the Enemy by Land, together with themselves to *Amsterdam*, as the sole Place of Safety. They saw the most *Christian* King extend his Conquests on all Sides, and with every march, making (m) Additions to his Dominions. They saw *Nimwegen* and *Muffricht*, which were almost the only Places that dar'd to withstand him, forc'd to surrender, and *Utrecht* make a voluntary Submission. They saw him not only exercise the Power of a Conqueror, but assume the Authority of a Sovereign, by changing Constitutions, giving Laws, publishing Edicts, creating Magistrates, receiving Homages, and in a Word, transferring to himself the Allegiance that had been sworn to the *States*.

Believing it, therefore, a vain thing to resist any longer, or perhaps dreading more to become Vassals to the Prince of *Orange* than Tributaries to the ailed Kings, they prevail'd with the *States* to nominate four Deputies to each of them, with a View to pacify both, if possible, by their submissions and Concessions; or, at least, to prevail with one to abandon the other; or, while the Treaty should last, to scatter such Seeds of Jealousy, as might in the End divide them.

Of the four, but two came to *England*; where they were to be join'd by *Borel*, the *States* Resident at *London*, who had not as yet left the Kingdom: And no sooner was it known that they were come to supplicate a Peace, but the People every where discover'd a tender, generous, and noble Sense of their Oppressions and Misfortunes: On the other hand, the *Cabal* was surpriz'd at their Arrival, and alarm'd at the Effect it produc'd: As, therefore, they had ventured to come without Leave, Notification, or Passport, a Resolution was taken to remove them out of the View of the Public, that the Public Concern might not operate too strongly in their Favour.

Accordingly, they were met upon their way as far as *Gravesend*, forbid to come to *London*, and convey'd to *Hampton Court*, where they were kept in a sort of honourable

(1) Mr. *Saxville* says, the *French* were engag'd with the *Zealanders* all Day; and, being to *Loeword*, did as well as it was possible for them to do with the Distance, the *Dutch*, being to *Windward*, kept from them.

(m) The following List of which was publish'd in the *London Gazette*, No 680.

*Offry*, *Berick*, *Rynbergh*, *Wijl*, *Rer*, *Emmerick*, *Nimwegen*, *Aerschen*, *Tollage*, a strong Fort near *Skenkwyne*; *Skenkwyne*, *Koosemburgh*, a strong Fort over against *Nimwegen*; *Utrecht* hath made its own Composition with

the *French*, and taken in only a Safeguard of twenty or twenty-five Soldiers with Trumpeters, &c. *Duikwerf*, *Zutphen*, *Deventer*, *Amersfort*, *Nardén*, *Mjos*, these two lay upon the South Sea; *Raasstein* is demolished, *Bomel*, *Vianen*, *Yiel*, *Buren*, *Coleburg*, *Paris* and *St. Andrew*, were strong Forts; *Thuy*, *de Gennep*, *Rienne*, *Wagring*, were NEAR *Amsterdam*.

By the Bishop of *Manster*. *Grall*, *Soell*, *Destecken*, *Berkels*, *Bresfort*, *Otmers*

A. D. 1672.

Lord Arlington.

Du Mont's Temple.

The States send Deputies to the two Kings to negotiate a Peace.

They're in England, refused Audience, and treated as Prisoners. England's able to resist.

A. D. 1672.

able Confinement, till the good Pleasure of France was known; whether they should be favour'd with an Audience, and upon what Terms it would be advisable to treat of an Accommodation.

Bishop Burnet intimates, that Borel was left at large; that he was suffer'd to confer with his Collegues at Hampton Court; that he gave Lord Arlington to understand, the States were, at last, dispos'd to advance the Prince of Orange to the Offices and Dignities which had been held by his Ancestors; provided they might have Peace with England: And that no Regard was paid to it. On the other hand, the Gazette (Numb. 688.) expressly declares, That his Majesty having sent the Duke of Bucks, the (m) Earl of Arlington, the Earl of Shaftesbury, and Lord Clifford, to the States Deputies, to know what Proposals they had to offer; they reply'd, They had no Power or Instructions to make any Offer, but to bear what his Majesty would demand; adding, that his Majesty had notwithstanding been pleas'd, for the sake of Peace, to appoint the said Duke of Bucks, and Earl of Arlington, his Embassadors and Plenipotentiaries, to treat jointly thereon with those of the most Christian King.

England's Appeal.

In the mean time, the other Deputies came no sooner to the French Court, but two Secretaries of State were sent to them, who, without further Delay, desired to know first, if they had full Power to treat; and, in the next place, what the States could propose in order to a speedy Peace. The Deputies answer'd, as the two in England had done, They were only sent to know his most Christian Majesty's Pleasure; and that their Masters had thought it a greater Respect to him to receive his Proposals, than to offer any Conditions themselves. With this Answer the French Ministers went to their Master, and came back immediately to the Deputies, to let them know, it was expected the States should make the Proposals; and that the most Christian King could not enter upon any Treaty, unless they had full Power; telling them withal (to quicken them, and to hasten the Conclusion of the Work) that they were to consider, that whatever his most Christian Majesty had conquer'd was already his own; and therefore he could no ways part with it, unless they gave him an Equivalent, as well for what he might conquer farther before the Conclusion of the Treaty, as for what he possess'd at that time: Whereupon Monsieur de Groot, one of the Deputies, being gone to the Hague, he was sent back with all Speed, and authoris'd in a very ample manner, together with his Collegues, to treat and conclude a Peace with the French.

Upon the Return of the said de Groot with the Powers, after some Conferences (Part of them held with de Groot alone) Monsieur de

Lowoy (one of the Secretaries of State) gave the Dutch Deputies a Project of a Treaty, or rather the Pretensions of the King his Master; upon the granting of which, he was both willing and ready to return to his former Amity with the States, and conclude a firm Peace with them.

In this Project two things were remarkable; the one, that the Conditions were such, as, if granted, would have made the French King as perfectly Master of the Country, as if he had conquer'd all by the Sword; and the other, that they contain'd not the least Word relating to England, as if no way connected with France, or concern'd in the War.

And to demonstrate further, that the Intention of the French Court was, that England should be no Gainer by the Rupture, Mr. de Groot declared at his second Coming to the Hague, with the above-mention'd Articles, that the French Ministers had answer'd him, The States his Masters might deal as they pleas'd with England, and come off as cheap as they would; because, as they pretended, they were not bound or engaged by their Treaty, to procure them any Advantages.

While England was thus treated as the Dupe, and Holland was on the point of being render'd irredeemably the Bond-slave of France, it became manifest, that in Fact as well as Theory, Protection was the Condition of Obedience.

In exact Proportion as the States grew less formidable abroad, they grew more contemptible at home: In their most prosperous Condition, the Dutch Populace painted for a Stadtholder, as the Jews of old for a King, that they might have their Chains of a similar Fashion with those of their Neighbours. But tho' they were thus desirous of a Master, they were too proud to submit to one of themselves. De Wit inherited no glittering Titles from his Ancestors, had no Royal Blood in his Veins, was no otherwise ennobled than by his Virtues and Abilities, nor elevated, than as he rode on the Neck of the Commonwealth. While in his Meridian, he was consequently envy'd and hated; when in his Decline, every Evil and every Misfortune was plac'd to his Account: That their Commerce was the Prey of the English, that their Towns were swallow'd up by the French, was suppos'd to be all owing to his Treachery, to his Ambition; for so the Knave taught, and the Fool believ'd: When therefore it appear'd, that he could not save his Country from the Ruin which threaten'd it on every Side, and that he was rather making Terms for himself and his Party, than the Commonwealth, all his Merit was disregarded, all his former Services were forgot: He was presum'd to be the Janus of the Republic, and it was believ'd, that, if he

A. D. 1672.

The Dutch Populace Enemies to de Wit.

(m) He was made an Earl, and Knight of the Garter, in June this Year. About the same time the Earl of Lauderdale was made a Duke, and had likewise the Garter. Lord Ashley was made Earl of Shaftesbury: And Sir Thomas Clifford, Lord Clifford. For what Services, need not be explain'd.

ed. The Marquis of Worcester, the Earl of Eglis, the Viscounts Falconbridge and Halifax (Saville) were admitted to the Council-board; as was also Sir Thomas Osborne, who was made Treasurer of the Navy.

A. D. 1672. was thrown over, the Storm would be appeas'd.

The perpetual Edict revok'd, and the Prince of Orange made Stadtholder.

From this strong Prejudice against him, and as strong a Disposition in favour of the Prince of Orange, almost all the Towns in all the Provinces fell into the most violent Ferment imaginable; in which the Dregs of the People rose up to the Surface, and gave the Law to their Masters: In *Dort*, where *Cornelius de Wit* was Ancient Burgomaster, this strange Reverse of Things was first made manifest: A *Stadtholder!* was the Cry: The Burghers took to their Arms, sent a Deputation to the Prince of Orange to invite him thither, and, upon his Arrival, by downright Violence, oblig'd their Magistrates to revoke the perpetual Edict, abolish his Highness from the Oath he had taken, never to accept the Stadtholdership, and invest him with all the Powers, Dignities, and Authorities, which his Ancestors had enjoy'd. This was done June the 30th, N. S. and by the 5th of July, the same Scene was play'd at *Rotterdam*, *Middleburgh*, *Amsterdam*, the *Hague*, and generally through all the Provinces: Nor did the Fury of the Populace stop here: They purg'd the Magistracy of such Persons as they did not like; they call'd upon the Prince to nominate and appoint others in their stead; they insist'd on having their own Deputies admitted to have Seats and Voices in the Administration: At *Middleburgh*, they demand'd to have the Inspection of the public Accounts; At *Amsterdam*, they were in continual Tumults; in one of which, their High-Sheriff was wounded with a Musquet-shot; and a Burgomaster was extremely ill treated, and carried Prisoner to the Town-house: And at *Dort*, they cut to pieces several Pictures, which had been, some time before, put up in honour of *Cornelius de Wit*. Their Rage against the two Brothers of that Name was indeed inexpressible, and inconceivable: *Cornelius* had given them the most sensible Provocation, by refusing to sign the Instrument for making the Prince *Stadtholder*; and *Johan*, between Repentment and Despair, had

resign'd the Office of *Penfionary*: The Life of the Latter had been attempted on the 11th of June, by four Ruffians, who pretended it was for the sake of their Country and their Religion: And in August, a Barber accus'd the Former of having offer'd him 32000 Guilders to poison his Highness: The false Witness prov'd to be a more dangerous Enemy than the Assassin: The Times favour'd the Accuser, and deterr'd the Magistrates from doing Justice to the Accused: Notwithstanding he had held so high a Rank in the Commonwealth, he was put to the Torture; which he endured most heroically; and sentenced to have forfeited all his Dignities and Employments, and to be banish'd for Life. His Brother, the late *Penfionary*, with more Constancy and Affection than Prudence, not only countenanced him thro' the whole Proceeding, but fatally resolv'd to conduct him out of Town in his own Coach, as if to share in his Disgrace. The Barber, in the mean time, persist'd in the Truth of his Charge; urged, that the Criminal had been too mercifully dealt with; and did his utmost to exasperate the People against him: The (n) Event was most deplorable. The two Brothers no sooner appear'd, but the Roar was up: Blood was the Pursuit, and a thousand impious Hands, in a Moment, tore to pieces those venerable Senators, who had been so long, and so often, the Guardians and Preservers of their Country.

A. D. 1672.

Such a Monster is the Herd, when let loose; and so dreadful a thing it is to fall into their Power!

It is the common Opinion, that with this Sacrifice the Rage of the People was appeas'd, and that Peace and Order were at once restor'd: But this common Opinion is a common Mistake. When the Sheriff at the *Hague* had desir'd and obtain'd Leave of the *Stadtholder* to enquire who were the principal Actors in this Tragedy, and to that End had put the Question to the Captains of the Burghers; they reply'd, WE ALL; adding, *If you're dissatisfy'd with it, we'll dispatch*

The de Wit murder'd.

August 20.

(e) The following natural and affecting Account, in a Letter from the *Hogers*, was published in the *Gazette*, N<sup>o</sup> 704:

"I tremble when I take my Pen into my Hand, to acquaint you with the sad Spectacle we have seen here in the *Hague* on Saturday the 20th Instant, in the Persons of the *Rewoort*: was *Patten* [*Cornelius de Wit*] and the late *Penfionary de Wit*; the former having that Morning receiv'd his Sentence, by which he was declar'd incapable of holding any Employments in the State, and banish'd for ever: It thereupon follow'd, that the Barber who had accus'd him, being set at liberty, every where as he pass'd in the Streets told the People, that the said *Rewoort* was guilty, and deserv'd a severer Sentence than that which was given against him; and it happening that the said *Penfionary de Wit*, going in his Coach to the *Poort* where the said *Rewoort* was Prisoner, to fetch away his Brother, they were both, as they were coming away, stop'd by the Watch; who would have discharged their Muskets upon them, had they not presently retired into the *Poort* again: In the mean time, the People being very much dissatisfied with the aforesaid Sentence, and it being reported that the Doors were coming with no good Intention to the *Hogers*, the Drums were beat for bringing the Burghers in Arms; which was presently done: They, being in all six Companies, posted themselves on the *Esplanade* before the *Poort*; where they continued till almost Five in the Afternoon: About which time, they broke open the Prison Doors, notwithstanding three Troops of Horse were drawn out to prevent any Disorder, whom the Burghers kept off with their

Pikes, and afterwards forced to retire, and fetch'd down the said *Rewoort*, and his Brother the late *Penfionary*; the former being in his Night-gown, having been pull'd out of Bed, and the other in a black Velvet Coat; who were soon thrown under foot by the People, after having received several Wounds, as well by Musquet-shots as otherwise: But this not sufficing, the dead Bodies were trampled upon, and dragg'd up and down the Streets: First their two Fingers, which they had held up at the swearing to the perpetual Edict, were cut off; and then their Ears; which were taken up by some Boys, and presented as a great Present to the first Person of Quality they met: After which, they hung the dead Bodies by the Heels on a Gallows, their Cloaths being torn all off, and the Flesh mangled in a most miserable Manner, every one striving to get a Piece; which they afterwards fold up and down the Town; one Joint of a Finger for twelve Stivers, a whole one for fifteen Stivers, a Piece of an Ear for twenty-five Stivers, and a Toe for ten Stivers, and so proportionably: In this manner the Bodies remain'd hanging on the Gallows, now made naked, and in this manner mangled, and expos'd to the Scorn and Mockery of the People, till about Midnight; when several Persons, in disguise, came and privately removed the same: So that certainly a fadder Spectacle hath hardly ever been seen. It is said, a certain Woman coming from *Schiedam*, being informed of what had pass'd, fell upon her Knees, and heartily thank'd God for it: So strangely were the People enraged against these two Brothers, who thus miserably ended their Lives!"



A. D. 1672.

patch you the same Way. Nay, they actually did turn him out of his Office, upon the spot, as thinking his Concern for the Fate of those unhappy Victims was a Disqualification: And at *Dort*, the Mob rose on the Son of *Cornelius*, because he appear'd in Mourning for his Father. Scarce could the gallant *de Ruyter* escape their Fury; more than once they assembled to plunder his House, on the bare Suspicion of his corresponding privately with the degraded Party. At *Amsterdam*, the following Demands were put up on the Exchange:

1. That the Colonels, Captains, and other Officers of the Burghers, being either *Caumjellors*, *Scheepen*, or *Vroetschappen*, shall be immediately cashier'd; and that these Commands shall be conferred on so many Persons to be elected out of the Burghers.

2. That, for the future, none of the Burghers may be Governors of the *East-India* Company; those that are at present to be cashier'd.

3. The Burghers to have an Account of Moneys, what hath been received, and how laid out.

4. The Burghers desire all their former Privileges concerning fishing in the several Waters about the Town, &c.

5. They that refuse to consent hereunto to be treated as the *de Wits* were at the *Hague*.

6. He that dares take this Paper down, from the Place where it is affixed, to be punished with present Death.

In short, the Power of the Nobles was every where struck at; and the general Drift was, to divide the Commonwealth for the future between the *Stadtholder* and the People: Whatever Demands were made by the Last the First comply'd with: All Authority was now lodg'd in his Highness; the States were scarce ever nam'd; and both the Laws, and the legislative Power, were wholly at his Mercy.

Our English Historians affect to speak of this extraordinary Promotion of his Highness as a Matter of Triumph; but with what Reason, may best be gather'd from the Circumstances it was attended with: It did indeed operate like wholesome Physic to the Commonwealth; but it might have prov'd its Bane. The first good Effect which it produced was, an immediate Stop to the Treaty with France; The Power was departed from those who had set it on foot, and that so suddenly, that the French Ministry were not prepar'd with Expedients to substitute in the place of that which had fail'd.

While Affairs were in this critical Situation, the Plenipotentiaries from England, *Buckingham* and *Arlington*, set out for *Holland* in two of the Royal Yachts, carrying each the Union Flag at their Topmast Head, and a White Flag at their Poops. Off *Domburg* in *Zealand*, they discover'd the Dutch

Fleet, consisting of seventy or seventy-five Sail; three of which being come up with them, each Yacht fir'd a Gun to Leeward; in Token they were Friends. The Dutch did the same and STRUCK THEIR TOPSAILS. The Captain of the biggest Ship then came on board the Yachts, and having paid his Compliments to their Excellencies, return'd to his own Ship; and at parting all the three saluted them with almost all their Guns.

These minute Circumstances are here mention'd to shew the present Disposition of the Dutch towards England, and how little Reason we now had, even by our own Accounts to make a Quarrel of the Flag.

When their Excellencies landed at *Maesland Sluice*, they received the first News, that to the Misfortunes of his Country, the Prince had owed his Elevation. Here, on the Presumption that they were the Messengers of Peace, they were received with all the Joy and Respect, that Gratitude could inspire, or Transport give Utterance to. And when they made their Approaches towards the *Hague*, they were met a Mile out of Town by Men Women and Children, who gave Signs of the Epidemical Madnes which had seiz'd upon them, by crying out incessantly, God bless the King of England! God bless the Prince of Orange! And the Devil take the States!

Concerning the Negotiations of these great Men, much Care seems to have been taken, that the World should never be furnished with a Key to the whole Mystery. The *London Gazette* confesses no more than that they were entertain'd with a noble Supper by the States one Night, and that they were to set out, on their Way to the French Camp, the next Morning. That they were nobly treated by the Prince of Orange at Supper, as also at Dinner the next Day, after which they continued their Journey. That they had their public Audience of his most Christian Majesty, together with the Duke of *Monmouth*, who was nam'd with them in the (o) Commission, on July the 7th. That the same Evening they were join'd by the Lord *Vilcount Halifax*, who, according to Bishop *Burnet*, was sent over afterwards, to give the Nation Satisfaction, without being in the Secret. That the said Lord *Halifax* had his Audience of Ceremony, the next Day. That all three had been lodg'd in the French Camp, and accompany'd the King in his March. That on July the 21st, O. S. they returned, after having expected fourteen Days the Return of the Dutch Deputies, and some time after, an Answer to their Propositions. And that it was commonly guess'd, this great Silence of the States proceeded from the Promises they had receiv'd of Succour from the Empire, which gave them Hopes of more Ease that way than by Treaty; so that all their Excellencies could effect, for the present, was to compose a promissory Act between the

A. D. 1671

[Gazette, Numb. 690.]

Their Reception in Holland.

Gazette, Numb. 690.

N. 693.

N. 695.

N. 696.

Negotiations of Buckingham and Arlington with the most Christian King at Utrecht.

(\*) He had the Command of the English Forces in the Service of France; and greatly distinguish'd himself, both by his Bravery and Politeness.

A. D. 1672.

two Kings not to treat or conclude without mutual Participation, and Inclusion of each others Pretences.

Our noble Letter Writers, Lord *Arlington*, and Lord *Clifford* who officiated as Secretary in his Absence, are even less communicative than the *Gazette*. According to Bishop *Burnet's* Account of their Proceedings in *Holland*,

Vol. i. p. 327.

tho' the Duke of *Bucks* was once in the Humour to sign a Peace with the Prince of *Orange*, for the general, both he and his Colleague acted more like the Agents of *France*, than the Embassadors of *England*. And according to others, they gave the *States* to understand, they would oblige the *French* King to give up all his Conquests but *Mosricht*; or if not, they would enter into new Measures with the *States*, for which they had Powers, to prevent the Destruction of that Commonwealth.

Oldmixon, &amp;c.

Upon the whole, what Sir *William Temple* calls the common Belief of those Times, seems to be the best founded, viz. That this Embassy was owing to our Jealousy of the *French* Conquests going on so fast, while ours were so lame. It is extremely plain, that their Address was to *France*, not *Holland*; that they only took the last in their Way; and that the Issue of their Voyage was perfectly agreeable to this Presumption.

As to the Manner of their Reception, some of our Writers make no scruple to affirm, it was extremely ungracious; his most *Christian* Majesty taking the liberty to tell their Excellencies, that the King of *England* might treat as he pleas'd: That what he had got was his own; and that what he should get he would not restore without an Equivalent. But this is apparently the Language which he is said to have us'd to the *States* Deputies, before the Arrival of these Lords: While he had any Hopes of making the *Dutch* submit to his Yoke, it was his Interest to throw *England* out of the Question; but when the Treaty was broken off, when his *Britannic* Majesty's Nephew was at the Head of the *Republic*, with an almost unlimited Power; when the *English* Embassadors had been so lately Eye and Ear Witnesses of the Readiness both of the Prince and the *States* to buy his Friendship almost at any Rate; when, in case of a Breach with *England*, six thousand of the best Troops in the *French* Army would have gone over to the Enemy; and their favourite Fleet would probably never have found its Way back to its own Ports again; and when the Invader saw the Residue of the Country snatch out of his Power, by letting go all the Sluices, and laying it under Water; it was become as much his Interest to keep *England* in good Humour, and draw its Ministers into a second Engagement (for the first he had broke himself) not to accommodate with the *Dutch*, without mutual Participation, and mutual Consent.

For these Reasons, it is not to be presum'd, that he would venture to disoblige the Persons he was under a Necessity to bribe: For those who say they were insulted, say

also they were brib'd: And it is notorious, that those who had boasted they were good *Dutchmen*, in *Holland*, became, in the *French* Camp, as arrant *Frenchmen*; as if they had lifted under their Banners, and subsisted on their Pay.

Of this no Question can be made, when 'tis consider'd, that the following Conditions were drawn up in Concert, by the Ministers of both Kings, and deliver'd to the *States* Deputies, as a joint Act, tho' contain'd in two separate Papers.

Those of *France* stood foremost, and contain'd, among other things,

That the Prohibition against the Commodities and Manufactures of *France* should be taken off.

That full Liberty should be given for the Exercise of the *Catholic*, *Apostolic*, *Roman* Religion, through all the *United Provinces*: So that where there should be more than one Church, the *Catholics* should be allow'd another: Where there was none, they should be allow'd to build one: The *States-General* to provide Maintenance for the Priests, &c.

That, by way of Equivalent for what the Conqueror was to restore, the *States* should surrender to his Majesty all the Provinces, Towns, and Places, which they hold either in *Flanders* or *Brabant*, except *Sluise* and *Cassant*; as also *Nimeguen*, the Ports of *Cadissenbourg* and *Skin*; and all of *Guelderland* on the Side of the *Rbine* next *France*; the Isle of *Bommel*; the Isle and Fort of *Vorne*; the Fort of *St. Andre*; the Castle of *Leuvesteyn*; the Fort of *Crevecœur*; the City of *Grave*, and its Dependencies; the City and County of *Meurs*; (for which two last Places the *States* were to indemnify the Prince of *Orange*) together with all the Rights, Powers, Privileges, &c. belonging to them.

That the Subjects of his most *Christian* Majesty should have free Passage thro' all the Dominions of the *States*, to the Places and Towns thus surrendered, without being liable to any Toll or Imposition; nor their Merchandises, Provisions, or Ammunition, to be visited.

That the *States* should restore to the Order of *Malta* the Commanderies which belong'd to them in the *United Provinces*.

That they should engage to pay twenty Millions towards the excessive Charge of the War; in Consideration of which, his Majesty would forgive them the Principal and Interest of three Millions, lent in the Year 1651, to the *States*, by his Majesty's Father.

That, in Acknowledgment of the Peace which his Majesty thus vouchsafed to the said *States*, when he had it in his Power to extend his Conquests, they should every Year present him, by the Hands of an Embassador Extraordinary, a golden Medal weighing a Mark; which should specify, that they owed to his Majesty the Preservation of that Liberty which the Kings his Ancestors had help'd them to acquire.

Those of *England*, tho' not quite so long, were to the full as reasonable, viz.

That the *Hollanders* should give up the Honour

Coke's Detention, vol. ii. p. 178.

C. 1672. p. 167.

Du Most.

Honour of the *Flag* without the least Contradiction. That whole Fleets should strike their Colours and lower their Topmasts to any single Ship, carrying his Majesty's *Flag* in the *British* Seas, even to the Coasts of *Holland*.

That all the *English* resident at *Surinam*, should have free Leave during the Space of one Year to remove to any other Place, with their Effects of whatever kind, according to the *Treaty of Breda*.

That all Persons guilty of treasonable Practices, or of writing seditious Libels against his Majesty, or of any otherwise conspiring against the Tranquillity of his Realms, should, on Complaint, be for ever banished out of the Dominions of the *States*.

That his Majesty should be paid a Million Sterling towards the Charge of the War, 400,000 *l.* down, and 100,000 *l.* per an. till the whole was discharged.

That in Acknowledgment of his Majesty's Permission to the *Hollanders* to fish upon the Coasts, the *States* should annually pay (*ƒ*) 10000 *l.* Sterling for ever.

That both the present Prince of *Orange* and his Descendants should have the Sovereignty of the *United Provinces*, except of such Part as should be divided between the two Kings; or, at least, that they should enjoy the Dignities of Governor and Admiral General, for ever, in as ample a Manner, as they had been ever enjoy'd by the Princes his Predecessors.

That, in three Months after the Peace was made, a *Treaty of Commerce* should be set on foot, as well for regulating the *East-India Trade*, according to the Demands formerly made, as for the Convenience of his Majesty's Subjects, either trafficking or residing in the Dominions of the *States*; and that on such Conditions as have been granted to the most favour'd Nations; and that the Isle of *Walcheren*, the City and Castle of *Sluis*, with their Dependencies, together with the Isles of *Casant*, *Gerés*, and *Voorne*, should be put into his Majesty's Hands, by way of Security for the Performance of Articles.

What was yet more grievous and tyrannical than all the rest: The *States* were allow'd but Ten Days by the two Kings to take the Benefit of these (*q*) generous Offers. It was likewise provided, that, unless they gave full Satisfaction to both, as also to the Princes of *Germany*, who were embark'd with them in the same Cause, they were not to hope for

any Treaty, Peace, or Truce, with either.

And now it was that the young Prince of *Orange* made a much more illustrious Figure, than when the two Houses of Parliament afterwards waited upon him with a solemn Tender of the Imperial Crown of *England*. Tho' the Offers of the two Kings were made to the *States*, all Power was now devolv'd on the *Stadtholder*; and it depended principally, if not solely, on him, whether they should be accepted or refus'd. This the *English* and *French* Ministers very well knew, and therefore to him their Applications were principally made. The Sovereignty of the Provinces, which had been expressly demanded for him in the *English* Proposals, was what they most rely'd on. They knew Ambition was his predominant Passion; and therefore they ply'd him on that Side, with all the Batteries in their Power; firmly persuaded, that in the End they would be irresistible. But, quite contrary to their Imaginations, the Prince look'd down on what they thought he would have aspir'd to: To betray his Trust, and sacrifice his Integrity and Honour, to be only a tributary Prince to *France*, was in his Opinion a bad Bargain: He had the Fate of the Duke of *Lorraine* before his Eyes; which very sufficiently evinc'd, that he who was not strong enough to set her Power at defiance, would only be a nominal Sovereign, and a real Slave. This led him to declare, *That he had rather pass his Life in hunting on his Lands in Germany, than submit to sell his Liberty at any Price*: And that noble and generous Zeal for what is brave and honest, which flames out so gloriously in young Men, and which a long Commerce with the selfish World is so apt to destroy, inspir'd him with that heroic Expression, *That, rather than see his Country lost, he would die in the last Dyke*.

Full of these gallant and wise Sentiments, he conven'd a general Assembly of the *States*, and, instead of intriguing and bribing to make a separate Interest for himself, at the Expence of the Commonwealth, took upon him to shew, that the Proposals which had been made them merited their Attention only to excite their Indignation and Contempt: That to their Wisdom and Valour only they ought to have recourse for their Preservation: That the Means were yet in their Power: That their Allies were, on all hands, coming to their Assistance: That a resolute Stand might probably

(p) *Rojin* says 100,000 *l.*

(q) Concerning this Translation, the Author of *England's Appeal* takes occasion to write as follows:

"It is to be observ'd, first, That the *French* Demands were in substance the same as they had made at first in their Negotiation with *Mr. de Grays*, and since they were so unjust, and so enormous, that the best Friends they had then among the *States* could hardly swallow them themselves, much less to bring the Generality to give their Consent, without some Modification, it was not to be expected that the Government, being since the late Change much more averse to the *French* than before, the same Proposals again should be better entertain'd; which was render'd the more improbable by the Addition of the *English* Demands.

Secondly, The *French*, by the excessive Height of their Demands, seem'd to have encouraged (if not persuaded by some more effectual Means) the said Plenipotentiaries not to come much short of these, which was attended with two fa-

vil Consequences; the one, That the War was certainly, by it, entail'd upon his Majesty; and the other, That it was a Means to alienate the Minds and Affections of the *Dutch*, who were then inclin'd to give those Advantages to *England*, which cannot rationally be expected hereafter.

Thirdly, Tho' the respective Claims of the two Kings had been singly tolerable, yet the joining of them together made it impossible for the *Dutch* to grant either. From whence the *French* (and very rationally) conceiv'd Hopes, that the *Dutch* finding themselves over-balance'd by the joint Power of their Enemies, and seeing no Way to come out of so destructive a War, and to have Peace (and not a firm nor a durable one neither) without dividing their Country into an hundred Pieces, and cutting off all their Sines, had rather cast themselves into the Arms of their Conqueror, and, laying aside all Thoughts of Sovereignty, live in an entire Body, under the *French* Dominion."

A. D. 1672.

✠

probably recover what was lost, and would certainly secure the Remainder.

While he spoke, Despair quitted the Assembly, Hope kindled in every Eye, and Courage retook Possession of every Heart: Wise Deliberations made way for vigorous Resolutions: They rejected the Proposals of the two Kings, recalled their Deputies, made all the necessary Dispositions for defending themselves to the last Extremity, and determin'd, rather than submit to the French Yoke, to transport their Families and Effects to the East-Indies.

[Lord Arlington's Letter.]

Advice of this unexpected Event soon reach'd the French Camp; where it was receiv'd with outward Scorn, and inward Uneasiness: Lord Arlington calls it a *Feu de Paille, a Blaze of Straw*; but adds, that Sir Gabriel Syllivius had been sent to the Prince of Orange, with an Intimation, that if the States would treat in earnest, both Kings would be prevail'd with to moderate their Conditions: In the mean time, however, the English Plenipotentiaries had nothing left to do, but to sign their new (r) Agreement with France in form; which they did on 16th of July, with Circumstances no less dishonourable to themselves than to their Master; for, in the Preamble, they suffer'd his most Christian Majesty to be styl'd King of FRANCE; and, thro' the whole Piece, yielded him the Precedency, which OLIVER, the PROTECTOR, disdain'd to do: For being the

New Treaty between France and England.

Head of the English Commonwealth, tho' not a King, he insisted on the first Place for himself, and carry'd it.

There are certain Queries extant, which serve to illustrate this Embassy yet farther: By *Coke* and *Oldmixon*, they are ascrib'd to Secretary *Treacor*; but erroneously: For Sir *John Treacor* dy'd May the 28th, which was long before the said Embassy took place: By *Bishop Kenner* they are ascrib'd to Mr. Secretary *Coventry*; But neither doth this seem very reasonable; for he was the Instrument of the *Cabal*, at *Sweden*, to dissolve the *Triple League*; and, for that Service, was rewarded with the Seals, on the Death of Sir *John Treacor*: We are, besides, left as much in the dark as to the Occasion upon which these Queries were made, as to the Author; and so become the Bubbles of our own Conjectures. Upon a Research, however, the Reader will find them in the Paper, so often refer'd to, by the Name of *England's Appeal*; which, tho' perhaps rank'd by some Men among the Libels of these Times, contains more Facts, and better Reasoning, than most of those Performances, which assume the more solemn Stile of History. The Queries are these:

I. Whether they (the Plenipotentiaries, *Buckingham* and *Arlington*) were set to promote the French Conquests? If nor, why, by making the Peace impossible, as far as in them lay, would they force the Dutch to submit to the French Dominion?

II. Whether they did not know that the

French

Queries relating to the Conduct of the English Plenipotentiaries.

(r) This very remarkable Piece, concerning which our Historians are generally silent, is as follows:

"The favourable Success with which *God* has been pleas'd, both by Land and Sea, to bless the just War which the Kings of France and Great Britain were oblig'd to enter into against the States General of the United Provinces of the Netherlands, having inclin'd the said States to send Deputies at the same time towards both of the said Kings, to make them Proposals of Peace, and to know on what equitable Terms they were willing to grant it to them; his most Christian, and his Britannick Majesty, being both touch'd with the same Affection for the public Tranquillity; and being sway'd by this Motive, so worthy of good and great Princes, to prefer an honourable Peace to a War so happily begun that it promis'd as glorious an Issue, were not averse to hearken to the Proposals which were made to them by the said States. But as the first Amity betwixt their said Majesties, as well as the Bands of the Treaties which have united them in this Undertaking, gives them but one Mind, in the Resolutions which they may form, either to put an End to the War, or to continue it, they immediately communicated to each other the Deputations which were made to them by the said States, in order to agree by common Consent in the manner of admitting them, and regulating their Proposals. And because at a Juncture of such Importance, the King of Great Britain thought it for the Good of the Cause to impart his Sentiments forthwith to his most Christian Majesty, and to inform himself likewise of the Sentiments of his Majesty, by Persons in whom he had an entire Confidence, he therefore nominated his Ambassador Extraordinary, viz. the Duke of Buckingham, his Master of the Horse, the Earl of Arlington, his principal Secretary of State, and the Lord Viscount Halifax, a Member of his Privy Council, by his full Powers dated the 21st of June last, and the Duke of Monmouth by a like full Power of the 22d of the same Month; who after having assur'd his most Christian Majesty of the sincere and constant Affection of the King their Master, to continue united in their first Engagements, and found altogether as strong a Disposition in his most Christian Majesty not to separate their Interests in the Treaty of Peace which might be made, agreed on the following Articles with the Marquis de Louvois, one of the Privy Counsellors of the said most Christian King, Commander, Cancellor, Grand Matter and Superintendent General of the Poils in France, Secretary of State, and of his Orders; and the Sieur *Arnault* Lord of *Pomposse*, Counsellor in ordinary in all his Councils, also Secretary of State, and of his Orders, who were appointed Commissioners and Plenipotentiaries in this Affair by his said Majesty, and furnish'd in like manner with his full Powers.

I. Tho' the Faith of the two Kings is such, that after the

Promises they made to one another by their Treaty of the 12th of February, to make no Peace nor Truce with the States General without the reciprocal Consent of both their Majesties, and till they are fully satisfy'd; yet that their common Enemy may have no Hopes left, how ill grounded soever, to separate them in Interest, they again engage themselves severally by the present Article to hearken to no Proposal of Peace, without communicating the same to each other speedily, to enter into none that may be made to either separately for his Advantage, and to accept of no Satisfaction till the other King is fully contented with the Satisfaction given to him.

II. For this End the said Kings promise to agree together on the Conditions, upon which they shall think fit to conclude a Peace that may be safe and honourable to both; and not to consent to any Accommodation with the said States General, till the said Conditions be granted to them.

III. And to the End that the Concert of Amity, Union, and mutual Interest may not only be confirm'd by the present Articles, but may be made known to the said States General, their said Majesties shall give the necessary Orders for requiring the Deputies of the said States at their Court, or by some other Method which they shall judge more publick, that neither their Interests nor Satisfaction can be separate; and by the present Treaty the said two Kings confirm whatever was agreed upon and sign'd by them on the 12th of February last, which they again promise to observe and maintain in every Article.

And the said Commissioners of his most Christian Majesty have promis'd on the one Part, as the said Ambassadors Extraordinary of his Majesty of Great Britain have on the other, by virtue of their full Powers, to cause the present Articles to be accepted and ratify'd by the Kings their Masters, and to procure the Ratifications thereof respectively in a Month's time. Done and concluded at the Camp of *Heurick* the 16th of July, 1672.

Sign'd by virtue of their full Power, dated the 21st of June this present Year.

(L. S.) BUCKINGHAM.

(L. S.) ARLINGTON.

(L. S.) HALIFAX.

Sign'd by virtue of their full Powers from his most Christian Majesty.

(L. S.) DE LOUVOIS.

(L. S.) DE POMPOSSE.

And sign'd likewise by the other Ambassador Extraordinary of his Majesty of Great Britain, by virtue of his full Power, dated the 22d of June the same Year.

(L. S.) MONMOUTH.

A. D. 1672.

*French Demands* alone had been rejected by the *States*, and that the granting of them would make it impossible for the *Dutch* to give the King any Satisfaction?

III. Whether having received, from the Prince and *States*, all imaginable Assurances of their Designs to return to the King's Amity, and to purchase it at any Rate they could, they could faithfully neglect these, and enter into a new Engagement so prejudicial to *England*?

IV. How far those who were join'd in Commission did concur in their Judgment; and whether these Considerations, with many others, were not represented to them, and urged by some who desired to serve the King faithfully?

V. Whether or no it was for that Reason they oppos'd so fiercely my Lord Viscount *Hallifax's* (who came a Day or two after them) appearing and acting jointly with them, tho' in the same Commission with them, in as ample a Manner as themselves?

VI. Who were those who (after my Lord *Hallifax* could be kept out no longer) went privately to the *French Camp*, under Pretences, and had Negotiations of their own on foot?

VII. Whether they had Order to call the *French King*, King of *France*, and to name him before their Master, as well in the *French Demands* as of his Majesty's, in all their Agreements which they sent to the Prince of *Orange*?

VIII. Whether they had Instructions to stand in behalf of the *French*, upon the public Exercise of the *Roman Catholic Religion* in the *United Provinces*, the Churches to be divided to the *Roman Priests* to be maintain'd out of the public Revenues?

To resume the Thread of our History. Upon the 18th of *July* N. S. our Embassadors took their Leave of the *French Court* and Camp, at a Place called *Bastel*, in the Neighbourhood of *Beisleduc*, and took the Road of *Antwerp*, in the King's Coach, attended by the Officers of the Household, who were to make provision for their Diet and Entertainment, and escorted by 500 Horse. And it is, upon this Occasion, expressly declar'd, That the Whole of their Treatment, for the Respect and Obedience which had been shewn them in all Circumstances, as well as the Cost of their Entertainment, had far surpass'd what was usual on the like Occasions.

*Sir Bernard Gascoyne* was at this time soliciting a Marriage for the Duke of *York* with the Archduchess of *Inspruck*, at the Court of *Vienna*; and to him Lord *Clifford* thus explains the present Situation of things:

"Our Plenipotentiaries return without making Peace. The Prince of *Orange* and the *Hollanders* think both our Demands and the King of *France's* too high for their consenting to them yet; so that the War goes

vigorously on both by Sea and Land, though his most Christian Majesty be returning to *Paris*. The great Artifice of the *Hollanders* was to cause Jealousies, and then to divide the two Kings; and they have used great Art in it, but have been so far from prevailing, that they have been the Cause of uniting more and more the Affections of them; and I do assure you, there was never so much Confidence in one and the other of each others Proceedings, as at this present."

And how sincere this Attachment was, on the Side of *England*, becomes apparent from the following important Particulars, which are contain'd in the Dispatches of Lord *Arlington* to the said *Sir Bernard*:

"Being abroad, says his Lordship, I know not how handed to me, I received two of your Letters, the latter of which bore Date the 14th, S. N. as likewise a single Paper, bearing Date the 7th, all in Cypher; this containing an Overture to his Majesty of the Advantages he might have in uniting himself to the Emperor, the Elector of *Brandenburg*, &c. in assisting the *Hollanders* to a good Peace; which is so inconsistent with all our present Measures, that he can make no Use of it: The other two mention'd the Arrival of the Prince of *Ansbault*, and his Propositions to the Emperor's Court; the latter assured us of their being accepted of, notwithstanding their first Difficulties; and finally, his Imperial Majesty's Resolution to join 18,000 Horse and Foot to the said Elector's Troops, now marching to the Assistance of the *Hollanders*; and that the Conde of *Monterey* would likewise add a Body therunto, for the same Purpose; which we are sorry to hear: Not that we fear the reviving of the *Hollander* thereby, from their desperate Condition; but that, in all Probability, unless a Peace speedily follows, this will open a War between the two Crowns of *France* and *Spain*, and infinitely embarrass us, who are more streightly than ever united with the former, and would not willingly break with the latter."

Again, in another Place:

"As for us, be assured our Kings will not part in this Business till both be pleas'd; and we are deceiv'd, if the *Swede* will recede from his Obligation."

In a Third, when it appear'd, that the Draught of the (s) Marriage Articles was accompany'd with Articles of State, which had a Tendency to shock his Majesty's present Engagements:

"Now I am to tell you, his Majesty, in a second Debate, reflecting upon the three Conditions in the said Project [of the Articles of Marriage] relating to Matters of State only, and foreign to the Marriage, viz. the ratifying a-new the Peace of *Aix la Chapelle*, the including his Imperial Majesty in any Peace that should be made with the *States-General*, and the promising him Assistance, in case he should be attack'd by any Prince

Ibid. p. 85.

or

Gazette, Num. 695.

The two Kings more closely united than ever. Miscellanea Aulica, p. 72.

(s) While this Matter hung in Suspense, the Emperor dy'd; upon which the Emperor thought proper to secure the Archduchess for himself, but offer'd his Sister to the Duke to qua-

lify the Assent, who return'd it upon the Emperor, by refusing her.

A. D. 1672  
 or State, being more expressly examin'd by his Majesty's Command, we resorted to your Instructions, to see whether there were any thing therein to warrant them, and finding nothing there of that Nature, it was further remembered, that his Majesty hath ever declared through this whole Negotiation, that he would never make this Marriage of his Royal Highness a *Matter of State*, it being held unreasonable to change any of these Measures, wherein we are, for the Advantage of this Match how desirable otherwise soever; and that this hath not only been told you, but often repeated to the Spanish Ambassador here."

And, in a Fourth:

"This last Week his Majesty resolv'd in Council a further Prorogation of the Parliament to the 4th of February next, by which a great Measure of the *Hollanders* is broken, having fancied to themselves, that they should prevail with many of the *Members* of it, to make them clamorous upon his Majesty for a separate Treaty upon easy Terms, and with Exclusion of *France*; so that they seeing this Thrust broken, and finding no great Ease to their present Calamity from the auxiliary Forces of *Germany*, we persuade ourselves, we shall find them very reasonable in a short time."

England the  
 Tool of France.

Thus all our Measures were made subservient to the Views of *France*; *Charles* had the Name, and *Lewis* the Power; and, while the Former was called King of *France*, the Latter was virtually Lord Paramount of *England*.

It is scarce necessary to take Notice, that the Negotiations at *Utrecht* were as far from putting a Stop to the Progress of the War, as from putting an End to it. The Extracts already made from the State-Papers of those Times, very plainly indicate the contrary. And even, while the States had the Proposals of the allied Kings under Consideration, it was owing to little less than a Miracle, that the Ruin of the Republic had not been seal'd.

Three of the Seven Provinces, the most Christian King was already in Possession of; and with the Assistance of the Elector of *Cologne* and Bishop of *Munster*, who early in July, sat down before *Groningen*, he bid fair to master the rest.

A Descent on  
 Zealand pro-  
 jected.

At this very time, the English and French Fleets, being completely refitted, and having on board a large Body of Land Forces, came on the Coast of *Zealand*, with a Design to make a Descent, for which all the necessary Dispositions had been made, and with the Return of the Flood it was to have been put in Execution.

Never did any Project bid fairer for Success than this; never was any Country in more imminent Danger; by Sea no Fleet to interrupt the Enemy, Ashore no Troops to oppose them. The Prince of *Orange* had his Hands full already, and from his little Army could make no Detachment. According to some, *de Ruyter* had positive Orders not to hazard an Engagement; according to

[Does of the  
 Admirals  
 dissent.]

others, he did not come in Sight, till the Danger was over.

In this dreadful Crisis when a few Hours were to determine whether the *Dutch* should be any longer a People, Nature itself declar'd in their Favour, and came in to their Rescue. The Ebb instead of six, continued twelve Hours; and this extraordinary Incident was follow'd by such a Tempest as made the Invaders glad to quit the Coast that time, and provide as well as they could for their own Safety. Nor was this all, the whole Season afterwards prov'd one of the most stormy in the Memory of Man: Lord *Arlington* bears Witness from the Mouth of the Duke of *York*, that it afforded not one fair Day. So early as the latter End of *August*, his Royal Highness found himself oblig'd to return with his weather-beaten Fleet into the *Thames*, having first dismiss'd the *French*. And what is farther remarkable, tho' the Allies were Masters of the Sea, the *Dutch East India* and *Spanish Fleets* slip'd thro' their Hands; and, at the Year's End, it appear'd, that instead of maintaining the War with the Treasures of *Holland*, his Majesty had only exhausted his own.

When the most Christian King took Possession of *Utrecht*, which was about the Middle of *June*, his Successes were at their highest Flow: And as it has been Matter of Astonishment to the whole World, that he should in so short a Space of Time penetrate so far, so it became equal Matter of Astonishment that he penetrated no farther.

No sooner, however, did it appear, that his Current was at a stand, and that the very Genius of the Country held him at Bay, than he grew sick of the Undertaking; and immediately after the English Plenipotentiaries had taken their Leave, made the rest of his way back to *St. Germain's*, which gave his old Enemy the Prince of *Conde* Occasion to say, That he had not the Soul of a Conqueror.

Upon the 12th of *August* the fighting Bishop of *Munster* was oblig'd to raise the Siege of *Groningen*, which he had carry'd on at a vast Expence, and with all imaginable Vigour, from the 19th of *July*. This was another happy Incident which gave Ease to the Apprehensions of the States on that Side, and inspir'd them with Hopes that by their own extraordinary Efforts, and the Assistance of their Allies, they might be able, not only to maintain the Residue of their Country, but to face the Enemy upon more equal Terms, at the Opening of the next Campaign.

We must now return to the Domestic Concerns of our own Island; and first, it is observable, that tho' the English Parliament was not permitted to meet, that of *Scotland* was: For what Views and Ends, we shall presently have recourse to Bishop *Burvet* to explain.

The Duke of *Lauderdale* was again appointed Commissioner, and the King in his Letter declar'd, that the principal Design in calling them together, was, that they might consider

A. D. 1672

and the  
 present  
 of the

French Gar-  
 risons at a  
 stand.

The most  
 Christian King  
 returns to  
 France.

Siege of Gron-  
 ingen rais'd.

A Session of  
 Parliament in  
 Scotland.

A. D. 1672. consider their own Security as well as his Honour and Interest, now while he was engag'd in a very *just and necessary* War with the *States*; and that they might provide fitting Remedies against all *Accidents* that might befall, through this Occasion.

His Grace the Lord Commissioner, likewise, in his Speech, enlarg'd on the Provocation his Majesty had receiv'd from the *States*, by way of Proof of the *Justice and Necessity* of the War. After which he proceeded to infer from the uncertain Event of it how absolutely necessary it was to provide against foreign Invasion, or *intestine Commotion*; adding, "I am, therefore, commanded most seriously to recommend to this Parliament the Safety of this Kingdom, in either of these Cases."— And again, "Although he hath no Occasion to lay any Burthen upon you, upon his own Account; yet he is most assured, you will provide such effectual Means, as the FORCES of this Kingdom may, upon occasion, serve for his Majesty's Honour and Interest, and may be a TERROR TO HIS ENEMIES, and a Security to this Kingdom."

What Effect these fine things had upon the Parliament appears by their Answer to their MOST SACRED SOVEREIGN; in which they were particularly careful to echo back those important Words, *just and necessary War*, as also, "with all humble Duty to declare, That, as his Majesty's Safety, Honour, and Interest, were near and dear to them above all things in this World, so they would be ready on all Occasions, with Cheerfulness, to offer their Lives and Fortunes, in that, and every Cause wherein they or any of them might be concerned: And, in order thereunto, that they would be careful to provide effectually for the Security of that his Kingdom against Invasion and intestine Comotions, which the Enemy might endeavour to raise and foment; and so settle the *Militia*, as that the Forces of that Kingdom might be in readiness, whenever his Majesty should be pleas'd to make use of them for his Honour and Interest."

The Prelate above-mention'd assures us, that the Tax demanded to make the Militia thus useful was a whole Year's Assessment; and that many of the Nobility were so concern'd at the haughty Carriage of the Commissioner, that they resolv'd to oppose it, with the Duke of Hamilton at their Head; who, tho' he had promis'd not to oppose Taxes in general, thought this so exorbitant, it seems, that he no longer held himself oblig'd to keep his Word.

His Lordship speaks thus:

"Upon this, I proceeded to Duke Lauderdale, to shew him the Inclinations many had to an Opposition to that Demand, and the Danger of it. He rejected it in a brutal Manner, saying, *They durst as soon be damn'd as oppose him*. Yet I made him so sensible of it, that he appointed the Marquis of Athol to go and talk in his Name to Duke Hamilton, who would that I might be present; and that was easily admitted. Lord Athol press'd Duke Hamilton to come into an entire Confidence with Duke Lauderdale, and pro-

mis'd, that he should have the chief Direction of all Affairs in Scotland under the other. Duke Hamilton ask'd, how stood the Parliament of England affected towards the War? Lord Athol assur'd him, *there was a settled Design of having no more Parliaments in England; the King would be Master, and would be no longer curb'd by a House of Commons*. He also laid out the great Advantages that Scotland, more particularly the great Nobility, might find by striking in heartily with the King's Designs, and in making him absolute in England. Duke Hamilton answer'd very honestly, that he would never engage in such Designs: He would always be a good and faithful Subject; but he would likewise be a good Countryman. He was very unwilling to concur in the Land-tax. He said, Scotland had no Reason to engage in the War, since, as they might suffer much by it, so they could gain nothing, neither by the present War, nor by any Peace that could be made. Yet he was prevail'd on in conclusion to agree to it: And upon that, the Business of the Session of Parliament went on smoothly, without any Opposition."

We have here the Word of a Bishop, that, in his Hearing, a Court Lord made no Scruple to avow, that the Ax was now laid to the Root of the Constitution: And how far it may be depended upon, let the Reader judge for himself, from a Recollection of all the Facts already before him, as well as from those which are still to be specify'd.

At the same time that his Majesty gave that broad Intimation to his People, of his Design to prosecute his own Measures, without either the Advice or Assistance of Parliament, by refusing his Assignations, and possessing himself of all his current Revenue (as it is tenderly worded by Lord Arlington, to Sir William Godolphin) he likewise began to make use of a Style, and to exert his Prerogative in a Manner, which authorized the worst Suspicions, and denoted *Will and Pleasure* were at hand.

For Instance:

March the 6th, 1671-2, an Order of Council was publish'd, signifying, that it should and might be *LAWFUL* for any of his Majesty's Subjects, having a Pass from his Royal Highness the Duke, Lord High Admiral, to navigate their Ships with one Third Foreigners, notwithstanding the Acts for Encouragement and Increase of Shipping and Navigation.

March the 24th was publish'd an Order for a national Fast, to implore God's Blessing on his Majesty's naval Forces, in which are these Words: "And his Majesty doth expressly charge and command, that the said Fasting and Prayers be soberly, reverently, and decently perform'd, by all his Majesty's loving Subjects, as they tender the Favour of Almighty God, and upon pain of such Punishments as his Majesty can justly inflict upon all such as contemn so religious a Work."

March the 31st, a Proclamation was order'd, charging and commanding all Seamen and Mariners, who had absconded to avoid being impress'd into the Service, forthwith

A. D. 1672.

Acts of State.

Gazette, Numb. 658.

N<sup>o</sup> 662.N<sup>o</sup> 664.

A. D. 1672.

Burnet, vol. i. p. 338, 339.

A. D. 1672.

to render themselves, on pain of being proceeded against, upon Discovery, with all possible Severity. All Mayors, Justices, Constables, &c. were, by the same Proclamation, enjoyn'd to make diligent Search for the said Absconders, to seize them when found, and consign them over to the Navy; of which they were not to fail, as they would answer the contrary at their Peril.

Gazette, Numb. 667.

April 8, a Proclamation was ordered to recall all Protections, to declare it should be lawful for any Merchant-ship, or Privateer, to be navigated by *foreign Seamen*; to authorise the taking out of all such Privateer and Merchant Ships all Seamen, who were his Majesty's natural-born Subjects; and to lay an Embargo on all Ships not navigated with *Foreigners*; as also to command all Innkeepers, Victuallers, or other Persons receiving Lodgers, to discover all Seamen, who should lie conceal'd in their Houses, on pain either of suffering the utmost Penalties of the Law, for such his Contempt; or, if it should be found more expedient for his Majesty's Service, of being press'd HIMSELF to serve in his Majesty's Fleet, instead of the Person so by him conceal'd.

N. 676.

May 11, his Majesty was pleas'd in Council to order and declare, That the Act of the 12th of his Reign, for the encouraging and increasing of Shipping and Navigation, and all the Proceedings, therein or thereby directed, should be totally suspended, as to several Particulars in the said Orders specify'd: As also to declare, That the Merchants of any Nation might import, from any Parts whatsoever, Hemp, Pitch, Tar, Malts, Salt-petre, and Copper, liable only to the same Duties, as by the Tonnage and Poundage Act were to be paid by his Majesty's natural-born Subjects: That the said Order should continue, and be in force, during his Majesty's PLEASURE: And that, when his Majesty should think fit to determine the said Dispensation, he would, by his Royal Proclamation, give six Months Notice thereof.

N. 686.

June 14, a Proclamation was issued, in which, after Reference to certain ancient Statutes, against Spreaders of false News, and Promoters of malicious Slanders and Calumnies; as likewise to a late (t) Statute of the 13th of his Majesty's Reign, Notice is taken, "That there had been of late more bold and licentious Discourses than formerly; and that Men had assum'd to themselves a Liberty, not only in *Coffee-houses*, but in other Places and Meetings, both public and private, to censure and defame the Proceedings of State,

by speaking evil of things they understood not, and endeavouring to create and nourish an universal Jealousy and Dissatisfaction in the Minds of all his Majesty's good Subjects: For which Reasons, his Majesty, "by the Advice of his Council, did, by the said Proclamation, forewarn, and straitly command, all his loving Subjects, of what State or Condition soever they be, from the *Highest* to the *Lowest*, that they presume not henceforth, by *writing* or *speaking*, to utter or publish any false News or Reports, or to intermeddle with the *Affairs of State and Government*, or with the *Persons* of any of his Majesty's *Counsellors* or *Ministers*, as they will answer the contrary at their utmost Peril." Even the *Hearers* of such Discourses were declar'd equally punishable with the *Speakers*, unless they became *Informers*, and had equal Vengeance denounced against them: His Majesty further declaring, "That he would proceed with all manner of Severity against all manner of Persons, who should use any bold or unlawful Speeches of this Nature, or be present at any *Coffee-house*, or other public or private Meeting, where such Speeches were used, without revealing the same in due time:" And again, "That he was resolv'd to suppress this unlawful and undutiful Kind of Discourse, by a most strict and exemplary Punishment of all such Offenders as should be hereafter discover'd."

July the 22d, the importing or vending any Sort of painted Earthen-wares, except those of *China*, and Stone Bottles and Jugs, was prohibited by the King's Proclamation, "upon pain of being grievously fin'd, and suffering the utmost Punishments, which might be lawfully inflicted upon the Contemners of his Majesty's Royal Authority."

And, even before the Declaration of War against the *Dutch* was made public, his Majesty, notwithstanding the solemn Address he had so few Months before receiv'd from both Houses, concerning the dangerous Growth of *Popery*, was pleas'd to suspend the Execution of all and all manner of penal Laws, in Matters ecclesiastical, against whatever Sort of *Nonconformists* or *Recusants*: In Justification of which his Majesty, however, took occasion to urge, how ineffectually the many and frequent Ways of *Corruption* had been made use of to establish an Uniformity of Opinion: And that he also understood himself to be sufficiently authorised to take this notable Step, by virtue of his *supreme Power in Matters ecclesiastical*, which, according to the Words of the (x) Declaration,

222

(t) In which is a Clause, That whoever utter or publish any Words or Things to incite and stir up the People to Hatred or Dilike of his Majesty's Person or the established Government, if thereby made incapable of holding any Office or Employ whatsoever, either in Church or State.

(x) Mr. Locke, in his famous Pamphlet, call'd, *A Letter from a Person of Quality to his Friend in the Country*, undertaking to account for the Grounds and Reasons which inclin'd Lord Shaftesbury and Lord Clifford to join in this Measure, advances the following Particulars, which will serve to shew the Inconscience of Parties, and that the *Dispensing Power* was not held so much a Bugbear at one time as at another.

"My Lord Clifford did in express Terms tell me one

Day, in private Discourse, "That the King, if he would be firm to himself, might settle what Religion he pleas'd, and carry the Government to what Height he would; for if Men were assur'd of the Liberty of their Conscience, might establish'd in their Properties, able and upright Judges made in Westminster-Hall, to judge the Causes of men and tans; and so, on the other hand, the Fort of Tilbury was finish'd to bridge the City, the Fort of Plymouth to secure the West, and Arms for 20,000 Men in each of these, and in Hall for the Northern Parts, with some Addition which might be easily and undifferably made to the Forces now on foot, there were none that would have either Will, Opportunity, or Power to resist." But he added withal, "He was so fix'd in the Maintenance of Property and Liberty of Conscience, that



*was not only inherent in him, but had been declared and recogniz'd to be so, by several Statutes and Acts of Parliament.*

All these several Acts of State, had taken Place within the short Compass of eight Months, and there remain'd still others behind, which were equally abhorrent to our Constitution, and which had actually been brought into Play among the rest, if the Lord Keeper *Bridgman*, could have been induced to let them pass the Seals.

Besides the Land Forces which had been sent into the Service of *France*, under the Command of the Duke of *Monmouth*, a Body of between five and six thousand more, were levy'd and encamp'd on *Black Heath* to be ready at Hand as Occasion should offer. But there could be no Military Discipline without Military Laws; and with those the Kingdom was then happily unprovided. However ductile the Parliament had prov'd in some things, there was no Hope of their lending the least Countenance to an Army. There remain'd, therefore, no other Expedient than for the King to supply the Defect by his own Royal Authority.

Another Difficulty arose in *Westminster Hall*; the Money which the Bankers had advanc'd to the Government, and the Re- payment of which, was stop'd at the Exchequer, was none of their own: They had

borrow'd on one Hand what they lent on the other; the Inducement for which was the receiving a larger Interest than they paid. The fine Words given by his Majesty to them, did not satisfy their Creditors, who grew importunate for their Debts, and at length had recourse to Law. The Ministers thought themselves oblig'd to stand by the Bankers, and the Means they had recourse to, was to procure Injunctions in Chancery to be issued to stop Proceeding at Law against the said Bankers, on the Equity of Public Necessity.

On both these Points the Lord Keeper had been importun'd, but he had too much Integrity, to give his Sanction to either. And what is yet more remarkable, advising with the Attorney and Solicitor-General upon them, as also with some of the King's Council, they ALL agreed, They were Rocks (*says Mr. North*) upon which they must split, if they could not otherwise decline them; for they lay directly in the Way, and would not be surmounted.

And now it was that his Majesty, reflecting on the *old Age*, and *continual Indisposition* of the Lord Keeper, thought fit to admit of his Resignation of the Great Seal, and to gratify the *uninterrupted Services* of the Earl of *Shaftsbury* with the Custody thereof, with the Title of *Lord Chancellor of England*. This is the Language of the *Gazette* of November 18.

If he had his Will, though he should introduce a Bishop of *Dorset* (which was the Intention he then made, that See being then vacant) of another Religion, yet he would not disturb any of the Church beside, but suffer them to die away, and not by his Change (how happy forever he was in it) overthrow either of these Principles, and therefore desired he might be thought an honest Man, as to his Part of the Declaration, for he meant it really. The Lord *Shaftsbury* (with whom I had more Freedom) I with great Alliance asked what he meant by the Declaration? for it seem'd to me (as I then told him) that it assum'd a Power to repeal and suspend all our Laws, to destroy the Church, to overthrow the Protestant Religion, and to tolerate Popery. He reply'd all angry, That he wonder'd at my Objection, there being not one of these in the Case; for the King assum'd no Power of repealing Laws, or suspending them contrary to the Will of his Parliament or People; and not to argue with me at that time the Power of the King's Supremacy, which was of another Nature than that he had in Civils, and had been exercised without Exception in this Case, by his Father, Grandfather, and Queen *Elizabeth*, under the Great Seal, to foreign Protestants, become Subjects of *England*; not to influence in the suspending the Execution of the two Acts of Navigation and Trade, during both this and the last *Dutch War*, in the same Words, and upon the same Necessity, and as yet without Clamour that ever we heard. But to pass by all that, this is certain, a Government could not be supported, whether monarchical, or of any other sort, without a standing, supreme, executive Power, fully enabled to visitate, or wholly to suspend any Penal Laws, in the Intervals of the Legislative Power; which, when assembled, there was no Doubt, but wherever there lies a Negative for passing of a Law, there the Address or Sense known of either of them to the Contrary (as for Instance, of either of the two Houses of Parliament in *England*) ought to determine that Indulgence, and restore the Law to its full Execution; for without this the Laws are to no Purpose made, if the Prince could annul them at Pleasure; and so, on the other hand, without a Power always in being of dispensing upon Occasion, was to suppose a Constitution extremely imperfect and impracticable; and to cure this with a Legislative Power always in being, is, when considered, no other than a perfect Tyranny. As to the Church, he conceived the Declaration was extremely their Interest; for the narrow Bottom they had plac'd themselves upon, and the Measures they had proceeded by, for contrary to the Properties and Liberties of the Nation, must needs in a short time prove fatal to them; whereas this led them into another Way to live peaceably with the dissenting and dissenting Protestants, both at home and abroad, and so by necessary and unavoidable Consequence, to become the Head of them all, for that Place is due to the Church of *England*, being in Favour, and of

near Approach to the most powerful Prince of that Religion, and so always had it in their Heads to be the Interlocutors and Procurers of the greatest Good and Protection that Party throughout all *Christendom* can receive. And thus the Archbishop of *Canterbury* might come, not only *alteris Orbis*, but *alteris Regibus Papa*, and all the Addition of Honour and Power attain'd, without the Loss or Diminution of the Church; it not being intended that one Living, Dignity, or Preference should be given to any but those who were freely conformable. As to the Protestant Religion, he told me plainly, it was for the preserving of that, and that only, that he heartily join'd in the Declaration; for, besides that, he thought it his Duty to have Care in his Place and Station of those he was convinced were the People of *God*, and fear'd him, tho' of different Persecutions; he also knew nothing else but Liberty and Indulgence, that could possibly (as our Case stood) secure the Protestant Religion in *England*; and he begged me to consider, if the Church of *England* should attain to a rigid, blind and unqualified Conformity, and that Power of our Church should come into the Hands of a *Papish Prince*, which was not a Thing so impossible or remote, as not to be apprehended; whether in such a Case, would not all the Arms, Artillery and Government of the Church, be turn'd against the present Religion of it? And should not all good Protestants tremble to think what Bishops such a Prince was like to make, and whom those Bishops would condemn for Heretics, and that Prince might be? Whereas, if this, which is now but a Declaration, might ever by the Experience of it gain the Advantage of becoming an established Law, the true Protestant Religion would still be kept up amongst the Cities, Towns, and trading Places, and the worthiest and soberest (if not the greatest) Part of the Nobility, Gentry, and People.

As for the Toleration of Popery, he said, It was a pleasant Objection, since he could confidently say, that the *Papists* had an Advantage in the least by this Declaration, that they did not as fully enjoy, and with less Noise, by the Favour of all the Bishops. It was the Vanity of the Lord-Keeper that they were nam'd as all, for the whole Advantage was to the dissenting Protestants, which were the only Men disturb'd before; and yet he confess'd to me that it was his Opinion, and always had been, that the *Papists* ought to have no other Preferece laid upon them, but to be made incapable of Office, Court, or Arms, and to pay so much as might bring them at least to a Balance with the Protestants for those chargeable Offices they are liable unto; and conclude it with this, that he desired me seriously to weigh, whether Liberty and Property were likely to be maintain'd long in a Country like ours, where Trade is so absolutely necessary to the very Being as well as the Prosperity of it; and in this Age of the World, if Articles and Matters of Religion should become the only accessible Ways to our Civil Rights.

A. D. 1672.

ber 18. Ten Days after, the Lord Clifford was made Lord (w) High Treasurer: On the 4th of December, following, a Scheme was agreed upon in Council, for keeping the Army in Obedience, and reconciling the People to the Army; by which the King took upon himself the Punishment of Offenders; and the present Keeper of the Seal was very artfully prefer'd from the Difficulty which had ruin'd his Predecessor: And, possibly to give an additional Terror to the (w) Proclamation publish'd upon this Occasion, several *Scamens* were soon after put to death, for deserting the Service.

In his Majesty's Apology for shutting up the Exchequer, of January the 8th, he had declar'd, That the Restraint should continue no longer than the last Day of December: That Day was now at hand: The Dutch were still unsubdu'd: The growing Revenue was as little able as ever to support the growing Charge: And, as to the French Subsidy, it bore so little Proportion to the extraordinary Expence of their Service, that *Marvell* takes occasion to say, That the Royal Navy of England serv'd his most Christian Majesty, like

so many Privateers, *No Purchase, no Pay!* There was, therefore, as much Necessity to repeat, as, at first, to perform the Trick: And it was accordingly done, with a Repetition of the old Apology, "That the Continuance of those inevitable Necessities which first enforced his Majesty, contrary to his own Inclinations, to cause a stop to be made of Payment of Moneys, compell'd him to continue the same (x) Stop of Payments till the 1st of May next ensuing." And towards the Conclusion his Majesty was pleas'd to add, "That he did not doubt, but that all his Subjects had such Trust and Confidence in his Justice, that it would take away all Apprehensions of their being in the least defrauded of any thing that was justly due to them."

When the public Faith was thus violated a second time, the Court had still a strong Persuasion that the Ruin of the Dutch was at hand. True it was, that the Court of Spain labour'd in earnest for their Preservation; and that the Emperor and Elector of Brandenburg had enter'd into an Alliance offensive and defensive with them (October 17, N. S.);

A. D. 1672.  
Gawite,  
Numb. 171.  
A League of  
Friendship and  
Defence between the Em-  
peror, the Em-  
press, the  
States, and  
Branden-  
burgh.  
by  
Du Mont.

Gawite,  
Numb. 171.Growth of  
Popery,  
Part I.

(v) His Lordship was to take the Oath in the Court of Chancery; upon which Occasion the new Lord Chancellor was pleas'd to display his Eloquence, and to make his Court to the King, in the following manner:

"My Lord, 'Tis a great Honour, much beyond even the Place itself, that you are chosen to it by this King, who, without Flattery, I may say, is as great a Master in the Knowledge of Men and Things, as this, or any other Age hath produced. And let me say farther, it is not only your Honour, that you are chosen by him, but it is your Safety too, that you have him to serve; with whom no subtil Insinuations of any near him, nor the aspiring Interest of a Favourite, shall ever prevail against those that serve him well. Nor can his Servants fear to be sacrific'd to the Malice, Fury, or Mistake of a more swelling, popular Greatness. A Prince under whom the Unfortunate fall gently. A Prince, in a Word, that, best of all Mankind, deserves the Title of *Delicium Humanæ generis*."

And upon Mr. Sergeant *Thurland's* taking the Oath as a Baron of the Exchequer, his Lordship thus took care to secure an Interest in the People.

"In the third Place, let me recommend to you, so to manage the King's Justice and Revenue, as the King may have most Profit, and the Subject least Vexation. Raking for old Debts, the Number of Informations, Projects upon Conscience, I could not find in the eleven Years Experience I have had in this Court, ever to advantage the Crown. But such Proceedings issue for the most Part deliver'd up the King's good Subjects into the Hands of the worst of Men. There is another thing I have observ'd in this Court, that I shall mind you of, which is, When the Court bestows too much to the Clerks and Officers of it; and are too apt to send out Process, when the Money may be raised by other Ways more easy to the People. I do not say, That the King's Duty should be less, or that the strict Course should not be taken, rather than that be: But when you consider, how much the Officers of this Court and the Under Sheriffs get by Process upon small Sums, more than the King's Duty comes to, and upon what sort of People this falls to wit, The Farmer, Husbandman and Clothier in the Country, that is generally the Collector, Constable and Tithingman; and so disturbs the industrious Part of the Nation, you will think it fit to make that the last way, when to other will serve."

(c) Which was to the Effect following:

"That his Majesty having found it necessary during the present War, to raise more Soldiers, and to turn them into Regiments, and dispose of them in several Quarters until there should be Occasion for their Service against the Enemy; and being desirous, that, during their Continuance in their Quarters, no kind of Rudeness or Misdemeanor should be committed by any of his Soldiers to the Grievance or Disturbance of any of his Subjects: doth hereby charge and command all and every the Officers in any Troop or Regiments, that they forthwith repair into their several and respective Quarters, and continue and abide there without promising to depart from thence, unless his Majesty's Licence is that Behold under his Royal Sign Manual, shall be first ob-

tained. That all Officers and Soldiers do take strict care that no Violence nor Injury be offered to any of his Majesty's Subjects, either in their Persons or Estates, nor any kind of Disturbance committed or suffered within the several Quarters, his Majesty requiring all and every his loving Subjects, when, and as often as they shall receive any kind of Injury or Abuse from any of the Soldiers under his Majesty's Pay, forthwith to make their Complaints unto the Officer or Officers, under whom such Soldiers shall serve; which Officer upon such Complaint made, shall immediately relieve the Complainant, or otherwise, wherein the Case shall require, deliver up the Offender to the Civil Magistrate, to be proceeded against according to Law. And if upon such Complaint made, the Complainant shall not find a present Satisfaction and Redress, or a Delivery of the Offender as aforesaid; that then they cause Information thereof to be given to some Justice of the Peace, who shall take the same upon Oath, and certify it into one of his Majesty's Principal Secretaries of State; to the End the same may be brought before his Majesty, who will graciously vouchsafe to hear the Matter humbly, and not only give the Petitioner a full and ample Relief, but likewise severely punish the Officer who shall be found to have been negligent in his Duty, or shall suffer any just Complaint to pass without a due and timely Redress.

(x) The Summs thus detain'd, were:

	l.	s.	d.
From Sir Robert Fiene,	410,724	11	11
Edward Blackwell, Esq.	299,994	10	6
Gilbert Whitehall,	248,800	3	5
Josiah Horsey,	22,541	3	0
George Swell,	10,804	14	5
Birward Turner,	16,275	9	8
Jeremiah Stone,	50,780	4	8
John Landier,	25,212	17	2
Robert Whitehead,	11,507	12	1
Thomas Ross,	17,015	17	8
John Cartman,	70,750	13	2
John Collier,	1,784	6	4
Total,	1,264,386	12	8½

Olden'se's claims, the whole amounting to 1,400,000 l. I cannot take leave of the Gazetteer of this Year, without inserting from them the two following Articles, which serve to show how much Progress King Charles was dubb'd with Religion by the Right Reverend Prelates of their Times.

## ADVERTISEMENT.

We are commanded to give Notice, that his Majesty will not read any more of the Evil, till the Summer Heats be over: of which all Persons concern'd are to take Notice. Gazette, N<sup>o</sup> 668.

Whitball, August 1. This Day his Majesty was pleas'd to marry by the Hands of his Grace the Lord Archbishop of Canterbury one of his NATURAL SONS, to the only Daughter of the Earl of Arundel, according to the Title of Earl of Essex. At the solemnizing of which Marriage, the King, the Queen, and all the Court were present.

A. D. 1672.

The Electors  
of Mentz and  
Triers will  
not suffer the  
Imperial  
Troops to pass  
the Rhine.

Duke of Lux-  
emburg's  
Attempt on  
the Ice.

The Danger he  
fell into.

Sweden offers  
its Mediation.  
Lord Arlington's  
Letter.  
p. 393.

by which the Emperor was to furnish twenty-four or thirty thousand Men, for his Quota, the Elector ten thousand, and the States fourteen or twenty thousand; These Auxiliaries had moreover taken the Field; and, tho' the Season was far advanced, form'd the necessary Dispositions for passing the *Rhine*, in order to make a Diversion by penetrating into *Lorraine* and *Alsace*, on the Presumption that the Electors of *Mentz* and *Triers* would neither interpose, nor suffer the *French*, to molest them in that Design: But, on the other hand, such Care had been taken to secure those Electors in the Interest of *France*, that they did the very reverse of what was expected of them: They admitted the *French* under Mr. de *Turenne*, and excluded the *Imperialists*; and that the latter might not find a Passage higher up the *Rhine*, the *French* burn'd down the Bridge of *Strasbourg*, by the means of four Fireships; much to the Regret of the Inhabitants, who complain'd to no purpose of an Injury they could neither prevent nor avenge. Besides, the Duke of *Luxemburg*, who had the Command of the *French* Army in the *Dutch* Territories, waited only for the usual Frosts to set in, for an Opportunity to pass over the Ice, with a Design to make himself Master of the *Hague*, *Leyden*, and even *Amsterdam* itself. Accordingly, no sooner did it appear that all was fast, and the Communication open, than he set out from *Utrecht*, with about 14,000 (Bishop *Barnet* says 16,000) of his best Troops; full of Confidence, that this one sudden and unexpected Blow would put an End to the War: But scarce had he turn'd his Back on *Utrecht*, before the Weather chang'd; a Thaw came on, and all his ideal Trophies melted away with the Ice, on which they were rais'd. To proceed was impossible; to return was little less: Causeways indeed there were, which afforded a Passage for Travellers; but no Convenience for an Army: These were, besides, under the Awe of a Fort, furnish'd with Cannon, and garrison'd with two Regiments, which it was certain Destruction to approach. What a Situation for a Marshal of *France*, who had the Day before promis'd himself the total Reduction of the *Seven Provinces*! But, almost, before he could reflect on his Danger, he was deliver'd from it: The Commander of the Fort no sooner saw the *French* Engins, than he gave all for lost, and made the best of his way off; leaving the Enemy equally astonish'd at his infamous Cowardice, and their own unparalleled good Fortune.

In this Interval two extraordinary Embassadors arriv'd in *London* from *Sweden*, with Instructions to persuade his Majesty to entertain Overtures of Peace, to accept of their Master's Mediation therein, to assign a Place for the Treaty, and to admit of a Cessation of Arms. To the two first of these Points his Majesty thought himself at liberty to

agree; but for an Answer to the two last, he refer'd the Embassadors to what should be concert'd between him and the most *Christian* King: Of whom it appears we stood in some Awe; for the Elector of *Brandenburg* having likewise sent hither a Minister, probably on a more exceptionable (z) Errand, together with his Majesty's Answer to his Memorial and his Master's Letter, Notice was given him, "That his Majesty would be glad he would depart with it; since, as Affairs stood, there was no Use of his continuing longer here: And that his Majesty conceiv'd, his Enemies might receive Benefit by it, as well as his Friends Umbrage."

From *England*, the *Swedish* Embassadors went over to *Holland*, with the same Propositions: And, tho' they had Reason to complain of their Reception at first, before the End of the Year, inform'd our Ministers, that they found a reasonable Disposition in the States towards a Treaty; that their Mediation was accepted; that *Dunkirk*, nam'd by *England* for the Place of Negotiation, was not refus'd; but that, for Decency's sake, they must communicate it to their Allies; that, as to the Suspension of Arms, they did not seem ready to come into it, but had not refus'd it, objecting only the Prejudice they should receive by it, but that they would communicate that Point also to their Principals.

But notwithstanding all the sanguine Expectations of our Ministers, with respect to the Fate of *Holland*, and the indecent Satisfaction they publicly testify'd at every Disaster which befall the Prince of *Orange*, they seem, at this time, to have been pretty near their Wits-end: For, if they were cautious of giving Umbrage to *France*, they were, likewise, uneasy at the Conduct of *Spain*: From endeavouring to make them afraid of us, we began to be afraid of them: It appear'd by every Step they had taken in behalf of the *Dutch*, that, rather than suffer them to be swallow'd up, they would come to an open Breach with *France*; and it was natural to think, that the Rupture would by degrees extend to us, at the Expence not only of all our Merchants Effects in the several *Spanish* Ports, but attend'd with the insupportable Loss of the whole *Spanish* Trade.

The Prince of *Orange*, assist'd by all the Force which the Count de *Montrevy* could raise, had made an unsuccessful Attempt upon *Charleroy*, one of the Places ceded to *France* by the Treaty of *Aix*, and afterwards fell upon *Binche*, another of the said Places; which he dismantled. Upon this Occasion, *France* made very lively Representations to the Court of *Madrid*, and called upon us to support them. This we could not refuse to do; but then it was in such a manner, as shew'd we were more inclin'd to oblige than exasperate; by offering his Majesty's good Offices to make up the Breach: Sir *William Godolphin*

A. D. 1672.

(z) Lord *Arlington* informs Sir *Bernard Gascoyer*, that it was of so ambiguous a Nature, that they could not tell what to make of it.

A. D. 1672. *Godolphin* being, at the same time, inform'd of the *Sveedish* Mediation, and required to contribute all his utmost Endeavours, at that Court, towards a Peace; upon whose Resolution, it was suppos'd, the *Hollanders* would much depend.

But even the Apprehension of a Rupture with *Spain*, however detrimental to our Commerce, did not create so much Perplexity in the Cabinet, as the Thoughts of a Session of Parliament. So long a Recess, while such a Variety of pernicious Measures had been in pursuit, had very much sharpen'd the Minds of all Men: And it was scarce conceivable, that the violent Humours, which had put the Nation into such a Ferment, should not shew themselves in the House of Commons. The Necessity, however, that was pretended for the shutting up the Exchequer, was now become real: And the *Cabal* were oblig'd to put themselves upon their Country, tho' they could not help being in pain for the Issue.

The new Lord Chancellor, indeed, affected in all things to be above Apprehension: As his Undertakings were great, his Expedients were bold, his Declarations open, and his whole Demeanour such, as if he took it for granted, that he could awe the two Houses into an Approbation of all his past, and a Submission to all his future, Proceedings.

In particular, during the Recess, several Vacancies had occurred in the House of Commons, by the Deaths of some Members, and the Promotion of others to the House of Peers; and these his Lordship took upon him to get supply'd, by causing the Writs for the new Elections to issue, without staying for the Meeting of the Parliament, or having the Speaker's Warrant, as was usual: By which he endeavour'd to establish a Precedent, that, by proper Management, would have put all the Elections of the Kingdom in the Power of the Crown, and render'd the House of Commons, by one Master-stroke, what they may one day gradually become, the Creatures of a Minister, and a Court of Assistants to the Treasury.

His Lordship had, it seems, an immediate Purpose of his own to serve, by this daring Expedient, as well as the common Cause: Colonel *Strangerways* had a better Interest in *Dorsetshire*, where both their Estates lay, than he; and his Lordship had no Way to carry the Elections in that County against him, but this; for the Writs being issued thus irregularly, his own Creatures had the sole Advantage of the Secret; and the Colonel was routed, before he expected, or was prepar'd for, a Charge.

What was then the Colonel's peculiar Case, it was plain, might in time be every body's. The Western Gentlemen, therefore, were no longer assur'd of the Fact, than they espous'd his Quarrel, and determin'd to abide by their Privileges.

When the House met, on *February* the 24th, they had no Speaker: It had been discover'd, that Sir *Edward Turner*, who had held the Chair for so many Sessions, had taken a small Present from the *East-India*

Company; which had so far lessen'd him in the Opinion of the House, and lost him so much of his Credit and Authority, that it was thought advisable to remove him, which was done by making him Lord Chief Baron of the Exchequer. The Chair was, therefore, to be fill'd before the House could proceed to Business: Sir *Job Charlton* was pitch'd upon, on the Merit of having been recommended by the Court; and when he had received his Majesty's Approbation, and accepted the Office in form, in answer to a Speech of Thanks, the Chancellor took occasion to express himself as follows:

"His Majesty doth well accept of all those dutiful and affectionate Expressions in which you have delivered your Submission to his Royal Pleasure; and looks upon it as a good Omen to his Affairs, and as an Evidence, that the House of Commons have still the same Heart, that have chosen such a Month. The Conjunction of Time, and the King and Kingdoms Affairs, require such a House of Commons, such a Speaker; for, with Reverence to the Holy Scripture, upon this Occasion, the King may say, *He that is not with me is against me*; for he that doth not now put his Hand and Heart to support the King, in the common Cause of this Kingdom, can hardly ever hope for such another Opportunity, or find a Time to make Satisfaction for the Omission of this."

This Ceremony being over, his Majesty proceeded to open the Business of the Session with a Speech, in which are the following remarkable Particulars:

"My Lords and Gentlemen,  
"I am glad to see you here this Day; I would have called you together sooner, but that I was willing to ease you and the Country, till there was an absolute Necessity. Since you were last here, I have been forc'd to a most important, necessary and expensive War; and I make no doubt but you will give me suitable and effectual Assistance to go through with it.  
"You will find the last Supply you gave me did not answer the Expectation for the End you gave it, the Payment of my Debts. Therefore I must in the next Place recommend them again to your especial Care.

"Some few Days before I declared the War, I put forth my Declaration for Indulgence to Dissenters, and have hitherto found a good Effect of it, by securing Peace at home, when I had War abroad.  
"There is one Part in it that hath been subject to Misconstruction, which is that concerning the Papists; as if more Liberty were granted them, than to the other Reculants, when it is plain there is less.

"Having said this, I shall take it very ill to receive Contradiction in what I have done. And I will deal plainly with you, I am resolv'd to stick to my Declaration.  
"There is one Jealousy more that is maliciously spread abroad, and yet so weak and frivolous, that I once thought it not of Moment

Regular Elections.

North's Examen, p. 56.

Eleventh Session, 1672-3. Life of Lord Keeper Guilford, p. 52.

A. D. 1672

1672

1672

1672

1672

1672

1672

1672

1672

1672

1672

1672

1672

1672

1672

1672

1672

1672

1672

1672

1672

1672

1672

1672

1672

1672

1672

1672

1672

1672

1672

1672

1672

1672

1672

1672

1672-3. " Moment enough to mention; but it may  
 " have gotten some ground with some well-  
 " minded People, and that is, that the For-  
 " ces I have rais'd in this War were design'd  
 " to controul Law and Property. I wish  
 " I had had more Forces last Summer; the  
 " Want of them then, convinces me, I must  
 " raise more against the next Spring; and I  
 " do not doubt but you will consider the  
 " Charge of them in your Supplies. I will  
 " conclude with this Assurance to you, that  
 " I will preserve the true reformed Protestant  
 " Religion, and the Church as it is now estab-  
 " lish'd in this Kingdom; and that no  
 " Man's Property or Liberty shall ever be  
 " invaded."

Miscellaneous  
 Aulica. P. 95.

According to Lord Arlington, his Majesty never spoke better, or more to the Applause of those that heard him. The Lord Chancellor (who was next to display his Talent, and who was resolv'd to let his Royal Master see, that how far soever He was inclin'd to go, his Lordship had the Spirit to follow him) open'd his Harangue with Words to the like Effect:

Lord Council-  
 for Shaftes-  
 bury's Speech.

" The King hath spoken so fully, so ex-  
 " cellently well, and so like himself, that  
 " you are not to expect much from me.  
 " There is not a Word in his Speech that  
 " hath not its full Weight: And, I dare  
 " with Assurance say, will have its Effect  
 " with you."

His Lordship then proceeding in his Majesty's Footsteps, asserted that the two Houses had been call'd together, if the King had not been resolv'd to give the People as much Respite from the Payment of Taxes, as the Necessity of his Affairs would permit. He then made a Transition to the desperate Rumours which had prevail'd; and which, according to him their meeting that Day prov'd to be malicious and false. The War was his Lordship's next Topic; he talk'd over the Pictures and Medals, Breaches of Treaties in the Surinam and East India Business, and the Height of Insolence the Dutch had shewn us, by not only denying the Honour and Right of the Flag, but disputing our Title to it in all the Courts of Christendom; and making great Offers to the French King, if he would stand by them against us; adding, " But the  
 " most Christian King too well remember'd  
 " what they did at Munster, contrary to so  
 " many Treaties and solemn Engagements,  
 " and how dangerous a Neighbourhood they  
 " were to all Crowned Heads."

And again, " Both Kings knowing their  
 " Interest, resolv'd to join against them; who  
 " were the common Enemies to all Monar-  
 " chies, and I may say especially to ours,  
 " their only Competitor for Trade and  
 " Power at Sea, and who only stand in their  
 " way to an Universal Empire, as great as  
 " Rome. This the States understood so well,  
 " and had swallow'd so deep, that, under  
 " all their present Distress and Danger, they  
 " are so intoxicated with that vast Ambition,  
 " that they slight a Treaty, and refuse a  
 " Cessation. All this, you and the whole  
 " Nation saw before the last War; but it  
 " could not then be so well timed or our

" Alliances so well made. But you judg'd  
 " aright, That at any rate, *Deianda est Car-  
 " thago*; that Government was to be brought  
 " down. And therefore the King may well  
 " say to you, *It is your War!* He took his  
 " Measures from you, and they were just and  
 " right ones: And he expects a suitable Af-  
 " filiance to so necessary and expensive an  
 " Action, which he has hitherto maintain'd  
 " at his own Charge, and was unwilling  
 " either to trouble you, or burden the Coun-  
 " try, until it came to an inevitable Necessi-  
 " ty. And his Majesty commands me to  
 " tell you, that unless it be a certain Sum,  
 " and speedily rais'd, it can never answer  
 " the Occasion.

A.D. 1672-3.

" My Lords and Gentlemen, Reputation  
 " is the great Support of War or Peace.  
 " This War had never begun, nor had the  
 " States ever slighted the King, or ever re-  
 " fused him the Satisfaction, neither had  
 " this War continu'd to this Day, or substi-  
 " ted now, but that the States were deceiv'd  
 " in their Measures, and apprehended that  
 " his Majesty, in that great Want of Mo-  
 " ney, must sit down under many Affronts,  
 " and was not able to begin or carry on a  
 " War. Nay, at this Day the States sup-  
 " port themselves amongst their People by  
 " this only Fallhood, *That they are assured  
 " of the Temper of England, and of the Par-  
 " liament, and that you will supply the  
 " King in this War; and that if they can  
 " hold out till your Meeting, they will have  
 " new Life, and take new Measures.* There  
 " are lately taken two of their principal  
 " Agents with their Credentials and Instruc-  
 " tions, to this Purpose, who are now in  
 " the Tower, and shall be proceeded against  
 " according to the Law of Nations. But the  
 " King is sufficiently assured of his People;  
 " knows you better, and can never doubt  
 " his Parliament. This had not been men-  
 " tion'd, but to shew you of what Import-  
 " ance the Frankness and Seasonableness of  
 " this Supply is, as well as the *Falseness* of it.  
 " Let me say, the King has brought the States  
 " to that Condition, that your hearty Junc-  
 " tion, at this time, in supplying his Ma-  
 " jesty, will make them never more formid-  
 " able to Kings, or dangerous to England.  
 " And if after this you suffer them to get  
 " up, let this be remember'd: *The States of  
 " Holland are England's eternal Enemy, both  
 " by Interest and Inclination.* In the next  
 " place, to the Supply for carrying on the  
 " War, his Majesty recommends to you the  
 " taking care of his Debts. What you gave  
 " the last Session did not near answer your own  
 " Expectation. Besides, another considerable  
 " Aid you design'd his Majesty, was unfor-  
 " tunately lost in the Birth, so that the King  
 " was forc'd, for the carrying on his Affairs,  
 " much against his Will, to put a Stop to  
 " the Payments out of the Exchequer. He  
 " saw the Pressures upon himself, and grow-  
 " ing Inconveniences to his People by great  
 " Interest; and the Difference, through all  
 " his Business, between ready Money, and  
 " Orders. This gave the King the Necessity  
 " of that Proceeding; to make use of his  
 " 6723



A.D. 1672-3.

own Revenue, which hath been of so great Effect in this War. But tho' he hath put a Stop to the Trade and Gain of the Bankers, yet he would be unwilling to ruin them, and oppress to many Families as are concern'd in those Debts: Besides, it were too disproportionable a Burden upon many of his good Subjects. But neither the Bankers, nor they, have Reason to complain, if you now take them into your Care, and they have paid them what was due to them, when the Stop was made, with six per Cent. Interest from that time. The King is very much concern'd both in Honour and Interest, to see this done. And yet he desires you not to mis-time it; but that it may have only the second Place, and that you will first settle, what you intend about the Supply."

As to the Declaration, his Lordship was pleas'd to say, the King had sufficiently justified it by the time it was publish'd in, and the Effects he hath had from it; and might have done it more from the Agreeableness of it to his own natural Disposition, which no good Englishman can with other than it was. That he loved not Blood or rigorous Severities; but where mild or gentle Ways might be used by a wise Prince, he was certain to chuse them. That the Church of England and all good Protestants had Reason to rejoice in such a Head, and such a Defender. That his Majesty did declare his Care and Concerns for the Church, and would maintain them in all their Rights and Privileges, equal, if not beyond any of his Predecessors. That he was born and bred up in it. That it was what his Father died for. That all knew how great Temptations and Offers he resisted abroad, and when he was in his lowest Condition. That he thought it the Honour of his Reign, that he had been the Restorer of the Church. That he would ever maintain it, and hoped to leave it to Posterity in greater Lustre, and upon surer Grounds than our Ancestors ever saw it.

His Lordship then proceeded thus:

"There is one thing more, that I am commanded to speak to you of, which is the Jealousy that hath been foolishly spread abroad, of the Forces the King hath rais'd in this War. Wherein the King hath open'd himself freely to you, and confess'd the Fault of the other hand. For if this last Summer had not prov'd a Miracle of Storms and Tempests, such as secur'd the East India Fleet, and protect'd their Sea-Coast from a Descent, nothing but the true Reason, Want of Money, could have justified the Defect in the Number of our Forces. 'Tis that his Majesty is providing for against the next Spring, having given out Orders for raising of seven or eight Regiments more of Foot, under the Command of Persons of the greatest Fortunes and Quality. And I am earnestly to recommend to you, that, in your Sup-

plies, you will take into your Consideration on this necessary Addition of Charges."

The Residue of the Speech, for there was more of it, consisting chiefly of rhetorical Flourishes, had other strange Passages: As That the King had made the Councils of his Parliament the Foundations of all his Proceedings: That he had endeavour'd, in Tenderships to his People, to support even foreign Wars upon his own Revenue and Credit: And that it was as impossible for him to part with that Parliament, as it was for them to depart from their Loyalty, Affection, and dutiful Behaviour.

His Lordship's Eloquence did not, however, prove so irresistible as he expected: His Antagonist Colonel *Strangways* had already possess'd the House of Commons with such a Concern for their Privileges, that they resolv'd to postpone the Consideration of the Speech, till they were first vindicated. Accordingly, the new Speaker was scarce in the Chair, before a Member, standing up, and looking about him, said, he observ'd several new Faces in the House, and did not remember that, before their last Rising, the House had been mov'd for the filling so many Places; so he doubted the Regularity of the Sitting of those Persons, and mov'd their Titles might be examin'd: Another Member, seconding, said, he supposed those Gentlemen would have the Modesty to withdraw, while their Case was under Debate, and not wait for the Order of the House. So this whole (a) Set of new Elects, tho' mostly Loyalists, sh'd out, and came in no more upon that Choice. For, although it was shewn, such Writs had formerly issued, during such Prorogations, yet the late Practice being otherwise, and the Current strong that way, and the Court-party not able to hinder, all the Elections, on that foot, were voted irregular, and null; and, in consequence, new Writs were issued.

The Debates upon this Occasion, it seems, were warm and angry; but attended with Miscel. Ant. no Censure; possibly because the King had, p. 98. in a manner, taken the Affair upon himself, by declaring, That the Lord Chancellor had issued these Writs by his Direction; he having seen Precedents for it: Adding, if any Scruples or Doubts should arise about it, he left it to the House to debate, as soon as they could.

But, however rough the Proceedings of this Day were, nothing could have a more smooth and easy Passage than the Vote of the next; when the House, taking his Majesty's extraordinary Occasions into Consideration, (for, tho' they would not wholly desert the King, they would not avowedly countenance the War) in two Hours time, unanimously resolv'd, That a Supply be given to his Majesty of Eighteen Months Assesment, according to the Proportion of the last Royal Aid, not exceeding Seventy thousand Pounds a Month; amounting, in the Whole, to

(b) 1,260,000*l.*

(a) Of these, *Sir Francis North*, then Solicitor General, and afterwards Land Keeper was one. He did not approve, we are told by his Brother, in his *Life*, of this speaking

Novelty with the Parliament, and was afraid of what happened; but conform to him.

A Supply of 1,260,000*l.* granted.

A. D. 1672-3.

(b) 1,260,000 l. or, in *bon François*, as Lord Arlington chose to represent it to Sir Bernard Gascoyne, Sixteen Millions. How much our Ministers plumb'd themselves on this Day's Success may be gather'd from the Expressions which immediately follow this Calculation *a la François*, of his Lordship's, which were these: " Thus you see, how a few Hours have blasted all our Enemies vain Hopes of seeing the War disown'd by a Parliament, and his Majesty oblig'd to make a dishonourable Peace, separate from France."

Tempe of the Siege.

But, it seems, they triumph'd before they had gain'd the Victory: The Country-party was now become the Majority: The Devotees were in pain for the Church; the Patriots for the State; the Intriguers affect'd to sympathise with Both: Some were for making Conditions for the Nation; some for themselves: All had their Views, all were uneasy: And, tho' the Supply was voted, much was to be done, before it could take effect: It was, indeed, only display'd before his Majesty, to give him Credit and Countenance; while the House proceeded to the Redress of Grievances; and to humble those aspiring Ministers, who had undertaken to make his Majesty a *great King*, by making him absolute Master of the Laws and Liberties of their Country.

Declaration of Indulgence taken into Consideration.

The Declaration of Indulgence was what had given the most Offence, and therefore was first taken into Consideration: Three Days after the Supply had been voted, it was order'd to be read in form; and gave rise to a long and solemn Debate, in the Conclusion of which it was resolv'd, *That penal Statutes in Matters ecclesiastical cannot be suspend'd but by Act of Parliament*. Instead, therefore, of being aw'd by the high Words in the King's Speech from *contradicting* his Majesty's Will, they openly oppos'd it, and determin'd to make him sensible, That his Office was to *execute*, not to *dispense with*, the Laws. A dangerous Controversy seem'd to be now impending between the King and the Commons: The Vote and the Speech were utterly irreconcilable: A Compromise was impracticable: There was a Necessity that one Party should give way, and the Nation was extremely attentive to the Issue.

Vote against the Declaration.

In the very Entrance of it, the new Speaker, *Charlton*, fell sick, (as some insinuate, of his Poil) and the House adjourn'd for Three Days, in expectation of his Recovery: But finding his Indisposition continue, and having the King's Leave to chuse another, they appointed Mr. *Edward Seymour* in his room.

Mr. E. Seymour chosen Speaker.

And now it was that the Spirit of Oppo-

sition grew abundantly fiercer than ever. It was openly declar'd, That Redress of Grievances should go hand-in-hand with the Supply: And an Address was order'd against the Declaration of Indulgence. Bishop *Burnet* affirms, that an Endeavour was made to divert this, by setting them on to enquire into the issuing out of the Writs: And that the Court seem'd willing, that the Storm should break on Lord *Shaftsbury*, and would have gladly compounded the Matter, by making him the Sacrifice; which, according to his Lordship, he perceiv'd, and so resolv'd to change Sides by the first Opportunity.

A. D. 1672-3.

Vol. 1. p. 347.

However this may be, the Address was carry'd, and on the 19th of February presented to the King at the *Banqueting-house*. Tho' firm, it was respectful: It contain'd hearty Thanks for the King's gracious Promises and Assurances in favour of the true reform'd Protestant Religion, Liberty, and Property: It contain'd the very Words of the Vote; and concluded with an humble Request, That the Laws might have their free Course, until it should be otherwise provided by Act of Parliament.

Address against the Declaration.

The King reply'd, their Address was of Importance, and he would give them an Answer in Writing: Accordingly four Days after, it came, and import'd,

" That his Majesty was much troubled that that Declaration, which he put out for Ends so necessary to the Quiet of this Kingdom, especially in that Conjunction, should prove the Cause of Disquiet, and give Occasion to the questioning of his Power in Ecclesiasticals, which he finds not done in the Reigns of any of his Ancestors. He was sure he never had Thoughts of using it otherwise, than as it hath been entrusted in him, to the Peace and Establishment of the Church of England, and the Ease of all his Subjects in general: Neither did he pretend to suspend any Laws, wherein the Properties, Rights or Liberties of any of his Subjects are concern'd, nor to alter any thing in the establish'd Doctrine or Discipline of the Church of England. But his only Design in this was to take off the Penalties the Statutes inflict upon the *Dissenters*, and which he believ'd, when well consider'd of, they themselves would not wish executed according to the *Rigour* and *Letter of the Law*. Neither hath he done this with any Thought of avoiding or precluding the Advice of his Parliament; and if any Bill shall be offer'd him, which should appear more proper to attain the aforesaid Ends, and secure the Peace of the Church and Kingdom, when tender'd in due Manner to him, he would shew how readily he would concur

The King's Answer.

[8 Upon this Matter of the Supply, Bishop *Burnet* writes as follows:

" The Court desir'd at least 1,200,000 l. for that Sum was necessary to the carrying on the War. The great Body of those who oppos'd the Court had resolv'd to give only 500,000 l. which was enough to procure a Peace, but not continue the War. *Garraway* and *Lee* had led the Opposition of the Court all this Session in the House of Commons. [The Supply was granted the third Day of the Session, and *Wife Goddard* had been at the Head of the Opposition long before.] So they were thought the properer to name the Sum. Above eighty of the

chief of that Party had met over Night, and had agreed to name 600,000 l. But *Garraway* nam'd 1,100,000 l. and was seconded in it by *Lee*. So this Surprize gain'd that great Sum, which enabled the Court to carry on the War.—They had good Rewards from the Court, and yet continu'd sitting on the other Side.—I never knew a thing of this Nature carry'd on so suddenly, and so artificially in the House of Commons, as this was, to the great Contentment of the *Dutch*, who rely'd on the Parliament, and did not doubt, but that a Peace with England would be procur'd by their Interposition."

A.D. 1671. concur in all ways, that should appear good for the Good of the Kingdom."

The Commons immediately voted their Thanks; which they seem'd to be surpriz'd into: For, afterwards, they took the Message again into Consideration, and propos'd a second Address; in which, after more Thanks, they proceeded to say, "That upon a serious Consideration thereof, they found, that the said Answer was not sufficient to clear the Apprehensions which might justly remain in the Minds of the People, by his Majesty's having claim'd a Power to suspend Penal Statutes in Matters Ecclesiastical; and which his Majesty did still seem to assert in the said Answer, to be entitled in the Crown, and never question'd in any of the Reigns of your Ancestors: Wherein they humbly conceive, That his Majesty had been much misinform'd, since no such Power had been ever claim'd, or exercis'd by any of his Majesty's Predecessors: And, if it should be admitted, might tend to the interrupting the free Course of the Laws, and altering the Legislative Power, which had always been acknowledg'd to reside in his Majesty, and his two Houses of Parliament. That, therefore, with unanimous Consent, they were become again most humble Suitors to his Sacred Majesty, that he would be pleas'd to give them a full and satisfactory Answer to their Petition and Address; and that his Majesty would take such effectual Order, That the Proceedings in this Matter might not, for the future, be drawn into Consequence, or Example."

Upon the Receipt of this second Address, the King demur'd upon his Answer as before; and, in the mean time, the House took yet other Steps, which increas'd the Alarm at Court, and with it the Confusion.

The King appear'd shock'd at the Proceedings of the Commons; and irresolute, whether to give them Satisfaction, or to let them at Defiance. The very Thought of a Compliance struck his Ministers with Terror; for to retract imply'd an Acknowledgment of Misdemeanours; Misdemeanours call'd for Censures, if not Punishments; and, tho' the King's Name and Power had been made use of, his Advisers only were answerable for the Abuse. Instead of his Majesty's Difficulties, therefore, they thought only of their own; and, provided he could be induced to screen them, they were careless how much he expos'd himself. All were equally criminal, all were equally obnoxious, all equally fought their own Ends; but as they were at variance among themselves, they were not all unanimous as to the Means. According to *Burnet's* Account, *Buckingham*,

The Ministers alarm'd.  
Their differences.  
Candell.  
Vol. II. p. 348.  
349.

*Lauderdale*, and *Clifford*, press'd the King to stand his Ground: *Lauderdale* was for bringing up the *Scottish* Army, to secure *Newcastle*; *Buckingham*, the *Langsh*, to force the Members out of both Houses who made the Opposition; and *Clifford* was express, that the People now saw thro' the King's Designs; and, therefore, he must resolve to make himself Master at once, or be for ever subject to much Jealousy and Contempt. But *Shaftsbury* and *Arlington*, says the same (c) Prelate, press'd the King, on the other hand, to give the Parliament full Content; and that they undertook to procure him Money for carrying on the War; urging, that, if he was successful in that, he might easily recover what he must in this Extremity part with. But the Money was already voted; all that remain'd was, to carry the Bill thro' the House: And, if *Shaftsbury* was prepar'd to (d) *pass*, with the first Opportunity, as had been before asserted by the Bishop, it was every way his Interest to push the King to Extremities; for, if it appear'd his Majesty was able to maintain his Declaration, it would strengthen his Lordship's Credit with him, for having advis'd it; if it appear'd otherwise, there would be the more Merit in his Conversion on one side, and the greater Weight of his Vengeance on the other. *Burnet* indeed affirms, that, while he made a bale, complying Speech, in favour of the Court and the War, he was in a secret Engagement with the other Party. And Mr. *North*, in his *Essays*, (e) *veryly* believes, "That, from the very Restoration of the Royal Family, while he was in Office, especially in conjunction with *Clifford*, he was in close League with the most desperate of the King's Enemies, and had projected a Scheme, which he wrought steadily upon, for destroying the King, the Duke of *York*, Royal Family, and probably the monarchic Government of *England*."

Truth seems to be as much assur'd of her Nakedness, as our First Parents after their Fall, and as industrious to hide herself. Father *Orlean* is positive the Earl was sincere in his Endeavours to render the King absolute; and that he deserted his Majesty, because his Majesty had not Firmness enough to prosecute his own Views, or to protect those who had oppos'd them. This, Mr. *North* not only contradicts, as above, but censures *Orlean* as a superficial Writer, for asserting it. We have here Opinion against Opinion; and we are oblig'd to the last of these Authors, at least, for leaving the Reader free to decide as he pleases: He has, however, mention'd a Fact, that very much weakens

That of Lord Shaftsbury is particular.

Vol. II. p. 345.

(c) In another Place he fixes the Matter thus:

The Ministry was all broke to Pieces. The Duke of *Buckingham* was almost hated by all, as he hated all the rest. But he went so intirely into all their Designs, that the King consider'd him, and enterlov'd or fear'd him so much, that he had a deep Root with him. Lord *Clifford* stuck firm to the Duke, and was leas'd with the Design of bringing in Popery, even to Extremity. It was believ'd, if the Design had succeeded, he had agreed with his Wife, to take Orders, and to aspire to a Cardinal's Hat. He grew violent, and could scarce speak with Presence of the Church of *England* and the Clergy. The Earl of *Arlington* thought

that the Design was now lost, and that it was necessary for the King to make up with his People in the best manner he could: The Earl of *Shaftsbury* was resolv'd to serve himself on my Terms. Vol. I. p. 346.

(d) He was afterwards called Lord *Shaftsbury*, by the Way of those Times.

(e) It is fit the Reader should know that the great Design of Mr. *North's* Works, as he declares himself, is to furnish *Libertin* History, and that no Critic was ever more levere on such vague Expressions, as it seem'd, it was thought, and the like, than He.



A. D. 1672-3 weakens his own; which is, that most of the Members brought in by the Chancellor's irregular Writs, Sir Francis North himself being one, were *Loyalists*; which would scarce have been the Case, if the Chancellor had then been upon Terms with those in the Opposition, or engag'd in a Design to destroy the King and Monarchy. But Mr. North further intimates, that, before the Opening of the Session, he set his Face against the House of Commons; that he utter'd desperate bigb Flights against them, at Court; that he made no scruple to declare openly, that he did not understand by what Reason or Right Men should sit and vote themselves Privileges; and that, when all the Discourse was of the Chancellor's being (f) impeach'd, he began his new Game of turning in. It is pretended, indeed, that he put the King on doing bad things, to render him odious; that he treated the Commons with Contempt, to make the Breach wider, &c. But surely these Experiments were rather of too dangerous a Nature for a Politician, especially such a one as Lord Shaftsbury, to meddle with: And if he had acted as he did, in concert with the opposing Members, the very Talk of an Impeachment against him had never prevail'd. As Mahomet taught there was but one God, and he was that God's Prophet; so Shaftsbury push'd only to have but one King, and to be himself his sole Minister, or rather Master; but when he apprehended the King to be yielding, and saw the Commons driving, he thought it advisable to get out of the way as fast as possible; which he did in a Manner that has no Precedent in History, as we shall see in its due Place.

While the Fate of the Declaration was yet undetermin'd, the Commons follow'd their Blow; by bringing in a Qualifying-Bill, which made it essential "That all Persons bearing any Office, or Place of Trust or Profit, should take the Oaths of Supremacy and Allegiance, in public and open Court; and should also receive the Sacrament of the Lord's-Supper, according to the Usage of the Church of England, in some Parish-Church,

on some Lord's-Day, immediately after Divine Service and Sermon; and deliver a Certificate of having so receiv'd the Sacrament, under the Hands of the respective Minister and Church-Wardens, prov'd by two credible Witnesses upon Oath, and put upon Record in Court: And that all Persons taking the said Oaths of Supremacy and Allegiance should likewise make and subscribe this following Declaration;

I A. B. do declare, that I do believe there is not any Transubstantiation in the Sacrament of the Lord's Supper, at, or after the Consecration thereof, by any Person whatever."

This was call'd the Test-Act; and was calculated not only to throw all Papists out of Office, but to concenter all Employments in those who profess'd the establish'd Religion of their Country: Eborard insinuates, it was the Contrivance of Shaftsbury; with a View to distress the Duke and his Friends: 'Tis certain he promoted it with great Zeal, when it came before the Lords; and that Lord Clifford, as itenuously, endeavour'd, though in vain, to get it set aside, before it could find its Way thither.

Till this Session, the Reader must remember, the Protestant Dissenters had been treated by their elder Brethren of the Church, with rather more Severity and Malignity than the Papists: But now, a common Sense of their common Danger had brought them into some Charity with each other: The Dissenters had affected to speak of the Indulgence with as much Bitterness, as if the Danger it was accompanied with, more than counterbalanced the Ease: And Mr. Alderman Lovv, in particular, one of the City Members, took occasion to declare in the House, That he had rather be still depriv'd of his desired Liberty, than have it in a Way that would prove so detrimental to the Nation.

In order, therefore, to fix a new Fire-brand between the Tails of these two Foxes, Lord Clifford procur'd a Motion to be made, That some Favour might be shewn to Protestant Dissenters; and that their Meetings might

The Dissenters join with the Church against Popery.

Barnet, Eborard.

(f) Concerning this, *Obituary* tells the following strange story.

One of the most active Members of the House of Commons, Sir Robert Howard, was for several Years in an Impeachment. The Lord Chancellor had good Intelligence of every Step taken against him, and knew well how to improve it. He was inform'd, that there was a great Club to be such a Night at a certain Tavern near Charing-Cross, where 70 or 80 Members of Parliament were to meet, and to come to a Determination on the Affairs of the Impeachment. The Lord Chancellor employ'd a Friend of his to go to that Tavern and procure a Room next to that where the Meeting was to be. The Gentleman gave the Drawers a Guinea, and the Room was kept for him. At the Hour appointed the Party went thither in a Hackney Chair, and his Friend was there ready to show him up into the Room he had taken. He then left him, and the Lord Chancellor heard Sir Robert talk to the Members of the intended Impeachment; and having finish'd himself of their Intention, he call'd for the Drawers and made him whisper Sir Robert Howard, that a Gentleman would speak with him in the next Room: Sir Robert came immediately, and, to his great Surprise, found the Lord Chancellor, who receiv'd him with a very good Countenance, and taking no Notice of what was concerning against him, told him, He was *as much surpris'd that he should see him living in such a Place, as that he should see him in any thing else then, or at any other Time, he should see*

ever find him ready. Sir Robert, agreeably pleas'd and surpris'd with this good Office, unsought for, after having paid the Debt his Company upon it, he said, *I will say freely even to you, my Lord, I have by no Means enjoy'd this Favour at your Hands in the contrary, I am now the main Contrivor and Actor in an Impeachment against you; but it is not too late to undo all that has been done, and if your Lordship will but have Patience to stay here but a Quarter of an Hour, you shall have been I will put an End to it. The Lord Chancellor thank'd him very graciously, and Sir Robert returning to his Company, receiv'd the Discourse against the Lord Chancellor with greater Vehemence than before, entering into the Particulars of the Charge, and aggravating them, to the great Mortification of the Earl: But at last, he in the Close made ample Amends for all, telling the Assembly, *That truly the Crimes were of a high Nature and dangerous; but he did not see what Effect such a Charge could have without Proof; and he must own he had not heard any tolerable Proof for any one of the Articles; and for some of them not so much as common Fame. That the Lord Chancellor was a Man of great Abilities and Integrity, and as he would soon discover the Weakness of the Charge against him, so he had Friends enough to have it rejected, and he did believe the House of Commons would never be brought to pass it. The Members finding how it was like to go, and that Sir Robert had left them, went away one after another, without saying a Word, and Sir Robert Howard enjoy'd many Years, the Reward of his Management, the Office of Justice. It is certain he was made Justice July the next following.**

A. D. 1678. might be allow'd: But the Snare was discover'd, and avoided; Mr. Love again interposing with a Counter-Motion, That an effectual Security might be found out against *Papery*; and that nothing might interpose, till that was done: The whole Party declar'd themselves to be of the same Sentiments; and the Champions for the Church then thought their Behaviour upon this Occasion for meritorious, that they brought in a Bill (g), *namine contradicente*, to relieve them in Spirituals; which contain'd a tacit Acknowledgment, that different Modes of public Worship, with an Exclusion to the *Pope's* Supremacy, had no Tendency to create Seditions, and that all the rigorous Laws they had hitherto let loose against them were groundless and unjust.

The King brings the Declaration before the House of Lords.

The Court was, by this Time, furnish'd with an Expedient relating to the Declaration, which was for his Majesty to demand the Advice of the Lords, with a View to obtain the Support of that House, and to ratify what he had done by their Countenance and Authority; which to us, at this Distance, seems extremely strange; since it was known the Commons were determin'd not to proceed with the Supply, unless the said Declaration was recall'd: And it was scarce to be presum'd that those who had the Spirit to contradict the King, after he had in Person told them *he should take it ill*, would have been terrify'd out of their Money, by any Menaces from the Lords.

Mr. Ecard, indeed, has furnish'd us with a (b) Memoir from the MS. of Sir *Joseph Tytle*, which talks of a Speech of Lord *Clifford's* for the establishing a perpetual Fund, in order to advance the Prerogative, and render Parliaments inconsiderable. But Money-Matters do not come properly before the

House of Lords, and any Attempt of that Nature, must immediately have put the whole Nation in a Flame. Rash that Minister always was, and desperate he was now become. He saw the Crisis was at once delicate and dangerous: He saw his Web on the Point of being unravell'd: He was more dispos'd to seize than sollicit: There was an Army at hand under the Command of *Schwartzenberg*, a foreign Mercenary, *Fitzgerald* an Irish Catholic, and many other Officers under the same Disqualification: And, therefore, it may be fairly presum'd, that it was not his Fault, that all things were not thrown into Confusion.

His Majesty, on this special Occasion, was induc'd to make his Application to the Lords in Person; which he did in the following Terms:

My Lords,

"You know that at the Opening of this Session, I spoke here to your Satisfaction; it hath, notwithstanding, begotten a greater Disquiet in the House of Commons, than I could imagine. I have receiv'd an Address from them, which I looked not for, and made them an Answer which ought to have contented them; but, on the contrary, they have made such a Reply, of such a Nature, that I cannot think fit to proceed any further in this Matter without your Advice.

His Speech on that Occasion.

"I have commanded my *Lord Chancellor* to acquaint you with all the Transactions wherein you will find me and yourselves highly concern'd. I am sensible of what relates to myself; and I assure you, my Lords, I am not less for your *Privilege*, and the Honour of this House."

It appears this Speech was taken into Consideration on the Spot, and both his Majesty and

(g) The Heads of it were as follow:

1. That Ease shall be given to his Majesty's Protestant Subjects, Dissenters in Matters of Religion, who shall subscribe the Articles of the Doctrine of the Church of England, and shall take the Oaths of Allegiance and Supremacy. 2. That the said Protestant-Subjects be eas'd from all Pains and Penalties for not coming to Church. 3. That the Clause in the late Act of Uniformity for declaring the Assent and Consent, be taken away by this Bill. 4. That the said Protestant Subjects be eas'd from all Pains and Penalties for meeting together for Performance of any religious Exercise. 5. That every Teacher shall first give Notice of the Place where he intends his Meeting, to the respective Quarter-Sessions; where in open Court he shall first make such Subscription, and take such Oaths as aforesaid, and receive from thence a Certificate thereof, where all such Proceedings shall remain upon Record. 6. That any such Teacher may exercise as aforesaid until the next respective Quarter-Sessions, and no longer, in Case he shall not first take the Oaths, and make such Subscription before two of the neighbouring Justices of the Peace; and shall first give them Notice of the Place of his intended Meeting, and take a Certificate thereof, under the said Justices Hand; a Duplicate whereof they are to return into the next Quarter-Sessions. 7. That the Doors and Passages of all Houses and Places where the said Dissenters do meet, shall be always open and free, during the time of such Exercise. 8. That if any Dissenter refuse to take Church-Wardens Oaths, that then he shall find some other fit Person, who is no Dissenter, to execute that Office, and shall pay him for his Pains."

(h) I have here inserted the whole of it; and by what follows in the Text, the Reader will see, that either Sir *Joseph*, or the Bishop, ascribed to one thing the Effect that was produced by another.

No sooner did the King begin to incline to the rescinding his said Declaration, but the Lord *Shaftsbury* perceived it: He lost no time, the Resolution was not taken till eleven at

Night, and the next Morning he appear'd in the House of Lords, at the Head of the most zealous Peers, against the Catholic Religion, the War with *Holland*, and the Alliance with *France*. The Lord *Clifford* that Day had undertaken to open the Debate of the Lords House, for establishing a perpetual Fund, in order to advance the Prerogative, and render Parliaments inconsiderable, and prepar'd a set Speech to that Purpose, which he read to the Lord Chancellor; who desired to hear it again; and, upon the second reading, he charg'd his Memory with the Substance of it, promising he would likewise come roundly into the Debate. This gave him an Opportunity, he wou'd say, to be revenged of the Country; and the Lord *Clifford*, who, pursuant to the Determination of the *Commons*, began the Debate with the very Speech he had shew'd the Lord Chancellor; while his Majesty and his Royal Highness were then in the House to countenance the Design. The Country Lords, and those who were not in the Secret, stared at one another; the whole House, at the End of the Speech, meditating the Fate of England, remain'd in an awful Silence when *Chancellor Shaftsbury* stood up, and answer'd his Speech from the Beginning to the End, shewing, that his Propositions were extravagant; that what he said at would end in Confusion, and the Ruin of the Government: That it might perhaps send the Royal Family abroad again, to spend their Lives in Exile, without Hopes of a Return. All which he spoke with so much Spirit and Sharpness, that he confounded the *Court-Councils*.

While he was speaking, the Duke of *Tork*, enraged at him, whisper'd the King, *What a Royal haec you of a Lord Chancellor!* The King briskly reply'd, *Call'st thou what a Fool thou art!*

The Debate ended in a Ruffle, and the Lord *Clifford* narrowly escaped being sent to the *Tower*; and falling himself thus given up by the King, till his own Opponents, he declar'd, *He would lose no Price in the World who had his Courage to answer his Principles, and support his Ministry in the Execution of his Commands.*

A. D. 1672-3.

and the Duke chose to continue in the House, in Expectation of the Event.

Of the Debate, which ensued, there is no regular Account remaining, tho' it was one of the most important in our Annals. Bishop Burnet has, indeed, made a shift to glean up some Particulars concerning it, which he has favour'd the Public with, as also of the Intrigue which follow'd; and quotes for his Vouchers, the Duke of York, the Duke of Lauderdale and Colonel Titus.

Vol. I. p. 347.

According to him, Lord Clifford was the Hero for the Declaration, and had not only shew'd the Heads of his Speech to the King, but receiv'd Hints from him. He began the Debate, says his Lordship, with rough Words. He call'd the Vote of the Commons *Manifrum horrendum Inquit*, and ran on in a very high Strain. He said all that could be said, with great (*i*) Heat, and many indecent Expressions. When he had done, the Earl of Shaftsbury, to the Amazement of the whole House, said, He must differ from the Lord who spoke last *to* *Carlo*. He said, while those Matters were debated out of Doors, he might think with others, that the Supremacy, assert'd as it was by Law, did warrant the Declaration. But now that such a House of Commons, so loyal and affectionate to the King, were of another Mind, he submitted his Reason to them: They were the King's great Council: They must both advise and support him: They had done it, and would do to fill, if their Laws and Religion were secure to them.

The Bishop adds: The King was all in Fury to be thus forsaken by his Chancellor, and told Clifford how well he was pleas'd with his Speech, and how highly he was offended with the other. The Debate went

on; and upon a Division, the Court had the Majority. But against *that* Vote, (his Lordship does not explain what Vote) about thirty of the most considerable of the House protested: So the Court saw, they had gain'd nothing in carrying on a Vote that drew after it such a Protestation.

A. D. 1672-3.

The Issue of all was, that, the same Day, they waited upon his Majesty with the following Address:

" We the Lords Spiritual and Temporal in Parliament assembled, do unanimously present your sacred Majesty our humble Thanks, for having pleased to communicate unto us, what hath pass'd between your Majesty and the House of Commons; whereby your Majesty hath graciously offer'd the Means of shewing our Duty to your Majesty, and of asserting the antient, just Rights and Privileges of the House of Peers."

Lord Address.

Whereunto the King return'd this Answer:

" My Lords,  
" I take this Address of yours very kindly, and will always be affectionate to you; and I expect that you shall stand by me, as I will always by you."

His Majesty's Answer.

And now from this Alliance offensive and defensive, between the King and Lords, against the Commons, what was not to be fear'd? No doubt, all who were acquainted with the Proceedings of that Day dreaded the next: And yet, instead of a Storm, which was gathering over-night, it produced an unexpected Calm, the Lords voting, " That the King's Answer to the House of Commons, in referring the Points now controverted to a parliamentary Way, by BILL, is good and gracious; that being a good and natural Course for Satisfaction therein."

To

(i) His Defection is thus explain'd by Father Orleson, who is said to have had his Materials from King James II. after his Abdication:

Two things concurr'd to throw him into these Extremes: The one was, his despairing of being able to do any thing essential for a Prince he thought had not Retainers enough to carry on a great Undertaking. He already complain'd that the King had forsaken him in an *Affair* wherein he had promis'd to stand by him, and in which the Interest of the Crown was in such concern'd as this now mention'd. The Election of Members to fill up the Vacancies in the House of Commons had been so order'd for a long time, that the seditious Party generally prevail'd; because the House had assur'd the Authority of giving the Writ. This was an Abuse introduced during the Troubles of the last Reign, and continu'd to continue after the Restoration, through the Weakness or Ignorance of those who had been Chancellors before Shaftsbury. He says, the ancient Custom was, that when any Member dy'd, the Chancellor issu'd a Writ under the Great Seal for electing another; by which Means, tho' the Writ contain'd nothing to obstruct the Freedom of the Election, yet the King by this could at least use Means for denying the Choice from falling upon Persons that were against him. Shaftsbury had attempted to retrieve that Right, and brought it into Use during the last Interval of Parliament; having first obtain'd the King's Promise to stand firm by him as Opposition to all the Complaints he forelaw the Commons would make on that Account; but they promis'd to stand, and the King comply'd with them. Thus, contrary to his Majesty's Promise, the Chancellor had the Authorization of setting his Elections made void, and the old Abuse restor'd. From that time he foresew, that the Liberty of Conscience would sink, and freely declar'd, that *in case it did, he would go over to the Parliament Party, and have no Regard for the Court*; in which he was as good as his Word.

The same Author goes on, and tells us, His Majesty's giving up the Elections by act of His Majesty, when the Recalling of Liberty of Conscience put him quite out of Patience, and made him openly say, That *that* *Man* *was* *for* *himself*, *as* *if* *he* *was* *not* *for* *himself*.

to be forsaken; a false Maxim, when the Sovereign is concern'd, or that Party that cannot lawfully be forsaken. As turbulent a Man as Shaftsbury was, he perhaps had not cury'd his Retirement so far, had there been no other Motive but the King's Interest. He that commits an Error to his own Disadvantage; is rather to be pitied than hated; but the King's yielding the Point of Liberty of Conscience, concern'd his Majesty personally, because his Majesty, by that Means disclaiming their Advice given him, left them expos'd to the Rage of the Parliament; and the Earl, appearing to have had the greatest Share in all the Court Projects, had Cause to fear that the Commons would mark him out for an Example to others. This was the second Motive that cury'd this Man to such Extremes. It may be said, he resolv'd his pious Zeal for the Protestant Religion, and for the Parliament, should expiate for that other he had express'd for the Catholic Religion and Monarchy. After he had taken these Resolutions, the Author says, the Attack was sudden and unexpected: Never was any great Change so quick as that of this Minister. No sooner did the King begin to incline to the recalling his Declaration of Indulgence, but he perceiv'd it. He left no time; the Resolution was not taken till eleven at Night, and the next Morning he appear'd in the House of Lords, at the Head of the most zealous Peers against the Catholic Religion, the War with Holland, and the Alliance with France. This first Sally surpris'd the Parliament, as well as the Court, and rais'd an extraordinary Commotion in both; which Disorder was much heightened, when the Earl discovered the private Motions that had inclin'd the King to grant Liberty of Conscience, to join with France, and to declare War against Holland. It is a Crime in an English King to think of breaking Parliamentary Chains, and of confounding that Assembly within the Bounds prescrib'd by the Laws, to which it draws back the Sovereign, if he happens to make over to it little Execution. His Majesty's Design was before suspect'd; but no question was made of it after Shaftsbury had spok'd; so that they were upon their Guard against all future Projects of that Nature.

A.D. 1675. To account for this sudden and surprizing Reverse, we must have recourse again to Bishop Burnet; for no other Author pretends to be enough in the Secret to say any thing to the purpose upon it.

Vol. 1. p. 349. 350. "Lord Arlington possess'd Colbert, the French Ambassador here, with such an Apprehension of the Madnes of violent Councils; and that the least of the ill Effects they might have would be, the leaving the War wholly upon the French King; and that it would be impossible to carry it on, if the King should run to such Extremities, as some were driving him to at home; that he gain'd him both to perswade the King and his Brother to comply with the Parliament; and to send an Express to his own Master, representing the whole Matter in the Light in which Lord Arlington had set it before him.

In the Afternoon of the Day, in which the Matter had been agreed in the House of Lords, the Earls of Shaftsbury and Arlington got all those Members of the House of Commons on whom they had any Influence (and who had Money from the King and were his Spies, but had Leave to vote with the Party against the Court, for procuring them the more Credit) to go privately to him, and to tell him, that, upon Lord Clifford's Speech, the House was in such Fury, that probably they would have gone to some high Votes and Impeachments; But the Lord Shaftsbury, speaking on the other Side, restrain'd them: They believ'd he spoke the King's Sense, as the other did the Duke's: This calm'd them: So they made the King apprehend, that the Lord Chancellor's Speech, with which he had been so much offended, was really a great Service done him: And they perswaded him farther, that he might now save himself, and obtain an Indemnity for his Ministers, if he would part with the Declaration, and pass the Bill (for a Test). This was so dextrously managed by Lord Arlington, who got a great Number of the Members to go, one after another, to the King, who, by concert, spoke all the same Language, that, before Night, the King was quite changed, and said to his Brother, That Lord Clifford had undone himself, and spoil'd their Business, by his mad Speech; and that tho' Lord Shaftsbury had spoke like a Rogue, yet that he had stopt a Fury, which the Indiscretion of the other had kindled to such a Degree, that he could serve him no longer. He gave him leave to let him know all this. The Duke was struck with all this; and imputed it wholly to Lord Arlington's Management. In the Evening, he told Lord Clifford what the King said.

The Lord Clifford, who was naturally a (A) vehement Man, went upon that to the King, who scarce knew how to look him in the Face. Lord Clifford said, he knew how many Enemies he must needs make to himself, by his Speech in the House of Lords: But he hop'd, that, in it, he both serv'd and pleas'd the King; and was therefore the less concern'd in every thing else: But he was surpriz'd to find by the Duke, that the King was now of another Mind. The King was in some Confusion: He own'd all he said was right in itself; but he said, that he, who had sat so long in the House of Commons, should have consider'd better what they would bear, and what the Necessity of his Affairs requir'd. Lord Clifford, in his first Heat, was inclin'd to have laid down his Staff, and to have expostulated roundly with the King: But a cooler Thought stopp'd him. He reckon'd he must now retire; and, therefore, he best a mind to take some care of his Family in the way of doing it: So he restrain'd himself, and said he was sorry, that his best-meat Services were so ill understood. Soon after this, Letters came from the French King, pressing the King to do all that was necessary to procure Money of the Parliament; since He could not bear the Charge of the War alone. He also wrote to the Duke, and excus'd the Advice he gave, upon the Necessity of Affairs; but promis'd faithfully, to espouse his Concerns, as soon as he got out of the War, and that he would never be easy, till he recover'd that which he was now forced to let go.

The judicious Reader will probably find some Flaws in this Recital; and it is not our Business to defend them. We must either take up with this Evidence, or throw up the Cause.

Both Lords and Commons were now united against Popery; and a joint Address from both Houses was presented to his Majesty, complaining of the great Dangers and Mischiefs, which the Realm was liable to, from the Increase of Popish Recusants, and the great Resort of Priests and Jesuits in this Kingdom; setting forth, how much his loyal Subjects were dishearten'd to see such Popish Recusants admitted into Employments of great Trust and Profit, and especially into military Commands over the Forces now in his Majesty's Service; and humbly desiring, not only that his Majesty would issue his Proclamation, commanding all such Priests and Jesuits to depart the Kingdom, but that all such Officers and Soldiers as refused the Oaths of Allegiance and Supremacy might

Joint Address of both Houses concerning the Increase of Popish Recusants.

be

(A) Of him Sir John Tully tells the following remarkable Story: "While he had the Staff, it happen'd, that the King, the Duke of York, and himself, were shut up in a Room in Consultation, when Sir William Baskal, a Commissioner of the Excise, came to speak with the King, to whom he had free Access, as frequently accommodating his Majesty with Money. In Presumption of his usual Liberty, he went directly to the Room where he understood the King was, and having Discov'rd, had the Curiosity to listen close at the Door, to which he was excited by the King's speaking with some Earnestness; but he could only hear broken and imperfect Expressions. The Duke spoke so low he could not understand what he said, but Clifford spoke loud,

as in public, and very audibly answer'd the King in these Words: Sir, if you are driven off upon Excess, you will never be just; the Work will do, if you declare your self with Resolution; there are enough to stand by you. The King reply'd, This Name of Popery will never be favour'd by the People. And upon saying this, he started from his Seat, crying, Some body is at the Door! Upon which Clifford ran hastily to it, and without speaking a Word, fell furiously upon Sir William Baskal, dragging him to a Pair of Stairs, from whence he kick'd him down; and soon after Sir William met with his Death, which was not improbably thought to have proceeded from that Misfortune.

to be disbanded, as the best Means for satisfying and composing the Minds of his loyal Subjects. The King's Answer was, That he heartily agreed to the Matter of the Address; and that he would give speedy Orders accordingly: Hoping, however, that they did not mean to have them extend to such of his Forces as were to be employ'd immediately beyond the Seas.

The next Day, *March 8*, his Majesty, in a Speech to both Houses, again signify'd, that he freely and readily agreed to the Prayer of the said Address: After which, applying himself particularly to the House of Commons, he called upon them to perform their Part; put them in mind, that it was Five Weeks since he had demanded a Supply, told them, that their unanimous Grant had given new Life to his Affairs at-home, and dishearten'd his Enemies abroad: But that the Delay since, had given them new Courage; and that, if it was not speedily dissipate'd, it would be ineffectual: Begg'd them to lay this to heart; and that they would not let the Fears and Jealousies of some draw inevitable Ruin upon all.

His Conclusion was:

"My Lords and Gentlemen,

"If there be any Scruple yet remaining with you concerning Suspension of penal Laws, I here faithfully promise you, that what hath been done in that particular shall not, for the future, be drawn into Example and Consequence. And, as I daily expect from you a Bill for my Supply, so I assure you, I shall as willingly receive and pass any other you shall offer me, that may tend to the giving you Satisfaction in all your just Grievances."

Notwithstanding the Volumes which have been writ in Justification of King *Charles II.* with so much Zeal, and so much Artifice, accompany'd with such severe Invectives against all those who have presum'd to enlarge on the Mis carriage of his Reign, every unprejudic'd Person must allow, from the Evidence before him, that he had entertain'd very dangerous and desperate Designs upon the Rights and Privileges of his Subjects.

That on the Detection of these Designs, Opposition became not only justifiable, but laudable: And that it was scarce possible, that a Prince who had given such Cause of Offence and Complaint, should not be obnoxious to Jealousy and Distrust for ever after.

It is, indeed, urg'd in his Excuse, that he was in the Hands of the (1) worst of Men, that he was indolent, that he was absorb'd in Pleasures, &c. But whether Evil makes its Entrance by Permission, or Commission, it is equally Evil, equally grievous to the Sense, and fatal in its Consequences. And if a King does not make it his Business to ward off that Evil, he is rather a Burthen, than an Advantage to the Commonwealth. Besides, we are assur'd by Mr. *North*, in his *Examen*, that the Word *Ministry* was not then in use; but *Counsellors*, or *Courtiers*. For the King himself took so much upon him, that the Ministers had not that aggregate Title, as if the Government had been but a Party, and the Ministers sway'd it, as they were dispos'd to favour or to frown: These are that Gentleman's Words: And all Writers, of all Parties, bear witness, that he had a better Capacity, and abundantly more Knowledge, than are generally to be found within the Circle of a Crown: That he had likewise a Will of his own is apparent, from numberless Instances, in which he rejected both the Advice and Impertunity of his Favourites, and acted according to his own Sense of Things. We may therefore dwell as fondly as we please on the Charms and Graces of his private Life; but they will not excuse or palliate his public Faults. The more amiable his Deportment was thought, the more dangerous he became: and it is notorious, that, tho' he lost the Esteem, he never lost the Affections of his People. On the contrary, they idoliz'd him to the last; and, even when they were enslav'd by him, kiss'd the Hand that put on their Chains.

Tho' the Opposition to his Measures in the House of Commons had been troublesome to him in former Sessions, it had never till now been formidable: In the last, by the means of (m) *taking off* (as the Phrase was, in plain

(1) These are included in the general Name of *Schismatics*; by Bishop *Piercy*, who, in order to blacken them, thus freely blackens his Favourite Reign. "The Parliament being at length prorog'd, they, now being without Fear of Parliament, flew out into all manner of Extravagance. But not to mention all their Outrages against their Country, there were seven deadly Sins, as we say, which they committed almost at the same time, with equal Treachery, and Impudence, against all the Laws of Nature and Nations and the Kingdom."

1. *To*, The very Patrimony of the Crown is exposed to Sale.

2. *Secondly*, The Triple Alliance is broken.

3. *Thirdly*, Another Alliance is made with the most Christian King.

4. *Fourthly*, A War is enter'd into against the Dutch, at that time our Allies, without any previous Declaration of War.

5. *Fifthly*, The Exchange is turn'd into a Place of Robbery.

6. *Sixthly*, Every one is allow'd a boundless Liberty in Religion.

7. *Seventhly*, By Writ issued at their own Pleasure, out of the Court of Chancery, Judgments are made into the lower House, contrary to the Customs, which, tho' not very ancient, had prevail'd for many Years. *NEWLIN'S Treatise of Parliam's History*, p. 138, 139.

(m) Concerning this Practice, Mr. *North* writes as follows: "There were abundance of Resolutions that confin'd to this Alteration (in the Temper of the Parliament) of which one, and not the least, was that which, in its time, was called *taking off*; that is, with Pleas or otherwise, plainly buying the visible Heads of the adverse Party. A Method the King was inclin'd to much rather than that of contending with them; for he always lean'd to Ways that tended to his Ease. Thus came Sir *T. L.*, Mr. *G.*, and Sir *T. M.*, &c. who were the Bell-wethers of the Country Party, into the Commissions of the Customs, Admiralty, and Excise. And yet they held on their Party-Combination in the House of Commons. They eat, drank, and almost slept together, the better to understand all Things the same Way, and to manage with Art their Game in Parliament, which they took to be devolved into their Hands. And, by the Advantage they had of Popery and France, they took the Parliament to be the Stage of their most intestine Actions, and, to be wholly devoted to that, neglected all their other Concerns. And so, when hard-Working and Labour, for many Years, to get those Darling of Popery and France into the House all in vain, now they had Possession of them, they were not wanting in the utmost Application to Party Work for making the best of it. But, if one may judge by Consequences, the chief political Error of this Method consist'd in the not taking off enough: The Case being like that of *St. James's* Thievery, where

A.D. 1672.

King's Answer.

Remark- with Speech to both Houses.

Reflections on his Character and Conduct.

A.D. 1672.

P. 69.

A.D. 1672-3. plain Terms *bring*) obnoxious Members, he had carry'd almost every thing as he pleas'd; and his only Perplexity arose from the House of Lords: But the Instant he began to reap the full Success of his own Experiment, he prevail'd with to lay it aside, and to do that against Law, which hath since been done so much more effectually and securely with. In short, he seems to have thought, that Parliaments were like to cost him more than they were worth; and to have resolv'd to engross the whole *Fleece*, without suffering his Shearers to come in for their Dividend.

In the long Interval between the two Sessions, perhaps, when it was believ'd, that the *Eschequer Job*, the *French Subsidy*, and the *Dutch Spoils*, would render all farther Aids unnecessary, this Secret, as it is reasonable to presume, in part escap'd; and that those concern'd resolv'd to make him smart for his ill-judg'd Frugality, if *Necessity*, which was their sole Dependence, should again oblige him to have recourse to their Assistance.

Certain it is, the Aspect of the present Session bore so little Resemblance to the last, that it is no easy Matter to suppose that the Business of it pass'd thro' the same Hands: And yet the House was still compos'd of *Loyalists*, in the Party Sense of the Word; that is to say, Persons alike devoted to the Church and the Prerogative: Of those called *Fanatics* and *Republicans*, no-doubt there were a few; but they were of no Consequence for Number, till join'd by such as the real Dread of (*n*) *Papery* and *arbitrary Power* had detach'd from their old Prejudices, and such as were in the Secret of making a Trade of Opposition, and who, under the most sacred Pretences, fought only to enrich and advance themselves.

It was under these *Loyalists* the Distinction of *Court* and *Country* Parties first arose, which were now of some Standing; it was they who first rais'd and propagated the Cry against *Papery* and *arbitrary Power*; and it was in their Mint the Opposition was forged, which made the King so uneasy, every time they sat, for the Residue of his Reign. If there was any Virtue or Glory in exposing and traversing the extravagant Designs of a profligate Court, it justly belongs to them: If any thing criminal, in laying the Foundation of so much Trouble to so good a King, as he is call'd by Mr. *North*, they ought to share in the Reproach.

It ought to be acknowledg'd, that a more absolute Concession to the Desires of his Subjects, could not have been made by any Prince, than was contain'd in his Majesty's last Speech: That Expressions more full, more gracious, more satisfactory, could not have been us'd. And as a Confirmation of

A.D. 1672-3. all he had said, Mr. Secretary *Conventry* declar'd to the House, that the King had recalled his Declaration; and that he had seen the Seals taken off.

The Consequence was, That, as both Houses had join'd in their Complaints, both Houses join'd in their Acknowledgments, and waited on his Majesty in a Body, with their Vote, which was, *nemine contradicente*. That the humble and hearty Thanks of these Houses be return'd to his Majesty for his gracious, full, and satisfactory Answer this Day given to their humble Petitions and Addresses. To which the King reply'd; My Lords and Gentlemen, I hope there will never be any Difference amongst us; I assure you there shall never be any Occasion on my Part.

But the Declaration was not the only stumbling Block they had to remove; and having the same Power in their Hands, viz. the Supply, which produced this sudden Change in the Measures of the Court, they resolv'd to make such farther Use of it, as should prepare the Way to get rid of the rest.

As soon, therefore, as they had complimented the King, on the Earnest he had given them of his good Intentions to live on better Terms with his People for the Time to come, they enter'd on a Consideration of the Grievances of *England* and *Ireland*.

This alarm'd both his Majesty and his Ministers again: The First wanted to be put in Possession of the Benevolence, which he was now only tantaliz'd with; and the Last to have the Jury dismiss'd, of whose Inquest they had so much Reason to be afraid. In order, therefore, to cut their Proceedings as short as possible, Mr. Secretary *Conventry* gave them to understand, by Command, that his Majesty intended them a Recess on the 28th of *March*: And this not having immediate Effect, the same Minister delivered a written Message to the House, in which they were told, that his Majesty intended they should rise before *Easter*, and therefore expected an Expedition of such Bills as were of most importance, particularly the Bill of *Papery*, and that of *Supply*; and that for such as could not be get ready, that they might not receive a Disappointment, his Majesty resolv'd to make this an Adjournment only, till the Beginning of *October*; in which Interval, his Majesty undertook to take such Care of the Protestant Religion, that they should have no Cause to complain.

It may be now fairly presum'd, that the Compromise between the Court and the House, for this Session, was fully made up, for this Message was deliver'd the 24th. The 25th they presented their Address concerning the Grievances of *England*; the 26th that concerning those of *Ireland*, and the

where they say, *A Thief delivers to be hang'd that steals not enough for himself and the Judge.* King *Charles I.* did nothing, *Charles II.* went but a Step forwards. It is a Pity any, that go through Strich (if any such ever be) should thrive better. *Leaune*, p. 456.

It is, in this Passage, confess'd, that King *Charles II.* did take off; but his chief political Error was, that he did not take off enough. And yet it is a Pity that any, who should take off

more, should thrive better:—How much we plain Men wonder at such Refinements as these?

(n) Which even Mr. *North*, who labours so hard to exculpate King *Charles*, allows, had been hitherto carry'd on, by uniting (p. 46.) That they never were given up to the Parliament; and yet he had before done his best to weaken the Notion of the King's being a *Pupil*, or that he had enter'd into any secret and dangerous Measure, of *France*.

A. D. 1673. 29th the King put an End to the Session; which was but one Day later than the Notice given in his first Message.

But before we hasten to that Period, it is fit that these Addresses, together with some other Facts should be explain'd; and first of that which concern'd Ireland.

The King had by his Letters of February 20, 1671-2, granted an Indulgence to Irish Roman Catholics to live in Corporations. By others of November 5, 1672, he had suspended the Execution of the Rules and Directions formerly made for regulating Corporations: And on January 14. following, had approv'd of the Election of nine or ten Roman Catholics by the Mayor of Dublin into the Common Council of that City, by the sole Nomination of that Magistrate. The King had likewise by his Letter of September 28, 1672, and an Order of Council thereupon, requir'd his Protestant Subjects of Ireland not to prosecute any Actions against the Irish, for any Wrongs or Injuries committed by them during the late Rebellion; and had likewise permitted Colonel Richard Talbot to have Access to his Person and Councils, as a profess'd Agent for the Roman Catholics of Ireland: All which Matters, and several others of the like Nature, coming before the House, and appearing to be so many Parts of the grand Scheme for propagating the Power and Interest of Popery; they thought it incumbent on them to lay a proper and seasonable Representation before his Majesty, both of the Evil and the (e) Remedies.

On the Subject of English Grievances, they desir'd, 1. That the Imposition of Twelvepence per Chaldron upon Coals, for providing of Convoys, by virtue of an Order of Council, dated the 15th of May 1672, might be recalled, and all Bonds taken by virtue thereof cancelled. 2. That his Majesty's Proclamation of the 4th of December 1672, for preventing Disorders which might be committed by Soldiers, and whereby the Soldiers then in his Majesty's Service were in a manner exempted from the ordinary Course of Justice, might likewise be recalled. 3. And whereas great Complaints had been made, out of the several Parts of this Kingdom, of divers Abuses com-

mitted in quartering of Soldiers, That his Majesty would be pleas'd to give Order to redress those Abuses; and, in particular, that no Soldiers be hereafter quarter'd in any private Houses; and that due Satisfaction might be given to the Inn-keepers and Victuallers where they lie, before they remove. 4. And, since the Continuance of Soldiers in this Realm would necessarily produce many Inconveniences to his Majesty's Subjects, they humbly presented it as their Petition and Advice, that when the present War is ended, all the Soldiers might be disbanded. 5. That his Majesty would likewise be pleas'd to consider of the Irregularities and Abuses in pressing Soldiers, and give Order for the Prevention thereof for the future. 6. And altho' it had been the Course of former Parliaments to desire Redress of Grievances, before they proceeded to give a Supply; yet they had so full Assurance of his Majesty's Tenderness and Compassion towards his People, that they humbly prostrated themselves at his Majesty's Feet with their Petitions, desiring his Majesty to take them into his princely Consideration, and to give such Orders for the Relief of his Subjects, and the removing those Pressures, as should seem best to his Royal Wisdom.

It is worthy Observation, that the grand Points, of the irregular Writs, the War, the Alliance with France, and the shutting up of the Exchequer instead of applying for the Advice and Assistance of Parliament, are not so much as mention'd: And that in the Introduction to these Articles are the following tender Expressions: "And tho' we are abundantly satisfi'd, that it has been always your Royal Will and Pleasure, that your Subjects should be govern'd according to the Laws and Customs of these Realms; yet finding, that, contrary to your Majesty's gracious Intentions, some Abuses and Grievances are crept in, we crave Leave humbly to represent them to your Majesty's Knowledge, &c."

Now, supposing it was necessary, for Decency's sake, to presume, that the King was ignorant of Measures transacted in his own Name, and well dispos'd to govern as he ought, it could not be presum'd, that these Measures

whether on  
this of Eng-  
land.

The grand  
Points were  
look'd.

(e) As follow:

1. That, for the establishing and quieting the Possessions of your Majesty's Subjects in that Kingdom, your Majesty would be pleas'd to maintain the Act of Settlement, and Explanatory Act thereupon, and to recall the Commission of Enquiry into Irish Affairs, bearing date the 17th of January 1671, as containing many new and extraordinary Powers, set only to the Prejudice of particular Persons, whose Estates and Titles are thereby made liable to be question'd; but in a manner to the Overthrow of the Act of Settlement; and, if pursu'd, may be the Occasion of great Charge and Attendance to many of our Subjects in Ireland, and shake the Peace and Security of the whole. 2. That your Majesty would give Order, that no Papists be either continu'd, or hereafter admitted to be Judges, Justices of the Peace, Sheriffs, Coroners, or Mayors, Sovereigns or Port-Reeves in that Kingdom. 3. That the Titular Popish Arch-Bishops, Bishops, Vicar-Generals, Abbots, and all other exercising Ecclesiastical Jurisdiction by the Pope's Authority, and in particular, Peter Talbot Pretended Archbishop of Dublin, for his notorious Disloyalty to your Majesty, and Disobedience and Contempt of your Laws, may be commanded by Proclamation forthwith to depart out of Ireland, and all other your Majesty's Dominions, or otherwise to be prosecuted according to Law. And that all Convents, Seminaries, and pub-

lic Popish Schools may be dissolv'd and suppress'd, and the regular Priests commanded to depart under the like Penalties. 4. That no Irish Papist be admitted to inhabit in any Corporation of that Kingdom, unless duly licens'd according to the aforesaid Acts of Settlement; and that your Majesty would be pleas'd to recall your Letters of the 26th of February 1671, and your Proclamation thereupon, whereby general Licence is given such Papists to inhabit in Corporations there. 5. That your Majesty's Letters of the 28th of September, 1672, and the Order of Council thereupon, whereby your Subjects are required not to prosecute any Actions against the Irish for any Wrongs or Injuries committed during the late Rebellion, may likewise be recall'd. 6. That Colonel Richard Talbot, who hath notoriously assum'd to himself the Title of Agent for the Roman Catholics in Ireland, be immediately dismiss'd out of all Command, either civil or military, and forbid any Access to your Majesty's Court. 7. That your Majesty would be pleas'd, from Time to Time, out of your Princely Wisdom, to give such further Orders and Directions to the Lord-Lieutenant, as may best conduce to the Encouragement of the English Planters, and Protestant Interest, and the Suppression of the Intolerances and Disorders of the Irish Papists there.

A. D. 1673. Measures for no *Author* nor *Adviser*; and that these Abuses and Grievances had *erupt* in by chance: Notwithstanding which, instead of tracing the Evil to its Source, and making a wholesome Example of the wicked Ministers, who had so notoriously misled his Majesty, and aggriev'd and endanger'd his People, they suffer'd an *Act of Grace* (which was so worded as to contain an absolute Pardon of all Treasons, Misdemeanors of Treasons, and every other Offence against the State, before the 25th of *March*, 1673) to be brought in, and pass'd; which put them out of the Reach of Justice for ever.

An Act of Grace.

And yet, tho' the Parliament thought fit to overlook these Criminals of the first Magnitude, they stoop'd so low as to admit the following extraordinary Proviso: And also except out of this Pardon, all such Persons, who, upon the first Day of this present Session of Parliament, were in Prison within the *Tower of London*, or within the Prison of the *Marshalsea*, or within the Prison of the *Fleet*, or in the Prison of the *Gatehouse* or elsewhere, in any Part of his Majesty's Dominions, or otherwise restrain'd of Liberty, by express Commandment or Direction of his Majesty, or any of his Majesty's *Privy Council*.

King's Answer to the same Address.

To the two Addresses concerning Grievances, the King was pleas'd to answer, That he observ'd the Addresses consisted of many different Parts; and therefore it could not be expected, that there should be a present Answer: But for the several particular Things contained in them, he would, before the next Meeting, take such effectual Care, that no Man should have Reason to complain.

Thanks voted.

With which evasive Answer the House thought themselves and the Nation well secur'd, that they presently voted, That the humble Thanks of the House be presented to his Majesty, for the often Accesses they have been admitted to his Majesty's Person; and for his most gracious Answers to the several Addresses of this House; and particularly for

the last gracious Message, and for the Care he hath declared he will take of the Protestant Religion.

And now the Ministers being indemnify'd, the King (p) supply'd, and the Church (by the (q) *Tol-Act*) effectually secur'd, all the necessary Business of the Session was suppos'd to be at an end: The Bill for the Esteem of Protestant Dissenters, which had pass'd the Commons, was laid to sleep with the Lords: The King gave the Royal Assent to such Bills as were presented to him: The two Houses adjourn'd themselves to the 20th of *October*: And the Right Reverend and Reverend Fathers gave out, on all sides, That the Danger of Popery was over.

Thus ended this remarkable Session, which, according to Bishop *Burnet*, was the best of this long Parliament.

From the Experience of the last Year's military Operations, the Court was now convinc'd, that the Republic of *Holland* was not likely to become so easy a Prey to the two Kings, as they had over fondly imagin'd: And, from their Experience of the present Temper of the House of Commons, they had no great Reason to expect, that they would much longer bear the Burthen of the Experiment.

On the Efforts of this Summer, therefore, all depended: And, while all possible Preparations were made for a vigorous Prosecution of the War, Encouragement was still given to the *Sword*, to proceed with the Mediation of a Peace.

But the Mediation and the War pursued.

On this last Work, however, both Parties seem'd to enter as if it was by Constraint, rather than Inclination; and as if by way of Provision against the worst, not as the Point they most desir'd. As the *Hollanders* had before made a Difficulty of agreeing to a Cessation, it was now refus'd them, and, at the very Instant that there was scarce any Difficulty to be settled, but the fixing upon a Place of Treaty, in order to open the Negotiation,

(p) It is assur'd by some, that the Bill of Supply a Proviso was tack'd, That no Papist should be capable of holding any public Employment; but I can find no such Clause in it; on the contrary, I find in the Preamble, an humble and thankful Acknowledgment of his Majesty's abundant Care for the Preservation of his Subjects, and a deep Sigh of the extraordinary Charge and Expence, with which his Majesty's present Occasions were to be supported.

(q) When this Bill was brought into the House of Lords, the famous Earl of *Bristol*, who saw no Opportunity of rectifying his former Grace and Favour, was pleas'd to express himself upon it as follows:

"My Lords, I shall not pretend to determine whether there have been any just Grounds given by any violent Men, or by the unseasonable Ambition of any *Roman Catholics* for such Fears and Jealousies; it suffices to exact the Necessity of a timely Remedy, since they have indeed most violently fear'd, and disturb'd at the Minds of the Major Part of his Majesty's Protestant Subjects, which certainly no Man conversant in the World can deny. Now, my Lords, in popular Fears and Apprehensions, those usually prove most dangerous that we raise'd upon Grounds not well understood, and may rightly be remembered to the fatal Effects of panic Fears in *Arms*, where I have seldom seen great Disorder arise from Intelligence brought in by Parties and Sects, or by Advancements to Generals; but from Alarms upon groundless and capricious Fears of Danger, when we know not either how, or why. This no Man of moderate Experience in military Affairs, but hath found the dangerous Effects of, one time or other; in giving a Stop to which Mischiefs, the Skill of great Commanders is best seen. In like manner, my Lords, this great and judicious Assembly of the House of Commons, rightly sensible of the dangerous

Effects which so general a Disturbance of Mens Minds in the Concernments of Religion, how groundless soever, might produce, have apply'd their Care to obviate them by this Bill: A Bill, in my Opinion, as full of Moderation towards Catholics, as of Prudence and Severity towards the Religion of the State. In this Bill, my Lords, notwithstanding all the Alarms of the Increase of Popery, and Designs of Papists, here is no Mention of barring them from private and modest Exercise of their Religion; no banishing them to such a Distance from Court, nor putting in Execution of Penal Laws, in force against them; all their Prejudices are reduc'd to this one Instant, natural to all Societies of Men, of hindering a lesser Opposite Party from growing too strong for the greater and more considerable One: And in this just Way of Prevention, is not the Moderation of the House of Commons to be admird, that they have retained it to this sole Point, of disbarring their Advertisers from Offices and Places, and from Testimonies of Wealth by Patrons of the *Sovereign*? — And after all, my Lords, how few do these sharp Trials and Tests of this Act regard? Only a few such *Roman Catholics* as would gain hold Offices, and Places at the Price of Hypocrisy, and Disimulation of their true Sentiments in Religion. My Lords, I am none of those Wherry-Men in Religion, who look one Way, and row another. — Upon the whole Matter, my Lords, however the Sentiments of a Catholic of the Church of *Rome* (I Bill say not of the Court of *Rome*) may oblige me, upon Scruple of Conscience, in some Particular of this Bill to give my Negative to it, when it comes to passing; yet as a Member of a Protestant Parliament, my Adverser prudently cannot but go along with the main Scope of it, the present Circumstances of Time, and Affairs consider'd, and the Necessity of composing the disturbed Minds of the People."



1673. tiation, the contending Parties seem'd in earnest only to decide all Differences by the Sword.

After making such high Pretensions, the two Kings were sham'd to desist; and after such miraculous Escapes, the States were incapable of Despair. Their Condition, indeed, was far from being mended: One Enemy was still in the Heart of their Country; and another was preparing to interrupt their Trade, and alarm their Coasts. Their Attempt on *Charleroy* had only serv'd to disgrace their Arms, instead of obtaining them any Advantage: The *Imperialists* were still on the other Side of the *Rhine*, and as incapable of giving them any effectual Assistance as ever:

Hanover ceases to be a Party.

Elector of Brandenburg abandons the States.

Du Mont.

The Duke of *Hanover* suffer'd himself to be debauch'd from the common Interest of *Europe* in general, and of the Empire in particular, and enter'd himself into the (r) Pay of his *most Christian Majesty*: And what was yet more extraordinary, the (s) Elector of *Brandenburg* was induc'd to withdraw his Assistance, and sign a Neutrality with *France*, in hope of dividing the Glory of the Mediation with *Sweden*; of which he was nevertheless disappointed at last. In almost all the other Courts of *Germany*, *France* was equally busy, and equally successful. Prince *William of Furstenburg* was their avowed Agent; and, together with Mr. *de Creci Verjus*, was perpetually posting from Prince to Prince to facilitate their Intrigues; and where it was not expedient to make open Applications, they had for their Emisaries the Ministers of *Ofenbrug*, *Hanover*, *Neuburg*, and *Wolfenbuttle*: With this Interest in the Empire, with the additional Credit of having detach'd *Brandenburg* from the common Cause; and while both the *Emperor* and the *States* were yet stunn'd with so desperate a Blow, the *most Christian King* order'd Mr. *de Grenoville*, his Minister at *Vienna*, to complain in the strongest Terms to his Imperial Majesty, that, in breach of the Promise he had made, not to interest himself in behalf of the *Hollanders*, he had sent his Troops the preceding Year to their Assistance upon the *Rhine*; which had oblig'd his *most Christian Majesty* to divide his Troops, and thereby hinder'd him from pushing his Conquests: And further to declare in form, That, if his Imperial Majesty should again this Year interpose in the same manner, the King his Master would hold himself authoris'd to invade his Hereditary Dominions, and repel Force by Force.

France accuses the Emperor,

and Spain.

About the same time, he also dispatch'd an Express to Mr. *de Villars*, his Ambassador at *Madrid*, directing him to demand of the Queen, that she would recall all her Forces out of the Service of *Holland*, and totally and entirely forbear giving them any farther Assistance, either directly or indirectly: And withal to signify, that, according to the Resolution she should take on this Head, his Majesty would either continue the Peace, or declare War.

This kind of Language had long been expected in *Spain*; a Rupture was what they rather desir'd than fear'd. Instead of giving a satisfactory Answer to the Memorials of the two Kings, relating to the Infraction of the Treaty of *Aix*, by the Attempt on *Charleroy*, they studiously avoided every thing which had a Tendency that way; returning rather irritating than qualifying Answers: And whereas they had hitherto assist'd *Holland* only as Volunteers, from a thorough Conviction, that if the *Seven Provinces* sunk under the superior Force of *France*, the Residue of the other *Ten* would follow; Don *Mameil de Lira*, the *Spanish* Minister at the *Hague*, concert'd an Alliance with the *Republic*, in the very Preamble of which he allow'd the *States* to hope, that his Royal Master would oblige himself to enter into an open and declared War; to the end, that, by the *Divine Assistance*, they might be able to change the Troubles of *Europe* into a general Peace. The whole Treaty consisted of Nineteen Articles, and a separate Article. The first Seven of which provided for a reciprocal Guaranty, and reciprocal Assistance, in case of an Attack; as also specify'd in what Proportions, in what Time, and after what Manner, the said Assistance should be reciprocally given.

Treaty between Spain and Holland.

The eighth, ninth, and tenth Articles, provided, That in case the two Parties should be engag'd jointly in a declar'd War, no Cessation of Arms nor Negotiation for a Treaty or Truce, should be admitted without mutual Participation and mutual Consent, nor pursu'd without communicating whatever should offer during the Course of it, nor contract'd without the Inclusion of both Parties: As also, that neither should nor only not enter into any Engagement repugnant to the present Treaty, but not make any without including reciprocally one the other, if desired.

By the eleventh and twelfth the Emperor, and all the Kings and States, mutually approv'd of, were to be invited to become Parties; and Provision was made for the due Observance of the Treaty of *Munster*, that of the *Marine*, 1650, the Guaranty of the Treaty of *Aix*, and the Triple League, when the War with his *Britannic Majesty* should be ended.

The thirteenth and fourteenth, were as follow:

13. And, for that the *States General* are, at this Time engag'd in a great and dangerous War with the *most Christian King* and the King of *Great Britain*, and also with the Elector of *Cologne* and the Bishop of *Munster*, and that the Plenipotentiaries of all Parties are assembled at *Cologne*, to conclude there, if possible, a Treaty of Peace, for the Tranquillity of *Europe*, and the Deliverance of the *States* of the United Provinces from the Embarrassments they are under, his *Catholic Majesty*, to give the utmost Testimonies to the said *States General*, of his Royal Generosity, and the Affection he has honour'd

(r) By a Treaty, dated December 16, N. S. 1672.

(s) He caus'd a Manifesto to be published, in which he

endeavour'd to excuse his Desertion, by alleging, that the *Hollanders* had not fulfilled their Engagement to him.

A. D. 1675

nour'd them with, and the Diligence he uses for their Preservation, promises and obliges himself, to contribute all that lies in his Power towards the Conclusion of the Peace, without deferring any longer the Conditions to which it shall be thought fit for them to consent for the common Good and Deliverance from the Dangers and Ruin they are now under. Notwithstanding, if the good Intentions of the *States*, for concluding the Peace, cannot have the Success which is to be desir'd, his *Catholic Majesty*, jointly with the *Emperor*, will declare *open War*, immediately after the first Request shall be made by the said *States General* to the Governor General of his Majesty in the Low Countries and the County of *Burgundy*, that he may incontinently go to Work, for the common Good, and Ease of the *oppressed States*. The above-said Governor General shall act henceforward, until further Order, with all his Power and Forces, against the most *Christian King*, as his *Catholic Majesty* will also do himself, in the other Parts of *Europe* both by Land and Sea, as is above-said; and the Governor General, shall begin, even before the Ratification of the present Treaty shall be come from *Spain*; and then we will immediately send him that of the *States General*.

14. The War being made in that manner, between his Majesty and the said *States General* of the one Part, and the King of *France* of the other; his said Majesty and the *States General* do oblige one another, not to make any Cessation of Arms, but by common Consent; and not to continue the Assembly, at this time settled at *Cologne*, and not to enter hereafter a-new into any Negotiation of Peace, or Truce for Years, otherwise than under the exact Observation of what above is agreed in the 9th Article.

By the fifteenth and sixteenth, his *Catholic Majesty* stipulated not to make Peace till all the Towns, Places, and Countries which had or might be taken from the *States*, during the War, were recover'd or restor'd; and the *States* the same, in Acknowledgment of his said Majesty's Favours, Succours, &c. unless he was restored to the Possession of all the Places which had been taken from him since the Peace of the *Pyrennees*, unless, for the Good of the Peace, it could be effected by any other way.

The seventeenth contain'd a Reference to the ninth, as to the manner of obtaining Peace with the other Parties at War with his Majesty and the *States*.

By the eighteenth, the *States* were to surrender the Town of *Mastricht*, the Country of *Ussonbois*, and all that belong'd to them beyond the *Muse* to his Majesty, together with all the Pretensions they had to the Villages of Redemption, with the Provost, however, that at the Conclusion of the War, they were put in Possession of all they had lost.

By the nineteenth, it was agreed, that the present Treaty should subsist for twenty Years, that the Ratifications should be exchange'd in two Months; or if the *Catholic King* declar'd War within that time, the *States* were to dispatch their Ratification without waiting for that of his Majesty.

The separate Article, relating to *England* only, deserves to be inserted entire.

Altho' by the Treaty concluded and sign'd this Day between his Majesty and the *States General* of the *United Provinces*, his Majesty is only engag'd to break with *France*, in case the Peace cannot be concluded upon the Conditions which were thought reasonable; and his Majesty will be oblig'd with Regret to break the Friendship he has with the King of *Great Britain*, since every thing plainly shews us, that the King of *Great Britain*, avoids making the Peace with the said *States General*, we cannot expect from the Arms of his *Catholic Majesty* the Effect which could be wish'd for, unless they act jointly with those of the *States General*, and indistinctly against those who would continue the War with them, without admitting the Conditions of an equitable Peace: It is agreed that, if we cannot presently conclude a good Agreement with his said Majesty of *Great Britain*, and that all the Efforts which have been made to that Effect already, and all that will be made by the Mediation of his *Catholic Majesty* do prove ineffectual, his *Catholic Majesty* will declare War against the King of *Great Britain*, in the same manner he has done against his most *Christian Majesty*. Nevertheless, that nothing may be wanting to contribute to the Hindrance of this Breach, the said *States General*, to satisfy his *Catholic Majesty's* Desire, and the Inclination they have to establish their antient Friendship with the said King of *Great Britain*, are all agreed, that his *Catholic Majesty* shall try one LAST EFFORT, to bring the said King of *Great Britain* to a Peace, offering him the same Conditions which are already above expressed. Provided, that if the said Conditions are not accepted by the King of *Great Britain*, and that the Peace with the said King is not concluded, three Weeks after the Ratification of the present Treaty shall have been remitted; in this Case, his *Catholic Majesty* shall break with the King of *Great Britain*, as he already has with the King of *France*.

And as for what regards the Conditions which his *Catholic Majesty* may offer to the King of *Great Britain*, and which the *States General* will subscribe to, in case that by the Mediation of his afore-said *Catholic Majesty* the King of *Great Britain* is willing to make a Peace with them, it has been agreed, that altho' the afore-said *States*, neither by any Principle of Justice, nor by any Success of Arms, find themselves oblig'd to give their Assent to any disadvantageous Conditions, and that the great Expences and Perils wherein they have been engaged, and from which they happily defend themselves, by the Divine Assistance, leave them under no Necessity of buying a Peace by Conditions, to which they ought not to assent; yet, nevertheless, to end, if possible, the War with the King of *Great Britain*, his *Catholic Majesty* being of Opinion, that there is no other way to procure the Peace, he may offer to the King of *Great Britain*, for all the Pretensions he has hitherto made, or which he may hereafter

A. D. 1673. after make against the aforeſaid States General:

First, An Adjutment of the Affair of the Flag to the Satisfaction of his Britanic Majesty.

Secondly, A Restitution of all the Countries and Places, which the aforeſaid States General have taken, or may take by their Arms from the English during this War, out of Europe, provided there be a reciprocal Restitution.

Thirdly, A Sum of 4, 5, 6, 7 or 8 hundred thousand Patacoons payable at the following times: viz. A fourth part at the time when the Ratifications shall be delivered, and the rest at three times: The first in the first Year after the Conclusion of this present War, and another in the second, and so the third in equal Payments; and the aforeſaid States General will, to this effect, give a sufficient Caution (or Security) to the Satisfaction of the Ministers of the Catholic King.

This Treaty was sign'd at the Hague, April 30, but was not ratify'd till August 22: at which time also the Emperor became a Party, in Consideration of certain Sums of Money, which were remitted to him, both by Spain and Holland, to enable him to defray the Charge of the War.

With this Light before us, we shall now be the better able to trace the Progress, as well as better prepar'd for the Issue of the Congress at Cologne, which, as it is manifest by the above Articles, was not only agreed upon, but to be open'd without Delay.

But tho' it appears by Lord Arlington's Letters, that the Earl of Sunderland, Sir Leslie Jenkins, and Sir Joseph Williamson were nominated Plenipotentiaries for Great Britain in March, their full Powers were not sign'd till the 5th of May, nor their Instructions till the seventh: On that very Day, however, the (t) two last set sail, in so much Haste, that the Place of Treaty was not yet ascertain'd, but with such unfavourable Winds, that they were detain'd at Sbermsi till the 18th, when they thought it advisable to change their Course, and instead of Ostend, to make for Calais. And on the 14th of June, N.S. we find them writing from Antwerp to the Duke of Monmouth and Sir William Leckhart, his Majesty's Minister at the French Court, to be inform'd of the most Christian King's RESOLUTION, touching the Place where the Treaty was to be held, whether at Cologne or Aix la Chapelle, for Dunkirk had been dropt at the Instance of the States, that they might direct their Journey accordingly.

Not to be too circumstantial, the French Star guided them to Cologne, where they found the Mediating Ministers, together with those of France, waiting their Arrival; and the Duties were but a few Hours behind them.

As to the Points they were instructed to insist upon, they were so near akin to those of the preceding Year, sent from the French

Camp, that they do not deserve a Repetition; except that on the Head of Cautionary Towns, his Majesty reduc'd his Demands to the Town of Flushing, and the Port of Ramakins; or Helvoet Sloys and Gorée; or, finally, the Brill and Gorée: And as to the Reimbursement, he was content to accept of six hundred thousand Pounds Sterling instead of a Million; two hundred thousand Pounds to be paid in October, and the rest at fifty thousand Pounds per Annum, till all was paid. They were further required, in the first Paragraph of the second Article of their Instructions (which contains likewise the Demands of England) "above all things, to take care to live and to transact together, with a mutual and entire Confidence in all Things and Matters, to the effectual making the Peace, with the Plenipotentiaries of the most Christian King; which they were to declare to them at their first Meeting, apart of the rest, as his Majesty's express Command; as also to communicate together the Extent of their Demands, and mutually to support one another therein, so as to attain the Effect thereof, and by obviating and avoiding all Artifices that might, and probably would be set on foot to dissuade them."

In Article III, which related to the Care that was to be taken of the Allies of the War, "because his Majesty had accommodated himself to the Sentiments of the most Christian King, and that those Points did more properly touch him, they were enjoin'd to guide and direct themselves by the Mind of his Plenipotentiaries (unless in Points relating to the Protestant Religion): And with Relation to the Elector of Brandenburg, by the Disslates of the said Plenipotentiaries; the King having declar'd to the French Ambassador at London, that he would gratify his Master in making him the Mediator for re-establishing his Friendship with the said Elector: In Return whereof, they were to require all Facility in them, in Points relating to the Advantage of the Prince of Orange, pursuant to the seventh Article of the late Treaty of Confederation between the two Kings, by which it was particularly stipulated, "That both should do their utmost, that his Highness should find his Advantage in the Continuation, or the End of the War."

By Article V, they were to co-operate with the French Ministers, in procuring full Satisfaction of the States for the Crown of Sweden.

And because it was apprehended, that next to the Difficulty of inducing the States to give the Satisfaction to the two Kings, which they severally demanded, that of pacifying Spain, for the Disadvantages the would receive by it, would prove the most troublesome Part of their Commission; by Article VI, they were charg'd "to apply themselves not only to the alluring and convincing the Spanish Ministers of his Majesty's Disposition and Readiness to do all things, depending

Plenipotentiaries nominated for the Congress at Cologne

[Letters from the Embassy at Cologne, v. 1. p. 10.]

Their Instructions.

(t) The first were officiated at all: For what Reason, I do not find any where explained.

A. D. 1673. depending on him, for the Advantage and Benefit of that Crown, but of using his utmost Credit with the most Christian King, in composing any Differences now subsisting between them, so as to obviate all future Breaches, or discomposing the Peace and Amity between them: Letting them know, how, beyond his Obligations in the Treaty of Aix la Chapelle, he had, in his subsequent offensive Treaty against the States General, taken care to provide for the Maintenance of the said good Correspondence and Amity." To this also was added an obscure Hint, of their "entering easily into all Proposals of Accommodation, that may arise in the Exchange of Places, between the two Crowns, in case the Hollanders should find themselves oblig'd, for the Good of the Peace, to yield such to the Crown of France as were notoriously prejudicial to Spain: With the Reserve, of governing themselves so skilfully in this Matter, as not to give any just Cause of Jealousy or Umbrage to the Ministers of the Crown of France.

There were yet Seven Articles more in their Instructions; two of which relate to the Interests of Denmark and Portugal; one to Cologn, Hanover, and Munster; one to the Duke of Newburgh; one to forbid their coming to any Interview with the Count de Monterey, tho' he should require it of them; one directing them to give frequent and large Advertisements of the Progress of their Negotiations, and to apply for more Instructions, in case of new Difficulties; and two relating to a separate Treaty of Commerce with the States; in which, however, "they were to avoid giving the French Plenipotentiaries the least Umbrage, as if they were doing any thing therein to their Prejudice, or contrary to the perfect Concert between his Majesty and their Master; and ever making use of them for the composing any Differences, that should prove hard, betwixt them and the Ministers of the said States; that so they might see, that they did not decline their Assistance, even in those Matters.

Thus it appears, that, on our side, it was held a Matter of as much Moment not to disoblige France, as to effectuate a Peace with Holland; and on theirs, that, instead of any Thoughts of gratifying both Kings in Conjunction, their principal Aim was to bring about a Separation.

Instead, therefore, of making their Approaches towards each other, while the different Parties took such different Paths, it was improbable they should come in Sight, impossible they should join: And yet this was what the World, for so many Months, vainly expected from the Treaty of Cologn.

At the first Meeting of the Plenipotentiaries of the two Kings, the Duke de Chaulnes, who was the Chief in the French Commission, gave those of England to understand, that their Orders were precise, not to stir a step, in any Article of Business, without their Concurrence: And Mr. Courtin, that they

were commanded to labour the Service and Satisfaction of the King their Master, as much as that of their own: Adding, that tho' the Dutch should offer them more than the most Christian King could either pretend to, or hope for, yet they were not to hearken to them, unless the Satisfaction of his Britannic Majesty was, in the same Measure, provided for: But then, as if by way of Alternative, for so many fine things, they urg'd, there was no need to be pressing in their Demands; that they might leave it to the Dutch to make the first Advance; that a Month, or two, or three, at farthest, would ripen things very much, and dispose them (the Dutch) to conclude, that they were more in need of Peace, than they had been hitherto willing to believe: That, as yet, the Arms of both Kings had been prosperous, and that nothing press'd very hard upon either of them: That, as soon as Mistrust was taken, which hinder'd the Communication of their Conquests, and the combined Fleets had made a Descent (which was again intended) the Enemy would be more easily and effectually brought to Reason.

Thus it appear'd, at the very Threshold of the Temple of Concord, that one Party was in no haste to enter: Nor did the Dutch shew any greater Earnestness on their side: For they took the first Opportunity to lament, that their Allies, the Imperial and Spanish Ministers, were not arriv'd; which at once imply'd, that nothing could be agreed upon without their Participation; and, if so, that the Peace would be liable to an almost endless Litigation.

As to the Mediators, at their first-Interview with the Ministers of England, the Count de Tott, the Principal of them, enlarg'd upon the Interests and Vows of all Europe for a Peace; declaring, that now the War was not against Holland only, but began to involve every other State: That it would be for the Glory of the two Kings to remit of their Rigours, and suffer these People to live: That now they were sufficiently mortify'd; that they would not in a (2) hundred Years recover the Devastation of this War: That they would accept of any thing, but a ruinous Peace: That the King of Sweden had sufficient Cause to be dissatisfy'd with them, but that he had sacrific'd all to that Pity which he had for their present Miseries: Adding, that it was very much the Desire of the Mediators, that they should forthwith fall to the main Work; hoping it would be happily finish'd in a short time; the most Christian King having assur'd him (Mr. de Tott) that his Embassadors should have Orders to give all the Furtherance and Dispatch possible to the Affair.

This Discourse being communicated to the Ministers of France, according to Order, Mr. Courtin very artificially observ'd upon it, that the Swedes were very unwilling, as indeed all their Neighbours were, that Holland should be swallowed up, and the Government extirpated: That those private Leagues and Me-

Proceedings of France

Of the Mediators.  
[Taken from Cologn, v. l. p. 17.]

The Opening of the Congress.

(2) In this his Excellency was mistaken.

A.D. 1673. nances of the Princes of Germany, now at Brunswick (such were then in Agitation, in order to form a third Party, to oblige both the others to put up the Sword, and close the Wounds of Europe) were carried on in view, and by the Contrivance of Sweden: That Sweden nevertheless dreaded to offend the two Kings, and would not attempt to save Holland, till it came to yet greater Extremities: From all which he concluded, that if the Swedes did stir, they were like to come too late, since all the French Forces would soon be at leisure to attend their Motions.

We have here a Comment on the former Text: The French first desired to delay the Peace; and here they let us into the Reason, without Reserve, viz. That *Holland* might be utterly swallow'd up by the War.

It is further remarkable, That, when they were first call'd upon for their Demands, they answer'd, they had nothing to ask, but that the Dutch would give Satisfaction to England; for, that being done, their Master would be content with his Conquests, and make up the Peace when they pleas'd: And yet, some Days after, it appear'd they had their Reserves; for they not only had avoided coming to an Explanation with the English Plenipotentiaries, on the main Point of the Cession of Places; but, when the Mediators undertook to digest the Claims of both Parties, in Writing, which both had in concert refus'd to do themselves, in order to lay them before the Dutch Embassadors, the Minutes they took of those of France were in these Terms: (w) Over and above what we have already discours'd upon, 1. The Religion of Malta; 2. A free Trade; 3. Re-imbargement of the Expence of the War; 4. The Establishment of the Roman-Catholic Religion.

The Dutch Ministers had been importunate to know the utmost that was expected from them; and, in order thereto, had signify'd, They had Orders to make a Peace, if they should find the Terms supportable; if otherwise, they would declare to continue the War: They had likewise, when the Cautionary Towns demanded by England, were first mention'd to them, very frankly confess'd, That they could not consent to give away any Part of their Country, for fear of the same Fate with the De Wits: And now being in the Secret of both Kings, and having in vain attempted to get rid of the Demand of the Cautionary Towns, by a Proposal for the Prince of Orange to take such an Oath as should satisfy his Majesty, Messieurs Bevering and Van Haren, set out for the Hague, as if to lay before their Masters a State of the Negotiation, and

A.D. 1673. to receive more favourable Instructions: But being accompanied by Don Manuel de Lira, Jenkins and Williamson very jolly look'd upon their Departure, as an ill Omen to the Peace.

It was the 4th of July, when these Ministers left the Place of Congress; and since the Meeting of it, the War had produced some Incidents, which demand our Notice, before we proceed with the Negotiation. And first, at Sea: The Fleets of the two Kings being (w) join'd, under the Command of Prince Rupert, the Count d'Essex, Sir Ed. Spragge, and the Earl of Ossory, made over to the Coast of Holland, in quest of the Enemy; whom they found lying at Anchor within the Sands at *Shonevelt*: An Attack being resolv'd upon, a Squadron of the lightest Ships were order'd to begin it: But the Dutch did not wait to receive it: On the contrary, *Tromp*, with the Van, weigh'd and set sail with such Expedition, that Prince Rupert, in his own Account, acknowledges, he was forced to engage sooner than he intended, for fear of losing the Weather-gage. As to the Particulars of the Fight, it is impossible to recount them, because it is impossible to reconcile the several Disagreements in the English and Dutch Accounts: As little Certainty is there in the Issue. Prince Rupert, writing to Lord Arlington, asserts, *Van Tromp was so press'd by him, that he gave way*; and that Sir Edward Spragge maintain'd the Fight with so much Courage and Resolution, that the whole Body of the Enemy gave way to such a degree, that, had it not been for fear of the Shoals, he would have driven them into their Harbours. Admiral (x) de Ruyter, on the other hand, in his Letter to the Prince of Orange, judges absolutely, that the Victory was on the Side of the States and his Highness. But whoever was the Pursuer, nothing was got by the Pursuit. The Allies kept their Station on the Coast; and the Dutch, tho' much inferior in Strength, being resist'd, forsook their Ports within a (y) Week, and fought the Enemy again. Another Engagement ensu'd, with the like doubtful Success: Both Parties put in their Claims to the Victory; but neither could make them good: The Dutch however deriv'd one undeniable Advantage from the two Battles, for whereas, before, the Allies thought of nothing less than making a Descent, they now found their Ammunition and Provisions so exhausted, to say nothing of their Losses and Damages, that they were glad to give over the Design for the present, and think only of seeking Repairs and Supplies in their own Harbours.

At or about the time that the two Fleets were

(w) As to this Passage, the English Ministers understood it to refer to the Article of *Pinin* to be ceded to France; but acknowledge they could not offer at any reasonable Guess why it should be so worded.

(x) This the Dutch had endeavour'd to prevent by lying at the *Gun-Flot*, to intercept the English; but by working thus a Passage, call'd the *Nommes*, against the Wind, they disappointed the Enemy.

(y) According to the *London Gazette*, N<sup>o</sup> 788, the Prince surpris'd the Conclusion of de Ruyter's Letter; which, as

the Credit of the next Gazette, was as follows: "Five Ships, which were quite disabled, I have sent to *Dilling* to be repaired. Those of our Men of War are missing, and, I fear, lost. We have lost most of our Fire-ships, and a great many Men. I beseech your Highness to send the remaining Ships to us with all the Speed you can, for the Enemy, who lies not far from us, is much stronger than we."

(z) The first Engagement was on the 29th of May, and the second on the fourth of June.

A.D. 1673.

An Engage-ment at Sea.

(Gazette, Numb. 786.)

Answer.

Loss of the Admirals, &amp;c. II.

A. D. 1673. were thus engag'd, the French invested *Mastricht*, and carry'd on the Siege with so much Vigour and Success, that on the 14th of June, the Duke of Monmouth came on Duty, four several Attacks were ordered to be made, and his Grace was particularly commanded to make a Lodgment in the Counterſcarp, which he perform'd with so much Spirit and Gallantry, as render'd him deservedly famous; and six Days after, the Place was surrender'd upon Capitulation; the Garrison being allow'd to march out with all the Honours of War.

We must now return to *Cologne*, where we find our indifferent Successes at Sea, made no Abatement in our heavy Demands on the States; on the contrary, Orders were sent to our Ministers there, to persevere in rejecting all Offers of a Cessation, not to suffer the Demand of the *Cautionary Places* to be postpon'd, but to insist on it as fundamental to the rest of the Articles; and to press the French Embassadors to give in their Demands jointly with those of *England*; but withal to observe what Effect the taking of *Mastricht* seem'd to have produc'd in them with regard to the Peace; in answer to which last Particular, they write to Lord *Arlington*, That they had never observ'd any *Haste* or *Concern* in the said Embassadors to bring this Treaty to a quick Issue, which, they imagin'd was not suppos'd to be their Temper and Complexion when they (*Jenkins* and *Williamson*) set out from *England*. That before *Mastricht* was taken, they had talk'd as if the Loss of that Place was to bring the *Dutch* to Reason, and facilitate Peace; but now it was in their Hands, their Tone was alter'd, and the same good Effects were to be expected, when it should appear to the World, that the Emperor was so check'd by their Forces and Alliances, as not to dare to march in aid of the *Dutch*.

At the very time that the French thus dextrously endeavour'd to protract the Negotiations of the Peace, in order to obtain yet greater Advantages by Continuance of the War, the last *Effort* mention'd in the separate Article of the Treaty between *Spain* and the States, to be made by his Catholic Majesty on the King of *England*, was put in Practice; with what Effect, is thus explain'd

in a Dispatch of Lord *Arlington*'s to Sir *William Godolphin* at *Madrid*:  
 "Don *Bernardo de Salinas* hath been many Days in this Court, with Letters of Credit from the Prince of *Orange*, and *Conde de Monterey*, which his Majesty refus'd to receive, the Spanish Embassador having told him, that the Subject of his Errand was, to propose our making a separate Agreement with the *Dutch*; he confidently averring, that the French were doing so. Although his Majesty was very little edified with his Proposition, yet he hath made very much of him, and carried him long to see the Fleet set sail, (the third time) containing him much with his Desires of a Peace, and demonstrating to him, how evidently the Interest of *Spain*, and the Prince of *Orange* would prosper, in the speedy ending of it. He, on his part, argued very strongly the Convenience his Majesty would have in making a separate Peace; for the composing all Humours here at Home, and the Ease of the Expence of the War; the Advantage the Prince of *Orange* would receive by it; and the Quiet of all *Christendom*; threatening, that without it, *Conde de Monterey* would find himself oblig'd to put in Execution the present Orders he hath from *Spain*, to declare the War. His Majesty reply'd, That he could neither in Prudence or Honour treat alone; that he believed better of the most Christian King, than to suppose he would do it. In a word, he is gone back again with better Thoughts of us and our Affairs than I think he brought hither."

Care was immediately taken to send an Account of this Incident, and the King's Behaviour upon it, to *Cologne*; which gave Mr. *Courtin* the Hint to say many fine things of his Majesty; as likewise to declare, "That France would either make no Peace at all, or else such a one, as should be fully and absolutely to his Satisfaction."

It is necessary to observe in this Place, that the French had begun to entertain some Suspicions of *England*. The two unsuccessful Engagements at Sea had been follow'd with some Changes at Court; in particular, Lord *Clifford*, the great and profess'd Enemy to the *Dutch*, had resign'd, and Sir (z) *Thomas Osborne* had been honour'd with the Treasurer's Staff in his Room. It was soon after this, that

of this Preference of Sir *Thomas Osborne*, Sir *John Ker* gives the following Account.  
 "Now it was that my Neighbour, Sir *Thomas Osborne* rose to the great Office of High Treasurer of *England*; my Lord *Clifford* resigning his Staff, and confiding himself a Papist. The Duke of *Buckingham* was chiefly instrumental in bringing that about for Sir *Thomas*, by a Bargain he made between Lord *Gifford* and him, namely, that Sir *Thomas* should estimate, and give him half the Salary." *REASONS'S Memoirs*, p. 21.

It may not be amiss to add, that this gave rise to the two following Articles in the *Gazette*:  
 "Whitehall, June 19. The Right Honourable Lord *Clifford* of *Chudleigh*, having this Morning resign'd into his Majesty's Hands his Staff, as Lord Treasurer of *England*, his Majesty was pleas'd to deliver the same to Sir *Thomas Osborne*, Knight and Baronet."  
 "Whitehall, June 23. In the last *Gazette*, there was an Omission of the Title of the Right Honourable Sir *Thomas Osborne*, who, for his great Merit and eminent Services, was, formerly, created Lord Viscount *Dunblaine* in *Scotland*; and, in further Confidence of his great Abilities, is now made Lord High Treasurer of *England*."

When his Lordship came to take the usual Oaths in the Court of Chancery, the Chancellor took the Opportunity to entertain him as follows:  
 "My Lord,  
 "Kings are as God, and bestow Honour, Riches and Power where they please; but in this they are as Men, that they can only choose, not make a Person adequate to their Employment; For, if their Choice be merely *Favour*, not *Fitness*, their Omnipotency is quickly fen through. There is no move to be asked of you in this Condition, but that you know your own Interest, and that will secure you to the King's and the Nation's. I repeat them thus together, because none but *Minister*'s in State-Matters can think of them alunder. And let me say to your Lordship, that however happy you have been in arriving to this high Station, yet *Fate* has not one *mine* of *Fortune*. Many great Men have proved unfortunate, in not observing that the Address and Means to attain great Things, are sometimes very different from those that are necessary to maintain and establish a sure and long Possession of them." The new Treasurer gave the Chancellor his Thanks in public; but the next Day, when he had consider'd the Terms of the Speech, it is said, he sent to revoke them.

without Success.

The Merit made of it at *Cologne*.

Lord Clifford resign'd: Sir Thomas Osborne made of it at *Cologne*.

Lord Clifford resign'd: Sir Thomas Osborne made of it at *Cologne*.

A. D. 1673.

*Don Bernard de Solinasariv* dat London; where he had been receiv'd and entertain'd with so much Civility, that the *French* mistook it for Confidence; and from these several Circumstances put together, concluded we were dispos'd to leave them to shift for themselves: How caustly has been already shewn.

But the very Steps that were taken by *England* more and more to oblige and make sure of *France*, render'd the *States* desperate; and they resolv'd immediately thereupon to close with the *Emperor* upon any Terms. Accordingly, they made such vigorous and effectual Instances, both at the *Imperial* and *Spanish* Courts, that the latter ratify'd their Treaty; the former join'd with it; and such Remittances of Money, both from *Spain* and *Holland*, were made to *Vinno*, as enabled his *Imperial* Majesty not only to take the Field, but to provide for his Troops through the whole Campaign.

It was impossible such Motions as these should be long a Secret at *Cologn*; the Mediators, on the contrary, soon receiv'd sufficient Intelligence of what was in Agitation, to give the Alarm to the *English*, and *French* Ministers, and to warn them of the insuperable Obstacles that must necessarily arise to a general Peace, in case they neglected this great and important Crisis. This drew the Secret from the first, That their Master would be content with *Goree* and the *Brill*, which was the *less*, they then said, he would go: But as to the *French*, they so little thought of Abatements, that they were not as yet furnish'd with Instructions on that Head: And, when they were, it appear'd, that the Moderation of his most Christian Majesty consisted in waving his former Claim of *Maffricht*, *Grove*, *Boisleduc*, *Breda*, *Bergen of Zoom*, *Lillo*, &c. with their Dependences, being generally the whole Country between the *Meuse* and the *Seldis*; and, in lieu of what he then possess'd, condescending to take up with the Town and Isle of *Bammell*, the Fort of *St. Audré*, the Isle of *Voorne*, the Town of *Nimeguen*, and that Part of *Guelderland* which lies between the *Waabl* and the *Meuse*.

About this Time the two *Dutch* Ministers *Beveren* and *Haren*, rejoin'd their Collegues at *Cologn*; but no longer with any sincere Purpose to expedite a Peace: On the contrary, both the *States* and the *Stadtbolder* had determin'd not to listen to the Proposals of the two Kings jointly; and having endeavour'd, tho' in vain, to detach his *Britannic* Majesty, had taken their Measures to carry on the War to the last Extremity; chusing rather to be undone by an obstinate Defence, than by a tame Submission.

It is needless to observe, that this Resolution was worthy of a free Republic: Every body must feel the Force of it; and had they acted any other Part, they had justly deserv'd to be render'd infamous to all future Ages.

From this Period, it is obvious to every Reader, that nothing was to be expected from the Congress; and that the sole Business of the *Dutch* was so to behave, as, if possi-

ble, to leave the Odium of the Disappointment on the Allies.

We do not think ourselves oblig'd, therefore, to pursue every particular Winding of this endless Maze; but only to touch on such remarkable Particulars, as serve to illustrate the several Views of the several Parties.

As the *States* had now alter'd their Measures, their Embassadors alter'd their Department: They had been refer'd, gloomy, and ambiguous, before; they were become explicit, confident, and open, now: No longer under the Awe of Slavery, they talk'd and acted like Men who resolv'd to be free: At which the Ministers, not only of the Allies, but the Mediators, took offence; as if it was Insolence in the Members of a Republic, to claim an Equality with those who had the Honour to have Kings for their Masters.

To the Proposals of *England* and *France*, which they receiv'd at their Departure, they brought Answers from the *States*, which partook of the same Spirit; and which appear'd nearer akin to Manifestos, in Justification of themselves, than Concessions to forward an Accommodation.

In their Reply to the *French* Demands, they ascrib'd the War to the Ill-will, or rather Malignity, of the most Christian King to their Government: They reproach'd him with having assist'd them from time to time, rather in shew than fact; and more than insinuated, that he dealt fraudulently with them during the last War with the *English*: For Peace-sake, however, they offer'd to surrender a great Part of the County of *Zutphen*, and the Town of *Hullst*, with its Dependences; with the Proviso, that they were deposited in the Hands of the *Spaniards*, till an Equivalent was provided for them.

It may be taken for granted, that they were as free in their Invectives against the Conduct of *England*; for their Letter to the Mediators, concerning the *English* Pretensions, consisted of six Leaves in Folio, written on both Sides; and the Paragraphs immediately to the Point did not begin till towards the Bottom of the Fourth. But the *English* Plenipotentiaries had the Discretion to decline the Hearing of what they were ill prepar'd to answer, and so dextrously avoided a Difficulty, which the *French* Plenipotentiaries fell into, and had no other way to get rid of, than by-urging, It was beneath the Greatness of their Master to shew Resentment on any such Account.

As to the Claims made upon them, they began with the *Flag*; and agreed, that his Majesty should be suffer'd to explain the Article in the Treaty of *Breda*, relating thereto, in his own Sense.

For the Sum of Money, the Answer was express, They would not give one Penny.

To the Fishery, they were content nothing should be said of that Matter in the Treaty.

To the Regulation of Commerce: They were not against a Treaty for that Purpose; but then it should be free; the Terms reciprocal; and the Sword out of the question.

A. D. 1673.

Chilsteph takes to England to preserve the Friendship of France make the States desperate.

Emperor and Spain come to their assistance.

English and French make Abatements in their Demands.

Beveren and Haren, the Dutch Ministers, return to Cologn.

Their Reply to the Demands of France.

and that of England.

A. D. 1671.

The Matter of *Surinam*, they said, was perfectly settled by the Treaty of *Breda*, and executed beyond Exception, on their part.

As to the Prince of *Orange*, there was so perfect an Understanding between the *States* and him, that they had express Orders from his Highness, not to admit any such Article to be treated of.

For *Cautionary Towns*, they were surpris'd at the Demand: His Majesty had no Advantage over them by his Arms; the *English* had been three times, in three several Wars, the Aggressors; and, therefore, Security belong'd more properly to them.

This was the Brief of their Reply; and, as we have had the Secret in their Treaty with *Spain*, there is no occasion to be more circumstantial.

The Court of *England* was now become sensible, that *Holland* would never comply with the Article of *Places*; that the Mediators had express'd their Disgust at the very Demand; and even that *France* would not effectually support them in it, and had therefore sent Orders to the Plenipotentiaries to drop it, in case the Peace could no otherwise take effect.

Finding therefore the *Dutch* Ministers so intractable, and the Peace growing desperate, *Jenkins* and *Williamson* were convinced, they could not retract this ungrateful Clause too soon: And accordingly did retract it in form; with the *Proviso*, however, that some farther Sum of Money besides the whole Million, or some *Places* or Things in the *Indies*, might be granted in lieu of it, together with all the rest of the Conditions before enumerated, to show how sincerely his Majesty desired the Peace, and how little he ever sought or intended the *Ruin* or *Destruction* of *Holland*.

It was upon this Occasion that the Mediators, express'd themselves to be so overflowing with Veneration for his Majesty's wonderful Moderation, and Condescension; and complain'd of the *Dutch* Embassadors, as fierce, rude, and intractable; because still persisting in their Refusal of one Penny, by way of Indemnification for the Expence of the War.

For Men indeed, who affect'd to be in search of the Paths of Peace, it cannot be deny'd, that their Behaviour was liable to Exception. When the Mediators talk'd, that the two Kings would prefix a Time for their final Answer; they reply'd, with a Mixture of Scorn and Indignation, that in ten Days, or as soon as they pleas'd, they should receive one. When the *French*, after this, made yet farther Abatements, and the *English* receiv'd Orders to wave that Article relating to the Perpetuity of the Stadholdership in the Family of the Prince of *Orange*, they continued still immovable, nor would make the smallest Advance, while the Points yet insisted on, continued to be so exorbitant: But, on the contrary, the 9th of *October*, they sent a Paper to the Mediators, by their Secretary, in which they formally and generally refus'd the Propositions of the two Kings, as excessive, ruinous, and introductory of eternal Servitude; declar'd, they had enter'd into Measures, for a War, with the

Emperor, the King of *Spain*, and the Duke of *Lorraine*; and, in a manner, protest'd against any further Proceedings in the Negotiation, till their Allies, the Emperor, the King of *Spain*, and the Duke of *Lorraine*, were admitted into it as Principals.

These Proceedings, and certain haughty and unpolish'd Expressions in their common Conversation, were the Crimes of which they were accus'd; for which they were publicly reproach'd with Arrogance, Rudeness, and Insolence; and for which the *States* themselves were made responsible, in all the Courts of *Europe*.

But those who were so severe in their Censures seem to give no Weight to the Propositions the *Dutch* had receiv'd; they do not carry their Reflections back to the Origin of the War; they do not take a Survey of the Calamities it had brought on their Country, or the ruinous and deplorable Condition in which it still continued; they do not recollect the dictatorial Air with which the Propositions of the two Kings had been made; and, least of all, do they attend to the Provision made in favour of *England*, by the separate Article of *de Lira's* Treaty, of *April*, between *Spain* and the *States*; and the Voyage and Reception of *Don Bernard de Salinas* to *England* in consequence of it; or care to know, that, after this last Effort, the *States* thought no more of Peace, unless upon such Terms as should equally consist with their Honour and their Interest.

It is further remarkable, that the Plenipotentiaries of *England* uniformly accuse their Brethren of *France*, as already has been instanced, of not being over-desirous of Peace, or solicitous to forward it; And, on the other hand, when it was apprehended the Congress was upon the point of breaking, and the *English* Ministers were for setting forth a Paper to justify themselves, and throw the Scandal of the Breach upon the *Dutch*, Mr. *Courtin* and his Followers took upon them to say, that, if they pretended to satisfy any Party with a Declaration, or Account in Writing, of their own, they would have a great Difficulty to calculate such Writing for the several and different Apprehensions of those concern'd in it: For tho' their own People at home, might be satisfy'd with the Demands they made, of Acknowledgment for the Fishery, the Settlement of their Commerce, and the Establishment of the Prince of *Orange* in the Place and Figure of his Ancestors, they would never be able to satisfy either the Mediators, or the uninterested Part of the World, in those their Pretensions; nay, that they, the Mediators, would have a plausible Pretence, very much to the Prejudice of the common Cause, not to execute their Treaty, or to declare against the *Dutch* (as they were oblig'd) while they should be able to say, That tho' *France*, and the two Bishops (of *Cologn* and *Munster*) had moderated themselves as much as could be desir'd, yet that they, the *Swedes*, could not declare, that *Holland* did refuse a Peace upon reasonable Terms, as long as *England*, one of the Allies, not to be separated in the Treaty, should stand upon things, that they

The Demand of Cautionary Towns retract- ed.

The Conduct of the Dutch Embassadors ex- ceed- ed.

The English and French satisfied with each other.



A. D. 1673. they could not pronounce to be reasonable: As, 1. Upon a new yearly Tribute, such as was never yet paid, for the Fishery. 2. Upon the nulling of Treaties (such as that with the King of *Macassar*, in the *East-Indies*) which contain Advantages which the *Dutch* had purchased with the Expence of their Blood and Treasure. And 3. Upon the Change of the very Essence of their Government, into such an Establishment as was demanded for the Prince of *Orange*.

Thus stands the Record in the Letters of Sir *Leoline Jenkins*, and hence it is manifest, that not only the *Dutch*, but even the Allies condemned each other.

In this Interval, viz. on the 11th of *August*, the two Fleets had come to another general Engagement, which was more obstinately fought than either of the former. The *Dutch* had two apparent Advantages; (a) the Wind, and the near Neighbourhood of their own Coasts (which they wisely retreated to, before they would venture to face the Enemy) and a third Incidental, which prov'd of more Consequence to them than both the others. The *French* with the *White Squadron*, had the *Van*, in order to begin the Action with Admiral *Bankert* and the *Zelanders*, which they made a Feint of doing, but soon gave over: Whence it follow'd, that Rear Admiral *Martel*, who was not in the Secret, and resolv'd to fight in earnest, was surrounded with five Ships at once; against all whom he nevertheless defended himself so bravely, that he disabled one, struck a Terror into the rest, and rejoyn'd his Squadron in safety.

It is to be presum'd that the general Orders which the Prince had given, were for the whole Fleet to work, as to endeavour to recover the Wind of the Enemy; in which Disposition the Battle began: Sir *Edward Spragge*, and Admiral *Van Tromp*, were Commanders of the same Turn and Character; fearless of Danger, careless of Life, covetous of Glory, impatient of Rivalship; they had always fought out each other in every Battle, as if neither knew of any other Enemy that was worth a Controversy: In this they again did the same: *Van Tromp* was now the Challenger; and *Spragge*, instead of continuing his Course, and keeping the Line, according to the Prince's Orders, was so fir'd with Indignation, to be call'd upon to fight, that he back'd his Sails, and waited for his daring Opponent, who, fierce as he was, kept aloof, ply'd him at Distance, and having the Wind, made his Impressions almost where he pleas'd.

In this Interval, the Prince and *de Ruyter* with the Centers of both Fleets were hotly, but unequally, engag'd. The Rashness of Sir *Edward Spragge* had given the *Dutch* Opportunity to intercept his own Rear Admiral, Sir *John Chickley* with his Division: And the *French*, on the other hand, with inexcusable Tameness or Perfidy, suffer'd *Bankert* to join *de Ruyter*, and fall upon the *English*, without stirring to the Assistance of the one, or of-

fering to give the least Interruption to the other; so that by Noon his Highness was wholly surrounded by the *Dutch*; being pres'd by *de Ruyter* and his Division on his Lee Quarter, an Admiral and two Flags more on his Weather Quarter, and the *Zealand Squadron* on his Broadside to Windward. On his own Magnanimity now depended both his Life and Glory; and so wisely did he give his Orders, and so bravely were they executed, both by Officers and Seamen, that in two Hours time, he made his Way through the Enemy, and rejoyn'd Sir *John Chickley*.

It was now he thought of the *Blue Squadron*, under Sir *Edward Spragge*, which was at three Leagues Distance, and of the Expediency of reuniting the whole Fleet. Accordingly he made all the Sail he could towards them; *de Ruyter* did the same to support *Van Tromp*; so both Fleets ran down Side by Side, within Cannon Shot, but not firing on either Side.

We left those Heroes, *Tromp* and *Spragge*, engag'd Ship to Ship, which last had fought for three Hours under the grievous Disadvantage of being to Leeward, and consequently blinded both with his own Smoke and that of the Enemy. Before one o'Clock, his Main, and Mizzen Masts, were carry'd by the Board; and *Tromp* thought of nothing less than boarding, or destroying him with his Fireships; but was prevented in both those Designs by the intrepid Earl of *Offory*, who not only supported *Spragge*, thro' the whole Engagement, but disabled his Enemy in the midst of his Triumph. *Spragge* took this Opportunity to leave his own Ship, the *Royal Prince*, and hoisted his Flag on board the *St. George*: *Tromp* did the same, quitting the *Golden Lion* for the *Comet Star*. And now to take or destroy the *Royal Prince*, became the greatest Enjeu of the *Dutch*, as it was the great Endeavour of the *English* to prevent it. This Trophy lost or gain'd, had put the Victory out of Dispute. All the Efforts, therefore, that Skill or Courage could make, were here exhausted; *Tromp* attack'd; *Spragge* defended. Fireships were let loose on one Side, and render'd ineffectual on the other. In the midst of this Variety of Horrors, the *St. George* lost her Main Mast; and as *Spragge* was going on board a third Ship, a Shot which had pass'd thro' the *St. George*, took his Boat, and he perish'd in the Ocean, over which he had so often triumph'd.

Such was the dreadful Scene, when Prince *Rupert* came up, who immediately order'd two Frigates to take the *Royal Prince* in tow; and then made a Signal for all the other Ships of the *Blue Squadron* to join him; but of those, only the two *Flags*, the Earl of *Offory*, and Sir *John Kemphorne*, were in a Condition to obey him: The rest were useless. His next Care, therefore, was to interpose between them and the Enemy: After which, he summon'd the *French*, who were all this while quiet Spectators of the Fray, to his Assistance, by hanging out the Signal for a general At-

(14) Which were owing to the *French*, who by twice the Night before, tho' they received repeated Orders from the Prince to make Sail.

A. D. 1673.  
Lives of the Admirals,  
v. ii. p. 312.

Sir E. Spragge  
drown'd.  
Philips,  
p. 593.

A. D. 1673.

Vol. p. 128.

A third Engagement of Sea.

A. D. 1673.

tack, which they were pleas'd not to regard now, and pretended not to understand afterwards.

At this Juncture, *de Ruyter*, with the Residue of the *Dutch Fleet*, came up close with the Prince, and renewed the Attack with all possible Fury. Out of ninety, his Highness had but thirteen serviceable Ships, exclusive of the *French*, remaining; yet even with this wretched Remnant of a Fleet, did he not only make Head against the Enemy, but recover'd the Wind, and by the Help of two Fireships, put them into great Disorder: Upon this he again made the Signal for the *French* to engage; and had they even then, late as it was, obey'd it, without sharing the Danger of the Fight, they would have acquir'd the Honour of the Victory: But they continu'd still insensible, and the Prince found it expedient to give over the Contest, and make the best of his way to Port, whither he carry'd along with him the Name and Merit of a (*b*) Victory, without any of the Advantage.

It is but Justice to the People of *England*, to observe, that they fight to the last; that they deride Danger, that they despise Death, and that Despair, which freezes the Hearts of most other Nations, only serves to render them more terrible. Thus, in the Case immediately before us, they owed their Safety to their invincible Resolution. Had they been capable of Fear, they had been destroy'd; and yet even here, while we do Honour to those who disdain'd to be conquer'd, can we help a Retrospect to those, who scarce ever

return'd, but indisputable Conquerors? *Blake*, *Dean*, &c. And who, at the End of our glorious War, gave Law to that very Commonwealth, which now could not be humbled by *two*, tho' in the last empowered with the united Arms of both *England* and *France*?

To return: Of the Behaviour of the *French*, something still remains to be said. In the first Engagement of this Summer, both Prince *Rupert* and *de Ruyter*, in their respective Accounts of the Battle, bear witness that they behaved bravely; and it is certain the Losses of that Day fell principally upon them. Hence a Jealousy arose that they were sacrific'd; and not only the *French* but the *English*, who were of that Faction, made no Scruple to declare as much. The Prince was charg'd with being averse to the War, and with betraying the Cause if it was his Duty to support; perhaps rather maliciously than truly: For what Man in his Series would prostitute his Interest, Importance and Glory, to gratify the Views of a Party? However this may be, in the Accounts of the second Engagement, no Mention is made of the *French* at all. And of the third, it does not appear that any Account was publish'd by Authority, tho' it is affirm'd in *Gazette* 149, that one was in the Press. It is notorious the Truth could not have been publish'd without creating a Quarrel between the two Nations; and we are told, the Prince in his Representations had not spar'd them: Their lying by twice, when they had express Orders to set sail; their quitting the Battle, almost

Lines of the Admirals, &c. II. p. 317.

(b) The Accounts sent by the Admiral *de Ruyter* and *Van Tromp*, to the States, were as follow:

" My Lord,  
" In my last of the 20th Instant, I gave you an Account that we that Day got Sight of the Enemies Fleet, which the Wind of us: We failed together that Night B. S. E. and when we supposed ourselves near enough to the Coast of *Holland*, we tack'd and stood W. N. W. when the Wind veer'd to the E. next morning by the Break of Day, we found ourselves within Sight of the Coast of *Holland*; and to Lewards of the Enemy, upon which, we gave the Signal to draw out into a Line, in order to attack the Enemy, who expect'd us with full Sail, so that between eight and nine we engag'd; we again Prince *Rupert*, the Heer *Banckers* against the Count *d'Elzevir*, and the Heer *Tromp* against Sir *Edward Spragge*. We engag'd through one another, so that sometimes the one, and sometimes the other had the Wind: The Enemy endeavour'd to do much with their Fireships, of which they had 28, and whereof they have just nine or ten, several of which our Shillips took, or forced to let themselves on fire: we likewise spent four or five. A Captain of an *English* Fireship brought on board me, reports that five or six Days since, the Enemy took a Forerunner of our *East India* Ships, who was separated from the rest. The Fight continu'd till after Sun-set, when the Enemy left us, and stood for their own Coast, being very much disabled. Sir *Edward Spragge's* Ship had lost all her Masts, and was tow'd off by several other Frigats. We know of one great *English* Man of War that is sunk. On the other Side we have not lost one Ship. Of our Commanders are Lieutenant Admiral *de Leiffth*, Vice-Admiral *Souwerij*, Captain *Van Gelder*, and Captain *Souwerij*; and others wounded. I shall hereafter give your Lordship a more particular Account. We thank almighty God that we can still keep at Sea.

MICHAEL DE RUYTER.

" My Lord,  
" The Royal Fleets of *England* and *France*, having the 20th Instant had the Wind of us, the 21st by break of Day we found them to the Leeward of us, the Wind E. S. E. a fair Gale, and good Weather, we being about a Mile from *Petion*, we failed together Northwards; about eight the Enemy came on, and stood to the Southwards, and we did the like, their Fleet consisting of 150 Sail great and small; Lieutenant Admiral *Banckers* had the Vanguard against the *French*, the Heer *de Ruyter* attack'd the Squadron of Prince *Rupert*,

and we that of Sir *Edward Spragge*. About nine our whole Fleet was engag'd, keeping our Course S. and by W. and S. S. W. We being come up with Sir *Edward Spragge*, did to entertain them with our Cannons, that we shot down the Main and Mizzen Masts, when we intended to have board'd him, or to have burnt him by one of our Fireships, but found for great Opposition from his Seconds, and other Ships of his Squadron, that we were wholly disabled, as well in our Sails as in our Rigging and Masts; whereupon we went over into the Cross Straits, and there put on the Admiral's Flag, which was about two in the Afternoon; in the mean time the Enemy had got the Wind of us, however, our Ships did not do the least their Duty, so that the Enemy have hardly five Ships but are so disabled, that they will long remember it. The Fight lasted till seven at Night, when we put them to flight. Lieutenant Admiral *Souwerij* being kill'd, I intend this Day to go on board his Ship the *Elephant*. We have not lost one Ship that I know of. What sail'd in *de Ruyter* and *Banckers* Squadrons, I refer you to them for an Account. I am, &c.

VAN TROMP.

(c) In *North's Examen*, p. 51, we find the following Passage, which the Author tells us was left by a Person of Honour who waited on King *Charles II*:

" XLIII. September 26, 1663. Upon Discourse with a Person well able to give an Account, I was told, that the last Dutch War, whilst the Duke of *York* commanded in Chief, the Earl of *Shaftsbury* advis'd in every thing, as if on purpose to ruin the Duke. And afterwards, when Prince *Rupert* commanded, who was apt to take the Advice of the Earl of *Shaftsbury*, the Prince carried every thing counter. And, when he had great Advantages of the *Dutch*, maliciously neglected them, to the Hazard of the Fleet; and acted in every thing as on purpose to ruin the *French*, who were still in *Bella*; and refused to lend Men in the *Helles* or *Pelides*, where it might have been in their Power, if *Holland* had refused a just Peace, to have drowned most of their Country. And when the Duke of *York*, in the Beginning of the Year, would have join in the *Schwarze*, the Earl of *Shaftsbury* was again in, and would not let it be; but, in *September*, would by all means have had it to do, till the Captains openly declared against it, because, as the Weather for the most part is then very casual, any Storm in the North-Weft would certainly have driven the Fleet upon the Coast, and lost all the great Ships."

moit at the very Onset; their leaving (d) *Martel* to be the Victim of his own Generosity, and their Neglect of the Prince's Signals, when first the Distresses of their Allies, and afterwards their own Glory call'd upon them not to earn, but accept of a Victory; were Circumstances which would admit of no Excuse nor Palliation: And if any had been attempted, it must have given rise to a Controversy, which would have let in more Light than the Times would bear: For it must have been prov'd, that either they had deserted their Friends, or were in concert with the Enemy; it being observable, the *Dutch* and *French* equally spared each other.

Nor were the Reflections of the Public confin'd to the *French* only: The Duke of *Tyck* had been oblig'd, by the *T. H. Act*, to avow himself a *Papist*, and quit his Employments, but was suffer'd to retain his Power over the Fleet: Hence, tho' the Prince had the Command, the Duke had the Influence; and it was alleg'd, that, in compliance to the last, all manner of Difficulties and Discouragements were thrown into the Way of the first, in order to furnish Pretences against his Conduct, and to disappoint his Views. These things were alleg'd, but with what Truth is uncertain. There were Factions in the Fleet, as well as at Court; and they made it their Business to asperse and blacken one another.

It has been already observ'd, that on the Success of this Summer depended the Continuance of the War: And it was more especially for this Reason, that nothing had been omitted, in the Way of Project or Preparation, to strike a decisive Blow, and compel the *Dutch* to comply with his Majesty's Demands. A Defeat was the great Object in view; and these several Engagements at Sea had been fought only to favour it: In the two first, Land-forces were actually sent on board the Fleet, on the Presumption, that they would be useful in the Action, and, without that they might be in readiness to disembark when it was over: But the Inconveniences attending them were found an Over-balance to their Usefulness: For which Reason, during the third Expedition, they were left encamp'd at (e) *Yarmouth*, to the Number of Six thousand, under the Command of Count *Schomberg*; whence it was understood they might easily and speedily be waisted over to *Zeebad*, as soon as the allied Fleet had clear'd the Sea of the Enemy.

But the *French*, who did not like our pre-

sent Demands on the *Dutch*, had no Intention that we should have it in our Power both to enslave, and to exact the Performance of them; and therefore took care, as we have seen, to render this great Design abortive.

There was still one Enterprize more, which the King countenanced, and which promis'd fair to soften at least, if not atone for, the Miscarriages of the Year: It was a Design of the Earl of *Ossory's* upon *Helvoetslooy*; who, when he was last in *Holland*, had there seen with Indignation the *Royal Charles*, taken by the *Dutch* at *Chatham*, laid up, with all the *Maest* Squadron, as in a secure Harbour, and he had, from that time, been desirous of an Opportunity to revenge the Disgrace that this Nation suffer'd at *Chatham*, by returning another of the like kind upon *Holland*.

He received about this time Advice from a Correspondent in that Country, that this Place, where Twenty-two of the largest of the *Dutch* Men of War were laid up close by one another, and which for its great Importance, used to be well guarded, was then left with a small Garrison of only two Companies of Foot; and that the Batteries at the Entrance of the Port, were in no good Condition. His Lordship thereupon sent M. *St. Paul*, his Gentleman of the Horse, who, though a *Frenchman*, spoke very good *Dutch*, and having married a *Dutchwoman* of the *Hague*, had Acquaintance in that Town, and the Country about it, to take an exact Account of the Place, and bring him a Plan thereof. *St. Paul* executed his Commission with much Industry and Exactness, and great Hazard of his Life: And when he brought the Account to *Whitehall*, his Majesty was so pleas'd with it, that he promis'd him a considerable Reward for his Pains, tho' he never had it. The Execution of the Design appearing very feasible, the Earl obtain'd the King's Orders and Instructions to go with ten Frigates and two thousand Landmen, to make a Descent at *Helvoetslooy*, and to destroy the *Royal Charles*, and such other Ships as he found there. Every thing was ready; but on the same Night that he was to take his Leave, and to go on board, in order to execute his Design, he received the King's Countermand; which gave him much Trouble and Vexation. Sir *John Narborough*, who was to command next to his Lordship in this Expedition, knew the Coast of *Holland* and the Port of *Helvoetslooy* perfectly well, and was to discharge the Part of chief Pilot in the Action. When the King made Difficulties in the Matter, Sir

*John*

(d) When that Admiral reproach'd the Captain of his own Division for deserting him so basely, they told him plainly, they had Orders from the Admiral not to observe his Actions. [Lives of the Admirals, vol. II. p. 312.]

(e) At his Return to *Paris*, he was recomitted to the *Bijlib*; and the Relation of the Battle, which he had prepar'd, was suppress'd. The Author of the Lives of the Admirals has perceiv'd the Conclusion of it; which it seems had found its way to *England*, and was publish'd in a Piece call'd, An exact Relation of the Actions of the Fleet, under Prince *Robert*. London, printed An. 1673; and was to this Effect: "That if Count *d'Effres* would have fallen in with a fair Wind upon *de Ruyter* and *Bunker*, at their first engaging, when his Numbers they much exceeded the Prince, they must of necessity have been codin'd between his Highness and

*d'Effres*; and so the Enemy would have been entirely defeated."

(f) The Author of the Lives of the Admirals, inverts the Order of these two Facts: According to him (vol. II. p. 306.) it was during the first Engagement these Forces, under the Command of Count *Schomberg* by company'd at *Yarmouth*: And (p. 309.) during the last, they were on board the Fleet. But in the Gazette, N. 807, there is the following Article:

"*Yarmouth*, Aug. 11. (The Day of the last Engagement) The Camp here continues very orderly and in good Condition, and the Soldiers very healthy. This Evening was bury'd one, who was accidentally kill'd by his Fellow-Soldier; and made up the Tenth that had dy'd since they came ashore here."

A. D. 1673. *John* told him, he would undertake, at the Peril of his Head, to carry in the Ships at Half-flood; and the Earl undertook to tell his Majesty, "that he would fire the Dutch Ships with a Half-penny Candle, or he should place his Head upon Westminster-Hall, by Cromwell's, for the greatest Traitor that ever breath'd." It was, in truth, the Easiness of executing a great Enterprize that caused it to be thwarted by a very great Man, who was jealous of the Glory that would thence redound to the Earl of *Offory*.

Vol. i. p. 335. Bishop *Burnet* makes no Difficulty to assure us, that this great Man was the Duke of *Buckingham*; and that he carry'd his Point by endeavouring to make the Design appear ridiculous, (g) impracticable, and tending to put things out of a Possibility of Treaty or Reconciliation.

According to Order of Time, we are now to resume the Consideration of our parliamentary Affairs: But some previous Reflections are necessary to clear our Way.

It was the great and noble Endeavour of our *Saxon* Ancestors, to find out the golden Mean of Government, by which, sufficient Power was lodg'd in the Crown, and sufficient Liberty was provided for the People: And as long as that just and happy Proportion is duly observ'd, no System whatever can be productive of more Ease to those who govern, or more Happiness to those who obey.

But there is in human Nature a rebellious Principle, that ever tends to Excess: And hence it has arisen, that even the very Limitations, which were set to the Subjects Privilege on one hand, and the Royal Prerogative on the other, have kept the Societies they were meant to temper into Quiet and Repose, in perpetual Tumults; which have, by turns, endanger'd and preserv'd the Constitution: Kings grew uneasy under the Restraint of Laws, and endeavour'd to substitute Will and Pleasure in their room: And, when the People got uppermost, they thought Self-preservation entitled them to make Reprisals on their Kings.

In the Course of the Reign before us, we have had abundant Proof, that the great Scope and Drift of it was, to subvert the Constitution; and either to lay aside Parliaments for good and all, or (suffer them to fit,

like those of *France*; to give a Sanction to the Edicts of the Sovereign.

The Notoriety of this Design made it the Interest of one of the most ductile Parliaments, that, till this Period, the Nation had ever seen, to stop in their mid Career of Loyalty and Devotion, and oppose the Crown with as much Vehemence as they had ever serv'd it. By this means, Oppression was forced to quit her Hold, to disown her Purposes, and to make Professions of governing, for the Time to come, as the Laws should direct.

Thus far then Opposition, which is the first Stage of Resistance, was not only wholesome and useful, but indispensably necessary.

We are now to observe, whether the Demon of Faction, that other Pest of limited Governments, did not mix with the Sons of *God*, and dishonour the glorious Name of *Patriotism*, which it assum'd.

Bishop *Burnet*, speaking of the Dutch Embassadors, who were confin'd at *White-Church-Court*, asserts, "That they met secretly with many in *England*, and inform'd themselves by them of the State of the Nation: That they gave Money liberally, and gain'd some in the chief Offices to give them Intelligence."

It appears by Lord *Arlington's* Letters to Sir *William Godolphin* and Sir *Bernard Gascoigne*, that the States were confident, that the Parliament would neither countenance nor aid the King, in his War against them; which carries with it a shrewd Indication, that they had Reason to believe, they had a better Interest in the House of Commons, than the King himself.

In a Letter from Sir *Lionel Jenkins* and Sir *Joseph Williamson* to Lord *Arlington*, dated September 17, we are inform'd, that Mr. *Owen*, one of the Dutch Plenipotentiaries, had already a Secret, that the King would prorogue (in these said, adjourn) the Parliament from the 20th to the 30th of *October*; and he actually did prorogue the Parliament till the 27th, as we shall presently see.

And in another from the same Ministers, dated *October 4*, there is a Passage that says, "Holland and Spain have, for these three or four Months, in the most exprets and presumptuous Terms imaginable, undertaken, in a manner, to all this Part of the World, that

(f) It ought to be remember'd, to the Honour of this Nobleman, that, after the *Sadley* Fight on *June 3*, 1672, he sent one Mr. *Mulvey* to visit the sick and wounded Seamen in *St. Thomas's* Hospital in *Southwark*, and to relieve them according as he found their Necessities. Pursuant to his Orders, *Mulvey* gave to those he found most maim'd 4s. 6d. to such as had a left Hart 20s. and to those who had the slightest Wounds 10s. a piece. In *September* that Year he was elected Knight of the Garter, and install'd at *Winster* the 27th of the next Month: And that, in the *November* following, he was sent as Envoy Extraordinary to the Court of *France*, with Compliments of Condolence to that King, upon the Death of *Louis Francis* of *France*, Duke of *Bourbon*. He was highly cavil'd in that Court, and treated in some respects with the same Honours as a Prince of the Blood. The King press'd him to take a Command in his Army, and bidding him sit what Appointments he pleas'd, added, "as if in *Frans au desle*. I know I shall be) though you are born to a great Estate, yet whilst your Father lives, you are in

"the Condition of a Cader." His Lordship excusing himself, the King sent Mr. *de Tournon* the next Day to his Lordship, who told him, that the King was pleas'd to bestow a Command upon him, and desired him to sit what Command he would like of, and that in sitting he would be as bold as a Lion. His Lordship returned him a Conyolvement in answer 4 upon which he said, "Come, my Lord, I see you are not dead; let me speak for you. Will 20,000 *Pistoles* for Equipage, and 20,000 *Pistoles* a Year do? if not, say what will you have, and chuse what Command you please." The Earl Bill declined the Offer, saying, he was already engag'd in the Sea-service of his own Prince in the War against the *Dutch*. At his parting from the Court of *France*, he was presented with a Jewel of 2000 *l. Value*.

(g) Mr. *Certe* adds, That Mr. *Ellis* was afterwards upon the Place with his Lordship, who found the Plan *St. Paul* had brought him very exact, and the thing as easy to have been executed, as he had before imagin'd.

A. D. 1693. that the Parliament, at their Meeting, will not only peremptorily refuse all manner of Supplies to the King, but proceed to the obliging his Majesty, forthwith to change all his foreign Alliances and Interests."

No doubt the King's Interests, and that of the Nation, had hitherto appear'd to be widely different: And the Alliances he had fram'd, tho' favourable to himself, were ruinous to his People. It was therefore the Duty of the People's Representative to oppose them; but not in concert with an open Enemy: Such a Concert it appears there was; and it is scarce reasonable to suppose it had any other than a criminal Foundation. In a word, under the Shadow of Oppression and Corruption, Faction takes the surest Root, and spreads to the largest Growth: Remove the Plant, and you kill the Weed: And in an Age of Prostitution, those who cannot sell themselves at their own Price at home, if there is a foreign Market, will find their Way to it.

During the Recess, the Duke of York, to strengthen his Interest, had enter'd into a close Connection with France, and resolv'd upon a second Marriage, with the Daughter of the Duke of Modena. The Earl of Peterborough was his Agent at that Court; and found no other Difficulty in accomplishing the Match, than what arose from the Court of Rome, where a Resolution had been taken to insult on a PUBLIC CHAPEL, for the Exercise of the Roman Catholic Religion. This could not be comply'd with; the Court of Modena demurr'd; Time pass'd: It was foreseen, that the Parliament, at their next Meeting, would reform the Bill for preventing the Intermarriages of the Royal Family with Papists. It was levelled at the Duke, and he was under the greatest Concern to disappoint the Effects of it; which he call'd being expos'd to the Violence of Parliament. While he was thus perplex'd, the Court of Rome yielded: Lord Peterborough marry'd her, as the Duke's Proxy, and conducted her to Paris.

When the Affair had gone thus far, both Houses met, according to Adjournment; and, for fear the Commons should proceed on the Marriage, the Duke induced his Majesty to prorogue the Parliament for a Week: A Commission was granted for that Purpose; his Highness went early to the House, to press the calling up the Commons, before they could proceed to Business: Some Peers were that Day to be introduced; he urged the Chancellor to put that off, and to expedite the Prorogation: His Lordship coolly reply'd, *There was no Hasten*; and, in the mean time, the Commons resolv'd; That an Address be made to his Majesty, with the humble Desire of the House, that the intended Marriage of his Royal Highness with the Princess of Modena be not consummated; and that he may not be marry'd to any Person, but of the Protestant Religion. So much was the Temper of the House alter'd! They who had consiv'd at Sir Bernard Gascoigne's Treaty for the Roman Catholic Archduchess of Inspruck, tho' known to all Europe, now

declar'd against the Princess of Modena, for no other apparent Reason, but because she was a Roman Catholic too! It was, however, owing to this fatal Spark, that so fierce a Fire was kindled in the Nation: The presumptive Heir to the Crown, by declaring himself a Papist, and by marrying a Papist, at a time, when the Growth of Popery was the Burden of every Session, alarm'd the Fearful, provok'd the Bold, and furnish'd the Designing with Pretences to render him obnoxious to the whole Nation: And, on the other hand, this personal Attack on the presumptive Heir exasperated him against Parliaments, and made him sonder than ever of those violent Councils, which, at the long run, completed his Ruin.

As to the Chancellor's Conduct, it was, to the last degree, mysterious: Tho' he had thus unpardonably offended the Duke, he still endeavour'd to make himself necessary to the King; and yet, with the Purse and Mace in his Eye, he talked with all the Warmth and Severity of Censure upon the Court, his Wit and Invention could suggest. Tho' out of Favour, he had been suffer'd hitherto to hold his Place, in Hope, that, by way of Return, he would manage the Session; as to procure a Supply for the Support of another Year's War; and how far he prostituted either his Credit, or Sincerity, as well as his Eloquence, in that Service, will be seen in his Speech to the two Houses.

Upon the 27th of October, his Majesty open'd the Session with a Speech, in which are the following Paragraphs:

"My Lords and Gentlemen,  
"I thought to have welcomed you with an honourable Peace; but the Dutch have disappointed me in that Expectation, and have treated my Embassadors at Cologne with the Contempt of Conquerors, and not as might be expected from Men in their Condition. They have other Thoughts than Peace. This obligeth me to move you again for a Supply; the Safety and Honour of the Nation necessarily requiring it.  
"The great Experience I have had of you, Gentlemen of the House of Commons, will not suffer me to believe, that the Artifices of our Enemies can possibly divert you from giving me this Supply, or that you can fail of adjusting the Proportion of it. I hope I need not use many Words to persuade you, that I am steady in maintaining all the Professions and Promises I have made you concerning Religion and Property: And I shall be very ready to give you fresh Instances of my Zeal, for preserving the establish'd Religion and Laws as often as any Occasion shall require."

His Majesty then recommended his Debt to the Goldsmiths to their Care and Consideration, and refer'd what was farther to be said to his Chancellor, who had now found cause to sink a Note in his Declaration against the Dutch; and instead of DELENDA EST CARTHAGO, contented himself with saying, That the King was oblig'd to see the House

Duke of York's Marriage with the Princess of Modena.

Burnet, vol. 1. p. 353.

p. 361.

Transcrib'd by the House of Commons.

A. D. 1673.

North's Examen, p. 47.

Twelfth Session.

King's Speech.

The Lord Chancellor's.

A. D. 1673.

House of Orange settled, and the (b) LOVES-TEIN, that CARTHAGINIAN PARTY, brought down; either forgetting or fancying the World had forgot, that the Populace of Holland had already sufficiently brought down the *Loveslein* Party, and sufficiently exalted the House of Orange. In this Outlet he affirm'd, "The King's Aims were not *Conquell*, unless by Obstinacy enforc'd, and that his Condescensions at the Treaty had been so great, that the very MEDIATORS had declar'd that (i) they were not reasonable to be refus'd." He then undertook to enumerate his Majesty's Demands, specifying the *Flog*, the *Fishery*, the *Stadtholdership*, and the *East India Commerce*; adding, *These were all, of any moment, the King insisted on*; so that the Million Sterling for the Charge of the War, was not worth mentioning. He then proceeded to say:

"In return to this candid, and fair proceeding on the King's Part, his Majesty assures you, he hath received nothing but the most scornful and contemptuous Treatment imaginable; Papers deliver'd in to the Mediators, own'd by them to be stuff'd with so unhandsome Language, that they were alarm'd and refus'd to shew them; never agreeing to any Article about the *Flog*, that was clear or plain; refusing any Article of the *Fishing*, but such a one, as might sell them the Right of Inheritance, for an inconsiderable Sum of Money, &c."

And in another Place.

"This being the true and natural State of Things, his Majesty doth with great Assurance throw himself into the Arms of you his Parliament, for a Supply suitable to this great Affair he is engag'd in. When you consider we are an Island, 'tis not Riches nor Greatness we contend for; yet those must attend the Success; but it is our very Beings are in question: We fight *pro Aris & Focis* in this War. We are no longer free-Men, being Islanders, and Neighbours, if they master us at Sea. There is not so lawful or commendable Jealousy in the World, as an Englishman's, of the growing Greatness of any Prince or State at Sea. If you permit the Sea, our *British Wife*, to be ravish'd, an eternal Mark of Infamy will stick upon us. As for the next Part of the King's Speech, I can add nothing to what his Majesty hath said. For as to Religion and Property, his Heart is with your Heart, perfectly with your Heart."

From the Circumstances already recounted, both of the War and the Negotiations at *Cologn*, the attentive Reader will easily discover the Disingenuity of this Harangue; and that the Word *Artifices* in that of the King may be understood, it is necessary to add, That the States had sent a Letter to his Majesty by a *Trumpeter*, dated *October 14*, which

the Chancellor took occasion to call, *An Appeal to his Majesty's People against himself*. It contain'd a general Deduction of the Expedients they then had taken to prevent the Rupture, and their Advances towards an Accommodation; having a general Tendency to exculpate themselves, and throw all the Blame upon the evil-minded Persons who had exasperated his Majesty against them. In particular, it declar'd, that by the Minister of *Brandenburg*, those of *Spain*, and even by the Prince of *Orange*, they had represented their ardent Desire and Disposition to do any thing in their Power, to acquire again the Honour of his Majesty's good Correspondence; but that all had provid' in vain, and that his Majesty had not been induc'd by any Motive, to abate any thing of his first Rigour.

Unfortunately for the States, in their Conclusion they said too much, and in their Promises too little. The King, in his Answer, which, together with the Letter, was made (k) public, appeal'd to the Mediators themselves, to bear witness, that he had retrench'd at least one half of his first Demands, and very artificially drew his principal Interests from the Behaviour of the *Dutch* Ministers at *Cologn*, instead of the Advances made by the States, by the Interposition of *Brandenburg*, *Spain*, and the Prince of *Orange* in *England*. Of this Advantage was taken to affirm, that the Prince had never made his Majesty any Overtures of Peace; that the *Brandenburg* Minister had no other Commission, than to incline his Majesty, at the Recommendation of his Matter, to hearken to those that should be made; and that the Ministers of *Spain* never offer'd any Conditions, nor perform'd any other Office, than in general Terms, to incline the King to the Thoughts of Peace, which, it was said, he ever accept'd kindly of them.

How *Dag Bernard de Solinas* was receiv'd, who was sent with an express Commission to solicit the Peace, we have already seen even in Lord *Arlington's* own Words; and it is now necessary to add, That he was on the Point of setting out again on the same Errand, but was stopp'd at the Instance of our Court, as the same Minister farther acknowledges in his Dispatch of *September 25* to Sir *William Gabelphin*. The Sum of the whole Controversy is this: The States were ready and willing to purchase a separate Peace with *England*; but were determined to put all to the Hazard, rather than make the Concessions requir'd to her, while she continu'd holding up the Train of *Prussia*, and bearing an under Part in the Ruin of the Republic.

But the King's Wants and the King's Supply, tho' forcibly recommended in the two

Speeches,

(k) The Party in *Holland* against a *Stadtholder*, so called from the Castle of *Loveslein*, where the Father of the Prince of *Orange* had inscribed certain of the States, when he had entertain'd Designs on the Liberties of his Country.

(l) The *Dutch* complain'd of this Passage to the Mediators at *Cologn*, and they excus'd themselves on the Difficulty of

fixing the true Sense of the Expressions of another Language.

(m) Both are preserv'd in the Collection of Lord *Somerset's* from whence these Extracts are made. By the Words *Loveslein's* Party, which are us'd more than once in the Answer, it is reasonable to think, it was drawn up by the Chancellor.

Speeches, were no longer, it seems, to be the great Hinges of a Session: On the contrary, *Petitions* and *Grievances* were brought into play in their stead; and the Designs which had been entertain'd against Parliaments, now recoi'd in a most formidable manner on the Advisers. If the Nation was warm, the House of Commons was in a Flame, and such a Spirit of Opposition rag'd amongst them, as seem'd to argue, that the Struggle *pro Aris & Focis*, was rather with the King and his Ministers, than the States of the United Provinces, with whom we were at open War.

Order the 5th of November to be solemnly observ'd.

The first Alarm they thought proper to give the Public, was by an Order for the solemn Observance of the fifth of November; after which they adjourn'd for two Days; and in that Interval the Court thought it advisable to draw up an Answer to their former Address concerning the Duke's Marriage, in hope it would oblige them to waive any further Controversy on that Head; for, in it, they were told, That the Marriage was not barely intended, but completed, according to the Forms us'd among Princes, and by his Royal Consent and Authority; as likewise, That he could not suppose it would prove disagreeable to the House of Commons, since they had not taken the least Exception to the Treaty that had been carry'd on to the like End, in the View of the whole World, before. But it fill'd of the Effect desired; the Majority were still unsatisfy'd, and another Address was order'd against the said Marriage, with Reasons, tending to prove how much it would contribute to the Growth of *Papery*, as likewise to lessen the Affection of the People to his Royal Highness; and that Marriages by Proxy were dissolvable. On the receiving this Address, his Majesty said, That it was a Matter he would take into his present Consideration, and that he would speedily return an Answer.

Address against the Duke's Marriage, with Reasons.

Vote a general Test between Protestants and Papists.

In the mean time the House proceeded to vote, That a Bill should be prepared for a general Test between *Protestants* and *Papists*; by which, those who refus'd to take it, were to be render'd incapable of bearing any Office, military or civil, or to sit in Parliament, or to come within five Miles of the Court. They, likewise, endeavour'd to rouse the Passions of the Nation, by ordering an Address for a general Fast, and made their Court to the Clergy, by a Bill for the Repair of Churches, and for the better Recovery of small Tythes.

Address for a Fast; and court the Clergy.

They, likewise, made good the confident Declarations of the *Spanish* and *Dutch* Ministers before (spoken of, by a Vote, "That the House, considering the present Condition of the Nation, would not take into any further Debate the Consideration of any Aid or Supply, or Charge upon the Subject, before the Time of Payment of the eighteen Months

Assessment, granted by a late Act of Parliament, entitled, *An Act for raising the Sum of twelve hundred thirty-eight Thousand seven Hundred and fifty Pounds* be expired; except it should appear that the Obtinancy of the *Dutch* should render it necessary; nor before this Kingdom be effectually secured from *Papery* and *Papists* Counsellors, and the other present Grievances be redress'd." And, either to deliver themselves from the Terrors of a standing Army, or to compel his Majesty to strike up a separate Peace with *Holland*, they prepar'd an Address, representing, that the standing Army was a Grievance, and a Burthen to the Nation. This was agreed to November 4, in the Forenoon, and was to have been presented to him in the Afternoon: But the King (1) disappointed all, by coming unexpectedly to the House of Lords, and ordering the Commons to attend him. It happen'd, that the *Speaker* and the *Usher* met both at the Door of the House of Commons; and the *Speaker* being got within the House, some of the Members suddenly shut the Door, and cry'd out, *To the Chair! To the Chair!* While others cry'd, *The Black-Rod is at the Door!* The *Speaker* was immediately hurry'd to the Chair, and then it was mov'd, 1. That our Alliance with *France* was a Grievance. 2. That the evil Counsellors about the King were a Grievance; and 3. That the Duke of *Lauderdale* was a Grievance, and not fit to be trusted or employ'd in any Office or Place of Trust. Upon which there was a general Cry, *To the Question! To the Question!* But the *Black-Rod* knocking earnestly at the Door, the *Speaker* leapt out of the Chair, and the House rose in great Confusion.

A.D. 1675.

[Echard.]

Other Grievances.

What a dreadful Picture have we here of the Disorders of these Times! It has been acknowledg'd there was sufficient Cause for a close Enquiry into the State of the Nation, and a firm Opposition to the favourite Views of the Court; as also, that the Alliance with *France*, and the Ruin of *Holland*, were equally inconsistent with the Interest and Safety of *England*: But surely such Violence and Fury, without any previous Remonstrances or Endeavours to bring the Court to Reason, more resembled the Turbulence of a Faction, than the Regularity and Decorum of a Senate.

Speaking of this short and angry Session, *Bishop Kennet* is pleas'd to say, That they, *Palmer*, p. 325. the Commons, did in effect declare for a speedy Peace, and encourage the States of *Severin* *Carroll* *Holland* to enter into a secret Correspondence with them on that Occasion. *Bishop Burnet* adds, That, after the Peace, *Sir Joseph Williamson* apply'd to *Wiguesfort*, who had been employ'd by the *Dutch* to translate their Intelligence from *England*, to betray his Trust, by giving up what Originals were left in his Hands; which he did: But his Discoveries reaching no higher than *one du Maslin*, a Clerk

*Severin* *Carroll* *Holland* to enter into a secret Correspondence with them on that Occasion. *Bishop Burnet* adds, That, after the Peace, *Sir Joseph Williamson* apply'd to *Wiguesfort*, who had been employ'd by the *Dutch* to translate their Intelligence from *England*, to betray his Trust, by giving up what Originals were left in his Hands; which he did: But his Discoveries reaching no higher than *one du Maslin*, a Clerk

(1) On the Morrow a Sermon was to have been preach'd before them by *Dr. Stillingfleet*. And *Oldmixon* asserts, That some time this Session, a wooden Star, such as the Peasants wear in *France*, with the Arms of *England* drawn at one

End of it, and those of *France* on the other, with these Words in the Interval, *Utrum horum movet occipit*, was laid in the Parliament House, near the *Speaker's* Chair.

A. D. 1673. Clerk in Lord *Arlington's* Office, and *Howard*, afterwards Lord *Howard of Efcrick*, Sir *William Temple*, when sent again into *Holland*, was order'd to worm the Secret out of the Prince; and, after him, Lord *Arlington* himself. Sir *William* says, that it was believ'd Lord *Shaftsbury* himself was one of those, who, among many others, had *trinkled*, at least, with *Holland*, about raising Seditions, and perhaps Insurrections, in *England*, if the War continued. He adds, the Prince was staunch, and said, "He was sure the King would not press him to a thing so much against his Honour, as to betray Men, who professed to be his Friends."

Temple's Works, v. 1. p. 394.

He did, however confess to Sir *William*, "That during the War, neither the States nor he in particular, were without Applications made to them from several Persons, and considerable, in *England*, who would fain have engag'd him to head the Discontents that were rais'd by the Conduct of the Court in that whole War, which he knew was begun and carry'd on quite contrary to the Humour of the Nation, and might have prov'd very dangerous to the Crown, if it had not ended as it did."

We have here an Acknowledgment that such a Correspondence there was, tho' no Proof was sutler to appear against particular Persons: And hence we are authoris'd to express, that tho' the Measures of the Court were such as afforded very reasonable Grounds for an Opposition, yet the Opposition was form'd with such Views, was carry'd on by such Means, and was calculated to answer such Ends, as argued it was rather under the Direction of a *Cataline*, than a *Brutus*; and tended rather to gratify the Spleen or Ambition of private Persons, than to promote the true Interest of the Commonwealth.

The Commons faithful.

On the other hand, if the Commons were factious, the King was infatuated; and, hearkening to the Dictates of Passion more than Policy, inclin'd more than ever to persevere in his Connections with *France*, and to proceed with that insidious Power in reducing the *Dutch*: The more Interest they appear'd to have in his own Dominions, the more Reason he had to be exasperated against them: But, withal, it was the more necessary to make up with them. This, however, he either could not, or would not, see: And in his very Speech to both Houses, at the Prorogation, when he declar'd his Intention to make a short Recess, that all good Men might recollect themselves, he added, "And consider, whether the present Posture of Affairs would not rather require their Application to Matters of Religion, and Support against our only Competitors at Sea, than to things of less Importance."

Sketches for continuing the War, in his Speech at the Prorogation.

By this contending for the Continuance of the War with *Holland*, against the manifest Bent both of his Parliament and People, the Mention he was pleas'd to make of Religion was of no Force; or rather came to be consider'd as a Blind, behind which he

design'd to execute his Purposes more securely. That very War was look'd upon as the great Engine of Popery; and as long as it was pursu'd, no Temperament of the Court could pacify the Fears of the People.

A. D. 1673.

For this Reason it was, that all the several Articles which were inserted, during the Recess, in the *Gazette*, to show how solicitous the Court was to discountenance Popery (by sending for the two Chief Justices and the Chief Baron to Council, and commanding them to consider of the most effectual Means to put the Laws in Execution against *Papists Recusants*; and by ordering, that no *Roman Catholic*, or reputed *Roman Catholic*, should presume to come into his Majesty's Presence, or to the Place where his Court should be, or into *St. James's House*, then the Residence of the Duke, or into *St. James's Park*) had no other Effect, than to excite the Scorn and Indignation of the Public, against those who could fancy they were to be impos'd upon by such flimsy Artifices.

Articles in the Gazette, to show the People.

An Expedient of a more rational and important Nature was, indeed, propos'd by the Duke of *Ormond* and Secretary *Coventry* (Bishop *Burnet* adds Lord *Shaftsbury*) supported by Lord *Arlington*; which was, for the King to remove the Duke wholly from Court and public Business, till the Fears and Jealousies of the People subsided: But it did not take effect: The Duke being founded upon it, by the King's Directions, profess'd a Readiness to obey his Majesty's Orders; but withal declar'd, he should look on those as his Enemies, who should give him any such Advice: This was enough to break the Measure: The King would not disoblige his Brother, to reconcile himself to his People; but continued to entangle himself in the Web, which he had neither Patience enough to struggle with, nor Courage to break thro'.

Proposal for the Duke of York to submit himself.

Temple's Memoirs, vol. 1. p. 395.

Burnet, v. 1. p. 305.

The Parliament had been prorogu'd till the 7th of *January*; and in the very next *Gazette* which was publish'd afterwards, Notice was given to the Public, that the King had been pleas'd to TAKE the Great Seal from Lord *Shaftsbury*, and to give it to Sir *Henry Finch*, with the Title of *Lord Keeper*.

Numb. 82.

The Seal taken from Lord Shaftsbury, and given to Sir H. Finch.

Thus the Duke was reveng'd on that Lord; for we are told, that it was at his Instance that he was remov'd, for the Displeasure he had given him: But how dear did that Revenge cost him! And what Reason had he afterwards to wish, that he had never enter'd the Lists with so desperate an Enemy!

Burnet, v. 1. p. 305.

His Lordship had taken equal Care to fill gently at Court, and to be receiv'd into the Arms of the People. He had been manifestly in the Depth of all the Wickedness, which gave such Strength and Credit to the Opposition; and now he took upon him avowedly to direct that Opposition, and open'd the Cry against the very Measures he had countenanced, if not advised. What is stranger still, the Opposition came forward to meet him, gave themselves up to his Conduct, consented to fight under his Banner, and avail'd themselves of the Goodness of his Head, tho' so well convinced of the Hollowiness of his Heart. Patriotism, like Charity,

Lord Shaftsbury leads the Opposition.



A. D. 1673. cover'd all his Sins: He was politically regenerated; and, from being the Scourge, was look'd upon as the Saviour, of the People.

The great Business of detecting and exposing the ill Designs of the Court, of questioning the Malversation of Ministers, and of kindling a due Repentment in the People, was no longer pursued in the loose and desultory Manner it had hitherto been: Opposition became a Science, was reduced into a System, had a stated Point in view, was furnish'd with all imaginable Ways and Means to compass it, and, for a while, continued so to enlarge its Vortex, as almost to draw in the whole People.

Proceedings of the Scots Parliament.

Hitherto, all had been quiet in Scotland; tho' that Kingdom had scarce ever receiv'd so many, or such high Provocations, as under the Tyranny of *Lauderdale*. An Opposition had been talk'd of by *Duke Hamilton*; but his Grace was talk'd out of his Opposition. But now a Train of Communication was laid between the two Nations, and two Mines were sprung together.

In the Scottish Parliament of 1673, after the *Nonconformists* had been allow'd a breathing time from their Oppressions, it was thought proper to resume the Rod, and to use it more unmercifully than ever; It being then statuted, that no *Nonconform Minister* not licens'd by Council, or *uber Person* not authoris'd by the Bishop, should pray to God in any Meeting, except in their own Houses; and if *there* to more than four not being of their own Families, to be held guilty of Conventicle Keeping, and to be punish'd accordingly; And that whosoever, without Licence or Authority, as aforesaid, should preach or pray at any *Field Meeting*, or should convocate such Meetings, should be punish'd with DEATH and CONFISCATION OF THEIR GOODS; and the Seizures of such Persons, were not only indemnity'd for any Slaughter that should be committed in the Apprehension, but also assur'd of two hundred Marks Scots of Reward, for each Person by them seiz'd.

But notwithstanding this terrible Law, as if Danger enflam'd their Zeal, and redoubled their Devotion, these *Enthusiasts* still persever'd in whooping God their own way, which either to alarm'd or offended the Court, that another Session being to be held in November, 1673, in the King's (n) Letter upon that Occasion, it was thought proper to insert the following Paragraph: "You have made many good Laws, but still they have fail'd in the Execution against the Contemners of the Law. We must now, once for all, lay down such solid and effectual Courses, as the whole Kingdom may see, that we and you are both in earnest; and that if Fairness will not, FORCE may compel the Refractory to be peaceable and obey the Law."

Clause in the King's Letter against Field-Conventicles.

Such was the Face of the King towards his People, when his Commissioner *Lauderdale* took his leave of the Court; which, it ought to be remember'd, was after he had been voted a Grievance by the Commons of England. But when his Grace came to *Edinburgh*, he found that this Kind of Language was very ill suited to the Spirit of the Times. He found an Opposition form'd of the principal Nobility, with the Duke of *Hamilton* at their Head, who had enter'd into Measures to remove the Oppressions of their Country, as also to strike at the Root of his Vicegerency.

Accordingly, the King's Letter was no sooner receiv'd, and his own Speech made, than, instead of appointing a Committee, as a Matter of Course, to prepare an Answer to the King's Letter, *Duke Hamilton* mov'd, That the State of the Nation might be first consider'd, that their Grievances might be known, in order to their being redress'd. Several Members then pointed out what those Grievances were, and dwelt in particular on those of Salt, Brandy and Tobacco.

Grievances complain'd of.

The Commissioner was greatly amaz'd, if not confounded at this sudden Alteration. Hitherto the Parliament had testify'd so much Compliance with his Humours, as well as Deference to his Character, that he had fully assur'd himself of their eternal Submission. Neither was this Assurance groundless Flattery; for he knew he had put the matter to the Proof upon several Occasions: As first, when, upon a Vacancy falling out in the (n) *Lords of Articles*, the Parliament allow'd him to supply it by his Nomination. Secondly, When, contrary to Custom, he without Contradiction, suffer'd no more of that Body to attend than were summon'd. Thirdly, When a Motion had been formerly made, that the *Summer Session* might be discontinued, he passionately bluster'd out, *That for this very Presumption, the thing should not be done, so long as he was Commissioner*. Fourthly, It was notoriously known, That in Derogation of the late Commissioner *Middleton*'s Services, he had said to his Majesty: *Sir, if you had sent down a Dog with your Commission about his Neck, to your Scottish Parliament, he would have done all that Earl Middleton hath done*. And Fifthly, He had condemn'd one *Mr. William Moor*, summarily to Prison, because he desired, that, after the Order of the English Parliament, Acts might be read three times before they were pass'd.

Influences of *Lauderdale's* Mal-administration.

Such Presumption on one Hand, and such Tameness on the other, was enough to inspire his Grace with a thorough Confidence, that he might proceed to what Lengths he pleas'd without Check or Controul.

The Grievance of Salt, was occasion'd by a Monopoly, which my Lord *Lauderdale* had procur'd to the Earl of *Kinncaiden*, his Friend,

(n) This Piece was not publish'd in England, but only the Commissioner's Speech to the Parliament, in which the Article relative to Field-Conventicles was express'd in much loose Terms, than those made use of by his Majesty.

(o) Consisting then of eight Bishops, chosen by the Lords;

eight Lords, chosen by the Bishops; and eight Commissioners of Shires, and eight Burgesses, chosen by the said eight Lords and eight Bishops: As also the King's Commissioner, and the Officers of State. Their Office was, during the Receipt, to prepare and digest the public Business, against the next Session.

A.D. 1673.

Friend, by his Majesty's Gift, allowing the Preemption of inland, and Prohibition of foreign Salt, was worth to those concerned more than 4000 *l.* Sterling yearly; which was attended with not only twice as great a Diminution of his Majesty's Revenue, but the general and heavy Distress of the whole Country; it being most certain, that the Nation was thereby reduc'd to such Straits, that in many Places the poor People were necessitated to fend several Miles to Sea for Salt-Water, to supply their Indigence; and in other places were constrained to give 18 or 20 Shillings Sterling for the same Quantity of Salt, which, before the granting of this Gift, they used to buy for 3 *s.* and 6 *d.* or 2 *s.* so that in effect the Clamours of the People were ready to break out into Uproars and Tumults. And this Grievance was so much the more chargeable upon my Lord *Lauderdale*, because that when his Majesty's chief Officers, perceiving that the first Design of this Salt Project could not take, and that the Consequence of this Gift would be very hurtful, did by their Letter give full Information to the Court of the Prejudices and Dangers likely to ensue upon it; But instead of prevailing, they were rather chid and menaced for being so officious.

The second Grievance was thus occasioned: In the Parliament, 1663, there was an Act made, prohibiting the Importation of Strong Waters, and so of Brandy-Wine; whereupon in the Year 1672, my Lord *Lauderdale* obtains for the Lord *Elphinstone*, who had marry'd his Niece, a Gift of this Prohibition, and of the Seizure that should be made upon it, but the Contrivance was not to render the Law effectual, but indeed to circumvent it, for the Patentes Advantage; who in Place of hindering the Import, gave to the Merchants Licences upon Composition at the Rate of 15 or 16 *l.* Sterling per Tun, which would have mounted to at least 3000 *l.* Sterling yearly; and hereby vast Quantities were imported without the Payment of either Custom or Excise, and yet vented again in the Country at excessive Prices.

The third Grievance, was a Gift of 2 *d.* per Pound, upon all Tobacco imported. This Gift was granted in the Year 1673, to Sir *John Nicolson* for himself, and some other of my Lord *Lauderdale*'s Friends, who were his Partakers, whereby they would have

made a considerable Benefit; but with the Damage of, at least, 2 or 3000 *l.* Sterling yearly to his Majesty's Treasury, and the great Extortion of the People.

Opposition being what his Grace had not been us'd to, nor was provided for, he got rid of the present Difficulty by a short Adjournment; but finding the Spirit which prevail'd against him, could neither be mollify'd nor appeas'd; that a Variety of other Complaints came on, and fearing that if he should continue the Struggle, he might meet with a Fall, he thought it advisable to trust them but with five Meetings; and in them to endeavour to compromise the Dispute by removing the three Burdens before spoken of. But these Concessions were not held sufficient, and he was alarm'd more than ever, with a Proposal, That his Majesty should be inform'd by his Parliament of the true State and Condition of his Kingdom: And so strong did his Apprehensions operate upon this Occasion, that little more Liberty of Speech was allow'd, or Order observ'd. It was urg'd, That his Majesty's Prerogative was invaded, That nothing ought to be mov'd in Parliament, except by the *Lords of Articles*, That to them Complaints and Overtures should first be made; and that what was rejected by them, ought not to be resum'd nor proceeded with any more. And his Grace himself was pleas'd to certify the House, That if they should all agree to have Grievances other wise treated and considered, he would interpose and hinder it by his great Negative. By which the *Lords of Articles*, which were but a Committee of Parliament, were render'd paramount to their Constituents, and the whole Virtue of Parliaments was destroyed.

Before the Adjournment, however, three other Grievances were spoke to in Parliament, *viz.* The Corruption of the *Mint and Coinage*, by the Connivance, and for the Advantage of Lord *Halson*, the Commissioner's Brother: The filling the Courts of Judicature and Session, with ignorant and insufficient Men, and the general Gift of his Majesty's Casualties, such as *Wards, Marriages, &c.* to the Earl of *Kincardin*, contrary to express Acts of Parliament, to the great Prejudice of his Majesty, and Vexation of his Subjects; but without Effect. And there were still three more, *viz.* (a) *The Accumulation of eminent Offices upon single Persons; the (b) Mal-admini-*

He suffers the Parliament to sit but few times.

(1) On this Head, the plain Matter of Complaint, is stated in a Piece call'd *An Account of Scotland's Grievances*, (from whence the Particulars above recounted, are principally collected) was, That Lord *Lauderdale* had procur'd to himself, and the Lord *Halson* his Brother, and to the Lords of *Ards* and *Kincardin*, his particular Friends, not only the most considerable, but also the far greater Part of the most important Charters of the Kingdom, to the visible weakening of the Government, and to the Detriment of his Majesty's Service: That the Duke of *Lauderdale* himself was 1. President of his Majesty's Council. 2. Sole Secretary. 3. One of the Commissioners of the Treasury. 4. Captain of the Castle of *Edinburgh*. 5. Captain of the *Lochs*. 6. Agent at Court for the Boroughs. 7. One of the four extraordinary Lords of the Session. And, 8. His Majesty's High Commissioner, and all that it imports. The Lord *Halson* was, 1. Treasurer deputy. 2. General of the Mint. 3. One of the Lords of the Session. The Earl of *Ards* was, 1. Lord Privy Seal. 2. Lord Justice General. 3. Captain

of the King's Guard. 4. One of the four extraordinary Lords of the Session. The Earl of *Kincardin* was, 1. one of the Commissioners of the Treasury. Vice-Admiral of *Scotland*. And, 3. One of the four extraordinary Lords of the Session.

Lord *Lauderdale* had also introduced the Abuse of Gifts of the Reversion or Survivorship of Places to Children and Boys, and such were the Gifts to Lord *Halson* and his Son, of the Mint-Office; to Sir *Charles Eyles* and his Son, of the *Lynn*'s Office; and several others of that Nature: By which Connivance of Office, that, in most, us'd to be considered as *vitium*, his Majesty was depriv'd of that excellent Part of his Treasury, which, with no Expense, rewards Virtue best, and is indeed the only Fund of the most obliging Gratifications.

(2) Which, in the full delivery it thus explain'd: "The setting of this Head, in its full extent, would require a more prolix and accurate Computation, this is proper for my present Work; but, that I may give it to necessity

A. D. 1673.

A. D. 1673.

Parliament  
adjourn'd.

stration and Possession of his Majesty's Revenue, and the excessive Greatness of Lord Lauderdale, which should have been added to the Catalogue, but that his Grace discreetly shut the Door against them, by adjourning the Parliament on the ninth of December.

It may be easily supposed that such a Session as this broke up in a Ruffle, and that the Animosities which had shew'd themselves during the Continuance, did not end with it. In short, this new-raisd Opposition pursued their Blow; the Duke of Hamilton, the Earl of Tweedale, and several other Members, set out for London, to make that Representation to his Majesty, which the Parliament had deny'd: But as by the Scottish Law this was a dangerous Experiment, they were oblig'd to state the several Facts in a manner that suited more with their own peculiar Safety, than with the declar'd Sense of a whole Kingdom. It was to contriv'd, that an anonymous Letter was put into the King's Hands, containing the Sum of their Complaints, as also the following Proposals for the re-establishment of the public Peace:

1. That a new Commissioner be named and appointed to hold the next Session, and conclude the Parliament.

2. That the Duke of Lauderdale be confirm'd in his Places of President of the Council, and one of the Commissioners of the Treasury, and have your Majesty's Indemnity ratify'd in Parliament for all things past.

3. That there be two Secretaries named and appointed to reside at Court, *pro vice*, for your Majesty's impartial Information in all Affairs.

4. That the other eminent Offices be duly distributed and confer'd upon deserving Persons.

5. That the Commissioners of your Majesty's Treasury with such as you shall be pleas'd to add to them, be appointed to consider the Revenue, and its Charge, with the best Means of its Regulation and Improvement, and to report.

6. That Men knowing in the Law, and otherwise well qualified, be named to the Vacancies that are or may be in the Session,

through the Removal of such as the Parliament, on trial, shall find to be insufficient.

7. That necessary Instructions be given to your Majesty's Commissioners for the due Redress of all other Grievances, and also for quieting and removing Dissatisfactions in Matters Ecclesiastic.

8. That there be pass'd in Parliament an Act of Oblivion and Indemnity for the establishing of the Minds of all your good Subjects.

These Proposals were modest enough to deserve more Regard than they met with. 'Tis true, the King gave the Remonstrants good Words and fair Promises, but continu'd the Duke of Lauderdale in the same Plenitude of Power as before.

It is now necessary to look abroad again. Till the Alliance between the Emperor, Spain, and the States was ratify'd, the Prince of Orange seems to have contented himself with standing upon the Defensive only: But scarce was that great Affair completed, before he began to bestir himself in earnest, and as the Season of Action was almost over, resolv'd to redeem time, by making the best Use he could of the Remainder.

He began with *Naerden*, which he took from the French in *September*, and thereby render'd *Amsterdam* easy; the two Places being but three Leagues asunder. In *October* he put in Execution his great Design of joining the *Imperial* Auxiliaries, under Count *Montecuculi*; who, on their Side, having made the proper Dispositions for the same End, both Armies met towards the latter End of *October* at *Bonne*, which Place they immediately invested, and in ten Days time carry'd; the French neither making any Attempt, or Motion towards raising the Siege, or taking any Advantage of the Absence of the Prince, to push their Conquests in the *United Provinces*.

The Honour of this Exploit his Highness could not be depriv'd of; for it was on his Side only the Place was distress'd; and as the principal Efforts had been made by, so the principal Loss fell upon, the *Dutch*: But neither they, nor he, had any Share of the Advantage;

Naerden taken by the Prince of Orange.

[Letter from Cologne.]

And Bonne, in conjunction with the Imperialists.

fary Evidence, and also discover more fully the Fruits and Effects of my Lord Lauderdale's Ministry, I shall only here set down in general, first, what he and his Three Friends have got in Donatives: And secondly, what Sums they receive yearly by their Places and Pensions, as hath been made appear on several Occasions, by a particular Consideration. My Lord Lauderdale then hath got in Donatives, within these few Years, no less than 26,000 l. s. and may be reckon'd to have yearly, since the Year 1666, that he was appointed Commissioner, 16,300 l. s.

My Lord Nelson hath got in Donatives to the Value of 15,000 l. s. and hath moreover yearly 14,000 l. s. Besides, he hath the Profits of the Mint and Ballows, which last did render in King James's Time 1000 Mark *sterling* weekly, amounting yearly to 25,000 l. s.

The Earl of Shaft got lately by Fines 1500 l. s. and possess'd yearly 14,700 l. s.

The Earl of Kingston's Estates, by reason of the Nature of his Gifts and Places, cannot be so easily comput'd; but that they must be very considerable, by his general Gift of Wards and Marriages, which he hath had above three Years, may be evidently gather'd, from the Benefit that he hath made by some of those particular Obligations, which have been compris'd for by him, at or above the rate of 1000 l. How much then may be reckon'd by all that fall out the whole Kingdom? He got also the Gift of a

Shipwreck in *Shetland*. As for his yearly Incomes, besides his Pension as one of the Commissioners of the Treasury, he hath also all the Perquisites of the Admiralty, and yet, over and above, *Scotts* have had, by the Gift of the Salt, at least 2000 l. yearly.

I need not here say, how that, besides these abovemention'd Sums, almost all Pensions and Gifts have been bestow'd these Years by-pass, according to his Grace's Pleasure; his Power in our Affairs being an effect an Omnipotency; this Part of it not to be doubted, only it is to be regarded, that in all these exorbitant Giveings, no little Respect hath been had to those who have merited most of his Majesty, both by their Actions and Services: But the thing that I esteem more worthy to be noticed, is, that although, since his Majesty's Restoration, his Revenue in *Scotland* hath been much above the double of what it was before; and, tho' his Catholics have been enrich'd with abundance of Fines, and great and vast Sums otherwise levied by Duties, Taxes, and Assessments, without the least Burden, either of Money or expens'd for his Majesty's Use, on foreign War; yet, thro' a strange Misgovernment, hath all been walth and consumed at home, without any visible Improvement for the public Good; or so much as the Provision of one Frigate, for the Defence of our Coast, or Couv'oy of our Merchants, in these Times of War.

A. D. 1675. Advantage; for the Garrison absolutely refus'd to submit, except to Mr. de Montecuculi and the *Imperialists*, who took Possession of the Place accordingly.

This, it seems, was a great Mortification to the Prince, but not the only one he met with. Hence Misunderstanding arose upon Misunderstanding, which not only put a Stop to any farther Enterprizes, but occasioned their Separation in the latter End of November: The Prince, at parting, expressing his Disgust, aloud, in Words to this Effect to the Duke de Bourbonville, "They shall manage well, if ever they ensnare me again with the *Imperialists*."

While this was the Aspect of the War, the Marquis *du Fresnois*, the Spanish Minister in London, presented a Memorial, December 25, in the Name of the Queen Regent of Spain, containing an Offer to make up the Peace with the States, on the Conditions before express'd in the separate Article of the Treaty between Spain and the Republic, *viz.*

I. The Point of the Flag to be adjusted to his Majesty's Satisfaction. II. A reciprocal Restitution of Places and Prizes, that are or may have been taken by either Nation out of Europe, during this War. III. And lastly, The Sum of eight hundred thousand Pataccons. To which his Majesty was pleas'd to answer six Days after, "That if the States General would extinguish their Pretension to the Restitution of Prizes, as a thing impracticable, and never insisted on in any Treaty of Peace, and add to the abovementioned Offers these additional ones, which cannot well be denied, *viz.*

I. An equal and reciprocal Regulation of the Trade in the *East-Indies*, such as was often promised, and particularly in the late Treaty of *Breda*. II. Leave to his Subjects yet detain'd at *Surinam*, to depart from thence with their Estates and Effects, pursuant to the said Treaty, and their own reiterated Promises and Orders. III. And lastly, That the Subjects of the said States General shall, for the future, abstain from fishing upon the Coasts and Shores of any of his Majesty's Dominions, without Leave, and Passports first obtain'd.

His Majesty declared, That as to himself he would be content with these Conditions; adding: But because the wording of Articles thereupon is of equal Moment to the things that shall be contain'd in them, and that this cannot be effected but by Persons equally instructed and empower'd on both Sides. His Majesty further declares, That he will direct his Plenipotentiaries at *Colagen*, to apply themselves, together with the Deputies of the States General, without Delay thereunto, by the Help of the Mediation of the Crown of Sweden, which having been accepted, and authorized on both Sides, and the City of *Colagen* having been insisted on by the Dutch to the Mediators for the Place of Treaty, his Majesty conceives, that neither the Place nor the Mediation can be now declined without a notorious Offence to the Parties con-

cerned; and more particularly to the Honour of the Crown of Sweden." A. D. 1675.

It is easy to see, that this Answer, tho' in Appearance only an Evasion, was in Effect, a Refusal. Our Ministers very well knew, that the States would not comply with these additional Demands; and that their own Advances were made, the Price of our quitting *Prance*; whereas the referring all to the Mediation of Sweden, and the Ministers at *Colagen*, sufficiently shew'd, that they would still do nothing but in Partnership with that obnoxious Power, tho' furnish'd with so many reasonable Pretexes, not only to desert, but to declare against her.

Possibly the States foresaw what sort of Reception their Offer would meet with; for on the 27, of the same Month, they dispatch'd a second Letter to his Majesty, in which they artfully avoided to make any Mention of the Money-Article, for Fear of the Precedent, and yet offer'd enough to make it appear his Interest to close with them. In particular, by way of Reply to his Majesty's Answer, by their *Trumpeter*, before spoken of, they took Occasion to lay before him the following Facts and Reasons.

"But, because your Majesty seems, above all, to complain, that we most highly offend you, in the Proposal we make, for separating you from your Allies, to whom you have promised, not to treat without them; when we, in the mean while, assume it for a fundamental Point, that we must pursue the Engagement that we have given to ours, without injuring our Honour, as if your Majesty ought less to respect yours. We beseech your Majesty to consider, that there is a vast Difference between your Engagement and ours, as well as in the Conduct of those with whom we are allied. And your Majesty may, with as much Rightcountness as Glory, extinguish a Fire, which is already spread much further than was at first believed: Whereas we cannot abandon our Allies without the greatest Unthankfulness, and without the Ruin of Europe, and therewithal ourselves. At the time your Majesty enter'd into an Union with our Enemies, they seem'd to have no other Aim than to LEVEL OUR COMMONWEALTH. At this Day is the War general; and the Spanish Netherlands (for the Preservation of which your Majesty hath always shewn so much Zeal) participates therein no less than we; as also doth the great Part of the Empire.

But without entering upon the Search of those Affairs, and not accounting it needful to serve ourselves with the several Arguments of that nature, your Majesty, Sir, hath but too much Cause to desert an Ally, who, in this War, hath sought nothing else save his particular Advantage; and who, in Cases of most Importance, hath laid nothing less to Heart, than the Interest of your Majesty, to say no worse; and, if your Majesty does yet in the least doubt thereof, let not your Majesty content yourself with what the French Partisans tell you; but let that be well examin'd which was done the last Year at Utrecht, between the French Ministers and our Deputies;

when he separates from us  
Dignity.

Memorial presented to the King by the Spanish Ambassador, Lord Arlington's Letters, vol. ii. p. 445, 446.

His Majesty's Answer.

The States Reply to his Majesty's Answer.

A. D. 1673.

Deputies; and you may see the Sincerity of the Proceedings of your Allies. It is certainly enough to convince you to read the Propositions which the French at that time made to us, wherein you cannot find one single Word that concern your Majesty; and, in the mean while that our other Deputies were detain'd at Hampton Court, without your being pleas'd to give them Audience, they at Utrecht would have had us enter into, and accomplish a Treaty without Participation with your Majesty. And to constrain us the more, they declared to us, that in case we agreed not to all that they then demanded of us, within the time of five Days, they should then make new Demands of us. We could, besides these, produce divers other Overtures, which have been made to us since that time, wherein your Majesty hath been as little consider'd: But because that kind of dealing hath not been to publick, tho' really such, we shall not insist thereon; and shall satisfy ourselves with the last Proof of that Obligation your Majesty hath from your Allies, in giving you to consider what is pass'd in the Sea-fight, of which we desire no other Testimony, nor Judges, than those who had the Command over the Fleets of your Majesty, with all the rest of the Officers and Soldiers.

To render this Letter yet more effectual, they caus'd it to be printed, and dispers'd over the Kingdom: The Consequence of which was, that the People became more disgusted with the War than ever, more jealous of the Court, and more incens'd against the Ministers. This was very well known at Whitehall; and we find Lord Arlington speaking of it almost in Agonies, in a Letter to Sir William Godolphin. And yet, at the second Opening of the Parliament, on the 7th of January, the King, in his Speech to both Houses, was pleas'd to declare, "That if he saw any Likelihood of a Peace, without Dishonour to himself, or Damage to them, he would soon embrace it: And that no Proposals of Peace had yet been offer'd, which could be imagin'd with an intent to conclude, but only to amuse." He was pleas'd to sticke for a Supply, not indeed in direct Terms, to continue the War, but that the Nation might be in a Posture of War, in order to obtain a good Peace: Adding still, by way of Qualification, that, if a Peace should follow, he was willing the Residue of the said Supply should be appointed for the building of more (7) Ships. But however artificially the Gilding was spread, the Continuance of the War was visible underneath it; more especially when it appear'd, that the great Drift of the new Lord Keeper's Harangue was to blacken the Dutch, by a long and labour'd Deduction of the Congress at Cologne, and the Intractability of their Ministers there; and, to exasperate his Hearers

against them, he call'd their Letter to his Majesty by their Trumpeter, a Paper-Stragem. He said, their next Recourse was, to such Proposals as they could procure the Spanish Ambassador to deliver on their Behalfs. He took advantage of the Omission of the Money-Article, in their Reply to his Majesty's Answer, to affirm, that they had therein abated much of what the said Ambassador had offer'd, and sought to reduce things to the State they were in at Breda: Adding, So that 'tis hard to know by what kind of Proposals they intend to be bound. He could not deny their yielding the Honour of the Flag, on our own Terms: but he cavil'd, because they would not acknowledge it to be our Right: And he made no scruple to advance, "That, if they should yet send, during this Session, any new Proposal, what Form soever those Overtures might be dress'd in, we might justly suspect, that their End would be, if they could not divide, at least to amuse us, and lessen our Care in providing for the War."

For the rest of his Lordship's Speech, which took up little less than fourteen Pages in Folio, it abounded in Tropes and Figures, but was very sparing of Facts and Arguments. His Aim was to dazzle; he knew he could not convince: It was indeed, a Vanity to make any such Attempt, at least within-doors; and the Event was answerable: For tho' the Commons civilly voted the Thanks of the House to his Majesty, for the Measures he had taken to suppress and discountenance Peberry, since the last Prorogation, they still suppos'd the Dangers therefrom to be to great, and the Condition of the Kingdom, not only from the War, but from intestine Differences and Divisions, to be to calamitous, that they urg'd them as Reasons for a Fast; which, in concurrence with the (7) Lords, they address'd for. They likewise resolv'd, that, before they enter'd upon the Consideration of the King's Speech, they would proceed to have their Grievances effectually redress'd, the Protestant Religion, their Liberties and Properties effectually secured, and to suppress Peberry, and to remove all Perions and Counsellors, possibly affected: And, yet further, order'd an Address to his Majesty, That the Militia of the City of London and County of Middlesex might be in readines, at an Hour's Warning, for suppressing all tumultuous Insurrections, which might be occasion'd by Peberry, or any other malcontented Persons.

As it does not appear, that the Peberry, at this time, had any Design to make the Quarrel desperate, by having recourse to Violence, or could have the least Prospect of Success, in case they had; there is no understanding this last Step of the House of Commons, at this distance, unless it can be suppos'd, that it was merely an Artifice to inflame the People.

A. D. 1673.

Flourish of the  
Commons given  
to his Majesty  
for his Care  
to suppress  
Peberry.

Both Houses  
address for a  
Fast.

And the Com-  
mons, to raise  
the Militia.

Lord Arling-  
ton's Letters,  
v. ii. p. 438.

1673-4.  
Thirtieth  
Session.  
King's Speech.

And that of  
the new Lord  
Keeper Finch.

(7) His Majesty, likewise, in this Speech, put the Commons again in mind of his Debt to the Dutch: And, speaking of the misrepresentation of his Alliance with France, declar'd himself willing to let the Treaties, and all the Articles of them, without any the least Reserve, be seen by a

small Committee of both Houses, who might report the Sense of them.

(8) Their Lordships, also, by Address, desir'd, that a Proclamation might be issued, to remove all Peberry five Miles from London: And such a Proclamation was issued accordingly.

A.D. 1673-4

A.D. 1673-4

ple; or that the Ministers had push'd the King to make use of Force, for their own Security; or that the leading Patriots put his Majesty on raising an Army, which they intended to use themselves. Our Materials fail us; and every one must decide according to his own Bias. All that is certain is, that if the Majority meant to draw the King into Suspicion by it, he had the Address to turn the Tables upon themselves: For, in his Answer to their Address, he said, That he was always ready to preserve them in their Liberties and Properties, and to secure the Protestant Religion: And would take care the Militia should be in a readines, upon all occasions, to secure the Government.

Of the Members of the *Cabal*, but three remain'd; for Lord *Clifford* was dead, and Lord *Shaftsbury* had made his Peace: And against these Three, the whole Indignation of the House of Commons seem'd to be levelled: Not to any great Purpose, indeed, as might have been easily foreseen; for those who had suffer'd those overgrown Offenders to be screen'd with an Act of Grace last Session, could have little Hope to bring them to Justice now.

They began, however, with the Duke of *Lauderdale*; voting, *nemine contradicente*, "That an Address be presented to his Majesty, to remove him from all his Employments, and from his Presence and Councils, for ever, being a Person dangerous and obnoxious to Government."

The Duke of *Buckingham's* Conduct being call'd in question next, his Grace desired to be heard in his own Defence; which was granted: But, on this great Occasion, both his Spirit and Genius forsook him; he talk'd in a manner wholly unintelligible; and, at last, fell into such a Disorder, that he was forced to plead Indisposition; and withdrew in a strange Confusion.

The next Day, he made his Appearance before the House again; and, with more Composure, tho' still in a rambling Way, endeavour'd to disculpate himself, at the Expence of Lord *Arlington*: That he had negotiated the first Treaty with *France*, by which the *Triple League* was broken: That he had advis'd the Declaration of Indulgence, he acknowledg'd; that he had any Concern in raising the Army, he deny'd; the Scheme of altering the Constitution, and governing by a military Force, he divid'd between one that was dead, mean-

ing Lord *Clifford*, and Lord *Arlington*: To the Last, solely, he ascrib'd the Attempt on the *Smyrna* Fleet; as likewise, the bringing the *French* Ships into the Harbours and Ports of *England*; and as to the shutting up of the Exchequer, he only purg'd himself from being the Adviser, without accusing any body else. It was in answer to several Questions put to him by the House, that he made these Discoveries; which highly disobligh'd the King, without doing himself any Service: For, upon the Issue, they dealt by him as they had before dealt by *Lauderdale*, with this Difference indeed, that their Vote was not unanimous. His Grace, about this time, seems to have been surrounded with Troubles: For, after falling thus under the Displeasure of the House of Commons, he was called to the Bar of the House of Lords, to answer for the Death of Lord *Strensury*, whom he had kill'd in a Duel, after he had debauch'd his (1) Wife. The *Duchess of Portsmouth* had likewise brought him into personal Disgrace with his Majesty: And, if Sir *John Kersey* is to be depended on; he met with very little, if any, Support from the new Lord Treasurer, who, tho' oblig'd to him for his Power, did not think himself oblig'd to employ it in his Service.

The whole Court was, at this time, in extreme Disorder; being not only on ill Terms with the Parliament, but embroiled among themselves. Lord *Arlington* was not only at Variance with the Duke of *Bucks*, but could not forgive the Treasurer (*Danby*) for having succeed'd to the Trust and Honour he had aspir'd to himself: And, on the other hand, Lord *Arlington* was fillen deeply into the Displeasure of his Royal Highness, for having advis'd his Removal from Court, in order to make his own Residence there more easy.

While this parliamentary Ordeal went on, there was, therefore, no regular, embodied *Plabanx*, as we have since seen, that mov'd all one Way, as one all-impiring Minister directed; but several Parties appear'd under several Standards, who were sometimes Allies, and sometimes Adversaries, as their Leaders quarrell'd or agreed.

Thus the very Persons, Sir *Gilbert Gerard* and Sir *Charles Wheeler*, who were one day the greatest Sticklers for his Grace of *Buckingham*, the very next day impeach'd Lord *Arlington* (2), of being a constant and vehement

Charge of Sir Gilbert Gerard against Lord Arlington.

(1) Of this Intrigue, *Mansel*, in one of his Letters, has the following Passage: " *Buckingham* run out of all, with the Lady *Strensury*; by whom he believes he had a Son, to whom the King stood Godfather: It dy'd young, Earl of *Overbury*."

(2) The whole Charge was as follows: 1. The said Earl hath been a constant and vehement Promoter of *Papery*, and *Papish* Complots. 2. By procuring Commissions for all the *Papish* Priests in *Communa*, who made their Application to him only, as a known Favourer of that Faction; there being not one Commission sign'd by the other Secretary, many of which Commissions were procur'd and sign'd by him since the several Addresses of the two Houses of Parliament to his Majesty, and the passing the late Act against *Papery*. 3. By procuring his Majesty's Letters, commanding two *Papists* and Rebels to be set into Corporations, and admitted into the Commissions of the Peace, and other Offices of Trust, Military and Civil, con-

trary to the establish'd Laws and Constitutions of that Realm, to the great Terror of the King's Protestant Subjects there. 4. By not only setting up and supporting the aforesaid *Papists* there, but bringing the most violent and fierce of them to command Companies and Regiments of the King's English Subjects there, to the great Dishonour and Danger of the Kingdom. 5. By openly and avowedly entertaining and lodging in his Family a *Papish* Priest, contrary to the known Laws of the Land; which said Priest was a noted Soldier and Promoter of the *Papish* Faction, and hath since fled out of this Kingdom. 6. By procuring Pensions in other Mens Names for *Papish* Officers, contrary to, and in violation of, the late Act of Parliament. 7. By obtaining Grants of considerable Sums of Money to be charg'd upon the Revenue of *Ireland*, for the most violent and pernicious *Papists* there; particularly two thousand Pound for one Colonel *Fitz-Patrick*, a notorious *Irish* Rebel, whose Mother was hang'd in the late Wars for murdering several English, and making Castles

A.D. 1673-4 ment Promoter of Popery and Popish Councils; of embezzling and waiving the Treasure of the Nation; and of betraying his Trust, as Secretary.

No greater Mistake can be made by the Prosecutors of a bad Minister, than to charge him with any one Article which they cannot support with undeniable Proofs. If he has it in his Power to loosen any one Link of the Chain, he infallibly makes his Escape; and, instead of being punished himself, renders odious his Accusers.

This was the Circumstance in the Case before us: These two Gentlemen had suffer'd their Charge to outrun their Evidence, by dealing in Presumptions instead of Proofs: Lord Arlington saw the Opening, and improv'd it with all the Address imaginable: For, being admitted to be heard by the House, in his turn, he so far exploded, or evaded, all that the Duke had said the Day before, and set so plausible a Glois on his own Actions, that the Impeachment dy'd away, and he escap'd, even without the least Censure: He had been charg'd in particular with corresponding with the King's Enemies beyond the Seas: His Friends, who had taken heart on seeing him come off so triumphantly, called upon Sir Gilbert Gerrard for his Vouchers: He was unprovided, would have withdrawn that Article, was not allow'd, had recourse to the wretched Expedient of desiring Time; and, at last, took refuge in saying, that this treacherous Correspondence was carry'd on during the last Dutch War.

The King's Answer to the two Addresses was, *That he would consider of them*: And thus ended this remarkable Affair: And from hence we may date the Prevalence, tho' not

the Establishment, of that Court Maxim, A.D. 1673-4  
*That no Minister ought to be punish'd on parliamentary Application.* Marvel.

Still the House proceeded with the same Warmth as before: They return'd the Project of a general (a) Tolt-Bill, to distinguish Papists from Protestants: By which it was provided, that those who refus'd to take it should be made incapable of enjoying any Office military or civil, to sit in either House of Parliament, or to come within five Miles of the Court: And, by the whole Tenour of their Conduct, made both the King and his Ministers sufficiently sensible, that no Supply was to be expected for the Continuance of the War.

In this Situation of Things, came another Letter from the States to his Majesty, to refute what he had advanced in his Speech, That their Offers tend to amuse only, which they did very effectually, by sending a Draught of the Articles, in form, which they declar'd they were ready to execute, *bona fide*, if his Majesty would be pleas'd to conclude a Treaty of Peace with them, without dependence upon foreign Interests, which could only, they said, make this Negotiation ineffectual.

These Articles, which had for their Basis *17th Article* the Treaty of Breda, and the Marine Treaty of 1668, were Five in number, *viz.* The Honour of the Flag, in its utmost Extent, whole Fleets being to strike to the least of his Majesty's Ships: A (x) Regulation of the East-India Trade, by an exact and reciprocal Rule, to be perpetually observ'd: All that his Majesty insisted on with respect to *Sarinas*: A (y) reciprocal Restitution of Places taken during the War: And the eight hundred

Counties of their Pat: this Grant being procur'd for the said *Fine Patrick*, at a time when he was accus'd to the said Lord *Indreux* of high Crimes by the now Lord Lieutenant of Ireland. 7. By procuring his Majesty to refuse to reward *Fifty Parols*, some wharred were deeply engag'd in the heerd Rebellion of that Kingdom, the *Châtelain*, or Head-Rover, of the Crown, one of the forfeited Estates of English there, being a principal Part of his Majesty's Revenue to that Kingdom.

II. That the said Earl hath been guilty of many unlaue Practices to promote his own Greatness, and hath embezzled and waiv'd the Treasure of this Nation. 1. By procuring and waiv'd the Treasure of this Nation, both in England and Ireland, breaking into the Settlements of that Kingdom, and dispossessing several of the English Adventurers and Soldiers of the Properties and Free-Holds, in which they are duly, and legally, stand, without any Colour of Reason, or suggestion of Right. 2. By charging excessive, and almost incredible Sums for false and deceitful Intelligence. 3. By procuring his Majesty's Hand for the giving away, from his first Entrance into his Office, the Value of three Millions of sterling Money, at the least, to the several Grants whereof are extant, counterfeited by him, and by him only. 4. That the said Earl, presuming to trample upon all Estates and Degrees of the Subjects of this Realm, the better to subdue them to his Will and Pleasure, hath cruelly and illegally imprisoned many of his Majesty's Subjects. 5. That he did procure a principal Part of the Ruin (the Duke of *Rachinchen*) to be unjustly imputed, and to be proclaim'd a Traitor, without any legal proceeding to Trial, and did maliciously suborn false Witnesses, with Money to take away his Life, upon pretence of unreasonable Word.

III. That the said Earl hath felicitly and traitorously betray'd the greatest Trust reposed in him by his Majesty, as Counsellor and Principal Secretary of State. 1. By entertaining a more than usual Intimacy with the French Ambassador, not only lodging him in his House, but letting him into the King's most secret Councils. 2. By altering

in private, and singly by himself, several solemn Determinations of his Majesty's Council. 3. By procuring a Stranger to have the chief Command of the late rais'd Army, for the Invasion of *Holland*, to the great Dishonour and Discouragement of all the legal Nobility and Gentry of this Nation. 4. By advising his Majesty to admit of a Squadron of French Ships to be join'd with our English Fleet (the sad Consequence whereof we have since felt) notwithstanding the King of France had agreed to send a Supply of Men, in order to have the Fleet wholly English. 5. Whereas the King was advis'd by several of the Counsellors to press the French King to desist from making any further Progress in the Conquest of the Island-Towns of *Holland*, whereof England was to have no Benefit, and to turn his Army upon those Maritime-Towns that were by the Treaty to be ours; his Lordship gave the King Council to desist, whereby that Part of our Expectation was wholly frustrated. 6. Whereas the King was advis'd by several of his Council not to enter into this War, till his Majesty was out of debt, and had advised with his Parliament; his Lordship was of Opinion to the contrary, and gave his Advice accordingly. 7. When the French Ships were dispers'd after the late Fight at Sea, and had lost all their Anchors and Cables by reason of the foul Weather that then ensued, he persuaded his Majesty to send them eighty Cables and Anchors, although it was then objected, and he knew it to be true, That his Majesty had not, at that time, any more in his Stores to supply his own Ships, in case of the like Necessity. 8. He hath traitorously corresponded with the King's Enemies beyond the Sea, and contrary to the Truth reposit'd in him, hath given Intelligence to them."

(x) It consisted in a Disavowal upon Oath, of the Universality of the Church of Rome, the Pope's Supremacy, Transubstantiation, and praying to Saints.

(y) This was to be adjusted by Commissioners.

(z) This the States observ'd was greatly in favour of England, inco they were thereby oblig'd to restore the *New Netherlands* (now call'd *New-York*) against which they had nothing to receive in Exchange.

hundred thousand Patacoons: Which, except the Acknowledgment for the Fishery, was all that had been demanded by Lord Arlington, of the Marquis del Preſno.

But, at the ſame time, that they made theſe Conceſſions for the Advancement of the Peace, they ſtill perſever'd in affirming, "That they could not be accus'd, with Juſtice, of the leaſt Contravention againſt the Treaties between his Majesty and them; And, to let your Majesty ſee, ſaid they, how far we are perſuaded of our Innocence in this reſpect, we declare hereby again to your Majesty, that we are ready to enter into an Examination before your Majesty, about all the Infractiſons we are accus'd of; with a ſolemn Promiſe, to make Reparation for all the Wrongs and Injuries your Majesty and your Subjects may have receiv'd unknown to us, from us or our Officers, from the Treaty of *Breda* till the Beginning of the preſent War; offering further the Guaranty of our Allies, for the performing of this Promiſe; and confeſſing, that it may be infer'd in the Treaty, to make it more authentic."

Having ſtated the whole Caſe thus ſtrongly, clearly, and fairly, and bid ſo much more for Peace than could be obtain'd at *Breda*, tho' ſo much leſs than was demanded of them in Partnership with *France* at *Utrecht*, it was become impoſſible for his Majesty, in his preſent Circumſtances, to (x) hold out any longer. On the 24th of *January*, therefore, he came to the Houſe of Peers, with the *States* Letter and Propoſals in his Hand; and, after a ſhort introductory Speech, left them to the

His Majesty communicates them to both Houſes, and ſeizes their Advice.

Consideration of both Houſes, with a Demand of their ſpeedy Advice thereon, which, he ſaid, would have great Weight with him.

Both Lords and Commons very gladly took him at his Word; and, in a joint Vote, gave for Peace, as the Senſe of both Houſes. That his Majesty ſhould be humbly adviſed to proceed in a Treaty with the *States General*, in order to a ſpeedy Peace: To which his Majesty, in a very frank and obliging Manner, reply'd, That he could not better thank them for their Advice, than by following it, which he ſhould endeavour, not doubting of their Aſſiſtance.

But it was not merely theſe Offers of the *States*, nor this Promiſe of the King's, that carried the Peace into Execution: Upon the 2d of *February*, ſays *Sir William Temple*, his Majesty receiv'd the certain Advice of the *States* having paſs'd a (y) Reſolution, That the Charges and Dignities poſſeſs'd by the Prince of *Orange* and his Anceſtors ſhould become hereditary to his (z) Children: And, at the ſame time alſo, he receiv'd a Letter from the *States*, with the Deſire of Paſſports for their Embaſſadors, and the Offer of a Suſpenſion of Arms. And now it was, ſays the ſaid *Sir William*, that the Miniſters believ'd, that a Treaty could not be refus'd, without drawing too much Odium upon themſelves, and Reſolution upon the Government. They were, however, ſtill ſo fearful of the Practices of the *States*, that they choſe to ſend an Embaſſador to the *Hague*, rather than admit any from thence. *Sir William Temple* was appointed by the *Junto* to be the Man;

AD. 1673.

They deliver, gave for Peace.

Temple's Works, p. 1. p. 378. The Stadtholderſhip made hereditary in the Orange Family.

(x) *Biſhop Kennet* hath affirm'd in his *Complete Hiſtory*, That the King made the Peace with *Holland* unwillingly. *B. North* ſays, This is againſt all Reaſon and Truth. *Exam.* 313, p. 437. Which of theſe Opinions was in the Right, let the Reader determine from the Evidence before him.

(y) Which for the many extraordinary things it contains, very well deserves to be inserted here.

The Lords, &c. have ſanction'd declar'd, That having maturely conſider'd the State and Conſtitution of this Government, as by *God's* Bleſſing it was in former times, under the moſt illuſtrious Prince of *Orange*, and particularly what has happen'd theſe 23 or 24 Years paſt, have found, that ſince the ſaid and unhappy Year of 1650, this State has been afflicted with many Calamities, both at Home and Abroad: That ſo far as concerns the Affairs abroad, it never had been without a War, or the Apprehenſion of a War: That in the Year 1653, a cruel War happen'd between the Kingdom of *England* and this State, which had very much ſhaken the Foundation of it: That after that War was ended, we had hardly ſetled Breath, when we were engag'd in a new one with *Perſia* in the Year 1663, and afterwards in the Years 1668 and 1670, this State fell again into an open War, an occaſion of the Northern Affairs: That in the Year 1664, a War happen'd a new between his Majesty of *Great Britain* and theſe Provinces, which was no ſooner ended, but we were preſently overſeen by the preſent Inſolent and unhappy War, and that between the times of theſe foreign Wars, that State had been forced to ſuſtain many Inſults from her Neighbourſhip, by whom it was formerly very much reſpected. For what concerns the Affairs at home, that the Commonwealth has been perplex'd with many Difficulties and Dilemmas: That from the Year 1650, to the Year 1660, many Members of this State had wholly taken off their Eyes from the preſent Prince of *Orange*, the only Heir Male of that illuſtrious Family, whiſt others with much Zeal maintain'd, that we ought not to neglect his Highneſs: That the King of *Great Britain*, in the Year 1660, invited to his Kingdom by the Parliament, taking his Journey thither through theſe Countries, the *States* had promiſed his Majesty, to ſuſtain the Princeſs Royal Dowager of *Orange*, to take care of the Education and Interests of his Highneſs, as ſuſtainingly deſigning him to all the Dignities poſſeſs'd in theſe Provinces by his illuſtrious Anceſtors: That after the Death of the Princeſs of *Orange*, this State began to cool again, and that Affair was laid aſide: That afterwards

this State had taken again upon itself the Education of his Highneſs: And laſtly, in the Year 1671, and in the Beginning of the Year 1702, that great Troubles and Difficulties had riſen about choſing his Highneſs Captain General over the Forces of this State by Land: That ſaid *Konink* had thought, that the ſaid Dilemmas had given Occaſion to the Enemies of this State, to ſeize every one over it a new, knowing, that we were thereby render'd inſupportable (the Foundation of this Republic having been laid through the Unity of our Forefathers, and particularly ſubſcrib'd by *God*) to take Care of our Deſerces, and that the Differences which did ariſe concerning the choſing a Chief over the Forces of this State, and the Diffidence we had by that Means of each other, did retard and hold back the Reſolutions, which ought to neceſſarily to have been taken for the repelling a foreign Force: That thus in Diſputes the time was ſpent, which above all we ought to have been careful of: That the ſaid Differences were the Cauſe that in the latter End of the ſaid Year 1671, when the King of *Spain* did intirelyly declare his Intention of making War upon this State, many Months paſs'd in Deliberations about choſing his Highneſs Captain General, who ought them to have been employ'd in the ſuiting of Men, and bringing the Troops of this State together for the common Defence, by which Means it happen'd, that when, in the Year 1672, the ſaid King of *Spain* attack'd this State with his Arms, we were in the greateſt Danger of having been totally ruin'd and deſtroy'd: But perceiv'd that our Lovings had ſuſtained, that nothing could better be wiſhed or hoped for, than that on the one Side the Occaſion of theſe Differences ſhould be totally removed, that we might no more fall into the great Miſchiefs, we are preſent under; and that on the other Side might be acknowledged the great Services performed by the illuſtrious Prince of *Orange*, for the Preſervation of this State, &c.

(z) Into their Illuſtrations might very ſafely be, if any Credit is due to the following Miſtake, infer'd in *North's* *Exam.* p. 130. "That he, *Mr. North*, had heard from a Dutchman, a Friend to the Prince and his Family, that in his immature Age, ſome conſiderable Perſon took care, thro' the Means of a Pope, and an ill Woman or two, that the Prince ſhould not abound in Poſterity to claim the *Stadtholderſhip*, which had alſo an unfortunate Turn upon his Health and Length of Life." This Paſſage is further explain'd by a Note at the Bottom of the Page.



*A. D. 1661-1662*  
 But, before he could set out, the Marquis *del Presio* gave the Court to understand, that he had full Powers from the *States*, and was ready to enter upon the Negotiation immediately. He was thereupon referred to Sir *William*; and, at three Meetings, the whole *Affair* was ended. That Minister mentions two Difficulties he had to surmount; that of the *Plag*, and the *English Troops* in the *French Service*: But we can discover but one, which was the *Last*; for the *First* appears to have been entirely remov'd, by the voluntary Concession of the *States*, before-spoken of: And the Temperament found for the *Troops* was, to suffer those that were there, to wear out without any Recruits, and to permit no new ones to go over; but, at the same time, to give leave for such Levies as the *States* should think fit to make in his Majesty's Dominions.

In this Interval, the Commons proceeded with their Quest of Grievances; and, in particular, seem'd dispos'd to give no Quarter to the standing Army: Exceptions were even taken to the King's Guards; and (a) eight several Reasons were given in, to evince that they ought to be broken: And, upon the whole, they came to this memorable Resolution, That the Continuance of any STANDING FORCES in this Nation, other than the MILITIA, is a great Grievance and Vexation to the People; and that it is the humble Petition and Address of this House to his Majesty, that he will immediately cause to be dissolved that Part of them that were rais'd since the 1st Day of *January 1663*.

This Vote was pass'd on *Sunday, February 7*: On the 10th, it was presented to the King, at the *Banqueting-house*; and the next Day, his Majesty declar'd from the Throne, to both Houses, That, agreeable to their Advice, he had made a speedy, honourable, and, he hop'd, a lasting Peace: Adding, that, before he had receiv'd their Address relating to the Forces, he had given Order for the dissolving them, as soon as he should be sure of the Peace: That he should (b) reduce them to a less Number than they were in the Year 1663: That he should give Directions for the Forces he had brought over from *Ireland* to be sent back: But that, in proportion as our Land-forces were less'n'd, it would be necessary to build more great Ships, in order to equal the Strength of our Neighbours at Sea.

It must be acknowledg'd, that these were great Advances on the side of the King, towards recovering the Confidence of his People: And had he abandon'd his Ministers, as well as chang'd his Measures, all further Opposition would have been inexorable: But when he dismiss'd *Buckingham*, we are told, it was rather to gratify the Displeasure of his favourite Mistress, than to comply with the Advice of Parliament: And not to insist on the Continuance of *Arlington's* Credit with him, he continued to be as closely attach'd to *Lauderdale* as ever.

This countenance, if it did not cause, the further Consideration of the Grievances of the Nation; and, in particular, the Vote and Resolution of the Commons, That a Committee be appointed to inspect the Laws lately made in *Scotland*, whereby an Army was authorized to march into *England* and *Ireland*: And to peruse such other Laws as tended to the Breach of the Union between the two Nations.

But they did not confine their Scrutiny to *Scotland* only: They resolv'd also to examine the Bottom State of the three Kingdoms: Another Committee being appointed to inspect the State of *Ireland*; and more especially of the State of Religion, the Militia, and the Forces of that Kingdom; and examine the Matters of Fact relating thereto.

Great these Measures certainly were, as tending to manifest the Spirit, Power, and Importance of an *English* Parliament: How good, unless we could dissect the Hearts of Men, it is impossible to ascertain.

All Parties, however, have Reason to acknowledge, and, it is to be presum'd, all Ages will reap, the Benefit of their Care of the Liberty of the Subject, in appointing a third Committee, to inspect the Laws, and to consider how far it lay in the Breast of the King to commit any Subject by his immediate Warrant; and to report their Opinion: As also, to consider how the Law now stands touching the committing of Persons by the Council-table.

This gave rise to the famous *Habeas Corpus* Bill, which was calculated to set Bounds to the arbitrary Proceedings of Ministers, and preserve those who fell under their Displeasure from being sent into Banishment, or otherwise imprison'd, without Cause, Measure, or Relief: But tho' this invaluable Bill was now perfect'd by the Commons, and sent

A. D. 1663

Committee appointed to inspect the late Laws of Scotland

the State of Ireland

and the Laws relating to Commitments by Order of King and Council

EP

(a) Which were as follow:

1. That, according to the Laws of the Land, the King hath no Guards but those called, Gentlemen-Peers, and Yeomen of the Guard. 2. That ever since this Parliament, although there have been in many Sessions, they never setled the Life-Guard by Act of Parliament; nay, they have been so far from it, that, whatsoever they have been so much as mention'd in the House of Common, they would never in the least take any favourable Notice of them, always looking upon them, as a Number of Men unworthily employ'd; and in no respect fit to be the least maintain'd by the Parliament of *England*. 3. That they are a vast Charge to the King and Kingdom. 4. That they are altogether useless to this Kingdom, as doth plainly appear by his Majesty's most happy and peaceable Reign since his blessed Restoration; there being to much real and mutual Love, Confidence and Trust between his Majesty and his good People, which is daily manifested by his Majesty's frequent treating and exposing his Sacred Person to his People without a

Guard. 5. That Guards, or standing Armies, are only in use where Princes govern more by Fear, than by Love, as in *France*, where the Government is arbitrary. 6. That this Life-Guard is a Standing Army in Disguise, and that as long as they continue, the Roots of a Standing-Army will remain among us; and therefore it is impossible effectually to deliver this Nation from a standing Army, till these Guards are pull'd up by the Roots. 7. That the Life-Guard is a Place of Retire and Retreat for Papists and Men popishly affected, and a School and Nursery for Men of debauched and arbitrary Principles, and Eviscerators of the *French* Government, as doth too plainly appear in the Case of *Sir John Coventry*. 8. That if the Life-Guard were dissolved, the King would thereby save some hundred thousands of Pounds per Annum; which would in a few Years enable him to pay all his Debts, without burdening his good People with any further Taxes to that End.

(b) The eight Regiments which had been lately raised were accordingly reduc'd.

A.D. 1673

Parliament prorogued.

up to the Lords, it did not receive the Royal Assent till some Years after.

From the whole Course of these Proceedings, and no doubt from more particular, tho' private, Evidence, the King was convinced, that what he had gain'd, by the Peace with the *Dutch*, was all he was like to gain by the Session. On the 24th of *February*, therefore, his Majesty came to the House of Peers, and, after a short Speech, signifying the Season was come, when it would be convenient for them to be in their Countries, both for their own Business and his; and a Word concerning his Steadfastness to secure the Protestant Religion, and their Properties; prorogued the Parliament to the 10th of *November*.

We cannot take leave of this remarkable Session, without observing, that if the Leaders of the Commons had no other Motives for their Measures, than the Necessity of espousing the Cause of Religion, of making an abandon'd Court feel the Weight and Efficacy of Parliament, and providing for the Security of the Subject; it ought to be acknowledged, that they had done their best to answer all those valuable Ends: And if, on the other hand, they began to entertain any Thoughts of making Reptials on the Court, for their ill Designs on them, that they had approv'd themselves to be as thorough Politicians in the one Case, as Patriots in the other: For, by the separate Peace with the *Dutch*, they had Reason to think they had effectually divided *England* from *France*; by withholding the Supply, and breaking the Army in *England*, and laying a Foundation for doing the same in *Scotland*, they disabled the King from making use of Force; and the *Habeas Corpus* Bill was both a wise and popular Expedient to put the Liberty of the Subject out of the Power of the Crown.

This is certain; the Distrust was mutual: The Commons dreaded a Tyranny, and the King the Return of Commonwealth. Hence, tho' he was forc'd to desert *France*, he made it his Business to soften the Stroke, that *France* should not desert him. And hence the Men of Intrigue split into two Parties,

The Men of Intrigue either in the

which we shall have Occasion to distinguish by their true Titles, *FRENCH* and *DUTCH*: For tho' the Name of *England* was press'd into the Service on both Sides, it will appear the Nation had no solid Interest with either.

Who were at the Head of the *Dutch*, we shall soon see: Who were at the Head of the *French*, we partly know. But tho' the two Royal Brothers had embark'd in the same Bottom, their Conduct, like their Tempers, was extremely different. The King had waver'd, had relented, had comply'd, as perceiving the Ground began to sink under his Feet: But the Duke was irremediable: From the time he saw his Majesty begin to abate his Speed, he made use of his Spurs: He enter'd into a Concert of his own with his most *Christian* Majesty, and actually took Precautions at *Paris*, against the Intrigues of *Whitehall*.

It was proper to premise these Things here: They will be explain'd in the Sequel.

With respect to his Majesty's particular Behaviour, after the Peace with *Holland*, *Bishop Burnet* affirms, That he took *Rouquigny* the *French* Minister aside, as soon as he had sign'd it, and told him, *That he had been doing a thing that went more against his Heart, than the losing his Right Hand*. By the Desertion of *England*, and the strong Confederacy which had been made against *France*, the Balance seem'd to be now turn'd against the most *Christian* King. To qualify therefore this Desertion, his Majesty made an Offer of his good Offices to mediate a general Peace; and as this was manifestly for the Interest of *France*, it was accepted by that Court, not only without Upraidings for his past Conduct, but with the most sensible Acknowledgments.

But for the very same Reasons that this Offer was so well relish'd at *France*, it was distasteful every where else; and the Allies made no scruple to avow, "That the Court of *England* still retain'd the same (i) Affections it had in the Beginning of the War for the *French* Interest.

When Sir *Leoline Jenkins* and Sir *Joseph Williamson*

A.D. 1673  
French or Dutch Interest.

The King resolves to mediate a general Peace.

[Letter from the Embassy at Cologne, v. i. p. 229.]

(i) Of this, no greater Proof need be given, than the King's refusing the *Dutch* to make Levies in his Dominions, at the same time, that he gave the *French* that Liberty: Upon which Occasion the Prince of *Orange*, sent the following Complaint to his Majesty:

To the King of ENGLAND.

From the Camp at Dussel, May 25, 1674.

S I R,

"I have received both the Letters you was pleas'd to honour me with, and I had sooner returned you my most humble Thanks, if my hasty Departure from the *Hague*, together with the great Hurry I was in for the first Days of my March, had not prevented it. After paying my humble Thanks to your Majesty, for the new Marks of your Friendship, which you were pleas'd to shew me in your Letters, you must give me leave ingeniously to own, that I am not a little concern'd at the Refusal your Majesty has hitherto made me, of raising Troops in your Kingdoms, and that at a time when so many Reasons made me desire it. As for the Engagements your Majesty has with *France*, I know none that are contrary to the Interest of the *State*, much less to my own in particular, which you have not declar'd against by the Peace which hath been so happily concluded: And if your Majesty will give yourself the Trouble well to consider the Secret Article which has been so often

mentioned, you will plainly see that you are so far from having any Right or Liberty reserved, to set any thing to our Prejudice in favour of *France*, that your Majesty has granted us great Advantages over our Enemy, and has put it in our Power to demand those Troops to be recall'd, which are in the Service of his most *Christian* Majesty, which is contrary to the Licence which both have given the Commanders of those Troops, to raise Recruits in some of your Majesty's Kingdoms, whilst the same thing is denied us, as well as making new Levies, altho' there appears no Treaty between your Majesty and *France*, which deprives us of that Liberty: And besides, the Professions which your Majesty express'd towards me, hath given me occasion to promise myself the same. I hope your Majesty will be pleas'd to reflect upon what I have taken the Liberty to represent here, and that your Majesty will defer no longer to grant me this new which you gave me Hopes you would do another time. In the mean while I beg your Majesty to believe that I am with a most profound Respect,

S I R,

Your Majesty's

most humble,

and most Obedient

Nephew and Servant,

W. P. OF ORANGE.

A. D. 1673-4  
The English  
Pleasantry  
has been  
Audience of  
the Prince of  
Orange.

*Williamson* return'd from *Cologne*, they waited on the Prince of *Orange*, at the *Hague*, to know his Sentiment, in particular, of the King his Uncle's Mediation, which they found exactly agreeable to that of his Confederates. His Highness pleading the Engagement of the *States* to *Spain*, to see things refer'd to the Terms of the *Pyrenean* Treaty, and discovering an utter Distrust of the *French* Faith, by saying, That they had a great Quantity of Paper from the *French* King already to no Purpose.

This was the Amount of their first Audience; and at their second, which they followed by the Interposition of *Sir Gabriel Sylvius* for a whole Week together, before they could obtain it, the Prince laid down that Maxim, which has since cost this Nation such an Immenity of Blood and Treasure: That it was as much the Interest of *England* as *Holland*, to set Bounds to the Greatness of *France*; whence both his Highness and the *Penjionary* *Fagel* took occasion to urge, That the King should come to an actual Engagement in the War, in order to convince *France*, that his Majesty had the same Views with the rest of the Confederates, in the Peace; without which, he intimated, there would be no Hopes of a closer Union between *Eng-*

land and the *States*: Concluding with a remarkable Assertion, which ought ever to be remembered, That, in all Cases, he was, and would be, a good *HOLLANDER*.

Early in *May*, these Ministers (d) return'd to *London*: And *Sir Leoline* being soon after call'd upon by the (e) *Privy Council*, to give his Opinion of the present Situation of *Europe*, with regard to a Peace, and the peculiar Interest of *England*; he first premis'd such things as serv'd to shew, that *Holland* was now too much exalted to hearken to any thing high; and that *France* was not reduced enough to hearken to any thing low, or to part with any thing that she could keep: Whence he infer'd, that things stood at the widest Distance possible, at the time when his Majesty undertook to mediate a general Peace.

This he further exemplify'd, by observing, That if the Court of *Spain* should accept his Majesty's Offers, they would notwithstanding endeavour to defeat his Intentions; because their fundamental Maxims were, That *French* Treaties were not to be rely'd upon; that a Restraint was to be laid on the *French* King by force; that he was to be compelled to quit all the Conquests he had made since the *Pyrenean* Treaty, and renounce

A. D. 1673-4

1674.  
Sir Leoline  
Jenkins called  
upon to give  
his Opinion of  
Things to the  
Council-board.

(d) In their way home, the following remarkable Adventure befel *Sir Leoline Jenkins*, which deserves to be recounted here in his own Words: not only to do Justice to his own excellent Conduct, but for the Relation it bears to the most tender Point of Honour which concerns this Nation; and so much the more as no Notice hath as yet been taken of it in any other History:

*Sir L. Jenkins's Account of the Encounter with the Dutch about Striving.*

"On *Thursday*, *May* 17, his Majesty's Yacht, the *Cleaveland*, being at Anchor before the *Brill*, over against the Banks call'd the *Brill-Hoofd*, a Yacht of the *States* pass'd about six of the Clock in the Evening between us and those Heads, without striking or giving any Gun. I being on Board *Sir J. Williamson* bore then on Shore, and our Captain (*Felix*) whether that Yacht ought not to have struck to his Majesty's Flag? The Captain desiring it ought, I desired one of the Gentlemen on Board us, *Mr. Niphe*, who spoke the Language, to go in our Captain's Name, and represent to the Dutch Captain (we not knowing who there was on board him) the Error he had committed, in not paying the Respect which was due to his Majesty's Flag: *Captain Felix* desiring he might be further told, he would have demanded that Due with a Shot a-thwart his Foretop, if it could have been done without Danger to the many People then walking on the Banks at the *Brill-Head*. To this Message the Dutch Captain brought his Shoulders, and answer'd me no more, but that the *States* Embassadors bound for *England* were then on board; and one of the Dutch Embassadors appearing, call'd *Mr. Niphe* in, and having shod him his Business, and understood from him the Message and Complaint he had delivered from our Captain to him, *Mr. Van Benninghen* answer'd, That they, for their Parts, did leave such things wholly to their Captain, who was an experienced Man, and that they were going in all haste for *England*, and had, upon Supposition that we were on board, got an Officer to compliment us in their Names.

This pass'd, we weighed Anchor, and after having sailed about a League from the *Brill-Head* to Sea-wards, we came up to the *States* Yacht, being then dock aboard a *States* Man of War, which was at Anchor there, the *States* Flag being struck out of the Yacht, and hoisted to the Mast of War's Top Mast-Head. We were then in a Place call'd the *Pits*, the *Brill* Single opening about three or four Ships Length to the Southward of the Light-House; and the Captain finding that the Man of War did not strike, told me, what he should do: I told him what I had heard of *old Van Tromp*'s striking to the Earl of *Arundel* in *Goer* Road; as also of *Prince Maurice's* Yacht, that had the other Day struck to the *Kitchen* Yacht in the Canal of *Delf* Haven, between the Hoole; and the Captain's own Memory suggested to him, that a *States* Man of War had struck to him self in the very same Place we were then in, as he pass'd

up to *Rotterdam*; and therefore that it was my Opinion, he should demand the Respect due to the Flag, in the same manner that the King's Men of War use and ought so demand it, seeing that he should avoid shooting at the Hull or Rigging, the Embassadors being at that time on board.

Whereupon the Gunner brought a Shot to bear under the Fore-foot of the Man of War, and when a convenient Space of time, a second over his Poop, and a third between his Masts. Then appear'd their Long Boat; and a Gentleman coming on board, told me the Embassadors were much inclin'd to find fault with our Yacht; that they desired to know if it were by my Order, adding, that they were not to strike to our Flag, being within their own Ports. My Answer was, That I was but little capable of giving Orders in Military Cases, that the Captain indeed had acquainted me that the Respect due to the King's Flag was not paid it, and that he was resolv'd to demand it; whereas I thought myself bound not to contradict the Captain, and the rather, in that I was assur'd this respect had been paid within their Ports long before the War, and even since the present Peace.

As soon as this Gentleman was gone, I dispatched my own Secretary to complain in my Name to the Embassadors of their Captain, for not answering the Demand which ours had made of the Respect due to the King's Flag; adding, that I hoped it was not by any Direction or Order from their Excellencies. *Mr. Van Benninghen* receiv'd him with all Protections of Respect to his Majesty, saying, that they disputed not the King's Right; that their Captain had failed in that River three 30 Years, and had known no such Encounter, shewing him how their own Land lay on both Sides the River. Before my Secretary was come back, we observed the Man of War had taken down his Flag, and then a Gentleman comes from the Embassadors on board us, to tell us, the Embassadors desired to come on board of us, to speak with us; whereupon we dropp'd Anchor, and lay'd for them; and at the same time *Sir J. Williamson* was come on board too.

*Mr. Van Benninghen* did partly excuse, partly justify what had pass'd; he conceiv'd our late Queen, his Majesty's Mother, had received this Respect in their Ports. We told him the Captain had gone upon other Precedents; but we did not enter into any long Discourses with them. Our Captain gave them Gun when they were off, which were answer'd by their Man of War when they came on board him.

This Embassadors might have avoided, if they had pleas'd to drop Anchor, and lay'd (as they might have done very well) but some few Cables Length before they came up to us. (*Sir L. Jenkins's Letters*, vol. ii. p. 697, 698.)

(e) Note, *Bishop Burnet* PROVOQUES (Vol. I. p. 531.) That *Jenkins* understood nothing. A Reflection that exceeds him that made it, than him it was intended to offend, as will become more manifest in the Course of this Work.

A. D. 1674. renounce all Pretensions of succeeding to Spain.

That though France, on the other hand, found herself overmatch'd, she would not be Hector'd into such Concessions as Spain purposed to exact; but knowing that Spain would come to no Peace, as long as she had the Support of the Empire and Holland, she would rather play the double Game, of offering very liberally, to detach those Allies; and very fairly to Spain, to mislead her from her true Interest.

But tho' the Allies were thus the Arbiters of the Peace, the Emperor would not be easily won; because he had a Prospect of establishing his Authority at home, by keeping an Army on foot, which he was not to pay: While the Dutch, on the contrary, whose principal Interest was Commerce, would go no farther in the War, than the Prince of Orange would carry them.

Hence he concluded, his Highness was the only Party to be taken off: But without dreading, there would be some Difficulty in doing it, for these Reasons: His Inclinations were to be at the Head of an Army: The Spaniards, and the young Men about him, encourag'd these Inclinations: He had some personal Resentments against the French King; and some Emulation for him: A State of War was besides a State of Security for him against the *Loveheim* Faction, who, though suppress'd, were not wholly subdu'd: He had a quick Sense of Honour, and was willing the Spaniards should find their Account in the Service they had done the States: He, however, hinted the Possibility of overcoming these Difficulties; 1. By taking the proper Measures to make him revere, and confide in, his Majesty. 2. By convincing him his Authority would be best establish'd in sparing the Purties of the Subject, and in having the King his Uncle firm to him and his Interests. 3. By marrying him with Lady Mary, the Duke's eldest Daughter.

Upon the whole, he thought the Question to be considered was, Whether it was the Interest of England to enter into a stricter Amity with Holland and Spain, tho' to the Dissatisfaction of France? and he humbly gave his Opinion for the Affirmative, as the safest Course we could take. First, because such a Confederacy would make a sufficient Counterpoise to France, already grown dreadful, and put an End to her Projects of embroiling the two Powers in order to weaken them. 2. Because it would deter France from any Offer to invade us, which would leave us in Security to promote and improve our Trade. And 3. Because there would be the less Danger of Disturbance at home: For in that Case, it would neither be the Interest of his Highness nor the States, to see us at Variance among ourselves; whereas, if we persisted in espousing the Interest of France, our Reward could only be, either Part of its Conquests abroad, or the Maintenance of our Quiet at home. But, as to the first, the Share of the weaker Ally was never so good in the Dividend, as the Designation; nor had we any Reason to affect new Acqui-

sitions, while we continued so negligent of our present Possessions: And, as to the last, there was little Reason to expect, after the Disrelishes and Jealousies which had already taken effect, that either the Parliament or People would be reconcil'd to any Interposition from that Quarter; on the contrary, there would be much Reason to fear, that if we should enter into a closer Union with the French Court, the Parliament would again take upon them to enquire into, and judge of, that Proceeding.

These were the Sentiments of that able and experienced Minister; and they deserve to much the more Notice, as they flow'd from a Person, who, tho' no Friend to the French, had not the remotest Connection with the Dutch Party: But, on the contrary, dislike'd their Principles, suspected their Designs, and never, in any one Instance, oppos'd the Court, tho' he often saw Cause to differ in Opinion with those who had the Ascendency there.

This was undoubtedly the great Crisis to have reduced France to her ancient Bounds: And the additional Strength of England would have greatly contributed thereto. But the Transition appear'd over violent to his Majesty; and he thought it more for his Honour, and more agreeable to his Circumstances to act as a Mediator in the behalf of France, than to draw his Sword against her.

How far this Conduct of the King's was right, as to himself, it is hard to say; but as to the Nation, it is pretty evident, that, if he chose to avoid being a Party, it was their Interest that he should have observ'd an exact Neutrality, and left both Parties to worry and weaken one another: For it has already been made appear that the Dutch had form'd a Confederacy, that was held either an Overmatch for France; consequently they were no longer in Danger: And while they did their own Business of preserving the Balance of the Continent, the Commerce of the World flow'd into our Channel; and we had a glorious Opportunity of teaching it to hold that Course for ever.

This Tenderness of his Majesty for France was, however, very artificially cover'd; for he chose Sir William Temple to open the Scene, who could lie under no Suspicion of leaning to the French Interest: And when that Minister, before he enter'd upon his Commission, took the Liberty to expostulate very freely with his Majesty on his late Conduct, and in particular, laid before him that admirable Saying of *Gourville's*, That a King of England, who would be the MAN of his People, was the greatest King in the World; his Majesty join'd Issue with him, and declar'd, That he would be the MAN of his People: Which induc'd even Sir William himself to believe, that the King was a Convert, and intended to grow popular, by acting as he would have him.

Sir William's Instructions were, to offer his Majesty's Mediation to the States, and then to repair to the Prince of Orange, in order to engage him to second his Desires, in promoting a general Peace. His Embassy

A. D. 1674.

Temple's Works, v. i. p. 383, 384.

Sir William Temple sent to Holland to offer his Majesty's Mediation.

A. D. 1674.

was declar'd in May, and in July he arriv'd at the Hague; where he found the States strongly dispos'd to Peace; and, consequently, to accept of the propos'd Mediation: But the Prince of Orange, to whom he was next address'd, so little lik'd his Errand, that he industriously avoided giving him an Audience: Sir William had follow'd him as far as Louvain, in Person; and from thence dispatch'd his Secretary after him to Tirkmont; who return'd with an Executic, instead of an Appointment. This was a Manner of Behaviour from a Prince of Orange to a King of England, which, tho' overlook'd at that time, keafely deserv'd to be forgiven; and very sufficiently shew'd, that Sir Leslie Jenkiss had not misrepresented his Highness to the Council.

The Prince of Orange would give his own Audience.

After this Defeat, Sir William return'd, not a little mortify'd, to the Hague, and renew'd his Conferences with the Pensionary; tho' fully sensible they serv'd only to fill up Time, and keep up the Face of a Negotiation: For the Pensionary, in effect, acknowledg'd, that, while the Prince and the several Allies bound their Account in the War, it was in vain that the States desir'd to be deliver'd from the Burthen of it.

Indeed Sir William could alledge no more in the way of Argument, than the Pensionary was willing to grant: The Business of the Republic was done: They had recover'd all the Places they had lost during the War, except Grave and Maftricht; the last of which was to be surrender'd to Spain; and the first they made no doubt of mastering, before the End of the Campaign. They were, therefore, in earnest, for sheathing the Sword, that they might retrieve their Commerce; that they might give some Relief to their Subjects; and, possibly, that they might disarm their Stadtholder; who was not more rever'd for his Services, than dreaded for his Power.

Battle of Senefc.

While the Mediation was thus suspended at the Hague, the Battle of Senefc was fought, between the French, under the Command of the Prince of Condé, and the Confederates, under the Prince of Orange, the Count de Monterey, and the Count de Soubise: It was expected, that this Action would have prov'd decisive, and oblig'd one Party to have accepted a Peace from the other: But the Event was not answerable. The Prince of Condé had the Advantage in the Outlet, the Prince of Orange in the Close. Of the Prince of Orange the Prince of Condé bore witness, That he had done like an old Captain in all, but only in venturing himself too much like a young Man. Of the Prince of Condé, an anonymous Writer pronounced, That, in the Beginning, he was a great Captain; in the Middle, more a Soldier than a Captain; and, in the End, neither Captain nor Soldier. The French retir'd to their Quarters; the Confederates pursu'd their March: Six or seven thousand Innocents fell on each Side: And

both return'd Thanks to God, it may be presum'd, that they had lost no more; for, except a few Standards and Prisoners, neither had any Proofs to produce of a Victory.

It had been the great Purpose of the Confederates, to carry the War this Year into France, both on the Side of Flanders and Alsace; and the Prince of Orange was so confident of succeeding in it, that he openly promis'd Count (f) Starbemberg, to make him drink good Wine in Champagne before the Summer was over: But, against such Leaders as the Prince of Condé, and the Marshal de Turenne, who was at the Head of the French Forces in Germany, it was no easy Matter to succeed in so great an Undertaking.

Design of the Confederates to penetrate into France. Du Mont.

In the Beginning of the Year, the French had fallen into *Franché Compté*: The Prince of Vandemont, Son of the Duke of Lorraine, commanded there for the Spaniards, but was in no Condition to make head against the Enemy: This the Duke was but too well inform'd of, and therefore he thought himself oblig'd to try every Expedient in his Power to come in to his Rescue: He accordingly first list'd the Swiss Cantons (who would have procur'd a Neutrality for the *Franché Compté*, but the Spaniards declin'd it) to give him Passage with his little Army; but they had lately enter'd into a Treaty with France, and were thereby oblig'd to refuse him. He then join'd the Body of Imperialists under Count Caprara, and endeavour'd to draw him into an Engagement with the Marshal de Turenne; but he excus'd himself, by alldging, that he could not answer the expofing of the Emperor's Troops in so desperate an Enterprize. The Duke then turn'd himself to the Side of Rhinsfeld: But the Marshal had been beforehand with the Duke of Wirtemberg, and confirm'd him in his Resolution of observing a strict Neutrality. In vain he cast his Eyes towards Alsace, and his own Duchy of Lorraine; his vigilant Enemy had secur'd every Pass in both those Provinces: And when he apply'd in Person, as his last Resource, to the City of Straßburg, the very Neighbourhood of Turenne render'd all his Arguments and Remonstrances ineffectual.

Franché Compté invaded by the French.

In this melancholy Interval, *Franché and Ispé Compté* was lost; and all the Duke could now do was, with Caprara, to retreat to the Neckar, there to wait for the Arrival of the Duke de Bourgonville, with the Army under his Command; with which additional Supply, they made no question of overpowering the Marshal, and forcing their Way into Lorraine, according to the original Plan of the Campaign.

But they had to do with a Man, whose distinguishing Perfection was to disconcert the Designs of his Enemies. He had no sooner heard of the Duke's Retreat, but he guess'd the Reason, and resolv'd to attack him before the expected Junction could be made.

In

(f) Which was, in some sort, accomplish'd by that General's being taken by the French, at the Battle of Senefc, and sent Prisoner to Rivins.

A. D. 1674.

The Battle of  
Sinsheim.

In order to which, he made a forced March, of twelve French Leagues in one Day; and thereby came in sight of the *Imperialists*, before they had heard he was in motion: The Surprise they were in upon this Occasion, however, produced no Disorder: The Duke made the best Disposition imaginable to receive the Enemy; he shelter'd himself behind the little Town of *Sinsheim*, to which there was no Access but thro' a dangerous Defile; he posted his Cavalry on an Eminence, and drew up his Infantry in a Bottom, amongst the Hedges, which serv'd him for Intrenchments.

The Marshal very well understood the Difficulties in his Way; but resolv'd to surmount them: And so impatient was he to come to Action, that he would not suffer his Troops to take Breath, but made his first Impression at a heat. The Attack was gallant; the Defence obstinate; the Loss equal on both Sides; and all the Advantage he gain'd was, the Glory of forcing the Enemy from his Post.

He could not however hinder them from repassing the *Necker*, nor from joining the Duke de *Bourneville* some Days after.

But if this bold and hasty Expedition did not answer the Marshal's Expectation, neither did the Junction of the two Armies answer the Dependence of the Duke of *Lorraine*: Instead of being able to force the French out of the Field, the French were still able to attack them a second time, in the Neighbourhood of *Heidelberg*, with as much Success as before. The *Imperialists* were oblig'd to retire towards *Frankfort*, there to wait for yet farther Reinforcements; and the Marshal de *Turenne* distributed his Troops in the *Palatinate*, to refresh themselves after the Dangers they had dared, and the Fatigues they had undergone; and to encourage them to dare and suffer more.

The *Electo-Palatine* was dissatisfy'd with the *Imperial Court*, was nearly ally'd to the House of *Bourlen*, by the Marriage of his Daughter to *Monseur*; and had enter'd into a Neutrality with his most Christian Majesty; but notwithstanding all these Considerations, when he saw *Germany* invaded by the Arms of *France*, and became sensible of the Dangers that must arise from their Success, he made the necessary Dispositions to join the Confederates, and take part in the Preservation of the Empire.

This Conduct of his, the most Christian King deeply resenting; and now the time was come for him to let loose his Vengeance in all its Fury, and by one dreadful Example deter all the rest of his Minor Allies from presuming to desert his Cause.

So long ago as the Close of the preceding Year, the Garrison of *Philippburg*, which was in the Hands of the French, had haras'd the Country round, and committed horrible Devastations to the very Gates of *Heidelberg*: After which the Marshal de *Turenne* receiv'd Orders to march into the *Palatinate* with his Army, and to give him a Taste of what he was to expect, in case he persisted in his Attachment to the Emperor. What follow'd

was military Execution; the Country was ravag'd, and some Villages were reduced to Ashes. The *Electo* maintain'd his Integrity notwithstanding; and instead of making Submission to *France*, as was expected, demanded Succours of the Emperor and Empire. The French, now more exasperated, for their next Exploit, surpriz'd *Germersheim*; and when the *Electo* demanded a Restor of the Commanding Officers in that Enterprise, for an Hostility so sudden and so long deterr'd; one of them refus'd to give any Answer; and the other fiercely declar'd, That he had the Honour to be born a Frenchman, and subject to the greatest King in the Universe, to whom only he was oblig'd to give an Account of his Actions. His *Electo* Highness then thought it high time to make his Levies, and prepare to make the best Defence he could. He likewise published a Manifesto, in which he charges the Garrison of *Philippburg* with having seiz'd his Towns, imprison'd his Subjects of all Ranks and Qualities, exacted Contributions, pillag'd, robb'd, kill'd, burn'd, and committed all kinds of Enormities; and in the Close, not only commands all his Troops and Auxiliaries to be upon their Guard against those Rapinners, to seize, and in case of Resistance, to put them to the Sword, but summons all the Neighbouring States to join in doing the same, as he promis'd to do in their Defence whenever he should be requir'd.

This, in particular, was the unpardonable Sin, which the *Electo* had committed, and which the Marshal was now to punish in a manner that has scarce any Precedent in modern History. The Soldier had Licence given him to live at Discretion, and made such use of it as shew'd that Man, set free from the Restraint of Laws, was the most savage Animal of the Creation: Luit, Rapine, Murder, Cruelty, and Oppression sent out their several Furies on every Side: Property was no more: Distinction was lost: That Leveler Calamity made all wretched alike. The Palace was made desolate, the City sunk in Flames: Not even the humblest Village escap'd: From the highest Hill, nothing was to be seen but smoking Ruins, and all the various Horrors of total Desolation.

The unhappy *Electo* felt for his Subjects all that a tender Father could feel for his Children. He saw his Country undone without Remedy: And with the deepest Resentment of so dire a Visitation, found himself in no Capacity of taking the Revenge it so loudly call'd for. The *Imperial Armies* which were to have penetrated into *France*, were driven back as far as *Darmstadt*; and tho' he sent the most pressing Dispatches to *Vienne*, *Ratisbon*, and all the Neighbouring Princes and States, in order to form an Association against the Common Enemy, he received only Condolences instead of Succours. Unable, therefore, to bear any longer his own bitter Reflections, he sent Mr. de *Turenne* a Challenge, in which he told him, that, if he had commanded an Army of *Turks*, instead of the Troops of his most Christian Majesty, he should not have wonder'd to see his Towns

fir'd,

A. D. 1674.  
The Platina  
ravag'd.and of Hei-  
delberg.

A. D. 1674

fir'd, and his Subjects butcher'd in cold Blood; and, after reproaching him with the Obligations that the Family of *Bouillon* (from which the *Marthal* was descended) had to his Ancestors, left him to chuse, the Time, Place, and Manner of Combat, and press'd him to solicit his Master's Leave, with the Influence of one who desir'd to obtain it. The whole Letter betrays a Mixture of Rage and Despair: And it appears, the *Marthal* himself was sensibly affected with so stirring a Representation of the Anguish he had caus'd. Not thinking himself at Liberty to accept this Defiance, without Permission, he did not fail to consult the Pleasure of the King his Master, who could not be prevail'd upon to expose so valuable a Life to oblige an exasperated Enemy. The *Marthal* was therefore constrain'd to wave the Honour the Elector design'd him, and this he did in the most gallant and respectful manner: At the same time, purging himself from having either wantonly or maliciously authoris'd the Evils he complain'd of; insinuating that they ought rather to be consider'd as the unavoidable Consequences of War; declaring he had done his utmost to prevent them, and that, even for Justice sake, he had punish'd those whom he had found most criminal.

Tho' the Elector was softened by this Apology of the *Marthal's*, he was not reliev'd: But when he heard the Imperial Army was augmented by the Troops of *Lunenbourg*, and the new Bishop of *Munster*, he repair'd to *Mentz*, to confer with the Dukes of *Lorraine* and *Bourbonville*, in the Persuasion that their first Attempt would be to set free the *Palatinate* by the Reduction of *Philippsburg*. Here he was again mortify'd, for neither of those Generals had any such Design in View: And when he made his Complaints to the Emperor, he was silenc'd with fair Words, and the Promise of being put in Possession of *Alsace* for ten Years, when it should be recover'd out of the Hands of France.

Confederates  
post the Rhine.

It was now the Elector of *Mentz*, who had, hitherto, been afraid to shew the least Favour to the *Imperialists*, gave them Passage over his Bridge; and soon after the City of *Straßburg* did the same. This was a Thunder-Clap to Mr. de *Turenne*, who neither expected, nor was prepar'd for so alarming an Incident. He had plac'd his whole Dependence on *Straßburg*; and the Disappointment disconcerted him more than he had ever been in his whole Life before. The Enemy already outnumber'd him above a third Part. The Elector of (g) *Brandenburg*, with his Troops, was expected to join them every Day; and, after that, he resolv'd he should be forc'd to abandon both *Alsace* and *Lorraine* without striking a Blow. From this Consideration he was induc'd, for once, to lay aside all his usual Caution, and to take

the two Provinces upon the Issue of an Action, which nothing but his present Extremity could execute. Having waited a few Days at *Wentzenau*, where he was intrench'd, for a Reinforcement which was drawn out of the Garrisons of *Alsace*, and admitt'd a new Oath of Courage and Fidelity to his Officers, he decamp'd of a sudden, and, marching up to the Enemy, gave them Battle at *Entzheim*: But, tho' the Action was hot and bloody, and lasted from Nine in the Morning till it was dark Night, it was neither general nor decisive: Only the Right of the *French* and the Left of the *Confederates* was fully and fairly engag'd: And tho' the Last are said to have given ground, the First did not venture to pursue. 'Tis certain a solemn *Te Deum* was sung at *Paris* (at which the King and all the Court assist'd) for no other visible Advantage, than the taking ten Pieces of Cannon, twelve Colours, and eight Standards, which the *French* Army dearly paid for.

Battle of  
Entzheim.

It to happen'd, however, that this Engagement, doubtful as it seem'd, was productive of Consequences equally advantageous to the *French*, and mischievous to the *Confederates*. The Shock of the Onset had fallen upon the *Lunenburghers*, under the Command of the Duke of *Hollrin*, who had been nobly supported by the Duke of *Lorraine*, with some of his own, and some of the Troops of *Munster*: These had maintain'd the Fight till Two in the Afternoon; and in all that time the *Imperialists* had either neglected, or found it impracticable, to come to their Assistance. The *Lunenburghers*, who had suffer'd grievously, were loud in their Complaints: The Duke of *Bourbonville*, the *Imperial* General, was as loud in his own Defence: Both Parties were equally exasperated against each other; and, while they were thus at variance among themselves, no Advantage could be taken of the Weakness of the Enemy. Things were in this untoward Situation, when the (h) Elector of *Brandenburg* join'd the confederate Army with 18,000 Men, and Forty-seven Pieces of Ordnance: But his Arrival rather widen'd than clos'd the Breach; for he took part with the *Lunenburghers*, and openly condemn'd the *Imperialists* for not coming up to their Relief. Hence it follow'd, that this Addition of Numbers made no Addition of Strength: A Diversity of Interests produced a Diversity of Opinions: All were equally fond of their own: Councils serv'd only to create Confusion: And if ever any thing like a Concert took place, it was divulg'd as soon as made. It might be said, that Mr. de *Turenne* was present at all their Consultations; for he was always inform'd of all that pass'd, and, of course, found it easier to disappoint the Measures of his Enemies, than they to

The Lunenburghers assist'd.

form

Disaffection in  
the confederate  
Army.

(g) Both he, and the Duke of *Brunswick* and *Lunenbourg*, had again deserted the *French*, and entered into the Confederacy, June 1<sup>st</sup>, 1674: But the Duke of *Hesse* continued staunch to his Neutrality, notwithstanding all the Princes of his House were come over to the Confederates.

(h) About the same time the Elector *Palatine* brought a Reinforcement of 2000, and the Duke of *Seld* of 3000; which rendered the whole Confederate Army near 50,000 strong.

form them: He had been reinforced by the Marshal *de Crequi*, with about six thousand Men; but still his Army bore no Proportion to that of the Confederates; and it will ever be Matter of Astonishment, that he not only kept the Field, but, against all their Efforts, effectually protected the greater Part of *Alsace*, which he had receiv'd Orders to evacuate, in the Belief that it was no longer tenable.

Duke of Lorraine penetrates into his own Duchy.

Of all the confederate Generals, only the Duke of *Lorraine* eluded his Vigilance; and, by Ways till then believ'd impassable, flipp'd into his own Duchy, surpriz'd the Marquis de *Sablé* in his Bed, and entirely routed the Party he commanded, which were the Noblesse of *Angou*; after which he seiz'd upon *Remiremont* and *d'Espinal*, and thereby oblig'd the Marshal to move that Way with his whole Army, to put a stop to his farther Progress. The Duke now flatter'd himself that the Confederates would make use of this Opportunity to enter *Lorraine* likewise by the Pass of *Oberbergen*, which they might have easily done: But finding this great Advantage was overlook'd, and sensible, that, with the Handful of Men under his Command, it would be impossible to defend himself, he was forced to withdraw, having obtain'd no other Advantage by his Expedition, than a Booty of about three or four hundred thousand Livres, and the Pleasure of having shewn the Allies the Road, which they ought to have pursued.

In this Interval they had, however, carry'd the strong Castle of *Hunningen*, and so closely block'd up *Brifac*, that they made no doubt of reducing it before the End of the Year: But *Lorraine* being once more in a State of Tranquillity, Mr. de *Turenne* resolv'd to return into *Alsace*, and either oblige the Enemy to raise the Siege; or, at least, to throw sufficient Succours into the Place. The Crisis he knew was favourable to him: The *Swedes* were on the point of deserving the Subsidy they receiv'd from *France*, by invading *Prussia*, in order to oblige the Elector of *Brandenburg* to recall his Forces out of *Alsace*, for the Defence of his own Dominions: And so happily did all things coincide according to his Expectations, that, when he arriv'd at *Besfort* with his Army, he found the Confederates encamp'd in two separate Bodies; the *Imperialists*, &c. under the Duke of *Beaumont*, behind the River *Ill*; and the Elector of *Brandenburg*, with his own Troops and those of *Lawenburg*, near *Colmar*: This was the Opportunity he wish'd for; and he resolv'd to improve it to the utmost, by ordering his Troops to pass the Fords in the Neighbourhood of *Mulhausen*; which the Enemy had taken no other Precautions to secure, than by posting six Squadrons in the Meadow on the other Side; which were supported by five more: These were soon thrown into Disorder, by the Regiment of *Orleans*, and some other Troops, who at two different Places had pass'd the River, and began the Attack: The main Body of the *Imperial*, *Lorraine*, and *Munster* Cavalry, were drawn up behind a Hill, and

Allies near Colmar.

continually pour'd in fresh Troops to sustain those who gave way. The *French*, likewise, made to good use of their Fords, that two Lieutenant Generals, and two Camp Marshals, with their respective Divisions, pass'd the River, and charg'd the Enemy with so much Vigour, that they turn'd their Back, and, Night coming on, retreated in great Confusion.

This Action happen'd so late in the Season as the 20th of *December*, N. S. and on the fourth of *January*, the Marshal, continuing to take Advantage of the Disorders of the Enemy, came up with them in the Neighbourhood of *Colmar*; but finding their Disposition too good (being drawn up in Battalia in a sort of triangular Island form'd by the Rivers of *Colmar*, *Turkheim*, and a Canal of Communication) that, tho' he charg'd them several times on the Canal Side with great Resolution, he could not force them from their Post. The Dispute, however, continued till it was dark; after which, he order'd his Troops to rest on their Arms all Night, and, his Cannon being now arriv'd, he made the necessary Preparations for renewing the Attack next Morning.

But when Day broke there was no Enemy in Sight: The Elector of *Brandenburg* had not only look'd on during both these Actions, without taking part in either, but for the farther Security of his Troops, took care to make an early Retreat to *Schlesstadt*. This put the Duke of *Beaumont* under a Necessity to do the same; and at a general Council of War, held in that Place, it was resolv'd to send back the Troops of the Circles which were marching towards them; to repair the *Rhine* at *Strasbourg*; and to break up the Army, some returning home, and the rest being dispers'd into Winter-Quarters; except about three thousand, who fell by whole Corps into the Enemies Hands.

Confederates dispers'd.

As on the one Hand, the Dissolution of so vast an Army, under the Command of so many Princes, struck a Damp thro' the Confederacy, and dissolv'd all *Germany*, so on the other, the Glory of Mr. de *Turenne* was at the full: He had by his own excellent and admirable Conduct, not only preserv'd *France* with a far inferior Force from the Menaces of the Confederates, but drove them out of *Alsace* with Ignominy. In the several Engagements of the Year, he had never once been foil'd; and when he return'd to *Paris*, to receive the Applauses of his King and Country, he left the *Rhine* for the Boundary of the *Gaulic* Empire.

It may be thought these Transactions do not immediately belong to the History of *England*; but they certainly do to our Politics; Nothing being more necessary to be known in this Island, than the Extent of the *French* Power, and the Weakness of a *German* Confederacy.

Even on the Side of *Flanders*, where Affairs wore a more florid Aspect than in the Empire, it appear'd that there could be no Mixture of jarring Interests without a Fermentation. The *Imperialists* desir'd no more than to hold the Prince of *Conde* at Bay, that

Dissensions among the Confederates in Flanders.



A. D. 1674.

he might not be able to send any Succours to Mr. de Turenne in Alsace. The Spaniards were for applying the whole Force of the League to the Recovery of the Places seiz'd by France before the Treaty of Aix; and the Dutch were all for reducing Grave and Mastricht, from whence the French levy'd Contributions as far as Buren and Cullenburg. The several Commanders had likewise their several Pretensions, which kept up perpetual Broils amongst them. The Count de Monterey, who was a Grandee of Spain, and Governor General of the Spanish Netherlands, would allow no Superiority to the Stadtholder of the Seven Provinces; for which Reason he address'd him always with the Title of Excellency instead of Highness; and the Prince of Orange would not rank with the Count de Monterey: And, tho' the Count de Souches could come into no Competition of Rank with either, he was first in Command, and therefore was for giving the Law to both. The ill Consequences of these Differences were felt even at the Battle of Senef, tho' Sir William Temple presumes that they did not break out till the Siege of Oudenarde.

Siege of Oudenarde.

Upon this Occasion, indeed, they became notorious to all Europe. The Prince of Orange passionately desired to come to another Engagement with the Prince of Condé, and for that Reason, principally, had advis'd the Enterprize on Oudenarde; as being fully persuaded that the French would hazard a Battle in order to raise the Siege. As he expected, the Prince of Condé came up within a League of the Confederate Camp: A Council of War was call'd: His Highness of Orange was of Opinion they ought immediately to quit their Lines and fight him, while his Troops were yet fatigu'd with their March: The Count de Souches, on the contrary, was for putting it off till the next Day; which was at last agreed to; and the Prince, on the Morrow, made his Dispositions accordingly: But de Souches broke all his Measures again: For, instead of passing the River to join the Prince, he march'd off another Way, and oblig'd his Highness to follow him: In this Interval, the Enemy got between the Town and them, and drew up on an Eminence; at the Bottom whereof was a hollow boggy Ground, which, tho' the two Armies continued in Sight of each other for twenty-four Hours together, furnished the Allies with an Excuse for avoiding the very thing they had affect'd to seek, and for making their Retreat towards Ghent; tho' it is pretty plain they had entertain'd some such Thought before; the Prince of Orange, as well as the Count de Souches, having sent thither their Baggage and Cannon, almost as soon as the French arriv'd.

Rais'd by the Prince of Condé.

However this may be, the Prince now quitted the Army, in Disguis; but was, at length, prevail'd upon by the Count de Man-

tery to rejoin it; possibly on the Condition that he should be at Liberty to undertake the Siege of (i) Grave, the only Place which the French now held in the Territories of the Republic, and which after a gallant Defence, was surrender'd to his Highness before the End of October: With this Exploit ended the Campaign; his Highness soon after, dispersing his Troops into Winter Quarters, and returning to the Hague; where he was receiv'd as the Guardian Genius of his Country.

A. D. 1674.

Grave taken.

The very Day of his Return the foreign Ministers came to compliment him on the Successes of the Campaign; and, among the foremost, Sir W. Temple, who had snatch'd the first Opportunity to fulfil his Instructions, by communicating his Majesty's Inclinations to forward a general Peace, in concert with his Highness; and by leading him to explain his Sentiments thereon.

Conference between the Prince of Orange and Sir W. Temple.

But the Ambassador could not be more warm in his Proposal, than the Prince was cold in his Answer. He did indeed acknowledge his Majesty's Kindness; but he shew'd no Disposition to embrace his Offers: Tho' disgust'd with his Colleagues, he was not weary of the War: The Obligations of the States to Spain furnish'd him with Arguments to shew the Dishonour they would incur by striking up a separate Peace: And the Sketch he conceiv'd to give of the Terms which the Spaniards would, or, according to him, ought to insist on, sufficiently shew'd, that a general one was scarce to be look'd for. Thus it appear'd, that, tho' the principal Powers engag'd in the War had, by this time, accepted his Majesty's Mediation, there was little Prospect of its being attended with the desired Success.

Sir William did not fail to impart this Conference, in detail, to his Majesty, almost as soon as it was over; and was surpris'd to receive no Returns or Orders upon it, except that, about eight or ten Days after, he was prepar'd to expect the Arrival of the Lords Arlington and Ossory, together with their Ladies and their Brother Mr. Odyke, at the Hague: No Mention however was made of Business; and he was left to suppose, what was very unlikely, that they came only to make a Visit to their Friends and Relations in Holland.

In a Letter from Sir William Temple to his Father, dated March 27, 1674, Notice is taken of a Bargain, which had been made between Lord Arlington and Sir Joseph Williamson, for the Secretary's Place: The Latter was to give six thousand Pounds for it; and the Former was to resign it, as soon as Lord St. Albans should be willing to part with the Chamberlain's Staff, for which Lord Arlington had agreed to pay him ten thousand.

Lord Arlington made Lord Chamberlain, and Sir J. Williamson Secretary of State.

On the first of September, this Bargain was executed; and on the 14th, the Public was inform'd

(i) In his Way thither, the Prince had like to have fallen into the Hands of a French Party, of 4000 Horse, and as many Musketeers, who were detach'd on purpose to inter-

cept him, and who mist of him but by Three Hours March.

A. D. 1674.

inform'd by the Gazette (N. 420.) that those two Removes were made in recompence of the long and faithful Services of Sir Joseph Williamson, as a Clerk of the Council; and of Lord Arlington, as Secretary of State.

But his Lordship, it seems, did not make over his Influence and Importance, with his Place. He only parted with the Fatigue, the Envy, and the Danger; and both in the Council, and the Closet, he was solicitous to maintain as great an Ascendancy as ever: He was, however, sensible, that he stood but on slippery Ground: The Duke was strongly prejudic'd against him; and Lord Danby every day gain'd ground of him with the King: It became his Business, therefore, to lie in wait for an Opportunity to do some notable Service, that should restore him to his former Significancy: And when this Dispatch of Sir William Temple's arriv'd, relating to the Disposition of the Prince of Orange, he thought he had found it.

Accordingly he is said to have insinuated into his Majesty the Necessity of his entering into the closest Union with the Prince of Orange, and the Expediency of making himself the Agent to effect it, on account of the Assurances he might hope from his Relations in Holland: Rutigny, the French Minister at London, was also at the Bottom of this Intrigue; the Lady Mary, the Duke's eldest Daughter, was made the Bait to draw his Highness in the Measures of the two Courts: To manage this Part of the Affair was Lord Offory's Business, who, on account of his distinguished Bravery, was very dear to the Prince: And tho' the Lord Treasurer had no Share in forming the Project, he was willing to put in for a Share of the Merit of it, by sending his Son to make his Compliments, and offer his Services, to his Highness: And as to the Duke, he had been induc'd to give his (4) Consent to the Negotiation, with the proviso, that the first Motion should come from his Highness.

Nothing is harder to repair, than Blunders in Politics, especially such as affect the Persons of Princes. Either to exemplify the King's Regard to the Prince of Orange, or his Influence in Holland, Lord Arlington had told Mr. Van Rheede, who had been sent over into England upon the first Motions of the late Peace, That his Majesty could make the Prince

be serv'd as de Wit was, if he would set himself about it. This, it seems, his Highness never could digest; and when his Lordship came over on this important Errand, it contribut'd not at all to his better Reception, which, as he describ'd it himself to Sir William Temple, was dry and fullen; the Prince appearing uneasy while the Interview lasted, behaving himself as if he with'd it over, and complaining afterwards of the Arrogance and Insolence with which Lord Arlington had enter'd upon all his Expofulations.

They had, however, three long Conferences, of which Sir William gives no other Account, than that the Pensioner and Count Waldeck thought, "That the Bait of my Lord Arlington was to draw the Prince into such Measures of Peace, as France then so much desired; into a Discovery of those Persons who had made Advances to the Prince or the States of raising Commotions in England during the late War; into secret Measures with the King of assisting him against any Rebels at home, as well as Enemies abroad; and into the Hopes or Designs of a Match with the Duke's eldest Daughter. Though, THEY SAID, he found the Prince would not enter at all into the first, was obstinate against the second, treated the third as a Disrespect to the King, to think he could be so ill belov'd, or so imprudent to need it; and upon Mention made of the last, by my Lord Offory, he took no farther Hold of it, than saying, His Fortunes were not in a Condition for him to think of a Wife."

Sir William adds in his own Person, "That Lord Arlington, at his Return, was receiv'd coldly by the King, and ill by the Duke, who was angry that any Mention had been made of the Lady Mary, tho' it was done only by my Lord Offory, and whether with Order from the King, or not, was not known; so as never any Strain of Court-Skill and Contrivance succeeded so unfortunately as that had done, and so contrary to all the Ends the Author of it propos'd to himself. Instead of advancing the Peace, he left it desperate; instead of establishing a Confidence between the King and the Prince, he left all colder than he found it; instead of entering into great personal Confidence and Friendship with the Prince, he left (1) an Unkindness that lasted ever after. Instead of retrieving

Pris'd of a  
Princ, by a  
Marriage of  
the Prince of  
Orange with  
Lady Mary.

Temple's  
Memoirs, v. 1.  
p. 395.

P. 460.

A. D. 1674.

P. 597.

(4) Bishop Burnet (vol. 1. p. 577) affirms the contrary, with the strange Circumstance of having it from the Duke's own Mouth.

(1) If this is true, the Prince of Orange was not the Man whom Sir William has represented him to be; for, after this Affair was over, his Highness was pleas'd to give to the Earl of Arlington, at different times, the following Expressions of his Friendship and Favour:

From the Camp at Duffel, June, 1675.

My Lord,

"I was very much pleas'd to see, by your Letter of the 17th of the last Month which I receiv'd but three Days ago, that our \* Quarrel is at an end: I can assure you it is no small Satisfaction to me; and I hope that nothing for the future may interrupt that Friendship we have mutually promised each other. For my part, I will endeavour to let you see that I wish nothing so much as to have frequent Op-

portunities of effectually demonstrating how sincerely I am,  
My Lord,

Your most Affectionate Servant,

W. Prince of ORANGE.

P. P. I desire you that our Compliments may end with our Quarrel; and when you will give yourself the Trouble to write, to send them to Baljaste at Brussels, who will take care to convey them to me sooner than by the Higgs."

Laken, June 5, 1677.

"Not long ago I found by one of your Letters to Overland, that some body has given you some very much Reports of me; which has oblig'd me to send Restorck EXPRESSLY to disabuse you, and to assure you from me to the contrary; being most sincerely your Servant, and desiring you to continue me in your Friendship; which I will endeavour to deserve, by showing you, on all Occasions, that I am entirely  
Yours,

W. Prince of ORANGE.

\* This will be explain'd hereafter.

A. D. 1674.

his own Credit at Court, which he found wanting upon the Increase of Lord Danby's, he made an End of all he had left with the King, who never after us'd him with any Confidence further than the Terms of his Place."

This is what Sir William calls *uncovering this mystical Journey*; but if it was attended with all these unlucky Consequences, it was more than it deserv'd; for it was evident from what Sir *Leoline Jenkins* had advanc'd at the Council Board, That this Alliance was the most natural and important Step which the King could take to establish his own Tranquility: And surely no Offer could have been made to the Prince of Orange, which more deserv'd his Acknowledgments. That therefore these concurring Interests did not unite, can no otherwise be accounted for, than by the Interposition of the Interests of France, which instead of cementing, hinder'd them from coming together.

But in truth, Sir William has rather *obscur'd* than *uncover'd* this *mystical Journey*; and we must have recourse to Lord *Osborn's* own Letter to the Duke of Ormond for a clear and candid State of it, as likewise that of the Prince himself to his Majesty, which are as follow.

The Earl of Osborn to the Duke of Ormond.

"When I have given you an Account of my late Commission, you will judge, who and what influences Affairs at present. The King judg'd an Alliance by the Duke's Daughter to the Prince of Orange to suit most with his Occasions; as also a right Understanding between them. My Lord Chamberlain was commissionated to handle the *Eclaircissement* on the King's Side, and my Part was that relating to the Duke. The Objection that the King made was, That the Prince of Orange during and since the War, had endeavour'd to raise up *Seditious* at home. His Answer was, That before the Peace, he us'd his best Endeavours to obtain, if not constrain the King to it; but not by any thing tending to a Rebellion; that afterwards he would own himself a Villain, if ever he had done the thing that might give any Suspicion thereof. My Lord *Lauderdale* had one *Carhares* seiz'd upon and examin'd, who said, that the Prince of Orange bid him compliment Duke *Hamilton*. This he own'd; for it was not unlawful, he thought, after Wars to be civil to Persons of Worth and Honour. This was all the Quarrel on our Side. Upon the King's desiring to know who he had treated with, and the King's Promise that the Persons named should not suffer, he desir'd to be excus'd; with this Promise, that if for the future, any thing came to his Knowledge that might disturb the Quiet of the Kingdoms, he would give Notice of it in time.

A. D. 1674.

The Prince of Orange's Complaints were, that the King, instead of helping him in his greatest Distress, had sent over Embassadors who made a stricter League with France; but that he forgot all things pass'd, which could not be helped. He said, that it was insinuated to him, that something was intended for the Duke of *Monmouth* to his Prejudice. To this we gave him Satisfaction by the King's reiterated Commands. That which most touch'd was, the King's conniving at *Levies for France*, and his Strictness against such as desired to serve under him; upon which he press'd extremely, that the Troops might be recalled, or that he might have Leave to raise some for the Service of the States. To this he receiv'd not the Satisfaction he wish'd. Upon which he several times said, That he was to expect little from us during our Partiality and fear of displeasing France; and that whilst those of my Lord *Lauderdale's* Principles had so much Credit, the French Interest would overbalance his. At our parting, he bid us not only thank the King, but assure him, that if Occasion were, he would venture for his Service, his Life and Fortune.

I come now to my Part. The King told me, his Nephew and his Niece's Marriage was the only thing capable of helping the Duke; and that for that, as well as other Reasons, he had spok'd to the Duke of it, who consented that, upon the Prince of Orange's desiring it, I should undertake the Proposition would be accepted. This Commission I had from BOTH, and upon its being mov'd to me by the Prince of Orange, I declar'd to him so much, and shew'd him the Account I gave of it to the Duke; from which Letter, by my making a Comma instead of a Full Stop, the Critics would infer, that I had made the Offer first. Upon this the Duke express'd all the Anger imaginable; but the Prince's Letter by me fully justified the contrary. The Duke will have the whole Letter to be a Civil Denial; to which I have nothing to say, but that I am sure the Prince thought it otherwise; for I shew'd it him, who approv'd thereof. During our Absence, the King's Mind hath been wrought upon in this Affair so much, as I believe those who with not a good Understanding between him and his Nephew, will have their Aim. I almost forgot to tell you, that the Duke before our going, said, he would not have his Daughter marry before a Peace were made. But this the King oppos'd, believing that when we had nothing to say on that Account, it would give a Jealousy, that other Ends were sought under this Negotiation, which he would not have any ways clogg'd. The Duke's Expostulation was mingled with much Kindness, but avowing

From the Camp at Soignes, Sept. 20, 1677.

"Since his Majesty has been pleas'd to give me leave to make a Tour into England, I hope quickly to have the Honour of seeing you there, and to dispel those Impressions, as my Lord *Osborn* tells me, some People have made upon you, That I was not so much your friend and Servant as I always

have been. It will not be long before I shall have an Opportunity to assure you so the contrary by Word-of-Mouth; desiring you to excuse me till in your Friendship, and to be assur'd that I am entirely

Your,  
W. Prince of ORANGE.

A. D. 1674.

avowing, *that he liked not the thing from the first*, and accusing me of too much Haſte. His Carriage ſince to me is very fair and open. I find the Duke of Monmouth much of the ſame Mind; there being, beſides *Croſſneſs of Interests*, ſome private Piques between the Prince and him.

From the Prince to the King.

S I R, Hoger, Jan. 11. 1674.

"What your Maſteſty had the Goodneſs to order the Earls of *Offory* and *Arlington* to ſay to me on your Part, I could not hear but with Abundance of Joy, as alſo the Credential Letter which they delivered me upon the Subject of the Friendſhip and Eſteem your Maſteſty vouchſafed to ſhew me, and the Deſire you had that all Miſunderſtandings which might have happened during the laſt War might be forgot for ever. I aſſur'd them, on my Part, I would contribute what lay in my Power towards it, and that it ſhould be my greateſt Care to preſerve that Friendſhip your Maſteſty had done me the Favour to aſſure me of, and that I would neither ſpare Life nor Fortune to deſerve it. Moreover, I have promiſed the Earl of *Offory* and *Arlington*, *That I am and will always be ready to acquaint your Maſteſty with all I can learn of the ill Practices and miſchievous Deſigns your Enemies may have againſt your Perſon, or the Quiet and Reſt of your Kingdoms; At preſent I can aſſure your Maſteſty I know none; but if I can learn any thing for the future, I will not fail immediately to give you an exact Account.* In Return, I beg your Maſteſty will do me the Favour to ſhew ſome real Marks of your Friendſhip, not only to me, but the *States General*, whole Interests and mine are at preſent inſeparable; upon which Subject I have explain'd myſelf more at large to the Earls, who without doubt, will give your Maſteſty a faithful Account of all what paſſ'd in the Conferences which I had with them, having an intire Confidence in their Perſons. I alſo return your Maſteſty my humble Acknowledgments for the Choice you was pleas'd to make preferable to all others, being Perſons moſt proper and capable to eſtabliſh not only a ſincere, but a firm and indifſoluble Intelligence (as your Maſteſty deſires) in your Royal Family. I could earneſtly have wiſh'd in Perſon to have aſſur'd your Maſteſty of all theſe Proteſtations, and that it is in your Maſteſty's Power to make Peace, or let the War continue amongst the Parties engag'd. All which, I beg your Maſteſty intirely to believe, and that I am and will be all my Life with a moſt profound Reſpect,

S I R, &c.

1674.

It does not appear from either of theſe Letters, that this Negotiation was ſo thoroughly unſucceſſful, as Sir *W. Temple* has repreſented

A. D. 1674.

it; for if it did not contribute to the general Peace of *Europe*, it bid fair to the rendering his Maſteſty more at eaſe at home (which perhaps was the great Drift of it) ſince his Highneſs had given it under his Hand, that inſtead of exciting Diſcontents, he would make it his Buſineſs to diſcover them. But Sir *William* was piqu'd at his having no Concern in it; and Lord *Danby* was undoubtedly alarm'd, at ſeeing ſo great a Measure ſet on foot, in which he had ſo little Concern: There was now a cloſe Connection between the Lord *Treſurer* and the Embaſſador, than between the Embaſſador and the Lord *Chamberlain*; and it may be eaſily ſeen, that his Attachment to the *First* led him to write with rather too much Bitterneſs of the *Laſt*.

As the Object appears to a common Eye, Lord *Arlington* ſeems rather to have taken a Method to make his Court to the Prince, at the Expence of the Duke, than to offend him; and that his Rival put his Interests and Credit to the ſtretch, ſoon after, to outbid him for his Highneſs's Favour: For in a Letter of his Highneſs's to Sir *Gabriel Sylvius*, dated *March 25, 1675*, we find the following Words: "The Lord *Treſurer* had no ſooner let me know his Maſteſty's Kindneſs in aſſigning me my Debt here, (as the eight hundred thouſand *Patacons*) but I writ to the King, to return him my moſt humble Acknowledgments, and ſent the Letter to the Lord *Treſurer*, becauſe it was he that gave me the *fiſt Notice* of his Maſteſty's favourable Reſolution." Adding; "I have alſo writ to his Maſteſty, to thank him that he would concern himſelf in the Affair of *Gelderland*."

We have here all the Marks of a perfect Reconciliation: Favours freely beſtow'd on one ſide, and gratefully acknowledg'd on the other: And as to the Rivalſhip of the two Miniſters, for the Prince as well as the King, it is further remarkable, that at the very time his Highneſs had choſen to return his Thanks to his Uncle, by the *Danby Channel* (tho' which, indeed, this whole (m) Affair had been tranſacted) Lord *Arlington* was either hurry'd by his own Reſentment, or betray'd by ſome falſe Friend, to charge the Prince with a Deſign of making a Journey to *England*, in order to engage the Parliament to tranſact the Meaſures of *Prorogation*. And with the Addition of ſaying, *It was like to prove but an ill Friendſhip between the King and the Duke, if it was to be made with Blood: As alſo, That there were ſome Wounds among them, which would bleed aſreſh if they were open'd.* This made the Quarrel mention'd by the Prince in his Letter of *June 1675*, and induced his Highneſs, after purging himſelf in the ſtrongeſt manner from the Imputation, to declare, with the higheſt Indignation,

The Lord Treſurer outbid Lord Arling-ton for the Prince of Orange.

Quarrel between his Highneſs and Lord Arling-ton.

Temple's Works, vo. 12. p. 330. &c.

(m) It was ſet on foot when Lord *Danby*'s Son accompanied the *Baſt of Offory* and *Arlington* to the *Marſhes* who brought with him a Order of ſervants from his Maſteſty, the Prince made uſe of the Opportunity to apply for his Debt, and in his Letter of Thanks to that Miniſter, dated *February 27, 1675*, he thus expreſſes himſelf on the Accomplishment of it: "And as I know that I owe to yourſelf alſo

the *Stated* which this Affair has met with, I give you many Thanks, and ſhall own the Obligation as long as I live."

And here we have the Foundation of all that Friendſhip and Confidence, which afterwards ſubſiſted between the Prince and the *Treſurer*.

A. D. 1674-5

The Title of Duke of Gelderland offered to his Highness by the States of that Province.

nation, That he would never bestow any thing more to do with him, beyond common Forms.

As to the Affairs of Gelderland: What his Majesty's Concern in it was, it is scarce possible to explain: But it shew'd such an aspiring Spirit in the Prince, as gave the *Lowest* Nation very great Advantages against him, and took off much of this mighty Popularity, which had been the Foundation of his present Greatness. His Highness had a Call into that Province, to settle the Magistracy, in the Right of his Office as *Stadtholder*; and, while he was there, the Deputies of the Province unanimously made him an Offer of the Sovereignty of their Country, under the ancient Title of Duke of Gelderland, which they pretended had been formerly in some of his Ancestors. No Affair of this Nature is the Product of Chance: And the Prince himself is said to have been deepest in the Intrigue which gave rise to this. He, however, demurred upon the Offer, and demanded the Advice of *Holland, Zealand, and Utrecht*: The last temporis'd, and prompted him to accept it: The second openly dissuaded him: And before *Holland* came to a Resolution, he saw Reason to excuse himself from accepting, what would, in all likelihood, have cost him more than it was worth.

III. Consequences attending it.

Sir *William Temple*, in his *Memoirs*, has bestow'd a few Paragraphs in a sort of Endeavour to purge his Highness from any sinister Views in this Affair: But he seems to have forgot what he had said upon it in his Letter to Lord *Arlington*, dated February 26, 1674-5, viz. "The Business of Gelderland is now over; but the Smart of it will not wear off without farther time; and bending the Stick the contrary Way must set it right." And again a little after: "It was a common Voice of *Amsterdam*, That better be under the Subjection of that Crown [*France*] than of an absolute Sovereign at home. In those few Days the Noise lasted, there was above three hundred thousand Pounds drawn out of the Bank of *Amsterdam*. The *East-India* Actions fell above Thirty: And those upon the *Centers* of *Holland* fell from a Hundred to Seventy-five; which was Five lower, than at the most desperate Crisis of the last War: Which are Effects that might amaze such as do not either understand or consider, how much Trade, and indeed all Government depends upon *Orison*."

Two Projects for a Peace.

The Beginning of this Year produced also Two other Projects, relative to the Peace. One arose from *France*, and was carry'd on by the *Marshall d'Esstrades*, with one who had been Pensioner of *Musgraves*; and who communicated all to the Pensionary *Fogel*. It was calculated solely to effectuate a separate Peace between *France* and *Holland*; to break the Union of the States with the House of *Austria*; and to renew their ancient Dependence on *France*: As a Consideration for which, they offer'd all possible Advantages to the States, and all those personal ones that could be desired by a Prince of *Orange*.

The other was the Fabric of his High-

ness and his Pensionary *Fogel*; and propos'd, that a Match should be made between the young King of *Spain* and *Madame Stile* (the Daughter of the Duke of *Orleans*, by the Princess *Henrietta* of *England*): That *France* should give with her in Dowry the late conquer'd Places in *Flanders*: That his *Britannic* Majesty should make this Match, upon these Terms; and that he should have two hundred thousand Pounds for his good Offices in it.

Neither met with any Success. The Prince had too much Honour to quit his Allies: And the *French* had more Mind to the rest of *Flanders*, than to part with what was already in their Hands.

It is now time to return to the more immediate Affairs of these Kingdoms.

As the King and his Parliament now began to lead the Life of a Couple who were become mutually odious to each other, by their mutual ill Humours, a Notion arose, or was artfully inculcated, that a Divorce would ensue. And this becoming the Subject-matter of almost all Conversations, it gave occasion to the issuing another Proclamation, against those who should utter any false News, or Reports, or intermeddle with the Affairs of State and Government; as likewise against all those who listen'd to such Reports, without revealing the Authors: In which, however, it was in so many Words, affirm'd, That the Intention to dissolve the Parliament had never once been under Deliberation.

Proclamation against Uttering of false News.

Gazette, Num. 883.

This Edict was set forth in the Beginning of *May*: And, in the Beginning of *July*, a Letter from the Privy Council of *Scotland* to the King (signifying, that, in obedience to his Commands, they had to apply'd themselves to curb the Disorders which had lately broke out in that Kingdom; that the Influence of that Party was at a stand, and their seditious Practices, in a great measure, abated) was inserted in the *Gazette*, to confute divers *False Reports*, about that time spread abroad, as if that Kingdom was in danger of falling into some sudden Commotion.

Letters from the Scottish Privy Council.

Num. 902.

In the same Month, his Majesty was pleas'd to dismiss the Duke of *Buckingham* from all his Employments; and, by his Letters to the University of *Cambridge*, to declare their *Chancellorship*, which his Grace had held by Election, was vacant. The Duke of *Monmouth* succeeded him in every thing, but his Influence at the Council-board; which seems to have been, for a while, divided between the Earls of *Arlington* and *Dumby*, and in the End, to have rested on the latter only.

Date of Bucks's Disgrace.

[Gazette, Num. 904.]

As Apostate-Patriots become Thorough-pac'd Ministers, reprobate Ministers become itaunch Patriots; and, as Kings reward their Enemies, the People forgive them. Thus the Duke of *Buckingham*, who had been the Collegue of Lord *Shaftsbury* in abusing his Power, was not ashamed to become his Collegue again in exasperating the People; and no sooner did the People believe him to be their Friend, than they forgot he had ever been their Enemy.

Turns Patriot.

A. D. 1674-5.

Of the famous Cabal but two now remain'd at Court, and of those two but one, the Duke of Lauderdale had weather'd the Indignation of Parliament, without making Concessions on one Hand, or losing Ground on the other: But the firmer he seem'd to stand, the louder the Storm grew, and the more Eagerness and Impatience his Opponents shew'd for his Fall. In order to which those of Scotland furnish'd Complaints, which those of England were to make use of.

Mr. North's Character of the Duke of Lauderdale. Examen, p. 69.

Much has been said of this Minister already, but more remains. Mr. North is positive, *That he was the best and wisest Statesman that ever England had:* and the Reason he assigns, in effect, is, because he was the most arbitrary. His Words are, "By the prudent Conduct of the Duke of Lauderdale, Scotland was in a Posture, not only of Safety, but (if needed) of giving Assistance to the King." Again, "He was an expugnable Loyalist, and kept the Door of Scotland close shut. No Harm could get in or out there, while he was Commissioner; which in the Sense of the Earl of Shaftsbury, &c. was the worst of Offences.—And the same Reasons wrought as strong on the King's Side, who never could be prevail'd with to part with his Commissioner."

If the strengthening a Government was always a Receipt to shut the Door against Mischief, according to this Representation of Mr. North's, the Duke of Lauderdale would have deserv'd the Character he has bestow'd upon him: But, unfortunately, the People have more to fear from their Prince, than the Prince from his People, which that Gentleman never once supposes: And for one Instance that can be given of a Government having recourse to a Military Power merely in its own Defence, many may be found of their doing it with a View to compel their Subjects to kneel like Camels to be loaded, and to disable them from spurning at the Hand that imposes the Yoke.

It has been already prov'd that this was notoriously the Case with respect to this applauded Measure of the Duke of Lauderdale's, for arming his Majesty with the Power of Scotland: And, with respect to his own particular Conduct, it has likewise been already prov'd, that no Man could exercise a Vicegerency, over a brave and sensible People, more like a *Bashee* than he. It is necessary to add, from the Records of 1674, that, after the Remonstrating-Members had let the King into the Particulars of their Complaints, they were dismiss'd with much seeming Graciousness; and had Hopes given them, that all their Complaints should be left to the

Judgment of Parliament: But when they expected a Session, and rode down to Scotland, in the most severe Weather that ever was known, the Commissioner, by his Majesty's express Command, adjourn'd it from March 2, to October 14, which created such universal Discontent, says Bishop Burnet, that many offer'd at very extravagant Propositions to destroy the Duke of Lauderdale, and all his Party.

Further Instance of his arbitrary Government.

At this Crisis, his Grace thought it advisable to make Friends with the Presbyterians, by taking their Leaders into his Confidence, and not only coniving at their Meetings, but suffering them to take possession of the vacant Churches of Edinburgh; which they held for some Months.

But this provok'd the Clergy out of measure: several of whom, in resentment, gave out, that all things were falling into Confusion: And, at their Diocesan-Meeting, endeavour'd to set on foot Petitions for a national Synod, in order to settle the Church. This gave such Offence, both to his Grace and the Archbishop of (n) St. Andrews, and was by them so represented at Court, that, pursuant to the Act of Supremacy, an Order was obtain'd, and directed to the Privy Council, for turning out the Bishop of Dumblaine, and four of the Ministers of Edinburgh; and for confining the four last in the Neighbourhood of that City, and removing the first eighty Miles off: All which was executed without citing, accusing, or hearing any of the Parties; on a private (s) Information only.

Among the angry Devices of the Opposition, which they had recourse to after the Disappointment they had receiv'd by the Prorogation, one was, to procure an Appeal to be made from a Decree of the supreme Court of Session to Parliament. This was done with a Design to necessitate frequent Sitzings, and was to underhoo'd: The Judges therefore required all the Advocates to condemn this Proceeding, as contrary to Law (Bishop Burnet acknowledges there lay no such Appeal): They refus'd: The King then interpos'd with his Commands, without effect: The next Step was to banish them by Proclamation (not Law) from Edinburgh, and twelve Miles round about, in case they did not submit to the King's Pleading in three Days. They went into Banishment. Another Proclamation was then issued, in which his Majesty declar'd, *ON THE WORD OF A KING*, that, if they did not resume their Employments before a certain Day in January, 1664-5; they never should be admitted again: This frighted back about Twenty-five; which were scarce a Third of the whole Number.

(n) What follows, and many other Particulars relative to the Scottish History, as far as the Year 1678, I deduce from a Manuscript in Lord Somers's Collection, Vol. XX. call'd, England's Looking-glass's or, *A new Account how the Kingdom of Scotland was first subvert'd, and managed, by the Duke of Lauderdale, in their last three or four Years; which is authoriz'd, in many Places, not only by the concurrent Testimony of Bishop Burnet, and the Papers in the State Tracts in the Time of Charles II, on the Scottish Affairs; but several Royal Letters, and Proclamations, which will be quoted in their proper Places.*

(s) Our Manuscript (*A Looking-glass for England*) has the following Paragraph, p. 3:

"The Information given against them, especially the four before-nam'd Ministers, was made by Sharp, Archbishop of St. Andrews, who got that Bishopric by betraying the Presbyterians, which shew'd a great deal of Courtship, and a notable for his Persecutions, Represses, and Rogues; And he, knowing that a national Synod was to be his Judge, and hearing some of his enormous Crimes were come to light, did all he could to misrepresent the Design, and strike up a Friendship with Duke Lauderdale, on this Foot of Account."

A.D. 1674. Number. The Rest presented a Paper to the Privy Council, containing the Reasons for their Non-submission to these Rules; and offered to submit, in case the Judges would declare the said Rules were grounded upon Law. The Privy Council were next order'd to proceed against them, on this Paper: But it was drawn up with so much Caution, that it would not admit of a Charge. The Advocates then sent a Deputation of the most eminent of their Body to the King, with an humble Tender of submitting their Cause to the Decision of his Majesty. To parry this Push, Sir George Mackenzie was induced to desert his Brethren, and petition to be restor'd: And accordingly was, notwithstanding the (p) King's Word to the contrary: And, finally, his Majesty was prevail'd upon to certify, in a Letter to the (q) Judges, That, being resolv'd to cut off the (r) scilicet and frivolous Explications of any who thought to address to himself, he did devolve the Matter wholly on the Judges; ordering them to exclude all that had been main Sticklers, either here, or there; or Libellers of him and his Government.

Having thus shown, that no Professions, either Sacred or Civil, were out of the reach of his Power, this best and wisest Statesman, that ever England had, took occasion to show, likewise, that neither Virtue, nor Service, nor unblemish'd Loyalty, could screen the Possessor from his Persecutions, or entitle him to the Benefit of the Laws of his Country.

The Dutch were privileged, by the late Treaty, to make Levies in Scotland: One Carstairs, who had been employ'd by them, in 1672, on a more (s) exceptionable Errand, was sent to Scotland, as their Agent in this Affair; and was, moreover, intrusted to make a Compliment from the Prince of Orange to the Duke of Hamilton. This was his whole Commission, as his Highness afterwards declar'd. But the Duke of Lauderdale chose to consider it in another Light; and made use of it to bring his Adversaries into Suspicion with his Majesty: As if therefore he fear'd that an Infurrection was design'd, he procur'd a (t) Letter from the King to the Privy Council, commanding them to issue an Order to Lieutenant General Drummond to enter himself a Prisoner in Dunbarton Castle, within Forty-eight Hours. This Gentleman had serv'd the King and his Father Thirty-five Years; and had a Reputation, which Scandal itself had never foil'd. The Letter specify'd no Crime, nor the Suspicion of any; nor any other Reason for such a Severity, but

Our Will and Pleasure; nor had any other Sanction, than the Counter-sign of Lauderdale; tho' it contain'd a Violation of an express Statute (see VI. p. 10. cap. XIII.) which provided, That no Person should be liable to such Letter or Order, unless warrant'd under the Hands and Seals of Four of the great Officers of State: Nor then, unless in Matters of manifest Treason, or of immediate Importance to the King's Person and Government, which would admit of no Delay. But arbitrary, illegal, causeless, and unjust as the Order was, the General obey'd it; and late in the next Year, by Petition to the King, made a shift to obtain his Discharge; not the least Shadow of a Treason appearing against him.

It is farther remarkable, that, while the Bishop of Dunblaine, and the Four Ministers, were persecuted for their Zeal to the Church, the Lord and Lady Cardross were favour'd before the Council for keeping a Presbyterian Chaplain, who, in the Absence of his Lordship, had preach'd and pray'd before his Lady: This was the Charge; and his Lordship defended himself, by invalidating the Credit of the Witnesses; which he did so effectually, that both the President of the Session, and the King's Advocate, as well as the Judges, thought themselves oblig'd to declare in his Favour; But Lord Halton, as Paramount, taking upon him to pronounce, That what they said was neither agreeable to Law nor Sense; and putting the Board in mind of the King's Letter, which required them to proceed severely in the Case; the Majority chose to follow their Leader, and the Delinquent was fin'd 1100*l.* Sterling, and sent Prisoner to the Castle of Edinburgh.

Since his Grace of Lauderdale had held Scotland in Farm, the Magistrates of the City of Edinburgh had endeavor'd to purchase his Favour, by Gifts and Presents to himself, his Duchies, and his Brother the Lord Halton, to the Value of upwards of 11,500*l.* Sterling, besides a Pension of 200*l.* a Year, which they paid his Grace as Agent for the Borough at Court. No sooner had they held their Hands, but the said Lord Halton, who was Undertaker-General for his Grace, took occasion to threaten them with removing the several Courts of Judicature from thence to Stirling; in hopes of raising new Contributions. But the Project not answering, he resolv'd to gratify his Relentment, as well as his Avarice; and Power very rarely wants Opportunity for either.

From Circumstances, it may be presum'd, that, while large Sums were issued from the City

(p) The time prescrib'd by the Parliament was shipp'd upon. But to make a King, under his Hand and Signet, call the Hopes his Subjects had of his Justice and Clemency, and their Address to, his Person, a scilicet and frivolous Explication, is a thing never done by any Prince, since the last King of the last Race of France.

(q) To know in what Disposition the People were, promising Arms and other Necessaries, if they were in a Condition to give the Government any Disobedience.

(r) Who were employ'd to admit all such as sign'd Sir George's Petition; except as before excepted.

(s) On Occasion of these Expeditions, our Manuscript proceeds as follows: "Now if you consider this Letter, you will see what a Mountain a Minister, as well as a Man, he (Lauderdale) is, who prescrib'd it at first. You see how he makes the King break his Word, and that in favour of a Man, whom he hath so oft publicly declar'd the greatest Rascal and K— in Nature, and whose Petition did, in plain Terms, assert Arbitrary Power: And to have that Paper made the Form that all must sign, before they be suffer'd to

plead, are Things which no Man in his Wit his adventur'd upon. But to make a King, under his Hand and Signet, call the Hopes his Subjects had of his Justice and Clemency, and their Address to, his Person, a scilicet and frivolous Explication, is a thing never done by any Prince, since the last King of the last Race of France."

(t) De Cæcis, et la Mort de France.

A.D. 1674. City to the King's Vicegerent, the Magistrates were his Creatures; and that, when these were outed, the Tribute was withheld: Hence the Government of the City became a Matter of Moment; and what one Party struggled to recover, the other struggled to keep.

According to the original Instrument which constituted *Edinburgh* a City, their annual Magistrates were to be elected the next *Tuesday* after *Michaelmas*. In the Year 1674, *Michaelmas-day* was on a *Tuesday*; and, possibly to disappoint some Practice on the Court-side, the City resolv'd to make their Election that Day, instead of the *Tuesday* after: Of this Design the Lord *Haltoun* got such early Intelligence, that he was ready with a Letter from the King to the Privy Council, to command them to forbid the Magistrates from proceeding to Election, till his Majesty's farther Pleasure was known. The Magistrates obey'd. The Elections were postpon'd for Eleven Months together: And, in this Interval, the City was first threaten'd with a Resumption of all their Privileges; and then, great Pains were taken to prove they had none to be depriv'd of. Lord *Haltoun*, in searching the Records, had discover'd, that the City had made a Surrender of their Charter about a hundred Years before, to procure a Pardon for a Rebellion: Upon this, the Magistrates were summon'd before him and his Cabal, as if they had been the Privy Council, and challeng'd to shew Cause, why they should not be disfranchis'd: They reply'd, that their Charter had been restor'd, and confirm'd at full by the Three last Kings: But nothing would satisfy his Lordship, but a Sight of the very Charter itself; which being produced, both the King's Advocate and some of the Judges, who were present, could not help declaring, That there was no Colour to call their Franchises in question.

To fill the Measure of the Year, when the Corporation of Royal or Free-Boroughs met in *August* (as by Law they are authoris'd to do, when and where they please; as also, to make what By-laws they found necessary or expedient) the Duke of *Lauderdale* induc'd his Majesty to require them, by his Letter, to revive an old Law amongst them, That none might be chosen by any Borough, to serve in Parliament or Convention of States, but those who were of the Corporation: The Design of which was, to hinder any of the secluded Advocates from being chosen Burgesses, against whom his Grace had some Reason to be incens'd, and of whom he had more to be afraid: But the Honour of the King's Letter did not so much flatter the Corporation, as the Prescription it contain'd disgust'd them: They reply'd, in very free Terms, to his Majesty, That it was neither for his Advantage, nor theirs, that there should be any Restraint on the Elections, or Freedom of Parliaments: And, what was worst of all, they add'd some Reflections on the Duke of *Lauderdale*. The Consequence

was, that tho' this Answer contain'd nothing that was cognizable by the Laws, another Letter was procur'd from the King to the Privy Council, commanding them to commit Four of the principal of these Burgesses to Prison; as also to enquire strictly, who were the Contrivers of that obnoxious Paper: Upon this, an Inquisition was set up; Men of all Ranks were summon'd, and some from Places a Hundred Miles off: But, tho' such Numbers were examin'd upon Oath, nothing could be discover'd; and, in the Issue, the Three Prisoners (the Fourth having escap'd by Death) after a Confinement of between three and four Months, in the common Goal of *Edinburgh*, were brought before the Council; and, tho' nothing more had been prov'd against them, than against the others who had sign'd the Letter, they were heavily fin'd, and declar'd incapable of public Employments: So thoroughly had his Grace of *Lauderdale* forgot what he had asserted, in his Paper to the King against the Administration of his Predecessor the Earl of *Middleton*, That to incapacitate was to whip with Scorpions: That it was a Punishment which robb'd Men of their Honours, and laid a lasting Stain upon them and their Posterity.

Such was the Conduct of this best and wisest Statesman that England ever had, in his own Country, during the Year 1674; and such the Spirit which possess'd his Administration: And when we find him honour'd with the *Garret*, introduc'd into the (the) *English House of Peers*, pension'd with 3000*l.* per ann. and suffer'd to bear a very considerable, tho' not an absolute Sway in the Councils of *England*; how is it possible to forbear suspecting, that the same Prince who chose to govern by such violent Measures in one Kingdom, had a very strong Inclination to do the same in both?

But little hath as yet been said of the Lord Treasurer; it is now time to supply that Defect. He had been called to the Helm, when the Vessel was in a Storm; and thence his Enemies expected that this very Prefectment would have smother'd the way for his Ruin. The King had then his *Dutch War* upon his Hands; the establish'd Revenue bore no Proportion to the Expence of it. The Parliament had granted but one scanty Aid, not much above a third of which fell under his Lordship's Direction, and ever since the Exchequer was shut up, the Government had very justly lost all Credit with the People. These were the apparent Difficulties which he had to struggle with, besides the Envy which accompany'd his Prefectment, and besides the unavoidable Troubles which arose from the Strivings of the two Factions, as well as the natural Distrust and Malevolence which from a Sense of ill Usage, had seiz'd almost on the whole Nation.

But, however weighty the Charge, or delicate the Crisis, it cannot be deny'd, that he enter'd upon it with equal Courage and Ability: Fully sensible what great Demands he had

A.D. 1674.

Measure of the Lord Treasurer Danby.

Memoirs of the Earl of Danby, p. 5.



A.D. 1674 had to answer, and what little Assistance he was to expect from the Parliament, his first Endeavours were to restore Credit, and establish Oeconomy. And it appears he succeeded in both; for he found Means to borrow Money at Eight per Cent. which till this time had been usually done at Ten; to raise the Form of the Excise from 530,000 l. to 550,000 l. a Year; The Hearth-Money from 145,000 l. to 162,000 l. a Year; and the Revenue of Ireland from 190,000 l. to 220,000 l. a Year.

On the Conclusion of the Peace with Holland, he had a Land-Army, and a numerous Fleet to discharge: And within the Space

P. 135.

of fifteen Months he paid above fifteen hundred thousand Pounds towards those great Demands, with this peculiar Circumstance, to his Honour, That he paid the Seamen with Ready Money, which had never been done before but with Tickets, or Part Tickets, Part Money. Certain Reports having prevail'd in the Beginning of the Year 1674, that new Steps would be put on the *Excise*, Public Notice

Numb. 547.

was given in the *Gazette*, by his Majesty's special Command, and, it may be reasonably presum'd, by his Lordship's Advice, That the said Reports were false and scandalous. At his Entrance into the Treasury, he found the Government in Arrear to the *Tiths* 92,000 l. to *Tungier* 43,000 l. in old Tickets, and to sick and wounded Men, 93,000 l. All which, several Sums, he gradually discharged. Of the Household-Debts he also discharged 70,000 l. And so effectually did he bestir himself in behalf of the (w) suffering Bankers, that on July the 23d, 1674, a Grant pass'd the Great Seal, of 1,200,000 l. for two Years Interest on their Debt; and by several other Grants of perpetual Interest between Christmas, 1676, and Lady Day, 1679, they were intitled to 378,473 l. more; both which several Sums they were duly paid.

Memirs of the Earl of Danby, p. 137.

These are Circumstances, which, no doubt, shew the Administration of this Lord in a very advantageous Light; and which demonstrate what, that if the King had not rush'd into such desperate Projects, his Revenue would have been more than equal to his Necessities. But even as a Treasurer, his Conduct was not spotless, as will be made apparent in its proper Place; and what his Conduct was as a Minister of State, we are now to explore.

His Lordship had once been active in the Opposition, had put in for his Share of the

Merit of running down the Earl of Clarendon, and had been introduc'd to the (x) Council-board by his Interest in, and Subserviency to, the *Cabal*. Experience had taught him of what Consequence it was to a Minister, not to run counter to the known Inclinations of the People, especially with respect to *Papery* and a *French Interest*; and, at the same time, how impossible it was to hold a Prince's Favour, without making some Compliment to his Passions. Hence it may be presum'd, that he form'd a Plan to reconcile these jarring Principles, by making some Advances to the King, and some Concessions to the Subject. Probably, he found his Majesty more than half convinc'd, that neither the Government nor Religion of France, could, in his time at least, be naturaliz'd in England; and inclinable to compound for the Insistence of the Substance he held, by giving up the Shadow he gras'd at: Probably this Insistence was what the Earl undertook to procure; and certainly, *Papery* was to be the Premium or Consideration.

A.D. 1674

In February, 1674-5, an Order of Council was published in the *Gazette*, for putting the Laws in Force against *Papish Recusants*, *Seculars* also for the (y) Suppression of *Conventicles*, which was farther enforc'd by a Proclamation on the 27th. It is true, no Distinction was here made between *Protestant Dissenters* and *Papists*; tho' the Services of the first had so lately given rise to a Bill in their Favour: But Policy now dictated, not Justice. The Orthodox were the Bulk of the People; a Majority was the Court Point; and unless *Rome* and *Genoa* had been equally in Disgrace, unless *Church* and *State* had been thoroughly united, the Snare had given way and the Bird escap'd.

Numb. 602.

Another Part of his Lordship's Scheme was to couple Loyalty with Religion, and to spirit up the long-neglected *Cavaliers* against their ancient Adversaries, the *Republican* and *Fanatics*: They were invited to stand by the Court, and fed with Hopes and Promises that they should have a Monopoly of all Places and Preferment for their Reward. A magnificent Funeral for the late King was talk'd of, however unseasonably, and his Statue was erected, at his Lordship's Expence; according to *Marcol*, That the *able Party* might be rewarded in *Effigy*.

Gravel of Popery, 410. p. 63.

For his Personal Support against the *French Interest*, which he found himself oblig'd to declare against, and unable to subdue, he made

(x) Upon this Occasion the *Articles* for this Lord's Conduct, specify himself as follows: "For that which is worth of so great Honour to his Lordship, as it ought to be of Honour to the Authors of that *Agreement*, "That by the Lord's Care, a Satisfaction was given to many starving Oppress'd and Creditors, who had been put in that Condition by the Stop of the Exchange, to the Sum of 1,200,000 l. or thereabouts; and that he did at that time, when the Crown was not ready in Want, but when the Parliament had never contributed one Farthing towards it, whereas those People had been oppress'd and ruin'd by the Stop of the Exchange, and that he was the first in France, when the Exchange had been so much ruin'd with *Supervacuous* of Aid from Parliament, as it was depriv'd of necessary Supplies in this Lord's Time."

(y) As here, *Mercurio*, in *Annals*, R. *Mansfield*, Esq; the *Miraculous* of *Forbes*, the *Earl of Essex*, and the *Villainous* *Palatine* and *Hollifax*.

(z) According to the Account given by the *Disfranchis* of

this Affair, "His Majesty call'd the Bishops up to London to give him Advice what was to be done for the securing of Religion, &c. and they after divers Consideration sent the Masters of some, advis'd him to recall his Licences, and put the Laws against the *Nonconformists* in Execution."—Again, "No sooner was the Proclamation publish'd, but special Informers were let to work to promote the Execution. *Kramer*, Vol. III. p. 331.

The *Disfranchis* likewise say, That in the Year, 1673, Mr. *Baxter* had drawn up Proposals for an Union, at the Instance of Lord *Overs*, who assur'd him, that the New Lord Treasurer (*Dowry*) Dr. *Atterbury*, Bishop of *Windsor*, and several other great Men were ready for it, in order for their joint vigorous Proceedings against *Papery*. The like Treaty was renew'd in 1675 by Dr. *Tillotson* and Dr. *Hooker*, but to no purpose. Dr. *Tillotson* in the issue writing Mr. *Baxter* word, That, as Circumstances stood, neither the Concurrence of the Bishops, nor the Concurrence of his Majesty, was to be expected. *Ibid*. p. 332.

A. D. 1673-5. made sure of the Prince of Orange, as we have already seen. The Conversion he had brought about at Court, drew all the Bishops into his Train. In adding strength to the Prerogative, he thought he made an Atonement to the Duke of discountenancing his Religion. There was a mutual Necessity that his Grace of Lauderdale and he, should be mutual Props to each other. And, as to the Parliament, to complete his (a) Precautions (of which his Concert with the Prince of Orange was not the least) he not only took care to enlarge his Interest among the Members by all possible Means, but resolv'd not to flickle for a Supply, till he knew his Footing, and had Reason to think he might set Opposition at Defiance.

We have here the Idea of a great Minister, endeavouring to raise a Colossus of Power, of as different Materials as the Image in *David's* Dream, Gold, Brass, Iron, and Clay: And if Policy, if Expedient, and all the Arts of governing by a Party, could have made his Greatness permanent, all were here assembled with the greatest Care, and all were dispos'd with the greatest Skill, in order to consolidate his System and make the whole of a Piece.

But there may be Contact without Union. All that he undertook for the Crown, could not reconcile the Duke to his Proceedings against Popery; and all his Proceedings against Popery could not reconcile the Lovers of Liberty to his Practices in favour of the Prerogative. Arbitrary Power, when forc'd in by Popery, did not appear half so dreadful to them, as when introduc'd by the establish'd Church. In the first Instance, Tyranny appear'd barefac'd, and both Clergy and Laity had equal Reason to be alarm'd at her Approach: But in the last, she presented herself in a Mask, Religion was her Harbinger, and disarm'd all Resistance, by teaching in the awful Name of God, that it deserv'd, and would incur, Damnation.

All the Preparatory Steps that the Earl had taken to insure his Success, had rais'd a suitable Expectation that some Design of great Moment was at Hand; and from the past Measures of the Court, it was both natural to fear, and reasonable to guard against the worst. Hence the Intriguers took Occasion to render his Abilities formidable, and his Services odious; and in Proportion as he made it appear that the King could subsist without the Bounty of Parliaments, the more dangerous he was held to his Country, and the more necessary it was thought to remove him.

There were yet other Circumstances which contributed to disconcert his Measures, and make his Administration both uneasy and unsuccessful. Tho' Lord *Arlington* was still

in the King's Service, and had been so obnoxious himself, he made no Difficulty to join with the Opposition in persecuting a Minister that serv'd his Majesty too well; and fomented those Jealousies and Practices which center'd in a measure agreed upon among the most considerable of them. *Not to give the King any Money, while the present Lord Treasurer continu'd.* And tho' the Duke of *York* was the Treasurer's Friend against Lord *Arlington*, it was not because he lov'd and esteem'd the first, but because he despis'd and hated the last. With the King it must be understood, that he was his constant, and irreconcilable Enemy. For setting aside the Business of Religion, the Treasurer could not be more closely attach'd to the Prince of Orange, than the Duke to his most Christian Majesty; and as those were eternal Opposites, it must necessarily follow, that the Advices of their several Solicitors must be eternally opposite too.

The unfolding another Intrigue of the Year 1674, will set this Affair in the clearest Light imaginable.

It has been already hinted, that when the King was prevail'd on to make up with the *Dutch*, as the first Step towards making up with his own People, the Duke seem'd to think his Majesty now not to be dependant upon, that he himself was like to be deserted, and that it was advisable to seek a Support elsewhere.

From the Time of his Alliance with the Family of *Madona*, which was one of the Jobs of *France*, the most Christian King had made his Highness more than ordinary Professions, and he had shewn a more than ordinary Sense of them. To improve that good Disposition of the Duke, therefore, and possibly to be aveng'd on the King, in the most unsuspected, as well as the most effectual manner for quitting his Interest; a secret Correspondence was open'd between his most Christian Majesty and the Duke, thro' the Hands of *Father Ferris* first, and afterwards *Father le Chaise*, Confessors to his said Majesty, and *Sir William Vbrognation*, the Duke's Agent at *Paris*, and *Mr. Coleman*, Secretary to the (a) *Duchess* at *London*; of which the following remarkable and circumstantial Account is extant, in a Letter from his Royal Highness, to the said *Father le Chaise*:

"The second of June last past, his most Christian Majesty offered me most generously his Friendship, and the Use of his Purse to assist against the Designs of my Enemies and his, and protect'd unto me, that his Interest and mine were so clearly linked together, that those that oppos'd the one, should be look'd upon as Enemies to the other; and told me moreover, his Opinion of my Lord *Arlington* and

(a) An Intercourse of Compliments and Kindnesses was this Year licenc'd to pass between the Court and City. *Sir Robert Fevers*, the Lord Mayor, invited the King to be his Guest at *Guildhall*, on his Show Day. His Majesty came, and condescending to accept the Freedom of the City, the Copy of it in a large Gold Box, with the Seal in another, set with large Diamonds, was presented to him at the Banqueting House, December 13 following.

(a) This Gentleman is commonly suppos'd to have been the Duke's Secretary: And indeed he was so at first, but was dismiss'd, as a seeming Parliament, for his having circulated seditious Letters through the Kingdom, tho' without losing the Confidence of his Majesty; as is plain, from his being afterwards placed in the service of her Royal Highness.

A.D. 1674 and the Parliament, which is, *That he is of Opinion, that neither the one nor the other is in his Interest, or mine.* And thereupon he desires me to make such Propositions as I should think fit in this Conjunction.

All was transacted by the means of Father Ferriers, who made use of Sir William Thorngorton, who is an honest Man, and of Truth, who was then at Paris, and hath held Correspondence with Coleman, one of my Family, in whom I have great Confidence. I was much satisfy'd to see his most Christian Majesty altogether of my Opinion, so I made him answer the 29th of June, by the same means he had made use of to write to me, that is, by (b) Coleman, who address'd himself to Father Ferriers (by the forementioned Knight) and entirely agreed with his most Christian Majesty, as well to what had respect to the Union of our Interests, as the Unfruitfulness of my Lord Arlington and the Parliament, in order to the Service of the King my Brother and his most Christian Majesty; and that it was necessary to make use of our joint and unnot Credits to prevent the Success of those evil Designs, resolv'd on by the Lord Arlington and the Parliament, against his most Christian Majesty and myself, which of my Side, I promise really to perform, of which since that time, I have given reasonable good Proof.

Moreover, I have made some Proposals, which I thought necessary to bring to pass what we were oblig'd to undertake, assuring him that nothing could so firmly establish our Interest with the King my Brother, as that very same Offer of the Help of his Purse; by which means I had much reason to hope, I should be enabled to persuade to the dissolving of the Parliament, and to make void the Designs of my Lord Arlington, who works incessantly to advance the Interest of the Prince of Orange and the Hollanders, and to lessen that of the King your Master, notwithstanding all the Protestations he hath made to this Hour to render him Service.

But as that which was proposed was of a hand, by reason of the Sickness of Father Ferriers, so our Affairs succeeded not according to our Design, only Father Ferriers wrote to me the 15th of the last Month,

*That he had communicated those Propositions to A. D. 1674 his most Christian Majesty, and that they had been very well liked of, but as they contain'd things that had regard to the Catholic Religion, and to the Offer and Use of his Purse, he gave me to understand he did not desire I should treat with Monsieur Ruvigny upon the first, but as to the last.* And at the same time acquainted me, *That Monsieur Ruvigny had Order to grant me whatever the Conjunction of our Affairs did require.* And I have expected the Effects of it to this very Hour, but nothing hath been done in it. And, seeing on the other Hand, that my Lord Arlington and several others, endeavour'd by a thousand Deceits to break the good Intelligence, which is between the King my Brother, his most Christian Majesty and myself, to the End they might deceive us all Three, I have thought fit to advertise you of all that is past, and desire of you your Assistance and Friendship, to prevent the Rogueries of those who have no other Design than to betray the Concerns of France and England also; and who, for their pretended Service, are the Occasion they succeed not.

As to any thing more, I refer you to Sir William Thorngorton and Coleman, who I have commanded to give an Account of the whole State of our Affairs, and of the true Condition of England, with many others; and principally my Lord Arlington's Endeavours to represent it to you quite otherwise than it is.

The two first I mentioned to you, are firm to my Interest, so that you may treat with them without any Apprehension."

To this, Father le Chaise return'd an Answer by Sir William Thorngorton: Mr. Coleman had Orders to reply; and the most material Passages of his Letter are as follow:

"For the rest, his Royal Highness does a little wonder, that he hears nothing from Monsieur Ruvigny touching the second Point of your Letter, since you have written so positively, that he had Order to confirm, and procure Execution of, what his most Christian Majesty propos'd to him, the second of June last, by your Mediation, and you, by that of Sir William Thorngorton's. He (his Royal Highness) has omitted, till this time, to acquaint you with the small Success that

(4) The Letter here alluded to was as follows: "I am commanded to tell you, that his Royal Highness my Master is very sensible of the Friendship of his most Christian Majesty; which he will endeavour to cultivate very carefully, and to give him all possible Assurance of it, to take away all Jealousies that his Enemies would raise to the contrary."

That his Royal Highness has done nothing, in any Manner whatsoever, nor in any Place, against the Interest of his most Christian Majesty; but hath render'd him all the good Offices he hath been capable of.

That as for reconciling the Parliament, and soothing my Lord Arlington, his Highness is altogether of the Opinion of his Majesty, that neither one nor other is useful, but quite contrary, very dangerous, as well for England as France; and that his most Christian Majesty is in great danger of losing the Neutrality of England, at the next Session (if the Parliament meet) as he is in the Alliance, by the Peace of Holland, at the last; because the Lower-house, and their Friends, on the House of Lords, have a Design to lessen his Royal Highness, and next to the Catholic Religion; and they think they cannot make use of any other sure Means to attain their End, than

to raise the Dutch, and to perplex his most Christian Majesty as much as lies in their Power.

That his Highness doubts not but it is absolutely necessary for the Interest of his most Christian Majesty, and his Royal Highness, to use all Endeavours to hinder the Meeting of the Parliament, by persuading his Britannic Majesty, that his Government, his Honour, and his Quiet, are no less concerned therein than theirs; so that if his most Christian Majesty would write freely his Thoughts thereupon to his Britannic Majesty, to forewarn him of the Danger he apprehends from thence, and would wishal think fit to make him the same generous Offers of his Purse, to persuade him to dissolve the present Parliament, as he hath done to his Highness for the Election of another, perhaps he would succeed therein, by the Assistance we would give him here.

As for another Parliament, it would be easy enough to get such an one as we wish for; the Constitutions of our Parliament being of such a Nature, that, as there is nothing to be hop'd for by the King from an old one, so there is nothing to be fear'd from a new one; because such an one, at their first Meeting, must needs assist his Majesty, so far as to enable him to acknowledge his Obligations, both to his most Christian Majesty, and to all the World, &c.

A.D. 1674-5

he has had, as expecting daily that Monsieur *Ruvigny* would impart to him the Commission, of which you made mention to him in your Letter; but having heard nothing yet of that Matter, and being oblig'd to go out of Town for fifteen Days or three Weeks, he thinks fit to send you back Sir *William Tregownen*, to acquaint you with the Progress of this Business, and to pray you to inform yourself of what has been able to hinder it.

His *most Christian* Majesty made a very generous Offer to his Royal Highness of the Assistance of his Purse, to enable him to defend them both from the Evils that threaten'd them; and by good luck his Royal Highness has labour'd with so much Diligence and Success, that the Dangers which they apprehended are a little put off: But one thing more is necessary, for the perfect securing their Affairs; and without making one Step more, all that he has already done will signify nothing. For that the Assistance of his *most Christian* Majesty is no less necessary at present than heretofore, to subdue entirely those, who, being exasperated against his *most Christian* Majesty as much as against his Royal Highness, only because he is to unalterably addicted to the Interest of his *most Christian* Majesty, will exercise their Malice and their Rage with more Brutality than ever, if they find occasion for it hereafter.

If you can therefore, by your Credit, obtain from his *most Christian* Majesty the Accomplishment of the Offer of his Purse, for raising the Reputation of his Royal Highness in the Opinion of his *Britannic* Majesty, and for putting him in Condition to resist the sharpest Batteries of the Adversaries of his *most Christian* Majesty and Royal Highness; to wit, the Possibility they pretend to get Money from the Parliament, and the Impossibility of having any elsewhere, by which they often keep the Mind of his *Britannic* Majesty in suspense, and wherein they place the Hope they have to conquer him at last.

There will nothing more remain to be fear'd by his *most Christian* Majesty, or his Royal Highness; but his Royal Highness will be able to dissolve the Parliament with Ease, and afterwards, in recompence of the said Assistance, will perform on his part all that his *most Christian* Majesty shall ask of

him; and will proceed with Sincerity, upon the Word of a Prince (that no Man can reproach him with the Violation of) for the Interest of his *most Christian* Majesty.

Thus we live in their (c) Letters Demonstration, that, as it grew more and more apparent, the Treasurer had adopted the same Sentiments with Lord *Arlington* in regard to the Parliament and Prince of *Orange*, he must grow equally obnoxious to his Royal Highness; and that the Prorogation from the 22d of *September* to the 13th of *April*, was the Effect of *Evangel* Councils; it being well foreseen, that, if the Commons should endeavour to force the King into the War, another Year must necessarily elapse, before it could be prosecuted to any purpose.

From all the Evidence that has yet been brought to the Light, we may venture to pronounce this was the Issue of Things, when the Fourteenth Session was open'd; and as to the Outside, the King, in his Speech to the two Houses, was pleas'd to declare, That to know what they thought might be yet wanting to the Security of Religion and Property; to give himself the Satisfaction of having us'd his utmost Endeavours to settle a right and lasting Understanding between him and them; and to recommend the Condition of the Fleet to their Consideration, were the principal Ends of his calling them together. His Majesty likewise threw in by the way, That it was high time to be watchful in preventing the Contrivances of ill Men; of which this was not their least. To make it impracticable, by all means they could devise, any longer to continue the present Parliament: That he would never depart from the Protestant Religion as it was established in the Church of *England*: That the Session of the Year would not permit of a long Session: That he intended to meet them again in *Winter*: And that Temper and Moderation would be necessary to disappoint the Expectations of those, who could hope only by violent and irregular Motions, to prevent the bringing the Session to a happy Conclusion.

Plain as this Text was, the Lord Keeper was order'd to add his Comment; which was in copious, that it takes up no less than sixteen Folio Pages, every one of which is garnish'd with the Flowers of Rhetoric, and

A.D. 1674-5

1675.

The Fourteenth Session.

King's Speech.

(c) In a third Letter of Mr. *Colman* to the Pope's Instructions, dated *September 22 1674*, he tells him, "That the Duke's principal Design is, to use the Pope's Interposition, and by that means to establish himself in the Possession of his Estate, thro' the Assistance of *France* and *Spain*; and to exert all their Care for the Ease of the Pope's Friends, and particularly for the Catholics of the Church, against their great Enemy; and shew him his will, that the Pope never had an Opinion so favourable as at this Hour, to enrich those of his Family, and to augment the Number of his Friends; and if he less it slip, he will never find his like. So that if ever they propose to make use of the Jurisdiction of the Church, it is now they ought to do it, for they can depend upon that the Duke will not be capable to do for the Pope's Friends."

In another Letter, of *October 23 1674*, Mr. *Colman* to the Intercession, begins thus, "You agree with me, that Money is the only Means of bringing the King into the Duke's Interest, and of detaching him from the Parliament; and you must also agree with me, that nothing can more promote the Interest of the Catholic Party, which is the principal Object of the Duke's Love and Affection, and of the Hatred of the Parliament,

and which must hope or fear, according to the side of them he takes in Power."

And again in another, to Sir *William Tregownen*, the Duke of *York* August at *Paris*, by Letter, dated in *February 1674*, he tells him,

"You know well, that, when the Duke comes to be Master of our Affairs, the King of *France* will have Reason to give us his best will, that we may have the Benefit of it, mounting to the Mind of the Duke, the Interest of the King of *England*, and the King of *France*, and his own, are to close bound up together, that it is impossible to separate the one from the other, without Ruin to all three; but, being join'd, they stand, notwithstanding all Opposition, become inviolable."

Mr. *North*, in his *Essays*, p. 135, 136, 136B, to consider the Duke's Interposition, as the Effect of *Colman's* Vanity and Folly only, without any Authority from the Duke's Malice: Some of his Expressions are, "All that *Colman* can do, and to lay hold on him (and his) Money, and to lay hold on his Word, that, as it were, from his Pen, a Drop of more Court Holy-Water." And again, "The Vanity of pumping for Money thro' a Passer not to be digested."

A. D. 1675.

withal, to void of Matter, as scarce to afford Presence or Excuse for an Extract.

The Commons, for their Entrance on Business, voted their humble and hearty Thanks to his Majesty for his gracious Promises and Assurances contain'd in his Speech: (*Marvell* indeed affirms, that they were very difficultly brought to it.) And then, as if resolv'd to take the King at his Word, to obtain a further Security for Religion, propos'd a very severe Bill for the Detention and Prosecution of Popish Priests: They likewise prepar'd another (*d*) Bill to make it Treason to levy Money without, or longer than the Time prescribed by; Authority of Parliament: A Third, to vacate the Seats of such Members as accept'd of beneficial Offices: A Fourth, prescribing a new Test against Popery, to be taken by both Houses, on the Penalty of Incapacity. They moreover reviv'd the *Hobbes-Corpus* Bill, and that to prevent the sending Men Prisoners beyond Sea.

Almost every Transaction of the Session partook of the same uncourteous Bias. Having vot'd *pro-pace*, for building of Ships, they proceeded to appropriate the ancient Tonnage and Poundage to the Use of the Navy: They also presented an (*e*) Address, to prevent any further Anticipation or Charge upon the Customs of *England* or *Ireland*; declaring it to be a Disservice to the King and Kingdom: And, to shut the Door on all Projects from the ministerial Quarter, after they had gone thus far, they resolv'd to proceed to no more Bills, before the Receipt.

To make Repetals on the *French* Party for having, to long postpon'd the Session, they address'd his Majesty to recall his Forces out of the *French* Service: And his Majesty replying, That he could not do it, without Derogation to his Honour and Dignity, and Prejudice to the Peace he then enjoy'd, and resolv'd to maintain; and offering to compound the Matter, by renewing the Proclamation to prohibit the going over of any more, they took the same Matter again into Consideration, and follow'd it with another Address, in which they remonstrated, that considerable Numbers of his Majesty's Subjects, both before and since their late Application, had been, and daily were, transported out of several Parts of these Kingdoms, to recruit the standing Body in the Service of the most Christian King; which had contributed greatly to the Success and Reputation of his Arms, &c.

It is worthy Notice, that no Debates during this rough Session, were carry'd on with more Heat and Bitterness on both Sides, than those which arose on this Subject. One Day in particular, *Marvell* tells us, upon a Dispute of telling the Numbers upon a Division, both Parties grew so hot, that all Order was lost: The Members ran in Confusion up to the Table, grievously affronted one by the other;

every Man's Hand upon his Hilt, and all ready to decide the Question by the Sword. But when the Tumult was loudest, the Speaker had the Honour to restore the Peace by maintaining the Dignity of the Chair, after that of the House was gone, and obliging every Man to stand up in his Place, and engage his Honour, not to relent any thing of that Days Proceedings.

From obnoxious Things proceeding to obnoxious Persons, the House resolv'd once more to give Vent to their Indignation against that good and wise Statesman the Duke of *Lindsdale*; and knowing he had broke with (*f*) Dr. *Burnet*, who was suppos'd to be deep in his Secrets, they order'd that Divine to attend the House; and having conquer'd his Scriptures, prevail'd with him, to confess, that he heard his Grace wish to God, That the Presbyterians of *Scotland* would rebel, that he might bring over the *Irish* Papists to cut their Throats: And that in a Conversation with him in the Duke's own Lodging at *Whitehall*, the first Saturday in September, 1673, the following remarkable Dialogue had pass'd between him and his Grace:

Duke. If the King should need an Army from *Scotland*, to tame those in *England*, might the Scots be depended on?

Declar. Certainly not. The Commons in the Southern Parts are all Presbyterians. The Nobility, thought they had been ill used, were generally discontented, and only waited for an Occasion to shew it.

Duke. I am of another Mind. The Hope of the Spoil of *England* will bring them all in.

Declar. The King is ruin'd if he trusts to that; for even indifferent Persons, who might otherwise have been ready enough to push their Fortunes, without any anxious Enquiries into the Grounds they went on, will not now trust the King, since he has so lately said; He would stick to his Declaration, and yet has so soon given it up.

Duke. *Hinc illa Lacryma*.—The King was forsaken in that Matter, and none stuck to him but Lord *Clifford* and myself.

Upon this and other Informations, they writ upon his Majesty with an Address, in the Preamble of which, after a personal Compliment to his Majesty, they proceeded to say, "That, upon a serious Examination of the State of the Kingdom, they found, that a great Jealousy was arisen, from some late Proceedings, in the Hearts of his Subjects, that some Persons in great Employments had fomented Designs contrary to the Interest of his Majesty and People; intending to deprive them of their ancient Rights and Liberties, whereby they might the more easily introduce the Popish Religion and an arbitrary Form of Government, to the Ruin and Destruction of the whole Kingdom."

They then nam'd the Duke of *Lindsdale*

Marvell's Epitaph, p. 46.

The Commons in a Tumult.

Epitaph, p. 47.

(f) The Historian, Saintsbury, and Bishop. See his Account of this Affair, vol. 1. p. 379, and 385: As also Marvell's in his Epitaph, which concurs with it, p. 49.

(g) His Majesty's Answer to the same, That he would consider of it.

Proceedings against the Duke of Lindsdale.

A. D. 1675. *dile* as a Promoter of such Designs; and as a Proof, quoted the Testimony of several of their own Members, who, attending the Case of Mr. *Peniston Whaley*, before the Council, who had committed Mr. *John James* contrary to his Majesty's Declaration of Indulgence, had heard the said Duke publicly affirm, in the Presence of the King, *That his Majesty's Edicts ought to be obey'd, for his Majesty's Edicts were equal with Lawes, and ought to be obey'd in the first Place*; thereby, said they, justifying the said Declaration, and the Proceedings thereon, and declaring his Inclination to arbitrary Councils, in Terror of your Majesty's good Subjects.

They further refer'd, to the two *Scottish* Acts for settling a Militia of 20000 Foot and 2000 Horse to be ready to march into any Part of this Kingdom, for any Service, &c. adding, "By Colour of which general Words, we conceive this Kingdom may be liable to be invaded, under any Pretence whatsoever: And this has been done, as we conceive, principally by the Procurement of the said Duke; he having, all the time of these Transactions, been principal Secretary of State of that Kingdom, and chiefly entrusted with the Administration of Affairs of State there; and himself Commissioner for holding the Parliament, at the time of passing the *letter* of the said Acts; whereby the providing of the said Horse and Foot, is effectually impos'd upon the said Kingdom. And we conceive we have just Reason to apprehend the ill Consequences of so great and useful a Power, especially, while the Affairs of that Kingdom are manag'd by the said Duke, who hath manifested himself a Person of such pernicious Principles."

The Conclusion of all was, That for the Ease of the Heurs of his People, they, with all Humility, implor'd his Majesty to remove the said Duke from all his Employments, and from his Majesty's Presence and Councils for ever.

That there was a very close Connection between the discontented Parties of both Kingdoms, is very manifest from this Address; but that it was, nevertheless, founded

on very sufficient Reasons, can scarce be deny'd. At Court, however, it met with no better Reception than the former Address; for, after a full (5) Fortnight's Consideration, his Majesty, without any Attempt to take the Duke from the *pernicious Principles* the Duke charg'd with, or Disavowal of the *arbitrary Design* he was accus'd of promoting, coldly answer'd, That the first of the Acts complain'd of, was in the Year 1665, which was long before the Duke of *Leinsterdale* was his Commissioner in that Kingdom; and the *letter* was in pursuance of the former: And as to the Words, by the Time of Mr. *Whaley's* Case, his Majesty perceiv'd that, if they had been spoken, they were spoken before the last Act of general Pardon; which was not to be violated, that the Subject might not have Cause to fear, that the great Act of Oblivion and Indemnity would be violated too.

In the most temperate Times such an Answer would scarce have prov'd satisfactory to such a Charge; but now it rais'd the Resentment of the House higher than ever, and brought Address upon Address, which were all alike ineffectual.

It was the Lord Treasurer's Turn next. A Charge of high Crimes and Misdemeanours was brought against him, which was branch'd into (6) Seven Articles: But, whether they were held trivialous, or malicious, whether sufficient Proof was wanting to make them good, or whether he had more Friends in the House than his Royal Master, on examining the Foundation, the whole building fell to the Ground. It must be own'd our Lights fall us in this Matter. *Bishop Burnet* contents himself with saying, The Majority were for him. *Marvel* is express, That he got off by *high bribing*. Nothing is easier to be said: Nothing is harder to be prov'd.

That Particular, however, in the Charge which related to his Lordship's endeavouring to lay aside the Chancellor and Under-Treasurer of the Exchequer, receives not a little Countenance from the following Passage in a Pamphlet, call'd, *An Examination of the Earl of Danby's Case*.

A whole Branch of the King's Revenue, and no less than the Excise, was endeavour'd

A. D. 1675.

Proceedings against the Lord Treasurer.

Epi. Mar. p. 47.

(1) The Address was reported and agreed to April 25 and the Answer was not given till May the 7th.

(2) That the Earl had overturned the ancient Court and Administration of the Exchequer, by preventing the Method of Accounts in Payments and Receipts, contrary to Law; whereby the King's Revenue is put into Confusion, and a wretched Way of Expence, to the Destruction of his Credit, and sending his Treasury to private Bargains and Contrivances. And had usurp'd to himself the Power of disposing all the King's Revenues, having made the Chancellor and Under-Treasurer of the Exchequer, whereby all Checks and Controls are destroy'd. III. That a Bill of Law was introduced about the Marriage of the Daughter of Sir *Thomas Hyde*, the said Bill was d. one Mr. *Bransby*, a principal Witness in the Cause, to be annul'd by an extraordinary Warrant from one of the Secretaries of State, and to be kept for some time in close Custody; during which the Earl's Agents borrow'd with Mr. *Bransby*, by Threats and Promises, not to disclose the Truth; and by this means he was brought and detain'd before the King, in the Presence of the Earl, whereas Mr. *Bransby* was induc'd to deliver in a Testimony against his own Knowledge and Confidence, he having then in his Hand: And all this was done with an Intent to procure the said Heurs to be marry'd to the Earl's second Son. IIII. That the Earl had receiv'd very great Sums of Money,

besides the extraordinary Revenue, which had been unlawfully given; and the greater Sums than ever allow'd for secret Service, without Account; the King's Debt remaining unpaid, the House impeach'd, and the Navy supply'd with 110,000 *l.* The Earl had received the Rights and Properties of the People, by *Force*, without Authority, whole legal Payments due in the Exchequer. V. That the Office of a Lord Treasurer is always very full of security and great Employment; yet the Earl had also assum'd to himself the Management of the *Exchequer*, which before was always dispos'd by the Secretary, and he had assum'd a thereby enabling himself the better to receive great Sums of Money out of the King's Revenue to his own private Advantage. VI. That the Earl had procured great Grants from the Crown, which under great Debt; by Warrants counterfeited by himself. VII. That, on December 4, 1674, at the hearing of a Cause in the Treasury-Chamber, some Acts of Parliament, now in being, were arg'd against a Proclamation, and contrary to what his Lordship had arg'd, whereupon the Earl, in contempt of the Law, oppos'd this arbitrary Expulsion. That a new *Parliament* is *bring'd in* on the 10th. Upon his Lordship's Respon'd to the Privy-Council, the Petition in question being a Proclamation, and not obeying such Proclamation, but perverting the Right at Law, was *deny'd* the Kingdom.

A. D. 1675. endeavoured to be brought under the sole disposing of this Lord, out of all due Course of Common-Law (for to the Method of the Exchequer is taken to be) by a particular Patent under the Broad-Seal; wherein an Office of a general Cashier was erected, and one Mr. Kent put in; which Project, the Patent says, was seriously examin'd by the Lord Treasurer, and Chancellor of the Exchequer, &c.

The Chancellor of the Exchequer was then Sir John Duncomb, who utterly renounced the Knowledge of it, and thought it a Patent of a most dangerous Consequence: Besides, in the same Patent, when it comes to the Disposition of the Money, it leaves out the Chancellor of the Exchequer, and says, it shall be paid into the Exchequer; or in such other Manner as the Lord Treasurer shall think fit. These are the very Words; and 'tis probable, that if the Chancellor of the Exchequer had approv'd this, and some other things, he had not been remov'd from an Employment, which he perform'd with so much Uprightness.

This Patent was question'd in Parliament; and being of so infamous a Nature, and a Question accordingly form'd, That this Patent is illegal, and of dangerous Consequence, this Lord found such open Friends (perhaps by secret Service) that though they granted themselves it was an ill Patent, yet, for fear it should be Part of the Charge made good against this Lord, and not being yet so hardy as to give their Negatives, found out an Invention to avoid the sure Blow, by the Orders of the House, which give a Freedom for any to move for the adding, or taking away, any Words to the stated Question: Upon which Privilege, they mov'd, and seconded one another, with private Zeal, in this public Cause, to leave these Words out of the Question, viz. illegal, and of dangerous Consequence; which they carry'd in the Affirmative: And then the Question only remain'd, This Patent is—

'Tis easy by this to judge, what Power an ambitious Man may arrive at, and what Jealousies Excess of Power in a Subject may justly give; since it could thus operate on the major Part of a House of Commons to leave such an incomparable Question upon their Books.

This Pamphlet was written in answer to another before-quoted, called, *An impartial State of the Case of the Earl of Danby*: And it is remarkable enough, that, tho' his Lordship consented to publish a (i) Reply, to which he prefix'd his Name, he slides over this Circumstance, without the least Notice.

While the Commons were employ'd as hath been said, the grand Push was made in the House of Lords, to disarm Disaffection

and Republicanism, according to the Royalists; or, according to the Patriots, to extinguish the last Spark of English Liberty.

The Expedient which was to facilitate this mighty Event, and which was the joint Product of all the Subtlety that the Schools, the Bar, or the Court, could furnish, was contain'd in the following Oath:

"I A.B. do declare, That it is not lawful, upon any Pretence whatsoever, to take up Arms against the King; and that I do abhor that traitorous Position, of taking up Arms, by his Authority, against his Person, or against those that are commission'd by him, in pursuance of such Commission: And I do swear, that I will not, at any time, endeavour the Alteration of the Government, either in Church or State. So help me God."

The Person who had the Honour of being the first Mover for the Court, upon this great Occasion, was the Earl of (k) Lindsey, Lord Great Chamberlain. One Party, who had for their Mouth the Lord Keeper, call'd it a moderate Security to the Church and Crown. The other declar'd, That no Conveyance could *Marvel's* *Person of* *ever, in more compendious or binding Terms, Pajers, 410.* *have drawn a Disfranchisement of the whole Birth-right of England.* *p. 59.*

The Penalty which the Peers became liable to, on refusing this Oath, being Incapacity to sit and vote in their own House, the first Stage of Opposition to it arose from the peculiar Rights of the Peerage; and all Objections on that Head being over-ruled by the major Vote, Twenty-four Lords enter'd their Protest; in which they gave it as their Opinion, that the Privilege they had of sitting and voting in Parliament was an Honour they had by Birth, and a Right to inherent in them, and inseparable from them, as that nothing could take it away, but what, by the Law of the Land, must, withal, take away their Lives, and corrupt their Blood.

After five Days Debate, the Bill was committed; but not without another Protest; in which it was urg'd, that the Bill struck at the very Root of Government, since it took away all Freedom of Votes and Debates: For he that swore never to alter, parted with all his legislative Power at once, and became perjurd by endeavouring to amend.

The Majority were so incensed at this second Protest, that some Thoughts were entertain'd of sending the Twelve Peers who sign'd it to the Tower: But the Lord Helles desiring Leave of the House to add his Name to it, that he might have the Honour to suffer with them, they did not think proper to carry their Resentment so far, but contented themselves with voting, That the Reasons given in the said Protest did reflect upon the Honour of the House, and were of dangerous

A. D. 1675.

Letter from a Person of Quality.

The former non-resisting Oath brought into the House of Lords.

(i) Sir Robert Howard, Auditor of the Exchequer, and who had been Secretary to this very Lord Treasurer, took up the Cause next against his Lordship; who not only defended himself with equal Temper and Ability, but has, fairly and ingeniously, oblig'd the Public with the whole Controversy, in a small Octavo Volume; as if conscious, that he had nothing to fear from Posterity.

(k) An Attempt was made in 1669, to impose this Oath upon the Nation; and it miscarry'd only by Three Voices; which were those of this very Earl of Lindsey, then of the House of Commons, his Brother, and the Lord Treasurer Danby, then Sir Thomas Osborn.

A. D. 1679. dangerous Consequence: Which Vote was also protested against by Twenty-one of their Lordships, as a great Discourtenancing of the very Liberty of Protesting.

To take off the Edge of so fierce an Opposition, the Penalty of forfeiting their Seats in Parliament, by refusing the Oath, was taken off by Order of the House; and, by another Order, a Proviso was added, to secure the Freedom of parliamentary Proceedings: But the House still persisting to subject every Member to the first Enacting-Clause of the Bill, whereby an Oath was to be impos'd on them, as Members of either House, and at the same time refusing to admit of a Proviso inserted in a late Act for preventing *Dangers that might happen from Popish Recusants*, whereby the Privilege of every Peer, and all their Privileges, would be as fully secur'd from this Act, as the other; a fourth Protestation was enter'd, which was sign'd by sixteen Peers, who thought their latter Proceedings of the House inconsistent with their two former Orders.

During the Course of the Debate on the Privileges of Parliament, the Earl of *Belinbrooke* observing, that, tho' the Proviso left the Business *within-doors* free, the Oath took away all private Conversation *without*, on Matters of State, even with one another; the Lord *Keeper*, the Lord *Treasurer*, and the Duke of *Louisdale*, told the Committee, in plain Terms, That they intended to prevent Caballing, and Conspiracies against the Government; and they knew no Reason why any of the King's Officers should consult with Parliament-Men, about Parliament-Business; and particularly mention'd those of the Army, Treasury, and Navy: And when the Marquis of *Winchester* propos'd an additional Oath, That every Man should swear to vote according to his Opinion and Conscience, independent of Threats or Promises, Rewards or Expectations, the Lord *Keeper* made no scruple to declare, in a very fine Speech, that it was an useless Oath; for all Gifts, Places, and Offices, were likeliest to come from the King: And no Member of Parliament, in either House, could do too much for the King, or be too much on his side: And that Men might, lawfully and worthily, have in their Prospect such Offices and Benefits from him.

Proceeding to those extravagant Words in the Oath, or against *those commission'd by him*, the House fell into yet greater Heats; the opposing Lords making no difficulty to declare, That if whatever is by the King's Commission be not oppos'd by the King's Authority, then a standing Army is Law, whenever the King pleases. This was illustrated in the following free Manner; If, in suit with a great Favourite, a Man recovers House and Land, and, by course of Law, be put into possession by the Sheriff, and afterwards a Warrant is obtain'd, by the Interest of the Person, to command some Soldiers of the standing Army to take the Possession, and deliver it back; in such case, the Man in

possession may justify the defending himself, and killing those who shall violently endeavour to enter the House; yet the Party whose House is invaded takes up Arms, the King's Authority against those who are commission'd by him: And it is the same Case, if the Soldiers had been commission'd to defend the House against the Sheriff, when he first endeavour'd to take the Possession according to Law; neither could any Order or Commission of the King put a stop to the Sheriff, if he had done his Duty, in raising the whole Force of that County to put the Law in execution; neither can the Court, from whom that Order proceeds, (if they observe their Oath and Duty) put any stop to the Execution of the Law in such a Case, by any Command or Commission from the King whatsoever; nay, all the (1) *Guards* and *Standing-forces* in England cannot be secur'd by any Commission from being a *direct Riot*, and *unlawful Assembly*, unless in time of open War and Rebellion. And it is not out of the way to suppose, that if any King hereafter, contrary to the *Petition of Right*, demand and levy Money by Privy Seal, or otherwise, and cause Soldiers to enter and distrain for such-like illegal Taxes, that, in such a Case, any Man may by Law defend his House against them; and yet this is of the same Nature with the former, and against the Words of the Declaration. And these being called *remote Instances* by the Lord *Keeper*, the Earl of *Saltbury* reply'd, That they would not hereafter prove so, when this Declaration had made the Practice of them justifiable.

The next thing in course was the Oath itself: Against which the following Objection lay in plain and so strong, at the very Entrance, *viz.* That there was no Care taken of the *Doctrine*, but only of the *Discipline*, of the Church; or, in other Words, of its Power and Dominion. No Papist would scruple to take an Oath for the Maintenance of Episcopacy: And tho', by the Re-establishment of the Popish Religion, the King would lose his Supremacy, the Bishops would be secure of their Mitres, and all the Trappings of Wealth and Power they were enrich'd and adorn'd with. This Consideration, which was urg'd in its full Force, compell'd the Advocates for the Oath to give it a new Bias: And accordingly, the next Day, it was introduced again in these Words: *I do swear, that I will not endeavour to alter the Protestant Religion, or the Government of either Church or State.* By this the Ministers, and their Godfathers the Bishops, thought they had sav'd all; and now began to call their Oath a Security for the *Protestant Religion*, and the only good Preservative against *Papery*, in case the Throne should be fill'd by a Popish Prince: In which their Confidence was not a little wonder'd at, since it was notorious, that till now they had no such Point in view; that they had been sham'd into this Addition, by the Debates of the preceding Day;

(1) An Army had, as yet, received no Sanction from the Legislature.



A. D. 1675; Day; and that some of the Bishops had made their Court to some of the *(m)* Catholic Lords by saying, *That Care had been taken it might be such an Oath as might not bear upon them.*

When the Clause relating to the *Church* came under Deliberation, it was observ'd, That it was not agreeable to the King's Crown and Dignity to have his Subjects sworn to the Government of the Church equally as to himself: That it was necessary to understand thoroughly what this ecclesiastical System was, which the Subject was to swear Allegiance to: And the Bishops alledging, That the Præbend, and its Powers, were derived from *Christ*, but the Licence to exercise those Powers from the civil Magistrate, it was reply'd, That it was a dangerous thing to secure, by Oath or Act of Parliament, those in the Exercise of an Authority and Power in the King's Country, and over his Subjects, which being receiv'd, as they urg'd, from *Christ* himself, could not be alter'd nor limited by the King's Laws: That this was directly to set the Mitre above the Crown: And that this Oath was the greatest Attempt that had been made against the King's Supremacy since the Restoration.

And as to swearing not to make any Alterations in the State, it was said, That such an Oath overthrow'd all Parliaments, and left them capable of nothing but giving Money: For the very Business of Parliaments was Alterations, either by adding or taking away some Part of the executive Power in Church or State. Besides, it was well ask'd, What kind of Government must that be, which Men must swear not to endeavour to alter, upon any Alteration of Times, Emergency of Affairs, nor Variations of human Things whatever? Would it not be requisite, that such a Government should be communicated by *God* himself, visibly appearing, or denouncing his immediate Presence, by an Execution of all the Wonders of Omnipotence?

The Penalty of the Bill was consider'd in the last Place; and was made different, according to the different Qualifications of the Persons: All that were, or should be, Privy-Counsellors, Justices of the Peace, or Possessors of any beneficial Office, ecclesiastical, civil, or military, were to take the Oath, when summon'd, upon pain of forfeiting 500 *l.* and being made incapable of bearing Office: And though the Members of either House were not subject to Incapacity, they were to the 500 *l.* Penalty: Nay, it was mov'd, that those who did not come up and sit as Members should be oblig'd to take the Oath, or liable to the Penalty till they did so: And it was at last carry'd, that every (sitting) Member should either swear, or pay 500 *l.* every Parliament: The opposing Lords however took up several Hours in shewing

the many Hardships of this Clause; especially as it affected all the Members of the House of Commons, and all the acting Justices in England; the first of whom had it not in their Power to be unchosen; nor the last, to be left out of the Commission, before the Act came in force (which was to have been the first of *September* following) and both thereby became subject to an Imposition that neither of them thought of, when they undertook their respective Services: They likewise remonstrated, that the Lords themselves were subjected by it to the meanest Condition of Mankind, if they could not enjoy their Birthright, without being enforced to swear to every Fancy of the present Times, which appear'd to be the most variable in our Story; since, but Three Years before this, all was Liberty and Indulgence; and now nothing would serve but rigid Conformity. To all this no Reply was made, nor attempted to be made: Numbers were made to sanctify what Reason could not be made to countenance; and, on putting the Question, it appear'd, that *Magna Charta* itself was of no force against a Majority.

Thus, after sixteen or seventeen Days Debates, it appear'd, that it was not the Fault of Minister or Bishop, that the People of England were not declar'd into a new Government, more absolute and arbitrary than the Oath of Allegiance, or the old Law, knew; and then sworn to obey, what they had been compell'd to set up. In Contracts where both Parties are to be Gainers, there is no fear of Nonperformance of either Side: The King admitted the Bishops to share with him in the Allegiance of his People; and the Bishops, by way of Consideration, gave them up to the Will and Pleasure of the King.

Nothing can be urg'd in excuse of a Scheme, at once so treacherous and so wicked as this, but the Apprehensions of the Court, that the opposite Faction were forming Designs upon the Constitution, as ruinous in the opposite Extreme: But these were at that time, Apprehensions only; at least, nor one Fact had been prov'd to justify them: And if the Case had been otherwise, Why should the Iniquities of the Fathers be visited on their Children? Why should a whole Nation be enslav'd, because a few Malignants turn'd the Public for their own private Advantage?

The Laws in being were very sufficient to guard the Crown against any Violence from the People, as long as they were suffer'd to operate equally between the People and the Crown; but they would not authorize Oppression, which was the Thing in pursuit: Now it is only in case of Oppression, when Law itself is set aside, that the Right of Resistance has been contended for, as the last Refort of a free People: And we shall find in the Course of this History, even the very Bishops

(m) These Lords in a Body join'd the Opposition on this Question; which, according to Mr. North, they were inclin'd to do by the Earl of Shaftsbury's *smiling in their Ears* (the Expression of that very singular Writer) "That the 'Till tend to deprive Peers of their Right of sitting and

" voting in the House of Lords; which was a Right so " heretofore, and radically inherent in the Peerage, as was " not to be trampled on any account whatsoever; y<sup>e</sup> that, " if this Act passed, the next would be to turn them out of " the House."

A.D. 1675.

Bishops themselves refusing to express their Abhorrence of an open Invasion, when they found their own Possessions in danger. Fundamentals ought to be held sacred on both Sides: But if a Government sets aside the Laws, the Governed may do the same: Let the Subject, however, always remember, that if he draws his Sword, under whatever Provocations, even at a time of day when the Doctrine of *Passive Obedience* has been ever so long and so effectually exploded, by Deeds as well as Words, it must be at his own Peril; and that he will find the great Statute of Treasons has more Power to condemn, than *Magna Charta* to absolve him.

To return: We left the Court-Party in possession of their (n) darling Test, tho' somewhat purg'd by the fiery Trial it had undergone: for now it was conceiv'd as follows:

*I A. B. do declare, that it is not lawful, on any Pretence whatsoever, to take up Arms against the King: And I do abhor the traitorous Position of taking Arms by his Authority against his Person, or against those that are commission'd by him, according to Law, in Time of Rebellion and War, and acting in pursuance of such Commission. I A. B. do swear, that I will not endeavour any Alteration of the Protestant Religion, now established by Law in the Church of England; nor will I endeavour any Alteration in the Government in Church or State, as it is by Law established.*

Nothing therefore remain'd, but to send it down to the Commons, and to prepare it a favourable Reception, and speedy Passage.

According to the seeming Temper of that House, the Business before them, and their manifest Distrust of the Court, this appear'd to be no easy Task; and it might be rather presum'd, that they would have rejected it at the first Reading, than inclin'd to strengthen such a King and such a Ministry, with such a Law. But, according to Sir John Reresby, who took his (o) Seat as a Member this Session, the two Parties were so equal, that neither durst stand the Issue of a Question; We have Evidence left us, that they had their Relentings in the Case of the Lord Treasurer: And in any Affair where the Church was concern'd, there was great Rea-

son to fear they would make no Difficulty to abandon the People.

It is therefore reasonable to conclude, that Lord Shaftsbury, and those who were deeper in the Secrets of the Opposition, thought it more advisable to prevent its finding its Way into that House, than to run the risque of its passing thro'.

However this may be, while the Ferment occasion'd by the Test, was the most violent in the House of Lords, one Dr. Shirley prefers a Petition of Appeal against Sir John Fagg, a Member of the House of Commons: The Lords receive it, and summon Sir John Fagg to make his Appearance before them. Sir John informs the House of Commons, who espouse his Cause; make it a Matter of Privilege; send a Caution to the Lords on that Head; and order Dr. Shirley to be sent for in Custody. The Lords, on the other hand, declare, That no Privilege lies against Appeals. Conferences are demanded, and granted: Reasons are interchang'd; without effect: Four Lawyers are committed to the Tower by the Commons for pleading before the Lords, in Breach of an Order of the House of Commons. The Lords charge the Commons with a transcendent Invasion of *Magna Charta* by that Commitment. Command the Lieutenant of the Tower to set the said Lawyers free. He refuses. The Lords address the King to remove him for the Contempt; His Majesty replies, That he is not satisfy'd how it can be done with Justice, but summons both Houses to Whitehall, and makes them a Speech; hopes they were well convinc'd, that the Intent of all these Contrivances was only to procure a Dissolution; declares, he looked upon it as a most malicious Design of those who were Enemies to him and the Church: Makes no Doubt, but that if the (p) Contrivers were known, the Dislike of their Practices would soon bring the Houses to a good Understanding: Advises the Use of free Conferences, as the best Means to procure a Composure; and declares, That while they were in debate about their Privileges, he would not suffer his own to be invaded. The Commons thank the King for the (q) gracious Expressions in his Speech; but resolve, That

[Reresby's  
Memoirs, p.  
26.]

(n) After the Session broke up, a Pamphlet, intitled, *A Letter from a Person of Quality to his Friend in the Country*, was published by Mr. Locke, giving a large Account of this remarkable Transaction; and, by way of Answer to it, a Thing, call'd, *A Packet of Advices and Animadversions, sent from London to the Marquis of Shaftsbury*.

(o) Andrew Marvell, in his *Greatness of Poetry*, speaking of this remarkable Contest, says, "It was perhaps the greatest, which had perhaps ever been in Parliament; wherein those Lords that were against this Oath, being assur'd of their own Loyalty and Merit, stood up now for the English Liberties, with the same Genius, Virtue, and Courage, that their noble Ancestors had formerly defended the Great Charter of England; but with so much greater Commendation, in that they had here a fiercer Field, and the more civil Way of Decision; They fought it out, notwithstanding all the Disadvantages imaginable; They were overrid by Numbers: The Noise of the House, like the Wind, was against them; and, if not the Sea, the Firmness (the King generally stood there) was always in their Faces: Nor, being so few, could they, as their Adversaries, withdraw so retreat themselves in a whole Day's Engagement: Yet never was there a clearer Demonstration, how dull a thing

it is human Eloquence, and Greatness how little, when the bright Truth discovers all things in their proper Colours and Dimension, and, shining, shoots its Beams through all their Fallacies."

(p) On the Country Interest, it may be presum'd; for he gives us no understanding, that he was introduced by the Lords *Ruff and Capowale*.

(q) Bishop Burnet affirms, Vol. I. p. 387. That Lord Shaftsbury acknowledg'd himself to be the Contriver; but that others assur'd him, the thing happened of Course. Marvell acknowledg'd very candidly the Lords Supremacy in Point of Judicature; gives it as his Opinion, that the Commons did not embark in earnest in that Affair, but that some crafty Members blew the Coals to prevent the Test coming among them.

(r) 'Tis necessary the Reader should know, that when Thanks were mov'd for in the House of Lords for the King's first Speech, at the opening of the session, the opposing Lords were for limiting the Vote to these very Words; and being detest'd, enter'd their Protest with this Remark, That they thought this manner of Proceeding not so suitable to the Liberty of Debate necessary in this House.

A. D. 1675. That it doth not appear to this House, that any Member thereof hath either *embroider'd* or promoted the Differences between the two Houses of Parliament; or in asserting the Rights of the Commons of England, and the Privileges of this House, hath done any thing inconsistent with his Duty, or the Trust reposed in him: Resolve, *namque contradicunt*, that if any Person shall be aiding or assisting in the Execution of any Sentence of the Lords upon the Appeal brought by Doctor *Sturley* against Sir *Jean Faux*, he shall be adjudg'd and taken to be a Betrayer of the Rights and Liberties of the Commons of England: Order their Votes to be made public, by setting them up in the Lobby of the House and *Westminster Hall*: Resolve, *ven. con.* that no Person committed by Order of the House, ought to be discharge'd during the Session, except by the like Order: Resolve that the Lieutenant of the Tower hath done his Duty in receiving and detaining the four Lawyers, and shall have the Protection of the House: That the said Lieutenant shall not yield any Obedience to any Writ, Warrant, Order, or Command to deliver the said Prisoners before he hath first acquainted the House therewith, and received their Directions thereon: Order the Thanks of the House to the said Lieutenant for conforming his Behaviour to the Pleasure of the House: Resolve that no Commoner, committed by Order of the House for Breach of Privilege, ought, by any Writ of *Habeas Corpus*, or any other Authority whatever, be made to appear, or answer, or receive any Determination in the House of Peers, during that Session: That the Order of the House of Peers for issuing out Writs of *Habeas Corpus*, concerning the four Lawyers, is insufficient and illegal and that their Lordships be acquainted by Message, That the said four Lawyers were committed by their Order for manifest Breach of Privilege, and Contempt of the Authority of the House.

It was the fifth of *June*, when his Majesty made his Speech to the two Houses at *Whitehall*, and, on the eighth, finding how little his Interposition was regarded, he came to the House of Peers, and sending for the Commons, put an end to the session, as the only Expedient to put an end to the Broil.

For the sake of Order and Connection, we must now take a transient View of the Progress of the War between the Confederates and France, tho' England had no other Concern with the Continent, at present, than by the Tender of her good Offices to bring about a general Accommodation.

At the Close of the last Campaign, we left the Marshal de *Turenne* in full Possession of *Alsace*; the Confederates retreating before him, and, after they had repair'd the *Rhine*, dispersing themselves into their Winter Quarters.

But all his Successes were rather Monuments of his own superior Skill, than of the superior Strength of France: On the contrary, it was visible, that France was overmatch'd, and that nothing but the admirable Conduct of that great Man, prevented the Enemy from

carrying the War to the very Gates of *Paris*. That, therefore, the Fate of his Kingdom might not depend on a single Life, and a continual Succession of Miracles, his most Christian Majesty thought it advisable to endeavour to make his own Scale heavier, by lightening that of the Confederates: And finding the Prince of *Orange*, however disaffected, was not to be detach'd from his Allies, he made his Applications successively to the King of *Spain*, the Elector of *Brandenburg*, and the Elector of *Treves*, without effect: Every one of those Powers rejected his Offers; he found himself oblig'd to stand singly against them all; and to show he was still able to do so, he gave out many hundreds of Commissions for new Levies; by a Treaty with the *Swiss Cantons*, he furnish'd himself with 20000 Horses to remount his Cavalry; and by another with *Sweden*, he had oblig'd that Crown to make a Diversion, as before mentioned, on the Side of *Pomerania*.

On the other hand, the Confederates took the proper Measures, not only to keep up their Strength, but make that Strength more considerable by a Union of Heads as well as Hands. The Command of the Imperial Army on the *Rhine* was given to Count *Montecuccoli*, under whom Mr. de *Turenne* had first study'd the Art of War. The Count de *Montecuccoli* was recall'd from the Government of *Flanders*, which was given to the Duke de *Villa Hermosa*, as a Person of a more tractable Disposition, and more likely for that Reason, to be acceptable to the Prince of *Orange*; and the Count de *Saubech*, who had given his Highness such Umbrage, in the last Campaign, was sent into a Government in *Hungary*.

Depending on the usual Backwardness of the Germans to take the Field, and hoping that some very considerable Blow might be struck in *Flanders*, before any thing was to be apprehended from them on the Side of *Alsace*, his most Christian Majesty, in Person, took the Field about the Middle of *May*, with an Army of sixty-five thousand Men, of which about twenty thousand Horses, were to be dispers'd in flying Camps, as Occasion should serve. But tho' his Majesty was present, it was only as a Volunteer; the Prince of *Condé* had still the supreme Command, and by the particular Direction of the King, enjoy'd all the Honours of his Post, at full, in the same manner, as if his Majesty had not been there. Of this, one remarkable Instance is preserv'd. The Army being to encamp in a Place where there was but one habitable House, the King expressly commanded, That it should be reserv'd for the General. And when the Prince made a Difficulty of accepting to high a Compliment, his Majesty reply'd, *Ce n'est, I am but a Volunteer in your Army, and therefore, cannot suffer my General to keep the Field, while I repose myself within Doors.*

But this Excess of Civility, neither arose from an Overflow of Affection to the Prince, nor a Desire to establish a perfect Discipline in his Army, but the Necessity he found himself under to mortify his Brother, who aspir'd to the Post of Generalissimo: And he chose

A. D. 1675.

Da Mont.

The most Christian King takes the Field, as a Volunteer under the Prince of Condé.

Parliament prorog'd.

Foreign Affairs.

to mortify his Brother.

A. D. 1675. to serve himself under the Prince of Condé to extinguish his Pretensions.

As to the Business of the Campaign, it was open'd by the Reduction of *Dinant*, *Huy*, and *Limbourg*; and the Demolition of *St. Tron* and *Tillemont*: The Marshal *de Crequi*, also, made himself Master of *Greux* and *Franchimont*; and as the Citadel of *Liege* had been surrendered to the Count *d'Esrades*, in the Month of *March*, the greatest Part of that Bishopric fell of course into the Hands of the *French*.

Returns to  
Verulles.

Things were in this Situation when his most Christian Majesty, weary of a military Life, which did not correspond with his Genius, and having subdu'd his Brother, which was the principal Conquest he aspir'd to, return'd to *Verulles*, having first order'd the Marshal *de Crequi*, with the separate Corps under his Command, and five or six Regiments more, which were detach'd from the Prince's Army, to make the best of his way to the Assistance of *Mr. de Turenne*; who had not above twenty-five thousand Men, to make head with against Count *Montecuculi*, and to watch the Motions of the Duke of *Lorraine*, who was advanced up the *Sarre*, with a Design to make a Diverſion on that side: And never did Reinforcement arrive more seasonably; for without it, in all probability, not even *Turenne* himself could have hinder'd the *Imperialists* from passing the *Rhein*, and penetrating again into *Alsace*.

The Campaign  
to Germany.

This was indeed the great Point which Count *Montecuculi* had in view; but he endeavour'd, by all the Arts and Stratagems of War, to mislead *Mr. de Turenne* into a Belief, that his Purpose was to lay siege to *Pöplisbourg*. But the Marshal was too deeply practis'd in Refinements of all sorts to fall into the Snare. Almost two Months were thus wasted in perpetual Feints, and perpetual Disappointments; and it became necessary at last to aim directly at the Mark, in hopes that Truth itself would be taken for a Counterfeit; and that the guarding against false Projects would afford an Opportunity for the real one to take place.

The Count, to influence the Magistrates of *Strasbourg* once more to declare for the Emperor, had advanced as far as *Lichtenew*, and *Reinshlach* near *Offenburg*; and the Marshal, to traverse that Step, had pass'd the *Rhein* at *Altenheim*, and posited his Army between that City and the *Imperialists*; by which means he cut off all Communication between them, and oblig'd the *Strasbourg*ers, whether they would or not, to observe the Neutrality which they had accepted of some Months before, in a Manner so solemn, that they had even receiv'd six hundred *Switzers* for their Guard, and had taken their Oaths to defend them against all Invaders.

Above fifteen Days had pass'd since the two Armies had thus faced each other, and scarce one without a Skirmish; sometimes to the Advantage of the *French*, and sometimes of the *Imperialists*; when *Mr. de Turenne* observing, that the Enemy could maintain their Post for a long while, because they wanted for nothing; and that,

on the contrary, his Provisions would soon be exhausted; he extended his Right to *Friedstadt*, and took possession of all the Isles of *Wantzenow*: He also threw a strong Party into the Isle of *Hannau*; and, in order to have always a free Passage at that Place, he order'd a Bridge of Boats, or rather several Bridges, from Isle to Isle, to be laid across the River; and another over the *Remben*, which he fortify'd with a good Intrenchment: And all this he did to cut off the Communication of the *Imperialists* with *Offenburg*, and reduce them to Wants and Difficulties in their turn: The Count was soon aware of his Design, and resolv'd, at any hazard, to defeat it: Accordingly he directed the Prince of *Lorraine*, with six thousand Horse, to attack the Party which had the Guard of the Bridge: The Marshal himself advanced to the Defence of it; and the Prince of *Lorraine* was yet further reinforced on his side: A smart Encounter ensu'd; in which both Parties were Sufferers: But the Marshal maintain'd his Bridge; and the next Day the Count, thinking it advisable to remove, in order to be more at large, he follow'd him close, as far as the Village of *Salslach*; behind which, the *Imperialists* drew up in a Plain, and made the necessary Disposition to give battle to their Pursuers. The Marshal seeing this, halted to do the same; and, with his usual Vigilance and Precaution, made the best Use of every Moment, in visiting every Post and Avenue, that he might be better able to make use of all.

There was, in particular, an Eminence in sight, which the *Imperialists* had quitted; some say, with a view to what followed; for the two Armies were so near, that they could distinguish each other's General-Officers: This *Mr. de Turenne* thought convenient for a Battery, and went up to it, accompanied by *Mr. St. Hillaire*, Lieutenant-General of the Artillery, to give his Orders accordingly: But scarce did they appear on the Top, before the Enemy discharg'd two small Field-pieces, which commanded the Ground; one of which wounded *Mr. St. Hillaire*, and the other kill'd the Great *Turenne*: He fell without a Groan; nor had time to regret the Loss of another Opportunity to be serviceable to his Country: His own Glory was at the full; nor could he receiv'd Addition: His Soldiers call'd him *Father*; and lamented his Death, as if their own Being had depended on his: All *France* was humbled at the News; and, instead of Victory and Conquest, sent up their Prayers for Safety: Even the invincible and immortal *Leuis* condescended to say, *Alas! we have now lost All! Turenne is dead.*

If *France* mourn'd, *Germany* triumph'd. Those who before dreaded an Engagement, for fear of a Defeat, now promis'd themselves an easy Victory; and thereby complimented the Dead, at the expense of the Living: But tho' the Grief and Astonishment of the *French* Army were unspeakable, they were not accompanied with Despair: The Count *de Lorge*, the Marshal's Nephew, took upon him the Command of the Army; and had the Ho-

A. D. 1675.

Death of  
Marshal Tu-  
renne.

Gallant Re-  
treat of *Mr.*  
*de Lorge.*

A. D. 1675.  
Temple's  
Memoirs, p. 1.  
The remark  
about Breve  
of two English  
Regiments.

nour of making a Retreat, that was worth a Victory. Two Regiments of English, who, on the Peace with the Dutch, were left to be worn out in the Service of his most Christian Majesty, had the Honour to bring up the Rear, and cover the Retreat of the whole French Army: And, in that dreadful Post, with astonishing Intrepidity, they sustain'd the Shock of the whole confederate Army, disputing every Inch of Ground, and often repulsing the Enemy, till such time as most of the French Corps were march'd off, and the greatest part of their own were cut to pieces. This, however, did not hinder the Imperialists from coming up with the Enemy at last; and a bloody Engagement ensued, which lasted from Ten in the Morning till Seven in the Evening, without any signal Advantage on either side; both Parties retiring, as if by Consent, and entrenching themselves, as well as they could, in the Field of Battle. The three following Days were spent in mutual consoiding: And thus they parted; neither daring to make any farther Attempt on the other: The French continuing their Rout towards *Schiffstadt*, and the Imperialists encamping in the Neighbourhood of Fort *Kiel*.

The Death of Mr. de *Turenne*, and the Retreat of Mr. de *Lorge*, were however productive of all the Advantages that could have been expected from the most complete Victory: *Strasbourg* immediately forgot her Neutrality, and again gave the Imperialist free Passage over their Bridge into *Alsace*; and advantage was taken of the present Conformation of the French, to divide the confederate Forces, and attack them in several Places at once. Count *Montreucault* undertook *Alsace*, for his Province; and a Concert was form'd among the several Princes of the League, for the Reduction of *Troves*, by a Junction of Imperial Troops under the *Marquis de (\*) Grana*, of *Spaniards* under the *Marquis de Louvoisy*, of the Elector *Palatine* under the Count de *la Lippe*, of *Munster* under Major General *Gravilliers*, of *Troves* under the Baron de *Leyen*, and of *Lorraine*, *Zell*, and *Osnabrug*, under their respective Princes.

This was one of the greatest Enterprises that was undertaken by the Confederates during the War; and was so much the more remarkable, as it concentred the Interests of so many Princes. The Imperialists were bent upon it to open a Passage into France on this side, finding so many Obstacles in their way thro' *Alsace*. The *Spaniards* desir'd it for the sake of succouring *Luxembourg*, whenever it should be press'd, which was of the last Importance to them. The Duke of *Lorraine*, that he might once again have Entrance into his own Duchy. The Elector *Palatine* thought it the best Preparation for the Siege of *Philisburg*, which was the Thorn in his Side. And, we are told, the Thirst of Glory inflam'd the rest.

And now it was that the World saw with Astonishment, that the *Germans*, when unit-

A. D. 1675.

ed, were as capable as the French of forming great Designs, and could exert themselves with equal Vigour in the Execution. On the 5th of August, that is to say, in nine Days after the Death of Mr. de *Turenne*, the Confederates sat down before *Troves*, and in three Days more they were furnish'd with all the Requisites for a Siege, by the Care of the Elector *Palatine* and *Troves*: But, on the 9th, when they propos'd to open the Frenches in form, they receiv'd Advice, that the *Marshal de Crequi*, strengthen'd with a large Detachment from the Army of the Prince of *Condé*, and with several other Corps which he had drawn out of different Places in his way, was at hand, with a Resolution to succour the Place.

Immediately upon this, a Council of War was held; and, with the same Conformity of Sentiment which had given rise to the Siege, it was resolv'd to meet the *Marshal* mid-way, and give him Battle. Leaving, therefore, sufficient Troops to guard the Camp, the rest, under the Command of the Dukes of *Zell* and *Osnabrug*, march'd out in quest of the Enemy; whom they found on the 11th, near the Village of *Tavernes*, totally unprepar'd for any such Adventure, many of their Troops dispers'd on a Forage, and the rest either in disorder'd on their March, or surpris'd with the unexpected Appearance of the Allies, that the *Marshal* had neither Time nor Opportunity to make such a Disposition as the Ground would have admitted of; the River *Sarre* running between the two Armies: Confusion on one side begot Resolution on the other; the confederate Generals gave order to their Forces to pass the said River, under the Cover of their Cannon, which were brought to bear so effectually on the Plain, on the other Side, that the French durst not venture within their Reach. What follow'd was a vigorous Charge, and a total Rout. The right Wing of the French rally'd five times, and were as often broken, and at last irrecoverably: Most of the Foot and Dragoons were either killed, or taken Prisoners. All the Ensigns, Standards, Guns, and Baggage of all sorts, fell into the Enemy's Hands. Never was a more complete Victory, or more absolute Defeat. Scarce Mr. de *Crequi* himself made a shift to escape; and of his whole Army, he had but Three or Four to bear him company.

This was a pleasing Spectacle to the old Duke of *Lorraine*, who had been dispossest of his Duchy by this very General: An Indisposition had hinder'd him from being present at the beginning of the Action; but, before the Close of it, he came up, with four Squadrons; and had the Satisfaction to put in for a Share, both of the Success and Glory of the Day.

That Night the Confederates encamp'd on the Field of Battle; and the next Day return'd to the Prosecution of the Siege. Mr. de *Crequi* had thrown himself into the Place, *He throws himself into Troves, and makes a desperate Defence.*

*Marshal de Crequi really routed.*

The Siege of  
Troves.

Temple's  
Memoirs,  
Part II.

De Mont,  
Tom. IV.

(\*) To whom Sir William Temple ascribes the principal Honor of this Undertaking.

A. D. 1675

with a desperate Resolution either to preserve it, or perish in the Ruins. On the 17th the Trenches were opened, and the several Parties took their Turns in carrying on the Works; and all behaved in such a manner, as if each had piqu'd himself on being the most instrumental in forwarding the Common Cause. But neither Emulation nor Valour itself, is a Match for Despair: The unhappy Marshal had all at stake, and thought himself oblig'd to do things almost exceeding human Ability, to regain the Figure and Importance he had lost. Hence, with the Assistance and Support of certain *Scottish* Battalions who were in Garrison there, and who accompanied him Night and Day in every Danger, he made an obstinate Defence till the fifth of September, in spite of the utmost Efforts of the Enemy without, and the perpetual Murmurs of a mutinous Garrison within; and even then, the Place was surrender'd against his Will; he himself retiring to a Church, endeavouring to spirit up the few that followed him to hold it out till the last Man, and chusing to be made a Prisoner of War, rather than sign the Articles of Capitulation, which his own Officers had drawn up without his Consent, and in Violation of his Authority.

Da Mont.

The Place surrend'rd by the Garrison.

France inclin'd.

It was now that *France* began to be sick of her ambitious Projects, and that by the vigorous Concurrence of *England* with the Allies, effectual Bounds might have been set to her Power. But when the Undertaking was not only practicable, but expedient, the Court could not be brought to relish it. The King himself had declar'd to *Sir William Temple* (whom he had sent for into *England* soon after the Receipt, to use his Endeavours to) reconcile the Lords *Arlington* and *Dowry*, whose perpetual Broils embarrass'd his Affairs) "That some of the warm Leaders of both Houses, had a mind to engage him in a War with *France*, which they should not do for many Reasons; and among the rest, because he was sure if they did, they would leave him in it, and make use of it to ruin his Ministers, and make him depend upon them more than he intended, or any King would desire." And when the War had taken a Turn so unpropitious to *France*, and it was in his Majesty's Power, by one and the same Measure, to recover the Confidence of his People at home, and settle the Balance abroad, for many an Age to come, he prefer'd his own personal Attachments to *France*, to the general Interest of *Europe*, and again endeavour'd to bring over the Prince of *Orange* to his Party, by ordering *Sir William Temple*, now return'd to the *Hague*, to use it as an Argument to his Highness to be easy in the Business of a Peace, "That it was now high time for him to apprehend again the Greatness of the House of *Austria*, instead of that of *France*."

Temple's Memoirs, Part II.

England interposes with the Prince of Orange for a Peace.

Possibly the Advocates for this Reign may

urge, that his Majesty was ty'd up by his Engagements to *France*, from taking Part with the Confederates; and that it redounds to his Honour that he observ'd the Dictates of Justice rather than Policy.—Had his Majesty been always thus scrupulous, this Plea might have been urg'd with a better Grace; but we cannot help remembering, that when the Vengeance of *France* was denounc'd against *Holland* by Land, and *England* was to do her Drudgery by Sea, as many Pretences were sought to force a Rupture, as now to avoid one: In particular, a Violation of the Honour of the *Flag* was represented as a thing never to be overlook'd, and scarce to be forgiven: And yet in the Month of *June*, this very Summer, the following Incident happen'd in the Channel, tho' the *London Gazette* was not suffer'd to take notice of it:

A. D. 1675

Captain (e) *Herbert* in the *Cambridge* Man of War, off the *Nesi*, came in sight of six Sail of Ships, one of sixty Guns, one of fifty, one of twenty-six, and three Fireships; five of them were under *Dutch* Colours, and the sixth *English*; and when he came up with them, not one of them striking, he fir'd a Gun, as usual, to put them in mind of the Respect that was due to the *Flag of England*: Upon which they lower'd their *English* and *Dutch* Colours, and hoisted *French*. *Herbert* had fallen in with them to *Leeward*, but nevertheless, running up along Side of the largest Ship, demanded the Reason why they did not strike; and receiv'd for Answer, *That they struck to nobody*: Upon which he fir'd a Shot, which was immediately return'd by the *French* Commodore, and by another of the Party with a whole Broadside. *Herbert* then thought it high time to sheer off, as knowing a single Ship would have made no Figure against a Squadron; but instead of prosecuting his Voyage, he put into the next Port; and making the best of his way to Court, not only complain'd of the Indignity, in very lively Terms, to the King and Council, but intreated to be sent out with a proper Force to demand Satisfaction.

A French Squadron refuses to strike to the Flag of England, in the English Channel.

Agreeable to the King's former Behaviour with respect to *Holland*, his Majesty by this Indignity was released from all his Engagements to *France*; and by embarking in a popular War, on this popular Point, might have establish'd himself in the Hearts of his Subjects; and, safe in his own superior Merit, might have set the Faction at Defiance ever after. But Expedient suited more with his Genius than Enterprize; and he contented himself with demanding Satisfaction by a Letter instead of a Trumpet. It ought, however, to be acknowledg'd, that he obtain'd it; Captain *Pannetier*, who had offer'd the Insult, was sent into *England* to acknowledge his Fault, and implore his Majesty's Pardon, which he made no Difficulty to grant.

As to the Superiority which the Confederates

(f) This *Sir William* try'd to accomplish, but without Success. Rivallships for Power being as hard to accommodate as those of Love.

(e) Perhaps the same who afterwards commanded the Prince of *Orange's* Fleet, in his Expedition to *England*, and who was by that Prince made Earl of *Torrington*.

A. D. 1675.

rates now seem'd to have over France, there is a wide Difference between a Prospect and Possession. "It was expected, says Sir William Temple, that the Imperialists in Alsace would either enter into Lorraine, or, at least, take the chief Towns of Alsace, and post themselves to the following Winter, as to be ready for such an Enterprize in the Beginning of the next Spring; and Count Montecuculi being'd first Hagenau, and afterwards Saverne, to that end: But after Hagenau had offer'd to surrender upon Conditions, he rose with his Army to fight the Prince of Condé, who was sent out of Elzanders into Alsace, to supply the Place of M<sup>r</sup>. de Turenne, and who made a Motion with his Army, as if he intended to relieve it; but to order'd it, as the Germans fail'd both of the Battal and the Town. It was never comprehended, how Montecuculi afterwards came to rise of a sudden from the Siege of Saverne: Some said, it was upon express Orders from Vienna the Night before; others, with design of fighting the French Army, or besieging Philippsbourg: But neither happen'd: And, which is worse than all, he ended the Campaign with passing back his whole Army over the Rhine, and leaving Alsace wholly in possession, and at mercy, of the French Troops: Nor have I ever known any Action of such public Concern so unaccountable as this Retreat; since 'tis hard to suspect, either Corruption, or Court Faction, should go so far; tho' both were accus'd of having part in this great and almost decisive Event."

The Conduct of Count Montecuculi.

Du Mont.

The Prince of Baden Durlach, in particular, so loudly complain'd of his Conduct at the Court of Vienna, that he found himself under a Necessity to quit the Army, and appear there in person to make his Defence; which consisted in shifting the Fault from himself to the Magistracy of Strasbourg, who, according to him, had not furnish'd him with the necessary Supplies; but they, by their Deputies, pang'd themselves in their turn, and the Count, in the Issue, bore the Blame of all; but was no otherwise punish'd than with the Loss of his Commission, which was given to the Prince of Lorraine; his Uncle, the old (u) Duke, so often mention'd, dying in the midst of these Transactions of a broken Heart, according to Sir William Temple, or rather a Martyr to the Fatigues of a military Life, which his invincible Spirit prompted him still to undertake, but which the Infirmities of old Age would no longer suffer him to sustain.

Death of the old Duke of Lorraine.

As to the Residue of the Campaign in Elzanders, it produc'd nothing very extraordinary, the Duke de Luxembourg succeeded

the Prince of Condé in the Command of the French Army there, with Orders, however, to act only on the defensive, and not to hazard a Battle, if it could be by any way avoided. And on the other side, all that the Prince of Orange and the Duke de Villa Hermosa were able to do, was to reduce and demolish Binche; which very ill answer'd the Hopes, or ballanc'd the Expences of the Campaign.

A. D. 1675.

Binche taken and demolish'd.

France torn with Seditions.

Upon the whole, it will be matter of astonishment to all Posterity, that France should be so much expos'd, and yet suffer so little: She was not only surrounded with Foreign Enemies, but torn with Seditions in her own Bowels. At Rennes, Nantes, Morlaix, Bourdeaux, Teouluse, and several other Cities of France, the Populace rose all at once, as if by Consent, declaring against the new Taxes which had been impos'd for the Maintenance of the War; killing the Collectors, burning the several Offices, and the Houses of all who oppos'd them. This insurrection first shew'd itself at Rennes; and the Marquis de Cohon, the Governor, endeavouring to suppress it by violent Means (killing thirty or forty of the Ringleaders, and throwing as many more into Prison) it grew more violent than ever, and spread all over both upper and lower Bretagne. Hence the Duke de Chaulnes was induc'd to change the Method of proceeding with these Desperadoes, and allure them back to their Allegiance by the Hopes of a general Pardon. Such a Pardon was accordingly procur'd; the Offenders gladly embrac'd it, and thought of their Grievances no more. But Intelligence being soon after receiv'd, that it was but a Feint to seduce them to submit, that Forces were pouring in upon them on all Sides, and that a severe Chastisement was prepar'd for them, they assembled anew, hung up in the Church Steeples all the Gentlemen, with their Swords by their Sides, who fell in their way; kill'd the Marquis de Montgalliard, a Lieutenant General, and pillag'd and burn'd all the Houses of all the Nobility and Placemen in the Province.

In the mean time, the Troops arriv'd, indeed, both by Land and Sea: Upon which the Mutineers collected themselves from all Parts into one Body, consisting of about 10000 Men, and set up for themselves, deifying the King, and disowning his Authority. They even went so far as to elect a Duke, and constitute a General: But having neither Money, nor Arms, nor Provisions, nor one tenable Place, nor the least Idea either of Discipline or Government, Tyranny very easily got the better of Anarchy; Part were executed, Part flew out of the Country:

(u) The Character of this Prince is thus given by Sir William Temple: "He seem'd not to deserve the Fortune of a Prince, only because he did not seem to care for it: to hate the Constraints and Ceremonies that belong to it; and to value no Pleasures in Life, but the most natural, and the most easy; and, while he had them, was never out of humour for wanting the rest: Generous to his Servants and Soldiers, when he had it; and when he wanted, endeavouring to make it up, by the Liberties he gave them; very much beloved by, and familiar among, both: And, to give his Picture by one small Touch, one of his Ministers

"told me, that not long before he dy'd, all his Family were, a Gentleman of his House, as he was called; another of his Chamber; and a Boy that look'd to a little Nag he us'd to ride: One Day he call'd for his Horse; the two first told him the Boy was not to be found. He bid them, however, get him his Horse: They could not agree which should go and saddle him, till the Duke bid them go, and one or other of them do it, or else, he swore, he would go down and saddle his Horse himself. They were sham'd; and it was done."

A. D. 1675.

try: All were effectually subdued; and even the very Towns where the Insurrection began were (e) oppressed more grievously than ever, by way of Punishment, for having been too sensible of Oppression before.

Some time before this the Chevalier *de Roban*, who was descended from the ancient Dukes of *Bretagne*, had enter'd into a Conspiracy with the *Spaniards* to excite some such Commotion as this; but before it could take effect, the Intrigue was discovered, and he himself was beheaded in the Court of the *Basilic*; as also one *Madam Villars*, and the Chevalier (*no de Préau*). It has been observ'd, that if these two Attempts had coincided; had the Chevalier *de Roban* been supported by such a Body, or that Body been directed by such a Head; or had the *Dutch* been ready with their Fleets to countenance the Insurrection as they actually did the Conspiracy, or had the Reformed become Parties and set up their Standard in the same Cause, as they were politically enough invited to do, this one Affair had given the Court of *France* more Trouble than the general War they were engag'd in against to great a Part of *Europe*.

Result of Melina.

But *Spain* had her Distempers as well as *France*, without the same Vigour of Constitution to throw them off; and if ever she took a wise Measure, her Strength failed her in the Execution. To make herself amends for the Loss of *France Compté*, she undertook to reduce *Rouffion*. The *Dutch* enter'd into the Concert, and by a particular Treaty, furnish'd both a large Fleet, and a Body of Land Forces. But when all was ready for Execution, *Messina* revolted, and it became necessary to give over the Design on *Rouffion*, in order to preserve *Sicily*. Admiral *de Royster*, with the (x) *Dutch* Fleet were already on the Coast, and Count *Horn* had embark'd his Forces. The Queen-Regent, therefore, endeavour'd to induce those two Commanders to concur in the second Enterprize, since the first was no longer practicable; but without Success: They thought themselves oblig'd to conform to the Letter of their Orders, and so made the best of their way back. This oblig'd the *Spaniards* to slip their whole Force, and leave *Catalonia* expos'd to the Attempts, and almost at the Mercy of *France*; and what was worst of all, when they came before *Messina*, they found that vigilant and active Power had got the Start of them, had taken the *Messinese* into its Protection, had furnish'd them with (y) Provisions, Troops and Officers; and on the very Day that the *Spanish* Fleet came in Sight, surpriz'd the Castle of *St. Salsador*, and thereby utterly defeated the Ends of their Expedition.

The *Messinese*, however, soon became sensible that the *French* Yoke was still heavier than

A. D. 1675.

the *Spanish*; and it gall'd them to much the more to find an Oppressor, when they expected a Deliverer. This dispos'd them to think favourably of their old Masters, and to wish for their Assistance to re-deliver them from their new. But they who were strong enough to protect, were strong enough to subdue; and the less hold they had by Affection, the more use they made of their Power: All that *France* propos'd by her Concern in this Affair, being to distract the Councils, and divert the Strength and Wealth of *Spain* into this Channel, during the War; and to make a cheap Purchase of a Title to *France Compté*, by abandoning *Sicily*, at the Conclusion of a Peace.

To this short State of Foreign Affairs, no more needs be added than that, before the End of the Year, the *Danes* took *Wismar* from the *Swedes*; and by an open War, these two Crowns came to be engag'd in the common Quarrel: And that after a great Expectation of some extraordinary Success in the *Spanish* Affairs from *Don John's* intended Expedition into *Italy* to command all the *Peres* and *Provinces* of that Crown, both there and in *Sicily*, when he was ready to go and meet *de Royster*, who, by a new Concert with the *States*, attended him at *Barcelona*; with the *Dutch* Fleet, design'd for *Messina*, he was, by a Court Intrigue, recall'd to *Madrid*. The King was then arriv'd in his fourteenth Year, and took upon him the Government as now in Majority; and by the Advice of some near him in Favour, writ a Letter to *Don John*, to invite him to Court, to assist him in the Government. He obey'd, but staid there not above a Fortnight, or three Weeks, till by the Credit and Authority of the Queen Mother he was forced to quit his Ground there, and return to *Saragosa*; and so vanish'd a mighty Expectation that had been rais'd in *Spain* and other Places, of great Effects that were to follow this Prince's coming to the Administration of Affairs; very great Sums of Money were wholly lost that had been employ'd in the Preparations of his Journey and Equipage for *Italy*; and *Sicily* was left almost hopeless of Recovery.

As to *Scotland*, it was still as we left it, in the Hands of the Duke of *Lauderdale*, and his Instrument Lord *Haltoun*; and, as if to shew what sort of Commissions, the late *Non-Resisting Test* was calculated to authorize, the Case of the *Wild Conventicles*, was again recommended by the King's Letter to the *Secrets* Privy Council; and, as if in Conformity thereto; the Number and Danger of them were set forth; as also the Insufficiency of the several Laws in being to suppress them; and the Necessity of having recourse to some wholesome Expedient that should operate where

Temple's Memoirs, Part II.

Young King of Spain takes upon him the Government.

Tactick private House turn'd into Garrison, by Order of the Scottish Privy Council.

(e) In particular, the Parliament was remov'd from *Reims* to *Fannes*; and that City was moreover visited with a numerous Garrison.

(x) A Schoolmaster was engag'd at the same time, on the same account; and one *Mr. Trueman*, another of the Conspirators, refusing to surrender himself, was kill'd by the King's Guards.

(y) This was in the Year 1674.

(z) The Inhabitants had been long in a starving Condition; which gave occasion to the Writ of *habeas Corpus* to re-appear them under the Type of a *Writ*, with a *Tax* on one side, and a *Frenchman* on the other, with each a *Sack* of *Gunpowder* on his Back: Illustrated by this Motto, *W's centis fess, gratis fess*.



A. D. 1675.

England's  
Looking Glass,  
MS.

where they had fail'd. This wholesome Expedient which Lord *Halton* was neither afraid nor ashamed to patronise and recommend, was neither better nor worse than the Introduction of military Execution, by distributing Garrisons, where it should be thought convenient in certain strong Houses, in several Parts of the Kingdom. A Proposal of this alarming nature could scarce have been made any where without Opposition. Even in the Duke of *Lauderdale's* Council, tho' the favourite Project of his favourite Creature, some few were found, who could not be prevail'd on to stiew it the least Countenance, but on the contrary, took upon them to prove, that it was equally a Violation of Law and Justice, Liberty and Property. Unfortunately this reverend Words had lost their Significancy, and pass'd for common Air. Lord *Halton* reply'd, *It was the King's Pleasure to have it so*, and it was become almost as dangerous to resist the King's Will, as his Power. As soon, therefore, as those awful Words had been made use of, all Debate was at an End, the Command was understood to be absolute, and these venerable Councilors were willing to set the Example of implicit Obedience.

In plain terms, an Order of Council was made for the quartering of twelve Garrisons of fifty Foot and twelve Horse each in twelve several Houses; And when the respective Owners would have presented their Petitions, shewing the extreme Hardship of being turned out of their own Dwellings, as well as the Loss and Damage they must necessarily incur by it, they were rejected without a Reading, as if in scorn both of their Sufferings and Remonstrances.

Neither did this notable Stretch of Power terminate here. These military Supervisors were to be sed as well as lodg'd: And as few single Estates could support so large a Family, a Motion was made in Council, for an Order to oblige the several Shires, in which the Houses were situated, to make good all Disbursements. Duke *Hamilton*, and those who had the Honour to oppose the first Motion, appear'd with the same Warmth and Resolution against this, alledging, that the Council had no Authority to lay the least Imposition on the Subject; which was contradicted by the Lord *Halton*; who was positive, *they could both do that, and more also*: And, it seems, the Majority had Faith enough to believe him; for they made no Difficulty to establish a Rate for this Service, and to appoint the Commissioners of the Excise to levy it: But many of these had the Honesty to refuse Obedience; and some, the Courage to avow the Reason, viz. That it was expressly against Law, to lay any Burthen on the Subject, without the Authority of Parliament; for, even in the third Act of his Majesty's first Parliament (in which the King's Prerogative over the Militia is asserted) it is so provided in plain Words.

A. D. 1675.

But this Reference to the Laws serv'd rather to exasperate than intimidate these thorough-paced Counsellors; for they not only renew'd their Orders, but charg'd the said Commissioners to obey and execute them, within six Days, on the penalty of being declar'd Rebels.

Terrify'd with this extravagant Proceeding, and equally afraid of obeying or disobeying, the Commissioners dispatch'd one of their Number (Sir *Patrick Hume*) to sollicit the Suspension at least of the Outlawry; which appear'd the more terrible, because to take place so suddenly; but without Success. The Privy Counsellors, to whom he presented their (x) Bill for that Purpose, refus'd to pass it: Upon which he thought it advisable to enter a Record of their Application, properly witnessed, before a public Notary. This gave so much Offence to their Lordships, that Sir *Patrick* was cited to make his Appearance before them; and, though he pleaded, that he did not enter his Record with a View to bring any Privy Counsellor into a Snare, for refusing to pass his Bill, but only as Evidence that he had fulfilled the Deputation he had been entrusted with, he was censur'd as an Insolent Person, and sent to the common Gaol.

Upon the whole, however, finding the Kingdom was likely to be inflam'd, and apprehending some untoward Inferences might be drawn from it by the Parliament of *England* (now on the point of re-assembling) to the Prejudice of the Duke of *Lauderdale*; it was thought advisable to slacken this Over-see'd, and to jog on fair and softly to their Journey's End. Accordingly another Order of Council was issued, requiring the Obedience of the Shires to the former Orders, declaring their Scruples to be groundless, and setting forth, that it was the Intention of the Council to defalc whatsoever was rais'd for these Garrisons out of the first Payment of the Excise: But as this Intention had been kept a profound Secret hitherto; so it is certain, that the Order to the Commissioners was absolute for the Assesment, without the least Hint of a Warrant of Reimbursement: And when once a Precedent had been set, upon whatever Pretence, of taxing the Subject by Order of Council, it might be said, that the very Being of Parliaments was in danger. The Prerogative not only reaches far, but holds fast; and when once Privilege falls within its Grasp, scarce any thing short of a Miracle can set it free again.

All this while, it appears, Mr. *Coleman* carry'd on his Intrigues with the *French* Court, in the Duke his Master's Name; the principal Drifts of which were, First, To sollicit 200,000 *l.* to procure a Dissolution of the present Parliament, which he represented as a certain Way to procure a Peace; and that failing, so small a Sum as 20,000 *l.* with which he undertook to carry two great Points, in the ensuing Session, viz. To put

*Coleman's*  
further Cor-  
respondence with  
France.

*State Treas.*  
temp. Car. II.  
vol. 1.

(x) The Manuscript makes use of this Expression, and I did not think myself author'd to alter it.

A. D. 1675.

the Parliament upon making their humble Request to the King, that the Fleet might be put into his Royal Highness's Care; and, secondly, to get an Act for a general Liberty of Conscience.

These things were not discover'd till afterwards, but are proper to be placed here; the (a) Letter to Father le Chaise, in which they are contain'd, bearing date September 29, 1675; and the Parliament being to meet October the 13th following. Mr. Coleman had, it seems, apply'd before to Mr. Rowley, for this piddling Sum; nay, as he says himself, *shamefully begg'd it*; but without Success: That Minister wanted to be made sure of the Ends, before he would part with the Means; and thereby plainly indicated, that he thought the Secretary had undertaken for more than he was able to make good; and that though the Sum was trifling, when compar'd to the Service, it was too great to be thrown away. This ill Success with his most Christian Majesty's Minister induced Mr. Coleman to make a new Essay on his Confessor; to obtain whose Confidence, and to

show how favourable the Crisis was to God's Church, he crowded a whole History into the Dispatch, and characteris'd the Duke as a Person, "who regarded not any thing in the World, in comparison of God Almighty's Glory, the Salvation of his own Soul, and the Conversion of this poor Kingdom, which had been a long time oppress'd, and miserably harass'd, by Heresy and Schism." But neither did this new Device answer any better than the former: The Father return'd a civil but cool (A) Reply; encouraging, indeed, the Continuance of his Correspondence, but offering not a single Louis d'or to make it worth his while.

All this time, the principal Bureats at Whitehall had been to inspect the Revenue, and to put the Disbursements on such a Footing, that the growing Frugality of the House of Commons might the less affect both King and Minister for the Time to come. By a Paper of the Lord Treasurer's, dated September 29, 1675, and presented to the Council October the 8th, it appears, that the annual (c) Disbursements amounted to 1,387,770 l. the

A. D. 1675.

A. D. 1675.

New Revenue of the 25th year.

(a) In this Letter are the following remarkable Passages:— But I believe I saw Mr. Rowley's Policy all along; who was willing to have his Master's Money, upon an Assurance we would do all we could to have of the Parliament, for our own sake; that we would struggle as hard without Money, as with it; and we having by this time, upon our own Interests, prevail'd to get the Parliament prorog'd till the 13th of April, he thought, that the Prorogation, being to a Day so high in the Spring, would put the Confidence as much beyond their Measures, as that it might procure a Peace, and be as useful to France as a Diffusion.

(b) The Lord Arlington set forward upon his Errand to Holland November the 16th, 1674, and return'd not till February the 6th following. During his Absence, the Lord Treasurer, Lord Keeper, and Duke of Lauderdale, were the only Ministers in any considerable Credit with the King, and who all pretend'd to be entirely united to the Duke, declared boldy, and with great Violence, against the said Lord, and his Actions in Holland, and did hope, in his Absence, to have totally supplanted him, and rooted him out of the King's Favour; and, after that, they thought they might easily enough have dealt with the Parliament: But none of them had Courage enough to speak against the Parliament, till they could get rid of him, for fear they should not succeed, but that the Parliament should sit in spite of them, and come to hear that they had used their Endeavours against it; which would have been an unpardonable Crime with our omnipotent Parliament, that no Power would have been able to have freed them from Punishment.

But they finding, at his Return, that they could not prevail against him by such Means and Arts as they had then tried, resolv'd upon new Council, which were to *surprize him in his own Court*; which accordingly they undertook, and became as fierce, *Asps*, and as venomous for the Protestant Religion, and against *Spain*, as ever my Lord Arlington was before them; and, in pursuance thereof, persuaded the King to issue out those severe Orders and Proclamations against Catholics, which came out in February last, by which they did as much as in them lay to extirpate all Catholics, and Catholic Religion, out of the Kingdom.

(c) As follows:

PARIS, 23d of October, 1675.

The Letter which you gave yourself the Trouble to write to me, came to my Hands but the last Night. I received it with great Satisfaction; and I assure you its Length did not make it seem tedious. I shall be glad, on my Part, to assist in recouping your good Intention. I will consider of the Means to effect it; and when I am better inform'd than I am at present, I will give you an Account; so the end I may hold Intelligence with you, as you did with my Predecessor. Sir, I desire you to believe that I will never fail as to good Will, for the Service of your Master, whom I honour as much as he deserves; and that it is with great Truth that I am &c.

September 29, 1675.

(d) As Estimate of the Annual Expence.

Navy	320,000
Ordnance	60,000
Forces and Castles	312,000

Tangier	57,200
Household	107,000
Privy Purse	37,000
Works	14,000
Treasurer of the Chamber	30,900
Band of Pensioners	6,000
Stables Horses and Stud	11,500
Wardrobe	22,000
Jewel House	5,000
Embassadors, Envoyes, and for Presents	50,000
Robes	30,000
Management of the Rieis	10,000
Management of the Customs	51,000
Salary and Fees payable at the Exchequer	81,850
Poll Duties	5,000
Interest of Money to the Goldsmiths	70,000
Libraries at the Exchequer	2,000
Treas and Toyles	2,000
Treas Expences	2,000
Casual Disbursements not proper to be under any Head	15,000
Heating Metals	2,000
Secretaries for Intelligence	3,000
Annual Payments to the Queen and his Royal Highness	35,000
Pensions of Grace	145,350
	1,387,770

An Abstract of the Receipts of the Revenue.

Customs	600,000
Excise	550,000
Hearth Money	151,000
Law Bill	10,000
Mine Licence	10,000
First Fruits of Clergy	5,000
Tiths	11,000
Other small Branches, the Duties of Luncheon &c.	15,000
	1,358,000

ANTICIPATIONS.

For Salt Petre, about	17,000
For the Forces	70,000
	87,000

EXCISE.

For Tallow Brack, which are unpaid	478,954
For so much advanced, and yet unpaid	245,000
	723,954

HEARTH DUTY.

For so much advanced, and yet unpaid	70,000
For Assignments on the growing Rent, about	10,000
	80,000

Total, 866,954

A. D. 1675. the Revenue to 1,335,000*l.* which was clogg'd with Anticipations, to the value of 866,954*l.*; and yet by a (d) general Account of all the Receipts and Issues in the Exchequer, it farther appears, that between the 20th of June 1673, and the 25th of June 1675, 4,529,649*l.* &c. had been re-

ceiv'd, and 4,526,945*l.* 3*s.* 3*d.* discharged. This Scrutiny gave rise to a Scheme of Retrenchments, by which an annual Saving was to be made of 250,000*l.* On the other hand, all imaginable Expedients were put in practice, to make the Exchequer rise higher than ever; inasmuch, that even the (e) smallest Branches

A. D. 1675.

(2) Viz. A general Account of Receipts and Payments between the 20th of June, 1673, and 25th of June, 1675.

A GENERAL ACCOUNT OF RECEIPTS.

	On Tallies of Provisions and Warrants on the Excise and Customs, &c.	On the three first Quarters of the Tax and by Loan.	On the Balance of the Receipts.
On Tallies of Provisions in Six Estates Howard's half Year's Declaration	33,530 13 0		
On Ditto, and for Warrants, by Mr. Maunsell	39,113 14 3		
On Tallies of Provisions and Ditto	7,108 6 8		
On Ditto, as per Warrants, on the Excise, per Estimate	190,221 12 10 1/2		
On Ditto on the Wood, Farm, Post Office, Trench, and first Fruits, &c. per Estimate	20,815 12 6		
By the three last Quarters of the Tax		508,150 0 4	
By Loans on the last Tax, &c.		262,585 10	
By Loans upon the Dutch Money		40,000	
By the Balance of the Receipts			3,428,034 2 8 1/2
	390,899 19 3 1/2	810,715 10 4	3,428,034 2 8 1/2
			290,899 19 3 1/2
			3,718,934 1 11 1/2
			810,715 10 4
			4,529,649 11 3 1/2

PAYMENTS between the 20th of June, 1673, and June 25, 1675.

	By Tallies of Provisions &c. in the last Treasury's Issue	By order of the first Lord Treasurer, and in Repayments by Loans.	By Order of the first Lord Treasurer to the 25th of March, 1675.	More from the 25th of March, 1675, to June 25, 1675.	Total of the two last Columns.
	l. s. d.	l. s. d.	l. s. d.	l. s. d.	
Ambassadors, Envoy, &c.					
Counties					
Fees and Salaries	30,000 0 0				5,371 6 8
Pension of Grace	198,899 19 1 1/2				13,601 13 4
Payments to the Queen and his Royal Highness	72,000 0 0				13,000 0 0
Change			25,097 2 1		37,499 14 11
Embroiderment			25,194 17 11		
Forces	97,744 0 0		49,163 3 4 1/2		2,337 16 9 1/2
Mare to Barbadoes Regiment			10,000 0 0		80,270 12 8
Household		50,256 3 1/2	183,016 1 11		53,700 0 0
Interest of Money			58,886 2 2 1/2		58,034 13 2
Jewel House			20,775 11 0		
Liberates			3,185 15 0 1/2		
Navy Victual, &c.		100,000 0 0	1,148,244 9 11 1/2		107,445 12 5 1/2
Mare for Redemption of Captives			7,125 0 0		
Ordnance		12,995 6 0	158,590 2 5		614 0 0
Postage Letters			9,350 6 2		
Queen			4,000 0 0		
Privy Purse			64,317 6 5		10,308 1 4
Healing Medals			2,100 0 0		800 0 0
Head of Penitenciers			11,265 13 9 1/2		1,749 2 7 1/2
Rubes			14,449 7 5		1,300 0 0
Repayments		515,286 10 7	40,020 0 3		4,483 15 4 1/2
Stables			16,740 18 0		9,000 0 0
Secret Service			114,041 1 8		10,247 12 0
Tents and Toys			3,467 1 4		
Treasury			68,253 17 10		24,050 0 0
Treasurer of the Chamber		26,651 5 4	54,837 13 0		15,000 0 0
Works		2,500 0 0	31,650 0 1		3,589 4 6 1/2
Wardrobe		5,000 0 0	34,948 6 3		4,000 4 8
	390,899 19 3 1/2	812,213 5 0	2,975,115 17 5 1/2	449,717 11 6 1/2	3,424,832 19

(4) The small Branches being charg'd in the preceding Page are at 1,000*l.* and for the Duchy of Lancaster, it is fit to remark the Reader made by Sir Robert Howard, &c. in Conformity to the Lord Treasurer's Orders.

ON A MEDDLE OF THREE YEARS, about

Coinage	1,15,600
Services and Forfeitures	3,500
French Tonnage, farm'd at 1,200 <i>l.</i> per Ann. to	1,200
Six Howard's Gascoigne	7,700
4. for Gen. Barbadoes Duty	7,700

NUMB. XXV.

Erizzo and Butterage, farm'd at 500 <i>l.</i> esteem'd worth 2000 <i>l.</i> per Ann.	500
Sea Coal Duty at 12 <i>d.</i> per Chaldron, farm'd at 1,818 <i>l.</i> esteem'd worth 8000 <i>l.</i>	1,818
Sea Coal Duty at 4 <i>d.</i> per Chaldron, farm'd at 1,000 <i>l.</i> worth 4,000 <i>l.</i> per Ann.	1,000
Logwood, farm'd at 500 <i>l.</i>	500
Petty Farm of unwrought Wood, Glass, &c. farm'd at	6,500
Salt imported, Rent	1,000
Alienation Office	2,000

4 B LAW

A. D. 1675. Branches were not forgotten: And particular Orders were sent from the Lord Treasurer to the several Officers, to know exactly what their yearly Value was; how the same arose, how charged; how accounted for; and how far it was improvable.

*Fifteenth Sep-  
tem.* *October* the 13th, both Houses met, according to Prorogation: And his Majesty, in his gracious Speech, gave them to understand, That he met them with more than usual Concern for the Event of the Session: That he hop'd they would avoid the like Debates, which occasion'd the last Prorogation: That, if any thing of that kind should arise, he desir'd them to defer the Discussion of it, till they had dispatch'd such public Bills as might conduce to the Good and Safety of the Kingdom; and that he particularly recommended to them whatever might tend to the Security of the Protestant Religion, as established in the Church of England.

This was the Amount of the first Part of the Speech: It is fit the Sequel should be given in his Majesty's own Words:

"I must likewise desire your Assistance in some Supplies, as well to take off the Anticipations which are upon my Revenue, as for the building of Ships: And tho' the War has been the great Cause of these Anticipations, yet I find by a late Account I have taken of my Expences, that I have not been altogether so good an Husband as I might have been, and as I resolve to be for the future; altho', at the same time, I have had the Satisfaction to find, that I have been far from such an Extravagancy in my own Expence, as some would have the World believe. I am not ignorant, that there are many, who would prevent the Kindness of my Parliament to me at this time; but I as well know, that your Affections have never fail'd me: And you may remember, it is now above three Years since I have ask'd you for any thing for my own Use."

These several Points were taken up at the Rebound by the Lord Keeper, who was all-eloquent upon each of them; but to the great Disgrace of Rhetoric, since it does not appear, that it had the least Effect on any one Member of either House.

The Commons, in particular, met in the very same Disposition that they parted; that is to say, those in opposition to the Court resolv'd to give all the Trouble they could; and those in league with it, instructed, perhaps, to join in several popular Points, as the Price of a Supply, which was the great Point they had to labour.

Thus we find all the Proceedings, which had miscary'd last Session, resum'd in the

Beginning of this: And that, when the King's Speech came under consideration, a Demand was made on one side, and allow'd as reasonable on the other, of a Scrutiny into those Debts and Charges, which the People were call'd upon to make good: The Result of which was, that it appear'd, the Expence of the late two Years War with the Dutch amounted, in the whole, to 2,040,000 l. and that the Money given by Parliament; what arose from the Customs, which ought to have been appropriated; what was gain'd by Prizes; and the 800,000 Patacoons given by the Dutch; at least amounted to 3,040,000 l. Whence it was infer'd, that, instead of the King's being run almost a Million in debt by the War, as those who took upon them to answer for the Court alledg'd, he might have been a Million in pocket. It was, upon these Principles, further observ'd, that, by the illegal Stop of the Exchequer Payments, the whole of the Revenue, as well as the Customs before-mention'd, came clear into the Exchequer, and was more than sufficient to answer all the reasonable Expences of the Crown; those of the Government not much exceeding 700,000 l. per ann. whereas the clear Income of the Revenue amounted to at least 1,600,000 l.

From the whole it was more than insinuated, that the Debts of the Crown arose rather from the Extravagances of the Court, than the Necessities of the Government: And some undertook to demonstrate, that, by an honest and careful Management, both his Majesty's Expences might be sufficiently supply'd, and his Debts discharg'd, out of his present Revenue, in the course of a few Years: Adding, that no Parliament was oblig'd to pay the King's Debts, by taxing the Subject: That such Precedents were dangerous, and might be fatal: For if once a House of Commons grew over-prodical, and a Court but moderately frugal, the Parliaments of England would become as insignificant as those of France.

Either these Facts and Considerations had such weight with the House, or the Majority, contrary to the Opinion that is generally entertain'd of them, were so little under the Influence of the Court, that they resolv'd not to grant any Supply to his Majesty for the taking off the Anticipations of his Revenue. There were four hundred Members in the House; and the Negative was carry'd but by four Voices.

In comparison with the Lavishness and Extravagances of later Times, these things have all the Air of Patriotism and Public Spirit; but if (f) Mr. North, and all the other Writers on the Side of the Prerogative deserve

A. D. 1675.  
Scrutiny into  
the King's  
Debts.

Refuse not  
to discharge  
them.

Commons re-  
new all the  
Proceedings of  
the Session pre-  
ceding.

Law Duty, Sum'd at 26,500 <sup>l</sup> , produc'd 46,000	26,500
Alford Farm	10,000
Duchy of Cornwall	6,417
Sheriff of Counties, &c., Clear of all Deduction	949
Post Office, Rent.	3,270
Total	88,136

[Out of the Manuscripts of Lord Halifax, Vol. I.  
Note, The Law Duty is mention'd in the Lord Treasurer's Account, as a separate Article; and the Duchy of Lancaster is not mention'd in this.

According to a State of the Revenue, given to the King by Sir R. Howard, for the Year 1674, the Receipts were	1,386,500
The Issues	1,167,400
Balance	219,100

(f) That Gentlemen's Evidence upon this Head, for many Reasons, deserves mention.

The Faction, finding that the King was beleagred, and as they despoiled could not escape them, undertook the Management

A. D. 1675. serve any Credit, we are to conclude, that this Excess of Oeconomy, did not arise from any Tenderness to the Public, but a settled Resolution to distress the King.

That this Session, however, might correspond in all things with the last, they again proceeded to grant three hundred thousand Pounds for the building of twenty Men of War, viz. One First Rate, eight Second Rates, and eleven Third Rates; and withal renew'd the appropriating Vote to annex the Tonnage and Poundage to the Use of the Navy.

Several Ways were debated for the raising of this Sum, as upon Lands, upon the *Taxes* by way of *Poll*, or upon *French* Commodities; and lastly, upon our own Consumption, and upon Merchandize. At length it was to be levy'd upon Lands, and paid in eighteen Months, to be lodg'd apart in the Exchequer, and appropriated to that particular Use, with very severe Penalties upon the Officers that should apply it to any other. All which was by no means agreeable to the Court.

It is fit to be recorded, that from the State of the Fleet which was now given in, it appear'd we had no more than eight First Rates, nine Second Rates, and forty-three Third Rates; while the *French* exceeded in the Number of these Rates by TWENTY-SIX, and the *Dutch* by *fourteen*; so that the *FRENCH* were already become the greatest MARITIME POWER in *Europe*.

There being at this time, a Treaty of Commerce depending with *France*, the House thought it advisable to call for a State of the Imports and Exports, in order to form a Judgment of the Balance of Trade between the two Kingdoms.

Accordingly, Sir George Downing, the rough Hand formerly made use of to nurse up a War with *Holland*, now a Commissioner of the Customs, presented a Copy of a Paper to the House, which had been drawn up for the Use of the Lords Commissioners employ'd by the Court in the said Treaty: Shewing that the Silk and Linen Manufactures imported from *France*, amounted to upwards of eight hundred thousand Pounds. That the Wine, Brandy, and other Products of that Country amounted to upwards of three hundred thousand Pounds more, besides Toys, rich Apparel, rich Lace, &c. to an incredible Value. That, on the other hand, the Manufactures of Silk and Wool exported into *France*, did not amount to eighty-five thousand Pounds. That all our other Exports did not amount to ninety thousand Pounds more: So that the Differ-

ence to the Disadvantage of *England*, amounted to at least a Million sterling. Sir J. Kersey says thirteen hundred thousand Pounds. By the way of Inference in the said Paper it was shewn, That it was the Interest of the *French* to hold the Treaty in Silence, since it was scarce possible for them to get more by the Conclusion of it than they now did; as it was scarce possible for *England* to get less; since our Commerce with them was so many ways restrain'd, that it amounted almost to a Prohibition. This determin'd the House to order in a Bill upon this Matter, which, from whatever Party-Views deriv'd, was demonstrably necessary, in order to stop a Leak, which bad far to drain the Profits of all our Commerce with every other Nation.

Upon this Occasion it was made appear, that every thousand Pound *per Annum* had since the Restoration paid an hundred Pounds in Taxes to the Crown.

In the last Session, when the Non-Resisting Test was under Debate, an Oath of Purification, with respect to Offices and Rewards, had been mention'd in the House of Lords by the Marquis of *Winchester*; and now a Suspicion prevailing in the House of Commons, that a Party could not uniformly and steadily oppose every Vote and every Motion that lean'd to the popular Side, and as uniformly and steadily forward and support every Motion and Vote that was calculated to favour the Court, unless they were under some Influence, which was inconsistent with their Trust, the following Test was introduc'd and enter'd in their Books, tho' it does not appear to have been administer'd to this Day.

I *A. B.* do protest before God and this House of Parliament, that, directly nor indirectly; neither I, nor any for my Use, to my Knowledge, have, since the first Day of *January*, 1672, had, or received any Sum or Sums of Money, by ways of Imprest, Gift, Loan, or otherwise, from the King's Majesty, or any other Person, by his Majesty's Order, Direction or Knowledge, or by Authority derived from his said Majesty or any Pardon, Discharge or Respite of any Money due to his said Majesty, upon account of any Grant, Pension, Gratuity, or Reward, or any Promise of any such Office, Place or Command, of or from his Majesty, or out of any Money, Treasure or Estate, or of belonging to his Majesty, or of, from, or by, any foreign Ambassador or Minister, or of, from, or by, any Appointment, or with the Knowledge

Kersey's Memoirs, p. 27, 28.

State of the Commerce between England and France.

Anno Test against Bribery.

ment of two Matters, which, brought in perfection, would crown their Work. The first was, to bring the king into great Necessity; and the other, to plant only those of their own Party about him. These, considered in general, must needs be very efficacious; for, first, if the King was once pinch'd with extreme Want of Supplies, he must, at length, throw himself upon the Parliament, and do whatever they should say was needful, for securing the Public against Popery and arbitrary Power. And the Faction concluded, if it came once to that, he would soon be reduced, and render it necessary. And they, so less reasonably, expected, that all his Struggles and Shifts, to avoid that Extremity, would but halve the Opulence, and bring forward the grand Crisis.

Again:

"And, first, of the bringing Necessity over the King. It was considered, that the settled Revenue was a grand Security to the Crown; for, with a reasonable Manager, and not lurching into profuse Undertakings, the King might live well upon his own. And this Good was owing to the early loyal Parliament. But yet, as the King order'd the Matter, it was seldom that he found himself without great Need of Supplies. Pleasures, Building, the Navy (which was his beloved) and other Royal Occasions, kept him always in a Diffusion, if possible, to be well with his Parliament, from whose occasional Supplies he expected his Satisfaction; and

Baill. [Hume's, p. 454, 459.]

A. D. 1675. ledge of his Majesty, or any of them, otherwise than what I have now in writing faithfully discover'd, and deliver'd to this Houſe, which I have ſubſcrib'd with my Name; neither do I know of any ſuch Gift, Grant, or Promiſe given or made ſince the ſaid time to any other Member of this Houſe, but what I have alſo infer'd in the ſaid Writing; nor have I given my Vote in Parliament for any Reward or Promiſe whatever. So HELP ME GOD.

The Houſe alſo voted it a Grievance, that Juſtices of the Peace ſhould be ſummoned to appear before the Council, to answer what they did in their judicial Capacity.

About this time, an Accident happen'd, which not only renew'd the Cry againſt Popery, but rais'd it louder than ever.

One *Luzance*, who from a French Jeſuit became a Convert to the Church of England, preaching in the French Church in the Savoy, took occaſion to inveigh with great Bitterneſs againſt the Errors of the Church of Rome; and afterwards printed his Sermon. This alarm'd the Papiſts, and particularly one Dr. *Burnet*, otherwiſe called Father St. *Germain*, a Jeſuit and Confeſſor to the Duچهs of York, who finding him alone in his Chamber, and having poſted three Men at his Door, threaten'd to murder him if he did not make Satisfaction for the Injury, and ſpeedily return to France. The Man thus aw'd and terrified, not only promiſed faithfully whatever was requir'd of him, but ſign'd a formal Retraction, in order to get his Liberty. But no ſooner was he ſafe and free, than he went to Dr. *Brewſter* another converted Jeſuit, and told him the whole Story: The Doctour communicated it to Sir *John Kerſley*, and Sir *John* to the Houſe of Commons, who immediately took ſure upon it, appointed a Committee to examine the Matter, and order'd *Kerſley* to produce *Luzance* the next Day; who confirm'd all; adding, moreover, the following Particulars: That the ſaid St. *Germain*, in ſeveral Conferences with him, had attested, that the King was a Roman Catholic in his Heart, that the Court was endeavouring to get a (g) Liberty of Conſcience for the Roman Catholics; and, that granted, in two Years, moſt of the English would acknowledge the Pope; that he knew the King's Intention concerning Religion,

and that he was ſure his Majesty would approve of all he ſhould do in that Matter; that he laugh'd at the Parliament, as being only a Wave, that had but a little time; and ſaid, that no body was more welcome at Court, or had greater Intrigues with the Nobility than he; that it was good, ſometimes, to force People to Heaven; and that there were an infinite Number of Priests and Jeſuits in London, who did God very great Service.

When all theſe Particulars, which *Luzance* offer'd to atteſt upon Oath, had been reported to the Houſe, Lord *Cavendiſh* call'd upon Sir *John Kerſley* to give an Account of ſome other things which he had heard from *Luzance*: One was, that two French Proteſtants, being Merchants of great Subſtance and Credit, had been threaten'd by certain Papiſts, that if they were not lets ſevere upon the Romaniſts, they would ere long ſee the Proteſtant Blood flow in London Streets. A Committee was appointed to enquire into the Truth of this Matter; and *Luzance* being ſummoned, gave Evidence to the very ſelf ſame Effect, and gaye it under his own Hand. The Parties he had his Information from, being ſent for, appear'd alſo, and declared ſuch Threats to have been uſed towards them by ſome French Papiſts; but, to what Cauſe it was owing, is uncertain; they gaye in only ſuch Names as were of Perſons either abſent, or of no Eſtimation; ſo that little came of this Buſineſs. But theſe and other ſuch Informations, concerning the Height and Inſolence of the Papiſts, did ſo exasperate the Houſe, that many Motions were made to humble them. Some were for a ſpeedy Confinement of them to the Country, others for Banishment, and ſome again for diſarming them, and the like.

His Majesty alſo was pleas'd to iſſue his Royal Proclamation, November 10, ſignifying, that he had taken *Luzance* into his Royal Protection; ſetting forth St. *Germain*'s Offence; offering two hundred Pounds Reward for the (h) apprehending of him; commanding all Conſtables, &c. to uſe their beſt Endeavours to that End; and declaring, that whoever harbour'd him ſhould be proceeded againſt with Severity.

This Affair ſhew'd the Neceſſity of an Union among Proteſtants; and, accordingly a Door of Hope was once more open'd (i) to

*Luzance's*  
Case.

*Kerſley's* Motion, p. 29.

*History and*  
*Proceedings*  
*of the Com-*  
*mons.*

A. D. 1675.

*Gazette,*  
*Novemb. 10. 1675.*

(g) See *Coleman's* Letter to *Chañ*.

(h) He took refuge in France; where he became a joint Solicitor with *Coleman*, for the Support of the Catholic Cauſe.

(i) In the Houſe of Lords, at the Inſtauce of the Duke of Buckingham, who expreſs'd his Opinion in the following ſenſible and noble manner upon that Occaſion:

*My Lord,*  
“ There is a thing called Liberty, which (howſoever ſome Men may think it, that the People of England are fond of; it is that they will never part with; and is that his Majesty in his Speech has promiſed us to take a particular Care of. This, my Lords, in my Opinion, can never be done without giving an Indulgence to all *Proſtant Diſſenters*. It is certainly a very uſeful kind of Life to any Man, that has either *Chriſtian Charity*, Humanity, or Good-Nature, to ſee his Fellow-Subjects daily abuſed, divested of their Liberties and Birth-Rights, and miſerably throven out of their Poſſeſſions and Freedom, only becauſe they cannot agree with others in ſome Opinions and Niceties of Religion, which their

Conſciences will not give them leave to conſent to; and which even by the Conſtitution of thoſe who would impoſe upon them, are no way neceſſary to Salvation. But, my Lords, beſides this, and all that may be ſaid upon it, in order to the Improvement of our Trade, and Increaſe of the Wealth, Strength, and Greatneſs of this Nation (which, with your Leave, I ſhall preſume to diſcourſe of ſome other time) there is, methinks, in this Notion of Perſecution a very groſs Miſtake, both as to the Point of Government, and the Point of Religion. There is ſo as to the Point of Government, becauſe it makes every Man's Safety depend on the wrong Place; not upon Governours, or Man's living well towards the civil Government eſtabliſhed by Law, but upon his being tranſported with Zeal for every Opinion that is held by thoſe that have Power in the Church that is in ſiſtion; and I conceive it is a Miſtake in Religion, becauſe it is poſitively againſt the expreſs Doctrine and Example of *Jeſus Chriſt*. Nay, my Lords, as to our Proteſtant Religion, there is ſomething in it yet worse; for we Proteſtants maintain, that none of thoſe Opinions, which Chriſtians diſſer about, are neceſſary; and there-

A. D. 1675.

Dispute between the two Houses re-  
solved.Growth of  
Tyranny.Rereley's Me-  
mours, p. 31.

to the *Dissenters*; Leave having been given, in both Houses, for the Introduction of a Bill in their favour.

In a short time after this, the Matter of Dr. *Shirley's* Petition to the Lords against Sir *John Pegg* was again renew'd, tho' it had broke up the Parliament the last time. There were those who thought the King had consented to it, as disliking the warm Proceedings of both Houses.

Of this Opinion was *Marvel*, who says, that the Speaker, going through *Westminster-hall* to the House, and, in his Way, seeing some of the Lawyers (who had pleaded at the Lords Bar in that Cause) commanded his Mace to seize them, and led them up Prisoners with him; which it was pretium'd that he, being of his Majesty's Privy-Council, would not have done, but for what some Men call his Majesty's Service; and yet this was the highest of all the Provocations which the Lords had receiv'd in this Controversy.

Others again believ'd, that the Lords of the Country Interest had persuaded the Doctor thereto, with a View thereby to kindle such a Flame between the two Houses, as should oblige the King, either to prorogue, adjourn, or dissolve them: The said Lords apprehending, that, if this Parliament should sit much longer, the Majority might be gain'd over by Places and Money, so as to become quite obsequious to the Court; and this, *Saville* Lord *Hullifax*, then in the Interest of Lord *Shaftsbury* his Uncle, told Sir *John Rereley* was his Opinion.

There is an admirable Speech of Lord *Shaftsbury's* extant, on this famous Contest, which begins with OUR ALL IS AT STAKE; out of which it is necessary to make some Extracts, not only for the clearing up of this Doubt, and explaining the Dispute between the two Houses, but even for letting in some better Lights on our Story, which are no where else to be found: But first it is necessary to premise, that the Bishop of *Salisbury* had given it as his Opinion, that the House should rather appoint a Day to consider what to do upon the Petition, than to appoint a Day of Hearing; and the *Lord Keeper*, as a Way far less liable to Exception, and less offensive, and less injurious to the Privilege of the Peers, had propos'd, that their Lordships would appoint a Day, nay, a very long Day, to consider what they would do upon it; urging first, that it was against their Judicature, to hear a Cause which was not properly before them, nor ought to be relieved by them; secondly, that it was doubtful, whether the Commons had not Privilege; and thirdly, that their Lordships were all convinced in their Consciences, that if it was prosecuted, it would cause a Breach.

In opposition to both these Lords, and

their several Expedients, Lord *Shaftsbury* rose to speak; and having dispatch'd the first and second Points which the *Lord Keeper* had advanced; in answer to the third, proceeded as follows:

"But, my Lords, when I hear my *Lord Keeper* open so eloquently the fatal Consequences of a Breach, I cannot forbear to fall into some Admiration how it comes to pass, that (if the Consequences be so fatal) the King's Ministers in the House of Commons, of which there are several that are of the Cabinet, and have daily resort to his Majesty, and have the Direction and Trust of his Affairs; I say, that none of these should press these Consequences there, or give the least Stop to the Career of that House in this Business; but that all the Votes concerning this Affair, nay, even that very Vote, *That no Appeal from any Court of Equity is cognizable by the House of Lords*, should pass *per se* *incontumacientis*: And yet that all the great Ministers with us here, the Bishops and other Lords of greatest Dependence on the Court, contend this Point, as if it were *pro aris & fociis*. I hear his Majesty in *Scotland* hath been pleas'd to declare against Appeals in Parliament: I cannot much blame the Court, if they think (the *Lord Keeper* and the Judges being of the King's naming, and in his Power to change) that the Justice of the Nation is safe enough; and I, my Lords, may think so too, during this King's Time, tho' I hear *Scotland*, not without Reason, complains already. Yet how future Princes may use this Power, and how Judges may be made not out of Men of Ability or Integrity, but Men of Relation and Dependence, and who will do what they are commanded; and all Men's Causes come to be judged, and Estates disposed on, as great Men at Court please.

My Lords, the Constitution of our Government hath provided better for us; and I can never believe to wife a Body as the House of Commons will prove that foolish Woman, who plucks down her House with her Hands."

In answer to the Bishop, he said, "This Matter is no less than your whole Judicature; and your Judicature is the Life and Soul of the Dignity of the Peerage in *England*; you will quickly grow burdensome, if you grow useless: You have now the greatest and most useful End of Parliaments principally in you, which is not to make new Laws, but to redress Grievances, and to maintain the old Land-marks. The House of Commons Business is to complain, your Lordships to redress, not only the Complaints from them, that are the Eyes of the Nation, but all other particular Persons that address to you. A Land may groan under a Multitude of Laws, and I believe ours does; and when Laws

grow

fore if it is in us somewhat an inextinguishable Conception, that Men ought to be deprived of their Liberties, and all the certain Consequences and Advantages of Life, because they will not agree with us in our secret Opinions of Religion, My humble Motion therefore to your Lordships, is, that you would give leave to bring in a Bill of Indulgence to all Protestant Dissenters. I know very well that every Year of this

Reign hath a Right to bring into Parliament any Bill he conceives to be useful in this Nation: But I thought it more respectful to your Lordships to sit your Leave before; but I cannot think the doing of it will be any Prejudice to the Bill, because I am confident the Reason, the Prudence, and the Charitableness of it, will be able to justify it to this House, and the whole World."

A. D. 1675. grow to multiplied, they prove oftener Snares than Directions and Security to the People."

Again, "My Lords, I have all the Duty imaginable to his Majesty, and shall with all Submission give way to any thing he should think of Importance to his Affairs; But in this Point it is to alter the Constitution of the Government, if you are asked to lay this aside, and there is no Reason of State can be an Argument to your Lordships to turn yourselves out of that Interest you have in the Constitution of the Government; it is not only your Concern that you maintain yourselves in it, but it is the Concern of the poorest Man in England, that you keep your Station: It is your Lordships Concern, and that so highly, that I will be bold to say, the King can give none of you a Requital or Recompence for it. What are empty Titles? What is present Power, or Riches, and a great Estate, wherein I have no firm or fixed Property? It is the Constitution of the Government, and maintaining it, that secures your Lordships and every Man else in what he hath, the poorest Lord, if the Birthright of the Peerage be maintain'd, has a fair Prospect before him for himself or his Posterity; but the greatest Title, with the greatest present Power and Riches, is but a mean Creature, and maintains those in absolute Monarchies no otherwise than by servile and low Flatteries, and upon uncertain Terms.

"My Lords, would you be in favour with the King? It is a very ill way to it, to put yourselves out of a future Capacity, to be considerable in his Service. I do not find in Story, or in modern Experience, but that it is better, and a Man is much more regarded, that is full in a Capacity and Opportunity to serve, than he that hath wholly deprived himself of all for his Prince's Service. And I therefore declare, that I will serve my Prince as a Peer, but will not destroy the Peerage to serve him.

My Lords, I have heard of twenty foolish Models and Expedients to secure the Justice of the Nation, and yet to take this Right from your Lordships: As the King by his Commission appointing Commoners to hear Appeals; or that the twelve Judges should be the Persons, or that Persons should be appointed by Act of Parliament, which are all not only to take away your Lordship's just Right, which ought not to be altered any more than any other Part of the Government, but are in themselves, when well weighed, ridiculous. I must deal freely with your Lordships, these things could never have risen in Mens Minds, but that there has been some kind of Provocation that has given the first rise to it. Pray, my Lords, forgive me; if on this Occasion I put you in mind of *Committee-Dinners*, and the Scandal of it; those Doves of Ladies that attended all Causes; it was come to that pass, that Men even hired or borrowed of their Friends, handsome Sisters or Daughters to deliver their Petitions: But yet for all this, I must say, that your Judgments have been sacred unless in one or

two Causes; and those we owe most to that Bench from whence we now apprehend the most Danger.

There is one thing I had almost forgot to speak to, *which is the Conjunction of time, the Hinge upon which our Reason of State turns;* and to that, my Lords, give me leave to say, if this be not a time of Leisure for you to vindicate your Privileges, you must never expect one. I could almost say, that the Harmony, good Agreement, and Accord that is to be prayed for at most other times, may be fatal to us now! We owe the Peace of these last two Years, and the Disengagement from the French Interest, to the two Houses differing from the Sense and Opinion of *Witchell*: So at this time the thing in the World this Nation hath most reason to apprehend is a general Peace, which cannot now happen without very advantageous Terms to the French, and disadvantageous to the House of Austria. We are the King's great Counsellors, and if so, have Right to differ, and give contrary Councils to those few that are nearest about him: I, for fear they would advance a general Peace, I am sure, I would advise against it, and hinder it at this time by all the ways imaginable. I heartily wish nothing from you may add Weight and Reputation to those Councils, who would assist the French. No Money for Ships, nor Preparations you can make, nor *personal Assurances* our Prince can give, can secure us from the French, if they are at Leisure. He is grown the most potent of us all at Sea: He has built twenty-four Ships this last Year, and has thirty more in Number than we; besides the Advantage, that our Ships are all out of Order, and his so exquisitely provided for, that every Ship has his particular Storehouse. It is incredible the Money he hath, and is bestowing in making Harbours; he makes Nature itself give way to the Vastness of his Expence; and, after all this, shall a Prince so wise, so intent upon his Affairs, be thought to make all these Preparations to fall over Land, and fall on the Back of Hungary, and batter the Walls of *Koninits*?"

His Lordship then spoke either factiously or impolitely (since his Speech was to be printed) of the Ease wherewith this French Hero of his could master *Ireland*: Adding,

"My Lords, to conclude this Point, I fear the Court of England is greatly mistaken in it, and I do not with the Reputation of the *Concurrence of the Kingdom*; and this out of the most sincere Loyalty to his Majesty and Love to my Nation."

His Lordship, in the next place, proceeded to take notice, that he had often seen the Arguments of strongest Reason, and most convincing to the Lay-Lords in general, lose all their Effect on the Bishops Bench; who had unanimously gone against the Sense of the House, in Matters which many of the Peers thought their essential and undoubted Rights. To account for this, his Lordship was pleas'd to suppose a Difference of Principles; which must carnally produce a Difference of Conclusions: And hence his Lordship took occasion



A. D. 1675.

caſion to give a State of the Principles on both Sides, in the following Words:

"My Principle is, *That the King is King by Love, and by the ſame Law that the poor Man enjoys his Cottage*; and ſo it becomes the Concern of every Man in England, that has but his Liberty, to maintain and defend, to his utmoſt, the King in all his Rights and Prerogatives. My Principle is alſo, *That the Lords Houſe, and the Judicature and Rights belonging to it, are an eſſential Part of the Government, and eſtabliſhed by the ſame Law*: The King governing and adminiſtring Juſtice by his Houſe of Lords, and adviſing with both his Houſes of Parliament in all important Matters, is the Government I own; am born under, and am oblig'd to.

But there is another Principle got into the World, my Lords, that hath not been long there; for Archbiſhop Laud was the firſt Author, that I remember, of it; and I cannot find that the *Jesuits*, or indeed the *Papiſt* Clergy, have ever own'd it, but ſome of the episcopical Clergy of our *Britiſh* Iſles; and withal, as 'tis new, ſo 'tis the moſt dangerous, deſtructive Doctrine to our Government and Law, that ever was. 'Tis the firſt of the Canons publiſh'd by the Convocation, 1640. *That Monarchy is of divine Right*.

We all agree, that the King and his Government is to be obey'd for Conſcience-ſake; and that the divine Precepts require, not only here, but in all Parts of the World, Obedience to lawful Governors. But that this Family are our Kings, and this particular Frame of Government is our lawful Conſtitution, and obliges us, is owing only to the particular Laws of our Country. This *Anglican* Doctrine was the Root, that produced the Bill of Test, laſt Seſſion; and ſome very perplexed Oaths, that are of the ſame Nature with that, and yet impoſed by ſeveral Acts in this Parliament.

In a word, if this Doctrine be true, our *Magna Charta* is of no uſe, our Laws are but Rules among ourſelves, during the King's Pleaſure. Monarchy, if of divine Right, cannot be bounded or limited by human Laws; nay what's more, cannot bind itſelf: And all our Claims of Right by the Law, or Conſtitution of the Government, all the Juſtification and Privilege of this Houſe, all the Rights and Privileges of the Houſe of Commons, all the Properties and Liberties of the People, are to give way not only to the Intereſt, but the Will and Pleaſure of the Crown. And the beſt and worſhieſt of Men, holding this Principle, muſt vote to deliver up all we have, not only when Reaſons of State, and the ſeparate Intereſt of the Crown, require it; but when the Will and Pleaſure of the King is known and would have it ſo. For that muſt be, to a Man of that Principle, the only Rule and Meaſure of Right and Juſtice. Therefore, my Lords, you ſee how neceſſary it is, that all our Principles be known; and how fatal to us all it is, that this Principle ſhould be ſuffer'd to ſpread any farther."

His Lordſhip concluded, with a Requeſt to the Houſe, that they would not be *ſed*

A. D. 1675.

*de ſe*, and a Motion for appointing a Day for hearing the Cauſe; which was carry'd in the Affirmative: Whence it is plain, that the different Behaviour of the King's Servants, in the two Houſes, is wholly irreconcilable: Unleſs it can be ſuppoſed, that his Majeſty, if not his Miniſters, had given into the Sentiments of his Brother, and contributed to the Ferment, in order to render a Diſſolution unavoidable.

But whatever the Cauſe was, the Effect was ſuch, that the Commons reſuſing to let their Member plead at the Bar of the Lords during a Time of Privilege, reſolv'd, that the Lords, by receiving an Appeal from any Court, either of Law or Equity, againſt a Member of the Lower-houſe, during a Seſſion of Parliament, were thereby Infringers of the Privileges of the Commons of England; and that ſuch Lawyers as ſhould attend as Council; to plead in any ſuch Cauſe at the Lords Bar, ſhould be deem'd Betrayers of the Rights of the Commons of England; and that the ſaid Vote be affixed to the Door of the Houſe of Commons, *Wyſtinghall*, and the Inns of Court; which was accordingly done: And the ſame Day it was voted by the Lords, that the ſame was illegal and unparliamentary, and tended to the Diſſolution of the Government: And, upon the whole, that they would not recede from their Right of Judicature by Appeals from the Courts of Equity.

It was then propos'd by Lord *Moban*, to addreſs his Majeſty to diſſolve the Parliament, and call another; as alſo, that there might be a frequent Change of Parliaments. This gave riſe to a vehement Debate; in the Courſe of which, all imaginable Arguments, that could either influence Court or Country, were made uſe of to procure an Affirmative:

The King was flatter'd with the Hopes, or rather brib'd with the Promise, of a large Sum to pay his Debts: And the Church receiv'd the warmeſt Aſſurances, that, though Proteſtant Diſſenters ſhould find ſome Favour and Eaſe, her Lands and Dignities would be ſafe: And, on the popular Side of the Queſtion, the Conduct of the preſent Houſe of Commons, was expoſed with as much Severity, as if the Nation had not one true Representative. From the Length of Time which the Part of the People had been in their Hands, and the free Uſe they had made of it, it was urg'd, that they were become *more than Lords*. They were charg'd with having violated the ancient Rules of Parliament, by not admitting the Right of the Lords to reduce their Grants. They were reproach'd for having ſeveral times rejected, with Scorn, a Bill for the more fair and equal Trial of the Peers. It was ſaid, ſeriously, that they had never met without exciting the greateſt Apprehenſions in all ſober and wiſe Men, and ironically, that it was owing to the Goodneſs of the Prince, and the Virtue of the Members, that Honours, Offices, Penſions, Money, Employments and Gifts, had not been beſtow'd and accepted as a Conſideration for reducing the Government to the Model

Motion in the Houſe of Lords for an Address to diſſolve the Parliament. *History and Proceedings of the Lords, Vol. I.*

A.D. 1675. Model of France, Denmark, &c. where the Will and Pleasure of the Prince had taken place of the Laws.

It was added, "How easily this may be done in future Ages, under such Princes, and such an House of Commons as may happen; if long and continued Parliaments be allowed for Law, may be made some Measure of judging by This; where, tho' the Prince had no *Dispens*, and the Members of the House of Commons have shewed to great *Candour* and *Self-denial*, yet the best Observers are apt to think, that we owe it to the strong and *opposite Factions* at Court, that many things of great Alterations have not passed.

It was also observed, that in former times when Parliaments were short and frequent, the Members constantly received their *Wages*, both from their Counties and Boroughs; many of the poorer Boroughs petitioned to be excused from sending Members, as not being able to bear their Charge, and were so: Laws were made in favour of the Gentry, that Corporations should *compel* none but the Freeman of their own Town to serve for them; nay, that in all the ancient Returns of Writs for Knights of the Shires, their Sureties for their Appearance were returned with them. But that now the Case was so alter'd, that 1500*l.* and 2000*l.* and lately 7000*l.* was a Price that Men paid to be *entrusted*. That it was to be hoped the Charity of those worthy Persons, and their Zeal for the public Interest, had induc'd them to be at this Expence: But that it were better to be otherwise; there being a scurrilous *English Proverb*, *That Men that buy dear, cannot live by selling cheap*.

Puffs in the Negative.

The Debate continued till eight o'Clock, when it pass'd in the Negative by two Voices. Content, thirty-eight; not content, fifty. At the Head of the Lords who were for the Address, appear'd the Duke of York, who by his Conduct on this Occasion has given much credit to the Politics in Mr. Coleman's Historical Letter to Father le Chevre, before quoted. His Royal Highness, however, was not followed by the whole Body of Catholic Peers; for some of them divided against him, and in particular, the celebrated Earl of Bristol, so often mentioned in the Beginning of this Reign.

The Lists on this Division were remarkable in several respects, but in nothing more, than to see the Names of Buckingham, Shaftsbury, Essex, Wharton, Hales, Townshend, &c. follow in Train, after that of the presumptive Heir, whom they so soon after, with so much Violence, endeavoured to set aside.

But tho' they join'd in the Measure, it was with very different Views: The Duke wanted to get rid of this House of Commons, because of their Zeal against the Catholics; and in hope, that by a Confederacy with the other Nonconformists, such a Change might be made in the representative Part of the Legislature, as might pave the Way for a general Toleration: The rest, because the two Parties approach'd too near an Equality; because the Condemnations of the King, or the Practices of his Ministers, might, in a

Day's time, take the Game out of their Hands, and put the Lurch upon them.

But, tho' defeated, as a parting Blow, they enter'd a Protest in their Books, which, tho' the Measure of a Party, and calculated to answer their own particular Views, had its Foundation in Truth and Reason, and deserves to be remembered, both as a Lesson and Warning to Posterity, *viz.*

We whose Names are under-written do humbly conceive, 1<sup>st</sup>, That it is according to the ancient Laws and Statutes of this Realm, that there should be frequent and new Parliaments; and that the Practice of several hundred Years hath been accordingly.

2<sup>dly</sup>, It seems not reasonable, that any particular Number of Men should, for many Years, engross so great a Trust of the People, as to be their Representatives in the House of Commons; and that all other the Gentry, and the Members of Corporations of the same Degree and Quality with them, should be so long excluded; neither, as we humbly conceive, is it advantageous to the Government, that the Counties, Cities, and Boroughs, should be confined for so long a time to such Members as they have once chosen to serve for them; the mutual Correspondence and Interest of those who chuse, and are chosen, admitting great Variations in length of Time.

3<sup>dly</sup>, The long Continuance of any such, who are intrusted for others, and who have so great a Power over the Parle of the Nation, must, in our humble Opinion, naturally endanger the producing of Factions and Parties, and the carrying on particular Interests and Designs, rather than the public Good.

Buckingham, Shaftsbury, Dorset, Newport, Westmoreland, P. Wharton, Delamere, Grey de Ruliffen, Salisbury, Mordaunt, Stamford, H. Savile, Howard E. of Berks, Clarendon, Townshend, J. Bridgewater, F. Fauconberg, Halifax, Widdowes, Farquhar, Cressfield, William Petre.

Which were all the Lords who were in the House, early enough to set their Names, before the King came to prorogue the Parliament; which he did November the 22d, without a Speech, to the 15th of February Twelvemonth; that Time might extinguish those Flames, which his Majesty's Breath had only serv'd to heighten.

It ought here to be observ'd, that, however violent the Government continued in Scotland, it does not appear, that, since the Parliament had struck an Awe into the Court, the same arbitrary Spirit had been let loose in England: The Laws, for the general, had their Course; Justice was indifferently administer'd; whatever Influence the Ministers had in Parliament, it had not prov'd sufficient to sanctify any one Mischief, by the Concurrence of the Legislature: The Complaints of the Nation, at this immediate Crisis, were rather founded on strong Presumptions, than known Facts; but were, however, in part authoris'd by the King's Adherence to the Duke of Lauderdale. His Majesty

A.D. 1675. Majesty, also continued apparently in the Interest of France; and his Royal Highness as apparently in that of Rome. But tho' the Remembrance of what was past, and the Knowledge of what was then passing on the other Side of the *Trench*, afforded both Presence and Cause for the People's being on their Guard; it did not warrant them to clamour as loudly, as if the Fires were kindled in *Smithfield*, and every Individual was on the point of being *suon à la mode de France*.

Fear indeed always magnifies Danger; and the political Medium, thro' which they beheld every Object, was calculated to make it appear larger than the Life. The great Magician, who had contributed so powerfully to the raising the Storms, suffer'd no one Moment to escape, without some notable Endeavour to increase it. To say all in a word, *Stowery* had enter'd into the Herd; they were possess'd; and, provided they had their Courte, they regarded neither the Precipice, nor the Abyss beneath it.

When such is the Disposition of the People, it is undoubtedly Time for Governments to use Precautions: But such a Fatality waits on Power, that when it should pour in Balm, it has recourse to Cauterics: And when Ministers are under Terors of their own, they endeavour to remove them, by striking a Terror into the Public.

Thus, it having been found, that the several Proclamations to restrain the Subject from canvassing the Measures of the Court had fail'd of their Effect; and that they were treated not only with more Licence, but with more Bitterness, than ever, it was now thought advisable, by an Act of State, on December the 20th, to suppress and put down

all *Coffee-houses*, as a Means to prevent the Communication of Slanders, said the Courtier; of Truth, said the Patriot: As if it was possible to remove the Effect, without removing the Cause: As if it was possible to extinguish the Light of Reason, or subside the Power of Reflection: As if the Ill Humours of a free People would ever want a Vent: Or, as if the very Markets would not have rung with Complaints, if all other Meetings had been prohibited, as long as the People either found, or fancy'd they had, Cause to make them.

In Matters of Opinion, it seems more natural to operate by Reason than Authority; and if the Prejudices of the Public were causeless, a plain, sensible Appeal to their Understandings would have been the most effectual Expedient to silence their Clamours, and pacify their Discontents.

Certain it is, this Measure had so much the Air of the Administration then domineering in *Scotland*, that it did his Majesty more Hurt than Good: The People in general complain'd of it; and their Leaders did not fail to make a proper Use of their Resentments: A Question even arose, whether it was (a) *legal*; and, after it was made public, the Judges were consulted, to know whether it was so or no; who, according to the laudable *Art of Interpretation*, found out Two things, to enable the Court to find out a Third, *viz.* That no body could retail Liquors without a Licence: And that the Sessions could refuse a Licence to whom they pleas'd: Ergo, What might be refused to any one Person might be refused to all; But such a total Prohibition was never once thought of, when the Act was made; which was

A.D. 1675.  
Coffee-houses suppressed by Proclamation

1675-6.  
Judges consulted as to the Legality of it.

(A) That the Reader may be Master of both Sides of the Question, Mr. *North's* Account of this Affair is here inserted verbatim.

“About this time, the *Parties* began to form a Method of propagating seditious Lies, and Misrepresentations of all the Government did; and it was ordered by certain Clubs, where the Lies, wherever at first invented, were delivered out, to be dispersed abroad, among all sorts of People, by the means of *Coffee-houses*; and, in the chief of them, Talkers and Ledger were appointed to attend, and vend the Commodity to all Comers gratis: And, by that means, the *Coffee-houses* began to be direct Seminars of Seditions, and Offices for the Disputing of Lying, and carried on to such a Degree of Inconvenience to the Public, as scarce any Government in the World would have endured. The Matter was considered at the Council: Many were of opinion, that a stop might be put, if his Majesty would use his Power, by prohibiting the licensing of any, and commanding the Licences, already granted, to be revok'd; all which might be done at once by a Proclamation. But, as the Use of that Time was, every thing, on the side of Government, was critic'd upon; and, if it was legal, yet many strove to make it look as if it were not: And, accordingly, Objections were made to the Legality of such a Proclamation; and the more, because Sir *William Jones*, then Attorney-General, being attack'd to the Faction, and a cautious Man, might be influenced not to justify it.

It was therefore thought fit, and ordered, that the Judges should attend; and all, that were to *Tower*, in *Jan. 1675*, did so. They were told, that some Doubts, in the Law, had arisen concerning the retailing Trade of *Coffee*, and concerning the Act 13 *Car. II.* whereupon their Opinions were asked upon these Questions: 1. If any Man may retail without a Licence? 2. If Licences might be denied at the Sessions? 3. If Licences were granted for a certain Term, by Order of Sessions, if they might be revok'd within the Time? And my Lord Chancellor propos'd these, as Questions to the *Bar*: 1. If the Sessions could grant Licences for Years? 2. If the chief Magistrate, or the Sessions, ought to

grant Licences in Corporations? Upon this, the Judges desired Leave to withdraw; and, after they had conferred together, they returned; and it was answer'd, that they were all of Opinion, 1. That the Act prohibits generally; so none could retail without a Licence. 2. That the Sessions are not bound to grant to any that will ask, but may refuse any Person Licences at their Discretion; and that they did not find that the chief Magistrate, but only the Sessions, had Power to grant them. And, as to the other Doubts, they answer'd, they were not agreed in Opinion: So the King press'd them no farther.

Upon the Agitation of this Matter, the most reasonable Account, as might be collected, seem'd to be this: That this Licence being by Order of Sessions, and no Direction, nor Power, express'd in the Act, to grant for any certain Time, the Court ought to order Licences generally, and could not grant a Term in a Licence, whereby to provide a succeeding Court from dissolving the same. That it was not like the Case where Commissioners have Power, by 13 *Car. II.* to grant Wine Licences for Years; nor like Licences from the King, or any particular Person, that may conclude themselves, by granting for a Term; but here was a standing Fault in a Court, that had Power over its own Orders, which cannot be anticipated. And an Order of Licence a bar as a Rule of Court, and not like an Admittance or Judgment. It would be unreasonable, if Licences might not be revok'd till Question of Misdemeanor; for *Parole* ought to be prevent'd, and this might require Time. It was said, that the retailing Office might be in *Immortal Trade*, as it might be exercised; but, as it is used at present, in the Nature of a common Assembly, to discourse of Matters of State, News, and great Persons, as they are Narratives of *Intelligence* and *Pragmatism*, and under the Experience of our *native Provisions*, they might be thought as common *Necessaries*.

I give here the Deliberation had about this Affair of *Coffee-houses*, to show the *Case* used by the Government, as to what might be said; but then, whatever was done, legal or illegal, was made the Subject of Clamour.

A. D. 1675-6.

was calculated only for the Improvement of the Excise: Nor doth the Clause in the Act which relates to the Licences, to be taken out by the Retailers of Coffee, &c. authorise even the Sessions to refuse them at discretion; but, on the contrary, specifies expressly the Condition of granting or refusing a Licence, to be no other than the giving good Security for the due Payment of their Dues to the King.

Estates at Large.

Eccles., p. 141.

The Conclusion of this Matter was, according to Mr. North, that, upon Application made by Petition of the Coffee-men, who promised to be wonderful good for the future, and to take care to prevent treasonable and seditious Talk in their Houses, the King receded, and let them go.

It is now time to resume the Thread of Foreign Affairs: And first, of the Progress of the Mediation: Concerning which the less shall be said here, because every Step of it may be so minutely traced in the Papers of Sir William Temple, and Sir Leslie Jenkins, which are in Print, and to be found, at least those of Sir William Temple, every where.

Nimeguen chosen for the Place of Conference. Temple's Memoirs, Part II.

Nimeguen had been, early in the preceding Year, agreed upon by all Parties, for the Place of Treaty: But there the Affair stopp'd again; the French refusing to send their Ministers thither, till the Emperor had given them Satisfaction on the two Points so long insisted upon; of Prince William of Furstenburgh's Liberty, and Restitution of the Morisy; seiz'd at Coler; and the Court of Vienna as obstinately refusing that Satisfaction; at least, by way of Preliminary, and consenting only to do so, when the Treaty should be concluded.

At last, however, an Expedient was found out to save the Honour of France, by the Bishop of Straßburg's making a formal Request to his most Christian Majesty, that no private Interests or Respects of his Brother might delay the Treaty of Peace: Which being easily comply'd with, all Europe began to hope that the Powers on both Sides were in

earnest, when they talk'd of restoring the public Tranquility.

His Majesty of England, the Mediator, hereupon, invited all the Princes concern'd in the War, to send their Ministers to the Place of Congress, and order'd his own, (the Lord Berkeley, Sir W. Temple, and Sir L. Jenkins) to repair thither without delay.

But, notwithstanding these Appearances, how distant from the Prospect of Peace was, may be gather'd from the Prince of Orange's Answer to Sir William Temple, who ply'd him with his Majesty's Caution against rendering the Houle of Austria as much too powerful, as France was apprehended to be, viz. That it would be time to think of that, when they should go beyond the Peace of the Pyrennes: As also from his Conference with Sir Leslie Jenkins, upon his Arrival at the Hague: We, said he, Confederates, will insist to have France reduced to the said Peace of the Pyrennes; and France will pretend to keep all that it hath got: Sir Leslie objected the extreme Difficulty of reducing France by Force of Arms: The Prince reply'd, that a Battle, thoroughly won would effect it: Sir Leslie then represented to him, according to the Instructions he had receiv'd from his Majesty, the Opportunities which the French had of reinforcing their Army in Flanders, upon any Emergency, by throwing in the Household Troops; the Jealousies and Divisions incident to all Confederacies; and the true Season to make a Peace, when things appear'd not too far distant from a Balance: His Highness broke off with saying, that he did not see how these Extremes could be reconcil'd; and, consequently, that he saw but little Hopes of a Peace: And afterwards, in Railery, upon taking his Leave, that he would pray for the Peace-makers at Nimeguen.

Jenkins's Letters, vol. 2. p. 326. Conference between the Prince of Orange and Sir L. Jenkins.

Sir William Temple, moreover, receiv'd a Letter from Mr. Pomponne, the French Secretary for foreign Affairs, refusing Passage to the Couriers of the Allies, thro' the Dominions

Temple's Memoirs, P. II.

(i) Who was then Ambassador at Paris; and, during the whole Course of this long and intricate Negotiation, did not fluctuate above six Months; during which Interval, Sir William Temple says, his great Age and Infirmities suffer'd him to have but little Share in the Intrigues of it.

(k) Sir William Temple was already in Holland; and when Sir Leslie, in the King's Yacht, approach'd the Brill, such another Incident befel him, with respect to the Flag, as the Reader will find recounted in Note (c), p. 257, and of which his Excellency gave the following Account, dated 22 Nov. 1675-6, to Mr. Secretary Williamson.

The Captain was forc'd to make his Demand of the Respect due to his Majesty's Flag; and had it paid him, 'twas as I hope, that Point, upon this Coast, will admit of no farther Question. As to Matter of Fact, 'twas this: We being come within these Lands to the Pir, as they call them, below the Brill, the Dutch Pilot who had come on board, but as unexpectedly upon a French Man of War, that rid there as Anchor with his Pennant flying aloft: The Man of War gave us five Guns, but did not strike his Pennant: Hereupon Captain Fagel, after some serious Reflections upon his Order, instead of answering his Salute, gave him a Shot at thwarts his Forefoot, and, some time after, another over him; upon which he struck his Pennant. Somewhat farther, I must needs the Brill, and in the very Place where you and I, Sir, as we came back from Coler, had the Rencontre with the Spanish Man of War, that carry'd the Embassadors from hence to England, May 1674, there did ride another

Man of War as Anchor, with his Pennant flying at the first; but he struck without more ado, and behaved in a like wise. Captain did he demand at all, for us to give the Captain the Trouble to demand it of him. I should not be just, if I did not give the Captain the Testimony he deserves in this Rencontre; he having behav'd himself with as much Caution on one side, and with Resoluteness on the other, as could possibly be expected from any Man on such an Occasion.

The Port at the Brill afterwards failed us with thirteen Guns; we answer'd them with five: They re-fail'd with thirteen again; we answer'd with three; and they closed with fifteen: Which the Spanish looks upon as extraordinary. (Sir L. Jenkins's Letters, vol. 1. p. 353.)

But, however excessive the Dutch were in their Accomplishments upon this Occasion, those Adventures of Sir Leslie's excite much Resentment in Holland; as appears by a Book soon after publish'd in that Country, in which his Majesty, says that Minister, was treated with barbarous, and more than hostile, Insolence; and, in which, both these Affairs are set down as Articles against him: Sir Leslie became likewise so apprehensive of the Consequences which they might produce, that, having some Reason to think he should be recalled towards the latter End of the next Month, February, he desir'd that some of his Majesty's Yachts, or ships, might be sent for him, but that he might be left to shift for himself; as being persuaded, that the Dutch would be on the watch to repair themselves upon him, 'twas being so loudly tenacious of the Honour of his Country.

1675-6  
 France  
 the present  
 the Lorrain  
 Masters

nions of France, during the Congress; as also Passports to the Ministers of Lorraine, with the Style of Duke, which carry'd that of BROTHER, and pretending that Duchy belong'd to his most Christian Majesty, by the Treaty in 1662, between him and the last Duke.

This equally surpriz'd both the States and all the Allies. The French had never set up such a Claim before: Even when they had seiz'd upon that Duchy, they profess'd it was only to preserve the Peace of Christendom from the Practices of the late Duke, without any Intention of detaining any Part of it.

And as to the Treaty, Mr. Serinbamps, the Lorraine Envoy, alleg'd, that the last Duke had no Right to dispose of that Duchy from his Nephew; because, if the Salique Law had place in Lorraine, it was unalienable from the next Heir Male: If the Feminine Succession, then that Duke himself, had no Tide at all to it, but it belong'd to the present Duke even in the Life of his Uncle. Secondly, that the Treaty, if he had such Right, was invalid by the Non-performance of the French of the only Condition on their Side; upon which the old Duke pretended to have made it, which was, That the Princes of that Family should be admitted into the Rank of Princes of the Blood of France; and that, upon requiring that Treaty in the Parliament of Paris, without that Clause the old Duke had declar'd it void within three Weeks after it was made. And, thirdly, That another Treaty was concluded the Year after, being 1663, at Marsal, between the most Christian King and the said Duke, by which he was to enjoy all his Territories, as before the first Treaty; which he did accordingly, till the Year 1670, when they were seiz'd by France in the midst of a profound Peace, under the Profession of Argumentation.

These Arguments had such weight with all the Confederates, that they were unanimous and firm, in positively insisting upon the Passports of that Duke with the usual Forms; which was represented by his Majesty the Mediator, to France, but without Effect; and both Parties continuing peremptory, the Congress began to be look'd upon, from all Sides, as a thing ended before it began.

The Truth was, says Sir William Temple, That France had been forc'd to discover upon this Incident, That there were three Points for which she thought the War worth continuing to the last Extremity, which were, rather than restore Lorraine, or Burgundy, or leave a good Frontier on both sides the Spanish Territories in Flanders. The last would hinder the Progress of their great Design, whether of extending their Empire only to the Rhine, or beyond it; and the two first would hinder their Conquest of Flanders, whenever they pursued the finishing of that Adventure; by leaving a Passage to the Germans to relieve it; and that by so great and dangerous a Diversion as entering France thro' Lorraine or Burgundy.

Sir William further asserts, that his Ma-

gesty most certainly disapprov'd the Pretence of France to Lorraine, but yet acknowledges he was prevail'd upon by Mr. Rouvigny, to offer as an Expedient, that his Majesty, as Mediator, should give all the Passports necessary to the Congress, which, however, the Allies would not admit of; some refusing it with Heat, and Reflection on his Majesty's Partiality to France, and others with Sullenness and Silence referring themselves to new Orders from their Masters. Upon which the Congress grew wholly desperate, and all Parties prepared for the Field, without any other View for the three Months following the first rise of this Pretension.

We have already touch'd on a second Concert between his Catholic Majesty and the States, by the Junction of a Dutch Squadron under the Command of de Ruyter, with the Naval Forces of Spain. It was some time before the Close of the last Year that this Junction was made; and on the 7th of January, N. S. they fell in with the French Fleet, consisting of twenty-two Men of War, six Fireships, and two other Vessels, making,

with a fair Wind and full Sail, for Sicily. The Engagement, however, did not commence till the next Morning; before which time the Wind freshen'd to such a degree, that the Spanish Gallies could not keep the Sea, and were oblig'd to take shelter in Lipari. This, no doubt, was a Disadvantage to the Allies; but de Ruyter was always in earnest, and scorn'd to make use of any Pretence to avoid doing his Duty. At nine o' Clock, therefore, he bore down upon the Enemy, who, under the Command of Mr. de Quésne, defended themselves so well, that the Action lasted till five in the Afternoon, and prov'd undecided at last; as to the Point of Honour, but not as to the Profit and Loss; for the French got safe to Messina, which it was their sole Business to fuccour; and the six Month's Concert between Spain and the States being expir'd, de Ruyter quitted the Service with his Squadron, and return'd to Leghorn; leaving the Spaniards both in Naples and Sicily under the greatest Difficulties and Distresses imaginable; as not having a Strength of their own sufficient to look the French in the Face. At Leghorn, however, he found an Order from his Masters, to co-operate with Spain for six Months more, which produced a third Junction of the two Fleets on the Coast of Sicily: And in Consequence thereof, a Project was form'd to lay Siege to Augusta, by Sea and Land. This was undertaken in Concert with the Spanish Viceroy,

April 18th N. S. and three Days after, viz. the 22d, the French Navy quitted the Port of Messina to relieve the Place, by giving Battle to the Allies; the former being now augmented to thirty Sail of Men of War, seven Fireships, and some other small Vessels; and the latter amounting to scarce thirty Sail in all. As to the Order of the Line, the Dutch had the Van and Rear, and the Spaniards the Center. The Action was rather fierce than long, beginning at four in the Afternoon, and ending at seven. The Spaniards fired smartly, but at too great a Dis-

tance

A. D. 1675-6.

De Mont.  
 Sea-fight between the French, and Spaniards and Dutch, off of Sicily.



1676

de Ruyter's Letter to the States.  
 [Gazette, Numb. 1096.]

Why France thought the War worth pursuing.

A. D. 1678.

tance to do any great Execution. The *Dutch* began the Attack, and bore the Brunt of the Day, but were so warmly received, that they had three Ships disabled and tow'd out of the Line. The *French*, however, gave way first, and the *Dutch* having given them Chance for one Hour, had the Name of a Victory.

But how dearly did it cost them? *de Ruyter*, who had contributed no less to the Preservation of his Country by Sea, than the Prince of *Orange* by Land, here receiv'd a Wound in his left Heel by a Cannon Shot, the Anguish of which brought on a Fever, and within a Week put an End to his Life. He died at *Syracuse* in the seventy-first Year of his Age, as full of Honours as of Days, lamented by his Country, applauded by all *Europe*, and recorded by the ablest Pens, as an Example for Posterity.

It is with States as with Men, when they grow unfortunate, they grow choleric. The *Dutch*, finding themselves Sufferers in all their Adventures with the *Spaniards*, now broke out into open Complaints against them, accus'd them of not supplying Mr. *de Ruyter* according to their Engagements, and talk'd as if, under such Failures on one side, they were virtually discharged from all their Obligations on the other.

But tho' they clamour'd, they proceeded: The Chain was of too many Links to be easily broke; and their petty Actions serv'd but as a Prologue to the Tragedy that follow'd. On the 31st of May, N.S. the *French* Fleet, which was now form'd of twenty-eight Men of War, nine Fireships, and twenty-five Gallies, under the Duke de *Vicenne*, Commander in Chief, Mr. *de Ruyter*, and Mr. *Galbaris*, came in sight of *Palermo*; and the next Day, the allied Squadrons, which had repaired thither from *Syracuse*, after the last Engagement, appear'd without the *Mole*, in a Line, which was compos'd of twenty-seven Men of War, nineteen Gallies and four Fireships; having the *Mole* on their left, the Fortrets of *Castle-Mare* behind their Center, and the great Tower, and the Bastions of the Town on their Right. Their Disposition was good, and their Appearance formidable. But the Enemy had the Advantage of the Wind, which encouraged them to make the Attack, and the *Dutch* were fast at Anchor, which gave their Lieutenant to perceive, while it left them without Power either to meet, or avoid, Danger. It was not, however, till the second of June, that the Engagement began; when the Duke de *Vicenne* detach'd nine Men of War, seven Gallies, and five Fireships, to charge the Van of the Allies. Accordingly, being come within a Cable-length, they cast Anchor, and prepar'd to send in their Fireships among them, under the most terrible Fire they could make. The Allies on the other hand, defended themselves for a while, both firmly and bravely; but having the Smoke in their Eyes, and trusting too much

to the (A) Forts and Bastions of *Palermo*, and dreading the Fireships, which were coming down full upon them, they, at length, cut their Cables, and endeavour'd to save themselves by running ashore. In this Disorder, three of their Men of War were burnt; and at the same Instant, the two other Divisions of the *French* Fleet, fell upon their Main-Body and Rear, where were the Admirals of *Spain* and *Holland*; the Cannons play'd furiously on both sides. The *French* were intrepid, the Allies desperate; But the Advantage of the Wind, and the Number and well Management of their Fireships, render'd the first irresistible. Two of the fastest upon the Admiral of *Spain*, and destroy'd him: Fearing the same Fate, the *Spanish* Vice-Admiral, and the *Dutch* Rear-Admiral cut their Cables and made for Shore, and were follow'd by seven more; but found it impossible to escape. Every one of them was on fire, as they lay; and, as if to complete the Horrors of the Spectacle, the four *Dutch* Fireships set fire to themselves, to avoid falling into the Hands of the Enemy. Scarce ever did War display a more astonishing Scene: The Wind blowing fresh, the Men of War and Fireships, burnt with incredible Fury: As their several Powder-Rooms blew up, Pieces of Cannon and huge Fragments of Ships were hurt'd flaming into the Air, which, in falling, either burnt or sunk six of the *Spanish* Gallies, kill'd and maim'd Numbers of Men, greatly damag'd the Ships in the Port, and even ruin'd several Houses in *Palermo*. In a word, This dreadful Disaster cost the Allies (B) twelve capital Men of War, besides their Gallies and Fireships, 700 Cannon; and 5000 Men; and what was still worse, render'd the *French* Lords of the *Mediterranean*; to the Amazement and Terror of all *Europe*, and the no less Reproach of both the *Dutch* and *English*, who had, in turn equally contributed to the rendering them a Maritime Power; tho' it was so apparently the Interest of both, that they never should be able to put a Ship to Sea.

As to the Fruits of this Victory, the Duke de *Vicenne*, contented himself with drawing Contributions of Provisions from *Calabria*, which he had long and grievously stood in need of; and with reducing *Taurinina*, *St. Alexis*, *La Croci*, *Savona*, and *Scaletta*. This was bad for *Spain*, but much worse was apprehended; that is to say, no less than a general Revolt both of *Naples* and *Sicily*. Almost at the same Instant, seditions had broke out at *Naples*, *Palermo*, *Syracuse*, and several other Places; and the Inhabitants of *Naples* had, in plain Terms, refus'd to assist the Viceroy with Money in any Proportion; tho' he besought it in the most earnest manner, and the Necessity of a Supply was self-evident, for the Re-establishment of the Fleet.

But when a Government is distemper'd in the Head, it is no wonder that it grows sick at Heart, or loses the use of its Limbs. The

Factions

Different Circumstances of Spain and France, arising from Differences of Government.

(A) Which, according to some of the *Dutch* Accounts, never fired a Shot, tho' they acknowledge, that, during the Engagement, one of the Bastions blew up.

(B) Mr. *de Mev* mentions but Seven Men of War and Three Gallies.

A.D. 1676. *Factions of the Queen Mother and Don John, kept the Court of Spain in a perpetual Ferment; each striving for the Dominion of the King, and neither caring what became of the King's Dominions. Hence that huge Body had neither Strength nor Spirit, and became alike the Prey of Rebel and Invader.*

It was quite otherwise in France; Lewis, by shewing himself able to command, had made his Subjects believe it was their Duty to obey, without reserve; and by concentrating all their Affections in himself, induc'd them both to dare and suffer as much for his peculiar Glory, as the old Romans for that of the Commonwealth.

Since his declaring War with Holland, this was the fifth time that his Armies had followed him to the Field, not in their own Defence, nor to enrich themselves with the Spoils of the Enemy, or to carve themselves out Possessions and Lordships with their Swords; but purely and simply because it was his Will and Pleasure, and because they presum'd their Lives could not be better employ'd than in his Service. The late Insurrections of the miserable Populace had only serv'd to enlarge his Power, and establish his Authority: Unusual Taxes, and unusual Levies were now submitted to without a Murmur; and the Nod of the King gave the Law to his People. Hence his Treasury, his Magazines, and his Army were full; and he was able to form Sieges and reduce Towns, before the Confederates were ready to quit their Winter-Quarters.

But even this great Monarch was a Man, had both his Prejudices and Frailties, the Marquis de Louvois, his Favourite, had found them out, and, like other Favourites, so practis'd upon them, as to make them correspond with his own. The Prince of Condé was neither agreeable to King nor Minister; he had treated the one as a petty Clerk; and of the other, in the midst of his Triumphs over the *Hollanders*, he had said, That he had not the Soul of a Conqueror. These were Sins that no Services could expiate: Whether therefore it was thought, that he valued himself rather too much on his late Exploits in *Flanders* and *Germany*, or whether it was so represented, he was this Year laid aside, and the Marshal Duke de Luxembourg was appointed to command on the *Rhine* in his Room.

The Marshal de Lorge, who had so many Pretensions in the Right of his Great Uncle, Mr. de Turcotte, and whose own Merits pleas'd so strongly in his Favour, was laid aside likewise; at least he had no other Commission, than to follow the King to the Field, as a Volunteer; under the handsome Pretence that his Majesty would stand in need of his Councils during the Campaign. The same fine thing was said to the Marshal de Schomberg, upon his being recalled from his Command in *Catalonia*, in which he was succeeded by the Marshal de Navaille. And as to the unfortunate Mr. de Crequi, who was look'd upon as a lost Man, he was unexpectedly honour'd with the Charge of a separate Corps of fifteen thousand Men, with Orders

NUM. XXVI.

to open the Campaign with the Siege of *Condé*. Of such Consequence he found it to have Mr. de Louvois for his Friend.

Condé was accordingly invested, April 17, N. S. by Mr. de Crequi: The 19th he was join'd by the Marshal de Humieres, who was returned from putting the County of *Alst* under Contribution: And the 21st the King himself accompany'd with the Duke of Orleans, arriv'd in the Camp: The same Day the Trenches were open'd; and tho' the Besieged had let go their Sluices and laid the Country under Water, so determin'd was his Majesty to prevent the Prince of Orange, who was coming to their Relief, that he order'd a general Assault to be made on the 26th; and after an obstinate Dispute, which lasted till Midnight, carry'd the Place by Storm.

The Siege of *Bouchain* follow'd immediately that of *Condé*. The Honour of this Exploit was given to the Duke of Orleans, who had a Detachment of 15000 Men under his Command; and the King with the Residue of his Army undertook to cover the Siege against the Prince of Orange and Duke de Villa Hermosa, who made their Approaches in all Haite with the *Spanish* and *Dutch* Forces, as if with a Resolution to give him Battle: But when both Armies fac'd each other, which was in an open Plain near *Vauciennes*, without Hedge or Ditch between; and made their several Dispositions, as if to engage, neither seem'd to care for the Engagement. The King was not over forward to risque his Glory, nor the *Spaniards* the Residue of *Flanders*, which they knew would be lost in Case they were defeated. In this manner the two Armies held each other at Bay for two Days together; and on the third *Bouchain* surrend'r'd; which was made known to the Allies, by a triple Discharge of the Arms and Artillery of the whole *French* Army.

The two Brothers of France having thus gather'd each his Sprig of Laurel, it was thought advisable to think of a fair Retreat, in order to give a new Bias to the Campaign. To do this with Honour and Safety, appear'd, however, to be a Matter of no small Difficulty; the Country lying quite open; the two Armies being of equal Strength, and that of the Enemy under the Command of an enterprizing General. And yet either so excellent was the Conduct of the *French*, or so admirable their Fortune, or so distracted the Councils of the Allies, that the two Armies separated without a Skirmish remarkable enough to deserve notice. The *French* decamp'd the 20th of May, and the Allies the Day after.

The most *Christian* King continued in the Field, after this, till the Beginning of July, but without engaging in any other considerable Enterprize: On the contrary, he directed his March into the Country of *Alst*, (which had now reason to curse its own Fertility) not to make Conquests, but merely for the better Accommodation of his Army. Here he detach'd one of his Adjutant-Marschals (de Lorge) to the Government of *Lorraine*. Mr. de Crequi, he sent with his Corps of

4 H

15000

A.D. 1676.

The most Christian King takes the Field.

Strom, Condé.

levois, Bouchain.

The French and Ally'd Armies face one another for several Days.

People's Murmurs, Part II. De Mont. May 12, N. S. Bouchain surrenders.

The two Armies part without any Notice.

De Mont.

A. D. 1676.

15,000 into Germany, either to amuse the Troops of *Bunfler*, *Zell*, and *Osnabrug*, or to reinforce the Duke of *Luxemburg*, as occasion should require. *De Himieres* he made Governor General of the new Conquests. *De Schonberg* had the Command of the Army. And having made this Disposition of his Forces, he returned with his Household Troops into France.

Siege of Philippsburg.

We must now follow the War into Germany; where a Resolution had, at last, been taken to lay siege to *Philippsburg*, which the Elector *Palatine* had so long solicited in vain. The Princes of *Baden*, *Frederic* and *Herman*, assisted by General *Wertmiller* with the Forces of the Circles, had the Charge of this Enterprize; while the Duke of *Lorraine* with the Army of the Emperor and the Empire, made it his Business to come to a Battle, if possible, with the Duke of *Luxemburg*, before he was reinforced by the Detachments he expected from *Flanders*. June 3. N. S. the two Armies came in sight of each other, and, as they were divided only by a little Brook, it was expected an Action would have ensued that very Day; but the Ground was so interlocked with Hedges and Ditches, that it would not admit of a proper Disposition on either Side. The Duke of *Lorraine*, therefore, shifted his Post the next Day in order to gain an Eminence, which lay between the *French* and *Savoyne*, from whence he had it in his Power to take them in Flank; This obliged the Marshal to make a Motion likewise to prevent him; so that the two Armies march'd in sight of each other, almost in parallel Lines. The *Imperialists* being first in Motion, had the Advantage of Ground; and, as the *French* were passing a hollow way which led up to the Hills, fell in with a great Part of their Left on their Rear; and, tho' the Marshal, who, expecting the Shock, was there in Person to sustain it, had endangered the whole Army, if Sir *George Hamilton*, with the *English* and *Scottish* Troops under his Command, had not stood like a Mountain against a Torrent, and render'd all their Efforts ineffectual; overthrowing the great Squadrons of *Imperial* Cuirassiers, and remaining themselves impenetrable. Sir *George* himself, however, was kill'd upon the Spot. And, tho' the *French* were thus sav'd a second time by these gallant Auxiliaries, the Duke of *Lorraine* found Means to post himself to advantageously, that with his Cannon he commanded the Enemy's Camp, and annoy'd them greatly: He also fir'd 3000 Shot into the Village of *Savoyne*, and probably had reduc'd the Marshal to great Extremities, or forced him to engage with all the Maxims of War against him, if he had not on the ninth of *June* received positive Orders from the Emperor, by the Marquis de *Grana*, to give over all his present Pursuits, and apply himself wholly and solely to the Reduction of *Philippsburg*; a Step which both surpriz'd and dissatisfy'd the *States*; and, which on the other hand, equally tally'd with the Interest and Inclinations of the *German* Princes.

Skirmish between the Imperial and French Armies.

The Loss is paid by their Death and Wounds.

Sir George Hamilton killed.

Jenkins's Letters, vol. I. p. 427.

Upon this, the Duke immediately decamp'd; and taking the Road of *Strasbourg*, (which City still continued in the Interest of the Emperor) arriv'd in the Neighbourhood of *Philippsburg* on the 12th; where being inform'd that the Marshal de *Luxemburg*, having receiv'd a considerable Reinforcement, was advancing to throw some Succours into the Place, he repair'd the *Rhine* on the 15th, and took post at *Green-Viesbourg*, with a Resolution to observe there the Motions of the Enemy, and to regulate his own accordingly.

The Siege went on, and the two Armies continued thus attentive to each other, till the End of the Month; when the Marshal, having sent out a Detachment on the Side of the *Sarre*, with a View, as the Duke of *Lorraine* apprehended, to find a Passage by the Mountains into *Philippsburg*, his Highness decamp'd; and, after having dismantled the little Towns of *Lauterbourg*, *Landau*, and *Wassenbourg*, sat down again at *Meebtersboym*, within reach of *Philippsburg* itself.

The Marshal's next Scheme was to burn the Bridge of the *Imperialists*, by the means of certain Machines, which were to float down the Stream, under the Convoy of Boats, fill'd with Soldiers, and to operate in the manner of Fire-ships; But, to prevent this Mischief, the Duke had collected a Number of Carpenters, Smiths, and Watermen, from *Spire*; who, by means of Rafts, stored with Combustibles, laid the said Machines aboard, burn'd them before they could approach the Bridge, and routed and dispers'd their Convoy.

As his last Effort, finding it utterly impracticable to force the Duke in his Camp, the Marshal endeavour'd to throw a Reinforcement of five hundred Men into the Place, by water; but still with the same ill Success: They were intercepted in their Passage by the *Imperialists*, who drove them back to their Boats, almost as soon as they had set foot on shore: And, to throw the Marshal into utter Despair, his Army was visit'd with the Bloody-flux; which carry'd off almost as many as a Battle. This convinced him of the Necessity of abandoning *Philippsburg* to the *Imperialists*, and of compounding for the Preservation of the Residue of his Army; But tho' he decamp'd August the 10th, the Governor, *du Fay*, held out till the 9th of *September* following (being the Anniversary of his first falling into the Hands of the *French*, in the Year 1644) when he surrender'd the Place to the *Imperialists*; the Prince of *Baden* presenting him on the spot with a Sword set with Diamonds, in honour of his signal Bravery.

In the North, the *Swedes* had every day more and more Cause to repent their taking part in the Quarrel of France: By Sea, their Fleet was totally routed by *Van Tromp*, who had now enter'd into the Service of *Denmark*; And, by Land, they had totally lost the Duchy of *Bremen*; which was divided between the King of *Denmark*, the Duke of *Lauenburg*, and the Bishop of *Munster*: Besides

sides



A. D. 1676.

sides all which, the Elector of Brandenburg was on the point of driving them out of Pomerania.

As to the Residue of the Campaign in Flanders, it was of a piece with the Commencement; that is to say, equally favourable to France, and mortifying to the Allies.

Taking advantage of the Retreat of his most Christian Majesty, the Prince of Orange, with a mixed Army of Dutch, English, and Germans, to the amount of about 26,000 Men, set down before Maftricht, July 9, N. S. The rest of the Allies were divided into two separate Corps, under the Command of the Duke de Villa Hermosa, and Count Waldeck. It having been agreed, that the First should find Employment for the Marshal de Camieres; and the Latter to post himself, as to be equally ready to join either the said Duke, or the Prince, according as Marshal Schomberg should direct his Motion, to overpower either the one or the other.

Wife as this Disposition seem'd in the Project, it did not answer in the Experiment: The Duke de Villa Hermosa was not strong enough to hinder Mr. de Camieres from making himself Master of Aire, Linct, and Overfleche; nor the Prince to carry Maftricht; nor Count Waldeck to hinder Mr. de Schomberg from marching thro' the Heart of the Spanish Netherlands to his Relief.

The Prince of Orange has been accus'd of not exerting himself with his usual Vigour in this Siege, because the Place, when reduc'd, was to be surrender'd to the Spaniards: But the very Gazettes of those Times bear witness, that he never underwent greater Fatigues, nor expos'd himself to more imminent Dangers, often continuing in the Trenches for whole Nights together; and Men seldom trifle, when both Life and Reputation are at stake: And, as he behav'd with the utmost Bravery himself, he was bravely supported, both by Officers and Soldiers; among whom (a) his three Regiments of English (the English were suffer'd to sacrifice themselves on both sides) distinguish'd themselves by an Intrepidity almost beyond Example: Having a separate Quarter assign'd them, at their own Request, and making their Attacks in a separate Body, that they might set an Example to the Army.

The Siege had lasted till the latter End of August; and many thousands of gallant Men had lost their Lives, on both Sides; when Mr. de Schomberg, (a) who had been reinforced by the Forces till then under the Command of the Marshal de Camieres, and the Cavalry from Charleville, which had been detach'd by Mr. de Crequi, advanced with all possible Speed to succour the Besieg'd; as did Count Waldeck, and the Duke de Villa Hermosa, to succour the Prince of Orange; the latter of

whom had the French Army almost at his Heels.

Upon the Junction of the Allies, and the Approach of the Enemy, a Council of War was immediately held; wherein it was resolv'd, both to abandon the Siege, and avoid a Battle: Accordingly the necessary Orders were given to dismount the Batteries, draw off the Cannon, embark the Baggage, burn the Camp, and make the best Disposition to retire towards St. Tron. But before all this could be effected, and the Army put in Motion, the Besieg'd made a vigorous Sally, and, at the same time, the Marshal de Schomberg fell upon their Rear, tho' without doing any great Execution; and the Duke de Villeroy, and Mr. de Montal, took fifty of their Boats, in which were forty-six Pieces of Cannon, 7000 Muskets, a very great Quantity of Powder, and many of their sick and wounded Men. The Besiegers themselves left three Pieces of Cannon in their Trenches, set fire to many of their Boats and Carriages, threw great Quantities of Provisions into the River; and made it appear, that they were glad to make off, lest a worse thing should befall them.

And in this melancholy Manner ended the Campaign.

But tho' the War was carry'd on thus violently by all Parties, all affected to have nothing more at heart than a reasonable Peace: Even France herself, about the Middle of May, consented to grant the Passports to the Lorrain Ministers, in the Form, and with the Styles, demanded by the Allies, which she had till then so haughtily and peremptorily refused: And, early in June, her Embassadors, Colbert, d' Estrades, and d' Acaus, arriv'd at Nimwegen; the French, says Sir William Temple, desiring no better Peace, than upon the present Plan of Affairs; and hoping, by their Forwardness, and the great Backwardness of some of the Allies, to make way for some separate Treaties with those among them who began to be impatient for the Peace.

To divide was in truth their principal Aim: And, among such a Diversity of Interests, Claims, and Pretensions, it was natural and reasonable, that they should promise themselves Success.

The States had arm'd for Self-Preservation only. That Point was gain'd, and they desir'd no more. Spain and Germany, on the other hand, had stepp'd in to the Rescue of Holland, not only to prevent so vast an Access to the Dominions of France, but with a View to the forming such a Confederacy, as should enable them to retrieve their own Losses, and give the Law to that encroaching Power, for the time to come. This Point of Prospect seem'd as far off as

A. D. 1676.

The Siege rais'd by the Marshal de Schomberg.

Proceedings of the Congress.

To break the Confederacy, the great View of France.

(a) They consist of about two thousand six hundred Men, under the Command of the Colonel Francis Ashley, and Dilman: Which last being killed during the Siege, his Regiment was given to Colonel Wallerstein.

(b) The Author of the History of King William III. vol. 1. p. 33. hath the following Passage:

"It is remarkable, that tho' his Highness did, afterwards, make use of Marshal Schomberg's Councils and Experience,

"in his Expedition into England, and in the Reduction of Ireland, yet he still had a secret Pique against that great General, for forcing him to retire from Maftricht."

"It is also reported, that at this Siege, the Prince of Orange gave some hard Words to Colonel (afterwards Sir John) Forswick, which the Colonel thought fit to mock, that he ever after profess'd an Enmity to his Highness."

A. D. 1655

at first; and the Defection of *Holland* would have put it for ever out of their Reach. To keep the Republic firm to her Engagements, was therefore the great Endeavour, on one side, and to detach it, the great Endeavour on the other: *France* row'd with the Stream; the Allies labour'd against it: What *France* sollicit, the *Dutch* passionately long'd for: War and Commerce are irreconcilable Enemies; and they found the one was in danger of being devoured by the other. On the other hand, all the Hold the Allies had on the Republic was, by the military Genius of the Prince of *Orange*, and his personal Prejudices against the most Christian King: And yet they gave his Highness perpetual Causes of Complaint; which the *French* Ministers never fail'd to make the most of: A Letter from General *Caprara*, full of Villanies, says Sir *Leoline Jenkins*, against his Highness, and Count *Waldeck*, had fallen into the Hands of his most Christian Majesty; who sent it to the Prince, with an Intimation, that he might, thereby, see what manner of Friends he was among: And Sir *William Temple* was no sooner come to *Nimeguen*, which was about the Middle of *July*, but Messieurs *d'Esprades* and *Colbert*, knowing his Foible, overwhelm'd him with Compliments, in the King their Master's Name, authoriz'd him to offer the Prince of *Orange* a *Carte blanche* for himself, if he would use his Authority with the Allies, to accept of such Terms as they should agree upon, and endeavour'd to dazzle his Excellency, not only with the Glory of having alone given a Peace to *Christendom*; but the more solid Consideration of his own Price, from the Generosity of the King their Master. Sir *William* had, however, the Grace to resist, tho' he speaks without Repentment of the Temptation: And as to the Prince, his Answer was truly heroic: "Let them find a Way of saving my Honour, by satisfying *Spain*, and no Concern of mine shall retard the Peace a Moment."

Temple's Memoirs, Part B.

While *France* was thus active, the Allies, who had set all their Hopes on the War, and who had accepted of the Mediation, rather as a Compliment to the Mediator, than either out of a Persuasion or with a Will that it would be effectual, delay'd the sending their Ministers to *Nimeguen*, as long as there was a Possibility of hindering the *Dutch* from proceeding without them. The King of *England* was manifestly in the Interest of *France*; they, the *Spaniards* at least, had taken care to secure a notable Interest both in his Parliament and People. Hence they reason'd, that if the *French* continued to be successful, their very Successes would compel his Majesty at last to obey his own Interests against his Inclinations; and if not, the Strength of the Confederates, as it now stood, would reduce them to their own Terms; which, as things were now circumstanced it would be downright Presumption to hope for by Treaty.

Tho' the *French* have been often over-power'd, they have been rarely outwitted: They discover the remotest Advantage; they foresee the smallest Difficulty; they

A. D. 1656

have Expedients of all kinds in Series to remove the one; they have Refinements of all kinds to improve the other. Finding nothing was to be done separately with the Prince of *Orange*, they let their Emiliaries to work in *Holland*, with Offers of such a Regulation of Commerce as the *Dutch* should desire, the Restitution of *Majstricht*, and full Satisfaction for all the Claims and Losses of their *Stadtholder*. This occasion'd a general Clamour for Peace in every trading Town in *Holland*: And to raise it yet higher, they gave out at *Nimeguen*, towards the End of *September*, That the most Christian King, wearied out with the Delays on the Side of the Confederates, after so many Advancements, would recall his Ministers, unless those of the principal Powers, concern'd in the Congress, should repair thither within the Space of a Month.

The Dutch clamour for Peace.

Of this the *States* took the Advantage to declare, That they would enter upon the Treaty by themselves, if their Allies did not respectively dispatch their Ministers to the Congress, within the time limited by *France*. The Consequence was, that the Allies did indeed send Ministers, but not such as were either instructed or empowered to bring things to an Issue: In Reimbursement of which, the *Dutch*, both at the *Hague* and *Nimeguen*, not only complain'd publicly, that tho' the Allies had first enter'd into the War for the Defence of *Holland*, they now pursued it for their own separate Interest and Ambition, but declar'd, that the *States* would pay no Subsidies to their Allies the next Campaign, unless they would, by their fair and sincere Proceedings, make it evident, that they sought the Peace in earnest.

But notwithstanding all this, the very Powers of the Ministers upon the Spot, were not produced till the twenty-first of *November*; and even then, those of *France* were objected to by the *Dutch*, as containing Expressions, that were fitter for a Manifesto, than the Powers of a Treaty: In particular, one Passage asserted the War to be just in the Beginning, on the *French* Side, and necessary in the Continuance, which they deny'd, since all the World knew that *France* had begun the War without making any Pretensions, and might have had Peace whenever it pleas'd: And another ascrib'd to the most Christian King the Honour of naming *Nimeguen* as the Place of Treaty, and thereby of making the Overture for the Congress; which they said was not true, since the Merit of both belong'd to the King of *England*: Neither would they allow the *Swedes* to insinuate, that any Infraction of the Treaty of *Westphalia*, had either occasion'd or authoriz'd their drawing the Sword, and making a Diversion in favour of *France* in the North. On the other hand the *Swedes* and *French* started Doubts and Difficulties with respect to the *Dutch* Powers: And upon the whole, by way of Compromise, the mediating Ministers were desired to settle the Form which should be made use of by all Parties.

It is an obvious Remark, that all this Trifling and Artifice, shew'd very little regard

Objection to the French Powers; Jenkins's Letters, vol. i. p. 500.

Reflection on the Mediation.

A. D. 1676.

gard to the Mediation: But this is the less to be wonder'd at, since the Mediator himself chose to take the Matter as low as possible; and instead of acting as an Arbitrer, which he might and ought to have done, to become a mere Vehicle or Channel of Conveyance of Demands and Replies from one Party to another. Indeed his express Refusal to act in any wise, jointly with the Pope (who had been received as a Mediator, not only by France, but some of the Allies) or to permit his Ministers to enter into any Commerce either of Visits or Conferences with his Nuncio, seems to have been the only Sign of Spirit and Independency which he shew'd during the whole Affair: And there is (p) Reason to think his Firmness on this head arose rather from the Temper of his People, than any Sentiment of his own. Had he known his own Strength, at least, had he resolv'd to exert it, it may be presum'd he would not have conniv'd at the Admission of any Power, that could not act as a joint Mediator with him, to enter upon the same Office on the same Ground, without, if not against, him; or suffer'd the Embassadors of England, to intermeddle in the Language of France, while those of the Pope claim'd it as their Privilege, and had it allow'd to them, to treat in their own.

Temple's  
Ministry, Part  
ii.Conference of  
Sir William  
Temple with  
the Prince of  
Orange and  
the Pensioner.  
173.

The Congress had gone no farther than Forms, at the Beginning of the Year 1677, when Sir William Temple made a Step to the Hague, at the Instance of the Prince of Orange; and in the first Conference which pass'd between them, his Highness acknowledged, That Peace was not only the Interest of the States, but absolutely necessary for them; and declar'd, That if his Majesty had a mind to make it, and would let him know freely the Conditions upon which he either desired or believed it might be made, he would endeavour to concert it the best he could with his Majesty, and that with all the Freedom and Sincereness in the World, so it might be with any Safety to his own Honour and the Interests of his Country.

Sir William's next Interview was with the Pensioner, who immediately unbosom'd the ill Condition of their Affairs, the Reasons they had to complain of their Allies, the Mismanagements of the last Year, his Apprehensions of the next, the good Terms they might have from France, and the Danger of refusing them. In particular, concerning England, he said, "That for his own Part, he had ever believ'd, that England itself would cry, Halt! at one Step or other that France was making; and that if we would be content to see half Flanders lost, yet we would not all, nor Sicily neither, for the Interest of our Trade in the Mediterranean. That the King had had the Peace in his Hands, for these two Years past, might have made it when he pleas'd, and upon such Conditions, as he should think fit, of Justice and Safety, to the rest of his

Neighbours, as well as himself. That all Men knew France was not in a Condition to refuse whatever Terms his Majesty resolv'd on, or to venture a War with England, in Conjunction with the rest of the Allies. That the least Shew of it, if at all credited by France, was enough to make the Peace. That they had long represent'd all this in England by Mr. Van Beuninghen, and offer'd his Majesty to be the Arbitrer of it, and to fall into the Terms he should prescribe; but not a Word in answer; and all received with such a Coldness as never was; tho' other People thought we had reason to be a little more concern'd." From all which he concluded not only that a Peace was necessary; but even a separate Peace; since there was scarce any Prospect of obtaining any other.

In Sir William Temple's Collections, there is a Detail of both these Conferences, address'd to Mr. Secretary Willamson, together with his own Thoughts of the Crisis; and, at the same time, his Colleague, Sir Leoline Jenkins, discovered that what was talk'd of at the Hague, of a separate Peace, was actually in Agitation at Nimsugen. Of this likewise, our Court had immediate Information from both these Ministers; and the Result was, that Sir Leoline received Orders to protest publicly in his Majesty's Name against it; the Vanity of which Proceeding is very well expos'd by Sir William Temple, as tending only to irritate both Parties against England, and bind them faster to each other.

Sir William had likewise enlarg'd on the State of Holland, and the present Disposition of the Prince of Orange, to the King, as well as his Ministers; to which he received a long Answer from his Majesty's own Hand, complaining much of the Confederate Ministers in England caballing with Parliament Men, and raising all Mens Spirits as high against the Peace as they could; and that they had done it to such a Degree, as made it very difficult for him to make any Steps with France towards a general Peace, unless the Dutch Ambassador would first put in a Memorial, pressing his Majesty from the States to do it; and declaring, That without it they saw Flanders would be lost.

On communicating the Contents of the King's Letter to the Prince and Pensioner, Sir William press'd his Highness, both for Expedition's sake, and as a Proof of Confidence, to come to a thorough Explanation with his Majesty at once; and the Prince, after a Pause, agreed to do so, tho' he hinted he had many Reasons to influence him to the contrary. His Highness then propos'd, "That if the King had a mind to make a sudden Peace, he thought he must do it upon the Treaty of Aix la Chapelle, which he would have the more Ground for, because it was a Peace he both made and warranted. That for Exchanges, he thought there should be no other propos'd upon it, but

A. D. 1676.

Protest on that  
Occasion.  
A separate  
Peace, for us  
first between  
France and  
Holland.

(p) Bishop Burnet affirms (Vol. I. p. 394) That upon Cardinal Howard's Presentation both the King and the Duke sent Compliments to Rome.

A. D. 1676.

but only of *Aeth* and *Charleroy*, for *Aire* and *St. Omer*, which two last he thought imported a great deal more to *France* than the others, unless they would declare, that they intended to end this War with the Prospect of beginning another, by which they might get the rest of *Flanders*. That this was all needed pass between *France* and *Spain*; and for the Emperor and the *States*, that the first having taken *Philippsburg* from the *French* should rate it; and the *French* having taken *Mastricht* from the *Dutch* should rate it too; and so this whole War should pass like a Tempest which had blown over, after threatening much, and causing very little Alteration.

This hasty Sketch of an Accommodation, Sir *William* forwarded to the King, *January* 14; and in another Dispatch of the 22d, by the Prince's Direction, gave his Majesty farther to understand, that his Highness had had Reason given him to believe *France* would be content to give not only *Charleroy*, and *Aeth*, but *Oudenarde* and *Courtray* for *Aire* and *St. Omer*; and that he hop'd his Majesty would be so much a Friend to the Preservation of *Flanders*, as to manage this Discovery to the best Advantage; adding from the Pensionary, that *France* would farther expect that *Sweden* should be restored to all the bad lot.

In ten Days Sir *William* received the King's Answer, which he immediately communicated to the Prince. It consisted of two Parts; the first, an Offer of his Majesty's entering into the strongest defensive Alliance with the *States*, thereby to secure them from all Apprehensions of *France*, after the Peace should be made. The second contain'd his Majesty's Remarks rather than Conclusion or Judgment, upon the Terms proposed by the Prince for a Peace. That he believ'd it might be compass'd with *France*, upon the Exchange of *Cambray*, *Aire*, and *St. Omer*, for *Aeth*, *Charleroy*, *Oudenarde*, *Coudé*, and *Bouchain*. That this Scheme was what his Majesty thought possible to be obtain'd of *France*, tho' not what was to be wish'd.

The Prince's Countenance chang'd as Sir *William* read; and his first Remark was, *That he must rather see than make such a Peace.*

In discoursing of Particulars, having artfully enough distinguish'd the King, who had offer'd the Alliance under his own Hand, from his Secretary *Williamson*, who had dress'd up the Terms of a Peace, he fell upon the last with great Bitterness: Said, that it was treating him like a *Child* with *sextet Cream*: That since all had been before the foreign Committee, he knew very well it had been with the *French* Ambassador too, and that the Terms were his, and a great deal worse than they could have directly from *France*: That in plain Language they meant, that *Spain* must part with all *Burgundy*, *Cambray*, *Aire*, and *St. Omer*, which were of the Value of two other Provinces, in the Consequences of any War between *France* and *Spain*, and all for the five Towns mention'd: That if *Flanders* were left in that Posture, it could never be defended upon another Invasion, neither

by *Holland* nor *England* itself: That he was so far of the *Spaniards* Mind, that if *Flanders* must be lost, it had better be so, by a War than a Peace: That whenever that was, *Holland* must fall into an absolute Dependence upon *France*; so that what his Majesty offer'd as to an Alliance with them, would be to no Purpose, for they would not be made the Stage of War after the Loss of *Flanders*, and wherein they were sure no Alliance of his Majesty, nor Forces neither, could defend them.

Having sent the Detail of this remarkable Conference to his Majesty, Sir *William* returned to *Ninewagen*, where he found that a secret Intelligence was grown between the *French* and *Dutch* Embassadors, which was manag'd by Mr. *Olvecrantz* the second *Swedish* Ambassador, and wholly apart from his Colleagues, whose Intervention had been only us'd when the Matter was first agreed between those Parties; and that Mr. *Bewerking* (the chief of the *Dutch* Ministers) drove on very violently towards a Peace, and with little regard of his Allies, saying, He had Orders from the *States* to push on the Business as far as it was possible.

So little Regard was paid to the Mediation! And in Truth, so little was it worth.

We now draw near a Session of Parliament; but there is still another Vein of the Transactions of the last Year, to be open'd, before we can proceed to those of the Legislature.

Ever since the Crown of *England* had been compelled by the Voice of the Parliament and People, to leave *France* to fight her own Battles, and to strike up a separate Peace with *Holland*, his most Christian Majesty had taken equal care to live well with the King, and to be avenged on his Subjects. For, over and above the high Duties which he had imposed on all the *English* Manufactures, which amounted almost to a Prohibition, he had let loose his Privateers to prey on their Commerce, which they did in so flagrant a manner, that the Depredations of the *French* on the *English*, was the common Talk of the Times.

The Pretences they urg'd, and the Excuses they made, were, That their Enemies traded under the *English* Flag, embarr'd their Wares in *English* Bottoms, carry'd on their Navigation with *English* Seamen, and gave out Commissions military to *English* Subjects. Complaints of this nature were even made to the Court of *England*, and met with such Regard, that we find them, in part, adopt'd by a Royal Proclamation, bearing Date *May* the 17th, 1676, which sets out with an Acknowledgment, that Complaints had been made to his Majesty by the Ministers of several Princes and States, with whom he was in Amity; that divers of his Subjects had lately taken military Commissions from certain other Princes and States, with whom he was also in Amity; and afterwards strictly prohibited all Persons whatsoever from taking any such Commissions, or making use of any they had already taken, upon pain of being punish'd with the utmost Severity of Law and Justice.

A. D. 1676.

Sir William Temple returns to the Congress.

French Depredation on the English Commerce.

De Mont. Nov. iv.

Gazette Nov. 1098.

Temple's Works, p. ii. p. 441.

Temple's Memoirs, p. ii. His Majesty's Thoughts thereon.

which prove dissatisfactory to the Prince of Orange.

A. D. 1676.

The whole Herd of Merchants and Mariners are not spotless, any more than Ministers: The desperate Adventurer for Gain is more apt to regard the End than the Means; and those who have not Property to risque will make merchandise, not only of their Characters, but their Lives. It is not unnatural, therefore, to suppose, that some of these did actually give occasion for these Complaints, and furnish out some Colour for Reprimands, of the same, or the like Nature. But then again, there is Reason to conclude, that the French had recourse to these rapacious Practices first: so early as June 1674, there is a Record of their seizing two English Ketches, bound from London to Spain; which serv'd as a Precedent for many more of the like Outrages, in the Course of that Year: And, from that time forward, they both continued their Piracies, and carry'd them to such a Height, that, in the Year 1676, they made prize of the English Ships, almost in the (9) English Harbours. This was so loudly complain'd of, by the Sufferers, and became so notoriously known to, and was so highly resent'd by, the whole Nation, that the Government, partial as it was to France, could connive at it no longer.

Gazette, Numb. 1101.

June the 2d, another Proclamation was, therefore, issued, which first avow'd, that the Security of Navigation and Commerce, to and from his Majesty's Ports, had (in that Time of War) been very much disturb'd; and that even the Reverence due to his Ports had been violated; and, then proceeds to set forth Seven Rules and Ordinances, which it was his Majesty's Will and Pleasure should be obey'd. The first declar'd, that all Ships, of all Nations, in his Majesty's Ports, should be under his Majesty's special Protection: The Ships and Goods of all Offenders to be, *ipso facto*, confiscated: And the second directed, that all his Majesty's Officers and Subjects should prohibit the roving of Men of War to near his Majesty's Ports or Coasts, as to give apprehension to Merchantmen, or hinder the Commerce of his Subjects: As also, that they should succour and rescue all such Merchantmen, and others, as should be attack'd upon his Majesty's Coasts, and apprehend and seize the Offenders, in order to the bringing them to condign Punishment:

But then, the fourth command'd the proper Officers to visit all Ships, and Vessels belonging to his Majesty's Subjects; and, if they had ground to suspect, that they were design'd for any other than trading or fishing Voyages, to detain them till farther Orders: And the seventh forbid all his Subjects to enter into the martial Service of any foreign Prince or State; and recalled all such as were already enter'd, on penalty of being apprehended, and sent to the next Gaol, if they should ever after come into his Majesty's Dominions: So that this Instrument seems to have been equally calculated to satisfy Complaints from abroad, and silence Clamours at home.

But there still remains behind a more solemn State of the whole Case, which deserves to be brought forward, to shew how highly the French had trespass'd, how severely the Commerce of England suffer'd, and how much his Majesty could forgive.

August the 4th, the Lords of the Committee of Trade presented to the King, in Council, a Report touching the Injuries which his Subjects had receiv'd from the French; in which they set forth, That a Petition had been presented to his Majesty in Council, on the 31st of May, in the Name of all the Merchants of London, and other Places, signifying, that the Ships and Goods of his Subjects, tho' mann'd according to the Act of Navigation, and furnish'd with all necessary Palses, were daily seiz'd: That the Delay and Charge of Prosecutions in France devour'd half the Value of their Effects, even when they carry'd their Cause: That of Privateers no Reparation could be got; which induced them to seize on all they met, and perpetually molest the Navigation of his Subjects: And that they implor'd his Majesty's Protection, and Relief.

Their Lordships then observ'd, that his Majesty had, hereupon, been pleas'd to issue his Command, that certain Frigates should be appointed to clear the Coast of these Privateers, to seize them, and bring such as had offended to make Restitution: As also, that the Committee of Trade should prepare a State of the Cases and Complaints depending, that such of them as were of Weight and Merit might be fitted to receive his most gracious

Report of the Lords of the Committee of Trade thereon. State Tracts temp. Car. II. Vol. 1.

## (9) For Instance

February 25, 1676. The *John and Elizabeth*, English built, Thomas Roper Master and Part-owner, six Mariners all English, John Smith, Edward Smith of Rye, and the Master, all Subjects of his Majesty, Owners of the Cargo: She was in her Course from Rye to Rotterdam, in December 1675, seized, within Pilot Boat of Dover-Pier, by Nicholas Boffel, a French Capen, the Master was shot, and one of the Men that belonged to the Boat, for no other Reason than not striking the Top-sail, so the Capen hath been commisd by the Judge of the Admiralty, in March last.

May 20th, and June 20th, 1676. The *Elizabeth of London*, English built; Barthen about 80 Tuns, John Razzoer Master, instructed with Englishmen, having a Pass from the Lords of the Admiralty, and a Post-Pass from Dover, being laden with Merchandise at the *Procurator*, partly on the account of Abraham Chapman of London Merchant, and the rest his English and Portuguese, and bound for Amsterdam, was seized by the Chevalier de Bonnavent, a French Capen, on the 14th of May, near Portland, and carried into Chesham, where the Master hath been ill used, and the Ship and Goods threaten'd to be confiscat.

June 21st, 1676. The *James of London*, a free Ship, John Williamson Master, the Owners all English, manned with 12 English and two Strangers, with a Pass from the Lords of the Admiralty, and other necessary Permissions, Shes and laden with Salt and Bristol, and coming to London, was, on the 20th of May, within Gunshot of Dover-Castle, seized, and carried into Calais, the ship run a-ground, the Deck broke, and Men aboard, and their Papers taken away.

June 28th, 1676. The *Peace of Dublin*, George Advertiser Master, belonging to William York and Andrew Terry, his Majesty's Subjects, and by them laden at Garvey in Ireland, with raw Hides, Tallow, Leather, and other things, of the Growth of that Country, consign'd to William Eaton of Dover Merchant: Had Bills of Lading, Sea-brief, and other necessary Papers aboard, yet, in March last, was, near Dover, seized by Captain William Brown, Captain Peter Fermill, and Secret Longboats: She is carried into Deal, to the Owners Decrement of 1000 l. and the Ship's Company were thript, plunder'd, and exceedingly abus'd, by the said Brown. [Report of the Lords of the Committee of Trade to the King.]

A. D. 1676.

gracious Recommendation for Relief; and collect the Number of Seizures, that his Majesty might know what Hardships his Subjects had undergone, and what Justice France had administered.

That, in obedience to his Command, they had annex'd a List of Seizures, to the Number of Fifty-three; together with the Cases of those who had repair'd to his Majesty for Relief; which, from that very Circumstance, might be suppos'd to have Justice on their side, and likewise to infer a Suspicion of great Hardship in the Method of Redress. They added, that the Number of Captures was no small Proof of the Facility of Condemnation: That all the Instances of Redress, which had come to their Knowledge, were no more than Seven: And that in the midst of their Prosecution of this Affair, they had receiv'd a Paper from Mr. Secretary Coventry, who had receiv'd it from Mr. Courtin, the French Ambassador, being an Extract of a Letter from Mr. Colbert to Mr. de Pomponne, dated June the 20th, 1676, and containing a Justification of the French Proceedings; the principal Part of which was as follows:

"In giving Judgment, all Vessels which have any Appearance of being English, are releas'd, and very often, and almost always, although we are satisfy'd that the Ships are Dutch, yet they are releas'd because there is some Appearance of their being English; and every thing is judg'd favourably for that Nation: And it is true, that all Ships that are taken are of Dutch Built; that they never were in England; that the Masters, and all the Equipage are Dutch; that the Documents are for Persons unknown, and which are not oftentimes so much as named; that they carry with them only some Sea-briels from Waterford, or some other Town of Ireland or Scotland; that the whole Ship's Company depose, they were sent to Holland; that we have found on board three or four Vessels, Bills of Accompts, by which is seen the English take two, three or four per Cent. for owning of Ships; and altho' it is impossible to avoid confiscating them, yet these are the Ships which make such a Noise in England."

Their Lordships then, by way of Remark

on this Paper, proceeded to declare, That their Sentiments of the Justice and Lenity of the French were widely different from that Representation; that, as they understood the Case, many of the English Mariners, who had been carried into the Ports of France, had met with ill Treatment, and some with Torment; that their Papers were seiz'd, and they themselves confin'd, till all the Depositions were prepar'd; that the said Depositions being sent to the Privy Council at Sr. Germans, Judgment was definitively given; that seldom any Reasons for Condemnation were mentioned in the Decree; and never any Appeal or Revision was admitted (r).

As to the other Part of the Paper, which contain'd such harsh Imputations on the English Traders, their Lordships besought his Majesty to cast his Eye on the List they then presented, to examine, whether all the Ships taken were Dutch built? Whether all were such as had never been in England? Whether all the Masters and Mariners were Dutch? Whether, in the whole List there was more than one Ship from Waterford; or six from the rest of Ireland? From Scotland not one. Whether it was credible, that all the Ships Companies should swear, they were sent to Holland, when so many were taken even coming from Holland? Adding, "Your Majesty may see how many Ships in the List are English built, taken with English Colours, English Mariners, English Owners, some of them knows to your Majesty, and to whom the best Papers your Majesty, or your Ministers can sign, or the Treaties do require, are given; but all in vain: So that if the Case be, in the general, quite different from what, in the general, is represented; we hope it will be no Crime, for your Majesty's Subjects to make some Noise in England, when they are hurt, when they see their Goods taken from them by Violence, and that Violence rather justify'd than redress'd by Law."

Their Lordships then took occasion to touch on the Licence given by his Majesty to his Subjects, to supply their great Loss of trading Ships, during the late War, by the Purchase of foreign Vessels, that they might the more immediately enter on the extensive Commerce, which was open'd to them by

Page 3

(r) They added after this:

"That the Methods of your Majesty's Clemency and Justice, on like Occasions, have been far otherwise. And we appeal to the present Ambassador Monsieur Courtin, if almost in all Cases, that be or any other of the Ambassador thought fit to own (when his Excellency was here before, and your Majesty in War with Holland, seizing many Ships as Prize, and under great Suspicion claimed by the French) whether it were not very customary to have a short Reference, and a summary Examination of all Papers by the Judge of the Admiralty, in his Chamber; and that if any things appeared in the Case, whether the Ships were not immediately releas'd, without Law, Charge, or Delay? And 'twill not be out of Season, we hope, to annex herewith the Copy of an Order of the 22d of July 1675, signed by the then Lords Commissioners of Prizes, where it will appear, that Eighteen French Ships (which were laden with Wine and Brandy) being at Dover, and detained as Prize, were all English, by one Order, discharged, without any Law, or even the Ceremony of the Judge Examination, being singly on the Credit of the Ambassador's Word, affirming that they belonged unto the French.

And as for the Matter of Rescues or Appeals, after Sen-

tence in the Court of Admiralty here; we know his Excellency will also remember, that never any Man was deny'd his Liberty there; but, on the contrary, your Majesty gave a standing Commission for Appeals in all Cases of Prize, and filed it with the Lords of your Council only, that every Case might receive a candid as well as unquestionable Determination.

We might also put your Majesty in mind, that, during the whole Term of your late League with France, whatsoever any French Ships were seized by the Hollanders, and afterwards retain'd by his Majesty's Frigates, such French Ships were always return'd on Demand, no Consideration being had of the Time they were in possession with the Hollanders, whether a Month, two, or three, as sometimes they were; and when the French Owner, as it hath happen'd, knew not of such retaking, but that the Ship was, according to Law, condemn'd to your Majesty, and sold with other Prizes, yet the Claimer appearing, your Majesty hath order'd the Money and Product of the Ships to be rais'd unto him.

Such various Methods of Justice and Clemency might have entitl'd your Majesty to a different Acknowledgment, and more advantageous Effect."

A. D. 1676. Peace; and concluded in these significant Words: "Wherefore, considering that the Root of all this Disorder arises from the Violence and Rapine of the French Capers, who ought to be looked on as Disturbers of the public Quiet, and Enemies to the good Friendship between the two Crowns, we are humbly of Opinion, That your Majesty has just Occasion from the Injuries past, and those which are now depending, and which do every Day increase, to make a very serious Representation of all unto his most Christian Majesty; and not only press for some better Method of repairing the Grievances mentioned, but earnestly to insist on the calling in of all Privateers, or else your Majesty *shall do Right, and give Defence* to your Subjects from all the Injustices which they so frequently meet."

Order'd to be transmitted to France.

This important Report was sign'd, *Frédéric C. Anglé, Bridgwater, Bath, Craven, the Countess, J. Féné, G. Carteret, Robert Earl of Seel.* The King himself gave it his Approbation, order'd a Copy of it to be transmitted to his Ambassador at Paris, and another to be given to the French Ambassador here; with whom Mr. Secretary Coventry was also directed to expostulate upon all these Injustices, and the little Remedy given to his Majesty's Subjects, either on the Merit of their respective Cases, or the Recommendation of his Majesty; that to his Excellency being made sensible of his Majesty's Dissatisfaction, and the reasonable Dissent of his Subjects, the King his Master might from him receive suitable Imprecations of both, and be disposed to remove the Evils complain'd of, and grant the Satisfaction desired.

French Capers seiz'd, by way of Reprisal.

Moreover, in this very Month of August, while the Report of the Lords of Trade was under Deliberation at the Court of France, the King's Ships actually seiz'd four of the French Cruizers; of which public Notice was given in the Gazette, that such as had been seiz'd by them, might bring in their Complaints, in order to obtain Redress.

But neither this Step which seem'd to be an Advance towards the making Reprisals, nor the lively Remonstrance we have just spoken of had any Effect. The Privateers continued their Depredations as before; and the Merchants became liable to a new Oppression, in Consequence of an Ordinance set forth by his most Christian Majesty, requiring all foreign Ships, which came into his Ports, to furnish themselves with Passports from him; without which, they were to understand, there was no Protection.

An Imposition of so extraordinary a nature, which either subjected the Merchants

to Excursions on Shore, or Piracies at Sea, both redoubled their Retirements and Complaints. In the Beginning of October, they again presented themselves at Court, to display their Grievances a-new, and again solicit his Majesty's Interposition in their Favour.

Upon this one Mr. *Brisbane* was dispatch'd to Paris, in the capacity of Agent for the suffering Commerce of England; but, says Mr. *du Mans*, met with an indifferent Reception at first: The Scarcity of Money in France at that time, obliging the King to connive at almost every Expedient that contributed to replenish his Coffers.

When *Brisbane* went over, Sir *Ellis* Leighton, who had been Secretary to the Earl of Berkeley, and who had been charg'd with the Concerns of the Merchants, was recall'd; and upon his Return, was order'd Prisoner to the Tower, for having taken Bribes on both sides; of the Sufferers, to undertake their Suit, and of the Privateers, not to appear against them. He made a Shift, however, to make his Escape from the Messenger who had him in Custody; and, except by a Proclamation offering 100*l.* for apprehending him, we hear no more either of his Crimes or of his Punishment.

In the mean time, *Brisbane*'s labour'd so effectually at Paris, and the Relentsments of the People were so violent at London (of which, no, doubt, all imaginable Advantage was taken by the Intriguers in the Opposition) that, before the Middle of November, his most Christian Majesty was pleas'd to issue another (2) Ordinance, strictly forbidding all Captains of Men of War or Privateers, to stop or detain any English, Scottish or Irish Vessels, furnished with the Passports of the King of Great Britain, or his Admiralty, &c. on pain of being punish'd according to the Rigour of the Law: Nay, so necessary was it become to do something extraordinary to allay the Wrath of England, that, it being made appear by Mr. *Brisbane*, that not only certain Privateers had violated his Majesty's Edict, but that some of his Judges, particularly the *Balliv* of *Cherbourg* and his Brother the *Chevalier de Beaumont*, had presum'd to condemn the Prizes by them so insolently as well as unjustly seiz'd (on the Supposition, perhaps, that the said Edict, had either been extorted from him, or had been issued only for Form's sake) his Majesty caus'd them to be proceeded against as capital Offenders; the former being hang'd at *Caen*, and the latter behead'd in *Estifly*.

But neither did this Example, severe as it was, put a (T) stop to the Rapine on one hand,

A. D. 1676.

Gazette, Numb. 1141.

Numb. 1150. Complaint of France, to justify the English.

Numb. 1124.

De Mont.

(1) This Instrument had the following artificial Preamble: "His Majesty being inform'd of divers Complaints, made by the English, Scots, and Irish, that their Vessels are stopp'd on their Voyages, and brought into the Ports of this Kingdom, on divers Pretexts, &c. And that, since they do obtain the Privilege of their Ships, &c."

(2) *Mr. Morant*, in his *Sketches of Papers*, upon what Authority I know not, enlarges on this Subject, as follows: "And yet, all this while that they made their intolerable and barbarous Practices and Depredations upon his Majesty's Subjects, from hence they were more diligently than ever supplied with Decrees, and those that would go voluntarily into the French Service were encouraged; others, that would not, pressed, imprisoned, and carried over by main Force and Coercion, even to the Parliament here was ready to let them pass, notwithstanding all their former frequent Appearances to the contrary; And his Majesty's Magazines were daily emptied, to furnish the French with all sorts of Ammunition, of which the following Note contains but a small Parcel, in comparison of what was daily convey'd away, under colour of Cooks for *Torrey*, and other Places."

(3) *Mr. Morant*, in his *Sketches of Papers*, upon what Authority I know not, enlarges on this Subject, as follows: "And yet, all this while that they made their intolerable and barbarous Practices and Depredations upon his Majesty's Subjects, from hence they were more diligently than ever supplied with Decrees, and those that would go voluntarily into the French Service were encouraged; others, that would not, pressed, imprisoned, and carried over by main Force and Coercion, even to the Parliament here was ready to let them pass, notwithstanding all their former frequent Appearances to the contrary; And his Majesty's Magazines were daily emptied, to furnish the French with all sorts of Ammunition, of which the following Note contains but a small Parcel, in comparison of what was daily convey'd away, under colour of Cooks for *Torrey*, and other Places."

A. D. 1676. hand, or pacify the Indignation on the other. *The Times themselves, says Mr. Du Mont, were in fault; and there was, besides, a secret Intelligence between the two Kings,* which could not fail to render all their Actions suspected; as if, at bottom, all tended to play the Game into each other's Hand: Mr. North, indeed, after acknowledging that all Parties were to blame, is positive, as usual, *That the King could go no farther, nor do no more than he did, without a Rupture;* which, we are left to conclude, the Provocation did not warrant, nor the Cause deserve; tho' we find it always presum'd, by all the Powers of Europe, that the sole Weight of England in the Balance, at this time, would have turn'd the Beam against France for good and all: In particular, it deserves to be remember'd, that, so long ago as in the Beginning of March, *Van Haren, one of the Dutch Ministers at Nimeguen,* complain'd to Sir *Leoline Jenkins,* of the Advantages which arose to the French by our Trade, towards enabling them to carry on the War; and observ'd, how easily the present Heights of France would be reduced, if his Majesty would join with them, and employ but ten Men of War, to stop any one Port, while they did the same by others.

Jenkins's Letters, vol. 1. p. 392.

1676-7. French King appears his March for Flanders, the Day the Parliament met.

It is even observ'd by Mr. Marvel, of the Authority of our own Gazettes, that, on the 5th of February, the very Day the Session was to be open'd, the French King appointed his March for Flanders; as if, says he, his Motions were in just Cadence; and that, as in a grand Ballet, he kept time with those that were tuned here to his Measure; and he thought it a becoming Gallantry to take the rest of Flanders, our natural Outwork, in the very Face of the King of England, and his *petites Maistries* of Parliament.

The Interest of Success.

The King's Speech to the two Houses, upon this Occasion, was extremely plausible; for, after alluding to the late Differences between the two Houses, as the Cause of so long a Prorogation, his Majesty declar'd, he came prepar'd to give them all the Satisfac-

tion and Security, in the great Concerns of the Protestant Religion, as establish'd in the Church of England, that should be reasonably ask'd, or could consist with Christian Prudence: As likewise, what farther Security for their Liberty and Property, by as many good Laws, as they should propose, or could consist with the Safety of the Government.

Having proceeded thus far, by way of Sweetener, his Majesty caution'd them to avoid all Causes of Difference between the two Houses; and made a sort of Appeal to all Men, who was most for arbitrary Government, they that fomented such Differences as tended to dissolve all Parliaments, or he that would preserve all Parliaments from being made useless by such Dissentions.

His Majesty then desir'd them to consider the Necessity of building more Ships; to continue farther the additional Excise (which was to expire June the 24th, 1677); and to grant him some reasonable Supply, to make his Condition more easy.

What the King had said to well, the Lord Chancellor, as usual, spoil'd it, by framing to do it better; and, had not the (u) Lord Treasurer us'd a far more effectual Way of Persuasion with the Commons, there had been the same Danger of the ill Success of this Meeting, as of those before.

But, instead of entering upon Business, as usual, a Question was started in each House, whether they had any Right to enter upon Business at all? in short, whether they were a Parliament?

A Motion to extraordinary, it may be presum'd, took its rise from Motives and Views as extraordinary. The French Party had carry'd their Point the second time, by putting a sudden Period to one Session, and throwing the next so forward into the Season of Action, as gave the most Christian King time to take the Field, before they could take a Resolution: And the Dutch (Party) by way of Revenge, were willing to disappoint their

Adversaries

A Short Account of some Ammunition, &c. reported from the Port of London to France, from June 1675, to June 1677.

Gravelles without number, burnt off under the colour of sawdust Iron.

Lead Shot	—	Tuns.
Gun powder	—	Barrels.
Iron Shot	—	Tuns. — 600 Weight.
Musk	—	Tuns. — 1000 Weight.
Iron Ordnance	—	Quantity, 292 Tuns, — 500 Weight.
Carriages, Bombards, Pikes, &c.	uncertain.	

This was the French King to be justify'd, for undoing us by Sea, with contributing all that we could raise and send of Men or Ammunition, at Land, to make him more potent by both, and more formidable.

(u) Concerning his Majesty's Applications to Members, Sir John Royle left us the following Memorial, which, whether it contains the whole Truth, or not, let the understanding read impartially judge.

Being in my Capacity in the Country, I do honor return'd to London, that my Lord Treasurer did to speak with me. I would on this therefore, and found him very open in his Discourse upon several Subjects, but for the most part intending that his Countrymen would not allow him an Opportunity to be of Service to them with the King, and making many Propositions that the Jealousies of those who submit themselves to the Country Party, were entirely groundless and without Foundation: That to his certain Know-

ledge, the King must be other than to preserve the Religion and Government by Law established; and, upon the whole, wish'd that neither himself or his Majesty might prosper, if he did not speak what he really believed: That if the Government was in any Danger, it was most from those who pretended such a mighty Zeal for it; but who under that Appearance were endeavoring to create such Differences between the King and the Nation, as might produce Confusion in the King, and insisted me to be careful how I embarked myself with that sort of People. My Reply was, That I hoped I was not one to be wilfully misled; that I should have no Role to go by in that House but my Reason and Conscience, and that so I could be of no particular Faction or Party. That as much as I yet understand of the Duty of a Member of the House of Commons at this time, I engaged to me a Moderation between the two Extremes, and to have an equal Regard for the Preservative of the Kingdom and the Liberty of the Subject.

True it is, till now, that the Treasurer us'd such solemn Allegations, with regard to the King's good Intention, and pretty clearly convinced me that some of the Objects of the Country Party had much at Heart, their own private Interest, whenever they insisted in Favour and Defence of the Public, that I had great Notion of the Truth and Sincerity of the Country Party. p. 36, 37. And again, p. 45. The Session had gone on smoothly and industriously through in both Houses; my Lord Treasurer having, to order'd it, that the King's Party's business, rather than the other, but it was much fear'd, that some Vices were obtain'd more by Purchase than Affection.

A. D. 1677.

Marvel's Growth of Power.

Lord's Debate on the Resolves, Whether the Parliament was dissolved.



A.D. 1676-7. Adversaries of their After-game, of Supplies; which, they knew, neither could nor would be employ'd in their Service.

Could the Parliament have been induced to pronounce their own Sentence, and to lay violent Hands on themselves, this End of theirs had been effectually answer'd: And not only all possible Pains had been taken, by Writings and Pamphlets, to persuade them that it was their Duty to do so; but great Numbers of People attended, on the first Day of their Meeting, to buck these printed Arguments with their earnest Intreaties, that they might have the Pleasure of seeing the Execution perform'd.

Perhaps this is stating the Matter somewhat too ludicrously: And to make the Reader amends, he shall have the Merits of the Case out of the Duke of Buckingham's own Mouth, who had the Courage to bring the Affair first before the House of Lords. His Words were these:

"The Ground of this Opinion of mine [that there was then no Parliament] is taken from the ancient and unquestionable Statutes of this Realm, and give me leave to tell your Lordships, by the way, that Statutes are not like Women; for they are not one jot the worse for being old. The first Statute that I shall take notice of is, that in the 4th Year of Edward III. chap. 14, thus set down in the printed Book: Item, *It is accorded, that a Parliament shall be holden every Year once, and more often if need be.* Now, tho' these Words are as plain as a Pike-staff, and no Man living, that is not a Scholar, could possibly mistake the Meaning of them; yet the Grammarians of those Days did make a shift to explain, that the Words, *if need be*, did relate as well to the Words, *every Year once*, as to the Words, *more often*; and so, by this grammatical Whimsey of theirs, have made this Statute to signify just nothing at all. For this Reason, my Lords, in the 36th Year of the same King's Reign, a new Act of Parliament was made, in which those unfortunate Words, *if need be*, are left out, and that Act of Parliament relating to *Magna Charta*, and other Statutes, made for the public Good. Item, *For Maintenance of these Articles and Statutes, and the Redress of divers Mischiefes and Grievances, which daily happen, a Parliament shall be holden every Year*, as at other time was ordained by another Statute. Here now, my Lords, there is not left the least Colour or Shadow for Mistake; for it is plainly declar'd, that the Kings of England must call a Parliament once within a Year: And the Reasons why they are bound to do so are as plainly set down, namely, *for the Maintenance of Magna Charta, and other Statutes of the same Importance, and for preventing the Mischiefes and Grievances which daily happen.*

The Question then remaineth, Whether these Statutes have been since repealed by any other Statutes, or no? The only Statutes I ever heard mentioned for that are, the two Triennial Bills; the one made in the last King's, and the other in this King's, Reign. The Triennial Bill, in the last King's

Reign, was made for the Confirmation of the two above-mentioned Statutes of Edward III. For Parliaments having been omitted to be called every Year, according to those Statutes, a Statute was made in the last King's Reign to this purpose: *That, if the King should fail of calling a Parliament, according to the Statutes of Edward III. then, the third Year, the People should meet of themselves, without any Writs at all, and chuse their Parliament-men.* This Way of the People's chusing their Parliament of themselves, being thought disrespectful to the King, a Statute was made in this last Parliament, which repealed the Triennial Bill; and, after the repealing Clause (which took notice only of the Triennial Bill, made in the last King's Reign) there was in this Statute a Paragraph to this purpose: *That, because, by the ancient Statutes of the Realm, made in the Reign of Edward III. Parliaments are to be held every often, it should be enacted, that within three Years after the Determination of that present Parliament, Parliaments should be holden oftener, if need required.* There have been several half-kind of Arguments drawn out of these Triennial Bills, against the Statutes of Edward III. which I confess I could never remember, nor indeed those that urged them to me ever durst own: For they always laid their Faults upon some body else, like ugly foolish Children, whom, because of their Deformity and Want of Wit, the Parents are afraid of, and so turn them out on the Parish.

But, my Lords, let the Arguments be what they will, I have this short Answer to all that can be wrested out of these Triennial Bills, *That the first Triennial Bill was repealed, before the Matter now disputed of was in question; and the last Triennial Bill will not be in force till the Question be decided, that is, till the Parliament is dissolved.* The whole Matter, my Lords, is reduced to this short Dilemma: Either the Kings of England are bound by the Acts above-mention'd of Edward III. or else the whole Government of England by Parliaments; and by the Laws above, is absolutely at an end: For if the Kings of England have Power, by an Order of theirs, to invalidate an Act made for the Maintenance of *Magna Charta*, they have also Power, by an Order of theirs, to invalidate *Magna Charta* itself; and if they have Power, by an Order of theirs, to invalidate the Statute itself, *de Tallagio non concedendo*; then they may not only, without the Help of a Parliament, raise Money when they please, but also take away any Man's Estate when they please, and deprive every one of his Liberty, or Life, as they please."

The Answers were, That those Acts have not been so understood, nor hath the Usage been to regulate the holding of Parliaments upon that foot, ever since the Laws were made; and it is a Rule of Law, that ancient Statutes are to be construed by the general Usage. That the Words, *if need be*, go as well to the holding every Year, as to the more often; and, repeating them accordingly, it runs thus: *A Parliament shall be holden every Year,*

A.D. 1667. Year, if need be, or more often, if need be; and the King is Judge of the Need. That it is ridiculous to say the Parliament is *jure die*, when a Day stands appointed by the Prorogation. And, if the King were by Law obliged to hold a Parliament every Year, and doth it not, but seldom; it may be confuted a Misgovernment, or Grievance, to be redress'd in the ordinary Way, by Petition, but not to vacate future Parliaments, and their Acts. Add, farther (what is not argumentative, but express) the Time of parliamentary Vacation is alter'd by later Laws; as the before-quoted *Triennial Act*, *temp. Car. I.* and *16 Car. II.* which repeals the other, it is thereby enacted, *That, hereafter, the Sitting and Holding of Parliaments shall not be interrupted, or deferred, above three Years*; which amounts to an Allowance of a Vacation not exceeding three Years. That Parliament had then been continued above four Years: And this Question, if it should turn upon the Reasoning on the other Side, would avoid all the Acts of Parliament made after the Year expired; which would make strange Work with the Laws of this and other Parliaments.

It is easy to see there were Faults on both Sides. The Prorogation was manifestly vicious, and it is as manifest, that the Motion was calculated to create Confusion: It was moreover, as impolitic as it was factitious. While it was yet in Embryo, the opposing Lords divided upon it: Only the Duke of Buckingham, the Earl of Shaftsbury and Salisbury, and the Lords Wharton and (e) *Hales* were for it, all the rest were against it, rightly judging it was too slender a Thread to hang to great a Weight upon: All depended on the Breath of the Majority: In such a Case as this, it was beyond all question, that the Court would be strongest; and it was well foreseen that an Attempt to force a Dissolution, would dispose the Commons to become more pliant than they had lately proved.

But this a Motion so unprecedented might deserve Censure, it scarce deserv'd Punishment: The Duke, who made it, had been extremely cautious to preserve Appearances; he had artfully observed in his Introduction, that nobody was answerable for more Understanding than God had given him.

He had taken care to put the House in mind of the Debate of last Session, concerning the Necessity of a Dissolution, the almost equal Division upon the Question, and the Majority of Lords present, which voted in the affirmative: And he had declared, he was desirous to maintain his Argument with all the Judges and Lawyers in England, leaving it to their Lordships to decide whether he

was in the Right or not: Besides, the House of Commons could only be affected by it. There was Reason to believe that a Dissolution would have produced many Changes there. Mr. North affirms, the Party was secure; that if this Parliament was dissolved, the Country was season'd to make more Elections for their Turns: But the House of Lords must have remain'd the same, and not the smallest Privilege of the lowest Peer, could have been taken by it.

But any Pretence that could be of any Use to either Party, either Party made no scruple to lay hold of: Those in Power were glad of an Opportunity to attack such daring Opposers, with the Sense of the House, to much on their Side: Lord *Fevershille*, therefore, began the Cry, *To the Bar!* as soon as the Duke had concluded his Speech; but was check'd in his Career by the Earl of *Salisbury*, who not only treated the last as an extravagant Motion, but supported the first with as much Spirit, as if he was ambitious of a Share in his Grace's Danger. The Lord *Arundel* of *Warwick* then renew'd the Motion of calling the Duke to the Bar; but was call'd to Order himself by the Earl of *Shaftsbury*, who enforce'd whatever the Duke had urg'd, and endeavour'd to supply whatever he had omitted. To the Lord Chancellor are to be ascribed the shrewd things according to *Low* above quoted, by way of Reply: And the Lord *Wharton* undertook the Reply upon him: The whole Debate lasted five or six Hours, and ended in a Negative (as it may be presum'd) without a Division.

The Tables were now turn'd on his Grace, and his Followers: The Lord *Prebottle's* Motion was renew'd, and gave a Rise to a Contest which held for two Days: One Side urging, That a manifest Design to throw a Nation into Disorder, deserv'd the Reformation of the House; and the other, That it was destructive to the Freedom of Parliament to call any Man to account for a matter of Opinion, which had all the Forms of the House, as this had, to warrant it.

Upon the whole, the four Lords were call'd upon to recant their several Speeches as of evil Tendency and bad Example, and to ask Pardon; and upon their Refusal, were committed to the (w) Tower for a Contempt, there to continue during the Pleasure of the King and the House.

Thus instead of overwhelming the Mountain, their noble Persons were overwhelm'd by it; and thus, says *Starek*, a (e) Prorogation without Precedent was to be warrant'd by an Imprisonment without Example.

In this Interval the same Point was taken up in the House of Commons, says the same Author, fore against their Inclinations; but they

A.D. 1667

Burnet, v. 1. p. 401.

Buckingham, Shaftsbury, Salisbury, and Wharton, sent to the Tower.

The same Point more tenderly touch'd by the Commons.

(w) He did not attend the Debate, being withheld by the Court. *REARY.*

(e) Bishop *Burnet* says, the Duke of *Buckingham* and Earl of *Shaftsbury*, desired to have their own Servants to wait on them, and nam'd their Coach first, which his Majesty highly resented. The Bishop adds, They were much censur'd, which occasion'd an Order to make them sit close Prisoners, nobody being to be admitted to their window Leave of the King and the House.

(z) The longest upon Record, was one in the Reign of Queen *Elizabeth*, which was for three Days beyond a Year.

It is a matter of some Astonishment, that upon this remarkable Occasion, it was not observ'd, that the very Power, which our Princes had usurp'd, of prorogation, was a Novelty with regard to the ancient Constitution of Parliaments, which had been in this Debate allud'd to: *Henry VIII.* being the first who had brought it into Practice.

A.D. 1676.  
Growth of  
Tyrery.

they handled it as tenderly, as if they were afraid to touch it: The first Day instead of the Question, Whether the Parliament were, by this unexpected Prorogation, in Deed, dissolved, it was propos'd, somewhat ridiculouſly, Whether this Prorogation was not an Adjournment? and the Debate, which arose on this odd Propoſition, was adjourn'd to the next Day; and, after that, again to a third; and, even then, thoſe who had brought it into the Houſe ſtipulated for (y) Freedom of Speech, before they would venture to enlarge upon it any further (as if Freedom of Speech was not a Conceſſion of Right, which had been granted to this, and was ever granted to all Parliaments;) and, by this Timidity in alking taught the Houſe to deny it: So all ended in a cleanly Queſtion, Whether

their grand Committees ſhould ſit? which, involving the Legitimacy of the Houſe's fitting, was carry'd in the Affirmative, as ſmoothly as their own Hearts could wili.

Mr. Marvel adds the following amazing Particulars:

"And yet it is remarkable, that ſhortly after, upon occaſion of a Difcourſe among the Commons concerning *Libels and Pamphlets*, firſt one Member of them flood up, and, in the face of their Houſe, ſaid, *That it was affirmed to him, by a Perſon that might be ſpoke with, that there were among them thirty, forty, fifty, God knows how many, Outlawed.* Another thereupon roſe, and told them, *It was reported too, that there were divers of the Members Popiſh: A third, That a multitude of them were (a) bribed, and Penſioners,*

(y) Mr. North in his *Examiner*, p. 69. has the following Paſſage: "But the Commons did not follow the Pattern the Lords had ſet, by committing any of their Members who agreed in the Houſe for the Diſſolution, which puts me in mind of what I heard a wife Man ſay at that time, viz. That it was a Symptom the Parliament was not long to laſt, when the Commons ſuffer'd themſelves to be taken by the Deed and Biſcay by ſuch People, as manag'd this Talk, without making uſe of an Excecuſe of a Crew of diſreputable Undertakers, that ſo deſperately affronted them."

(a) Under this Head this Author ſubjoins as follows: "For it is too notorious to be conceal'd, that near a third Part of the Houſe have beneficial Offices under his Majesty, in the Privy Council, the Army, the Navy, the Law, the Houſehold, the Revenue both in England and Ireland, or in Attendance on his Majesty's Perſon. Theſe are all of them indeed to be eſteem'd Gentlemen of Honour, but more or leſs according to the quality of their ſeveral Employments under his Majesty; and it is to be preſum'd that they brought along with them ſome Honour of their own into his Service at firſt, to ſet up with. Nor is it fit that ſuch an Aſſembly ſhould be diſturb'd of them to inform the Commons of his Majesty's Affairs, and communicate his Councils, ſo that they do not by irregular proceſſing of Elections in place where they have no proper Interſt, thruſt out the Gentlemen that love, and thereby diſturb the ſeveral Counties; nor that they ſeem to enter into the Houſe in Numbers beyond Moderety, and which inſtead of giving a Temper to their Deliberations, may ſeem to affect the Preſdominance."

Again, a little below:

"Yet common Diſſention would teach them not to feel after, and agree ſuch different I ruſs in thoſe bordering Intereſts of the King and Country, where from the People they have no legal Advantage, but ſo much may be gain'd by *ſcratching them*. How improper would it ſeem for a Privy Counſiller, if in the Houſe of Commons he ſhould not juſtly the moſt arbitrary Proceedings of the Council Table, repreſent Affairs of State with another Face, deſeal any Miſgovernment, puniſh the greateſt Offenders againſt the Kingdom, even tho' they were too his own particular Enemy, and exact the ſuprem'd Privilege on all Occaſions, to the Detriment of the ſubject's certain and due Liberties? What Self-denial were it in the learned Council at Law, did they not vindicate the Midsmanneſs of the Judges, perplex all Remedies againſt the Corruptions and Encroachment of Courts of Juſtice, would all Acts towards the Advantage of their own Professions, palliate unſavoury Elections, extenuate and advocate public Crimes, where the Criminal may prove conſiderable, they into the Chair of a Money Bill, and run the Clauſe ſo diſtinctly, that they may be interpreted in *Wolfeſborough's* behalf, beyond the Houſe's Intention, miſlead the Houſe, not only in point of Law, but even in Matter of Fact, without any Reſpect to *Veracity* (a Word frequently us'd by the Chancellor) but all to his own further Promouion? What Soldier in Pay but might think himſelf fit to be call'd, ſhould he oppoſe the Increaſe of Standing Forces, the Deprivation of Civil Authority, or the Eripping of Money by whatever Means, or in what Quantity? Or who of them ought not to alſe, that *Irreſolute Politicians*, of taking Arms by the King's Authority againſt thoſe that are commended by him in Purſuance of ſuch Commiſſion? What Officer of the Navy, but takes himſelf under Obligation to magnify the Expence, extoll the Management, conceal the Neglect, increaſe the Debts, and preſs the Neceſſity of rigging and unrigging it to the Houſe in the ſame Moment, and repreſent it: all at once in a good and a bad Condition? Should a Member of Parliament and of the Exchequer ſomit to transform the Accounts, conceal the Liens, heighten

the Anticipation, and in deſpight of himſelf oblige whoſever chance to be the Lord Treaſurer; might not his *Reſiſtance* (Sir Robert Howard) juſtly expect to be put into proſect Poſſeſſion of the Office? Who, that is either concern'd in the Cellars, or of their Brethren of the Exchequer, can with any Decency reſuſe, if they do not invent all further Impoſitions upon Merchandiſe, Navigation, or our own domeſtic Growth and Conſumption; and if the Charge be but temporary, to perpetuate it? Hence it came, that, inſtead of relieving the Crown by the good old and certain way of Subſidies, wherein nothing was to be got by the Houſe of Commons, they deviſed this foreign Conſide of Revenue, to the great Grievance and double Charge of the People, that ſo many of the Members might be gratified in the Farms or Commiſſions.

But to conclude this Digreſſion: Whatſoever other Offices have been ſet up for the Uſe of the Members, or have been extinguiſh'd upon occaſion, ſhould they have ſeem'd at a Queſtion, did not they deſerve to be turned out? Were not all the Votes, as it were, in *Ferme*, of thoſe that were intruſted with the Sale? Muſt not *Saracens* be a ſufficient Cauſe of quarrel with *Holland*, to any Commiſſioners of the Plantations? Or who would have deny'd Money to continue the War with *Holland*, when he were a Commiſſioner of Prizes, of Sick and Wounded, or reſtoring the *Engliſh*, or of ſaving the *Dutch Priſoners*? How much greater would the Wardſhip be for thoſe of his Majesty's Houſehold, or who attend upon his Royal Perſon, to forget by any chance Vote, or in being abſent from the Houſe, that they are his domeſtic Servants? Or that all thoſe of the Capacity abovemention'd are to be look'd upon as a diſtinct Body under another Diſcipline; and whatſoever Sin they may commit in the Houſe of Commons againſt the National Intereſt, they take themſelves to be juſtified by their Circumſtances; and their Hearts indeed are, they ſay, with the Country; and one of them (*Harvey* Vice Chamberlain) had the Boldneſs to tell his Majesty, That he was come from voting in the Houſe againſt his Conſcience.

And yet theſe Gentlemen being full, and already in Employment, are more good-natur'd and leſs dangerous to the Publick, than thoſe that are hungry and out of Office, who may by probable Conſideration, make another third Part of this Houſe of Commons. Theſe are ſuch as having obſerv'd by what Steps, or rather Leaps and Strides, others of their Houſe have aſcended into the high Places of the Kingdom, do, upon meaſuring their own Birth, Educaſion, Parts, and Merit, think themſelves as well and better qualified in all reſpects as their former Compaſſions. They are generally Men, who by ſpeaking againſt the *French*, inveighing againſt the Debauched of Court, railing of the ill Management of the Revenue, and ſuch popular Flourishes, have cheaſt the Country into electing them; and when they come up, if they can ſpeak in the Houſe, they make a faint Attack or two upon ſome great Miniſter of State, and perhaps relieve ſome other that is in danger of Parliament, to make themſelves either way conſiderable.

In Matters of Money they ſeem at firſt difficult, but having been diſcour'd with in private, they are ſure right, and begin to underſtand it better themſelves, and to convert their Reſolutions; for they are all of them to be bought and ſold; only their Number makes them cheaper, and each of them doth ſo overval himſelf, that ſometimes they outland or let ſlip their own Market.

It is not to be imagin'd, how ſmall things in this caſe, even Members of great Estates will ſloop at; and moſt of them will do as much for Hopes, as others for Fruition; but if their Patience be tired out, they grow at laſt inquisitive, and revolt to the Country, till ſome better Occaſion offer.

Among theſe are ſome Men of the beſt Underſtanding,

A.D. 1676-7. *finer.* And yet all this was patiently hush'd up by their House, and digested, being, it seems, a thing of that Nature, which there was no Reply to.

Dr. Cary  
for'd and im-  
prison'd.

To close on this Affair of the Dissolution: One Doctor *Cary*, was brought to the Bar of the House of Lords, and question'd concerning a Manuscript, treating of the Illegality of the Prorogation, which he had carry'd to the Press; and because he declin'd answering such Questions as were put to him, and took Sanctuary in the Laws, which oblige no Man to accuse himself, they fin'd him a Thousand Pounds, and sent him close Prisoner to the Tower till it was paid: Possibly, that those terrible Examples might not be wanting, which the House of Commons did not think it prudential for them to make.

That the Lords, who had made free with their own Privileges, by submitting the Liberty of Four of their Body, at once, to the Pleasure of his Majesty, should make

thus free with both the Liberty and Property of a Commoner, is perhaps scarce to be wonder'd at: But that the Commons, who are the express Guardians of the People, and who had so lately taken arbitrary Commitments, by his Majesty and the Privy Council, into their Consideration, in order to make a better Provision for their Security, should, all at once, grow so negligent of their Trust, as to suffer any ONE INDIVIDUAL to apply to them in vain for Protection and Deliverance, can never be wonder'd at enough: And yet, the Session before us produces an Instance, remarkable enough on all accounts to challenge a Place in the History of England.

One Mr. (s) *Harrington*, the Son of a Cavalier who had suffer'd much in the Royal Cause, while the House was sitting, happen'd to meet with two *Scotchmen*, return'd from abroad, who complain'd, that they had been press'd out of *Scotland* into the *French-King's* Service; and that there were several Hun-  
dreds

Mr. Harrington  
too's remark-  
able Case.

were they of equal Integrity, who affect to impose all Burdens, to be able to crush any good Motion by parliamentary Skill, which themselves be the Authors, and to be the leading Men of the House, and for their natural Lives to continue so: But these are Men that have been once fooled, most of them, and miscovered, and slyly set at Court; so that all some turn of State shall for them in their Adversities: They, they look fallen, make big Motions, and cooive peculiar Bills for the Subject; yet only want the Opportunity to be the Instruments of the same Councils, which they oppose to others.

There is a third Part still remaining, but as contrary in themselves as Light and Darkness; those are either the worth, or the best of Men; the first are most prostitute Persons that have neither Hopes, Conscience, nor good Mirth left, yet are therefore pleas'd out as the necessary Men, and while Votes will go farthest: The Cause of their Election are defray'd, and they sit down to a Table set kept for them at *Whitehall*, and through *Mismanagement*, that they may be ready at Hand, when Call of a Question: All of them are received into Pension, and know their Pay-day, which they never fail of: Intomach, that a great Office (the Lord Treasurer) was pleas'd to say, *That they came about his life in many Thousands for Choice, at the End of every Session.* If they be sent to Parliament, they think he by *Force*; and as they are protect'd themselves, by Privilege, so they vent their Penicions to others, to the Obstruction of many Vessels together of the Law of the Land, and the public Justice; for their life it is that the long and frequent Adjournments are calculated; but all, whether the Court, or the Opposition of the Country Party, or those that protest the Title of Old Cavaliers, do equally, that upon differing Reasons, like Death, approach a Dissolution: But notwithstanding this, there is an *Insolent* of *Nobles*, a Sprinkle of *Knights*, that hath hitherto perform'd this giddy Body from Dissolution: Some *Godsdown* that are constant, irrevocable, indeed *Englishmen*, such as are above *Hopes*, or *Fears*, or *Dissimulation*, that can neither flatter nor betray their King or Country: But being conscious of their own Loyalty and Integrity, proceed thro' good and bad Reports, to account themselves in their Duty to God, their Prince, and their Nation: although to snail a Scandal in numbers, that Men are force-act of this more than a *Regime's* insomuch that it is difficult to conceive how they was first brought to light in the World, than how any good thing could ever be produced out of an House of Commons: continued: which, as that is imagined to have come from the striking of a Tree, or battering of Rocks together, by accident; so by their clashing with one another, have struck out an useful Effect from so unsteady Causes: But whatsoever actual Good hath been wrought at any time by the Amixture of ambitious, factious, and dissipated Members, to the first, but solid, and unyielding Party, the more frequent Effects and Consequences of so unequal a Mixture, is long continued, are demonstrable and apparent: For while scarce any Man comes thither with respect to the public Service, but in design to make and raise his Fortune, it is not to be Express the Deficiency and weakness, which, upon occasion of Elections to Parliament, are now general habitual through the Nation: So that the Vice and the Excess are risen to such a possible Height, that few sober Men can endure to stand to be witness to such Conditions: From whence also arise Feuds, and perpetual Animosities, over most of the Counties and

Corporations, while Gentlemen of Worth, Spirit, and ancient Estates and Dependances, see themselves overpowered, in their own Neighbourhood, by the Drunkenness and Bricery of their Competitors: But if nevertheless any worthy Person chance to carry the Election, some mercenary or corrupt Sheriff makes a double Return; and to the Cause is handed to the Committee of Elections, who are so better, but are ready to adopt his Adversity into the House, if he be not legitimate: And if the Gentleman aggressed seek his Remedy against the Sheriff, in *Writs*, he is told, and the Troop be so palpable that the King's Bench cannot avoid how to do him Justice; yet the major Part of the twelve Judges fall, upon better Consideration, recuse the Sheriff's *Fine*, and reverse the Judgment; but those of them that dissent from their Brethren are in danger to be turn'd out of the Bench, without any Cause assign'd: While Men therefore care not that how they get into the House of Commons, neither can it be expected that they should make any Considerance of what they do there; but they see only into how to reimburse themselves (if their Elections were at their own Charge) or how to bargain their Vote for a Place or a Pension: They fill themselves straightways into some Court-bidder; and it is as well known among them, to what Lord each of them return, as when formerly they wore Coats and Badges: By this long standing together, they are grown too familiar with one another, that all Reverence of their own Assembly is lost; that they live together, not like Parliament-men, but like so many Goodfellows, met together in a public House, to mix'd merry: And, which is yet worse, being so thoroughly acquainted, they understand their Number and Party; so that the Use of a public Council is frustrated; there is no Place for Deliberation; no persuading by Reason; but they can see one another's Votes thro' both Throat and Cravat, before they hear them.

While the Causes are so well known, they are only fit for a Cheat, and no fair Gamester but would throw them under the Table.

Hereby it is, that their House hath lost all the ancient Weight and Authority; and, being conscious of their own Guilt and Weakness, dare not adventure, as heretofore, the Impeding of any Man before the Lords, for the most heinous Crimes of State, and the most public Misdemeanors; upon which Considerance it is, that the Confederates have so long perswaded, and gone unpunish'd. For altho' the Confederates have sometimes (that this House might appear still necessary to the People, and to make the Money more easily yielded, that even their own Names should be robb'd among them, and Grievances be talk'd of, yet, at the same time, they have been so prevalent, as to hinder any Effect; and, if the House be empowr'd itself beyond Instructions, then, by clashing them with *Prorogation*, fighting them with *Dissolution*, comforting them with long, frequent, and festal *Adjournments*; now by suspending or diminishing their Pensions, then again by increasing them sometimes by a Scous, otherwhies by a Favour, there hath a Way been found to reduce them again under Discipline.

How dreadful a Representation! For the Honour of *England* may it be thought a Libel! And may it never be countermand'd by the Proceedings of future Times!

(s) This Gentleman's Case, as publish'd by himself, under his own Name, we find in Lord *Sims's* Collection, vol. xxx. It is likewise taken notice of in the Manuscript called *England's Looking-glass*, with this Addition, that one Mr. *Harrington* was persecuted in the same manner, at the same time.

dreds of their Countrymen, as well as themselves, who had been forced from their Houses, Wives and Families, bound together; and so, like Galley-slaves, secur'd in the public Gaols; their Friends and Relations not being suffer'd to come near them; and from thence put on Shipboard, and transported into the Service of France, contrary to the Addresses of Parliament, his Majesty's Answers therunto, Proclamation thereupon, and what is of more Authority than all, the Privilege of Nature itself, that exempts every Man alike, from being forced into a Danger, in which he has no Concern.

Mr. Harrington was touch'd with their Case, and thinking himself happy in an Opportunity that bid fair to put a stop to those (b) Supplies which were sent almost daily to France, brought these *Scotlines* to several Members of Parliament, to whom they evidenced the same things: His View was to have them examin'd at the Bar of the House, when Time should serve; and, in the mean while, fearing that Endeavours might be us'd to corrupt them, he carry'd them to a Master in Chancery, who took their Depositions upon Oath.

This was scarce done, before he was seiz'd by a Messenger, carry'd before the King and Council, and accus'd of suborning those *Scotlines* to disturb his Majesty's Government. While under Examination, he was not well treated by the Lord Chancellor (these are his own Words) and extremely ill by the Lord Treasurer; and, upon the Issue, was committed close Prisoner to the Tower (the Cause assign'd in the Warrant being for Subornation of Perjury, tending to the Defamation of his Majesty and his Government; and for contemptuously declaring, he would not answer his Majesty any Question, which his Majesty, or his Privy Council, should ask him); debarred the Use of Pen and Ink,

the Access of his Friends, confin'd in such a Place over the Tower Ditch, as threw him into a dangerous Sickness; and deny'd the Assistance of either Physician or Divine; After all this, he made a hard Shift to get a Petition presented to the House of Commons, which produced an Order for his being brought before the House; before whom he gave a clear Account of the whole Matter, and of his Behaviour at the Council-board.

But of the two *Scot* Soldiers, the one made himself perjurd, without being suborn'd by Harrington; denying, or misrepresenting to the House, what he had sworn formerly: And the other, the honest Fellow it seems of the two, only absented. However, divers Members of that House attested voluntarily, that the Soldiers had affirmed the same thing to them; And indeed the Truth of that Matter became notorious, by several other Soldiers that came over afterwards, and by further Account from Scotland. Mr. Harrington also carry'd himself towards the House with so much Modesty, that it seem'd inseparable from him; so that a Disposition appear'd in the Members to have concern'd themselves for his Liberty; when Mr. Secretary *Williamson* stood up, having been a principal Instrument in committing him, and, because the other Crimes rather deserved Thanks and Commendation, and the Warrant would not justify itself, he insisted upon his strange Demeanour towards his Majesty; deciph'd his very Looks, says Mr. *Marvel*; and but that his Majesty and the House remained still living Flesh and Blood, it might have been imagin'd, by his Discourse, that Mr. Harrington had the Head of a *Gorgon*. But this Story wrought with, and amazed the Commons, that the (c) Prisoner found no Redress, but might thank God that he escap'd again into close Prison.

If

(b) Sir *Leoline Jenkins*, not only, in one Place, observes, that very *spiritual* Notice had been taken of the Conduct of England, in this respect, in the *Norwich Gazette*; but in another, that the *Dutch* arriv'd the most signal Successes of France to their Aid. It was also prov'd, at the Bar of the House, that 1000 Recruits had been sent into the *French* Service, from *Scotland*, in *January* last.

(c) The Release of this Gentleman's Case, being exceedingly curious; and having, no Place, either in the *Great Trials*, or any other Collection extant, that I know of, we here insert, for the Information and Warning of Posterity.

"Having urg'd, that by what Measures Sir *Joseph Wildman* obtained of the House, that no further Care was taken of him, but that he was to be carried back, and remain close Prisoner as he was before, is only known to the Honourable House it self. He proceeds to say, But this he knows, that whatsoever Sir *Joseph Williamson*, or any other Person did utter against him, did not appear to be made good upon his *Heads* *Charters*; for, upon the first Day of the next Term, his Council moved for that *Writ*, and had it granted; and he was accordingly brought up, and the Cause of his Imprisonment returned: The Report was, the pretended Subornation aforesaid, and no other; yet he was enforced by the Court to give four thousand Pounds Bail, to appear the last Day of the Term; which he accordingly did; and there found an Information put in against him, for certain Words, pretended to be spoke three Quarters of a Year before: So that the Subornation of these *Scotlines*, to disturb his Majesty's Government, and all other Discourages of Sir *Joseph Williamson* against him, for which he had lain so long close Prisoner in the Tower, on the great Prejudice of his Health and Estate, are utterly vanish'd, and appear, as they really were, *utterly* *Sagittines*.

Upon Inquiry, this Information was put in by one *Elizabeth*, of *Low* in the County of *Devon*; but in the Name of

one *Geare*, who was then in the Country, not able to shew his Head for Debt; but however he was sent for by a Messenger on purpose, to own the Informations; but, as Mr. *Harrington* was credibly inform'd, and is ready to prove, that *Geare*, when he came up, declar'd he did not remember the particular Words of the Discourse then between them; it being so long time since, and his Memory much decay'd, by reason of an Apoplexy he hath lately had in his Head; upon which, Mr. Attorney refus'd to take his Evidence; yet the Information proceeded so far, that *Lieu* was join'd upon it; Notice was given for Trial, and Mr. *Harrington* had had his Counsel, when Notice was again sent, that, unless Mr. *Harrington* would consent to the Amendment of the Information, the Trial should be put off; and only the Beginning of *Michoumas* Term last, a *Nisi Pross* was entered to the Information, and a second Information put in; wherein, to avoid the Nicety of proving the Words exactly, the Words are set down in *Latin*; which is of most dangerous and destructive Consequence; and whatever Precedent it may have in former Times, to justify it, as there is hardly any thing so ill that wants a Precedent, very few Ages having been so curious to search out and condemn the ill ones; yet this is against Reason itself, and the Practice of the last Hundred Years, and more; and can by no Precedent be made justifiable; since there is no Language, but the Translation of it into another may be by several Ways and Expressions; and Words are capable of various Constructions; so that the introducing this, upon the Subject, is a Matter of very great Consideration and Consequence.

Once said before all this, Matters were to order'd; at the *Cross* *office* and the *Compter*, that he is denied a Copy of his Jury, and could not obtain any.

The Trial came on at *Quinshill* the 31 of *December*, before the Lord Chief Justice *Rainsford*. There were three Witnesses, whereof the Evidence against him fully rely'd; *Geare*, *Lieu*,

A.D. 1676.

If the Commons were once more settled in their Seats, they had not got over their Dread of losing them; and if they were

more than ever oblig'd to the Court, they A.D. 1676. also stood more than ever in awe of the People: This critical Situation of their oblig'd them

*Eliza*, and *Ranfey's* *Case* is a Papiſt, brought out of *Ilchester's* Goal to make good his Charge, his Father died in the annual Necroſity, ſoliciting for old Debts and Arrears from the Crown, and left his Son nothing but thofe Pretensions: So that 'tis not to be wonder'd, that upon conſideration he recover'd his Money, and ſwore any thing, perſuadeventure that he might eat ſomething. This *Case* refus'd to answer ſuch Queſtions as *Mr. Horrington's* Council did ask of him, which were, Whether he did not deny to *Mr. Attorney General*, upon the firſt Interrogation, that he did remember any particular Words of *Mr. Horrington's*; and how he came ſince eaſily to remember them. To this he refus'd to answer, ſaying, he was a Witneſs for the King only, and the Lord Chief Juſtice did not require him to answer.

*Eliza*, the next Witneſs, was a Man notoriously infamous in his own Country: he had been an Indulger againſt the King's Party in *Croſwell's* days; and was, at the Trial, prov'd by ſeveral Witneſſes to be a Cheat, and a Tripan, and to have tamper'd with one *Mr. Flux* to have ſuborn'd him to have ſworn more than he knew againſt *Mr. Horrington*. Colonel *Sear* prov'd, that this *Eliza* did to him ſwearing againſt the Government, and in Diſcourſe told him afterwards, that he had ſeveral Quarrels with *Mr. Horrington*, but now he would be reveng'd on him for all; and that he, and a black Dog he had in the Country, ſhould worry him. *Eliza* himſelf ſwears, that he kept his Company to long, only to get ſome Words from him that might be his Ruin, or Diſadvantage. And, ever and above all this, ſince his Proſecution againſt *Mr. Horrington*, *Mr. Eliza* hath put a Patent of 200*l.* per annum, out of the Customs, to him and his Children, during their Lives: It cannot be ſaid, that this Patent was granted him, or diſpatched the ſame, upon this Conſideration, ſince the Patent recites another Conſideration; yet *Mr. Horrington* doth heartily with the pulling of this Patent, or his Duties with my Lord Treaſurer, had been at ſome other time; ſince it was prov'd at the Trial, by *Mr. Mowbray*, that one *Nichols*, Nephew to *Mr. Bury*, and principal Witneſs againſt him, ow'd to him, that he had twenty Guineas from my Lord Treaſurer, juſt before the Time of *Mr. Bennet's* Trial.

*Mr. Ranſey*, the third, is now my Lord Treaſurer's Sergeant, but formerly went by the Name of *Ranfey*, was a Highwayman, and being deſcrib'd thereon, conceal'd himſelf in *Sir William Smith's* Lead Mines in *Dorſetſhire*. Since changing his Name, he kept a little Writing-room near *Temple-Bar*, from whence, for his good Character, he is call'd to this conſiderable Employment; and by my Lord Treaſurer directed to manage *Eliza* in his Proſecution of *Mr. Horrington*; who, from time to time, was to bring in Writing the Words he heard him ſpeak in Company, and ſo by the ſpecial Order of the Lord Treaſurer, and my Lord Juſtice directs, that *Ranfey* always ſign the Papers, that he may thereby know them again.

But although the Characters of theſe three Witneſſes are very bad; yet they have forc'd their Teſtimony as far as it was poſſible for *Mr. Ranſey* ſwears that he received *Mr. Eliza's* Note the Day after the Words were ſaid to be ſpoken, which he knows by his Interſuitment with his own Hand of the Day whereon he receiv'd it, and he then immediately ſhow'd them to my Lord Treaſurer: But then it is to be conſidered, that *Mr. Eliza* gave a Note of other Words to *Mr. Attorney*, upon which the former Information is drawn; nay, when *Mr. Attorney* deſireth to ſhew their Information with *Mr. Horrington's* Conſent, the Note of the Words *Mr. Attorney* ſwears, which he ſaith to be put in inſtead of the former, were yet different from the preſent Information; which Uncertainty and Variouſneſs could not have been, had they had by them the Words writ down the ſame Day of the ſpeaking of them.

The Words of the Information were, Our Government is by three *Elizas*, and to ſubſcribe ſome writt, ſe by againſt all ſuch *Elizas*, is the *Rebellion*. The Note *Mr. Attorney* ſwears, for having his Conſent to altering the ſaid Information, was, Our Government is by three *Elizas*, and if *Eliza* be not againſt all three *Elizas*, it is no *Rebellion*. The ſaid Words of the ſecond Information, are, *Quod omnes Gallorenſes de tribus Baribus conſtituti, & a Rebelibus requirentur in Reges, & ſunt accuſati ſive contra omnes tres Statu, ſive de Rebelibus*.

*Mr. Horrington* was very hardly us'd by the Court in ſeveral Particulars. When he offer'd to ſpeak in his own *Caſe*, the Lord Chief Juſtice *Ranfey* refus'd to hear him; ſaying him ſelf was *Eliza's* way, and that he ſhould acquaint his Council what he ſaid to ſay, and ſpeak by them: Whereas, for the Subject to ſpeak in his own *Caſe* cannot by Law be deny'd them, nor ought not, eſpecially in Tryals of this Nature, which depend moſt upon Matter of Fact, whether ſuch very Words were ſpoken, and the manner of ſpeaking them; which gave a great way in making the Words ſideliouſly ſpoken or not. Before, in *Caſes* of

this nature the Council may be overus'd, and not dare, for a Fee, to emper their Teſtimony; it is neceſſary for the Preſervation of theſe *Clauſes*; and proſſing the Law very hard, may be confin'd in them a *Kidnaps* in the Court.

The next *Handſhip* *Mr. Horrington* underwent, was, That the King's Council having ſpoken and urg'd to the Jury for Law ſeveral things directly contrary to Law, and having had great weight upon *Geare's* Teſtimony, *Eliza's* beſt had ſaid, upon the Proof againſt him. *Mr. Horrington* deſired Leave that he might ſpeak, having ſeveral things to offer to invalidate the Teſtimony of *Geare*, which the Lord Chief Juſtice refus'd, ſince the King's Council would conſiſt, alledging that *Robley* could ſpeak after them. The *Mercator* and *Robley* of Courts law, and ought to be made uſe for the better *Reſolve*, and not for the Detraction and overthrowing of *News* *Caſes*. The Jury thought ſo to be ſaid, and the *Cafe* left to imperfect to them, for want of hearing what *Mr. Horrington* could ſay for himſelf, as concerning *Geare's* Teſtimony; that, after ſome time of withdrawing, they returned, and ſaid of the Court that they might be allow'd to hear (if the Court thought fit) what *Mr. Horrington* had to ſay concerning *Geare*; but the Lord Chief Juſtice refus'd them ſaid, declaring he would not admit *Mr. Horrington* to ſpeak, ſince the King's Council did not conſiſt.

Another *Handſhip*, and a very great one, *Mr. Horrington* receiv'd, was, That the King's Council in their concluding Speech, and my Lord Chief Juſtice in his Introduction to the Jury, did alledge, that no Witneſs was required by the Statute Law to prove Words, ſo as it only required by the Common Law; and not only the King's Council, but my Lord Chief Juſtice argu'd it to be the Jury's as if upon an Information at Common Law, as this was, they had the lame Obligation upon them to ſaid the Words ſpoken upon the Evidence of one Witneſs, as they had upon two, if the Information had been upon the Statute. Whereas it is very true, upon two direct Witneſſes, the Statute obliges the Jury to find it, but the Common Law leaves the Jury wholly at Liberty, and upon their Conſideration betwixt God and themſelves, they may find it, upon one direct Witneſs or leſs Teſtimony, and they may relate it upon three direct Witneſſes or more: And in a *Cafe* of this nature, the Reaſon of the Law will tell them, that they ſhould be more than ordinarily ſatisfied and clear in the Evidence, before they find it, and make a Man an Offender for a Word; and deliver him up to Ruin for one unſworn, perjur'd Diſcourſe. Before, the Lord Chief Juſtice did not open to the Jury their Duty in the *Cafe*, but directed them to find whether the Words were ſpoken or not ſpoken; whereas, the Jury might be ſatisfied that the Words were ſpoken, and yet they could not find the Information; becauſe either out of the Circumſtance of the Diſcourſe, or the Nature of the Words themſelves, it did appear to them that they were not ſpoken ſideliouſly; for they do not only find that the Words were ſpoken, but that they were ſpoken with a ſideliouſ Intent; whereas, indeed, the very Words themſelves, in this *Cafe*, can poſſibly bear ſo ſuch Conſtruction. But my Lord Chief Juſtice not performing his Duty in this Point, may be the *Cauſe* of the Jury's falling into the Error: For how can ever the ſideliouſ Doctrine againſt the Government, in a *Cafe* that hath, but can never happen again, be ſideliouſly ſpoken! When the Jury came back to give their Verdict, ſeveral of them were heard to ſay, They were not agreed on *ſideliouſ* it; it is altho' the Note and Habit of the Court juſtified it over.

*Mr. Horrington* was ſaid 100*l.* and committed Priſoner to the King's Bench on this Conviction. His Council was ſilenc'd and affronted, and threaten'd to have his Crown pluck'd over his Ears, and himſelf to be ſung over the Bar (*Mr. Wallis* was the Perſon, whoſe Virtue, Wiſdom, and Integrity is ſufficiently known) only for ſtanding for him, and alledging Error to qualify the Information.

Nor did the Malice of his Enemies flop here: A Gentleman that ſerv'd the Intereſt of the Houſe of Commons, againſt the Miniſters, muſt be ſacrific'd, at any rate; nothing leſs than his entire Ruin would pleaſe. This I ſought, on his publiſhing his *Caſe*, which contains nothing but Truth, gave ſuch an Alarm to the Lord Treaſurer, that great Endeavours were us'd in the Houſe of Lords, under the Pretence of violating the Privileges of Parliament, to have us'd him in the moſt barbarous manner; but of this having timely Notice from his Friends, he firſt directly parted with a Goal, and then the Nation, thinking it muſt be better to truſt Providence than fit mercileſs Enemies: But the Diſcovery of the *Popiſh Plot*, which happened ſome ſer, and the Lord Treaſurer's being ſent to the Tower, made the obtaining his Pardon not to be thought unſatisfactory in that Juſtice of Affairs.

A. D. 1676-7.  
A Supply  
granted for  
the Use of the  
Navy.

Revelly's Me-  
mori, p. 38.

Influenc of  
Patriot Craft.

them to proceed with more than ordinary Caution; and a happy Temperament was found out to assist the King, without exposing themselves to the Ill-will of the Public. The Reasons urg'd for a Supply, were the Condition of the Navy, and the apparent Necessity of augmenting it. Twenty Ships had been talk'd of in the last Sessions; thirty were contended for now. The Courtiers were for laying out a Million, or eight hundred thousand Pounds at least in this Service. The Opposers, on the contrary, did every thing possible to flint the Sum to four hundred thousand Pounds. Between these, arose a third Party, who call'd themselves Moderate Men, and they compounded the Matter for (d) five hundred and eighty-four thousand Pounds; which was granted on the one hand, and accepted on the other. To tender this Supply yet more agreeable to his Majesty, they did not accompany it, as before, with a Bill to appropriate the Tonnage and Poundage to the Use of the Navy, but then again they made the Officers of the Exchequer accountable to them for the Use and Application.

By the Word *them*, must be understood the House of Commons only: And Bishop Burnet acknowledges, that this Clause was put in, in hope that the Lords would alter it, and make the said Officers accountable to both Houses: Whence a Contest must unavoidable arise, in which there was great Probability the Bill itself would be lost.

The Affair took this Turn accordingly: The Lords made the Alteration expected: The Commons would not admit it; alleging the Lords could neither add nor take away from a Money Bill; for as it was their Peculiar to give Money, it was their Peculiar also to receive an Account of it. The

Lords reply'd; That to deny them the Power of calling the Officers of the Exchequer to a Reckoning, was to abridge them of the Privilege of Judicature, which was unquestionably theirs as the supreme Court: By way of Precedent, urging, That when the Convention gave Money for disbanding the Army, an Account of the same was order'd to be laid before their House, as well as the other. Upon the whole, both Houses adher'd tenaciously to their Point, till the King, says Sir John Revelly, at length prevail'd with the Lords to crafte their Clause, and so the Commons got the better of the Day.

As another Artifice of this Session, Mr. North adds, That when the grand Committee were making their Enquires into the Rates, Scandings, and Charge of these thirty Ships, in order to adjust the Sum to be rais'd, the Faction busy'd themselves abroad among the Artists to effectually, that Men were brought to declare their Judgments, and had Credit in such manner, that after the Tax, so regulated, was given and brought in, and the Ships built, it was found, that the Charge was above (e) 100,000 more to the King than the Tax amounted to.

To close on this Article of Patriot-Craft, we find Sir John Revelly informing the Lord Treasurer, that some of the Discontented had resolv'd to hasten the Money Bill as fast as might be, that so the House might rise before Easter, and the public Bills, that were preparing, be left unpass'd; hoping thereby to incense the Nation, and bring about Cause of Complaint against the King, as if he call'd the Parliament for nothing but to get Money from them: His Lordship answer'd, That the King, well aware of the Design, would prevent it by a Message to be deliver'd that Day to the House, by Mr. Secretary Coventry, to this

(d) And for this, says Sir John Revelly, I gave my Vote: After which his Majesty leads him to display a Scene, which gives the most lively Idea of the Calumnies and Callets of that Reign imaginable, as follows:

"My Lord Treasurer took it so kindly that I sided not with those, who did all they could to weaken and discredit the Crown, that he would needs carry me to kiss his Majesty's Hand, which I had not yet done since I came to Town, and presented me in the Lobby of the House of Lords, next to the Prince's Lodgings, nobody being present but his Majesty, his Lordship and myself. He said much more of me to the King, than I desired; but lately, that as my Family had been always loyal, he knew I was perfectly inclin'd to try'd in their Footsteps, and that the best way to confirm me in such my Disposition, would be to let me understand how little of a *Whig* there was in the Pretences for us to do to discredit the Crown, and withdraw them from their Duty." The King, said he, had known me long, "and hoped I knew how to sell as to give no Ear to such Reports of him. I know, says he, it is not I aim at the Salvation of the Government and Religion: That I intend to lay aside Parliaments, and to raise Money another way; but every Man, say those who fill the most of the Court, whose the thing in all its Circumstances, to be safe. There is not a Subject that lives under me, whose Safety and Welfare I desire less than my own: And I shall be as fiery to invade his Liberty and Property, as that another should invade mine. Those Members, continued the King, who build this mighty Friendship for the Public, are of two sorts, either those who would actually and irreversibly subvert the Government, and reduce it to a Commonwealth once more; or else those who seem only to join with the former, and talk loud against the Court, purely in Hope to have their Mouths stopp'd with Fines and Preferment." And to say the Truth, the Treasurer had named some of the Chiefs to me,

who had desired to do so of the King, and upon such Condition promised to come over.

I made answer to the King, That indeed the Pretences were many, and, to some I believed, plausible, that were rais'd in Opposition to what others understood to be for his Majesty's Interest: But that they had gain'd but little on me, who had had the Honour of being so long known to his Majesty, and had been so truly confirm'd in my Belief by Assurances from my Lord Treasurer: That to the best of my Knowledge I should never do anything that became not a true and faithful Subject, so should be inconsistent with the Prosperity of his Majesty's Royal Person and Government. The King, said he, was very well pleas'd that he had seen me, commended me to wait on him sometimes, and told me I should have Access to him when and wherever I desired it.

Unfortunately, Sir John's Election was contested; and a few Days after, he tells us very candidly, "That the King and Duke had both of them much interested themselves in the Affair of my Election; which being to be try'd very soon, his Majesty gave Order to his Servants, that were of the House, to attend the Committee, and assist me with their best Services, when it came on. He likewise gives us to understand, that his Estate had been granted away, on a Pretension that it was forfeited. The Pretence for which, was founded on an idle Story, rais'd by his Enemies; but the very Truth, possibly, his Activity in the Affair of Essex, before-mentioned."

(e) By way of Correction of this Passage, it is however necessary to observe, that Mr. Pepys, in his *Memoirs of the Navy*, p. 16, calls this an ample Provision. And afterwards, p. 20, having taken notice that the Commissioners had swell'd the Charge of Building to 670,000 l. he adds the following Words: "Therein exceeding not only the Navy Officers and Shipwrights, and their Master Shipwrights Demands, but even the Charge which some of them afterwards had been actually built for, by above one hundred and seventy thousand Pounds."

A.D. 1676-7

this Effect. That if aught remain'd undone, which the House judg'd necessary to be done for the Good of the Nation, the King would allow them a sufficient time after Easter, and that when they were ready, his Majesty would pass their Bills: Such a Message was delivered accordingly; which shews that all Regard to Decency was not lost even in the Reign of King Charles the Second.

Additional  
Each conti-  
nued three  
Years longer.

But, however artificial the Conduct of the opposing Members was, and however mischievous it was intended to be, it had not all the Effect that was expected from it. The Majority were inclin'd to let the Balance of the Session turn in favour of the Court; and, therefore, they continued the additional Excise, which the famous *Triple League* had induc'd them to grant, for three Years longer. *Marvel*, however, makes no Scruple to call this the Purchase of their own Continuance; and that it should have been intitled, if Property had been consulted, *An Act for the extraordinary Occasions of the House of Commons*; adding: But that they might seem, within this Tenderness to themselves, not to have call'd off all, towards the People, they sunk the Prosecution of all the Grievances they had formerly complain'd of, into a Bill for regulating the Proceedings in Chancery; as well knowing, that a Suit in that Court would be sooner ended, than a Reformation of it effected: And that, thereby, they had found Work enough to take up the whole Session: And of their usual Bills for the Liberty of the Subject, they sent up only that of *Hebeu Corpus*; pretending, and perhaps truly, that they durst not adventure them either in their own, or the Lords House, as they were now govern'd, lest they should be more entangled, by striving for more Liberty.

While these were the Proceedings of one House, the other dispatch'd the Business before them with all the Harmony and Unanimity imaginable. No sooner did the opposing Lords disagree among themselves, than they became insignificant: And those who had committed four of their Body, gave the Law to the rest.

The blessed Fruits of this happy Temper, were, a Bill for the farther Regulation of Printing Presses, and the suppressing all unlicens'd Books; with a Clause for the breaking open all Houses whatsoever, where it was suspected any such Books were conceal'd: And two others, with most plausible Titles, but of a most pernicious Tendency. The first was call'd, *An Act for securing the Pro-*

testant Religion, by educating the Children of the Royal Family, and providing for the Continuance of a Protestant Clergy. And the second, *An Act for the more effectual Convulsion and Prosecution of Popish Recusants*.

All three, we are told, had an easy and undisputed Passage thro' the House of Lords; but in the Commons they met with very different Treatment. No sooner was the last of them read, than a Member rose up, and in a short Speech unmask'd it to effectually, that a second mov'd that it might not only be thrown out; but with some particular Mark of Infamy: And the Question being call'd for, a third demand'd, That they should stay a while to see whether there was any Man to be found hardy enough to speak one word for it: Which no Man promising to do, it was forthwith rejected, with this Censure added to the Journal, *Because the Body of the Bill was contrary to the Title*. A Method of Proceeding so totally different from the stated Rules of Intercourse between the two Houses, that nothing, but the Crimes of the Bill could have render'd it excusable.

One of which  
is reputed with  
a Mark of In-  
famy.

As to the other Bill for securing the Protestant Religion, &c. which was call'd by one Party, A Bill against Popery, and by the other a Popish Bill; it was likewise of the *Janus* kind; for, under the Pretence of educating the Children of the Crown in the Protestant Religion, it admitted the Kings of England to be successively Papists. They were indeed required to make a Declaration upon Oath, that they did not believe that there was any Transubstantiation in the Sacrament of the Lord's Supper; but if they refus'd it, they might: And all that they were to pay for this Licence, was, the paying with so much of their Power, as regard'd the filling all Ecclesiastical Vacancies, but such as were in the Gift of the Lord Chancellor, which were then to devolve to the Bishops, under certain Limitations, as express'd in the (1) Bill itself: So that, in effect, this Bill was no better than a Compromise between the (2) Church and the Duke; by which the Latter pass'd a sort of Fine to the Former, for being of what Religion he pleas'd.

But this notorious Bill, as *Marvel* calls it, had not the same Fate with the first, but was read a second time and committed; after which it dy'd of Neglect; the Committee either disdaining or not daring publicly to enter upon it. Nor had the Bill to lay an additional Restraint on the Press any better Success. Tho' the House was under too much Influence to do every thing that was

The same others  
drop.

right

(1) To be found in MANNING'S *Journal of Popery*.

(2) On this Subject, Mr. *Marvel* writes as follows:

"But, because all Men have Image taken Occasion to accuse the Lords Spiritual, as the Authors both of this Bill and the other, it is necessary to insert here the true Fact, in their just Vindication. It was above two Years ago that a select Council of great Ministers, had been consulting about Church Matters, thro' it whom happens (see til'd it in this History) that the Swearing was more forward in meddling with Religion, than the Churchmen with Government, but each more than with impugning out of their Promises. This the only Difference, that what Ecclesiastical Persons may do by Chance or Consequence, that Harm the other commit on set Purpose: For it was by their Politicians that those two *Godwin's Eggs* were laid, and by their assiduous Incubation

intended. It is true indeed, afterwards, they took some few of the Bishops into Communion, and as it were for Advice upon what was before resolved: And to make this Bill go the better down, they flatter'd them with the other, as wisely calculated, forsooth, to the Churches Interest. And by this means, possibly, they prevailed so far, that the Bishops both there and in the House, did vigorously opposed. But that the Bishops were either the Committers or Promoters of the Bill, is a scandalous Falshood, and denied by the Authors to throw the Odour of it from themselves upon the Clergy, and (the Bills that aimed at the Ruin of the Church of England having miscarried) to compass the same End by this Definition. A sufficient Warning to the Clergy, how to be engaged with the Statesmen for the future!"

These Bills  
sent to the  
Commons by  
the Lords.



A. D. 1676-7.

right, it was too modest to do every thing that was wrong: Licence they knew was already obnoxious to Law; and they had now Reason to be convinc'd, that Truth ought not to be punish'd.

Indeed, the alarming Advices receiv'd about this Time from abroad, and these daring Attempts on the Common Sense of the Nation at home, gave a new Bias to the Session. But before we can proceed with the Residue of the one, it is necessary to explain the other.

A remarkable Resolution in the Court of Spain.

Between the Close of the last Year and the Opening of the present, a very remarkable Resolution had happen'd at the Court of Spain. Notwithstanding the young King had been inclin'd to decare himself of Age, and of Course put an End to the Regency of the Queen his Mother, he had still to much Credit and Consideration with him, and manag'd both to well, that he kept Don John at Distance from the Court, and procur'd the Administration of Affairs to be plac'd in the Hands of the Marquis de Villa Sierra. But what he had Authority to establish, he had not Power to maintain. The Dukes of Alca, de Acerra, the Prince de Castiglione, and fifteen or sixteen more of the principal Nobility, enter'd into an Association, confirm'd by Oath, to represent to the King the Mischiefs and Dangers that must unavoidably attend the Marquis de Sierra's Ministry, and not to desert till they had procur'd his Removal; till Don John was established in his room; and till the Will of the late King was perform'd; which directed, that when the King enter'd into his Majesty, the Queen should retire into a Nunnery. The Council of Castille also join'd with them herein; and a suitable Representation was accordingly made to his Majesty; who, at first, express'd some Displeasure, but, hearing the Cry of the People was equally for Don John and against the Marquis, and finding the Torrent was too mighty to be withstood, he grew moderate, and sent for the Cardinal of Aragon, and express'd a Disposition to be govern'd by his Advice. The Cardinal came, accompany'd by Don Pedro his Brother, the Duke de Medina Celi, and other Grantees, who all humbly advis'd his Majesty to send forthwith for Don John, as the most effectual way, not only to prevent the Disorders which the Agitations of Mens Minds then seem'd to threaten, but likewise to provide for the Honour, Safety, and Happiness of his Kingdoms. The Issue was, that the young King came to a Resolution that the Marquis should depart from Madrid forthwith, that Don John should be declared chief Minister, and that the Queen his Mother should be desired, in a convenient time, to conform herself to the Will of the late King. Proper Orders were given accordingly: Not only the King, but even the Queen, sent Letters of Invitation to Don John, who, in his Answers, express'd all im-

aginable Duty and Affection to both, without any Mixture of Complaint or Relicentment: But then his Progress to Court, rather resembled a March than a Journey: He had 6000 Men at his Heels; and when he enter'd into Madrid, he was receiv'd by the Populace rather as a Conqueror than a Subject.

From so vigorous an Exertion of national Spirit at home, all Europe expected a suitable Alteration in the Conduct of Spain abroad: But the first Care of Ministers is ever secure themselves, by removing their Enemies, and rewarding their Friends: And till this is done, they have not Leisure to attend the Public. It was thus at Madrid: A very large Remittance had been already sent to Brussels, to satisfy the Demands of the Dutch; and as to the Protection of the Residue of Flanders, it was left to the Care of Providence and England: Which last they thought would never suffer it to be lost, because they had an Interest in its Preservation; tho' nothing is more fallacious, as Sir William Temple well observes, than to reason upon the Councils or Conduct of Princes or States, from what is conceiv'd to be the true Interest of their Countries: Since there is, in all Places, an Interest of those that govern, and another of those that are govern'd: And nothing is more certain, than that the Last will ever be forced to give way to the First.

While such was the Resignation of Spain on one hand, France, on the other, chose to have no other Reliance than on its own exquisite Foresight and Prudence; and to mix no more of Devotion with its Politics than was contain'd in a *Te Deum* for its Successes. However sure of the Court of England, or satisfy'd that Don John was in no Condition to do the great Things expected from him, to shut out all Prevention, his most Christian Majesty set out for Flanders (where all things were thus early in readiness to open the Campaign) February 17: And in the Beginning of March sat down before Valenciennes, which held out till the 27th, and then was taken by Storm; the King in Person entering the Town, to put a stop to the Fury of the Soldiers; and, by this Exploit, giving occasion to Sir William Temple to say, that he had surmounted the very Force of the Seasons.

French King carries Valenciennes by Storm.

At the very time that his Majesty of France was actually in the Netherlands, and making his Dispositions for this vigorous opening of the Campaign, Sir William Temple had another Interview with the Prince of Orange at Seefeldyke, and communicated to his Highness his last Dispatches from England; which contain'd little more than a Justification of the King's last Proposal, which the Prince had so ill relish'd; a Request, that his Highness would think farther of it; and an Offer to hand over any other Proposition to France, which he should think fit to make. All these Particulars were so shocking to the Prince, that he could scarce bear the reading of them; and his Conclusion upon the whole

Confesses he receives Sir W. Temple and the Prince of Orange. Temple's Memoirs, P. II.

(b) He was afterwards degraded from his Rank of Gracée, imprison'd, had all his Effects confiscated, and, together with his Family, was banish'd to the Indies.

A.D. 1676.

whole was, That he should think no more of them; that the French Embassador was still at the Bottom of all; that if he wanted to open a Correspondence with France, he knew a nearer Way; that his Intention was only to enter into a Confidence with his Majesty, on the subject of the Peace; and that if the King made Proposals to France, unless in his own Name, it must be from the Body of the Alliance, not from him.

French besiege St. Omer and Cambrai at once.

The Siege of Valenciennes was no sooner over, but St. Omer and Cambrai were invested; the latter by the King, and the former by the Duke of Orleans: And, to take advantage of the Backwardness of the Allies in all Places at once, the French Troops in Germany had Orders to break into the Provinces on the other Side of the Rhine, and to lay waste all before them; which they executed in so terrible a manner, that the Allies made their Complaints to the King of England, who employ'd his Officers towards France, to hinder such an Abuse even of War itself, while a Peace was treating under his Mediation: But the thing was done, and their Point gain'd; which was, by an entire Ruin of the Country, to hinder the Imperialists from finding any Subsistence for their Troops, if they should march into Alsace, and thereby give a Diversion to those Forces, which they intended to make such notable use of, before either the Spaniards or the Dutch could be in a condition to hinder them.

Thus all depended on the Vigour and Resolution of the Prince of Orange, who, alike exasperated with the Negligence of England, the Inactivity of Spain, the Distractions of Germany, and the Successes of France, made prodigious Efforts to collect such a Body of Forces as should enable him to take the Field, and, by the rique of a Battle, put it within the reach of Possibility, at least, to disappoint the Schemes of the Enemy, and thereby give a new Face to the Campaign.

Battle of Mont-Cassel.

With these Thoughts, his Highness, with only a Part of the States Army, and without any Reinforcement, or even Guides, from the Spaniards, march'd directly to St. Omer, with a Resolution to force the French to an Engagement; and was met on his way, near Mont-Cassel, by the Duke of Orleans, assisted and strengthen'd by Mr. de Luxembourg; with all the Forces the King his Brother could spare from the Siege of Cambrai: The French had taken post at a small Village call'd Zuyll Pecqueur, to secure the Passage of the River Peene; but, on the Prince's Approach, retir'd: His Highness then order'd his Troops to pass the said River, and having advanced somewhat farther, found himself oblig'd, contrary to the Information he had receiv'd, to pass another small Stream, in sight of the Enemy, who were drawn up in Battalia on the other side. It is not unnatural to suppose, that this Defect of Intelligence produc'd some Errors of Conduct; and that what discompos'd the Leaders, dismay'd the Soldiers: This is certain; the three Battalions of Dutch Foot, who began the Action, fell immediately into such great and irrep-

arable Disorder, that they bore down four more, which were marching to their Assistance, and, together with them, the Prince in Person, who had desperately thrown himself into the midst of the Fugitives, with his Sword drawn, and vainly endeavour'd, both by Threats and Blows, to turn them again upon the Enemy: This whole Rout fell in among the Cavalry, who yielded to the Impetuosity: The French made the most of their Advantage, and charg'd on all sides, with their usual Impetuosity: The Bulk of the Dutch Troops, however, stood their Ground firmly, and fought bravely: The Dispute lasted three or four Hours; at the End of which time, the Prince, finding Reason to conclude, that an Error in the Beginning of a Fight is very rarely repair'd in the Issue, gave Orders for a Retreat, which he had wisely made Provision for, by causing Bridges to be laid over the Peene, while the Armies were yet engag'd: At this instant came up, most opportunely, the Count de Nassau, with 4000 fresh Horse, who made such a Stand, as gave the Prince time to continue his Retreat to Ypres; tho' not without the Loss of his Cannon and Baggage, and between five and seven thousand Men, who were left dead on the Field: The Prince himself receiv'd a Shot in his Cuirass, and had a Horse kill'd under him: It was often his Fault, to forget he was a Commander in chief; but now, perhaps, it was meritorious; for Soldiers are never so prodigal of their Lives, as when they see their General let no Value on his own: And the same Necessity that forced him to the Field, forced him, when there, to act as if Victory was worth every thing, and Safety nothing.

The French too had their Laurels dipt in Blood; But God's Vicegerents, for the general, value nothing so little as his Image: The Vanity of a wide Dominion was the Bubble that his most Christian Majesty pursued; and, to augment the Number of his Towns, he made no scruple to diminish the Number of his Subjects: Thus the Acquisition of St. Omer and Cambrai, which were the immediate Fruits of the Battle of Mont-Cassel, reconcil'd him to the Slaughter; and he thought it more illustrious to subdue the innocent Inhabitants of other Countries, than to protect and foster his own.

The Spanish Netherlands were now in apparent Danger: Nieuport and Mons to the Land, and Ostend and Newport to the Sea, were the most considerable Places of strength, which remain'd for the French to conquer: All beside were great, untenable Towns, which must be oblig'd to submit at the first Summons, and take the Law from the Conqueror.

We must now return to England, and resume the Business of the Session.

So early as March the 6th, in a Committee of the whole House, upon Grievances, the growing Power of France had been taken into Consideration; and, upon the Issue, it was resolv'd, that an Address should be prepar'd, to represent to his Majesty the Dan-

A.D. 1676.

The Prince of Orange routed.

Address of Parliament against the growing Power of France.

A.D. 1676-7

ger of that Power; and to desire that his Majesty, by such Alliances as he should think fit, would both secure his own Kingdoms, and the *Spanish Netherlands*, and thereby quiet the Fears of his People.

Such an Address was accordingly prepar'd, and presented on the 16th; when his Majesty was pleas'd to answer, that he was of the Opinion of his Parliament, that the Preservation of *Flanders* was of great Consequence; and that he would use all the Means he could for its Preservation, consistent with the Peace and Safety of his Kingdom.

This was saying just nothing, and it was so understood by the House: Another Address was, therefore, mov'd for, on the 26th, and reported on the 30th, to the following Effect:

That they did, with most earnest and repeated Desires, implore his Majesty, that he would be pleas'd to take timely Care to prevent those Dangers that might arise to these Kingdoms by the great Power of the *French King*, and the Progress he daily made in the *Netherlands*, and other Places:

And, therefore, that his Majesty would not defer the entering into such Alliances as might obtain those Ends: And in case it should happen, that, in pursuance of such Alliances, his Majesty should be engag'd in a War with the *French King*, they did hold themselves oblig'd, and did with all Humility and Cheerfulness assure his Majesty, that they, his most loyal Subjects, should always be ready, upon his Signification thereof in Parliament, fully, and from time to time, to assist his Majesty with such Aids and Supplies, as, by the Divine Assistance, might enable his Majesty to prosecute the same with Success.

A Debate ensu'd: Against this Address it was alleg'd by the *French Party*, that, to press his Majesty to make farther Alliances with the Confederates, against the *French King*, was, in effect, to press him to a War; since the one would be the infallible Consequence of the other: That the Consideration of War was the Peculiar of the King, who alone had the Secret of foreign Affairs: That a hasty War was a dangerous thing: That the *French* would immediately seize our Merchant-ships and Effects in their Ports, interrupt our Commerce, and fill upon our Plantations: That our Fleet was inferior to theirs: That it would require two Years to finish the thirty Ships, now provided for by Parliament: That we had no naval Stores: That, when we were engag'd, the *Dutch* would give us the slip, and have all the Trade to themselves; which was the very Advantage we had at that time: That it was scarce possible to unite so many thwarting Interests, as were to be the Ingredients of such an Alliance: That it was easy to begin a War, but hard to end it: And that a long War was the worst thing that could befall a trading Nation.

The *Dutchmen* reply'd; That they did not address for making War, but making Leagues; which might be a Means to prevent War:

That, admitting a War should ensue, as was not unlikely, it would contribute to our Security in the End: That if *France* was not reduced, we must fight or submit, first or last: That it was the common Fate of those who were neutral, when their Neighbours were at War, to be made the Prey of the Conqueror: That those who would not assist could not expect to be assist'd: That now was the critical Season for a Rupture, when we were sure of so many Confederates: That if such a Rupture was dangerous now, it must end in our Destruction, when left to struggle with so mighty a Power by ourselves: That we had already disobligh'd the several Princes and States in Alliance, by suffering so many *British* Subjects to go perpetually into the *French* Service, against them: That we had contributed, in many other Instances, to their present Greatness; of which, the Sale of *Dunkirk*, the Departure from the Scope of the *Triple League*, and the joint War with *France* against *Holland*, were mention'd: That the Objections drawn from our Commerce and Navigation would always remain: That the immediate Effects of a War would be the saving of 900,000 *l.* or a Million yearly, now wasted in *French* Commodities: That it was to be lamented, that the *French* were already our Superiors at Sea, as well as Land: But that the *Dutch* were ready to associate, and thereby we should again be Masters of our own Element: That, on the same Principles that so many Powers were already united, one more might be admitted: And that, however false some Men might esteem the *Dutch*, Interest would not be; and it was so much theirs to reduce the Power of *France*, that it was not to be imagin'd they would desert any Friend that should embark with them, or any Alliance that should be fram'd for that Purpose.

Upon the whole, the Address was carry'd, and presented to the King that very Day; but no Answer was given till the Eleventh of *April*; in which Interval, *France* had obtain'd the great Successes before-mention'd; and propos'd, as usual, to make the necessary Detachments to strengthen their Forces in *Germany*; as knowing they had already conquer'd as much as they could hold, at least, till another Campaign, which they had good Reason to believe would put the last Hand to the Reduction of *Flanders*.

This Answer was, That his Majesty had consider'd their Address; and, upon some late Alterations abroad, thought fit to put them in mind, that the only Way to prevent Danger to these Kingdoms would be, to put him in a Condition to make Preparations for their Security, &c.

The Alterations here alluded to were explain'd by Mr. Secretary *Cventury*, who brought the Message to the House, to be those occasion'd by the Progress of the *French* Arms. And now the Tables were turn'd: The Ministers affect'd to be concern'd in their turn, for the Fate of the *Netherlands*; and said plainly, that nothing could put his Majesty in a Condition to make fitting Preparations

A. D. 1697.

parations to preserve the Kingdom, but *ready Money*: They did not, indeed, take upon them to say, they had Direction from his Majesty to avow, that he intended to act offensively: But they took shelter under an *Is* which (is a Particle of infinite Use in Parliament); In there were any Approaches towards War, it would be necessary to make the Computation recommended in the Gospel beforehand; at least, we ought to be in a defensive Posture, both by *LAND* and *SEA*. The ordinary Charge of the Navy stood the King in 400,000*l.* per annum: And he could not make the necessary Additions of Men and Furniture to the Summer Guard of Forty Ships, already appointed, without 200,000*l.* more.

It was answered, That the King's Revenue was greater now, than when he carry'd on a War with *France* and *Holland* jointly: That *Ireland* was able to take care of itself: That a Month before, they had been told, the *French* King was drawing off his Troops to *Germany*, and would take no more Towns in *Flanders*, if he might have them: That, therefore, by *Land*, we had nothing to fear: That the very recalling our own Troops, and shifting them to the other Side, would make a great Alteration in the Balance: That Ships were the Defence of an Island: That *Prussia* had already their Hands full of *Sicily*: That his Majesty did not speak out; did not say he would form the Alliances requir'd: That, as long as there was any Reserve on his Side, they had no clear Grounds to grant Money for Preparations on theirs: That, how honourable soever his Majesty was thought of, a Suspicion prevail'd, that some of his Ministry were under *French* Influence: And that all they desir'd was, that his Majesty and his People might come to a mutual Confidence, by speaking out on both Sides, as the only Way to extinguish all Jealousies.

It was objected, that secret Purposes ought not to be expos'd to a public Assembly.

It was reply'd, that the thing did not require Secrecy; for, said they, let the King take a great Resolution, and put himself at the Head of his Parliament and People, in this weighty and worthy Cause of *England*, and let a flying Post carry the News to *Paris*; and let the *French* King do his worst.

It was added, that his Majesty never had, nor would have, Cause to distrust his People: That they had given him several Supplies in support of the *Triple League*, tho' made without Advice of Parliament: That when he made war on the *Dutch*, which the Parliament thought not for the Interest of *England*, they nevertheless gave him one Million two hundred thousand Pounds, to carry him through with it: And that, therefore, there was more Reason than ever to be confident, that the Measures he enter'd into, by the pressing Advice of Parliament, the Parliament would think themselves both concern'd and oblig'd to support.

We hope, said they, his Majesty will declare himself in earnest: And we are in earnest, knowing his Majesty's Heart with us.

Let his Hand rest off, that is not stretch'd out for this Affair! We will not stick at this or that Sum or Thing: But we will go with his Majesty to all Extremities.

For a Conclusion, as 200,000*l.* had been mention'd, they propos'd to annex a Clause to the Bill for continuing the additional Duty of Excise, by which the King should be enabled to borrow that Sum, at 7 per Cent. But to this it was objected, that the said Duty had been already granted for other Purposes, *&c.*, to give the King Ease, by enabling him to pay the Interest of his Debts. The Answer was express, that they did not intend to withdraw any Part of that Gift; and that they would reimburse his Majesty for so much of it as he should lay out of it in extraordinary Preparations. The Courtiers rejoic'd, that, as it was a kind of denouncing War, 200,000*l.* was a miserably incompetent Sum, to defend us against the Power we should thus provoke. But this Objection was remov'd, by a farther Declaration, that this was to be understood but as an Earnest of their Intentions: That they were willing to make additional Grants, as the Business went on: And that, however weak we were at present, we were nevertheless as safe as the several little Princes of *Germany*, who ventur'd to make war on *France*, not depending on their own peculiar Strength, but on that of the whole Confederacy.

The Debate was clos'd with an Answer to his Majesty's Message, by way of Address, which contain'd an Offer of the full Sum of 200,000*l.* and a Promise to reimburse whatever his Majesty should expend in extraordinary Preparations; as also to furnish him with so large Proportion of Assistance and Supplies upon this Occasion, as might give his Majesty and the whole World an ample Testimony of their Loyalty and Affection, and as might enable his Majesty, by the Help of God, to maintain such stricter Alliances as he should have enter'd into, against all Opposition whatsoever.

By way of Answer came another written Message on *Easter Monday*, April the 16th, signifying, That his Majesty desired the House should know that not only the *Fund* they had annex'd the borrowing Clause to, but any other within his Power, should be engag'd to the utmost of his Power, for the Preservation of his Kingdoms: But as he was then circumstanc'd, he must tell them plainly, that, without the Sum of six hundred thousand Pounds, or Credit for such a Sum, upon new Bonds, it would not be possible for him to speak of all those things, which should answer the End of their several Addresses, without exposing the Kingdom to much greater Danger, &c.

This, after some Debate, produc'd another Address, in which the House acquainted his Majesty, that many of their Members, in Expectation of an Adjournment before *Easter*, being gone into the Country, they did not think it parliamentary, in their Absence, to take upon them the granting of Money, for which Reason they desired leave to ad-

A. D. 1697.

A Clause is enable the King to borrow 200,000*l.*King demands 600,000*l.*

A. D. 1697. Journ for such short time, before the Sum of 200,000*l.* could be expended, as his Majesty should think fit; and that his Majesty would, by his Royal Proclamation, command the Attendance of all their Members, at the Day of Meeting; by which time they hop'd his Majesty would have form'd his Affairs, and fix'd his Alliances, that he would then be able to impart them to his Parliament; no ways doubting but his Majesty would then, not only meet with a Complaisance in the Supply he desired, but such farther Assistance as might be necessary. In Confidence whereof, they hop'd his Majesty would be encourag'd, in the mean time, to speak and do such things as might attain those great Ends, which, the House had formerly represented to him.

*Both Houses adjourn'd by the King's Command.*

While the House was yet sitting on this Affair, in the Evening of the very Day that his Majesty's Message was dated, the King came suddenly to the House of Peers, and having order'd the Commons to attend him, gave the Royal Assent to such (5) Bills as were ready: After which the Lord Chancellor signified that it was his Majesty's Pleasure, that both Houses should adjourn themselves, till the (8) 21<sup>st</sup> of May.

*Theoral Views of both Parties.*

All this while the Nation fix'd their Attention on this solemn and important Controversy, and persuaded themselves, that National Concerns were indeed the Points in Dispute. The Idolaters of Royalty believing, that the King acted in all things as the Angel of God; and those who had their Eyes dazzled with the glittering Pretensions of Patriotism and Public Spirit, on the contrary, placing as implicit a Confidence in their Leaders; and never once imagining, that under so fair a Mask, they had any sinister Designs to cover.

The Truth, however, was, that the most active and busy among them, lifted themselves up on the Shoulders of the People, only to reach the easier those Advantages which grew in a Court. Had they seen Cause to believe that the King and his Ministers might be induc'd to adopt their Schemes, and follow their Footsteps, in the broad Road of Popularity, they had never propos'd to be their Guides: But they knew they were secure on that Side; that the Attachment of the King and his Brother to France was insurmountable; that the more plainly they expos'd that Attachment, the more odious they should render them: And that if the Violence of the Public should at last force them into a War, their Conduct of it would be such as would afford more Matter than ever, for

Complaint, Embarrassment, and Distress; which were the great means by which they propos'd to gain their Ends. To such Corruption are the best things liable; and so difficult it is to distinguish Integrity from Imposture!

But all were not Pretenders: The Bulk of the Opposition were Country Gentlemen who neither persu'd nor hop'd to be overtook by Court Favour; who thought all Men as honest as themselves; who voted according to Conscience; who had never lost Sight of the desperate Measures which were the immediate Fruits of our Fellowship with France: And who from thence most reasonably concluded, that the Power and Greatness which his Majesty at first so openly assist'd, and afterwards so pertinaciously committ'd at, would, in the End, be made use of to subdue the Constitution, if not the Kingdom.

And as to the Expediency of England's becoming a Party in the War at this Crisis, and contributing to the setting Bounds to that Power which made such mighty Efforts to swallow up the rest, even Mr. North acknowledges, "There was great Reason to be arm'd, and effectually enter, for obtaining a Stop to the French Conquests, and the Ends of the Triple League, which was the saving Flanders: And there was no Reason to stand still, while the Kingdom of France went on gaining against the Empire, and eating up the Spanish Low Countries. After which Annexations to France, it would be difficult for the Dutch, English, or any Nation to resist them. All this, in Abstract, is most rational. — But then he adds, — "And it is clear the King was of the same Opinion, as all his Negotiations at Home and Abroad, when fairly look'd into, will demonstrate."

Examen. p. 475.

It is impossible to read the latter Part of this Quotation, without recollecting the Passages which had so lately pass'd between the Prince of Orange and Sir William Temple; the Proposals they gave rise to, and the Reception those Proposals met with: And it is equally impossible not to conclude, that if the King would not make use of his Interest with France, to procure a tolerable Peace for the Allies, he had neither the least Intention, nor Inclination to draw the Sword for their Assistance.

But if Don Bernard de Salinas, the Spanish Minister at London is to be depended on, the King was so angry with these Addresses against France, that he call'd the Authors of them,

*Proofs of the King's Attachment to France.*

(5) The most remarkable of which were, the two Money-bills: an Act to take away that terrible War, & Heretic's comburbs; and an Act for creating a Judicature to determine Differences touching a late dreadful Fire in Southwark. This Disaster had happen'd in May 1696, and no less than 600 Houses were either burnt or blown up: But we do not find, that either *Mercet* or *Burnet*, or *Oldman* himself, ascribes it to the Popery.

(6) Mr. North, while interposing very falsely, and not without Cause, against Bishop *Keeble*, for Suggestions, or Neglects, upon these several Addresses and Answers, is to suppose, or to imply, as to misstate every one of them:

The 1<sup>st</sup> Address he even pushes forward to the 23<sup>d</sup> of May, whereas the Parliament was adjourn'd, as we have seen, the 10<sup>th</sup> of April: And of this Adjournment he takes no notice at all. If the curious Reader will likewise compare his Extracts with those here given, he will find, that some of them were not over-ingeniously taken: All which is so much the more to be wonder'd at, as he contends so ardently for Accuracy, and Exactness; and uniformly trusts Mr. *Morrey's* Growth of Popery as the worst of all Labels; which would have set him right, in the Particulars here alluded to, if he had thought it worth his while to have consulted it.

A. D. 1677.

them, *A Company of Rogues*. It appears in Sir William Temple's Memoirs, that Don Bernard made no Secret of this Story to his Friends in the House of Commons; which his Majesty so highly resent'd, that he order'd him to depart the Kingdom within certain Days.

Sir John Reresley also bears witness, that the Lord Treasurer told him, that the Duke was the greatest Promoter of the French Interest, that the King had no mind to fall out with France, and that in the Sequel of the Conversation, his Lordship added, "That if the Parliament would effectually engage him in that War, their way would be to furnish him with Sums of Money to prepare for it, and that no less than six hundred thousand Pounds would be absolutely necessary for that Purpose. That if the King accepted of this, he would be obliged to carry on the War; but that if the Parliament would not trust him, he was in the right not to embark himself, and might justly argue, *How can I depend on my Parliament to furnish me with regular and equal Supplies to carry on a War, which they will not so much as enable me to prepare for?* But (continues the Knight) I easily saw thro' this; I plainly perceiv'd it was all Artifice to get the fingering of Monty.

He (the Treasurer) moreover said, according to Sir John, That the King could not in Honour join the Confederates against France: That in all the Treaties, the King of England had been mentioned as Principal in the War: That in the Beginning he did actually join with France, and that for him now to turn his Arms against that Crown, would look neither just nor honourable in the Eye of the World. This his Lordship told me (Reresley) was the King's own way of arguing, whenever War happen'd to be the Subject of their Discourse together; but that his Answer to his Majesty was, That he needed not to be regardful of that Transaction, the French King having plac'd him the very same Trick when Chancellor Hyde was chief Minister. To this he replied, That the French King had a Pique against the Lord Chancellor: To which the Treasurer subjoin'd, That whatever was the Cause, the thing was as he had said.

Again, Sir Leslie Jenkins, in his Dispatch to Mr. Secretary Williamson, dated April 19, which was three Days after the Adjournment of Parliament, specifies, that Mr. Beverning, (the Chief of the Dutch Plenipotentiaries) had, in a Conference with him, express'd himself as follows: "That the French were at this time so high, that there was no talking to them of a Peace, nor Hopes to have it upon reasonable Terms; and that for four Reasons, which he gave in this Order: 1. For the late Successes of their Arms. 2. For that they had nothing to apprehend *du Côté de l'Angleterre* (on the Side of England.) 3. For that there would be a Breach between Poland and some of the Allies. 4. For that Don John, would be glad to make a Peace at any Rate, and that he had open'd himself to the Pope's Nuncio

to that Effect. Then, resuming again the Article of England, he said, It was most certain that the most Christian King, had, not long since, said in his Discourses, that tho' the Spanish Netherlands were to be wholly lost, yet England would not arm one Man of War to oppose it.

And what is still more extraordinary than all the rest, The Adjournment had scarce taken Place, but a pompous Embassy arriv'd here from France, consisting of the Duke de Crequi, the Archbishop of Rheims, Mr. Barrillon, and a Train of between three and four hundred Persons of all Qualities; so that, says Marvell, the Lords Spiritual and Temporal of France, with many of their Commons meeting the King at Newmarket, it look'd like another Parliament, and that the English had been adjourn'd in order to their better Reception. Sir John Reresley also acknowledges, "That this gave just Cause to think there would be no War between the two Kings, contrary to what the Parliament had so earnestly desired." Sir John adds, "That he saw a Copy of the Letter which these Ambassadors brought; out of which he quotes only the founding Titles in the Address; and observes upon it, "That our King's Neutrality deserv'd all this from France, and much more."

The Letter itself was calculated to shew, that, contrary to what his Enemies gave out, his most Christian Majesty had no Intention to conquer Flanders; that notwithstanding the great Advantages he had gain'd, and the great Force he was Master of, he was contented, by a long Truce, to leave things as they were, in case his Allies the Swedes would agree to it; which he desir'd his Majesty to inform himself of, since he had not Convenience of doing it, for the want of Liberty of sending Couriers into Sweden.

A Copy of it was also communicated to the French Ambassadors at the Congress: With what Effect, may be collected from Mr. Beverning's Reasonings upon it, who openly declared, That the French were to be commended, who never neglected any thing of Importance, nor so much as of Amusement: That they had given their Blow, and now would hinder the Allies from giving theirs: That the Reason of Sweden's Content was an easy way of avoiding the Truce, if the Allies should accept it: That if they had meant any thing fair by this Offer, they should have made it in January last: And that having now possess'd themselves of all the Frontiers of Flanders, they had a great deal of Reason to desire it, because in two or three Years time, all they had gain'd, either in Flanders or Sicily, would grow to be as much French, as Picardy or Languedoc: That when the Force of the present Alliance was once broken, it would be easy to make an End of the rest at any time, in one Campaign: That as the French had great Reason to be for a Truce, the Dutch had but little against it: But that he did not believe the Allies of either side would consent to it; and, perhaps, the Swedes as little

A. D. 1677.

*Splendid Embassy from France, in answer to the Offer of a long Truce.*

*Temple's Memoirs, Jenkins's Letters, Complete Hist. of Europe, vol. v.*

*How it was resolv'd by the Allies.*

*Temple's Memoirs.*

*Jenkins's Letters, vol. ii. p. 92.*

*Jenkins's Letters, vol. ii. p. 91.*

A. D. 1677.

little as the *Spaniards*, who were very sensible of their ill Usage, tho' they did not know how to help themselves.

Hereby.

In *England*, however, this Embassy had all the Effect that could be desir'd: It amas'd, at least, if it answer'd no farther Ends: And the King, we are told, was punctual in returning the Compliment, by the Earl of *Sunderland*: So that tho' his Majesty was forward enough to take advantage of the Importunity of the Commons, to fill his Coffers, it does not appear, that as yet he entertain'd one serious Thought of breaking with *France*, in order to be well with his People: But we are not to pronounce, till we come to the End of our Evidence.

Eaton, P. 470.

Mr. *North*, his Majesty's Advocate, is pleas'd to say, His chief Care was of two Things: 1. That the *Dutch* should be engag'd as well as himself, to the end that he might not be caught in a forward Declaration of War, and then be left alone in it. 2. That, before he engag'd, he might be sure of a Foyd settled, as might enable him to carry on such a War.

And to these two things, two more occur in answer, viz. 1. The Commons plainly made it a *Fundamental*, that the *Dutch* should BE ENGAGED, as well as the King; and not only they, but the greater Part of the Confederates. 2. Whatever Reason his Majesty had to distrust the Parliament, the Parliament had as much to distrust his Majesty: And whereas that Gentleman further endeavours to prove, that the *Dutch*, as a People, labour'd, by all possible means, to HAWL *England* into the War, for their own sinister Ends, we find the following Evidence to the contrary, in the Dispatches of Sir *Leoline Jenkins*, dated *June 4*.

“ He (Mr. *Bevering*, who was just return'd from the *Hague* with final Instructions about the Peace) took occasion to say, That the *Spaniards* flatter'd themselves very much upon their Hopes from *England*: And that Mr. *Van Banning* (the *Dutch* Minister in *England*) did the same, in all his Letters of late, even to that by the last Post: But that he, Mr. (*Bevering*, for his part, neither believ'd anything of it, nor desir'd what they propos'd to themselves: That he had much rather his Majesty should make the Peace than War; and that most PEOPLE in *Holland* were of the same Mind, tho' he knew *some* were of another: But he did not think the Business of *Holland* was to draw out the War into length; that he would be very glad *France* might believe the King were in earnest, and resolv'd to prescribe the Terms of a reasonable Peace, and not to see *Flanders* lost; because he knew very well, that this Apprehension in the *French* would certainly make the Peace: But they believ'd as little of it as he did; repeating what has been touch'd upon before, that he was as sure as of the Sun's Shining, that the King of *France*

had said, in confidence, to some he could name, since the Beginning of this Campaign in *Flanders*, that he was not in pain about *England*; and that the King would not stir, so much as to hinder him from the Conquest of the last Town in *Flanders*.”

A. D. 1677.

We are now to resume the Session once more, and proceed with the Trial of Skill between the King and Parliament; which was, either to distrust the Former into a War with his Brother of *France*, against his Will, or to draw a large Supply from the Latter, without any Purpose to answer the End for which it was granted.

Parliament re-assembled.

On the 21<sup>st</sup> of *May*, both Houses met, according to Adjournment; and the Business in the House of Commons was open'd with a verbal Message from his Majesty, by Mr. Secretary *Coxworthy*, signifying, that, as he had issued out his Proclamation of Summons for a full House, he did now expect they would forthwith enter upon the Consideration of his last Message; and the rather, because he did intend there should be a Ketch very quickly.

The Affairs of Alliance resumed.

The said last Message, and the Answer thereto, were then read; and, after a long Silence, it was urg'd, that they came with an Expectation to have Alliances declar'd; and that, if such Alliances were not form'd, they were not call'd, or come, to the Purpose they desir'd: An Alliance with *Holland* was particularly mention'd, as not only expedient, but necessary: We alone, it was said, could not withstand the *French*; their Purse and Power were too great. Nor could the *Dutch* withstand them: But both together might.

Growth of Popery.

The Secretary and his Corps answer'd, That these Alliances were Things of great Weight and Difficulty: That the Time had been short: And that, if they were finish'd, it would not be convenient to publish them, till the King was in a Posture to defend and maintain them; that is to say, without six hundred thousand Pounds; till when, his Majesty could not so much as speak out, according to the Expressions of his Message before-quoted.

The Adversary then interjected, That when they desir'd an Adjournment, they nam'd no particular Day: It was in his Majesty's own Breast to have extended it to what Time he pleas'd: And if the Time first appointed had been found insufficient, he might have signify'd as much in his Proclamation; and the House might have adjourn'd themselves to a longer Day.

But it was asserted, that the Time was sufficient; especially considering the Readiness of the several Parties to meet our Proposals half-way: That it was five Weeks since the Receipt; and the principal Agent in the *Triple League* had inform'd the World in Print, that he had completed that Measure in Five Days: That the *Dutch* were then

(1) These Expressions of Mr. *Bevering*'s, Sir *William Temple*, in his *Memoirs*, has connected with the Discourse of the said Minister, on the *French* King's Proposal for a long Truce.

A. D. 1677.

then in profound Peace; which made it the more difficult to embark them in a Measure which had a Tendency to interrupt it: That, on the contrary, they were now embroiled, and in Distress; and therefore would be glad to embrace any Proposals, which promised them Assistance and Relief.

And as to the Objection, that it was not fit to publish Alliances, before our Preparations were made, it was answer'd, that the asking and giving Money, in consequence of the several Addresses and Answers which had pass'd; and which could be no Secret in France, would give the Alarm as effectually, and operate as dangerously, as the Acknowledgment of Alliances; since both were alike declaratory that a Rupture was at hand.

Many other things were said of the same Tendency; and probably the Courtiers kept the Money still in their Eye, and had recourse to every Subterfuge, and every Falacy, which might any way flatter their Hopes of taking possession. But, upon the whole, the House adjourn'd, without coming to any Conclusion; having first ordered the Committee for the Bill to recall his Majesty's Subjects out of the French Service, to sit in the Afternoon; which they did accordingly, and went thro' with it.

The Adjournment was from Monday till Wednesday; and, in the Interval, both Parties busy'd themselves, as usual upon the like Occasions; that is to say, in concerting the most effectual Measures to get the better of each other.

By way of Expedient on the Court-side, his Majesty sent a Message to the House, to attend him presently at Whitehall; where he made them a Speech, which, to obviate all Cavils, is here inserted *verbatim*:

"Gentlemen,

*King's Speech.*

"I have sent for you hither, that I might prevent those Mistakes and Disturbances, which I find some are ready to make, as if I had called you together, only to get Money from you, for other Uses than you would have it employ'd. I do assure you, on the Word of a King, that you shall not repent any Trust you repose in me, for the Safety of my Kingdoms; and I desire you to believe I would not break my Credit with you; but as I have already told you, that it will not be possible for me to speak or all those things which should answer the Ends of your several Addresses, without exposing my Kingdoms to much greater Dangers; so I declare to you again, I will neither hazard my own Safety, nor yours, until I be in a better Condition than I am able to put myself, both to defend my Subjects, and offend my Enemies.

"I do further assure you, I have not lost one Day since your last Meeting, in doing all I could for your Defence; and I tell you plainly, it shall be your Fault, and not mine, if your Security be not sufficiently provided for."

Had the Word of a King never been forfeited, it is reasonable to suppose, that, upon this great Occasion, it would have been tak-

en: Or, if all Appearances had not been utterly irreconcilable with these Professions, those who contended so warmly for the End, must have granted the Means: But as the Case was, Opposition was not only countenanced, but applauded: And the Majority, both of the Parliament and People, acted as if there was more Reason to dread the Designs of their own Monarch, than even of his Brother of France.

The Commons being return'd to their House, Mr. Secretary Coventry, and his Followers gave them to understand, That the Supply was not insisted on; but that they were not to expect any Alliances without it: That the King had declar'd he could not speak nor act without it: That the King had the Files of Peace and War in his keeping; as they had the Money in theirs: That as the King could not have Money without them, they could not have Alliances without the King: That the King had consider'd the Matter: That this was the King's Judgment: That it was true, the Grant of a Supply would give the alarm as effectually, as the declaring an Alliance; but then it would defend too: That the King would strip himself to his Shirt, to preserve the Nation: That he had set out forty-four Ships already; but they were to be distributed in Coovoyes: That forty more would be wanting to act in a Body: That Seamen were scarce: That they were gone into the French Service: That the King was forced to press now: That he had apply'd to the City for some Fruit of the 200,000*l.* Credit provided for him; and that the Lord Mayor had return'd for Answer, that he could not encourage his Majesty to depend upon the City for it.

The Opposers, on the other hand, finding the King thus put in Front of the Battle, thought it proper to remove him before they made their Attack; which they did very artificially, by laying it down as a Maxim, That the King's Messages and Speeches should be treated there as his Patents and Proclamations were in the Courts below; that is to say, they should be considered as the Manufacture of his Ministers; and that for what was said in them, not the King, but they, were to be made answerable. Under this Umbrage they proceeded to say, There was no Necessity for a Sum of Money previous to the forming and concluding of Alliances: That Alliances might be made forthwith, and then Money would be granted forthwith: That if they were declar'd to-day, the 600,000*l.* should be given to-morrow: That forty Ships, with the Assistance of the Dutch, were sufficient for the Defensive: That by the Triple League, the Quota to be furnish'd by England and Holland were forty Ships each, and no more: That if forty more were wanting, 600,000*l.* would defray the Cost of all: That if any other Preparations were meant, by filling the Land with Forts, Garrisons, &c. six Millions would not serve: That our Strength and Defence consisted in our Ships: That the Debate of that Day concern'd our very being, and included Religion,

A. D. 1677.

*Debate thereon.*



A. D. 1677. Religion, Liberty, and Property: That the Door towards France must be shut and guarded; for so long as it was left open, our Treasure and Trade would creep out, and their Religion would creep in: That we were not in immediate Danger, while France was beset with so many Enemies; but that our Business was to be provided against the future, and not leave it in her Power to disable us by concerting the very Alliances which we neglected.

Others said, That without these Alliances they could not answer the giving Money either to themselves or their Constituents: That they had made several Addresses already against some of the King's Ministers, and their Conduct, without Success: That those Ministers had, almost to that Hour, either sent, or committ'd at the sending of Succours of Men, Powder, Ammunition, Ordnance, &c. to France: That such Ministers therefore, were not to be trusted without taking the proper Precautions: That the Alliances demanded were the best Security they could give for their good Behaviour: That the parting with the Money beforehand, was, in Effect, to leave all at their Mercy: That the Lord Mayor had not apply'd for the Loan in the usual way to the Common Council; and that the very Citizens expected the Alliances to be made, before they would part with their Money, tho' for a valuable Consideration.

A Motion was then made for an Address, that his Majesty would enter into a League Offensive and Defensive with Spain, the States, and other of the Confederates: But Spain was afterward left out, for the sake of bringing the Affair to a more speedy Issue. And as to the States, it was objected, That they were already treating with the French; whence it was likely they would slip themselves out of the Collar, make a separate Peace for themselves, and leave us engag'd alone in the War. But it was answer'd, That the States were driven into this Treaty by their Despair of Assistance from us; and that if they found the Court of England as well dispos'd as the People to join with them, the Reason of their Treating would cease, and they would readily sling away the Scabard.

The Question being finally put, tho' there was an extraordinary full House, it was carry'd for the Address with so general a Consent, that there were but two Negative Voices against it.

It was now natural to suppose, that all Debate was at an end, and that those who had been so effectually routed would rally no more. But the Event did not answer this Supposition; the Address was reported on May the 25th, and, for the sake of giving the whole Truth, deserves likewise to be inserted without Abridgment, as follows:

" May it please your Most Excellent Majesty,

Your Majesty's most loyal and dutiful Subjects, the Commons in Parliament assembled, have taken into their serious Consideration, your Majesty's gracious Speech; and

do beseech your Majesty to believe it is a great Affliction to them, to find themselves oblig'd (at present) to decline the granting your Majesty the Supply your Majesty is pleas'd to demand, conceiving it is not agreeable to the Usage of Parliament, to grant Supplies for Maintenance of Wars and Alliances, before they are signify'd in Parliament (which the two Wars against the States of the United Provinces, since your Majesty's happy Restoration, and the League made in January 1668, for Preservation of the Spanish Netherlands, sufficiently proved, without troubling your Majesty with Instances of greater Antiquity) from which Usage if we might depart, the Precedent might be of dangerous Consequence in future times, though your Majesty's Goodness gives us great Security during your Majesty's Reign, which we beseech God long to continue.

This Consideration prompted us, in our last Address to your Majesty before our last Recess, humbly to mention to your Majesty our Hopes, that, before our Meeting again, your Majesty's Alliances might be so fixed, as that your Majesty might be graciously pleas'd to impart them to us in Parliament, that so our earnest Desires of supplying your Majesty for prosecuting those great Ends we had humbly laid before your Majesty, might meet with no Impediment or Obstruction; being highly sensible of the Necessity of supporting, as well as making, the Alliances humbly desired in our former Addresses, and which we still conceive so important to the Safety of your Majesty, and your Kingdoms, that we cannot (without Unfaithfulness to your Majesty, and those we represent) omit, upon all occasions, humbly to beseech your Majesty, as we now do, to enter into a League offensive and defensive with the States General of the United Provinces, against the Growth and Power of the French King, and for the Preservation of the Spanish Netherlands, and to make such other Alliances, with such other of the Confederates, as your Majesty shall think fit and useful to that End, in doing which (that no time may be lost) we humbly offer to his Majesty these Reasons for the expediting of it:

1. That if the entering into such Alliances should draw on a War with the French King, it would be least detrimental to your Majesty's Subjects at this time of the Year, they having now fewest Effects within the Dominions of that King.

2. That tho' we have great Reason to believe the Power of the French King to be dangerous to your Majesty and your Kingdoms, when he shall be at more leisure to molest us; yet we conceive the many Enemies he has to deal with at present, together with the Situation of your Majesty's Kingdoms, the Unanimity of the People in the Cause, the Care your Majesty hath been pleas'd to take of your ordinary Guards of the Sea, together with the Credit provided by the late Act for an additional Excise for three Years, make the entering into, and declaring Alliances, very safe, until we may, in a regular Way, give your Majesty such further

An Address  
sent for our  
Alliance with  
Holland.

A. D. 1677.

further Supplies, as may enable your Majesty to support your Alliances, and defend your Kingdoms.

And because of the great Danger and Charge, which must necessarily fall upon your Majesty's Kingdoms, if, through want of that timely Encouragement and Assistance, which your Majesty's joining with the States General of the United Provinces, and other the Confederates, would give them, the said State, or any other considerable Part of the Confederates, should this next Winter, or sooner, make a Peace or Truce with the French King (the Precedent whereof will hitherto be acknowledged a singular Effect of God's Goodness to us) which if it should happen, your Majesty would be afterwards necessitated, with fewer, perhaps with no Alliances or Assistance, to withstand the Power of the French King, which hath so long and so successfully contended with so many and so potent Adversaries; and whilst he continues his overbalancing Greatness, must always be dangerous to his Neighbours, since he would be able to oppress any one Confederate, before the rest could get together, and be in so good a Posture of offending him as they now are, being jointly engaged in a War. And if he should be so successful as to make a Peace, or dissolve the present Confederation against him, it is much to be fear'd, whether it would be possible ever to reunite it; at least, it would be a Work of so much Time and Difficulty, as would leave your Majesty's Kingdoms exposed to much Miserie and Danger.

Having thus discharged our Duty, in laying before your Majesty the Dangers threatening your Majesty and your Kingdoms, and the only Remedies we can think of, for the preventing, securing, and quieting the Minds of your Majesty's People, with some few of those Reasons which have moved us to this, and our former Addresses on these Subjects; we most humbly beseech your Majesty to take the Matter into your serious Consideration; and to take such Resolutions, as may not leave it in the Power of any neighbouring Prince, to rob your People of that Happiness, which they enjoy under your Majesty's gracious Government; beseeching your Majesty to rest confident and assured, that, when your Majesty shall be pleas'd to declare such Alliances in Parliament, we shall hold ourselves obliged, not only by our Promises and Assurances given, and now with great Unanimity revived in a full House, but by the Zeal and Desires of those whom we represent, and by the Interests of all our Saeties, most cheerfully to give your Majesty, from time to time, such speedy Supplies, and Assistance, as may fully and plentifully answer the Occasion, and, by God's Blessing, preserve your Majesty's Honour, and the Safety of the People.

All which is most humbly submitted to your Majesty's great Wisdom.

On the reading of this Address, a new Debate arose: The particularizing what Alliances the King ought to make was represented as an Invasion of the Prerogative, and

as carrying along with it a disrespectful Insinuation, that what he was to do was by their Leave: That it tended to put the King upon a great Indecorum, who acting, at *Nimwegen*, the Part of a Mediator, ought not, at the same time, to declare himself a Party: That this Driving was the Way for the King to have a worse Bargain with the Confederates; who would make Abatements in their Offers, in proportion as they saw his Majesty compell'd to come in: That his Majesty agreed with the House, in the End (this was several times repeated): That they were perswaded he would also prosecute it by the same Means: But that his Prerogative was not to be encroach'd upon: That this manner of proceeding would never obtain with the King; and, if they persisted in it, their Address would miscarry.

It was answer'd, That the Question before them was, whether they should agree or disagree to the Address, as drawn by the Committee by Order of the House? And that if the said Address did not correspond with the Order, they had Cause to reject it; but the Exception taken was to that Part of it which contain'd the very Words of the said Order, and which, in the former Debate, had been allow'd, Two only contradicting, and not one asserting, or seeming to think, the Prerogative was invaded. They would not however allow, that the Prerogative was at all invaded: They only offer'd Advice: They did not take upon them to negotiate Alliances, the King was left free as ever, either to adopt or reject it as he pleas'd: But if his Privy Council might advise, his Great Council might do the same: And that, according to the Drift of this Argument, the King's Prerogative consisted in not being advised by his Parliament. That there were, however, Precedents manifold of such parliamentary Advices; several of which they enumerated: That if there had been no such Precedent, they themselves might have made one; Matter of Advice not being reducible to any fix'd Laws: That it had been the Desire and Endeavour of Kings, in all Ages, to engage their Parliaments in advising War, that so their Parliaments might be obliged to furnish them with the necessary Supplies: And that Parliaments, on the contrary, had sometimes prudently wav'd all Concern in the Quarrels of their Kings, for fear they should become burdensome to the People: That as to his Majesty's Mediation at *Nimwegen*, they did not desire such Alliances as would further the general Peace he was in pursuit of, but such as would prevent it: That their pressing him into Alliances was so far from exposing him to a bad Bargain with the Confederates, that it authoriz'd him to insist on the Best; since a League with England was then most valuable, when it was enter'd into by the King, by the Advice, and with the Applause, of his People: That it was not supposable, that the particularizing in the Address would endanger its Miscarriage; since the more particularly the Sense of the House was made known, the less Opportunity they would have

A. D. 1677. have to excuse themselves from giving his Majesty the necessary Supplies, under the Pretence, that the Alliances he had made were not such as they expected, and had promis'd to support him in: That so much precious Time had already been lost, that they could not avoid speaking out now: That to address in general Terms, was the Way to lose as much more: That as his Majesty, both in his last Speech and Message, had so solemnly assur'd the House, that the Money should be employ'd to no other Uses, than such as it should be granted for, nothing was more pertinent than for them to specify what those Uses were; especially as there was no Alliance but that with Holland, which the House thought worth such a Sum: That there was no Cause to apprehend, that his Majesty would take offence at any such Signification, since they had address'd his Majesty, more than once, for Alliances against the growing Power of France; and his Majesty had received, admitted, and answer'd those Addresses: And if the House might address for Alliances against any particular Prince or State, it was well urg'd, why not for Alliances with any particular Prince or State?

It was added, That, from all their past Addresses, and his Majesty's Answers, it appear'd, that what he expected, and would have, was not to limit and check their Advice, but to open and enlarge their Gift: And that they being ready to furnish him with Money, nothing was more reasonable, than to present him with their Advice for the Application.

And, in the Close of all, it was said, That there was not only a Necessity to reduce France within her antient Bounds, but to take every other Measure that would contribute to empower her, by destroying her Trade.

Both Parties having, at last, exhausted their Arguments, the Question was put, Whether the PARTICULAR of a League offensive and defensive with the Dutch should be left out of the Address; and carry'd in the Negative: YES 142, NOES 182.

The next Morning, being the 26th, having receiv'd Notice that they were not to wait on the King with the said Address till Three in the Afternoon, they gave the last Hand to the (n) Bill for recalling his Majesty's Subjects out of the French Service, and sent it up by Mr. Powle (or Powed) who had been Chairman of the Committee, to the House of Peers; who was also order'd to put their Lordships in mind of a Bill for the better suppressing the Growth of Popery, which had been sent up to their Lordships before Easter.

Motions were also made, for the reading of several other Bills; but none were admit-

ted; the Members in general declaring, they would proceed on nothing but the French and Popery.

On presenting their Address, his Majesty was pleas'd to say, That it was long, and of great Importance; that he would consider of it; and would give them an Answer as soon as he could. Accordingly, the next Day but one, this Answer was given by the King in Person to the whole House, attending on him by his Command at Whitehall: His Majesty first read it, and then gave the Paper to the Speaker; to whom he also signify'd his Pleasure, that the House should adjourn to the 16th of July.

The Contents of this decisive Paper were as follow:

"Gentlemen,  
"Could I have been silent, I would rather have chosen to be so, than to call to mind Things so unfit for you to meddle with, as are contain'd in some Parts of your last Addresses, wherein you have entrenched upon so undoubted a Right of the Crown, that I am confident it will appear in no Age (when the Sword was not drawn) that the Prerogative of making Peace and War had been so dangerously invaded.

"You do not content yourselves with desiring me to enter into such Leagues as may be for the Safety of the Kingdom, but you tell me what sort of Leagues they must be, and with whom; and (as your Address is worded) it is more liable to be understood to be by your Leave, than at your Request, that I should make such other Alliances as I please, with other of the Confederates.

"Should I suffer this fundamental Power of making Peace and War to be so far invaded (tho' but once) as to have the Manner and Circumstances of Leagues prescribed to me by Parliament, it is plain, that no Prince or State would any longer believe that the Sovereignty of England rests in the Crown; nor could I think myself to signify any more to foreign Princes, than the empty Sound of a King. Wherefore you may rest assured, that no Condition shall make me depart from, or lessen, so essential a Part of the Monarchy. And I am willing to believe so well of this House of Commons, that I am confident these ill Consequences are not intended by you.

"These are, in short, the Reasons why I can by no means approve of your Address; and yet, though you have declin'd to grant me that Supply which is necessary to the Ends of it, I do again declare to you, that as I have done all that lay in my Power, since your last Meeting; so I will still apply myself, by all the means I can

The Address carry'd.

(n) This Bill was in Substance as follows:

That all and every of the natural-born Subjects of his Majesty, who should continue or be, after the first of August next, in the military Service of the French King, should be liable to inherit any Lands, Tenements, or Hereditaments, and be incapable of any Gift, Grace, or Legacy; or to be Executor or Administrator; and, being convicted, should be

adjudged guilty of Felony, without Benefit of the Clergy, and not pardonable by his Majesty, his Heirs or Successors, except only by Act of Parliament, wherein such Offenders should be particularly named. The like Appointment for such as should continue in the Sea-Service of the French King, after the 28th of May, 1678.

A. D. 1677.

" can, to let the World see my Care, both for the Security and Satisfaction of my People, although it may not be with those Advantages to them, which, by your Assurances, I might have procur'd."

The Speaker's  
speaking Be-  
haviour  
at the Ad-  
journing.

The Members being return'd to their House, several of them rose up, possibly to express their Sense of this cavalier Treatment; but were overborne by the Speaker, who took upon him to play the Dictator too, by insisting vehemently, that, after the King had requir'd the House to adjourn, there was no more Liberty of Speech: This being however contested, and those who had stood up demanding still to be heard, the Speaker had the Confidence (says *Marvell*) without any Question put, and of his own Motion, to pronounce the House adjourn'd; and therewithal stepp'd down on the middle of the Floor; leaving the Members astonish'd at so flagrant a Violation of their inherent Privileges.

They had also the additional Mortification to see this chiding Speech of the King's made public in the (a) *Gazette* of the next Day, being the first which had ever appear'd in that Paper, to point them out both to their own, and all other Nations, as refractory, disobedient Subjects, who had lost all Respect to his Majesty: Care being at the same time taken to suppress even the written Copies of the Proceedings of the House, that nothing might appear in their Justification.

To show, moreover, that this ignominious Dismissal was to affect only that House which had presum'd to disturb the Tranquility of the Court, the Lords had Leave to adjourn themselves after the ancient Form; The Question being first propounded by the Lord Chancellor, and agreed to by the Lords present, as usual: All Adjournments (unless made by special Commission, under the Great Seal) tho' directed by his Majesty, having always been the Act of the House.

Presumption  
that the Court  
was, at this  
time, divided.

There is, after all, some Reason to think the Court was divided at this time. We have already seen, that the Lord Treasurer had enter'd into very close Engagements with the Prince of *Orange*; and we shall soon see that he was a thorough Opposer of the Designs of *France*. It is therefore not unreasonable to think, if he did not contribute to the raising this Storm, that, in the Cabinet, he endeavour'd to make, at once, both a politic and popular use of it; but that he found the Duke too mighty for him, and was forc'd to give into Measures he could not approve.

*Marvell*, speaking of the different Turn which the Session had taken, from the Direction it set out with, says: " It were easy to assign the more intimate Causes; but they having therein also acted according to the public Interest, we will be glad to suppose it to have been their only Motive." And we

find by a Letter of Mr. *Bristow's* to the Lord Treasurer, that Mr. *Rutsgen*, who was with Reason, believ'd to be the Man in *France* who understood *England* best, was of Opinion, the Parliament would grant the 600,000 *l.* without any harsh Conditions, or appointing Administrators of their own; BECAUSE the Lord Treasurer was in concert with them, and had promis'd that the Money should be dispos'd of as they desir'd.

A. D. 1677.  
Lord Danby's  
Memor. v. n.  
p. 314.

Possibly it may be thought we have dwelt rather too long on this obstinate Struggle between the two Factions: But there is scarce any Section of our Story, in which Posterity is more concern'd. Those who, under Pretence of serving their Country, made it their Business to throw it into Confusion, could not have planted their Batteries on a more advantageous Ground, than the obvious Necessity of *England's* becoming a Party with the Confederates in the War against *France*: Nor could the King have taken a Step more

Policy of the  
Faction in put-  
ting the King  
on a French  
War.

fatal to his own Repose, than in thus gratifying the Views of his Enemies; by rejecting their Advice and refusing their Offers; and in relying more on the (6) Amity and Support of his most Christian Brother, than the Affections of his own People. The Soil was now prepared for the worst Seeds that the work of Men could fester; who became immediately as vigilant and active as the Devil with his Tares; and who, not unreasonably, promis'd themselves as rich a Harvest. Nor did it operate less fatally abroad than at home: All *Europe* now saw, that the two Kings could not be divided; and if not divided, that *France* could never be humbled. In order, therefore, to avail themselves of the Disposition of the People of *England*, some of the most politic amongst them, perhaps this early, form'd Designs on the Royal Family; and, by a Transfer of the Power of the Kingdom into other Hands, purpos'd to render it subservient to their own Views.

Fatal Con-  
sequences of the  
King's de-  
clining it.

Certain it is, that if his Majesty had now clos'd in earnest with the Desires of his People, he had disculpated himself, he had subdu'd the Faction; he had not only prevail'd, but secur'd a Balance of Power in *Europe*; and had sav'd this unhappy Country from being exhausted and beggar'd in the several foreign Wars which have since sadden'd our Annals, and made us the Property, in turn, of almost every State whose Quarrel we officiously espous'd.

One Word more remains yet to be said of the Adjournment: The four obnoxious Lords were full under Confinement; and while the Session was only suspended, not completed, there was no way left for them to obtain their Liberty; but by Petition to his Majesty. It was for this Reason that the House was adjourn'd rather than prorog'd; and three of their Lordships, *viz.* *Buckingham*, *Salisbury*, and

Three of the  
imprison'd  
Lords petition  
for and obtain  
their Liberty.

(a) Upon this Occasion *Marvell* adds, " Thus were they well requited for their lack of perpetual Sitting, and of sitting: The Parliament being grown to that Height of Contempt, as to be gazett'd among run-away Servants, Lad-dogs, Brandy Horncs, and Highway Robbers."

(b) In the Letter of Mr. *Bristow's* above-quoted, there is likewise the following Passage:

" They (the French Court) think or say, at least, that the personal Friendship betwixt our Prince & them, that our Master has no where else so good a Security for the Support of his Prerogative: And I think, and dare say, they would be loth, upon occasion, the Defence of it should cost them any thing."

A. D. 1677.

and *Wharion*, chusing rather to make their Submission, than continue in Durance any longer, petition'd, and were discharged: But the Spirit of the Earl of *Shaftsbury* was not so easily subdued, it was not for inflicting that the Parliament was dissolved that he stood committed, but for refusing to recant that Doctrine: The Lords Order express'd no other Cause than high *Contempt*, which could hardly warrant a long and close Imprisonment: His Lordship likewise knew, that his Perseverance would be deem'd meritorious, and that his making a Baffle to procure his Liberty by Law, would encrease his Popularity. Accordingly in *Trinity Term*, June 27 and 29, he made his Return by *Habeas Corpus* to the King's Bench, and demanded to be dismissed upon Bail; but the Court being of Opinion, That they had no Jurisdiction of the Cause, he

Lord Shaftsbury applies by Habeas Corpus to the King's Bench.

was (p) remanded to the *Tower*, where he continued for some Months longer, meditating *Mischief* and *Revenge*; till at last, finding there was no other way out than that which the Lords his fellow Prisoners had taken before him, by Submission, he consented to tread in their Steps, and was again let loose, like the Dragon in the *Revelations*, full of *Wrath*, and more desperately bent than ever to throw the Kingdom into Confusion.

From the Broils of the Senate, we must now turn to the Intrigues of the Cabinet.

Mr. *Montagu*, who had been Ambassador at the Court of *France*, during the Administration of the *Cabal*, and who rather prefer'd to be than was in the Secret of the two Courts, had been sent thither again, in the place of Lord *Berkely*, towards the Close of the last Year; and like a thorough Courtier, look'd round

A. D. 1677.

Mr. Montagu's Undertaking to procure the King more Money from France. [Lord Danby's Minister, vol. 1.]

(p) The Cause was soon after made public, together with the following Speech, which his Lordship made in the Court:

My Lord, I did not intend to have spoke one Word in this Business, but something hath been objected and laid to my charge by the King's Council, Mr. Attorney, and Mr. Solicitor, that enforce me to say something for your better Satisfaction. They have told you, that my Council, in their Arguments, said, that this Court was greater than the House of Peers; which I dare to appeal to your Lordships and the whole Court, that it was never spoken by them: I am sure, was not by any Disciples of mine. What is done by my Council, and by me, is, that this is the most proper Court to refer unto, where the Liberty of the Subject is concern'd. The Lords House is the supreme House of Judicature in the Kingdom; but yet there is a Jurisdiction that the Lords House does not meddle with. The King's Council hath mention'd, as a Wonder, that a Member of the Lords House should come hither, to diminish the Jurisdiction of the Lords. I acknowledge them to be superior to this or any other Court, to whom all Appeals and Writs of Error are brought; and yet there are Jurisdictions that they do not challenge, and which are not natural to them, or proper for them. They claim not to meddle in original Causes; and so I might mention in other things: And I do not think it a Kindness to give Power, or Body of Men, to give them some Power that are not natural or proper to their Constitution. I do not think it a Kindness to the Lords, to make them absolute and above the Law, for to I humbly conceive this must do, if it be adjudg'd that they, by a general Warrant, or without any particular Cause assign'd, do commit me, or any other Man, to a perpetual and absolute Imprisonment: And, my Lords, I am not so inconsiderate a Person, but what you do in my Case, shall be Law for every Man in *England*.

Mr. Attorney is pleas'd to say, I am a Member of the Lords House, and so lay weight on the Word *Member*: It is very true, I am one of them, and no Man hath a greater Reverence or Esteem for the Lords than myself; but, my Lords, I have my being as a Peer, as a Member of either House, shall not lose my being as a *Subject*, or make me to have less Privileges than *Magna Charta*, and the other Laws of *England* Liberty.

My Opinion is not with one of my Council, who argued very learnedly, that the passing an Act by the King's Royal Assent can make a Sentence; because the usual Promise was not in it. It was without any Intimation of mine to mention that Point.

The King's Council tells your Lordships of the Laws and Customs of Parliament; and if this was so, I should submit; but the Case of mine is *præsumptuous*, and is a new Way, such as neither Mr. Attorney nor Mr. Solicitor can show any Precedent of; and I have no other Remedy nor Place to apply to, than the Way I take.

Mr. Attorney contends, that the King's Pleasure may release me, without the Lords. If so, this Court is *exram regem*. This Court is the proper Place to determine the King's Pleasure. This Court will and ought to judge in Act of Parliament word; if it be against *Magna Charta*; much more may judge an Order of the House, that is put in execution to deprive any Subject of his Liberty. And if this Order of Commitment be a Judgment, as the King's Council affirms; then it is out of the Lords Hands, and properly before your Lordships, as much as the Acts which were lately pass'd; which I presume you will not refuse to judge of, notwithstanding that the King's Attorney General saith, that this Parliament is still to be going. I take it something ill, that Mr. Attorney tells me I might have applied elsewhere.

My Lord, I have not quitted what became my Duty to

wards the King; for, besides the Oath of Allegiance I took as a Peer, or an *Englishman*, there is something in my Breast, that will never suffer me to depart from the Duty and Respect that I owe him: But I am here before him; he is always supposed to be here present; and he allows his Subjects the Law.

My Lord, they speak much of the Custom of Parliament; but I do affirm to you, there is no Custom of Parliament, that ever their Members were put out of their own Power; and the Inconvenience of it will be evident.

Mr. Attorney was pleas'd easily to answer the Objection of one of my Council: If a great Minister should be so committed, he hath the Care of a *Nation*, a *Proportion*, or a *Dilection*: But if the Cause should be carry'd by forty Members, or a greater Number, may not as well be taken away, without Remedy in any of the King's Courts, he will not so easily answer; and if in this Case there can be no Relief, no Man can foresee what will be hereafter.

I desire your Lordship well to consider what Rule you make in my Case, for it will be a Precedent, that in future Ages they choose every Man in *England*.

My Lord, Mr. Attorney saith, you can either release or remand me. I differ from him in that Opinion. It's not just to insist upon a Remand: I have been a Prisoner above five Months already, and some hither of *Nottingham*, having no other Way to get my Liberty; and therefore am willing to tender your Lordship Bail, which are in or near the Court, good as any are in *England*, either for their Quality or Estate; and I am ready to give any Surety or Number.

My Lord, this Court being possid of this Business, I am now your Prisoner. [Out of the Collection of Sir Thomas Webster, 262.]

Bishop *Burnet* observ'd (vol. 1. p. 405.) that Lord *Danby* oppos'd this Motion (of the Lord *Shaftsbury*, in the King's *Case*) highly, as done in contempt of the House of Lords; and said, he would make use of it against him, next Session of Parliament.

This Application to an inferior Court was accordingly taken notice of by the Lords, who voted it a Breach of Privileges, for which the Earl was to answer his Contempt, at the Bar of the House. On the Twenty-second of February he was brought to the Bar, where he offer'd to acknowledge his asserting this Dissolution of the Parliament to be an unduly Action, and to beg their Lordships Pardon for his Offence in bringing his *Habeas Corpus*. Soon after the House proceeded to a Remission and Acknowledgment in a Form prescribed by that House, without which they were to expect no Release. This, they a formalization to a high Spirit, the Earl was forced to submit to. Accordingly the Lord Chancellor read the following Words to him, while the Earl, kneeling, repeated them at the Bar: 1. *I do acknowledge, that my endeavouring to maintain that the Parliament was dissolved, was an ill-advic'd Action, for which I humbly beg Pardon of the King's Majesty, and this my be-arrable House. 2. I do acknowledge that my bringing a Writ of Habeas Corpus in the King's Bench, was a high Violation of your Lordship's Privileges, and a great Aggravation of my former Offence; for all which I beg Pardon.* Having both repeated and subscribed this Recognition, the House order'd the Lords with white Stuffs to acquain his Majesty, "That they had received Satisfaction from the Earl of *Shaftsbury* in the Matter of the *Habeas Corpus*, and the *other Contempt*, and pray'd him to discharge the said Earl from his Confinement." Accordingly the Earl was released, after an Imprisonment of about thirteen Months; and the next Day took his Seat in the House of Lords. [Hist. and Precedent of the House of Lords.]

A. D. 1677.

A. D. 1677.

round on every side for Opportunities to make himself useful, in order to make himself great. This warm Contest between the King and the Commons, had again put him on a scent, which he had pursued with much Eagerness once before, viz. To advance the Price of his Master's Neutrality, in Proportion as his Majesty found it more difficult and troublesome to maintain.

Correspondence  
between him  
and the Lord  
Treasurer  
therein.

To this end, he writes a Letter to the King, June 24. in which, to pave his way, he discloses several Secrets that deserve here to be enumerated, both by way of Comment on past Transactions, and of Key to those which are to follow: As 1. The Rage which Mr. Ruvigny express'd, when the King had made his separate Peace with Holland. 2. His Majesty's Message to him by Mr. Montagu, signifying, "That he gave great Marks of his Friendship to France, in not taking up the Triple Alliance again; and that whilst the Concert between the two Crowns had lasted, the *west Christian* King had greatly advanced his own Interest, but that of his Majesty not at all, as he was oblig'd to by his Treaty." 3. Mr. Ruvigny's Reply, That after such great Sums as his Majesty had paid in England, it was hard to be left to. 4. Mr. Montagu's Rejoinder, that they had no Reason to repent the Money, since the Neutrality of Sweden cost them two Millions and an half (Livres.) And that, for so vast a Fleet, and ten thousand of his Subjects in the French Service, his Majesty, tho' so great and powerful a King, had but three Millions. 5. Mr. Montagu's own Remarks on this Conference to Lord Arlington, That Mr. Ruvigny appear'd to be frighted at the Mention of the Triple Alliance, that he was sure if the Ambassador was well managed, the three Millions his Majesty had during the War, might be continued to him. 6. Mr. Ruvigny's Complaints to him, that he found the Ministry all turning against France, and the Lord Treasurer, in particular, absolutely in the Prince of Orange's Interest; and that he fear'd his Majesty would be brought in to join with the Confederates and abandon France. 7. Mr. Montagu's Advice to that Minister (as a Means to fix him in the French Interest) to offer the Continuance of the three Millions; for that in this World, nobody does any thing for nothing. 8. Mr. Ruvigny's Confession, That he had communicated this Advice to his Court, that they consented to it, with a Recommendation to be as sparing of the King's Money as possible; and that he had done it to effectually as to bring his Majesty to be contented with ONE hundred thousand Pound, when he might as easily have paid him THREE. 9. Mr. Montagu's Application of all these Particulars, viz. That the

King might the better know his own Power and Greatness, and consequently set a greater Value upon it. 10. His remarkable Assertions, That the Greatness of the King of France was supported only by his Majesty's Connivance at what he did, and the good Will *Christendom* saw he had for him; and that the Advantage he had by it even in point of Revenue by his Conquests, did amount to five times the Sum he then had from him. 11. His Proposal to get for his Majesty a Million of Livres yearly, while the War should last, and four Millions after the Peace should be made, over and above what he had then from France. 12. A Request, that if his Majesty trusted any Minister in this Affair, it might be the Lord Treasurer, because he thought him to be the best Judge of it: And 13. another Request, that, unless his Majesty should think it for his Service, that his Lordship should see this Letter of his, his Sister, the Lady Harvey, might see it burnt; because the Particulars contain'd in it relating to Mr. Ruvigny, might prove his (Mr. Ruvigny's) Ruin.

To this remarkable Dispatch, the Lord Treasurer return'd two several Answers; one dated July 15, by the King's Order, with his Majesty's Sentiments; and the second July 16 with his own.

The first signify'd, That the King would take it for a good Service to get an additional Million to be well paid, during the War, and four Millions, well secur'd, to be paid within six Months after the Peace should be made; but that, unless there was a Certainty of the four Millions then, the one Million would not be sufficient now: And that it was impossible, with less than two hundred thousand Pounds sterling a Year, while the War lasted, to support his Affairs; in which, says his Lordship, "He suffers so much for their Sakes, as I confess, in my own Opinion, no Money can recompense."

In his Lordship's second Letter, he wonders to find that his Majesty had no more than a Million of Livres a Year (after the Peace with Holland) and that but for one Year past: Repeats the very same Words he had us'd before, as to the King's Sufferings for the sake of France: Declares he had so little Faith in French Promises, that unless he (Montagu) could procure Security for Performance, he should expect the Noise rather than any Benefit from them: Avows his Satisfaction to find by him, that Mr. Chiffineb had been, and was to be, the Receiver of whatever Remittance should be made from France, as being himself desirous to have as little to do with them, in any kind, as he could, unless it were to cudgel them out of that (9) Contempt they had not only for our Nation,

(9) We find the following Character of the People of England in a Work call'd *Traité de la Politique de France*, and addres'd to his most Christian Majesty; which, however false and fondness in some Particulars, deserves our most serious Attention in many more. Our own Self-complacency being more essentially injurious to us, than the Injustice of our Enemies.

"As to the English, they have no Friends: They are a People without Faith, without Religion, without Probity,

"without the least Justice, inconstant to the last degree,

"cruel, impatient, pharisaical, proud, insensible, covetous, fit

"for heavy Blows, or a sudden Overtake; but incapable of

"conducting a War with Judgment: Their Country affords them a Subtilty, but is not rich enough to enable

"them to make foreign Acquisitions. Thus they have never conquer'd any Country but Ireland, the Inhabitants

"of which are feeble, and ill Soldiers: And on the contrary, they themselves have been conquer'd by the Ro-

A. D. 1677. Nation, but the very Person of the King, altho' he was so unhappy as not to believe it: Mentions his Approbation of a Project of Mr. Montagu's for removing the Congress from Ninewgen to London; because, says he, I would have his Majesty change his Figure from Arbitrator into Mediator: Expresses his Fear, that, for that very Reason, his Majesty would not do it; thinking himself to be ty'd up by such nice Points of Honour, as, I durst take the Sacrament, continued his Lordship, would not be stood upon an Hour by the King of France: And desires his Excellency to make use of the many Opportunities, which his Station afforded him, to furnish him with some of those frequent Instances, which he was confident there were, of that Court's despising the Councils of this; as it might be a means of saving the Nation from Ruin, which he believed it was the great Design of France to accomplish.

It appears by the Event, that his Excellency attended more to the Instructions in the first Letter, than the Reasonings in the last: He thought the Money would be the most acceptable Service, and therefore address'd himself with all his Might to compass it: He made his Demand in form, back'd it with all the Arguments he could think of, set all his Engines to work, and even adventur'd to bribe, as far as (\*) two thousand Louis-d'ors, to facilitate the Jobb: But, in the midst of his Career, had the Mortification to be inform'd by Mr. Pomponne, that Mr. Courtin, who was still in England, had enter'd upon the Negotiation with his Majesty, and had induced him to be content with two Millions of Livres yearly during the War, instead of two hundred thousand Pounds Sterling.

Concerning this Counter-Proceeding on the French Side, and the Countenance it receiv'd from his Majesty, Mr. Montagu expostulates with the Lord Treasurer, in his subsequent Dispatches; and, in particular, to shew upon what good Grounds he had proceeded, gives him to understand, August 27<sup>th</sup>, that he had come to the Knowledge of those Sums which were given to the Dukes of *Bavaria* and *Hanover*; who, he hop'd, were both much less considerable Princes than his Master; and yet the Former had, at least,

as considerable a Sum of Money, privately paid, as what he insisted on for his Majesty: And that he had drawn such Arguments from hence, as the French Ministers could no otherwise answer, than by desiring him to have Patience; till they had a Confirmation from Mr. Courtin, that the Affair was already adjust'd on the Terms before-mention'd, and even with the Concurrence of the Lord Treasurer.

Mr. Montagu had, in a preceding Letter, inform'd his Lordship of the Circumstance relating to himself; and he, on the other hand, had, in answer, made the most explicit Declaration, that all Mr. Courtin had written, or Mr. Pomponne said, with respect to his Concern in that Matter, was utterly false; he having never spoken in his Life with Mr. Courtin, either about that, or any other Affair: When his Majesty arriv'd from Plymouth (whither he had made a naval Progress, with a Part of his Summer Guard; which was the Royal Parade of those Times, as Reviews have been since) a Part of the Truth came out: The King himself acknowledging, that he had agreed, in the Presence of the Duke, to accept of two Millions of Livres; but expressing his Concern thereat; as not having consider'd the (1) Difference between the two Sums; declaring Two hundred thousand Pounds was the Sum necessary for his Service; and directing, that Orders should be given to Mr. Montagu to insist upon it, as before. The other Part Mr. Montagu himself discover'd: Mr. Pomponne, thro' Eagerness to convince his Excellency, that his Instructions were at an end, shew'd him Mr. Courtin's Letter; which signify'd, that the Affair had been transacted privately, at Mr. Chiffinch's Lodgings, without the Participation of the Lord Treasurer.

The former Demand was now renew'd; Mr. Montagu had the Negotiation to himself; and not only took upon him to give it a Colour at the Court of France, but even prompted his Majesty to refer Mr. Barillon, who succeeded Mr. Courtin at London, to the Lord Treasurer; in case he should endeavour to keep him to the two Millions; of which Refinement he also made a Merit in his Lordship; by informing him, that he had made the thing to easy, that he might have the

Credit

\* men, Danes, and Norwegians; and even their present Kings inherit in Right of a Conqueror. They hate one another, and are in perpetual Broils, either about Matters of Religion or Government. A French War of three or four Years would utterly ruin them. We should therefore have no Peace with them, but on such Conditions as were greatly in our Favor; except his Majesty should think fit to defer the Execution of this Project till some other time; or should receive such promising Hopes to the Tranquillity of his Subjects. None but a King can feel what it is to love his Subjects, as none but a Father can feel what it is to love his Children. In a Word, to ruin the English there is no more necessary, than to oblige them to keep on foot a standing Army; France would have nothing to fear from it: For should they undertake a Detachment, it would be their Destruction, even if no Rebellion should interfere and oblige them to keep their Forces at home: but if they had Forces, they would inevitably cut one another's Throats. It is likewise necessary to put them into great Apprehension for that End, to keep them in continual Alarm, for the Lives of *Garnesly, Jersey, Wight, Mar, and Ireland*;

which would oblige them to maintain large Garrisons; and that again would lead the People to insult, that the King entertain'd Designs on their pretended Liberties. While a King of England is alive, he will ever be laud'd by his People. Their Factions should be kept up; their Sects should be encouraged; and above all the *Garibolus*. The Benedictine Monks should be promoted in the Name of the King of England, in which it is easy to deceive them, that they shall be restored to all their ancient Possessions, of which they were depriv'd (at the Reformation.) Upon which, their Monks will engage Heaven and Earth in their Quarrel; the Catholics will declare themselves; and if the *Ramus*, which already prevails, that the King is a *Protestant*, is renewed and strengthened, the English Monarchy will be divided, and all will be thrown into Confusion.

(1) On the Merit and Strength of having, a Year before, for the like Sum dispos'd of to the same Persons, got his Majesty retir'd from that Article between the two Crowns, which oblig'd him to raise and maintain six thousand Men, at his own Charge, for the Service of France. (1) Which was 50,000 l. besides 12,000 l. by the French Address, as Mr. Montagu calls it, in the Exchange.

A. D. 1677.

Credit and Advantage with the King of concluding the Affair: As also, that, for the time to come, it would play all things of Consequence into his Hands, and confirm the King, more and more, in the Opinion he had of his Ability and Fidelity: And, agreeable to this Declaration, his *most Christian Majesty*, upon the Issue of several Conferences with Mr. *Montagu*, signify'd, that Mr. *Barillon* should finally adjust the Matter in dispute with the Lord Treasurer.

Thus stood the Affair in the Beginning of *October* (when this intriguing Minister, having, as he says, many other things of Importance to communicate to his Lordship, which would be of service for him to know, desir'd and obtain'd Leave to come home, for a Fortnight); and thus the King fulfilled his Engagements, in his last Speech to the Commons, "That, as he had done all that lay in his Power, during the Adjournment, so he would still apply himself, by all the Means he could, to let the World see his Care for the Security and Satisfaction of his People."

Progress of a separate Peace between France and Holland.

While such was the Situation of things between *England* and *France*, it is scarce to be wonder'd, that the *States* and People of *Holland* grew more eager than ever for a separate Peace; that Mr. *Beverning*, their leading Plenipotentiary at the Congress, should persist in his Opinion, that no Good was to be expected from *England*; and that, in this Belief, he should hurry on the *Essential Treaty*, as it was call'd, almost with Precipitation.

[Jenkins's Letters, vol. ii. p. 120, 121, 122.]

On the 7th of *June*, as we learn both from Sir *William Temple* and Sir *Leoline Jenkins* his Colleague, Mr. *Beverning*, in a Conference with those Ministers, freely and plainly declar'd, that he would enter immediately into Negotiation with the *French* Ministers; that he would carry them the Project of a Treaty ready dress'd to the very last Line; that he had already given the Allies to understand, that he would stay no longer; that if they had acted as they might and should have done, they might have been in peace before that time; and that, whatever his Hopes were from the Residue of the Campaign, his Fears, arising from the Misunderstandings of the Allies, overbalanced them; and convinced him of the Necessity of pursuing the Peace, that they might not lose the next Spring, as they had lost the last.

Before the Dispatch was clos'd, which contain'd the Detail of these Particulars, it appear'd, the *Dutch* and *French* Ministers had brought Matters so near to an Accommodation, without the Interposition of the Mediators, that there remain'd but one Difficulty between them, unadjusted; which related to the Regulation of Commerce, upon the following Plan; which, for Form's sake, was left with the said Mediators, by the *Dutch*, to be handed by them to the *French*, that it might not be said, his Majesty's good Officers were not made use of:

The Conditions of it.

1. The Re-establishment of Peace and Amity. 2. The prefixing the Time, and

Bounds, of a Cessation of Hostilities by Sea. 3. An Amnesty. 4. That the Parties should not consent to any Treaties prejudicial to each other. 5, 6. That, for the more effectual Security of Commerce, for the time to come, all Confiscations, made during the War, should be annulled, and the Proprietors restor'd. 7. The Parties should remain seiz'd of all they possess'd, either in or out of *Europe*. 8. The *most Christian King*, as a Proof of his Amity, should restore *Majricht*, with its Dependencie. 9. Renunciation of all Pretensions, past and present, on both Sides. 10. Release of Prisoners, without Ransom. 11. The present Treaty to subsist, and be made good, notwithstanding all Contraventions. 12. The Articles touching the Pretensions and Interests of the Prince of *Orange* to be insert'd, word for word, in this Treaty. 13. The *Emperor*, the Kings of *Spain* and *Denmark*, the Electors of *Treves* and *Brandenburg*, the Duke of *Lorraine*, the Bishop of *Munster*, the Dukes of *Niueburg*, *Zell*, *Wolffenbuttel*, and *Osnaug*, to be compris'd in this Treaty, as Allies. And 14. A full Liberty to all to guaranty their respective Treaties, which should be made jointly with this.

By the Beginning of *July*, this good Understanding between *France* and the *States* was so well advanced, the Mr. *Beverning*, who expected as little Help from *England* in the Peace as the War, began not only to play the Part of a Mediator himself, but of something more, says Sir *William Temple*, pressing on his Allies towards a Peace, with Pauses very earnest, and something rough, and, as some believ'd, more than he had Orders for from his Masters, who yet pretended to hold Hands with their Allies.

Temple's Memoirs, P. ii.

A transient Mention has already been made of the ill Usage which *Sweden* had received from *France*; it is now proper to explain wherein it consisted: The Dukes of *Zell* and *Wolffenbuttel* had shar'd with *Denmark* and *Brandenburg* in the Spoils of *Sweden*: And, to divide them from the Confederacy, *France* offer'd them a Guaranty of all their new Acquisitions, in *Bremen*: This *Sweden* was call'd upon to consent to, without the Offer of any Equivalent; but the Neutrality of those Princes: And, at the same time that these *Lauenburg* Princes had 8000 Troops against the *Swedes* in *Pomerania*, they had but 3000 against the *French*. They were indeed under an Engagement to furnish 5000 more; but on these Temperings with *France*, refus'd to furnish them, without some new Stipulations.

The Swedes ill-us'd by France.

While the *Swedish* Ministers, on the one hand, made their Complaints of these things to the Mediators, their *French* Allies, on the other, in the midst of the Confidence which was now growing between them and the *Dutch*, made no scruple to avow, That they would not part with one Village in *Flanders*, in order to restore the *Swedes* to what they had lost: In which, however, they overshot themselves; since it gave Mr. *Beverning* occasion to say, "This is sufficient to shew us, how much we could rely on the *French*, if we should

" should



A. D. 1697. " should make a separate Peace with them, and thereby lose the Support of the present Confederacy; since France did use the Swedes in such a manner, who had adventur'd so much for them."

Separate Negotiations between France and Spain.

The Dutch were, moreover, uneasy, not only on account of the separate Measures like to be concluded between France and the whole House of Brunsfwick, but upon new Intelligence, which had been receiv'd both from Vienna and Madrid, about a separate Peace, then in agitation, between Don John and the French, for an Exchange of the Spanish Netherlands, for what should be restor'd them in Roussion and Sicily.

England rejects her Troops out of the French Service. Temp. Mem.

They likewise, in common with the rest of the Confederates, receiv'd an additional Mortification from England: For, having made great Instances, That his Majesty would recall his Troops in the French Service, to whom, as before hinted, they attributed all the Successes of the French in Germany, his Majesty excus'd himself upon the Equality of a Mediator; and by alleging, that there was a greater Number of English Troops in the Service of the Allies, which was look'd upon as an ill Sign of that Prosecution which they hop'd for from his Majesty, for the Relief of their languishing Affairs.

As to what pass'd at the Congress, during the Residue of this Summer, it scarce deserves mention; Sir William Temple himself confessing, that it serv'd only to keep the Mediators in Countenance and no more. It was once indeed in danger of being broke up by a passionate Motion of the Swedes, who peremptorily insisted on a Freedom of Passage for their Counters, thro' the Territories of Denmark, which the Danes as presumptuously refus'd. The Dispute lasted for about a Fort-night or three Weeks, with some Warmth, and then all grew calm again. About which time the French began wholly to change their Language, and to say, upon all Occasions, That France could not make a Peace without the full Satisfaction of, and Restitution to, the Swedes: And it was discours'd, that the French and Swedes had enter'd into an Alliance at Paris to this Purpose; some believing it was by Consent between them, that this Shock was given by the Swedes to the Congress; and that the French had, at that time, a mind to break it, and to enter into a Treaty with Spain, under the Pope's Direction, and at Rome; as not knowing to what Measures his Majesty (of England) might be induc'd by the Progress of the French Conquests, and the Distempers rais'd in his Parliament upon that Occasion.

Content between the Confederates Armiss in Germany and Flanders.

The Residue of the Campaign, resembled that of the Congress. It promis'd much, it produc'd nothing. His most Christian Majesty left the Field, almost before the Germans were ready to speak in it; and thro' a Plan had been laid for the two Armies of the Confederates in Flanders and Germany to act in Concert, and thereby strengthen and support each other, it fail'd in the Effect, if not in the Execution. In June all the Advices out of Germany were full of the Motions of the Duke of Loerain towards his own Duchy, in order to penetrate into Cham-

pagne, while Mr. de Crequi, who had the Command of the French Troops on that Side, being inferior in Strength, found it advisable to retreat before him. This gave the War a flattering Aspect to the Confederates; but like all other Flatterers, it was deceitful; for no sooner was the Marshal reforc'd with several strong Detachments from Mr. Schomberg at Carignan, than he fac'd the Imperialists, who had pass'd the Sille, and posted himself so advantageously, that he could neither be forc'd to an Engagement, nor stretch'd for Forrage and Provisions. On the other hand, the Imperialists fell into such great Wants and Difficulties, their nearest Magazine being at Treves, which was 15 or 17 Leagues off, that they were soon forc'd to dislodge, and were follow'd in their Turns by Mr. de Crequi. Every Day the News of a Battle was expected, but none follow'd: A River (the Mozelle) a Rivulet, a Hollow Way, or some Obstacle or another, always prevented; and the two Generals, as if by Consent, display'd their Skill in Marches and Encampments only.

This, however, we are told, answer'd, or it was believ'd would answer the Design of the Allies, which was to hinder Mr. de Crequi from sending the Reinforcements to the Duke de Luxembourg, while the Prince of Orange sit down before Charleroy; and which, it was presum'd, was neither prepar'd for a Siege, nor could be time enough reliev'd. But the French had early Intelligence of the Design; and the Piece was not only put in a Condition to hold out a long and vigorous Siege, but Mr. de Loewen, the first Mover of the French Councils, with great Diligence, drew together such Bodies of Forces to reinforce the Duke of Luxembourg, that, without weakening Mr. de Crequi, he was able to face the Prince before Charleroy, before the Frenches could be open'd.

Upon this unexpected and surprizing Effort of the French, his Highness call'd a Council, to advise whether to march and fight the French Army, or raise the Siege. The last was resolv'd, and accordingly executed, and therewith ended the Campaign in Flanders.

But this March, says Sir William Temple, and Retreat of the Prince, pass'd not, without many Reflections, not only among the Allies, but in Holland too, as if he had given over the Design upon some Intelligences and Expresses between him and the King (of England). About this time Lord Ossory happen'd to arrive in the Camp (the Day before the Council of War was held); upon which the Siege was rais'd, which made many think that something his Lordship brought from England, was the Occasion of it: But I (proceeds Sir William) could never find there was any thing more in his Journey, than the Hopes of seeing a Battel (which was ever a particular Inclination of Lord Ossory) and a Call of my Lord Avilington's to preserve himself in the Prince's Favour and Confidence as much as he could; by Lord Ossory's keeping close to him at a time, when he saw the Balmess of Christendoms roll so much upon the Person of this Prince.

Sir

A. D. 1677.  
H Jenkins's Let.  
1677, vol. ii.  
p. 155.

Sir *Leoline Jenkins*, in his Dispatch of August 20, has indeed the following Passage: "Some Days since Mr. *Chauldeigh*, happening to fall into Discourse with Mr. *de Main*, a Kinsman of Mr. *Colbert's*, of the Affairs of the Campaign, and of what happen'd at *Charleroy*; and from thence speaking of the Report, which is so general in this Country, and so very unjust to his Majesty, as if my Lord *Offory* had been sent over expressly to endeavour the raising of that Siege; Mr. *de Main* said, That Mr. *Hulf*, Secretary to the *Dutch* Ambassador, had affirm'd it with this Circumstance, That the Prince of *Orange*, having in the Morning held a Council of War, wherein it was resolv'd to give the *French* Battel, his Highness had afterwards chang'd his Resolution upon a particular Conference that he had with Lord *Offory*." But Lord *Offory* was, of all Men in the World, the most unfit to be sent on any such Errand: War was his Element: And to have been made use of to damp any great Undertaking, would have given him the greatest Mortification imaginable: Besides every Difficulty is clear'd up in the most satisfactory manner, in a Letter from Mr. *Bentinck* to the Lord Treasurer; as the Excerpt that follows bears witness.

As was to be  
rememb'd.  
Dunby's Memoirs,  
vol. ii.  
p. 145.

"Our Affairs here have had such a Turn, as makes us fear this Campaign will not end much to our Advantage, which is chiefly to be imputed to the bad Measures which the *Spaniards* force us to take. They give us Assurance, That let the *French* bring as good an Army as they could into the Field, they, with the Troops of the Allies (among whom were the *Luxemburgers*, who had not completed their Treaty with *France*) should be in a Condition, not only to make head against the *French*, but likewise to cover our Siege: And yet we found that they (the *French*) took the Field with an Army as strong as all ours together, before our Lines were half finished; which oblig'd us raise the Siege without any Possibility of bringing them to an Engagement; which in the Opinion of all our Generals, could not be effected, but with the greatest Hazard and Disadvantage in the world; we being oblig'd to march in sight of the Enemy thro' a large Wood, which lay between us, by Detaches, against their Army, which was drawn up on the other Side. Your Lordship will easily judge, since Affairs are at present in this Condition, if the Enemy make the same Advantage of the next Spring, as they have done the foregoing Years, whether it will not then be too late to think of providing for the Safety of the *Low Countries*, when the *French* are Masters of them."

Upon the whole, whoever was in Fault, all had their Share in the Misfortune. The *Spaniards* gave out, that this Attempt cost them three Millions of *Florins*, the *Imperialists* that in keeping Mr. *de Crequi* in play, they had sacrificed ten thousand Men, and the *Dutch*, who consider'd all things under the Heads of Profit and Loss, that they run out every Year more and more in the Prosecution of an Adventure, which could

never make them suitable Returns; so that the more the Confederates suffer'd from the common Enemy, the more dissatisfy'd they grew with one another.

The Campaign ended as much to the Advantage of the *French* in *Germany* as in *Flanders*. The Marshal of *Crequi*, not only holding the Duke of *Lorraine* at bay, but obtaining a very considerable Advantage over him, at a Place call'd *Koebberg*; and after that, carrying *Friburg* in *Brigave*, before his Highness could come up to its Relief.

The *Swedes*, on the other hand, continued as unfortunate as ever. The *Danes* had obtain'd another very considerable Victory over them by Sea. The Confederate Forces had also the Advantage of them by Land. And after a long and obstinate Siege, which lasted till the Middle of *December*, the Elector of *Brandenburg* made himself Master of *Stetin*.

While both the War, and the Congress, proceeded thus unfavourably to the Views and Designs of the Prince of *Orange*, his Highness, who, according to Sir *William Temple*, had told Lord *Offory*, That his Fortunes were not in a Condition for him to think of a Wife, now found Cause to alter his Mind, and to seek for that Alliance which he had declin'd before.

He had, it seems, unbosom'd himself on this delicate Affair to Sir *William*, when he (the Prince) was upon the point of opening the Campaign of the preceding Year; intimating, That, since his Friends would have him marry, he was more inclin'd to make his Addresses to the *Lady Mary*, than any body else. But starting two Queries, viz. Whether her Highness had sufficient Conformity of Temper to accommodate her Behaviour to his? Whether it was worth his while to disoblige his Friends the Malecontents of *England*, by allying himself, contrary to their Advice, yet nearer to the Royal Family? To which, receiving satisfactory Answers; in particular, That it was a great Step to be one Degree nearer to the Crown, and in all Appearance the next; and that his Friends were not in a Capacity to give the Crown the Disturbance they imagin'd, he resolv'd to enter upon the Pursuit.

Lord *Dunby*, however, assures us, that it was not till *May* 1677, when the Houle of Commons was in the Ferment before describ'd, that this Project became ripe enough to be communicated to the King; nor till at least two Months after, that his Majesty gave any Hopes of his allowing any Treaty about it: And tho' the Prince sent Mr. *Bentinck* over into *England* about the Beginning of *June*, to desire leave to make a Journey thither as soon as the Campaign was over, his Majesty civilly discourag'd it, by expressing his Wishes, that he would first think of making the Peace, and rather defer his Journey till that was concluded. Mr. *Bentinck* was, nevertheless, most graciously received by the King, and most cordially by the Lord Treasurer; and return'd with a Promise, that his Majesty would enter into a Confidence with the Prince, and would send over to him a Person he could rely upon to carry on the Correspondence between them.

A. D. 1677.

Friburg, taken by the French;

and Stetin by the Elector of Brandenburg.

Temple's Memoirs, p. 11.

Dunb. Mem. Vol. ii. p. 286.

Temp. Mem.

Dunb. Mem.

A. D. 1677.

Temp. Mem.

Sir *William Temple* had, about this time, been summon'd from *Nimeguin* to enter upon the Office of Secretary of State, in the Room of Mr. *Coventry* (which he had, however, declin'd, on finding Mr. *Coventry* did not care to part with the Seals, unless he might chuse his Purchaser, as well as set his (x) Peice) and frequently entertain'd the King on the Subject of a Peace, and the Expediency of the Prince's Journey to *England*; which seems to have been fiddled for by him in Concert with the Lord Treasurer; and by the Last wish'd a View to balance the *French* Interest, which he had Reason to fear would otherwise be too mighty for him; and as an Expedient to recover the Confidence of the People.

But for the very Reason, that this Journey was likely to give (u) Umbrage to *France*, it was likely to be ungrateful to the Duke; unless Ways and Means could be devised, that *France* should find her Account in it; and possibly, as Mr. *Montaigne's* Money-Intrigue was depending at this very Crisis, the King himself might have an Eye to the same Consideration. However this may be, his Majesty, in all these Conferences, continued warm for a Peace, but cool to the Visit, till that was first established; treated the Claimour for a War with *France*, as the Tool of the *Faction* to make their own Terms with him; and express'd a thorough Aversion to the having any Concern in it, for fear of being at their Mercy. He, nevertheless, acknowledged, that the longer the Confederates continued the War, the more they were like to be Losers: But then he infer'd, not that they ought to be assisted, but that they ought to give over the Dispute; and express'd his Desires that the Prince would make the Peace for them, if they would not do it for themselves; adding, That if he and the Prince could fall into the Terms of it, he was sure it might be done.

This ended, at last, in a formal Proposal from the King to Sir *William Temple*, to make a short Turn to the Prince, to try if he could persuade him into his Majesty's Sentiments, and to assure him, That after the Peace was settled, he should be the gladdest Man in the World to see him in *England*. As both the Duke and the Lord Treasurer join'd with the King in this Expedient, it may be presum'd, that it was, at this time, become the common View of all three, to disarm the Faction, by putting an End to the War upon any Terms, or at any Price. But Sir *William*, recollecting the ill Success of his former Endeavours, and being sufficiently convinc'd of the Prince's Inflexibility, chose to decline the Commission, and recommend Mr. *Hyde*, who had some time officiated as joint Plenipotentiary at *Nimeguin*, to undertake it in his stead.

Mr. *Hyde* was accordingly dispatch'd, and made his Efforts, but to so little Purpose, that in the Account he gave of his Reception, he declar'd, That he had never seen such a Firmness in any Man. The Prince, however, renew'd his Instances with the Lord Treasurer, for leave to come over; and express'd a sort of Confidence, that, by the Help of the Treasurer's mighty Interest, he should bring his Affair to a good and happy Issue: And of such Importance did his Lordship think it to oblige him; and so effectually did he make use of this mighty Interest of his for the Prince's Service, that, he at length carry'd his Point. The King gave way; Leave was granted; and his Highness arriv'd at *Harwich*, October the 9th.

His Reception was accompany'd with all that open and winning Frankness, which render'd the King not only the most gracious of Princes, but the most agreeable of Men: But, as scarce any Man had less of this amiable Ingredient in his Composition than his Highness, scarce any Man was less sensible of the Charms of it in another: Both, however, made their different Temper serviceable to their Designs: The King seduc'd; the Prince aw'd: And Reserve and Sullenness in the one, were made use of to effect what the other compass'd by Smiles and Affability. Each had his Point in view: Peace was the King's; to be a Step nearer the Throne, the Prince's. Both were to play the Politician; and in the midst of mutual Professions mutually to outwit and over-reach one another. The King had the Duke for his Second, and possibly all the Creatures of *France* for his Auxiliaries: The Prince had the Treasurer, and his old Friend Sir *William Temple*. The King and Duke open'd first, at *Newmarket*, where the Court then was: But the Prince would not so much as parley till he had seen the Lady he was in pursuit of. She had the Fortune (whether good or ill, who shall decide?) to please him: And then the Intrigue was push'd on both Sides with all the Vigour and Artifice imaginable: The King insisting still on the Peace prior to the Marriage, and the Prince on the Marriage prior to the Peace; saying, "That his Allies, who were like to have had Terms of the Peace, as things then stood, would be apt to believe that he had made this Match at their Cost; and that for his part, he would never sell his Honour for a Wife." Both Sides were positive; and for three or four Days continued so; at the End of which time, Sir *William Temple* found his Highness in the worst Humour he had ever seen him in; sorry he was come to *England*; resolute to be gone, in two Days, if the King did not recede; adding, in the minatory Style, "That, before he went, the King must chuse how they should live hereafter, for he was sure it must be either like  
" the

A. D. 1677.

Danb. Mem. Vol. ii. p. 148.

Comes into England.

Temp. Mem. p. 11.

(1) Ten thousand Pounds.

(2) In a Letter from Mr. *Beloeuse* to the Lord Treasurer, we find a Detail of the Cause of Complaint which *France* lay against *England*, as enunciated by Mr. *Coventry* to that Gentleman, beginning thus: First, The Voyage of the Prince of *Orange*; which was assist'd to, contrary to Pre-engage-ment, upon a Letter brought by my Lady *Temple*, and which was not communicated to the Duke of *Tork*, till the King of *England* did give it him; and that without the Participation or Knowledge of the French King, or his Ministers. [See *my's Memoirs*, vol. ii. p. 320.

A. D. 1677.

"the greatest Friends, or the greatest Enemies?" And desiring Sir *William* to be his Herald, and declare as much to his Majesty next Morning. He did so (for it seems neither Party had as yet learn'd the Art of engrossing the King to themselves) and back'd it, with a Remonstrance of his own, concerning the ill Consequences of a Breach between them, considering the ill Humour of so many of his Subjects, upon the late Measures with *France*, and the Invitation made the Prince by several of them, during the late War. This Pass took the King in his Foible, and disarm'd him at once. His Majesty, however, put a good Face on the Matter, and affect'd to bestow his Niece on the Prince, not because he was a dangerous, but because he was an honest Man. Sir *William* had then Orders to communicate his Pleasure to the Duke, who seem'd surpris'd; but said, "The King shall be obey'd; and I would be glad all his Subjects would learn of me to obey him. I do tell him my Opinion very freely upon any thing; but when that is done, and I know his Pleasure upon it, I obey him." Sir *William* then returned to the Prince with his good News, who affect'd to be surpris'd as well as enjoy'd; and, till after this, according to Sir *William's* own Account, not even the Lord Treasurer, was in the Secret of the King's sudden Change.

His Marriage with the Lady Mary.

Nov. 1245.

The Retirement of Burnet, &amp;c. l. A. 410.

(cc) The same Evening the Match was declar'd at the Committee, and on the Morrow to the Council, which was, upon that Occasion, extraordinarily assembled, and in the next *Gazette* to the whole Kingdom. Wherever the News spread, Joy accompany'd it. It was look'd upon as a Deliverance from the *French*; and no Man, at that time, dreaded any other Slavery.

According to Bishop *Burnet*, who derives his Informations from Mr. *Montagu*,

(cc) *October 24*: Now the Prince landed at *Harwich* the 25th; and yet Bishop *Burnet* says, That, after a fruitless stay of some Weeks, he returned to go back, without proposing Marriage. His whole Account, which he gives on the Authority of Mr. *Montagu*, is so different from this, which is founded on Sir *William Temple's*, that it deserves to be inserted here, that the Reader may follow which he pleases.

"After a fruitless stay for some Weeks, he intended to go back, without proposing Marriage. He had no mind to be deny'd; and he had no Hope of succeeding, unless he would enter more entirely into his Uncle's Measures. Lord *Dowry* spent his stay, a few Days longer; and that the Management of the Matter might be left to him. So next Monday Morning, after he had taken care, by all his Creatures about the King, to put him in a very good Humour, he came to the King, and told him, he had receiv'd Letters from all the best Friends his Majesty had in *England*, and desir'd a Benesse of them; (in which he was pretty sure the King would not trouble himself to read them; probably they were written as he had directed.) They all agreed, he said, in the same Advice, that the King should make a Marriage between the Prince of *Orange* and the Duke's Daughter; (for they all believ'd he came over on that account) and, if he went away without it, so nobody would doubt, but that he had propos'd it, and had been deny'd: Upon which the Parliament would certainly make Addresses to the King for it: And if the Marriage was made upon that, the King would lose the Grace and Pleasure of it: But if it was still deny'd, even after the Address of both Houses, it would raise Jealousies, that might have very ill Consequences. Whereas, if the King did it of his own Motion, he would have the Honour of it; and, by so doing, he would bring the Prince into a greater Dependence on himself, and bring in the Nation into a good Opinion of him, as would lay a Foundation for a mutual Confidence. This he enforced with all the Topics he

could think on. The King said, the Prince had not so much as propos'd it. Lord *Dowry* would he had spok'd of it to himself; and said, that his not moving it to the King was only, because he apprehended he was not like to succeed in it. The King said next, my Brother will never consent to it. Lord *Dowry* answer'd, perhaps not, unless the King took upon him to command it: And he thought it was the Duke's Interest to have it done, even more than the King's: All People were now possest of his being a Papist, and were very apprehensive of it: But if they saw his Daughter given to one that was as the Head of the Protestant Interest, it would very much lessen those Apprehensions, when it did appear, that his Religion was only a personal thing, and to be deriv'd to his Children after him. With all this the King was content. So he sent for the Duke, Lord *Dowry* being still with him. When the Duke came, the King told him he had sent for him, to desire he would consent to a thing that he was sure was much for his Interest, as it was for his own Quiet and Satisfaction. The Duke, without saying what it was, said, he would be ready always to comply with the King's Pleasure in every thing. So the King left it to the Lord *Dowry* to say over all he had said on that Head to himself. The Duke seem'd much concern'd. But the King said to him, Brother, I desire it of you for my sake, as well as your own: And upon that the Duke consented to it. So Lord *Dowry* sent immediately for the Prince; and, in the King's Name, order'd a Council to be presently summon'd. Upon the Prince's coming, the King, in a very obliging way, said to him, Nephew, it is not good for Men to be alone; I will give you a Help meet for you: And so he told him he would bestow his Niece on him: And the Duke, with a seeming Heartiness, gave his Consent in very obliging Terms: The King adding, Nephew, remember that Love and War do not agree well together." (*Burnet*, vol. i. p. 403, 405, 410.

A. D. 1677.

Doubt. Mem. v. ii. p. 347.

the

A. D. 1677. the other; he endeavour'd to qualify it as much as possible: For in the very next Gazette after that which gave notice of the Marriage, a Proclamation was insert'd, to adjourn the Parliament from the 2d of December to the 21st of April; which gave all Europe to understand, that however officious England might be in forwarding a Peace, she was still averse to the taking part in the War.

Conferences on the Peace. No doubt, a Measure, that apparently took off so much from the King's own Weight and Influence; that encourg'd France to stand upon higher Terms; and that, by striking a Dependency thro' the Confederates, dispos'd them all rather to submit, than to continue the Struggle any longer; contributed very much to moderate the Transports of the Prince of Orange: But having obtain'd his own Preliminary, he was not in a Condition to prescribe any farther: All that remain'd for him now to do was, to reason his two Uncles, if possible, into the Demand of such a Peace, as might provide a sufficient Barrier, for the future Security of Flanders. This he endeavour'd; but still had the Mortification to find the King more concern'd for present Peace, than future Security; and willing to believe, that France was more weary of the present War, than dispos'd to begin another. Much was however repeated in the

Temple's Memoirs, P. II. (x) Conferences held on this great Occasion, to convince his Majesty, that France would never be at rest till they were in possession of all Flanders, and Germany to the Rhine; which would reduce Holland to an absolute Dependence upon them; and thereby render the Condition even of England precarious. In the Debates which arose on the Question, whether Burgundy should remain to France, or be restor'd to Spain, the Prince had the Glory to say, when the King offer'd to procure him either a free Enjoyment of his (y) Lands there, or a full Equivalent for them, "That he would be content to part with them all, to procure one good Town more for the Spanish side, on the Frontier of Flanders." At last it was agreed, that the Peace should be concerted on the following Terms: All to be restor'd by France to the Empire and Emperor, that had been taken during the War, the Duchy of Lothain to its proper Owner, all on both sides between France and Holland; and to Spain, the Towns of (z) Ath, Charleroy, Oudenarde, Courtray, Tournay, Condé, Valenciennes, and Binch: That the Prince should endeavour to procure the Consent of Spain, and his Majesty that of France; and that a Person should be sent with the Proposition to France, with Orders to enter into no Reasonings upon it, but to demand a positive Answer in two Days; and, after that, to return immediately.

The Terms agreed upon.

Sir William Temple was nominated for this Employ; but was soon after set aside, that the Lord Duras (Earl of Beversham) who was in the Confidence of the Duke, might have the Honour of the Charge, or the Merit of the Success; which show'd, that the Firmness requisite to support so firm a Measure was already departing. The Event answer'd the Omen. Tho' his most Christian Majesty, on giving Audience to Lord Beversham, had politely said, *The King knew very well he might always be Master of the Peace*, he nevertheless disrupted the Terms; and tho' the Ambassador had declar'd he had but two Days to stay, he consented to linger out a few more: Which it must, however, be understood, he had Authority for; since the Lord Treasurer, in his Dispatch to the Prince of Orange of December 8, expressly says, *that he had acquitted himself very well*. This Concession of further Time was understood in France to be a Sign of Irresolution; and an (a) Answer was calculated accordingly, viz. "That the King of France did not expect the King of England would have thought such Propositions reasonable; and that he should think it as reasonable to desire of him, that he should cut off his Legs, and then bid him walk: That to shew his Intentions were not to take all Flanders, he would be willing to consent to a Truce, for all the Spanish and Holland Towns between the Meuse and the Sea, as was in the Year 1668; and that Truce to be for a Year, or what farther convenient Time the King should think fit."

In this Interval, the Prince and his Bride had taken Leave of the Court, and set out for Holland; the King assuring him, he would never part from the least Point of his Scheme sent over: And that he would enter into the War with France, if they refus'd it.

But Sir William Temple observes, that his Majesty suffer'd himself to be seduc'd by the Sestings of FRANCE; and, contrary to his Engagement, continu'd to treat, instead of drawing the Sword. The Lord Treasurer, however, kept up the Prince's Spirits, by assuring him, That his Majesty would not recede from the Demand of the Seven Towns, before agreed upon; and that he would add St. Ghilian to the List, in case it should be carry'd by the French (it was then, December 8, invest'd, and soon after capitulated) or any other Acquisitions they should make: He even took upon him to shew, that our Temper was alter'd for the better; for that the King would now join with Holland, to oblige France to accept the Proposals sent by Lord Beversham; in case Holland would join with him to oblige Spain to do the same, if they should refuse it; and would rely on his Highness's single Engagement for this, without

A. D. 1677. Lord Beversham sent to France.

The Answer he brought.

The Effect it had.

Dash Men.

(x) Between the King, Duke, Prince, Lord Treasurer, and Sir William Temple.

(y) Which was greater, and more significant, say Sir William Temple, than that of the Crown of Spain there.

(z) Sir William Temple adds St. Ghilian to these; but that Town was not taken till afterwards; and there is Cause to think that the Eight Towns remaining, should be restor'd to France.

(a) The Answer here insert'd is taken from the Dispatch of the Lord Treasurer above-quoted: But, according to Sir William Temple, it was to no Issue Effect with that which he had receiv'd at first. "That the most Christian King had a Brother, would not break with him for one or two Towns: But even upon them too, he would send Orders to his Ambassador at London to treat with his Majesty himself."

A. D. 1677. out having recourse to the *States*: Adding, "So that your Highness will give me Leave to say, the Fault will now lie on your Side of the Water, if you have not either the Peace upon the Terms propos'd, or us engag'd as deep in the War as yourselves."

The Time of  
Adjournment  
shorten'd.

Numb. 1258.

That the *French Court*, moreover, might have some reason to think, that we were preparing to rouse ourselves in earnest, a Proclamation was set forth in the *Gazette*, signifying, that, for divers weighty Considerations, it was his Majesty's Will and Pleasure, that the two Houses, which stood adjourn'd to the 4th of *April*, should meet on the 15th Day of *January*; and that his Majesty was desirous, in respect of several important Matters, intended to be debated and consider'd, to have a full Assembly: And the (b) Merit of this Circumstance also, the Lord Treasurer takes care to enforce to his Highness.

The Prince, in his Reply to his Lordship, acknowledges, that he was equally surpris'd and pleas'd at so much good News: Acquaints him, that he had given the Lord Ambassador *Holt* such an Answer as the King desir'd: And that he had never engag'd in any thing more to his Satisfaction: Withes, however, that they might not suffer themselves to be impos'd upon by Amusements; and that, if the King of *France* did not give a speedy and direct Answer to Mr. *Montagu* (who, a little before this, had been again dispatch'd to that Court) the Resolutions which had been taken might be immediately put into execution; since the Season was so far advanced, and the *Low-Countries* in so bad a Condition, that, if any Time was lost, it would neither be in their Power to make a Peace, or maintain a War.

This Letter of the Prince's was dated *December 27*, and the 27th of the same Month, Mr. *Montagu*, who had been charg'd with a Repetition of the Offers made by Lord *Overstruck* before, inform'd his Majesty, that Mr. *de Louvois* had peremptorily assur'd him, that for *Valenciennes, Cambré, and Tournay*, the King his Master would make war for a hundred Years, rather than part with them: That he (Mr. *Montagu*) by way of Reply, had told him, that his Majesty would never have suffer'd the most *Christian* King to have made such a Progress in *Flanders*, if he had not, several times, solemnly given his Promise, both by his Ambassadors in *England*, and to him there, to stand to his Arbitrage for a Peace: That Mr. *de Louvois* proceeded to say, that if his Majesty would procure a general Truce for a Year, and in that time manage the Prince of *Orange* so as not to insist upon those Places, he should be paid as much as if the Places were his own: That for Secrecy's sake, the Money should be return'd in Wedges of Gold, inclos'd in Bales of Silk: That the Lord Treasurer should have any thing he would ask, in Pearls and Diamonds: And that Mr. *Montagu* himself

Memorandum  
Offers of the  
French to the  
King, for a  
Peace on their  
own Terms.

should not be forgot, if he would take upon him to make these Propositions: That, in another Interview with this Minister, after he had made a Report of this Conference to the King his Master, he further signify'd, that he found his Majesty resolv'd not to part with the three Towns above-mention'd, and very hardly with *Courtray*; and that since he (Mr. *Montagu*) had declin'd proposing the Money, Mr. *Basilion* should have Orders to do it; in the hope, that the King of *England* would find it more for his Interest to have his Share in the Towns, than to enter into the War: That, in an Audience of the King himself, his Majesty had repeated all that Mr. *de Louvois* had said, with this Addition, That the thing he fear'd most, was a Breach with his Brother of *England*; but that all was to be hazarded, rather than have his Arms and Legs, for such he accounted these Places, to be cut off; softening this again with an earnest Request, that he (Mr. *Montagu*) would let the King his Master know, that he would submit all things to his Decision, but such as affected his Honour and his Conscience.

This Letter of Mr. *Montagu's* was follow'd, or possibly accompany'd, with a Courier from the *French Court* to Mr. *Barillon*, with the Offer of a general Suspension, &c. which being communicated to the King, his Majesty reply'd, "That that was a Matter to which he could not answer without first knowing the Minds of the Confederates," but he would take it well, if the King of *France* would forbear his Arms in the *Spanish Netherlands* for two Months, in which time he would inform himself of their Mind." The *French* Ambassador then said, That would only be to lose time, and the King answer'd, That without time to find new Expedients, he could not depart from those he had offer'd. And this is what the Lord Treasurer, in his Dispatch to the Prince of *Orange* of *December 27*, calls behaving with all the Firmness of Resolution.

We must now have Recour'd to Sir *William Temple*, who says, about the End of *December*, the King sent for him and told him, he could get no positive Answer from *France*, and therefore, resolv'd to send him into *Holland*, to make a League there with the *States*, for joining both *France* and *Spain*, if either refus'd to make the Peace upon the Terms he had propos'd. But Sir *William* told the King, what he had agreed, was to enter into the War with all the Confederates abroad, and the People at home: But to make such a League with *Holland* only, would satisfy none of them, and disoblige both *France* and *Spain*; adding besides, that it would not have an Effect or Force as the *Triple Alliance* had, being a great Original, of which this seem'd but an ill Copy; and therefore, executing himself from the Voyage. The King nevertheless insist'd, possibly, that the Measure

The King enters into a League between and disoblige with the *States*.

(b) Sir *William Temple*, on the contrary says, "The ill Humour of the People growing higher upon the Noise of a Peace, and negotiated in *France*, and the late *Pragmatick Agreement* he should have said)." This was by Proclama-

tion anticipated soon after Lord *Daniel's* Return, tho' a thing somewhat unusual; and a Consequence made, as if the King resolv'd to enter into the War.

A.D. 1677.

sure might have the greater weight with the Public; but on the Duke's Interposition, Sir William got off, and Mr. Thyne was sent from the Office with a Draught of the Treaty, which Mr. Hyde was to execute at the Hague: And it was executed accordingly on the 16th of January, tho' not without great Difficulties and Dissatisfaction of the Prince, says (c) Sir William Temple, who was yet cover'd in it, by the private Consent of the Spanish Minister there, in Behalf of his Master, so as the War could not break, but upon France, in case of their Refusal.

The Basis of this Treaty was the Agreement which had been made between the King and the Prince of Orange, relating to the seven Towns (to which *St. Ghislain* was now added) which were to constitute the Barrier of *Flanders*. The King of Great-Britain was to use his Interest and Endeavours with the *most Christian King*; to consent to a Peace on those Conditions; as also to procure a Cessation of Arms for three Months; and to induce the *Catholic King* within that time, to acquiesce with the said Conditions. And as to the coercive Part of the Treaty, it is contain'd in the eighth Article, which says, That if the said *most Christian King* should refuse his Consent to the said Articles; it is agreed, by Virtue of this League, between his said Majesty and the said States, they shall forthwith, and without any manner of Delay, endeavour with joint and utmost Power, to bring the *most Christian King* to a Compliance with them, pursuant to the Counsels and Methods upon which they shall punctually agree among themselves. The Ratifications were to be exchanged within four Weeks.

It is remarkable, that a few Days after Mr. Thyne was sent to Holland, viz. December 24, O. S. Mr. Montagu received Orders both from the Lord Treasurer and Mr. Secretary of State, to make Infrances with his *most Christian Majesty*, for a general Truce for a Year, and that he would pass his Word to attempt nothing in *Flanders* till the first of March: And January 7, his Excellency in a Letter to the King, informs his Majesty, that in Obedience to his Commands, he had represented to the KING of FRANCE, with all the Respect that could be; his Majesty's Intention of continuing his kind Correspondence, and how, upon that Account, he desir'd a two Months Cessation, which he would own as the greatest Mark of Kindness he could give him; but had as yet receiv'd no Answer. He then proceeds to mention a Lure which had been thrown out by the French Court, with regard to a Marriage between the Dauphin and the Daughter of the Duke of Orleans, by the Princess *Henrietta*, the King's Sister; adopts and recommends it himself as an Expedient that

might serve to bring his Majesty off from the Terms he had insisted upon; and ends with a Hint, that it would be difficult to procure a Suspension.

In another of the same Date to the Lord Treasurer, he refers to a Proposition (a ridiculous one he calls it) of the French Minister's, to postpone the Meeting of the Parliament, as the Price of a Suspension; and says he cannot imagine whence it should take its Rise, except from the Opinion of that Court (which he acknowledges they had reason enough to entertain) That we ought to do every thing to please them; and that they ought to do nothing to please us. He also gives it as his express Opinion, that they would rather break with us, than agree to the Terms propos'd; BECAUSE they were so much forwarder and better prepar'd for a War than we.

But while the Answers given to Mr. Montagu at Paris were thus delusive, extravagant, or evasive, Mr. Barillon at London could speak out plainly on the two Months Respite, viz. That whatsoever the King of France should take before the first of March, he would restore, in case the general Suspension should be agreed, on all hands, before the said first of March: But that he would not consent to stand still so long, because so much Time would be lost and the Suspension not accepted at last.

Hence it was rightly concluded, that his *most Christian Majesty* would no longer defer his March into *Flanders*; for which he was already prepar'd; and the King grew so dissatisfis'd with the French Conduct (at least the Lord Treasurer so assures the Prince of Orange, in his Dispatch of January 7,) that he was now wholly dispos'd for going to War. Accordingly, while the Fit lasted, he demanded *Ostend* and *Port Malon* of the Spaniards for the Accommodation of his Ships and Troops, and that Holland should join him with seventy capital Ships at least; but, withal it was signify'd, that, till these Points were settled, England would take no other Share in the War than by Sea.

It was now the time for the Parliament to sit for the Dispatch of Business; but it was thought fit to adjourn them again for thirteen Days: One Reason for which, was to know whether the Spaniards would comply with the King's Demands, as to *Port Malon* and *Ostend*, which Mr. Godolphin was in that Interval soliciting at *Brussels*: And another is given by the Lord Treasurer, in a Letter to Mr. Montagu, dated January 17, viz. To see if any Expedient for the Peace could be found out in that time.

We have already touch'd on the exquisite Enquire Policy of France; and never was it more manifest or more successful than now. No Jenkin's Letters, col. 1. sooner was the Eventual Treaty between them p. 140.

Collection of Treaties, &amp;c.

The Ever opinion of France for a general Truce, and a two Months Respite. Dash. Mem.

The letters of which is refer'd to.

Meeting of the Parliament adjourn'd for thirteen Days.

(c) There is not only something obscure in this Passage of Sir William Temple's, but irreconcilable to the Prince's own Testimony; who, January 20, N. S. gives the Lord Treasurer his heavy Thanks for the most useful Plans he had taken in bringing about this good Agreement between the King and

the States, for which he had so strenuously long'd; and express'd his further Desires, that the said Treaty, according to the present Plan, might be immediately ratify'd. Let the Reader determine, whether the Author misrepresents, or the Politician dissembles.

A.D. 1677-8

them and the *Dutch*, in a fair way to be settled at *Nimeguen*, than they obtain'd a Passport, which they had long solicited for three Gentlemen, the most accomplish'd in the Train of the Embassy, to spend a Fortnight in *Holland*. What their Commission was, can only be guess'd at by Consequences. The *Dutch* had been long as weary of the War as desirous of Peace: And from this time forward, that Disposition of theirs, every Day, and almost every Hour, increas'd. The Defeat at *Mount Cassel*, very sensibly mortify'd them; but the Disappointment at *Charleroy* put them beyond all Patience. The Prince's Voyages to *England* and his Successes there, had greatly increas'd the Jealousy which the Affair of *Guelderland*, before spoken of, began. The *de Wit* or *Aristocratic* Party, who equally abhor'd the *Orange-Dictates*, and the *Democracy* they were supported by, not only began to form anew, but gather'd Strength, and grew popular, by driving on a Peace as violently, as the Prince drove on the War. A Chaim in the Dams of *Holland*, could scarce threaten more Mischiefs to that Country, than this unseasonable Division; for at every such Opening, the *French*, like Water, are sure to insinuate themselves, and carry Ruin along with them: And it is notorious, that there is something treasonable in the Root of every Faction; for rather than sacrifice their own private Views, they make no Difficulty to sacrifice the Public.

As the Marriage was follow'd so immediately, by the long Adjournment of Parliament, the whole Proceeding had very much the Air of a Compromise: And the Equillities of *France*, tho' sensible the last Step was taken purely to reconcile his most Christian Majesty to the first, did not fail to represent it accordingly: Nay, they gave out, and found Belief, that by the Match, the King and Duke had drawn over the Prince wholly into their Interests or Sentiments; whereas the Prince went away posses'd with an Opinion, that he had drawn them into his.

Having thus prepar'd the Soil, they, the *French*, proceeded to scatter their Grain: They propos'd to the *Dutch* other Terms of Peace, far short of the King's, and less safe for *Flanders*; restoring only six Towns to the *Spaniards*, and mentioning *Lorrain* but ambiguously; which would not have gone down in *Holland*, but for the Suspicions rais'd by the Prince's Marriage among the People there, who had an incurable Jealousy of our Court, and thereupon, not that Confidence in the Prince which he deserv'd. They even found Means to reconcile the two ruling Burgo-masters of *Amsterdam*, who had the whole Sway of that great City, which had so great an Influence in *Holland*, and who had long been Enemies: The Cement of which Union was, their Concurrence in pushing on the Peace, on the Terms offer'd by *France*.

They, also, took the like Advantage of the Divisions in *England*, and employ'd the like Practices to render them equally servicable to themselves: For, after so many and such great Successes, they neither car'd to be forc'd into a Peace they did not relish,

Temple's  
Memoirs.

A.D. 1677-8

nor to pay an extravagant Price for one they did; nor to be overmatch'd in the War, in case they should resolve to continue it. The *Dutch*, they knew, could not be more jealous of their *Stadtholder*, than the *English* of their King. It was the Design of what he might one Day be induc'd to attempt with the Assistance of *France*, that principally induc'd them to lay hold of this Crisis to divide him from *France*. If therefore, a Belief could be established, that in arming his Majesty against *France*, the People would find they had arm'd him against themselves, it was easy to foresee the Pur-suit would be given over at once: And the very Insinuation would have a Tendency to create Dissidence and Irresolution; and thereby render it ineffectual. We shall find the Event authoriz'd these Conclusions: And, that some such Artifices were actually brought into play, we have the following Evidence out of Mr. *Montague's* Letters to the Lord Treasurer.

In that of *January 11*, before quoted, he says: "I am confident some of the discontented Parliament Men have been intriguing with the *French* Ambassador, Mr. *Barillon*; for I saw a Letter of his to Mr. *Courten* (which I beg your Lordship never to take notice of) where he says: 'Tho' the Court should set themselves to oppose you, we have good Expectations to save ourselves by the Parliament, whose Inclination for the War is not so strong, as has been insinuated to us.'"

Again, *January 12*: "The Occasion of my giving you this Trouble, is to give you the best Light I can into the Reason of Mr. *Rozvigny's* Son's Journey into *England*, who will be there, perhaps, as soon as this Letter. If his Father's Age had permitted it, I believe they would have sent him; for they have chosen the Son, who is to make use of Lights his Father will give him; and by the near relation he has to the Lady *Vaughan*, who is his Cousin-german, and the particular Friendship which Father and Son have with Mr. (Lord) *Wm. Russell*, he is to be introduc'd into a great Commerce with the malecontented Members of Parliament, and insinuate what they shall think fit to cross your Measures at Court, if they shall prove disagreeable to them here, whilst Mr. *Barillon* goes on in his smooth, civil way."

Again, *January 13*: "I have had one with me, that is very exactly, as can be, inform'd of most things here; and has told me the Reason of *Rozvigny's* Journey. His chief Errand is to let the King know, that the King of *France* did hope he was so firm to him, as not to be led away by the grand Treasurer. He was an ambitious Man, and to keep himself with the People, would gratify their Inclinations, by leading his Master into an unreasonable War against *France*. That as for Money, if he wanted that, he should have what he would from hence. His Instructions are, if this does not take by the Means of *William Russell* and their discontented People to give a great deal of Money, and cross all your Measures at Court."

And



A.D. 1677.

And again, *March 11*, "This same Man (Mr. de *Tolde*, a great Acquaintance of the Duke of *Buckingham*) tells me, That, young *Ruvigny*, by Orders from the King of *France*, has made Mr. *Borillon* strike up a League with him (d) (*Buckingham*); that they often meet privately; and that Mr. *Borillon* is much guided by him."

There is so much of Design in all the State Letters of these Times; and the Politics of the several Courts from whence they came studied so often, almost daily and hourly, that it is scarce possible to reduce them to any Consistency, or draw any solid Inferences from them. Neither the Letters of any one Man, or any one Correspondence contain the whole Truth. On the Contrary it breaks out here and there; and to pursue the Vein, we must thread the whole Maze of Perplexities that lies before us.

Mr. *Montagu* had his Views in all he writes to the Lord Treasurer. The Lord Treasurer has his Reserves in all he writes to Mr. *Montagu*. According to Mr. *Montagu*, Mr. *Ruvigny* had it in Charge to blast the Treasurer with the King. According to the Treasurer's own Account, Mr. *Ruvigny* declared before witnesses, that his Master had a good Opinion of him, and held the same Discourse to his Majesty. Mr. *Montagu* writes of Mr. *Ruvigny*, as if he was either an Enemy to the Man, or to his Commission; and yet both Mr. *Ruvigny*, and Mr. *Montagu* make use of almost the same Language, and apparently point at the same End. Mr. *Ruvigny* said, *January 16*, O.S. "That his Master might be brought to part with *Valenciennois* and *Coudé*, but never with *Tournay*; and the main of his Drift was to engage the Treasurer, to prevail with the King, to prevail with the Prince of *Orange* not to insist on that Town; and press'd the Matter on his Lordship, as if he had an Interest of his own with his Highness, sufficient to carry this Point, and thereby put an End to the War. Mr. *Montagu* writes, *January 12*, N. S. "Your Lordship has so great an Influence (by the Obligations he had to you, and personal Libecun he has for you) over the Prince of *Orange*, that I am confident he will comply to what you shall make him see is the King's Interest; which I cannot think will be to enter into a War so unprovided as he is."

While Mr. *Ruvigny* was on the point of setting out for *England*, Mr. *Montagu* also, either to prepare his way, or fill it with Snares and Difficulties, for it is uncertain which, displays a new Scene of Influence to the Lord Treasurer as follows: "I have had

twice with me an intimate Friend of Mr. *Colbert's* with great Professions of Respect to the King our Master, and saying how reasonable a thing it was that he, who has suffer'd so much in his own Kingdom, for his great Friendship to the King of *France*, should share with him in the Advantages he has had by the War; and, for his part, he would contribute to his being fitly'd if he could. That he knew Mr. de *Louvois* had sung out some Offers of Money; but that was only to amuse my Master, and gain time; for that Mr. *Louvois* intended nothing more than the continuing the War; whereas he (Mr. *Colbert*) was desirous of nothing more than the Peace, as the only thing that could best secure him, and the King his Master. That if the King my Master would, as an Expedient for the Peace, hearken to a great Sum of Money, and give me Power to treat with him; it should be done with all the Secrecy imaginable; and the Peace made, whether Mr. de *Louvois* would or no, provided *Tournay* might remain to the King of *France*. In consideration of which, the King our Master should have the Honour of making his Niece (Madame's Daughter) Queen of *France*. And for *Valenciennois* and *Coudé*, such Expedients as should be honourable for the *Spaniards* and the Prince of *Orange*. And for the Sum of Money our Master should insist on for himself, Mr. *Colbert* thinks he could make it come easier than Mr. *Louvois* who must come to him for it first."

What was the Result of Mr. *Ruvigny's* Mission, we shall see in its proper Place.

While all this Variety of Amusements was practis'd on the French Side, we seem'd resolute either to have Peace, on the Terms propos'd by Lord *Fettersham*, or to enter forthwith into the War: Preparatory to which the Duke of *Monmouth's*, and the Lord *Dunbarton's* Regiments were first recalled out of the French Service, under the Pretence of some Disorder in *Scotland*; and shortly after Orders were sent to recall the rest. It must, however, be observ'd, that these Orders were not accompany'd with a Proclamation, as usual, on these Occasions; and the Answer given by his most Christian Majesty, was, That the Capitulation should be kept, which left it in his Option to retain them, till thirty Days after War should be declar'd between the two Nations: And in the mean time he order'd the Regiment of *Dauphin* to march into *Dauphiné*.

The Prince of *Orange*, in the mean time, in every Dispatch to his Friend, the Lord Treasurer, endeavour'd to keep up our Spirit, and to dissuade us from doing things by halves:

(d) His Excellency, who makes it the sole Business of this Letter to ingratiate himself with the Lord Treasurer, as the Expecter of his Grace, proceeds thus:

"You know, my Lord, how freely he (the Duke) speaks his Mind; and he told this Man (*de la Tolde*) that he did not doubt of finding you, and being better with the King than ever: And, in order to win you, he had confided his Friends, whether he had better mix up with you or not; and that he was advis'd not to be friends with you. And, therefore, desir'd the King, who offer'd to make you friends, not to do it. Therefore, pray, let not your Generosity or Good-nature prevail upon you enough to trust him: But be

upon your guard; for if he can do you Mischief, he will."

And, after the Paragraph above-quoted:

"The Duke of *Buckingham*, I find, reckons that he has the greatest Part of the Court for him; and owns the having a Promise of being very soon again a Gentleman of the Bed-chamber. I have had, from several Hands, an Overture of Excommunication; if not, I am to be one of the Prelates; and I intend to do with him, what he resolves to do with your Lordship; that is, not make up. And if I might be worthy to advise, were I in your Lordship's Place, I would do to you; for I am confident you will find his Friendship as troublesome as I'll tell you he will be."

A.D. 1677.

Moses taken by Kingland.

Dunby's Mission.

A.D. 1677-S.

*And, to excite a Confidence in him, two thousand eight hundred Men, together with a proportionable Number of Transports, were actually got ready here, in order to be thrown over into Ostend and Nicuport: Both which Places were left destitute of Garrisons by the Spaniards, and consequently lay expos'd to the Attempts of the French; who were, thus early, on the point of taking the Field: But the Spaniards, tho' in such a desperate Situation, seem'd as much afraid of their Friends, as their Enemies; nor would even admit of our Protection, tho' Mr. Godolphin was sent on purpose to offer it, till the Prince of Orange join'd his Influances; and, possibly, took upon him to answer for our good Behaviour. His Highness's Words to the Lord Treasurer are, "Upon the Receipt of his Majesty's Letter, and yours, I immediately dispatch'd a particular Express to our Envoy at Brussels, to make fresh and*

*The Spaniards refuse to surrender Ostend to the King during the War.*

earnest Instances to the Duke de Villa Hermosa, to press him to a Resolution to put the Town of Ostend into his Majesty's Hands, during the War: He has, hereupon, come to a Resolution to receive into it the Troops his Majesty shall send, not being able to declare himself further upon this Point, till he receives the Orders from Spain, for which he has written. If he has no Instructions, as he protests he has not, this is all that I can see in his Power to do." And yet without any Mention of this Circumstance, Mr. North is pleas'd to say, "Spain itself, whose Work was to be done, would not aid their own Preservation in Flanders; by trusting the King of England with a marine Town, that he might land his Forces, succour and recruit them with Ease."

We have now brought down our System of foreign Affairs to the time when the Parliament was to meet for the (e) Dispatch of Business,

A.D. 1677-S.

*But agrees to receive his Troops at the Instance of the Prince of Orange.*

*Examam, P. 471.*

(e) Concerning the several Adjournments, which had taken place since the last general Meeting by Proclamation, Mr. Marvell, with usual Freedom, writes as follows: "They begin again at the Day appointed, the 16th of July. Under the pretence of these frequent Adjournments, which seem'd to further to confirm their Title to Parliament, they quite forgot how they had been outlaw'd in the Council; or if any Sense of it remain'd, there was no Opportunity to discover it: For his Majesty having signify'd, by Mr. Secretary Coventry, his Pleasure, that there should be a further Adjournment, their Speaker, Mr. Seymour, would not suffer any Man to proceed; but an honourable Member requiring modestly to have the Oath read, by which they were before adjourn'd, he interposed him, and the Speaker of that Motion: For he had, at the last Meeting, gain'd one Precedent, of his own making, for adjourning the House without question, by his own Authority, and was loth to have it discountenanc'd; so that, without more ado, like an inflexible Judge, and who had the Power over Councils, he declar'd, *in Camera*, that they were adjourn'd till the 31st of December next. And in the same Moment stamp'd down on the Floor, and went forth (trampling upon, and treading under foot, I had almost said, the Privilege and Usage of Parliament, but however) without showing that decent Respect which is due to a Multitude in Order, and to whom he was a natural Rival.

These remain now only to relate, that, before the Meeting appointed for the 3d of December, his Majesty's Proclamation was issued, signifying, that he expected not the Members Attendance, but that those of them about Town should appear themselves till the 4th of April, 1678. But these Words, that the House was adjourn'd themselves, were very well receiv'd by those of the Commons who imagin'd themselves thereby restor'd to their Right, after Mr. Seymour's Invasion: When, in reversal of this, he, probably desiring to retain a Jurisdiction that he had twice stirr'd up, and to add this Power to the Crown, of his own planting, Mr. Secretary Coventry delivered a written Message from his Majesty, on the 3d of December, of a contrary Effect, that 'not of the Fine Validity, with the Proclamation; to wit, That the House should be adjourn'd only to the 15th of January, 1677: Which as soon as read, Mr. Seymour would not give leave to a worthy Member, offering, to speak; but abruptly, now the third time, of his own Authority, adjourn'd them, without putting the Question; altho' Sir J. Francis, for once doing so, in *serio Carali*, was accus'd of High Treason. This only can be said, perhaps, in his Excuse, that whereas That in *serio Carali* was a Parliament legally constituted, Mr. Seymour did here do as a Sheriff, that disperses a riotous Assembly. In this manner they were kick'd from Adjournment to Adjournment, as from one Star down to another; and when they were at the Bottom kick'd up again, having no man yet to go out of doors."

And here we are to take our leave of Mr. Marvell, and his Book; which I own I have the better Opinion of, on account of the following ingenious Declaration, which he makes towards the Close of it.

"Thus far hath the Conspiracy against our Religion and Government been laid open; which if true, it was more than once that it should be discovered: But if any thing therein has been falsely juggled, the disproving of it, in any Particular, will be a Courtesy both to the Public and to the Relater, who would be glad to have the World convinced of the contrary, tho' it be to the Prejudice of his own Reputation."

But tho' we find it uniformly treated as the *work of Hell*,

by Mr. North, and all the other Apologists for the Reign; no better Warmth occurs to us, than that he has been lavish in his Praises of the Duke of Buckingham and Lord Shaftesbury: Answer to it, I have met with none; except in the King's Proclamations, signing the Remission of six hundred Pounds to any Person who should discover the Author, or Sender to the King's and fifty Pounds for the Printer, or Publisher.

And, because I have made such frequent and large Use of his Works, I have thought myself oblig'd to insert the following Testimonium of his Probity and Virtue: The first is taken from his Life, prefix'd to his several Writings by Mr. Child; and the second from the Monument of Cassaubon, Latins, and English, erected to his Memory by his Countrymen, the Bishops of Exeter and Bath.

"He made himself obnoxious to the Government, both in his Actions and Writings; and, notwithstanding his Proceedings were all contrary to his private Interest, opening could ever shake his Resolution. His being one Night been entertain'd by the King, who had been often displeas'd in his Company, his Majesty the next Day sent the Lord Treasurer, Drury, to find out his Lodging. Mr. Marvell, who then lodg'd up two Pale of St. Giles, in a little Court in the Strand, was sitting when the Lord Treasurer open'd the Door abruptly upon him. Surpris'd at the sight of an unexpected Visitor, he told him he believ'd he had mistook his Way. The Lord Treasurer reply'd, not, now I have found Mr. Marvell; telling him, that he came with a Message from his Majesty, which was, to know when he could do to visit him? His Answer was, in an usual factious Manner, that it was not in his Majesty's Power to force him. But coming to a serious Explanation of his Meaning, he told the Lord Treasurer, he knew the Nature of Courts full well; he had been in many; that whoever is distinguish'd by a Prince's Favours is certainly expected to vote in his Interest. The Lord Treasurer told him, his Majesty had only a just Sense of his Merit; as regard to which alone, he desired to know whether there was any Place at Court he could be pleas'd with? These Others had no Effect on him, tho' they urg'd with the greatest Earnestness. He told the Lord Treasurer, he could not accept them with Honour; for he must be either angry with the King, in voting against him; or false to his Country, in giving into the Measures of the Court; therefore, the only Favor he believ'd of his Majesty was, that he would esteem him as dutiful Subject as any he had; and more in his proper Interest, in refusing his Offers, than if he had embraced them. The Lord Treasurer, finding no Argument could prevail, told him, the King's Majesty had order'd a thousand Pounds for him, which he hop'd he would receive, till he could think what further to do of his Majesty. This last Offer was reject'd with the same Goodness of Mind, as was the first; tho', as soon as the Lord Treasurer was gone, he was forced to send to a Friend to borrow a Guinea."

"Nearst in Blood iseth the Body of Andrew Marvell, Esq; A Man so endow'd by Nature, so improved by Education, so Study, and Travel; so consummated by Experience, that joining the most peculiar Graces of Wit and Learning, with a singular Penetration and Strength of Judgment, and exercising all these, in the whole Course of his Life, he became an unmatchable Standard in the Ways of Virtue, so became the Ornament and Example of his Age; beloved by good Men, fear'd by bad, admir'd by all; tho' imitated, also; by few, and scarce paralleled by any. But a Tombstone can never contain his Character, nor is Marble

colly

A. D. 1677-8. Business, and tho' something relative to *Ireland* remains to be said, and much of *Scotland*, it will be necessary to connect it with the Transactions of the Session, that the whole of this intricate Affair may be seen together.

The Parli-  
ment meets.  
King's Speech.

January 28 the Session was opened; and the King in his Speech to both Houses, signify'd, That he had made such Alliances for *Holland*, as were for the Preservation of *Flanders*, and which, with due Assistance, could not fail of that End: Acknowledg'd, That he had us'd all possible Means, by a *Mediation*, to have procur'd an honourable and late Peace for *Christendom*, knowing how preferable such a Peace would have been to any War; especially to this Kingdom, which could not but be sensible of the vast Benefits it had receiv'd by Peace, while its Neighbours were such Sufferers by the War: Declar'd, that since a Peace by fair Means was no longer to be hoped for, it should not be his Fault if it was not obtain'd by Force; and that he had recall'd his Troops from *France*: Intimated, that tho' the *Dutch* should do their Parts, ninety Capital Ships would be necessary, and thirty or forty thousand Land-Men: Contented to have the Money given for these Services, appropriated, as strictly as could be desired: Made a Merit of forwarding the Building of the new Ships (which he said had cost 100000*l.* more than the Act allow'd) and of repairing the old: In doing which, and furnishing them with Stores and Ordnance, he alleg'd, he had expended a great deal more than the 200000*l.* he had been enabled to borrow on the *Excise*: Enlarged on the Expence he had been at in reducing a Rebellion in *Virginia*, and carrying on a new War with *Agiers*: Touch'd on his Engagement to the Prince of *Orange* for his Niece's Portion; and signify'd that he should not be able to maintain his constant, necessary Establishment, unless the new Imposts upon Wines, &c. were continu'd to him: Put the Commons in mind, tho' not by particular Address, of their Promises: Said he had done all he could to remove all sorts of Jealousies; that by marrying his Niece to the Prince of *Orange*, he had given full Assurances that he should never suffer his Interests to be ruin'd, if he could be assist'd, as he ought, to preserve them; and that he expected a plentiful Supply, suitable to such great Occasions, whereon depended not only the Honour, but, for aught he knew, the Being of the *English* Nation; which would not be sav'd by finding Fault afterwards; but might be prevented by avoiding the chief Fault of doing weakly and by HALVES, what could be only hop'd from a vigorous and thorough Prosecution of what we undertook.

It is natural to think the *Dutch* Party had now the Ascendancy in the Cabinet, as it had, or seem'd to have, in the Senate, at the last Meeting: We find the very Expressions of the Prince of *Orange* in the Speech; and this thundering Demand of so huge a Land Army, is founded on a Scheme of his Highness's, which he had sent over, at the Instance of the Lord Treasurer. His Words are these:

(f) "Since you desire to know my Thoughts how *England* may act with the greatest Prospect of Success against *France*, in case of a Breach with them, I will give you my Opinion in a very few Words. You must have a very considerable Fleet in the *Mediterranean* to interrupt their Commerce. You must likewise have a powerful Army as can be rais'd, which may be either put on board, in order to make a Descent upon *France*, and thereby cause a very powerful Diversion, or else be transported into the *Low Countries*, there to act according as Occasion shall offer. I think, as Things are at present, the latter of these two ways of employing the Land Forces, is the better; for unless a very vigorous Effort be made there, it will be impossible to save that little that remains of the *Low Countries*." It is likewise natural to think from the Appearance of things, that Opposition would now have been at an End, and that the Parliament would, readily and cheerfully, have supported the Measures they had so strenuously recommended: Or if any Difference had remain'd, it would have been only such as arose from the different Opinions of Men, in the manner of conducting a Measure, which all affected to consider as indispensable. But either the House, by long Habit, was grown fond of Controversy, and willing to believe the King, instead of being never, was always in the wrong; or their Leaders had the Penetration to see to the Bottom of things; and found Cause to apprehend that the Money and Troops they were to levy against *France*, might be employ'd against themselves; or, at least, that the Court would, on one hand, take Money of them for a War, and of *France* for a Peace on the other: For when the Speech was taken into Consideration, and the plentiful Supplies demanded, which were tickled for in it, a Spirit of Incredulity prevail'd; and till the Alliances which his Majesty had made were actually produced, no Disposition appear'd to forward the Grants which were to support them (g).

So far, however, there was nothing in their Conduct unreasonable: But Opposition is liable to Abuse as well as Power; and when they proceeded to draw up their Addresses, many Clauses were propos'd and admitted, which had a stronger Tincture of Faction,

A. D. 1677-8.

Prince of O-  
range's Ad-  
vice concern-  
ing the Con-  
duct of the  
War.  
Ducly's Me-  
asures.

Temper of the  
Commons.

" necessary to transmit it to Posterity; it is engrav'd in the Minds of this Generation, and will be always legible in his inimitable Writings. Nevertheless, he having serv'd near Twenty Years successively in Parliament, and that with such Wisdom, Decourtesy, Integrity, and Courage, as became a true Patriot, the Town of *Kingsdon upon Hull*, from whence he was constantly deputed to that Assembly, lamenting in his Death the public Loss, have erected out Monument of their Grief and Gratitude, 1688. He died

" in the 58th Year of his Age, on the 16th Day of August, 1678.

" *Non fragilis humanum Genus! Non terribria vana!*

" *Non quæ postquam convalescit Urna Virum!*"

" (f) This Letter of his Highness's is dated Jan. 7.

" (g) The last Day 70,000*l.* was voted for a solemn Fasting and Mourning for the late King *Charles I.* upon the Motion of the Lord *Chancellor*, the Lord Treasurer's Son-in-law.

A. D. 1677-8.

Commons Ad.  
409.

Faction than Patriotism, and shew'd a greater Proneness to distress the Court, than serve their Country. They set out, indeed, with their Thanks to his Majesty for the Care he express'd for the Preservation and Encouragement of the Protestant Religion, in concluding a Marriage between his Niece and the Prince of Orange; but they proceeded to beseech him not to admit any Treaty of Peace, whereby the French King should be left in Possession of any greater Dominion or Power, than was left him by the Pyrenean Treaty. (This seems to have been prompted by the Spanish Ambassador.) That both on our Parts, and the Parts of the Confederates, no Ship or Vessel might be admitted to come out of any Port of France, but that the Ships and Men be seiz'd, and the Goods destroy'd: That he would please to provide that none of the Parties who should join in this Alliance and Confederacy against France, depart from the said Alliance, till the said King be reduced to the said Treaty. That neither we nor the Confederates admit any Trade with France, or suffer any Goods to be imported from thence on pain of Forfeiture. That his Majesty would proceed in making such Confederacies as were necessary for attaining these Ends: And lastly, tho' they took it for granted, that his Majesty could never doubt of the Affections of his People, yet, upon this Occasion, they renew'd their former Protestations and Engagements to persevere in the Prosecution of the said War; and when he should be pleas'd to impart such Alliances and Confederacies to them in Parliament, they would give such ready Assurances, upon all Occasions, as might bring the War to a happy Conclusion.

The King's Answer was to the following Effect:

That he was not a little surpris'd to find so much inserted in their Address of what should not be, and so little of what should. That his Speech was to both Houses jointly, and the Return ought to be from both. That in their Address of the 20th of May last, they did invite him to a League Offensive and Defensive with Holland against the French King, and for preserving the Spanish Netherlands; and upon his Declaration of such Alliances, assur'd such speedy Assurances as might fully answer the Occasion. That he had made such Alliances, yet found no Return but the old Promises upon new Conditions, and so he might be us'd to Eternity, should he seem satisfy'd with such Proceeding: That on the 28th of May last he told them, how highly he was offended at the great Invasion of his Prerogative; yet they took no notice of it, but added to their former ill Conduct new Invasions. They desir'd him to oblige his Confederates never to consent to a Peace till the most Christian King be reduc'd to the Pyrenean Treaty; a Determination fitting only for God Almighty, since none but he can tell the Terms of Peace who knows the Event of War. They de-

fire him not to suffer a Ship of theirs to come from France under pain of Confiscation, not excepting Allies, Prince, or Embassadors (if any among them.) That he did not believe any Assembly of Men ever gave so great and public a Provocation to the whole World, without so much as considering to provide one Ship, Regiment, or Penny towards justifying it. That, however, if by their Assistance he might be put into Arms sufficient for such a Work, he would not be weary till Christendom be restor'd to such a Peace, that it should not be in the Power of one Prince to disturb it. That the Rights of making and managing War and Peace were in his Majesty; and if they thought he would depart from any Part of that Right, they were mistaken; the Reins of Government were in his Hands, and he had the same Care to preserve them there, as to preserve his own Person. He kept both his People's Protection and Safety; and that if the House of Commons would encourage his Majesty to go further in Alliances, they must consider of raising speedy Supplies; for from the Consideration of those, he must take his Measures.

Tho' his Majesty evaded the imparting his Alliances, which was indeed the sole Point the House should have insisted on, he had to clearly the best of the Argument, and express'd himself with so much Sense and Spirit upon it, that the naming the Alliance had all the Effect of communicating it: And, upon the Question, it was carry'd to assist his Majesty in the Prosecution of the War, by a Majority of sixty-two.

After what manner his Majesty should be assist'd, and how far, came next under Deliberation: And now the Courtiers utterly forgot, that the Dutch Ministers at Nimeguen would have compounded for the shipping of the British Troops out of the French Service into theirs, and for a Squadron of Ships to block up the French Ports on one side, while they took the same care of the rest: According to the Intimation in the King's Speech, both a mighty Fleet, and a mighty Land Army were demanded; but, on the last Head, a violent Debate arose; a Jealousy being entertain'd, says Sir John Kersey, "that the King indeed intended to raise an Army, but never design'd to join with the War; and, to say the truth, some of the King's own Party were not very farre of the contrary." According to Bishop Burnet, Sir William Coventry, in particular, shew'd the great Inconvenience of raising a Land Army, the Danger that might follow it, the little Use that could be made of it, and the great Charge it must put the Nation to. He was for hiring Bodies from the German Princes, and for assisting the Dutch with a Navy. He thought that which did more properly belong to England was, to set out a great Fleet, and to cut off the French Trade every where: But, adds the Bishop, the King had promis'd to many (b) Commissions to Men of Quality,

The King's Answer.

The House resolves to assist his Majesty in the War.

Kersey's Memoirs, p. 57.

(b) A SECOND PART of the Growth of Paper, and arbitrary Power, tho' far inferior to this Part, in point of Cre-

dit and Vexality, as well as Matter and Manner, was published by that noted Malcontent Freyjon; in which he at-

A.D. 1677-8.  
A Land Army  
woud.

Quality, in both Houses, that they carry'd it for a Land Army.

As our foreign and domestic Affairs now run a parallel Course, we must journey between both; and turn from one to the other, alternately, as we are led by corresponding Circumstances.

Hand. Mem.

Messieurs de Barillon and Rouvigny, with the rest of the French Agents, had taken such advantage of the ill Humour the Commons set out with, and were surpris'd with the vigorous Resolutions they had come to since, that they found Ways and Means to give a new Bias to our Court System. His Majesty not only gave way to Abatements, on the Terms sent by Lord Feversham, but dispatch'd (i) Mr. Godolphin to the Prince of Orange, to induce his Highness to do the same: And it is upon this Occasion, that we find the Lord Treasurer shewing, in a very extraordinary Manner, how totally averse he was to the keeping any Measures with France, and how resolute he was to embark with the Commons in the War. The very Words of his Dispatch to the Prince of Orange, which was dated February 9, are as follow:

Secret Correspondence between the Prince of Orange and the Lord Treasurer.

"Since my Letter of Yesterday, when I thought Mr. Godolphin would have been dispatch'd the same Day, I have Reason to believe that the Proposition about giving Charlemont, or some other Place for Tourney will be accepted in France: And I have no less Reason to believe, that the making the Peace upon that Proposition, would be very fatal to the Interest of the King my Master. I confess I cannot see, but that the Consequen-

ces must be ill to your Highness also, when the Confederacy shall be thereby broken, and we, perhaps, ty'd to such Conditions, as may leave us incapable of giving you those Assurances we ought to do: Besides, the Parliament has now voted 26,000 Foot, and 2000 Horse and Dragoons, and 90 Sail of Men of War; and I am confident will not stop there, in case his Majesty will go freely into the War, which yet they all doubt, AND NOT WITHOUT CAUSE. I will have no Reserve to your Highness; and, therefore, you must know, that Mr. Rouvigny (who has been here this Fortnight) goes on Monday to the French King with this Proposition, and designs to return hither, with an Answer the last of this Month (our Stile) or the first or second of March; and till that time expects the King will declare nothing against him. But his Majesty has promis'd, that, only in case they should attempt no Sieges in the mean time; so that this may prove a happy Expedient to hinder them so long from making any Progress, and may give both you and us so much more time to make our Preparations; and, at last, unless your Highness will not consent to this Proposal, the King will not be engag'd to the French at all. From what I have now inform'd your Highness, and more that I must not say, I hope your Highness will not consent to any Alterations of the first Propositions by my Lord Feversham: But if I may offer my Advice, I would not desire the Dispatch of Mr. Godolphin too soon, because the King should not think you reject any Propositions of his with-

A.D. 1677-8.

fers, "That not less than a hundred Commissions were sign'd by Secretary Willoughby to Irish Papists, to raise Forces; and that, without his Royal Highness's Approbation, no Commission was dispos'd of: Or if by choice any had got Commissions, not right for the *Popish Cause*, no sooner had they rais'd and recruited their Men, but a Complement was put upon them, and others more worthy set in their Place."

"(ii) His Instructions were as follow:

"You are immediately to go to the Prince of Orange, and to represent to him,

1. That (contrary to my Representation) I find the Parliament very backward in their Proceedings, to give the necessary Supplies for the Support of a War against France.

2. That the Ship, which have been made towards it hitherto has been with very great Difficulty; and that I have seen much reason to be confident, that all I shall be able to get at last from them, will either be too little to maintain the War, or given to late, and for so short a Time, as will not enable me to do him any good, but may probably put me into a dangerous Condition, both at home and abroad.

3. That I have receiv'd Letters from my Resident at Brüssel, who writes, that by the Duke de Villa Herme's Directions he was to let me know, that the Duke hop'd I would conclude a Peace upon the best Conditions I could get, for that he despair'd of having Flanders by a War, and resigned these Designs to him twice.

4. That altho' the Marquis de Barnevaine would not directly own the Saying so much as my Resident had writ; yet he confess'd, and does still, that the Duke de Villa Herme wishes a Peace, much rather than the Continuance of the War.

5. That when the Spaniards shall see our Backwardness, and how little Assurance I shall be able to give them this Year (or perhaps at all) and seeing to what Extremities they will be reduced, by the great Preparations made against them; I cannot but believe they will either submit to my separate Peace which shall be offer'd by France, or that they will be no longer able to keep their Towns from giving themselves up to the French.

6. That these Considerations have mov'd me to send you purposely to acquaint him with the same State of Things here, to the end that he might take his own Measures the more conveniently; and that I might receive his Opinion, what (in the Case aforesaid) might be most advisable for us both.

7. That I have reason to think (altho' it has not been di-

rectly propos'd to me) that the Propositions for a Peace, first by my Lord Feversham, would be accepted, being the Town of Tourney; but that as I will never hear of any Alteration, without the Prince of Orange's Consent to it; so I have told the French Ambassador, that I would never propose to the Spaniards the quitting of Tourney, because it opens such a Passage into the Heart of Flanders: But I desire to know, whether (as is said) you will Condescend by the War the Prince might see think expedient to let me offer Conditions for some other Place for my Tourney, if by such an accommodation the Peace would be procur'd; because I am confident the Duke de Villa Herme would be glad of it: And I have the same Opinion of the States.

8. You shall give him full Assurance, that these Propositions proceed not in the least from any Change, or Alteration of my Resolutions to remain firm to him, and to the Treaty I have made with the States; but purely to prevent, by all possible Expedients, those great Evils which I fear may befall both him and me, by my Incapacity of assisting him as I would, and the great Uncertainty of securing either timely or sufficient Supplies from my Parliament to do it.

9. You may also assure him (in case you shall get my Scruple on this part) that the Proposal of changing some Place for Tourney is wholly from myself; and that I never have receiv'd any such Proposal from France; so do I know whether any such thing would be accepted.

10. You shall also let him know, that, in case a Peace cannot be sign'd on, it will be impossible for me to send any Troops into Flanders, unless I may have the Port of Ostend put into my Hand: And I desire that he will interest himself to let in that Matter, that I may by him know (in that case) whether the Spaniards will let me have it or no.

Lastly, You are to remind him, how long I have been in expectation of somebody from him, to concern the naval Preparations, and other Matters relating to the War; and I desire, that somebody may be sent over for that purpose, with all convenient Speed.

You shall communicate all these Instructions to my Ambassador Mr. Hyde; but both of you are to pretend your Business to be only, to give the Prince of Orange an Account of your Negotiation with the Duke de Villa Herme about Ostend.

You are to return in two Days after your Arrival at the Hague, or where else you shall find the French, unless he shall direct you they come time long.

A.D. 1677-8.

out due Consideration. On the other hand, I cannot wish him detain'd above four or five Days, because it will be of absolute Necessity he should be back before the Return of Mr. Ruvigny. You see how intirely I trust myself in your Highness's Hands, where I can no more doubt of my own Safety, than I can of your Honour, especially since the Design of all this is for the Safety and Honour both of my own Master, and your Highness.

The Prince in his Reply (which was dated February 11) repos'd as much Confidence in the Lord Treasurer, as he had done in his Highness, saying: "For, to conceal nothing from you, the generality of the States will make no Scruple to accept of *Charlement* instead of *Tourney*, and, perhaps will be content to confend even to lower Terms of Peace, rather than be persuaded to carry on any longer a War, for the Support of which they find they cannot, without all the Difficulty in the World, raise Money sufficient. As for the *Spaniards*, I can't say what their Sentiments might be, if they had full Assurance, that, upon yielding up *Charlement*, a Peace might be had upon the Terms propos'd; but to think of yielding up *Luxemburg* or *Ypres*, is the vainest thing in the World. Upon Mr. Ruvigny's Return from France it will appear what are the last Intentions of that Court, and, accordingly, what Measures are to be taken, since it is of the most fatal Consequence in the World that it should be so much as imagin'd, that any Terms of Peace lower than those propos'd, can ever be agreed to. It is certain, had not his Majesty at first, when he propos'd the Conditions of Peace, made the Terms as low as it was possible for us to consent to, but had made his Proposal higher, as you know I earnestly desired, and with great Velmence press'd him to do, the Peace had been made before this, which nothing could have hinder'd, but that France sees the great Backwardness which your Court shews to enter into the War, and the little Stomach they have here to continue it; and this it is, that gives me the greatest Uneasiness, and makes me, I do assure you, entertain those Sentiments of Affairs that now I do."

Doubts and  
Jealousies in  
the House of  
Commons.

In this Interval, Doubts and Jealousies had again taken possession of the House of Commons; which, tho' the Tools of the Faction, were likewise made use of by Men of Honour and Probity; and it was not without much Opposition, and many Debates, that the Supply was at last obtain'd. Many Difficulties, says Sir John Reresby, were started, and many Distrusts of the King; which even he, however, admitted *there was Ground for*: And, on the other hand, according to *Burnet*, Sir *William Cecily* came over to the Court, on this Point; declaring the King was engag'd, and that he had rather be guilty

of the Murder of forty Men, than do any thing that might retard the Progress of the War. Upon the whole, February the 27th, they voted a Million, to enable the King to make War with France, for the Preservation of *Flanders*. The Ways and Means to raise this Sum remain'd still to be litigated: But the Proceedings of the French, at this time, quicken'd those of the House. Mr. Ruvigny's Proposals, it seems, met with little Attention from his most Christian Majesty, that, instead of resting upon his Arms, till the 1st or 2d of March, he took the Field sooner than ever: February 7, N. S. he began his March from *St. Germans*, being follow'd by the Queen, and the whole Court, as far as *Nantz*; where they arriv'd February 12: By this Motion seeming to threaten *Luxemburg*, *Namur*, or *Mons*: But, having drawn the Spanish Forces that Way, on a sudden, he crosses the Country, sits down before *Ghent*, and, by the End of the Month, takes both that Town and *Ypres*; and thereby gives a mighty Alarm to *Holland*; and strengthens the Credit and Endeavours of those he had already dispos'd of his Terms of Peace, as being now grown more necessary than ever.

A.D. 1677-8.

A Million  
voted.

Temp. Mem.

The French  
King besieges  
and takes  
Ghent.Forces sent  
from England  
to Ostend.  
Reresby.

The Alarm even reach'd England; and the King caus'd a Body of two thousand eight hundred Guards, and other Troops, to be dispatch'd immediately, under the Command of the Duke of *Monmouth*, for the Security of *Ostend*: His Majesty likewise took occasion to signify to such Members of the House of Commons as appear'd at his Leave, "That, except the Money voted was speedily rais'd, it would come after the French King had done his Work": Which, however authoris'd by the present desperate Situation of Things, authoris'd also the Reflections made in the House, at this time, on the King, or his Ministers, or both, who could not be prevail'd upon to stop his Progress before. To add to the Confusion of the Times, Advices were received, that Mr. Ruvigny was expected over with Offers of a Peace. The Parliament, says Reresby, started at this, and grew jealous that those Offers would be accepted; but still our Forces march'd onwards, in their way to *Ostend*: And in the Beginning of March, the Bill for raising Money by way of *Poll*, was perfected, but not without the strictest Clauses of Appropriation, and a total Prohibition of all the principal French Commodities, which was tack'd to it; that in case the War was not suffered to proceed, the Nation might nevertheless derive some Advantage from their Gift: So the Opposers, at least, pretended; but the Courtiers, on the other hand, were positive, that the real Design of the said Prohibition, was to reduce the Revenue by lowering the (£) Customs; and while they gave on one hand, to take away on the other.

It ought further to be observ'd, That the Parliament

(1) "Speaking of the Customs, says Mr. North, puts me in mind of the prodigious Industry and Diligence used by the Leaders of the Country Party, whereon I have touch'd; but I was told by one of them, that they took occasion, and, with much ado, prevail'd to have certain general Books of the Customhouse Accounts laid before the House; and being desirous to be Masters of them, which could not be in that sort

ting as was allow'd for them to lie upon the Table, to be perused by the Member, they took an Opportunity, and employ'd Stationers, who decompos'd the Books, and dispersed them to be transcribed by many Hands; and, after the Copies (were) finish'd, had the Books bound up again, and laid upon the Table, in less than forty-eight Hours. [See above, p. 468.]

A.D. 1677-8. Parliament gave Credit upon this Act for three hundred thousand Pounds in Money, and an indefinite Credit for Goods and Stores, beyond the said three hundred thousand Pounds; and yet it brought in, upon the whole, but 256,223 l. 2 s. 4 d. to the King's Use.

All this while, tho' the King and the Duke appear'd urgent for a War, it was suspected, that, in their Hearts, they were still more inclin'd to Peace: And in truth they had given such a free Scope to the ambitious Career of France, that to stop it appear'd now to be almost impossible. In a Dispatch from Mr. Hyde, dated March 8, N. S. to the Lord Treasurer, he acquainted him, That in a Conference with the Pensionary, Fogel, he, the Pensionary, gave Flanders for lost: Said, that the Spaniards wished for Peace upon any Terms: That the Contermination in *Holland* was become so great on the Siege of *Ghent*, that Designs were entertain'd to submit themselves to France: That he was afraid the Torrent was too violent to be opposed: That he would use his utmost Industry to delay any Resolution, till they could know the Measures of England, tho' he fear'd all Help would come too late: And that if his Majesty could procure them any Peace, which had the least Appearance of Safety, it would be look'd upon as a great Service done to the States, and as he took it, for the Interest of the Prince of Orange, which was so weaken'd by the ill Success of the War, that nothing but a Peace could establish it. On the Receipt of this alarming Letter, and another from his Highness, confirming the ill Posture of Flanders, his Lordship took up the Pen again, (1) March 4, whether to express his Master's Sense or his own, will best appear by his own Expressions, which were to this Effect: "That the ill Conduct of the Spaniards, both in Flanders and in England, had contributed as much to their Misfortunes, as the good Conduct of the French: That their dilatory Proceedings (with respect to Ostend) had been the Cause why Succours had not been sooner sent from hence: That their Negotiations among the Parliament Men, had retarded the Supplies: That there was no Money-Bill yet in readiness, either to pay the Troops already rais'd, or raise more: That his Majesty would, nevertheless, give out Commissions for twenty Regiments more, and procure Money for the raising them, as well as he could: That his Majesty had too just a Ground from Mr. Hyde's Letter, to fear that the States would have a Peace on any Terms, and that it would be neither in his Power nor the Prince's, to hinder it: That his Majesty desir'd to know his Highness's Opinion on this Matter, without flattering himself in it, since any wrong Judgment of the Intentions of the States, would be the most fatal Mistake that could be made, to them both: That, by his

Majesty's Command, he was to let him know, that the French Ambassador had Power to sign the Treaty sent by Lord Feverham, excepting *Tournay*, *Valenciennes*, and *Condé*: That his Majesty had refus'd to make this Proposal, as from himself, but thought it fit that his Highness should know it had been made since the taking of *Ghent*: That the said Ambassador had told his Majesty, That the Pope's Nuncio, had on the Part of Spain, offer'd to quit *Tournay*, before the Siege of that Place: That this, together with what the Pensionary had said to Mr. Hyde, and his Majesty's unprepar'd Condition to give any considerable Assistance, did move him to agree to the leaving *Tournay* and *Valenciennes* out of the Propositions of the Peace, in case his Highness and the Spaniards should desire the Peace on those Terms, which his Majesty believ'd were yet to be had, before the French had taken any more Places, tho' they seem'd very positive for *Condé* also: That his Majesty would come to no Conclusion without consulting his Highness, being resolv'd to pursue his late Treaty of Alliance to the utmost of his Power. But in case any of those Propositions should be thought necessary in the present Conjunction, he desir'd by his, the Prince's Means, to know the Mind of Spain as well as the States, because he would act nothing without the Concurrence of both: That if any thing of this kind should be approv'd, it would be of the utmost Importance both to the King and his Highness, that all should be kept secret, even from the Secretaries of State; and that nothing should appear but a Cessation of Arms, while Matters were formally treated and concluded at *Nimeguen*: That the Offers of the French Ambassadors, came to near what the Pensionary propos'd to Mr. Hyde, that his Majesty thought it necessary to have them communicated to him by Mr. Godolphin: That he thought it would be a great Service done both to the States and his Highness's Interest, which his Majesty was of Opinion, nothing but a Peace could establish: That if any thing about the Peace should be thought convenient, the Proposals for it must proceed wholly from Spain and the States: That his Majesty was to have no other Part in it, than to use his Endeavours, at their Request, to procure such a Peace as they should desire him to get for them; and that, in the mean time, his Highness might rest assur'd, That his Majesty neither did, nor would, lose a Moment in acting all he could for his Assistance."

While Mr. Godolphin was on his Voyage with this Dispatch, and the Instructions before inserted, the Transactions of the Commons were as fluctuating and inconsistent, with respect to the Supply, as those of the Court with respect to the War. And had the Conduct of the King been spotless, their own had been inexcusable: They reason'd, however,

A.D. 1677-8.

Flanders given  
for lost in  
Holland.

The House of  
Commons con-  
sistently intrud-  
able.

(1) Which very Day, according to Sir John Percey, the Bill was presented by the House of Commons.

A.D. 1677-8. however, rather from their Fears, than their Knowledge; for tho' they knew he had still a Correspondence with France, it does not appear that they knew upon what Hinge it turn'd. No doubt Mr. *Barrillon* himself took care to contribute all that he safely could to inflame this Jealousy: But what *Ruysson* has had the Assurance to advance, and (as) others have had the Folly to copy; namely, that while the Cry of the Court Pensioners was, *A War!* Mr. *Garraway* declar'd to the House, That he could produce the very Articles of a Treaty between France and us, neither had, nor could have the least Foundation. A *Marine Treaty* for the Security of our Navigation, had indeed been negociated by Mr. *Montagu*, and was sign'd at *St. Germain*, Feb. 23, 1677-8; but that was not only innocent, but laudable; and there is not the least Trace or Footstep of any other to be found. The plain Truth is, that both Sides were equally to blame, and each has endeavour'd to mislead Posterity by extenuating their own Faults, and aggravating those of the Adversary.

*The Duke and Lord Treasurer apprehensive of being attack'd by them.*  
Sir *John Reresby* reports, that both the Duke and the Treasurer were at this time apprehensive of an Attack from the House, and made Interest with their Friends, among whom Sir *John* himself had the Honour to be rank'd, to save it off: His Lordship even enlarg'd on the Particulars he expected to be laid to his Charge: And among these, he nam'd a Treaty between the King and Prince of Orange; which, he said, had no Existence; and also, his advising the King to make a Peace, which he never did; adding, however, "That possibly, such a Design there might be; but if there was, it proceeded from the King's own Judgment, who was much bent that way, if it was lawful to say so."

We are further told by the same Author, that, on *March 14*, several Speeches were made in the House, full fraught with Jealousies and Fears; and particularly with regard to the Army at this time levying, as if it was rather intended to erect absolute Monarchy at home, than infect the Enemy abroad. Complaints were also made of evil Council, and evil Counsellors; but nobody was nam'd. It is reasonable to think that the immediate Business of the Day, was the farther Consideration of the Supply, the far greatest Part of which was still unprovided for; but the wayward Disposition of the House inclin'd them to postpone the Means, tho' they contended as warmly as ever for the End; making it a Point to have the Court at their Mercy, rather than submit themselves and the Nation to the Mercy of the Court. The Debate was long, and gave rise to an Address containing the Advice of the House, "That, for the satisfying the Minds of his good Subjects, and the Encouragement of the Confederates, his Majesty

would be pleas'd to declare War against the French King, for the Prosecution of which they had already pass'd a Bill of Supply; giving him Assurance that from time to time they would give such plentiful Supplies, as so Royal an Undertaking should require; beseeching him to recall his Embassadors from *Nimwegen*, and to cause the French Ambassador to depart from hence, that his Majesty being disengag'd from acting as a Mediator, might enter into the War for no other End, than that the said French King might be reduc'd to such a Condition, as to be no longer terrible to his Majesty's Subjects, and that *Christendom* might be restor'd to such a Peace, as might not be in the Power of the said King to disturb." It was also flily contended for, That a Part of this Address should be to intreat the King to put away those evil Counsellors from about him, who had advis'd him to adjourn the Parliament in *May* last, and thereby prevented a War with France all this time. But this being put to the Question, it was carry'd in the Negative by five Votes only: And, whereas, the King had before reprimand'd them for giving their Advice, without the Concurrence of the Lords, they resolv'd to remove that Cavil by calling upon them to join in it: But whatever Endeavours were us'd for that Purpose, their Lordships suffer'd the Address to lye before them, if not without Notice, at least without Answer.

Finding the Door thus shut against them there, they had recourse to another Expedient; by resolving the 18th, that such Members as were of the Privy Council should acquaint his Majesty, That a Bill of Aid had pass'd both Houses, and was ready for the Royal Assent: To which his Majesty retorted, by Message, next Day, That he was well pleas'd to hear the Bill was ready: That he would pass it on the Morrow: That he desired them to pass the rest of the Supply promis'd him with all Expedition: That the Sea and Land Service would run great danger of being disappointed if those Supplies were retard'd; and that it would be a Satisfaction to his Majesty, that no more time should be lost, in a thing so necessary for the Safety and Reputation of the Nation, as the finishing of those Supplies.

The Commons, however, resolv'd, That a Day should be appointed to consider of the State of the Kingdom with respect to Popery. And three Days afterwards, says Sir *John Reresby*, my Lord Treasurer sent for several Members of the House, and the among others, to the Treasury Chamber. His Lordship there told us, It became all good Subjects, to withstand all such Motions and Proceedings, which tended only to perplex the Minds of Men, and disturb the public Tranquility; in short, to raise Jealousies of the Government. The Duke also

Address of the King would declare War against France,

(m) Vide Secret History of King Charles II. and King James II. p. 23. And another Treatise abounding with En-

thusiasm and Party Zeal, call'd, The Sacred History of God's last forty-nine Years War in England, p. 46.



A.D. 1677. also, among other things, told me, It would be to disarm all Popish Recusants, which he thought a ridiculous thing.

Mr. Godolphin's Conference with the Freewomen of Holland.

Dutch Mem.

We must now return to Mr. Godolphin, who arriv'd in *Holland*, *March 27*; and the next Day, according to his Instructions, communicated Mr. *Barillon's* Proposal to the *Penfionary*, founding his own Mission, and also his Discourse, on the Representation made by him, the *Penfionary*, to Mr. *Hute*, of the Terrors which had seiz'd on the Provinces, and their universal Desire of Peace. The *Penfionary* reply'd, That the Condition of their Affairs was now worse than ever. For one Instance of which he said, That their Actions were fallen since the time he had made that Representation, twenty in the hundred; That notwithstanding this, those of *Amsterdam* (whom he had most apprehended) had refus'd to make another Contribution toward the Support of the War; and declin'd for the present taking any hasty Measures towards a Peace, till they had a Return from *England*: That he was sensible, that neither the King of *England*, nor any of their other Allies, were in a Condition to send them such considerable and immediate Succours, as the urgent Necessity of their Affairs required: That the *Spaniards* had not in all *Flanders*, above 4000 Men: That the Emperor's Army could not possibly march to their Assistance till *May*, at the soonest: That the Forces of *Brandenburg* and the other Allies, were likewise very backward; and concluding, that if the Peace was not accepted upon these Conditions, had as they were, the *French* must presently be Masters of all the great Towns in *Flanders*. Mr. *Godolphin* then told him, That tho' the *French* insist upon *Condé*, as well as *Valenciennes* and *Tournay*, his Master had Hopes to get that Place restor'd. The *Penfionary* added, he would lose no time in communicating the Proposal to the Prince of *Orange*, with his own Opinion of it; and that, if the Prince concurr'd in it, as it was apparently his Interest to do so, when it came to be imparted to the *States*, it would diffuse a general Joy through the whole Country.

Mr. *Hute* was present at the Conference, and both he and Mr. *Godolphin* took care to urge how important it was, that this should be done at the Instance and Desire as well of *Spain*, as of the *States*. Mr. *Godolphin* then proceeded on, according to his Instructions, to the Prince of *Oranges*, who was then at *Bonne*; with what Success may be gathered from his Highness's Letter to the Lord Treasurer, dated *March 27*, which says, "I sent immediately (on Mr. *Godolphin's* Arrival) to the Duke de *Villa Hermosa*, to acquaint him with his Commission, and to know what Resolution he would come to thereupon, who says, he will agree to the Proposition, namely, That *Valenciennes* and *Tournay* shall remain to *France*, and all the rest shall be restor'd to *Spain*, according to

the Treaty which his Majesty has made with the *States*: As for us, we shall agree to it; and thus is the Peace made, if *France* continues willing to have it on this foot, which I very much question. It is very necessary to know, as soon as possible, what *France* resolves herein; and if they do not agree to it, it is as necessary, that you declare War immediately, without any further Loss of Time. I will not now tell the Reasons which induce us to consent to so destructive a Peace, nor the ill Consequences, which, in all Probability, will result from it, since I have desir'd Mr. *Godolphin* to go back to *England*, and he will be able to give you a better Account of Affairs of this high Consequence by Word of Mouth, than is possible for me to do by Letter."

Upon Mr. *Godolphin's* Return with this Answer, the Court thought they had the Game in their own Hands. Instead of the Town of *Tournay*, which *France* first stickled for, they were to have both *Tournay* and *Valenciennes*; and as to *Condé*, which they now took the Advantage of their Arms to insit upon, it might be presum'd, perhaps, that it was only with an Intention to put the two others out of the question, and to recede from again, as if in Compliment to *England* (or if not, the Confederates were in no Condition to dispute it); Mr. *Barillon* had offer'd six Millions of *Livres*, for a Peace upon *French* Terms: Mr. *Montagu* had given Intelligence, that Mr. *Barillon's* Orders were to make the Market as low as possible: He had besides undertaken to get as much again, as Mr. *Barillon* offer'd, if the Negotiation was left to him: And the Confederates had desir'd of his Majesty, That, while the necessary Powers were preparing for the Conclusion of the Peace, he would find by some private Means the Humour of the *French* King, whether it was likely he would abide by those Propositions; as believing it would be some Disadvantage to the common Cause, to make such Concessions on their Side, if they were liable to a Refusal on his.

In drawing in the Confederates to make the Peace their own Demand, we thought we had acted the rein'd Politician; since it afforded us the best Plea imaginable to evade an ungrateful War: And to maintain that Character, nothing now remain'd but to make the *French* pay us handsomely for the peaceable Possession of those Places, which their own Arms had acquir'd.

Accordingly, the Lord Treasurer (who, in answer to Mr. de *Louvois's* Proposal to Mr. *Montagu*, of giving his Lordship *Pearls* and *Diamonds* for the very Towns in dispute, had said, (n) That he thought 'twas the same thing, as if it should be made to the King, to have *Windsor* put into the *French* King's Hands, and to be should treat it) now play'd the Secretary once more, and enter'd into a private Treaty with *France*, by the Interposition of Mr. *Montagu*; in which the Terms extorted

The Intrigues of England, to share in the Spoil with France.

Prints of Orange accept the Peace, on the Terms proposed by England.

(n) This Circumstance is mention'd by Sir *William Temple*; but he mistakes the Time when it happen'd, placing it in April 1677; when, in truth, it was the latter End of December, 1677.

A. D. 1677-8. extorted from the Confederates by their present clamorous Situation, were loaded with a pecuniary Demand in Behalf of his Majesty: How fitly and justly, has been the Matter of so much Controversy, that it is indispensably necessary to insert his Lordship's Dispatch on this extraordinary Occasion, entire.

1678.

London, 25 March 1678. O. S.

My LORD,

Lord Treasurer's Letter to Mr. Montagu.

Since my writing to you by Mr. Brisbane, the Resolutions have been alter'd, as to the sending you Instructions as yet for the proposing any thing to the French King.

The Particulars which will be consented to on the Part of the Confederates (and of which this is a Copy) will be communicated to you by Mr. Secretary Coventry; but you will have no other Direction from him about them, but only thereby to be enabled to find the Pulse of that King (or his Ministers at least) against the time that you shall receive Orders to make the Proposals to him.

That you may know from whence the Nicety of this Affair proceeds, it is necessary to inform you, that, for fear of its being ill-represented by the Parliament here, the King will not make any Proposal at all of Peace, unless he shall be press'd to it by the Confederates: And altho' by Mr. Godolphin he is sufficiently inform'd, that they desire the Peace upon the Terms sent you by the Secretary; yet not having receiv'd that Desire formally, the Council will not advise his Majesty to let his Ambassador propose that which he is not formally empower'd to make good; and so by staying for that formal Power, which by Letter his Majesty is sufficiently authorized to propose, the Time will be lost of effecting the Peace, if at all it can be had. To supply this Defect, therefore, and to prevent the King's sending again into Holland, before he knows the Mind of France, I am commanded by his Majesty to let you know, that you are to make the Propositions enclosed, to the King of France, and to tell him, that the King will undertake for the seeing them made good on the part of Spain and Holland, in case they shall be accepted by him; and, in your Answer, you must write the same thing to the Secretary, by way only of having felt the King's Pulse; which you must do the King, as a full Answer from the King of France; and such a one as the King may depend upon, whatever that shall be. For the more dextrous Management of this Matter, the King is advis'd to shew those Propositions to Mr. Barillon, but not to give him a Copy: So that by the Strength of Memory, it is expected, he shall write to his Master; and by that means only are we to hope for an Answer to a Matter of

this vast Importance; and consequently, you may imagine what a Satisfaction we are like to reap from it, when it comes.

I doubt not, but by your Conduct it will be brought to a speedy Issue, which is of us great Importance as the Thing itself; there being no Condition worse for his Majesty, than his standing unresolv'd betwixt Peace and War. I find by Mr. Barillon, that 'tis like some Places, which are Dependencies upon greater Towns, may be demanded by the King of France; but if he intend the Peace (which you will do very well to know his Mind fully in) you may justly say, you hope he will neither stand upon one single Place, tho' a fortify'd one, nor upon any Place unfortify'd, which is a Dependant upon those which are to be restor'd to Spain: And if any thing shall be mention'd about Sicily to remain in the French Hands until the Peace of Sweden were concluded; you are only to say, that you are not empower'd to say any thing upon it, and you are confident the King has done all he could to get the utmost Propositions they would consent to; only you are to say, that the King has again sent about Cadix, not being well satisfy'd, that they have not left it in his Power to give or refuse as he should have found convenient, and hopes still for some good Answer. In case the Conditions of Peace shall be accepted, the King expects to have (p) six Millions of Livres a Year for three Years, from the time that this Agreement shall be sign'd betwixt his Majesty, and the King of France, because it will probably be two or three Years before the Parliament will be in Humour to give him any Supplies after the making of any Peace with France, and the Ambassador here has always agreed to that Sum, but not for so long time. If you find the Peace will not be accepted, you are not to mention the Money at all; and all possible Care must be taken to have this whole Negotiation as private as is possible, for fear of giving Offence at home; where, for the most part, we hear in ten Days after of any thing that is communicated to the French Ministers.

I must again repeat to you, That whatever you write upon this Subject to the Secretary (to whom you must not mention a Syllable of the Money) you must say only as a thing you believe they would consent to, if you had Power formally to make those Propositions. Pray inform yourself to the Bottom, of what is to be expected from France, and assure them, That you believe this will be the last time that you shall receive any Propositions of a Peace, if these be rejected (as indeed I believe it will) so that you may take your own Measures, as well as the King's, upon it. I am, &c.

To give the greater Authority to this Letter

(6) Viz. As to France and Holland; all in Europe to be restor'd.

France and Spain; Charleroy, Ath, Antwerp, Caen, Sr. Oislaire, Ghent, Ypres, Courtray, Limbourg, Bricks, with their Bailiages, Provinces, Annexes, &c.; all the Places in Sicily, to be restor'd to Spain.

France and the Emperor: All Places belonging to the Em-

peror, the Empire, or to any Princes of the Empire, taken by France during this War, to be restor'd, particularly Friburg and all the Places in Burgundy. Philipburgh not to be restor'd; and the French Comptz. to remain to the King of France.

Duchy of Lorrain to be restor'd to the Duke.

(7) THREE HUNDRED THOUSAND POUNDS Sterling.

A. D. 1675.

Dispar'd.

Dunby's Memoirs.

ter, or the greater Security to the Writer, the King added a short Postscript, with his own Hand in these Words: *This Letter was writ. by my Order, C. R. And when it became afterwards public, by what Means, will be shewn in its proper Place, and produc'd Consequences very disagreeable to his Lordship, an Explanation of it was made public likewise, in which no Endeavours are spar'd to make it appear not only innocent, but meritorious.* It urges that the Subject-matter of the *Proposals* was not only known to the Secretaries, but approv'd by the rest of the Council; and that the Money-Article was conceal'd from the Secretary in Conformity to Mr. *Montagu's* own Request before sign'd in one of his Letters to his Majesty: That it was, likewise, at the Influence of the Confederates, that the Pulse of the French King were first to be felt; before the said *Proposals* were to be made in form: That unless these *Proposals*, which, contrary to the Character given of them by the Prince of Orange, are in this Piece called *advantageous* enough to answer for themselves, are accepted, the Money was not to be mentioned at all: And that if his Majesty could have received a good Sum of Money towards the Charges he had been at, without taxing of his People, it ought to be esteem'd good Policy.

No doubt it is better Policy to take than give Money for a bad Treaty; but either it was necessary or not for the Confederates to have an immediate Peace: If the Last, it is reasonable to think the King should have fulfilled the Condition of the Poll-Bill, which was for an *actual War* with France: If the first, he should not have increas'd the Difficulty of obtaining it, by enslaving the Terms, without the Participation of those who had submitted to vast a Concern to his Management. Besides, while the Feeling of the Pulse of France, which the Confederates recommended to be done both privately and previously to any express and formal Offers, was left to the Secretary's Office, the King by his Ambassador, both unobscurely to his Brother of France, and roundly undertakes to make all good. The Consequence of which was, that the French Court, immediately perceiving the Drift, and satisfy'd, that they could obtain both easier Terms of the Confederates, and reduce the mighty Demand, which they expected from England, by way of Brokerage, drew up a Plan of Peace, in many respects, less favourable to the Confederates, which receiv'd the Fiat of his most Christian Majesty, April 9, N. S. and was solemnly communicated by the whole Corps of French Plenipotentiaries at Nimeguen to Sir *Lesline Jenkins*, now the sole remaining Mediator, April 4. O. S. not to be debated on, not to receive any Answer to, but a

single one, as Sir *Lesline* expresses it: And with a Limitation that had all the Air of giving the Law; Mr. *Colbert*, who was the Speaker for them all, declaring, "That the King their Master would expect the Issue till the roth of May, after which he would probably carry on the War with a bigger Force than hitherto had been seen; and particularly, that there would be such an Impression on the *Catalonian* Side, as would quickly make the *Spaniards* repent of their having refus'd a Peace on these Terms." And afterwards in an Assembly of mixt Company, "That it was for the greatest Glory, and would be for the greater Advantage of his King, to make this Declaration, and even raise his first Terms and Demands, at a time when the Parliament of England made their Menaces against him."

On the very Day that France acted this haughty and provoking Part at Nimeguen, the Lord Treasurer sent another Dispatch to Mr. *Montagu*, in which he says, "We are full of Expectation of what the next Letters will bring, as being the last by which our Measures must be taken. In the mean time we are prepar'd to believe they will bring nothing but good Words, and general Terms of Uncertainty; and by their bringing their Men from (g) Sicily, and the ill Usage of our Troops amongst them, we conclude, that at the Bottom, they intend no Peace, or none but such as must leave Flanders in their Power when they please. Our Reason for being thus prepar'd is, because Mr. *Barillon* did talk such sort of Language to the King last Night, and acknowledged to have a Courier newly arriv'd, in answer to what he had wrote to his Master, *which was the Substance of what you had to say to him.* If it prove as we expect, I cannot tell whether the War will not be declar'd next Week.

While this Letter was on the Road to Paris, came another from Mr. *Montagu* to his Lordship, dated April 7, in which are these Words: "I have, at two several times, discours'd with the King of France, the Project of Peace you sent me. I find as to *Condé*, he reckons upon it as a sure thing; and for *Ypres* (which was a new Encroachment) he seems to be very positive in not restoring it. I told him, That our Master could not, with any Honour, at home or abroad, consent to any other Peace than the List you sent me contain'd; only promis'd his good Offices, That *Condé* might remain to him in case he gave him Satisfaction in all other Points. His Answer to me after two Hours Discourse, and shewing me in the Map, how necessary *Ypres* was to him, was, 'I find we shall never convince one another. I will send such Orders to *Barillon* about *Ypres* and other Affairs as, I make no question, will be to the Satisfaction of the King

A. D. 1675.

The haughty and provoking Part they acted at Nimeguen.

Continue to same England.

Advantage taken of it by France, to impose their own Terms on the Confederates.

Jenkins's Letters, vol. ii. p. 326, 327, 330.

(g) When England recalled her Troops out of the French Service; and it began to grow probable, that the Violence of the Parliament would force the King into the War; his most Christian Majesty, that he might be the better able to deal with his new Enemies, sent the Marshal *de Feuilade* into

Sicily, as it was then believ'd, upon some new Enterprize; but, in fact, to bring home all his Forces from thence, and abandon both *Algeria*, and all his Conquests in that Island: Which he did; after he had first declar'd to the Senate, the King's Orders, and the Necessity of them.

'King your Master.' These Words, *other Affairs*, I believe, was the *Money*, of which, according to your Lordship's Directions, having not such an Answer to the Peace as I thought would satisfy, I made no Mention at all.

In another Dispatch to the Lord Treasurer, dated the 7th he seem'd confirm'd in his Opinion, that the KING OF FRANCE would rather forego *Tpres* than suffer *England* to declare War against him; because his Majesty grew mighty hot and passionate on the Subject, and behav'd more like one that was angry that he was oblig'd to part with a thing, he had a mind to keep, than that he had seriously and positively resolv'd to keep it: He added, "His (the King's) great Argument was, That he was sure, that the *Spaniards* and *Hollanders* would be glad of the Peace; nay, that they had offer'd it without *Tpres* or *Cond*"; and he ended with me, saying, "I hope the King your Master will not enter into War against me, on the Account of *Tpres*, and that I shall find him more reasonable than you." The next Day Mr. *Churton*, and one *St. Roman* (who are great Confidants of Mr. *Louvois*) were with me, and told me of all that had pass'd between the King and me, and desir'd me, that I would not exasperate Matters in *England*, and that if the Lord Treasurer would be quiet, and suffer Mr. *Barillon* to treat alone, the King of *England* might be brought off from insisting upon the Restitution of *Tpres*, and that I should oblige the King here (his most Christian Majesty) particularly to acknowledge my Services herein.

Finding himself thus over-reach'd and trifled with by the Court of *France*, the King began to shew some Glances of Resentment, which the Lord Treasurer, on one Side, took care to fire, and the *French* so little to extinguish, on the other, that they caus'd the Copy of their (r) Declaration at *Nimeguen* to be printed and dispers'd all over *Europe*, tho' it contain'd many things extremely injurious to his Majesty, and was calculated manifestly to draw him into Suspicion with the whole Confederacy.

In particular, it set out with asserting, that his most Christian Majesty's known Fidelity to his Ally, had induc'd him never to listen to any Proposals of Peace, but such as should give a real and perfect Satisfaction to the King of *Sweden*; and declaring, That this had been likewise absolutely promis'd him by the King of *Great Britain*, who was earnest to gain this Point, both for him and the *States General*.

Again, coming to the Concerns of *Spain*, it proceeds to say, "That, since the Interest of that Crown seems to be the most confi-

derable in this War, and both *England*, *Holland*, and some Estates bordering upon *Flanders* have farther express'd their Desire, that that Crown should retain such a Frontier in the *Low Countries*, as might be able to make that a Bar, which they judge is so very important to their Safety; his Majesty, AT THE INSTANCE OF THE KING OF GREAT BRITAIN, agrees to the means of settling it: And upon this Consideration it is, his Majesty declar'd himself to that Prince, that he had offer'd already, and doth yet offer to restore to *Spain* the several Places" before mention'd, with the Exception of *Valenciennois*, *Cond* and *Tpres*; and a Proviso that *St. Ghislain* should be raz'd. An Offer was also made of *Charlemont*, or *Dinant* and *Bourcuis* in lieu thereof: By which means the *Spanish* Frontier in the *Netherlands*, would, for the future, begin from the Sea to the *Meuse*, by *Newport*, *Dismude*, *Courtray*, *Oudenarde*, *Arthys*, *Mons*, *Charleroy*, and *Namur*.

And, again, in the last Paragraph, "These are the Terms which may or ought to make the Platform of a general Peace, and upon which his Majesty has long ago declar'd himself to the King of Great Britain. His Majesty desires they may be imparted to the Assembly at *Nimeguen*; and that his own Plenipotentiaries propose them to the Consideration of the rest, as containing the lowest Conditions he can admit; and upon which his Enemies may make choice either of War or Peace."

All this while, a quadruple Alliance had been forming here, between the Emperor, *England*, *Spain*, and *Holland*; the Negotiation of which had been entrusted to the Lord Treasurer, and Sir *W. Temple*; and which had either advanced or stood still, as the *Cajoleries* or *Insults* of *France* either provok'd or amuss'd us: Upon the Publication of this Piece, which abounded equally with Insolence and Falshood, we seem'd to have lost all Patience: We sent word to *Nimeguen*, That we could neither accept, nor so much as countenance the French Conditions: We took up and pursu'd the quadruple Alliance, with more Diligence than ever, and seem'd resolute to bring it to a Conclusion; when Mr. *Van Banninghen*, the Dutch Ambassador, broke all to pieces, by declaring he had no Powers to conclude, without a previous Application to the *States*. And this unexpected Accident gave rise to the following free Letter from the Lord Treasurer to the Prince of *Orange*; which contains more of the Secret of Things, than any other Record of those Times:

London, April (s) 16, 1678.

"We are so surpriz'd here at the Obligations given by the *States* to the general Treaty

A. D. 1678.

A quadruple Alliance in negotiation.

[Jenkins's Letters, vol. ii. p. 351.]

[Temple's Memoirs.]

But says with the Dutch.

The Lt. Treasurer's Letter to the Prince of Orange therein.

The King display'd with France.

They'd in their Declaration published at Nimeguen.

(r) The Article in this Piece relating to *Holland* was contain'd in these Words:

"As for the Articles which concern the *States General*, they are so very favourable, that they cannot but conclude, that his Majesty doth purpose to receive them into the former Friendship, after the Peace shall be concluded. His Majesty is willing to restore them *Majrichte*, and to agree

to the Treaty of Commerce, in such Form as it was fram'd at *Nimeguen* with the *States General*."

(s) At the same time, his Lordship sent the following Letter to Mr. *Hyle*:

"My Lord,  
Besides that my Time would not allow me to say much, I am sure it is not necessary, since you will have to good an Informer

A. D. 1675. Treaty of Alliance betwixt us, the Emperor, Spain, and them, that it has put Things amongst us into greater Uncertainties than ever: And that which amazeth most is, to find them stop, upon the (1) *binding* all Traffic with France, when Monsieur Van Beuninghen has insisted so long to gain it here, and, as he said, by the States Order, to assure the King of their entering into the same Obligations; but pretends now not to have the same Power, when there is most need of it. We are not able to understand the Meaning of this, at a time when my Master is so ready to go into the utmost Alliances against France, which any of the Confederates will come up to; and to declare the War, whenever these Treaties can be perfected: But if it should proceed out of an *overearnest Desire of a (u) Peace* (which is said here to be the Cause) I am sure it is the worst Way which can be taken to have one.

In short, I can assure your Highness, that the Fault will not be on our Part, if the War against France be not pursued to the utmost: And there hath nothing hindered it hitherto, nor will yet, so much as the suffering ourselves to be still deluded by France, with daily Expectations of a Peace: And if that Expectation could be driven out of the People's Heads in your Country, it would quickly be taken out of ours by the Effects, which would soon follow. We have received in Print the Propositions of a Peace made by the French at Nimwegen, which I am glad of, both for the Illness of them, which I hope can be liked by nobody, and for the *Falseness* of that Part which concerns my Master about Sweden, and which hath so exasperated him, that he is resolved to let the World know the *Falseness* of it. Mr. Godolphin will acquaint your Highness at large, what Resolutions are taken here with the Ministers of the Emperor and Spain, in case the States will not come up to what we all desire jointly, and which ought to be a Secret, as well to your Highness as the States, but that we are to well assure of your Highness's being of our Mind, and not theirs, in the Matter of supporting the War;

And therefore, in my Opinion, one principal thing to be done by your Highness (who hath so absolute Power upon the Pensioner) is to get the Peace out of his Head, so as to make him employ his time in the States to encourage them to the War, and to let them see that it can be by War only, that a tolerable Peace can be hoped for. The want of Monsieur Van Beuninghen being sufficiently impower'd, has occasion'd an (v) Adjournment of the Parliament to the 20th Instant; and above all, I must confess, that I lament the Condition both of my Master and yourself, who have more Difficulty to save your Friends at home, than you would have to beat your Enemies, if our Parliament and your States would do what they ought, for the Preservation both of themselves and the rest of Christendom: Whereas I do from my Soul, believe they contribute more to the Service of the French King, and to his Successor, than the best Army he has could do. As it is, the best I can hope will depend upon a clear and good Answer from Holland, as to their Conjunction in this Quadruple League, and I doubt not but your Highness will put your utmost Help to it, as I shall ever, to them myself, &c.

As War was the Prince's Element, both this Dispatch and Mr. Godolphin, the Bearer of it, were extremely welcome to him. The States, were then sitting, with Thoughts and Views wholly pacific; and so little Credit had the Propositions of England with them, that enforc'd and recommended by his Highness, that the utmost he could obtain of them, was to procure the sending over Mr. Van Leeuwen to be himself convinc'd of the Dispositions of the English Court, and to delay their final Resolution, till they should receive the necessary Confirmations from him. That this Expedient, however, might be the more certain of Success, the Prince himself took upon him to advise, tho' under all the Guards of Secrecy imaginable, how he should be receiv'd, and answer'd, that is to say, *roundly, as to his Errands, and very civilly as to his Person*: Mr. Hyde, in his Dispatch of May the 30, N.S. by his Highness's Direction, adding,

A. D. 1674.

His Highness received Mr. Van Leeuwen to his seat in England, and by post his Reception there.

Informers of all things by Mr. Godolphin (who was entrusted with the Secret, as well as the Prince and Lord Treasurer). I will therefore only give, that, according to the Instructions you will receive by him, you will make the *Postulate*, and all the foreign Ministers in that Place, as feasible as our Master is, of the Inconvenience and Disadvantage of what the French have said of his conspiring the Treaty, and the Grounds for the States in their behalf; and that you will endeavor to put all Thoughts of Peace out of their Heads, and especially the *Princes*; it being no longer to be look'd for by them, till the French Legislature be a little calm'd by a War. I will trouble you with no more but an Assurance of my being, &c.

(1) Mr. Van Beuninghen acknowledged to Sir Leslie Jenkins at Nimwegen, that nothing could be more salutary, than an absolute Prohibition of all Trade with France; but that, in their Country, it would never take effect.

(2) In a Letter from Sir Leslie Jenkins, at Nimwegen, dated April 22, to Mr. Secretary William, we find the following remarkable Passage:

Mr. Bevering came hither to Nimwegen from the Hague Fifth Night; and this Morning, he and his Colleague gave me a Visit: He told me, he was sent away by his Masters in such Manner, that he could not speak with the Prince, when he knew so to expedite them every Moment: That there whole Country is in such Impatience for a Peace as the French Declaration, that is now printing in several Places

and Languages, having had that Effect upon them (especially in Holland) that they are *too pers'd on* to take on you doing you la Paix (all possess'd with a Zeal) functioning extravagance for the Peace; there being not, he said, a Boat or a Wagon stirring any where in those Countries, but their Print is in English Heads, and made the Subject matter of their Resolutions and Discourses; and every body concluding, that it matters not to them of this Country, that Spain have two or three Towns the less, if they may have their own (that is *Melrike*) restor'd to them, and their Trade to revive and flourish again: This, he said, is the ordinary Discourse of the Country-people; and not only so, but of their great Towns, Amsterdam, Rotterdam, and Leyden.

He told me plainly enough, that, if they could have a Peace upon any tolerable Terms, they would prefer it to any War: He acknowledg'd his Majesty's joining with them would be a most considerable Accession; but yet it would bring no Alliance with it, that their Success would be any better than it had been. Besides, that they shall want the only Mediator capable to set the World in Repose again.

(3) This must be understood of the last Adjournment; for the first was made at the Desire of the House (who were resolv'd to see the King farther embark'd in the War, before they would proceed farther with the Supply) figur'd by an Address to his Majesty, March 26, and held but for a fortnight; whereas this last did not expire till the 29th of April.

A. D. 1672

ding, "That if his Majesty would be pleas'd to let the Parliament be acquainted with these Proceedings of the States, and their un-governable Inclinations to a Peace: That when his Majesty expected from them Instructions to conclude a Treaty of Alliance, instead of that, they sent an Envoy to desire a Peace upon such ruinous and insupportable Conditions; and that his Majesty would be pleas'd to allow the Parliament to make some Declaration of their disapproving such a Conduct, and a Contempt of their Safeties and Means to accept of such Terms: It would be of great use to the setting them again in their Wits.

I have no more to say of the Information, but as to the Informer, that he made me promise him very solemnly I would not name him: That besides that, if he were discovered, it would cost him all; it would render the Service the Prince expects from this *Van Leeuwen's* Journey (as a Man in whom the contrary Party to his Highness have entire Credit) wholly ineffectual, if it should come to be known, that the Answer the King gives proceeds from any Intelligence here; and to that End, he desired me not to write it in a Letter that was to be produced to any other Person. He wished, that his Majesty might have the Information of it for the Direction of his Judgment: That he may reasonably expect a perfect Compliance from this Country, if he pleas'd to declare he would not accept such a Peace.

When Mr. *Van Leeuwen* arriv'd in England, Sir *William Temple* was sent, for Form's sake, to know his Errand; and, upon that Occasion, was freely told by him, That it was the most against their Hearts, in *Holland*, that could be, to make a Peace upon Terms so low and unsafe for *Flanders*; and that if the King had gone into the War, as was promis'd, if *France* should either refuse, or delay to accept, his Scheme; they would certainly have continued it: But that his Majesty's Proceedings had look'd, ever since, to uncertain, or unresolv'd, that it had rais'd Jealousies in *Holland*, of our Measures being, at bottom, fix'd and concerted with *France*; which made most of the Towns in *Holland* think they had nothing else left to do, but to close with them too, as fast as possible: And the Approach of the *French* left them no time to deliberate. Yet he profess'd, in Confidence, that if the King would immediately declare War, he believ'd the States would still go on with it, in pursuit of their Alliance, and the Terms therein contain'd.

In this Interval, viz. April 29, the Parliament was to meet; and, on the 20th before, the Lord Treasurer assur'd Sir *William Temple*, that the King's Resolution was fix'd to go into the War; and desir'd him to make a Draught of what was proper to be said upon the Occasion: And no doubt, if ever his Majesty was in earnest provok'd against *France*, it was now; when they had not

only hely'd him in their Declaration, over all *Europe*, but triald with him in his Money-Treaty: We are, therefore, to give so much the more Attention to the Scope of the Lord Chancellor's Speech to both Houses, at their re-assembling; which is very imperfectly touch'd upon by Mr. *Echard*, and totally suppress'd by *Rapin*, and every other (as) Historian. His Lordship set out with reminding them of the King's offensive and defensive League with *Holland*: Signify'd, that his Majesty had endeavour'd to improve that League, by entering into farther and more general Alliances, for the Prosecution of the War; but that he had nevertheless thought fit, before he made his last Step, to take farther Advice of BOTH his Houses of Parliament; and that he resolv'd to govern himself by it.

His Lordship then undertook to give a brief Deduction of Affairs, from *March* 16, 1676, to shew, 1. That the Address of the Commons did not recommend immediate War, but Alliances, in particular with *Holland*, by way of Preparation for a War. 2. That the said particular Treaty could be no otherwise set on foot, than with the Prince of *Orange*, who was in to great a Hurry of Business, and such a Heat of Action, that no Time could be found to enter with him upon that Treaty. 3. That his Majesty, to lose no Time, had laid out all the 200,000  $\text{L}$ . he was enabled to borrow, in military Preparations; and that if he had been furnish'd with the 600,000  $\text{L}$ . he demanded, he should, likewise, have laid it out, by that time, in Land and Sea-Stores and Provisions, to universal Satisfaction. 4. That, when the Prince himself arriv'd here, it appearing the States still continued violent for a Peace, which they had apply'd to him to procure for them, in *January*, *May*, and *September* last; and that, consequently, his Majesty's Endeavours (for that End) would be grateful to them; he took that Opportunity to engage the said States, that, in case of Refusal, they should co-operate with him to carry his Point by force of Arms; his Majesty well perceiving, that, being then weary of the War, they would enter into no Alliance with him, without a Prospect of Peace. 5. That, in the time of their most pressing Dangers, his Majesty had given his Neice to the Prince of *Orange*, as a Pledge of his Attachment to their Interest; and which was alone enough to extinguish the Fears of all at home, and raise the Hopes of all abroad. 6. That, to the end it might be known, whether the most Christian King would consent to such Conditions of Peace, as would be grateful to the States; the Earl of *Feverisham* was sent to *Paris*; but return'd with an Answer very dissatisfactory. 7. That, hereupon, his Majesty happen'd the Meeting of Parliament; and concluded the League offensive and defensive with *Holland*; which he was graciously inclin'd to communicate to Parliament, if they should desire to see it.

8. That

A. D. 1672

Lord Chancellor's Speech. [Lord Sommers's Collection, vol. 1. M. 8.]

Mr. Van Leeuwen's Conference with Sir W. Temple. [Temp. Memoirs.]

(a) It is remarkable, that even Mr. *North*, when correcting the Omission of *Bishop Kennis*, either overlook'd it, or had no Intelligence of this remarkable Speech.

A. D. 1678.

8. That he had, moreover, concluded a perpetual defensive Alliance with the States.  
 9. That, in pursuit of the first of these Leagues, he had call'd upon the States to adjust the several Quotas by Sea and Land, which the several Parties were to furnish: That he had communicated his own: That he had sent some Forces into Flanders already; and would have sent more, if some Difficulties had not been made, on that side, (relating to *Offend*) which, for Friendship's sake, he did not think fit to communicate.  
 10. That the next thing absolutely necessary to be done was, to form one common Alliance for all Parties to enter into, for the making the necessary Dispositions for carrying on the War, for establishing a general Prohibition of Commerce, and providing against all Possibility of a separate Peace.  
 11. That to this End, his Majesty had appointed Commissioners, on his Part, to treat with the Ministers of the respective Powers; but when it came to the Issue, it appear'd the *Dutch* had no Power to treat (*conclude*; his Majesty should have said.)  
 12. That when, upon his Majesty's own earnest Instances, Powers did come, they were unaccompani'd with Instructions.  
 13. That his Majesty now found what he had always fear'd, that the *Dutch* were making haste to get out of the War, and were so far from being dispos'd to enter into any new Alliance for the more vigorous Prosecution of it, that whether they would persevere in that they had already made, depended on very many, and very great Uncertainties.  
 14. That at that very time, they gave ear to such a Treaty as the *miss Christian King* thought fit to offer (at *Nimwegen* as beforementi'd) tho' without his Majesty's Consent or Privy, and (s) contrary to that League, by which they stand oblig'd to him to prosecute the War till a much better Peace could be obtain'd.  
 15. That his Majesty had sent to desire an Explanation of this manner of Proceeding, and to dissuade them from it, by letting them see, that this would be as ill a Peace for them and the rest of *Christendom*, as their Enemies could wish.  
 16. That as yet he had received no Answer but Complaints of their great Poverty and utter Inability to carry on the War, and that he was told by their Ambassador that they intended to send over an Envoy Extraordinary, to beg his Majesty to accept of

the Propositions, and to excuse themselves on the general Impatience for a Peace.  
 17. That this was the State of the Case between us and *Holland*; so that there was little Reason to hope that the States would so far enter into the common Alliance, as to make it quadruplicate: And, 18. Upon the whole Matter, his Lordship ended as he began, with his Majesty's Demand of their Advice, as to what would be fitting for him to do in that difficult Conjunction.

On a Recollection of the Matters already treated of, we cannot avoid being sensible, that this Speech is not altogether so ingenious as it seems to be: But the Commons, it is reasonable to think, had not the Advantage of all the Evidence that Time has since brought to light: And if they had, there was so much of what was right in it, the Crisis was in truth so delicate, the public Necessities so urgent, and the Appeal so fully, fairly, and so precisely made, that it deserv'd a much more candid Reception than it met with. They did, indeed, on their Return to their House, order such of their Members as were of the Privy Council to apply to his Majesty for all such Leagues and Speeches as were mention'd in this Speech; but they resum'd, the same Day, the Consideration of the State of the Kingdom, with regard to Popery, and receiv'd and approv'd certain (y) Reasons to be us'd in a Conference with the Lords, to induce them to co-operate in seeking a Remedy against this growing Evil, which ended with these remarkable Words:

And that this may be done with all Expedition, because the Commons cannot think it *just* to their Trust for them to consent to lay any further Charge upon the People, how URGENT SOEVER THE OCCASIONS MAY BE THAT REQUIRE IT, till their Minds be *fully* d that all Care and Diligence is us'd to secure the Kingdom and prevent the Dangers that may rise from the Prevalence and Countenance that is given to that Party, by some more effectual Course than hath been provided.

Sir William Temple charges Sir Thomas Clarges with having been the Author of this *perverse Vote*, as he calls it, in Sploen, the Lord Treasurer. Sir William adds: "This left all so loote, and so lame, that the King was in a Rage, reproach'd me with my popular Notions, as he term'd them, and ask'd me

A. D. 1678.

The League with Holland called for. The Affair of Popery resumed.

(x) Mr. Beveridge, in the mean while declar'd to Sir Lucius *Wolsey* at *Wimborgh*, that the States expected nothing from England's for by Treaty, they were oblig'd to come to a Report; and yet they did not.

(y) i. The Difficulty of conceiving a *Remedy* Prick, by proving their Obedience by Authority derived from the See of *Rome*; which makes them more confident to appear in public, and perform their Offices and Functions, without Fear of Punishment.

2. That Justice of the Peace are discouraged, because several of those that have been forward in executing the Laws against *Popery*, in such Counties where they do most abound, have been turn'd out of Commission, without any apparent Cause; while others, who have been *popishly* inclin'd, have been continu'd in Commission, or put in *de novo*.

3. That, in several Counties, many *Protestant Dissenters* have been indicted under the Notion of *Popish Recusants*; and the Penalties of the Laws lay'd upon such *Protestant Dissenters*, when the *Popish* there have been either totally, or for the most part, discount.

4. That the *Popish* do evade the Penalties of the Laws, by making over their Estates by secret Trusts and fraudulent Conveyances, yet receiving the Profit of them to their own Use and Benefit; whereas, in former Times, considerable Sums of Money were raised by the Forfeitures of *Popish Recusants*: That now, by the Remissions of some, and Discommissions of others, of his Majesty's Officers and Ministers of Justice, little or nothing is lev'y'd upon them, or likely to be lev'y'd hereafter; unless the Care thereof be committed to Persons commission'd in the several Counties; and the Money arising thereof apply'd to some public Use, for the Advancement of the *Protestant Religion*, which may recompens'd Persons so far from.

5. That Persons are not discouraged to bring up their Children, or suffer them to be bred up in the *Popish Religion*; because they are as capable of inheriting the Estates of their Parents or Relations, as any other of his Majesty's Subjects.

me when or how I thought he could trust the House of Commons to carry him through the War if he should engage in it? And I had not much, indeed, to say, considering the Temper and Factions of the House; nor could I well clear it to myself, by my Observation, whether the King was firmly resolv'd to enter into the War; or if he did, whether the House of Commons would have supported him in it, or turn it only to ruin the Ministers by the King's Necessities. 'Tis certain, no Vote could ever have pass'd more unhappily, or in such a Counter Season. And again a little below: "In short there was such a fatal and mutual Distrust both in the Court and Parliament, as it was very hard to fall into any sound Measures between them."

The same Day that this Affair of Popery was thus mischievously resum'd, the House likewise order'd an Application to be made to his Majesty for the original Proposals, Dispatches and Instructions sent over into France by the Lord *Feverham*, and the Answer of the French King thereto; but received for Answer the next Day, That the said Proposals were, *verbatim*, the same contain'd in the Treaties offensive and defensive, and that the Answer of the French King was verbal, *viz.* That he did not think them reasonable; and that if he should accept them, he knew not how to answer it to his People.

The Treaties with Holland, were, however, communicated on the very Day they were demanded; but instead of giving Satisfaction, they gave such Offence to the House, that on the 2th of May they came to the two following Resolutions, which were by Order of the House presented to his Majesty, with a sort of Apology for their not being drawn up in the usual Form of an Address.

*Resolved*, That the League offensive and defensive with the States General of the United Provinces, with the Articles relating thereto, are not pursuant to the Address of this House, nor consistent with the Good and Safety of the Kingdom.

*Resolved*, That it is the Opinion of this House, That his Majesty be humbly advised and desired, forthwith to enter into the present Alliances and Confederations with the Emperor and the King of Spain, and the States General of the United Provinces, for the vigorous carrying on of the present War against the French King, and for the Good and Safety of his Majesty's Kingdoms. And particularly, That effectual Endeavours be used for continuing the States General in the present Confederation. And that it be agreed by all the Parties confederate, to prohibit all Trade between their Subjects and Countries, and France, and all other the Dominions of the French King, and that no Commodities of France, or any of the Dominions of the French King, be imported into their Country, from any Place whatsoever. And also, that

all Endeavours be used to invite all other Princes and States into the said Confederation. And that no Truce or Peace be made or agreed to with the French King by his Majesty or any of the Confederates, without general Consent first had therein.

His Majesty, on the other Hand, complain'd both of the Matter and Form of these Votes; and urg'd (by Message) That if they had been no otherwise exceptionable, as he had ask'd the Advice of both Houses, he should give no answer to any thing of that Nature from one only.

The Cry was now rais'd against *evil Counsellors*; and an Address was, in particular, call'd for against those who advis'd the Answer his Majesty was induc'd to give to the Address of May 26, and January 31; and carry'd in the Affirmative; Year 152, No's 159. And the Duke of Lauderdale being expressly nam'd, it was resolv'd by a Majority of forty-five, to address his Majesty to remove him from his Council and Pretence. The next Day, May 8, the first of these Addresses was read for the first time by Sir *Thomas Clarges*, and occasion'd to much Debate, that the House adjourn'd, without coming to any Decision. May 10, (2) it was read a second time by Mr. *Pease*; and a Question being stated whether they should proceed upon it, it was carry'd in the Affirmative but by two Voices; No's 174, Year 176. There were three other Divisions on particular Parts of the Address; and Motion to adjourn; and in all of them, the two Parties continued to near an Equality, that kept the highest Difference.

The Address itself consist'd of three Parts. The first of which contain'd a Justification of the Matter and Manner of their Votes, as also their humble Request, that his Majesty would communicate to them the Resolutions he had taken thereupon. The second ascrib'd all the present Inconveniences and Dangers of the Kingdom, to the Non-acceptance of the Notice contain'd in the two Addresses above specify'd; and also ascrib'd the said Non-acceptance to the Misrepresentation of their Proceedings, by some particular Persons, in a clandestine Way, without the Participation and Advice, as they conceiv'd, of the Council Board; as if they had trespass'd on the Prerogative; whereas they only offer'd Advice, which was a Right never question'd by the Crown before, and without which the Crown could never be safe: Urg'd that this rejecting their Advice, had infinitely discourag'd his Majesty's good Subjects, and reduc'd his Affairs to a most deplorable Condition: And humbly desired that for the Good and Safety of the Kingdom, and the Satisfaction of his Subjects, his Majesty would be graciously pleas'd to remove the Advisers of those Answers, &c. The third humbly desir'd his Majesty favourably to accept their humble Petition and Address, as proceeding from Hearts full of Affection and Loyalty;

(a) Sir John Royle's Cry, "That the same Day, it was carry'd, tho' but by one Voice, in a full House: That the King's Message, lastly sent them, to consider of some Meas-

ure for Supply to his Majesty, for paying off his Fleet, should not be observ'd."

A. D. 1678.  
Neither King nor Parliament to be accus'd.

Proposals sent by Lord Feverham call'd for.

Vote of Confiance on the League with Holland presented to the King.

A. D. 1678.  
Who refuses to give an Answer, except to both Houses.

Address to remove evil Counsellors.



A. D. 1678. Loyalty; and assur'd him, that they would never be wanting to support his Majesty's Greatness and Interest, while he rely'd on their Councils; which however misrepresented, had no other Tendency than to advance both. And to all this they tack'd their Vote against the Duke of *Lauderdale*.

The next Day, after an Intimation from his Majesty, that he would receive their Address in the Afternoon, Mr. Secretary *Williamson* added by Command, That the King expected they would dispatch the Supply, or he should be oblig'd to lay up several of the great Ships already provided, and disband many of the Forces newly rais'd. But this had no Effect: They were more dispos'd to reduce the King, than to reduce *France*; and like able Politicians, at least, if not good Patriots, resolv'd to make his Majesty pay their own Price for the Supply, before they would part with it.

But the King was as positive as the House; and, on receiving their Address, signify'd, (a) That their Address was so extravagant, that he was not willing speedily to give it the Answer it deserv'd.

This warm Language serv'd rather to incense than intimidate: The Party-Leaders knew their own Strength, and the King's Weakness; and resolv'd rather to break than bend: Accordingly, their Debates ran higher than ever. And that Ways and Means might be found to divert the Torrent he could not item, his Majesty came to the House of Peers, and express'd himself as follows:

Meaning speech to the Peers only, and touching the Parliament.

"My LORDS,  
I have receiv'd an Address from the House of Commons, of so extraordinary a Nature, that I cannot but be highly offended at it; and therefore I have resolv'd to prorogue them for a few Days, that they may consider of it, that they may behave themselves hereafter more respectfully. I have lived long enough to be sensible of the Consequences of such Addresses; and I assure your Lordships, I am very well satisfy'd with the dutiful and respectful Carriage of this House towards me; and hope, by the next Meeting, you will have consider'd what Advice to give me in this present Juncture of Affairs."

After which, the Commons being called, his Majesty prorogued the Parliament till the 23d Instant.

Nor was the Prorogation the only Effect of this Ferment in the House of Commons: The King's Indignation against them got the better of his Indignation against *France*: Instead of exposing their *Fissures*, &c. according to the Lord Treasurer's Declaration to the Prince of *Orange*, he fell again into a Money-Treaty with them; saying, facetiously, to excuse it, "That since the *Dutch* would have a Peace upon *French* Terms, and *France*

The private Money-Treaty with France rejected.

offer'd Money for his Consent to what he could not help, he did not know why he should not get the Money." The Negotiation, however, was not suffer'd to pass thro' Mr. *Montagu's* Hands, who had been so ambitious of that Honour; but was, by the King himself, directed into those of Sir *William Temple*; whom his Majesty required to treat upon it with the *French* Ambassador, who had Orders to that Purpose. Sir *William* would have excus'd himself; but the King would not admit it; saying, he could not help seeing him; for that he would be with him, at his House, by Seven next Morning. He accordingly came: But Sir *William* told him (as he says himself) very truly, that he had been ill in the Night, and could not enter into Business. The Ambassador, tho' much disappointed, pursued his Point notwithstanding; and Sir *William*, on the other hand, urg'd his Indisposition, with such a resolute Perseverance, that his Excellency took his Leave, without opening his Commission.

A. D. 1678.

Sir William Temple refused to be concern'd in it.

Sir *William* thought, that when the Service was unjustifiable, Obedience was criminal. More like an honest Man, therefore, than a ductile Courtier, he immediately made his Retreat to his Country-house at *Shrew*; from whence he dispatch'd his Lady with a Letter to the Lord (b) Treasurer, complaining of his being put upon such a Treaty with the *French* Ambassador, that did not belong to his Post; and which, they knew, he thought dishonourable to the King; and offering Offers to resign his Embassy at *Nimwegen*; and a Promise he had receiv'd of being Secretary of State: But his Lordship would not suffer his Administration to be blasted with so untoward an Incident; as well knowing, that when a Man of try'd Integrity voluntarily turns his back on Preferment, it proclaims to the whole World, that the Tenure was infamous: His Answer, therefore, was, "That the King forced no Man upon what he had no mind to: But if Sir *William* resolv'd, this should be said to his Majesty, he left him either to do it himself, or to chuse some other Channel; for he would not make his Court for him, in a Way so unsuitable to the Times.

But whatever a King's Purposes are, he will never want Agents to put them in execution. What disgust'd Sir *William's* Delicacy, others greedily gap'd after: The Treaty therefore went on, tho' he refus'd to be the Agent: But when the Terms came to be settled, the *French*, it seems, propounded one Article, as the Basis of all the rest, which expos'd his Majesty, that he said, *he would never forget it as long as he liv'd*. Sir *William Temple* affirms, he had this from a good Hand; without explaining what the offensive Article was: But the Editor of his Works, Dr. *Swift*, has supply'd this Defect; namely, that

(a) This Answer is not enter'd in the Journal of the House; but I find it in Sir *Thomas Walker's* Collection, in certain Extracts of that Session, which are taken with great Fidelity; and it is also confirm'd by Sir *John Rush*, in his *Memors*, p. 62.

(b) It ought to be observ'd, that there is not a Syllable, in the Volume of Letters publish'd by his Lordship, relative to this Affair.

that France, in order to break the Force of the Confederacy, and elude all just Conditions of a general Peace, resolv'd by any means to enter into separate Measures with Holland; to which End it was absolutely necessary to engage the good Offices of the King of England; who was look'd upon as the Master of the Peace, whenever he pleas'd. The Bargain was struck for either three or four hundred thousand Pounds: But when all was agreed, Monsieur Barillon, the French Embassador, told the King, that he had Orders from his Master, before Payment, to add a private Article, by which his Majesty should be engaged, Never to keep above eight thousand Men of standing Troops in his three Kingdoms. This unexpected Proposal put the King in a Rage, and made him say, *Cod'ziffl!* does my Brother of France think to serve me thus? Are all his Promises to make me absolute Master of my— (People) come to this? Or does he think That a thing to be done with eight thousand Men?

The King again displeas'd with France.

Articles of Peace in copy sent to the Dutch.

Jenkins's Letters, vol. II. p. 350.

In this Interval, France took all imaginable Advantages of the violent Propensity of Holland to rush into a Peace; and not content with the favourable Mention of the Dutch Concerns, in their public Declaration, their Embassadors at Nimegue, were inform'd in their private Dispatches, "That the King (of France) was better dispos'd to the Hollanders than ever: That he would further their Commerce, not only by diminishing one half of the Impositions upon it; but that he would give their Merchants full Satisfaction for past Abuses: That he acknowledg'd their Zeal for the Peace; which he had himself so much at heart, that, for the sake of it, he had dismember'd his Crown of so many Places, which his Enemies were not able to wrest out of his Hands."

And the States, as well as the People, were so captivated with these cordial Expressions on one hand, as well as surrounded with so many Difficulties on the other, that, on the very Day the King prorog'd the Parliament, Mr. Beverning acquainted Sir Leonine Jenkins, that he had the Night before receiv'd Orders from his Masters, to propose to the Ministers at the Congress a (c) Cessation of Arms with France, to press them to it; and, in case they should refuse, to enter his Protestation against them, for all the Damages and ill Consequences that might befall the Alliance. He said, his Masters were in despair; and that those who had assist'd the Prince of Orange to keep things in a kind of Balance, hitherto, now knew not which way to turn themselves: For, first, they found, upon Examination of things, that Spain had

Mr. Beverning's Resolves for a Cessation of Arms.

not above 2500 Horse and Dragons, and 5000 Foot in all the *Lowe Countries*; and of the Foot, one half were Boys. 2. That the Dutch were not able, unless they disarm'd their Garrisons, to take above 16,000 Men into the Field; which was the very utmost they could do. 3. Not one Man of the Allies would march: The Prince of Orange had sent Orders for 3000 Lunenburgers, and others, to join his Army: Their Answer was, (d) *They would not stir, till they had receiv'd their PAY:* And the Duke de Villa Hermosa, being press'd by the Dutch Ministers at Brussels to pay them, as he stood engag'd to do, said, *He had not a Penny of Money to do it with.* 4. The English Letters of the 7<sup>th</sup> gave them no Hopes of any effectual Relief from thence; nothing being to be expected from the Parliament till they had obtain'd Satisfaction touching the Papists. 5. That the French King with an Army of 45000 effective Men was in the Heart of Flanders; and whether he undertook any thing on the Sea Coast to cut off all Possibility of Succours from England, or whether he attack'd Antwerp and Brussels, he could carry all before him; those of Antwerp declaring, they would open their Gates to receive him: All the Spaniards in the Country being too few to defend the Citadel.

The Dutch Minister in England had also Orders to lay this Question before his Majesty, and even to intreat his good Offices for a Cessation: And it may be presum'd it [Temple's Answer.] was upon this Occasion that Mr. Van Leeuwen began to discourse boldly (as Sir William Temple expresses it) of the Necessity his Masters found to make the Peace as they could, since there was no relying upon any Measures with England for carrying on the War; and the Season was too far advanced to admit any longer Delays: And certain it is, that the very Day after the King directed Sir William Temple to treat with Mr. Barillon (e), his Majesty gave his Consent that the States should depart Mr. Beverning to Ghent, where the most Christian King then was, not only to solicit the Cessation, but to take their own Measures to procure a Peace.

Which is demanded, with the Consent of England. Jenkins's Letters, vol. II. p. 359-363.

There is reason to think that all this was a (f) Secret to the Prince of Orange; for on the Arrival of a Trumpeter from his most Christian Majesty with a Letter (dated May 18, N. S.) to the States, inviting them to send their Deputies to him at Ghent, and a Resolution taken by their Lordships, for Form's sake to communicate it to the Ministers of their Allies at the Hague, his Highness sent private Intelligence of their Design to Mr. Hyde

(c) Mr. North, who affects to write critically on these Points, has the following amazing Paragraph:

"It must be noted, that all or most of the Brigues I am about to name happen'd pending the Treaty of Nimegue: Much of which Time was employ'd, in Cessation; when all Parties, instead of fighting, fell to bargaining." Essex, p. 470.

(d) When the parliamentary Influence of Alliances ran high, supposed to be made with the Emperor and the Princes of Germany, the King, who knew their Poverty, was heard to say, viz. "The Gentlemen of the House of Commons would have me league with the German Princes: But they

"do not know what an immense Charge I should bring upon them, if I did." Essex, p. 477.

(e) Who was, at first so stuck'd with the Commission, which he thought both destructive to his Country, and dishonourable to himself; that he declared to Sir Leonine Jenkins, that he would rather lose his Head, than undertake it.

(f) Mr. Montague, in his Dispatch of May 7, insinuates, that his most Christian Majesty was fure of having such a Peace from the Dutch as he desired: which had been managed under-hand, by great Prelims: to which as were not Well-wishers to the Prince of Orange.

A. D. 1678. Hyde and possibly to all the rest, advising him, by way of Answer, "To put them in mind of their Promises and Obligations to the King his Majesty; and press them in his Majesty's Name, to make good their Alliance with him." And for want of better Information, his Excellency thought fit to comply with it; with what Effect will be immediately explain'd.

Resolution of the States relating to a Peace.

The States took (g) four Days to deliberate, and on the 11th, by a Trumpeter of their own, gave his Majesty to understand that they had instructed Mr. Beverning to wait upon him with fresh Assurances, &c. of their sincere Inclination for Peace. Mr. Beverning receiv'd his Orders soon after, and set out the 22 from Nimeguen: And on the *Whit-Sunday* following the States came to the following Resolution: "That they, having contributed all that lay in their Power to the common Cause, were now so exhausted, that they could do no more: That seeing the Danger the Spanish Netherlands were in of being altogether lost, seeing the most Christian King, with his Army, was now in the midst of them (in the *Pays de Waes*) that little or no Help was to be expected from other Parts, that their own Forces were too weak to make head against him: And lastly, seeing the Uncertainty of the Conduct of England, they, the States, did look upon a Peace as the only Means to save that Country: That they could most heartily wish, that they were able to procure it upon Conditions more advantageous for their High Allies: That they had done their utmost to that End; but that God not having blessed their Endeavours, and the Danger increasing and approaching every Day, their last Resort was to pray their said Allies rather to give way to the hard Conditions prescribed by France, than continue a War, like to be more and more destructive: That they desir'd to know of the Ministers of their said Allies, wherein they could contribute to the Satisfaction of their Masters, which they would undertake with the greatest Cordiality and Affection; and that they should be greatly concern'd, that a Peace should be concluded otherwise than with the common Consent: And that they hop'd the said Ministers would do them the Justice to consider, that, in Circumstances so desperate, wherein the States see themselves abandon'd on all Sides, they could do no less than seek the Preservation of the Republic from immediate Ruin, by the only way that was left to obtain it.

Engagement of the States.

This Resolution was communicated by Mr. Van Haren, the Dutch Plenipotentiary, to Sir *Leoline Jenkins* at Nimeguen, May 21, who forwarded it immediately, by Express, to England; and two Days after the Parliament was to meet, according to Prorogation:

Upon which Occasion, his Majesty address'd himself again to the House of Commons, as well as the Lords; but enlarg'd on his Wants and Requisitions in a Sile and Manner which could not but alarm all that heard him. The first, in particular, he call'd upon to consider, in cold Blood, whether they had, at their last sitting, made him a Return suitable to the End he propos'd by asking their Advice, which was the saving of Flanders: Said, that Conjunctions abroad, and our Distempers which had so much inflam'd them, had driven things violently into a Peace: That where they would end he could not tell: That he was resolv'd, as far as he was able, to save Flanders either by a War or a Peace, as Circumstances from abroad should direct: That for his Part he thought the being arm'd was as necessary to make Peace as War, and that either way both his Army and Navy should for some time be kept up; but as that depended on the Supplies, left it to his Parliament to consider whether to provide for their Continuance or Disbanding; in either Case signifying, that they ought not to discourage so many worthy and gallant Gentlemen who had offered their Lives and Services to their Country in pursuit of their Resolutions: Said, he must put them in mind that a Branch of his Revenue was near expiring, that another Part was cut off by the Poll-Bill; and that 200,000*l.* was necessary to indemnify him for what he had taken up on the Credit of the Excise. On these Points he required their Resolutions should be speedy, because the present Necessity requir'd it; adding, as if by way of Equivalent, That he would consent to any reasonable Bills that should be offer'd to him for the Good and Safety of the Nation. His Majesty then address'd himself to both Houses; assur'd them, That whatsoever some ill Men would have believ'd, he never had any Intentions, but of Good to them and his People; and further declar'd, he would do all he could for their Ease and Safety as far as they themselves would suffer him: Desir'd, that since these were his Resolutions, they would not drive him to Extremities, which must end ill both for them and him, and (which was worst of all) for the NATION, which they ought all to have equal care of: Desir'd again, therefore, that they would prevent any Disorders or Michiefs that might befall them (the Nation) thro' their Disagreement: And in case such Michiefs or Disorders should happen, left it to GOD ALMIGHTY to judge between them, who was the Cause; and concluded with a firm Assertion, That he would never more suffer the Course and Method of passing Laws to be chang'd; and that if several Matters should ever again be tack'd together in one Bill, that Bill should certainly be lost, let the Importance of it be never so great.

A. D. 1678. King's Speech.

There

(g) The Doubt lay, whether to send their Answer by Deputies, or simply, by Letter; and the last Method was resolv'd on, even the Prince himself was almost inclin'd to keep in the Field; saying, in Confidence, to Mr. Hyde, "I was the Distractor and Division in England, which increased

every Day, did, most of all, discourage him from struggling any longer against the Inclinations of the whole Country to a Peace." *Lord Danby's Letters*, p. 361.

\* These Words are unfairly left out by *Forgeson*, in his second Part of the *Growth of Peter's*.



A. D. 1678.

The Lord  
Chancellor's  
Harangue.

There is an equal Mixture of Honey and Gall in this Speech, and the first bid fair to qualify the last: But unfortunately it was then held necessary for the Lord Chancellor to enlarge on the same or the like Topics; if not for the better Information of Parliament, at least to palliate Matters to the People. Accordingly his Lordship set out with propounding the three following Heads. 1. The present State of *Christendom*, in Reference to a general Peace. 2. The Influence that Peace was like to have upon us. 3. The Necessity of returning to some better kind of Intelligence amongst ourselves, than appear'd at the late Prorogation.

Concerning the Peace, his Lordship said, That, however it had been hasten'd by some late Occurrences, it had been meditated and prepar'd by the *States* long ago; the Occasion of which he alleg'd to be the Backwardness of *Spain* to fulfil their Engagements, and their leaving all their Towns perfectly defenceless, as if they were intended to be abandon'd. That the said *States* did not the last Year accept such a Peace as they sought now, he ascrib'd to the Force and Merit of his Majesty's late offensive and defensive League with them; which, according to him, furnish'd no small Hopes of putting a considerable Stop to the Growth of the Power of *France*. "For, continued his Lordship, tho' the *Dutch* were still inclin'd to accept of a Peace, and were hearkning, after the *French* Propositions at *Nimwegen*, yet such were his (the King's) Resolutions to hold them to that League, and so CONSTANT WERE ALL HIS REFUSALS TO HEARKEN TO SUCH A PEACE, OR TO HAVE ANY PART IN IT, that they must of Necessity, at last, have been oblig'd to continue in the War some way or another." He then proceeded to lay the Blame of the grand Disappointment of all, at the Door of the House of Commons; "For when, it was heard abroad, said he, that this League with the *States* had been so ill understood at home, and had been to unfittingly and undeservedly reflect'd upon; that a Resolution had been taken to give no Money till Satisfaction was given in Matters of Religion, and such an Address presented to the King, as had never been heard of before in any State or Kingdom in the World; and his Majesty had proceeded so far as to express his Resentment of it; then they concluded with themselves, that it was in vain to rely any longer upon *England*, for *England* was no longer itself. Then all Sides began to wish for Peace, even *Spain*, as well as *Holland*; and if the *Cessation* which is endeavour'd to be made, in order to it, takes Effect, as, in all likelihood, it will, we may conclude the Peace will follow."

His Lordship then came to his second Head, *The Influence such a Peace would have upon our Affairs*, which, he said, was fitter for Meditation than Discourse; only this was evident, that, "by the Preparations we had made for War, and the Prohibitions we had made of Trade, we had given no small Provocations to a mighty King, who might be at Leisure enough to resent them if he pleas'd."

Whence he infer'd, as many other notable Politicians have done since, "That it importeth us, so to strengthen ourselves both at home and abroad, that it might not be found to cheap and easy to put an Affront upon us;" which in plain *English*, was as much as to say, That we had negociated ourselves into the Necessity of keeping up a standing Army.

Under his third Head, *The Necessity of coming to a better Intelligence* among ourselves, his Lordship said so many fine Things in so fine a manner, that they will scarce interweave with the coarse Web of History. He took occasion to refer to the Pretences which gave rise to the late Civil War. He mention'd the printed Libels of the present Times, as Symptoms of the Return of that fatal Distemper, from which we were so lately recover'd. He started a Doubt, whether we did not bring some kind of Scandal upon the Protestant Religion, when we seem'd to distrust the Truth and Power of it, by shewing ourselves afraid of its Continuance: And, taking upon him to prove that our Liberties and Properties were in as little Danger as our Religion, his Lordship was bold to say, "Can there be a greater Evidence of the Moderation of a Prince, and his Tenderness of the Liberty of the Subject, than to suffer, as he does, every Day, so much licentious and malicious Talk to pass unpunish'd? If there be not any one Influence to be found in a whole Reign, of a Man that hath suffer'd against Law; and very few Examples of those that have suffer'd by it, Shall we endure them that dare say in *Coffhouses* and public Places, that the Nation is enslave'd?"

His Lordship clos'd his Harangue, with enforcing the Necessity of making good the Failures, and supplying the Wants of the Revenue; and with shewing the mischievous and dangerous Consequences of *Tacking*; saying, These Innovations the King resolves to abolish, and hath commanded me to say to you, *State super Vias antiquas!*

Whatever Advantage had been taken of this ten Days Prorogation, or whatever Means had been us'd to bring the Commons to a better Temper, with whatever Success, the Freedom they had been treated with in this Speech, gave them great Offence. But tho' many angry things were said, no angry Motion was made; and the Business of the Session was open'd with renewing the standing Order of the House; by which it is declar'd, That if any Candidate to serve in the House of Commons should give any *Voter* Meat or Drink, above the Value of ten Shillings in the whole, or any other Gift or Present, or any Promise, Obligation or Engagement to make such Gift or Present, such Gift or Promise was *Bribery*; and, being duly prov'd, should be deem'd sufficient Cause to make his Election void.

A Motion was then made for an Address, that his Majesty would acquaint the House with the State of Affairs in relation to War and Peace; as also to specify, that, in case he thought fit to enter into a War against the *French* King, in concert with the Emperor,

A. D. 1678.

raises the In-  
crease of  
the House of  
Commons.Their Vote  
against Bribery  
in Election.A Motion for  
an Address  
for a State of  
Affairs.

&amp;c.

A. D. 1673.  
over-rul'd.

Et. the House would support him therein : But that was over-rul'd by a Counter-Majority to adjourn ; which was carry'd by a Majority of nineteen Voices. This look'd well on the Court Side : And yet so thoroughly did the opposite Party belie themselves, that, at their next Sitting, the Majority shifted again ; and a Question pass'd, to the same purpose with the former ; with the Addition of a Clause, importing, that in case his Majesty declin'd to enter into the War, the House would provide for the speedy Disbanding of the Army. It is remarkable, that the House did not reduce their Votes into an Address ; but order'd them to be presented to the King, in their original Form, without making any Apology for so doing : And his Majesty return'd the following Answer, without making any Exceptions as to the Point of Ceremonies.

but carry'd the next Day, with an additional Clause for Disbanding the Army, if the King declines a War.

The King's Answer.

"That the French King hath made such Offers of a Cessation till the 27th of July, as his Majesty doth not only believe will be accepted, but will end in a general Peace ; yet, since that is not certain, he does not think it prudent to dismiss either Fleet or Army before that time ; nor doth he think it will add much to the Charge, in regard the raising Money, and paying them off, would take up that time, were they to be disbanded as speedily as possible." In the mean time, he desired Money for their Subsistence ; that, as hitherto they had been the most orderly Army that ever came together, they might be encouraged to continue so. Then he concluded with reminding them of the two hundred thousand Pounds, formerly mentioned in his Speech, which he wanted for the Subsistence of his Household.

We have now one of those delicate Points before us, upon which so many plausible things may be urg'd on both Sides, as makes it difficult to conclude on either. Had the King's Inclinations really dispos'd him to cloze with the Desires of his People, and the apparent Exigencies of the Times, by entering into the War, in case it continu'd ; no doubt, it was agreeable to the Dictates of true Policy to continue the Army, till the Peace was sign'd and ratify'd : But if the Secret of the French Treaty had taken air ; if there was any Room to conclude, the King was endeavouring to avail himself of the Crisis, to keep up a standing Force on one hand, to bridle his People, and oblige his most Christian Brother to be at the Expence of it on the other ; all foreign Considerations ought to have given way ; and the sole Concern of an English Parliament should have been the Conservation of the Liberties of the English People.

Possibly the Patriots of these Times were not govern'd by Motives of this Nature ; Possibly, there is Reason to think, the Spirit of Faction was as predominant in the Senate, as the Spirit of absolute Dominion at Court ; and those who clamour'd loudest in behalf of the People were, at the bottom, as little concern'd for their Welfare, as the most obstinate Courtier of them all.

However this may be, on the Receipt of

that Message, the Commons unanimously voted, That all Forces rais'd since the 20th of September last, except those transported to foreign Plantations, should be forthwith paid off and disbanded. They also voted (June 4.) 200,000 l. to be rais'd by a monthly Tax, in six Months, after the Land-tax, then in being, should be expir'd ; with an appropriating Clause, that this should be for disbanded the Army by the End of the present June : They also voted 200,000 l. towards defraying the Expences of the Fleet ; and seem'd inclinable to throw in such another Sum for the King's extraordinary Occasions.

About this time also his Majesty sent them another Message, signifying, "That his Mind was still the same with what he deliver'd in his Speech the 27d of May last, viz. That the Army and Fleet ought to be kept up till the expected Peace be concluded : And he further recommended to their Consideration, whether it were not dishonourable for him to recall his Forces in Flanders, from those Towns which he had taken into his Protection, before they could provide themselves of other Succours."

The Reason assign'd in this Message was irresistible ; and produced a Resolution to extend the Time, as to the Forces in Flanders, till the 27th of July : But shortly after, viz. the 15th, as if an Apprehension began to prevail, that the House was falling back into its old Complaisance, it was mov'd, That, after the Tuesday following, which was the 18th, no Motions should be made for any new Supplies of Money, till after the next Receipt ; and carry'd in the Affirmative : The Courtiers losing the previous Question by Six, and the Question itself by Nine Voices : And 314 Members being present at the first Division, and 217 at the last.

To make one Effort more on the now dubious Temper of the House, the King was induc'd to come to the House of Peers, on the said 18th of June, and to express himself, from the Throne, to the following Effect : viz. "That the Season requiring a Recess by the Middle of next Month, it was convenient, that he and his Parliament should part fairly, and with a perfect Confidence in one another : That, therefore, he should open his Heart freely to them : That a Peace was ready to be determin'd, at least as to Spain and Holland ; in which his Part would be not only that of a Mediator, but Guaranty : That Spain moreover demand'd of him, to be at the Charge of maintaining Flanders, even after the Peace : That this would oblige him to keep up his Navy ; and call'd for some Assurance to the World, that we were well united at home : That tho' the House of Commons might perhaps think such a Peace as ill a Bargain as a War ; they would nevertheless be reconcil'd to it, if they seriously consider'd, that otherwise Flanders would have been lost, perhaps by that time, and that they would, he believ'd, give much greater Sums, rather than the single Town of Ostend should be in the French Hands ; which would enable them to keep forty of their Men of War over-against the River's Mouth :

A. D. 1673.

Money given to defray the Army by a certain Day.

A Message from the King to prolong that Term.

carry'd with.

Resolution to admit no farther Motions for new Supplies, after June 18.

The King in Person demands an additional Revenue of 300,000 l. per annum ;

*Mouth*: That if they desir'd to keep up the Reputation *England* had acquir'd abroad, by raising thirty thousand Men in forty Days, and preparing a Navy of ninety Men of War; in they desir'd to maintain the Honour of the Crown at home, to look to the Safety of the Balance of Affairs abroad, and pursue the War with *Morocco*; if they desir'd he should pass the rest of his Life in Quiet, and all the rest of it in Confidence and Kindness with them, and other future Parliaments, they must find a Way, not only to settle for his Life his Revenue, as it was at *Christmas* last; but also to add a new Fund of three hundred thousand Pounds a Year; upon which he would pass an Act to settle five hundred thousand Pounds on the Navy and Ordnance; and should be, likewise, always ready to consent to all such Laws as they should propose for the Good of the Nation: And, for a Cloze, he put them in mind of the forty thousand Pounds, for the Princess of *Orange's* Portion; the first Payment of which was due, and had been demanded."

It is worthy Observation, that this extraordinary Demand tallies exactly with that which was made upon the *French*; and, probably, was meant to answer the same extraordinary Purposes: Certain it is, the House seems to have carry'd their Jealousies higher upon this Occasion, than ever they had done before: Money they very wisely consider'd as Power; and, therefore, they thought it expedient, not to part with so much at once, as should render themselves useless. No doubt, the Message had been preconcerted, and, according to Custom, the Undertakers for the Court had made their Musters, and answer'd for their Corps: But those who, perhaps, had approv'd of the Project, sunk under the Experiment. In short, never was any Court-Point, on which so much depended, so shamefully defeated. They confin'd their Thanks to the *gracious Expressions* in his Majesty's Speech. On the Article of the additional Revenue, it does not appear, that the Undertakers had the Courage to divide the House: And even when a Motion was made, to give his Majesty a Compensation for what he lost in his Customs by the Prohibition of *French* Commodities, it pass'd in the Negative, by fifty-seven Voices; when there were three hundred and forty-seven Members in the House.

Not satisfy'd with this complete Victory, the Anti-Court-Party pursued their Blow, and call'd for an Account of what Pensions had been charg'd upon the Revenue; what Privy-Seals had been issu'd for secret Services since *May 1677*; and for a Test concerning the Bribing of Members for giving their Votes: Much was also said concerning Popery, and taking the Sacrament; Members conversing with foreign Ministers, and receiving Money from them; such as had receiv'd Money for Connivance relative to any Bill depending in the House; or any Reward for being Chairman of a Committee; or had solicited for Voices, in any Cause depending before the House; such as had offer'd their Service to great Persons to give their Votes

in Parliament, and had been refus'd; such as kept public Tables; and such as had taken Money for Protections.

But though these several Particulars were warmly talk'd of, and very probably not without sufficient Cause; and tho' a Resolution was taken to enter into an Enquiry concerning them; the whole came to nothing: Whence it may be fairly infer'd, that the Clamour was meant to be the Use.

After this grand Attempt of the Court to procure a stated, sufficient, and independent Revenue, had been thus miserably blasted, the next favourite and important Point they had to husband, was the new-rais'd Army. The same Reasons for the Continuance of it still subsisted, nay, were become more cogent than ever: But as the House now dreaded every Proposal which came from the Court, and nothing so much as a standing Army, all the Skill and Address imaginable were requisite to render the Motion palatable. To this end Care was taken not only to procure it the Sanction of the House of Lords, but to convey it thro' their Channel to the House of Commons. Things being in this Direction, *June 20*, their Lordships desir'd a Conference on Matters of great Concern, the Commons, of course, agreed to it; and the Committees of both Houses being met, the Lord Privy Seal (*Anglesy*) gave notice of the Commons to understand, that the Affair in question was a Message from his Majesty, which the Lords judg'd to be of such Moment to both Houses and the whole Kingdom, that they thought it ought to be communicated without Delay. After which solemn Introduction, his Lordship delivered to Mr. *Peable*, the Manager for the said Commons, a Copy of the said Message; which was as follows:

The Lord Treasurer, by his Majesty's Command, did let the House know, "That his Majesty had receiv'd a Letter from his Ambassador at *Nimwegen*, Sir *Leoline Jenkins*, dated *June 15*, which gave an Account that the *French* Ambassador had declar'd to the *Dutch*, that they would not void any of the Places they held in the *Spanish Netherlands*, until *Sweden* be effectually restor'd to the Places taken from them, notwithstanding the Peace was already sign'd and ratify'd between them: That, upon this is arisen a Difficulty upon the Side of the *Spaniards*, whether they will accept the *French* Conditions: That Mr. *Beverning*, one of the *States* Ambassadors there, had thereupon earnestly requir'd of them, whether the Army of *England* was presently to be disbanded, for nobody could tell to what End things would come: For if *France* would keep all the Places in the *Netherlands* filled with Troops, it is in vain the *States* have taken so much Pains about the *Barriers*, for then they will have none when all is done: That Mr. *Beverning* was very anxious till he heard out of *England*, that the Army might not yet be disbanded: That the *Imperial* Ministers had been to visit him that Day, and that their principal Business was to learn what they could from him, and in what State our Army

A. D. 1678.

Endowment  
of the Court  
to continue the  
Army longer  
as far as  
means of the  
Lords.

The King's  
Message re-  
lating thereto.

which is re-  
ferr'd.

An Enquiry  
call'd for into  
many other  
Practices.

A. D. 1678. Army was, things being in this doubtful Situation.

Mr. *Povole* having made his Report, and the Message having been read, it appear'd upon the Result, that the Lords had no more Credit with the Commons than the King, or his Ministers; For tho' the Facts specify'd in the Letter, were beyond Controversy true, as Sir *Leoline's* own Papers, at this Day bear witness, so strong a Prejudice had they imbib'd by this time, that no Circumstances whatever would reduce his Majesty to break with France, that they chose rather to desert their own Project, than contribute any further to their own Ruin. And to make this as intelligible as possible, all the Notice they took of the Lords Message was, by another, to remind them of the Bill which lay before them, intitled, *An Act for granting a Supply to his Majesty, to enable him to disband the Forces rais'd since September 29.*

All these noble Refinements of the Court being thus a second time defeated, instead of weaving a new Web of their own, they endeavour'd to entangle and perplex that of the Commons. The Bill to disband the Army, as drawn by the Commons, was liable to some reasonable Objections; as to the Penalties of Forfeitures and Disabilities to bear Office, which those Persons were obnoxious to, who did not comply with the Letter of the Act, within the time prescrib'd; but with all it was a Money Bill; to which they knew the Commons would not suffer the Lords to make any Additions or Alterations: A Dispute was sure to follow: And the longer it lasted, the longer the Army must of course be kept on foot. This was the Project: And as to the Event, the 26th of June the Lords return'd the Bill with Amendments. The 27th the Commons agreed to a Proviso which was at once calculated to remedy the Objections made by their Lordships, preserve their own Rights, and carry their grand Point of breaking the Army; and with this the Bill was again deliver'd at a Conference to the Lords; who rejected it for six Reasons, which they communicated at a second Conference; and of which the Principal were, "That it was very doubtful, whether the Proviso as it was pen'd, took off the Forfeitures and Disabilities; and that the Proviso itself was inconsistent with the Bill; the one appointing short Days under great Penalties, and the other prolonging the Days without Penalties." When this was reported to the House, as a further Expedient, they adopted one of the Lord's Amendments, rejected the two others, and resolv'd to abide by their Proviso: They, however, drew up Reasons, which were deliver'd at a free Conference; and receiv'd for Answer, That the Lords had voted to adhere to their Amend-

ments, and to disagree to the Proviso. This produced two counter Resolutions of the Commons to adhere to the Proviso, and disagree to the Amendments. They likewise appointed the Committee, who had manag'd this Dispatch, to draw up a (b) State of the Rights of the Commons, and in the mean time, July 2, came to the following Resolution: That all Aids and Supplies granted to his Majesty in Parliament, are the sole Gift of the Commons: That all Bills for the granting any such Aids and Supplies ought to begin with the Commons; and, that it is the undoubted and sole Right of the Commons to direct, limit and appoint, in such Bills, the Ends, Purposes, Considerations, Conditions, Limitations, and Qualifications of such Grants, which ought not to be chang'd by the House of Lords.

And, also, to break the whole Contrivance, they made one general Bill of the Supply, which amounted to 619,380*l.* 11*s.* 9*d.* and which was to answer the Expences of Disbanding the Army, to repay the 200,000*l.* borrow'd on the Excise, and provide for the Princess of Orange's Portion, and the King's extraordinary Occasions. But in the midst of all this laudable Vigilance, from whatever Motive, to obviate all Pretences to make a standing Army a Requisite to Government, they had, nevertheless, the Complaisance to reject a Motion from the *over-righteous* Quarter, to appropriate the Exceedings in the Supply to the use of the Navy, and to prolong the additional Duties on Wines for three Years; which, considering the whole of things, both abroad and at home, was to the full as much as could have been (i) reasonably expected from them.

And now, having fat their time, and the Cry against *Papery*, which had been so violent in the middle of the Session, dying away towards the End of it, as all Party Clamour generally do, his Majesty came to the House of Peers, July 15, gave the Royal Assent to the several Bills that were presented to him, and directed the Lord Chancellor to prorogue Parliament, which he did to August 1, *Orange's* d. with an Intimation, that, unless there was occasion for their assembling sooner, his Majesty would not require their Attendance till Winter.

In this Interval, the French Ministers at Nimegue maintain'd their Refusal to evacuate the Spanish Towns, with a Haughtiness beyond Example: They even rais'd new Difficulties with the Dutch, with regard to the Treaty of Commerce: They refus'd to pass the Prince of Orange's Article, as it was propos'd: They insist'd on keeping *Marselis* likewise, till Sweden was satisfy'd: And, what was most horrible of all, as Mr. *Bevering* express'd it, they said, "The King

A. D. 1678.

The Commons  
Final Resolv'd.A general Bill  
of Supply.Haughty De-  
laviour of the  
French at Ni-  
meguen.Lentini's  
Letters,  
p. 389.The Commons  
put the Lords  
in mind of the  
Bill to disband  
the Army.Several Con-  
ferences be-  
tween the two  
Houses there-  
on.

(b) Which they did: But the Entry of it in the Journal was refused, on the Day of the Prorogation, till farther Orders: the Controversy being then at an end.

(i) And yet the Author of the *History of Taxes* has the Modesty and good Sense to say, when speaking of the Supply of this Session, That they gave the Money full before to raise it (the Army,) and now to disband it; because the King

had not, immediately at their Beck, declar'd War with France; and, therefore, they put it out of his Power to declare it for the future; not trusting his Majesty with the Money, but putting it into private Hands, to disband the said Army: Now the Spirit of Rebellion, which had been working more privately ever since the Resolutions, began to appear bursted. [*Hist. of Taxes, p. 317.*]

A. D. 1678.

King their Master would not suffer the Swedes to give some Kind of Consent, as they were willing to do, to the Elector of Brandenburg: Adding, "It was not for the Glory of his Majesty to suffer any such Composition; and, therefore, he would hinder it all he could." And, all this, they further assur'd the Marquis de los Balbases, one of the Spanish Plenipotentiaries, had been concerted with the King of England: And again to Mr. Beverning, That France had nothing to apprehend out of England; which, according to him, had oblig'd itself, by Treaty, not to stir against France upon this occasion.

It is certain, that Sir Henry Wootton's Mission, That it is the Duty of an Ambassador to live for the Service of his King and the Good of his Country, is not without Foundation: But these intemperate, as well as unfeasible, Sallies of those of France, were not absolute Falshoods; for Mr. Barillon, at that time, look'd upon his Negotiation, as in a manner perfected; and, it is probable, had sent Intelligence accordingly: So that they only anticipated what they believ'd Time would warrant: And it is with the same Allowance, that a Passage which Sir John Roxby, an Englishman, and now transform'd into a thorough Courtier, one of the Lord Treasurer's Junco in the House, and in some degree of Confidence with the King himself, has slipp'd into his Memoirs, p. 65, 66, is to be understood, viz. "About this time (June 22.) there was fresh Discourse about a War with France; the French King and ours not agreeing concerning the Interest of the King of Sweden, which the French would have to be adjusted, before they would deliver up the Towns they had taken in Flanders: But by what I heard, I thought the thing had but an unlikely Aspect; and particularly, as I had seen the King, Duke, and French Ambassador, in very often merry and intimate together, at the Duchets of Perth's moul's Lodgings, LAUGHING AT THOSE WHO BELIEVED IT IN EARNEST."

Sir William Temple, again, who appears to have been better acquainted with the King's Mind, when upon Business, than with his real Face when dissipat'd in Pleasure, affirms, that his Majesty was both surpris'd and angry at this Proceeding of France: That the next Morning, after he was assur'd of the Fact (for at first, it seems, he did not believe it) he sent for Sir William to the foreign Committee, and declar'd his Resolution to dispatch him immediately to Holland, with a Commission to sign a Treaty with the States; by which they should be oblig'd to carry on the War, and his Majesty to enter into it, in case France should not consent, within a certain limited Time, to evacuate the Towns. Even the Duke fell into this Counsel, with great Warmth; saying, It was plain by this Face, that France was not sincere in the Business of the Peace: That

they aim'd at universal Monarchy; and that none but his Majesty could hinder them from it, in the Posture that Christendom stood. All the Lords of the Committee, moreover, agreed, with so general a Concurrence, that it was hard to imagine, continues Sir William, this should not prove a steady Resolution, how little soever we had been given to any such.

It appears, however, that this general Concurrence, this Warmth of the Duke, this Anger and Surprize of the King, and this vigorous Measure, which was the Result of all, did not arise from the Proceeding of France at Nimwegen, with respect to the Evacuation of the Towns in question; but Mr. Barillon's thundering Demand, with respect to the Army before-mention'd; and rather than part with that, it was thought advisable to make this new Step towards a War.

The Particulars of Sir William's Negotiations at the Hague may be found at large in his Works: The Issue was, that he had the Address and Happiness to conclude the Treaty in six Days; by which France was oblig'd to declare, within fourteen Days after the Date thereof, that they would evacuate the Spanish Towns; or in case of their Refusal, Holland was engag'd to go on with the War, and England immediately to declare it against France, in conjunction with Holland and the rest of the Confederates.

To traverse a Measure he apprehended so much, and expected so little, his most Christian Majesty descend'd so far from his late Elevation, as to offer, by his Ambassadors at Nimwegen, first to advance himself as far as St. Quintin, and then to Ghent, to meet any Deputies the States would send thither; and treat with them in Person: But the States, now persuas'd that England was at last in earnest, declin'd the Compliment; and only desir'd a positive Answer as to the Evacuation; at the same time signifying, that they should not be many Days at liberty to receive it. Of such Weight was England, at that time, in the Scales of Europe!

As it is a Maxim in French Policy to lose no Opportunity; no sooner was the Treaty with Spain and Holland at a stand, by the Obstacles they themselves had rais'd, but in order to derive an immediate Benefit from it, they block'd up Mons, one of the few remaining Places that interrupted the free Progress of their Conquests; which was expected to fall into their Hands, before the Expiration of the Term for their Choice of Peace or War.

While, therefore, the Politicians were at work in the Cabinet, the Prince made the most vigorous Preparations imaginable to take the Field: Ten thousand of the new-rais'd English were already arriv'd in Flanders, with Orders to join him; and his Resolution, says Sir William Temple, was, either to relieve Mons, or die in the Attempt, whether the

Peace

Reverend Account of the King's Behaviour as to a War with France.

Resolution of Sir W. Temple against Holland. Temp. Mem.

He concludes a Treaty with the Dutch in six Days.

France reduces Mons, which is to be seen.

Mons block'd up by the French.

Prince of Orange resolves to relieve it.

(4) They were unanimous against Deputing; and when some Towns even proposed the sending him a civil Letter, it

was carry'd in the Negative. (Joshua's Letters, vol. ii. p. 412.)



A. D. 1678. Peace succeeded or not: So as, the Continuance of the War seem'd unavoidable.

The Confederacy had now assum'd a new Face: The Demeanour of France was no longer so overbearing as it had been: And all Europe was in expectation of a Series of extraordinary Events; since it could scarce be imagin'd, that France would recede from a Point, she had so magnificently insisted upon; nor that England, after once drawing the Sword, would not throw away the Scabbard.

But it appears, France knew us better even than we knew ourselves; and that as they had given the Wound, they could also heal it, on the first Application: Accordingly, so happily and effectually did they ply their usual Arts, at the Court of England, that when but five Days remain'd of the Term allow'd them, by the Treaty between his Majesty and the States, for the Evacuation of the Towns, one *Du Croix*, a profess'd Agent of the Duke of *Holland*'s, but a known Tool of Mr. *Barillon*'s, arriv'd at the Hague, together with Mr. *Meredith*, the Secretary of the Embassy, with a Packet from Court to Sir *William Temple*, commanding him to go immediately away to *Nimeguen*, and there to endeavour all he could, in his Majesty's Name, to persuade the Swedish Embassadors, to signify to those of France, that they the Swedes, would, for the Good of *Christendom*, consent to the Evacuation of the Towns, and even desire the King of France no longer to defer it, and consequently the Peace, upon the sole Regard and Interest of the Crown of Sweden; as also, to assure the said Embassadors, that after this Peace, his Majesty would use the most effectual Endeavours he could for Restitution of the Towns and Countries the Swedes had lost in the War. *Du Croix* himself also gave Sir *William* to understand, that the King had taken this Measure with Mr. *Barillon*, and had sent an Express over with it into France: That he, the King, was resolv'd upon the Peace; and, to that purpose, had hasten'd Sir *William* away to *Nimeguen*, whether he, *Du Croix*, hop'd to attend him.

Whoever recollects, that the Swedish Ministers had already offer'd to make this Advance, for the sake of Peace, and that the French would not allow it, must conclude, that the Mission of this Creature (who was called by the Pensioner *Fagel*, a Cheat of Cheats, because of the Notoriety of his Character) could not be to compass what was already in their Power: It must therefore be presum'd, that the great Drift of France was, to make the King their Tool, to draw himself into Suspicion, to undermine his own Figure and Importance, to destroy the Confidence which the States began once more to place in him; and thereby to render it utterly impracticable for either them or him to pursue the War; all which was so effectually done, by this amazing Step, that Sir *William Temple* himself avows, in a Letter to the Lord Treasurer, written in the Anguish of his Heart, That he did believe the King had taken his absolute Measures with France. *Du Croix* having every where asserted whatever had a

Tendency to put the Matter beyond all Dispute; and Sir *William*'s Removal to *Nimeguen*, in consequence of the Orders he had receiv'd, seem'd to confirm every thing. From Circumstances it appears, that this last was a Point, which France thought of great Consequence to the Success of their Artifices: For *du Croix* not only quicken'd his Departure himself, as above-mention'd; but, in a joint Letter from Messieurs *Temple* and *Jenkins*, at *Nimeguen*, to Mr. Secretary *Williamson*, dated August 9, N.S. we have an Article to the following extraordinary Effect:

"Mr. *Bevering* offering to sign the Peace, His Majesty's and saying they should not be many Days at liberty to do it, because of their Engagements; the French reply'd, *You confide in your Engagements, Gentleman, and the King in two hundred thousand Men, well pay'd*; adding, that his Majesty of England had such Treaties with France, as would keep him from performing what Sir *William Temple* had negotiated at the Hague: And Mr. *Colbert*, in particular, saying yet further, *And why does not Sir William Temple come hither? He has the King his Majesty's Orders to do so; and yet he continues to do Mischief at the Hague.*"

Sir *William*, as it appears by a long and circumstantial Letter of his to his first great Friend and Patron the Duke of *Ormond*, was in the greatest Trouble in the World, whether to obey his Instructions, or first acquaint the King with the Consequence of them. Three Days he continu'd thus irresolute: But finding, by that time, that *Du Croix* had made all public at the Hague; and was gone to do the same at *Nimeguen*; as also, that a new Artifice had taken place, namely, that tho' the Swedes had declar'd they would desist, they had declin'd doing it in Form, till his Arrival at *Nimeguen*: And fearing an ill Use would be made of his Stay, as if he chose to hinder his Majesty's Paces towards a Peace, in favour of the Prince's Inclination for a War; he, at last, determin'd to obey his Orders.

By the time, however, that he join'd the Congress, but three Days remain'd of the Term, prescrib'd by the Treaty, for the French to take their choice of Peace or War. They had already, indeed, admitted of the Concession of the Swedes, with respect to their Concerns, which had been made the 26th of the preceding Month: But then they still insisted upon the Dutch sending to *St. Quintin*, to adjust other Points of the Peace; which they constantly refus'd: So that, notwithstanding the late Intrigue of *du Croix*, and all the mischievous Effects it had produc'd, the Peace seem'd in a manner desperate, and the War unavoidable.

Things continued in this Situation till the decisive Day, August 11, N.S. when the French Embassadors came to the Dutch; and, after a Conference of five Hours, wherein they very much press'd to keep some of the Towns; but found the Dutch resolute for all, agreed to sign the Treaty: And both Parties came to the Mediators, to desire they would sign with them; who, finding Spain was not included, absolutely refus'd it, or to have any

A. D. 1678.

His Majesty's Treaty with France again offer'd by the French Ministers at Nimeguen.

Sir William Temple goes from the Hague to Nimeguen.

*Du Croix's Intrigue.*

[*Temple's Memoirs.*]

The Drift of it, is to make the King the Tool of France to destroy his own Credit and Importance.

A. D. 1678.

any Concern in the Affair; their Instructions directing them to take all Measures necessary for a general Peace, but none for a particular one.

The Treaty between France and Holland sign'd.

They, moreover, expostulated with the Dutch, for undertaking to sign without Spain, contrary to what had always been his Majesty's and the States Intention: But Mr. Beverning said, He must sign that Night, tho' he lost his Head: And accordingly they (1) did so, between eleven and twelve o' Clock; the Instruments having been hardly finish'd by that Hour; when the Treaty with England, for carrying on the War, would have taken place.

And thus, says Sir William Temple, in his *Memoirs*, were eluded all the Effects of that Treaty, and the late Hopes conceiv'd by the Confederates of the War's going on; which so provok'd several of their Ministers, as to engage them in sharp and violent Protestations against the Dutch Embassadors, by which they hop'd to deter them from signing the Peace without new Orders from their Masters. But all was to no Purpose; Beverning was unmov'd, and the thing was done.

Advantages taken of it by France.

But the very next Day he found sufficient Reason to repent of it; for no sooner did they (the Dutch) interpose in the Business between France and Spain, but the French started so many Difficulties, and made so many new Demands, that it became manifest, that the Design of all this Precipitation was, That the Spaniards might not have Leisure to adjust their Treaty, so as to sign at the same time; nor the Dutch to send to the States for specific Instructions whether they should sign without the Spaniards or not: That the two Powers might be divided by this Means; and that France being oblig'd only so restore *Mastricht*, they might find Pretences to keep the several Places demanded by Spain yet longer in their Hands.

The Dutch concern'd for their own right Proceedings; but lay the blame on England.

Mr. Beverning himself, now saw Cause to acknowledge, That they had made a Peace, which was equally ruinous to the States and all their Neighbours; but withal, he laid the Fault upon his Majesty of England; who, according to Mr. Van Benningben's Accounts, first refus'd to ratify the late Treaty without Conditions that were not possible for the States to admit of; and then by the Credit he had given *Du Croix*, if not by his Instructions to him, had induc'd the said

States to believe, that the King had taken his Measures with France for a Peace, and consequently that there was no longer any Dependence to be plac'd on the War.

No doubt Mr. Beverning was very well warrant'd to make these Excuses, at the King's Expence: And yet (m) two Days after the Peace had been thus huddled up, as if purposely to confound all Certainty of Opinion, thro' the whole Course of our Conduct in this Affair, an Express arriv'd, from England, at *Nineguen*, with Orders for Sir William Temple to return to the Hague, and to exchange the Ratifications, without any Mention of the Difficulties which had been before started to delay it.

It is most remarkable, that the last Day allow'd for the said Exchange was the 15th; so that if the Courier had, by contrary Winds, or any ill Accident, been detain'd on the Road twenty-four Hours longer, or if Sir W. Temple himself, had not prosecuted his Journey Night and Day (the two Places being twenty-six Leagues asunder) the Command he brought, could not have been executed; and so the Court had lost the Merit of this Step, and the Allies the Uic.

While Affairs had taken this sudden Turn at *Nineguen*, the Prince of Orange was pursuing his Purpose to relieve *Mons*, with all his Powers and Faculties: The English and Scots, under the Command of the Earl of *Offery*, had join'd him, as likewise what Forces the Spaniards could muster, under the Duke de *Villa Hermosa*. The French Army was so posted on the Summit of a Precipice, under the Shelter of thick Woods, which were no otherwise accessible, than by narrow and intricate Paths, that Mr. de *Luxemburg*, in a Letter to the Marshal d'Esprades at *Nineguen*, had asserted, That if he had but ten thousand Men, and the Prince fifty thousand, he would find it impossible to attack him.

The Battle of St. Dennis.

But all these Difficulties, tho' so confidently believ'd to be insuperable, did not deter the Prince from his Resolution. August 19. the Confederate Army decamp'd from *Saignes*, and march'd towards the Enemy, who had their Right posted at the Abbey de *St. Dennis*, and their Left at *Mamey St. Pierre*. About Noon they brought their Cannon to play upon *St. Dennis*; and as his Highness was sitting down to Dinner in the open Field, he was join'd by the Duke of *Montmouth*.

(1) Upon the following Terms:  
1. That there be a firm and lasting Peace between the two Nations.  
2. All Prizes taken within such a limited Time to be released.  
3. No Treaties to be made for the future to the Prejudice of one another.  
4. Goods confiscated by reason of the War to be restored.  
5. *Bergen op Zoom* to be restor'd to the Count of *Auvergne*.  
6. *Mastricht*, with the Country thereto belonging, to be restor'd; and the Roman Religion there to be regulated in the same manner as by the Capitulation in 1632.  
7. The French King to carry away all the Artillery, Ammunition, &c.  
8. All Prisoners of War to be freely released.  
9. All Contributions from the subjected Countries to be paid, till the Ratification of the Treaty; and all Arrears, within three Months.

10. The States to observe a perfect Neutrality.  
11. Conventions of this Treaty to be speedily repaired, and the Details of particular Subjects finish'd.  
12. In case of a Rupture, six Months to be allow'd for the Subjects to withdraw their Effects.  
13. King of Sweden, Duke of *Holstein*, Bishop of *Strasbourg*, and Prince *William of Furcheburg*, particularly comprehended in this Treaty; but above all the King of *Great Britain*.  
14. The King of Spain, and others the Allies of the States, to declare their Acceptance of this Treaty within six Weeks, after the Ratification.  
The Prince of Orange was to be restor'd his Principality, by a separate Article.  
(m) Sir William Temple, in his *Memoirs*, says, on Day: But I chuse to follow his Letter to the Duke of *Ormond*, which says, the Peace was sign'd the 14th, and that the Express arriv'd the 15th.

A. D. 1678.

*mouth.* After a short Repast, Count *Waldeck* receiv'd Orders, with the Battalions under his Command, to attack the Abbey; supported by all the Regiments of the left Wing, animated by the Presence, and directed by the Orders of the Prince himself.

At the same time, the *Spaniards* in the Right, strengthened by the Prince's Guards, and the *English* and *Scottish* Auxiliaries, who had never seen Service before, made their Impression on the Side of *Coffaux*; and, tho' they met with extraordinary Resistance, so thoroughly were all inspir'd with Emulation, with respect to each other, with Zeal for the Common Cause, and by the Example of their Commanders, who were the bravest Men in the World, that, after a long and obstinate Dispute, attended with great Slaughter on both Sides, they oblig'd the *French* to retire, and made themselves Masters of the Post; which, however, they did not think fit to hold, because of the great Difficulty of making good the Communication with it.

It was here the Prince of *Orange* (who was resolv'd this Day should be the last or the most illustrious of his Life, and who after seeing his own left Wing in a fair way to force the *French*, on that Side, had push'd on to the Right to extend his Care, communicate his Spirit, and share in the Danger every where) had breached his last, if Mr. *Overkirke* had not killed a *French* Officer, in the very Instant that he was going to kill his Highness. It was here, also, that the Earl of (a) *Osborn* behaved in such a manner, as almost countenanced the Wonders of Poetry and Romance; leading on every Regiment in Person, expos'd to all the Fire of the Enemy, as if he had been invulnerable, as well as invincible.

The Battle lasted till the Night put an End to it, when the *Marshall de Luxembourg* thought fit to make his Retreat; leaving the Confederates in Possession of *St. Dennis*, as also of his Camp; and, according to some, of the very Plate he had used that Day at Dinner, in the Post he had vainly deem'd impregnable.

But if the Confederates deriv'd great Honour from this Action, they deriv'd no other Advantage to counterbalance the Loss of so many gallant Men as fell in procuring it: For the very next Morning the Prince receiv'd Advice of the signing of the Peace at *Nimeguen*; and having imparted the News to Mr. *de Luxembourg*, it made way for a Cessation of Hostilities, and serv'd only for a noble Catastrophe to the War.

We must now follow Sir *William Temple* to the *Hague*, where he found the *Penfioner* infinitely chagrin'd at the manner of the Peace, if not the Thing; and as much pleas'd with Sir *William's* Erand to the *Hague*: For under the Countenance and Authority of the Ratification with *England* (if *England*

did not again waver) the *States* had still a back Game to play, by refusing to ratify with *France*, till Satisfaction was first given to *Spain*.

But tho' the Ratifications were exchange'd in time, and the Treaty was so far in Force, the Triumph of the *States* was again shock'd by Letters from Mr. *Van Heuninghen* of the 22d, which signify'd, That tho' the King and Court had, at the first Report of the Peace being sign'd, seem'd a great deal surpris'd; yet he had the next Day talk'd with them, and found them very well pleas'd with it, and with the Conduct of the *States*: And one private Letter of Intelligence to the foreign Ministers at the *Hague* said, "It went so far, that they were on the Point of disowning their two Embassadors for refusing to sign the Peace as Mediators."

And yet the second Day after these Letters were received, viz. the 24th, Mr. *Hyde* arriv'd at the *Hague*, in twenty-four Hours from *London*, with positive Instructions to let the *States* know, how much the King had been surpris'd with the signing of the Peace, without the Participation of *Spain*; as also his Concern for the Difficulties still remaining upon the *Spanish* Treaty, and the Evacuation of the Places: That his Majesty was thereupon of Opinion, That they could not ratify their late Treaty with *France*; but that they were engag'd to him to proceed with the War; and that if they were still of the same Mind, and would signify as much to him, he would, within three Days after such Signification, declare War against *France*, and fulfill in all Points his Obligations.

The Prince had by this time quitted the Army, and was return'd to the *Hague*; and upon the Communication of this Dispatch, could not help expressing his Abhorrence in very strong Terms, at such inconsistent and unaccountable Conduct. He for himself, however, to make the best of it, by retarding the Ratifications of the *Nimeguen*-Treaty, till *Spain* was comprehended in it, which he prevail'd soverally with the *States of Holland*, and the *States General*, to agree to; tho' his Aulveraries did not fail to represent this new Turn of the Court of *England*, as the Result of some Concert between the King and Prince, to carry on the War, tho' *France* should perform the very Conditions the State had accepted; and to redouble their Opposition under that Presumption.

But no sooner did this new Measure begin to operate, than this Majesty sent Orders to Sir *Leoline Jenkins*, at *Nimeguen*, to propose a general Suspension of Arms for six Months, in Concurrence, as Sir *Joseph Williamson* signify'd, with the Prince's Desire. This disjointed all again. His Highness ask'd how this corresponded with the Proposition made by Mr. *Hyde*? Adding, That when he desir'd a Suspension, it was before he knew the last Resolution of his Majesty, and on the

A. D. 1678.

The Ratification of the League between England and the States exchange'd.

Mr. Hyde dispatch'd to Holland, to demand the Performance of it.

The Prince of Orange influences the States to decline the Ratification with France, till Spain is comprehended.

A general Suspension of Arms propos'd at Nimeguen, by England.

(a) The *States of Holland*, the *Duke de Villa Hermosa*, and the King of *Spain* himself, in a Letter under his own

Hand, acknowledged the great Services he had perform'd to that Campaign. [Corr. life of D. Ormond, v. ii. p. 506.]

A. D. 1678.

Letter to the Duke of Ormond.

The Mission of Du Crois described.

the contrary, while he thought him pleas'd with the Peace.

It is upon this Occasion that Sir William Temple says, That whoever should take the Pains to lay together the Papers the Court had made for three Months past, in this great Affair, would conclude our Secretaries of State never remember'd one Day, what had been done the Day before, or never car'd what would be done the next.

There are indeed many Passages both in the same Minister's Letters and Memoirs, which have a Tendency to insinuate, That in the Affair of *du Crois*, his Majesty was impos'd upon: And in a Letter from the Lord Treasurer to him (Sir W. T.) dated August 17, there is the following remarkable Passage: "You will find, that Mr. Hyde is no less impos'd of to give Satisfaction about Mr. *Du Crois*, who was so far from having any sort of Commission from the King, that if the Pensioner will permit any thing to be prov'd against him of those private Discourses, which you say in your Letter of the 16th, you had from the Pensioner, his Majesty will make him a public Example for the Satisfaction of himself, as well as the rest of the World." No doubt, the Falacy lies in the Word *Commission*. Possibly he had not a formal Commission of any sort: But in the very Instructions, brought over by him and Mr. Meredith to Sir William Temple, there is an Avowal, that all they contain'd was founded on the Insinuations made to his Majesty by *du Crois*, who was sent, at the same time to the Swedish Embassadors upon this Occasion. These Instructions came from the Lord Treasurer. Sir William, in his Memoirs, says expressly, he receiv'd them from this Man; and in a Letter to his Lordship, on the Court's suffering such a Man as *du Crois* to give so unbecomingly a Bravall (Shock) to the Affairs of the World, he expostulates with him in the following warm manner: "But after all must beg your Lordship to let me know when you did resolve to send him, and those Instructions, why not to Sir *Leoline Jenkins*, that was on the Place, but to me, that was engag'd here in Affairs of another Nature?" The Question is shew'd, and his Lordship wisely evades the Force of it, by returning no Answer. Whence we may fairly conclude, that the French sollicit the King's Interposition with the Swedes, to do what they had of their own accord done already, only for a Pretence to get Sir William Temple remov'd from the Hague to *Nimwegen*, and thereby, furnish Credit for all the plausible Follies, that *Du Crois* should think fit to raise on so far a Foundation.

And that he, *Du Crois*, had an imply'd Commission, or, at least, a Trust that amounted to the same thing, must be understood and admitted, from Sir William Temple's own Account of this mysterious Affair; which was publish'd in the Life-time of the Lord Treasurer, and long after he had heard and weigh'd the best Apologies his Lordship could make for having lent his Countenance, at least, to such a Man, and such an Intrigue. Sir William's Words are these:

"How this Dispatch, by *Du Crois*, was gain'd, or by whom, I will not pretend to determine; but, upon my next Return for England, the Duke told me, That he knew nothing of it till it was gone; having been a hunting that Morning: My Lord Treasurer said all that could be, to excuse himself of it: And I never talk'd of it to Secretary *Williamson*: But the King told me pleasantly, That the Regue *Du Crois* had outwitted them all. The Account I met with at Court was, That these Orders were agreed and dispatch'd one Morning, in an Hour's Time, and in the Duchess of *Portsmouth's* Chamber, by the Intervention and Pursuit of Mr. *Barillon*. However it was, and what Endeavours soever were made, immediately after, at our Court, to retrieve this Game, it never could be done; and this one Incident changed the whole State of *Christendom*."

Sir William, also, expressing his own particular Repentment of this Measure, in his Letter above-quoted to the Lord Treasurer, says, "That it had so broke his Head, that he thought it would never be right again: Begg his Lordship to let the King know, that he grew old and infirm, and unfit for such sudden Journeys: Expresses a Resignation to his Majesty's Pleasure, till the End of that Conjunction, with an Exception to his returning any more to *Nimwegen*; where one Mediator he thought was sufficient; and where none could be serviceable, if no better instructed than he fear'd Sir *Lionel Jenkins* was." But his Lordship declin'd this Commission of Sir William's, as he had done one of the like Nature before; and in his Reply, by way of getting the better of his Scruples, and reconciling him to those Jobs, that were inseparable from Court-Service, throws in that standing Palliative, which sometimes the best of Ministers are glad to have recourse to, and the world have always in their Mouths; "We must bear with a great many wrong Paces, to prevent worse, which would follow to his Majesty in the Hands of such as would pursue their own Humour, and seek their Ease at any Hazard of our Master, or his Concerns."

Notwithstanding the Exchange of the Ratifications between England and Holland, and his Majesty's solemn Invitation by Mr. Hyde to the States, to break with France, and proceed with him in the War, the latter had so little Confidence in our Resolutions, that they even took off the Edge of their Vote, not to ratify their Peace with France, unless Spain was included, by coupling with it an Order to their Ministers at *Nimwegen*, to go as far as possibly they could in accommodating the Points in dispute. All those, indeed, who saw little more than the Outside of Things, and who are the Many, imagin'd, that the States would now no longer keep any Temper towards France; and that the War would break out again, with more Violence than ever. But the Prince and Pensioner, from the Beginning, declar'd, that England had stuf'd too often, and delay'd too long; and that all the Fruit of her present Resolution would be, to facilitate the Treaty between France and Spain, and procure a Rectification

A. D. 1678.  
Temp. Mem.

Temple's Letter, v. ii.

Dunby's Lib. 177.

The States order their Ministers to facilitate the Peace of France.

Temp. Mem.

A. D. 1678.

of the (6) Mistakes, which, thro' Haste and Inadvertency, Mr. Beverning had committed in their own. The *Peninsular*, in particular, assur'd Sir *William Temple* from the first, that this was all the use that could be made of it; and that the *States* were so unsatisfy'd with our Conduct in the Business of the Peace, that tho' they should be glad to see us in the War, they resolv'd to have no further Part in it.

The Spaniards  
contribute to con-  
tinue the War.

The *Spaniards*, however, seeing the *English* Forces every Day transported into *Flanders*, knowing besides, that the *Confederates* in general, were so fond of making use of their Assistance as themselves, and depending on the Resolution of the *States* not to ratify till they were satisfy'd, made use of all the Arts imaginablè at *Nimwegen*, to prolong the Treaty in order to break it. But this dangerous Drift of theirs was soon discern'd by the *French*, and not without some Concern; for they best knew what was to be apprehended from the present Disposition of *England*; and it was never their Design to continue the War, with that additional Strength against them. In order, therefore, to obviate the Mischiefs, they first dispatch'd a Courier to their Embassadors at *Nimwegen*, with leave to satisfy the *States* in those Clauses of their Treaty wherein they seem'd to except justly against Mr. *Beverning's* Conduct, and thereby cover the Credit of that Minister, who had been so effectual an Instrument in bringing about the Accommodation; as also to lessen a little of the Rigour they had hitherto exercised in the smallest Points contended by the *Spaniards*: Their next Shade of Complaisance, was to remit all the Points in Dispute to the Arbitrage of the *States*; as *Spain* had already done to the Arbitrage of the *States* and *England*.—And finally, assuming an Air of Generosity, they even departed from their Pretensions, with-

The French  
make Concessions.Temple's  
Letters.

out any Arbitrage at all. All which were such full and satisfactory Indications of the most *Christian King's* Sincerity, in his late Advances toward a Peace, that it had all the Effect design'd by it. The several Towns and Provinces proceeded with a general Concurrence to the Ratifications of the Peace, that they might lie ready in their Embassador's Hands to be exchange'd when that of *Spain* should be sign'd. Mr. *Beverning*, now favour'd, says Sir *William Temple*, with a *Lie Gale* from home, the Humour of the Country blowing the same way with his own Dispositions, and seconded with the great Facilities that were given by *France*, made such a Dispatch of Words and Forms, which were, in a manner, all that remain'd to be fetted, that on the 20th of *September*, N.S. the Peace was sign'd: And thereupon the *Dutch* Ratifications were exchange'd, agreeable to the Declaration before made by the *States*: As all these Measures were apparently counter to those of *England*, Sir *Leoline Jenkins* had no Part in them: The Office of Mediator was, therefore, supply'd by the Ministers of the *States*; who had the (3) Treaty sign'd at their House, and were particularly careful, that no Disputes about the Ceremonial should blow up their Hopes at the Moment of Execution.

A. D. 1678.  
Temple's  
Mentors.The Peace  
with Spain  
sign'd.The Dutch  
exchange their  
Ratifications.

It was now that Mr. *Hyde* receiv'd his final Answer from the *States*, which was agreeable to all their Proceedings, viz. "That if *France* either refus'd to ratify the Treaty with *Spain*, or to perform the Conditions of it, they should hold their own Treaty with his Majesty to be in force, and should be ready to act accordingly: Finding his Commission at an End, therefore, here-embark'd for *England*, *September* 22, and with him the gallant *Earl of Offory*, who was no longer pleas'd with Command, than it was accompany'd with Action.

Mr. Hyde and  
Lord Offory  
return home.

To

(1) The five principal articles were these: 1. That, in the Peace, the *French King* should be the Protector of the *States*. 2. That the Neutrality, to which the *States-General* were oblig'd by that Treaty, was indefinite, and by Consequence might be extended beyond the present War. 3. That he had executed his Commission, in having oblig'd the *States* to withdraw the Neutrality of *Spain*. 4. That he had omitted an Article of Amnesty and Oblivion, which ought mutually to be figur'd in all Treaties of Peace. And lastly, That he had forgot to mention the Barrier, which the *French King* granted to *Spain*, in Consideration, and for the Security, of the *States-General*.

(2) 1. That there be a firm and lasting Peace between the two Crowns.

2. All Contraventions, however they happen to be committed, to be faithfully repaired on both sides.

3. All Cases of Enmity, and Misunderstanding to be for ever extinguish'd.

4. *Charities, Bishops, Arch-Bishops, and Clergy*, with all their Appurtenances and Dependances, to be restor'd to *Spain*.

5. The City and Duchy of *Limburg*, &c. Country of *Ostemburg*, *Ghes*, Part of *Rodanus*, Country of *Wass*, *Leuze*, *St. Ghisain*, &c. and *Paderick* in *Catillon*, with all their Appurtenances, to be restor'd to the King of *Spain*.

6. No Pretension to be made for ever by *France* to any of them.

7. Other Places taken during the War, in whatever Part of the World, to be mutually restor'd; and all to be faithfully perform'd on either part.

8. All judicial Proceedings, during the *French King's* Possession of those Places, to remain firm; yet capable of a Review.

9. *Fort Fribourg*, part of the Fort of *Nancy*, *Dien*, and the *Sinners of Nevers*, to remain to his *Catholic Majesty*.

10. The *French King* to remain possessor of the *Strasbourg*, *Alsace*, *Valentinus*, *Bourbon*, *Comte*, *Cambray*, *Cambrésis*, *Artois*, *St. Omer*, *Tournay*, *Combray*, *Wargemont*, *Papillon*, *Bellain*, *Cuffin*, *Wouvi*, and *Maubeuge*, with their Dependances, and all Civil and Religious Rights therein, for ever; the King of *Spain* renouncing all Claim thereunto.

11. *Charlemagne* to be restor'd to *Spain*, upon condition the Bishop of *Leige* make a Cession of *Dinant* to *France*.

12. Exchanges to be made of some Lands about the *Sambre*, for others, for mutual Convenience; as also, of the Village of *Verger* of *Meuse*, Provostship of *Meuse*, &c.

13. Commissioners to be appointed for settling the Limits.

14. No Custom-houses to be appointed, or Duties exacted, for passing one another.

15. The *French King* to carry away all the Artillery, &c. from the Places restor'd.

16. Contributions to continue till the Tenth of *October*.

17. Arrears of Profit due to the *French King*, from the Places restor'd, at the time of Relinquish to be paid him.

18. All Papers, Writings, &c. particularly those taken out of the Citadel of *Givet*, and Chamber of *Loffe*, to be restor'd.

19. Subjects on each side to be restor'd in their Rights, as before the War; Debts regulat'd in the same manner; and Ecclesiastical Benefices, confer'd during the War, to remain in the present Possessors, but without Prejudice to the Right of lawful Collation.

20. No Part of the *Pyrenean* Treaty is intended to be revok'd hereby, save what concerns *Potenza*; nor of that of *St. la Chapelle*, but what is alter'd hereby.

21. The King of *Spain* engages to be neutral in respect to his Allies.

22. The time Period comprehend'd in this Treaty, is in that between *France* and *Holland*.

A. D. 1678.

The Mediation refused.

Jenkins's better.

Temp. Men.

Difficulties between the Emperor and France.

Spain delays the Exchange of their Ratifications.

The French ravage Flanders.

To close on this tedious, and intricate Affair for good and all, tho' by Anticipation as to order of Time, it appears, That, tho' these separate Bargains of Spain and Holland, left the Ministers of the Emperor at Nimeguen, fullen, and those of Denmark and Brandenburg, enrag'd, those of the States had still Credit enough with the Allies to keep the Conferences on foot; and Sir *Lodovick Jenkins* had Orders to resume his Function; tho' Sir *William Temple* observes, that the remaining Part he had in the Affair, was rather that of a *Messenger* than an *Embassador*. A general Suspension of Arms was the first Measure solicited; but France rais'd so many Objections on one hand, and made such great Preparations on the other, to attack the Empire, under the Pretence of forcing them into the Terms they had preferib'd for the Peace, and thereby gave so great Terror to the Princes of the *Rhine*, who lay first expos'd to the Fury of their Arms, that those Princes sent in great Haste to the States, demanding to be included in the Peace, by virtue of an Article therein, which gave them Liberty, within six Weeks, to extend the Benefit of it to such as they should name for their Allies. But France, now deliver'd from her Apprehensions of England, again resum'd the (9) *Master*, and would hearken to no other Interpretation of this Clause, than as it related to the Emperor and Empire in a Body. On the other hand the *Imperial* Embassadors profess'd a Readiness to negotiate *Terms of Peace*, but protest'd against the having them impos'd as *Laws*. France demanded the Re-establishment of the *Treaties of Westphalia*, with free Passage for their Troops, whenever they found it necessary for the putting it in Execution. The Emperor agreed to the first, but refus'd the last. France also insisted, that by the *Treaty of Munster*, ten Towns in *Alsace* were to be dependent on that Crown, and the *Imperialists* both deny'd the Authority, and refus'd to comply with the Demand.

Spain, in the mean time, seem'd determin'd to wait the Issue of this Dispute before she would accept of the full Benefit of her late Treaty, by an Exchange of the Ratifications. Twice the Term allotted was suffered to elapse, and as often it was renew'd at the Instance of the States: But during this unhappy Interval, the French Troops made Incursions into the richest Parts of *Flanders*, and which had till that time been best cov-

er'd, and there exacted such great Contributions, and made such Ravages, where they were disputed, that the *Spanish Netherlands* were more ruin'd between the signing of the Peace, and the Exchange of the Ratifications, than during the whole Course of the War.

Such insupportable Calamities call'd aloud for Remedy; and Peace was now become the only one: All Hope from England was cut off: The Emperor and Empire found themselves no Match for France: The Dutch could only assist with their good Offices, with which they interpos'd at Nimeguen with great Solitude: Tho' Spain had made such bold Experiments on the Peace, she durst not renew that of the War: And France, in the End, for a Day for the Acceptance of her Terms, on the Penalty of raising them much higher if they were refus'd.

Thus cruelly beset both Branches of the House of Austria found themselves, at last, under a Necessity to submit to what they had so long struggled to avoid: And as ill a Figure as they made with respect to the War, England made with respect to her Mediation. In the two former Treaties she had voluntarily avoided all Concern; and in this, when she offer'd her Service, it was, in Effect refus'd; for the *Imperialists* would not yield the Precedency, and the English Embassador would not sign without it.

As to the Concerns of the poor Duke of *Lorraine* (who had acted so noble a Part in the War, and had such high Pretensions on the Peace, both from his own Rights, and the many repeated Declarations of all the Confederates in his Favour) of the two Alternatives that were laid before him by France, both were so extremely injurious, that his high Spirit could stoop to neither. Of the Article as it stood in the general, of being restor'd to his Duchy, with the Exception of *Nancy*, he did indeed, at first, accept: But when it appear'd that his Duchy was to be dismember'd of several considerable Portions, and that the rest would be subjected wholly to the Discretion of the French, who insist'd upon great Spaces of Ground to be left them in Propriety, quite cross the Country, for the March of their Armies, whenever and wherever there should be Occasion; he disdain'd to authorize so dishonourable a Prescription, or to hold his Inheritance at the Courtesy of his Enemy.

The

(9) In a Letter from Sir *William Temple* to Sir *Joseph Williamson*, dated Dec. 1678, is the following Passage:

"*Mrs. Barrow*, who is at *Amsterdam*, and was deep in the Cabal of promoting the Peace, writes plainly, That he expects nothing from that (the French) Court, upon any of their Pretensions: That they were grown so insolent, with their Prosperity, and the ill Volure of all their Neighbours, as not to trouble themselves with going *Raxions*, or receiving them, upon any thing they treated. To this, in general, he writes two Propositions, that were something more surprising: The first was, that *Mr. Pensey* had told him, that the King his Master had order'd him to take notice of the Peace, having turned out the Catholic Magistrates at *Madrid*, and put in Protestants in their room, as a thing contrary to his Treaty with the States. The second, that *Mr. de Louvois* had told him, upon Discourse of the remaining Contributions of *Breiss*, that the King his Master had heard what the Prince of *Orange* had said to the States, in the Declarations upon that Matter: *Et le trouvent mauvais, & que*

A. D. 1678.

The Peace between the Emperor and France sign'd.

The Imperialists refuse to yield the Precedency to the Mediators.

Herd Gals of the Duke of Lorraine.

*le Prince veut parler ses sermens.* Upon the first Point, the States Deputies thought fit to discharge the Prince, by taking upon themselves what he had only acted by their Orders, and to defend their having refused nothing contrary to the Treaty; or innovated any thing in matter of Religion at *Madrid*: But that, on the other side, the French had no Right to concern themselves in what the States did in the Government of a Town, which was now become again their own. Upon the second Point, which touch'd only the Prince, his Highness said, that tho' the States knew he had never spoke any thing upon that Occasion, which might deserve that Term, yet he was of Opinion, no Answer should be made upon it: That he was born in a free Republic, and that he had so continued hitherto; he could not tell how long it might do so, at the rate they were now treated; but that, while he liv'd in it, he would, according to his Duty, give his Advice, and speak his Opinion, freely in it, without giving Account to any of what he said, but to God alone."

A. D. 1678.

The Peace of the *Norb* is all that now remains to be spoke of; which was also adjusted on such Terms as *France* thought fit to exact: *Denmark* and *Brandenburg*, at first, broke out into passionate Complains of being thus deserted; and declared in very strong Terms, they would defend what they had conquer'd from the *Suedes* in *Germany*. But no sooner did the *French* Troops march into the Territories of the last of these two Princes, than both made what Haste they could to finish their separate Treaties; and upon the Payment of certain Sums of Money agreed on, deliver'd up all they had gain'd in the War to the Crown of *Sweden*; which, together with the Subsidies they had receiv'd in exchange for the Blood of their Countrymen, was all the Equivalent that Kingdom could procure, for contributing so fatally, both to herself and her Neighbours, to the Aggrandisement of the Power of *France*.

Thus ended this calamitous War, which took its rise from the joint Designs of *England* and *France* to lay the Republic of *Holland* in Ruins; and which serv'd equally to illustrate the Power of the one, and the Influence of the other; but in a very different Manner: The Power of *France* was made manifest by its mighty Effects: The Influence of *England* more by the Expectations it rais'd, than the Good it produc'd. *France* was under such a rational Direction as shew'd the Soul was equal to the Body: But from the Conduct of *England*, it became a political Doubt, whether she was under the Direction of any rational Principle at all. No Opportunity, however fair and inviting, was of use to *England*: And *France* suffer'd none, of whatever Completion, to escape. Thus if *France* became odious to all *Europe*, she became also terrible; at the same time that *England* became

both odious and contemptible. In a word, whatever *France* should think fit to attempt, it was presum'd *England* would connive at: And the inglorious Supineness of the last, was held almost as dangerous to the System of the World, as the mischievous Activity of the first.

But not even the (r) Peace itself, could put an End to the Entrenchments of *France*. Under the Pretence of Dependances on the Places, already in her Possession, and the right of Decency, they form'd such Claims, and pursu'd them by such imperious Methods, both against the Empire and the *Spaniards*, as render'd their Acquisitions after the Peace, at least in consequence, greater than those they had made by the War: Not only great Tracts of Country, but *Strasbourg* and *Luxemburg* falling Sacrifices to their Ambition; and not one of the Neighbouring Powers presuming to interpose for the Relief of the Sufferers.

We must now confine ourselves to our own immediate Affairs; and before we can again pursue our Subject Matter, in order as it lies, it is necessary to bring forward such Points, as we have hitherto left unnoticed.

In more than one Walk of our History, in the Duke of *Monmouth* hath cross'd us; in the striking Character of a brave Officer, who, as a Soldier, had serv'd and receiv'd the Applauses of all *Europe*. We are now to enlarge on those other Circumstances and Features which compose the Figure, and describe the Situation of this belov'd, presuming, gallant, unhappy Man.

All know he was the eldest natural Son of King *Charles*, by one Mrs. *Walters*, otherwise *Barlow*, and that he was beyond Comparison of all his Sons the dearest to him: His Person was amiable, his Manner captivating, and he made the happiest Use imaginable of both, to render

A. D. 1678.

Entrenchments of France after the Peace.

Some Account of the Duke of Monmouth.

(r) The Forms of the *Meditation* were continu'd at *Niamego* till August 1679, when Sir *Lucius Yorket* left that Place; and it ought to be remember'd to his Honour, that as his good Offices had not been effectual, and as he thought *France*, in particular, had not behav'd well to the King his Master, he absolutely refus'd any Present from that, or indeed any other Quarter. The Conference on that Occasion (says the Writer of his Life) between Sir *Lucius* and Mr. *Colbert*, the *French* Ambassador, was so generous and unbecoming on both Sides, that I cannot forbear giving it a Place here. A Day or two after the signing of the Peace, Mr. *Colbert* came to Sir *Lucius's* House, and after a long Practice, full of Respect and Reverence to his Majesty, for his intricate Care and Zeal in bringing about the general Peace by the means of his Mediation; and concluding with an honourable Mention of the Peace taken by his Majesty's Messengers there, and in particular by Sir *Lucius*, who had assist'd so much more than his Colleagues, took out two little Cases, wherein he had were the Pillars of his King (a very large and rich Jewel of Diamonds) and said, "That he had it in charge from his Master, to deliver him the one for himself, as a Mark of the King his Master's Esteem for his Person and Merit, and to convey the other into his Hands for Sir *William Temple*, then absent." Sir *Lucius's* Answer was full of Respect to his majesty's Majesty, and of the great Acknowledgment that was due to him, for designing to think of him; and how much he was oblig'd to Mr. *Colbert* and his Colleagues, for making so favourable a Report of him; that he should look upon the Present as an infinite Honour intended him; but desired to be excus'd from receiving it, and would be content with the Honour of being thought worthy of it by so great a Prince. Mr. *Colbert* reply'd upon him with all the Civility and Complaisance that could be; but Sir *Lucius* detain'd himself from receiving of the Presents. Where Mr. *Colbert* saw he was in earnest, he used many Arguments to induce his Acceptance of it, "from the common Usage of all Kings and Princes, especially of the Kings of

*England*, to give Presents to Embassadors; from the Practice in all other Treaties of a general Peace; and from the particular Example of the Pope's Nuncio, in that very Treaty who, tho' a Churchman of great Rank and Quality, and had serv'd but a short time in the Function of Mediator, yet had receiv'd the King his Master's Presents."

To this Sir *Lucius* answer'd, "That he had the greatest Regard that could be to all those Uses, and was far from presuming himself to be in the right; but that he had some little Examples of his own, which he did not know how otherwise to satisfy, but by withholding his Hands from so great a Present, which he was sensible he had no Pretence to deserve." Then Mr. *Colbert* told him, "He was sure the King his Master would be greatly offended with his Refusal." But still Sir *Lucius* pleas'd himself, by repeating to him, "that he was too low an Object for the Displeasure of so great a Prince." When he saw Sir *Lucius* was resolv'd not to take the Jewel, he told him, "It was a Mortification to himself in particular, to see his Master's Present refus'd; and that he would write to Mr. *Bavillon*, to complain of him at Court; and doubted not, but that, upon his Motion, his Majesty would be pleas'd to lay his Commanda upon him to receive it." To this Sir *Lucius* answer'd, "That he should always have a perfect Obedience for his Majesty in all things; yet hoped that his Majesty, who best knew how little worthy he was of it, would judge it a sufficient Honour, that he had such a Present offer'd him, without his presuming to take it."

At last Mr. *Colbert* put up the Case, and said he would send it to Mr. *d'Arques* at the *Hague*, to remain in his Hand (for that he himself should go from hence before Mr. *Bavillon's* Answer could come) in the end it might be there ready for him, when the King's Injunctions should be laid upon him to receive it.

But tho' the King's Injunctions were accordingly apply'd for, and obtain'd, Sir *Lucius* persist'd in his Refusal notwithstanding.

A. D. 1678.

render himself gracious in the Eyes of the People; and with such fatal Success, that they almost ador'd him: As he was naturally vain as well as rash, he was charm'd to find himself their Idol, and greedily accepted the Incense that was offer'd to him. No doubt he had also his Flatterers, who made their Court to him by nourishing his vainglorious Humour; and as for the deep Designers, they presently discern'd, and resolv'd to make their Advantage of it: It does not appear that even the King, himself, who could be no Stranger to it, took any Pains to mortify it, at least on its first Appearance: On the contrary, whether out of Affection to an Object he had been us'd to love, or out of Policy to form a sort of Balance to the Power and Credit of his Brother, whom he certainly fear'd, we find him indulging the Weakness he should have restrain'd. He took care to marry him to the Heiress of the House of *Buckleigh*, one of the greatest Fortunes in *Europe*. He made him Captain of his Guard, Master of the Horse, and Lord-General of his Forces: And not only suffer'd him to make use of all Opportunities to signalize himself, but seem'd delighted with the Praises bestow'd upon him. The very Times themselves could scarce fail to inspire him with Ambition; and encourag'd, if they did not authorise, him to grasp at Power, by any Means, how extravagant soever. The presumptive Heir to the Crown grew every Day more and more obnoxious to the Public; and rather endeavour'd to secure his Power than recover his Popularity. A Faction was, already, form'd against the Court, which had great Strength in itself, and much Credit with the People. This Opposition made their Court to him; and he thought it for his Interest, as well as his Reputation, to be at their Head. Thus qualify'd, circumstanc'd, and favour'd, a swifter Man than he might, like him, have dreamt of a Throne, and wak'd on a Precipice.

In the preceding Year, to lift him as high in Power as Opinion, an Attempt was made to procure him the Lieutenantancy of *Ireland*, in the Room of the Earl of *Essex*; and as his Attachment to the Party was not then, perhaps, understood, both the Duches of *Portsmouth*, and the Lord Treasurer, *Danby*, were his Advocates with the King, who was of himself strongly dispos'd to gratify them.

This alarm'd the Duke of *York* exceedingly; who began already to apprehend something of Rivalship, and who did not care that the young Spark should thus get a taste of Sovereignty, and become Master of the whole Power of that Kingdom to support his Pretensions on Occasion.

In order, therefore, to divert what he had so much reason to fear, his Highness made a Plea of the Merits and Services of the Duke of *Ormond* (which had been so long forgot) and who alone could stand in Competition with his Grace of *Monmouth*, to influence the King, to set aside the Latter, and to procure the Former to be reinstated in that great Employment. And so great was his Ascendancy over the Spirit of his Majesty, that he

gave way to his Influences against his own Affections; and the Duke of *Ormond* was, accordingly, reinstated: The King, after his frank manner, declaring to those about him, upon that Occasion: "I have done all I can to disoblige that Man (*Ormond*) and to make him as discontented as others; but he will not be out of Humour with me; he will be loyal in spite of my Teeth: I must ev'n take him in again, and he is the fittest Person to govern *Ireland*."

As the Duke of *Ormond's* Character was above Censure in the Article of Religion, it was, without question, a very wise Measure to take Advantage of his great Ability and unreserv'd Loyalty in such turbulent and suspicious Times; and it appears his Conduct as a Delegate, was every way answerable to the high Trust repos'd in him: Not knowing, says his *Historian*, how soon there might be Occasion for the Army in that Kingdom, he made it his Business to put it into a Condition to serve his Majesty either there, or in any other Part of his Dominions; as also to provide for their Pay, out of the standing Revenue, and in the best Manner he could, for the Security of the Kingdom.

Tho' some Governments are more happily constituted than others, all are good or bad as they are ill or well administr'd: The worst, in good Hands, becomes tolerable; the best, in bad Hands, becomes a Grievance. The two Vicegerents of *Scotland* and *Ireland*, the Dukes of *Ormond* and *Lauderdale*, had the same Point in View; but they took very different Means to compass it. *Ormond* in maintaining the King's Authority, maintain'd also the Laws, and exchange'd Protection for Obedience. *Lauderdale*, on the contrary, made Terror the Companion of Power, and would have the King's Will and Pleasure illimitable, that nobody might dare to dispute his own. Hence the Enthusiasts of *Scotland* groan'd under Oppressions on one hand; and breath'd out Rage and Resentment on the other; whilst the Papists of *Ireland* were rode with to loose a Rein, and so easy a Saddle, that they scarce felt the Bit, or the Weight of the Rider: And hence one Administration reflected the Graces and Benefits of Monarchy, and the other its Mischiefs and Deformities.

But all Objects, tho' equally within the Command of the Eye, do not make an equal Impression on the Mind: And hence the Horrors which arose from the calamitous State of *Scotland*, were fresh in the Memory, when the Ease and Quiet of *Ireland* were forgot.

All the Advocates for this Reign bear witness unanimously, that the Malcontents entertain'd Designs not to reform, but to destroy the Government: But those Advocates are extremely careless at the same time, not to mention any of those notorious Oppressions, which, tho' exercis'd in one Kingdom only, lent Countenance and Authority to the Suspicions and Fears of another.

We have already, in part, shewn how ill the Duke of *Lauderdale* deserv'd the great Character given of him by Mr. *North*: We are now to have recourse again to our Manu-

A. D. 1678.

The Duke of Ormond re-instated in the Government of Ireland.

Carte.

Comparison between the two Vicegerents of Scotland and Ireland.

Affairs of Scotland.



A. D. 1678. script, call'd, *A Leaking-glass for ENGLAND*, where we find the following amazing Particulars; which serve yet farther to illustrate his Merits and Services.

His Grace had made a Visit to his Provinces in 1667; and all at once affected a Disposition to be all Goodness and Mercy to the Presbyterians. His Dukes also wore the like Countenance; and both made such Advances, as gave those persecuted People room to flatter themselves, that their Day of Grace was come. This sudden Alteration was owing both to public and private Views, Lady Lauderdale had it in her Head to marry her (s) Children into the richest Families of the Party, and thought it necessary to clear her way, by opening to them a Prospect of Favour: But the Duke's Design lay deeper, and to carry it on with Success, he chose the President of the Session for his Tool, who in 1650, had join'd in the Remonstrance against the King; in 1662, resign'd his Judge's Place, rather than renounce the Covenant, and who profess'd still to be of that Sect, tho' a great Scandal to his Profession. This Man's Wife was also in the Secret, and both made it their Business to carry on a Treaty of Accommodation, which his Grace gave out he was desirous of.

This no sooner became public, than it produc'd two natural Effects. The Bishops were alarm'd and angry, and the People so pleas'd and satisfi'd, that, without waiting till their Peace was formally and circumstantially made, they trusted to Appearances, and crowded to the Conventicles with little or no Reserve. The Bishops upon this grew more furious than ever; they made their Complaints with as much Bitterness as Zeal: According to them, these wicked Conventicles were the Nurseries and Seed Plots of Rebellion: And Persecution in all its Rigour was to be let loose against them.

Finding by these and the like meek and Christian-like Insurgitions, that the Reverend Fathers were ripe to go any Lengths with him in his way, if he would do the same in theirs, his Grace, all at once, laid aside the Mask; adopted these charitable Sentiments of the Prelates, and devoted those who had so credulously thrown themselves on his Mercy, to all the Mischiefs, that the most extravagant Abuse of Power could bring upon them.

But to countenance these Seventies, he first trumps up a Deposition of one in Ireland, either feign'd or suborn'd, says our Author, which was given out as the Discovery of a Plot: And henceforward, the Field Meetings were call'd *Rendezvous*; and such an Alarm was spread both in England and Ireland, (t) that Troops from both Kingdoms were order'd to march towards the Borders, as if a Rebellion was on the point of breaking out.

The Scots were amaz'd at these Proceedings: They had, indeed, taken Advantage

A. D. 1678. of the late Shew of Indulgence, to worship God openly, after their ridiculous Fashion; but they had, in all other Respects, been as passively obedient, as the most courtly of all Court Chaplains could have required them to be. Bishop Burnet also, who is free to declare, "That Conventicles grew in the West to an insufferable Pitch; and that they had generally with them a Troop of armed and desperate Men, that drew up and sent Parties out to secure them;" yet adds, "When their Sermons were done, they dispers'd themselves; and there was no violent Opposition made at any time to the Execution of the Law."

If it is urg'd, that these armed Meetings were certainly illegal, and might prove dangerous: It may with equal Justice be reply'd, That the very Law they offended was a Grievance: That no Government whatever either can or ought to have any Dominion over the Conscience: That all Penalties to enforce Obedience, in such Cases, are Instruments of Torture; and that the first great Dictate of Nature, Self-Preservation, also warrants Self-Defence.

To observe something of Method, even when resolv'd to proceed to Extremities, the Orders of Council were first issued to the several Shires, requiring the Hereticks, or Landholders, in his Majesty's Name, to take such Course with these Delinquents, as might secure the Peace; who reply'd, That they would engage for the Security of the Peace, but could not undertake for the suppressing of Conventicles, without depriving themselves of their Tenants and Servants, and consequently of their own Subsistence.

This Answer, however, was not only held unsatisfactory, but was made the Pretence for giving out Commissions for the raising and arming the *Highlanders*, and letting them loose to live at Discretion on those miserable Enthusiasts, who ought rather to have been consider'd as Lunatics than Malefactors. And that Posterity may know what an arbitrary Spirit could prompt, and what a blind and undistinguishing Loyalty has undertaken to defend, a Copy of the said Commission, which contains a Summary of the Disease, as well as prescribes the Remedy, is here inserted verbatim:

"CHARLES, by the Grace of God, King of Great Britain, France, and Ireland, Defender of the Faith; To all and sundry Officers:

"For as meikle as our Royal Government has been of late much affronted, and the Peace of this our ancient Kingdom much disquieted, by irregular flocking to Field-Conventicles, those Nurseries of Rebellion, by withdrawing from public Worship, invading the Person and Pulpits of the Orthodox Clergy, building of Meeting-houses, the killing, wounding, and inceding, of some who were commanded, in our Name,

*The King's Commission to raise Forces to live upon free Quarters.*

(t) Bishop Burnet says, to marry her Daughters into two of the great Families of Scotland, Argyle and Murray, which she did; and our Manuscript, to marry her youngest Son to

a rich Heiress: Adding, that the Death of the Lady disappointed the Dissinners or of the Favour promis'd them.

(1) See Page 343, Col. 2.

A. D. 1677.

"Name, to suppress the said Insolences; we have thought fit, in maintenance of our Laws, and out of that tender Care which we have always had of this our ancient Kingdom, to require and empower the Lords of our Privy Council, to call together, not only our standing Forces, and those of our Militia; but likewise we did warrant them to commissionate and empower such Noblemen, and others, as did offer to bring any of their Vassals, Tenants, and Adherents, to the Assistance of our Forces: And therefore we, with express Advice of the Lords of our Privy Council, do hereby empower and require - - - to convocate and draw together the Gentlemen and Heritors of - - - who are to march under his Command, on Horseback; and to convocate and raise the Highlanders in the said Bounds, and others under his Command, within his Lands, Property, or Superiority; and to form them into Regiments, Troops, and Companies, as he shall think fit; and to do every other thing necessary for raising and forming them, as said is: And they being so raised and formed, we authorize and command the said - - - to march with them to Sterling; and to be there upon Tuesday, being the 24th Day of January next: And in his and in their March, there to take Quarter for their Money; and to force Quarter for Money, in case the same be refused: And when they are arrived at the Town of Sterling, the Day aforesaid, we hereby command him and them to obey such Orders as shall be sent from our Privy Council, their Committee, or such Person or Persons as we, or the said Lords of our Privy Coun-

" Roffe,

" Ches. Maitland,

" Geo. Mackenzey,

" Fra. Fezols,

" Tho. Wallace,

" J. Wiclop,

" Murray,

" Winton,

" Linsithgow,

" Strathmore,

" Seafort,

" Murrey,

" Abone,

" Deaglas,

" Marshall,

" Monroe,

" W. Scott."

" Robes, Cancell.

" Lauderdale,

" Deaglas,

" Marshall,

" Monroe,

" W. Scott."

A. D. 1677.

"cil, shall commissionate to command our Forces; and to march under their Command wherever they shall be ordered: In which March we hereby authorize them to take free Quarter, according as our Privy Council, or their Committee, shall think fit to order; and, if need be, to seize upon Horses, for carrying their sick Men, Ammunition, and other Provisions: And for their Encouragement, we hereby indemnify them against all Pursuits, civil or criminal, which may at any time hereafter be intended against them for any thing they shall do in our SERVICE, by killing, wounding, apprehending, misusing, or imprisoning, such as shall make opposition to our Authority, or by seizing such as they have Reason to SUSPECT, (the same being always done by Order of our Privy Council, their Committee, or the superior Officer): And generally we do hereby give them all such Power and Indemnity as is usual, and is necessary, for such Forces as are raised by Authority, or at any time are commanded to go upon such military Expeditions. And lastly, we hereby command any such Person, living within the Bounds aforesaid, as shall be pitched upon by the said - - - to rise and march with him under his Command, and there to *act and stay*, as they be commanded by him; and that upon their highest Peril. It is always hereby declared, that these Heritors, and others, whom the said - - - shall make use of to command the Highlanders on Foot, shall be exempted from attending on Horseback. Given under our Sign, at Edinburgh, the 26th Day of December, 1677, and of our Reign the 29th Year.

" Sic sub.

As in the Firmest the Nation was already in, it was reasonable to apprehend that such extravagant Measures as these would not fail to excite a suitable Resentment: That therefore, their Complaints might not even transpire, or, at least, that no Application might be made to the King to have them redress'd, a Proclamation was set forth, January 5, prohibiting the Nobility and others to withdraw from the Kingdom without special Licence in the following Words:

"And lest any Person should withdraw from the said Service by going out of this Kingdom, we, with the Advice of our Lords of our Council, do hereby require and command all Noblemen, Heritors, and Magistrates of Burges Royal (except actual Traffickers within Burges) to remain and continue within this Kingdom, and not to depart forth thereof upon any Pretext whatsoever, without special Licence from our Council, as they will be answerable at their highest Peril. Our Will is therefore, and we charge

you strictly, and command, that incontinent these our Letters seen, ye pass to the Market Cross of Edinburgh and other Places needful, and thereat, in our Name and Authority, by open Proclamation, make Publication of the Premises, that none pretend Ignorance.

Nothing is more difficult, than to assign the real Motives of public Measures; and nothing is more unwarrantable, than to draw positive Conclusions from Matter of Suspicion and Conjecture only. But this is obvious, if an Administration had form'd a Plan to render a People desperate, in order to force them to a Rebellion, they could not have taken a more effectual Method, than by thus loading them with Oppressions, and cutting off all Possibility of their obtaining Satisfaction.

Our Manuscript observes, that tho' the Preamble of the King's Commission to raise the Highlanders, seems only levelled against the Dissenters; yet the Authority given therein, to take free Quarter, included all, and

was

A. D. 1672 was accordingly exercis'd indifferently upon all: Which was indeed no more than was to be expected from Soldiers of any Sort, who are, at best, but ill Judges in religious Controversy, and from these above all others; as being alike Strangers to Religion and Civility, the Laws of God or Man: And yet such Savages as these were made the Champions of our establish'd Church, and the immediate Defenders of our Faith.

Those Words in the said Commission, *Incauding the Pulpits of the orthodox Clergy*, and those other Words, *killing, wounding*, &c. we are, moreover, told had no better Foundation, the first, than the Rashness of one hot-headed *Pield-Precacher*, who stepp'd into the Pulpit on a rainy Day, before the Curate came: And the last, than the Defence of one House, against the Endeavours that were us'd to force it, in order to apprehend an (u) *inter-commun'd* Person, in which some were wounded.

The hard Case of one Mitchell.

That the World might entertain a fill worse Opinion of these insatuated Wretches, this Crisis was made use of to bring on the Trial of one (w) *Mitchel*, a desperate Enthusiast, who, in July 1668, had made an Attempt to pistol *Sharp*, Archbishop of *St. Andrews*, in his Coach, in resentment of his severe Persecution of himself in particular, and his Malignity against the whole Brotherhood; which appear'd at all times, upon all Occasions, and never more remarkably, than when he endeavour'd to postpone the gracious Effects of his Majesty's Pardon to those concern'd in the Rebellion at *Penitland-bill*; and which he actually did postpone, till many of the Delinquents were executed. This wicked Design of his, *Mitchel's*, did not however take effect; for at the Instant he fir'd, the Bishop of *Orkney*, then going into the Coach, receiv'd the Shot in his Arm: *Mitchel* thereupon made his Escape, and came no more to *Edinburgh* till the latter End of the Year 1673; soon after which he was apprehended by *Sir William Sharp*, and carry'd first before the Archbishop, and afterwards before the Privy-Council, and Duke *Lauderdale*, then Commissioner; who, after using all manner of Methods to bring him to a Confession, order'd him to the *Beet*, an Instrument of Torture at that time us'd in *Scotland*, which he underwent with a Fortitude worthy of a better Cause; and remaining still invincible, stood acquitted by the Law of *Scotland*, as well as the Civil Law. But in Feb. 1674, he was sent for again, before a Committee of Council, consisting of the Lord Chancellor *Rothes*, the Duke of *Lauderdale*, Lord *Halton*, &c. who gave him to understand, that if he was the Assassin, he would do well to confess it, to prevent other innocent Persons from being put to the Torture: And,

A. D. 1672 as a farther Inducement, they offer'd him a Pardon, both as to Life and Limbs. And now he, who had flood the Storm, melted in the Sun-shine; and under the Umbrage, both of his former Acquittal, and the present Promise of Pardon, confess'd that he alone was answerable for that Villainy.

Having thus worm'd out the Secret; in contempt of all Faith and Honour, they put him on his Trial; in the expectation, says *Bishop Burnet*, that he would plead *Guilty*: But after the Libel, or Indictment, had been read, instead of repeating his Confession, he retracted it, any otherwise than as it was coupled with the Condition of Pardon: Upon which *Sir John Nesbit*, the King's Advocate, withdrew the Prosecution, and the Judges gave way to it.

His next Remove was to the *Basse*, a Rock in the *Firth*, where he continued a close Prisoner till about the time that the Commission for ruffing the *Highlanders* was given out, when he was remanded to *Edinburgh*, to be once more put within Reach of the Laws.

By this time, *Sir John Nesbit* had been turn'd out, for want of that Dexterity which is the sole Qualification for Business, where Courts expect to be oblig'd without Reserve: And *Sir George Mackenzie*, as before mention'd, was made King's Advocate in his room.

When his Trial came on, which was *January 7*, one whole Day was spent in reading the Libel, and discussing whether the Prisoner's Confession, before the King's Commissioner, &c. was judicial or extrajudicial; as also, whether in case it was made in Hope or in Promise of Pardon, he ought not to be acquitted: And whether by the Act for securing his Majesty's Privy Counsellors, an Attempt to assassinate the Archbishop, he being one of that Body, was capital or not. The next was taken up in the Deliberations of the Judges on these several Points; and the third, they gave their Opinions for the last and first in the Affirmative. After which the Jury was impannell'd and the Witnesses sworn, *viz.* The Bishop of *Galloway*, and Lord *Halton*, to prove the Confession; which they had no sooner done, but *Mitchel* call'd upon the very same Lord *Halton*, as also on the Lord Chancellor *Rothes* and the Duke of *Lauderdale*, to declare upon Oath, whether they did not induce him to make that Confession, on their promising and swearing to secure both his Life and Limbs; which they all, upon Oath, deny'd. He then appeal'd to the Council Registers, and mov'd that they might be brought into Court; but that was overrul'd, on the Duke of *Lauderdale's* urging, that this should have been done before they had been sworn; which was, by most present, understood to carry along with it

(u) We have an Epimastion of this Term in the following Passage out of *Bishop Burnet's*:

"Numbers were *collin'd*: And a Writ was issued out, that was indeed legal, but was seldom us'd, call'd *inter-communing*; because it made all that harbour'd such Persons, and did not force them, when they had it in their Power, to be involved in the same Guilt. (Vol. I. p. 399.)

(w) This Man's Story, as told by *Bishop Burnet*, is, I think, one of the best in that Author's two Volumes. But as it differs in some Points from our Manuscript, I have chosen to follow the last, notwithstanding; that the Reader may follow which Authority he thinks best.

A. D. 1678.

it an Implication, that they were all forsworn.

In short, the Man was to be sacrific'd; and sacrific'd he accordingly was on the 18th of January following, tho' according to Bishop Burnet, "As soon as the Court broke up, the Lords went up Stairs, and to their Shame, found the Act (of Pardon) recorded, and sign'd by Lord Rethe, as President of the Council." The same Prelate adds, "That the Duke of Lauderdale, at last, relented, and would have reprieved him, till the King's Pleasure was known. But Sharp said, that was, upon the Matter, the exposing his Person to any Man that would attempt to murder him, since Favour was to be shewn to such an Assassin. Then said Duke Lauderdale, in an impious Jest, *Let Mitchel glorify God in the Grate Market* (the Place of Execution.) This Action, and all concern'd in it, the People look'd at with Horror; and it was such (x) a Complication of Treachery, Perjury, and Cruelty, as the like had not, perhaps, been known."

The Clergy, however, applauded it highly, as a Piece of signal Justice; and chose to have it thought, that Mitchel suffer'd for having attempted the Sacred Person, such was their Phrase, of an Archbishop; tho' nothing could be more notorious, than that the Law sentenc'd him, for having attempted the Sacred Person of a Prety Counsellor.

The great View of both Priest and Politician, by this Trial and Execution, seems to have been, to have fix'd the detestable Principles and Practices of this Desperado on the whole Body of (y) Dissenters, and thereby to have render'd them so odious, that none of any other Community might think them worthy of the Protection of the Law, or the Compassion due to Fellow-subjects and Fellow-creatures.

But a Proposition so extravagant, carried with it its own Confutation. Had the Roman Catholic Worship been made answerable for Ravillac's Paricide, or the Protestant for the Murder committed by Felton, both must have been extirpated, nay, the whole Christian

Scheme, on the same Principle, must have sunk under the Enormities of its Professors.

This Tragedy was poisoner over; but the new-raisd Army, amounting to about eight thousand Men, was ordered to rendezvous at Sterling, whither they march'd with as much Parade and Solemnity, as if a foreign Enemy was actually at hand, or a Rebellion had already broke out; whereas there was not the least Appearance of either.

From Sterling they proceeded on to Glasgow, where they spread the Country round about for five or six Miles; and, tho' under the immediate Command of a Committee of Council, exercised all kinds of Hostilities, says our Author, on those who never resist-ed the Authority of a Constable; inasmuch, that the standing Forces, before quarter'd in the same Place, were, in Comparison to these, esteem'd Tutelar Angels.

In the Beginning of February, these authorized Banditti proceeded on to Ayre, scattering Terror before them, and leaving Desolation behind them; whereupon several of the Inhabitants chose rather to quit their Dwellings, than expose themselves to such Insults and Outrages as those of Glasgow had suffer'd; and which were so great and unsupportable, that, in a Months time, it was a Rarity to see a Plough at work for thirty or forty Miles together.

At the same time that the Country lay thus under the Ban of the Government, and suffer'd all the Severities of Military Execution, another new and strange Device to extort Security for the Subjects good Behaviour, kept pace with it; namely, That all the Land-holders of the Western Counties should enter into Bonds for themselves, their Wives, Children, Servants, Tenants, and all that liv'd on their Estates, that they would not go to Conventicles, nor harbour any vagrant Preachers, or any intercommun'd Person; and that they should live, in all Points according to Law, under the Penalty of the said Laws.

But as the Gentlemen, for the general, did not care to act under the Commission, fo, likewise,

(x) "And yet, continues the Bishop, Duke Lauderdale had a Chaplain, one *Stick*, afterwards Dean of Worcester, who publish'd a false and partial Relation of this Matter, in order to the justifying it." His Lordship adds, "That he took his Narrative from an authentic Record of the Trial, sign'd thro' every Page by the Clerk in Court."

(y) In our Manuscript, we find the following Plea given by the *Seditious Presbyterians*, for withdrawing from their *Kirk*, and returning to their *Field-preachers*:-

"That upon his Majesty's Restoration, and the Admittance of the Episcopal Government, most of their Pastors were turn'd out, and lockt put over them, to speak modestly, as had nothing in them to work upon their Auditors, or overcome their Prejudice conceiv'd in their Minds for the Innovation made upon their Education and Preaching, in the *Presbyterial* Principles; but were very ignorant and scandalous; so that being in a Struggle how they should justify before God, for the Neglect of their Souls, and the Vow they had made; and their Countenance, besides, checking them for mispending the Sabbath, and their precious Time, in Attendance upon such *Popish* Causes, he sent for the Charge they had taken upon them, they judg'd it their Duty to meet, and worship God, with their former Pastors, from whom they had receiv'd Banns and Intestations; and this they did, as first, in private Houses; but the Law made from time to time, to prevent such Meetings in private Houses, filling exceeding heavily upon those in whose Houses Meetings were discovered (that it was the Rob of many) they thought it better that every one should fulfil, equally, and, thereafoward, for several Years, they have held those Meetings in the Fields; and, in

some Places, had built Sheds, to cover them from the Weather; and have met in them very quietly; the People of the Neighbourhood seeing them, by their constant Deportment, a serious and peaceable sort of People: And they hoped to have continued so, by the Careless that were given some of them by the Duke and Duchess, since their coming down; but, by they, we have reason now to apprehend he is putting his execution what we formerly suspected; occasioned when the Duke procur'd an Act to pass, giving the King Authority to change the Government of the Church, and to order all Ecclesiastical Persons and Matters as he pleas'd: So that if our King should ever prove a *Papist*, he may set up *Papery* by a Law. And the next Year, Duke Lauderdale's coming into Scotland, after the time that *Milford* had been at Devon, another severe Act pass'd, against all such as went not to Church; so which, with his own Head, he added a Proviso, That it should only reach *Presbyterians*; whereby the *Papists* are excepted from the Severity of it. Of these Acts, many, as well as the *Disfranchisement*, took much notice; and many galled whose Support he aim'd at, and whose Favour he courted, by that Exaltation of the Prerogative; and many will not be persuaded, but that the real Design of this Act is, to lay a sac Foundation for the *Papist* and arbitrary Government, by raising war, and driving hence, not only the *Disfranchisement*, but all such as cannot brook the Loss of their Liberties and Properties (by Bonds and Edicts of the Council, proceed only by such an insidious Favourite;) and by seizing on the Estates of such as shall be made Transgressors of the said Bonds and Edicts, the King's Treasury will be greatly augmented, for the Maintenance of the Duke and his Army."

A. D. 1678.

As Army of  
Highlanders  
set out, to  
foot at Disfranchisement.

Strange Bonds  
enacted.

A. D. 1678.

likewise, they refus'd to enter into these Bonds, as being illegal, oppressive, and tending to expose them to certain and unavoidable Ruin. Those of *Age*, however, in hope of being delivered from their present Visitation, went so far as to offer the Security requir'd for themselves, their Wives and Children. But those in Power insist'd on the Bond in the (a) Form prescrib'd, nor would hear of the least Mitigation: And the Duke of *Lauderdale*, in particular, hearing on all Sides, how ill his System of Slavery was received, fell into such a Phrenzy, that he made bare his Arm to the Elbow, and swore, by *Jehovah*, he would make them enter into these Bonds.

[Burnet, v. i. p. 418.]

And what was yet more provoking than all, those who, to get rid of the present Evil, subscrib'd to the Bond, remain'd as miserable, tho' in a different way, as those who refus'd it: being oblig'd to turn off their Tenants and Servants to avoid the Penalties they incur'd by their Trespases. Thus many thousands were, in a few Weeks, forc'd to quit their Habitations; And that the Wretches, who fled from Persecution, might never get out of the Reach of it, an Order of Council was issued Feb. 13, requiring, that no Tenants, Servants, &c. thus dismiss'd, should be entertain'd, or set on any Man's Land, or in any Man's Service, without a Certificate from his former Master or Landlord, or the Minister of the Parish, signifying, That he had liv'd, in all respects, conformably to the Laws; and also declaring, that whoever should receive, or employ any such Tenants or Servants, without such Certificate of his good Behaviour should be liable to be FIN'D at the Pleasure of the said Privy Council.

Those who take, and stay who refuse them, equally wretched.

Three Days after this, viz. the (a) 14th, another Order of the Council was also publish'd; by which it was requir'd, that as well those who had subscrib'd, as those who had refus'd, the Bond, should be oblig'd to enact themselves (the *Scottish Phrase*) in the Coun-

cil Books, that they themselves, their Wives, Children, Servants, and Tenants, should keep the King's Peace; that they should not go to Field Conventicles, nor commune with Rebels, or Persons intercommun'd; and that they should keep the Persons, Families and Goods to their regular Ministers harmless; and all this on Pain of forfeiting double the Value of every Man's yearly Rent, if he had any, or such other Penalties as the Privy Council should think fit, if he had none. It was also ordain'd that all such Persons as refus'd the said Bond, should be summon'd to make the said Entry in the Council Books, within six Days, after they received the said Summons, on Pain of being declar'd Rebels.

A. D. 1678.

Unable any longer to endure such a Series of Tyranny and Oppression under the awful Name of Government, the Duke of *Hamilton*, and several of the Nobility resorted to *Edinburgh*, in hope to bring their Lord Paramount to Reason, and to procure a Mitigation, at least, of their insupportable Grievances. To this End they presented a Remonstrance to the Council, shewing how unreasonable it was to require Men to expose themselves to Ruin, by taking upon them to be responsible for the good Behaviour of others. But all the Effect this produc'd, was a new Proclamation (*March 8*) commanding all those of the *West*, who had not taken the Bond, to depart the Town, and in three Days to repair to their respective Homes, under severe Penalties.

Several of the Nobility repaired to Edinburgh for Redress.

Are ordered home by Proclamation.

This again was follow'd by another of the 13th, requiring six more Counties, viz. *Edinburgh, Shadington, Berwick, Lanthberon, Peebles, and Selkirk*, to take the Bond; which was look'd upon as a Preparatory Step to the Army's shifting their Quarters; who, by this time, had (b) eat up all before them, and began to grow almost as hungry as the several Districts they had exhausted.

And to all these horrid Circumstances, *Vol. i. p. 419.* Bishop *Burnet* adds, "That when all other things fail'd to evidently (to force a (c) Rebellion)

(a) Which was as follows:

"I, \_\_\_\_\_, subscribing, do faithfully bind and oblige me, that I, my Wife, *Burnet*, and Servants, respectively, shall in no way be present at any Conventicles, and disorderly Meetings, at the time coming; but shall live orderly, in obedience to the Law, under the Penalties contained in the Acts of Parliament made thereunto: As also, I bind and oblige me, that my whole Tenants and Cottars, respectively, their Wives, Brides, and Servants, shall likewise refrain and abstain from the said Conventicles, and other illegal Meetings, not authorized by the Law; and that they shall live orderly, in obedience to the Law: And further, that I, nor they, shall receipt, supply, or committ, with forc'd Persons, intercommuned Ministers, or vizard Preachers; but shall do our utmost Endeavours to apprehend their Persons: And in case my said Tenants, Cottars, and their forefolds, shall contract, or take, or apprehend any Person or Persons guilty thereof, and prefer them to the Judges-ordinars, that they may be fined, or imprisoned, thereto, as is provided in the Acts of Parliament made thereunto; otherwise I shall remove them and their Families from off my Ground. And if I shall fail herein, I shall be liable to such Penalties as the said Delinquents have incurred by the Laws: Consenting to the Replication hereof in the Books of his Majesty's Privy Council, or Books of any other Judges competent, that Letters and Executions may be serv'd thereupon in form, as aforesaid, and continue in my Proclamations."

(b) On this Day (*St. Paulinus's*) says *Burnet*, Duke *Lauderdale*, and his Party, instead of driving Ministers, drove *Episcopos*, on the Proclamation, that no man should use

cause a Rebellion; and that they should enrich themselves with the Forfeitures.

(c) Our Manuscript affirms, "That they not only forc'd free Quarter, but Ex-posto, captive prize, and often a heavy price for them: That, in many Places, they carried 20 Quarters for Men they had not; and sometimes had whole Parishes under Contribution: As that of *Berwick*, for Instance, where they levy'd 120 Six-pences, for but two or three Days Exemption."

(d) Correspondent with this Opinion of the Bishop, our Author writes as follows:

"Thus you see, here is a War levell'd, and whole Counties rais'd, without any real Provocation: For if such circumstantial Disorders, arising only from Nonconformity, shall be made the Causes of War, there can never be any settled Peace in any Country: Besides, 'tis unreasonable; and we have several old Statutes, which require the King's Subjects should be govern'd by Law, and not by Force of Arms."

Was not many Months ago, this very Council order'd, that the Laws should be regularly executed, and that no Bloods should be taken for Obedience, seeing that the Laws were sufficiently binding: Yet are their Forces rais'd, and Bonds impos'd of an unusual strain, upon pain of quartering, flogging, and imprisoning, and being declar'd Rebels: And at this same Time, *Lauderdale's* Pretence of advancing the King's Authority, and securing the Peace; when, in truth, they are but his own Passions and Humours, which he will have, tho' he expose the King's Authority to the Scandal and Contempt of the whole Kingdom: Sure he would never finish things, to this pitch, were it not to split the bell of the

A. D. 1678.

bellion) Recourſe was had to a Writ, which a Man, who ſuſpects another of ill Deſigns towards him, may ſerve him with; and it was call'd *Law Barrumb*, as moſt uſed in Burroughs. This lay againſt a whole Family; the Maſter was anſwerable, if any of his Houſhold broke it: So, by a new Preſence, this Writ was ſerv'd upon the whole Country at the King's Suit; and upon ſerving the Writ, Security was to be given much like the binding Men to their good Behaviour. Many were put into Priſon for reſuſing this Security.

Duke of Hamilton, &c.  
to London,  
to ſolicit Redress.

The Grievances of the Country growing thus intupportable, and no Proſpect appearing of Redreſs or Deliverance, the Duke of Hamilton, accompany'd with ſeveral Noblemen and Gentlemen, went on from *Edinburgh to London*, with their Remonſtrances; on the Preſumption, that the King would ſhew no Countenance to the Enormities committed in his Name: But his Maſtey not only reſuſ'd to ſee them, becauſe they were come up in contempt of a Proclamation (tho' that very Proclamation was one of the Points they had to complain of) but was prevail'd on to ſend down the following Letter to the *Scottiſh Privy Council*; which gives ſo expreſs an Approbation of all their Proceedings, and that in ſuch extravagant Terms, as nothing but a Copy of the (a) Record itſelf could render credible, viz.

“ CHARLES R.

“ Right truſty and well beloved Couzens and Councillors; right truſty and well beloved Councillors, we greet you well: We underſtood the Inſolence of the *diſorderly ſhires*, and a great part of your Progreſs in reducing them to their Duty, before your Letter, dated the 16th of *March*, came to our hand; for their *Irregularities* make ſo much Noiſe, and are ſo destructive to our Intereſt, that we admire how any of our Subjects ſhould think (as your Letter intimates ſome do) that what we (who take ſo much Pain to know the Affairs of *Scotland*, both from our extraordinary Affections to that our ancient Kingdom, and becauſe of the frequent Repreſentations that have been made to us) do, for ſecuring the Peace there, proceed merely from the Suggellions of our

King's Letter  
of Approbation  
of Lauderdale's  
Extravagances.

Council, and Want of true Information, ſince all have had open Acceſs to us. And we have heard, of late Years, many of our Subjects in that Kingdom fully and patiently, whilst they endeavour'd, by weak Reaſons, to juſtify to us the Occaſion of their differing from our Miniſters, and oppoſing our Authority: Nor could we have expected that thoſe who have ſo often our Authority, and given ſuch ill Example to our Subjects, and have caſt off the Principles of all Government, could have dar'd to think, that we may yet have approv'd of their *rebellious Courſes*. And to let you further know our Reſentment, we do thank you very heartily for your careful Proſecution of what we recommended to you in our Letter, dated the 11th of *December* laſt. And after Peruſal of your Commissions and Inſtructions (which we have ſign'd to ſhew that they were compar'd by us with our ſaid Letter) we approve of your ſending our Forces, and of the Commissions given by you to thoſe Noblemen that have their Intereſt in the *Highlands*, and to thoſe given to the Militia of *Horſe and Foot*, and to kill ſuch as ſhould oppoſe our Authority by Arms, for the ſuſtaining *Field Conventicles*, which we, as well as our Laws, think the *Renderwouſes of Rebellion*; and the reſuſing to ſuppreſs them, did juſtly oblige you to look upon theſe ſhires as in a *State of Rebellion*, in which theſe and ſeveral Courſes are neceſſary and unavoidable, and are very gentle in reſpect of thoſe Miſdoings that follow'd lately in the like Beginnings. We approve likewiſe of that *Bond* preſented to our Subjects, in which, after ſerious Peruaſal, we ſee no Cauſe of Diſcontent to any who reſolve to live peaceably; and for ſubſcribing whereof, we are very well ſatisfy'd with our *Judicatories*. And ſince all our Judges and all the learned Lawyers in that our Kingdom have ſubſcribed the ſame; we muſt, and our PEOPLE SHALL ſee, that ſuch as call it illegal do ſo, merely from the Principle of Faction and Humour. We are alſo well pleaſed that the ſame *Bond* ſhould be offered to all landed Perſons and Magiſtrates within our Kingdom, without any Exception, that we may thereby know how each of them ſtands to our Government; and you juſtly obſerve, that the moſt powerful

A. D. 1678.

the Nobility and Gentry (that will not conform to his Dictate) that they deſign nothing but Sedition; and, by degrees, if it were poſſible, to cauſe ſome Diſturbances; and then hope, by a rule, unſuſpected Rebellion, to juſtify all he hath done: And ſuch a Rebellion may be ſoon ſuppreſs'd, and afford much Frey out of the tormented Kingdom, to him and his Partners. This, many believe, is Part of the Deſign; and they are as careful to guard againſt it, as he it ſelf to provoke it.”

(2) Our Manuſcript ends with this extraordinary Piece, which the Author of it introduces with the following Reflections.

“ In ſine, you perhaps will wonder, why there hath been no greater Appearance againſt the Duke of *Lauderdale*; and that he is not accuſed for theſe Tranſgreſſions, that ſeem ſo enormous?”

To this I anſwer, To whom ſhall he be accuſed? The Parliament of *England* cannot take cogiſſance, and judge of any thing, purely in *Scottiſh* Affairs; unleſs it entrencheth upon the Honour, Intereſt, and Safety of the King and this Kingdom; or concern'd in the Security of it, as it relates to foreign Invaſion: Neither doth the King fully underſtand our

Laws and Conſtitution; and ſo would certainly put over any ſuch Occaſion, upon the *Judicatories*; now they being all conſtituted by Duke *Lauderdale*, who having been abſolute Miniſter, of all *Scottiſh* Affairs, for theſe ſeventeen Years, hath choſe all the *Judicatories* with his own Creatures; that any ſuch Accuſation would be ſo far from any juſt Entertainment, that were it never ſo true and clear, it would be call'd back on any ſhould offer it: But if the King will give us a free Parliament, and a fair, independent Comiſſioner, we ſhould not proceed againſt him, and many others, by common Name, or by Address, but by the fair and legal Way of Impeachment.

And if the King will but give the leaſt Inſinuation, that he deſires to be ſatisfy'd in theſe, and many other Particulars complain'd of; and that he will give a fair Hearing to his oppreſs'd Subjects; there would ſoon be hundreds at his Feet, to prove true, and many more.

But I muſt conclude, that beyond all my former Admiration of the Duke's Preſumption, the Letter he hath procured from his Maſtey, dated at *Whitehall*, 26 *March* 1678, exceeds all: It needs no Comment, 'tis Plain-dealing; and therefore I give you it as I have it.”

A. D. 1678.

powerful should be most jealous. We approve, likewise, of that *Legal Surety*, which you call *Lawsborough*, and of your having *settled Garrisons*, and of the way taken by you for the providing of them; of which Garrisons, we think, none should complain who love our Government and the Peace of their native Country; since they are very necessary for both these Ends. And in those *disorderly Shires*, we approve, likewise, of your *re calling the Freedom of those Burgeſſes* as will not value their Magistrates according to Law; and of *debarring* those very few Advocates who did not compare, when they were cited by our Judges at that time the *Bond* was offered to those of their Society. These *Courses* being founded upon our *Command*, and taken for the common Interest of us and our People, WE OWN AS DONE BY US; And we hereby declare, that whatsoever Person or Judicatory shall offer to quarrel with any Person for being in Accession thereto, shall be punished as *Murmurers* against our Authority and Royal Prerogative. And for the Encouragement of all such as serve us, we declare, that this our *Approbation* shall have the Force of an ample and *absolute Indemnity and Letter of Thanks*, to all any way concern'd in this Expedition, either in *Council, Command, or Execution*; we having very good Reason to consider the same as our *especial and necessary Service*; and so we bid you heartily farewell.

Given at our Court at *Whitehall* the 26th of *March*, 1678, and of our Reign the 30th Year.

By his Majesty's Command.

LAUDERDALE."

Bishop *Burnet* says, that the Madness of these Proceedings of *Lauderdale*, made the King conclude his Head was turn'd: But if this Assertion had any Authority, his Ma-

jesty's own Head must have been turn'd likewise, when he took the Odium of them all, so explicitly and circumstantially, upon himself.

The same Prelate farther adds, That he intended to put *Scotland* in another Management, and to set the Duke of *Monmouth* at the Head of it: But the same Reasons which disqualify'd that Nobleman for the Government of *Ireland*, concluded much stronger against trusting him with *Scotland*; for he had there, besides, a considerable Interest of his own, by his Alliance with the House of *Buendeburg*; the State of the Country would have given a large Scope to his Popularity; And the State of the Government, as modell'd by *Lauderdale*, would have arm'd him with Power sufficient to make use of it.

However, this may be, the *Scottish Nobility* were, at last, favour'd with a Hearing, before the Cabinet Council; by whom they were treated rather as Offenders against the King's Proclamation, than Appellants in Behalf of their injur'd Country. And instead of obtaining Relief, "Duke *Lauderdale*, says *Burnet*, took Advantage from their Absence to desire leave from the King to summon a *Convention of Estates*, from whom he might, more certainly, understand the Sense of the whole Kingdom. And what by corrupting the Nobility, what by carrying Elections, or at best Disputes about them, which would be judg'd as Matters would happen to be at present, he hop'd to carry his Point. So he issued out the Writs, while they were at *London*, knowing nothing of the Design; and these being returnable in three Weeks, he laid the Matter off, that before they could get home, all the Elections were over; and he was Matter of above four Parts in five of that Assembly. So they granted an Assessment for three Years, in order to the continuing a greater Force. And they wrote a (e) Letter

A. D. 1678.

Scottish Nobility heard before the Cabinet Council.

(e) That the Reader may have the better Idea of the good Understanding, that, by the usual Arts of Court, was made to subsist between the Crown, the Ministry, and the States of *Scotland*, it may be proper to insert some Extracts from the kind Correspondence that now pass'd between them. Says the King, in his Letter, "The great Kindness we bear to that our ancient Kingdom last, at all times, inclin'd us to be very watchful over all its Concerns: And, considering, that all Kings and States do at present carefully secure themselves and their People, by providing against all such foreign Invasions, and intestine Comotions, as may make them a Prey to their Enemies, it is not fit, that that our Kingdom should only, of all others, remain without Defence; especially at a time wherein those dangerous Field-Conventions (so justly termed in our Laws, *The Enemies of Rebellion*) do still grow in their Numbers and Insolencies; against all which, our present Forces cannot in reason be thought a reasonable Security. Therefore, and that we may be the better enabled to raise some more Forces, for securing that our Kingdom against all foreign Invasions, and intestine Comotions, and to the end they may be maintained by such equal and regular Ways as may give just Satisfaction to our People, and to let the World see the unanimous Affection of our People to us: There are the only Reasons of calling you together at this time. And altho' we have been always very unwilling to lay Burthen upon that our Kingdom, yet we could not neglect the giving you this Opportunity to witness your Affection to our Service, especially in so dangerous a Time, and for so important a Cause. And seeing we are resolv'd to employ what you shall give only for the Peace and Security of that our Kingdom, we doubt not but you will cheerfully give such a Supply as may be effectual for the Ends proposed, such as the Kingdom can bear."

Says his Grace, the King's Commissioner:

"You may remember, that, four Years ago, in the last Session of the last Parliament, tho' the King was actually engag'd in a great War, yet knowing the low Condition of this Kingdom, he, chaf'd to Supply; for then there was no Appearance of any *Interruption* here, tho' soon after the End of that Parliament, the *Famines* broke out very suddenly in divers Places: I shall not recite how this came.

But this Year they have been much more insolent in numerous Field-Conventions, which the Law justly terms *Revolutions of Rebellion*; and the Commission justly declared, that they were not able to suppress them; so there was a Necessity to draw Forces together. I shall not repeat what follow'd upon that Occasion, nor recite upon any thing that pass'd there: I will only look forward, how the Kingdom may be secured in this great Conjunction, by the fairest and most easy Ways.

About the time of the Date of the King's Letter, there was an Appearance of Peace betwixt our nearest Neighbours, in *France*, *Flanders*, and the *United Provinces*; which now seems to be at last retard'd, and all Countries prepare for their Defence: Which makes it necessary that this Kingdom should not be the only Country left naked, without any Defence. Here is no more than one Regiment of Foot, and one Troop of Guards, of standing Force (exclusive of the *Militia*) and the King's Revenue can bear no more: I need not therefore enlarge on the Necessity of raising more standing Force, regularly paid, to prevent *free Quarters*, which would be otherwise unavoidable. For if there should be an Invasion, or if those *Field-Conventions* (the true *Revolutions of Rebellion*) should join in open Rebellion, as they did in the Year 1666, the whole Power of the Kingdom must be drawn together; how burdensome that would be, I leave

A.D. 1678.

Letter to the King, not only justifying, but highly magnifying the Duke of Lauderdale's Government. This was so base, and so abject a thing, that it brought the whole Nation under great Contempt."

It is not to be presum'd, that these Disorders, and Discontents in Scotland, did not constantly echo into every Part of England; and that they did not excite very melancholy Reflections in every thinking Man; nor that those who had the Direction of the declar'd Malcontents did not make their own Use of all. It is an undeniable Truth, that the Mismanagements of Ministers, and the Calamities arising from them to the Public, are the Seeds from whence all selfish and aspiring Oppositions expect their Harvest: And therefore, it must be expected that they will make use of all kinds of Manure, to quicken their Growth. The Proof of one ugly Fact, affords Room for an ingenious Architect to raise a Pile of plausible Fallhoods: And thus between the Abuse of Power, and the Abuse of Liberty, the People perish.

The Rigours exercised in Scotland, the arbitrary Spirit which had shewn itself from time to time in England, through the whole Course of this Reign; The Subserviency of our Court to that of France; the Reluctance we had shewn to enter into the War; the Fondness to continue the Army, without any visible Design to employ it; the Indulgence and Favour which had been uniformly extended to Papists; and, above all, the Care

that had been taken to aggravate all these several Causes of Discontent, had dispos'd and prepar'd the Minds of the People to think as ill of the Court, as their worst Enemies could desire, when the *Papish Plot* broke out: A Transaction which had its Root in Hell, and its Branches in the Clouds; and which, at the same time that it excites so much Curiosity, remains to this Hour almost inexplicable.

Out of the almost numberless Volumes of Narratives, Trials, Parliamentary Proceedings, and Controversies upon Controversies arising therefrom, we must therefore endeavour to form such a Compendium of Facts and Circumstances, Appearances and Opinions, as may, at least, shew upon what Grounds the two Houses of Parliament were hurry'd into the Belief of, and to give their Sanction to, the Plot, and Courts of Justice to convict, and condemn their Fellow-Subjects for being Accomplices in it.

August 12, 1678, one Mr. Kirkby or Kirby, *First Hist of*  
(a Gentleman of a good Family in Lancashire, *it given to the*  
*King by Kirk-*  
*Examne,*  
*p. 170.*  
I think an old Cavalier Race, says Mr. North, a Chemist that was sometimes in the King's Laboratory, says Bishop Burnet) came to the King in St. James's Park, and said to him, *Sire, keep within the Company; your Enemies have a Design upon your Life, and you may be shot in this very Walk.* This abrupt Warning excited his Majesty's Curiosity to hear more; He, therefore appointed him Kirkby's Name to meet him at Mr. Chiffinch's; where he  
(Kirkby)

you to judge; and nothing can prevent such a Rebellion, but some more lasting Force, regularly paid; which may not only prevent it now, by God's Blessing, but secure us from it for the future.

*My Lords and Gentlemen,*

The King, like a true Father of his Country, puts you in mind of your Danger, and proposes to you the surest, the easiest, and the most equal Remedy. His Majesty hath these eighteen Years, in all his Kingdoms, *firmly profess'd his Abhorrence of arbitrary Government, his ruling by the Law, and his inviolable Care to preserve the Liberty and Property of his Subjects: That Professors have been fully made good, by all the Acts of his Government, since his happy Return.* And I do, in his Majesty's Name, assure you, that he is, and shall be as careful of your Liberties and Properties, as of any thing on Earth that is nearest and dearest to him: And if any entrud by him shall transgress, they may certainly expect to be crush'd under his just Dispensate."

*Says the Daily Letter of the Estates of SCOTLAND:*

*"May it please your sacred Majesty,*

When we reflect upon the great Happiness of living under a King of our own Nation and Religion, whose Predecessors have for many Ages kept us from being conquered by Strangers, and a Prey to one another; and how that tho' we have been so unhappy, as not to have had your Majesty's sacred Person amongst us, yet your Majesty does always, with a most fatherly Care, provide for our Security and Happiness; so that whilst our Neighbours have been spending their Estates and Blood in cruel Wars, we have enjoyed a most sweet and pleasant Peace, we cannot be so far wanting to our Duty, as not to embrace every Occasion of testifying to the World, our humble and thankful Acknowledgment of those Blessings; which we value as much, because they are Marks of your Majesty's Favour, as for being the Effects of your Royal Protection.

And therefore we, your Majesty's most faithful and most loyal Subjects, the Lords Spiritual and Temporal, and the Representatives of the Shires and Boroughs of this your ancient Kingdom, being assembled in this, the fullest Convention that ever has been foun of your Majesty's Estates, do, in a dutiful Return to those and the other Marks of your Majesty's Royal Care and Kindness, assure your Majesty, That though factious and frowny Persons may seduce some in this Nation to depart from their Duty, yet there are generally so much honest, rational, and valiant Knights and Dukes, in the Hearts of the Subjects of this your Majesty's ancient

Kingdom, that these Errors do, in *no* proceed rather from a Misrepresentation of your Majesty's Inclinations, than from any *formal* Repugnance of opposing your Authority. And that the World may know how much we trust your Majesty's Judgment, and how *intirely* we believe the *Misfeaser* you take to be the *BRIT*, and *SAFER*, we acknowledge it in *us*. we should enable your Majesty to resist all foreign Intrusions, at this time, especially, wherein all Europe has too apparent Reason to be jealous of so potent and restless Neighbours. And therefore, without *going into foreign* Affairs (which are the *proper* Employment of Princes) we do, with all humble Confidence, *repose intirely* upon your Majesty's *wise* *Counsel*; being fully resolv'd to contribute our Lives and Fortunes towards the Maintenance of your Majesty's Honour and Greatness, in which our Peace and Safety are inseparable included.

Again: Such as trouble our Peace becoming daily more considerable in their Numbers, as they have for a long time been, and have, in this Representative of your Majesty's Kingdom, appear'd to be, as to their Interest; And that their *religion* and *Schismatic* Principles may be rooted out by lawful and suitable Means, we have offered your Majesty a Supply, which nothing, save the Sincerity, Unanimity, and the Affection wherewith it was offered, could make any way considerable. And to make the time yet more circuitous for arriving to desirable Ends, we assure your Majesty, that we shall contribute our hearty Endeavours for supplying *those* *vacancies* and *Schismatic* Humours, which if favour'd or indulg'd, would soon ripen into a new Rebellion; knowing, that the surest way to lessen our Burden, is to remove their Cause. And as this Supply is furnished, at this time, with respect only to the present Expence, so this shall not lessen our Forwardness in appearing universally betwixt sixty and sixteen (conform to the Laws of this your Majesty's Kingdom) with great Abunty and Cheerfulness, *whenever your Majesty shall call for our Assistance.*

We hope the Duke of Lauderdale will inform your Majesty, with what Respect we received and used him as your high Commissioner; knowing, that *not to believe what is reported in your Majesty's Name, by your MINISTERS, is as dangerous, as to oppose your Person in DEVERSE of your AUTHORITY*; both of these furnishing equally Brechts of opposing the Royal Power, when it does not please us. His Management of Affairs in this Convention, has justified your Majesty's Choice of him, and will, we hope, answer your Expectations. [Out of Lord Somers's *Collection*, Vol. 1.]



A. D. 1678. (Kirkby further inform'd him, that two Men, nam'd Grove and Pickering, had undertaken to shoot his Majesty, and Sir George Wake-man to poison him. Adding, that his Friend, Dr. Tonge, from whom he had his Intelligence, was at Hand, with the Detail in Writing, for his Majesty's Perusal. The same Evening the Doctor, also, was admitted, and deliver'd to his Majesty a Sketch of the Plot in forty-three Articles: Both he and Kirkby requesting, That those Papers might be kept secret and safe; otherwise the full Discovery would be prevented, and their Lives in hazard; as also, that they might have Access to his Majesty, under the Notion of Charity, to prevent Suspicion. But this last Proposal his Majesty declin'd, as being the next Morning to set out for Windsor; and refer'd them to prosecute the Affair, for the future, with the Lord Treasurer; to whom he sent the said Articles, seal'd up, by a Person of Quality; with a verbal Intimation, that Kirkby would bring a Gentleman to speak to his Lordship about it. This Gentleman was the said Dr. Tonge, who is character-

Forty-three Articles communicated to the King by Tonge.

Dunby, Memoirs, vol. II. p. 32.

His Majesty refers both him and Kirkby to the Lord Treasurer.

is'd by Bishop Burnet, as a mean Divine, credulous, simple, full of Projects and Notions, but always look'd upon as a sincere Man. All which is totally irreconcilable with the Insinuations of Mr. North, and the Assertions of L'Estrange; which we shall have Occasion to specify by and by.

Both Tonge and Kirkby waited on the Lord Treasurer, as directed by his Majesty; and the first being ask'd by his Lordship, whether the Papers he had sent to his Majesty, were Originals or Copies, answer'd, that they were Copies, taken by himself; that the Originals were thrust under the Door of his Chamber, he did not know by whom; that, indeed, he guess'd who the Author was; and that, tho' he did not know where to find him, he had met him lately two or three times in the Street, and that it was likely he should meet him again before it was long.

Thus ended the first Conference; and about three or four Days after, the Doctor coming again to the Earl, told him, "He had met the Man; that it did prove to be as he had guess'd, that he own'd himself to be the Author, and had given him another Paper of the like kind, and number'd into Heads, as the (f) first was, but desir'd not to have his Name known to any body but the Doctor, because the Papists would murder him.

In these Papers, Mention being made of

the Design to assassinate the King by the Hands of Grove, otherwise Honest William, and Pickering, his Lordship ask'd the Doctor, whether he knew those Fellows, or where they liv'd? To the last of which Questions he answer'd in the Negative; and to the first, That they walk'd frequently in the Park; and that he would undertake to show one or both of them to any Person his Lordship should appoint.

This Offer his Lordship embrac'd: And having appointed a Person (one Mr. Lloyd) to attend the Doctor's Motions, waited upon the King, who was then at Windsor, with these farther Informations; and, withal, propos'd that Warrants might be issued from the Secretary's Office, for the apprehending the Persons nam'd to be the Assassins; as also, that the Affair might be communicated to others of the Council; neither of which his Majesty would suffer; but, on the contrary, commanded the Earl not to speak of it even to the Duke of York; and clos'd all with saying, *He would be very careful of himself.*

For the next Stage of Discovery, the Doctor inform'd his Lordship of the Dwellings of Honest William and Pickering; and also promis'd to give certain Intelligence when they set out for Windsor: Upon which his Majesty was prevail'd with to alter his former Resolution, and to give order for their being seiz'd, as soon as they should arrive there. Such Intelligence the Doctor did accordingly give, not only naming the Day, but undertaking, that the Earl's Gentleman (the Person before appointed to take a View of them in the Park) should bear them company in the Coach, or on Horseback by the Coach Side, in case the Coach was full.

But all this Concert was defeated; the Journey being put off; and again a second time, and both times for such trivial Reasons, as are not worth remembering. This, it seems, induc'd his Majesty, who gave no Credit to it from the Beginning, to treat it as mere Fiction; growing more positive than ever, not to have it communicated to any body; and saying, "He should alarm all England, and put Thoughts of killing him into People's Heads, who had no such Thoughts before."

The Affair now took another Direction: Instead of attending the Motions of Honest William and Pickering, the Doctor gave notice to the Lord Treasurer of a Paquet of (g) Letters from Jesuits concern'd in the Plot, which were to go to the Post-House in

A. D. 1678.

Great notice of a Paquet of Letters, from Jesuits concern'd in the Plot, to Bedingfield.

(f) Mr. North accuses the Delivery of this first Paper to Kirkby, but erroneously; it was not the same with the Narrative afterwards published by the said Kirkby.  
(g) Which Letters were as follow:

Mr. Brounfeld  
Mr. White is now about to come over—and I suppose there will be some Necessity of telling you of our good Success hitherto, because intimated to you already we Expect Mr. Fenwick with on every Day to give us an account of your progress made in the SVENNES of 48 I pray be careful of its dispatch if possible I will say no more but that I am yours  
Flashed Aug. 27. 78. IRLAND

For Mr Brounfeld with care,

Sc  
I can now give you noe further Intelligence of our affairs but that I have our affairs in IRLAND hand in a good condition and I am inform'd our friends are arriv'd safely to Scotland have made a good beginning there let mee begg of you to incourage FOGGIE and the rest of ours; I praise god Almighty I am in still good hearts yet not without some apprehension of crossing the Sea; because of my weakness Mr. Abby is ready I heare to Come from the bank I pray make my Lord BRUNEL acquainted (if you think it convenient) with our designs I will tell you more when I see you I therefore rest  
Your Loving Friend  
Flashed Aug. 27. 78. T. White

For Mr Brounfeld Windsor.

A. D. 1678. in *Windsor*, directed to one *Bedingfield*, a Priest. Upon which his Lordship hurry'd out of *Oxfordshire*, where he then was, to *Windsor*, with the Doctor's Letter of Intelligence; which his Majesty no sooner saw, than he signify'd, that such a Packet had been delivered some few Hours before, by the said *Bedingfield*, to the Duke of *York*; and that *Bedingfield* had told the Duke, he fear'd some Ill was intended him by that Packet, because the Letters therein seem'd to be of a dangerous nature; and that he was sure they were not of the Hand Writing of the Persons whose Names were subscrib'd to them.

Who carries them is the Duke of York.

His Majesty now grew more incredulous than ever; and we are told in the Lord Treasurer's Name, That his Lordship doubted whether he had ever been permitted to produce the Papers and Intelligence he had receiv'd from Mr. *Tonge*; if his Royal Highness had not been earnest to have the Truth of those Letters examin'd; by which means his Lordship also got leave, at the same time, to produce the said Papers and Letters to the Council.

The Appearance of Oates.

F. L. p. 427.

\* In this Interval it appear'd, that the Person whom Dr. *Tonge* had met accidentally in the Street two or three times, and who had thrust the Information under the Doctor's Chamber-Door, was *Titus Oates*, of whom Bishop *Barnet* writes as follows: "He was once presented for Perjury. But was got to be a Chaplain in one of the King's Ships; from which he was dismiss'd upon Complaint of some unnatural Practices not to be named." The Picture of this noted Man is also drawn with the like Features by Mr. *North*, *Leffrange*, and all the Court Writers of those Times; with this only Difference; that they are set forth by the last, with bolder Strokes, and stronger Colours.

Kirkby's Narrative.

And now it was that *Kirkby* was first made acquainted with him by Dr. *Tonge*, who introduced him to his (*Kirkby's*) Lodgings at *Vaux-ball*, to be furnished with Money for

his necessary Expences while this great Affair was depending.

A. D. 1678.

This was on the 2d of *Sept.*; and a regular Correspondence being now establish'd between them, they met again the next Day, but at another Place, for fear, it seems, that by his *Oates's*, being often seen with *Tonge*, all should be discover'd; as also on the 4th, when *Oates* told a sad Story of his having fallen into the Hands of *Whitebread*, the Provincial of the *Jesuits*, who had not only charged him with discovering the Plot to the King, but had beaten him for so doing; Upon which *Kirkby* resolv'd to go to *Windsor*; and seeing *Oates* was discover'd and in Danger, advis'd *Tonge* to do the same. He moreover gave it as his Opinion, that *Tonge* should get *Oates's* Information sworn before some Justice of the Peace; which was accordingly done on the 6th before Sir *Edmundbury Godfrey*, whom they would not then permit to read the Particulars; telling him, That his Majesty had already a true Copy thereof; and that it was not convenient that it should be yet communicated to any body else; only acquainting him in general, that it contained Matter of Treason and Felony, and other high Crimes. They, however, desired him to attest *Oates's Affidavit*, which he did; and at the same time *Tonge* made oath, that it had been made known to the King.

While this was passing in Town, *Kirkby* went to *Windsor*; but could procure no Audience, either of the King or the Lord Treasurer; Under which Discouragement he returned on the 9th; and after a Consultation held with *Tonge* and *Oates* at the *Flying-Horse* in *King's-Street Westminster*, where *Oates* had taken shelter for fear of the *Jesuits*, he took the Latter along with him to his Lodgings at *Vaux-ball*; as well, says the Narrative, for his Security, as that he might have Company to cheer him in his then sad Condition.

Entertain'd by Kirkby at his Lodgings.

From this time to the 27th, *Oates* employ'd himself in writing out Copies of his Information;

Mr. Beaufield

Yours of the eighth instant arriv'd safely to our hands and we are glad of your care and industry and I am now to give you to understand that our affairs in the kingdom of IRELAND stand well & his grace of Dublin is not only kind to us but also industrious for the promotion of our good designs there and question not but to accomplish them Oromsd would fain see friends with the Catholique party but we will neither trust him nor let him — much longer forty eight is prepared for and you are desired to be kind to four worthy persons of the Irish nation that are vigilant good men and will do service for vs in those parts they are religious and though not of our Society yet lovers of vs and are resolv'd to stay in line with vs in the Concerns of dispatching forty eight I am just now for St O with some young Ladds and may chance returne home with our matter you have heard I suppose of the Contents by Mr Streetford I am in hull and therefore Conclude and rest yours to serue you

Lot: Aug: 25

Two Friends

recommend me to Mr Coleman I hope J. K. will be with you to take a little Fresh air

For Mr Beaufield at *Windsor* recommended to the Post-master there till he shall Call for it *Windsor*

Good Mr Beaufield

I am sorry I have not had the happynes of one line from you since you left *India* my good Friend his grace of Dublin is in very good health and did let me know the favour of line or two from him and tells mee that Oromsd is as much out with the Protestants as ever he was with the Catholiques

to gratifie them he hath given them commissions but that will not do the BVISNES nor bee well never gain his credit more with vs I pray bee kinde to those four constrainyn of mine who are good men I assure you and will do the BVISNES I am in hull and rest your lo: Friend

FOGOTY

Dear Sr

the present affaire wee have in hand gives the occasion of a line or two to let you understand that IRELAND is now in an excellent posture & his grace of Dublin is very industrious in the management of the BVISNES and our matter has order'd P. to advertise ours of it I have given HARGOT and Tounfar notice of it & to I have to Kinets I am very carefull of encouraging W and P. to put on strong resolutions if the BVISNES hit not at *Windsor* to bee ready to attend forty eight and if G W do but hit the BVISNES here Scotland will come in to us via the C party and then the work is done ours here are very desirous that after so long patience they may enjoy cath Religion in a way more Publique then now they doe and certainly we can never faile since we have so many friends to our Bow forty eight is secure and all our party very faithfull my kinde respects to you and honest Mr Coleman as for Smith he is dillie in his intelligence and care is taken for sending it to Plumsted I have no more but that I am yours

Aug 29

Nich Blundell

For Mr Beaufield at his lodgings in *Windsor* leave this with the Post master at *Windsor* to be delivered to him *Windsor*.

A. D. 1678. Information; and *Tonge*, in soliciting Audiences of the Lord Treasurer, who gave him no manner of Encouragement; all three being much perplex'd both in regard of the Danger they were in, and the seeming Neglect of the Discovery they had made.

*Tonge* from  
his own  
at the  
Council.

On that Day, the 27th, Mr. *Lloyd*, before mention'd, brought a Summons to Dr. *Tonge*, to attend the Council; but before they could get thither, it was broke up, and an Order was made for his Attendance at ten o'Clock the next Morning.

The Advantage they took of this Demur, was to go all three to Sir *Edmundsbury Godfrey's*, the next Day, before the Hour appointed for the Hearing, with the first Deposition, and two other Copies to be sworn to, and attested in the same manner; that each might have one: But Sir *Edmund* insisted on detaining one, which was left in his Hands, and till when, as before observed, he was a Stranger to the Contents.

His Examination.  
[Lecturer's  
Brief History,  
c. vii. p. 130.]

*Tonge* now made his Appearance before the Council; and, notwithstanding the Neglect before complain'd of, declar'd (b) he was sorry the Affair was discover'd so soon; and that it would have been much better, and more would have been discovered, if the Business had been kept conceal'd some time longer. When question'd, he also refer'd himself to the Papers he had given, or transmitted to the King. Being desired to give the like brief Account to them, as he had done to his Majesty, he again refer'd to a written Account, he had before delivered to his Majesty, which was read: And, being afterwards desired to put the Papers before the Board into Method, he answer'd, That they were a Journal, and order'd as he receiv'd them; not only by Dates, but, by nominal Numbers.

Thus it appear'd the Doctor would be no Witness; and therefore it became necessary for him to produce the Informer, which he was order'd to do, and did accordingly the very same Day.

Practises  
Oates's

Of this prodigious Man's (*Oates's*) Behaviour before the Council, we have no very exact and circumstantial Account. But as to the Particulars of his Discoveries, we have them at large in his own Narrative; which he dedicated to the King, and of the most material Parts of which it will be necessary to insert the following Abridgment for the Admiration of Posterity, viz.

[North's Examinations, p. 57, 58.]

"Father *le Sire*, the French King's Confessor, had lodg'd 10,000*l.* in the Hands of *Worsley*, a Goldsmith in London, for killing the King, Art. 9.— Just the same Sum promised for doing the Job by a Spanish Provincial of the *Jesuits* in *New Castle*, 8.— The King of France to land an Army in Ireland, and 40,000 black Bills provided for arming the Irish Catholics, 11.— The Duke of York

was to be killed, if he did not answer Expectation, 13, 16, 20, 60.— One *Hensell William*, and one *Pickering*, were appointed to shoot the King in *St. James's Park*; but the Flint of *Pickering's* Pistol was loose; so he deferred it to another time: And *Pickering* was to have 30,000 Muffles for his Soul, 19. It appears elsewhere, that the other, who was one *Grove*, was to have ----- and ----- Muffles, which, at 1*s.* per Muff, came to near that Sum.— The Duke of York was to be founded about the Business, 23.— There was to be a Raising of 25,000 Horie and Foot in Ireland, to let in the French; and divers had taken Commissions of War from the General of the *Jesuits* (Father *Olivea*) at Rome, by virtue of the Pope's Bull, 27.— A general Consult of the *Jesuits* at the *Whitehorse's Tavern* in May 1678, divided into five or six Sub-consults, for killing the King; and *Oates* carried Tickets of Resolves from Company to Company, 28.— The Author that translated the *Jesuits* Morals, Dr. *Tonge*, Dr. *Stillingsfleet*, and the Author of the *Synopsis*, Mr. *Pool*, were to be killed, 30.— Sir *George Wakenan* (the Queen's Physician) was to have the 10,000*l.* in *Worsley's* Hands, if he would undertake to poison the King, 33.— If he refused that, he was to have 5000*l.* more, to make the Work sure, 37, 39.— The 34th gives the Process of firing London, for the sake of Plunder; the Charge whereof came to 14,000*l.* There were, it seems, eighty-six Firemen, and seven hundred Fire-Balls, employed: And, in the Confusion of that, the King was to be killed; but he appeared so industrious, they could not find in their Hearts to do it then.— About these Affairs it cost the *Jesuits* 4000*l.* in Intelligence, 41.— Father *le Sire* had a lurking Intelligenceer, one *Smith*, that *Coleman*, the Duke's Secretary, used to assist, as he was told, 44.— *Wakenan* was to have his full 15,000*l.* for his Work; but, for all that, *Pickering* was to go on, 46.— *Grace* and *Pickering* fired *Southwark*, and had 1000*l.* for it, 49.— The Duke of Ormond to be cut off; and a Mass or two, for the Prosperity of the *Jesuits* in it, 50, 63.— It was said, by a *Jesuit*, that the Catholics might well rise and cut 100,000 Protestants Throats, 53.— If the King did not become R. C. (*Roman Catholic*) he could not long continue C. R. (*Charles Rex*), 55.— The Prior of the *Benedictines* agreed to furnish 6000*l.* in order to the Design, 60.— *Oates* was urged to shoot the King; but he durst not let off a Gun. Then a *Benedictine* Monk was to do it; and a Wager of 100*l.* was laid, and Stakes made, that the King should eat no more Christmas-Pyes, 60.— The *Dominicans* alledged Poverty, and could not advance Money towards killing the King; but would contribute Prayers, &c. 61.— *Pickering's* Fellow-

[A] This was own'd by the Doctor himself, and attested in the House of Commons by Sir *Thomas Delmon*, one of the Clerks of the Council then in waiting. [*Dashy's Memoirs*, p. 57.

And when it was objected, that the Papists might kill the

King in the mean time, he, *Tonge*, said, Care should be taken of that; they should be so narrowly watch'd, they should not be able to do it. [*Memorial* in North's Examinations, p. 177.

A. D. 1678.

Fellow-Assassin had a sore Throat, and durst not go by Water to *Windsor*, for fear of a Cold, which might disable him for Service. 62. Dr. *Fogarty* said, *Coleman* was at the Consult when *Wakeman* was agreed with, and he said he had hir'd four Ruffians to observe the King's Postures at *Windsor*, 64.— The *Jesuits* sent 80*l.* to bear the Charge of these Ruffians, with Instructions for their Behaviour, 66. *Coniers* shew'd a deadly Dagger which cost 10*s.* (not dear for the Work it was to do) for it was to kill the King, 68.— He had done it sooner, but his Horse fell lame, and he had got a *Sciatica*, 68.— A Paper Model was made for the firing *London*, and an architectonical Scheme, shewing where to begin, and go on, as the Wind should serve: And *Oates* had a Post assigned him, as an Encourager of a Parcel of Firemen; and was to have 1000*l.* This Project was sign'd by the Provincial, 71.— The Pope, by Bull, filled up the Preferments in the *English* Church, and the List is added, 72.— In *Scotland*, 8000 *Scotch* Catholics, when the Business grew hot, were to join, 73.— *White*, the Provincial, suspected *Oates* for a Discoverer, and basted him; but seeming reconciled, *Oates* ever-dropped somewhat worse to happen; so run away. It seems he was to be tortured, and sent beyond Sea, and another Fire-Encourager was put in his Place; and he overheard they intended to torment him, to make him confess his Complices, 79.— A List of Lay-Officers under the Plot, by Commission from *Father Oliva*; so also of the Conspirators.

This Variety of Matter gave *Bishop Burnet* Occasion to say, The Plot consisted of so many Particulars that it was thought to be above Invention. His Lordship, however, acknowledges, that this travelled, truly, important Agent, of so important a Body as the *Jesuits*, mistook the Name of the *French* King's Confessor; and, instead of *la Chaise*, call'd him *le Shoe*; as also, that having asserted, that when he was in *Spain*, *Don John*, had, in Person, to him, promis'd great Assistance in the Execution of their Designs, and being ask'd by the King what sort of a Man *Don John* was, he answer'd, he was a tall, lean Man; whereas *Don John* was a little, fat Man, *Mr. North*, also speaks of the same Circumstance, tho' not exactly in the same Words; but adds, that when *Oates* spoke of the *Jesuits* College, his Majesty ask'd him where it stood: And he answer'd as much out of the way, as if he had said *Gresham-College* stood at *Westminster*.

The Bishop further admits, that tho' he accus'd *Coleman* of a strict Correspondence with *la Chaise*, and, in general, of being acquainted with all the Designs of the *Jesuits*, (1) he did not know him when they were confronted, and that he charg'd him only upon Hearsay: That tho' he nam'd *Wakeman* the Queen's Physician, neither did he know him: That being ask'd if he knew

any thing against him, he answer'd, he did not; adding, *God forbid he should say any thing more than he knew; he would not do that for all the World:* And that he did not so much as name *Langborn*, the famous Lawyer, who, indeed manag'd all their Concerns.

But neither the Appearance of *Oates*, nor the Torrent of Evidence he discharg'd, induc'd the King to treat the Plot with any more Respect than before; for the very next Day (says *Burnet*, erroneously, but in truth, *October 2.*) he set out for *Newmarket*, and left the People to receive, and the Council to prosecute it, as they pleas'd. This the Prelate, just mention'd, says was censur'd as a very indecent Levity; but surely it rather indicated a thorough Contempt.

The Council, however, shew'd so much Countenance to it, that they took *Tonge* and *Oates* under his Majesty's Protection, and order'd them Apartments in *Whitehall*. Warrants were also issued for the apprehending several Persons that *Oates* had inform'd against: And he himself, accompany'd and assisted the Messengers while putting them in Execution.

*Coleman* was one of these: And as the Apologist for *Lord Danby* assures us, not one of his Papers had been seiz'd, but for the Care of his Lordship, who caus'd a Warrant to be drawn for that Purpose, and got it sign'd by five of the Privy Council, after the Council was risen, who had omitted the Direction of seizing his Papers, out of the Warrant for apprehending his Person: Upon which Passage, *Mr. North* comments as follows:

“It doth not appear, that the King knew of this; and then it was a bold Stroke; but favouring the Discovery of *Coleman's* Intriguing, all was well. But certainly it was no Court made to the Duke of *York*, under whom *Coleman* serv'd; and his Lordship must needs know, that whatever the Papers were, material or not, neither the Duke, nor any more private Person, would approve the having his Servants Correspondences expos'd.”

Thus the Duke and the Lord Treasurer were alike instrumental, in putting this dreadful Machine in motion: But from very different Inducements. The Duke had apparently nothing in view, but to purge *Bedlam*, who was his Confessor, from the Suspicion of carrying on any such Correspondence, as the Letters before-quoted seem'd to indicate: But the Lord Treasurer either believ'd in *Oates*, or else made use of his Depositions to blast the Popish Party, whom he found it so difficult to manage; as also to make his Court to the People.

Thus, in the Pamphlet, called, *An impartial State of the Earl of Danby's Case*, written apparently under his Lordship's Direction, we find his Merits and Services, in furthering the Discovery of the Plot; much magnify'd; and, in particular, the Article of seizing *Coleman's* Papers; without which, we

A. D. 1678.

The King goes to Newmarket.

Several Per-sons seiz'd.

Among whom our Coleman, as also his Papers, by the Care of Lord Danby.

Both the Duke and Lord Treasurer instrumental in bringing on the Execution of the Plot.

arc

(1) His Lordship adds, But he nam'd him, when he heard him speak: *Oates* himself, in *Coleman's* Trial, only says,

When he heard him speak, he could have sworn it was he.

A. D. 1678.

are told, all had signify'd nothing: And this, we are also told, the Papists could never forgive him.

Examen,  
p. 174.

In one of those *Memoirs*, which Mr. North has occasionally inserted in his *Examen*, and which, it may be presum'd, were compos'd by the Lord Keeper North, his Brother, we also find, that when Sir Edmund-bury Godfrey had read over Oates's Narrative, "he went to Mr. Coleman, and told him of it, and advis'd him to wait upon the Duke of York, and know, if he had heard nothing of it; and to tell him, it concern'd him highly." The same Memoir adds, "That another Message was sent him of the same kind: That the Duke, thereupon, went to the King, and told him; and that the King, as was believ'd, told the Earl of Danby, who sent for Godfrey, and threaten'd him." Neither the Writer of these Hints, nor Mr. North himself, specifies, in this Place, for what Godfrey was threaten'd by the Lord Treasurer: But the Last, Page 100, expressly says, it was for communicating the Information to the Duke, by his Secretary. Whence we may infer, that his Lordship apprehended, the giving this Alarm would put Coleman on his Guard; and of course prompt him to remove his Papers out of the way. Bishop Burnet affirms, he actually did so: Only, says he, he forgot a Drawer under the Table, in which those relating to the Years 1674, 75, and Part of 76, were left: That Prelate adds, "If he had either left all his Papers, or withdrawn all, it had been happy for his Party."

The Ferment  
of the Times.

However this may be, as soon as the Papers, thus foolishly and fatally left, had been seiz'd, and the Report of their dangerous Contents taken air, the whole Nation, as one Man, threw'd the Excess of their Jealousy, that Popery was at hand, by their excessive Credulity, and execrable Resentment. Says Sir John Reresford, "No body can conceive, that was not a Witness thereof, what a Ferment this rais'd among all Ranks and Degrees." Says Mr. North, "The Discovery of Coleman's Papers made as much Noise in and about London, and, indeed, all over the Nation, as if the very Cabinet of Hell had been laid open. It took away common Freedom of Speech, about Oates, and his Plot; for People's Passions would not let them attend to any Reason or Deliberation on the Matter: But if any Person was more moderate, and, retaining some Doubt, was dispos'd to ask Questions, he was rebuff'd with a *What? Is there a Plot, or no?*— This popular Logic carry'd it in all ordinary Conversation; so as one might have deny'd CHRIST with less Contest than the Plot." Says yet another Author, pretty much to the same Effect, "He that could not swallow Absurdities, reconcile Contradictions, and believe Impossibilities, was an Enemy to the Protestant Religion, a Papist, or popishly affected. He that question'd the least Title of the most monstrous Fictions about it was a Concealer of the Plot, and a Defamer of the King's Evidence. In fine, it was less criminal to doubt all the Articles of Christiani-

Concern  
against the  
Bills, Part  
ii. p. 42.

A. D. 1678.

ty, than that one Article of the Plot; and to deny the Saviour of the World, than the *Saver of the Nation*, with which Title they were modestly pleas'd to dignify (Oates) the Salamanca Doctor." And says Lafrange, "It was come to this, in short, That a Man might with more Credit and Security give his Oath to twenty palpable Falshoods, than assert one generous, righteous Truth."

To complete the Horror and Phrenzy which had taken possession of the Public on this Occasion, Sir Edmund-bury Godfrey, who had attest'd Oates's Depositions, was found, on Thursday October 17, with his own Sword thrust thro his Body, in a Ditch near *Prinse-bill*, in the Way to *Hampstead*, having been missing ever since Saturday the 12th. As it had been taken for granted, that Coleman's Papers confirm'd every Article that Oates had sworn; so it was no sooner known, that Godfrey was killed, than, by the general Voice, the Papists were charg'd with the Murder.

Thus the Cry against Popery, which had been so many Years in raising, and which the most eminent Loyalists, both Laymen and Ecclesiastics, had most eminently contributed to, now spread through the whole Kingdom; and was echo'd back from every Corner of it: All Parties join'd in it: Every Gale favour'd it: And no disagreeing Voice could obtain a Hearing.

The Court were amaz'd and confounded, to find so small a Cloud produce so great a Storm: And thought it of the utmost Consequence to divert that Fury they were no longer able to oppose. It was this gave us Temp. Men. the hot Fit, before-spoken of, against France; and put us upon rushing into the War, we had so long, and so industriously, endeavoured to avoid. And while we were thus nursing up a Rupture abroad, to give vent to the dangerous Humours gathering at home, it was thought expedient, rather to flatter the Rage of the Populace, than provoke it with the least Shew of Opposition: Accordingly, the Coroner and his Jury, who sat on the Body of Godfrey, having given it as their Verdict, *That he was murdered by divers Persons unknown*, a Proclamation was issued on the 20th, offering five hundred Pounds Reward, to any Person who should discover the said Murderers, or any of them; as also, a Pardon, and the like Reward, to any of the said Murderers, who should discover the rest: And a Suggestion arising, that Discoverers would be found, if they were not under the Apprehension of being murdered themselves, another Proclamation was set forth, four Days after, to add an Assurance of Protection to the former Promise of Pardon and Reward: So that, says Lafrange, Brief Hist. here was Indemnity, Money, and Security, Part iii. p. 51 to the fairest Bidder.

As Physic to the Patient is Food to the Doctor, so the Party Leader finds his Account in the Calamities of the Public. Nothing could have fallen out more favourable for the Malcontents in Parliament than this Clamour of a Plot, and the several Circumstances which arose to give it Credit and Countenance.

Calamity the  
Food of Factions.

A. D. 1678.

Countenance. The War with France was now become a Court-Tool, and was, besides, already worn out and unfit for Service. Some other Device was therefore necessary to amuse without Doors, and embarrass within: And *Machiavel* himself could not have fram'd one of a more efficacious kind than this of the Plot, which Fortune threw in their way. The Conjunction of time was, also, as favourable as the thing itself: For tho' the Dawn of the Plot was in *August*, it gave neither Heat nor Light till the Beginning of *October*: And when *Coleman's* Papers, and *Godfrey's* Death, had rais'd it to its Meridian Splendor, the Session was at hand; and all those who had an Interest in the Prosecution of it, ready to make their Hay while the Sun shin'd.

The Lord Treasurer a Partisan for the Plot.

Brief Hist. of the Times. Part. iii. p. 4.

Introduction to Lt. Danby's Letters.

Eighteenth Octob.

King's Speech.

Among whom we must again insert the Lord Treasurer himself; not indeed as a Malcontent, but as an enterprising Minister, who thought all Plots the Perquisites of his Office, and that by his Power and Abilities, he could make every Event subservient to his own Purposes. *LeStrange* speaking of his Majesty's Incredulity, says, "The King's Hardness of Belief was quickly smok'd by the Plot-Master and his Advisers, inasmuch, that tho' they could not *totally* take the Matter out of his Majesty's Hand, they did what they could yet, by a Side Wind, to transfer the Cause from the Privy Council to the Parliament, where they made themselves sure before-hand of a Majority to bid it welcome." And we have his Lordship's own Authority, "That the greatest Displeasure King *Charles* ever shew'd against him, was for bringing *Oates's* Information concerning the Plot, before the Parliament; telling him, with much Repentment, That altho' his Lordship did not believe it, he would find he had given the Parliament a Handle to ruin him (the Lord Treasurer) as well as to disturb all his (the King's) Affairs and that he would live to repent it." This Measure of his Lordship's appears, besides, so much the more extraordinary, as it was taken on the very first Day of the Session, and, as it were, in Opposition to the King's Speech; in which his Majesty expressly says, *I will leave the Matter to the Lords*.—But we anticipate—

*October* the 21<sup>st</sup>, the Day after the first Proclamation was publish'd, relating to Sir *Edmundbury Godfrey's* Murder, the two Houses re-assembled, in such a Temper as may be more easily imagin'd than describ'd; and his Majesty gave them to understand, in his gracious Speech, That for the well securing of what was left of *Flanders*, and the keeping his Neighbours from Despair, he had been oblig'd to keep up his Troops: That both the Honour and Interest of the Nation were so far improv'd by it, that he was confident no Man would repine at it, or think the Money rais'd for their Disbanding, to have been ill employ'd in their Continuance: That he was so much out of Purse for that Service, that he expected they should supply it: That how far it would be necessary, considering the present State of *Christendom*, to reduce the Land and Sea-Forces, or

A. D. 1678.

to what Degree, is worthy of all their serious Considerations. He then proceeded to signify, That he had been inform'd of a Design against his Person by the *Jesuits*; but said he forbore to give his own Opinion, lest he should seem to say too much, or too little: That he should leave the Matter to the *Lords*; and that, in the mean time, he would take as much care as he could to prevent all manner of Practices by that sort of Men; and of others too, who had been tampering in a high Degree with *Foreigners*, and contriving how to introduce *POPEERY* amongst us. He concluded with recommending his other Concerns to their Consideration: Said, he had been under great Disappointments, by the Defects of the *Poll Bill*: That his Revenue was under great Anticipations: That, at the best, it was never equal to the constant and necessary Expence of the Government; and that he intended to have the whole State laid before them, that they might consider of it with that Duty and Affection, which he was sure he should always find in them.

The Lord Chancellor then, by his Majesty's Command, added, among other things of less Importance, That the Close of the last Session was very memorable for leaving things in a sort of an Uncertainty between War and Peace: That this Uncertainty proceeded not from any Unsteadiness at Home, but from the Mutability of Affairs abroad: That in the midst of these, his Majesty was daily and earnestly supplicated and importun'd, not to disband the Forces he had rais'd: That there was no resisting such repeated Intercessions: That it was now acknowledged by all the World, that what was sav'd of *Flanders*, was sav'd by his Majesty's Interposition: And that tho' the Peace was not such as his Majesty could have wish'd, it was such a Peace as his Neighbours were resolv'd to have. His Lordship then proceeded in these Words: "Let no Man wonder then, if the Money given towards their Disbanding has been apply'd towards the Payment of the Army as far as it would go. There needs no Excuse for what was inevitable. The Provision which was made for paying off the Army went no farther than till the last of *June* for Part, and the last of *August* for the rest. But the Fleet was provided for only till the fifth of *June*; so that the Continuation of the Fleet and Army, from that time, was wholly upon his Majesty's Charge." Hence his Lordship infer'd, that as the Service was, at once, so necessary, honourable and useful, they could not but be well pleas'd to put in for their Share of the Merit by defraying the Residue of the Charge. His Lordship in the next Place, enlarg'd on the Straits of the Revenue; and then made a Transition to the Affair of the Army. Upon which Topic, he urg'd all the things, that have been so often repeated since, with so much better Success: "And surely, said he, in that State of things to which they are now reduc'd, 'tis visible and plain enough what must be our Business for the time to come. First, we must look to ourselves, and provide for our own Safety: For that which the Confederates acknowledge

And the Lord Chancellor's.

A. D. 1678.

knowledge with *Thanks*, we may be sure hath a quite different *Resentment* in other Places. And in order to this, Care must be taken so to strengthen ourselves both at home and abroad, that they who see us in a firm and well settled Estate, may have no Hopes to surprize, nor any *Temptation* to make any *Attempt* upon us. And herein it will be necessary to take notice of what his Majesty hath recommended to you, and to weigh very well the Importance of reducing the Sea and Land Forces, and the Consequences which may attend such a Reducement: For this, be assured, that nothing in the World would more gratify our Enemies, than to see us afraid of maintaining ourselves in a *Posture of Defence*, which is the only Posture they are afraid to find us in."

To quiet the Fears of *Papery*, his Lordship, in the next Place, observ'd, That it was now become the Interest of his Majesty's Person to protect the *Protestant Religion*, and prevent the swarming of Priests; and thence, glancing at the *Plot*, added, That tho' his Majesty did not *prejudge* the Persons accus'd, yet the strict Enquiry into that Matter had been a means to discover so many other *unwarrantable Practices* of theirs, that his Majesty had reason to *look to them*. His Lordship made a distinct Article of *Coleman*, whom he described, without naming him, as a Factor and AGITATOR for *Rome*, and one who carry'd on pernicious Designs by a most dangerous Correspondence with Foreign Nations. He, nevertheless, took care to insinuate, That the Parliament need not concern themselves about it, by laying farther, "What kind of Process the Proof will bear, and to how high a Degree the Extent and Nature of these Crimes will rise, is under Consideration, and will be fully left to the Course of the Law." His Lordship then pass'd on to the King's Wants, and enlarg'd both on the Expediency and Necessity of removing them: And for a Cloise, express'd himself as follows.

"There is so strange a Concurrence of ill Accidents at this time, that 'tis not to be wonder'd at, if some very honest and good Men begin to have troubled and thoughtful Hearts. Yet that which is infinitely to be lamented, is, that malicious Men too begin to work upon this Occasion, and are in no small Hopes to raise a Storm that nothing shall be able to allay. If you can refuse the King's Affairs from such a Tempest as this; if you can weather this Storm, and steer the Vessel into the Harbour; if you can find a way to quiet the Apprehensions of those who mean well, without being carried away by the Passions of others who mean ill; if you can prevent the Designs of those without Doors, who study nothing else but how to distract your Councils, and to disturb all your Proceedings; then you will have performed as great and as reasonable a Piece of Service to the King, as ever yet he stood in need of."

It was the Chancellor's Misfortune to be unseasonably and injudiciously florid; his Harangues had more the Air of the Schools than the Cabinet; and by having too much Em-

A. D. 1678.

blishment, they had too little Authority. It must, however, be allow'd, that nothing ever said to both Houses, more deserv'd their most serious Regard than those Paragraphs of his, last quoted; and if there had been half the Quantity of Patriotism in Parliament, that was affected, they had operated accordingly. But the Times were so enrag'd, that the Voice of Reason could not be heard. No Man could be admitted among the Sons of God, unless the Devil introduc'd him; nor could be thought a Friend to the public Cause, unless he set himself to widen the Breach instead of repairing it.

It was owing to this furious Spirit, that when the King's Speech was taken into Consideration in both Houses: The *Plot!* the *Plot!* was all their Cry; and nothing could be heard that had not a Tendency to inflame, rather than compose the Minds of the People.

Both Houses set out with a joint Address to his Majesty for a solemn Fast, to implore the Mercy and Protection of Almighty God to his Majesty's Royal Person, and in him, to all his loyal Subjects, &c.

This was follow'd with other Addresses of the like alarming nature, namely, for such Papers as had a Tendency to the Discovery of the horrible Designs against his Majesty's Life; to remove *Papists* Recufants from *London*; to cause the Oaths of Allegiance and Supremacy to be every where administered; that no unknown or suspicious Persons should have Access to his Majesty; and that the Lord-Mayor and Lieutenancy of *London*, and the Lord-Lieutenants of *Middlesex* and *Surrey* might be commanded to appoint such Guards of the Trained Bands, in the said City and Counties, as should be thought necessary.

They also appointed Committees to scrutinize into the Particulars of the Plot, as also to receive Informations concerning Sir *Edmundbury Godfrey's* Murder.

This immediately open'd the Doors of both Houses to Mr. *Oates*, who gave in the Contents of his Narrative at the Bar of each: And so much Regard did his Evidence meet with from the Commons, that *Oct.* 29, about nine o'Clock in the Evening, they sent for the Lord Chief Justice *Serjeants*, and desir'd him to issue out his Warrants for apprehending the Earl of *Powis*, Viscount *Stafford*, Lord *Arundel of Wardour*, Lord *Peter*, and Lord *Bellasis*, all of them *Roman Catholics*, and all accus'd by the said Oates of high Treason; and who issued out his Warrants accordingly; having first taken the Deposition of *Oates* against them, upon Oath, to cover himself from the Reientment of the House of Peers. It does not appear these Warrants were serv'd that very Night: But the next Morning the Lords *Powis* and *Arundel* appear'd before the Chief Justice, and were by him advis'd to render themselves to the Gate-House, *Westminster*, as the Lord *Bellasis* was to the King's Bench; which Advice they made no Difficulty to obey. The Lord *Stafford*, on the contrary, took his Seat in the House of Peers on the Morrow; and having there deny'd the

The alarming Proceedings of both Houses.

Oates gives in his Evidence to both.

Few *Papists* Lords committed thereon.

A. D. 1678.

Fact he was charg'd with, withdrew, and instantly surrender'd himself to the Lord Chief Justice.

Lord Peter also, not only attended in his Place, but desired to know the Cause of the Lord Chief Justice's issuing his Warrant against him; and having receiv'd the same Information, which the said Lord Chief Justice had before given the House, he withdrew, and an Order was made for his immediate Commitment to the Tower.

Mr. Coleman  
exam'd in  
Newgate.

Both Houses, moreover, sent their respective Committees to examine Mr. Coleman (k) now closely confin'd in Newgate, who severally examin'd him, and made their several Reports; the Substance of which was as follows, viz.

"That the Prisoner Coleman deny'd any Design against either the King's Life or Authority; or that he ever knew or heard of any Commissions to raise an Army. That he likewise deny'd, that he ever design'd or endeavour'd to change the establish'd Religion, or introduce Popery; but confesses he did attempt to get this Parliament dissolv'd, in order to procure Liberty of Conscience, which he thought they would never grant. In order to which, he solicited 300,000 *l.* from France; adding, that there were not three Men in England acquainted with his Designs, or Correspondence; of which the Duke of York was one (which he, however, deny'd) who, he believ'd, communicated them to Lord Arundel of Wardour.

That he farther confess'd, that his first Correspondence in France, was by certain Letters he had address'd to Sir Wm. Blackmore; by which means he commenced a second with *la Ferrier*; on whose Death, he sent three or four Letters to *la Chaise*: That he had also confess'd a Correspondence with the Pope's Nuncio at Brussels; which was occasion'd by a Proposal from the Pope, to furnish the King with a great Sum of Money, provided the Catholics here might receive proportionable Favour.

That, upon this, he was dispatch'd by the Duke of York to Brussels to the said Nuncio, for a further Explanation of that Proposal; who then disown'd, that he had any Authority from the Court of Rome to make it; but that he had made it as a private Man; Offering however, his Services at his Return to bring it about: That, notwithstanding, he had not corresponded with him for three or four Years.

That the Cypher, with the Provincial's Mark, was that used between him and Father *St. Germain*: That he used no Cypher to the Provincial: That he used another Cypher to *Rouvenig*'s Secretary, but not in public Concerns.

And being then ask'd, whether he knew of any other Sum propos'd or treated on, he answer'd, That he believed there was, to

A. D. 1678.

keep the King from joining the Confederates; but could not affirm that any had been paid."

Thus far is agreeable to Mr. *Saubeverel's* *Lord Jurat.* Report to the Commons: That to the House of Lords was agreeable to this, as far as there was an Agreement in the Questions put to the Prisoner, by the several Committees: But the Lords went rather deeper into the Matter than the Commons. They charg'd him with forging Letters in the Name of his Royal Highness: Which he at first deny'd, saying, If there were any such Letters, they were not forg'd; but being shewn the Letter from his Royal Highness, before-quoted, to Father *la Chaise*, he own'd it was his (Coleman's) Hand; and that he had hid it before his Royal Highness; who had rejected it: He also said, he had no Orders from his Royal Highness to prepare it; but that he did it of his own Head. He however acknowledg'd, that his Royal Highness was acquainted with his Correspondence with *Ferrier* and *St. Germain*, not perhaps with every Letter, but in general. On the other hand, he deny'd his having ever corresponded with *la Chaise*; but thought proper to confess the contrary, on their Lordships producing *la Chaise's* Letter, acknowledg'd the Receipt of his long Letter of the 29th of September 1674. The Lords Committees then gave him to understand, as they were directed by the House, that if he would make a frank Confession of all he knew, he should be both pardon'd and rewarded: Adding, by way of Inducement, that, without any further Confession, there was enough in his Papers for the Law to take away his Life: But all the Answer this drew was, *That he had been guilty of a great many Follies*. Being further ask'd, why he had desired to speak with the King and his Royal Highness, he reply'd, it was to know how he should govern himself as to naming the Duke: And (1) finally, being ask'd, why he had taken such Liberties with the King's Ministers (in his Letters) by reproaching some of them with Breach of Faith, and Promises to his Royal Highness; and whether he knew, or had heard, any such things of them, as warranted such Reproaches? he answer'd in the Negative, and that this was one of his Follies; he having deliver'd those things as Facts, which had had no other Foundation than his own Opinion.

The Lords Committees, the same Day, October 28, examin'd also *Thomas Jenkinson*, *Edward Peter*, and *William Ireland*, who stood committed to Newgate, for being Accessories in the Plot, severally, all of whom readily deny'd their Knowledge of any such Plot, or Design; nor would make the least Confession relating to it, tho' promis'd, as Coleman had been, not only a Pardon, but a Reward. The last of these Men was one of those

(k) He was, at first, only committed to the Custody of a Messenger.

(l) Their Lordships shew'd him, moreover, a Draught of a Letter, to be sent to Father *Olive*, which he own'd, as

also, that it was from his Royal Highness the Duchess, and that she had prepar'd it by her Order.

(m) This Letter was not produced either of the Confessions set forth by Sir *George Treby*, Chairman of the Committee of Secrecy.



A. D. 1678.

those whose Names had been subscrib'd to the five *Windfor* Letters, before-quoted: And the Lords, upon this Occasion, shewing him some of the Letters and Papers which had been seiz'd (at his Lodgings) he confess'd they were of his own Writing; but, withal, insisted, that the Letter sent in his Name to Mr. *Beddingfield*, at *Windfor*, was forg'd.

The next Day, their Lordships made their Report to the House; and a Motion being made, to communicate the several Papers mention'd therein immediately to the Commons, at a Conference, that both Houses might join in their Advice to his Majesty, it was over-ruled on the previous Question, without a Division: Notwithstanding which, to great was the Zeal of the Lords *Essex* and *Shaftsbury*, that they enter'd their *Protest*; but without assigning any Reason for the same.

Capt. Berkeley enter'd by the Lords for communicating certain Papers of Coleman's to the House.

There were, it seems, yet other Papers of Mr. *Coleman's*, besides those that were seiz'd and laid before the Council, and those that he himself is suppos'd to have secreted, which fell into the Hands of one Captain *Berkeley*, who deliver'd them to the Duke of *Monmouth*; by whom they were deliver'd to the King; who, after he had read them, order'd his Grace to restore them to Mr. *Coleman* again: And this being done accordingly, the Lords not only took offence at that Proceeding, but laid their Commands on the Lord Chancellor, to reprehend the Captain at the Bar of the House, for his Indiscretion: Which is the more remarkable, in as much as they came to the Knowledge of this Incident, by the Information of their Committee; who had the Lord Treasurer for their Chairman: And the Censure pass'd on Captain *Berkeley*, at the Rebound, affected the King himself.

Oates before the House of Lords.

It was not till *October 30*, that *Oates* made his Entrance into the House of Lords; and then, it was not to give in his Informations, but, what is most surprising, to wipe off the Apertions thrown by Mr. *Coleman* on the Duke of *York*: His first Assertion being, that his Highness was wholly innocent; which he supported with the following Reasons:

Produce the D. of York.

1. Because they (the *Jesuits*) had a counterfeit Seal of his Royal Highness's; and that he was sent into *Spain*, with Credentials under that Seal: Being ask'd where that Seal was, he said, it was in the Custody of *Richard Stenage*, the late Provincial of the *Jesuits*; that the Party who sign'd his (*Oates's*) Credentials wrote [*James*], but he was not then so well acquainted with the *Jesuits*, as to know who it was.

2. Because, in *February* or *March* last, a Proposal had been made by the Fathers at *Ghent*, that they wonder'd the Duke was not acquainted with it, to which Answer was made, because his Love was so great to the King his Brother, that he would not be true to them, tho' he was a very good Catholic.

3. Because there was a Letter wrote to *Mansfield*, saying, They long'd to see the Duke trespass'd into the *Business*.

4. Because there was a Parcel of Letters and Papers to be deliver'd to his Royal Highness, that he might burn them, thereby to

A. D. 1678.

draw the Duke into the Plot: This, he said, he was not certain of. But *Merrill's Lloyd* said, They brought them to the Duke for that Purpose; and he would bring him thither to assist it.

5. He said (being ask'd) That he had carry'd no Letters into *Spain* signed *James* by the Duke; but the Credentials he had in *Spain* with him, were sign'd and seal'd in his Presence, by the *Jesuits*, *James*, and the counterfeit Seal; so that he was received as a kind of Ambassador both as from the Duke and from the Society.

6. Because they have made Officers of State and War, without the Duke's Privilege.

All this was deliver'd, not only in Presence of the Duke, but of the King himself, and whether it ought to be esteem'd a Proof of his Artifice, or Plain-dealing, it is not yet time to determine. The Lords, it seems, from this Specimen, either thought his Revelations of such Importance, or thought it of such Importance to come to the Bottom of his Revelations, that they appointed the next Day for him to make his Narrative at large: And, that they might be the better able to judge of his Confistency, if not his Veracity, they address'd his Majesty for the several Papers of *Whitebread* and *Mico* (*Jesuits*) which had been seiz'd, as also the Minutes of *Oates's* Examination at the Council Board.

According to Order, *Oates* the next Day made his Appearance again at the Bar, and wearied out his Lungs, before he had exhausted his Memory; being oblig'd to withdraw to refresh himself, before he could finish his Story: But in the Afternoon, as if re-inspir'd as well as recruited, he fell into such a Detail, grew to circumstantial and prolix, that the Lords grew weary in their turn; and gave him to understand, that he was not expected to be so very particular, as to Facts: But if there were any particular Persons concern'd in them, of what Quality soever, the House expected he should name them: Notwithstanding which, he kept to those he had already nam'd in his Narrative, nor could name any other.

Upon the Whole, to shew the high Sense the House had of his Merit and Importance, he was told by the Lord Chancellor, That the House took very well what he had done: That they had recommended to the (Lord General) Duke of *Monmouth*, to take care of the Safety of his Person; to the Lord Chamberlain, for better Accommodation of Lodgings; and to the Lord High Treasurer of *England*, to supply him with Necessaries.

And the very next Day, after all this Countenance had been shewn, and Encouragement given, to the Informer, the Information itself receiv'd the Sanction of both Houses, NEMINE CONTRADICENTE, in the following extraordinary Terms:

Resolved, That, upon the Evidence that has already appeared to this House, the House is of Opinion, there hath been, and still is, a damnable and heinous Plot, contriv'd and carry'd on by the Popish Recusants,

That Houses adopt the Plot.

A. D. 1678.

"*sants*, for the assassinating and murdering the King, and for subverting the Government, and rooting out and destroying the Protestant Religion."

The Words of this Vote were fram'd by the Commons, and by them communicated to the Lords, at a Conference, for their Concurrence, with the following Comment thereupon:

"The House of Commons, being very sensible of the imminent Danger both the King and Kingdom are in, do think it their Duty to acquaint your Lordships therewith; and do pray your Lordships will be pleas'd to take it into your serious Consideration, what Remedies are fit and suitable to be apply'd for the preserving the King's Person and Government; to which the Commons shall readily concur, as they doubt not of your Lordships Concurrence to such Remedies as have, or shall be, by them propos'd to your Lordships, for effecting this great End."

To which the Lords reply'd, That they did most readily and unanimously concur with the Commons in their Vote; that they were very glad to see that Zeal which the Commons had shewn upon this Occasion; and did fully concur with them, that the most speedy and serious Consideration of both Houses was necessary for preventing these imminent Dangers. In order whereunto, their Lordships had resolv'd to sit *de Die in Diem*, Forenoon and Afternoon, and desired the House of Commons would do so too. That when their Lordships should have well consider'd of it, and proper Remedies for these Dangers, they would be ready to communicate them to the House of Commons, and would also take in good part, whatever shall be communicated to them by the House of Commons; and would suffer nothing to be wanting on their Parts, which might preserve a good Correspondence between both Houses, which was absolutely necessary to the Safety of the King and Kingdom.

On the very same Day that there had been this solemn Intercourse between the two Houses, and both had thus formally adopted and authoris'd the Plot, the Funeral of Sir Edmundbury Godfrey, was celebrated with such Circumstances of Parade; that if the political Undertakers of those Times had made it their Study to rouse the Passions of the Populace, and prepare them for any Impressions but those of Truth and Sobriety, they could not have proceeded more happily. As the Prologue to this tragical Shew, the Body was, the next Day after it was found, "brought to Town, says Mr. North, with a prodigious Attendance of Rabble, and laid in the Street, expos'd to all Comers; and all that saw it went away inflam'd. It is not easy to imagine what Con-

sternation as well as Fury this Spectacle caus'd in the Minds of the common People." The same Author adds the following detestable Piece of Sophistry:

"It was well at that time there was a fettle Government, and Guards in good Order, not without just Precaution and Resolution to secure the Public: Else, if the Leaders of this Rout, by their Emiffaries interpers'd, had infill'd into them any manner of Mischief, and hounded them on, in all Probability, they had gone, with all the Rage of Madmen upon it, whatever Maffacre and Destruction had follow'd." Bishop Burnet says, "The Body lay two Days expos'd, many going to see it, who went away much mov'd with the Sight; and, indeed, Mens Spirits were so sharpen'd upon it, that we all look'd on it as a very great Happiness, that the People did not vent their Fury upon the Papists about the Town." And even the Railer, *Oldmixon*, himself, is pleas'd to acknowledge, "the People were strangely affected with the Funeral of Sir Edmundbury Godfrey," which, for the more Offentation, was so order'd as to set out from *Bridewell*, whence it proceeded to *St. Martins in the Fields*. Seventy-two Divines leading the way, and above a thousand Persons of Quality and eminent Citizens, following in Train. And at the Sermon, which was preach'd by Dr. *Lloyd*, afterwards Bishop of *Worcester*, besides the Preacher, says Mr. North, two other thumping Divines stood upright in the Pulpit, one on each Side of him, to guard him from being kill'd, while he was preaching, by the (m) *Papists*."

By this time the Plot which had hitherto halt'd on the single Evidence of *Cates*, receiv'd an Additional Prop, by the coming in of one *William Bedles*, who is thus characteris'd by Bishop *Burnet*: "He had led a very vicious Life; he had gone by many false Names, by which he had cheated many Persons; he had gone over many Parts of *France* and *Spain* as a Man of Quality; and he had made a Shift to live by his Wits, or rather by his Cheats; so a Tenderness of Conscience did not seem to be that to which he was subject."

As soon as the several Proclamations relating to *Godfrey's* Death were publish'd, this Person set out suddenly for *Bristol*; but on the Road (at *Newbury*) calls for Pen, Ink, and Paper to write, as he said, to Secretary *Coxworthy*, which he did, and sent his Letter by the Post, saying, at the same time to a Woman-Passenger, who went down with him in the Coach, "That if the Business of that Letter succeed'd, he would present her with a Diamond Ring." This Letter was dat'd *October 28. November 2.* the Secretary answers according to his Expectation; namely, dchres

Godfrey's Funeral.

Examen, p. 202.

A. D. 1678.

H. p. 205.

Boslow's Ap. p. 102.

Vol. I. p. 432.

Lectures, Brief Hist. p. 7.

(m) Mr. North proceeds as follows:

"I did not see this Spectre, but was credibly told by some that affirmed they did see it; and altho' I have often mentioned it, as now I do, with Precaution, yet I never met with any that ever contradicted it. A most portentous Spectacle sure! Three Parsons in one Pulpit! Enough of itself, on a less Occasion, to excite Terror in the Audience. The Day, I guess, was never seen before, and, probably,

will never be seen again; and it had not been so now, as is most evident, but for some Stratagem deriv'd upon the Impetuosity of the Mob. And, however clear of the Black Purports of the Plotters, we cannot acquit their Reverencies of some lower Designs, relating to the Royal Family, and the Succession, which should not have been found covered with their venerable Habits, who could thus pretend to do Evil, that Good, in their Sense, might come of it."

A. D. 1678. desires him either to come to Town *clandestinely*, according to his own Expression, or to make use of an Order from the (n) Mayor of Bristol, as he thought fit; which *Bedloe* had desir'd, and which the Mayor was author'd to grant. *Bedloe* chose the last, procures himself to be taken up at Noon-Day, upon the *Talley or Exchange*, notwithstanding his Caution of Privacy; leaves *Bristol* the 5th, and on the 7th was examin'd by the two Secretaries, in Presence of his Majesty, touching the Murder of *Godfrey*, which he swore was committed at *Somerſet Houſe*, by one *Walſh*, & *Phaire*, *Jesuits*, and two Lay-Men: At the same time, declaring also upon Oath, *That he could ſay nothing at all as to the Plot that was then in Queſtion*. But, on the very next Day, being brought before the Lords, by the King's Directions, to give the same Account he had done the Evening before to his Majesty, that is to say, concerning the Murder of *Godfrey*, he, all at once, made a Transition to the Plot, and declar'd, That two of the Persons he had nam'd, as the Murderers, *viz. Walſh* and *le Phaire*, had inform'd him, that the Lord *Bellasis* had a Commission to command Forces in the North, the Earl of *Powis* in South Wales, and that Lord *Arundel* of *Wardour* had a Commission to grant Commissions to whom he pleas'd; that *Coleman* was a great AGITATOR in the Designs against the King; that he asking them why he had not been sooner let into the Secret concerning the King's Death, they answer'd, none were permitted to know it, but such as Lord *Bellasis* nominated.— Here he stopp'd short, desiring time to put his whole Narrative in writing, which he said he had begun. And being asked if he knew *Tina Oates*, answer'd in the Negative, without any Reservation.

Ibid. p. 16. Declares on his Oath to the King, that he knew nothing of the Plot. Lords Journ.

Ibid. the next Day, makes Declaration in the Lords.

Commons Ad- dress'd for printing Coleman's Letters.

This new Evidence produc'd a new Course of Orders and Proclamations. *Somerſet Houſe* was immediately to be search'd for Arms and Papers, not excepting the Queen's Closet, Cabinet and Council-Chamber: And the King was address'd for a Proclamation to apprehend *Walſh*, *le Phaire*, *Fritchard*, *Coyers*, *Simmond*, and *Cottaway*, as Persons guilty of the damnable and hellish Plot.

By this time the Commons had prepar'd an Address, and sent it up to the Lords for their Concurrence; importing, That whereas a most wicked Design had been carry'd on for several Years past for the utter Extermination of the Protestant Religion and the established Government; and that it was necessary to proceed against the Persons concern'd with an unusual Secrecy, the House did humbly conceive, that the best way to satisfy the Minds of the People, and stop the Mouths of the Papists, would be to publish some undeniable Evidence of their Transactions here, and Correspondences abroad; and therefore humbly desir'd that his Majesty would order *Coleman's* Letters to (o) *la Chaise* to be printed till a farther Narrative of the Particu-

lars relating to the horrid Conspiracy might be publicly set forth.

The Court was alarm'd at this Proceeding, which seem'd to have a dangerous Tendency, and to affect the Duke of *York* in a very particular manner, who had been directly struck at in two several Motions. In order, therefore, to qualify the Venom of it as much as possible, it was thought advisable for the King himself to fall in with the Humour of the Times, and to put in for his Share of Popularity, by countenancing what he did not believe.

Accordingly, November 9, his Majesty came to the House of Peers, and, having sent for the Commons, address'd himself to both Houses as follows:

"My Lords and Gentlemen.

"I am so very sensible of the great and extraordinary Care you have already taken, and still continue to shew for the Safety and Preservation of my Person in these Times of Danger, that I could not satisfy myself without coming hither on purpose to give you all my most hearty Thanks for it. Nor do I think it enough to give you my Thanks only, but I hold myself oblig'd to let you see withal, That I do as much study your Preservation too as I can possibly; and that I am as ready to join with you in all the Ways and Means that may establish a firm Security of the Protestant Religion, as your own Hearts can wish; and this not only during my Time, of which I am sure you have no fear, but in future Ages, even to the End of the World. And therefore I am come to assure you, that whatsoever Bills you shall present, to be pass'd into Laws, to make you safe in the Reign of my Successor (so they tend not to impeach the Right of Succession, nor the Descent of the Crown in the true Line; and so as they restrain not my Power nor the just Rights of any Protestant Successor) shall find from me a ready Concurrence. And I desire you withal, to think of some more effectual Means for the Conviction of *Papists Recusants*, and to expedite your Councils as fast as you can, that the World may see our Unanimity; and that I may have an Opportunity of shewing you how ready I am to do any thing that may give Comfort and Satisfaction to such dutiful and loyal Subjects."

In the Days of *Q. Elizabeth*, this Speech had been receiv'd with unfeign'd Acknowledgments, because understood to be sincere; But in these distracted Times, the mutual Confidence that should subsist between the Sovereign and his Lieges, had been mutually forfeited: The King dreaded the People; the People distrust'd the King: Both had Reason; for neither had Virtue. Hence counterfeit Grace was rewarded with counterfeit Loyalty: And instead of cordial Endeavours to assist, their common Study was to over-reach, each other.

In this very speech, his Majesty took care

to

[n] *These words being*, said the Secretary, seem to be inapplicable.

(o) Already alluded to, p. 274, 273, 274.

A. D. 1678.

to guard against the Parliament's asking too much; and thence they concluded he meant to perform too little: So that Words produced nothing but Words. He had spoken graciously, and they humbly and heartily thank'd him; which is all we hear of this Royal Proposal for the future Safety of the Protestant Religion.

And as for the Address for printing *Coleman's* Letters, the Lords, after a long Debate, refus'd to join in it, and so it came to nothing.

*Bedloe's* for  
the Depo-  
sitions.

In this Interval *Bedloe* had given in his Depositions to the Lords Committees relating to *Godfrey's* Murder, and completed his Narrative of the Plot. Concerning the first he depos'd, he had been offer'd by *le Phaire* and *Walsh*, about the Beginning of *October* last, a Reward of 4000*l.* if he would be one of the Four or Six that should kill a Man that was a great Obstacle to their Designs; which, it seems, he at first agreed to, but afterwards not liking the Proposal, wilfully fail'd of: Notwithstanding which, so thoroughly was *le Phaire* infatuated, that on the Monday-Night after the Fact was committed, in the Middle of the great Court at *Somerfet House*, he let *Bedloe* into the whole Secret; that the Person was kill'd; that the Body then lay in *Somerfet House*; that he might still have half the Reward before offer'd, if he would only help to remove it; and that himself, *Walsh*, the Lord *Bellaſſi's* Gentleman, *Ashkins* (Clerk to Mr. *Pepps*, Secretary to the Navy) and one that he (*Bedloe*) believ'd belong'd to the Queen's Chapel, were to be the other Assiliants: That the said *le Phaire* then led him by the Hand to the Room where the Body lay: That, by the Help of a Dark Lanthorn, which *le Phaire* took from under his Coat, the Deponent saw the Persons before nam'd, of whom he knew *le Phaire*, *Walsh*, and the Person presum'd to belong to the Chapel: And the other two, who own'd themselves to be, one the Servant of Lord *Bellaſſi's*, and the other, Clerk to Mr. *Pepps*: That they all agreed to carry the Body in a Chair to *Clarendon House*, and thence in a Coach to the Place where it was afterwards found; at eleven o'Clock that Night ('twas now between eight and nine) That they threw off a Cloak, which lay on the Body, and shew'd it to the Deponent: That he asking who it was, they told him, an old Man who belong'd to a Person of Quality, who had taken some Examinations tending to the Discovery of their Design: That the Deponent then ask'd, why it was not more proper to kill the Person of Quality himself? And that they answer'd, "No; for this Man had the Depositions in his own Custody, and that their Design of getting him thither, was to get him to send for them by fair Means or foul, and that they did not question but the next Examination would be so contrary to that, it would appear upon their (p) TRIALS, two se-

veral Stories; and that when they should be brought to TRIAL, upon the latter Examination, they would (q) produce the former to contradict it, that it might seem Partiality to the World." That the Deponent then made an Excuse to leave them for half an Hour; but return'd no more: That meeting *le Phaire* the next Day, by accident, he (*Bedloe*) excus'd his last Breach of Promise, by pleading that he was unwilling to come, because he knew the Person, naming *Godfrey*: That *le Phaire* not only admitted his Excuse, after these two Failures, but trusted him yet further, by explaining when, how, and where, they decoy'd the Justice into their Power; and consenting, that, on his declaring he had sent the Examinations to Court, and refusing to answer any more Questions, he himself, *Walsh*, Lord *Bellaſſi's* Gentleman, and the other two, fill'd him with a Pillow, as they thought; but finding he still struggled for Life, completed the Jobb, by strangling him with a long Cravat; and that they had made a Wound in his Body, and laid his Sword on him in the Fields, that it might be thought he had killed himself, which he appear'd confident would be the thing believed.

This was *Bedloe's* Account of the Murder; and as to the Plot, he was now able to enlarge to the following Effect:

That his first Employment among the *Jesuits* was, to carry a Letter from the Lady Abbess of the *English Nuns* at *Dunkirk* to Sir *John Warner*, and other *Jesuits*, at *St. Omers*; which he open'd by the way, and found it to be a Recommendation of himself, as one wholly fit to be employ'd in the DESIGN: That he was sent from thence to *Antwerp*, and after that to *Doway*, to be initiated by degrees: That, at the last of these Places, he was inform'd, in confidence, That a DESIGN was now in hand to make *England happy*, both as to Body and Soul, by which his Fortune was to be made, if he continued faithful to the End: That he was sent from thence to *England*, with a Latin Letter to Father *Harcourt*, after receiving the Sacrament four times, as the Seal of Secrecy: That *Harcourt* employ'd him as a Letter-Carrier for four Months; at the End of which time he was posted to *Paris*; and thence, with a very great Packet of Letters, to *Monsieur de Mearns*, containing, as he was inform'd, Orders to several Persons, by him named, to hold a Consultation; as also, Intelligence, that at *Rome*, and all Places beyond the Seas, the Business went on very well: That, after this, he came again to *London*, and kept company with *Harcourt*, *le Phaire*, and other *Jesuits*, by whom he was again sent to *St. Omers*, and thence to *Doway*; where Dr. *Gage*, the Rector of the *English College*, inform'd him, "That in a Year, or something more, they did not at all question but to be establish'd at *Christ-Church College* in *Oxford*; and to see *England flourish* in the true Religion

A. D. 1678.

(p) Strange! that Men should be more solicitous to make a good Defence, at their Trials, than to make their Escapes.

(q) 'Tis Would not the producing this Examination have saddled them with the Murder?

A. D. 1678.

Religion of Rome: "That on his (*Belloc's*) asking, what they would do with the King? the said Rector answer'd, *They would keep him well in a Convent*: And again, who should govern in chief? "That a *Tender should be made of the Crown to one*, if he would acknowledge it from the Church; but that they believ'd he would not accept it; in which case, the Government should be left to certain Lords, under the Nomination of the Pope: "Which Lords he had since (that is to say, after a Journey to *Paris*, another to *Spain*, and a third to *England*) learn'd from *le Pbaire*, *Walsh*, *Pritchard*, and *Lewis*, were the Lord *Arundel*, in chief; the Lord *Belleis*, as General; with Mr. *Thimbleby* of *Ernham*, and several others, of whom Sir *Ratcliff* was one; who was to command in the *North*; and to receive from *Flanders* TEN THOUSAND MEN, to be land'd in *Bridlington-Bay*: That the seizing of *Hull* was to be their first Enterprize: That the Lords *Paris* and *Peter* were to form an Army in *Rudolfshire*; who were to march to *Milford-Haven*, to join another Army, consisting of TWENTY or THIRTY THOUSAND RELIGIOUS-MEN AND PILGRIMS, which were to land there from *St. Jago* in *Spain*: That this Design was just ready to be put in execution, when the Design against the King's Person was discover'd, upon which Occasion, *le Pbaire* had again oblig'd him to take the Sacrament to be true to the Cause: That asking him (*le Pbaire*, the most communicative Person in the World) how, and where, the King was to be dispatch'd? he answer'd, "It was design'd several Ways, and at several Times; but the certain Way they had pitch'd upon was, in his Morning Walks at *New-market*; and that *Conyers* had undertaken to do it: That one *Kevis* was to kill the Duke of *Monmouth*, *Pritchard* the Duke of *Buckingham*, *Knight* the Earl of *Staffbury*, *Oncale* the Earl of *Offory*; and somebody, whose Name he had forgot, the Duke of *Ormond*: That when these Persons were remov'd, they made no question of managing the rest: For they would give such great Pay, that all sorts of Malcontents, and Persons of desperate Fortunes, would be ready to serve them: That whatever should happen, the Power they had was sufficient: That they had FORTY THOUSAND MEN ready in *London*, BESIDES those that would, on the Alarm, be posted at every *ALE-HOUSE DOOR*, to kill the Soldiers, as they came out of their Quarters: That for *Money*, Lord *Stafford*, *Coleman*, and *Ireland*, had enough to go thro' all this: That several Gentlemen had great Sums to contribute likewise: That Captain *Spalding* was to surrender the Castle of *Chryslow*: That he (*Belloc*) was to have his four thousand Pounds, as being one that would murder a Man; as also a Commission from Lord *Belleis*, with a Benediction from the Pope: And that, when he ask'd, how they would establish their Government? his friendly Informer answer'd; Securely enough; for they did intend utterly to extinguish all sorts of People that

A. D. 1678.

would not be really converted to the Church of Rome.

Here he said, he had no more to add, that he could then remember; but presently recollected farther, That he had been inform'd by *le Pbaire*, That *Conyers*, who had undertaken to kill the King, was the Lord *Belleis's* Confessor; as also that, if any Person concern'd in the Plot was imprison'd, they would, by one means or other, kill them before they should come to their Trials, tho' they burnt the Prisons where they were in custody: That *Gwerissey* and *Jersey* were to be surpriz'd by a Power from *Dress* and other Places of *France*, and that some French Ships had been in and about the Channel all this Summer upon the same Occasion. And finally, that *le Pbaire*, *Pritchard*, *Lewis*, *Kevis*, *Walsh*, *England*, *Latham*, *Stapleton*, *Sheldon*, and *Dr. Gage*, had often told him, that there was not a Roman Catholic in *England* of any Quality, or Credit, but was acquainted with this Design of the Popsist, and had receiv'd the Sacrament to be secret and assistant in carrying it on.

Such was the Deposition of *Belloc*, as reported to the House of Lords from their Committee by the Marquis of *Winchester*, November 12. And to give it an additional Weight with their Lordships, the Informations of four other Persons were annex'd to it; who testify'd they had seen him in Company with *le Pbaire* and *Walsh*.

The Marquis himself, also declar'd, That the Lords Committees having conjur'd the said *Belloc* to speak nothing but Truth, he did, in the Presence of GOD, as he should answer it at the Day of Judgment, assure all to be true he had depos'd.

This second Sever of the Nation made also his Appearance before the House of Commons, November 18; and in the Speaker's Chamber not only ran through his Part again, but, his Recollection being strengthened by use, enliv'n'd it with fresh Matter, namely, That the Lord *Carrington* was in the Conspiracy for raising Money and Men to carry on the Design against the King's Person and Government; and that the Lord *Brudenel* was, also, one of the Conspirators; having confessed to him (*Belloc*) that he was going into the *North* to further it; and that Lord *Carrington* was to raise five thousand Pounds, and a proportionable Number of Men in order to join the Lord *Belleis*.

Upon this the Commons call'd upon the Lord Chief Justice to issue his Warrant for apprehending the said Lord *Carrington*; but his Lordship absconded till the next Day, when he returned to the House of Peers, and in his Place, with great Earnestness, disavow'd the Charge, asserted his Innocence, and submitted himself to their Lordships Pleasure; which was, to take him out of the Power of the Lord Chief Justice, in order to commit him to the Custody of the Black Rod.

All the other Persons, mention'd in *Belloc's* Narrative, wherever residing, were moreover seiz'd at their several Dwellings, and

Lord Carrington committed to the Custody of the Black Rod.

The Lords Committees entrusted with King's Warrants.

A. D. 1678.

committed without Mercy: Nay, that no one Opportunity might be lost of letting loose Parliamentary Vengeance; nor no one Criminal escape, the Lords Committees were arm'd with *Blank Warrants*, and authoriz'd by order of the House to fill them up with what Names they pleas'd, with a Salvo to the Members of their own House.

So dreadful a Spirit had these *Informers* rais'd, and so dangerous it was to be within its Circle.

On the very Day that *Bedloe* had given in his supplemental Evidence to the Commons, the House was further inform'd that, since the Meeting of Parliament, and Discovery of the *Papists Conspiracy*, several Commissions had been given to *Papists* Recusants to serve in the Army; as also Warrants, that they should be mulcted, notwithstanding they had not taken the Oaths and subscrib'd the Declaration, as requir'd by Act of Parliament. All which were counterign'd by Sir *Joseph Williamson*, Secretary of State.

This was like so much Wild-Fire thrown among Combustibles. Sir *Joseph* was immediately call'd upon; and acknowledging the Fact, was in a Flame of Repentment sent to the *Tower*, not as a Servant of the King, but a Member of the House. This the King resent'd as highly on the other side: And sending for the Commons the next Day to the *Banqueting House*, gave them to understand, "That tho' they had committed his Servant without acquainting him, yet he intended to deal more freely with them, and acquaint them with his Intention to release him."

The Commons being return'd to the House, and having taken his Majesty's Speech into Consideration, voted an Address, in which they set forth the Facts that appear'd against the Secretary, and pleaded the present imminent Danger of his Majesty's Person (the Safety whereof was, above all things most dear to them) in Excuse of their Proceedings: But, withal, humbly desir'd his Majesty not to discharge Sir *Joseph*; as, also, that he would recall all Commissions granted to *Papists*, in any Part of his Dominions. His Majesty reply'd, that he had discharg'd his Secretary, before he receiv'd their Address, as he had declar'd he would; but promis'd to recall the Commissions in question, according to the Desire of the House.

Indeed, such were the Apprehensions, and such the Violence of the Times, that every thing, branded with the Name of *Papish*, underwent a Proscription: A Bill was brought in, to disable all Persons to sit in either House, who refus'd to take a Test against *Papery*; in which not only Transubstantiation was renounced, but Image-worship of all kinds was declar'd to be Idolatrous: And notwithstanding the Birthright of the Peers, to sit and vote in Parliament, had, a few Years before, been represented as so (\*) *sacrosanct*, and radically inherent in the Peerage, it pass'd

the Lords, as well as Commons, from whom it had its Origin.

His Royal Highness the Duke, deeply affected on this Occasion, mov'd for a Proviso to exempt himself. He said with great Earnestness, and, with Tears in his Eyes, *That he was now to cast himself upon their* Barnet. *Favour, in the greatest Concern he could have in this World; added much of his Duty to the King, and Zeal for the Nation; and solemnly protested, that, whatever his Religion might be, it should only be a private thing between God and his own Soul: Notwithstanding all which, he carried his Point but by two Voices; and, on passing the Bill, enter'd his Protest, being follow'd by the Duke of Norfolk; the Earl of Berkshire; the Lords *Hunsdon, Audley, Stourton, Cardigan, and Trybam.**

That the Court might be also purg'd, as well as the Parliament, and the Army, Care was taken to add a Clause, or Clauses, to the Bill just mentioned, to oblige all the Servants of the King, Queen, Duke, and Duchefs, to take the said Test, or be render'd incapable: And this was clamour'd for with as much Heat, as if the Fate of the Kingdom had depended on it.

There is a Speech in the *State Tracts* of these Times, ascrib'd to the Lord *Lucas*, perhaps *Lucas*, which carries this Matter not only to an indecent, but a ridiculous Length; and yet such an Infatuation attends on Party-Heats, that Men have been found foolish enough to adopt and perpetuate those very Words, that his Lordship, when the Eagerness of the Debate was over, would, no doubt, have gladly blotted out of his own Memory:—"I would not, said he, have so much as a *popish Man*, or a *popish Woman*, to remain here; not so much as a *popish Dog*, or a *popish Bitch*, nor so much as a *popish Cat* to pur or mew about the King." It appears, however, that this Over-vehemence had little Effect on the House: The Lords, on the contrary, were for mollifying the extreme Rigour of the Commons; and return'd the Bill with Amendments, in favour of the foreign Servants of the Queen and Duchefs; which the Commons rejected; assigning for their principal Reason, as above, their excessive Concern for his Majesty's Safety: This brought the Matter again before the Lords; who, finding the Person of the King thus thrown in their Way, gave up the Men-Servants, and insisted only on certain Women-Servants, from whom no Assassination could be reasonably expected. The Commons reduc'd this Number to Nine; and there the Contest ended, which had been hurry'd on, not only with Passion, but Outrage; especially in the House of Commons; where even Blows were exchange'd between Sir *(x)* *Jonathan Trelowney* and one Mr. *Ash*; and all things were carry'd, as if the Representatives of the Nation had been only the Representatives of the Mob.

Another

A. D. 1678.

The Duke exempted.

Sir J. Williamson committed to the Tower, for signing Commissions to Papists.

He is released by the King, who rejects his Imprisonment.

The Commons justify themselves, and desire the said Commissions may be recalled.

A Bill to disable Papists to sit in either House.

A Fry in the House of Commons.

(\*) See Page 279. (x) Sir J. Trelowney, the Aggressor, was committed to the Tower; and Mr. Ash reprimanded in his Place.

A. D. 1678.  
Queen accuses  
the Duke.

Another Scene of the Plot now unfolds itself. Both *Oates* and *Bedloe*, tho' they had so largely unboisom'd themselves before to the King and Council, and both Houses of Parliament, had still in them a little Reserve, which the Crisis called upon them to discharge.

Each Journal.

And first *Oates*, (r) November 24, deposes upon Oath, before Mr. Secretary *Coventry*, That, in the Month of July, he saw a Letter from Sir *George Wakeman* to *Rich. Timbleby*, in which he assures him, that the QUEEN would assist him to poison his sacred Majesty: And that, in the latter Part of the same Month, the Deponent waited upon *Keines*, *Langworth*, *Harcourt*, and *Fenwick*, (*Jesuits*) to *Somerfet-houfe*, where the Queen then was, and, in an Anti-chamber where he was left, did hear the Queen say, *She would take those Affronts no longer, that had been done unto her; and that she would revenge the Violation of her Bed*: Adding, that, being immediately after presented to her Majesty, he saw no living Soul there, but her Majesty and the said Fathers: That he heard the Queen say, she would assist in the Propagation of the Catholic Religion: That she had, by one *Coker*, a *Benedictine* Monk, given several Sums of Money, to pervert his Majesty's Subjects, as the said Deponent did believe: That several Sums had been to us'd by the *Jesuits*, in her Majesty's Name; and in particular, that 5000*l.* had been paid to them by her Majesty, in order to destroy the Person of his Majesty, and subvert Religion and Government; as appear'd by several Instructions from the Queen to the said *Jesuits*, as the *Jesuits* themselves confess'd to the Deponent.

The next Day he confirm'd all these Particulars upon Oath, as before, in the Face of the King and Council; with some additional Circumstances; as, That Sir *G. Wakeman* did, in his Letter to *Timbleby*, alias *Ashey*, declare his own good liking of the Proposals about poisoning the King, provided good Terms might be had: That the Meeting at *Somerfet-houfe* was in obedience to a Summons from the Queen: That he, with some others whom he did not remember, were left in a Room without; yet the Door not being quite close, he, by listening, had overheard the Words above-recited, deliver'd in a Woman's Voice: That on his being presented to her Majesty, to his thinking, she gave him a gracious Smile: And that he saw a Letter, which *Mico* had prepar'd, to the General of the *Jesuits*; wherein mention was made of 5000*l.* given by the Queen; 4000 at one time, and 1000 at another. He was then interrogated, 1. *How he came to see this Letter?* To which he reply'd, that *Mico*, the Secretary of the Order, had consulted him upon a Latin Phrase in it. 2. *Why he had conceal'd so important a Matter so long?* His Answer was, That he had much Distrust with himself in his Judgment about the Discov'ry of it:

A. D. 1679.

That he had once intended to disclose it, upon Sir *George Wakeman's* Business at the Board; but was willing his Majesty should know it first in private. An Objection to the Fact being also started, from a Recollection, that, after *Pickering*, who was to have kill'd the King with a Pistol and Silver Bullets, had been disciplin'd for having fail'd in it (which was before the Consult in April last) the Execution of the Affair was left to other Hands; he answer'd, That the Design had been form'd ever since the Year 1670; that he knew her Majesty, let her Virtues be what they would, held Correspondence with the Bishop of *Rome*, &c. That she was not to act till Matters were ripe, nor till all other Means fail'd.

Being put in mind, that he had declar'd, at the Lords Bar, that he had no more to say against any Person of Quality; he reply'd, That his Meaning was, that he had no more to say against any Member of that House. Nor did he fail to remind the Council, in his turn, That he then desir'd to be press'd no farther, that his Evidence might not be superfluous. Having intimated, that he could not tell the precise Day when he heard these Words in a Woman's Voice; and being farther question'd, how he came to be so defective in this Article, when in other things he had refer'd himself to his Papers; he declar'd, that he had not committed this thing to Writing; nor daring to trust more with it than his own Soul; yet hop'd he might recollect (\*) something as to the very Time; and he would examine his Papers.

Being ask'd, whether he knew *Bedloe* before? he reply'd, It was like he had seen him; but, if he had, it was in *Spain*, when he went by the Name of *Williams*; and not as concern'd in this Business.

Being ask'd, how many several Hands he could write? his Answer was, That he wrote differently, as his Pen was; but when he saw a Hand that pleas'd him, he endeavour'd to imitate the same.

And being farther ask'd, why he had omitted so material a thing against Sir *George Wakeman*, as the dangerous Letter written by him to *Timbleby*? he answer'd, He was faint and weak at that time, having been up two Nights together.

Having dropt, by the way, that, tho' he was never at the Place where he heard the Words, before nor since, he believ'd he should know the Room again if he saw it, the Lords *Ossory* and *Bridge-water* were directed to take him to *Somerfet-houfe*, that he might authenticate his Evidence, in some degree, by finding it out: But when he came there, none of the Rooms, it seems, tally'd with his Remembrance; and he continu'd to talk of a light Pair of Stairs, Rooms large and high, and great Folding-doors, that could not be found.

The 27th, *Bedloe* took his Turn to attend the Council-board, and, for his Encouragement

(r) His first Application to the King, on this Subject, was on the 15th. (\*) He afterwards nam'd St. James's Day.

A. D. 1678.

ment to speak out, was told by the Lord Chancellor, that the King had order'd the Attorney-General to prepare his Pardon for all Concealments of Treason, from the Beginning of the World to the 20th of that Instant November.

Hereupon, having first sanctify'd his Lips with the Touch of the Holy Gospel, he proceeded to depose, That, about the latter End of April, or the Beginning of May, last was Twelve-month, a Consult was held in the Chapel-Gallery at *Somerfet-houfe*; where were present the Lord *Bellasis*, and as he thought, the Lord *Poncis*, *Coleman*, *le Phaire*, *Pritchard*, *Lutbam*, *Sheldon*, two Frenchmen in Orders, whom he took to be Abbots, two other Persons of Quality, whose Faces he did not see; and amongst them the Queen: That, farther, *Coleman* and *Pritchard* told him, that, after the Consult, the Queen wept at what was propos'd there, but was over-persuaded to content, by the Strength of the two Frenchmen's Arguments: That, during the Consult, he (*Bedloe*) was walking in the Chapel below, with other Persons, of whom he only remember'd *Walsh* and the Chapel-keeper: That, after the Consult was over, the Queen came thro' the Room where the Priests dress themselves; and that he then observ'd some Alteration in her Majesty: That he was, after this, dispatch'd by *Coleman* with Letters for France: That he went by the way of *Cambray*, where he overtook *Stapleton*, for whom he had Letters; which the said *Stapleton* read by a Key or Cypher, and then said, *Well, I am glad we have brought her to it; we are now better back'd than ever*: That he the Deponent did not know what they meant by her: That *Stapleton* added, They got ground every Day; that it was better a hundred Kings should be destroy'd, than that the Catholic Religion should not be propagated: And that the Contents of those Letters were about subverting the Government.

It was a known thing, that his Majesty was not over-fond of his Consort; and it was generally believ'd, he would have been glad of another, as well for the sake of Issue as Variety. Here then was the fairest Opportunity imaginable laid before him, to do what he was thought to desire most: A Charge of High-Treason, brought home to her Majesty's Life by an Overt-Act, and supported by a Brace of Witnesses; and all this, at a time when the People were so exasperated against the Presumptive Heir, that any Expedient, of any kind, to set him aside, would have met with a hearty Welcome.

But to the King's Honour it ought to be remember'd, that, instead of embracing it, he attended to the Depositions with Indignation; and was heard to say, according to Mr. *North*, *They think I have a mind to a new Wife; but for all that, I will not see an innocent Woman abus'd*. Certain it is, that, upon this Occasion, he caus'd *Oates* to be clapt up in close Confinement, his Papers to be seiz'd, his Servants to be dismiss'd, and no body to be admitted to converse with him, unless one of the Clerks of the Council were present.

A. D. 1678.

Both *Walsh* and *Poncis* gave the same Evidence to the Commons.

Notwithstanding which, the very Day after *Bedloe's* Examination, the same Gentlemen found their Way to the House of Commons, before whom they told the same Story; and from whom it receiv'd such Countenance, that the following Address was immediately prepar'd, and order'd to the Lords for their Concurrence, *viz.*

"We your Majesty's loyal and dutiful Subjects, the \_\_\_\_\_ and Commons in Parliament assembled, having receiv'd Information, by several Witnesses, of a most desperate and traitorous Design and Conspiracy against the Life of your most Sacred Majesty; wherein, to their great Astonishment, the QUEEN is particularly charg'd, and accus'd: In discharge of our Allegiance, and out of our Affection and Care for the Preservation of your Majesty's Sacred Person, and, consequently, of the whole Kingdom, do most humbly beseech your Majesty, that the QUEEN, and all her Family, and all Papists, or reputed or suspected Papists, be forthwith removed from your Majesty's Court at *White-hall*."

Address of the House on that Occasion.

This Address was communicated to the Lords, at a Conference, with an Intimation, That the House was in Amaze, when they consider'd the Danger both of the King and his Government.

The Lords, no doubt, were amaz'd likewise, when the said Conference and Address were reported: But that their Concern might not get the better of their Reason, they postpon'd the Consideration of it till the next Morning; and, in the mean time, order'd the two Witnesses to attend the House by Nine o' Clock; the Clerk of the Council to produce the several Depositions they had made before the Council; and the Judges to be present.

All this was perfectly agreeable to the Dignity and Justice of the House; and the illustrious Quality of the Royal Personage accus'd; who, aware of the Storm, that was ready to fall upon her, had before taken Occasion to claim the Friendship, or rather the Protection of the House.

The Occasion this: When *Bedloe* had first laid the Scene of *Godfrey's* Tragedy at *Somerfet House*, and the Lords had, in Consequence, order'd a Search to be made there for *Arms*, *Papers*, and *suspicious Persons*, her Majesty had not only given way to it, but with so much Readiness and Cheerfulness, that their Lordships thought it but a decent Compliment to vote her an Address of Thanks; in Return to which she was pleas'd to give the following Answer:

Her Majesty takes occasion to avow herself of the good Opinion of the Lords.

"That her Majesty was very sensible of the Civility of the Lords to her; and she should be extremely glad to contribute any thing on her Part, to the Discovery of this horrid Fact; and the more, because she hears it was done at *Somerfet House*, at the time she was there. She hop'd the Lords would continue their good Opinion of her, when any of her Concerns came before them, which would be ready to deliver from them, upon all Occasions."

This Answer was given to the House the

15<sup>th</sup>,

The King resent it,

and confess *Oates*.



A. D. 1678.

15th, and *Oates* had two Days before, desir'd a private Audience of the King, in order to unburden himself of the great Secret in Relation to the Queen.

*Oates's Account of his first Application to the King, in regard to the Queen.*

This *Oates* himself made known to the Marquis of *Winchelsea*; as also, that his Majesty had chose to refer him to the two Secretaries; that he had declin'd making a perfect Narrative, because Sir *Joseph Williamson* was present; and that Mrs. *Elliot* having since let him know the King would speak with him privately, he had attended accordingly, and made his said Narrative complete.

All this the Marquis specify'd to the House, on the 28th, before the Conference with the Commons; and the next Day both *Oates* and *Bedloe* attending according to order.

*Both he and Bedloe examined by the Lords.*

*Oates*, as Principal, was first call'd upon; who, previous to his Evidence, took care to set forth the Hardships and Severities he had undergone, and besought the House to interpose in his Behalf, that his Restraint might be taken off, and that his Pardon might be renew'd; because he was under Misprision of Treason.

After this Preliminary, which the Lords agreed to take into their Consideration, he set out with a Repetition of what has been already recounted: At the Close of which, being ask'd, whether Mrs. *Elliot* came first to him from the King, or whether he sent her first to the King? he answer'd, She came first to him, to tell him, the King would speak with him; whether from his Majesty or not, he could not tell: Adding, He never desir'd her to speak with the King. He said further, That when he went to the King, on the 15th, his Majesty was dissatisfy'd with what he said; and that he did not speak so freely as he should otherwise have done, because there was one present, whom he believ'd to be an Enemy to the King and Kingdom.

Several Questions were then put to him of the like Nature with those before started by the Council; and having return'd the like Answers, he was order'd to withdraw, that *Bedloe*, his Second, might communicate what he had to say by way of Confirmation. His Evidence was short, as before, but somewhat fuller: For by this time, he had farther recollect'd, That when *Stapleton* had uttered those significant Words, *I am glad they have brought her to it*, he, *Bedloe*, ask'd, *Who* was meant by HER? And *Stapleton* said, THE QUEEN. Being then ask'd, where he stood in the Chapel, when the Consult was above? He said, he came in from the Water-Side, through the Room where the Priests put on their Vestments; and standing below, he saw the Queen look over the Gallery. Being also ask'd whether he knew *Oates*? He said, he remember'd he had seen THE MAN at *Val-ladeld*, but knew not he was concern'd in this Business; adding, he went there by the Name of *Ambrose*; and that when he was formerly ask'd whether he knew him, he had deny'd it, because he knew him not by the Name of *Oates*, and had not then seen him here.

Mrs. *Elliot* was then brought to the Bar;

A. D. 1678.

and being ask'd upon Oath, Whether *Oates* had sent her first to the King, or the King had sent her first to *Oates*? she said, That the Lady *Gerard* of *Bronby* had told her, Dr. *Tonge* desir'd to speak with her; and that when they met, it appear'd the Doctor's Business was to tell her, That *Oates* must needs speak with the King, privately. Being then ask'd whether the Doctor had intimated what *Oates* was to speak to the King about? She reply'd, That by the Words he dropt, she guess'd the QUEEN was concern'd; but that he did not explain why or wherein; and that she went to the King, before he spoke with *Oates*, at Dr. *Tonge's* Desire.

Having thus finish'd with Mrs. *Elliot*, the several Depositions of *Oates* and *Bedloe* before the Council, as also the Address of the Commons, were severally read: A long Debate ensued, at the Conclusion of which the Question being put to agree with the Commons, it pass'd in the Negative, without either Division or Protest.

*The Lords reject the Commons Address.*

In this Interval, it is hard to say, whether out of Policy or Credulity, whether from a Dread of *Bedloe's* formidable Armies of Rebels and Invaders, or with a View to aggravate the Terrors of the People, the Commons prepar'd an Address, most humbly to desire his Majesty, that he would command all the Train'd-Bands to be in readiness, that one third Part might do Duty for 14 Days and so in Succession, the two others the same; and to require them to be very vigilant in the seizing all suspicious Persons, especially such as travel'd with Arms, or at unreasonable times, or in unusual Numbers; and, likewise, to command the Sheriffs to be ready with their Posse, &c.

*Commons Address to raise the Militia.*

It happen'd, however, that, in this Instance, the Zeal of the House out-ran their Knowledge; for when the said Address was left with the Lords for their Concurrence, their Lordships took time to consider how the Laws relating to the Militia stood; and, upon Inspection found, that, without farther Authority, the Militia could not be kept up above twelve Days in a Year; four of which, were for general, and the other eight, by two at a time, for particular Musters. This they communicated to the Commons at a Conference: As also that of these twelve Days, some had been already made use of by the Lieutenants of several Counties: Adding, that by his Majesty's Direction, as appear'd by the Statute, they might be kept up longer; but withal, that they could not had there was any Power to raise Money to pay them.

*sent up to the Lords, for their Concurrence.*

*Who had it irreconcilable to the Lords.*

The Lords here point out a Way by which the Kingdom might have the Benefit of its own settled, legal Forces (as the Militia was call'd in the Preamble to the Address, in contra-distinction to the standing Army:) The King could prolong the Time of their continuing in Arms; and the Commons could provide for their Pay. But the King's Name was thought to carry along with it more of Terror than Security. This Expedient, therefore, was not hearken'd to; and a Bill was brought in, and pass'd both Houses, to put the Militia on the Establishment desired.

But

A. D. 1678.

The King refuses to pass the Militia-Bill.

But the King was to the full as jealous of the Power of the Sword, as the Commons were fearful of its Use and Application; and as loth to open a Possibility of its passing into their Hands, as they to contribute to the enlarging of it in his. When, therefore, the said Militia-Bill, and the other for disabling Papists from sitting in either House, were ready for the Royal Assent, viz. November 30, his Majesty came to the House of Peers, and having sent for the Commons, pass'd the one, and rejected the other: On which Occasion, he express'd himself to the Effect following: "That he did not refuse to pass this Act for the Dislike of the Matter, but the Manner; because it put the Militia out of his Power for so many Days. But if it had been but for half an Hour, he would not have consented to it, because of the ill Consequences which it might have, in time to come; the Militia being wholly in the Crown: Adding, that so far as he was enabled by Law to raise the Militia, if they would provide Money for their Pay, he would employ such of them as he thought fit, and found necessary for the Safety of himself, and the Kingdom. That as for the other Bill, which was also of great Importance, and might produce ill Consequences hereafter, he had pass'd it, to oblige those who had thought it fitting at this time; and in the hope they would be careful to give him all Satisfaction for the future."

At a Crisis, when every additional Scruple in the Balance of Power was disputed on each Side; and when both were, perhaps, for throwing the Sword into their own Scale, like *Brennus* of old, by way of making Overweight to themselves; as it was not reasonable to expect, that the King would be over-lavish of his Prerogative, so it was not reasonable to presume, that Men, whose Passions were all on edge, would be oblig'd by halves; or that they would be more pleas'd with the carrying of one Point, than disgust'd with the Loss of another.

The Opposers thought themselves in a Situation to insist on both; and if they had lain under a Necessity to compound for one, the *Disabling-Bill*, as now qualify'd and reduc'd, appear'd no longer an Equivalent for the other.

Almost in the first Stage of the Plot, the Duke of York, against whom the Endeavours of the Party were principally levelled,

as if convinced of his own Unpopularity, and apprehensive of the Persecution he was to expect, had taken occasion to declare in the House of Lords, "That, since he found Dislike taken by some particular Persons, at his Appearance in the Committee for foreign Affairs, and at his meeting among the Lords of the Admiralty, he would, for their Gratification, hereafter forbear." This Yielding rather encourag'd than pacify'd his Purifiers. Two express Motions, as before-hinted, were made against him; one by Lord *Ruffel*, for an Address to his Majesty, "That his Royal Highness might be remov'd from his Presence and Councils." Another, "That the Opinion which the Papists have of the Duke's being for them, and of their Religion, was the Cause and Occasion of the Plot." Now, tho' these Arrows did not fly home to the Mark, they flew far enough to shew where they were aim'd: Some Temperament was therefore thought necessary, at once to preserve the Succession, and quiet the Fears of the Nation, with regard to their Religion. This (in spite of the Duke's Remonstrances, who, finding the ill Success of his former Concession, was for making no more) produced the condescending Speech before-quoted; which was also accompany'd with a sort of Declaration in his Majesty's Name, which the Lord Treasurer had the Credit of circulating, That the King was willing something should be enacted, to spare the Nails of a papist Successor; but that he would never suffer his Brother to be taken away from him, or the right Line to the Crown to be interrupted.

But these two Motions prov'd unpalatable to the Majority of the House, as well as the Crown: The first was dropt, and the last rejected: Hence it was found expedient to proceed after the Manner of Jockies, who bring the Horse by degrees to bear the Object they intend to ride over. The *Disabling-Bill* had probably never been (a) reviv'd, if it had not been to (x) throw the Duke out of the House of Lords; and as the Proviso, in his Royal Highness's Favour, had disappointed that great View, it became, or was held, of little or no (y) Use.

Thus it appears, the King only fed the Flame he thought to extinguish; and dismiss'd the Commons more exasperated than he found them.

This was the first Bill that had been (z) rejected

(a) If it fit the Reader should recollect, that the like Attempts were made in the Thirtieth Session of this Parliament; and, in the same Session, an Address was also presented for raising the Militia.

(x) This is acknowledg'd by *Ferguson*, in the second Part of the *Growth of Popery*, p. 222.

(y) Some Writers are of Opinion, that the Court Officers found their account sufficiently in this Bill, by the Duke's being openly record'd a Papist, by Act of Parliament: But, in my humble Opinion, all that could be gain'd by a Publication of that Kind, was already gain'd, by his Royal Highness's resigning his Commissions, in the Year 1673; toward complying with the Terms specify'd in the Proviso, which was us'd to the Money-Bill, That no Papist should be capable of holding public Employment: For, by this Act of his own, his being a Papist became as universally known, as it could be made by Act of Parliament.

(z) The Party Account of this Affair is thus given by *Ferguson*:

A. D. 1678.

Life of the Duke of Ormond, &amp;c. p. 974.

Memoirs against the Duke of York.

Reverdy's Memoirs, p. 70.

"The Nation being in this Confusion, and expecting every Day when our Troops should be cut by the Papists, resolv'd to have the Nation in a Posture of Defence, and to raise the Militia throughout the Kingdom; and, therefore, prepar'd a Bill for that Purpose, for the Militia to be in Arms for so many Days (forty-two) which Bill pass'd both Houses without Difficulty: The Papists, and the Conspirators, (seeking to great a Harmony between the two Houses, and their Zeal to defend themselves and the Nation, as well as to secure themselves from further Mischiefs, brought themselves to this Stratagem, to divide the King from the House, and to put a Stop to the passing the Bill; fearing, that if the Militia of the Kingdom were rais'd, it would quiet the Conspirators out of their Gears, and be a Means to frustrate all their Designs, after the Parliament was dissolv'd. And they in possess'd the King with the Danger of this Bill, and that whatever he did he should not pass it, telling him, it was too great a Trust repos'd in the People, and would be of dan-

A. D. 1678.

rejected since the Restoration; and never could this great Privilege of the Prerogative have been exerted at a more unhappy Time: Those who then clamour'd for a King were now angry at the Exercise of kingly Power, and discours'd with such Warmth and Bitterness, on their Disappointment, that his Majesty was induc'd (a) December 4, to palliate his Refusal yet farther, by the following Message:

King's Message concerning the Militia-Bill.

"Charles R. His Majesty, to prevent all Misunderstandings that may arise from his not passing the late Bill of the Militia, is pleas'd to declare, that he will readily assent to any Bill of that kind, which shall be tender'd to him, for the public Security of the Kingdom by the Militia; so as the whole Power of calling, continuing, or not continuing them together, during the Time limited, be left to his Majesty, to do therein as he shall find most expedient for the public Safety."

To any sensible Foreigner, who saw what was passing publicly on the Stage, but who remain'd in the dark as to what was passing behind the Scenes, nothing could appear more strange and unaccountable, than to see the Leaders of the People as urgent for the Militia-Bill, as if Perdition was at the Doors; and, at the same time, as urgent to disband the Army, as if no Danger was in prospect: And nothing could appear more strange and unaccountable, to any unprejudic'd Englishman, than to hear *Hebe* witnessing, that such mighty Differences were on the point of embarking from Spain and Flanders, to invade Us, at the very instant that the Spaniards themselves were solliciting the Continuance of our Troops on the Continent, for their Preservation.

The Facts relating to the Army were as follow:

The Affair of the Plot in a manner engrossing the Attention of the House of Commons, and that Part of the King's first Speech, which related to providing for the Army, meeting with no manner of Regard, November 25, while the Militia-Bill was yet depending, the King came again to the House of Peers, and made another Speech on that Subject only, signifying, "that he had been forced to employ the Money for the Continuance of his Forces, which was provided for their Disbanding: That he himself was much more

His Majesty's Speech is both House concerning the Army.

out of Purse for that Service: That he had undergone that Expence so long, that he found it impossible to support it any longer: That he had therefore entertain'd Thoughts of recalling his said Forces with all possible Speed, who were already expos'd to the utmost Want and Misery; being without any Prospect of farther Pay or Assistance: That, while he was about to do this, the Spanish Ministers had importun'd him to continue them a little longer, till the Ratifications of the Peace should be exchanged; without which, all that had been hitherto sav'd of Flanders would fall into the Hands of their Enemies: That he was in a great Strait between the said Importunity of the Spaniards, and his own Inability; That he had thought fit to lay the Matter before them, for their speedy Advice and Assistance; and that if they did not think it for the public Safety to continue them, no Man could wish more heartily than he, that for the public Ease, they might be immediately paid off, and disbanded."

A. D. 1678.

And, that the Assertions contain'd in this Speech might be supported with proper Authorities, 1. A Memorial of the Count d'Armaux to the States-General, refusing to comprehend the Duke of Newcastle, or any of the Princes of the Empire, or even the Emperor, severally, but only in their collective Capacity, in the Peace. 2. A Memorial from Mr. Van Benninghen, the Dutch Minister, to his Majesty; setting forth the Apprehensions of his Masters, from this Procedure of the French, and the Progress of their Arms in their Neighbourhood (Cloveys and Switers) as also demanding his Majesty's Advice and Opinion thereon. 3. A Memorial of the Count d'Esmeat, the Spanish Minister; beseeching his Majesty to continue those auxiliary Troops, which he had in Flanders, for the Security thereof, as long as Affairs continu'd in their present uncertain Situation. And 4. The States Answer to the Count d'Armaux; were laid before the Lords, and it must be presum'd before the Commons too; but without the desired Effect: For, on the 27th, the latter, proceeding to the Consideration of the State of the Nation, in relation to the Army, resolv'd, *Nemine contradicente*, "That it is necessary for the Safety of his Majesty's Person, and Preservation of the Peace of the Government, that all the Forces which have

Peers laid before the Parliament in Support of the said Speech.

Unanimous Vote for disbanding the Army.

geton. Consequence to his 1. *Doc* they knew what they fear'd was their own, and not the King's: And so far they wrought with the King, that he absolutely deny'd the passing the Bill; which put a great Dissent upon the People: more especially because they were furnished with unlawful, armed Men, who by quarter'd up and down the Country, upon the Insurrection, without being disbanded, as they ought to have been; and the rejecting of which Bill was look'd upon as no good Omen." [Second Part of the Growth of Popery, p. 219, 220.]

(a) Two Days before, the House order'd, that an humble Address be presented to his Majesty, containing a Representation of the present State, and Dangers of this Nation, to be presented on the following Heads, viz.

1. On the Misrepresentation of the Proceedings of this House.  
2. On the Dangers that have and may arise from private Advice, contrary to the Advice of Parliament.

[The House divided on this Article, and it was carry'd in the Affirmative, Yeas 138, Noes 114.]

3. On the great Danger the Nation lies under from the Growth of Popery.

4. On the Danger that may arise to his Majesty and the Kingdom, by the Non-observation of the Laws, that have been made for the Preservation of the Peace and Safety of the King and Kingdom.

"This Day Mr. J. Berkeley, p. 1.3. almed at my Lord Treasurer, and four others of the Cabinet Council. This was carried by two-and-twenty Votes, and seven four of the Courtiers were for it; whence it was by some esteem'd, that the Duke, being no longer in Council, was grown jealous of the Treasurer, and had a mind he should be remov'd. It was now said the Duke had been persuas'd (but unjustly) that his Lordship endeavour'd to insinuate into the King, that there was something of Probability in the Accusation against the Queen, partly that he might resolve to a Divorce, and marry another, more likely to bring Children to the Crown."

A. D. 1678. have been raised since the 29th of September 1677, and all others that, since that time, have been brought over from beyond Seas from foreign Service, be forthwith disbanded: And farther, in these Words, resolved, "It is the humble Opinion and Desire of the House, that the Forces which are now in *Flanders* may be immediately call'd over, in order to their disbanding."

presented to the King.

These Votes were, moreover, by Order, presented to the King; and, as Mr. Secretary Coventry reported to the House, his Majesty reply'd, "That the Disbanding the Army being a Matter of great Moment, he would consult and advise with his House of Lords, before he would give an Answer." But a few Days after, December 7, the Speaker inform'd the House, that he having acquainted his Majesty, altho' it was not by Order of the House, with the Entry which had been made of the said Answer, his Majesty was pleas'd to declare, That he never gave Orders for such Answer; that his Majesty's Intention (*Scruple*) was only in relation to the Forces in *Flanders*; and that Circumstances, even as to those, were now so alter'd, that he had already given Orders for their Disbanding.

That, however, some farther Time might be gain'd, under a plausible Pretence, the Lords, at a Conference on the 10th, signify'd, that being inform'd his Majesty had sent Orders for withdrawing the Forces out of *Flanders*, in order to their Disbanding, many Difficulties and Dangers do occur to their Lordships, if such Rules and Orders be not established by Confidence and Advice of both Houses, that the Disbanding may be made with Safety; which their Lordships conceive cannot be, by the Addition of such a Power to the Forces already here; and do therefore propose, that the Forces already here may not be increased by the Accession of more from abroad; but that a proportionable Number of the last may be disbanded, before the Regiments from *Flanders* shall arrive; and that after Consideration hereof by the Commons, by the joint Advice of both Houses, a Regulation may be made accordingly.

The Commons grant a Supply for that End,

And to this the Commons agreed; but, nevertheless, proceeded to grant a Supply of 200,462*l.* 17*s.* 3*d.* and prepare a Bill, which pass'd thro' all the Forms of the House by the 16th, for the effectual paying off and disbanding the Forces rais'd, or brought over from foreign Parts into this Kingdom, since Sept. 29; and withal, on such very ungrateful Terms, namely, by directing the Money to be paid into the Chamber of *London*, instead of the Exchequer, that it gave more Disgust than Satisfaction. The King espous'd his Ministers Resentments, and the Lords, espousing the Resentments of the King, interpos'd, thro' in a Money-Bill, in behalf of the Prerogative, started such Cavils, and made such Amendments, as shew'd they were much more solicitous to be well as Court, than to exonerate the People: At least it so appears from the following Reasons, assign'd by the Commons at a Conference, for disagreeing to the

under such Restrictions, that the Lords take Exception to the Contents of the Contents.

Which the Commons dissent to.

greater Part of their Lordships Amendments:

A. D. 1678. Chas. II. and Proceed. of the Commons.

That the Appointment of a Receiver-General by his Majesty, being made by their Lordships in reference to the Payment of the Money into the Exchequer; the Commons disagreeing with their Lordships in that Amendment, the Reasons of that Appointment cease.

That if the nominating a Receiver-General should be delay'd, the whole Business of disbanding would be delay'd or disappointed likewise.

That the Commons granted a Sum of Money for disbanding the Army last Year, and intrusted it to the Exchequer; but that the said Sum was employ'd for the Continuance of the Army, without disbanding one Man; and that they cannot think it safe to trust the Exchequer again, while manag'd by the same Persons.

The Commons have directed the Payment of the Money into the Chamber of *London*, for its Security; and that their Lordships never before chang'd any such Disposition made on a Supply granted by the Commons.

That the Commons, thinking it necessary for the Peace and Safety of the Kingdom, that the Army should be immediately disbanded, to prevent all Evasions, have enumerated all ways hitherto used for that purpose, that they might be declar'd to be within the Penalties of the present Act.

That it being essential, that the Soldiers should disperse as soon as they are disbanded, the Commons do not think the Penalty of Felony too great in case of Disobedience.

That the Commons think it to continue the Preamble to the Clause of Indemnity, because it contains the Reasons for inserting that Clause in the Bill.

That this being an Act for the more effectual disbanding of the Army, the Commons did limit the Indemnity to the Officers and Soldiers, being the Persons that were to be disbanded; that, thereby they might be encourag'd to disperse, when they were satisfy'd they might return home with Safety: And the Commons not thinking it necessary or convenient to extend it any farther.

That the Commons do not think it fit to extend the Indemnity to any Person enlisted, or muster'd, since November 1; because they see no occasion why any such Person should be taken into the Army, unless it were to increase the Charge; or for some ill Purpose.

The Lords, on the other hand, at a second Conference, took occasion from the Necessity of continuing the Army, to justify the Credit and Conduct of the Exchequer, it setting aside a Parliamentary Appropriation; Notwithstanding which, they urg'd, "That they could not suspect, that any Person concern'd in disbanding the Army, would misemploy the Money which was appropriated for that Purpose, under such severe Penalties, and to be dispos'd of by Commissioners appointed by the Commons," and upon the whole, insisted on their Amendments against the Reasons of the Commons; because they conceiv'd the effectual disbanding the Army,

The Lords insist on their Amendments.

A.D. 1678.

was secur'd, as they had amended the Bill. As the Commons sent it up, they added, it would have invaded the King's declar'd Power, to have rais'd or employ'd the Army on any other Emergency; it would have disabled him from filling up the Guards and standing Troops, and furnishing the Islands out of the Forces so disbanded; which was likewise a main Reason why the Lords could not consent to make the Penalty of Felony so extensive, as to reach any to employ'd.

They also insisted on leaving out the Preamble to the Clause of Indemnity, because of the Necessity there was for the Army's Continuance.

And, instead of limiting the Indemnity to Officers and Soldiers, as the Commons had done, they thought fit to enlarge it to all other Persons; and that being a Work of Mercy, no Officer should be impeach'd or question'd for Breach of the former Act.

But if the Lords were thus preemptory, the Commons were the same; and, upon the Report of the Conference, rejected their Lordships Reasons without a Division: Tho' Sir John Reresby affirms the contrary.

Before we pursue this Affair to its final Issue, 'tis necessary to take a View of some other Transactions of the Session.

By Mr. Montagu's Letters to the Lord Treasurer, and Mr. Charles Bertie, of March 29, April 11, and June 4, 1678, and his subsequent Conduct, it appears, that his extreme Earnestness to engage the King and Lord Treasurer in a Money-Intrigue with France, and to be himself the grand Negotiator of it, arose either from his Ambition to be Secretary of State, as the Reward of his good Services, or to have it in his Power to ruin that Minister, in case he was disappointed. Those several Letters turn principally on his Wishes and Endeavours to obtain that important Post; and moreover specify that he was willing to lay down ten thousand Pounds, the Price Mr. Secretary Coventry had set on his Resignation, whenever the King gave his Consent he should come in.

But the Lord Treasurer, unwilling, perhaps, to admit such an Intriguer so far into the Secret of Business, or having Reason to suspect, if not conclude, he would be more the Tool of France, than the Servant of England, rather travers'd than forwarded his Suit, and threw all his Weight and Interest into the Scale of Sir William Temple, who, at once, both deserv'd the Trust, and declin'd the Acceptance of it. His Lordship, however, made no Secret of his Engagements to Sir William, even to Mr. Montagu himself. On the contrary, he both acknowledg'd and

pleaded them in Excuse for not supporting that Gentleman's Pretensions to his Majesty: And in Return for this plain Dealing, Mr. Montagu assures his Lordship, That nothing should alter the Professions he had made of being, in Truth, his Servant.

They were, indeed, Professions, and no more: For no sooner did his Excellency apprehend that all his Projects were like to blow up, than he desir'd Leave to come over; and, that being refus'd for such solid Reasons that he himself was oblig'd to (b) subscribe to; he, nevertheless, left (c) Paris shortly after, and came privately into England; where he had the Meanses to solicit the Treasurer's (d) Protection; and, at the same time the Perfidiousness to meditate and contrive his Ruin.

If Mr. Bristane's Narrative is to be depended on, who, was Deep in Mr. Montagu's Confidence, tho' more at the Devotion of the Lord Treasurer, his Excellency no sooner set Foot on Shore, in a manner, than the French Minister, Barillon, was of his Party, and visited him afterwards, constantly and privately, four or five times a Week.

He arriv'd here from Paris in August, and in October sent for Bristane, in all Haste, to be his Agent for a Seat in the House of Commons, which, in those Days, was not essential to the holding any Place of Trust or Profit in the Government, and which he himself had formerly treated with great Contempt. Bristane went immediately Post into Sussex to procure him return'd for Grinstead; and that failing, set out on the same Errand for Northampton, where (e) he made a Shift to carry his Point.

It was not long before the Lord Treasurer had some Intimation of these Proceedings, and, fearing the worst, thought it advisable to be ready with a Countermine: In his Lordship's Letter to Sir William Temple, of November 19, we find him laying out for Intelligence; and, in particular, saying, "That Mr. Oliverant, one of the Swedish Ministers at Newquen, could tell some things, if he pleas'd, that would both spoil his (Montagu's) Plots, and his Seat in Parliament." These Things, it seems, Mr. Oliverant was prevail'd on to disclose; and on the Strength of his Information, December the 10th, Sir John Ernle, Chancellor of the Exchequer, signify'd, That he was commanded by his Majesty to inform the House of Commons, that his Majesty having receiv'd Information, that his late Ambassador in France, Mr. Montagu, a Member of this House, had held several private Conferences with the Pope's Nuncio there, without any Direction or Instruction from

A.D. 1678.

Dunby's Let-  
ter.Both Hough  
perjurers.The great Con-  
test between  
the Lord Treas-  
urer and Mr.  
Montagu.Message from  
the King, to  
inform the  
House, that  
he had order'd  
Mr. Montagu's  
 Papers  
to be seiz'd.

(a) "If I had his (the King's) Leave, considering what his Illness was, I should not have made use of it, till I had seen the Difficulty of forwarding the (Spanish) Treaty over, one way or another." [Mr. Montagu to the Lord Treasurer.]

(b) The Earl of Sunderland was sent in his stead.

(c) The French Minister then in London, Barillon and Ruviers, having given him Intimation, that tho' he had escap'd being sent to the Tower, the King would strike him out of the Council, he wrote as follows to the Lord Treasurer: "There is nothing the King can do to me but as that; for it keeps me from coming to Court, faster than any thing: Wherefore, I beg the Continuance of your Lordship's Favour to me; and

that, between this and Wednesday, you will be pleas'd to find out by the King, if he intends any such thing; your Lordship's taking me into your Protection is enough to put a Stop to it, and to oblige me to all the Acknowledgments, &c."

(e) Bristane was afterwards retain'd as an Intelligence to the French Ambassador, with a Pension of a hundred Pounds for a year, and receiv'd thirty Guineas from Lady Harvy, Mr. Montagu's Sister, in part of Payment; but, as it appears, was, afterwards, induc'd to leave this Coast, and betray all to the Lord Treasurer.

A. D. 1678

Their Refolu-  
tion thereintransmitted to  
the King.

Reresby, p. 74.

from his Majesty, to the end he might know the Truth of that Matter, he had given Order for the seizing Mr. *Montagu's* Papers.

Upon which the House resolv'd, That no Judgment could be made, either in relation to their Member, or Privilege of the House, which may be in a great measure invaded, unless his Majesty will be graciously pleas'd to let this House know, whether the Information against Mr. *Montagu* was given upon Oath, or of what nature the Offence was, that was thus complain'd of.

A Committee was then appointed, instantly to wait upon the King with this Vote, who, upon their Return, inform'd the House, That they had been to wait upon his Majesty according to Order, who had sent them Word out of the House of Lords, that he was at that time *very busy*, and that his Majesty had rather they would attend him at *Whitehall*, when the House was up.

Mr. *Montagu* then took his Opportunity to assure the House, that the Affair then before them was a mere Artifice, contriv'd by the Treasurer to save himself; But that his Lordship had deceiv'd himself: For that, altho' most of his Letters were seiz'd, he had by good Luck sav'd the most material, which he conceiv'd might tend very much to the Safety of his Majesty's Person, and the Preservation of the Kingdom. This produc'd an Order of the House, That certain Members should be dispatch'd to bring the said Papers before the House; which was forthwith done accordingly: And Mr. *Montagu* himself was order'd to open the Box, and select such as he thought might be for the Service of the House, and dispose of all those which properly concern'd himself, as he pleas'd. Mr. *Montagu* then presented the two Letters, before quoted, dated *January 17, 1677*, and *March 25, 1678*, both which were read by the Speaker to the House, and serv'd as a lighted Match to the Train which had been long laid to blow up the Treasurer. The authoritative Words at the Bottom of the Letter, namely, *This Letter is Writ by my Order*, C. R. appear'd now to have no Authority at all. A Motion was made that these Letters contain'd sufficient Matter for an Impeachment; and the House dividing on the previous Question, it was carry'd in the Affirmative by a Majority of sixty-three Voices. A Committee was appointed immediately to draw up the Articles, of which Mr. *Montagu* was one: And a Resolution pass'd, That the Speaker should not, at any time, adjourn the House, without first putting the Question, it insisted on.

The next Day the Lord Treasurer sent Mr. *Montagu's* Letters of the 11th and 18th, of *January*, likewise before quoted; the first giving Notice of young *Ruvigny's* Journey to *England*, and his Practices among the Malcontents; And the last, among other things, mentioning old *Ruvigny's* Maxim, That they (the *French*) must first diminish the Lord Treasurer's Credit, before they could do any good in *England*.

These Letters, his Lordship himself affirms, the House of Commons would not

permit to be read: But Sir *John Reresby* affirms the contrary, in his Memoirs, p. 77; as doth also one of his Lordship's own Apologists, and even the Journals of the House of Commons.

But if they were read, they had no Weight: Mr. *Montagu* had all the Favour usually shewn to those who impeach their Accomplices, and was thought to act so meritoriously in the Discovery, that no body car'd to reflect that he himself was the chief Promoter of the Guilt.

Six Articles against the Lord Treasurer were reported to the House on the 21st, to the following Purport, *viz.*

1. That he had traitorously engros'd to himself regal Power, by treating in Matters of Peace and War, with foreign Princes and Embassadors, and giving Instructions to his Majesty's own Embassadors, without the Participation of either the Secretaries of State or his Majesty's Council.

2. That he had traitorously endeavour'd to subvert the ancient and well-established Form of Government, and, instead thereof, to introduce Arbitrary Power; to effect which he had rais'd an Army to be rais'd under Pretence of a War against the *French* King; and had continu'd that Army, contrary to Act of Parliament; at the same time misapplying the Money given for the disbanding thereof, and wilfully neglecting to take Security of the Paymasters, &c.

3. That he, traitorously intending to alienate the Hearts and Affections of his Majesty's good Subjects from his Royal Person and Government, and to hinder the Meetings of Parliaments, and to deprive his Majesty of their safe and wholesome Council, did propose and negotiate a Peace for the *French* King upon Terms disadvantageous to the Interest of his Majesty and his Kingdom; for the doing whereof, he endeavour'd to procure a great Sum of Money from the *French* King, for enabling him (the Lord Treasurer) to carry on his said traitorous Designs and Purposes.

4. That he was *Popishly* affected, and had traitorously conceal'd, after he had Notice, the horrid and bloody Plot: That he had suppress'd the Evidence, and reproachfully discountenanc'd the King's Witnesses in the Discovery thereof, in favour of Popery.

5. That he had waded the King's Treasure by issuing for unnecessary Penions and secret Services, to the Value of two hundred thirty one thousand, six hundred and two Pounds, within two Years, &c. and had remov'd two of his Majesty's Commissioners in the Exchequer for refusing to consent to such his unwarrantable Actings therein, and to advance Money for private Uses.

6. That he had, by indirect Means, procur'd from his Majesty to himself divers considerable Gifts and Grants of Inheritance of the ancient Revenue of the Crown, even contrary to Acts of Parliament.

These Articles were no sooner read, than the House fell into all that Warmth and Bitterness of Spirit which impress the Stamp of Faction on both Sides. Both he that acquit-

A. D. 1678

Duby's Memoirs, vol. II. p. 234.

Articles against the Lord Treasurer.

A. D. 1678.

ted, and he that accus'd, appear'd equally under the Dominion of Passion and Prejudice; and, consequently Reason and Justice took leave of the Assembly, as having no Concern in their Decisions.

The first Motion that could be heard, was, *That the Articles be committed for the greater Freedom of canvassing the Particulars they were compos'd of.* But this was overru'd, by 179 Voices against 137. The next was for *Candles*, which was carry'd in the Affirmative by a Majority of 50. The third was to have the important Word *traiterously* left out of the first Article, which pass'd in the Negative, Yeas 179, Noes 141.

A Question being then stated, that the Lord Treasurer be impeach'd on the above recited Articles, a Counter Motion was made to *adjourn*, but without Success; the Impachers carrying their Point by 28 Voices: And lastly the House divided on the 4th Article, *viz.* Whether it should remain as part of the Charge against his Lordship, which also pass'd in the Affirmative, Yeas 143, Noes 119.

While this last Question was under Dispute, a younger Son of the Earl's, who had a Seat in the House, join'd Issue with the Persecutors of his Father, and made it his Request, that this Part of the Charge might be permitted to stand.—That, from thence it might appear with what sort of Zeal the whole Affair had been conducted.

Carry'd up to the Lords.

On the 23d these Articles were carry'd up to the House of Lords, and the Earl was impeach'd in the usual Forms: After which, a Motion being made, that his Lordship should withdraw, it was overru'd by a Majority of twenty.

Burnet, &amp;c. i. p. 441.

A great Debate, however, arose on the Question, Whether the Impeachment should be receiv'd as an Impeachment of *High Treason*, only because the Commons had added the Word *High Treason* in it?

It was said, the utmost that could be made of it, was to suppose it true. But even in that Case, they must needs say plainly, that it was not within the Statute.

To this it was answer'd, That the House of Commons that brought up the Impeachment, were to be heard to two Points, *viz.* To the nature of the Crime; and the Trial of it. But the Lords could not take upon them to judge of either of these, till they heard what the Commons could offer to support the Charge: They were bound there-

fore to receive the Charge, and to proceed according to the Rules of Parliament, which was to commit the Person, to impeach, and then give a short Day for his Trial; which would leave things as they were, in case the Commons could not prove the Matter charg'd to be *High Treason*. We are told that the (f) Debate was conducted with much Heat on both Sides: And on the Issue it appear'd the Majority were against the Commitment.

His Lordship had desir'd to be heard in his Place, while the Motion for his withdrawing was yet in Dispute; and let out with declaring his Abhorrence of Treason to be so great, "That were I sure, said he, that the dearest Child I have, were guilty of it, I would willingly be his Executioner." He then proceeded both to deny and disprove the several Articles alleg'd against him: And beginning with the *first*, profess'd not to understand what was meant by his assuming Regal Power, since he had never done any thing of great moment in his Life, either at home, or relating to foreign Matters, without his Majesty's Command; and particularly for the Letters then made use of against him, which were warrant'd by his Majesty's Orders given under his own Hand. The *second*, relating to the Army, he thought scarce needed an Answer; it being obvious that the said Army was no more rais'd by him, than every other Lord in that House: Adding, That a Treasurer must be a Fool, who was the Author of a Measure that created a Want of Money, more especially such a Devourer as an Army: And that the Charge relating to the Pay-master was false in Fact; for Security had been taken to the Sum of four hundred thousand Pounds. The *third* he alleg'd to be of the same nature with the first, and therefore he left the same Answer to serve for both; only he thought fit to throw in a Word with regard to his Accuser, *viz.* "That tho' he esteem'd it one of the greatest Misfortunes that could befall a Man, to lye under such a Charge of the House of Commons, yet he had rather be under that Misfortune, great as it was, than under his Circumstances." The *fourth*, which turn'd on his Inclination to Popery, and his Suspicion of the Plot, he made no Scruple to declare was not only false in every Part of it, but that it was not possible to believe it true, without believing, at the same time, that he was the greatest Fool, as well as the blackest Villain

His Lordship's extraordinary Speech.

(f) Among the Speakers on this Occasion was the Earl of *Carnewick*, a Lord who is said never to have spoken before in that House; who, having been heated with Wine, had more excited to display his Abilities by the Duke of *Buckingham* (who meant no Favour to the Treasurer, but only Ridicule) was refused, before he went up, to speak upon any Subject that should offer itself. Accordingly, he stood up, and delivered himself to this Effect:

My Lords,

I understand but little of Latin, but a good deal of English, and not a little of the English History, from which I have learnt the Mischief of such kind of Prosecutions as these, and the ill Fate of the Prosecutors. I could bring many Instances, and tho' very ancient; but, my Lords, I shall go no further back than the latter End of Queen Elizabeth's Reign: At which time the Earl of *Essex* was run down by Sir *Walter Raleigh*. My Lord *Roos*, he was run down by Sir *Walter Raleigh*, and your Lordships know what became of my Lord

*Bass*. The Duke of *Buckingham*, he ran down my Lord *Roos*, and your Lordships know what happen'd to the Duke of *Buckingham*. Sir *Thomas Wilmot*, afterwards Earl of *Stratford*, ran down the Duke of *Buckingham*, and you all know what became of him. Sir *Harry Fans*, he ran down the Earl of *Stratford*, and your Lordships know what became of Sir *Harry Fans*. Chancellor *Hyde*, he ran down Sir *Harry Fans*, and your Lordships know what became of the Chancellor. Sir *Thomas Osborne*, now Earl of *Dunby*, ran down Chancellor *Hyde*; but what will become of the Earl of *Dunby*, your Lordships had our roll, but let me see that Man that dare run the Earl of *Dunby* down, and we shall soon see what will become of him."

This being pronounced with a remarkable Humour and Tope, the Duke of *Buckingham*, both surpris'd and disappointed, after his Way, cry'd out, *The Man is right!* and Christ has done the English.

A. D. 1678.

Villain on Earth: "For, said he, were I capable of such a Wickedness, yet the more wicked any Man is, the more he is carry'd to his own Interest: And is it possible that any thing under Heaven can agree less with my Interest, than the Destruction of this King? Can I possibly hope to be better than I am? And is it not apparent that there is not one Man living whose Happiness depends so much as mine upon the Preservation of his Person?" He then enlarg'd on the Circumstances already related with regard to the Discovery of the Plot, and his Concern in the seizing *Coleman's* Papers; and thank'd God, that as to his being Popishly affected, some of those who had voted against him had borne witness to the contrary. Then as to the waisting the King's Treasure, which was the Amount of the *fifth*, he affirm'd, that, in his time, there had been no Treasure to waste; not one Farthing having been given in almost six Years, but what had been strictly appropriated by Parliament, and as strictly apply'd by him. He also particulariz'd some of the good Effects of his own Administration, and concluded on this Head with saying, "I doubt not but to appear meritorious, instead of being criminal on that Article." And, as to the *sixth*, which mention'd his *great Gettings*, he said, "I cannot deny but I serve a Master, whose Goodness and Bounty hath been a great deal more to me, than I deserv'd, and to whom I can never pay Gratitude enough by all the Services of my Life: But when the Particulars of those Gettings shall appear, it will be found very contrary to what is suggested already: And that, in near six Years time, in this great Place, I have not got half that which many others have got in lesser Places, in half that time. And from the Examination of this, which I desire may be seen, there will arise Matter to accuse my Prudence, in not having done for my Family what I justly might, but nothing to arraign my Honour, my Conscience, or my faithful Service to the Crown."

Having thus gone through the six Articles severally, his Lordship added upon the Whole, "If my Obedience to the King should not be held criminal, I think nothing else would stick upon me from these Articles: For my own Heart flatters me to believe, that I have done nothing but as a true Protestant, and a faithful Servant both to my King and Country. Nay, I am as confident as that now I speak, that, had I either been a *Papist*, or Friend to the *French*, I had not been now accused: For I have Reason to believe, that the principal Informer of the House of Commons hath been assisted by *French* Advice to this Accusation: And if the Gentleman were as just to produce all he knows for me, as he hath been malicious to shew what may be liable to Misconstruction against me, or rather against the King, as indeed it is, no Man could vindicate me more than himself." To make this clear to the House, he then

touch'd upon several Passages in *Mr. Montagu's* Letters, touching the Offers of the *French* to his Majesty, and their Animosity to himself; and then proceeded in the following extraordinary manner: "Besides what that Gentleman could say, if he pleas'd, I hope his Majesty will give me leave, in my Defence, to say in his PRESENCE, and in the Hearing of divers Lords, with whom I have the Honour to sit in the Committee of Foreign Affairs, that which, were it not true, his Majesty must think me the impudentest and worst of Men to affirm before him, that, ever since I had the Honour to serve his Majesty, to this Day, I have delivered it as my constant Opinion, that *France* was the worst Interest his Majesty could embrace; and that they were the Nation in the World from whom, I did believe, he ought to apprehend the greatest Danger, and who have both his Person and his Government under the last Degree of Contempt: For which Reason alone (were there no other) I would never advise his Majesty to trust to their Friendship."

For a Clofe, his Lordship, after having taken occasion to felicitate himself, that his Peers were to be his Judges; and to compliment them on their known Wisdom and Justice, proceeded to animadvert on the Word *traiterously*, annex'd by the Commons to their Articles of Impeachment; and very dextrously insinuated, that, tho' the House had wisely provided to have the *special Matter* before them, they would do well to consider, whether that special Matter was what it was call'd; that is, Matter of Treason. Some of his own Expressions are as follow: "As for Example; If a Man were accus'd of having *traiterously* pass'd the River in a Pair of Oars, this is special Matter, and styl'd Treason, by inserting the Word *traiterously*; yet your Lordships would not therefore proceed, as taking it for Treason: So in this case, I beg for all your Lordships Sakes, as well as my own, that you will please to use that Caution, which will be necessary for all your Lordships Safety and Seats in this House. What the House of Commons may do in such a Case, there is no question, but his Majesty may do the same by his Attorney; and what either of them may do against one Lord, they may do against more: (and we have seen it done, in our Days, against all the Bishops at once) Were it not very precariously then that your Lordships hold your Seats here, when by either of these ways, as many of your Lordships, as, for a Time, it might be convenient to remove, should be at the Mercy of having a thing CALLED Treason, whether it be so or no? Truly, my Lords, I have Reason to believe that, in the House of Commons, the Matter of my Charge, if prov'd, was not thought to amount to Treason, either by Statute or Common Law: And I hope your Lordships have too sad an (*b*) Example in your Memory, ever

A. D. 1678.

(b) Every body will be aware that his Lordship here refers to the Case of the late Lord Strafford: And yet Sir

John Evelyn relates the following Circumstance: "And here I cannot but take notice, that the King, observing the Lord



A. D. 1678.

ever to assist the making of Treason by Accumulation."

Of the Impolicy, as well as Injustice of accusing a Statesman in the wrong Place, Notice has been already taken: But we have again a like Opportunity to make the like Reflections. Had the Mob been to fit in Judgment on the Lord Treasurer, no doubt it had been politic, however injurious, to lay the high Crime of Popery to his Charge, as being, at that time more especially, the unpardonable Sin: But as the Lords only were to decide the Merits of the Cause, what serv'd to inflame without Doors, serv'd only to excite Abhorrence and Indignation within: And what was calculated to aggravate the Earl's Guilt, contributed more to the Manifestation of his Innocence.

His Lordship, we find, discern'd the Advantage it gave him, and made the most of it: His Defence on that Head has an Air of Ingenuity that is irresistible; and those who saw one Article so effectually subverted, were easily brought to question the Validity of the rest. If he had not assum'd a Regal Power, he had assum'd the Ministerial Prerogative, and thereby done Violence to our Constitution, which acknowledges no such thing. He had quitted his proper Province in the Treasury, and taken the Direction of the Cabinet, principally, if not solely on himself: If he had not rais'd the Army, he had us'd his whole Influence, to get it rais'd: And within a few Days after the Parliament had made Provision for a War, he had enter'd into a clandestine Treaty for a Peace. Whatever plausible things might be urg'd to shew the Necessity of keeping up the Army, he had acted in Defiance of an Act of Parliament, in applying the Money granted for the disbanding it, to the continuing it still on foot. And in Excuse for all this, he had nothing to urge but his Obedience to the King's Command, which in England is no Excuse at all. The Commands of our Kings are no longer sacred, than they are warrantable both by Law and Equity; nor is any Englishman oblig'd to serve his Sovereign to the Prejudice of his Country. He who obeys, when he ought to resist, does it at his own Peril; nor can the Power of the Crown protect him from being question'd by the Laws, tho' it may preserve him from being punish'd by them. When Sir William Temple was call'd upon to lend his Countenance to the same dirty Job, he gloriously disobey'd, and has adorn'd our Story with one shining Example.—But he that blam'd the over-delicacy of it, could not be expected to follow it.—

The Lord Treasurer's Conduct was, therefore, liable to Exceptions;—Nay, he himself seems to be conscious of it; and for that Reason takes Shelter under Misdemeanours to avoid the capital Charge of Treason. On

the other hand, nothing but a capital Charge would answer the Purposes of his Enemies. They wou'd the Account they brought against him, not because they had sufficient Vouchers to support it, but because they thought it would be otherwise insufficient to get him committed, and consequently remov'd, which was the grand Point in view. But the Judges in this Case were not altogether so zealous as the Jury who had found the Bill, nor in a Disposition to admit Allegations as Proofs. In short, tho' they had committed five Popish Lords on the Oath of one single Witness, they would not commit a Protestant Treasurer, as hath been already observ'd, at the Suit of the Commons of England.

Tho' it had been usual for the Parliament to adjourn during the Whole of the Christmas Holidays, so intent were both Houses now on the Prosecution of the Plot, that they sacrificed but two Days to the Season. December 5, the said Popish Lords had been severally impeach'd at the Bar of the House of Lords, viz. The Lord Arundel of Wardour, by Mr. Wharton, the Earl of Powis, by Mr. Maynard, the Lord Bellasis, by Mr. Tymme, the Lord Petre by Sir Philip Warwick, and the Lord Viscount Strafford, by Sir Scroop Hew. And the next Day both (i) Houses join'd in an Address, that his Majesty would issue his Commands to all the Sheriffs, Justices, Mayors, &c. of the Kingdom to apprehend, detain, and secure all Popish Recusants, and all others who should or might be justly suspected to be Popish, and to oblige them to give in sufficient Bail for their good Behaviour.

This was arming Persecution with Authority, and destroying the Peace of the Nation, under the Notion of preserving it: And yet, so harden'd, or so insatiate were the Times, that almost all, but the Sufferers, thought these savage Proceedings just. Early in the Session, at the Instance of the Commons, Informers of all kinds had been invited by Proclamation, to come in and make their Discoveries; in consideration of which, they were promis'd not only Indemnity, if Accomplices in the Plot, but a Reward for their good Service. This had such an Effect, that scarce a Day pass'd, but some strange Story was told of armed Men marching by Night, Arms conceal'd, treasonable Letters found, and Consultations held, which were not only patiently heard, but actually enter'd into the Journals of the Lords; as if worthy of the Knowledge and Attention of Popery.

But tho' it would be both useless and endless to recount all the several abortive Prodigies of this teeming Age; the more fruitful Births, which are upon Record in our Courts of Justice, must likewise have a Place in our Annals.

December 20, one John Wren, who lodg'd in

A. D. 1678.

The five Popish Lords impeach'd.

All Popish Recusants, or other suspected Persons, oblig'd to give Security for their good Behaviour.

Lord Strafford to be very violent in the House against the Earl of Danby, (which it seems took birth from a personal Pique to him, for obstructing a Pension he had from the Crown) told me, He wonder'd at it much, seeing his Father came to the End he did by the very self-same Method of Proceeding. P. 79.

(i) The Lords Northampton, Angley, Ferrers and Freshville enter'd their Protest on this Occasion. For that it is humbly conceiv'd to be contrary to and against Law in several Particulars; and both unjustifiable and dangerous for those that shall put in Execution.

A. D. 1678.

in the House of Miles Prance, a Silvermith in Covent-garden, one Joseph Hail, and another Person, obtain'd a Warrant against the said Prance, on a Presumption that he was one of the Murderers of Godfrey, grounded on his absenting himself from his House about the Time that the said Godfrey was first missing; on his hiring a Horie to go out of Town; on his having a Brother who was a Priest; and his having dealt with Groves, Pickering, Fenwick, and Ireland. This Warrant was serv'd the next Day; after which Prance was carry'd away in Custody, says *LeStrange*, into a little Room within a Lobby, by the House of Commons; whence, after some Hours waiting, he was remov'd to an Eating-house call'd Heaven, and into a Room where Bedloe was waiting; who, on sight of the Prisoner, starting up, declar'd, with an Oath, "This is one of the Rogues that I saw, with a dark Lanthorn, about the Body of Sir Edmundbury Godfrey; but he was then in a Periwig." What Prance reply'd, we do not find mention'd: But being carry'd, after some time, before the Lords Committee, Bedloe charg'd him with the Murder, and Wren with being out of his House when the Body was missing: But he deny'd all, upon his Examination; affirming, that he knew nothing of the Murder, neither did he know Bedloe; and objecting against Wren, as an incompetent Witness: And the Heads of his Depositions were as follow:

*Details all  
Concern in,  
and Knowledge of, that  
Murder.*

"That he had been a Papist, but was now a Protestant, and had taken the Oaths: That he had wrought in his Trade for Groves, Pickering, Fenwick, and Ireland: That the Sunday after these Persons were taken up, he said, in a Coffee-house, they were very honest Men; which some People took offence at. He kept out of the Way, for fear of being question'd. He never lay out of his House, but three Nights, in two Years: Nor did he go to the Queen's Chapel once a Month. He deny'd the hiring of a Horie, at first; but confess'd it afterwards, and that it was to go out of Town, to avoid the Oaths: That an Arrest stay'd him in Town: That his Wife was a Papist: That he chang'd Guineas for one Mr. Owen, a Layman: That he had nothing to do with the Death of Godfrey: That he lay at a Neighbour's House on Monday, when Sir Edmund was missing: That he made a light flaxen Periwig, of his Wife's Hair, but he never wore it: That he had dealt with Groves for Guineas, and had Money of him for Work: That he knew Pickering, and had been lately in his Company, but neither Wolff, nor Pritchard: That Pickering was a Clerk in the Queen's Chapel: And that he did not know *le Pbaire*," &c.

*Is committed  
in Newgate.*

His Examination being ended, he was by their Lordships committed to Newgate; and not only so, but, by particular Order, put in heavy Irons, and lodg'd in the Condemn'd-Hold.

On Monday the 23d, the House of Lords

was inform'd, that Miles Prance had made some Discovery of the Plot; and had offer'd to make further Discovery of the said Plot, and also touching the Death of Sir Edmundbury Godfrey, and the whole Manner of it, if he might first be fully assur'd of his Majesty's gracious and general Pardon, &c. And it was forthwith order'd, that the Duke of Buckingham, the Marquis of Winchester, the Earl of Shaftsbury, and Lord Grey of Wrotham, should acquaint Miles Prance in Newgate, that Afternoon, with his Majesty's gracious Assurance; and that they should then and there proceed to examine him thoroughly, in order to a true and perfect Discovery; and that Care should be taken, that no other Person, Lord or Commoner, should be present at the said Examination, but the said Lords, and the Prisoner.

A. D. 1678.  
*Examined  
Miles Prance  
concerning  
the Murder of  
Godfrey.*

The House of Commons also pass'd two Orders of the same Date likewise, upon the same Subject, *viz.*

1. That the Committee of Secrecy, or any three of them, do repair to the Prison, and take the Examination of Mr. Prance touching the Plot, and the Murder of Sir Edmundbury Godfrey. And in the Afternoon,
2. That the Committee of Secrecy appointed to examine Mr. Prance, do impart to the Prisoners in Newgate the Contents of his Majesty's Proclamation in Relation to the Discovery of the Plot against his Majesty's Person and Government.

It makes a Man tremble, says *LeStrange*, to think what a Jail-Delivery of Discoverers this Temptation might have produc'd. The Assurance of a Pardon, had by this time so mellow'd Prance, and made him ripe for a further Examination, that upon Tuesday Morning, December 24, he was examin'd by the King in Council, about the Plot, and about the Murder, with a Promise of Pardon upon a full Discovery.

Hereupon he declar'd, that one Girald, *He makes a  
Confession.* an Irish Priest, spoke to him about the killing of a Man, not saying who it was; this was about a Fortnight before the Murder: And about a Week after, Girald, Green, and Hill, told him they would kill Sir Edmundbury Godfrey, for he was an Enemy to the Queen, or her Servants: He had us'd some Irishmen ill: And Girald told him, the Lord Bellasis would see the Action rewarded; Girald owning an old Grudge to Sir Edmund, about a Business of Parish Duties. He said they had watch'd him a Week or Fortnight before his Death: Green had call'd at his House that Saturday Morning; and that he, Girald, and Hill, had dogg'd him that Day, until he came by his Death.

His Majesty thereupon appointed the Duke of Monmouth, and the Earl of Ossory to take Prance's Information at Somerset-House, from Place to Place, where the things were acted; which they did accordingly, and (i) reported the Matter to his Majesty in Council: And it appear'd that the Particulars

(1) The said Report, which is very remarkable, was as follows. In Obedience to your Majesty's Order signified to us this

Morning in Council, we have been at Somerset-House, and there taken the Examination of Miles Prance a Silvermith, touching

culars were very consonant to what he had spoken at the Board, in the Morning before his going; at which time being also further ask'd, Why he gave to different a Relation to the Committee of the Lords, from what he now so freely confess'd? he made answer, He was in much Confusion before the Committee, being not sure of his Pardon; but now being sure of it, and also upon his Oath, he did speak the whole Truth, according to his Knowledge. And being then further ask'd, Why he came not in upon the Proclamation, and the Reward it offer'd? he said, He was afraid to trust thereunto. And being further ask'd, What Reward he had receiv'd from those that employ'd him? he said, he had yet receiv'd no Reward, nor had he fought for any, but only the Promise of *Girald*, that there should be a Reward, by the Lord *Billogis*. He said, that he wrought in the way of his Trade to the Queen's Chapel, and was a *Roman Catholic*; but that, about eight Weeks ago, he had taken the Oaths. Being ask'd, Whether there were no Guards in the usual Places, at the time of

carrying on this War? he said, he did not take notice of any. And being ask'd, Whether he saw *Breda*, when he was carry'd to see the Body, when it lay in the Back-chamber near the Garden? he answer'd, He could not tell whether *Breda* was there or no; but doth remember, that *Girald* and *Green* were then present. He adds, that *Hill*, *Green*, and *Girald*, told him, that they had a *Prinseps-bill* thrust Sir *Edmund's* Sword through his Body, till it came out an Inch out of his Back: And that he struggled very much at the time they thrust'd him, but that *Green* punch'd him with his Knees upon his Body, to hush his Death.

The Council sat again in the Afternoon, and *France* was confronted with *Green*, *Hill*, and *Berry*, who deny'd every Syllable of the Charge, and *France* stood as stoutly to every Point of the Accusation: Adding, there was a Time, when he also deny'd things as falsely as they.

The same Day, he also gave in his Depositions relating to the Plot, upon Oath, to the Council-board; which were to the following

A. D. 1698.

The Depositions made by France, Hill, Green, &amp;c.

touching the Murder of Sir *Edmund's* *Gifford*, upon the Place where the same was committed, and in virtue of the Oath taken before your Majesty, he declared as followeth:

That it was either at the latter end or in the beginning of the Week, that Sir *Edmund's* *Gifford* did, about Noon, of the Clerk at Night, pass from towards St. *James's* as far as the Great Water Gate at *St. James's* House, being watch'd and followed by *Lawrence Hill*, *One Green*, and *One Girald*: that *Hill* making them halt before, kept within the *Wicket* which was open, and turning soon out again, called to Sir *Edmund* as he was passing, and said there were two men quarrelling within, who might soon be quarr'd if once they saw him: Whereupon he passed through the *Wicket*, and said him, *Green* and *Girald*, and drove they all went, till they came to a Bench that is at the bottom of the deep Defeat and joining to a Rail next to the upper end of the Stables on the right-hand: That upon the said Bench there were sitting and attending their coming, the Examinate, *John France*, and *One Berry* the Porter of the Other Gate, together with an *Irishman* that lodged at *Green's* *House*, whose Name he knoweth not. And by that time they were come half-way down, he, the said *Berry*, went up to the *Wicket* there to reveal, and give notice, if any came; and at the same time the said *Berry* went first on, into the *Brook* toward the *Steps* Stairs which led to the Upper Court: and when Sir *Edmund's* *Gifford* came down to the *Bank*, *Green*, who followed him, put about his Neck a *large twisted Handkerchief*, and encompassed all the neck about, and dragged him into a Corner which is behind the said Bench and the said Rail: And *Green*, who inform'd him in the manner aforesaid, and with whom he had before seen the large twisted *Handkerchief*, added, that he had thumped him on the Breast, and twisted his Neck until he broke it.

And the Examinate saith, that he did, in about a Quarter of an Hour after he had been standing at *White-church*, come down to see what was done; and found that they had throated him, but his Body remain'd warm, and seem'd hardly dead: But he, together with the said *Hill*, *Green*, *Girald*, and *Berry*, and the *Irishman*, took him up, and conveyed him through a Door that is on the left hand coming down at the Corner of the Coach-house, which leads up several Stairs into a long, dark Passage or Gallery, opening at last into the Upper Court, in which Passage there is a Door on the left hand, which being open'd, leads up with Eight Stairs into another House adjoining; but immediately upon the right hand, being got up, there is a little Chamber, or square Room, into which they convey'd the Body: and there let the Body brending, with the Back against a Bed, which the Examinate having now seen upon, thinks to be the same Bed that was there at the said Time. He further said, that *Hill* lived at this House, and the Body was for Two Days left there, in his Care; but then, being afraid of Discovery, *Hill*, *Girald*, *Green*, *Berry*, and the *Irishman*, as they told him, did take and convey the Body first, three about Nine or Ten of the Clock at Night, and carry'd it into the House, and into some Room towards the Garden; and that while the Body lay there, he was, by *Hill*, conducted to let it, and saw the Body as it lay bound,

and *Green*, and *Girald* were present. That from thence, upon a *Tuesday* Night, the Body was brought back near to the Place where first it lay, into a Room in the said Gallery, over against the first Door, somewhat higher up towards the Corner, the Chamber belonging to some of the Servants of *St. James's* House, where it remain'd until Nine or Ten of the Clock on *Wednesday* Night, and then, thinking it fit to remove it to the Little Room where first it lay, the Examinate happen'd to come as they were lifting upon the said eight Steps; whereupon *Hill* and *Berry* flew, as supposing him to be some Stranger; but *Girald*, *Green*, and the *Irishman*, stood still; and so he helped them to lift up the Body into the former Chamber, and there it staid until about twelve of the Clock the same *Wednesday* Night, when *Hill* and *Berry* came to them when their Fight was over; and *Hill* having got a *Sedal*, and placing it in the *leg*, cast *Berry*, at the Foot of the said eight Stairs, they got the Body thence into. The Examinate *France*, and *Girald*, first took up the Chair, and convey'd it through the upper Court; *Berry* the Porter open'd half the Gate, and let them out; and they rideth away till they came to *Covent garden*; where *Green*, and another *Irishman*, took their *Horse*, and so carry'd the *Sedal*, and Body in it, as far as the tow *Grace* Church in the *Sale*; and there *Hill* met them with a *Horse*; whereupon they took out the Body, and fixing upon the Legs, they set it into the *Horse*, *Hill* riding behind to keep the Body up, while *Green*, *Girald*, and the *Irishman*, went to accompany him. *Berry* the Porter did not depart from the Gate; and the Examinate *France*, hearing to be missing, return'd home when the Body was set on *Horbeck*; and the *Sedal*, which was left at one of the *new*, unfinish'd Houses, they took it up, and brought it home to see come back.

He further saith, that the Body lay in *Coventry* *House* about six or seven Days, before it was carry'd out: But he is not certain in the Number of the Days. He was very positive as to the Place where the Murder was committed, and the Master of it; as also for the Room, where the Body was first laid; but being desir'd to conduct us to the Room next the Garden, he led us to the Corner of the *Passage* on the left Hand, and so down a Pair of Stairs, and for so far'd to be assur'd he had been led, and did not think that he pass'd through the great Court below: But when from thence we went up and down into several Rooms, he seem'd very doubtful, and could not ascertain the Place; saying, he had never been there, but that once when *Hill* convey'd him thither with a *Dark* *Insulation*; but that it was some Chamber towards the Garden.

In the House where the Body was first laid, we found a Woman, whose Deposition we have taken: She was *House-keeper* to Dr. *Godwin*, and the said *Hill* had been a Servant to said Doctor in this House for above seven Years; and continued to live there, since the Doctor's Departure, until *Mitchell* was led: But that he had been there three several times since; and she also knew the Examinate, and call'd him by his Name.

All which is humbly submitted to your Majesty.

24. Decem.

1698.

MORRETT'S  
CLERK.

A. D. 1678.

lowing Effect: That, some time before *Mibaclmas*, being at *Ireland's* Chamber, together with *Grove* and *Fenwick*, *Ireland* said, there would be fifty thousand Men in Arms: And *Prance* asking, Where? and for what Purpose? *Ireland* answer'd, we must have them in a short time, to settle Religion, or else all will be ruin'd: That *Grove*, coming to his Shop, soon after this, to buy two Silver Spoons, he, the Deponent, ask'd him, Who were to govern this Army? he said, the Lords *Bellasi*, *Petre*, and *Arundel*: That *Fenwick* told him the same things: That one *le Feser* bought a second-hand Sword of him, because he knew not what Times were at hand; and *Prance* expressing some Concern for poor Tradesmen, in case such Times came, *le Feser* reply'd, It would be better for Tradesmen, if the Catholic Religion was brought in; and, particularly, there would be more Church Work for Goldsmiths: That taking occasion to speak of a brave Horse, that he had seen one *Moore*, who belong'd to the Duke of *Norfolk*, riding, the said *Moore* wish'd that he had ten thousand of them; and hop'd, in a short time, they might have them for the Catholic Cause: That one *Lawrence* an Apothecary, when the Oaths was a tendering, wish'd that half the Parliament were poison'd, for they would ruin them all: And that he had heard one *Messenger*, a Domestic of the Lord *Arundel's* say, He hop'd to see the Catholic Religion flourish here before it was long.

And yet, after all this circumstantial Evidence, both as to the Plot and the Murder, this wretched Man, being again summon'd before the King and Council, on the 20th, made it his Request, says *Le Strange*, to be admitted privately to his Majesty first; and that Grace being accorded to him, he fell on his Knees, and (whether of his own mere Motion, or by the Persuasion of the King, is uncertain) retract'd his whole Story, in the Hearing of Mr. *Chiffinch*, and Captain *Richardson* the Keeper of *Newgate*, whom his Majesty had call'd upon to bear witness to his Confession. He farther declar'd, with great Passion and Earnestness, that the Men he had sworn against were all innocent, and that he himself was forsworn. Upon your Satisfaction, said the King, is this so? Upon my Satisfaction, said *Prance*, the whole Accusation is false. He was then referred to the Council; and, before all the Lords, persisted in unswaying all he had sworn before. Being then ask'd, What Inducement he had to forge this Story? Why he had sworn against those Persons? and, Who put him upon it? he answer'd, No body had prompted him: He only knew the Men he had sworn against: He had never seen *Bedloe* before he was taken up: He knew nothing of the Plot, or the Murder: He was not guilty of any Man's Blood; nor could rest, for the Story he had told: *Wren* ow'd him Money; and he, *Prance*, pressing the Payment of it, *Wren*

had threaten'd him, and so had frighten'd him into it.

Upon this, some of their Lordships, we are told, call'd him a thousand Villains, and threaten'd to shew him the Rack; but without Effect; he persisted, as before, in asserting all he had utter'd to be a Forgery; and was remanded to *Newgate*, there to ruminate on the Part he had acted; in swearing a Lie, or belying his Oath.

On the Day that *Prance* was first examin'd before the Council, one *Stephen Dugdale*, who had been Bailiff to the Lord *Allen*, gave in the following Information, upon Oath, before two Justices of the Peace; which having been transmitted to the Earl of *Essex*, was by him communicated to the House of Lords, December 28, 1678.

1. That soon after the Queen's Almoner went beyond the Seas, he was told by *George Hopson* (Servant to the said Lord *Allen*) that there was a Design then intended, for the Reformation of the Government to the Romish Religion.

2. That in the Beginning of September 1678, meeting the Lord *Stafford* near the Gates of *Tixwell-hall*, Lord *Allen's* Seat, the said Lord *Stafford* complain'd to him, of the sad Necessity they were under of saying their Prayers in a clandestine Manner: But that there would be a sudden Reformation to the Romish Religion: That, on the 20th of the said September, the said Lord *Stafford* told him, the Informant, that there was a Design in hand, and if he would engage in it, he should have a good Reward, and might make himself famous.

3. That immediately after, the said Informant went to the Chamber of *Francis Kew*, alias *Euars* (a Jesuit) in *Tixwell-hall*, and ask'd what Lord *Stafford* meant by those Words? Who, after swearing him to Secrecy, on his Knees, told him, It was to take away the King's Life; by shooting him, or otherwise: That he should have a good Reward for being instrumental to it; and that he need not entertain any Fear on the Occasion, for that the Pope had excommunicated his Majesty; that all who were excommunicated by him were Heretics; and that those who kill'd them should be canoniz'd for so doing.

4. That the said *Euars* and *Hopson* both said, The Design was to kill the Duke of *Monmouth*, as well as the King.

5. That *George North* (Nephew to *Pickering*, and Servant to Lord *Allen*) lately told this Informant, that they had taken his Uncle (*Pickering*) and put him into *Newgate*; and that he thought the King deserv'd such an execrable Death as was intended him, because of his Whoring and Debauchery.

6. That Mr. *Euars* said Mr. (A) *Bennifield* (*Beddingfield*) had a Packet of Letters deliver'd to him from the Post-house (at *Windsor*) which he fear'd the Lord Treasurer had notice of: For which Reason he delivered them to the Duke of *York*, who delivered them

A. D. 1678.

Ibid. p. 61.

Dugdale's Information.

He denies all  
except  
Brief Hist.  
Part. III.  
p. 62.

(A) Who died in *Newgate*, December 30.

A. D. 1678. them to the King; by whom, after he had read them, they were again made over to the Lord Treasurer: But that his Majesty did not believe them; which was happy, for else the Plot had been discover'd.

There were two other Items, signifying, that the said Informant had broke up many of *Euers's* Letters, all tending to the Re-establishment of the *Romanish* Religion; and that he himself had receiv'd several Sums of Money, and knew of divers others who had done the same, to put forth for the Use of the *Jesuits*.

On the reading this Paper, the Earls of *Bridgewater* and *Essex* were order'd to go immediately to the *Towers*, and examine the Lord Viscount *Stafford* thereon; and to return before the House rose; which they did, and reported, that his Lordship confess'd he came to the Lord *Alton's* at *Tiscobell-hall*, about the 12th of *September* last: That he knew *Dugdale-Ewers*, *Hobson*, and *North*, as being all the said Lord *Alton's* Servants; but absolutely deny'd every other Particular relating to himself in the whole Information.

This was the last Transaction of the Session; which, in almost every Step, had gone counter to the King's Inclinations: The violent Prosecution of a Plot, which his Majesty, tho' most immediately concern'd, gave no Credit to; the seditious Use which had been made of every Circumstance relating to it; the Practices that had been try'd to alter the Establishment of the Militia; the Terms on which the Supply had been granted; and which the Commons, to the last, would admit no Alteration of; and above all, the Resolution that appear'd to insist on the Commitment of the Lord Treasurer; had, successively, displeas'd him; inasmuch that it was no (1) hard Matter to induce him to think it the least Evil, to put an immediate Stop to their further Proceedings.

Accordingly, *December* the 30th, his Majesty came to the House of Peers; and the Commons attending, signify'd, from the Throne, "That it was with great Unwillingness he came to prosecute them: That all of them were Witnesses, he had not been us'd well, the Particulars of which he would acquaint them with, at a more reasonable Time: That, in the mean while, he would immediately enter upon dissolving the Army; and do what he could for the Good of the Kingdom, and Safety of Religion: That he would prosecute the Discovery of the Plot, to find out the Instruments of it: That he would take all the Care in his Power to secure the Protestant Religion, as it was then establish'd: And that he had no more to say, but to direct the Lord Chancellor to pro-

secute the Parliament, as he had commanded him. Which his Lordship did accordingly, to the 10th of *February*.

We have hitherto follow'd the Noise of the Execution: Mr. *Coleman*, who, of all the several Prisoners, committed on the separate or joint Evidence of *Oates* and *Bedles*, seem'd most obnoxious to the Law, was call'd to his Trial (m) first; but not till repeated Endeavours had been us'd to make him turn Evidence against his Accomplices: He had shewn some Reluctancies to the Committees of both Houses, as formerly mention'd, and some Confessions he had made: But as these went little farther than his own Letters had already evidenced, it was thought a more explicit Offer would induce him to be more explicit in his Acknowledgments. This produc'd an Order of the House of Commons, *Nov. 2.* for the Speaker to address his Majesty from the House, that Mr. *Coleman* might be pardon'd, on a full Discovery; and that otherwise, neither Pardon nor Reprieve might be granted him: To both which Requests, his Majesty was pleas'd the same Day to accord. It was likewise order'd, That Mr. Speaker should signify what had pass'd to Mr. *Coleman* in *Newgate*; who reply'd, "That he was very sensible of the Miserableness of his Condition; for that he knew there was enough already known, to take away his Life; and that he did not know enough to save it."

On the 7th he was examin'd again; and *Sir Henry Capel* report'd, that he had farther acknowledg'd the Receipt of 300 *l.* of Mr. *Ravigny*, and of Mr. *Curtin* 360 *l.* for Intelligence of every Day's Debates in Parliament; and for keeping a good Table.

That he receiv'd last Session of Mr. *Barrillon* 2500 *l.* to be distributed among Members of Parliament, which he had converted to his own Use: That Mr. *Barrillon* had, on the Occasion, pointed at several Members; and that he had told Mr. *Barrillon*, he had comply'd with his Instructions.

That, at the End of the last Session, he receiv'd of Mr. *Barrillon* 260 *l.* more for Parliament Intelligence.

That Mr. *Ravigny*, believing the Parliament was dissolv'd, by the Confederates, against *France*, did therefore encourage him to pursue a Correspondence with Members: To render which more effectual, he did treat with *St. Germain*, about a Sum of Crowns to be dispos'd of among them.

That none of that Money was receiv'd: That he enter'd no foreign Letters in his Books, after his Correspondence with *la Chaise* ceas'd: That he was to receive 30,000 *l.* on procuring

Coleman's further Examination in Newgate.

The King inclin'd to prosecute the Parliament.

His Majesty's Speech on that Occasion.

(1) *Ferguson*, in his *Sermon* to the Growth of Popery, p. 224, is of a different Opinion; giving us to understand, that the Resolution was taken late at Night, at the Dukes of *Parish's* Lodgings, when all were pretty well with Liquor, and were so tipsy till the next Morning.

(m) The Reader will perhaps recollect, that *Staley* the Goldsmith us'd try'd a Week before *Coleman*: But the Indictment against him lay for Words spoken in French to this Effect, "That the King was a great Heretic, and the greatest Rascal in the World: Alas, there's the Heart, and here's the Hand that would kill him: And, the King and Parliament

think all is over; but the Royal are mistaken: Except the Words all is over, not a Syllable in his Case relates to the Plot: And the Evidence against him were not *Oates* and *Bedles*, but two *Scavengers*, called *Capsairs* and *Sutherland*.

While upon his Trial, *Staley* had acknowledg'd, not only that he was a *Roman Catholic*, but that he intended to die in that Faith: And after he was consider'd, the Lord Chief Justice (*Sergeant*) charitably threw in, Now you may die a *Roman Catholic*; and when you come to die, I think you will be found a *Protestant*.

A. D. 1678.

procuring a Security for the Banker's Debt, which was afterwards reduced to 7000 *l.* in Silver, and 3000 Guineas: Of which he received but the Moiety of the Silver only.

And that this Contract, made between himself and Sir Robert Viner, Alderman Bakershall, and Mr. Whitehall, was verbal only.

As these Particulars relating to himself did not come up to the Expectations of the House, they did not think fit to interpose with his Majesty for the Pardon which had been promised him, on the Condition that he confessed the whole Truth, but left him to God and his Country.

His Trial  
North's Ex-  
amen, p. 178.

His Trial was at the King's Bench Bar, November 28, 1678, and the Indictment was grounded on the first Article of the Statute 25 Edward III. for imagining the Death of the King; and for overt Facts, were alleged; 1. His proposing a Rebellion, and to bring the King to Death. 2. His Letters, which were specify'd in the Indictment, and are alleged to be wrote to procure, against the King, the Aid, Assistance, and Adherence of the French King, by Means of Monsieur la Chaise; and the like of Letters to one *Turackmorton*. After the Harangues were over, the Prisoner spoke in Answer to a Sermon against him, which was, that his Correspondence from 1675 to 1678, two whole Years had been conveyed away; and it was to be presumed, if those had appeared, all the foul things of the Plot would have been found in them. He said, that he had been urged in Prison to be ingenuous in his Confessions, and he had been so, and particularly affirmed there, as he now did with Affirmations, that in 1675 he left (n) off corresponding, and afterwards he had no Letters that he kept, but all were slighted, and made away as common Paper; for the Correspondences he then had, were but curiosity and of no Moment to be kept; and he offered to be tested in any manner whatever. But that could not regularly be done: And as, on the one Side, this Sermon was little more than a Flourish, and the Argument

from thence (*viz.* if down to 1675 his Letters were such, what were those down to 1678?) rather a rhetorical Trope, than of Force, as Evidence, against the Prisoner for his Life; so, on the other, the Answer, that there were none such of any Value kept, concluded as little in his Favour. These Letters, as we shall afterwards find, were read against him, the Pinch of which was the procuring Aids and Assistance of the French; which, if understood *Arms*, was Treason, if *Money* only, not. Every thing in them would have been *Misemeanour*, but that only (so construed) came up to Treason.

A. D. 1678.

The oral Testimony against him was positive, *viz.* Oates, who swore, that he was at his House, saw carried a Packet from him to St. Omers, in which was a News-Letter that call'd the King Tyrant; affirming also, That the Marriage of the Prince of Orange, and Lady Mary, would prove the Traitor's and Tyrant's Ruine: That he writ a Latin Letter at the same time to Father la Chaise, by the Provincial *Strange's* Directions, thanking him for the 10,000 *l.* which, he said, should be employed to no other Use, but to cut off the King: That *Coleman* officiated on this Occasion, because *Strange* had run a Reed into his Hand, and could not write; and *Alicia*, the Secretary, was ill. Oates gave this Letter to la Chaise, and brought an Answer inclosed in one from the Society, which he *facit*, having a Patent to be of the Confess, as also, Power to open Letters. He tells us of a Consult held (in April, 1678) by virtue of the Pope's Brief, at the White-Horse Tavern in the Strand; wherein it was resolv'd to send one Cary to be their Procurator at Rome: That, the Assembly, afterwards subdivided into several little Clubs; in all which the grand Affair of killing the King was discuss'd; and upon which it was finally resolv'd, that it should be by the Hands of Grove and Pickering; one of which was to have fifteen hundred Pounds for his Reward, and the other 30000 Muffles. All which Particulars were communicated to *Coleman* in his (Oates's) hearing,

[a] In the Collection of Papers publish'd by Sir George Treby, Chairman of the Committee of Secrecy, we find the following.

"A Letter, writ'd at Mr. Coleman's, directed, A Monsieur Monsieur le Polair, proche de Charenton-lez-Lyon, pour faire venir a Monsieur James Clark.

September 25, 1678, Paris.

I had yours of the 14th Instant, till Night; but this these three last came in late: My Friend being with the Crowd, it's impossible for me to reach him now; but last Night he sent me the Friend I mentioned, to tell me that this Peace has broke all our Measures at present here, so that to write to our Friend at present is useless, notwithstanding he had proposed all things in very good Order, had the Courier brought Peace in his Mouth, which stop'd his as to our last Design; so that now they pretending here, the Peace being made, they have no need of us; so that by consequence they wou'd cease us, as they would if the Peace had been full oppos'd. But, in a word, to put our *Trope* about, it's absolutely necessary that my Friend come speedily over to you, and to converse with you and our other Friend, because his Measures are so well taken in Italy, that we can't miss to establish this Commodity letter from those Parts, than from any here at present, tho' whether we may find Means and Helps from London too. But if you will return, now is the time, or occur, to put things in Order in Italy; it will give, for England, what you may very well give; and whatever my Friend or my other Friend in the Crowd can write, will signify nothing;

So whatever we say by Letter will be always imperfect, and without Effect; so that to clear all Doubts, and for better Security too, it's absolutely necessary that our Friend comes to you, and to that Intent, in Terms as above as you please. It's necessary that our Friend with you desires our Friend at the Crowd here; to give Liberty to my Friend with him, to come over to converse with him; for he says himself, it's you must put him in the Way to make the Measures he has taken in Italy to take Effect; for he knows what Power he hath here, but he knows not of what Constitution you are in: Besides, the Proposition he makes for *Peerless* can't be done at this Distance, but in such Terms, as the natural Desire he has to have our Friend with you, and to our Trade quite spoils; so if our Friend with you signify the least Desire he has to have our Friend come over, he'll easily clear all Difficulties, and discover to you the Dispositions of both Countries to use *Pepper*, and I no ways doubt, but you'll have entire Satisfaction; however, there will be no Room to hear what he can say, and to see the Place that's made for this kind of Traffique. I expect your Answer as to this Particular, and shall ever be as you would have me to be.

This Letter is indorb with Mr. Coleman's Hand thus: *Received over ab, but imperfectly, and with a Promise of a clearer and fuller Defence by the next Post.* And the following Note was annex'd by the Committee: [Note.] This dark, suspicious Letter was received but a very few Days before the Plot was discover'd to his Majesty's Privy Council, and Mr. Coleman thereupon committed.]

A. D. 1678. hearing, in *Wildenfe*; and Coleman said it was well contrived, and wrote to have the Duke *trepanned* into the Plot to kill the King. Coleman was also to get the Duke of Ormond killed in Ireland, and to send 200,000*l.* for carrying on a Rebellion there: That 80*l.* was sent to the four Russians who were to dispatch the King at *Wiffes*; and Coleman gave the Messenger a Guinea for Expedition: This was August 23, 1678: That he (Coleman) copied out Instructions, and dispersed them to the Conspirators about in England. *Wabeman* was to have 20 thousand Pounds to poison the King; but Coleman thought it too little, and would have five thousand more added, to make the Work sure. These Copies were sent to advance the general Contribution, then on foot, which would come freer, seeing what was done from beyond Sea. That he (Coleman) had a Commission from Father *Obea*, to be Secretary of State. More is said of the other Commissions, which were left with one *Langburn*. Now what was in the printed Narrative against Coleman, was not any Knowledge *Oates* had of himself, but only what *Fogarty* had told him, viz. That Coleman was present at *Wabeman's* Consult: But here was enough of positive Knowledge sworn, and to spare, though generally it is from Sight of Letters, except some Confessions: He farther says, he could evidence more, but did not, because of other things that were not fit to be known yet.

Mr. Coleman, in his Defence, opposed to *Oates*, that upon the direct Question at the Council, and View of his Person there, *Oates* said, that he had never seen him in his whole Life. *Oates* answered, "That his Sight was had by Candlelight, and Candlelight alters the Sight much; but, when he heard him speak, he could have sworn it was he; but it was not then his Business; he could not see a great way by Candlelight." The Lord Chief Justice particularly asking, *If he was demanded, at the Council-board, whether he knew Coleman*; he reply'd, *Not to my Knowledge*. The Prisoner appeal'd to Sir Thomas Doleman, then present in the Court, who said *Oates's* Words were, *He did not well know him*. And to other Questions of the Court, Sir Thomas reply'd, *That he, Oates, did not know the Prisoner as he stood there (i.e. before the Council) and to the best of his Remembrance, that he had no Acquaintance with that Man (Coleman)*. The Prisoner farther arg'd, that his Charge against him was so slight at first, that the Council alter'd their Warrant, and committed him to the Custody of a Messenger, instead of sending him to *Newgate*. And the Lord Chief Justice demanding of *Oates*, why he charg'd no more against him; he answer'd, "I did design to lay no more to his Charge, then, than what was Matter for Information; for Prisoners may supplant Evidence when they know it, and bring Persons to Circumstances, as Time and Place. My Lord, I was not bound to give in more than a general Information against Mr. Coleman. Mr. Coleman did deny he had Correspondence with Father *la Chaise* at any Time; I did then say he had given him

an Account of several Transactions, and, my Lord, then I was to weary, being up two Nights, and having been taking Prisoners, upon my Salvation, I could scarce stand upon my Legs."

My Lord Chief Justice asked him, *What was the Information he gave at that time?* His Answer was as notable as the former, viz. "The Information he gave at that time (as near as he could remember, but he would not trust to his Memory) was for writing of News-Letters, in which, he (*Oates*) did excuse the treasonable Reflections, and called them safe Reflections at the Council Board. The King was sensible, and so was the Council, he was so wearied and tired (being all that Afternoon before the Council, and Sunday Night, and sitting up Night after Night) that the King was willing to discharge him; but, if he had been urged, he could have made a larger Information." The Chief Justice recapitulated the dismal Treasons he had sworn there; and then, said he, *Could you omit all this?* *Oates* answered again, "He was so tired and weak, that he was not able to stand on his Legs; and he remembered the Council apprehended he was so weak, that one of the Lords said, that, if there were any further occasion to examine Mr. Coleman, Mr. *Oates* should be ready again, and bid him retire." The Chief Justice said, *You was by when the Council were ready to let Mr. Coleman go almost at large*.—"No," said *Oates*, I never apprehended that; for, if I had, I should have given a farther Account." Then the Chief Justice asked, *What was done to Coleman at that time? Was he sent away Prisoner?* *Oates* answered, "Yes, at that time, to the Messenger's House; and, within two Days after, he was sent to *Newgate*, and his Papers were seized—" The Chief Justice asked again, *Why did you not name Coleman at that time?* *Oates* answered, "—Because he had spent a great deal of Time in accusing other *Jesuits*." Another Judge (*Wild*) asked, *What time was there between the first time you were at the Council, before you told of this Matter concerning the King?* *Oates* answered, "—When he was first at the Board, which was on Saturday Night, he made Information, which began between six and seven, and lasted almost to ten; he did then give in a general Account of Affairs to the Council without the King: Then he went and took Prisoners; and, before Sunday, he said, he thought, if Mr. Coleman's Papers were search'd into, they would find Matter enough in those Papers to hang him. He spoke those Words, or Words to that Effect. After that, Mr. Coleman's Papers were search'd, Mr. Coleman was not to be found; but he surrender'd himself the next Day. Again, he took Prisoners, five that Night, and the next Night four."—The Chief Justice, upon Occasion of what he said of *Wabeman*, and the 3000*l.* Coleman was to give him, besides the 10,000*l.* to poison the King (which was an *Harvey*, and therefore not much heeded by the Privy Council) asked him, *Why did you not accuse Mr. Coleman by Name?* He answer'd, "For want of Memory,"

A. D. 1678. *Memory*, being disturbed and wearied in sitting up two Nights, he could not give a good Account of *Coleman*, as he did afterwards (meaning to the Parliament, for he had been examined there) when he had consulted his Papers; but when he saw *Coleman* committed he needed give no further Account.

Trial, p. 40. Sir *Robert Southwell* being call'd upon by the Court, confirm'd the Circumstance before mention'd, as to the Privy Council's altering their Warrants: But then he also confirm'd that other Circumstance of *Oates's* referring to *Coleman's* Papers, and acknowledged he had mention'd the Bargain with *Wakeman* to poison the King, but as a thing he had (o) heard of, not seen.

[Bedloe's Evidence.]

As for *Bedloe's* Charge, it was to this Effect: That Sir *Henry Tichbourn* told him, that he brought a Commission for Mr. *Coleman* and the Lords, from the principal *Jesuits* of *Rome*, by order of the *Pope*: That he carried a Packet from (\*) Mr. *Coleman* to *la Chaise*, dated in *April*, 1675: That he delivered the said Letters to *la Chaise*, and brought Mr. *Coleman* an Answer: That he did not understand what was in it, because it was in a Language he did not well understand; but that it was about carrying on the Plot: That *Harcourt* went to *Coleman* with Letters, and took him, the said *Bedloe*, along with him, but made him stay over the Way: That *Harcourt*, afterwards, gave him a Beck to come to him; and there he heard *Coleman* say, "If he had a hundred Lives, and a Sea of Blood, to carry on the Cause, he would spend it all for the Establishment of the Church here; and if there were an hundred Heretick Kings, he would see them all destroy'd." And the Prisoner asking him, If he had ever seen him in his Life? He answered, "You may ask that Question; but in the Stone Gallery in *St. James's House* when you came from a Consult, where were great Persons, which I am not to name here, that would make the Bottom of your Plot tremble, you saw me then."

The Evidence arising from the Prisoner's own Letters.

To corroborate, tho' not confirm all this, sixteen of the Prisoner's Letters were read in Court; the first and second of which were from him to *Father Ferrier*, the French King's Confessor, dated *June 29*, and *Septem-*

ber 25, 1674; both turning on the common Interest of his most Christian Majesty and the Duke, the Necessity of that King's Assistance to subdue entirely those that were as much exasperated against the one as the other, (i. e. by advancing Money to procure a Dissolution of the Parliament) and engaging for the Duke, that, in Recompence of such Assistance, his Royal Highness should perform all his most Christian Majesty should ask of him. The third was from the said Confessor to Mr. *Coleman*, signifying that Sir *William Thorckmorton* was come express with an Answer to his Memorial. The fourth was from Mr. *Coleman* to the *Pope's Intermuncio*, complaining of the King's Weakness in giving way to the Duke's Enemies; alluding upon him the *Intermuncio*, to provide some Support for his Royal Highness among his Friends, the Emperor and *Pope*, particularly, to furnish him with a little Sum of Money; and declaring, "they had great Designs in Agitation, wherein they had no Doubt to succeed, perhaps, to the utter Ruin of the Protestant Party." The fifth was again to the *Intermuncio*, shewing the Necessity of a Supply of Money, "to open the Eyes of the King, or to carry him wholly to his own Advantage, which Money would easily do, having such an absolute Dominion over him, that he could not resist it in any thing." The sixth from *Cardinal Norfolk* (*Howard*) dated *April 18*, but without the Addition of any Year, mentions Sir *Henry Tichbourn's* Journey from *Rome* to *England* by the way of *France*, with his (the Cardinal's Father's) i. e. the *Pope's*, particular Recommendations to the *Duke and Duchess*. The thirteenth and fourteenth were Mr. *Coleman's* long Historical Account of three Years Transactions to *Father la Chaise*, and that Father's Reply. The fifteenth was the Letter writ by *Coleman* in the Duke's Name, as he declar'd, without his Authority: And the sixteenth was the second Letter to *la Chaise*, in which was that remarkable Paragraph: We have here a mighty Work upon our Hands; no less than the Conversion of three Kingdoms; and by that, perhaps, the utter subduing a pestilent Heresy, which has dominion'd over a great Part of this Northern World, &c.

Coleman's Letters, p. 14.

(†) A DECLARATION prepar'd by Mr. *Coleman*,

(\*) This the Chief Justice was pleas'd to call charging the Prisoner here.

(\*) In the Consideration of the Trials, see forth by the *Judges*, we are told, that *Bedloe* had never been seen by any of *Coleman's* Family; which had been impossible, if he had received and carry'd Letters, as he pretended.

(†) Which is here inserted, as the best Key to the Views and Designs of his Party.

"We having taken into our serious Consideration the Hates and Animities which have of late appeared among many of our very loyal and loving Subjects of this Kingdom, and the many Pains and Jealousies which some of them seem to lie under, of having their Liberties and Properties invaded, or their Religion altered; and withal, carefully reflecting upon our own Government since our happy Restoration, and the End and Aim of it, which has always been the Ease and Security of our People in all their Rights, and Advancement of the Beauty and Splendor of the true Protestant Religion established in the Church of England; of both which we have given most equal Testimonies, even to the shipping out of many royal Preceptors, which our Predecessors enjoyed, and were our undoubted Due; as the Court of Wards, Parliaments, and other things of great Value; and desiring to ourselves many Advantages, which we might rea-

sonably and legally have taken by the Forfeitures, made in the time of Rebellion, and the great Revenues due to the Church at our Return, which no particular Person had any Right to: Instead of which, we consented to an Act of Obivision of all those barbarous Usages which our royal Father and ourself had writ withal, much more full and gracious than almost any of our Subjects, who were generally become in some measure or other Obivious to the Law, had Confidence in us; and freely renounced all our Title to the Profit which we might have made by the Church-laws, in favour of our Bishops, and other ecclesiastical Ministers, out of our Zeal to the Glory of our Protestant Church; which Clemency towards all, and some even high Offenders, and Zeal for Religion, we have to this Day constantly continued to exercise. Considering all this, we cannot but be sensibly affected to see, that the Forwardness of some few tumultuous Heads should be able to infect our loyal and good People with Approbations contradictory of their own, and the general Order of our Kingdom; and more especially, their Proceedings should be powerful enough to distract our very Parliament, and such a Parliament, as has given us such Testimonies of its Loyalty, Willing, and Bounty, and in which we have given so many Marks of our Affection and Esteem, to as to make them mis-counsel all our Endeavours for to preserve our People in Ease



A. D. 1678. *men*, in his Majesty's Name, shewing his Reasons for dissolving the Parliament, was also

read. And upon the whole, as before furmish'd, his several Solicitations were understood and reprinted

A. D. 1678.

and Prosperity, and against all Reason and Evidence to represent them to our Subjects as Arguments of Force and Duty; and under these frequent Pretences of securing Property and Religion, to demand unreasonable Things, manifestly destructive of what they would be thought to aim at; and from our frequent Condemnations, out of our mere Grace, to grant them what we conceived might give them Satisfaction, tho' to the actual Prejudice of our royal Prerogative, to make them presume to propose to advance such Extravagancies into Law, as they themselves have formerly declared detestable; of which we cannot forbear to give our truly loyal Subjects some Notice, to wit: that we our innocent and well minded People, who have many of them of late been too easily misled, by the fallacious Enthusiasms of some turbulent Spirits. For example, we having judged it necessary to declare War against the *States of Holland*, during a Recess of Parliament, which we could not defer longer, without losing an Advantage which then presented itself; nor have done so, without exposting our Honour to a present Shame without due Preparation; we thought it prudent to send all our Subjects at Home, and did believe a general Indulgence of tender Conscience the most proper Expedient to prevent it; and therefore did by our Authority as God-father, which we thought sufficient to warrant what we did, suspend penal Laws against Dissenters in Religion, upon Conditions expressed in our Declaration, out of Respect of State, as well as to gratify our own Nature, which always we could not but be oblig'd to, especially in Religion, when Tenderness might be as useful. After we had engaged in the War, we proposed our Parliament from *April to October*, being confident we should be able by Taxations to draw our People in such Success to our Charge. At *October* we could have shew'd them Success, even beyond our own Hopes, or what they could possibly expect; our Enemies having lost by that time near a hundred strong Towns and Forts, taken as they were, we holding them but at Sea, while our Allies possess'd themselves of their Lands, with little or no Resistance; and of which the great Advantage would much probably have been ours, had not the Flocks we now complain of, which have been so much unhappily parted, and miserably improved by time few, dissuaded our People, distracted our Councils, and render'd our late Endeavours vain and fruitless; so that we had no Reason to doubt of our People's ready and liberal Concurrence to our Assistance in that Conjunction. Yet our Enemies proposing to us at that time a Treaty for Peace, which we were always ready to accept upon honourable Terms; and considering with ourselves, that in case that Treaty succeeded, a large Sum of Money would serve that Occasion, that otherwise would be necessary, we out of our tender Regard to the Esteem of our People, proposed our Parliament again in *February*, to attend the Success of our Treaty, rather than to demand too much Money in *October*, as would be fit to carry on the War. But we soon finding, that our Enemies did not intend us any such Satisfaction, saw a Necessity of prosecuting the War, which we designed to do most vigorously; and in order to it, resolved to press our Parliament to supply us as speedily as they be, to enable us to put our Fleet to sea early in the Spring; which would, after their Meeting, grow on apace. And being inform'd that many Members were dead during the long Recess, we issued out our Writs for new Elections, that our House of Commons might be full at the first Opening of the Session, to prevent any Delay in our public Affairs, or Dissolve in our People, as might possibly have risen from the Want of so great a Number of their Representatives; and if any thing of this kind had been thought of, we could not but have been happily so. Having govern'd our Actions all along with such careful Respect to the Esteem of our Subjects, we, at the Meeting of our Parliament in *February 1672*, expected from them some suitable Expressions of their Sense of our Favours; but quite contrary, found ourself alarm'd with clamorous Complaints from several Cabals against all our Proceedings, frightening many of our good Subjects into strange Conceits of what they must look for, by their seditious and false Constructions of what we had so candidly and sincerely done for their Good; and interrupting with a noise of our House of Commons, against our Writs of Elections, which we intended for their Satisfaction, against many Proceedings of ours, or without any Colour of Law of their Side, denying our Power to issue out such Writs, addressing to us to issue out others; which we consented to do at their Request, chusing rather to yield to our Subjects in that Point, than to be forced to submit to our Enemies in others; hoping that our Parliament, being sensibly touch'd with that extraordinary Condemnation, would go on to consider the public Concern of this Kingdom, without any farther to do. But we found another Use made of our 46 easy Compliance, which serv'd to encourage them to sit still; so that soon after we found our Declaration for inducing tender Conscience annull'd, void and illegal; though we cannot to this Day understand the Cause of that Vote, with our undoubted Supremacy in

all Ecclesiastical, recognized by many Acts of Parliament, and required to be sworn to by all our Subjects; and Address'd us, one after another, to recall it; which we contended to do. From hence they proceeded to us, to weaken ourself in an actual War, and to render many of our Subjects, of whose Loyalty and Ability we were well satisfied, incapable to serve us, when we wanted Officers and Soldiers, and had reason to invite as many experienced Men as we could to engage in our Arms, rather than to incapacitate or discourage any. Yet this also we granted them to be, to gain their Affection against our Enemies, who grew high by their own Differences, rather than to give our Country to their Power and Fury; hoping that in time our People would be confounded to see our Concessions, and be sham'd of their Errors in making such Demands. But finding the unfortunate Effects of our Division the following Summer, we found our Parliament more outrageous at the next Meeting than ever, addressing to us to hinder the Consummation of our dear Brother's Marriage, contrary to the Law of God, which forbiddeth any to separate any whom he hath joined, against our Faith and Honour engag'd in the solemn Treaty; oblig'd us partly in this Address, after we had acquainted them, that the Marriage was then actually ratify'd, and that we had acted in it by our Embassador; so that we were forced to separate them for a while, hoping they would be their selves better at their Meeting in *January*. Instead of being more moderate, or ready to consider our Wants towards the War, they voted, as they had done before, not to assist us still, till their Religion were effectually secured against Popery, Aggravations redress'd, and all Obstacles thereto removed from us; which we had reason to take for an absolute Denial of all Aid; considering the Ineffectiveness of what was to proceed, and the moral Impossibility of effecting it, in their Sense; for when will they fly their Religion is essentially bound from Popery, if it were in danger then, by reason of the Insolvency of Papists? When our House of Commons, which is made up of Members from every Corner of our Kingdom, with Invitations publicly sent to all Men to recruit them, has not yet, in so many Years as they have complain'd of them, been able to charge one single Member of that Commission with so much as a Misdemeanor; or what Security could they possibly expect against that Body of Men, or their Religion, more than we had given them? Or how can we hope to live in perfectly, that Study and Pain may not make a Collection of Grievances, as considerable as that which was lately presented to us, than which we could not have wish'd for a better Vindication of our Government; Or when shall we be free from all Obstacles, for any remedy from us, when common Party Politics fit to call them for; which is to every Body, without any Proof, sufficient to render any Man obnoxious, who is possibly affected, or any thing else that is ill, tho' they have never in often or lately complain'd with their own Tolls and Marks of Dissolution and Discriminations? Finding our People thus unhappily disorder'd, we saw it impossible to prosecute the War any longer; and therefore did, by their Advice, make a Peace, upon such Conditions as we could get; hoping, that being gratify'd in that darling Point, they would at least have paid our Debts, and enabled us to have built some Ships for the future Security of our Honour, and their own Properties; but they being transported with their Success in sitting, were relolved to go on still that way, and would needs have us put upon the removing of our Judges from those Charges, which they have always hitherto held at the Will and Pleasure of the Crown, out of our Power to alter the ancient Form of trying of Heirs, and to make it a *Præsumptio* against Subjects (in a Cafe happen'd) not to fight against ourself; Nay, some had the Heart to ask, that the hereditary Succession of our Crown (which is the Foundation of all our Laws) should be changed into a sort of Election, they requiring the Heir to be qualify'd with certain Conditions, to make him capable of succeeding; and outbidding that Popish Doctrine, which we have so long, and so loathly, with good Reason detest'd, that Herety incapsitate Kings to reign. They would have had, that the Heir of the Crown, marrying a Papist, tho' he continued never to outbraid himself, should be forfeit by Right of Inheritance; not understanding this paradoxical Way of securing Religion by destroying it, as this would have done that of the Church of England, which always taught Obedience to their natural Kings, as an indispensable Duty in all good Christians, let the Religion or Department of their Prince be what it will; and not knowing how soon that Impediment, which was supposed as sufficient to keep out our Heir, might be thought as fit to remove a Possessor. And considering that Bill which would have it a *Præsumptio* in a Sheriff not to raise the *Flag* Commissions against our Commission (in a Cafe there suppose'd) tho' we ourself should find that our Commission in our Person; for not being excepted it imply'd with the other, made by this very Parliament in the last Year of our Reign, which all our Subjects, or at least many of them, were oblig'd to swear,



A. D. 1678. was as deaf as Justice blind: All Pleas came now too late: The People were clamorous for an Execution, and Policy requir'd they should be indulg'd. Sentence was according pass'd: And upon that solemn Occasion, Mr. Coleman having been advis'd by the Lord Chief Justice to make an unreserved Confession, he reply'd, — "Pray hear the Words of a dying Man: I have made a Resolution, I thank God, not to tell a Lye, no not a single Lye to save my Life. I hope God will not so far leave me, as to let me do it. And I do renounce all manner of Mercy that God can shew me, if I have not told the House of Commons, or offer'd it to the House of Commons, all that I know in my whole Heart, towards this whole Business: And I never, in all my Life, ever made any Proposition, or received any Proposition, or knew or heard, directly, or indirectly, of any Proposition towards the supplanting or invading the King's Crown and Dignity, or to make any Invasion or Disturbance to introduce any new Government, or to bring in Popery by any Violence or Force in the World."

His Declaration  
in Court,

and at his Execution.

At the Place of Execution, as a dying Man, he again disown'd all Knowledge of any Plot either to destroy the King, or subvert, or disturb, the Government. He also renounc'd the King-killing Doctrine imputed to the Roman Church; declar'd that the Witnesses had done him Wrong; that he had never seen Bedloe before his Tryal, and that he knew nothing of Godfrey's Murder.

Trial of  
White, Fenwick,  
Ireland,  
Grove, and  
Pickering.

Coleman was executed, December the 30, and the 17th White alias Whitebread, Fenwick, Ireland, Grove and Pickering were indicted, the three first for being of the Consult to kill the King, and the two last for undertaking to be the Assassins. The Witnesses against them were Bedloe and Oates; Oates charg'd home against all the Prisoners, but Bedloe had his Scruples with respect to White and Fenwick: So these two were remanded to Newgate, there to lye, till other Evidence should appear against them: Ireland unfortunately fell within the Reach of both. Oates swore, he, Ireland, was one of forty or fifty Persons who had sign'd the Resolution taken at the (p) several separate Consults (April 24) to put the King to death; as also that he himself carry'd the Result from Lodging to Lodging; tho' he elsewhere says, he was, at that very time, oblig'd to lye close at Grove's House: And Bedloe swore that, some time in the August ensuing, he, Ireland, was present at Harcourt's Chamber with the said Harcourt, Pritchard, Figgarty, Grove, Pickering, as also Bedloe himself, when it was talk'd that the four Russians who were sent to Windsor, having mis'd of killing the King there, Greece and Pickering should go on, and that Conyers should be join'd with them, who was to Assassinate his Majesty in his Morning-Walks at Newmarket, agreeable to his former Deposition. And this was, moreover, direct against Grove and Pickering, who with their

flew'd Pistols, and Silver Bullets, make for formidable a Figure in Oates's Evidence.

The Charge was, however, solemnly deny'd by them all: Upon which Occasion the Lord Chief Justice was pleas'd to exercise his Charity so far, as to say, *That they would deny any thing in the World.* Fenwick and Whitebread aver'd, Oates was at St. Omers at the very time he swore he was in England: Whitebread, in particular, said, he was at that Place from November to June; which he offer'd to prove by abundance of Witnesses; and by an authentic Writing, attested by the whole College. Ireland's Sister and Mother declar'd, that he set out for Staffordshire, August the third, and did not return till a Fortnight before Michaelmas. Sir John Southcot's Coachman likewise affirm'd, that he took him up at St. Albans, August 5, and drove him to Lord Aston's Seat at Tixwell, and thence the 16th to West-Chester. The Chief here grew angry: And You WITNESS! said he: *Who do you lye with?* The Witnesses reply'd, With Sir John Southcot. The Record goes on: — *Who brought you hither?*

WITNESS. *I came only by a Messenger, last Night.*

CHIEF. *Was not Sir John Southcot in that Journey himself?*

WITNESS. *Yes, my Lord, he was.*

CHIEF. *Then you might as well have sent to Sir John Southcot himself to come.*

IRELAND'S Sister. *I did it of my self; I never did such a thing before, and did not understand the way of it.*

IRELAND. *It was mere Chance she did send for those she did.*

CHIEF. *But why should she not send for Sir John himself?*

IRELAND. *She did not know that Sir John was there.*

CHIEF. *You were not deny'd to send for any Witness, was you?*

IRELAND. *I was expressly deny'd: They would not let me have one Bit of Paper.*

CHIEF. *Fellow! What Town was that in Staffordshire? Tell me quickly!*

WITNESS. *It was Tixwell, by my Lord Aston's: There we made a Stay for three or four Days; then we went to Nautwich, and so to West-Chester.*

One Mr. Gifford then stood forth, and witness'd, That he saw Ireland at Woburnhampton, a Day or two after Bartholomew Day, that he continued there till the 9th of September, and that he could bring twenty and twenty more, who could swear the same. On the other Hand, one Sarah Pain, who had been Servant to Grove, swore she saw him, Ireland, going into the Door of his own Lodgings, as it was made out by Circumstances, about the 12th of August: And tho' both his Mother and Sister, affirm'd, they resid'd at his Lodgings all the time of his (q) Absence, the Court thought fit to give more Credit to what was advanc'd against the

(p) Oates is express as to four, and intimated three more, tho' he could not give a good Account of them.

(q) The Writer of the Compendium says, p. 11. "Mr. Ireland writ there (in Newspapers) under his own Hand, a Journal,

A. D. 1678.

the Prisoner, than to what was advanc'd for him. Sir *Denny Abburnham* was then call'd upon to produce a Certificate of the Town of *Hastings*, which Place he represented in Parliament, setting forth, "That *Oates* had sworn the Peace against a Man; and at his taking his Oath, did say, there were some Witnesses that would evidence such a Point of Fact, which, when they came, would not testify so much; and so was sworn." Thus much the said Sir *Denny* made the Court acquainted with, but the *Chief* would not admit the Certificate to be read, as not being authentic Evidence: And Sir *Denny* himself, before he disclos'd thus much, had the Precaution to say, That Mr. *Oates's* Evidence was so corroborated with other Circumstances, that, tho' in his Youth, no body could depend on what he said, now nothing could be said to take off his Credibility.

Ibid. p. 63, 66.

As to *Greene* and *Pickering*, they contented themselves with solemnly disavowing all that had been sworn against them; and *Pickering*, in particular, declar'd he had never stol off a Pistol in his Life. But neither Asservations nor Testimonies had any weight with the Court: The *Chief* summ'd up the Evidence, gave a thundering Charge to the Jury, and when they brought in their Verdict, which was for the King against the Prisoners, expect'd himself from the Bench in the following Words: "You have done, Gentlemen, like very good Subjects, and very good Christians; that is to say, like very good Protestants: And now much Good may their (r) thirty thousand Masses do them!"

1678-9.

*Ireland* and *Greene* were executed, *January* the 24th; but *Pickering* not till the 9th of *May*: And all three, with their last Breath, persisted in denying the Crimes laid to their Charge, and pray'd for their Accusers.

Trial of Hill, Green, and Berry, for Godfrey's Murder.

On the 20th of *Feb.* (*\*)* *Hill*, *Green*, and *Berry* were try'd at the King's Bench for *Godfrey's* Murder. *Oates* led up the Evidence, or rather prepar'd the way for them, by declaring, That Sir *E. Godfrey* had told him, that he had been threaten'd by several *Papish* Lords, particularly some of those, at that time in the Tower, for being too busy about the Plot, and by others for being too remiss; and that he went in continual Danger of his Life from the *Papish* Party. Mr. *Robinson*, the chief Prothonotary of the Common Pleas, also swore, that asking the said Sir *Edmund*, whether he had not taken Examinations about the Plot? he reply'd in the Affirmative, with this Addition, "That he should have little Thanks for his Pains, or some such Words: That he had done it unwillingly: That he had given the said Examinations to a Person of Quality, and that he fear'd he should be the first Martyr,"

Then *France* having been directed by the Attorney General to take his Story from the Beginning, gave the Court to understand in a loose, rambling, obscure way, That about a Fortnight or three Weeks before *Godfrey* was murder'd, he was intic'd into an Alehouse by the Waterside, call'd the *Plough*, by one *Girald* and one *Kelly*. He also mention'd *Green*, as one of the Company; and that they said, "It was no Sin; it was a charitable Act; he was a busy Man, and had done, and would do a great deal of Mischief." These are his Words: In this abrupt manner he spoke; the Attorney General giving him the Lead all the way; and the Recorder (*Trotter*) encouraging him with a *Well said!* to hearten him thro' the Residue of his Story. Being then ask'd by the Attorney, How long it was before *Godfrey* dyed that this Discourse happen'd? He reply'd, a Week or a Fortnight; and mention'd *Hill* as one of the Gang, whom he had not nam'd before, and omitted *Kelly*. He also skip'd over their coming to a Resolution to undertake the *Jobb*, and came, at once, to the manner in which it was to be executed. "There, (at the *Plough*) they resolv'd, said he, that the first that could meet with him should give Notice to the rest to be ready: And so in the Morning, when they went out on the *Saturday*— He was thus proceeding to make short work of his Evidence, when the Attorney General interpos'd with— "But before you come to that, do you know of any dogging him into the Fields?" This Question drew him into a Recollection that *Girald*, *Kelly*, and *Green*, had follow'd *Godfrey* into *Rushden* Fields. And being farther ask'd, "Whether he knew any thing of any sending to his Home, or going to it?" He also recollected; "That one such time he did know of, viz. *Sunday*-Morning (the Day he was murder'd,) *Kelly*, he said, gave him notice, they were gone ahead to dog him: And afterwards they told him, that *Hill* or *Green* did go to his House and ask for him, and was told by his Maid, that he was not up: Adding immediately after, "As soon as they heard he was within, they came out and staid for his coming out and dogg'd him." Being then ask'd by the *Chief*, Whether all three went to *Godfrey's* House? He return'd to his first Testimony, That it was either *Hill* or *Green*. How do you know that, said the *Chief*? They told me so themselves, reply'd *France*. Q. Who told you so? A. It was *Girald* and *Green* both. Q. Who dogg'd him? A. *Girald*, *Green*, and *Hill* dogg'd him into *St. Clements*, and about seven o'Clock, *Green* came and gave me Notice, that he was at *St. Clements*, and I came to *Somerstons* as fast as I could. Q. Who gave you Notice?

Journal, which show'd where he was every Day, and who saw him, from the 14 of *August* to the 24th of *September*, being the Time of his Absence from *London*. The chief Places were *Tottenham*, *Hatfield*, *Waterhouseham*, and *Beckford*. The Persons that saw him were of great Quality, viz. my Lord *John*, and his Family; Sir *John* *Bartholomew*, and his Family. He proceeds to name several other Families, and others to above forty Persons more; adding, "Nor is there

one Day, during the whole Time, in which there cannot be produced above a Dozen of his Witnesses."

(\*) The Reward assign'd one of the Assizes, for killing the King.

(\*) *Hill* was taken to Dr. *Geobins*, *Green*, an obscure, foolish Man, was Callow-keeper to *Somerstons* Church, and *Berry* Potter to the said Palace.

A. D. 1679. *trac? A.* It was *Green*: He told me that *Girald* and *Kelly* were watching him. It was necessary to point out these minute Circumstances, that the Reader might have a thorough Idea of *France* and his Evidence.

After these troublesome Queries were thus dispatched, he slid into the smoother Parts of his Narrative, as before set down in the Report made to his Majesty by the Duke of *Monmouth* and Lord *Offory*; but even in that he fell into Inconsequence, which, at any other time, or upon any other Occasion, would have had some Weight with the Court; for having said, that, about a Quarter of an Hour after *Goffrey* had been inveigled through the Wicket, he came down, and found he was not quite dead; for he laid his Hand on him, and his Legs totter'd and shook; and then *Green* wrung his Neck quite round: And the *Clery* asking, If he saw him do this? He answer'd, No; but that *Green* told him so afterwards. This brought another String of Queries, and among these, Who watch'd the Water-Stairs below, while *France* watch'd the (a) Wicket above? To which he answer'd, *Berry*; which is the first time we find his Name mention'd in the Trial. The Recorder then ask'd, what they did afterwards? *France* began to reply, *Why afterwards*—and either falling in his Speech, or appearing at a Loss for his Sequel, the Attorney General artfully reliev'd him by such Questions as help'd him to his Clue again: By the direction of which, he proceeded to give an Account of the Body's being carry'd by them all into a Chamber of *Hill's*, in *Dr. Godwin's* Houle; of its being remov'd at Midnight to *Hill's* Chamber in *Somerfet House* on the said Monday Night, by the help of a dark *Lantern* which *Hill* carry'd; of its being remov'd again on Tuesday Night to the Chamber where it had been first deposited; but finding *somebody* there, they were oblig'd to lodge it in another Room over against it; of its lying there till (c) *Wednesday* Night; of its being again remov'd about nine o'Clock that Night to the said Chamber of *Hill's*, which, the Somebody just spoken of had detected them from approaching the Night before, and of its being finally carry'd off

about twelve the same Night, in a Sedan-Chair, thro' the upper Gate of the upper Court, which *Berry* open'd, *France* and *Girald* carrying the Sedan as far as *Covent-Garden*, where they were reliev'd by *Green* and *Kelly*; and at *St. Sep's* Church, *Hill* met them with a Horse; on which the Body being set astride, *Hill*, who was mounted behind it, convey'd it to *Prinseps Hill*; *Green*, *Hill*, *Girald* and *Kelly* attending by the Horse's Side (for *France* himself, it seems, return'd home) where they ran him thro' with his own Sword, threw him into a Ditch, and laid his Gloves and other things upon the Bank by him, as they were found. The Attorney General then prompted him to relate what pass'd at a Meeting at *Bow*; and by the Help of a Paper, he nam'd one *Lewis a Priest*, as he thought, one *Ferratt*, or *Fornatt*, one *Cassio*, one *Detbeck* and *Girald*. Mr. Attorney thought it necessary he should tell what they had for Dinner; he did so, as also, that they read the (a) Writing of the Murder; that they were very merry, and that he, *France*, threaten'd to kick a Drawer down Stairs for listening. But he let slip the main Circumstance, which Mr. Attorney brought him back to, by asking, whether there was no Reward to be given for the doing this? To which he answer'd, That *Girald* and *Ferratt* did speak of a great Reward, which was to come from the Lord *Bellasi*: But tho' the Drawer appear'd, and bore joint Witness of *Detbeck's* being at his Master's Houle with Company, of his own listening at the Door to the Reading a Paper, &c. he added no Confirmation of the Reward.

The Reader, who recollects *Bedloe's* Depositions relating to the Murder in question, will no doubt be at a loss to reconcile the two Stories: But tho' they are in many (a) Instances totally different, a venerable Sergeant (*Stringer*) introduced the said *Bedloe*, as one whose Evidence supported that of *France*; and, that the Court might be duly prepar'd for what was to follow, couples the Names of *Girald* and *Kelly*, mention'd by *France*, with those of *de Phaire* and *Waffis*, mention'd by *Bellasi*: He also threw in that artful Circumstance of *Bedloe's* knowing

*France*

(a) Of the great *inter-gate* at *Somerfet-house*, which leads to the Stable.

(c) In his Informations to the Lords *Monmouth* and *Offory*, *France* was not certain as to the Number of Days the

Body lay at *Somerfet-house*. Here he is circumstantially exact.

(a) Probably, one of the *full and true* Accounts, usually published on such Occasions.

(2.) As a Specimen of this, the Reader is desired to consider the two following Columns:

#### EDWARD'S DEPOSITIONS.

1. That *France*, because Sir *Edmund* seem'd to be an Object to them; and had taken the Information of *Dales* and *Bury*, about the Plot, resolv'd and contriv'd to take away his Life.
2. Pursuant to which Design, they hir'd for 4000 l. *de Phaire*, *Waffis*, *Adams*, *Detbeck*, the Deponent, and some *Troop*, to do the Fact.
3. Accordingly, the above-named Persons trepan'd Sir *Edmund* into *Somerfet-house*, about five o'Clock at Night, on Saturday the 17th of October, 1678.
4. This Trepan was effected thus: The Deponent was told by *de Phaire*, that he, *Waffis*, and *Adams*, met Sir *Edmund* near the King's Head Inn in the Strand, and deceiv'd him into *Somerfet-house*, under Pretence of apprehending some Protest.
5. When they had him in the upper Great-Court of St.

#### FRANCE'S DEPOSITIONS.

1. That *France*, because Sir *Edmund* seem'd an Enemy to the Queen's servants, and would not consent to discharge one *Girald* from Parish Duties (so another Justice did) resolv'd and contriv'd to take away his Life.
2. Pursuant to which Design, they hir'd (for what Reward the Deponent doth not know) *Hill*, *Green*, *Kelly*, the Deponent, *Girald*, and *Berry*, to do the Fact.
3. Accordingly, the above-named Persons trepan'd Sir *Edmund* into *Somerfet-house*, about eight or nine o'Clock at Night: But the Deponent doth not well remember the Day.
4. This Trepan was effected thus: *Green* gave the Deponent notice, that he and *Girald* had set Sir *Edmund* in St. Clements; and *Hill* deceiv'd him down in the Water-gate, under Pretence of passing a Fry between two Fellows quarrelling in the Yard.
5. When they had him near the Rail, by the Queen's

A.D. 1578-9. *France* in the Lobby, tho' he had never seen him before, but by the Help of *le Pbaire's* Dark-lantern in *Somerfet-houfe*, together with *Godfrey's* Body. But, after all, *Bedloe's* Evidence, as to the Prisoners, and their two Confederates, *Kelly* and *Girald*, was little to the Purpose; for *Girald*, as he acknowledg'd himself, he did not know; *Kelly* he never could mention'd; nor could he say he had seen either *Hill*, *Green*, or *Berry*, about the Body: As to the Fact itself, he said, They (*le Pbaire*, &c. it must be presum'd) told him, they had strangled him: But now, HE COULD NOT TELL. He also bore witness to the Dark-lantern, as before; as also, to the (x) Covering of the Body; that the Body was to be carry'd out in a Chair; and that the PORTER was to sit up to let them out. One *Elizabeth Carris*, a Chairewoman in *Godfrey's* Family, also swore, That *Green* had been with her Master about a Fortnight before he dy'd; that *Hill* had been with him the Saturday Morning, which was the last of his Life; and that some Men, she could not tell who, had brought him a Note, ty'd up in a Knot, the Friday Night before, which he said he knew not what to make of. The Master of the *Plough* Alehouse, and his Servant, bore witness, that *Primer* had been there, in Company with *Green*, *Hill*, *Fitzgerald*, and *Kelly*. Unfortunately *Hill* had deny'd before the Council, that he knew *Kelly*: The contrary was here prov'd; and great Stress was laid by the Court on the Contradiction, tho' it so happen'd that they took no notice of the Contradictions in the Evidence.

P. 40. P. 45, 45, 50. Mr. Recorder, in the next place, called upon one Mr. *Thomas Stringer* to inform the Court, what Mr. *Berry* had said concerning the Directions he had receiv'd to keep all Persons out of *Somerfet-houfe*, about the 12th or 14th of the preceding *October*; who accordingly declar'd, that the said *Berry* had confess'd to the Lords Committees, that he had Orders from the Queen not to admit any

Strangers, or Persons of Quality, during the A.D. 1678-9. (y) 12th, 13th, and 14th of that Month: That, in consequence of the said Orders, he had refus'd the Prince (*Rupert*): And that he had never receiv'd such Orders before. *Berry* here interpos'd, bluntly enough, *The Prince might have come in, if he would*: He however confess'd, he had such Orders from the Queen's Gentleman-Usher; but withal deny'd, that he had ever said (z) *He had receiv'd no such Orders before*; for the contrary was true: He also assert'd, that several had been admitted then; and Mr. Recorder allow'd, that five or six had been prov'd. Mr. Attorney would nevertheless have *Berry's* own Deposition read against him; and it was read accordingly: Upon which Mr. Justice *Wild* observ'd, "This was a kind of Reflecting-Evidence, and that he would have no more made of it, than the thing would bear."

As to the Defence of the Prisoners, it was various, according to the various Circumstances of the several Parties: Sir *Rob. Southwell* being ask'd, upon his Oath, whether *France's* Evidence to the Court was suitable to that which he had given to the Council; answer'd in the Affirmative: But only now he said more than he said then. Being also ask'd, whether *Prince* did hesitate in shewing the (a) Lords the several Papers in *Somerfet-houfe*, mention'd in his Narrative of the Murder; he answer'd, That he went directly and positively, till they ask'd him where the Body was carry'd; and then he led them thro' a Maze of Entries, Stair-cases, Courts, Rooms, &c. saying once, Thus far I am sure I am right; and, at last, fell into a great Distraction, as to the particular Room in question.

These Articles were not unfavourable to *Hill's* Defence. The Prisoners in general: But neither took advantage of them.—*Hill*, indeed, pleaded, that *France* had retracted his first Story; and being thereby perjurd, was an incompetent Witness:

## BEDLOEN DEPOSITIONS.

*Somerfet-houfe*, they thrust him into a Room, put a Pillow to him, threaten'd him if he made a Noise; then stilled him between two Pillows; and finding him still alive, strangled him with a long Cravat, in the Room where he lay.

6. On the Monday following, precisely between nine and ten o'Clock at Night, the Body was taken to the Deponent by *le Pbaire*, in the Room, or the next to it, where the Duke of *Albemarle* lay in State, in the upper square Court: There it was by the Help of a Dark-lantern the Deponent saw the Body, in the Presence of *le Pbaire*, *Walsh*, *Atkins*, and two other Persons.

7. On the same Monday, at nine o'Clock at Night, the dead Body was carry'd out through the great Gate, by certain Chaimen (Retainers to *Somerfet-houfe*) whose Names were unknown to the Deponent: These Persons carry'd him in a Chair to the Corner of *Clarendon-houfe*, and from thence convey'd him in a Coach to *Primrose-hill*, where they made a Wound in his Body, and laid his Sword by his Side.

It is proper to add, in this Place, that Mr. *Neesh*, in his *Examen*, p. 208, writes as follows: "But omitting all other Circumstances, to show what had Mixture these Men meet with, I well remember a Passage told me by no small Man, who was present with the Lord Chancellor *Feild*, when Sir — (*William Jones*) came to give his Evidence as Accuser of the Commission of the three: But, said the Lord Chancellor, *How did you answer such and such Incongruities in the Evidence* which he offered. My Lord, (said Sir *W. J.*) I ordered the Briefs to, that none of these things appear'd, which this Person said brought an Haemorrhage over his Spirit."

(a) This is called a Cloak, by *Beaue*, in his former Depositions; but now a Thing; *France* having before call'd it a something, he could not tell what.

(y) Here Mr. Attorney General ask'd, What, Three Days? and *Stringer* reply'd, Two, or Three Days. *Berry*

## FRANCE'S DEPOSITIONS.

*Stables*, *Green* strangled him with a twisted Handkerchief; then fasting him still alive, wrung his Neck quite round, and punch'd him with his Knee in the open Yard; which done, they dragg'd him into Dr. *Goswin's* Lodgings.

6. On the Monday following, precisely between nine and ten o'Clock at Night, the Body was taken to the Deponent by *Hill*, *Green*, and *Girald*, in a Room in the back Queue Court below Stairs, next the Garden. There it was (by the help of a Dark-lantern) the Deponent saw the Body in the Company of the said *Hill*, *Green*, and *Girald*, who were only present.

7. On the next Wednesday after, about twelve o'Clock at Night, the dead Body was put into a Sedan, and carry'd out by the Deponent, and *Girald*, into *Coveys-garden*, where *Green* and *Kelly* took him up, and carry'd him to *Lang-bore*: There the Deponent and *Girald* remain'd their Burden, and carry'd him to the *Sabb*: from thence he was convey'd afloat on Horseback, before *Hill*, into the *Fields*, where they thrust his Sword through his Body, and call him into a Ditch.

[*Lords and Commons Journal*, admitted but Two Days] and nam'd the 11th, 12th, &c. afterwards.

(z) Nor did any such thing appear in the Deposition he was induced to sign.

(a) Sir *Robert* had attended the Lords in this Quest.

A.D. 1678-9. **Witnels:** But this was explain'd away by the *Chief*; who said, *Prance* had accus'd the Prisoners upon Oath, but had not retract'd that Accusation upon Oath; and, therefore, could not be perjur'd: Mr. Attorney also said, That, whilst *Prance* was a Papist, and not sure of his Pardon, he was, 'tis true, under Disturbances and Fears, which prevail'd with him to come before the King, and deny what he had sworn; but no sooner was he come back to Prison, than he insist'd on making a second Appearance before his Majesty, to confirm all again. This was supported by Captain *Richardson*; with this Difference, indeed, that whereas the Attorney said, that *Prance* himself was for going back to Court, *Richardson* swore, he begg'd him, the said *Richardson*, to go back to the King, and to acquaint him, that all he had said was FALSE, that all he had sworn was TRUE; and that if his Majesty would send him a Pardon, he would make a great Discovery. Mrs. *Hill*, towards the Close of the Hearing, demanded that *Prance* might be ask'd, upon Oath, Why he had deny'd all that *Prance* reply'd, "It was because of his Trade; and for fear of losing his Employment from the *Queen* and the *Catholics*, which was the most of his Business; and because he had not a Pardon." Mrs. *Hill* call'd upon him again to answer, Whether he was not *sworn*? He answered in the Negative. Mrs. *Hill* rejoyn'd, "It was reported about the Town, he was *sworn*:" And again, "There are several about the Court, that heard him cry out."

*Hill* himself call'd for *Mary Tilden*, his Master *Dr. Godwin's* Niece, and Mrs. *Broadstreet's* his Housekeeper, as also the *Maid*: The Amount of whose Evidence was, "That he was a truly Servant; that he never kept ill Hours; that he always came in by eight o'Clock; that he could not go out afterwards, because the *Maid* lock'd up the Doors; and the Family was always up till Eleven: That he was at home, on *Saturday* Night, when *Godfrey* was kill'd; and on the *Wednesday* Night, when carry'd away: That their Houie and Stairs were to (b) little, that it was impossible that any thing could be brought in or out, without their Knowledge: That the Room, where the Body was said to have lain, was not only over-against the

Dining-room, but a Room that had the Key in it always: That every Day they went often into it, for something or other; and that if any Company came to see the young Lady, their Footmen were oblig'd to sit in that very Room, for want of Convenience to receive them elsewhere: The *Servant-maid* also declar'd, That the call'd in at the Door of the Chamber every Day, and was last up every Night."

The Inferences drawn by the Court from all this positive Evidence were not, that *Prance* was sworn, or even mistaken; but, that the Parties (being *Catholics*) might say any thing to a *Heretic*, for a *Papist*: That they had a general Answer for all Questions. These were the Oracles deliver'd by the Lord Chief Justice. Mr. Justice *Dalben* was pleas'd to pronounce, This is a mighty improbable Business. Mr. Justice *Will* added, That, for his own part, he would not judge them (the Three Witnesses); but, that the Body should be carry'd there about nine o'Clock at Night, o' *Saturday* Night, and remain there till *Monday* Night, he said, made it very suspicious, that, if they were in the House, as they said they were, and us'd to go into that Room every Day, they must either hear it brought in, or see it." Mrs. *Broadstreet* replying to this, But we did neither, my Lord; Mr. Justice *Dalben* again put in, It is well you are not indicted. Mrs. *Broadstreet* then making a home Charge on *Prance*, that he knew all these things to be false; he, very opportunely perhaps, took off the (c) Edge of the Court, by answering, I lay nothing to your Charge. He, however, proceeded to tax *Broadstreet* with lying before the Duke of *Monmouth*, that *Hill* had left those Lodgings, before the Time in dispute, that is to say, of *Godfrey's* Death: Sir *Robert Southwell* also said, That the swore he had done so about *Michaelmas*, two, or three, or four Days after: And Mr. Attorney, as charitably as reasonably, did his best to terrify her, by asking, Whether she had not a Brother who was a Priest, and in the Proclamation? But him the silenced, by replying, I hope I must not impeach my Brother here: And to Sir *Robert* she reply'd, I beg your Pardon: I only said, I could not tell the Time exactly. One *Gray*, *Hill's* Brother-in-law, moreover, declar'd, that he kept him company from the

A.D. 1678-9. P. 56.

P. 54.

P. 56.

P. 57.

P. 59.

8th

(b) Sir *Robert Southwell* confirm'd this, as follows: "My Lord, it is an extraordinary little Place: As soon as you get up eight Steps, there is a little square Entry; and there is this Room on one hand, and a Dining-room on the other." *Trials*, p. 56.

(c) The following Dialogue had likewise been exchange'd between the Bench, and their Stickers for *Hill*:

Mr. Justice *Will*. What Time was it you carry'd him (*Godfrey*) out of *Somerly* on *Wednesday* Night?  
*Prance*. It was about ten or twelve o'Clock, *Hill* went to fetch the Horse.

*Mary Tilden*. We had never been out of our Lodgings after eight o'Clock, since we came to Town.

Mr. Justice *Yates*. When were you out of Town?

*M. Tilden*. In *October*.

Mr. Justice *Dalben*. Nay, now *Monday*, you have spoil'd all; for in *October* the *Barber's* was done.

Mr. Justice *Yates*. You have undone the Man, instead of saving him.

*M. Tilden*. Why, my Lord, I only mistook the Month.

NICH. XXXVI.

L. C. Justice. You, Woman, (speaking to Mrs. *Broadstreet*) What Mouth was it you were out of Town?  
*Broadstreet*. In *September*.

L. C. Justice. 'Tis apparent you consider not what you say, or you come hither to say any thing will serve the turn.  
*M. Tilden*. No; I do not: For I was out of *September's* came to Town the latter End of *September*.

L. C. Justice. You will remember what you said: That you came to England in *April* last; and, from that time, he was always within at eight o'Clock at Night.

*M. Tilden*. Except that time that we were out of Town, which was in *September*, the Summer-time. And it is impossible but if the Body was in the House, as *Prance* said it was, but I must see him; or some of us must. I used to go every Day into that little Room, for something or other; and I could never see him, if he was there.

L. C. Justice. You told me just now, you were not upon *Conscience*; and I tell you now so, you are not. *Trials*, p. 55.

A.D. 1678-9  
 8th of October till he took his Houfe, which was after the 20th. But as he alfo declar'd, that he left him every Night, about eight or nine o'Clock, the Chief was peremptory, that his Evidence did *Hill* no Service. One *Hill* (d) affirm'd, he had been employ'd by *Hill*, to repair the Houfe he had taken; that he fec about the Jobb on the 8th; that he wrought that Week every Day, and for twelve Days and a half in all: That *Hill* was there every Day: That they din'd together on *Saturday* the 12th; that they met about nine or ten; and that they parted about one or two. One *Cutler* testify'd, that *Hill* was at his Houfe from four or five in the Afternoon, till between seven and eight; as alfo, that he was with him on the *Wednesday* from five to feven. One *Archbold*, a Gentleman of the Life-guards, faid, That his Taylor (*Gray*) being at *Hill's*, he went thither in queft of him; and being ask'd by *Gray*, *What News?* he answer'd, Very good News; for *Prance* was taken for the Murder of *Godfrey*: Upon which, *Hill*, who was prefent, declar'd, *He was glad of it; and wifh'd they were all taken*: Adding, that when he came the next Day after, he was told *Hill* had been taken out of his Bed, for the fame Murder: That *Hill* had this Intelligence, was confirm'd by one Mr. (e) *Ravencroft*; who was inform'd of it by Mrs. *Hill*, the fame Day; as alfo, that it occafion'd ftrange Talk concerning her Husband: And that he, *Ravencroft*, asking what *Hill* faid to it, and where he was; the reply'd, he was at home, and defy'd *Prance*, and all his Works. Upon all which *Ravencroft* obferv'd, that it was a good Sign of his Innocence, that when he had Notice he did not fly. This Gentleman, alfo, was fufpected, and charg'd from the Bench, with being a *Papift*; tho' he had taken the Oaths of Allegiance and Supremacy: And Mr. Attorney was pleas'd to intimate, that all he meant was, to fhew the Court he could fpeak (f) *Latin*.

Green's Defence.

P. 63.

As to *Green*, he call'd upon his Landlord, one *Warrior*, and the faid *Warrior's* Wife, who were both Proteftants; and declining to ask them any Queftions, left them to tell all they knew: Upon which the Man declar'd, That he, *Green*, came home the Night the Murder was committed at half an Hour after Seven, and that he did not go out again till after Ten. This gave Occafion to the Chief to ask, How long after the Murder he began to recollect himfelf? The Man answer'd, A Month; and then, becaufe the faid *Green* was a Prifoner in the *Gatehoufe*; and that he remember'd the time particularly, becaufe *Green* had been at his Houfe but fourteen Days before he was apprehended. It was reply'd, That *Green* was then in Prifon about the Oath: That it was the 24th of *December*, before he was fecur'd on Account of the

Murder; and that he, the faid *Warrior*, had told Captain *Richardfon*, *That he and his Wife could do Green no good*. To this he answer'd, He call'd it not then to Memory, tho' he had fince done it by his Work; adding, be-fides, That he never knew him out after nine in his Life. The Woman alfo affirm'd the fame with many whimfical Particulars; but, calling the Day, *Saturday* Fortnight after *Michaelmas*, and *Michaelmas* being on a *Sunday*, this, in Rigour, was *October* 19, which furnifh'd a Plea to reject their Teftimony: Whereas it might be charitably prefum'd, that the Woman meant by that Expreflion a bare Fortnight after *Michaelmas*: For otherwife, *Saturday* the 19th being the Day after *Friday* the 18th (which the exprefly faid, was the time, when her Milk-Woman told her of finding *Godfrey's* Body) fhe muft have known, that what fhe had to fay was nothing to the Purpofe.

P. 64, 65.

It was now *Berry's* Turn, whofe Maid testify'd, That, on the 16th of *October* (the Day the King came from *Newmarket*, and the Queen went from *Sermerfet-houfe*, as alfo) her Mafter came home from *Bowls* in the Dulk of the Evening; that he was not abfent an Hour all Night; that he lay within her Chamber; and that he went to Bed about twelve o'Clock. But what was moft furprizing of all, was the Teftimony of the three *Sentinels* and their *Corporal*, who watch'd that Night from feven till four in the Morning, at the great Gate of *Sermerfet-houfe*, through which the Body was faid to be convey'd in the Sedan: For they declar'd, That there came in no Sedan, but that which flood there every Night; but that none ever went out, during their refpective Watches: It being impoffible for any to pafs by, or for the Gate to be open'd, without their Knowledge: That they did not drink one Drop, whilft on Duty, nor fir a Pike's Length from the Gate: That the Porter could not open the Gate, but they muft fee him; and that they had been twice examin'd as to the Matter by the Committee (whether of Council, or either Houfe of Parliament, is not mention'd) before *Prance* was taken up.

P. 70.

All the Evidence being now difpatch'd, and the Court proceeding to an Iffue, it ought not to be forgot, that Mrs. *Hill* declar'd herfelf difatisfy'd with their Proceedings, faying, "My Witneffes were not rightly examin'd; they were modeft and the Court laugh'd at them." Nor that Mr. *Attorney* took the Pains to collect all the feveral Particles of Evidence together, that could affect the Lives of the Prifoner, and to give them fuch an Air of Confiftency, as might render the whole fatisfactory to the Jury. In which laudable Talk he was alfo affifted by Mr.

(d) This Man being ask'd by the Court, whether he was a Proteftant? and answering equivocally, *Prance* charg'd him with being a *Papift*, and the Queen's Carpenter: Which gave Occafion to Mr. *Justice Jones* to fay, *That what he faid was as true, as that he was a Proteftant*.

(e) *Hill* had been for near twelve Years Servant to this Gentleman's elder Brother, and had lately marry'd his Mother's Maid. [Hist. p. 66.]

(f) He had faid, If Flight be a Sign of Guilt, as no doubt it is, *Adam*, who is? and Courageousnefs a Sign of Innocency; then this Man is innocent. To Mr. *Attorney's* Sneeze, he reply'd undauntedly, "I thank God I can fpeak *Latin* as well as any Man in the Court: And afterwards add'd, warmly, "If this Man were guilty, rather than I would fpeak for him, if there wast a Hangman, I would do it myfelf." [Trial, p. 67, 68.]



A.D. 1678-9. Mr. Solicitor. And, as to the Lord Chief Justice, he allow'd in his Charge nothing material to have been offer'd in Behalf of the Prisoners, but that of the Sentinel, who had his Post at the great Gate from ten to one o'Clock; and who was positive *no Seditious came out in his Time*; and upon which his Lordship observ'd as follows: "Now how far that single Testimony of *Nicholas Wright* the Sentinel will weigh, I leave with you; who may be mistaken, either by Reason of the Darkness of the Night, or that *Berry's* Voice being known to him, he might not call him, and so *Berry* might open the Gate without any great Caution, or more particular Obedience by the Sentinel." His Lordship, also, took occasion to say,—"There is a *manifest Evidence of the whole Plot itself by this Fact*; for we can ascribe it to none but such Ends as these, that a Man must be kill'd; for it must be either because he knew something the Priests would not have him tell; or they must do it in Defence of Justice, and in Terror to all them who dare to execute it upon them; which carries a great Evidence in itself.—So I leave it to your Consideration, upon the whole Matter, whether the Evidence of the Fact does not satisfy your Consciences, that these Men are guilty; and I know you will do like honest Men on both Sides."

P. 81. This ended the Charge; and the Jury in a short Space, bringing in their Verdict, *All convicted: Guilty*, his Lordship was farther pleas'd to throw in the following tremendous *Ecks*: "Gentlemen, you have found the same Verdict that I would have found, if I had been one of you; and if it were the last Word I had to speak in the World, I should have pronounc'd them (g) *Guilty*."

Both when they were brought up to receive Sentence, and at the Place of Execution, the Prisoners persever'd in asserting their Innocence: And *Berry*, in particular, who was a Protestant, as the Cart was drawing away, lifted up his Hands, and said, *As I am innocent; so receive my Soul, O Jesus!*

and are protesting their Innocence.

The Trial of Mr. Atkins.

It is remarkable, that on the very Day these poor Wretches were convicted, Mr. Samuel Atkins, the Clerk to Mr. (b) *Pepys*, who had been mention'd by *Bedloe* for one of the Persons whom he had seen, by the Help of *le Phaire's* Dark-lantern, with *Godfrey's* Body at *Somerfet-houfe*, was brought up, together with them, to receive his Trial, as he thought, at the same time; but the contrary happen'd: It was held advisable to try the Efficacy of *Prance's* Testimony first.

Examen, P. 250.

And, in the Afternoon, when *Atkins* was again brought to the Bar, he was told, he must stay for his Trial till the Sessions; and ask'd, if he had Bail ready? His Answer was, He was better prepar'd for his Trial, than to give Bail: And upon his insisting to be try'd, and shewing his Witnesses were sea-faring Men, and who could not stay so long; he obtain'd the next Day.

It ought to be observ'd, that he had been allow'd Pen, Ink, and Paper, to prepare for his Defence, some Weeks before; and that, when it was presum'd he was in readiness, all his Papers were seiz'd by Capt. *Richardson*, and carry'd to the Secret Committee: As also, that being arraign'd February 5, he desir'd his Papers should be restor'd; which was in effect refus'd; the Court only saying, That what was reasonable should be done; and that he might be favour'd with a speedy Trial; having already lain sixteen Weeks in Prison: Of which more will be said hereafter.

A.D. 1678-9.

There were divers Passages at the Trial, which, being in their Nature extraordinary, deserve to be remembered. Mr. *Attorney* said the Prisoner had good Luck that *Prance* came in and discovered the Murder; else, upon Circumstances, Probabilities, and Presumptions, he must have gone for the Principal, but now he should be charged only as accessory. And I may add he had, says Mr. *North*, good Luck that he had never been a *Papist*; for that Question, often ask'd, seem'd to imply that, if he had been so, it might have prov'd a nicking Evidence against him. This is confirm'd by an Incident or two at the Trial. The *Attorney General* was told there was a Boy would prove him at *Mafe at Somersets-houfe* divers times; and if so, said the *Attorney*, that is being a *Papist*, he is a Party concern'd, for it was the Interest of those of that Party, to have *Godfrey* cut off. But, on calling the Boy, the Prisoner ask'd on a sudden, *Do you know me?* And the Boy answer'd, *No*. And then the *Attorney* fell into a Rage against the Officer, for bringing him in. The Boy was sent away, and it was call'd a Mistake. And when, on the Prisoner's Part, the Witness said he was a Protestant, and a zealous one; *Ay*, said the Chief Justice, *there is much in that*. Such strange Law-Logic prevail'd in those Days.

When the Prisoner came to his Defence, and began to open against Captain *Atkins*, to shew him the veriest Rogue upon Earth, for which he was amply provided of Testimony, he was stopp'd and not suffer'd to go on, because that Evidence did not press him. But the Jest came at the Close; for when, by indubitable Evidence, it appear'd that, on the 14th of October at ten and eleven, or twelve, at Night, Mr. *Atkins* was absent at *Greenwich*, and there, at an Entertainment of some Ladies, soundly foxed, the *Attorney General* threw up; but with a Speech that all this was no disproving of the King's Evidence, Mr. *Bedloe*. *No, no, have a care of that*; and the Chief Justice added, *that Bedloe was the more to be credited*. But Mr. *Attorney* was not satisfi'd with all this, but came over with it again, desiring that the Company might not go away with the Mistake, that the King's Evidence were disprov'd. And the Chief Justice made a short Eclair-

The Attorney General's Protestation.

(g) At which Words, says the Trial, the whole Assembly gave a great Shout of Applause.

(b) Who was himself committed to the Tower, as a Conspirator, by Order of the House of Commons.

A. D. 1678. g. *Eclaircissement*, how this might very well happen; that is, out of Jealousy of the Murder, and Willingness to find it out, and none was to blame for pursuing Mr. *Bellin's* Evidence; and all they said might be true, and yet Mr. *Samuel Atkins* was a very honest Man.

The *Gazette* gave equal Notice of the Acquittal of *Atkins*, and the Condemnation of *Green, Berry, and Hill*; but we do not find the Sentence of the Court made so strong an Impression on the Public, in the former Instance, as in the latter: A strong Faith in the Plot was the Test of all political Merit; not to believe, was to be a political Reprobate; and according to the Zeal was the Cruelty of the Times. The Terror excited by the Plot had caus'd such a Thirst of Revenge, that nothing but Blood could satiate; every suppos'd Criminal was precondemn'd; and no sooner did the Victim appear, but the People called out for the Sacrifice: Pity was look'd upon as not only impertinent, but almost criminal; and even the great Prerogative of Mercy lodg'd in the Crown, was of no use.

In this terrible Interval, both the King, and his persecuted Minister, as well as the Duke, found themselves in the most distressful Situation imaginable: Without a Supply, the Army could neither be kept up nor disbanded: Without the Parliament, there could be no Supply: And while the present Parliament lasted, it was almost as dangerous to resemble them, as it was impossible to proceed without their Assistance. To dissolve the present Representative in anger, and call a new one, was to disperse the ill Humours, which were gathered in the Head, through every Part of the Kingdom: It was, besides, an Experiment, which very rarely answer'd the Ends of a Court; and much oftener increas'd Difficulties, than remov'd them. It was, however, thought the least Evil, and bid fair to humour the Passions, at least, of all Parties: The Duke, as well as his Agent, *Coleman*, had long ago advis'd it, and found his Opinion supported by the Leaders of the Opposition: The Lord Treasurer had such apparent Reason to fall into it, that the Measure is plac'd to his (i) Account; and even the King himself had his Expectations, that he should have less Difficulty to manage a new Parliament, than to accommodate Matters with the old.

Sir *John Kersey*, upon this Occasion, says, "This Parliament was, for the most part, VERY LOYAL, BOTH to the KING and the CHURCH; which made those of adverse Sentiments very desirous of its Dissolution: And the way they contriv'd to bring it about, as was credibly reported, was by persuading the Treasurer to obtain it of the King; *proposing*, if he should succeed therein, *That there should be no farther Prosecution against him in the next Parliament.*"

However this may be, the King resolv'd to part with this once very loyal, but now

very troublesome Parliament: Lord *Shaftesbury* had call'd it his Wife; and the Dissolution was call'd a *Divorce*: And in the Proclamation, declaring his Majesty's Pleasure therein, the Cause ascrib'd for this Proceeding, is, *The many Inconveniences arising from the over long Continuance of one and the same Parliament.*

His Majesty in the Course of many Years Experience, had, without doubt, found equal Cause to like and loath it. While the first Flame of their mutual Affection lasted, he was all Grace and Goodness; and they all Submission and Compliance: They were prodigal of their Favours; he was as lavish of his Thanks: He declar'd their Approbation should be the Standard of his Government; they vow'd an unalterable Attachment to the Prerogative: The full Power of the *Scepter* and *Sword* they restor'd to him, and only reserv'd that of the Purse, by way of Security for their own Privilege. But even in the midst all those Professions and Acknowledgements, on both Sides, it appear'd, that each had a Rival: His Majesty cast an amorous Eye towards Popery; his Parliament made an open Tender of their Affections to the Church of ENGLAND: Jealousies and Heart-burnings ensu'd: The King found it his Interest to give way: The People paid for his Concessions; and the Church had the Benefit: And now his Majesty having felt the Curb, grew out of Humour with the Bogle, and call'd upon *France* to set him free. *France* promis'd fair: The King believ'd, and throw off all Restraint, in the Pretension, that he was now the Master: But Necessity open'd his Eyes, and compell'd him once more to court the Assistance of those he had disoblig'd; who having now got the better of their Fondness, took advantage of that Necessity, and now resolv'd to make a Sale of their Favours. Henceforward their Intercourse was mutually mercenary; the King chas'd for a Supply, and the Party Leaders set their Prices: But tho' willing to be bought, they were afraid to trust him with the Purchase-Money. Hence the very Means of Corruption fail'd; and they began to dread the Power they had bestow'd: Hence all their subsequent Endeavours were to undo their own Work, and reduce their Monarch once more to the Servant of the Commonwealth; not, however, from honest Motives, or by honest Means, but by any Means indiscriminately; and as our own *Barbarians* on the Sea-Coasts, hang out Lights in tempestuous Times, to mislead the Mariner, that they may prey on the Wreck.

Good often rises out of Evil: Had not the King slighted this Parliament, and had not they shewn a proper Repentment, the Constitution had been long ago at an End: Tho' their Opposition was, in many Instances, extravagant, and always partook of the Leaven of Faction, it serv'd to awe the Throne and keep the Flame of Liberty alive among the People:

The long Parliament  
toward the  
West.

(i) *Verulam* says, it was the Project of his Lady: And farther, that the most politic were against it. (*Grounds of Popery*, Part II. p. 126.)

A.D. 1678-9. People: And as to the Brand of *Penſioner-Parliament*, which was ſtamp'd upon it, every Man of common Senſe muſt join with the admir'd Author of the *Difſertation upon Parties*, who ſays, "I cannot hear it call'd the *Penſioner-Parliament*, as it were by way of Eminence; without a Degree of honeſt Indignation; eſpecially in the Age, in which we live, and by ſome of thoſe who affect the Moſt to beſtow upon it this ignominious Appellation."

To return: No wonder was it known that a Diſſolution was at hand, and that a general E-

lection was to follow, than all Parties, and almoſt all Individuals beſtir'd themſelves upon the Occaſion, as if the Fate of the Kingdom was at Stake: Both the (A) Pen and the Purſe were call'd upon to aid and aſſiſt, and every other way of Influence, however unfair, however unjuſtifiable, as if Succes was the only Virtue. Sir *John Rerſley* acknowledges, That both the King and the Duke advis'd him to ſtand, and aſſur'd him of their Aſſiſtance, in caſe his Election ſhould be contriverted; as alſo, that the *Lord Treaſurer* wrote to the High Sheriff of *Yorkſhire* to be ſecurable to him

A.D. 1678-9.

P. 42.

(4) There was, in particular, a Pamphlet publiſhed about this time, call'd, *A Letter from a Jeſuit at Paris to his Correſpondent at London, ſhewing the moſt eſſential Way to ruin the Government and Proſperity Religion: The Diſt* of which was, to excite an Opinion, That the great Heats in the late Houſe of Commons, againſt the *Lord Treaſurer*, were kindled by the *Jefuits*: that the *Bill-ſwearers* of the Oppoſition were under their Influence: That the throwing a Vote into the Houſe of Commons was the ſureſt Way to elude the Proſecution of the Plot: And that the Oppoſers would join with the *Catholicks*, the *French*, or the *Great Turk*, rather than loſe the Pleaſure of being ſome great Perſons take the *Senſure* from the Barliments of Honour. In this Pamphlet, the following Eſtructions were alſo inferred, as the Work of *Le Chaiſſé* and his Calal at Paris, for promoting the *Catholic* Cauſe in England:

"And firſt, as a thing preceſſous to the Elections which ſhall be made, let the *Engliſh* in all *Counties* and *Corporations*, eſpecially ſuch as have *Burgheſſes*, be vigilant to enquire who are to be the *Candidates* for the ſucceeding Elections.

Secondly, Uſe all Endeavours among the *Diſſenters*, according to your Intereſt, to get in as many of the late Members as you can reſpectively *P. G. B. M. &c.* Our excellent Friend *M.* hath aſſur'd his *Illuſtration* the *N.* that he will not fail to be in again, nor to do as the beſt Service he can, now, as well as in the laſt.

Thirdly, If that cannot be done, but that new ones are ſet up, if they be Perſons firm in their Loyalty, and ſuch as have any the remotest Dependence or Eſpauſante upon the *Court* or *Army*; then give out among the People, though *in paſſant* only, as you ſee at your Luſe, that you certain Knowledge ſuch *Gentlemen* are great *Courtiers*, and are of that Party who deſign to reduce the *Nation* to the *Medal* of *France*, by the arbitrary Power of a ſtanding *Army*, whereby to introduce and eſtabliſh *Papery* among us, which you muſt be ſure to make moſt vehement and bitter *Declamations* againſt. If they are Perſons ſtrongly inclin'd to the Church of *England*, then give out confidently that they are *Papiſts* in heart, and that you know where they have declar'd themſelves ſuch; and that it is moſt viſible, by their being ſo much for *Cromwell*. This all the *Diſſenters* will not only eaſily credit, but will be very helpful to us in ſpreading and juſtifying the *Reports*: then they ſpeak with Confidence, and a ſenſe of ſome intimate Knowledge of them, and that you ſee divulge theſe Secretes out of ſincere Affection to the *Nation*, ready to be betrayed to *Papery* and arbitrary Government, will by theſe *Wild* ſee among the ordinary People, who will know-hill in hand to hand, and father it upon Perſons of *Repute*, not knowing the original Hand from whence it firſt came; and the repeated *Ride* of their Fears will both reſtable, and confirm it. By this means you ſhall, with the Aſſiſtance of the *Diſſenters*, who generally by hold of this Occaſion, which they have ſo long widd'd for and expected, be ſure to promote the Election of ſuch, eſpecially *Burgheſſes*, as are diſſect'd both to the King and Church; and tho' poſſibly in many *Counties* the Loyalty and Intereſt of the *Country* will carry it againſt us in the *Knightes*; yet the greateſt Number counſiling of the *Corporation* *Repreſentatives*; there we ſhall be too hard for them. And then mark what will follow upon this; they will meet, with an invincible Prejudice againſt the King, and eſtablish'd Government, both *Civil* and *Eccleſiaſtical*; they will fall violently upon the Church as well as the *Papiſts*; they will be ſo taken up with their own Affairs, and the *Embroiderment* our Friends will engage them in, that ours will ſleep; and being ſo hot and diſorderly, they will, in probability, oblige the King to ſend them home again, and ſeek for another.

By this means the *City* and *Country* will be under the greateſt Diſappointment and Diſſatisfaction imaginable; the *Army*, which is unſatisfiſd, will be thought neceſſary to be kept up; but there being no Money to buy them, they will be heartleſſe, and conſpire the *Country*, and augment the Jealouſy of a ſtanding *Army*. A Fleet muſt alſo be put to Sea, becauſe of the Alarms of the *French*; and when they ſome June, the Seamen muſt be tar'd adrift for their Jay-

roo. It may be a new *Parliament* may not be called in ſome time; but ſuch Ways may be taken to raiſe Money, for the public Neceſſity, as may render the Government odious, and diſpoſe People to a general Inſurrection; and then the *Deys* of our own; then my noble Lords will love their Heads, for they muſt be try'd by a *Parliament*; and, if our Affairs jump luckily, they ſhall out-live *Mithraſem*, if they live to ſee a *Parliament* loyally as to give the King Money, or endeavour to ſettle the *Peace* of the *Nation*.

But, in the ſecond place, if the *Parliament* ſhall fit, and there appears any Danger to us by their being unanimous, and ſo like to continue, and to bring the Lords to their Trial; all Endeavours muſt be ſied by ſuch as can be got to be of our Party, firſt to run them again upon the *Miniſters* of State, as being poſſibly affected, and deſigning to ſubvert *Parliaments*, and introduce arbitrary Government. I need not ſpeak much of this, you are ſufficiently inſtruted how to manage it, and cannot want a *Cry* to ſet up.

Secondly, Obſtrudt as much as poſſible the riſing of Money, and yet cry out of the imminent Danger and ſtruts of the *French*; it may be you will have Reaſon and Truth in that particular; however, delay the Money, by ſeeking ſuch unreaſonable Things in recompence of it, that the *Money-Bill*, upon ſuch Terms, may be rejected; and be ſure it may not be near enough for the preſent Neceſſity: Urge the miſpending of the great *Revenues* of the *Crown*; but by all the Blame upon the *Miniſters*; you cannot miſs the King, if you hit the other. This will put the King out of all Hopes of this *Parliament*, and may poſſibly occaſion either a long *Protraction*, or a *Diſſolution*; and we ſhall be better provided againſt a new *Parliament*, than we could be now, being ſo much ſorry'd in the Diſſolution of the laſt. And beſides, if this *Parliament*, upon which the *Faſtious* have built ſuch Hopes, be either prorogued or diſſolved, it will eaſily reſtore the *Nation*; and they will be apt to receive the Inſpiration of their own Fears and Jealouſies, as well as thoſe we muſt now ſow thick among the *Diſcontented*; and if it continues, we muſt ſill play the ſame Game, and with Grievances, Inſart Vozs, and ungrateful Adreſſes, keep up and increaſe the Miſunderſtandings, and widen the Differences, between the *K.* and the *H. C.*

Thirdly, Aſperſe all that are not of our Party as *Court-Penſioners*, or poſſibly affected: This will ſecure ours from being diſcover'd, and will render the other odious to the People; and hinder their being elected into a future *Parliament*, if this ſhould happen to be laſtly diſſolved.

Fourthly, Let our Party bring in a Bill for Comprehention, or Toleration: If it does no other Good, it will occaſion great Heats and Alterations, long Debates, and will be an excellent *Remove* to all other Affairs, it will make them highly the Favourites of the *Separatiſts*, who will be the moſt active againſt the *Crown* and Government; and if that can be prevented, it is no matter how feverely it excludes all *Catholicks* from the Benefit of Indulgence, it will certainly ruin the Church; and we ſhall be well enough able to do our Buſineſs, and to prepare the People for a *Rebellion*, under the Shelter of the ſeveral *Sects*, who have both the King and Church ſufficiently already, and will in a little time become ſo numerous and confident, that by their Help we may be able to effect our Deſign. This politic *Tax* of a Toleration has alſo another Face; for it will alienate the Affections of thoſe who are zealous for the Church from the *Crown*, when they ſee that give them up as a Prey to their Enemies; and if it does not yet, it will diſturb them from doing it the Service they would, in caſe of neceſſity: So that if it comes to a *Rebellion*, the King will be deſtitute of Aſſiſtance of all Sides, and muſt ſeek for Aid among the *Catholicks*, and from foreign Powers. And which way ſoever the Game goes, we ſhall be ſure not only to ſave our Stakes, but to win by the Hand."

*Ferguſon* calls this counterfeit *Jefuits* Letter a *Beaſt* to deter the *Parliament* from ſtriking any of the great *Miniſters* of State. And adds, I know not from what Authority, that it was, at laſt, prov'd in the Houſe of Commons, to be the *Lord Treaſurer's* Contrivance, and ſent by him to be printed. [*Crewe's* *Popery*, Part ii. p. 229.]

A.D. 1689.  
Part. P. 47.

him in the Return: And the Author of the *Caveat* against the Whigs affirms, That to make all sure, the Dissenters and their Friends fell to splitting of Freeholds, to sprout twenty Mulroom Votes out of 40 l. per Ann. which, according to him, was the first time that scandalous Practice is to be met with in our Story.

The Time of a general Election is always a Time of Ferment; and, possibly, contributes as much to deprave the Morals of the People, as to preserve their Liberties: But this Ferment was, at this time, artificially rais'd to a higher Degree of Fury than ever, and threaten'd to be productive of more dangerous Consequences: One Party gave out, that the Standard was on the Point of being set up for the *Good Old Cause* of the Commonwealth; and the other, that *Papery* and *Slavery* were at the Doors: The blind and undistinguishing Herd were like the Waves of the Sea between these opposite Winds, and rag'd and foam'd, only to dash each other to Pieces, while those who collected the Vapours, and let loose the Storm, enjoy'd the Honours of it, and gloried in the Power and Pleasure of doing Mischief.

As to foreign Affairs, they were no longer attended to; nor, indeed, were they any longer worthy of Attention: No body fear'd our Power; no body sought our Assistance: It was, not unreasonably, concluded, That Disputes to chafily set on foot, and so fiercely maintain'd, could only be decided by the Sword, and that the Trumpet would very speedily proclaim a second Civil War.

Scarce ever was the Kingdom cover'd with a more portentous Darkeness: The Plot hung like a Comet over it, and was supposed to have a Complication of all Calamities in its Train: The Leaders of the Opposition took care to fix all Eyes on this political Prodigy, and read such alarming Lectures on it from time to time, that the People grew frantic with their own Fears, and concluded the last Day of their Liberties was at hand. Under this Impulse, the Elections went, for the general, against the Court; the new Parliament wore a more threatening Aspect than the old: The King had Reason to believe they would exert their Strength on the same Principles, and with the same Views, that they had acquir'd it; and he was but in a poor Condition to wrestle with them, when they had so much the advantage of the Ground.

In order therefore to divert the Torrent he could not withstand, and to disarm the Rage he could not resist, he gave into the Lord Treasurer *Darby's* Advice to induce

To King's  
quest his Driv-  
ance to have  
the Kingdom:

his Brother the Duke of *York*, not only to A.D. 1689  
quit the Court, but the Kingdom; it being presum'd that when the great Object of the public Terror was remov'd, the public Tranquility might be restor'd; and that in Return for this unrequir'd and unexpected Concession, the People would make no Difficulty to come into all his Majesty's Measures by way of Acknowledgment.

Tho' his Royal Highness had tender'd himself obnoxious on account of his Religion, and had been mention'd in the House of Commons, as thereby giving Encouragement tacitly to the Designs of the *Roman Catholics*, nothing criminal had been laid to his Charge: *Oates* himself, as before mention'd, had answer'd for his Innocence to the House of Lords; and, no one Fact had since turn'd up to authorize the Suspensions of the Times: He had, therefore, a Right to dispute his Majesty's Pleasure, if he thought proper, and to stand his Ground against all Persecution: But tho' he no ways relish'd the Treasurer's Politics in this Proceeding, and thought it equally unkind and unjust, he at once play'd the Part of the Politician and devoted Subject, by obeying and setting his own Price on that Obedience.

He had, for some time past, regarded the Duke of *Monmouth* with a jealous Eye: The King favour'd him, the People loved him, the Opposition courted him, the favourite Mistress cabal'd with him, the Minister fear'd him, and every Circumstance of the Times seem'd to befriend him. That therefore his Absence might not enable him, *Monmouth*, to improve all to the Accomplishment of his Willies, he stipulated with the King, 1<sup>st</sup>, That he should solemnly declare he was never marry'd to the Duke of *Monmouth's* Mother. 2<sup>d</sup>, That he should never give his Assent to any Bill to vacate his Right to the Crown; and 3<sup>d</sup>, that he should give him an Order under his Hand to remove; that his Withdrawing himself might be understood as an Act of Duty to his Majesty, and not any Acknowledgment of Guilt or Dread of Danger. His Majesty made no Difficulty to comply (1) with all these Demands; and then his Royal Highness consented to be made the *Scopel-Geat* of the Court and Administration.

While Affairs were in this embarrassed State, Sir *William Temple* return'd from his Residence in *Holland*, with a View to enter upon the Secretary's Place, to which he had been invited by the Lord Treasurer; and as he intimated, himself, was immeasurably surpris'd to find the *immortal Parliament*, as it had been call'd, dissolv'd, and the *presumptive Heir* going into Exile. He arriv'd the Day

Who complies,  
upon Terms,  
Oates's  
Resolution.]

His Conference  
with Sir W.  
Temple.  
[Temple's  
Memoirs,  
P. iii. p. 331.]

(1) The Declaration relative to the Duke of *Monmouth's* Mother was entered in the Council-Books *January 6*, and renew'd the 3<sup>d</sup> of *March* (being the Day his Royal Highness arriv'd in *Holland*, in his Way to *Brussels*) possibly, that it might seem to flow from his Majesty's own Motion, and rather as a mere Act of Justice, than as a Matter of Constraint, to let the Duke out of the way.

The King's Order, agreeable to the Concert between the two Brothers, was as follows:

"I have already given you my Resolution at large, which I think is fit, that you absent yourself, for some time, beyond the Seas: As I am truly sorry for the Occasion, so you

may be sure I shall never desire it longer than it shall be absolutely necessary, for your Good, and my Service. In the mean time, I think it proper to give it you under my Hand, that I expect this Compliance from you, and desire it may be as soon as conveniently you can. You may easily perceive, with what Trouble I write this to you, there being nothing I am more sensible of, than that the Kindness you have ever had for me. I hope you are as just to me as to be assured, that no Absence, nor any thing else, can ever change me from being truly and kindly yours.

Feb. 28, 1689-90.

G. R."

A.D. 1677. Day before the Duke was to depart, and having just time for one Audience, was by his Royal Highness made acquainted with all the Steps which had been taken towards that Resolution: The Duke upon the whole observing, "That it was much against his Opinion; and bidding him remember what he then foretold, That however this was thought likely to stop the violent Humour rais'd by the Plot, he would see it would end in the Lord Treasurer's Ruin, tho' he did not expect it: And the Event soon shew'd that his Highness had Reason on his Side.

The desperate Situation of the Lord Treasurer.

[Temple's Memoirs, Part iii.]

No doubt the Treasurer thought his Influence would be more absolute over the King, when the Duke was remov'd; but he did not seem to reflect, that by weakening the Royal Family, he also weaken'd his own Support; and that his Case was now of such a nature; as rather call'd upon him to guard against his Enemies in the State, than to supplant a Rival in the Cabinet: He had not only the Clamour of the People against him, but the united Cabals of all the Intriguers at Court, and the Party Leaders of both Houses: Sir William Temple, particularly, specifies his old Enemy, Lord Arlington, as still contributing his best Endeavours to throw him out of the Saddle; as also, that the King's Female Favourite, the Duchess of Portsmouth, his darling Son the Duke of Monmouth, and even the Earl of Sunderland, who had declar'd himself his Friend and Servant, were join'd with the Earl of Shaftsbury in the Designs of his Ruin. The Removal of the Duke pass'd with all these, rather as a Sign of Weakness, than a gracious Condescension; and instead of receiving it with the grateful Acknowledgments, which it deserv'd, they took the Hint, to make the Storm drive harder on the Court than ever; in the Persuasion, that if the Plot had already thrown so valuable a Part of his Cargo overboard to make his Vessel fail the easier, the same foul Weather would, in the End, oblige him to quit the Helm, or expose him to the Danger of a Wreck.

The new Parliament meet.

King's Speech.

This was the State of the Court and Kingdom, when the New Parliament met, March the 6th; upon which Occasion, his Majesty deliver'd himself to both Houses to the following gracious Speech: "That he met them with the most earnest Desire that Man could have to unite the Minds of all his Subjects both to him and to one another: That he resolv'd, it should be their Faults, if the Success was not suitable to his Desires: That he had, already, done many great Things to that End; as the Exclusion of the Popish Lords from their Seats in Parliament, and the Execution of several Men both for the Plot and Godfrey's Murder: That it was apparent he had not been idle in prosecuting the Discovery of both: That he had disbanded as much of the Army, as he could get Money to do: That he was ready to disband the rest as soon as they would reimburse him the Money they had cost, and would enable him to pay off the Remainder: That above

A.D. 1678 all, he had commanded his Brother to absent himself, because he would not leave malicious Men Room to say, He had not remov'd all Causes which could be pretended to influence him towards Popish Councils. By which last great Step he propos'd to discern, whether the Protestant Religion, and the Peace of the Kingdom, were as truly intended by others, as they were aim'd at by him: For if they be, continued his Majesty, you will employ your Time upon the great Concerns of the Nation, and not be drawn to promote private Animosities under Pretences of the Public; your Proceedings will be calm and peaceable, in order to those good Ends I have recommended to you; and you will curb the Motions of any unruly Spirits, which would endeavour to disturb them. His Majesty then signify'd a Hope that there were none such among them, since every Man must see the fatal Effects of such Animosities, at that time, both abroad and at home: Engag'd, not to give over his Endeavours to find out what more of the Plot and Murder he could; desir'd the Assistance of both Houses in that Work: Said he had not been wanting to put all the present Laws in Force against Papists; and declar'd his Readiness to join in the making such further Laws, as might be necessary for securing the Kingdom against Popery: Desir'd also their Assistance in the Supplies to disband the Army; as likewise for paying that Part of the Fleet which had been provided for by Parliaments but till the 5th of the preceding June: And the Debt (m) for Stores, which was occasion'd by the Pole-Bill's falling short of the Sum, which the Parliament gave Credit for: Adding, I must necessarily recommend to you likewise, the discharging of those Anticipations which are upon my Revenue, and which I have commanded to be laid before you; and I hope I shall have just Cause to desire such an Increase of the Revenue itself, as might make it equal to my necessary Expences; but by reason of those other Supplies, which are absolutely necessary at this time, I am contented to struggle with that Difficulty a while longer; expecting for the present only, to have those additional Duties upon the Customs and Excise to be prolong'd to me; and that you will some other way make up the Loss I sustain by the Prohibition of French Wines and Brandy, which turns only to my Prejudice, and to the great Advantage of the French. His Majesty concluded with recommending to them that such an Establishment ought to be made for the Navy, as might render the Kingdom not only safe, but formidable; and with signifying, that it was his earnest Desire this should be a healing Parliament; that he would, with his Life, defend both the Protestant Religion and the Laws; and that he did expect from them to be defended from the Calumny as well as Danger of those worst Men, who endeavour'd to render him and his Government odious to his People."

What more was thought necessary to be said,

(m) To the England Merchants.

A.D. 1678-9. said, was left to the Lord Chancellor, who set out with a sort of Apology for his Majesty's dissolving the last dutiful Parliament; and yet gave a sort of Notice, that for the future, he would frequently shift the Representative Part of the Legislature, that he might have a right and true Understanding of the Desires of his People, and that he might be rightly understood by them. His Lordship then discours'd of the Necessity of Union from the *great and surprising Dangers* at home, and the *formidable Appearance* of Danger from abroad; adopted the Plot; enlarg'd on the horrid Practices of the Papists, and charg'd them with trying to set up the Dominion and Supremacy of the Pope in the three Kingdoms; made a Merit of the Diligence that had been us'd in making farther Discoveries, of the Execution of some, and the Severities exercis'd on the whole Party. "In a word, said he, so universal is that *Despair* to which the *Papists* are now reduc'd, that they have no other *Hopes* left but this, That we may chance to overdo our own Business, and by being too far transported with the Fears of *Papery*, neglect the Opportunities we now have of making sober and lasting Provisions against it." His Lordship in the next place, proceeded to give a panegyric Comment on the several Points and Articles of the King's Speech; and from his parting with *such a Brother and such a Friend*, instructed both Houses to believe he had now no *Favoured* but his *People*. His Lordship also bestow'd a Paragraph on the *poor Church*; and in the same Breath, among the many good Laws, which were to be the Growth of this Session, recommended one for the further *Regulation of the Press*. His Lordship's next Transition was to the Dangers which might come from abroad; which arose, it seems, from the *general Peace of Europe*, that left great Fleets and Armies unemployed and ready for an Occasion. But these Dangers, his Lordship seasonably be thought himself, would not be so considerable, if the present Wants of the Crown were not so well known; he, therefore, modestly enough, signify'd that these Wants ought to be remov'd, "His Majesty hoping, That the good Understanding between him and his People would be for ever maintain'd, by a perpetual Reciprocation of Grace and Favour on his Part, and Duty and Affection on theirs." And upon the whole, his Lordship, as if suddenly inspir'd, broke out into the following sensible, noble, and affecting Particulars, which will possibly bear witness against the Over-righteousness of these Times, to all Eternity:

"You have now an Opportunity of doing

great Things for the King and Kingdom; and it deserves your utmost Care to make a right Use of it: For it is not in the Power of a Parliament to recover a lost Opportunity, or to restore themselves again to the same Circumstances, or the same Condition, which they once had a Power to have improv'd. Would you secure Religion at home and strengthen it abroad, by uniting the Interest of all the Protestants in *Europe*? This is the Time. Would you let the Christian World see the King in a Condition able to protect those who shall adhere to him, or depend upon him? This is the time. Would you extinguish all your Fears and Jealousies? Would you lay aside all private Animosities, and give them up to the Quiet and Repose of the Public? This is the Time. Would you lay the Foundation of a lasting Peace, and secure the Church and State against all the future Machinations of our Enemies? THIS IS THE TIME. The Results of this Council seem to be decisive of the Fate of these Kingdoms for many Ages, and are like to determine us either to Happiness or Misery of a very long Duration."

As nothing could be better said than all this, nothing could be worse done than what follow'd: When the Commons return'd to their House to chuse a Speaker, Colonel *Birch* nominated Mr. *Seymour*; who, being unanimously approv'd of, was plac'd in the Chair, after the usual Forms: But Mr. *Seymour* was on ill Terms with the Lord-Treasurer, who was rash enough to indulge his Repentment, at the Expence of his Royal Master's Interest, and the Repose of the whole Kingdom: For so it was, that when Mr. *Seymour*, the next Day, made his (a) Appearance in the House of Lords, as usual, for the King's Approbation, the Lord-Chancellor stood up, and said, "That if his Majesty should always accept a Person pitch'd upon by the House of Commons, then it would be no great Favour to be chosen a Speaker; and therefore his Majesty, being the best Judge of Persons and Things, thought fit to except against Mr. *Seymour*, as being fitly qualify'd for other Services and Employments, without giving any Reason to the Persons chusing, or the Person chosen. And therefore he order'd them, in the King's Name, to fix upon some other Person by to-morrow Morning, to be presented to his Majesty for his Approbation."

This Proceeding, and the Nomination of Sir *Tilmot Mearns* by Sir *John Ernle*, who pleas'd the King's Orders, immediately threw the Commons into all the Heat and Animosity they had been caution'd to avoid. (b) *Sachseverel, Williams, Clarges, Garraway, Lee, Birch,* and

(a) Concerning this Translation, *Ferguson* writes as follows:

"But there being a Council that Night, and Notice coming that Mr. *Seymour* was chosen, the Treasurer persuaded the King from accepting him, to shew his Prerogative-Right of rejecting: So that, the next Day, when the House came to present their Speaker, he was rejected: But the House, having some Intimation he would be rejected, order'd him, or he of himself retir'd, not to make the common formal Apology, of Inefficiency, at the Lords Bar: but, instead thereof, roundly told the King, that he was unanimously

chosen, by the Suffrages of all the Commons of England, to be their Speaker; and that he was resolv'd to serve his Majesty, in that Station, to the utmost of his Power: So that the Chancellor, who had Orders to accept of his Election, now had not a Word to say. At last, upon deliberating, and whispering aside, he recolected himself, and told the House, &c." [*Growth of Papery, Part II. p. 235.*]

(b) The several Speeches of these Gentlemen are full extant in *Chandler's History and Proceedings of the House of Commons.*

A.D. 1678-9.

*Seymour chosen Speaker by the House.*

[North, Rectly.]

and rejected by the King.

Which produces a remarkable Controversy.

A. B. 1678-9

and *Powell*, all leading Members, launch'd out with great Bitterness on this Occasion, and pointed all their Reflections at the Lord *Treasurer*: Colonel *Birch*, in particular, declar'd, that Mr. *Seymour* had made his Majesty acquainted with their *Choice* the Day before, who had express'd himself as very well pleas'd therewith: And for the Truth of this he appeal'd to Mr. *Seymour* himself. It was, however, the Opinion of the House to adjourn till the next Morning, when a Resolution was form'd to address his Majesty for more Time to deliberate on a Matter of so great Importance; which the King agreed to, and assign'd *Tuesday* the 11th for the Day of Issue; Declaring, at the same time, that as he would not have his Prerogative in- trench'd upon, so neither would he do any thing against their Privileges. This Interval was employ'd in searching of Precedents and canvassing Expedients; all which ended in an Address, in which the House set forth, "That it was the undoubted Right of the Commons to have the free Election of one of their Members to be their Speaker, and to perform the Service of the House: And that the Speaker, so elected and presented according to Custom, hath, by the constant Practice of all former Ages been continued Speaker, and executed that Employment, unless such Persons have been executed for any Bodily Infirmary: That, according to this Usage Mr. *Seymour* had been unanimously chosen, and that they hop'd his Majesty, upon due Consideration, would not think fit to deprive them of so necessary a Member, by employing him in any other Service, &c." His Majesty's Answer was, "Gentlemen, all this is but Loss of Time; and, therefore, I desire you to go back again, and do as I have directed you." This produc'd another Address the next Day, signifying "their great Trouble and infinite Sorrow, that his Majesty was pleas'd to give an immediate Answer to their Address, without taking any further Consideration: Insinuating, that the Occasion of this Question had arisen from his Majesty's not being truly inform'd of the State of the Case; and beseeching him to take into his further Consideration, &c." The King reply'd somewhat sharply; *Gentlemen, I will send you an Answer to-morrow.* But instead of keeping his Word, he came to the House of Peers, and pro-

The King re- spects the Par- liament for four Days.

rog'd the Parliament till the *Saturday* fol- lowing. A. D. 1678-9.

In this Interval, such a Temperament was found out as enabled the House to proceed to Business; but without restoring them to that Moderation that was necessary within Doors, when all was Diffraction and Confusion without. The Commons no longer insisted on *Seymour*, nor the King on *Mercy*. And when Sergeant *Gregory*, who was chosen in the Room of the first, was presented, his Majesty ratify'd their Choice without any farther Hesitation. *The Dispute compris'd.*

Being now in a Capacity to go on, they trod in the last Footsteps that their Predecessors had left behind them: They appointed one Committee to draw up a State of the Matters they left depending; and another, of *Secrecy*, to take Informations, prepare Evidence, and draw up Articles against the several Popish Lords under Impeachment in the *Tower*; as also to take such further Informations as should arise as to the *Plot* and *Godfrey's Murder*. They, moreover, by Message, put the Lords in mind of the Articles of Impeachment lying before them against the Earl of *Danby*; desir'd he might be sequester'd from Parliament, and committed to safe Custody: And not satisfy'd with this, they empower'd their Committee of Secrecy to draw up yet other Articles against the same obnoxious Nobleman.

The new Par- liament trod in the Foot- steps of the last.

To keep Pace with all this flaming Zeal and Loyalty of the Commons, the Lords also appointed their Committee of Privileges to examine and make a Report concerning the State of Impeachments, brought up from the House of Commons, last Parliament, and all the Incidents relating thereto; who, accordingly gave it as their Opinion, that the Dissolution of the last Parliament did not alter the State of the Impeachments, brought up by the Commons, before the said Dissolution took place. This Report was made on the 17th, and on the 19th it was taken into Consideration by the House: A Debate ensued, which was interrupted in the midst, whether purposely or casually, is uncertain, by the Earl of *Lincoln*; who coming into the House, demanded to take the Oaths of Allegiance and Supremacy, and subscribe the Declaration, &c. The said Debate was, however, return'd; and upon the Issue, both the previous

Each House aims the Plot, Impeachment, &c.

(f) Among a great Variety of dishonest Articles us'd at this time, to run down this great Minister, a List of Lord-Treasurers, from *St. Dunstan* Archbishop of *Canterbury*, was made public, for the sake of the following ironical Account of Lord *Danby*, and his Family:  
"In the Year 1673, Sir *Thomas O'Brien* was prefer'd by the Duke of *Buckingham*, and some others, to his Majesty, as a Person deserving the Honour and Trust of the Kingdom's Treasury; and in order thereto he was (worth about *Ten*, and so on). This Honourable Gentleman was born in *Yorkshire*, in the Year 1631; *Ph. 66*, being *Monday*, about four o'Clock in the Morning; his Father was President of the Council in the *Norwich*; his Grandfather was knighted in *Ireland*, for *Mercy*; he is the fourth Knight of his Family, and the second Knight and Baronet, the first Earl, and the first Lord Treasurer; and descended from *O'Brien*, a *quondam* Lord Mayor of *London*, who, being but mean in his Minority, was advanced, by the Marriage of his Sister's Daughter, to some decent service; by him performed, which to mention in this Place would not be so grateful as true—

but (pari passim) let us consider some of this worthy and eminent Person's Virtues:  
1. He hath been a great Royalist; which Qualification made him the fitter for this great Employ.  
2. He hath been an extraordinary good Husband; so that he hath, from a small Estate, advanced himself to a considerable Revenue.  
3. He was a great Preferrer of his Kindred, especially to the Parliament-houses; *Witness* the Case of Mr. *H. T.* in the last Parliament, and at several Elections in this.  
4. He was ever a very grateful Person; which was evidently seen in his Carriage to the illustrious Duke of *Buckingham*, in the Beginning of this present Year 1670; whose great Gold was freely serviceable to him, when his Necessity obliged him to want.  
5. He is a very good Accompanyer; which I suppose the whole Kingdom know to their Cost.  
6. And lastly, To him, and some others, we owe our Thanks for our last eight Months Distraction and Distractedness, not forgetting innocent *Godfrey's* Death." N. B. This last Item will be further explain'd by and by.

A.D. 1678-9.

previous and main Questions to agree with the Committee, were carry'd in the Affirmative.

As Affairs were in this Forwardness among the Lords, when the Message of the Commons, in relation to Lord *Danby*, was receiv'd; And now it was that his Lordship was to make his last great Effort; his Pursuers follow'd him at full Cry; and his own Peers were ready to turn upon him, and gore him out of the Herd. This one Day, however, he made a shift to stand at Bay, and was so well supported by his Friends, that the Issue of the Debate was adjourn'd till the Morrow, when the King himself did him the Honour, to become in Person his Advocate with both Houses; declaring from the Throne, in a set Speech, "That it was by his particular Order, the Lord Treasurer had written the two Letters produc'd by Mr. *Montagu*: That it was not the Lord Treasurer who had conceal'd the Plot; but that it was himself who told it his Lordship from time to time, as he thought fit: That he had granted the said Nobleman a full Pardon; and that, if Occasion requir'd, he would give it him again ten times over; but that, however, he intended to lay him aside from his Employments, and to forbid him the Court."

The Lords proceed against him by a Bill of Pains and Penalties.

The Commons enquire into the Manner of passing his Pardon.

This Speech gave a new Turn to the Debate which was yet in Suspence; for, instead of complying with the Desire of the Commons, their Lordships now inclin'd to give into the Expedient, insinuated by the King. Accordingly, a Committee was appointed to prepare a Bill, that his Lordship might be made for ever incapable of coming into his Majesty's Presence, and of all Offices and Employments, of receiving any Grants or Gifts from the Crown, and of sitting in the House of Peers; And it was also order'd that these Resolutions should be (g) communicated to the Commons at a Conference.

In this Interval, the Commons had appointed a Committee to trace the Pardon mention'd by the King thro' the several Offices, who finding no Entry made in any of them, had Recourse to the Lord Chancellor for Information, who, after promising that he neither advis'd, drew, nor alter'd it, acknowledg'd "That the Pardon was pass'd with the utmost Privacy, at the Desire of the Earl, who gave this Reason for it, That he did not intend to make use of it, but to stand upon his Innocence, except false Witnesses should be produc'd against him; and then he would make use of it at the last Extremity. That he advis'd the Earl to let the Pardon pass in the regular Course; but, after consulting with the King, his Majesty declar'd he was resolv'd to let it pass with all Privacy; And suddenly after, the King commanded the Lord Chan-

cellor to bring the Seal from *Whitehall*, and, being there, he laid it upon the Table; thereupon his Majesty commanded the Seal to be taken out of the Bag, which his Lordship was oblig'd to submit unto, it not being in his Power to hinder it; and the King wrote his Name upon the Top of the Parchment, and then directed to have it sealed; whereupon the Person that usually carry'd the Purse, affixed the Seal to it." The Chancellor added, "That, at the very time of affixing the Seal to the Parchment, he did not look upon himself to have the Custody of the Seal: And said, *It was a Stamp'd Pardon by Creation.*"

This strange Narrative, which would have much better become the Mouth of a little quirking Attorney, than that of the Lord High Chancellor of England, was no sooner reported, than it stir'd up all the ill Humours of the House, from the very Bottom: Every Man, who aspir'd to the Character of a Patriot by saying florid or angry things, indulg'd the Malignity of his own Heart, under Pretence of displaying his Zeal for public Justice: In particular, Mr. *Pease* overflow'd with Rage and Invective; (r) and, to exasperate the House yet further against the Man, ascrib'd to him all the Wickedness of the Reign. In conclusion it was resolv'd, *Nemine Contrahente*, That a Message should be sent to the Lords, to demand Justice against *Thomas Earl of Danby*, in the Name of the Commons of England; and that, agreeable to their former Message, he might be immediately sequestered, &c. They also agreed on an Address to his Majesty, representing the Irregularity and Illegality of the Pardon mention'd by his Majesty to be granted to the Earl of *Danby*, and the dangerous Consequences of granting Pardons to any Persons lying under an impeachment of the Commons of England.

The Lords, it seems, were not uninform'd of the Flame that rag'd thus violently in the House of Commons, nor unaware of the Consequences to be expected from it: That, therefore, they might share in the Merit of persecuting a fallen Minister, they proceeded to order the Gentleman-Usher of the Black Rod, to bring his Lordship as a Delinquent, in safe Custody, to the Bar of the House; so that when Sir *Henry Capel*, &c. came up with the Commons Demand of Justice, &c. their Lordships were enabled to reply by a Messenger of their own, that they had given the necessary Orders for committing the said Earl, before they had receiv'd the last Message from the Commons.

But the Bird was flown, at least the Gentleman-Usher of the Black Rod so reported; but the contrary was true; for tho' his Servants deny'd him, both at his House in Town, and

A.D. 1678-9.

It throws the Commons into a Fury.

Their Address to the King concerning it.

The Lords order the Earl of Danby into Custody.

He disappears.

(g) By the Duke of Newcastle.

(r) Calling him, "The Person to whom we owe the Danger and Pain of the French King against us. The Person to whom we owe the Threats and severe Answers to those humble Addresses we made the last Session of Parliament. The Person to whom we owe the Ruin of this Nation, and exhauing the King's Revenue: The Person to whom we owe the Expence of two hundred thousand Pounds a Year unaccounted for: The Person to whom we owe the

raising of a Standing Army, to be kept up by the Receipt of six Millions of Livres yearly, for three Years, to assist us and our Religion: The Person to whom we owe the late Bone that was thrown in on the sitting of the last Parliament, to hinder the good Issue that might have come by their Proceedings; who is now lying down his Snuff, and making up his Account in the Treasury as he pleases, to enrich himself out of the Spoils of the People, and to depart."



A.D. 1678-9

A.D. 1678-9

The Commons  
proceed against  
him by Attain-  
der.

and at *Wimbleton*, Sir *John Berkeley* saw him come out of his Closet at Midnight, from a Consultation with his Intimates, the 24th, which was the very Day the Lords made the Order for his Commitment: And when he did disappear, it was only to take Sanctuary in *Witchhall*. The Commons, however, refusing not to be defeated, order'd a Bill to be brought in to summon him to render himself to Justice, by a certain Day, or in Default thereof to attain him. In short, so hard was this great Man drove, and so little Credit and Interest had he now remaining, (for he had (s) resign'd his Office some time before) that even *Bellie* and *Oates* were encourag'd to assist upon him; which they did in the Face of the House of Commons; the first making great (t) Complaints of the hard Usage and Disappointment he had met with from the Earl, while Treasurer, and setting forth, in particular, That going to him for some Money, by virtue of an Order from the Council, his Lordship took him into his Closet, and asked him whether the Duke of *Buckingham*, or Lord *Shaftsbury*, or any of the Members of the House of Commons, had desir'd him to say any thing against him, and to tell him who they were, and he would well reward him; and to know if he would desist from giving Evidence against the Queen and the Lords in the *Tower*, &c. To which *Bellie* answering, That he had once been an ill Man, but desir'd to be no more, the Earl reply'd "You may have a great Sum of Money, and live in another Country, as *Geneva*, *Sweden*, or *New-England*; and shall have what Money you will ask to maintain you there." But he, *Bellie*, refusing all such Temptations, his Lordship began to threaten him, saying, *There was a Boat and a Yacht to carry him far enough from telling of Tales*. And after this, the Guards were at Spies upon him, and he was very ill us'd, till by their Advice to the King the same was re-

medied, and better Care was taken. *Oates*, also, at the same time, declar'd, "That, being one Day in the *Privy Garden*, the Earl of *Danby* passing by, reflected upon him, and said, *There goes one of the Saviours of England*, but I hope to see him hang'd within a Month."

In the mean time, the Lords proceeded with their (u) *disabling Bill*, which, being calculated to mitigate the extreme Rigour of the Commons, serv'd to exemptify the Text, *That the tender Mercies of the Wicked are Cruelty*. A Question being propounded, whether the House should proceed farther with that Bill, without summoning the Party concern'd, it was resolv'd in the Affirmative, Leave was also given to the Committee, to make such Alterations as they should think fit: And they, accordingly, turn'd it into a Bill of Banishment, which had the next Day, the final Approbation of the House (but three Lords, *viz.* *Northampton*, *Aylesbury*, and *Berkeley*, dissenting, tho' without offering Reasons) and was sent down to the Commons, by whom it was rejected on the first Reading: Nothing short of their own Bill of Attainder would satisfy them; which, April the 1st, was read for the third time, and sent up to the Lords, who had now a fair Opportunity to reject in their Turn, as the Commons had done before them; but the Times would not bear so rough an Experiment: Their Lordships, therefore, made a notable Attempt to convert the Bill of Attainder, sent up to them by the Commons, into a Bill of (w) Banishment, like that the Commons had before rejected. This they communicated at a Conference, to prevent Controversy as they us'd; accompany'd with an Observation, That the greatest Affairs of the Nation were at a stand, at a Time of the greatest Danger and Difficulty that ever the Nation labour'd under; as also with a Request that the first Interruption of the

The Lords are  
for banishing  
him.

1678

Several Cases  
between the two  
Houses.

King's

(t) Said Sir *John Berkeley*, in his *Memoirs*, p. 22, 23: "I was awerk to this Story, I confess, and would have had him flood in Ground, as long as the King would stand by him, dying, an Religion would but expose him the more to the Favour of his Enemies; in short, that the Lords would fear him the less, and the Commons not love him a bit the better. Several Persons had got possession of good Employments, not to reach by any Lord's Favour and Kindness, as by giving Money to his Lady, who had for some time driven on a private Trade of this sort, tho' not without his Lordship's Participation and Concurrence. This I knew, but had neither the Face nor the Inclination to come in at that Door; so that I was polluted to many, who, as I thought, deserved as little as myself; but they had but a bad Bargain, they were now all swept away with the same Torrent that began to overthrow his Lordship."

(u) Concerning this Intimation, one of his Lordship's Apologists writes as follows:

"Mr. *Beale* indeed hath said, that this Lord (though at that time under the Accusation of concealing the Plot) would have tempted him by Money, to have been gone beyond Sea, and not to say any thing against the Queen, nor the Popish Lords in the *Tower*. But when the Circumstances of that Story come to be told (which are not yet convenient) I suppose Mr. *Beale* will think as fit to retract that Information against his Lordship, as he hath already done another he told to the late Bishop of *Exeter* (now of *Petersburgh*) concerning the same Lord, *viz.* That this Earl was one of those at the Consult with the Queen, in her Chapel at *Whitehall*; nor the Earl complaining of this in Council, Mr. *Earle* did not only deny that ever he said so, but told the King himself, and several others (besides his Oath in the Lords House, relating to all the Lords) that he knew nothing against

that Lord; and has told the Earl himself, in the hearing of good Witnesses, that he was able to say several things in his Lordship's Defence; and that there were some Persons (and among them one great Man) who would have endeavour'd to foborn him to swear against the Earl; but Mr. *Beale* said, he was not a Man to be galld to do any such base Act; and as a Demonstration of his Honesty and Justice to the Earl, he brought him the Copy of an Information relating to the Earl, and sign'd *Ed. Panton*; and promised to inform the Earl of the Name of that great Man, and the others, who would have foborn him before the Meeting of the Parliament, which was to be in *March* following; and he told this to the Earl in *February* before. (*Memoirs of the Earl of Danby*, p. 29, 30.)

(w) When this Bill was first committed, the Earl of *Shaftsbury* entered his Protest, for the following Reasons:

1. Because no Summons, or Hearing at the Party, is first directed; which, by the essential Forms of Justice, ought to be.

2. Because 'tis conceived this will be Error.

3. Because 'tis a dangerous Precedent against all the Peers, to have to pass a Bill precipitated.

4. Because no Committee can proceed on any Bill, without hearing Parties; and no Peer is to be tried in Parliament, but by the whole House of Peers.

And the Lord *Berkeley* did the same; because he had been against committing the Bill.

(x) By this Bill, his Lordship was to be attainted, in case he should return into, or be found in, any of the King's Dominions, after the first Day of *May* 1679. On passing, the Lord *Berkeley*, *Northampton*, *Lowmore*, *Aylesbury*, *Shaftsbury*, *Eyre*, *Leicester*, and *Hovell*, entered their Dissents.

A. D. 1679.

King's Clemency might not proceed from the two Houses. But the Commons were not to be diverted from their Purpose by fair Words; on the contrary, they refus'd to admit their Lordships Alterations: Because they had wholly alter'd the Nature of the Bill: Because Banishment was not the legal Punishment in Cases of high Treason: Because the Earl of *Danby*, by flying from Justice, while under the Impeachment, had confess'd the Charge, and was, therefore, liable to the Judgment of high Treason: Because the said Earl, from the Illegality of his Punishment, might argue, That either the Commons were distrustful of their Proofs, or else the Crimes imputed to him were not in their Nature High Treason; and because the Example would encourage all other Persons, in the like Circumstance, to withdraw from Justice; which they would always be ready to do, if not prevented by a timely Commitment, in the hope of obtaining a more favourable Sentence from their Lordships in a legislative way, than they would be oblig'd to pass upon them in their judicial Capacity. With these Reasons the Bill was return'd to the Lords, and at the same time they address'd his Majesty to issue out his Royal Proclamation for the apprehending the said Earl, and, in particular, to require all Officers of the Household to take care, that no Person suffer him to conceal himself in any of the *King's Palaces*.

This Address the Lord Chancellor, by the King's Command, communicated to the Lords, together with an Intimation, that, as it regarded a Cause before that House, his Majesty would have been better satisfy'd, if it had come from both Houses, and therefore desir'd their Lordship's Advice as to what was fit to be done thereon. This was manifestly a Snare to embroil the two Houses with each other. But they took Care not only to avoid it, but even to advise his Majesty to set forth the Proclamation, which was then done accordingly.

The same Day that this Address was agreed to, viz. April 8, the two Houses had a second Conference on the Bill; in which the Lords reply'd to the Reasons of the Commons, That they had not desired the said Conference so much to argue and dispute, as to mitigate and reconcile: That their Concern for the too long and too great Obstruction given by this Affair to the public Business, was the chief Reason for their interposing in it: That upon this Consideration, if a Way might be found to remove the public Fears, by doing less than the Bill proposed, the Lords did not think it advisable to insist on the most rigorous Satisfaction that public Justice might demand: That, to induce the Commons to comply, the Lords did acknowledge, that Banishment was so far from being the legal Judgment, in Cases of High Treason, that it was not the legal Judgment in any Case whatever; since it could never be inflicted, but by the legislative Authority: That, however, they saw no Cause why the legislative Power should be always bound to

A. D. 1679.

act to the utmost Extent of its Power; for there might be a prudential Necessity, sometimes, to make Abatements; and it might be of fatal Consequence, if it were otherwise: That to remove all Jealousies, as to Precedents of this kind, the Lords declar'd, that nothing done in the Earl of *Danby's* Case should ever be drawn into Consequence, for the time to come; of which an Entry should be made in their Journals: And that, upon the Whole, their Lordships did insist upon their Amendments, so far as to exclude all Attainers; and promised themselves the Commons would in this Point give way, since their Resolutions were grounded only on their Tenderness and Consideration for the Public.

The Commons however continued immovable; and demanded a free Conference of the Lords, to shew they had Reason as well as Will on their Sides; which the Lords comply'd with immediately; but withal, their Manager at the said Conference, the Lord Privy-Seal, *Anglesey*, took care to make a Merit of that Compliance: His Lordship, however, own'd the Cogeny of the Commons Reasons; and that the Lords were therefore content to make the Bill absolute, without assigning the Earl a Day to appear. He also threw in some Family-Considerations; as that by the Bill of Attainder, not only his own Possessions, but those he had acquired by his Alliances, would be forfeited; and that if the Commons required any further Penalties, they should be gratify'd, provided they did not tend to the absolute Destruction of the Lord impeach'd. His Lordship added, to dazzle the Commons, that in this Affair they had gain'd two great Points, viz. 1. That Impeachments laid by the Commons in one Session, or one Parliament, were adjourn'd to be always in force till heard. 2. That the Lords admitted, that of right the Party impeach'd should be ordered to withdraw, and then committed to safe Custody, if special Matter had been shewn; but not otherwise; for in such case, he did not know how many of their Lordships might be pick'd out of a fudden. The Lord *Shaftsbury*, who was also of this Committee, did not however agree to this Distinction; but said, the Lords gave no Order to make any such Distinction, which was also confirm'd by the Duke of *Monmouth* and Lord *Falkenberg*. His Lordship (*Shaftsbury*) also declared, that the Way now propos'd, he thought, would conduce to the helping the Bill to pass; and that there were weighty Reasons, which were easier understood than express'd, that prov'd it necessary, for the Good of the Public, that the said Bill should speedily pass. The (x) Commons, on the other hand, were tenacious of the Letter of the Law; which, they said, ought to be the Guide in passing Acts of Parliament, as well as in the ordinary Course of Judicature; calling upon the Lords to follow the Example of their Ancestors, urging Precedents old and new for the like Attainers; ascribing all

A. D. 1679. all the Rigor of their Bill to the Earl himself, who, by his Flight only, had forfeited his Goods and Chattels; affirming, that this Proceeding of the Lords had a Tendency to shew, that different Degrees of Persons should have different Degrees of Punishment; whereas the poorest *Englishman* was to have the same Proceedings against him as the greatest Peer; asking, Whether their Lordships would make the same Provision for a flying Commoner? inveighing with great Severity against the Man, and his Conduct; denying, that they had gain'd any Point, in the Course of this Affair; and, upon the Whole, delivering the Bill again to the Lords, with their Amendments, and Expressions of Hopes and Desires of their Concurrence with them, that Justice might take its Course, and the great Affairs of Parliament be no longer obstructed, by spending more Time on him, who had brought the Kingdom into so bad a Condition.

And thus they so obstinately adhered to their own Bill of Attainder, that, within two or three Days time, the Lords thought fit to give way to the Heat of the Season, and pass'd the Bill; in which the 21<sup>st</sup> of April was appointed for the Earl's surrendering himself to Trial: But he finding himself reduced to this Extremity, rather than risk the Mischief that might happen to himself, or to the King, if he should refuse to pass the Bill, chose, on the 15<sup>th</sup>, to surrender himself to the Usher of the Black-rod; which was, soon after, signify'd to the Commons in form.

He is brought before the Lords;

The next Day his Lordship was brought on his Knees at the Bar of the House, and so continued till he was directed by the Lord Chancellor to stand up; who also gave him to understand, "That he stood impeach'd of High Treason, and other high Crimes, by the Commons: That Time had been given him by the Parliament, to put in his Answer; which he had not done, but had withdrawn himself, and thereby caus'd the Parliament to spend much Time about him, which was then very precious, both to the King and Kingdom; and that the House expected to know what he had to say as to that Matter."

His Lordship then urg'd the best Excuses he could; which being accepted, he proceeded to make several Requests, viz. That he might have a Copy of the Articles against him: That he might have Time allow'd him to put in his Reply: That in case any new Articles should be exhibited against him, the Time so allow'd might be yet further en-

larg'd: That he might know the whole Charge against him, before his Trial came on: That he might be allow'd the Advice and Assistance of Council: That he might have Liberty to take Copies of Records and Journals, in order to his Defence: That his Witnesses might be summon'd: That he might have Leave, at his Trial, to explain such Words as thro' Misapprehension might be writted to his Prejudice: And that he might continue in the Custody of the Black-rod. With all which the Lords comply'd, except the last; for instead of leaving him in the Custody of the Black-rod, they committed him to the Tower.

A. D. 1679.

and committed to the Tower.

Tho' the Prosecution of the Earl of Danby seem'd to engross the principal Attention of the House; they did not however lose sight of the Plot: On the contrary, they shew'd all imaginable Countenance, not only to Oates and Bedloe, but to every other Discoverer, who were invited to come in by Promises of Pardon and Reward, and every other Inducement that could influence the Zeal, or gratify the more ferocious Passions, of Mankind: In particular, they apply'd by Address to his Majesty, that Bedloe might have the Reward of 500 l. promised by Proclamation to the Discoverer of Goffrey's Murder; for tho' France had been taken up on Wren's Information, it was Bedloe's Oath only that prov'd him to be one of the Murderers: They also recommended the Care of his Safety to the Duke of Monmouth. And upon Oates's declaring that Colonel Edward Sackville, a Member, had said, "That they were Sons of Whores who believ'd there was a Plot; and that he was a lying Rogue who said it;" they not only expelled him the House, but prepar'd an Address to the King, that he might be made incapable of bearing any Office.

But the Lords even went beyond the Commons, in these kinds of Severities; for they authoriz'd their Committees to send for and examine such Persons as they should think fit, who had declared, or should declare and publish, that any of the Persons who had been executed, as guilty of the Plot, were innocent, and had suffer'd wrongfully; as also, to send for such Justices, Constables, &c. as had been entrusted with the Execution of his Majesty's late Proclamations for banishing *papish* Recusants from London and Westminster; and to require an Account why the said Proclamations had not been effectually prosecuted: Many (3) Persons were accordingly call'd upon to answer for their Sins

(3) By way of Specimen of which Proceedings, the following Extract from the Lords Journals is submitted to the Consideration of the Reader:

Mill, 21<sup>st</sup> April 1679.

The Information of Dr. William Jones, M. D. taken upon Oath, the 23<sup>rd</sup> Day of March 1679, before me Edmund Wreap, Esq. one of his Majesty's Justices of the Peace for the said County and Liberty.

This Informant saith, that it being known that he was a Physician to Mr. William Bedloe, Discoverer of the horrid Plot against his Majesty's sacred Life and the Government, one Dr. Smith a Physician came to this Informant on

Saturday the 21<sup>st</sup> Instant, pretending some private Business; when this Informant, after some Discourse, said, he must go to Mr. Bedloe; to which Dr. Smith reply'd, Are you great with Mr. Oates and Mr. Bedloe? This Informant replying, he was Physician to them both, Smith answer'd, God damn them both, why do you not poison them? you may have Money enough for that Service, more than you know what to do withal. This Informant reply'd thereto, That an Enemy could not do him a greater Injury, than to put a Trayal in him; how then could this Informant do Mischief to his Friends? All which pass'd between this Informant and the said Dr. Smith, at his, this Informant's, Lodgings at the Ball at Charing Cross.

A. D. 1679.

Sins of Omission and Commission, under these two Heads; and were treated with almost as much Rigour, as we read of in the Proceedings of the *Inquisition*. A Pamphlet having been publish'd in *French* and *English*, tending to vindicate the *Papists* from the Crimes imputed to them, and to invalidate the Proofs which had been urg'd against them, the Lords in the *Tower* were call'd upon, by Order of the Peers, to disclose what they knew concerning it, and to be accessory to the Prosecution of their own Advocate.

Both Houses join'd in a Vote, "That there now is, and for divers Years last past hath been, a horrid and treasonable Plot and Conspiracy, contriv'd and carry'd on by those of the *Papish* Religion, for the murdering his Majesty's sacred Person, and for subverting the Protestant Religion, and the ancient and well-establish'd Government of this Kingdom: As also, in an Address, "for appointing a solemn Day of Humiliation, by Fasting and Prayer, to seek Reconciliation with Almighty God; and to implore him, by his Power and Goodness, to infatuate and defeat our Enemies, continue the Light of his Gospel; and particularly, to bestow his abundant Blessings on his sacred Majesty and the present Parliament," &c.

A Second-Rate Politician would have thought the Disturbances of one Kingdom a sufficient Game to manage: But the Earl of *Shaftsbury* could not be satisfy'd, unless all Three Kingdoms were involved in the like Confusion. The King's Attachment to the Dukes of *Ormond* and *Lauderdale*, who had still the Command of *Scotland* and *Ireland*, appear'd to be indissoluble; but withal, his Majesty's Authority had been grievously shock'd and weaken'd: He had been induced to part with his own Brother, and oblig'd to give up his Minister: And if the

Parliament, in their present Plenitude of Power, should insist on the Removal of these his only remaining Supporters, it was scarce reasonable to suppose, that he either could or would contest it with them.

Upon the 25th of *March*, therefore, when a Motion was made in the House of Lords, to appoint a Day to consider the State of the Nation, the said Earl took occasion to digress from the immediate Point, as if by a sudden Impulse, to the State of *Scotland* and *Ireland*. He set out with declaring, That he always spoke what he was commanded by the Dictates of the Spirit within him; quoted the mystical Text in the *Canticles*; *We have a little Sister, and she has no Breasts*; not forgetting the strange Supposition of her being a *Door*, a *Wall*, &c; said we had several little Sisters without Breasts, namely the *French* Protestant Churches, and the two Kingdoms of *Scotland* and *Ireland*. Those Churches he call'd a *Wall* for the Defence of *England*; and *Scotland* and *Ireland*, *Doors* to let in Good or Mischief.

"Popery and Slavery, he also said, like two Sisters, go hand in hand; and sometimes one goes first, and sometimes the other; but wheresoever the one enters, the other is always following close at hand.

In *England*, Popery was to have brought in Slavery; in *Scotland*, Slavery went before, and Popery was to follow." Adding,

"I do not think your Lordships, or the Parliament, have Jurisdiction there. It is a noble and ancient Kingdom; they have an illustrious Nobility, a gallant Gentry, a learned Clergy, and an understanding, worthy People: But yet, we cannot think of *England* as we ought, without reflecting on the Condition they are in. They are under the same Prince, and the Influence of the same Favourites and Councils; when they are hardly

*Ld. Shaftsbury's Speech, relating to the State of Scotland and Ireland.*

And this Informant further saith, That he, with Dr. Smith, went thence to an *Alcove* in *Green-Street*, near the *Musy*, where the said Dr. Smith did, among other Discourses, positively affirm, That the Plot was no Plot at all, but a thing contriv'd by *Oates*, *Bellin*, and the Earl of *Shaftsbury*, merely to ruin the poor *Roman Catholics*; whereupon this Informant said, that if Mr. *Oates* and Mr. *Bellin* did live, most of the Lords in the *Tower* would suffer; To which the said Dr. Smith reply'd, *They will, or they shall, not live to see that Day, for they are not great Rogues to have a Living.*  
*Testis in C. and J. WILLIAM JONES.*  
*see see Edmund Wray.*

The Examination of Dr. Emanuel Smith, taken the 10th of April 1679, in pursuance of an Order of the Lords Committee, for examining Matters relating to the Discovery of the late horrid Conspiracy, before Mr. Edmund Wray, Esq; one of his Majesty's Justices of the Peace in the said City and Liberties.

This Examinant saith, that he knows no more of any Plot than the Child unborn; and as to any Belief of a Plot, he says the Circumstances speak as if there were a Plot; but how, what, or by whom he knows not, nor for what Ends; but says, if he knew of any Plot against the King, the Government, or the true Protestant Religion, he would reveal it; he confesseth, he hath been acquainted with Dr. Jones about five or six Years, and that there never was any Difference between them; and this Examinant confesseth, that he and Dr. Jones were together at the *Green Musy*, about the Time in the Interrogation mention'd; where one *Baxter*, as this Examinant believes his Name to be, came to them, and there was a Discourse about the Defense he then complain'd of; but that Examinant saith, that there were no little Concerns about Mr. *Bellin*, in the Discourse then, that he remembers it not, nor took no notice of it; and this Examinant saith, that Mr. Jones declaring Mr. *Bellin* was his Patient, this Examinant

did or might say, *Why do you not prescribe him a Pill?* but meant not thereby any ill to Mr. *Bellin*; and this Examinant saith, he had not any Thoughts of doing any Mischief to Mr. *Bellin*, upon any account of the *Papists*; and denies that he ever mention'd the Word *Papists*: He owns, that he is a *Christian*, but of what Profession in Religion, refuseth to confess: And this Examinant saith, that his Remembrance or Belief, there was not the least Discourse about the Earl of *Shaftsbury*, or of any Design that his Lordship with Mr. *Bellin* or Mr. *Oates* had to frame any Design against the *Papists*; or as if they intended any Design to make the *Papists* to be believed, to interpose any thing against the Government established: And he saith, that Mr. *Oates* was mention'd at the same time; and that he had no Malice either to Mr. *Oates* or Mr. *Bellin*; or any Incent, by Mooty or otherwise, to persuade Dr. Jones to any Act of Poison or hurting them. And this Examinant further saith, that when he is in Town, he lodgeth in *Green-Lane*, at Mr. *Lawrence* her House; and when he was in the Country, he was with an Aunt of his Wife's, at or near *Basingstoke* in *Hampshire*, at one Mr. *Chandler*'s; and all their Family are *Protestants*: And he saith, that there was any Discourse whatsoever concerning the Trial of the Lords in the *Tower*: And further saith not.

Test. exam me. E. SMITH.  
 Edm. Wray.

Hereupon the House made this ensuing Order:  
 Whereas Emanuel Smith, Doctor in Physic, is charged to prevail with Dr. Jones to poison William Bellin, as appeareth by the Information of the said Dr. Jones, taken upon Oath; it is ordered, That the Keeper of Wood Jones Computer, in whose Custody the said Emanuel Smith now is, do forthwith deliver him the said Emanuel Smith into the Prison of the Gatehouse at Whitechapel, there to remain a Prisoner till further Order; and, for so doing, this shall be a sufficient Warrant.

A. D. 1679.

hardly dealt with, can we that are richer expect better Usage? For 'tis certain, that, in all absolute Governments, the poorest Countries are always most favourably dealt with.

When the ancient Nobility and Gentry there cannot enjoy their Royalties, their Shrievaldoms, and their Stewardries, which they and their Ancestors have possessed for several hundreds of Years; (but that now they are enjoin'd by the Lords of the Council, to make Deputations of their Authorities to such as are their known Enemies) can we enjoy our *Magna Charta* long under the same Persons and Administration of Affairs? If the Council-table there can imprison any Nobleman or Gentleman for several Years, without bringing him to Trial, or giving the least Reason for what they do, can we expect the same Men will preserve the Liberty of the Subject here?

His Lordship then enlarged on the late arbitrary Measure of letting loose the *Higlanders* to live at discretion on the obnoxious Counties, which, according to him, there was scarce a colourable Pretence for, nor any other Reason of State; but that those wicked Ministers design'd to procure a Rebellion at any rate; "which, said he, as they manag'd, was only prevented by the miraculous Hand of God; or otherwise, all the *Papists* of *England* would have been arm'd, and the fairest Opportunity given, in the just time, for the Execution of that wicked and bloody Design the *Papists* had; and it is not possible for any Man, that duly considers it, to think other, but that those Ministers that acted that were as guilty of the *Plot*, as any of the Lords that are in question for it."

"I am forced to speak this the plainer, continued his Lordship, because, till the Prefecture be fully and clearly taken off from *Scotland*, 'tis not possible for me, or any thinking Man, to believe, that Good is meant to us here.

We must still be upon our guard, apprehending, that the Principle is not chang'd at Court; and that these Men are still in Place and Authority, who have that Influence upon the Mind of our excellent Prince, that he is not, nor cannot be that to us, that his own Nature and Goodness would incline him to.

I know your Lordships can order nothing in this; but there are those that (a) bear me can put a perfect Care to it: Until that be done, the *Scottish* Weed is like Death in the Pot, *Mors in Olla*. But there is something too, now I consider, that most immediately concerns us; their Act of twenty-two thousand Men, to be ready to invade us upon all Occasions. This, I hear, the Lords of the Council there have treated as they do all other Laws, and expounded it into a standing Army of six thousand Men. I am sure we have Reason and Right to be-

seech the King, that That Act may be better considered in the next Parliament there. I shall say no more for *Scotland*, at this time; I am afraid your Lordships will think I have said too much, having no Concern there: But if a *French* Nobleman should come to dwell in my House and Family, I should think it concern'd me to ask, what he did in *France*? for if he were there a Felon, a Rogue, a Plunderer, I should desire him to live elsewhere: And I hope your Lordships will do the same thing for the Nation, if you find the same Cause.

My Lords, give me Leave to speak two or three Words concerning our other Sister, *Ireland*: Thither, I hear, is sent *Douglas's* Regiment, to secure us against the *French*. Besides, I am credibly inform'd, that the *Papists* have their Arms restor'd, and the *Protestants* are not many of them yet recover'd from being the suspected Party; the Sea-Towns, as well as the Inland, are full of *Papists*: That Kingdom cannot long continue in the *English* Hands, if some better Care be not taken of it. This is in your Power; and there is nothing there, but is under your Laws; therefore I beg, that this Kingdom at least may be taken into Consideration, together with the State of *England*; for I am sure there can be no Safety here, if these Doors be not shut up, and made sure."

Whether the Duke of *Lauderdale*, who had a Seat in the *English* House of Peers as Earl of *Guildford*, made any Reply to this extraordinary Speech, in which he was so deeply wounded, we have no Authority from History to determine; but the Earl of *Offory* took fire at that Part of it which glanced at his Father's Government; and not only purg'd him from all Suspicion of being a Favourer of Popery, by a Recapitulation of some of the most eminent Actions of his Life, but rebuk'd our flaming Patriot for his own pernicious Councils, after the following equally polish'd and pointed Manner (b): "Having spoken of what he has done, I presume, with the same Truth, to tell your Lordships what he has not done. He never advis'd the breaking of the *Triple League*; he never advis'd the shutting up the *Exchequer*; he never advis'd the Declaration for a Toleration; he never advis'd the falling out with the *Dutch*, and the joining with *France*; he was not the Author of that most excellent Position of *Delenda est Carthago*, that *Holland*, a Protestant Country, should, contrary to the true Interest of *England*, be totally destroy'd. I beg your Lordships will be so just, as to judge of my Father, and of all Men, according to their Actions and Councils."

The Effect of this Speech, as we are told, was such, that that the Earl of *Shaftsbury* thought it advisable to mitigate his Charge, and, in particular, to exempt the Duke of *Ormond*,

A. D. 1679.

Lord Offory's Reply.

List of the Duke of Ormond, c. ii. p. 491.

(a) It must be presumed the King was present.

(b) Mr. Carte has not only prefer'd this Speech entire, in the Appendix to *The Life of the Duke of Ormond*, Vol. II. but also a Letter from the Prince of Orange to the Earl ofOffory, full of Compliments on the Occasion of the said Speech, which, it seems, had found its Way to *Holland*, and had been printed there.

A. D. 1679.

*Ormond*, by declaring he had no Thoughts of doing Prejudice to his Grace, by his late Reflections on the State of *Ireland*. It was, nevertheless, resolv'd, on the Issue of the Debate, that a Day should be appointed for taking the State of the Kingdom into Consideration, in this Time of imminent Danger. The 31<sup>st</sup> was accordingly agreed upon; at which time, all the several Accounts of the Lord Lieutenant's Proceedings, since the Discovery of the Plot, were communicated to the House by the Lord *Butler*; by which it appear'd, that his Grace had taken the most effectual Means to preserve the Peace of the Kingdom, without making the Catholics desperate, by giving into all the Rigors of Persecution, which would have been more acceptable to the violent Spirit of the Times; and that, in consequence of his equally moderate and vigilant Administration, that Kingdom was not only in a State of perfect Tranquility, but arm'd and provided against every supposable Danger.

Resolutions and Orders relating thereto.

Something was however thought necessary to be done to countenance an Enquiry so solemnly insisted on, as necessary not only for the Welfare of *Ireland*, but the very Being of *England*. So a Bill was order'd to be prepar'd by the Lord Chief Justice of the Common-Pleas, assisted by the Attorney-General, to oblige the Inhabitants of *Dublin*, and other Towns and fortify'd Places of *Ireland*, to take the Oaths of Allegiance and Supremacy, and to subscribe the Tests; as also, the Members of both Houses of the *Irish* Parliament. Their Lordships, moreover, address'd his Majesty, that the Laws in force in that Kingdom, for disarming Papists, might be *strictly* and *vigorously* put in execution: That his Majesty's Protestant Subjects there might be furnish'd with Arms and Gunpowder, at the Rates charg'd to his Majesty: That such Bonds as had been enter'd into for the educating of Children in the Protestant Religion, and had been forfeited, might be put in Suit

That Provision might be made, that Papists might not be of Juries there: And that the Lord Lieutenant might be order'd to put the Laws in execution to the utmost, against all *Jesuits*, and such other Popish Priests as exercised ecclesiastical Jurisdiction after the *Romish* manner in *Ireland*.

To dispatch on this Head: The Duke of *Ormond's* Friends could not tell how to imagine that this formidable Attack on his Administration would end in a bare (\*) Suggestion, that he had not sufficiently play'd the Persecutor; but, on the contrary, both expected, and prepar'd his Grace to expect, an Accusation in form; who, on the other hand, being always as ready to answer as his Enemies to accuse, and knowing all their Menaces were rather aim'd at his Place than his Person, gallantly resolv'd both to maintain his Power, and defend his Character: And to that End (c), apply'd for Leave to come over, that he might be on the Spot, to answer whatever might be alleg'd against him. But it soon appear'd, that there was no Necessity for his Journey, Lord *Shaftsbury* and his Followers being convinc'd; that nothing in a parliamentary Way could affect him, gave over the Attempt: And in every other Avenue for Mischiefe, the King himself interpos'd with his Protection; taking all Opportunities to declare, "That he had one of his Kingdoms in good Hands, that he was resolv'd to continue it so; and that while the Duke of *Ormond* liv'd, he never should be put out of the Government of *Ireland*." But this laudable Firmness of his Majesty, than his personal Friendship for the Duke; for, as he had before continued him in his Place of Lord Steward, after he had depriv'd him of his Lieutenantcy; so now, when he was thus determin'd to continue him in the Lieutenantcy, he was prevail'd upon to call (d) upon him to resign his Stewardship: But whether the Duke's very sensible and modest

A. D. 1679.

Duke of Ormond expecting an attack, applies for Leave to come over.

The King declares by word of his Majesty's Lieutenantcy.

Remembrance

(\*) Notwithstanding this fair Acquittal of the Duke's Conduct and Character, in open Parliament, against all the Malice as well as Suspicion of those distracted Times, we find the following Paragraphs in the Letters of *Algernon Sidney*, Esq; to *Henry Saville*, Esq; the English Envoy Extraordinary at the Court of France:

"The Earl of *Ormond's* Misconducts are so extreme, and his Favour to the *Irish* so apparent, that few believe he can continue in the Government of *Ireland*." P. 25. Again,

"I find Men Hearts much set upon taking the Government of *Ireland* out of the Earl of *Ormond's* Hands." P. 35. Again,

"*Ireland* is in extreme Disorder, by the Duke of *Ormond's* Negligence, Ignorance, and Favour to the *Irish*." P. 35.

So liable are even the most accomplish'd of Men, as well as the Vulgar, to have their Opinions warp'd by their Prejudices and Passions!

(c) His own excellent Letter to Mr. Secretary *Coweney*, on this Occasion, shews, at once, so much Purity of Heart, and Greatness of Mind, that I cannot forbear transcribing a Part of it.

S. J. P.

Dublin, 30 April 1679.

I do not remember any Session of Parliament held, when I was out of *England*, but that I was holily alarm'd by my Friends of Preparations and Contrivances to accuse me; and I have sometimes made Voyages thither, principally to prevent, or to be ready to answer, any thing that could be objected against me. But it has fallen out, that, upon my Arrival, I have still been offer'd to be quiet. I have now

again the same Informations, and I have at least as much Reason to give Credit to them as heretofore; and, if I were at liberty, would hasten over to defend my Honour, Innocence, and Conduct in the Truths that have been reported in me, as well as I could. I know the chief Grounds of Mens ill-will to me are, Malice because I would not bear Calumny, and Envy at the Place I held. These are Motives that will never die, or be at rest, as long as the Object remains; and I am now come to an Age and Inclination fit for Retirement, that I would be content to purchase it any rate, but that of Dishonour, or Prejudice to my Fortune and Family. Therefore, though I could with all imaginable Cheerfulness and Content lay this gear and envious Place at his Majesty's Feet, from whose Hands I receiv'd it; yet I cannot bring myself to offer it as a Ransom or Composition, but had rather undergo the strictest Enquiry and Trials of my Actions." &c. [Life of the Duke of Ormond, Vol. I. p. 491, 492.]

(d) The King's Letter, and the Duke of *Ormond's* Answer, touching this Affair, were as follow:

The KING to the Duke of Ormond.

January 15, 1679.

"It would be convenient to the Condition of my Affairs, that I might for some time put the Employment of Steward of my Household into the Hands of one I would gratify at the present with that Place. I do not intend by it to take the Place from you, if you should at any time leave the Command you have in *Ireland*.

But since your necessary Services in that Country will require your constant Attendance there, this will in the mean time be suitable to my Service, and shall be no Prejudice to you.

I will

A. D. 1679. Remouissance on that Occasion, had the Weight it deserved with his Majesty; or whether the King no longer thought that Sacrifice necessary for his Service, he at last receded from his Demand, and his Grace enjoy'd both those important Posts, during the Residue of the Reign.

Hitherto the new Parliament had, in all respects, proved as intractable as the old; nor had any effectual Expedient been thought of to bring them to better temper. Of all the several Points recommended from the Throne, but one had met with any Attention; namely,

A Supply granted, for disbursing the Army.

A Supply for the Disbanding the Army. And even that was delay'd till April the 16th: At which time they granted 206,462*l.* 17*s.* 3*d.* for that Service; being the very same Sum which had been voted by the former Parliament in December; and which the Lords had rais'd to many Scruples to, because of the ungrateful Clause which directed the Payment of it into the Chamber of London, &c. And tho' the Majority now no longer insisted on the like Clause, it was stickled for by a very large Party, who divided the House upon it; and were no otherwise to be quieted than by (\*) appropriating the Money to the Purposes specify'd in the Bill, and laying heavy Penalties on such as should presume to divert it to any other Use. With this wholesome Restriction, however, the Bill made a shift to find its way to the Lords, who, after some Cavils, gave it their Approbation, and May the 9th it receiv'd the royal Assent. But while this Affair was yet before the Commons, they made no Scruple to vote, that all the Forces then on foot in England, except the Trained Bands, were kept up contrary to Law: And tho' say Mr. Sydney, "It was objected that the King's Guards, and the Garrisons of Portsmouth and other Places would be included, it was answer'd, That Kings governing according to Law, had no need of Castles, Garrisons, and that it was better to have no Garrisons at all, than such as were commanded by Leg. Holmes, and their Peers." As to the Grant itself, apart of the manner of treating it, however right and fit it was for the Commons to rid the Country of the Burden and Terror of a Standing Army, and thereby disable the Court from do-

All Forces but the Trained Bands, were kept up contrary to Law.

Sydney's Letters, p. 22.

ing Mitchell, in case it was mischievously disposed, it reliev'd more of Fear than Love, and shew'd their Parolse was rather to disarm than to assist his Majesty.

The Pardon granted the Earl of Danby had excited more Discontent, than his Removal and Commitment had given Satisfaction: And the placing the Earl of Essex at the Head of the Treasury in his Room, had rather brought that Nobelman into Suspicion among his Patriot Friends, than induc'd them to think more favourably of the Court. We are told by Sir William Temple, That the King was now in the Hands of the Duke of Monmouth, in Conjunction with the Duke of Portsmouth, and the Earl of Sunderland; who all discovered a violent Inclination to bring in the Earl of Shaftsbury; apparently, because of his inveterate Hatred to the Duke of York, and his great Acendency in the present Parliament: But that his Majesty complain'd to him notwithstanding, that since he had parted with his Treasury, he had none left to whom he could so much as speak in Confidence. Sir William also insinuates, that he himself had afterwards more of his Confidence than any other Man; and that he made use of it to break this growing Cabal; on the Presumption that the Duke of Monmouth had such Views as might affect the very Succession of the Crown; and that if he could procure a Ministry at his Devotion, the several Interests of the Duke, the Duke's Children, and the Prince of Orange, would be all sacrific'd to his Ambition.

A. D. 1679.

LORDS at the Head of the Treasury.

Duke of Monmouth's Views.

Sir William was moreover of Opinion, that the violent Spirit which now troubled the House of Commons, boded no good to the Crown, and that it was of the last Consequence to strengthen the declining Authority of the King, and, if possible, restore him to the Affections of his People.

To answer all these great and important Ends, this notable Undertaker propos'd to a new-model the Privy-Council, that all Parties might be equally gratify'd, and equally balanc'd by each other; that the Succession might be secur'd; that the Parliament might be inclin'd to reverse, rather than distrust and oppose the Measures of the Court: Or, in case they should still continue their Animosities,

Sir W. Temple's proposals to re-model the Privy-Council.

I will make no Excuses to take off any Marks of Unkindness in this Matter; because I have given you to many Proofs of the contrary, and am still as ready to shew you, that I am, as much as ever, your true and constant Friend,

CHARLES ROY.

The Duke of Ormond's Answer.

Dublin, Feb. 7, 1679.

The few Hours I have presumed to take to consider what your Majesty was pleas'd to propose, concerning my Steward's Place, in your most gracious Letter of the 3<sup>rd</sup> of the last, were not employ'd to determine, whether I should give cheerful Obedience to your Pleasure or no; for that I can never be found unprovoked for. But it was no slight a thing to new to me, and most humbly to propose the Accommodation of your Majesty's Condescension with your desired Purpose, that I should not suffer by it; and that I shall most feebly do, if the World do not as manifestly see, as I do confidently believe, that my Remove from an Office of that Dignity and Advantage is not a Mark or Effect of your Displeasure which I could very ill support, and very hardly distinguish. How this can be avoided otherwise, than by your Majesty's assigning for me such a Compensation, as may

shew my Dismission to be voluntary, I know not; nor how the putting my Staff into another Hand can be without Prejudice to me; considering that I think there is no Probability to be found of any Man's parting with such an Office, but by Requestion, or Ostrace taken by the Prince, and the Displeasure manifestly by other Circumstances. But since I conceive your Majesty will believe, that whilst I am in this Station, contending with many Difficulties, rais'd against your Government, and against me for being Chief in it, the Demonstrations of your Favour are my greatest Support and Encouragements, I cannot fear that you will withdraw from me; and therefore, I do with all Assurance and Submission, lay myself, and this whole Matter, with my Life and Fortune, at your Feet,

ORMOND.

[Appendix to the Duke of Ormond's Life, vol. ii. p. 93, 94.]

(\*) By another Clause it was also provided, That no Soldier or Soldier should for the future be quartered upon any Subject or Inhabitant of this Realm, without his Consent: And as to the great Train of disbanding, the Government took care, that it should be executed by a Committee of their own, of which Colonel Birch was Chairman.

A. D. 1679

The whole Affair transferr'd between the King and him only.

munities, that the Council itself, by the Credit, Interest, and Property of the Members of which it was compos'd, might form a sort of Counter-poise to the Parliament; and not only advise, but aid his Majesty, in case his Necessities could be remov'd no other way.

This great Scheme, Sir William most explicitly affirms was concert'd (e) only between the King and him: That, when it was perfected, it was at his Motion, and by the King's Command, severally communicated to the Lord Chancellor, Lord Sunderland and Lord Essex; who all receiv'd it with the most cordial Approbation. In forming this new Constitution, as Sir William affects to call it, but two Difficulties arose; one from the King; who, it seems, was so strongly prejudic'd against Lord Halifax, that he was very hardly prevail'd upon to admit him as a Member; and one from Sir William Temple, who, when his Majesty himself nam'd Lord Shaftsbury, and the three Lords before-mention'd, not only clos'd with him, but farther, concluded that he (Shaftsbury) should even be President, in the Hope that distinguishing Honour would satiate his Ambition, and hinder him from creating any new Disturbances, vehemently oppos'd it; in the Belief, that he would ruin all they were endeavouring to raise. But as the King was over-persuaded to admit Lord Halifax, Sir William found himself under a Necessity to give way to Lord Shaftsbury; tho' not without putting in a vain Protest (f) That it was without his Approbation.

Tho' the Duke of Monmouth had always for large a share of the King's Affection, and at this Crisis, in particular, was so much consider'd at Court, he was not suffer'd to participate of this great Secret, till the very Night before it was publish'd to the whole World; and almost from the Moment that his Majesty gave him a general Intimation, that the Council would be changed on the Morrow, he told it to so many, that when the Morrow came, it was scarce a Secret to any body: A Manner of Proceeding that is, not unreasonably, ascrib'd to his Levity, or a vain Ambition to have the whole Lustre of so dazzling a Measure reflected upon himself.

The whole Constitution, being adjust'd, and the several Persons who were to compose it agreed upon, an extraordinary Council was assembled April 20, to whom the Lord Chancellor, by the King's Command,

read a Declaration, importing, That his Majesty had called them together to communicate the Resolution he had taken, and which he doubted not would receive their Approbation. That, in the first place, his Majesty thank'd them all for the Services they had done him, and the good Advices they had given him. That the over-great Number of that Council had render'd it unfit for the Secrecy and Dispatch which were necessary for many great Affairs: That this had forc'd his Majesty to make use of a smaller Number of them, in a foreign Committee; and sometimes to confine himself to the Advices of some few of them: That the ill Success of this late Court, which his Majesty was equally sensible of, and sorry for, together with some unhappy Accidents, had rais'd great Jealousies and Dissatisfactions among his good Subjects, and thereby left the Crown and Government in too weak a Condition to struggle with those Dangers which there was Reason to fear, both at home and abroad: That his Majesty however hop'd that all might yet be prevented, by a Course of wise and steady Measures for the future, and the Kingdom recover its former Figure; which it might always maintain, while in Union, and while its Conduct was equal to its Strength: That, to this End, he had resolv'd to lay aside the Use he might have hitherto made of any single Ministry, or private Advice, or foreign Committee, for the general Direction of his Affairs; and to constitute such a Privy-Council, as might not only by its Number be fit for the Consultation and Digestion of all Business, both domestic and foreign; but also by the Choice of them, out of the several Parts this State is compos'd of, might be the best inform'd in the true Constitution of it, and thereby the most able to counsel him in all the Affairs and Interests of this Crown and Nation. And that by the constant Advice of such a Council, his Majesty was resolv'd hereafter to govern his Kingdoms; together with the frequent Use of his Great Council of Parliament, which he took to be the ancient Constitution of this State and Government.

That, for the greater Dignity of this Council, his Majesty resolv'd their constant Number shall be limited to (g) Thirty: That, for their greater Authority, fifteen of his chief Officers should be Privy-Councillors by their Places; and that for the other fifteen, he

The King's Declaration by dissolving the old Council.

(e) And yet Bishop Burnet is pleas'd to relate this extraordinary Occurrence in the following Words:

"The Treaty was put in Commission; the Earl of Essex was put at the Head of it; and Hyde and Gualthorp were two of the Commissions. The Earl of Sunderland was brought over from France, and made Secretary of State: And Lord Essex and Lord Sunderland join'd with the Duke of Monmouth to press the King to change his Councils, and to turn to another Method of Government, and to take Meas of the greatest Credit into his Confidence. Lord Essex was much pleas'd for going in to early into the Court, before the rest were brought in. He said to me, he did it in the Prospect of working the Change that was afterwards effected. Lord Sunderland also told me, that the King was easy in the bringing in Lord Shaftsbury; for he thought he was only angry in revenge because he was not employ'd; but that he had no ill an Opinion of Lord Halifax, that it was not easy to get over that."

The Duke of Monmouth told me, that he had as great Diffi-

culty in overcoming that, as in any thing that he ever stud'd to bring the King to. At last the King was prevail'd on to admit the whole Council, which was all made up of Lord Dumb's Creatures; and the chief Men of both Houses were brought into it." Vol. I. p. 474.

(f) Sir William had foretold this very thing the Year before; saying to the King, when his Majesty fell into all the violent Expressions imaginable against that Earl, "That, with his good Leave, he would hold any Wage, he should see that Lord ag'in in his Business." And when the King call'd him, What made him think to be answer'd, "Because he knew he was restless while he was out, and would cry every day to get in; had Wit and Industry to find out the Ways; and when Money would work, had as much as any body to bestow, and Skill enough to know where to place it." Temp. Mem. part iii. p. 355.

(g) The former Council was compos'd of Fifty.



A. D. 1679.

he would chuse ten out of several Ranks of the Nobility, and five Commoners of the Realm, whose known Abilities, Interest, and Esteem in the Nation, should render them without all Suspicion of either mistaking or betraying the true Interest of the Kingdom, and consequently of advising him ill: That, in the first place, therefore, to take care of the Church, his Majesty would have the Archbishop of *Canterbury*, and Bishop of *London*, for the Time being: And to inform him well in what concerns the Laws, the Lord Chancellor, and one of the Lord Chief-Justices. For the Navy and Stores, the Admiral, and Master of the Ordnance: For the Treasury, the Treasurer, or First-Comptroller, and Chancellor of the Exchequer. That the rest of the Fifteen should be the Lord Privy-Seal, the Master of the Horse, the Lord-Steward, and Lord-Chamberlain of the Household, the Groom of the Stole, and the two Secretaries of State; which should be all the Offices of his Kingdom, to which the Dignity of a Privy-Councillor should be annexed. That the others his Majesty had resolv'd on, and hop'd he had not choic'd ill. His Majesty intended besides, to have such Princes of his Blood as he should at any time call to this Board, being here in Court; a President of the Council, whenever he shall find it necessary; and the Secretary of *Scotland*, when any such shall be here. But that their being uncertain, he reckons not of the constant Number of *Thirty*, which shall never be exceeded.

Upon the Issue of all, the present Council was with repeated Thanks for their past Services, and Assurances of the King's Satisfaction in them, dissolv'd; the next Morning was appointed for the Meeting of the new one; the several Members of which were the same Day (*b*) declar'd; and as many as were then present, were immediately sworn in, and took their Places at the Board accordingly: His Majesty farther declaring, *That he would have all his Affairs debated freely, of what kindsoever they were, and therefore, with absolute Secrecy.*

Thus it was presum'd, that by the Help of a political Medium, the most discordant Particles might be made to incorporate without a new Fermentation. The great Officers of State, who made up one half of the Constitution, were almost all of the old Leaven; Persons devoted to the Prerogative, and some of them, *Arlington* and *Lauderdale* in particular, obnoxious for having serv'd it, at the Expence of all other Considerations: On the contrary,

those who were now to be made a Part of the same Mass, deriv'd their Credit from their constant Opposition to the Court, and their Strength from their Popularity. As their Numbers were equal, it was understood that neither would be able to give the Law; and that the King's Weight on either Side, would turn the Balance as he pleas'd. And as to the Division of Power, Care was also taken to gratify, but not to gorge, the new Comers. *Scotland* and *Ireland* were still continued under the old Direction: Sir *William Temple*, himself, was nominated to be one of the Secretaries of State: And the Lord *Sunderland*, the other, tho' now drawing with the Duke of *Monmouth* and the Favourite *Duchess*, stood indebted, as we have seen, to Lord *Danby* for his Promotion: If the Lord *Edix* was at the Head of the Treasury; he had Sir *John Ernley* (who was Chancellor of the Exchequer) and Mr. *Hyde*, join'd with him in the Commission, to temper his Influence at that Board: And if his Brother, Sir *Henry Capel*, was set at the Head of the Admiralty, with other Patriots for his Satellites, the old Courtiers were not wholly left out of the Commission. Bishop *Burnet* observes, however, that out of all these Removals and Promotions, the Duke's Creatures were so wholly excluded, that they gave both themselves and him for lost. But if they were really in this desponding Condition, it was rather, perhaps, for themselves than him; for the Friends to the Prerogative were all equally Friends to the Legitimate Succession; and his Royal Highness, himself, had, before his Departure, exacted all the Securities that the King had Power to give. The Duke of *Monmouth*, indeed, seem'd to be Lord of the Ascendant; he had a great Place at Court; he was at the Head of the Soldier; he had a Seat in the new Council: The President *Shaftsbury*, was known to be deep in his Interest, and all the rest of the new Men were presum'd to be at his Devotion. But they were rather flattering Appearances, than Proofs of solid Strength. The King was dispos'd to yield much, but not all: And it must be presum'd, that the Reserve he had made of his old Counsellors, was purposely to defeat the Projects of his new ones; in case they should push for such Changes as might not only divide the Court, but embroil the Kingdom. Possibly that the intriguing, restless Duke of *Buckingham*, who in all Changes, hitherto, had been so considerable a Figure, should have neither Place nor Name in this, was, at first, as disagreeable to the Protestant Secretaries, whose avow'd Patron

A. D. 1679.

The Division of Power.

Vol. I. p. 455.

(b) According to the following List: His Highness Prince Rupert; William Lord Archbishop of *Canterbury*; Henning Lord *Fisher*; Lord Chancellor of *England*; Anthony Earl of *Shaftsbury*; Lord President of the Council; Arthur Earl of *Argyll*; Lord *Privy Seal*; Christopher Duke of *Albemarle*; James Duke of *Monmouth*, Master of the Horse; Henry Duke of *North*; John Duke of *Lauderdale*, Secretary of State for *Scotland*; James Duke of *Ormond*, Lord Steward of the Household; Charles Lord Marquis of *Winchester*; Henry Lord Marquis of *Harborough*; Henry Earl of *Arlington*, Lord Chamberlain of the Household; James Earl of *Shaftsbury*; John Earl of *Bristol*; Robert Earl of *Sunderland*, one of his Majesty's principal Secretaries of State; Arthur Earl of *Essex*,

first Lord Commissioner of the Treasury; John Earl of *Roth*, Groom of the Stole; Thomas Lord Viscount *Falenberg*; George Lord Viscount *Halsifax*; Henry Lord Bishop of *London*; John Lord *Roberts*; Donald Lord *Halls*; William Lord *Essex*; William Lord *Georgesby*; Henry Countess, Esq. one of his Majesty's principal Secretaries of State; Sir *Francis North*, Knight, Lord Chief Justice of the Common-Pleas; Sir *Henry Capel*, Knight of the *Bath*, first Commissioner of the Admiralty; Sir *John Ernley*, Knight, Chancellor of the Exchequer; Sir *Thomas Chicheley*, Knight, Master of the Ordnance; Sir *William Temple*, Baronet; Edward *Scymour*, Esq. and Henry *Peck*, Esquire.

tron and Favourite he was, as the Banishment of his Royal Highness was to the Roman Catholics. But whatever his Abilities or Pretensions were, or whoever espous'd them, it does not appear that they were at all consider'd on this great Occasion; even tho' the main Object was to mollify the Rage of Parties by taking off their Leaders. Sir *William Temple* does not so much as mention him; nor does it appear that either the *York* or *Monmouth* Faction, thought him worth enlisting, or any longer capable of doing Good or Harm: All the mighty Advantages he possess'd, of Mind, Body, Birth and Fortune, serving only to render him splendidly insignificant.

The King communicates the Matter to both Houses in form.

The very next Day after this new Constitution had been declar'd, the King came to the House of Peers, and, in a short Speech, communicated in form that memorable Event to both Houses, saying, "That he had made choice of such Persons as were worthy and able to advise him; and that he was resolv'd, in all his weighty and important Affairs, next to the Advice of his Great Council in Parliament, which he should often consult with, to be advis'd by this Privy-Council: And that he desir'd them all to apply themselves heartily, as he should do, to those things which were necessary for the Good and Safety of the Kingdom; and that no Time might be lost therein."

All who are conversant with Sir *William Temple's* Writings must have discern'd, that tho' no Man was more a Friend to Mankind, no Man was more full of himself, or more solicitous to have his Merits seen and acknowledg'd by others: Thus we find him expatiating, in his *Memoirs*, with much Pleasure, on the general good Reception his new Constitution met with from the Country; the Bonfires it kindled in the City, and in *Ireland*; the Lift it gave the Actions of the *Dutch East-India Company*; the Resolution it excited in the *States* to send over Mr. *Van Loon*, one of their best and most considerable Men, to *England* upon the Occasion; and the Embrace it gave to *France*; and, withal, betraying as sensible a Mortification, when he comes to speak of the Damp it met with from the House of Commons: His Words are, "The House of Commons receiv'd it with most Coldness, where the contrary was most expected; and the pretending Knowers among them, who were not of the Council, pretended now to know nothing of it, to expect new Revelations, to doubt it might be new Court-Juggle, and to refer it to Time to tell what it was in truth; in the mean while to suspend their Judgments."

The Parliament fallen upon the Occasion.

In fact, it does not appear, that either House acknowledg'd the Compliment of the King's Speech by Address, which is now become almost a Matter of Course, on much less considerable Occasions; or even that any such Acknowledgment was mov'd for: "This, says Sir *W. Temple*, was the first Effect of my Lord *Shaftsbury's* good Meaning to the King and his Affairs, into which he he was now enter'd, but not with the per-

sonal or transcendent Credit he aim'd at with his Majesty, and which he thought those who had been Authors of this new Constitution had the greatest Share in."

No doubt, that Lord was too able a Politician to exchange the first Place in such a Parliament, at such a Crisis, for the nominal Priority in such a Council; and, consequently, it must be presum'd, that Sir *William* had Reason to place some Part of the Sullenness the Parliament shew'd to his Account. But the whole Burthen ought, by no means, to rest on his Shoulders: The Dispositions of Government were, as yet, insufficient to gratify the several Leaders of the House: And that some were taken, rather incens'd than loosn'd those that were lost: Even the very Herd would not be whittled to Court: While in their own Way, they were ready enough to follow; but that being chang'd, they were as ready to change their Guides: The Venal gav'd for a Consideration; the Vain were bigotted to their Idol, Popularity; the Malignant pant'd for Contusion; and the Men of Principle of both Parties seem'd more apprehensive of what was to happen next, than reconcil'd to the what Time had already brought to Light. Among the Discontented it was soon given out, *That Counsellors were changed, and not Councils*: And those popular Men, who were over-look'd in the late Compromise, were very industrious to have this Doctrine establish'd as self-evident. *Ferguson* makes no difficulty

All Parties are satisfy'd.

Genes of Papers, P. ii. p. 238.

to call the said Compromise the greatest Masterpiece which the *Conspirators* (meaning those in the Interest of the Crown) had brought to Perfection, since the Design was first form'd, to introduce Popery and arbitrary Government into *England*. According to him, it was a Design to blind and cozen not only the House of Commons, but our most wise Statesmen, the Enemies of those *Conspirators*: "A Design, says he, laid, at least, three Removes from the first Sight, and which took the Effect the *Conspirators* aim'd at; which was, in this Outcry against Popery and Popish Councils, to make it appear to the World, that the Court was as eager, and as real, in the Prosecution, as the House of Commons could be." For this, he farther says, they, all of a sudden, agreed to shew their utter Dislike of all former Councils; that the present Council should be dissolv'd; and that, in their stead, the Darlings of the People should be chosen, &c. &c. On the other hand, Mr. *North*, Examener, as Foreman for the contrary Faction, gives

p. 76, 77.

in his Verdict, as follows: "And for the Action itself (the Dismissing the old Council) not only his faithful Subjects, but all considering Persons, thought that the King had rather Cause to be alarm'd, as of the weakest thing he ever did in all his Life. It look'd to them as if he was, like a Ship at high Water, upon the turn, to surrender himself into the Hands of his Enemies, to be buffeted to and fro by them; the very Mistake his Royal Father fell under. They supposed he was betray'd by the subtle and treacherous Promises of them, whose Study

Day

A.D. 1679.

Day and Night, it was to destroy him. As when their Predecessors told King Charles I. they would make him a glorious King; and so they did indeed, whatever they meant. Now it was believ'd, that the Faction, being satisfy'd the Work could not be done by their own Efficacy, by Promises of making all Matters easy and pleasant, had prevail'd upon the King to do it for them himself; and all upon Terms of trusting them, whose Justice, Fidelity, and good Nature, his Majesty's Father had prov'd.

The Loyallists  
almost in Dis-  
pair.

These were the Thoughts of those faithful Subjects, who, being stunn'd with a Change of this Nature, were melancholy to the last Degree. They could not foresee where, or at what, the King would, or (if willing) could make a Stand; but now concluded, that, having begun, he must go on yielding every thing to his Enemies; each Concession rendering him less able to resist the next Demand, till he was denuded of all his Prerogative and Power, as the Militia, Justices, Lieutenantcy, Navy, &c. And then, as the Party-men most scandalously gave out, to take up with a Mistress or two to pass his Time (having no Business) as they supposed his Humour served best to be kept quiet. The Loyallists knew not whose Fortune it would be to be first mortify'd. But all, who had been actively such, expected their Turns. They had nothing to do, but to stand silent and still, expecting the Event. And, in a Word, the Discouragement was so great, that it was a Wonder his Majesty's Friends did not fill from him, or that any were left to stand the Brunt in his Interests. So apt are People, in this wicked World,

in dangerous Cafes, to make timely Provision for themselves, not caring what becomes of the rest!

But a little Time and Observation diffipated these Clouds; shewing that, in this Change, the King did not yield out of Weakness, but what he did was upon a politic View. And whereas the Faction intended to make a Property of him, he made sure Work, in serving his own Turn upon them; but not without immense Hazards, as the Nature of the thing shews.

And, as if to balance the Account on both Sides, Sir John Reresby throws in this Remark, "That most of the Lords and Gentlemen of the Privy Council, those great Patriots before in the Esteem of both Houses, began, in some measure, to lose their Credit with them. So true it is, that there is no wearing the Court and Country Livery together!" Or rather, when the Rage of Parties grows to Extremities, so sure are those who rush between them to undergo all the Fury they meant to discharge against each other!

However this may be, nothing is more certain, than that the Change in the Privy Council produc'd none in the Proceedings of the House of Commons: On the contrary, the Current ran with the same Violence as before; or rather it grew more impetuous, and more irresistible. They had, early in the Session, impeach'd the five Popish Lords; all of whom had severally put in their Pleas at the Lords Bar, in Person, except Lord Belkiss, who being confin'd to his Bed with the Gout, was permitted by his Peers to answer in Writing: And now the several (1) Pleas of the Lords *Pearce*, *Strafford*, and *Arundel* were voted

A.D. 1679.

Memors,  
p. 89.

Proceedings  
against the  
five Popish  
Lords.

(1) The material Part of that given in by the Earl of *Pearce* was as follows:

As to that Part of the Impeachment, that containeth the Matter following: "Namely, that for many Years now last past, there hath been contrived and carried on by *Pearce*, a traitorous and execrable Conspiracy and Plot, in this Kingdom of England, and other Places, to alter, change, and subvert, the ancient Government and Laws of this Kingdom and Nation, and to suppress the true Religion therein established, and to extirpate and destroy the Professions thereof; and that the said Plot and Conspiracy was contrived and carried on in divers Places, and by several Ways and Means, and by a great Number of Persons of several Qualities and Degrees, who acted therein, and intended thereby to execute and accomplish their aforesaid wicked and traitorous Designs and Purposes; and that the said Earl of *Pearce*, and the other Lords therein named, together with several other Persons therein likewise named or mentioned, as false Traitors to his Majesty, and this Kingdom, within the Time aforesaid, have traitorously contrived, consulted, and acted, to and for the accomplishing the said wicked, pernicious and traitorous Designs; and for that End, did most wickedly and traitorously agree, confeder and resolve, to imprison, depose and murder, his sacred Majesty, and to deprive him of his Royal Estate, Crown and Dignity, and by malicious and advised Speaking, Writing, or otherwise Declaring, such their Purposes and Intentions; as also to subvert this Kingdom and Nation to the *Pope*, and to his tyrannical Government, and to seize, and flure amongst themselves, the Estates and Inheritances of his Majesty's Protestant Subjects; and to erect and rehouse Abbies, Monasteries, and other Convents and Societies, which have been long since by the Laws of this Kingdom suppressed, for their superstition and Idolatry, and to deliver up and refuse to them the Lands and Possessions now vested in his Majesty, and his Subjects, by the Laws and Statutes of this Realm; and also to found and erect Monasteries and Convents, and to remove all Protestant Bishops, and other ecclesiastical Persons, from their Offices, Benefices, and Preferments; and by this means to destroy his Majesty's Person, extirpate the Protestant Religion, overthrow the Rights, Liberties and Properties of all his Majesty's good Subjects,

subvert the lawful Government of this Kingdom, and subject the same to the Tyranny of the See of *Rome*; and that the said Conspirators, and their Complices and Confederates, traitorously had and held several Meetings, Assemblies and Consultations, wherein it was contriv'd and design'd amongst them what Means should be us'd, and what Persons and Instruments should be employ'd to murder his Majesty; and did then, and there resolve to effect it, by poisoning, strangling, stabbing, or some other like Ways and Means." And also as to that Part of the Impeachment, which chargeth, That the said Earl of *Pearce*, and the other Persons in the said Impeachment named, the better to compass their traitorous Designs, have consulted to sell Mien, Money, Horses, Arms and Ammunition; the said Earl of *Pearce*, (serving to himself, and which he humbly prayeth may be retrieved to him, the Liberty of answering over, and denying, all and singular the said Crimes and Offences, so imposed upon him by the said Impeachment, says, the said Charge is so general and uncertain, that he cannot by any Possibility give any direct Answer thereto, nor make his just and lawful Defence, upon any Trial of the same, for that the said Charge hath no manner of Certainty in point of Time, it being laid only for many Years now last past. A traitorous and execrable Plot and Conspiracy hath been contriv'd and carried on; which may be for five, ten, twenty, thirty, or more Years past, whereby, although the said Earl knoweth himself to be altogether innocent of such horrid and detestable Crimes, as by the said Impeachment are objected against him; yet it is no way possible for him, upon any Trial thereof, to be prepared with his just and lawful Defence, by Witnesses, to prove himself absent, and in another Place, at the time of such Meeting or Consultation, to or for any the wicked Designs or Purposes in the said Impeachment mentioned, or upon his Trial may be suddenly objected against him, when he cannot by any Case or Forefight whatsoever have such Witnesses ready as could disprove the same, if he were actually charged for any Act or Crime at any time, certainly allyed in the said Impeachment more certain, as to the Place of any such traitorous Meeting or Consultation, laid down in the said Impeachment; it being only alleged to be at divers Places within the Realm of England, and elsewhere; which, for the Cause aforesaid, is

A. D. 1679. voted (k) evasive and insufficient; and it was resolv'd that, being such, the Commons neither could nor ought to reply to them. As also, that if the said Answers were sufficient, *Proceedings ought to be stop'd* till the Lord *Bellasis* had answer'd in Person likewise; and that the House of Lords should be call'd upon to order the said five Lords to perfect their Answers, or in Default thereof, to proceed to Judgment against them. And to all this was added, by order, That the House desired their Lordships would appoint a *short Day* for the said impeach'd Peers to put in their effectual Answers, which was in fact desired the Lords, to command Lord *Bellasis* to be well; or to take the Continuance of his Distemper, as a Proof of his Guilt; and not only to involve him therein, but the four other Lords whom they had just involv'd in the same Prosecution.

The Commons enquire into the several Fires which had lately happen'd.

[Chand. Hist. and Proceed. of the House of Commons.]

One Stubbs charges them on the Papists.

They, also, laid out most sollicitously for fresh Matter of Clamour against the *Papists* in general: And several Fires having lately happen'd in several Parts of the Town, a Committee was appointed to enquire into the manner, &c. of their breaking out. And on the 26th of *April*, Mr. *Rigby* the Chairman of that Committee reported, That one of the said Fires (at one Mr. *Bird's* in *Petter Lane*) had been caus'd by *Elizabeth Oxley*, a Servant Maid; she having confessed, that she had purposely set Fire to certain Books and Papers, in a Closet, at the Instigation of one (*I*) *Stubbs* a *Papist*, who had given her half a Crown in hand, with a Promise of five Pounds more. That the said *Stubbs* being taken into Custody and examin'd, had also confirm'd all this; and moreover acknowledg'd, that he had been engag'd in the Business by one *Father Gifford*, who taught, That it was no Sin to burn the Houses of Heretics: That he had drawn in several to be his Accomplices: That he was to receive 100*l.* of the said *Gifford*, who was to be supply'd with the Money by the *Church*: That the said *Stubbs*, moreover, confessed several other Particulars relating to a general

Masfacre of the Protestants, which was to be covered by an Invasion from *France*: That he expected to be made an Abbot or Bishop for his good Services; That he had been taught, it was no more a Sin to kill a Heretic than a Dog: That he was sworn to Secrecy: That he was told he should be dam'd if he made a Discovery, and that when all their Forces met in the Middle of *June*, the Word was to be, *Horse at the King!*

Here was a new Vein of Plot-Evidence open'd; and as it promis'd to be rich in Discoveries, the House took care to apply to his Majesty, by Address, for the Pardon of these Wretches, as an Acknowledgment of their frank and full Confession; as also for a Proclamation requiring the Persons nam'd by the said *Stubbs* as his Accomplices, to come in by a certain Day: But, tho' *Stubbs* was so circumstantial in his Narrative, and that Part of it relating to an Invasion from *France*, tally'd so exactly with the (*m*) Panic which then prevail'd, we do not find the Story was even adopted by *Bergafon* himself, or that it answer'd any other End than that of blackening the *Papists*, who were now, it seems, to be sacrific'd for the Sins of the People. With the same View it was the same Day reported to the House, That the Lord *Cottingham*, who dy'd many Years before in *Spain*, had appointed an Epitaph to be written on his Tomb, expressing his Desire, that his Body might rest there till *England* should be restor'd to the Church, and then carry'd over thither: That this was done last Year; and that a Warrant was produc'd from the Earl of *Darby* to the Commissioners of the Customs to let it pass.

After all this Preparation, a Motion was made and agreed to for setting apart the next Day, being *Sunday*, to consider of the Means for the Preservation of his Majesty's Person; as also of the Succession of the Crown in relation to Popery.

It is obvious that the first of these Points was only to serve as a Vehicle for the last *Grand Debate on the Means to preserve the King's Person.*

It is likewise to utterly uncertain, that it deprives the said Earl of his just Defence upon his Trial: The Uncertainty likewise of the Number of Meetings, or Consultations, to the wicked Purposes in the Impeachment mentioned, and the not showing how many Times the said Earl met and consulted, and with whom in particular, doth likewise deprive him of all Possibility of making his Defence, or producing his Witnesses: For that the said Earl, being wholly innocent, cannot suppose, or imagine what Meeting or Consultation, either to raise Men or Money, for the carrying on of a traitorous Design, or to any wicked Intere or Purpose in the said Impeachment mentioned, shall or may be objected against him upon his Trial; and it is as much impossible for him to bring Witnesses to prove all the Meetings he hath had with others in his Lifetime, as it is for him to know, upon this general Charge, what Meeting or Consultation may, upon his Trial, be objected against him, as a traitorous Meeting or Consultation: And whereas it is in the said Impeachment charged upon the said Earl, that he hath utter'd Treason by malicious and advised Speaking, Writing, or otherwise Declaring; the said Earl saith, That never any traitorous Thought ever entered into his Heart; and therefore he cannot possibly know, or discover what Words, or Writing, he ever spoke, utter'd, wrote, or declared, which are now charged upon him as Treason, there being no Words or Writing at all specified in the Impeachment, whereby the said Earl might know how to prepare his Defence against them; or that this most honourable House might judge, whether the said Words or Writing were in Law unreasonable, or not all with Innocen-

ties, and the imminent and apparent Danger of the said Earl, being thereupon surpris'd in his Trial of a Cause of this Consequence to the said Earl, wherein his Life and Honour, more dear to him than his Life and all else that is dear to him in this World, are immediately concerned, being seriously weigh'd and considered by your Lordships, he humbly prays, as by his Counsel he is advised, that your Lordships will not put him to answer the said Impeachment, as to the Charges herein above recited, till the same be reduced to some competent Certainty, that the Earl may know what to answer unto, and may be thereby enabled to make his just Defence accordingly: All which, notwithstanding, he humbly submiteth to your Lordships grave Judgment and Consideration, professing himself always ready and willing to do, and to submit to, whatsoever your Lordships in Justice shall order or think fit: And as to all other the Treasons, Crimes, and Offences whatsoever, contained, mentioned, or specify'd in the said Impeachment, the said Earl protests, that they are uncertainly and insufficiently alleg'd; and therefore saving to himself the Benefit of Exception thereto: For Answer thereto, saith, that he is not, nor never was, guilty of the said Treasons. [Last Years.]

(A) That of Lord *Feir* was allow'd.

(B) Mr. *Alg. Sidney*, in his Letters to Mr. *Scoville*, says, this *Stubbs* was Butler to the Countess of *Sherburne*.  
(m) "We have every Day foolish Alarms from the French Fleet, and I find no body but the Lord *Sunderland* and myself, that believe not one Word of it." [Sidney's Letters, p. 30.]

A. D. 1679.  
as also of the  
Succession to  
the Crown.

The King was inclin'd to make the Case of the Succession his own; and the Commons were as much concern'd to separate them; or rather to make their Concern for his Safety, the immediate Cause of their Zeal against Popery. Scarce ever had a Matter that so nearly affected the very Fundamentals of the Public Peace come under the Cognizance of Parliament: Scarce ever were the People more divided than in their Opinions, Hopes and the Hopes of his coming such to the Crown, had given the greatest Countenance to the present Conspiracies, and Designs of the *Papists* against the King and Protestant Religion." They moreover voted an Address, that all Sea-Ports, Places of Strength, and Command of Ships, might be put into trusty Hands; and concluded this important Day, with referring the farther Consideration of the great Matter in dispute before them, to the next *Wednesday*; against which time, the Secret Committee were order'd to bring into the House such Letters and Papers as they had in their Custody relating to the Duke of York.

The bloody Hand of Persecution would stain the whitest Robes that Patriotism can put on; and whatever plausible or rational things might be urg'd for these violent Proceedings against the Duke, an Assembly of Saints would remain for ever inexcusable for thus taking advantage of the Fury of the Times to force the King upon an Act of Cruelty, that would fully as well as fadden his Reign. Tho' *Pickering* had been accus'd and condemn'd as one of the Conspirators, the others were charg'd with no other Crime than the simple Exercise of their Priesthood: And not only Sir *William Temple*, but all whom Zeal had not blinded, or Passion harden'd, thought it wholly unjust to put Men to death, without giving them reasonable Warnings, for practising only what thorough three Reigns had been conniv'd at.

When the Law was satisfy'd, the King was free to exercise his great Prerogative of Mercy: But such was the Jealousy then predominant, and such Advantage was taken of it, that his Majesty was, in the End, forc'd to give way to the Torrent. With what Reluctance may be gathered from the Answer he return'd to the Commons Address, as follows:

" Gentlemen, I have always been tender in Matters of Blood, which my Subjects have no reason to take Exception at. But this is a Matter of great Weight; I shall, therefore, consider of it, and return you an Answer."

But, tho' the Commons undertook, in this Case, to wrestle singly with his Majesty; in the great Vote relating to the Duke of York, they chose to have the Concurrence of the Peers. Lord *Ruffel*, tho' one of the new Privy Council, was pitch'd upon to carry it up; which he did accordingly. But the Lords (n) defer'd the Consideration of it, till the *Wednesday* following, and so the whole Affair hung in suspense.

A. D. 1679.

The Duke of  
York's being  
a *Papist* voted  
to be the Cause  
of the Plot.

Temp. Mem.  
P. iii. p. 189.

Sent up to the  
Lords for their  
Concurrence;  
who dissent.

Sir

Sydney's Letters, p. 43.

(n) Mr. Sydney says, the Lords gave their Assent to it, with the Addition of the Word *essentially*; that is to say,

That the Duke's being a *Papist* had made him, unwillingly, the Occasion of the Plot.

A. D. 1679.

Intrigue of  
the Duke of  
Monmouth  
and Lord  
Shaftsbury.  
Temple's  
Memoirs,  
P. iii. p. 335.

Sir *William Temple* not only bears witness, that these violent Proceedings grievously alarm'd the Court and perplex'd the new Council, but lays them most explicitly to the charge of the Duke of *Monmouth*, and the Earl of *Shaftsbury*; between whom the most perfect Union was established, no doubt, in virtue of a secret Treaty between them, that all imaginable Ways and Means should be us'd to alter the Course of the Succession; and that, in case their Endeavours took effect, in Exchange for the Name of King allotted to the former, the latter should hold the Reins, and drive the Chariot of Government, according to his own good Pleasure. Sir *William* is also positive, that the Session could never have taken this desperate Turn, but by Lord *Shaftsbury's* pretending among his Patriots, That the Duke of *Monmouth* had so much Credit with the King, that his Majesty desir'd but a good Occasion of consenting to all the Parliament should insist on, and which would be given him by their Heat and Obstinacy in so popular a Point, as that against Popery: And if that were once gain'd, the Duke of *Monmouth* and he should be able to steer all the rest to the Satisfaction of those who call'd themselves the *Good* or the *Honest* Party. Such a Mischief, continues he, could never have grown, if Lord *Shaftsbury* had not work'd himself up into Credit, both in Parliament and City, by the Appearance of having it with the King, and in the Council, where he was President: And by the Insinuations given of his having or growing yet into greater, by a more secret Spring, which was the Interest of the Duke of *Monmouth*, and the Kindness of his Majesty increasing, as appear'd since the Duke's Absence.

But to whatever Causes the Ferment in the House of Commons was owing, the new Council thought it a Matter of the utmost Importance to use their best Endeavours to allay it. The whole Art of the Politician consists in finding out practicable Expedients, and making a dextrous Application of them. It could not be presum'd, that the Commons would be quieted without some Concessions; and it was pretty apparent the King was in no Disposition to grant all they demanded. It grew, therefore, the chief Concern of those who were equally solicitous to gratify both Prince and People, to find out such a Temperament as might reconcile both. And accordingly, after much Hammering, says Sir *William Temple*, some Heads were prepar'd, which having receiv'd the Approbation of his Majesty, and all his Council, except two, were, in the next place, to be laid before the Parliament.

On the very Day, therefore, that the Commons were to resume the farther Consideration of the Dangers apprehended from the Duke's Pretensions, &c. and the Lords were to discuss the Vote already left with them for their Concurrence, the King in a Speech from the Throne to both Houses, recommended the Prosecution of the Plot, the (e)

Expeditious  
way to the  
Succession  
agreed upon in  
Council.

disbanding the Army, and the providing a Fleet for the Common Security. After which his Majesty added the following gracious Expressions: "And to shew you that, whilst you are doing your Parts, my Thoughts have not been misemploy'd, but that it is my constant Care to do every thing that may preserve your Religion, and secure it for the future, in all Events, I have commanded my Lord Chancellor to mention several Particulars; which, I hope will be an Evidence, that, in all things that concern the public Security, I shall not follow your Zeal, but lead it."

These memorable Particulars were thus express'd:

"And to the End it may never be in the Power of any *Papist*, if the Crown descend upon him, to make any Change either in Church or State; I am commanded to tell you, that his Majesty is willing that Provision may be made, first to distinguish a *Papist* from a *Protestant* Successor; then to limit and circumscribe the Authority of a *Papist* Successor, in these Cases following, that he may be disabled to do any Harm: First, in reference to the Church; his Majesty is content that Care be taken that all ecclesiastical and spiritual Benefices and Promotions in the Gift of the Crown, may be conferred in such a manner, that we may be sure the Incumbents shall be always of the most pious and learned *Protestants*: And that no *Papist* Successor, while he continues so, may have any Power to controul such Presentments. In reference to the State and Civil Part of the Government; as it is already provided that no *Papist* can sit in either House of Parliament; so the King is pleas'd that it be provided too, that there may never want a Parliament, when the King shall happen to die, but that the Parliament then in being may continue indissoluble for a competent time; or if there be no Parliament in being, then the last Parliament which was in being before that time, may re-assemble, and sit a competent time, without any new Summons or Elections. And as no *Papist* can by Law hold any Place of Trust, so the King is content that it may be farther provided, that no Lords or others of the Privy-Council, no Judges of the Common Law, or in Chancery, shall at any time, during the Reign of a *Papist* Successor, be put in, or displaced, but by the Authority of Parliament: And that Care be taken, that none but sincere *Protestants* may be Justices of the Peace. In reference to the military Part, the King is willing that no Lord-Lieutenant, or Deputy-Lieutenant, nor no Officer in the Navy, during the Reign of any *Papist* Successor, be put out or removed, but either by the Authority of Parliament, or of such Persons as the Parliament shall intrust with such Authority.

It is hard to invent another Restraint to be put upon a *Papist* Successor, considering how much the Revenue of the Successor will depend

A. D. 1679.

and commended  
to Parliament.

(e) The Bill for that Purpose was not yet pass'd.

A. D. 1679. pend upon the Consent of Parliament, and how impossible it is to raise Money without such Consent. But yet, if any thing else can occur to the Wisdom of the Parliament, which may farther secure Religion and Liberty against a *Papish* Successor, without defeating the Right of Succession itself, his Majesty will most readily consent to it."

Disapproved  
of by Lord  
Shaftsbury and  
Sir William  
Temple.

Before we proceed to treat of the Fruits of his Majesty's Condescensions, it is necessary to explain, That the *Two* of the Council who could not be brought to relish them, were the Lord *Shaftsbury* and Sir *William Temple*: Men of as opposite Principles, Habits, and Dispositions, as any two Men in the World; and, therefore, 'tis more to be wonder'd, that they should agree in disapproving the same Measure, than that their Reasons and Motives for so doing should be as opposite and irreconcilable as all the other Particulars of their Lives and Characters. Sir *William's* Dissent was founded, it seems, on these two Considerations: First, That nothing from the King, upon these Points, was like to prove acceptable to the Commons; who, if inclin'd to enter into any Compromise, he thought, ought to have propos'd their Terms, and left it to his Majesty to take, or refuse. Secondly, That he did not see any Certainty of Ease arising from these Expedients, to the King, tho' accepted by the two Houses; at the same time that it was evident to all Men, that they would leave the Crown, after him, in Shackles; which, tho' put on only to fetter the Duke, might not be easily shook off by any of his Successors. Lord *Shaftsbury*, on the other hand, affect'd to be confident, these Shackles would have no Hold at all; and made no scruple to declare, That, if the Duke had Strength enough to take possession of the Crown, the same Strength would enable him to break thro' all Restraints and Limitations.

For different  
Reasons.

It is obvious, that if one of these notable Politicians was in the right, the other must have been in the wrong; because no King could be just and look'd at the same time: And if, as Sir *William* pretend'd, these Shackles were really binding, however he, as a Courtier, might be shock'd at the Operation, they ought to have been put on: *Magna Charta* bears eternal Witness, that the Kings of *England* are within the Reach of Pacts, as well as Laws; and that the doing Mischief of any kind is no Part of their Prerogative: From a Prince of so absolute a Turn as the Duke of *York*, who was besides known to be so unreluctant a Bigot to the Church of *Rome*, real Dangers were to be apprehended; and therefore all imaginable Precautions should have been established, to hinder their

taking place: These offer'd by the Court bid fair to prove effectual: In appearance, they flow'd freely from the Crown; they had not been exacted by the Commons; consequently, no Plea of Force or Constraint could afterwards have been urg'd for the removing them. They were, indeed, of such a Nature, that, by the Help of Mr. *North's* Key to the King's Conduct, before-quoted, we may almost venture to conclude, they never would have been offer'd, but in the Persuasion they would be rejected. Bishop *Burnet* affirms, the Duke himself was struck with the News of the King's Concessions, when it reach'd him at *Brussels*; and that he, the said Bishop, saw a Letter written by the Duchess the next Post; in which she wrote, "That as for all the high things that were said by their Enemies, they look'd for them; but the Speech of the Lord Chancellor's was a Surprise, and a great Mortification to them." And what the Duke and Duchess had Reason to be alarm'd at, the People had equal Reason to be satisfy'd with. As to Lord *Shaftsbury*, and his Opinion, he was not fit a Politician, as to dilate the Use of Entrenchments and Fortifications, because he knew of none that were impregnable. The plain Truth, with respect to him, was, that Limitations of any kind gave a Sanction to the Duke's Title, however they might curtail his Power: And it was impossible for him to admit his Royal Highness of *York*, on any Terms, without Breach of Faith to his Grace of *Monmouth*. It was for this Cause, tho' for a different Pretence, that he gave his Negative to all Expedients, at the Council-board; and it was for this Cause, likewise, and to manifest his own Power and Importance, that he practis'd upon the House of Commons to do the same.

A. D. 1679.

Vol. i. p. 456.

Time was the first thing to be gain'd: That very Day the Consideration of the King's and Chancellor's Speeches came properly before them, as having an immediate Reference to the Order of the House: But it was not thought advisable to trust first Impressions; nor to suffer the Matter to come to a regular Debate, till those who were to manage had agreed on their respective Parts, and properly instructed their Followers.

That it might, moreover, be taken for granted without-doors, that they could not proceed to provide for the Security of the Nation, without endangering themselves, they order'd an (*p*) Address to be presented to the King (the Lords also concurring unanimously) in which they call'd upon his Majesty to order the Militia of *London*, *Westminster*, *Southwark*, the *Tower Hamlets*, *Middlesex*, and *Surry*, to be rais'd forthwith: Al-  
ledging

Address of both  
Houses for  
raising the  
Militia.

(p) Whether it may be presum'd that this Address took its Rise from the Incident mentioned in the following Pages, let the Reader judge.

On Saturday (whether May 5, or 10, is uncertain) the King having appointed sixteen small Pieces of Ordnance to be sent to *Parliament*, Notice was taken thereof in the House of Commons, and a great Suspicion, that they being first with Field-carriages, Horses for Horses, and all Necessaries belonging to the Train of a marching Army, they

might be intended rather for such an Use, than to furnish a Garrison, as is pretended. At the same time, Reports were spread, that the Duke of *York* was return'd into *England*, or hourly expected; and some believe his Business is to hinder the disbanding of the Army, with such others as the Knowledge of his Nature, together with the Persons that command in *Parliament*, the *Use of Rights*, and some other Places, may suggest, in the most jealous Time that I have ever liv'd in." [Stancy's Letters, p. 66, 67.]

A. D. 1679.

The Limitations taken into Consideration by the Commons.

Report, out of Coleman's Letters, against the Duke of York [Recrity.]

ledging, however, by way of Reason, That the Papists might be induc'd to make some desperate Attempt to prevent the Tryals of the Popish Lords; as also, that it was necessary that some farther Security should be provided for his Majesty's Sacred Person.

It was not till Sunday the (9) eleventh of May, that the Concert was wholly adjust'd; and against that important Day, the Committee before spoken of had, according to Order, re-examin'd Coleman's Letters, as also those of his Correspondents, and extract'd such Particulars as related to the Duke of York, which were then reported, viz. That his Highness had written thrice to the Pope; that his first Letter miscarried; that the second gave his Holiness such an Excess of Joy, that the old Gentleman could not refrain from Tears; and that the third was to excite the Consent he gave to have his Daughter married to the Prince of Orange, and to acquaint him, that the Run of the Times had oblig'd him to such involuntary Compliance. Upon this and some further Intimations of the same Nature, a Debate arose, whether a Bill should be drawn up in the way his Majesty had suggest'd, or whether they should immediately proceed to a total Exclusion. The Friends for the Limitation argued, that we might be as safely secur'd the one way as the other; that a small Revenue might be settled upon a Popish Successor while he continued in that Persuasion; that the Militia might be taken out of his hands; and that a Parliament might be empowered to assemble, whenever the present King should die, and to sit for six Weeks, in order to settle the Affairs of the Kingdom, to appoint Protestant Officers, Military and Civil, and to make choice of Bishops, which the Successor, if a Popish, should have no Power to reject.

To this it was objected, that such a Project of Procedure was altering the very Frame and Constitution of our Government and Monarchy, and directly to reduce it to a Republic; that it would be quite ineffectual; that the King, by the fundamental Laws of the Land, was at the Head of the Legislature; that a Parliament so convened as above, could enact nothing valid without him; that while he enjoyed the Title of

King, he would exercise a Power adequate to his Office; and that therefore the Means propos'd were delusory and unsafe, in comparison of an utter Exclusion. It was replied, that this last Expedient was, by far, more to be avoided than the former; that it was depriving the Duke of his Birthright; that if his Highness surviv'd, he had as clear a Claim to succeed the King, if he died childless, as any man whatever had to succeed to his Father's Possessions; that probably a Prince of his Spirit could not easily submit to be so disinherited; that such a Disturbance of the Succession had seldom, in this Kingdom, been of any lasting Effect; that Right had always prevail'd at last; that Civil Wars, upon the like Occasions, had been disastrous to England; that Success would reverse all Attainders; and that should his Highness force his way to the Crown, the Overthrow of Religion and Government were more, much more, to be feared, than by his peaceful Accession.

Many (7) Motions were made in the Course of this Debate; but in the end it was order'd, that a Bill should be drawn up, to disable the Duke from inheriting the Imperial Crown of these Realms. Sir Francis Winnington and Mr. Vaughan would have put off the Debate, until the Trials of Lord Danby and the Popish Lords were over. Sir William Coventry, Sir Thomas Littleton, and others, spoke directly against the thing; but the Major Part, by much, was of the other Opinion; so that on the Division upon the Question, whether there should be Candles, the Inequality was so great, that the Pains of telling was spared, and when the main Question was put, there was no Division at all.

They also resolv'd, *nemine contradicente*, "That, in defence of the King's Person, and the Protestant Religion, they would stand by his Majesty with their Lives and Fortunes; and that if his Majesty should come by any violent Death, they would revenge it to the utmost on the Papists." A Resolution, which, even at this Distance of Time, cannot be read without Horror! As devoting the Innocent to Punishment, indiscriminately with the Guilty; and rather exposing the King's Person to Danger, than providing for his Preservation: For if the Earth had produced a Wretch profligate and

A. D. 1679.

Sydney's Letters, p. 67, 68.

(7) In this Interval, viz. May 5, Mr. J. Sydney writes to Mr. Saville, as follows:

"The Courtiers did believe, that the King's yielding that the Parliament should end with his Life, or be revers'd by his Death, if it should be dissolved in his Life-time, and not have the Nomination of all Officers, both civil and military, if his Successor proved to be a Popish, would have given entire Satisfaction unto the House of Commons. But to the contrary, it is certain, that the Supposition that the next of Blood must be King, tho' a Popish, is so distasteful to them, that nothing will please upon that odious Condition; and as to this Particular, it look'd as upon as a Trick to bring the Parliament to consider and confirm the Duke's Title; that is, a Trade Guild to convey a possession full. This parliament appears various Counters; some would impeach him, upon what is discover'd of his Part in the Plot; Others incline more to bring in an Act to exclude him from the Succession of the Crown, as being a Popish, and thereby a Friend unto, and dependent upon, a foreign and enemy Power. Some, of those that are of this Mind, look upon it as a Trick to force, if it should be; and they are for the most part divided between the Prince of Orange and Duke of Monmouth. The first hath plainly the most plausible Title, by his Ma-

ster and his Wife; but, besides the Opinion of the Infancy, once it is believed the Duke of York would have over him, it is fear'd that the Commonwealth-party in Holland would be so signified with that, as to end itself absolutely into the Hands of the King of France, who might thereby have a fair Occasion of raising both England and Holland. I need not tell you the Reasons against Monmouth, but the Branded Lieber alledg'd for him are, that whosoever is oppos'd to York will have a good Party, and all Scotland, which is every day like to be in Arms, doth certainly favour him; and may probably be of as much Importance in the Troubles that are now like to fall upon us, as they were in the Beginning of the last." Others are only upon Negatives. But when I have said what I can upon this Business, I must confess I do not know three Men of a Mind, and that a Spirit of Giddiness reigns amongst us, far beyond any I have ever observ'd in my Life."

(8) Among the rest: A Gentleman moving these Words should be put in: "Or ever had been a Popish," they were bid slide, as some believe, in respect unto him the Duke of Monmouth, perhaps) who, by the Direction of the late Lord Capet, was brought up under the Discipline of the *Père de l'Oratoire*. [Sydney's Letters, p. 68.





A. D. 1679.  
[Chamblers']  
[Biff.]

Exclusionists had the best of the Argument by a Majority of Seventy-nine; the Numbers being (1) 207 and 128.

Having led the Reader thus far thro' the principal Walk of the Session, it is now time to turn aside into those other Paths, which run parallel with it, and which, tho' neither so striking in their Entrance, nor terminating in so grand a Point of Sight, deserve nevertheless to be laid open to Posterity.

While the Court Proposals with relation to the Succession, lay yet before the Commons, and the Fate of them was rather guess'd at, than known, Lord (u) Russell delivered a complicated Message to the House from the King, importing, That his Majesty was willing the Law should pass upon *Pickering*, but that the rest of the condemn'd Priests were under Examination before the Lords. That his Majesty repeated his Instances, that the Fleet might be put in such a Posture, as might quiet Mens Fears, and, at least secure us from any sudden Attempt: And that tho' his Strights and Difficulties were very great, he chose to bear the Burden some time longer, rather than interrupt them, while they were employ'd about the Discovery of the Plot, the Trial of the Lords, and the Bill for securing our Religion, by pressing for any further Supply. This Message was delivered in the Beginning of May, and the Month wasting without producing any Effect from it, on the 14th Mr. Powle produc'd a second; in which his Majesty declar'd, "That considering the Advance of the Season, and that our Neighbours were before us in their Preparations, he could not hold himself discharg'd towards his People, if he did not now, with more Earnestness, again recommend the Fleet to their present Care and Consideration; and the rather because the (w) *Streight's Fleet*, to which a great Arrear was due, was daily expected home. That he must thereby acquit himself of the evil Consequences which the want of a Fleet, in such a Juncture, might produce; and that he had not urg'd them on this Head, without considering, that the entring upon this Work presently, could be no Hindrance to the other great Affairs upon their Hands, but rather a Security for their Dispatch."

The Patriot Maxim, That the Distresses of Kings and Ministers afford the only Op-

portunities to redress the Grievances and re-establish the Claims of the People, was never more steddily, nor perhaps more intemperately, adher'd to, than now. Notwithstanding these Messages were so cautiously worded, and were made to glance so favourably at the several popular Topics of the Times, the House continued inexorable; nor would hear of any further Disburisment for any Consideration whatever, without a Change of the Succession, a proper Security for Religion, and a Removal of all Officers they disliked, the Kingdom over. Such was the Tenor of the Debate: But no Vote pass'd, except to adjourn the farther Consideration of this Matter for eight Days.

To understand what was more immediately meant by the Removal of obnoxious Officers, it is necessary to intimate, that in the Interval between those two Messages, the House had again fallen upon the Duke of Lauderdale: And to add the more Weight to their Resentment, order'd the (x) Address they had prepar'd against him to be presented by the whole House: Which was done accordingly; and the King coldly reply'd, "That he would consider of it, and return

A. D. 1679.

Rereby's Memoirs, p. 92.

An Address presented by the whole House, against the Duke of Lauderdale.

without Effect.

In the same Interval also, tho' at a time when it was notorious the Crown was not overburden'd with Revenue, and that its Influence in the House of Commons was never at a lower Ebb, they call'd upon Mr. Charles Bertie, who had a Patent for disposing of 20000*l.* per annum, under the Head of Secret Service Money out of the Excise without Account, to give in the several Items for what, to whom, by whose Command, &c. and, he refusing to comply, Sir Robert Howard, Auditor of the Exchequer, also enflaming Matters, by informing the House, That from *Lady Day, 1676, to March 26, 1679, 252,467*l.* 1*s.* 0*d.** had been paid to the said Mr. Bertie for the same Service; they order'd him into the Custody of the Sergeant at Arms, for adhering to his Trust, in contempt of their Resentment.

Enquiry into Expence, and Grants of Money for Secret Service.

Mr. Bertie committed for a Contempt of the House.

Towards the End of the Month (of May) having received a farther Information, that Sir Stephen Fox was the Paymaster to several Members, and that the Names of the said Members, and the several Sums paid to them, were regularly enter'd in his Account-Books; the

(1) According to Sir J. Rereby, the House divided on the previous Question, and the Numbers were 240, and 128.

(u) Mr. Secretary Coventry was indisposed.

(w) Sir J. Rereby adds, that a fresh Provision of naval Stores were then very much wanted in all the Yards of England, which is utterly irreconcilable with the Accounts given by Mr. Pops.

(x) The Address itself, being extremely remarkable, is here added as follows.

"We your Majesty's most loyal and dutiful Subjects, the Commons in Parliament assembled, finding your Majesty's Kingdoms involved in imminent Dangers, and great Difficulties, by the evil Designs and pernicious Councils of some, who have been, and are, in high Place, and Trust, and Authority about your Royal Person; who, contrary to the Duty of their Places, by their seditious and destructive Councils, tending to the subversion of the Rights, Liberties, and Properties of your Subjects, and the Alteration of the Protestant Religion established, have endeavour'd to alienate the Hearts of your loyal Subjects, from your Majesty and your Government. Among whom we have just Reason to

accuse John Duke of Lauderdale, for a chief Promoter of such Councils; and more particularly for contriving and endeavouring to raise Jealousies and Misunderstandings, between your Majesty's Kingdoms of England and Scotland; whereby Hostilities might have ensued, and may arise, between both Nations, if not prevented. Wherefore, we your Majesty's loyal Subjects, could not but be justly affected with Trouble, to find such a Person (notwithstanding the repeated Addresses of the last Parliaments) continued in your Councils at this time, when the Affairs of your Kingdom require room to be put into such Employments, but such as are of known Ability, Interest, and Esteem in the Nation, without all Suspicion of either mistaking or betraying the true Interest of the Kingdom, and consequently of advising your Majesty ill. We do therefore most humbly beseech your most sacred Majesty, for taking away the great Justification, Difficulties, and Fear among your good Subjects, that your Majesty will graciously be pleased to remove the Duke of Lauderdale from your Majesty's Councils, in your Kingdoms of England and Scotland, and from all Offices, Employments, and Places of Trust, and from your Majesty's Preface for ever."

A. D. 1679.

the House, moreover, order'd the said Sir Stephen to fetch the said Books; that three Members should accompany him; that he should not go out of their Sight while absent on this Mission: And that no Member should quit the Service of the House, till they return'd. But notwithstanding all these Precautions, they were disappointed. The Books were at the Lord Chamberlain's (*Arlington*) Office, who being on the Spot, had the Presence of Mind to ward the Blow, by alledging, That he durst not suffer any Books or Papers that concern'd the King to go out of his House, without his Majesty's special Leave. The last Resource was to order the Clerk to read the List of the House, and that Sir Stephen should by Memory prefix every Man's Price to every Man's Name: He was pliant enough to yield Obedience: And, lo! it appear'd, that the Sum of 3,400*l.* in stated, annual Salaries, was distributed among nine Members, in the following Proportions: Three at 500*l.* a Year, two at 400, three at 300, and four at 200: That 3,900*l.* had been *occasionally* disburs'd among six, and 7,400*l.* upon Account, in different Sums, to twelve others. In Addition to all which, the Secret Committee afterwards discovered, that three more had 400*l.* *per ann.* apiece; and that there were yet five more who had Pensions; but to what Value was not explain'd.

No doubt it was of high Importance to guard against the first Approaches of Corruption, and to set a Mark on the Corrupt: But, when we reflect with what Affectation one List of thirty-five Pensioners in this Parliament, and another of the (y) Club of unanimous Voters in the last were circulated in Print all over the Kingdom, by the Patriots of this Reign, it affords Matter of Astonishment, that a Practise, then so fiercely decry'd, should, in Process of time, be adopted by other Patriots professing the same political Faith, and avow'd to be the Master-Spring of Government.

A Bill is now  
sent the Seats  
of Peers  
and Pleasants.

To close on this Head, a Bill was order'd and prepar'd to preclude all Members from receiving any Pensions or Places of Profit, during that Session of Parliament; which was read twice, and then dropt; on a Fore-sight, perhaps, that the Session itself, would be at an end before the Bill could receive the Sanction of both Houses.

Another to re-  
gulate Elec-  
tions.

This Session also produc'd another abortive Bill, for regulating Abuses in Elections of Members to serve in Parliament; by which it was provided, That such only should vote for a Shire or County, who had been Householders and Inhabitants for a Year before, in the said Shire or County, had paid Scot and Lot, &c. were of Age, and worth two hundred Pounds in Fee, clear of all Debts and Encumbrances. That in all Cities, County Towns and Boroughs represented in Parliament (except *London, York, Norwich, Exeter, and Bristol*) none but such as had been

A. D. 1679.

Householders and Inhabitants, and paid Scot and Lot, &c. for a Year before, should have Votes; any Law, Charter, &c. to the contrary notwithstanding. That no Person, either by himself, or others, should by feasting, treating, bribing, &c. or under any pretended Charity for the Poor, endeavour, directly, or indirectly, to procure the Election of any Person or Persons; under the Penalty of Incapacity to sit as a Member, and the Forfeiture of 500*l.* That every City, Town and Borough where such Feasting was practis'd and allow'd, should forfeit their Privilege of sending Members. That all Mayors, Justices and Constables, should be empowered to arrest and commit all such Offenders to Goal. That such Magistrates as refus'd or neglected to do their Duty therein, should forfeit 100*l.* for every such Neglect or Refusal. That every Magistrate who should suffer himself to be feasted, brib'd, &c. should be disabled from voting, and forfeit 100*l.* for every such Offence. That no Suit should, for the future, be prosecuted against any Place, by any Member for Wages. That to prevent false and undue Returns, if any Sheriff, Portreeve, &c. should adjourn an Election, except as need requires from Evening to Morning, or from the Place for convenience sake first appointed, the Proceedings after such unlawful Adjournment should be void; and the Person who, at the time of the said Adjournment, had the Majority of Votes, should be held duly elected. That if any Returning Officer should be engag'd by Gifts or Promises to make a wrong Return, or should not do his Duty in the Premises in every such Case, the Offender, if a Sheriff, should forfeit 500*l.* if a Mayor, or Minister 200*l.* with treble Damages to the Party griev'd: All Promises and Engagements to save the said Offender harmless to be void; and the very making such Promise and Engagement, to incur a Penalty of 500*l.* That no Returning Officer should take above two Shillings and Sixpence for the Return of any Writ. That all the several Penalties and Forfeitures aforesaid, should be recoverable, within a Year, in any Court of Record; in which Suits, no Privilege of Parliament, or other Privileges should be allow'd. That all County-Sheriffs should cause this Statute to be audibly read at the Place of Election. That all Mayors, &c. should cause it to be set up in their Town-Houses. That against a general Election, it should be read in all Churches. That for the Prevention of the long Continuance of any Parliament for the future, no succeeding Parliament should be continued by Adjournment or Prorogation, or any other way whatever, above the Space of two Years; but at the End of that Term, every Parliament should be *ipso facto*, dissolved; and that in every Indenture made or seal'd by any Electors, a Clause be inserted, signifying, That the Persons therein nam'd, were

(y) Of one hundred and ninety-eight.

(z) The Bill is to be found entire in Lord Somers's Collection, vol. xx, as also in Sir Thomas Walsley's.

A. D. 1679

were authoriz'd to serve in Parliament for two Years, if the said Parliament should so long continue, and no longer.

Such was this valuable Bill, which the Nation has since had frequent Reason to lament the Loss of; and of which this Sketch is inserted, as a Hint to the Claims and Pursuits of future Parliaments.

We are not enough in the Secret of these Times, to determine whether popular Bills were introduc'd only to inflame, and with a Fore-Knowledge that they would come to nothing: But there was yet another which was once read before this jealous and severe House of Commons, under the plausible Title of securing the Subject from the illegal Exaction of Money, but which, it is possible, was rather calculated to serve as an additional Preservative of their own exclusive Privilege of granting Supplies, and yet farther to disable the Prerogative from helping itself.

They moreover set on foot an Enquiry into the Mismanagements of the Navy; apparently more with a Design to blacken the Duke, than to (a) re-establish our Naval Affairs: For the (b) Report of their Committee turn'd but upon two Articles; the first charging Sir Anthony Dean, Peppy's Secretary to the Admiralty, and others, with fitting out a Sloop out of his Majesty's Stores, in the Year 1673, making her free of the French Ports, and procuring her a French Commission, in order to cruise on the Dutch; which being contrary to Treaties, might have occasion'd a War between the two Nations, &c. And the second, charging the same Persons with causing to be made certain Maps, Sea-Journals, Draughts and Models of his Majesty's best built Ships; and filling fourteen Sheets of Paper, closely written, with an Account of the Number, State, and Oeconomy of the Navy-Royal; the Means to allure the English Seamen into the French Service; the Weakness of those Places where our Fleets lay; Defects of Stores; Descriptions of Forts,

Rivers, Garrisons, &c. All which Papers, &c. the said Dean was accus'd of carrying over to France, and delivering to the Secretary of the French Admiralty, in order to carry on the Popish Plot against his Majesty, &c.

How far these Particulars were true or false, is no where clear'd up; for tho' Dean and Peppy were immediately committed to the Tower, by Order of the House, and the Attorney-General was enjoin'd to prosecute them; it does not appear, that ever any such Prosecution took place: So that, if innocent, they suffer'd too much; if guilty, too little; and Justice was equally offended either Way.

But the great, essential, and inclinable Service, done to the People of England, by this Parliament, was in perfecting the HABEAS CORPUS Bill; which had been so long in Agitation, and by which many wholesome Provisions were made, to preserve the Liberty of the Subject from the Invasions of the Prerogative. Abuse of Power, and the Prevention of such Abuses for the future, are the Causes assign'd in the Preamble of the Bill for the enacting Clauses it is compos'd of: The most material of which are, 1. To oblige all Sheriffs, Gaolers, Ministers, or others, when serv'd with a Writ of Habeas Corpus, to obey it, within (c) three Days after the said Service, by carrying up the Body of the Person therein named to the Court, or Judge, by whom the said Writ was granted; and before him to certify the true Causes of his Detainer and Imprisonment, on the Penalty of 100*l.* for the first Offence, and 200*l.* and to be made incapable of holding his Office, for the second: As also, under the like Penalties, to grant the Prisoner a true Copy of the Warrant of Commitment and Detainer, within six Hours after Demand. 2. To provide that no Person shall be recommitted, for the same Offence, after being enlarg'd by Order of Court, on the Penalty of 500*l.* Also, 3. That if any Judge, either

A. D. 1679

A third, is favor'd the Subject from the illegal exaction of Money.

Enquiry into the Mismanagements of the Navy.

(a) Concerning the Condition of the Fleet, at this Time, Mr. Peppy himself writes to the following Effect:

Abstract of the Fleet, in August, 1678.

	N <sup>o</sup> .	Men.
Rates	1	3135
	2	1555
	3	5010
	4	2650
	5	1400
Fire-Ships	6	473
	7	540
Total	85	18,323

Of which were left in Sea-pay, at the Time of my Commission, Threescore-and-sixteen of the following Rates, bearing 12,000 Men:

Abstract of the Fleet, left by Mr. Peppy in Sea-pay, April 1679.

	N <sup>o</sup> .	Men.
Rates	1	1
	2	3
	3	15
	4	30
	5	12
Fire-Ships	6	7
	7	8
Total	76	12,040

The whole Reserve of the King's repairable Ships were repossessed by the Surveyor of his Navy, and Body of the Navy-board, in a Condition of being thoroughly fitted for the Sea, and furnish'd with Sea-Stores, for 50,000*l.*

And towards this, and the answering what extraordinary Supplies this Fleet might have had occasion for, beyond the six Months first allotted for the Service, a further Reserve remain'd untouched in Magazine, to the Value of threescore thousand Pounds.

Lastly, a Force additional to all this, of thirty capital Ships, was then actually in building (and for which the Parliament had already provided), whereof eleven were newly launch'd, and the Remainder (all of them) under an additional Prosecution upon the Stocks. An Addition rendering the Whole a Security not unequal (ordinary Providence concurring) to the public Ends of it, in the Maintenance of the Peace and Honour of the Government on Shore, and Support of its ancient, rightful, and envy'd Title to Dominion at Sea. [Peppy's Memoirs, p. 5, 6, 7, 8, 9.]

All which Premises being allow'd, it follows, indeed, that there were no Mismanagements in the Conduct of the Navy; but, withal, that the Navy labour'd under no such extreme Wants and Necessities, as had been represented to Parliament.

(b) According to the said Report, the also made Prize of a free Ship of England, called the *Catherine of London*; which, tho' prov'd to be English, before his Majesty and Council, the Check-matter of *Portsmouth* was sent to *Paris* to get condemn'd.

(c) If within twenty Miles. If within a hundred, in ten Days; and within twenty, from any other Distance.

A. D. 1679.

either in Term-time, or Vacation, refus'd any (d) Prisoner their  *Habeas Corpus*, upon Application, he should forfeit 500 *l.* to the said Prisoner. And, 4. That no Subject of this Realm should be any longer liable to illegal Imprisonments, in Prisons beyond the Seas.

Growth of  
Papery, P. II.  
p. 246.

*Ferguson*, with some Bitterness, affirms, that this Bill met with great Opposition from the Lords; that it gave rise to several Conferences between the two Houses; and that, tho' it was far short of what it ought to have been, it was almost a Miracle that their Lordships suffer'd it to pass at all: And so much of Truth there is in these Assertions, that the Committees of the two Houses met several Times upon it, without coming to any Agreement; inasmuch that the completing of the Bill was put off to the last Hour of the Sessions; and, even then, the Commons were glad to admit of the Lords (e) Amendments, that they might have the Merit, and their Fellow-subjects the Benefit, of so useful a Law.

It is indeed undeniable, that the vehement Spirit which carry'd all before it in the House of Commons, had not the same Ascendancy in the House of Lords; who, except in such Particulars as immediately regarded the Plot, never fail'd to shew, that they were more inclin'd to adopt the Passions of the Court, than humour the Prejudices of the People. In particular, it is observ'd by Mr. *Alg. Sydney*, that, by the Industry of the Bishops, they had so well penn'd a (f) Bill for banishing the *Papists* out of London, that, if the Commons had pass'd it without Amendment, all the Nonconformists would be driven out of Town, and half the Shops shut up. But, as it happen'd, the Commons did make the Amendments necessary to prevent this Depopulation; which so rebated the Edge of their Lordships Zeal, that the Bill itself came to nothing.

Bill for banishing  
Papists out of London.

Sydney's Letters, p. 55.

But this different Disposition of the two Houses broke out more fiercely in the several Cases of the Earl of *Danby*, and the Five popish Lords: And with as brief an Explanation of this Matter, as the Intricacy will admit of, we shall take our Leave of this turbulent Session.

We have already taken notice, that the Earl of *Danby* had surrender'd himself; and that, by Order of the Peers, he had been committed to the *Tower*. This was made known to the Commons April 16, and the very next Day they appointed a Committee to prepare Evidence, as also to draw up farther Articles against him, as they should see Cause, who were to sit *de die in diem*. The Lords also, to be as expeditious on their Side, ordered him to put in his Answer in Writing,

to the Particulars already charg'd upon him by the Commons, on the twenty-third; but, afterwards, at his own Instance, indulg'd him to the twenty-fifth; on which Day he deliver'd in his Plea and Answer at the Bar of the House; the last being a solemn Protestation of his Innocence, against every Part and Particle of the Impeachment; and the first, an express Claim of the Benefit of the King's most gracious Pardon; a Copy of which was annex'd: And specify'd, That his Majesty had, under the Great Seal, of his especial Grace, certain Knowledge, and mere Motion, pardon'd, remis'd, and releas'd, to the said Earl, all and all manner of Treasons, Misdemeanors, Felonies, Insurrections, Rebellions, Felonies, Exactions, Oppressions, Publications of Words, Misdemeanors, Confederacies, Concealments, Negligences, Omissions, Offences, Crimes, Contempts, Misdemeanors, and Trespases, whatsoever, by himself alone, or with any other Person or Persons, or by any other, by the Command, Advice, Assent, Consent, or Procurement of the said Earl, advised, commanded, attempted, made, perpetrated, conceal'd, committed, or omitted, before the 27th of February last past, &c. &c.

A. D. 1679.

Earl of Danby  
by pleads the  
King's Pardon.

This Double-dealing of the Earl's occasion'd various Reflections: In particular, it was said, that it was *ex Industria perpleca*; and that, having the Court and the Lords to favour him, he could not for the Inconsistency of protesting his Innocence, which render'd his Pardon useless, and pleading his Pardon, which was a Confession of his Guilt: But, in truth, the Earl did not lye altogether so open to the Charge of Inconsistency, as is here presum'd: For he did not plead his Pardon as a Skreen for his known Crimes, but a Cover for such Lapses as he might have made thro' Ignorance or Inadvertency. The Words of the Preamble to his Plea are these: "But for that the said Earl is sensible of his own Weakness, in the Management of so great an Office and Employment; and that altho' he knoweth his Heart to be sincere, having never admitted a Thought into it, leading either to Treason, or any other Crimes against his Majesty, the Government, or Religion established; yet that he may have erred out of Ignorance, or Want of Understanding, or Ability to manage an Office of so great Trust, &c. and for that he cannot foresee what Misinterpretation, or severe Construction, may be put upon any of his Actions, &c. and chiefly, that he may not seem to waive his Majesty's Grace and Favour to him, the said Earl, for Plea saith, &c."

Sydney's Letters, p. 54.

Lords Journ.

With regard to the Reception this Plea met with from the House of Commons, it appears they immediately refer'd it to their Committee

(d) Except in Cases of Treason and Felony, plainly and specially express'd in the Warrant.

(e) When these Amendments were delivered to the Committee of the Commons, by the Lords, Sir *Thomas Murray* took occasion to say, in Irony, "The Amendments are very many, which are a Sign your Lordships are careful to make to cleave a bill secure." *Lords Journ.*

(f) The sending this Bill down to the Commons produc'd a Prodig, sign'd by Lord *Shaftsbury*, and seven other Peers;

accompany'd with an Intimation, that there were thousands of Dissenters, who would be faithful to Death, against the common Enemy the *Papists*: But that the Addition of the *Overto* to the *Tyr*, might tempt them to think it their Interest to join with those very *Papists* against the Church, for their common Security. About the Time, also, that this Bill was under Examination, the Lord above mention'd took occasion to say, "That he would neither live with, nor order, a *Papist*."

A. D. 1679.

Com. Journ.

Sydney's Let-  
ters, p. 40.The Commons  
demand, whether  
he will  
abide by his  
Plea?

Com. Journ.

Committee of Secrefy: Who, upon the 28th, reported, "That they found no Precedent of any Pardon granted to any Person impeach'd by the Commons of High Treason, or other high Crimes, pending the Impeachment." It grew also to be an establish'd Maxim, both within-doors and without, that the King could not pardon a Man impeach'd by Parliament: And, moreover, That, if he could, this would be of no Value, as being defective in all the Formalities: And, upon these Premises, it was order'd, "That a Message be sent to the Lords, to desire their Lordships to demand of the Earl, whether he would rely upon, and abide by, the Plea of his Pardon? All the shrewd ones presupposing he would abide by it: In which Case, their Trouble, of bringing Proofs to support their Charge against him, would be prevented; and, if his Pardon was deem'd a Nullity, he would be left, without any Plea at all, at the Mercy of his Enemies.

It is not to be presum'd that the Earl was not aware of the Net that was spread for him; and yet, concluding, that, if he kept fast hold of the Prerogative, it would be strong enough to drag him safely thro' it, he made his Appearance again at the Lords Bar, May 3, and express'd himself in these Words: "The Plea I have put in was put in by the Advice of my Council; who tell me that my Pardon is good in Law, and advise me to insist upon my Plea put in; which (g) I now do, and desire that my Council may be heard, to make out the Validity of my Pardon." &c. With which the Lords agreed, and, by Message, gave notice of it accordingly, the same Day, to the Commons; who, on the 5th, taking the said Message into Consideration, "Resolved, That the Pardon pleaded by the Earl of Danby was illegal and void, and ought not to be allow'd in bar of the Impeachment of the Commons of England." And, following their Blow, the whole House, with their Speaker at their Head, went up to the Lords Bar; where the Speaker, in the Name of all the Commons of England, demanded Judgment against the said Earl, he standing impeach'd of High Treason, and other high Crimes, and having pleaded a Pardon, which the Commons conceived to be illegal and void.

Nothing could be more artificial than this Procedure of the Commons. It was manifest, that, in condemning the Pardon, they, in effect, condemn'd the Man; and yet they seem'd to leave the Peers in full Possession of their Privilege of Judgment. The Lords, on the other hand, had their Expedients and Resources as well as the Commons; and resolv'd, not only to center the whole Authority of Decision in themselves, but to make

sure of such a Decision, as should be favourable to the Prerogative. In order to which, they made an Order the same Day, "That the House, on the Morrow, would take into Consideration, whether the Lords Spiritual were to give their Vote in Judicature, in Cases of Blood, or upon Bill of Attainder, as a Preliminary to the Demand of the Speaker, concerning the Earl of Danby." And tho', upon the Morrow they came to no Resolution on the said pretended Preliminary, they proceeded to fix the following Saturday for the hearing of the said Earl's Council to make good his Plea; as also, to address his Majesty, that he would be pleas'd to appoint a High-Steward to preside on that Occasion; and, moreover, at the Tryals of the five Popish Lords, which were likewise fix'd for the Tuesday following.

The Commons being appriz'd of these hasty Steps, by a Message on the 8th, desir'd a Conference; at which they gave the Lords to understand, 1. That they could not apprehend what should induce their Lordships to apply to his Majesty to constitute a High-Steward; since Judgment might be given in Parliament upon impeachments without one. 2. That there being several other Matters contain'd in the said Message, which, if not settled, might interrupt and delay their Proceedings, the House of Commons did propose, that they might be refer'd to a Committee of both Houses, in order to prevent the Inconveniences which might otherwise arise. And this again being reported to the Peers, by the Lord Privy Seal, who was at the Head of the Managers for the Lords, a long Debate ensued; in the Close of which, it was resolv'd by their Lordships, not to have any such Committee, for the following Reason (which was the next Day signify'd to the Commons at another Conference) viz. Because the Lords did not think it conformable to the Rules and Orders of Proceeding of that Court; which was, and ever must be tender in Matters relating to their Judicature.

Mr. Sydney affirms, that this Vote was carry'd only by two Voices, the one Side having 54, the other 52; that of 18 Bishops that were present, sixteen were on the victorious Side, and only Durham (Dr. Crew) and Carlisle (Dr. Rainsborough) were so humble as to join with the vanquish'd: That of thoir fifty-two, one-and-fifty the next Day protest'd; and that he thought Laziness only hinder'd the Earl of Leicester, who was the other, from doing the same. But if this was true, the Records of Parliament have dropt the Names of thirty-two, and have only left us the nineteen following; Finch, C. Clark, Newport, Eure, Wharton, Arlington, Essex, Stafford,

A. D. 1679.

A. D. 1679.

The Lords ap-  
point him a  
Day of Hear-  
ing.The Com-  
mons propose  
to the Lords  
the appointing  
a Joint Com-  
mittee, to ad-  
just the Mat-  
ters of con-  
sidering the  
Trials.

Page 65.

(g) Concerning this Proceeding of the Earl's, Mr. Sydney writes to Mr. Sewall, as follows:

"We live in a Time, that no Man, by what is past, can well judge what is to be expected for the future: But I am much inclin'd to believe, that Danby, having in his last Act follow'd his own Disposition, that ever delighted in Juggling and Indirectness, will, by the Tricks he hath play'd, have found a Way to hang himself." P. 59, 60.

Again, in another Place, he says, "This Point I only

find to be clear, that if the Pardon can be found good, tho' the Formalities are wanting, it will be made good, and the Burthen left upon the Chancellor, that put the Great Seal on to it, without taking care to see them observ'd." P. 41.

(f) The Uneasiness which the Commons shew'd on this Occasion arose from a Jealousy, that the Lords meant thereby to leave it in the King's Discretion to put a stop to all their Proceedings, by refusing or delaying to constitute a Lord Steward.

A. D. 1679. *Stafford, Rockingham, Grey, Huntington, Clarendon, Salisbury, Halifax, Newcastle, Bedford, Derby, Dillamore, Paget.*

However this may be, the Commons, seeing their favourite Point thus peremptorily wrested out of their Hands, came to a Resolution, "That no Commoner, whatsoever, should presume to maintain the Validity of the Pardon pleaded by the Earl of *Donby* without their Leave, on pain of being accounted a Betrayer of the Liberties of the Commons of England: And that the Answer of the Lords tendered to the Interruption of the good Correspondence between the two Houses." The next Day (*May 10*) they, moreover, acquainted the Lords at a Conference, "That things standing as they did upon their Lordships Answer, they could not proceed upon the Tryals of the Lords, before the Methods of Proceedings between the two Houses were adjusted. And this being reported by the Committee to the House, another long and vehement Debate arose; and upon putting the Question to agree to the Proposal of the Commons for removing the Difficulties likely to arise on those Tryals, it again pass'd in the Negative. In the Afternoon of the same Day, they, however, condescended to appoint a free Conference, which was to turn on those very Points, under this single Restriction, "That the Managers of it were not to enter into any Dispute about Judicature." And on the Report of what pass'd thereat, thought fit to condescend yet farther, by receding from their former Votes, and appointing (*12*) twelve Lords to confer with a double Number of Commons on the several Articles in Dispute.

The Lords  
take it ill,

and then agree.

The great Controversy between the two Houses, in relation to the Power of the Lords Spiritual and temporal Cases.

The next Day (the *12th*) the two Committees met in the *Court of Wards*, and the Commons open'd the Subject Matter of Conference, by proposing first, That the Tryal of the two Lords should be put off (which was soon settled; both Parties agreeing, that the fixing a Day for that purpose, should be the *last thing* to be consider'd.) 2. That the Application made by the Lords to the King to appoint a Lord-Steward might be clear'd up: And 3. That the Lords would specify whether the Bishops were to assist at these Tryals or not; all Tryals of the like nature, as they conceiv'd, having been left to the Temporal Lords only. And now the great Difficulty took place. This last Particular manifestly fell within the Injunction which the Lords-Committees had receiv'd concerning Judicature, and was the very thing to be guarded against. They withdrew, therefore, made their Report, and the Lords thereupon, order'd, That the Tryal of the Five Lords should be defer'd till further order; and declar'd, "That the Office of High-Steward was not necessary in Tryals of Peers upon Impeachment, but

that the Lords might proceed in such Tryals, tho' a High Steward was not appointed according to their humble Desire. But here they stopp'd short, and left the main Point in dispute undecided, as before. The next Day the two Committees renewing their Conferences, the Commons renew'd their Demand with Relation to the Bishops, and press'd for Satisfaction upon it; and the Lords in their turn, saying, "That it belonged not to the Commons to concern themselves in the constituting Parts of the Court upon such Tryals, but that the Judgment of this Matter belong'd entirely to the Lords;" the Commons reply'd, That Judgment after Tryal was in the Lords; but under this Restriction, that they were not to pronounce, unless at the Demand of the Commons; adding, withal, That if the Bishops were suffer'd to sit on the Tryals then depending, they should not demand Judgment: And, in particular, demanding to be resolv'd, Whether they were to vote on the Validity of the Earl of *Donby's* Pardon; which was not to be consider'd as a *Preliminary*, but the very Essence of the Tryal.

The Lords Committees having no Instructions to answer this Question, return'd to their Principals, and reported what had pass'd; upon which the House immediately enter'd into a Discussion of the Claims and Pretensions of the Bishops, and came to a Resolution, "That they had a right to stay in Court in capital Cases, till such time as Judgment of *Death* came to be pronounc'd: Or, as it was afterwards explain'd, till the Court proceeded to the Vote of Guilty, or Not Guilty.

It is easy to see that all this (*h*) Contest about the Bishops Vote arose from a Presumption, that their Weight would turn the Scales; and that both Parties were equally certain into which it would be thrown. In order, therefore, to embarrass the Lords as much as possible, the Commons instructed their Committee to insist, "That the Lords Spiritual ought not to have any Vote in any of the Proceedings, upon the Impeachments against the *Lords in the Tower*; and that they knew not how to proceed in Capital Matters before a new Court:" Which being reported to the Lords, *Friday* the *16th*, their Lordships had the Address to retort the Difficulty, by resolving that the Tryals of the Five Lords should begin on the *Tuesday* following: After which, the Lords Spiritual, formally, "Ask'd the Leave of the House, that they might withdraw themselves from the Tryals of the *said* Lords, with the Liberty of entering their usual Protestation."

The next Day the two Committees met again; and the Lords communicating both the said Vote, and the Bishop's Request of Leave,

Leave,

(1) viz. The Lord Chancellor, the Lord President, the Lord Privy Seal, the Marquis of *Winchester*, the Earls of *Salisbury*, *Clarendon*, *Essex*, and *Windsor*; the Viscounts *Hudford* and *Newport*; and the Lords *Wharton* and *Hallifax*.

(2) *Edw. Burnet* writes of it as follows:

"The Truth was, they [the Bishops] desir'd to have with-

drawn; but the King would not suffer it. He was so set on maintaining the Pardon, that he would not venture such a Point on the Votes of the Temporal Lords: And he told the Bishops, they must stick to him and his Prerogative, as they would expect he should stick to them, if they came to be pass'd. By this means they were expos'd to the popular Fury." *Vol. 1. p. 462.*

Leave, &c. the Commons reply'd, That the Vote of their House extended to the Earl of *Danby*, as well as to the said Five Lords: That the said Earl's Case was capital as well as theirs: That the Bishops, as they conceiv'd, had no right to be at any one Vote in any capital Case: That the granting Leave to withdraw, imply'd a Right to stay; and that the asserting and admitting of that Right, constituted a new Court, which the Commons could never acknowledge. And in another Conference on the 19th, the Commons signify'd, That they had been farther instructed by their House, to insist on their former Vote, relating to the Lords Spiritual; and also to declare, "That when that Matter should be settled, and the Method of Proceeding adjusted, their House would be ready to proceed on the Tryal of the Pardon of the Earl of *Danby*, against whom they had already demanded Judgment, and afterwards to those of the other Five Lords in the *Tower*." To all which they added, that the postponing the Cause of the Earl of *Danby* to that of the said Five Lords, was inverting the Order they desir'd to follow: That for want of these Tryals, all public Business was at a stand: That tho' the Lords endeavoured to lay the Stop at the Door of the Commons, it lay more properly at their own. (This was rather insinuated than asserted) by appointing a Day for Tryal, before the Parties had settled the Methods of Prosecution, which they hop'd the Lords would give them leave to wonder at: That they had a right to know before what Court they were to appear: That they desir'd to give no Disturbance to the ancient Judicature, which they own'd to be sacred; but that the Lords might as well make the Judges Part of their Court, as the Bishops in this Point.

The 23d they had yet another Meeting, at which the Lords Committees deliver'd to the Commons, by way of Amusement, a Paper of minute Circumstances, to be observ'd in the Forms of the Tryals; which, the Commons receiv'd with an Observation, That the Lords were pleas'd to answer several things not ask'd, and to be silent on those that were; as also, with a Caution, That they received it as a Paper of Propositions, to which they should return no Answer, till the Lords had given them Satisfaction in the great Difficulty relating to the Lords Spiritual. After which they proceeded to say, That the Lords, they thought, had not acted according to the good Correspondence, which ought to have been maintained between the Committees of the two Houses, by appointing a Day for the Tryal of the Five Lords, without any previous Concert with them. "They standing engag'd, that that should be the last thing to be agreed on:" Adding, moreover, That the Commons did not recede from their former Proposal to proceed on the Tryal of the Earl of *Danby*,

before those of the Five Lords: And concluded with two Questions, viz. 1. Whether the Lords intended to enter on the Tryals of the said Lords, without the Consent of the Commons? 2. Whether the Commons were to expect any Answer to their Demand concerning the Bishops, without which it would be to no purpose to continue the Meetings of the Committees any longer?

These Questions were address'd by one House to the other thro' their respective Committees; and, therefore, it was now incumbent on the Lords to speak out, or, at least, to return such Answers, as should exempt themselves from any farther Impunity. Accordingly, after Debate, their Lordships came to the following (1) Resolutions: 1. That it shall be an Instruction to the Lords Committees appointed to meet the Committee of the House of Commons, to let them know, that their Lordships are not empower'd to give any other Answer, than what has been already given concerning the Lords Spiritual. 2. That it shall also be an Instruction, &c. to let them farther know, "That there occur to the Lords Difficulties in the Case of the Earl of *Danby*, which are not in the Case of the other Five Lords; and that, therefore, the Lords have resolv'd to proceed first to the Tryals of the Five Lords."

The Lords Committees were also, by Order, to let the Commons know, that the Paper of Regulations, before deliver'd by them to the Commons, contained the *Orders* of the House of Lords *de bono esse*, preparatory to the Tryals; yet such, that if the Commons have any thing to object, or to offer by way of Addition, the Lords would consider thereof, and do what should be reasonable.

The result of all was, that, on the Signification of these several Particulars to the Commons Committee, they reply'd, that they had receiv'd Instructions from their House, to give no Answer to the Propositions made by the Lords, till the Lords had given an Answer to the Propositions made by the Commons. This was *Saturday, May 24*; and, on the 26th, the two Committees meeting again, the Commons demanded, whether their Lordships were yet empower'd to give an Answer to their Propositions? The Lords answer'd in the Negative; and so ended the Conference: But the same Day, Sir *John Trevor*, one of the Managers for the Commons thro' this whole Affair, and others, were sent up to the House of Lords, to desire a Conference upon Matters of great Importance to the Kingdom, and for preserving a good Correspondence between the two Houses: Which being comply'd with, Mr. *Sacheverell*, in the Name of the Commons, recapitulated all the Particulars already enumerated, with a proper Mixture of such Reflections as might best serve to throw the Blame of all Miscarriages on the Lords; and, for a Close, signify'd, That the Commons found

(1) But not without a Division, and two several Protests, which were sign'd as follows: *Buckingham, Huntington, Wiltshire, Grey, Say and Seal, Howard, Darlington, Shaft-*

*Sury, Winchester, Stamford, Ears, Rokeby, Alnwick, North and Grey, Bedford, Strafford, Rochester, Fogge, Lovelace, Wharton, Derby, Clare, Herbert, Delamere.*



A. D. 1679

found themselves oblig'd not to proceed with the Trials of the Lords; and to adhere to their former Vote, "That the Lords Spiritual ought not to have any Vote in the Proceedings against the Lords in the *Tower*; and that, when this was adjust'd, they were ready to proceed on Lord *Danby's* Plea of Pardon;" for the following Reasons:

1. Because your Lordships have receiv'd the Earl of *Danby's* Plea of Pardon, with a very long and unusual Protestation, wherein he has aspers'd his Majesty, by false Suggestions, as if his Majesty had commanded or countenanced the Crimes he stands charg'd with; and particularly, in suppressing and discouraging the Discovery of the Plot, and endeavouring to introduce an arbitrary and tyrannical Government; which remains as a Scandal upon Record against his Majesty, tending to render his Person and Government odious to his People, against which it ought to be the principal Care of both Houses to vindicate his Majesty, by doing Justice upon the Earl.

2. That setting up a Pardon to be a Bar of Impeachment defeats the whole Use and Effect of Impeachments. For should this Point be admitted, or stand doubted, it would totally discourage the exhibiting any for the future: Whereby the chief Institution for the Preservation of Government would be destroy'd, and consequently the Government itself. And, therefore, the Case of the said Earl, which in consequence concerns all Impeachments, ought to be determined before that of the said five Lords, which is but their particular Case.

And, without resorting to many Authorities of great Antiquity, the Commons desire your Lordships to take notice, with the same Regard they do, of the Declaration made by King *Charles I.* in his Answer to the Fourteen Propositions of both Houses of Parliament, wherein, stating the several Parts of this regulated Monarchy, he says, "The King, the House of Lords, and the House of Commons have each particular Privileges." And among those which belong to the King, he reckons the Power of Pardoning, after the enumerating of which, and other his Prerogatives, his said Majesty adds this again: "That the Prince may not make use of his high and perpetual Power, to the Hurt of those for whose Good he hath it; and make use of the Name of public Necessity, for the Gain of his private Favourites and Followers, to the Detriment of his People."

"The House of Commons, an excellent Conserver of Liberty, is solely entrusted with the first Propositions concerning the Levies of Monies, and the Impeachment of those, who, for their own Ends, tho' countenanced by any surreptitiously-gotten Command of the King, have violated the Law, which he is bound, when he knows it, to protect; and to the Protection of which they were bound to advise him, at least not to serve him to the contrary."

"And the Lords, being entrusted with the judicatory Power, are an excellent Screen and Bank between the Prince and the Peo-

A. D. 1679.

ple, to assist each against any Encroachments of the other; and by just Judgments to preserve the Law, which ought to be the Rule of every one of the three.

"Therefore, the Power legally placed in both Houses is more than sufficient to prevent and restrain the Power of Tyranny."

3. Until the Commons of *England* have Right done them against this Plea of Pardon, they may justly apprehend, that the whole Justice of the Kingdom, in the Case of the five Lords, may be obstructed and defeated by Pardons of the like Nature.

4. An Impeachment is virtually the Voice of every particular Subject of this Kingdom, crying out against an Oppression, by which every Member of the Body is equally wounded: And it would prove a Matter of ill Consequence, that the Universality of the People should have Occasion minister'd to them to be apprehensive of the utmost Dangers from the Crown, whereby they of Right expect Preservation.

5. The Commons exhibited Articles of Impeachment against the Earl of *Danby*, before those against the other five Lords, and demanded Judgment upon these Articles: whereupon your Lordships having appointed the Trial of the said Earl to be before that of the other Lords, now your Lordships, having since inverted that Order, give a great Cause of Doubt to the House of Commons, and raise a Jealousy in the Hearts of all the Commons of *England*, that, if they should proceed upon the Trial of the said Five Lords in the first place, not only Justice would be obstructed in the Case of these Lords, but that they never shall have Right done them in the Matter of the Plea of Pardon, which is of so fatal Consequence to the whole Kingdom, and a new Device to frustrate public Justice in Parliament.

The next Day, these Reasons, and the Recapitulation, which serv'd as an Introduction to them, were a second time read in the House of Lords; a long and vehement Debate ensu'd; and, upon the Issue, a Resolution was taken to insist upon their Vote concerning the Lords Spiritual: Against which, the following Lords entered their Protests, *viz.* *Buckingham, Bedford, Suffolk, Grey, Leicester, Derby, Clare, Huntington, Winchester, Lovelace, Stamford, Searisdale, Delamere, Salisbury, Kent, Rochester, Townshend, Newport, Wharton, Howard, Falconberg, Shaftsbury, North and Grey, Herbert, Say and Seale, Strafford, Paget, Windfor.*

We are now come to the last Scene of *Newcastle*, this wayward Session; for the Ink of this Protest was scarce dry, before the News was brought to the Lords, by the Great Chamberlain, that the King was on the Point of coming to the House, in his Robes; as it prov'd, to prorogue the Parliament: But before we wait upon his Entrance, it is necessary to prepare his Way, by shewing as well what was doing behind the Curtain, as what was perform'd on the Stage.

Bishop *Burnet* pronounces, "That the Prosecution of the Earl of *Danby* was the Point on which the Parliament was broken."

And,

Vol. 1. p. 460.

A. D. 1679.

And, according to the Outside of Things, he seems to have Reason on his Side. But we must look deeper.

Sir *William Temple* takes great Pains to convince the Public, that those who had the Ascendancy at Court were, himself, and the Lords *Effix*, *Sunderland*, and *Hallifax*; and all other Writers speak of the three last, as the great Disposers of all things there; and call their Administration that of the *Triumvirate*.

But Court-favour, in those Days, had more of the Shew than Substance of Power connected with it: And Lord *Shaftsbury*, tho' frown'd upon at the Head of the Council-board, while idoliz'd in one House, and dreaded in the other, made himself more formidable to the Ministers themselves than

(Temp. Mem. P. iii. p. 537.)

those Ministers were to the rest of their Fellow-subjects: And without Confidence in the King, or Credit in his Council, he work'd up such a Storm against both, as we have seen, that the *Triumvirate* thought it of the utmost Consequence, almost at any Price, to allay it. In order to which, they form'd a Project to invite him into the first Digestion of Things; and, together with him, the Duke of *Monmouth*: As a farther Bait, offering to agree with them in the Banishment of the Duke (of *York*) either for a certain Term, or during the King's Life: Lord *Sunderland* even undertook to bring Sir *William Temple* into it; and, when he fall'd in the Attempt, together with his two Associates, pursued the Concert nevertheless, and cabal'd with those two Aspirers, till they found that nothing less would satisfy them than an absolute Surrender of the King into their Hands; and that, even in the mean time, they made use of all their Interest and Power in the House of Commons, to force him out of their Keeping, and make him their own Property ever after.

(By the Advice of the Lords *Sunderland*, *Effix*, and *Hallifax*.)

This open'd the Eyes of the *Triumvirate*, and instead of leagu'ing with such dangerous Enemies, they thought it their wisest Way to disarm them, by proroguing the Parliament. In this Expedient, it seems, Sir *William Temple* very readily join'd with them, as foreseeing it would absolutely break the *Triumvirate* from all farther Commerce with *Monmouth* and *Shaftsbury*: And as easy it was to foresee, that when the new Part of the Council was thus broken, the old must again take the Lead, and of course would direct the Current of Power into its former Channel.

When the Resolution to prorogue the Parliament was taken, it was also resolv'd to

procure the Sanction of Council for so bold a Measure; which it was thought, would be obtain'd without any Difficulty; one half depending on the King by their Offices, and as many of the rest being under the Influence of the *Triumvirate*, as join'd to the others, made a sure Majority. Unfortunately, in the midst of this safe Disposition, the Court was alarm'd with sudden News, That there were Remonstrances, says Sir *William Temple*, ready prepar'd in the House of Commons, to inflame the City and the Nation, upon the Points of the Plot and Popery; or, perhaps, according to the Intelligence sent by Mr. *Algernon Sydney* to Mr. *Saville*, That an Address was framing in the City, sign'd by a hundred thousand Men, giving Thanks to the Parliament for their vigorous Proceedings in discovering the Plot, and opposing of Popery, and promising to assist them in so doing, with their Lives and Fortunes. Upon which the King and his three wise Men were struck with such a Panic, or infected to be so, that they would not trust the very Council with their Fears, till by the (m) Prorogation, they had got rid of the Danger. Accordingly, on the very Morning that these dismal Tidings were receiv'd, his Majesty went post to the House of Peers, almost without Attendance, as well as Advice; their Lordships having scarce time to robe, nor the Commons to make their Appearance; and with more Brevity than Accuracy, express'd himself as follows:

A. D. 1679.

[P. 74.]

(But without the Participation of the Privy Council.)

My Lords and Gentlemen,

"I was in good Hopes that this Session King's Speech.  
"would have produc'd great Good to the  
"Kingdom, and that it would have gone  
"on unanimously for the Good thereof;  
"but to my great Grief, I see there are such  
"Differences between the two Houses, that  
"I'm afraid very ill Effects will come of them.  
"I knew but one way of Remedy for the  
"present, assuring you, that, in the mean  
"time, I shall shew my Sincerity with the  
"same Zeal I met you here: Therefore,  
"my Lord Chancellor, I command you to  
"do as I order'd you."

His Lordship, accordingly, prorogued the Parliament on the 14th of August, to the infinite Astonishment, and no less (n) Indignation of the *Exclusionists*, who express'd their Resentments aloud, and without any Reserve. Lord *Shaftsbury*, himself, being so far transported, as, even in the Houe, to threaten, That he would have the Heads of Temple's Memoirs, P. iii. p. 538.  
those who had been the King's Advisers upon this Occasion. On the other Hand, the

(m) *Freyssa* writes thus:

"The Votes of deliberating a Popish Successor could by no means be borne with by the Conspirators; therefore, abroad and at home, they now began to possess the King, that it was high time to send them home; their Votes tending to root up all their Designs at one Stroke: And accordingly, from this time, all Diligence was us'd to find an Occasion to break this Parliament: The Duke sent his Messengers every day privately, to hasten their being sent home; and his Friends about the King were very vigilant in setting forth the Danger it would be to the Crown of England, for such an Innovation to be made upon the literal Detent of the Crown: All the Duke's Friends would leave him (the King) and then he had none to stick to, but such as would be still

imposing on him; and, by that means, he would be in danger to be serv'd as his Father was; that if he desired the Duke now, it was the Way to exasperate him, and to make other Princes the King's Enemies; and farther, crying to the King the Unkindness to do such a thing to a Brother. Tho' less Arguments would have serv'd the turn, yet more were us'd; so that it was, at last, concluded, their Time of sitting should not be long." *Growth of Popery*, Part II. p. 242.

(n) "The City of London, where the Anti-Court Party was very strong, took to great Offence, at this, and were so angry, that it was thought they would have risen; but all, with much ado, was hush'd, and kept quiet." *Revolvy*, p. 96.

A. D. 1679. the Friends and Partizans of the Duke were as much overjoy'd. They were, before, under some Apprehension that the Violence of this Parliament might get the better of the King's Resolution: But now it was apparent that these Apprehensions were without Ground; and that by whose Advice soever his Majesty had acted, they either were in the Interest of, or made their Court to, his Royal Brother. The more Dispassionate, contented themselves with wondering, that his Majesty, in continuing the Privy Council, should publicly promise, that he would have no Cabinet-Council, but that he would in all things follow their Advices, next unto those of his great Council, the Parliament, and that now he should so suddenly prorogue that great Council, without so much as mentioning it to the other.

Sydney's Letters, p. 76.

State of the Government, as left by Lord Danby.

As to the Earl of Danby, tho' he had escap'd out of the Hands of the Commons by the Prorogation, he could not make his Escape out of the Tower: Tho' the King had pardon'd, he could not enlarge him; nor would his Majesty's new Counsellors advise him to strain a Point in favour of one, whom they had sufficient Reason to think, would, in return, ease them of all farther Trouble in his Majesty's Service. To take our Leave of his Administration, Mr. *Afternoon Sydney* observes, That at his first Entrance into Power, he had engag'd to bring the Parliament into an entire Subjection to the King's Will; to pay off his Majesty's Debts; increase his Revenue, and render him considerable among the neighbouring Princes: "Which are verify'd, says he, in his leaving (a) twenty-two Shillings and Ten-pence in the Exchequer; two-and-forty hundred thousand Pounds of passive Debts, the Revenue anticipated for almost a Year and a half; and the Account his Lordship was pleas'd to give in his Speech to the Peers, of the Fifteen the King of France had for his (Majesty's) Person and Government."

[P. 20.]

And of the Nation, as the Chief of the Estates.

p. 22.

From these Particulars, the Transition is natural to the State of the Government and Kingdom in general; both which had a very melancholly Aspect. Tho' the King's Coffers were empty, his Officers and Servants were as clamorous for their Salaries as if they had been full: And Mr. *Sydney* also writes, That Lord *Danby's* Management of the Treasury was not more extreme than (p) Sir *Thomas Chicheley's* of the Ordnance; for, continues he, besides the Extravagancies of furnishing the French Army with Arms and Ammunition, and that the Stores were fuller two Years ago, than ever they were known to have been; there are now but six hundred Muskets in the Tower, and other things

in proportion." Sir *John Reresby* adds, "That the Carillons were all out of Repair, the Platforms decay'd, the Cannon dismounted, the Army divided, for the Duke of York, and against him; and the Officers of State the same." And what was worst of all, Government had lost its Authority, the Laws their Observance, and the King the Esteem, if not the Affections, of his Subjects. Religion and Liberty on one side; and Loyalty and Submission on the other, had rent the Nation into two desperate Factions; which, in the gross, deserv'd no better Distinctions, than of Slaves and Incendiaries: The one was impatient of all Restraint; the other profess'd to hold no Yoke too heavy: All were *Englishmen*, all were *Christians*; yet all forgot those healing Names, and look'd upon Difference of Opinion, as a Warrant for the most uncharitable Censures, for the most provoking Injuries.

A. D. 1679. P. 93.

Such terrible Symptoms seem'd to argue the Body Politic to be in imminent Danger, and that the Disease was like to prove stronger than the Constitution; Mr. *Sydney* himself bearing Testimony, "That the Parliament-Men went down discontented, and were like, by their Reports, to add to the Discontents of the Countries, which were already very great; and that the Fears from the Papists at home, and their Friends abroad being added thereto, they began to look more than formerly into the Means of preserving themselves."

P. 79.

We have now more Reason than ever to be particular in the *Scottish* Affairs; for it appears there was not only an Understanding between the Malcontents of both Kingdoms; but that Advantage was taken of the Communication, to light the Train of that side, in hope it would run by degrees from one end of the Island to the other.

Affair of Scotland.

*Scotland*, under the Duke of *Lauderdale*, had really felt all the Grievances and Oppressions that *England* only fear'd; for which no better Excuses could be assign'd, than the obstinate Fanaticism of the Field Conventicles, and the pretended Necessity of adding Terror to injurious Laws. *Oderint dum metuant* was his Maxim, as well as *Caligula's*: And as long as he kept the Peace, by whatsoever Means, the King was resolv'd he should keep his Place. The Complaints prefer'd by the suffering People, had been patroniz'd by the disobligh'd Nobility; and by seeking Redress for them, they hop'd to grow great themselves. But Remonstrances had prov'd feeble Things; and Ways and Means had been found to make their own Parliament rivet their own Chains. The last Resort, therefore, lay in the Parliament of *England*,

(a) Sir *John Reresby* bears witness, that Sir *Robert Howard*, Auditor of the Exchequer, declar'd, in the House of Commons, that there was no Money sufficient for Bread for the King's Family.

(p) Who was about this time dispos'd, and the Master-ship of the Ordnance put into Commission, to gratify other leading Members of the House of Commons: Which gives Mr. *Sydney* occasion to say, "Some think their Ways of employing many Parliament-men may strengthen the King's

Party in the House. Others think, that a King is ever a Loser when he enters into a Faction, and handles against his Subjects: Besides that these Men will lose their Credit; and, having only single Votes, will be overpowered by Numbers." He adds, I do not find the new Privy-Counsellors well at ease; and am not free from Fear, that, while they endeavour to keep fair with both Parties, they may give dispute to both." *Syd. Lett.* p. 82, 83.

A. D. 1679.

England, and That could no otherwise co-operate, than by redoubling their Efforts against *Lauderdale*, in order to render him furious in one Kingdom, that the King himself should no longer be able to protect him in the other; or, if his Majesty perished in upholding him against the declared Sense of both, to make the Case of the *Seafish* People thereby appear so deplorable, and the Conduct of the Government to blameable, that the first should remain wholly excus'd for having Recourse to any Remedy, how desperate soever, and the last without any Excuse at all, for having driven them to such Extremity.

Forty Copies of *Ed. Shaftsbury's Speech* just to *Edinburgh*, *Edinburgh*, *Edinburgh*, p. 86.

If there is any Truth in what is quoted by Mr. North, authoritatively, from a Tract, called, *The Spirit of Psycery speaking out of the Mouths of Janatical Protestants*, which says, that forty written Copies of Lord *Shaftsbury's* Speech, relating to our two Sisters *Scotland* and *Ireland*, were sent, the very next Post after it was spoke, to *Edinburgh*: It must be presum'd, that this was the Plan of Operation agreed upon by the Party Leaders of both Kingdoms. Mr. North, himself, in his warm way, makes no Scruple to say, "It was no other than as a Trumpet Signal to the *Scotch*, who must needs be bold, when such bold things concerning them had been spoke in the *English* House of Peers." And the Author of the Tract just quoted, asserts, "the Fanatics grew so insolent and daring upon it, that several loyal Gentlemen wrote up Accounts to what height of Insolence this Speech had blown up the Enemies of the Church and Monarchy; and that they had just Reason to fear, that very dangerous Attempts, if not a downright Rebellion would speedily ensue thereupon." What these Insolencies were, we find no where specify'd: But that some such Incidents as shew'd a Tendency to a Breach, did really happen soon after, cannot be deny'd: For Mr. *Algernon Sydney* in his Letter to Mr. *Saville*, of May 5, before quoted, remarks, "That all *Scotland* was every Day like to be in Arms," which must argue a Disposition to resist, on one hand, as well as a Disposition to oppress on the other.

The Murder

The horrid Assassination of the Archbishop

of *St. Andrews*, which was perpetrated May 3<sup>d</sup>, is, however, the first tragic Scene that can be discours'd of with any Certainty; and even that has been cook'd up as many different ways, as there are different Palates to please. *Edward's* is express, not only that the *Field Conventiclers*, had taken their Measures to rebel, under the Encouragement of Lord *Shaftsbury's* Speech, but "dropt Lists of those Men they design'd should fall by heretical Hands; in the Head of which stood the name of the perjor'd *Apollat*, *Sharp*, as they term'd the Primate of *Scotland*." He also says, that "two Men well mounted and arm'd, enquir'd in the Village where the Archbishop lay, if he was there; and, hearing that he was, immediately rode away." Thus we find him mark'd out for Slaughter, and actually waylaid by his Murderers. If *Bishop Burnet* deserves Credit, a Party of furious Men riding thro' a Moor near *St. Andrews*, saw the Archbishop's Coach appear unattended, and concluded, God had deliver'd him into their Hands. *Oldmixon*, again, [P. i. p. 470.] from the Author of the *Memoirs of the Church of Scotland*, assumes, "That some late military Executions (he particularizes above 100 Men kill'd in cold Blood, at a Field Conventicle) had so exasperated some resolute Men among the *Covenanters*; that they resolv'd to take Vengeance on one of their chief Persecutors, the Laird of - - - a cruel, bloody Man.—They had no thought of the Archbishop, who happen'd to be passing in the Road.—And mistaking the Laird, they resolv'd the Archbishop should not escape them." According to *Bishop Kennet* and others, that Prelate was kill'd by rigid Presbyterians, and Field Conventiclers. According to Mr. *A. Sydney*, upon Informations from *Scotland*, he came by his End, thro' a private Quarrel with some Gentlemen, one of whom had been his own Steward, that, by Fraud and Power he had thro' out of their Estates. *Edward* speaks of him with the Reverence due to a Saint and Martyr. *Sydney* on the other hand, says, "he was most remarkable for outrageous Covetousness, and other Episcopal Qualities. And with these Minutes of *Sydney's*, in the main, agrees the most circumstantial, and most natural (g) Account

A. D. 1679. The death of St. Andrews.

[Book II. c. III. p. 979.]

[P. i. p. 617.]

[P. 65. 72.]

(g) "Our Lord of *Cauchie*, being Vassal to the Bishops of *St. Andrews*; the late Archbishop, upon the account of some few Dates relating to him, did get to his own Behold the Bishop of *Cauchie*, in prejudice of his numerous Family, and many Creditors. One *Hastings* of *Rochester* being one of these Creditors, and at that time a Favourite of the Archbishop, prevailed with him; upon his giving Bond to the Bishop for 1000*l*. Scots, or thereby, to sign the Gift in his Favour. Thereafter the Archbishop, conceiving Prejudice against him, registr'd *Hastings's* Bond, forcipus too at *St. Andrews*, having call'd for him, takes him with Captivity, and keeps him Prisoner in *St. Andrews* for several Months, until one Mr. *Falconnor*, a conformist Minister, obtains his Liberty. But *Hastings*, having stronger Remorsements of his Imprisonment than of the Liberty to which he was releas'd, at his Liberation, in presence of Witnesses, vowed and swore, God damn him, if ever he went in Church so long as there was a Bishop in *Scotland*; and that, if he liv'd, he should be revenged on the Bishop's Prejice.

This *Hastings* was a vile Person, had nothing of good in him, and was force admitted to the Society of sober Men; he was once not only a Favourite, but Servant of the Bishop, having collected Part of his Rents. However now, the Arch-

bishop (who was Enemy to any thing that had Interest in *Hastings's*) command'd Captain *Cochran*, *Gorret*, and one *Scarle* a Tinker, to apprehend *John Walker* of *Kilbride*, Brother-in-law to the said *Hastings* (so Prelate, tho' an Enemy to the Bishop, upon the Injury done to *Hastings* his Brother-in-law) who related the said *Cochran*, and wounded some of them; and thereupon was cited before the Council (though *Cochran* had no Warrant to apprehend him, only to graze the Bishop's) where not daring to appear, he is detourn'd and intercomman'd, and made a Stranger to his own House for two Years; wherewith, and with the Robbing and Spoiling committed by *Balfour* *Cornhill*, the Secret-Council's Sheriff departs in *1579*, the said *Hastings* and *Balfour*, being arrayed and inflamed with the *Deive* of Revenge upon the Archbishop, they did, upon the 31<sup>d</sup> of *May* Instant, with eight or nine other Ruffians (three of whom, as they say, *Balfours*) with his Return from *Edinburgh* to *St. Andrews*, and there, near a House call'd *Mayno*, in an open Place, and within two Miles, or thereby, of *St. Andrews*, they surpris'd him; the Coachmen and Postmen perceiving, advertise him, and drive with all their might to escape; so that for near three Quarters of a Mile they could not overtake them: At last, *Balfour* and *Hastings* being better mounted

A.D. 1679. count of this Villany that is any where, perhaps, extant; and which the Reader will find infer'd in the Note below, for his more thorough Information.

Assassinations upon whom, or by whomsoever committed, can neither be stigmatiz'd nor punish'd too severely: Considering, therefore, the Rank of him who fell thus miserably, and the shocking Insult thereby offer'd both to the Government and Laws of Scotland, nothing could be more fit or necessary than to issue an immediate Proclamation for apprehending the Murderers. Such a Proclamation was accordingly issued the very next Day after the Murder was committed: But therein the Fact is mark'd on the Fanatics; which is the more remarkable, inasmuch, as that very Proclamation avows an utter Ignorance of the Persons concern'd in it; and actually offers a Pardon and ten thousand Marks to any one of the Assassins who should discover his Accomplices. The first Steps of Rage and Fury are into Absurdity: And as that Proclamation every where abounds, with the hiss Rancour, it abounds every where, also, with the like Indictions. From the Murder of the Archbishop, it makes a Transition to the Field Conventiclers, salutes them in the usual Stile of *Rendezvous of Rebellion, and Forgers of all bloody and unjustical Principles*; and in the mid Phrenzy of Inveective, publishes to the whole World, that the present Disorders of Scotland were as much owing to the Rigour of the Government, as the Obstinacy of the People.

Advantage was yet further taken of the general Horror excited among all Ranks of People by the Murder of the Archbishop, and the open Resort of the Populace to their Field-Meetings, in Defence of the King's Forces, as well as his Edicts, to set forth yet another Proclamation; by which it was declar'd Treason to be at any of the arm'd Field-Conventicles; and orders were given to the Soldiery to fall upon all Persons so assembled, as Rebels declar'd, and put them to the Sword.

Being thus made desperate by the Laws, when without Defence, and by all the Violence of military Excursion, when arm'd for their own Security; encourag'd, no doubt, underhand, by their own discontented No-

bility, and taught, that the Situation of Affairs in England was extremely favourable to them, they broke out into open Rebellion; a small Party of about eighty of them, on the 29th of May, proclaiming the Covenant, at (r) *Rutberghs or Raglan*, as 'tis call'd by *Edward*, burning the several Acts of Parliament, by which Prebrytery was abolish'd, and Prelacy re-establish'd, the *Covenant* condemn'd, &c. prefixing a Manifesto at the Market-Cross, and endeavouring to do the same at *Glasgow*, but without Success; a superior Number of the King's Forces obliging them, for that time, to give over their Design.

This, however, was but a Prologue to what follow'd. On Sunday the first of June they rendezvous'd upon *Louden-Hill*, says *Edward*, being increased to near 500 Men, well arm'd, in good Order. Says *Oldmixon* (still following his *Scotch* Author, before quoted) there was a very great Meeting of perfected People in the Fields near *Louden-Hill*; by Report, of many Thousands, their Intention to have the Community, and to make it both a Day of Humiliation and Rejoicing. But hearing Captain *Grabme* of *Cleavercaise*, afterwards Viscount *Dundee*, was coming to disperse them, about (1) 200 arm'd with Fire-Arms, resolv'd to cover the Field and defend the rest of the Community.

They were the different Representations of the two Parties: But all agree, That the said Captain *Grabme* did attack them, and was repuls'd, with the Loss of about thirty out of three hundred Dragoons, with which he made his Onset. Elate with this Success, the *Covenanters*, the next Day, push'd on to *Glasgow* once more: Which the Royalists now, very complacently, abandon'd to their Mercy. Here they made Proclamation, that they fought against Supremacy, Popry, and Prelacy; and issued their Commands to the Magistrates, to turn out all the Archbishops, Bishops, and Curates, their Bains, and Servants, and all Families and Servants concern'd in the King's Army, within forty-eight Hours, under the highest Pains. They are also said to have committed many Outrages, both in the Town and Parts adjacent; but none are particulariz'd, with sufficient Authority to entitle them to a Repetition: And if it may be presum'd

A.D. 1679. They rendezvous'd at Loudon-Hill. [P. 980.] [P. 638.]

They defeat Cap. Grabme, and take Glasgow.

Imputed to the Fanatics by the same Proclamation which offer'd Rewards for the Discovery of the Murderers. Lond. Gaz. Numb. 406.

Another Proclamation, making it Treason to be at an arm'd Field-Conventicle.

The Field Conventiclers, hastily made, dispers'd, have Return'd to Arms.

mounted them the rest, *Balfour* comes up with the Postillon, commands to stop, and, he refusing, strikes him over the Face with his Sword, dismounts him, and disorders the Coach horse; *Harlow* comes to the Coach, and fires several Pistols at the Bishop; but none of them, altho' they hit his Body, did pierce him; they pierced through his Cloath, but he only felt smart Marks upon his Body, somewhat like to Burning.

Whereupon *Harlow* drags him out of his Coach, strikes him over the Left-eye with a deep Wound, who thereupon fell; and gave him several other mortal Strokes upon his Head, and Cut in his Arms; rides his Pookan, and his Daughters (who was with him in the Coach) of their Gold Watches and Rings, disarms his Servants, without hurting any except the Postillon, who was wounded at first; and that his Daughter receiv'd a Wound on her Thumb, grasping to save her Father; and then flee all together.

This is the Account, both of the Persons, the Occasion of their wicked Act, and the Circumstances of the Act itself. Which is discover'd and made known by the Examination of the Bishops own Servants upon Oath, and a Servant of the House near the Place where the Fact was done, whose *Har-*

*low* and *Balfour* left their Coats before they attack'd the Bishop; and, after it was done, came and brought them away.

The Bishops Servants depone, that a Man, mounted on a bay Horse, struck the Postillon, and turn'd the Coach; and that he mounted on the white drag'd the Bishop out of the Coach, and kill'd him with his Sword.

And the Servant in the House depone, that it was *John Balfour* of *Kilbrack* was mounted on the bay Horse, and *Harlow* that was mounted on the white. That these two Persons had a personal Spire and Harved at the Bishop, for the Cause before, all know, and the Records witness: That the Bishops did not pierce his Body, was seen by the Chirurgion, *William Westwell*, who was sent by the Council to view his Body. [Out of the Collection of Sir Thomas Weldon.]

(r) This is disputed by Mr. *Oldmixon*, in contradiction to Mr. *Edward*: But the Truth was so.

(1) Bishop *Balfour* estimates them at about four or five hundred: But to ill arm'd, and so ill commanded, that a Troop of Horse might have easily dispers'd them.

A. D. 1679.

See first a Declaration.

sum'd that their Actions corresponded with their Professions, set forth in their second (1) Declaration at Hamilton, their Treasures were far from being as heinous as their Sufferings had been grievous.

Earl of Linlithgow returns, and leaves the Country in their Hands.

The Defeat of *Grabme*, and the taking of *Glasgow*, in the mean while, so alarm'd the Council at *Edinburgh*, that they sent the Earl of *Linlithgow*, with a Body of a thousand Foot and four hundred Horse and Dragoons, in quest of the Enemy, who return'd without daring to look them in the Face, either thro' Fear, as some suggested, or as others, that the Rebels might have time to fall into such Excesses, as might serve to justify those of *Lauderdale's* Administration. \* Thus, says Bishop *Barnet*, the Country was left in their Hands; and if there had been any Designs or Preparations made formerly for a Rebellion, now they had time enough to run together and to form themselves: But it appear'd; that there had been no such Designs,

[P. 472.]

(1) It was express'd in these Words:

"As it is not unknown to a great Part of the World, how happy the Church of *Scotland* was, whilst they enjoy'd the Ordinances of *Jesus Christ* in Purity and Power; of the which we have been deplorably deprived by the Re-establishment of *Popery*: So it is evident, not only to impartial Persons, but so professed Enemies, with what unparalleled Patience and Constancy the People of *God* have endured all the Cruelty, Injustice and Oppression, that the Will and Malice of Prelates and Malcontents could invent and exercise. And being most unwilling to let any thing which might inspire Opposition to lawful Authority, or engage the Kingdom in War, although we have all along been groaning under the overturning the Work of Reformation, Corruption of Doctrine, flight of Worship, despising of Ordinances, the changing of the ancient Church-discipline and Government, thrusting out of us many of our faithful Ministers from their Churches, confining, finally imprisoning, exiling, yea and putting to death many of them, and intruding upon their Flocks a Company of inefficient and scandalous Priests, and Sings, confining, imprisoning, torturing, tormenting, scourging, and flagellating poor People, plundering their Goods, quartering upon them rude Soldiers, selling their Persons to foreign Plantations, houses, and intercommuning many of both sexes, whereby great Numbers in every Corner of the Land were forced to leave their Dwellings, Wives, Children, and Relations, and made themselves as *Plighted* to the hands of their Lives, some daring to resist, labour, or supply (tho' *Barren*) or so much as to speak to them, even upon Death-bed, without making themselves obnoxious to the same Punishments; and their things cited under colour of Law, in effect tending to banish, not only all Sense of Religion, but also to extinguish natural Affection, even amongst Persons of the nearest Relation: And likewise passing under the intolerable Yoke of Oppression in our civil Liberty, our Bodies, Liberties, and Estates; so that all manner of Oppresses have been most arbitrarily exercised upon us through a Tract of several Years past a particularity to the Year 1678, by sending amongst us an armed Host of barbarous Savages, contrary to all Law and Humanity; and by laying upon several Impositions and Taxes, as formerly, so of late, by a Meeting of pre-ordained and over-aw'd Members in the Convention of Estates in July 1678, for keeping up of an armed Force, harried (as to a great Part of it) into the Hands of several Rapists, or a ravouser of them; by whom bloody Injuries have been made upon us, and most enormous Abuses, and incredible Injustices, committed against us: And we being continually sought after, while Meetings in Houses for divine Worship; Ministers and People frequently apprehended, and most rigorously used; and so being necessitated to attend the *Lord's* Ordinances in Fields, in the most desert Places; and there also often hunted out, and distressed, to the Effusion of our Blood, and killing of some, whereby we were inevitably constrain'd, either to defend ourselves by Arms at these Meetings, or be altogether deprived of the Gospel preach'd by the faithful Ministers, and made absolute Slaves. At one of which Meetings, upon the first Day of *June* Instant, being the *Lord's* day, Captain *Grabme* of *Clonsilla*, being warranted by a late Proclamation to kill whomsoever he found in Arms at Field-conferences making Resistance, did furiously assault the People assembled; and, further to provoke, did cruelly bind like Beasts, a Minister, with some others, whom he had that very same Morning found in Houses: And several being killed on both Sides; they know-

ing certainly, that by Law they behaved (if apprehended) to die: They did stand to their own Defence, and continue together; and thereafter many of our Friends and Countrymen being under the same Oppression, expecting the same Measure, did freely offer their Assistance: We therefore, thus inevitably, and of absolute Necessity, forced to take this last Remedy, (the Magistrates having first the Door by a Law against Application, that whatever our Grievances be, either in Things Civil or Sacred, we have not the Privilege of a Supplicator to judge ourselves bound to declare, that there, with many other *horrid* Grievances in Church and State (which we purpose to manifest more fully hereafter) are the true Causes of this our intemperate and bloody State: And we do most solemnly, in the Presence of Almighty *God* the Searcher of all Hearts, declare, That the true Reasons of our continuing in Arms civilly and sincerely are these:

But tho' there was no regular Project of Rebellion on foot, there certainly was to work up such Troubles in *Scotland*, as should oblige the King to dismiss *Lauderdale*, and put the Administration into other Hands.

This has been intimated already; and becomes farther apparent, from the Circumstances that follow.

Lord *Shaftsbury's* personal Attack on that Duke in the House of Peers, having prov'd against him in the House of Commons, *May* the 8th: And soon after, the Duke of *Hamilton*, who was commission'd to accuse him in the Name of his Country, arriv'd in *London* with

A. D. 1679.

Circumstances that argue they were countenanced by greater than themselves.

Duke of Hamilton comes to London to accuse Lauderdale a great deal.

1. The defending and securing of the true Protestant Religion, and Presbyterian Government, founded upon the Word of *God*, and justly comprehended in our Confessions of Faith, and Catechisms, and established by the Laws of this Land, in which, King, Nobles, and People, are solemnly sworn and engaged, in our National and Solemn League and Covenant; and, more particularly, the defending and maintaining the single Authority of our *Lord Jesus Christ* over his Church, against all sinful Supremacies derogatory therein, and invading thereof.

2. The protecting and defending, the King's Majesty, his Person, and Authority in the Preservation and Defence of that true Religion, and Liberties of the Kingdom; that the World may see witness with our Conferences of our Loyalty; and that we have no Thought nor Intention to diminish his just Power and Greatness.

3. The obtaining of a free and unlimited Parliament, and a free General Assembly, in order to the redressing our forefend Grievances, for preventing the imminent Danger of *Popery*, and extirpating of *Popery* from amongst us.

This shortness being the Cause we appear for, and resolve in *God's* great Name to swear, hereby signifying all the Testimonies of faithful Sufferers for the Faith in *Scotland* these eighteen Years bygone: We humbly request the King's Majesty would revive all things as if found them, when *God* brought him home to his Crown and Kingdom; and if that cannot be obtained, then we heartily and humbly desire, inter, breach and obtain, in the Bowels of *Jesus Christ*, all who are under the same Bonds with us, to concur in the Defence of this common Cause and Interest: That that they will not stand still and see not only us oppressed, but this fortial Cause call'd; Adversaries highly and proudly inflat against *God*, and all good Men, Friends of the Truth discouraged; yea the Prominent Cause in *Britain* and *Ireland*, and even yourselves within a little time made a Prey of, or else forced, when we are broken (which the good *Lord* prevent) dreadfully to wrong your Conscience. Finally, because we desire no Man's Hurt or Blood, we request our Countrymen, now the bloody cover of this Kingdom, some of them being our Friends and Kinsmen, not to fight against us, left in doing they be found fighting against the *Lord*, whose Cause and Cause we are sure he will own, and finally conscience, being we fight under His Banner, who is the *Lord* of Hosts." [Out of the Collection of *Lord Somers*, &c.]

(2) This is contain'd by Mr. *Dr. Sibbey*, who, in his Letter, &c. They had no landed Men among them, nor any Gentlemen, but a younger Brother to a Knight of the *Hamilton* Family: P. 94.

A. D. 1679. a great Train; and, says Mr. A. Sydney, was receiv'd here in Triumph. The same Gentleman also, in many of his Letters, more than hints, that there was some Management in the whole Affair: To some of these we shall refer in their Place; at present it will be sufficient to shew, that, June 9, speaking of the Doubts which had arisen, whether it was a laid Business, or a sudden Tumult, he throws a farther Light on the Passage before quoted in his Letter of May 5, by adding, "I know not the Truth of this; but the Discourses I have heard, very often of late, of those who, every Day, expected some such thing, persuade me to believe, it is not fallen out by chance."

P. 90.

Examens, P. 79.

Lord Russell refused by the King in Council, for agreeing to give his Lord's sole Administration.

Lord Shaftsbury saying that the Rebels should be freely suppress'd. P. iii. p. 339.

Duke Hamilton, and other Scotch Lords, undertake to suppress the Disorders of Scotland, without Bloodshed. P. 95, 96.

Something may, also, be gather'd from the use that was made of it, when the News was brought to Court. On which Occasion, Mr. North writes, that a Council being call'd for the solemn Consideration thereof. Lord Russell stood up, and began a Speech, saying, "He was so far from wondering, that this Trouble happen'd now, that he rather wonder'd it did not happen long ago, since his Majesty thought fit to retain Incendiaries near his Person, and in his very Council."—He was going on, when the Duke of Lauderdale, supposing, he intended to urge to the King, the Matter of the Parliamentary Addresses against him, stood up, and said, "That he did not know but this Debate might terminate in him; therefore, if his Majesty pleas'd, he would withdraw." To which the King reply'd, with a Motion of his Hand, No, no; sit down my Lord; this is no Place for Addresses." 'Tis for the sake of this Point, that Mr. North relates this Occurrence: And if Lord Russell's Introduction shews the great Drift of running down Lauderdale, his Majesty's Refusal rather shews his Purpose to countenance him against all Opposition, than his (w) Conviction that he did not deserve it.

Sir William Temple is, moreover, express, That Lord Shaftsbury shew'd plainly at Council, and in other Places, that he was unwilling this Riving should be wholly, or soon suppress'd; or otherwise than by his Friends in Scotland, who might, thereby, be introduc'd into the Direction of Affairs there, with the Removal of the Duke of Lauderdale.

Who these Friends of Lord Shaftsbury's were, &c. is thus made clear by Mr. Algernon Sydney; who says, "The Scotch Lords, that are here, endeavour'd to persuade the King, that the Business might be done by far more certain, and less chargeable ways (than by raising Forces) inasmuch as those Men having been driven into a Necessity of taking Arms, by the extreme Pressures suffered from those that did abuse the Authority his Majesty had trusted them with, the People

being eas'd of those Burthens, the Persons remov'd that had caus'd them, and such Men plac'd in the Government, as were acceptable to the Nation; they durst undertake that all might be compos'd without Blood."

But however plausible this Proposal was in itself, or agreeable to Lord Shaftsbury's Politics, as it met with no Countenance from the King, he was oblig'd to drop it; and this he did so much the more willingly, as his Majesty was inclin'd to trust the Duke of Monmouth with the chief Command of all the Forces, as well Scots as English that were to be employ'd in this Expedition: And as he knew all the Greatness or Popularity that his Grace might acquire, either by his Clemency or Valour, would be of equal Importance to their Common Cause. Like a true Politician, however, having gain'd this one Point for his Hero, and made a notable Push for (x) another, viz. The Establishment of a Body Guard for the King, to be compos'd of broken Officers and such other Persons as the Duke of Monmouth should recommend, under his Grace's own Command, he put in practice another notable Device to carry a third; which was to retard the military Preparations here, that the Covenanters might have more time to gather Strength and grow formidable; and that he himself might have a larger Field to scatter the Seeds of Discord, and propagate Confusion.

The Means he had Recourc'd to on this Occasion, was to start a Doubt, whether the marching a Military Force into Scotland was lawful. According to Mr. North, the Difficulty arose, as it was urg'd, from the Pacification Treaty made in the Reign of King James I. in which it is articul'd, "That neither Kingdom should hostilely invade the other." But Mr. Sydney, who mentions the same Scruple, finds it on the Acts pass'd in both Kingdoms in the Year 1641, which make it Treason for any Person belonging to either to make War upon, or invade the other, without the Consent of Parliament. He also intimates, That one or two of the Judges gave it as their Opinion, That the Acts being reciprocal, and the Scots having rescind'd theirs, ours fell of course; or if it did not, that the Act forbidding an Invasion, no ways affected such as by the King's Command, should march to subdue Rebels: But that others, on the contrary, said, That what the Scots did, might indeed, give the Parliament of England a just Ground of annulling their Act also; but not having done it, no Man could doubt but it remain'd in force; and that whatsoever march'd against Scotland, would incur the Penalties of Treason, denounced by it. He, moreover, adds, that some of those who were present when this Distinction between *Involving* and *Subduing Rebels*

A. D. 1679.

Duke of Monmouth appointed to command in chief. Temp. Mem. Part iii. p. 339, 340.

A Disputat<sup>n</sup> whether it was lawful to send English Forces against the Scots. Examens, p. 80.

Sydney's Letters, p. 95, 97.



(w) Sir W. Temple declares, That, in order to give Ease to Scotland, by the removing of the Duke of Lauderdale, both the Truce-makers, and himself, had jointly and separately importun'd the King, but could never, upon any Terms, obtain it. The King's Defence, says he, being a

very true one; That none of them knew Scotland so well as himself. [Mem. Part iii. p. 336.]

(x) Which was also resolv'd upon; but defeated by the Earl of Essex, under pretence of Want of Money. [Temp. Mem. Part iii. p. 340.]

A. D. 1679.

Rebels was made, were so far from being fitis'd with it, that they continu'd to urge, That the Parliament (of 41) finding they had, upon the like Pretence, been engag'd against *Scotland* in the Years 1638 and 39, made this Act expressly to hinder any such Business as that then depending; and to take care that *England* should not again be engag'd against *Scotland*, without the Consent of Parliament; which was also the Reason why the Act was continu'd in Force on our Side, tho' it was dissolved on theirs.

Many Prisons of Rank offer'd to serve. (ib. p. 95.)

Every body can see the vain Curiosity of these Allegations: The out-law'd *Covenanters*, could in no sense, be called the Kingdom of *Scotland*; and the Forces destin'd to march against them, went as Auxiliaries instead of Invaders. The Government of *Scotland* had call'd for them, and they had every kind of Authority for their Warrant: Notwithstanding which, the Lord *Grey of Wark*, who was to command the Horse, resign'd his Commission: Mr. *Thyne* refus'd to take any; Lord *Cavendish* declin'd raising any Men upon his; and the Lord *Brandon-Gerrard*, declar'd he would not serve, unless the Commissioners of the Treasury made his Levies for him, and provided Money for their Pay.

Duke of Monmouth sets out for Scotland.

So many Difficulties occurring in the forming an Army here against the Brethren of *Scotland*, a sudden Resolution was taken to send the Duke of *Monmouth* post to his Command, and to make Expedition supply the place of Strength. This disconcerted all Lord *Shaftsbury's* Measures again; and all that remain'd to be done, at least at the Council Board, was to procure such a Commission for the General, as should leave him at Liberty either to fight or treat, as he thought good. "By which," says Mr. *North*, it had been easy upon Pretence of treating, to have collud'd with the Enemy, and to kept the War on foot, till, perhaps, it had been seconded from *England*, and then he had had a notable Game to have play'd for himself." The same Author adds, upon this Occasion, the following remarkable Particulars:

Remarkable in Council relating to his Orders.

"Diverts of the good-natur'd (if not fearful) Persons at the Board, approv'd of such a Trust in the General; for why, said they, should so much Blood, and of those delid-ed Miserables, be spilt, if they are willing to lay down their Arms on fit Terms? Very few, if any, spoke to the contrary, and the Duke of *Lauderdale*, whose chief Care it was, said not one Word; and so the Orders were taken to be fixed, and the (y) Party-Advices to Friends abroad went forth accordingly. When the King rose from Council, the Duke of *Lauderdale* follow'd him into the Bedchamber, where, having him alone, he ask'd his Majesty, if he intend'd to follow his Father? Why, said the King? Because, Sir, said the Duke, you have given that General Orders to treat; the Consequence of which is encouraging and enlarg-

A. D. 1679.

ing the Rebellion in *Scotland*, and raising another, by Consent, in *England*, and then you are lost. Therefore, if you do not change your Orders, and send them positive to fight, and not to treat, the Mischiefs that befall your Father-in-like Case, will overtake you. Why did you not, said the King, urge this in Council? The Duke answer'd suddenly, *Were not your Enemies in the Room?* This touch'd the King so sensibly, that, getting the better of his Propensity to favour, and (under that Notion) to trust the Duke of *Monmouth*, he caus'd the Orders to be altered, and made as the Lord Commissioner advis'd; and, withal, adding this Instruction, that the Orders were not to be open'd, but at a Council of War, and in Sight of the Enemy; and this was done so privately, that none of the Faction so much as smelt it out.

These steps a- King, as the Duke's Justice of Lauderdale.

In following Party-Writers, tho' we may see Cause to adopt their Facts, we ought to be cautious as to their Inferences. According to Mr. *North*, the King had but one Friend in his whole Council; who was the very Man that by his Oppressions and Cruelties had kindled this Flame in his Dominions; and his Majesty is to be applauded for being directed by him singly against all the rest; for rushing from the Extreme of Credulity to the Extreme of Rigour; and for ordering thousands of ignorant Enthusiasts to be sacrific'd, when he had so lately valued himself upon his Tenderness in Matters of Blood, in the Case of the condemn'd *Papish Priests*: But, surely, if this only Friend of his had advis'd a middle Course, viz. To limit the Proffers of Grace and Pardon, on their returning to their Duty, to the short Space of twenty-four Hours; to accompany those Proffers, with an Intimation, that the Severities hitherto exercis'd upon them, should be softened for the future; and, in case of Non-acceptance only, to let loose the Sword, his Majesty had been equally secur'd; his Enemies had been equally disappointed; and such of his Subjects as refus'd his Mercy, had fallen under his Vengeance, and dy'd the Victims of their own Obstinacy.

To return. The Duke of *Monmouth* did not set out for *Scotland* till the 5th of June; and before the 23d (possibly the Secret relating to the Change of Orders having in that Interval transpir'd) a Petition was prepar'd in *London*, in order to be presented to the King; which, as we are told by Mr. *Sydney*, was to be sign'd by many Lords, Gentlemen, and all the principal Householders of the City; and which turn'd on the following strange Particulars: 1. It put his Majesty in mind, that an Army had been rais'd on Pretence of a War with *France*, which had been kept up by Lord *Danby's* Means, contrary to an Act of Parliament, as a standing Army. 2. It mention'd the *English* and *Scottish* Acts of Parliament, which made it Treason for the Subjects of either Kingdom to invade the other,

A Petition set on foot in the City of London, to annul the Covenanters, &c.

P. 112, 113.

(y) This is verifi'd by the following Passage out of *S. d. 3's* Letters:

"He (the Duke of *Monmouth*) is furnish'd with Powers of Insolence, to compute rather than destroy; and the

Lord *Moles* (who is thought well enough inclin'd to Non-conformity, and well lov'd by them) is sent with him, as being thought a fit Minister of a good Agreement." Page 98, 99.



A. D. 1679.

other, or the Subjects thereof; and authoriz'd all other Subjects to fall upon and destroy such as should, in any time, attempt to do it, as Rebels and Traitors. 3. It undertook to shew the dangerous Consequences of forcing the Protestants of his Kingdoms to imbrue their Hands in each other's Blood, if, according to the Rumour spread of a War in Scotland, any Forces should, contrary to the Act, march against them. And 4. It desir'd his Majesty to put an end to their Fears in that Point, compose Matters in that Kingdom, suffer the Parliaments to meet the 14th of August, bring *Dunby* and others to their Trials, and order the disbanding of the Army and other new-raisd Forces.

Battle of Bothwell-  
well-Bridge.

Having thus mention'd this remarkable Incentive, which had to apparent a Tendency to blow the Flames already broke out in one Kingdom, and to kindle the like in the other; we are next to follow the Duke of *Monmouth* into Scotland; who finding now his Merits would be rated according to his Services, made such Speed, that he arriv'd at *Edinburgh* the 18th, and the next Day put himself at the Head of the King's Forces: It was not, however, till the 22d, about Day-break, that his Vanguard came in sight of the Enemy; who were already drawn up in two Bodies, and had posted themselves not unskillfully behind the River *Clude*; over which there was no Passage but by a Bridge, called *Bothwell-Bridge*; and that they had taken care to barricade up with Stones. And now the Conduct of the *Covenanters* themselves bore witness, that they had better Intelligence than is usual to be found among such a Rabble, tho' it serv'd only to lure them on to their Destruction: For having beat a Parley, and sent a (2) Petition to the Duke, requesting safe-conduct for some of their Number, to lay open their Hearts, &c. and his Grace having granted it, one of their Ministers of the Name of *Hume*, and another Person, came over as Deputies for the rest; and being call'd upon by the Duke to unfold their Commission, *Hume* said, "They were inform'd that his Grace was a merciful Man, and one that had Power to do them Good."

[Exact Relation, publish'd by Authority: Out of Lt. Somers's Collection, v. xx.]

The Duke answer'd, "He should be glad to prevent the Effusion of Blood; and, to that End, was willing to hear what it was they desir'd." *Hume* then produced the (2) Declaration before-quoted, and having read it, by his Grace's Leave, said, "Their Demands were contained therein." The Duke's Reply was to this Effect, "That, in having Patience to hear such a Libel against the King's Person and Government read thro', he had given them a sufficient Proof of his Clemency and Forbearance; that he could not possibly agree to any one Article in it; and that he had a much shorter Proposal to make to them, which was, That if they would immediately lay down their Arms, and submit themselves to his Majesty's Mercy, his Majesty's Forces should not fall upon them." *Hume* reply'd, "It was impossible to be comply'd with, for that it was requiring them to lay their Heads upon the Block." His Grace then directed him to take a View of his Forces, and to reflect, whether such a Sight was not capable to make them alter their Resolutions. *Hume*, in his turn, refer'd the Duke to his *Covenanters*, and briskly said, "That every Man he saw there would die in the Place where he stood, in defence of the *Covenant*." His Grace then made this short Rejoinder, "That a few Minutes would show that: The other Deputy, who had hitherto kept silence, pleaded for a Cessation of Arms for one Day; and being told, that no such Favour could be granted by the King's Troops to Rebels, reduced his Demand to a Quarter of a Hour: But the Duke clos'd the Conference, by advising them to go and consider of what he had said, and send him their Proposal in Writing; adding, "That, when he heard their Drum, he would allow a Respite to read their Paper, tho' the Fight should be begun." Thus ended the Parley; after which, his Grace order'd his Cannon to advance to the high Ground opposite to the Bridge, and the necessary Dispositions to be made for opening the Attack: All which being completed, and the Gunners preparing to give fire, a second Parley was beat, and a second Pa-

A. D. 1679.

(2) In these Words:

*The humble Supplication of the Nonconformists, in the Welch, and other Places of this Kingdom, now in Arms, in their own Names, and in the Name of all the rest of they who adhere unto as in this Church and Kingdom of Scotland,*

Sheweth,

That we, the *Presbyterians* of the Church and Kingdom of Scotland, being, by a long-continued Tract of Violence and Oppression upon us, in our Lives, Liberties, Fortunes and Consciences, and without all Hope of Remedy; and being cut off from all Access of petitioning, and that by an Act of Parliament of yours, forth our just Grievances and Complaints; and our Lives being made to bitter by cruel Bondage, as that Death seem'd more eligible than Life (the Cause whereof we have partly mentioned in our Declarations) and being by unavoidable Necessity driven into the Field in Arms in our own innocent Self-defence, and now looking on it as a most favourable Providence, that your Grace is come amongst us at such a time (of whole princely Clemency, and natural Goodness, and Aversion from shedding Christian Blood we have to favour a Report) we accept with all Thankfulness to God of this Opportunity, to lay before your Grace our sad Grievances and humble Request: all

which we know will be misrepresented to your Grace, by such as have seditiously, yet without any just Grounds except in the Matters of our God, been the principal Authors of our sad and deplorable Sufferings.

May it therefore please your Grace to grant Liberty under safe-conduct, to some of our Number, to address themselves to your Grace, to lay open our Hearts in this Matter, that some freely and effectual Redress may be by your Grace's Favour and Authority made, to the establishing of the Nation's Peace: In doing whereof your Grace will do that which is most agreeable to the Son, commendable Presence of all the Blessings and Rains that threaten the poor Land; yea, and we doubt not, shall bring upon you the Blessings of many Thousands, Men, Women, and Children, who not with us, yet sincere Lovers of us, sympathize with us, and Favourers of our righteous Cause: That the good Lord may incline your Grace's Heart to this, is the humble Request of

Your Grace's humble Supplicator,

R. HAMILTON,

In the Name of the Covenanted Army now in Arms.

[Out of Lt. Somers's Collection, vol. xx.]

(2) They dispos'd that set forth at *Rothesay*, &c. See last.

A. D. 1679.

per deliver'd; the Contents of which were to this Effect, "That they had considered what had been said, but could agree to nothing less than what was in their Declaration; that they understood his Grace had brought with him from England some TERMS of ACCOMMODATION; and that if he pleas'd to communicate them, he should have their Answer, if they were such as they could accept." The Duke's Reply was, "That he had expected a more satisfactory Answer; and that they might recal their Officers from the Bridge, who were come down thither on account of the Parley, and look to themselves, for now they should hear from him in another manner."

The Cannon were soon after ordered to fire; which they did; and the Complement was return'd with so fierce a Volley from the Bridge, that the Gunners were, at first, driven from their Guns; and if that Advantage had been as discreetly follow'd, as it had been gallantly obtain'd, the Troubles of Scotland had, perhaps, not ended with that Day: But instead of this, they suffer'd the Gunners to return to their Posts again; as also Major Ogilthorpe to throw up a Trench on the Edge of the Hill, to cover his Men; and no sooner did the Cannon begin to play a second time, than they began to give ground: Upon which, his Grace commanded the said Major to take possession of the Bridge, which he did; and the Enemy continuing to retire, his Men could not be hinder'd from pursuing them up the rising Ground on the other Side; the Consequence of which was, that they, perceiving how slender a Party they had to deal with, faced about, and forced their Pursuers to take shelter in the Houses at the Foot of the Bridge: By which time, the Duke having seasonably reinforced the Major with 300 Foot, and following himself at the Head of his own Guards, the Covenanters turn'd their Backs once more; but drew up again on *Hamilton-Heath*, at a Quarter of a Mile's Distance, where they made such another Disposition to renew the Fight, as argued they were under the Direction of Men not unvers'd in the Art of War. In few Words, they renew'd the Charge, broke a Body of Highlanders appointed to receive their Onset, and seem'd resolv'd to answer the Character *Hume* had given of them: But the Duke's Cannon, which seems to have been of singular Service to him in this Day's Adventure, again got the better of their Bravery; and that so effectually, that they could rally no more. What followed, was Flight and Slaughter; seven or eight hundred were kill'd on the Spot, and twelve hundred more taken Prisoners; who, by the Duke's express Command, were treated with all the Humanity which good Men feel, and cunning Men affect; and which they had ne-

The Covenanters routed.

ver had any Taste of from Power before. The rest of the Fugitives were so dispers'd over the Face of the Country, that scarce the Name of the Party was left.

Bishop Burnet's Account of this Action differs widely from (b) that publish'd by Authority, upon which this is founded. He says, the Covenanters had neither the Grace to submit, nor the Sense to march away, nor the Courage to fight it out; but threw down their Arms, at the first Charge, and ran away. He also adds, that, when the Duke of Monmouth gave Order for stopping the Execution, some mov'd that all Prisoners should be kill'd on the Spot; that the Duke of York afterwards talk'd of his Lenity, as if it was a Bait for Popularity, and a Neglect of the King's Service; that his Majesty himself told his Grace, *That if he had been there, they should not have had the Trouble of Prisoners*: And that the Duke reply'd, *He could not kill Men in cold Blood; that was Work only for Butchers*: Circumstances that have been swallow'd with all imaginable Credulity by one Party, and rejected with as much Indignation by the other; and which, if true, ought to reflect eternal Infamy on the King, and if false, on the Historian.

Thus speedily and effectually, however, was this popular Vapour dispers'd by the Breath of Power, and scarce left a Trace behind it: And what is equally remarkable, the News no sooner reach'd London, but the City (c) Petition, before spoken of, vanish'd with it. Those, who before testify'd such a Horror at shedding the Blood of their Fellow Protestants in Arms, growing, at once, as insensible, as if the Lives of those very Protestants, when at the Mercy of the Crown, were not worth their Compassion.

The great Difficulties incident to those Political Constitutions, which are calculated to set equal Bounds to Liberty, are Oppression and Faction. All the Sons of Adam grasp at what is forbid. Both Governors and Governed are, by Turns, Treipassers alike: And he that follows Truth and Justice, must spare neither.

While the *Scottish* Broil was yet in Suspence, it was thought adviseable to give Duke *Hamilton* and the rest of the *Scottish* Nobility a (d) Hearing; who had put themselves under the Patronage of the Lords *Essex* and *Hollifax*, and even stipulated, that they should be present at the Councils when the Cause came on. This the King agreed to; as also, that the Assistance of Lawyers should be called in on both Sides. Those for the Lords were *Lockart* and *Cunningham*; and his Majesty and his Minister *Lauderdale*, were content with the Crown-Advocate, *Mackenzie*. All this seem'd fair; but when it came to the Test, the King, by way of Foreclosure, was induc'd to say, "That the

A. D. 1679.

Vol. 1. p. 473.

Duke Hamilton, and the Scottish Nobility, heard before the Council.

(b) Which concludes with these Expressions: "It was said by the Prisoners, that they had no Account from *David Hume*, of what his Grace had offer'd them; which they believe, would have been accepted by the Generality: So careful are their Ministers, that those poor, misguided People, should rather be destroy'd than undeciv'd."

(c) "The Petition I mention'd in my last, says Mr. *Sydney*, did meet with some Interruption; but the Defeat of the Scots put an end to it."

(d) Bishop Burnet treats of this Affair, as antecedent to the Rebellion: But the Fact was otherwise. See Burnet, vol. 1. p. 470.

A. D. 1679.

the Points formerly spoken to, did relate to his Prerogative, which in three Points he would not suffer to be touch'd. 1. That he having a Right of disposing of all Places, might incapacitate such Persons as he should think fit. 2. That it belonging to him to prevent Conspiracies, he might secure and imprison suspected Persons; adding, That there was no such thing as a *Habeas Corpus* in Scotland, nor should be as long as he liv'd. 3. That it being his Part to prevent, or to quell Rebellions, he might raise such Forces as he pleas'd, quarter them where he thought fit, and employ them as Occasion should require. Lockart to this reply'd, That the Places in question, were those belonging to Counties and Corporations; which had ever been fill'd by the free Election of the People, according to their Charters: And as to what his Majesty had been pleas'd to assert relating to Conspiracies and Rebellions, he thought he could prove, that it was neither agreeable to the Laws of Scotland, nor any other Law, nor the Ends for which that, or any other Government was constituted.

These Passages being over, the *Scottish* Lords presented their (c) Charge against the Duke of Lauderdale, in writing, as the King himself had requir'd; enumerating, in few Words, the several Enormities, already set forth, in the Course of this Work; and which so effectually justify all the Severities to be used against that Nobleman in it. Every Article was fully prov'd; Mackenzie, himself, was forc'd to shelter his Client under the Royal Authority. The Lords *Essex* and *Hallifax* openly declar'd, that the Complainants had made out their Allegations. And the last, in particular, made no Scruple to tell the King, "That the *Scottish* Nation was even more free than the *English*." Notwithstanding all which, it was upon the Issue, pronounc'd, (\*) That Lauderdale had done nothing but what his Majesty had command'd, and what he would uphold by Virtue of his Prerogative, which was above the Law.

It was not, however, till after the *Covenants* were subdu'd, that this absolute Decision was made; nor, perhaps, had it been made then, if the two Lords, just mention'd, had been as much in earnest for the *Scottish* Petitioners, as they seem'd. But whatever contributed to favour the Duke of *Monmouth's* Views, interfer'd with their own: And if Lauderdale had fallen into Disgrace upon this Occasion, the Affairs of Scotland would have naturally fallen into his Hands,

and thereby have made an Addition both to his Power and Popularity, as the late Victory had made an Addition to his Glory. As it was, when he made his first Appearance at Court, after his (f) Return from Scotland, the King, at his Intercession, was pleas'd to grant an Indemnity for what was past, and that the Meetings of the Non-Conformists should be conniv'd at for the future. Unfortunately, this Indemnity was to pass thro' Lauderdale's Office, who was Secretary for Scotland; and he took care to manage P. 473.] the Matter so, that it became rather an Act of Grace to (g) himself and his Partizans, than to those in whose Name it was issued: All Gentlemen, Officers, and Preachers, being excepted out of it: So that when the Account came to be ballanc'd, it stood thus: Two Preachers were hang'd (whether the intrepid David Hume was one of them, is not mention'd:) Two hundred were embark'd for Virginia, and perish'd in their Passage; and the rest were oblig'd to enter into Bonds for their good Behaviour. Besides all which, he, Lauderdale, not only maintain'd his Credit at Court, and his Power in the State, but carry'd a greater Sway than ever, gave it the same Scope as ever, and became more terrible than ever. And as to the *Scottish* Lords who had for many ways contriv'd his Downfall, and who expected nothing less than to divide the Spoils of his Vicegerency among themselves, they were either so weary of to vain a Toil, or so apprehensive of being involv'd as (b) Abettors, if not Parties, in the late Broil, that they were glad to give over the Pursuit, and to compound for their own Quiet and Safety.

It is now time to reassume the Prosecution of the Plot; which we find was handled, according to Lord Halifax's Politics, as if it were true, whether it were so or not. Oates and Bellie, the leading Witnesses, countenanc'd as they had been in Parliament and protected, as they found themselves to be by so many great Men, and follow'd by so large a Body of the People, grew bold in proportion as they grew considerable: And the first, in particular, had early in the Year, gave the Lords of the Council to understand, That if they did not help him to more Money, he must help himself. The People were as apprehensive as ever of Popery, and consequently as intent on running it down; and no Endeavours were wanting to keep alive that savage Spirit, which seduc'd Men to worship, and devour one another.

June the 13th *White* or *Whitebread*, *Fenwick*,

A. D. 1679.

And remains  
as much a  
Favourite as  
ever.

The Prosecution  
of the  
Plot.

Barnet, v. 1.  
p. 470.  
Sydney's Letters, p. 138.

Lauderdale  
acquainted:

(c) This is to be found entire in *State Trials*, Temp. Car. II. vol. II. p. 94.

(\*) *Bishop Burnet* adds, vol. I. p. 470. "When May, the Master of the *Privy* Turke ask'd him (the King) in his familiar Way, What he thought now of his *Lauderdale*? he answer'd, as May himself told me, That they had objected many damny'd Things that he had done against them, but there was nothing objected that was against his Service."

(f) *Mr. Staley* only says, "Left his Power in Scotland should not be sufficient to protect him here, if the Parliament were; he doth not dispute a Pardon; and, as I hear, one is preparing for him." P. 145.

(g) Which was put in like manner, as he went thither. See *John Roofs*, adds, "Sir Thomas Armstrong was with

him, and told me, the King had heard some Falshoods concerning the Duke, and had in all haste sent for him out of Scotland: And, indeed, it happen'd to be understood, that, after his Victory, he was about laying a Foundation, whereas to succeed in that Kingdom; and, by the Industry of his Agents, making himself popular." P. 97.

(b) Some think the great Lords will be found to have incited the poor People, and then endeavour'd to value themselves at Court upon the Power they had of appealing them: And, if that prove true, they may have the Fortune that ordinarily accompanies those that do too much or too little; and my Lord Lauderdale's Boors (an Instrument of Torture) will be a powerful Means of discovering, whether this be so or not." *Sydney's Letters*, p. 129, 130.

A. D. 1679.

The Trials of  
White, Fen-  
wick, Har-  
court, Gavau,  
and Turner.  
[Trial p. 4.

wick, Harcourt, Gavau, and Turner, were try'd at the Old Bailey, for being of the treasonable Consult to kill the King, held April the 24th, *Sc. Oates, Bedloe, Prance, and Dugdale* were Witnesses; and, Tho' the two first very shrewdly pleaded, That having been indicted for the same Fact before (with *Ireland, Grove, and Pickering*) and not proceeded against, because the second Witness, *Bedloe*, had nothing to urge against them, it follow'd, that his Silence ought to have discharg'd them, since his Evidence would certainly have condemn'd them; Tho' the said *Bedloe* had now better bethought himself, and became very explicit against both; Tho', in answer to a Circumstance sworn by *Oates* against *Fenwick*, viz. That he took his leave of *Ireland* in *London*, between the 8th and 12th of *August*, Sir *John Sautbeet* and his Lady, their Son and Daughter, and a Cloud of other Witnesses, all of Credit and Character, made it appear, that *Ireland* was either at Lord *Aston's* Seat at *Hertfordshire*, or at *Wolverhampton*, or *Boscombe*, from the third of *August* to the second of *September* (on which very Day *Oates* had positively sworn, he, *Ireland*, had given him twenty Shillings in *London*;) And, tho' fourteen (i) Witnesses from *St. Omers*, testify'd, that the said *Oates* had never been absent but one Night from the *Jesuits College*, at that Place, during the whole Interval between *Christmas 1677*, and the *June* following, and consequently, could never officiate, as he had sworn, at Consults held at *London* in *April* and *May*; the Jury brought them in guilty, the Court pronounc'd Sentence upon them, and on the 20th of *June* next ensuing, they were executed at *Tyburn*, All, in the most solemn, express, and fervent Manner, asserting their (k) Innocence, and calling upon God to deal with them accordingly.

Ibid. p. 77.  
75. 74. 75.

P. 46 et 66.

[Conspirencly  
all convicted.

And to the last  
assert their in-  
nocence.  
Dugdale's  
Residence.]

Great Streets was laid on *Dugdale's* Evidence, who, except in Parliament, and at the Council-Board, had never made his Appearance before. He charg'd *Whitebread* with writing a Letter to *Ewers* (but address'd to *Dugdale*) by the common Post, at Lord *Aston's*, directing him, *Ewers*, to chuse despe-

rate, hardy, courageous and stout Fellows to kill the King (the Odium of which horrid Fact was to be thrown on the *Presbyterians*.) He also charg'd *Harcourt* with sending another to the same Person, which was dated the *Saturday* that Sir *Edmundbury Godfrey* was first missing; and which was received by the said *Ewers*, at *Tixball*, the *Monday* following; and in which were these Words; (l) "This very Night Sir *Edmundbury Godfrey* is dispatch'd." And by way of Confirmation of this last Circumstance, one Mr. *Chetwynd* attested, that on the next Day, *Tuesday*, one Mr. *Sawbridge* a Kinsman of Lord *Aston's*, brought word to the said Mr. *Chetwynd*, that the Girl at a neighbouring Ale-house, had told him, as News, that *Dugdale* had that Morning reported there, "That a Justice of Peace of *Westminster* was kill'd." But what weigh'd more with the Court than all the rest, were two Letters taken in *Harcourt's* Papers, and produc'd by Sir *Thomas Doleman* (one of the Clerks of the Privy-Council) the first being a Summons to a Congregation to be held at *London*, the 24th of *April*, accompany'd with a Caution, "not to hasten to *London*, long before the time appointed, nor to appear much about the Town till the Meeting be over, lest Occasion should be given to suspect the Design; as also much recommending Secrecy as to Time and Place, as it would appear of its own Nature necessary." And the second, dated from *Hilton*, or *Rome*, *February* 5, 1676, containing these Words; "We are all here very glad of the Promotion of Mr. *Thomas Harcourt*." When I writ that the *Patents* were sent, although I guess for whom they were, yet I knew not for certain, because our Patrons do not use to discover Things or Resolutions till they know they have effect." The Interpretation put upon those Letters by the Court, was, That this Congregation was the Consult sworn to by *Oates*, the Design, the Plot to kill the King, &c. and the *Patents*, the Commissions to the several Lords, &c. engag'd in it. On the other hand the Prisoners labour'd hard to shew, That the sole End of that (†) Congregation was to chuse a Procurator to be

A. D. 1679.

P. 22. 29.

P. 26.

[Two Letters  
found in Har-  
court's Papers  
produc'd by  
Sir Thomas  
Doleman.]  
P. 37.

P. 412.

(i) These were all of them young Students, many of them the Sons of People of Condition; and three of 'em having fallen into the Hands of Sir *William Waller*, a very busy Patriot Justice, as *Papini*, and avow'd the Business they were come upon; *Oates* was ready against the Trial, with seven or eight Persons, who depos'd, on the contrary, that they saw him in *London*, about the Beginning of *May*.

(k) Part of *Gavau's* remarkable Speech was in these Words: "Dearly-belov'd Countrymen! I am come to the last Scene of Mortality, to the Hour of my Death; an Hour which is the Horizon between Time and Eternity; an Hour which must either make me a Star to Shine for ever in Heaven above, or a Firebrand to burn everlasting among the damn'd Souls in Hell below; an Hour, in which, if I deal sincerely, and with a hearty Sorrow acknowledge my Crimes, I may hope for Mercy; But if I fallily deny them, I must expect nothing but eternal Damnation: And, therefore, what I shall say in this great Hour, I hope, you'll believe. And now, in this Hour, I do most solemnly swear, protest and vow, by all that is sacred in Heaven, and on Earth, and as I hope to see the Face of God in Glory, that I am as innocent as the Child unborn of those treasonable Crimes, which Mr. *Oates* and Mr. *Dugdale* have sworn against me at my Trial, and for which Sentence of Death was pronounced against me the Day after my Trial. And, that you may be assur'd that what I say is true, I do in like manner protest, vow and swear, as I hope to see the Face of God in Glory,

that I do not, in what I say unto you, make use of any Evocation, or mental Reservation, or martial Privation, or any such like Way, to palliate Truth. Neither do I make use of any Dispensations from the Pope, or any body else; or of any Oath of Secrecy, or any Absolution, in Confession or out of Confession, to deny the Truth. But I speak in the plain Sense which the Words will bear: And if I do speak in any other Sense, or palliate, or hide the Truth, I wish with all my Soul, that God may exclude me from his heavenly Glory, and condemn me to the lowest Place in Hell-Fire."

(l) *Harcourt*, when he came to die, declaring he was innocent as the Child unborn, of every thing laid to his Charge, the Sheriff (HOW) interjected:

Sher. How. O! of Sir *Edmundbury Godfrey's* Death?

Har. Or Sir *Edmundbury Godfrey's* Death.

How. Did not you write that Letter concerning the Dispatch of Sir *Ed. Godfrey*?

Har. No Sir. These are the Words of a dying Man: I would not do it for a thousand Worlds.

How. How have you liv'd?

Har. I have liv'd like a Man of Repute all my Life; and never was before the Face of a Judge, till my Trial: No Man can accuse me, I have, from my Youth, been bred up in the Education of my Duty towards God and Man.

(†) Sir *John Reryth* affirms, that he was with King *James II.* in his Barge, when he took occasion to declare,

"That

A. D. 1679. be sent to Rome: That Secrecy was necessary, because of the Perils they were obnoxious to from the Laws; and that the Word Patents, tho' in the Plural Number, according to common Usage, which says, *Literæ Patentes*, or Letters Patents, related to *Whitebread's* Promotion only: But all this was over-ruled by the Lord Chief-Justice *Scroggs* (with whom, in Opinion, the Lord Chief-Justice *North*, and all the other Judges, thorough the whole Tryal agreed) who in summing up the Evidence, took Occasion to declare, That the first of these Letters did farther confirm Mr. *Oates* in all the great and considerable Matters that he says; and that for his own Part, the Evidence of *Dugdale*, as to *Godfrey's* Death, gave him the greatest Satisfaction of any thing in the World, as to that Matter: Whence he took Occasion to rant away as follows.—For while this Gentleman's Blood lies upon you (and some have been executed for it) it must be yet farther told you, that in what you did do, you have given us a Specimen of all that you would do. We have a Testimony, that, for promoting your Cause, you would not stick at the Protestants Blood. You began with Sir *Edmundsbury Godfrey*, but who knows where you would have made an End? It was this one Man you kill'd in his Person, but in Effigie the whole Nation: It was in one Man's Blood, your Hands were embred, but your Souls were dipt in the Bloods of us all. This was a Handfull only of what was to follow; and so long as we are convinc'd you kill'd him, we cannot but believe you would also kill the King: We cannot but believe you would make all of us away that stand in the way of your Religion: A Religion, which, according to what it is, you would bring in upon us, by a Conversion of us with Blood, and by a Baptism with Fire. *God keep our Land from the one, and our City from the other!*

Question out of Lord Chief Justice Scroggs's Summary of the Evidence.

Langborn's Trial.

Trial, p. 10.

P. 12.

P. 13.

P. 14.

P. 19.

The next Day, but under the same Commission, *Langborn* was brought to his Trial: *Oates* and *Bedloe* were the principal Evidences against him: The first swore he brought him Minutes of what had pass'd at the Consult; *Langborn*, as he read them over, praying for their good Success: That he acknowledg'd to *Oates* he had receiv'd fifty Commissions from Rome, and shew'd him six of them, viz. for the Lords *Arundel*, *Powis*, *Stafford*, *Bellasis*, *Petre*, and himself; he being to be Judge in the Army, or Advocate-General: That *Langborn* sollicit-ed 6000*l.* of the *Benedictine Monks* for carrying on the Design, which he heard had been paid: That he, *Langborn*, call'd Sir *George Wakeman* Narrow-soul'd Physician, for not being content with 10000*l.* to poison the King, &c. The second, *Bedloe*, depos'd, That he had seen *Langborn* register several treasonable

A. D. 1679. Letters of *Coleman's* to Father *la Chaife*: That there was not a Penny of Money receiv'd or paid, or the least thing done in Relation to the Plot, that was not register'd by *Langborn*: That *Pritchard* had told him, *Bedloe*, that *Langborn* had receiv'd the Commissions, and that Sir *Henry Tibborn* had shewn him three of them at *Paris*. He added also several other less material Circumstances; but, unluckily disgrac'd them all, by saying, That *Coleman* writ a *curious, fine, small Hand*; whereas the contrary was the Truth; and that he saw *Langborn* register *Coleman's* Letters in his Study, while he, *Bedloe*, and *Coleman*, were walking in his Chamber; whereas, we are told by *Langborn* himself, in his *Memoirs*, and others, that it was impossible for any one in his Chamber to see what was doing in his Study. *Oates* was also as unlucky in some other respects, for tho' his Memory was, sometimes, so circumstantially good, he was now at a loss to answer positively, whether, in his way home from France, he came from *Dover* in a Coach or on Horseback; or whether he lay the first Night after his Arrival at *Grove's* or not: But Mrs. *Grove* and her Maid both testify'd, he had never lain there at all: And he, *Oates*, having reduc'd the Number of his Consult at the *White Horse Tavern*, from fifty, which he had sworn to in *Coleman's* Trial, to eighteen or twenty, the Mistress of the said Tavern declar'd, 1st. That she had never seen *Oates* before that Day in Court: And 2dly. That she had never but once had so large a Company in her House, which was a Parish Jury, and who were forc'd to separate into three Rooms for want of one (w) large enough to contain them all together. *Langborn*, himself, also objected to *Oates*, That in *Coleman's* Trial he had sworn, that, after he, *Oates*, had communicated to him the Result of the Consult in April or May, he never saw him afterwards; whereas now he swore, that in July or August, *Langborn* had own'd to him, he had distributed the Commissions before spoken of: And farther, that whereas he swore he came over in company with Sir *T. Preston*, Sir *W. Warner*, Mr. *Peole*, &c. It was prov'd that the two last were then at *St. Omers*, and the other at *Liege*. He also objected to *Bedloe*, that he had sworn before the House of Lords, viz. That he had no other Person to charge either in the House or out of the House; whereas, he, *Langborn*, was not one of the Persons he had, at that time, mention'd: But the Court would not suffer a Copy of the Record to be read; and upon the whole directed the Jury to find him guilty, if they thought the Witnesses which appear'd to support *Oates's* Testimony deserv'd more Credit than those brought from abroad to destroy it; which, it seems, happen'd

P. 20.

P. 23.

P. 15.

"That, indeed, there had been a Meeting of the Jesuits that Day; and that all the Scholars of *St. Omers* knew of it: But that it was well Dr. *Oates* knew no better where it was to be; for, says his Majesty, they met in *St. James's*, where I then liv'd; which if *Oates* had but known, he would have cut out a fine Spot of Work for me." *Rev. Mem. p. 125.*

(w) This was contradicted by other Evidences, who said, there were Rooms in the House which had held twenty,

twenty-five, or thirty: But the Author of the *Compendium* affirms, that, after the Trial was over, several Persons went to view this so-much-talk'd-of Tavern; and, tho' the lock Part had been rebuilt since the Year 78, the *Jesuits* famous Room still remain'd, being about four Yards and a half square; and, consequently, not able, with any Convenience, to contain above a Dozen.

A. D. 1679.

happen'd to be their Opinion: Their Verdict was consequently against the Prisoner; who had the additional Mortification to hear it applauded by a loud Shout.—So much did the Zeal of the Audience surpass their Charity! Insult, Uproar, and Violence, should never be permitted to approach the Seat of Justice, yet all had now such a Loofe, to the Prejudice of this unhappy Man, that the Earl of *Colchmain* complain'd to the Court, that the Witnesses for him were so abus'd by the Mob without, that it was with the Danger of their Lives they came to discharge their Consciences: One, in particular, his Lordship affirm'd, was beaten and bruis'd to such a degree, that there was Reason to think the Blows would be his Death: And another, a Woman, declar'd she durst not speak, unless the Court would give her Protection against the Rabble; and, that not being in their Power, *Langborn* himself had the Goodness to waive her Testimony: Indeed, his whole Behaviour partook of the same Moderation: He defended his Life with much Sagacity; and, tho' he shew'd a Sense of Hardships, betray'd no indecent Reluctance: When he was to suffer, which was July 14, he shew'd an equal Mixture of Devotion and Resignation; and he left a Paper behind, in which, under thirteen several Heads, and in the plainest and most significant Terms that could be us'd, he disown'd and deny'd the whole, and every Title of the Charge brought against him by *Oates* and *Bedloe*; whom he nevertheless pray'd for, as he did also, for all those who had any way contributed to his End, or rejoic'd either at his Condemnation or Execution.

There is yet another Trial, which took place soon after this of *Langborn*, July 18th, which is of too much Consequence to be pass'd over in silence; namely, that of Sir *George Wakeman*, *Cork*, *Marsh* or *Marshall*, and *Rumley*; *Benedictines*, who, tho' charg'd in two several Indictments, were try'd by the same Jury, and involv'd in the same Issue.

As the great Point in this Case, was the Poisoning of the King, at the Instance and by the Encouragement of the Queen herself; and as all the other main Particulars of the Plot have either occur'd in the former Trials, or must occur in that of Lord *Stafford*; no more of this need be repeated, than serves to clear up that Point only.

*Oates* was again the leading Evidence, and depos'd, That *Albby*, alias *Thimbleby*, one of the Society (of *Jesuits*) coming sick to Town, *Wakeman* was his Physician: And, in a Letter of Instructions relating to the Regiment he was to observe at *Bath*, in order to his Recovery, viz. That he should drink Milk Night and Morning, &c. takes occasion to add, that the Queen would assist in poisoning the King: That *Oates* came to know *Wakeman's* Hand, by seeing him afterwards sitting in Company with *Albby*, who was lame of both Hands, in a Writing-posture, having just laid down his Pen, and having a written Paper before him, in the very same Hand with the Letter just mention'd, the Ink of which was not yet dry: And that *Albby* then talk'd

to *Wakeman* of the Commission he had receiv'd to be Physician General to the Army. Then follow'd the *Somerset-house* Story of the Queen's meeting with the Fathers; the angry Words relating to the King, deliver'd in a Woman's Voice; the gracious Smile, &c. as before recounted, Page 397, out of his Narrative to the House of Lords: And, again, That he heard *Albby*, in express Terms, offer *Wakeman* 10,000*l.* to poison the King; which he refus'd, as too little for so great a Work: That *Whitebread* was sent to offer him 5000*l.* more; which he accepted and receiv'd; for he saw it enter'd in the *Jesuits* Entry-Book (which he could not be positive who kept) That such a Day in *August*, such a Sum was propos'd to Sir *G. Wakeman*, who accepted and receiv'd it; and underneath was a Receipt in form, in the said *Wakeman's* Hand, for 5000*l.* in part.

*Bedloe* then testify'd, That being at *Harcourt's*, in the Beginning of *August*, *Wakeman* came in, full of seeming Anger and Discontent, and ask'd the said *Harcourt*, If he had any thing for him? who reply'd, by asking in his turn, How he, *Wakeman*, proceeded? That *Wakeman* then said, He did not know whether he should proceed or not; as not understanding for what Reason he was drill'd on in such a Concern: That *Harcourt* answer'd, he was to blame to be so hasty, for they were better provided than he thought for: That he then gave him, *Wakeman*, a Bill of 2000*l.* which he had receiv'd from a Gentleman (whose Name *Bedloe* had forgot) who had also receiv'd it from somebody, who receiv'd it from the Queen; by whose Order it was to be deliver'd to *Wakeman*; that this Bill was charg'd on a Goldsmith, whose Name he had forgot; and that Sir *George*, on reading it, said, "He found more Encouragement from his good Mistress than all the rest." That Sir *George*, AFTER all this, ask'd, Who *Bedloe* was? and, upon receiving Satisfaction, went to get his Bill accepted: That immediately after, he, *Bedloe*, leaving *Harcourt* also, met Sir *George* near the Temple; who acknowledg'd to him, that the Bill was accepted, and that it was to be paid in the Afternoon: And that *Harcourt*, at another time, told him, *Bedloe*, the former Sum of 2000*l.* had been made up 5000*l.* and that it was for the old *Buffneis*; adding what he had before discours'd to Sir *G. Wakeman*. [This, *Bedloe* slips in by way of Parenthesis.] "For, if we should fail of it at *Windor*, then this Way was to be taken; and if this fail too, we will make sure of it at *Newmarket*."

It happen'd, in the Course of the Trial, that the Lord Chief Justice (*Serjeant*) took occasion to observe, That, in *Bedloe's* Evidence, there was not any material Thing against any one of the Prisoners; and that, in particular, what he urg'd against *Wakeman*, relating to the Bill given him for the old *Buffneis*, was in doubtful Words. Sir *Robert Sawyer*, one of the King's Council, undertook to shew the contrary; and, in particular, connect'd the *Windor* and *Newmarket* Circumstances with the Conference

A. D. 1679.

P. 45.

P. 50.

P. 27.

Wakeman's Trial.

Trial, p. 25. 26.

P. 57.

A. D. 1679. between *Harcourt* and *Wakeman*, when the

Bill was produc'd, as *Bedloe*, by Parenthesis, had done before. *Bedloe* was then call'd upon to go over his Story a second time: Which he did; and took so much care, to follow the Receipt of the Bill with a Charge of *Harcourt's*, which he had omitted in his former Recital; namely, *But, Sir George, this must be well follow'd, and closely observ'd, because so much depends upon it; or if we should fail, &c.* that *Wakeman*, in a Half-Whisper, said to his Fellow-Prisoners, *THERE IS MY BUSINESS DONE*. This, however, produc'd a sort of Division in the Bench; the Lord Chief Justice (*Scruggs*) saying, *He says now quite a different thing than he said before*; and the Lord Chief Justice *North*, and the Recorder, as well as *Sir Robert Sawyer*, replying, *No, he said the same before*. And so he had, in effect, that Charge of *Harcourt* to *Wakeman* excepted, which he had not made the least mention of: But that made a very material Difference; and it is very remarkable, that, tho' the Lord Chief Justice had observ'd that Difference, either his Memory or his Presence of Mind fail'd him, that he was not able to point it out to the Court.

P. 48. *Wakeman*, in his Defence, said, The Letter of Directions he sent to *Abby* was written by his Servant, an Apothecary, and not by himself; and that there was no other Mention of King or Queen in it, than of the

P. 49. King's and Queen's Bath. *Chapman*, an Apothecary, at that time Mayor of Bath, testify'd the same, and produced the physical Part of the Letter, in which these Directions were contain'd, in open Court, together with Bills of *Sir George's* own Writing, to shew they were not in the same Hand. He also declar'd, that he had seen and read the rest of the Letter, as his Son had likewise, and that, upon the Faith of a Christian, there was not one Word relating to the King or Queen in it, except, as before mention'd by *Wakeman* himself, to the Baths distinguish'd by those Names. Both *Sir George*, and *Mr. Chapman*, moreover, shew'd, That the prescribing

P. 50. Milk with a Barb-Course, was ridiculous, and never practis'd. *Oates* reply'd, That the Milk was prescrib'd as the Course he was to observe in Town: But *Wakeman* rejoin'd, That *Abby* went out of Town, two Days after he had receiv'd his Directions: And it being surmisd, that he might have written two Papers of Directions, he would not allow there was any ground to suppose that he should repeat the same Circumstance twice, or write two Letters about one thing.

P. 51. *Wakeman's* Servant, and also one *Mrs. Hemmingham* attested, that the first wrote the Directions for *Abby*, by his Master's Order, in which there was no Mention made of Milk; and the last, that she was present when he did so. Then *Wakeman* himself inform'd the Court, that *Oates*, at his first Examination, before the King and Council, declar'd, he had never seen him, consequently, he could never have seen him write; and that he had charg'd him so slightly, that the Board did not think fit to commit him: That

NUMB. XL.

he was left at Liberty twenty-four Days after: That, when *Oates* had accus'd him again before the House of Commons, which produc'd their Message of Astonishment to the Lords, and the Lords examin'd him also in their Turn, the Chancellor ask'd him if he knew *Sir George's* Hand; and he answer'd No; and that he only knew it to be his Letter by its being subscrib'd *George Wakeman*; which was directly contrary to his present Charge. *Sir Philip Lloyd* being then call'd upon, stood up, and said, That *Oates*, at that time alledg'd only, that *Fenwick* had wrote to *St. Omers*, that *Sir George* had undertaken to poison the King for 15,000*l.* five thousand of which had been paid by *Coleman*: That *Sir George* not only deny'd all, but with some Heat demanded Reparation; and thereby, so offended the King and Council, that the Chancellor ask'd, if he had nothing to charge him with, beyond *Hearsay*, as desiring Ground for a Commitment: That *Oates*, lifting up his Hands, answer'd, No; and added these remarkable Words, before quoted, *God forbid I should say any thing against Sir George; for I know nothing more against him*: And that for the Truth of this, he appeal'd to the whole Board. *Oates* here incorpor'd: *That he did not remember a Word of all this*. And immediately after, "If he did make such answer; the whole Board knew he was not in a Condition to answer at all; as being, thro' Weariness, scarce *Compos Mentis*". The Lord Chief Justice then ask'd, if he was so spent, that he could not say, *I have seen a Letter under Wakeman's own Hand*? and again added, "That *Sir George* urg'd it right, that he should not have been permitted to have his Liberty to long, if *Oates* had charg'd him to home then." Upon which *Oates* had the Audaciousness to say; "To speak the Truth, they were such a Council as would commit no-body." Which either gave the Lye to his own Weariness, contracted by the Fatigue of taking Prisoners by the Warrant of this very Counsellor; or that Weariness, so contracted, gaveth the Lye to the Reflection which drew from the Chief Justice the following severe Reprimand; "You have taken a great Confidence, I know not by what Authority, to say any thing of any body."

There is no Need of pursuing this Affair any farther: Enough has been said of the Charge and Defence to make the Merits of both sufficiently intelligible, as also to throw some additional Light on the Plot in general, which is the great End of touching on these Tryals at all. To close the Account, therefore, the Lord Chief Justice, in his Address to the Jury, accompany'd his State of *Bedloe's* Evidence, with an, *If you believe this*,— Hung heavy on the Inconsistencies made apparent in that of *Oates*; and upon the whole, express'd himself to this Effect,—"Let us not be so amazed and frighted with the Noise of Plots, as to take away any Man's Life, without any reasonable Evidence:—These Men's Bloods are at stake, and your Souls and mine, and our Oaths and Consciences are at stake; and therefore never care what

6 D

the





A. D. 1679.

others; more particularly, that he had disparag'd the King's Witnesses (*Oates* and *Bedloe*) by saying, that after *Wakeman's* Trial, they were no longer to be believ'd: That he thought they had always an Accusation ready against any body, and that he believ'd in his Conscience *Langborn* dy'd wrongfully, &c. but not a Word as to any Corruption relating to *Wakeman's* Acquittal. The Lord Chief Justice was, hereupon, oblig'd to put in an Answer, and defended himself with so much spirit (not without a due Mixture of Disdain to be call'd upon to enter the Lists, with such contemptible Adversaries) against such an unbecom'g Attempt, as his Lordship was pleas'd to call it; that upon a full Hearing of both Sides, *Oates* and *Bedloe* were (p) left to be proceeded against according to Law.

Who, after a Hearing, are left, as Defendants, to the Law.

A real Difference in the Temper of the Bench. Examen, p. 206.

P. 152.

It cannot, however, be deny'd, that the Temper of the Court appear'd to be different in the Trial of *Wakeman*, from what it had been in those of *Langborn*, and all before. Mr. *North*, with his usual Freedom of Expression, says, that till then, the Lord Chief Justice *Scroggs* had taken in with the Tide, and ranted for the Plot, hewing down Popery as *Scanderberg* did the *Turk*. And, in his Life of the Lord Keeper *North*, accounts for his (g) Conversion in these Words: "It fell out, that when the Earl of *Shaftsbury* had sat some short time in Council, and seem'd to rule the Roast; yet *Scroggs* had some Quails in his political Conscience; and coming from *Windsor* in the Lord Chief Justice *North's* Coach, he took the Opportunity, and desir'd his Lordship to tell him seriously, if my Lord *Shaftsbury* had really so great Power with the King, as he was thought to have. His Lordship answer'd quick, *No, my Lord, no more than your Footman bath with you*. Upon that the other hung his Head, and considering the Matter, said nothing for a good while, and then pass'd to other Discourse. After this time he turn'd as fierce against *Oates* and his Plot as ever before he had ranted for it." Now, whether it may be presum'd that the Lord Chief Justice *Scroggs*, was really thus suddenly whin'd about by a single Breath of his Brother *North*, or whether the obvious Consideration, that the Queen was deeply concern'd in the Issue of *Wakeman's* Trial, and more remotely the Duke, in case it should

make way for any Alteration in the Succession, did not dispose him to use more Moderation, than he had hitherto done, let the Man of Sense and Candour determine.

A. D. 1679.

The same Gentleman (Mr. *North*) further says (in his *Examen*) "The other Judges were passive (in the Trials of the Plotters) and meddled little, except some that were *Takers-in* also; and particularly the good Recorder (\*) *Treby*, who eas'd the Attorney-General; for he seldom ask'd a Question, but one might guess he foresaw the Answer." And again, in the *Lord-Keeper's* Life, "During this Time, his Lordship (the Keeper) sat in holy Peace, under his old Oak, the Court of Common-Pleas, which had nothing to do with Criminals: And in the grand Commission of *Oyer*, &c. where the *Oatesian* Storms were most impetuous, the Lord Chief-Justice of the King's Bench steer'd the Vessel; and the other Judges had little or no Share in the Conduct: Whereby his Lordship, in the main, was rather an Observer, than an Actor, in those Proceedings, to which hung the Issues of Life and Death." He, moreover, bestows an express mitigating Paragraph on this (r) passive Behaviour of the Judges: But, surely, those who connive at Injustice, having Power and Authority to hinder it, are equally criminal with those who enact it. The King's Commission allow'd of no such Distinction as Observers and Actors; or if it did, it could be only for one Reason, That those who observ'd should thereby be enabled to give such Caution to the others, as might prevent them from acting amiss. Mr. *North* adds, in another Place, that his Brother, the Lord Chief-Justice, had the Conduct of the many Plot-Trials to MANAGE; and that was of (s) Reading, for Subornation in these Trials, and Tampering.—In all the rest, his Lordship scarce spoke; but Chief-Justice *Scroggs* led the Van. But if he MANAGED but that one, he assisted in those of the *free Jesuits*, *Langborn*, and *Wakeman*; often distinguishing himself, according to his Rank, as second in the Commission, and scarce once in behalf of the Prisoners. In the Trial of the *five Jesuits*, when *Ferriack* undertook to prove by Evidence, that *Bedloe* had liv'd in the *Marshallsa* out of the *Alms-hatchet*, his Lordship says, He was guilty of the same Treason that you ARE guilty of; There is his Fault. And when he was farther charg'd with stealing a silver-bilit

P. 206.

P. 159.

Examen, p. 206.

Life of Lord Keeper North, p. 156.

The Conduct of the Chief Justice North, in these Trials, p. 75.

(p) Mr. *North*, in his *Examen*, p. 80, has a Passage to this Effect: "It was long after this, (that is to say, when the Check was given to the Lord *Rafal* by the King, for making a Puff against *Landedale*) that *Oates* and *Bedloe* were heard against the Lord Chief-Justice *Scroggs*; and the Articles being dismiss'd, the Lord *Rafal*, as also, his Fellow-Commoner, Mr. *Henry Ponds* (as he thought) and some others, as if *Crashaw* had their Proposition there, and good Provenience did not prevail, desir'd his Majesty's Leave to absent themselves from Council; and the King answer'd immediately, *No, my Lord, with all my Heart*." Now Lord *Rafal* receiv'd this Check before the Middle of *June*, and the Hearing of *Scroggs's* Case was not till the 21<sup>st</sup> of *January* following. We have, besides, Authority as well as Reason to show, that Lord *Rafal* left the Council on a very different Account, as in its proper Place shall be explain'd.

(q) Mr. *North*, who is excellent at a Postscript after the Life, has given that of the Lord Chief-Justice *Scroggs*, after the following bold Manner:

"He was of a mean Extract, having been a Butcher's Son; but wrought himself into the Business of the Law, was made

a Sergeant, and practis'd under his Lordship (*North*). His Person was large, Visage comely, and Speech witty and bold. He was a great Voluntary, and Companion of the high Court-Rakes, as *Ken*, *Gay*, &c. whose Merits, for aught I know, might prefer him. His Debaucheries were egregious, and his Life loose; which made the Lord Chief-Justice *Hale* detest him. — He had a true Libertine-Principle. He was preferred for professing Popularity. — He liv'd well, and featur'd his Neck; for he purchas'd the Manor of *Brandwood* in *Essex*."

(\*) *Treby* was not Recorder then, but *Jessels*, so famous for his mild Administration of Justice in the subsequent Reign; as appears by Mr. *North's* own Testimony, in his Life of the Lord Keeper, p. 211; and more particularly in his *Examen*, p. 550.

(r) An Expression of Mr. *North's*; which is thus explain'd by him, in his Life of the Lord Keeper, p. 156: "That is, without interposing their Opinion of the Evidence, and the Credibility of their Story."

(s) Of which, proper Notice will be taken in the Sequel.

A. D. 1679.

bilited Sword, his Lordship again pleaded for him, *That he had the King's Pardon for all that.* In the same Trial, he will not allow,

P. 85.

that the Credit of *Gates* was impeach'd by the Privy when the *Jesuits* had brought out of their own Schools. Again, in the Close of *Langburn's* Trial, speaking of the same Witnesses, he says, *They are all Papists, and speak in a general Cause.* What a Lift he gave to *Bealbe's* Evidence, in concert with the good Recorder, and Sir *Robert Sawyer*, in opposition to the Lord Chief-Justice, we have already seen.

P. 58.

After the Chief, *Scroggs*, had summ'd up the Merits of the Case of the five *Jesuits*, we find him giving his Sanction to all, in these express Words, *Gentlemen, (to the Jury) My Lord hath repeated it so fully to you, that I shall not need to add any thing to it: And, tho' Mr. North acknowledges, that he finds his Lordship saying, As for the Plot, that is as clear as the Sun, he would have his Readers to understand it to be no more than fishing Irony: But this none can do, who, without Prejudice, reflect on the Circumstances above-recounted; which are not Starts and Sallies, but fair Influences of his general Conduct; and also on the solemn Words, which he made use of, when pronouncing Sentence on Reading, to this Effect, That if the Conspiracy had not been, by the Mercy of God, detected, God knows what might have befallen us all by this time.* Thus we find, that even the Lord Chief-Justice North himself, tho' a Man of the greatest Sagacity and Penetration, could not escape the Epidemic of the Times; but was one of the *Takers-in*, which his own Brother, and Idolater, both so vainly endeavours to excuse in some, and so justly exposes in others.

Having thus made a shift to find our Way thro' this perplex'd and unentertaining Labyrinth of the Law, we are now to take Sir *William Temple* for our principal Guide, and use our Endeavours to get as happily through that of the Court.

While these Trials and Executions were thus suffer'd to go on, to gratify and amuse the savage Humour of the People, the Term of the Prodigion drew near a Close; and it became necessary to consider what Use should be made of the Prerogative next. The *Triumvirate*, who were in possession of the King, as they believ'd; who had broken with Lord *Shaftsbury*, and the Duke of *Monmouth*, that they might continue so; and who knew the Threats which the First had threaten'd were levelled at them; could not bear to think, that this Parliament, in which their Enemies were so powerful, should ever meet again. All their Opinions, therefore, being governed by their Fears, center'd in a Dissolution: And it became, in the next Place, their Endeavour to make the Interest of the Minister, the Pleasure of the King; which it was, perhaps, neither a very hard Task to accomplish, nor to find such Colours for, as should induce his Majesty to believe, that their sole View in it was his Service. The Commons, besides fine Words, had given him nothing but Trouble. It was scarce to be suppos'd that they would not begin again

A. D. 1679.

where they left off; and nobody car'd to believe, that the parting with this Parliament in Displeasure, would excite a more turbulent Spirit in the next. Possibly the Interest of the absent Duke made also a Part in the Consideration; and thus by one Master-Stroke, these notable Intriguers persuaded themselves, they should obtain Favour and Confidence, as well as provide for their Safety. However this may be, the King clos'd with them entirely in this dubious Measure, as did also Sir *William Temple*: And after it had been thus digested by the Cabal, it was for Form's Sake resolv'd, that it should have the Sanction of the Privy Council. No Opposition was expected from the old Members; and of the fifteen new, all but six were look'd upon as sure Men, who would obey the Word of Command. But, however confident they were of a Majority, it was held expedient to prepare the several Members for such a Proposal; and the *Triumvirate* engag'd to do so: But, whether they really forgot it, as they alledg'd; or whether they willfully neglected it, in the Persuasion that the Weight of the King's own Determination would carry it thro'; or that, if it should meet with Opposition, that very Opposition would serve to render their own Merits, Services, and Compliances more acceptable, the Council met without any such previous Notice of the Business to be propounded, as had been at first agreed upon; the King propos'd his Question, viz. Whether it were best of his Affairs to prorogue the present Parliament till *October*, or to dissolve it and call another at that time, and desir'd the Opinion of their Lordships upon it.—The whole Board, it seems, was so much surpriz'd at this unexpected Proposal, that a long Pause ensued; every Man being at a loss to speak on a Topic, that nobody had ever thought of before. At last the Lord Chancellor broke the way, and declam'd long and violently against the Dissolution. He was follow'd in the same Track by the Lord President *Shaftsbury*, and he again by the Lord Privy Seal, *Angelsey*; after whom appear'd the Lord Chamberlain, *Arlington*, who had in his Train the whole Council, except the four who had so carefully kept the Secret. The Weight of all now lay upon his Majesty; who was forc'd to enlarge on his utter Despair of coming to any Agreement with the present Parliament, and the reasonable Hopes he had of more Complaisance from another; and finally to order the Lord Chancellor to draw up a Proclamation for dissolving the Parliament and calling another: Upon which the Council broke up; Lord *Shaftsbury*, Lord *Ruffel*, and two or three more, discovering the greatest Rage, and all the rest of the Board, the greatest Dissatisfaction, imaginable.

Thus in less than three Months after his Majesty had publicly and solemnly promised to act no more by the Advice of Favourites and Cabals, or without that of his Privy Council, was he twice induc'd to trespass as publicly on that Engagement; first, by proroguing the Parliament without the Knowledge

The Council break up in Dissolution.

The Proclamation for dissolving the Parliament.

The Triumvirate, is from themselves, who the King is obliged to dissolve the Parliament.

A. D. 1679.

Gazette,  
Numb. 1424.The Ferment  
it caus'd.

Knowledge of his Council; and now, by dissolving it without their Concurrence. And that this was the Matter of Fact, the very Proclamation itself bore witness: In which, the King stands alone, and declares the Dissolution in his own Name; and by his own Authority, without the Mention of any Council at all; being refused, to meet his People, and have their Advice in (t) frequent Parliaments [these very Words are in the Proclamation.] And thus it is manifest, that the same Dissolve will have the same Effect, both on King and People; and each, in turn, will have recourse to the same Remedy.

And now the Nation fell into a new Ferment: The furious Party-men without-doors were as much enrag'd as those within: And no sooner was it generally known, that the *Triumvirate* were answerable for this Measure, than they were every-where talk'd of with as much Bitterness, as Lord Danby had been before them; and, together with him, were devoted to parliamentary Justice. As it was, moreover, easily divin'd, for what

Ends the King had been induced to adopt this Advice; all imaginable Artifices were us'd, and Precautions were taken, to defeat them. It was his Hope to have a Parliament more to his Mind: It was the Resolution of his Opposers to convince him, that they had more Interest among his Subjects than he.

Court and Country were now the leading Party-Words; great Pains were taken to shew, that the two Services were as opposite and irreconcilable as those of God and Mammon. In the Standards of the one were to be seen Liberty and Property; and in those of the other, Loyalty and Obedience. The Crafty led, the Credulous follow'd: And when two such mighty Factions encounter'd each other, it is no Wonder that, in the Shock, the whole Nation reel'd. The Press was equally a Prostitute on both sides: Every Day produc'd Strings of Queries, Papers of Advice, *Caricats* against one Set of Men, Recommendations of another (u); and every other insidious Art, that had a Tendency to infatuate,

(r) About this time, a single Sheet in Folio was publish'd, under the Title of *The Recommendations of the King, Contain'd in the late Parliament*; in which are the following remarkable Passages:

"The Dissolution or Prorogation of a Parliament hath been of late look'd upon to be a high Violation of Right, and so great a Point of Misgovernment, as if thereby our Liberties were lost, and our Lives and Estates subjected to the arbitrary Power and Will of our King; or else we fully conclude it impossible, that the King can be so wise as to govern without their Councils. To remove which Mis-takes, and to quiet the Minds of Men, we hold, that following Considerations, and Collections out of *English* History, are offer'd to public View; whereby it will be most apparent, that not only the Prorogation, but the frequent Dissolving of Parliaments, is absolutely necessary for the Preservation of Monarchy, our now establish'd Government, and the best Sort of Government for the People of England, and most suitable to their Temper; in preservation of which our own Preservation consisteth. But the long Continuance of one and the same Parliament, and the long Continuance of the same Members in Parliament, which are both alike, is the most pernicious thing imaginable, both to King and People.

It is necessary for the Preservation of Monarchy that Parliaments be often dissolved, because nothing makes it more manifest in whom the Sovereign Power resides; for it puts them in mind by what Authority they have their Being; whereas, by a long Continuance, they are apt to plead Prescription to their Seats, and think themselves secure, if removed thence, though by the same Power that plac'd them there.

A Parliament of the modern Condition is without Controversy very necessary and useful, if they insist that which properly belongs to them; the Business of both Houses be to consult with and advise the King, in such things as he shall require their Advice in, and to represent to him public Grievances, such as are real Grievances, and not such as every whimsical party takes citizens to; but they are not to think to compel the King, under the plausible Form of Advice, to exercise any Power of Government, or to make any new Laws that he likes not of. And it is proper and peculiar to himself only, to judge what Advice is fit to be follow'd, and what to be rejected; for there may be some private Reason for State for his to do, which might be inconvenient to be publicly known. This hath been the ancient settled Practice, and under which this Kingdom hath long flourish'd, and it is not safe to alter it for to bring any the declining Age of the World, such Changes, (which ever especially are from good to bad, and from bad to worse, and from worse to that, which is.)

It is not the Advantage of Monarchy, above the Government of many, appear'd at this time to any single Man; for if his Majesty, like the Master-mind of a Ship, had not been the Stay of all, and had not, as it were, paid the Fray, by the late Dissolution of the Parliament, all the antioctical Rigging and Tackle of both Houses, if it deserves to be so call'd, had been torn in pieces by Faction amongst themselves; and the poor Kingdom thereby, e'er this, might have been a second time, in our Misery, blown up by currow-inbred Division. And it is not without Precedent, that Parliaments are since dissolv'd as the Pope, or his College of Cardinals;

and have given as ill Advice, and done as ill things, and of late been more troublesome than ever.

If it should be so, that the Advice of either or both Houses of Parliament must of necessity be follow'd by the King; then would it not be properly an Advice, but a Command in effect: And where, in a Commonwealth, the sovereign Power or Command is in more than one, that Commonwealth is no longer a Monarchy, but is degenerated, as well into an Aristocracy, the Sovereignty being shor'dly divided amongst many; and, if we judge impartially, it must be acknowledge'd, that they that endeavor after that (say) that the Votes and Ordinances of the House of Commons might have the Force of Laws, are no less Enemies to the State, than they that would introduce Popery; for, in both Cases, it is but endeavouring to alter the Government: To prevent which fond and dangerous Attempt, the frequent Dissolving of Parliaments is very necessary.

Others other Inconveniences will be prevented by frequent Prorogation and Dissolving of Parliaments; for, by that means, the Privilege of Parliament will not ever long justify the Members thereof, to delay and defeat the fellow-Subjects of their just and due Debts; which sort of Practice, for many Years past, hath been a killing Opposition; when not only the Members themselves made ill Use of that Privilege, but many of them gave their Clerks Liberty to sell blank Provisions by the Dozen, as the Pope does his Indulgences. And, moreover, if any such, or other his ridiculous Mist, should, by Flattery and Bribery, get into the Parliament, a Dissolution gives Opportunity of discharging such, from having had in so high a Trust. And great Reason such should be discharged; for how can it be expected, that Men upon in their private Concerns should be otherwise in public Administration, which they will always strive to make subservient to their Bye-Interests? &c.

(s) It is not to be understood that all these were the Words of the same Party, or that every body who agreed in Opposition, agreed in the same Means of carrying it on: On the contrary, in a Paper call'd *Mr. Eschiers*, containing a Narrative of what pass'd at the Election of Knights for that County, we find a Complaint, That as the Liberty of England had been endanger'd by long Parliaments, they were now threaten'd with great an Evil, by hardning the Council with too frequent Elections. And in another call'd the *Country's Petition*, is the following Paragraph: "The next Danger is, left frequent Parliaments, besides the Trouble, will bring on a frequent, insupportable Charge, which those honest Gentlemen who desire to great a 3<sup>rd</sup> rank, cannot but charge the Burden of, and so will be forc'd to desert you."

The Votes of the Church was heard to give Advice to the Nobility, Gentry and Commonalty, as follows: "Fallon in all Ages has been such, and ever had her Tricks, and play'd them generally in the Fear of God, and with strange Success; but had she the ill Luck, in *Ferry* right, to lose her Mind, in that *Pious Tragedy*; and cannot again to soon recover her Confidence in her *Religious Duty*, because the *Holy Ghost* is no well known, to take twice in one Age; as *Abraham*, the *Good Builders* began a new Course [Look about you, Gentlemen!] and not as before in *Nemur* Design, but *Peas*; and make the Interest of the People their still more, as they did plead the Fear of God before."

A. D. 1679.

infatuate, milled, and betray, the Simple and Unwary; unaccompany'd with any

one honest Endeavour to heal those dreadful Divisions, which have ever render'd this otherwise

A. D. 1679.

One while we knew two Parties; that did well in its Generation; after, it was the *Godly*; and then the *Seby Party*: But because true *Sobriety* and *Godliness* were at last a scarce Commodity among the *god Brothers*, as well as the *wicked*, these Distinctions, by degrees, began to wear away, and almost quite to be lay'd by; and now they have a new *Stil-habit*, tho' but that same Cause: And now it is *Country-Men* and *Couriers*; and in at this *Country-Man's* Door all Mischief is like to creep: For though the Word in its natural Signification, notes nothing but abundance of Plainness and Honesty; yet being got into the *Saints Dictionary*, it now begins to be of the same Import with any of the other *godly Names* and *Phrases* they use to file themselves and Party by. And now 'tis a Word, that, like the *Trigon Horic*, is *Mis-Placed*, full of Wild-Fire and Mischief; or like *Flint*, the Sorcerer, full of Subtlety and Craft: For, let a Man be the bitterest Enemy to King and Church, yet if he can but obtain this Title of *Country-Man*; and let him declare at the Head of any Faction whatever, That he will stand up for the good of the *Country*, in opposition to the *Court-Interests*; and his Business is effectually done, he shall most certainly be chosen for any Place he stands for; and the most sober, prudent, and worthy Person, whatever, may not be fit to be a Competitor with him. And this I, and many more, can speak upon too full Experience: For in a late Election in our Parts, I saw a most incomparable Person thrown by, with Shame and Disgrace, merely by this Stratagem.

I cannot therefore chuse but give the *Country a Question* and a full Sense of this new *Artifice*; and how ridiculous it is like to be to *King and Church*, if not in some degree rectified. And this, perhaps, may be a good Hint for others to describe it better.

The Word *Courier*, in its primitive Sense, did note one that did attend on the Person of the King, or was employ'd by him in any considerable Office as *Guard*, and that did his faithful Service in those Trufts. And originally, it was never any Shame or Disgrace to the best of Men in any of our *Provs* and *Counties*, to serve at *Court*, and attend the Person of their Prince, all the *Saints* made it for; nay, it was always thought an Honour to be admitted to this courtly Attendance; and the *Country* thought they could not do themselves a greater Service, than to chuse such (neither indeed can they) for their Representatives in *Parliament*; that were near the King; that to they might have an occasion to make known the State of the *Country*, and the Wants and Grievances of the People, when need required; and to have an Opportunity to redress them. But how *Couriers* in our Days should come to be degenerate a *Senile*, as to denote (if some may expound it) an Enemy to *Law and Liberty*, and *Propriety*, and every thing that is dear to the People, is strange; and how *Country-Men*, which is a Word of great *Beauty, Integrity, and Lightness*, is become *Mean*, may any one see; I; and how, I say, this ancient Name shall denote every thing that is mischievous to his Majesty, and directly opposite to the Interest of *Whit-hall*, is more strange. But the truth of it, is the Case now is come to this, That no Man whatever, can attend the Person of the King, or serve him in any of the most honourable Offices at *Court*, and that some time with the Expense of his own Estate and Fortune; but he must be look'd upon as a dangerous Person to the People, and as the worst of Men; that is, a *Courier*. And on the other side, let a Man be what he will, as bad as twenty Years Rebellion, and Conversation with blood and War could make him; yet if no *Courier*, he shall be the Darling, and the Delight of the People, and shall command their Votes and Suffrages. Let him be a Man of *Sacrilege* and *Violence* to *God* and his *Church*; let him be a Man of *Blasphemy* and other *Mean* *Leads*, by the strength of *two Acts of Indemnity*. Let him be for *Rebellion, Schism, Excommunication, Contumelious*, or whatsoever else is dear and precious to the *Saints* *Effem*; if he write but *Country-Man*, he is sure to carry the Day. So that in a very short time, 'tis like to come to this, That none must be accounted *Lovers* of the *Country*, but the Enemies of the King. For the People are taught to believe, that neither the King, nor any about him, are indeed any that are likely for him, have any true Love for the *Country*; but that they design to enslave them and their Estates, and to bring all under an *Arbitrary Power* and *Despotic*. And those Persons, for Instance, that declare for this one thing, viz. Against giving away the *Country's* *Mines* (as the Occasions of State what they will except by it, they can hope to recover) and great Inconveniences upon the *Parliament*, shall be accounted the *Country's* *Friends* for ever, and ever want their Vote at any time.

So that you see it is a very licentious, cunning, and mighty obliging Distinction; and is the likeliest to pull down *Whit-hall* of any yet; and principally for this Reason, Because it obtains its most among the *Royal Party*: For as they were always a sort of good-natur'd Person and innocent. them-

selves, so were apt ever to believe well of others too; and to be caught with fine Names, till they had believed themselves into the *Saints* *Yoke*, and their Families into want, and their Estates into *Villainage*; and so will do again if they be not very wary.

Causes therefore of the *Country-men* for your Representatives, Men of Religion and Loyalty, that love the *Church* and *King*; and be sure there is no Danger in such; but all others whatever, let them pretend what they will, are hollow within, and mean no good to either *God or Church*, to King or *Country*, but are, by their old, *Old Tricks* and new *Artifices*, seeking an Opportunity of destroying a *Glorious Church* a second time, and of acting the second part of the famous *Tragedy*; and of infamating your craftily into the good Opinions of the People, by the Pretence of Love and Zeal to their God and Welfare. Of these beware, and take this as a certain Truth, that a House of Commons made up of such *Country-men* as the pretended *Godly Party* cry up, will be the most antimonarchical, seditious, and fractious Assembly in the Christian World. From which, *god Lord deliver us.*

The *Nonconformists*, in their turn, let forth two Papers; one *Formal*, modest and patient, call'd *Excuse*; the other *Aspers* in the Chair of *the Honourable* in the first Paragraph of which, they speak with Acknowledgments of the *Country's* being refer'd to its ancient Right of *Frequent Parliaments*; and the other a profoud Inveective against the *Clergy*, in a Letter of *Advice*, as follows:

J. R.

I received yours of the sixth Instant, and am fully of your mind, that our Representatives cannot be suffered to make Laws to regulate Elections, we must supply that Defect by some Contract enough ourselves, whereby all unnecessary Charge may be prevented, as of late has been done in usual Custom in the Case of *Sherrifs*; for otherwise the present Design of such *Frequent Changes* of *Parliaments*, may prove dangerous to the Peoples Interest, as the representing of us. Our *Grants* do not for fear of our own People, but of themselves, and are full of Reproaches for their rash and lousy Dissolution of the late sessions opening *Parliament*, and are therefore attempting to retrieve that Error by tying on the People with *Frequent Changes*, till they can get some for their Tooth, as manageable and necessary as the former. And therefore to obviate this Mischief, we must make Elections easy both to the *Chiefs* and the *Chosen*. To consider of which, is also to consider the *Mismanagement*, as a public Charge, of all *Abuses* by *Mayers, Bishops, and Sheriffs*, in making double and false Returns, and all other undue and illegal Practices; I shall, with the rest of the *Gentlemen* in these Parts, give you the Meeting you desire.

I had all Persons very forward to condescendence this public *Work*, except the high-bred *Ritualists* and *Ceremonious* Members of the *Clergy*, who being the *Country's* *Enemies* did our People, lay out themselves to accommodate their Masters with the worst *Villains* that can be pickt up in all the *Country*, that so they may fall into the Hands again of a treacherous and lewd *Parliament*, as the *Widow of God* and *Folly* of Man has not innocently freed as from. To which end they reduce all worthy Men for *Passions, Schismatics* or *Favourers* of them; may do but pitch upon a *Gracious* fair believes: it is my Duty to love his *God*, his King and *Country* faithfully, they cry him down as a Person dangerous and dissatisfied to the Government, thinking hereby to free the People from the Freedom of their Choice, and then suppose their hair-brain'd Journey-men and half-witted Fops upon them.

Wherefore I think it no less than a *Duty* incumbent on us, in this time of public Danger, to exert the best of our Leaders of the *House* with their *delegat* *Conscience*, to the Peoples View, and to wipe off that little Point that is upon them, that the whole Nation seeing them in their proper Colours, may have that Contempt and Scorn for them which they deserve.

For as no Love nor Kindness from *Christing*, can be too much to such Ministers of the Gospel as shall diligently and faithfully discharge their Duties, without officiously involving and tumbling themselves in secular Affairs; so when they shall desert their own Station, and prove cruel Instruments in the Hands of their Managers, of Cruelty, Rapine, and Oppression of a People, instead of preaching up the good Tidings of Peace and Happiness to Mankind, they thus become a Den of Thieves, and ought to be esteemed by all Lovers of their *Country*, as unnatural and public-Defamers of its Peace and Welfare.

By their Office, indeed, they are the Sale of the Earth, but having lost their Savour, they are henceforth good for nothing but to be cut out and trodden underfoot of Men, as our *Saviour* teaches. For, pray now, because we ought to honour and most tenderly affect those that lay out themselves and Talents for the Salvation of our *Souls*; does it therefore follow that we must bear the same Respect to such

A. D. 1679.

otherwise happy Country the Derision of its left happy Neighbours; and to obtain that

one thing needful, the restoring the public Peace.

A. D. 1679.

Were

an endeavour the Destruction of our Bodies and Estates? God forbid that to brutal an Intereſt ſhould infect the Minds of Men! A great Sympathy that adminiſters wholeſome and found Medicines, ought to be rewarded; a but an ignorant or knaviſh Queſt, that gives us Poſion inſtead of Phyſic, deſerves an Halber, though he has the College Licence.

St. James put a pertinent and honeſt Queſtion to the Chriſtians of his time. *From whence come Wars and Fightings amongſt you? And were he now alive to repeat it, all Europe would ſwift him with one Voice, From knaves and timeſerving Priests, who conſidering their own ſecular Advantages, and as they go to ſhewſtraps, a worldly blaſt of Wealth, of Grandeur, and of Power, have ſet their hearts all People ſlaves to their Princes, and Priests ſlaves to their Priests.*

Theſe Traitors of the Gobel have deſerted the plain Paths of Righteouſneſs, and betaken themſelves to a ſerpentine Courſe of creeping into Courts, and there have created and fomented Miſunderſtandings and Jealouſies betwixt governing Powers and their Subjects, that thereby they might ſeemingly become neceſſary to the one, and have an Opportunity of pilſaging, oppreſſing, and ſubverting over the other. 'Tis theſe of *Beſtial*, who in all Ages have endeavoured to corrupt and Rain the generous Minds of Princes with arbitrary and unmanly Maxims of Government and State, and have fram'd for them the weak Pollicy of Cruelty, Craft, Treachery, and formal Devotion, inſtead of Protection, Wiſdom, Juſtice, and Righteouſneſs, which alone can eſtabliſh a Nation; inſomuch that Magiſtracy, which ought to watch for the Good of the People, is ſain to be watch'd by the People, ſuch it rain and ſhale them. 'Tis theſe who live in Sheep Clothing, who have eaten up the People of God like Bread, and in all Parts of the Chriſtian World have ſpirited the making, and edg'd the Execution of perſecuting and tanguiſary Laws: Wherefore I believe good Father Jacob had a Foreſight of theſe Sons of Levi, when in his laſt Will and Teſtament he left them a Curſe for a Legacy, inſtead of a Bleſſing. And if the whole World were ſo to make their Will, all but Knaves and Fool would do the like.

You may eafily call to mind a late Inſtance of the Humanity and Confidence of the Race of Men here in England: For when his Majeſty not long ſince attempted to follow his own Inclinations, and attempt a Declaration of Indulgence to tender Conſciences, the whole *Papal* Court ſeem'd to be raiſed againſt him: *Jeſus Reader* and *Geſuites* of the Church could then talk as freely of their King, as they do now of the late Honourable Parliament; ſay, they begin to find upon their Terms, and deliver'd out as Orthodox Doctrines, that the King was to be ſubordinate to Law, and therefore could not ſuſtain a Formal Statute, that the Subjects Obedience was a Legal Obedience; and therefore if the King commanded any thing contrary to Law, the Subject was not bound to obey; with ſo many other honeſt Poſitions, that Men wonder'd in God how ſuch Knaves ſhould come by them. But wherefore was all this Wrath, and all this Doctrine? Merely becauſe his Majeſty was pleas'd for a time to remove the ſore ſack'd Differences from under the Poſſeſſion of the ſacred Eſtate of which, is never denied to Holy Church, but the Magiſtracy immediately allied with the Noſe and Clamour of *Democritus* and his Craftsmen.

But now the Tables being turn'd, the ſame mercenary Tongues are again all *Silence* and *Maſmaring*: not a bit of Law nor Confidence either is now to be ſaid for Love or Money, nor any Limits to be put to the King's Commands, or our Obedience. 'Tis a Gospel-Truth with theſe Men, That all which we have is the King's; and if he ſhould command our Estates, our Wives and Children, yea, and our Religion too, we ought to reſign them up, ſubmit, and be ſilent. And therefore in the approaching Meditations of all Men, I would avoid ſuch as are recomended by theſe *Speophants*, till ſuch damnable Doctrine ſhould crawl from the Pulpit, into the Parliament Houſe, to the Destruction of Religion, and utter Ruin of the State.

The *Party-hater* ſpoke out in the following broad Queſtions; but which are call'd in the Title *ſable* and *ſuſtainable*:  
1. Whether the Kingdoms of England, Scotland, and Ireland, are not ſubject to the ſole Dominion by the ſole Conſtitution of the bloody Papacy, as hath been declar'd by two Parliaments, and ſufficiently prov'd by the King's Witneſſes, before the Judges of this Kingdom?

2. What Poſture of Defence extraordinary is the City of London and Nation in, at the Diſcovery of ſo heinous a Plot, to defend themſelves from the Inſultation of Papuſts at home, and Inſultion from Papuſts abroad, ſuitable to the Deſires of a loyal Parliament?

3. Whether Proteſtation and Dilſolution of Parliaments, at ſuch a Time as this, doth not hit the Hearts of Proteſtant

Subjects with evident Fears of Deſtruction, and gives the curſed Plotters too much Ground to believe (as they ſhould) that yet their Day is coming?

4. Whether have we not great Reason to fear, that the Papuſts will not heaſily take Reaſonment to proceed in their heinous Deſign to murder the King; who they know is ſworn at his Coronation to maintain and defend the Proceſtant Religion (and ſo is ſolemnly engag'd againſt them) where-by they may ſubvert the Government, by bringing in a popuſh Succeſſor, in whom is all their Help and Hope?

5. Whether any Speeches to be in Parliament, in favour of a popuſh Succeſſor, is not of direcd Tendency to prepare the Nation to make Trial of it again; as if the deſcal'd Likeneſs of Queen Mary's Reign were, or were not, forgotten, whole great Poſitives were ſeal'd with Fire and Eggot?

6. If ſo, what are we to think of them that have or ſhall diſcountenance, or endeavour to corrupt, the King's Witneſſes; or that do indulge arragant Traitors, impudently to aſperſe the Juſtice of the Land?

7. Whether it is not the indispensible Duty of all Proteſtant Magiſtrates whatſoever, with the People of England, to conſider with themſelves, and conſult the Learned in the Laws, what Power God, and the King, and the Laws, have put into their Hands, for the Preſervation of Popery and Slavery, both from themſelves and Pellerity; left their Ignorance and Security bring Deſtruction without Recovery?

8. Whether it will not be the perpetual Honour of the Magiſtrates of London to be firſt in this Work, inſomuch as that famous City hath world Experience, in theſe many dreadful Burnings, that the tender Mercies of the Papuſts towards them is popuſh Cruelty?

9. Whether that costly Monument, erected near London Bridge, is not to be a perpetual Land mark for all English and Foreign Proteſtants, for ever, to remember 1656, September 2, when thoſe curſed Plotters began to ſet fire to a Baker's Hoſie in *Pallding-lane*; which by their Emulſions was conducted on, for four Days together, till it had in Adhes thirteen thousand two hundred Houſes, having waſt three hundred ſeventy-three Acres of Land within the Walls, and above ſixty-three Acres without the Walls, with eighty-nine Paruſh Churches?

10. Whether the *Spanish Inſurrection*, 1588, and the Gunpowder-Treſon, 1605, together with the cruel Murders and Maſſacres of ſome hundred modified Proteſtants, Men, Women, and Children, in the *Netherlands*, *Ireland*, *Edinburgh*, and the *Algeries*, be not a ſufficient Warning to England, that they believe their God, and their King, and their Parliament, muſt not ſuffer, of ſuch deſtructive Principles, may dwell in our Land?

11. Whether ſuch a Day as this doth not loudly call for Repentance, that Proteſtants have been perſecuting each other; and for Unity in Affection among all Proteſtant Subjects, whether conforming, or diſſenting in ſome leſs Points; and that as Brethren they unite in ſuch a Combination, or Conjunction, as was in Queen Elizabeth's Time, with good Succels to defend the Crown, Religion and Kingdom, againſt the common Enemy of Mankind; inſomuch as the epuſcal Proteſtants, as well as others, muſt lie down in the ſame bed of Flames together, if the Pope and his Party get the upper Hand?

12. Whether it be not the Duty of all good Proteſtants, to pray for the long Life of the King, that he may live ſo, as becometh the Lume Religion; it being an Eſſay to all Vice, and the Maintenance of all Virtue: Forasmuch alſo, that the removing of the King (as the Papuſt call it) is the moſt likely Way to let in Popery, and a thouſand other Miſeries, upon this poor Kingdom?

13. Whether it be not his Duty for all the Proteſtants in England to reſolve as one Man, that they will ſtand by and maintain the Power and Privileges of Parliament; together with the Power and juſt Rights of the King, according to the Laws of the Kingdom, ſo as the one may not inſult upon the other?

14. Whether it be not the Duty of all good Proteſtants to be heartily thankful to God for the timely Discoveries of this heinous Plot; and alſo to pray, that God would preferve the King and Kingdom's Witneſſes, that they may fulfil their Teſtimony, to the well-becoming to ſignal a Work, and be of a humble Behaviour before Almighty God, the King and Kingdom; that they may obtain Mercy at the Hand of God, and not be Caſt away to themſelves, while they are of ſuch public Uſe and Benefit to theſe bleeding Nations?

15. Whether all the Counties, Cities, and Corporations in England, are not at this time more highly concern'd than ever, to make choice of ſuch for Parliament-men, as may not fell but ſave them, to the happy Settlement of our preſent Proteſtant King and Government?

16. Whether therefore it be not the Duty of the People to chooſe ſuch as are well known to be Men of good Conſcience, and Courage, thoroughly grounded in the Proceſtant Religion

A. D. 1679.

Were it as easy to disarm Power, as to expose Craft; it would be as laudable to unmake the false Patriot, as to disarm the avow'd Oppressor: Both are of the Cannibal-kind, and consider their Fellow-Creatures only as their Prey. Now of all the Patriots, that, in the distracted Times we treat of, stood forth as Guardians and Saviours of the Commonwealth, few or none seem to have thought the public Peace worth their Concern. On the contrary, they made it their Business to enflame the Passions of the People, not to appease them: They magnify'd visible Dangers; they dress'd up imaginary ones; they created new ones: They never testify'd so much Satisfaction, as when declaiming on national Grievances; and they never were more sensibly mortify'd, than when any Prospect was open'd of their Removal. In a word, they rais'd the Storm, that they might have the Plunder of the Wreck.

This is a heavy Charge; and he that has a prejudic'd Eye will read it with Indignation: But it is fit the Truth should be told, whoever is dispos'd,--- And were there no other Evidence remaining than a Pamphlet called, *An Appeal from the Country to the City*, which has been preserv'd in the Collection of *State-Tracts*, and which was publish'd immediately after the Elections were clos'd, that alone would be sufficient to shew, that our Censures are not uncharitable. It begins with an Address to the Passions; places the Reader on the Top of the Monument; bids him fancy the City in Flames, all round him; the Streets at the same time flowing with Blood: And that he saw Popery acting the double Part of Slayer and Incendiary: For all these horrid Spectacles were infallibly to take place, if ever Popery prevail'd. The next Inflammatory is the *Plot*; and, close coupled with that, the *Duke* is brought forward, and set forth as the Dupe of *France*, and Slave of *Rome*. The King is next, by Craft, represented as in the Plot against himself: An *Italian* Poisoner is called a *Wake-*

man; and, again, *Agrippina* had her *Wake-man*. The several Discouragements the Plot had labour'd under are then enumerated. The Danger of the King's Person from the Papists for the sake of a *Papish Successor*, introduces the next Consideration (for in these several Topics are call'd.) And here such a Variety of Matter occurs, and of so remarkable a kind, that instead of a Copy in Miniature, we must give this Part of our Draught in their own Words at large:---"Let us, in the next Place, examine their Interest (that of the *Papists*) at this time; where we shall find, that their Interest does unavoidably excite them to murder his Sacred Majesty: For, first, they know he cannot long subsist without a considerable Sum of Money, which he must receive either from their Party, or from the *Parliament*. Now for them to supply him with so vast a Sum, is a Charge, that, you may well imagine, they would desire to get rid of, if they could, tho' by the King's Death. On the other Side, for the *Parliament* to supply him with Money that they know cannot be done, but by taking off the Heads of their Faction, excluding their *Succession*, and consenting to such Laws as must of necessity ruin them: Besides, his Majesty hath already permitted the Execution of so many of their Party, as they never can nor will forgive it. All which put together, with the great Expectation they have from a *Papish Successor*, will make them vigorously and speedily attempt the King's Ruin, unless he speedily prevents it by adhering to his *Parliament*, and ruining them first. If his Majesty would be pleas'd for one Month, to think himself *Henry VIII.* and we his Subjects, for the same time forgetting we are Protestants, do by the *Papists*, as they would do by us were they in our Condition, what would become of *Portugal* (the *QUEEN*) and *Brassils* (the *DUKE*). Even *Rome* itself would tremble at us. Something must speedily be done, and if we will not begin with them, they will begin with us: For all the *Power*

A. D. 1679.

Account of a  
seditious Pam-  
phlet, call'd,  
An Appeal  
from the  
Country to  
the City  
Temp. Car. II.  
Vol. I.

Religion, and of high Resolution to maintain it with their Lives and Fortunes?

17. Whether all true *Englishmen* ought not seriously to consider, what they trust the *Parliament* who, on their Estates, Liberties, Religion, and Lives; And should they be unwise in any of these, when it is too late they may lament themselves, that they are unwise, by making such a Choice as has undone them by Law?

18. Whether it should not be the great Care of all Counties, Cities, and Boroughs, to consider who have been formerly Favourers or Favourers of Popery: And whether they are fit again to be entrusted with their Religion, Lives, and Liberties?

19. Whether you are not bound to consider those worthy Members of the late *Parliament*, who have already faithfully serv'd you and the whole Kingdom, with their Persons and Estates; and now show your Esteem of them, and Acceptance of their former Services, by an unanimous choosing of them again, forasmuch as they are best acquainted with the deplorable State of this Kingdom?

20. Whether it be not your indispensable Duty to endeavour to make these Elections easy, by bearing your own Charges, and the Charges of the meaner Sort of Freeholders, lest such as would heartily serve you be in time discouraged to undertake that great Work of preserving you and your Posterity in your lawful and undoubted Rights?

21. Whether any we not, without Breach of Chastity, conclude, that if known Favourers do now by Secret, in *Parliament* they do not intend again to make Merchandise of all that is dear to us? And whether will not all Freeholders and

Esquires be deservedly accounted infamous, and the Betrayers of their Country, who shall resolutely, after such Discoveries of our Dangers, and such Opportunities of being, by God's Blessing, deliver'd from them by honest *English* *Parliaments*, sell themselves, their Wives, Children, and Estates, for one of *Esau's* Morsels?

22. Whether it be not the hearty Prayer of all good Protestants, That the King would be pleas'd to hearken unto, and rely upon, the Advice of his *Parliament*; and avoid all such, who seek to make themselves rich, by making the King and Kingdom poor: Forasmuch as the *Parliament* are the true great Council of the King and Kingdom; and by them the King is supply'd, out of the Purse of the Kingdom; and they command and encourage the People to venture the shedding of their dearest Blood, in any just and righteous Cause, to maintain the King and Kingdom's Power and Greatness?

23. Whether, if you will believe the *Johns* and *Frises*, in *St. Omers*, that there was never any such Man as *Sir Edmund Godfrey*; and if you will believe what his Murderers said at their Death, that they did not murder Man, then you must not believe there was any such Man as *Sir Edmund Godfrey* in *England*?

24. Lastly, Whether, if *Papish* Treasons and Murders render the *Papists*, at their Death, as innocent as the Child unborn; who would not be a Murderer, and *Papish* Traitor? All these, and many more Pieces publish'd at the same Time, are taken out of Lord *Sunderland's* Collection; and serve to give a more lively Image of these troubled Times, than can be receiv'd from any Description whatsoever.

A. D. 1679.

his Majesty can shew them will not satisfy that greater Expectation which they have from a declar'd popish King.

Thus we see the King is not only call'd upon to play the Tyrant for the Sake of Liberty, and to persecute for God's Sake; but is bluntly told, that unless he will do so, he shall have no Supply. This is such plain Dealing, that it needs no Comment.

Nor is this all: A Transition is made to the City of London: Fire is the Visitation they are taught to apprehend, and from the Jesuits Hands, who, it seems, desir'd the burning of London above all things, for these Reasons: "First, Because it was the only united Force able to withstand Arbitrary Government, and without that Popery could never prevail. Secondly, It was the only Place, where, by reason of that excellent Preaching and daily Instruction in the Protestant Religion, the People had a lively Sense thereof, and, doubtless, will not part with it to please a Prince, but, perhaps, rather lose their Lives by the Sword in the Wars, than by Faggots in Smithfield. And thirdly, It was too powerful for any Prince that govern'd not by the Love of his People, which no Popish Successor could expect to do."

Again, the Citizens are farther told, "That the greatest Danger occurring to their Persons, as well as to the whole Kingdom, upon the King's untimely Death, will proceed from a Confusion and Want of some eminent and interested Person, whom they may trust to lead them up against a French Popish Army: For which Purpose, no Person was fitter than his Grace the Duke of Monmouth, as well for Quality, Courage, and Conduct, as for that his Life and Fortune depended on the same Bottom with theirs. He will stand by you, proceeds the Pamphlet, THEREFORE YOU OUGHT TO STAND BY HIM. And remember the old Rule is, He who hath the worst Title, always makes the best King, as being constrain'd by a gracious Government to supply what he wants in Title: That instead of God and my Right, his Motto may be, God and my People." In the Conclusion, the Reasons given for addressing these Considerations to the Citizens of London, are said to be, Because on the Death of any King, the Lord-Mayor, then in being, would be the only Magistrate in the Kingdom, that retain'd any Office of Power capable of serving the Subject; and because They were the Persons who must revenge their Sovereign's violent Death." The last Sentence is an ejaculatory Prayer for the Preservation of the King and the Prosperity of the City: And to shew the great Sincerity of the first of these Clauses, it is subscrib'd with the Name of Junius Brutus; so famous for his cordial Attachment to the Kings of Rome.

Perhaps there never was a Paper publicly distributed, in which a King is so confidently

told how much he was in the Power of his Subjects; in which the Murder of that King is so familiarly discours'd of; in which Provision is so openly made to dispose of the Succession by Force of Arms, in case that Event should take place; and in which a Nobleman so frankly offers himself by name to lead an Insurrection, that a Crown may be his Reward; and that not because he had a right to it, but because he had none, as in This.

No Party, 'tis be presum'd, will now attempt to justify or palliate so barefac'd an Attempt to throw the Nation into Confusion. If it was reasonable to dread the Approaches of Popery; and therefore to contend for the Exclusion preferable to all the Advantages offered in Lieu of it, it was far from being so, to make an Appeal to the People by Sound of Trumpet; and when they had just chosen a Representative, to bid them stand to their Arms, and make ready to decide all Difficulties by the Sword. All that Charity can do then in favour of the leading Patriots of those times, is to suppose, That it was the Work of some Desperado, and that they neither join'd in the Project, nor countenanc'd the Publication.

But, unluckily, when Harris the Publisher of it was brought to his Trial at Guild-Hall for being so, he was follow'd into Court by such Multitudes as gave the Recorder Occasion to say, He hop'd they were rather come to blush for him than to give him Encouragement. It was also made appear in the Course of the Trial, that he had boasted, He had Thousands to stand by him; and that, tho' the Lord Chief Justice did not fail to set forth the pernicious Tendency of the Piece, the Jury would give in no other Verdict, than, Guilty of filling the Book; which was receiv'd by all present with loud and vehement Shouts of Applause: At which his Lordship very justly took great Offence, and express'd great Indignation. Yet farther, it no where appears that his Grace of Monmouth took the least Umbrage at the free Use that had been made in it of his Name and Pretensions. And what is worst of all, we shall find in the Course of this Work, that no one Item is there advanc'd which does not correspond in all respects with the subsequent Transactions of the Party.

It would be a Matter of some Curiosity, if not Use, to state the exact time when this Train was fir'd; for, either just before, or soon after, the King, being at Windsor, took Cold towards the latter End of August, which brought on a (w) Fever, and struck such violent Apprehensions both through the Court and Kingdom, that, according to Sir William Temple's Expressions, "People look'd upon any thing at this time that should happen to the King, as an End of the World." But Terror, it seems, was not their only Agitation; for Sydney declares, "Mens Minds were

A. D. 1679.

The Publisher answered by the Malcontents, while under Prosecution.

The King was disposed at Windsor.

Mem. Parlii. p. 342.

P. 143, more

(w) Soon after this Incident took place, a scandalous Paper was set forth, containing twenty-two Articles of Impeachment against the Duchess of Portsmouth; some of which were apparently groundless, many improbable, and all

malicious; as may be gather'd from the 18th, which charged her with being the Cause of his Majesty's Illness, by persuading him to take a Melt of Broth, prepared by some of her Popish Servants.

A. D. 1679.

more disturb'd on that Occasion, than ever he had remember'd them to have been; so that there was no Extremity of Disorder to be imagin'd, that the Nation might not have probably fallen into, in case the King had dy'd, or that was not to be dreaded, in case he had even relaps'd.<sup>(1)</sup>

The Duke of Monmouth now set up his Pretensions to the Crown with little or no Reserve; and scarce could hope for a fairer Opportunity to make them good: He was countenanc'd by a numerous Faction in the City; he had the military Men under his Command; he had his Partizans all over the Kingdom; the Hople of Commons were such as his own Heart could wish; he had no contemptible Interest in the House of Peers; he was of the Privy Council himself; not only the President, but a Handful of the other Lords were at his Devotion; and he was in his Person dear to the King himself.

On the other hand, his great Rival the Duke was an Exile; a Bill to disable him was in every body's Hand, tho' it had not receiv'd the Sanction of the Legislature; all who presum'd to let a Whimper escape in his Favour, were branded with the Name of the *Conspirators*; he himself was loaded with all the Odium and Ignominy of the Plot; and those who had the Credit of managing all things at Court were understood to be sworn Enemies to his Interest.

But under all these Difficulties and Distresses, he had one Happiness which preserv'd him from all the disagreeable Consequences which he had so much Reason to fear. By refusing to go all Lord Shaftsbury's Lengths, that they might not be his Tools and Properties, and by advising the Prorogation of the Parliament, that he might not be able to carry his Point without their Assistance, the *Triumvirate*, as we have seen, became as obnoxious to his Lordship's Reluctments, as the Duke of York himself: And this Community of Danger, for a while at least, produc'd a Community of Interest. When, therefore, they were in Pain for the King's Life, from the Effects of his Indisposition, not the Plot, (x) they prevail'd with his Majesty to send an Express for the Duke, that, in Return for this signal Service, they might be entitl'd not only to his Protection, but to a Place in his Favour.

No Measure was ever resolv'd upon, or executed with more Secrecy than this. The Duke (y) arriv'd before his Adversaries had the least Apprehension that he was sent for: Mr. Carte lays, that he had the Felicity to be known by no body on the Road, except by two Men at Dover; who, seeing him in Disguise, kept the Secret: And the King being now in a fair Way of Recovery, it was agreed on all Hands, that it should pass for a Journey of his own: and that, to render

the Blind more effectual, both his Majesty and the *Triumvirate* should receive him with all the Tokens of Surprize; which, it seems, they perform'd so very well, that poor Sir William Temple not only fell into the Snare, but, in his Audience of the Duke, made it his Business to remove his Prejudices against the Lords *Effex* and *Hallifax*, by saying all the fine things he could of their Attachment to his Royal Highness, and his Interests.

But however exquisitely the Farce was play'd, it could not deceive those it was principally intended to deceive. The Lords *Monmouth* and *Shaftsbury* saw to the very Bottom of the Artifice immediately; and, of course, were as much engag'd on one hand, as mortify'd on the other: But the Resentment they shew'd serv'd only to furnish the Duke with fresh Arguments against themselves; Their Intrigues were no Secret; they struck at the Root of his unquestionable Right, and he must have been more or less than Man, not to meditate the Ruin of those, who made it their sole Study to ruin him.

At the same time that the two Factions were thus trying their Skill at Court, they also try'd their Strength in the City. As Care had been early taken to reconcile the Citizens to the Duke's Attendance on his Brother, by an Intimation to the Magistracy, that it was *unexpell'd*; the next Practice that was try'd was, to spirit them up to countenance it by an Address of Congratulation: On the other hand, to blait the whole Proceeding, and to represent his Royal Highness in the Light of a public Enemy, Sir *Thomas Poyer*, the City Chamberlain, follow'd by a large *Posse* of Citizens, or such as called themselves so, made their Appearance in *Guildhall*, the Lord Mayor and Court of Aldermen sitting; and, in a set Speech, in his own Name, and in the (z) Names of those with him, first expatiated on the Advantage and Encouragement which the Duke of York's being a *Passy* had given to the Rise and Progress of the Plot; which was still carrying on, and still levelled at the Life of his Majesty; and then requested, that the City-guards might be doubled; and that, instead of two, four Companies might do Duty every Night: Alleging, for a Reason, that the Necessity to strengthen their Hands was then greater than when eight Companies kept guard, because the Danger was greater. The Lord Mayor reply'd to this Effect, *viz.* That this could not be comply'd with, without the Consent of the Licentiency: That he would assemble them on the *Thursday* following (this was *Saturday*) for that Purpose: That, for the future, he hop'd Sir *Thomas Poyer* would not think it expedient to make his Applications at the Head of so numerous a Body; since it might possibly give Offence: And that there was Reason to think the Cause

A. D. 1679.

Mem. Part III. p. 345.

Practice in the City for &amp; against him.

Duke of York's return.

Life of the Duke of Monmouth, Vol. II. p. 493.

(x) Sir *Tobias Knollys* affirms, p. 98, this Revocation of the Duke was principally owing to the Intervention of the Lord *Essex*, who afterwards told him the whole Story: But, tho' the Lord *Essex* was the Duke's Favourite, it no where appears, that he had any remarkable Attendance over the King.

(y) It is fit the Reader should be acquainted, that Colonel *Clarendon*, who makes such a Figure in the Sequel of our History, was of the Duke's Party at *Brussels*, and accompany'd him in this important Journey to Court.

(z) The printed Account lays, In the Names of all the Inhabitants of the City.



A. D. 1679. Cause of their present Fears would soon be remov'd; since he was well assur'd, the Duke of York was making Preparations for his Departure in three or four Days. Sir Thomas, by way of Rejoinder, then threw out some minatory Expressions against those who said, There was no Plot, but a Protestant Plot on the Papists, calling them *Practisants in Masquerade*; promised to meet the Lieutenant with a few of his Friends, on the Day appointed, with additional Reasons for his Demand; and withdrew with his Corps.

These were Times, in which every bold Man pass'd for a great Man; and in which, both the Magistracy and Ministry were forc'd to consult the Humour, as well as the Welfare, of the People: And so strongly did this Piece of Patriot-Extravagance operate, that, tho' the Lord Mayor and Court of Aldermen went with unusual Pomp to *Windſor*; they confin'd their Compliments to the Recovery of the King; and, to avoid Clamour, avoided any formal Mention of his Royal Brother.

On the other hand, when the Lieutenant met, according to the Lord Mayor's Summons, in expectation of Sir Thomas Pleyer and his Friends, neither they nor he appear'd; fearing, perhaps, that, without further Explanation, their Demand would be treated with Contempt; and that, by explaining it too far, it might become a Snare to themselves. The Lieutenant, however, took it into Consideration, and resolv'd, upon the Question, "That they did not think it fit to put any further Charge on their Fellow-Citizens, at present." &c.

While these Counter-practices excited the Attention, and alarm'd, if not disturb'd, the Peace of the City, the Scenes shuffl'd at Court, in the most sudden and surprisng Manner, and exhibited one of those striking Spectacles that Moralists refer to, to illustrate the Instability of human Grandeur. The Duke of Monmouth, who had of late been worshipp'd as the Day-Star of the State, and who had shone forth with more than natural Glory, faded at the Return of the Duke of York; and, almost at once, disappear'd; the Revolution, however extraordinary, coming on with such Rapidity, that the most curious Observers had scarce Leisure to mark its several Stages: And hence, the Minutes they have left us shew more of Wonder at the Effect, than Knowledge of the Cause and Manner of Operation: All that we know of certain being, That the Duke arriv'd at *Windſor* September 2; that his Friends and Partizans recover'd their Spirits immediately upon it; that he gain'd ground on his Rival every Day, and almost every Hour; inasmuch, that, by the 12th, his Grace of Monmouth was depriv'd of his Command in the Army; and, by the 24th, was on his Way to *Holland*, having receiv'd his Majesty's express Commands to quit the Kingdom: Which he very unwillingly submitted to.

It is true, the next Day after, the Duke of York set out also, on his Return to *Brussels*: But the Difference of their Train shew'd the Difference of their Circumstances. His Royal Highness, when he took his Leave

of the King, was attended to his Lodgings by such a Concourse of People, as had never been seen since his Majesty's Restoration; and from thence on board his Yacht, by a great Number of the Nobility: Whereas the Duke of Monmouth had not the Countenance of any one Man of Quality, except the Lord *Brandon-Gerrard*, to lend any Lustre to his Exile; and, by taking out his Pardon before he went, tacitly acknowledg'd, that he had offended the Laws, as well as the King. It, moreover, became soon apparent, that the Duke of Monmouth was sent away in a State of Humiliation; and that nothing less than Repentance and Acknowledgment would entitle him again to Grace and Favour: Whereas his Royal Highness departed only to return with his Family in Triumph, as after a Victory over his Rival; and had *Seotland* assign'd for the Place of his Residence; seemingly, in compliance with the Clamours of his Enemies; but, in reality, that he might be arm'd with the Power of that Kingdom, and thereby enabled to make good his Title to it: He also carry'd another important Point, before his Departure, which shew'd that his Interest with the King was all-sufficient, namely, the putting off the Session: All the remaining Strength of his Enemies lay in the House of Commons, and he was resolv'd they should derive no Benefit from it; at least, till Time had somewhat qualify'd their Fury, and proper Endeavours had been used to loosen their Hold upon the People.

But, according to Sir *William Temple*, how-  
ever artificially this Matter was laid by those  
of the Cabal, they fell into the very same Mis-  
take which had occur'd at the Dissolution of  
the last Parliament, in the Manner of  
communicating it to the Council: All was  
laid upon the King, as before, who said,

"That, upon many Considerations, which he could not then communicate, he found it necessary to make a longer Prorogation of the Parliament than he had intended: That he had considered all the Consequences, so far as to be absolutely resolv'd, and nor to hear any thing against it: That he would have it prorog'd till that Time Twelve-month: And that he gave it in charge to the Lord Chancellor to proceed accordingly." The Majority of the Council were again astonish'd at so abrupt a Declaration: Several rose up to reason upon it; but were oblig'd to desist; the King continuing positive to admit of no Opposition, and, in effect, signifying thereby, That he did not require Advice, but Obedience.

Care was, however, taken to prepare the Public for this Alteration of Measures, by due Degrees. The first Prorogation was only from the 17th to the 30th of *October*; which was follow'd soon after with public Notice in the *Gazette*, "That his Royal Highness having represent'd to his Majesty, that he conceiv'd it would be more convenient, in many Respects, to be in his Majesty's own Dominions, than those of any other Prince; and made it his humble Request, to go into *Scotland*; his Majesty had granted it." This Notice was dated *October 7*: The 12th, their  
Royal

A. D. 1679.  
Life of the  
Duke of Or-  
mond, v. ii.  
p. 494.

Prorogation  
without Ad-  
vice of Coun-  
cil.  
Memo. Part iii.  
p. 346.

Leave given  
to the Duke  
to reside in  
Scotland.  
Numb. 1442.

Gazette,  
Numb. 1444.

The Duke of  
Monmouth  
is Disgrac'd.

and oblig'd to  
quit the King-  
dom.

A. D. 1679.

Lord Shaftsbury removed from the Council-board.

Royal Highnesses arriv'd at *Whitehall*, in their Way, as the *Gazette* phrases it, to *Scotland*: The 15th, the Parliament was yet farther prorogu'd: And, the same Day, Lord (a) *Shaftsbury* was dismiss'd from his Place at the Council-board.

These Proceedings have been hitherto treated with the Extremes of Applause or Censure; not as they were wrong or right, but as they pleas'd or displeas'd the different Palates of different Parties: What they really were will become apparent by their Fruits.

About the same time, a new Expedient was made use of, to shew, that the *Duke* had likewise an Interest in the City; and which was thought the more necessary, in as much as the Majority of the Citizens, at the late Election, had chosen the same Members, who had voted for the Exclusion-Bill, in the preceding Parliament. This Expedient was for the *Artillery Company* (who had already paid their Respects to his Majesty, and declar'd they neither had, nor would abuse the great Trust his Majesty had reposed in them) to send a solemn Invitation to his Royal Highness (whom some Years before they had chosen for their Captain, to honour them with his Company at Dinner; which he was graciously pleas'd to accept of. This was accordingly done; his Royal Highness made this politic Visit with great Pomp, and was received with great Respect; and the *Gazette* gave public Notice of the great Satisfaction that appear'd on both Sides, that the rest of the Kingdom might profit by the Example.

Passages of this nature in troublesome Times, are by one Party made to appear the spontaneous Effects of Love, Zeal and Duty, without the least Mixture of Artifice or Design; and by the other to be the Effect of Brigade and Cabal, Servility and Prostitution: And thus the very Incident we are now speaking of, which made an Article of such Importance in the *Gazette*, was by the *Exclusionists* set forth as a Prop for a sinking Cause. According to them, the Invitation arose principally from the Stewards of the Company (who, said they, were half (b) *Cour-tiers*, and half courtly Citizens.) And the Sense of the People, or rather the Mob, ran the quite contrary way: For his Royal Highness was receiv'd with Hisses when he came within *Temple Bar* in the Morning, and was saluted with the Cry of, *No Pope! no Papist!* at his Return in the Evening.

As there is no Reign from *William* the *Norman* better worth the Study of the Politician than this, so there is none that can possibly be more fatiguing to the Historian. Every Fact, how trifling and minute soever, is represented in quite opposite Lights by the opposite Factions: What one asserts, the other denies; and according to each other's Evi-

And insulted by the Mob.

dence, Truth has little to do with either: Hence every new Circumstance produces new Difficulties; and instead of Certainties, which ought to be the only Ingredients of History, we are forc'd to compound for Possibilities and Conjectures.

The State of the two Factions at the time immediately before us, was equally critical on both Sides. The Terror of the Parliament hung over one; the Return of his Royal Highness; the Exile of his Grace of *Monmouth*, and the utter Loss of the King, equally mortify'd the other. Thus the Scales were still in Suffiance; but as Politicians are not satisfy'd with a mere Balance, it became the Business of each to procure more Weight to make their own heavier.

The Plot had been the mighty Engine, by which the *Exclusionists* had been enabled to perform such notable Feats, and of this the main Springs began to fail: The Blood that had been shed; the dying Protestations of those that suffer'd; the Acquittal of *Wakerman*; and the ignominious Characters of the Witnesses, on whose Credit all depended, had open'd the Eyes and soften'd the Hearts of many; Some Repairs and Additions were therefore necessary to give it new Powers and Virtues. On the other Hand, it was the Business of all those who had already fallen within its Reach, and who had Reason to dread its farther Efficacy, to discover all its Weaknesses and Defects, in order to pull it to Pieces.

Things were in this Situation when the Intrigue, distinguish'd by the Name of the *Meal-Tub Plot* broke out, and of which we find the following (c) Compendium in Mr. *North's Examen*:

"One *Dangerfield* (who had been a Companion with *Bodley* upon the *Road*, and in Prison for Debt) seeing his Comrade in such Plenty and Esteem by his Testimony against the Papists in the Plot, knew not better how to introduce himself to be a Witness, than by offering his Service to the Papists, that he might have some Conversation with them to put a Colour upon his Testimony. And it happen'd, that the Lady *Powell* made it her Business to collect Money for diverse who were thrown into Goal on account of this Plot, or the Popish Religion; wherein Mrs. *Celior*, the Midwife, was her Agent, who was a notable, pragmatical Woman, and, by her Profession, was acquainted with many great Ladies at Court. Mrs. *Celior*, taking a Liking to this *Dangerfield*, and his Debt being but small, for which he was in Goal, recommended him to Lady *Powell's* Stock, and took him out, and he turn'd Papist by boot, and promised to be very officious to serve the Papists by soliciting for them, by taking Notes at Trials, and by going to Coffee-houses and other fanatical Clubs, and discover-

A. D. 1679.

Account of the Meal-tub Plot.

(a) *Ferguson* asserts, That his Lordship had the Duke's Resentment in *Scotland* openly oppos'd; and that Mr. Secretary *Coomery*, by way of Revoke, said, He wonder'd, that any Person, who sat at that Board, should so boldly dare to affront his Royal Highness. [*Growth of Popery, Part ii. p. 261.*]

(b) *viz.* The Earl of *Offory* and *Froeseham*, Colonel *Legg*, and Sir *Robert Holmes*.

(c) This is one of the Papers called by Mr. *North*, *Mementos*, which furnish'd him with the principal Materials of his Book; and which, as before observ'd, it must be presumed, were drawn up by the Hand of Lord Chief Justice *North* himself.

A. D. 1679.

vering Designs. His Forwardness begat great Confidence in him, and he was carried to Lady *Povis* to thank her for her Charity, and gave her many Assurances.

Dangerfield  
introduced to  
the Duke of  
York.

I make no Doubt but, all this while, he had some Friends, among the contrary Party; that were able to help him, and to let him pass amongst them, and be in some Cabals for the entitling him to some Credit. After a little time he comes big to Mrs. *Colier*, with a Discovery that the Fanatics were hatching a Rebellion, and that there was to be a sudden Rising in Arms, and that himself was to have a Commission and be a Captain; that new Counsellors of State were appointed, and a Model of an Army made affecting the Design; that, if he might find Credit, he would discover it to the King, and be a Spy upon them, and, in time, get so far into their Councils, as to know where their treasonable Papers lay, which he would reveal, that they might be seized; and at last he would get from them a Commission, which he would produce to detect their Villanies, and preserve the King. Mrs. *Colier* knew not any fitter Person to introduce him than my Lady *Povis*, who, by reason of her Nephew's Marriage with the Earl of *Peterborough's* Daughter, might bring him to the said Earl, in order to be brought to the Duke, to whom he had a great mind to apply himself, and whose Protection he desired.

The Duke pre-  
sents him to the  
King, and he  
to the Secre-  
tary.

His Passage was very easy to the Duke; for these great Persons (Lord *Peterborough* and Lady *Povis*) not imagining the Villanies of the World, nor being used to Business, were very greedy of it when it was offered, and thought to appear very serviceable to the King as well as to the Duke by it. But the Duke, who had always lived regularly and carefully, as soon as the Captain was brought to him (for so he would be called, saying, that he missed his Employment among the Fanatics; he knew the King would repair him by a Commission of that Quality at least; and the Earl of *Peterborough* failed not to treat him in that Style) gave him Encouragement to serve the King, and told him he would inform the King of it, and he should suddenly know the King's Pleasure. The Captain was startled at this, and desired the King might not be acquainted with the Business, till it was more ripe for Discovery; but the Duke professed he would retain no Secret from the King, and bid him wait on the Earl of *Peterborough*, and he should have an Account of the King's Pleasure. The Captain was a little troubled at this; for he had a mind to transact with, and have frequent Access to, his Royal Highness, and expressed a Discontent. But there was no Remedy, and so he was to attend the King's Pleasure; which was, that Colonel *Halsby* should carry him to Secretary *Coventry*, to

whom he should declare his Business, and receive Directions from him as there should be Occasion.

A. D. 1679.

He was fain to play his Game as well as he could, and desired once to be brought to the King, to whom he declared what Confidence the Earl of *Shaftsbury* had in him; and, to make it appear, he produced to the King two Letters of Sir *Richard Bulstrode*, directed to the Earl (how he could come by them is very considerable, he said it was by Accident, they lying in a loose Drawer in the Earl's House.) The King made no Question but that he had been with the said Earl, but would give him no other Directions, but that he should wait upon the Secretary, and follow his Orders. Then he pretended want of Money, and obtain'd (d) some (being in Service of this Importance; and indeed it is the only fit Reward for Spies) whereupon he transforms himself into a genteel Habit, and presseth for more Money. But the Secretary began to grow suspicious, and told him all his Discoveries lay in his own Talk; for there was no manner of concurrent Testimony, nor any Commissions or Papers produced, whereof he had so often talked, and in plain Terms told him, he had more Money than he deserved.

He puts for-  
Money, and at  
last by the  
Secretary.

Then he pressed for a Warrant to search for Papers, and would have had the Duke procure it; but he, having been a Means to put this Affair into the Management of the King's Ministers, would not any way further concern himself in it. The Captain then would have had the King command Mr. Secretary to grant him his Warrant. But the King asking the Lord Chief Justice *North*, that casually stood by, it was told that, unless there was Oath to ground a Search, or some Circumstances of pregnant Suspicion, it could not be done. This Answer being given, the Captain saw there was no way to entrap these Men that walk by Rule; he must take some other course to bring himself fairly upon the Stage, for the time of Parliament was at Hand, which was to be his Harvest. Hereupon he gets a Warrant of Court to search for uncustomed Goods; and searched Colonel *Mansel's* Chamber in such a way, as it was plain he took care there should not want Demonstration that the (e) Papers were of his own laying, by the clear Testimony of the Constables and Officers that were with him. These Papers he brings to the Secretary's, who now thought him in earnest; and the Earl of *Essex* put a great Value on the Discovery, saying he believed there was something in it, for *Mansel* had been his Servant, and he was as ill a Man as could be, and very like to engage in that Kind.

Mansel search-  
ed, and Papers  
found of the  
Captain's lay-  
ing.

The (f)---being of the the Privy Council, and coming into *Whitehall* to a Com-

Dangerfield  
committed for  
a Crime.

(d) Bishop *Barnes* says, he had a weekly Allowance: *Ferguson*, that he had 12 l. a Week: But *Dangerfield* himself acknowledges the Receipt of no more than twenty Guineas from the Duke, and 20 l. from the King.

(e) They were Nine in Number, and were pinned behind the Bed's Head: He was forced to find them him-

self; and, before he had Time to read the Contents, cry'd out, *Here's Treason! Here's Treason against his Majesty!*

(f) By the Help of Colonel *Mansel's* and *Dangerfield's* Narrative, we find this and the following Blank should be fill'd up with the Name of Lord Chief Justice *North*.

A. D. 1679.

mittee of Council, perceiv'd, at the Council-Stairs, *Dosy*, an Officer of the *Mint*, and this *Dangerfield* quarreling, *Dosy* saying he was a Coiner, and the Captain saying he was employ'd about the King's *Business*, and vouch'd Secretary *Coveney*, and this with great Earnestness for some time, stopping his Lordship's Passage up Stairs, and *Dosy* said he had Proof against him. The Lord—told him he would inform the Lords of it, and he was confident they would not permit any Man to shelter himself in *Whitehall* from the Law, especially in so great and so ignominious a Crime; and so went up and sat in the Committee, but did not interrupt the present Business with a Matter of such small Consequence, as that Quarrel was. But Sir *Thomas Delemah*, a Clerk of the Council, came to his Lordship, and told him *Dosy* had sent to put him in mind of the Coiner that was below, and thereupon shew'd a false Guinea, and undertook to prove that Piece was of that Fellow's coming. Thereupon his Lordship mov'd that a Messenger, by their Order, might seize him and put him into a Justice

of Peace's Hand, to be examined, and ordered according to Law. The Order was given, and the thing presently done, and Secretary *Coveney*, coming afterwards, said, smiling, that his Intelligencer was apprehended for a Coiner, but was told, that his Intelligencer must answer the Law; and so the Captain was carried away and committed.

Colonel *Manfel* complain'd of the Abuse upon him, and, thereupon the Captain was sent for to answer, and pretended to make a Defence, but with so much Affectedness, and ridiculous Confidence against the plainest Proofs that ever were, that he was committed by the Council for this false Accusation of Colonel *Manfel*, and forging the Papers; and he was not wanting too, in his Defence, to shew how he was admitted into the King's Presence, and affirmed some Things contrary to the King's own Remembrance. During his being hurried to and fro, Mrs. *Celzer* was not wanting to place herself in his way, to hearten him, and promise him his Part should be taken; and he, to rid himself of some (g) Papers, gave them to her, advising her to hide

A. D. 1679.

See 22 Newgate for the Abuse of Manfel, and some of his Narrative of the Plot.

(g) A true and exact Copy of the Book found by Sir William Waller, at Mrs. Celzer's House, in the Meal-Tub, on Wednesday, October 29, 1679.

Major *Allyp*'s Promise to me for a Commission. Mr. *Goodley*'s Promise to support D. M. if banish'd.

Friday Night, the 12th of Septemb. D. M. went to the *Sam-Towers*, to converse with *Playe* (Sir *Yonah*) and *Towks* (another notable City *English*) for the setting Affairs, and also a Supply for himself, if banish'd. The Manner of the Meeting of four several Clubs, viz. At the King's Head *Towers*, at the *Green-Dragon* *Towers*, at the *Sam-Towers*, and one at a Chandler's-Shop in *Wellminster*; which are at present employ'd, as Writers and Messengers, into the Country; but, when Occasion shall require, they are to be Field-Officers. The Manner of sending those Messengers. The Manner of their Meeting, for the better Concurrence of all Matters. Their Way of contributing, how often, and for what Purpose it is done. The Papers they were in for a Rising in the City, if his Majesty had shew'd. The Design of rising in the North, to join with the *Scotts*; and what shall occasion that Rising there. *Goodley*'s Account of the Chief Persons and Commanders there among them, viz. Lord *Shoppshire*, Lord *Hallifax*, Lord *Raisin*, Lord *Essex*, Lord *Wharfe*, D. *Burkingham*, Counsellor; D. *Mannebach*, General; Lord *Grey*, Lord *Greyhound*, and his Son, Sir *Thomas Armstrong*, Lieutenant-General; *Blod*, and *Waller*, to be Major-General. The Field, and other Officers, most of them meet at the several Clubs, together with some that are in the Country. The considerable Parties would come from his Majesty's Horse and Foot-guards, to join them, when Occasion should require. *Allyp* and *Goodley* promise to introduce me to Lord *Shoppshire*, to be employ'd as a Spy, and to have the Promise for a Commission. That only the Consent of Sir *J. P. D. B.* Sir *W. W.* Sir *R. P.* was wanting to give the *Book*; but if they would not comply, it should be done otherwise, as at the Parliament, &c.

A Parchment was seen in the Hatbox of Captain *England*, by *Bel* on Monday the 21st of Sept. 79, which was written on in indented Letters, *They are authorized, &c.* and thirteen Label-lets to it. This at *Wood's* Club. On the same Night was a secret Cabal held at *Bled's* House.

The next, being *Friday* Night, was one at Sir *H. W.*'s. *Goodley* told me, a Colonel of his acquaintance, was going to be killed, to discipline Men.

Friday the 10th of September, a Person was sent from *Bled's* Club to *Hawkingdon*, about weighty Business, and it was not return'd, which causes some Fear of Misfortune.

Sept. 30th, the Messenger return'd from *Hawkingdon*, who said, he had find'd the Business he went about, and that all that Part of the Country was in good Rendition.

Saturday, the 5th of October, a Cabal met at *Waller's*, to enquire about the Affairs of other Countries, but particularly, for the present, the County of *Derbet*, *Devon*, and *Cornwall*; and, in order thereto, two Persons were sent away with good Paquets; and, in one of them, were divers Papers, like printed *Warrens*; and Names and Seals to the same; but the Person who saw them could not come to read one. My *Answer* is *Allyp*.

Monday, the 7th, a Cabal met at *Waller's*, in order to the Dispatch of seven Persons into the North, and to 17.

City, to a Club there, at one *Lee's* House, a Tallow-Chandler. These go into some Part of *Scotland* too, before they return; and yet are oblig'd to return before the 30th of this Month. Sir *W. W.* Promise to B. for a Commission. Lord *S.* Promise of a Commission to, &c. *Goodley*'s Promise to me of the List of 30000.

Sept. 6. *Brown* produced a Paper to the Company; who all approved of it, but especially one *Dosy*, who said, *Goodley* let the Men, whose Mind is not judicious in this Paper. One *Majors*, at the same Place, said, after some Discourse of Affairs, That all, within twenty Miles round London, were ready to rise, whenever they should be commanded, and that against the King's Interest too; and said, it was not the French King's pretended Invasion should put them in fear of any Army the King now had, or could raise. 'Tis also resolv'd, that, when any Commissioners are given out for the raising an Army for the King, that some of the Faction shall privately put in for Employments, in order to the better serving that Party, by corrupting his Majesty's Soldiers. Wit. *Carter*.

Wednesday, the 5th of October, I was with Lord *S.* Saturday, 19, B. told me, Sir *W. W.* said he had 300 Horse at his Command, to oppose an Army that the D. and *Landwehr* were going to raise in the North; and that, if they made not too much haire, he should have more.

But that the Reader may be more fully satisfy'd of the Matter of the Informations given to the King (says Colonel *Manfel*, out of whose Narrative this Copy is taken) I shall give him the true Copy of a Letter sent by Mr. *Willoughby* to his Majesty:

S I R,

May it please your most Sacred Majesty,

On Friday, the 24th of this Instant September, was sent by a Person whom I employ, in the Title of one *England*, a Paper, like a List of Men Names; and a Parchment, in the Liberties of a Commission, with thirteen Label-lets, and as many Names thereto, and at the Top, was in great Indenture-Letters (viz.) *They are authorized, &c.*

I myself was inform'd, that a Colonel, now in your Majesty's Foot-guards, was, to be sent into the North, to discipline a considerable Number of Men. My Author for this was one *Goodley*, a Nonconformist Parson.

Friday, the 26th, was a Person sent with a Packet, very considerable, (suppos'd to be so by my Friend, who saw the Outside thereof) to *Hawkingdon*: The said Person is not yet returned, nor to be heard of, which much amazes the Gang he was sent by, and at present puts a Stop to their Party.

It was spoken publicly in a Club, that all things were in a ready Posture, and they only expect your Majesty's Command to make the Order; but, if that be not, 'tis design'd at the Sitting of the Parliament, if your Majesty please not their Expectation.

I have also discover'd a great Correspondence between the same Party and the *Dutch*; and believe, as your Majesty's Return, to give a good Account of the late by God's Blessing: Till what time I shall use my utmost Endeavour to make myself

Your Majesty's most faithful and obedient Subject,

WILLOUGHBY.

A. D. 1679. hide them in the *Meal-Tub*. And he held a Correspondence with him in *Newgate*; and to the Mistress of Secrets and Intrigues was fast in the Trap, and suffered by standing in the Pillory. And the Captain was not long in *Newgate*, but desired one Day to be brought before Sir (b) *Robert Clouston*, then Lord Mayor, where he made Affidavit of a long Narrative, and was, from that time, taken to be one of the principal Discoverers of the Popish Plot. He accused the Lady *Pewis* and the Earl of *Peterborough*, and, afterwards the Duke of *York*, of High Treason. The King, being so long a Narrative so soon produced, concluded it had been meditated and prepared long before; and that all his Interchange at Court was only that he might be admitted into the Presence of those Persons whom he design'd to accuse; and that it was but an Introduction to his being a Witness to accompany the rest.

How the Earl of Essex was accused.

But it happened that he had stood in the Pillory, and could be no legal Witness, and the King would, by no Address or Application, be induced to (c) capacitate him to testify. So all his Projects failed, tho' he was as much careful, and as much Weight laid on his Testimony by the Anti-court Party, but to no Purpose. It was observed there was no Man so eager as the Earl of *Essex*, to prosecute the Lady *Pewis*, and to make use of him as well as Colonel *Manfel*, who appeared to be of his Side, to accuse and tax the Court of a *Spain Plot*; which was wondered at, when he had been so forward to affirm that he believed there was Reality in it.

This *Dangerfield* was bred a Clerk, being an Attorney's Son, and his Father deeply engaged in the late Times. He could write well, and was a handsome, proper young Fellow, of a versatile Wit; so that if he should have been accepted to testify, by Probability, he would have far outgone all the former Witnesses.

The Turn here given to this Affair, we see, is, That *Dangerfield* was a Decoy for the *Exclusionists*, and that they themselves were at the Bottom of the very Intrigue they afterwards so loudly clamour'd against. On the other hand, according to Bishop *Barnet*, he was a Tool of the *Papists*; and the great drift of the Device was, to fasten a Plot upon those who had fasten'd a Plot upon them: Whence his Lordship takes Occasion to say, "This was a great Disgrace to the Popish Party, and the King suer'd much by the Countenance he had given him."

Vol. 1. p. 476.

This is certain, that *Dangerfield*, Rogue, as he was known to be, was subsist'd at *Celior's*, at the Expence of the Countess of *Pewis*: This the Lady herself own'd at the Council-Board; as also, that he had told her of treasonable Papers laid at *Westminster*; and that on the Secretary's refusing to grant a Warrant to search for them without an *Af-*

*fidavit*, Mrs. *Celior* had, in her Presence, given the Advice of seizing them by Custom-house Officers. 'Tis moreover certain, that the very *Gazette*, No. 1458, sets forth, that three several Persons, one no Friend to *Dangerfield*, had acknowledg'd several *Circumstantial Matters* which strengthen'd his Evidence: And as certain it is, that the Earl of *Castlemain*, the Countess of *Pewis*, and others, were committed on the Credit that was given to it by the Council. On the other hand 'tis certain, likewise, that *Dangerfield* confess'd at the Council-Board, that he had several times discours'd with Lord *Shaftsbury*: And if it is not equally certain, it is extremely probable that there was an Understanding between them; there being no other satisfactory way to account for his having those two Letters from Sir *Richard Bullstrode* to that Lord, in his Possession: So that the most natural Conclusion that can be drawn upon the whole, is, That both Parties were equally dispos'd by any means whatever, to ruin each other: And that *Dangerfield*, with all the Dexterity of a Master-Genius, apply'd himself to raise Contributions from both. Agreeable to which, the Lord-Chancellor observ'd to him, when before the Council, "That he was a fine Fellow, first to come to his Majesty with one Story, then to the Lord *Pewis*, and from him to Lord *Shaftsbury*, discovering to one what Discourse he held to another."

A. D. 1679.

Manfel's Narrative, p. 40.

To pass from this controverted Story of *Dangerfield*, to a Survey of the Oeconomics of the *Exclusionists*, or Anti-courtiers, as far as they related to the Management of the People, can scarce be call'd a Transition: For, in *Dangerfield's* own Narrative, we meet with a Reference to Four grand political Clubs, consisting of two hundred Persons each; the most considerable Members of which had a Place in his List, as concern'd in the *Presbyterian Plot* against his Majesty. Now the principal of these Clubs was kept at the *King's-Head Tavern* in *Fleet-Street*, and was call'd from thence the *King's-Head Club*; and also the *Green-Ribbon Club*, because, on extraordinary Occasions, they wore *green Ribbons* in their Hats: As to the exact Time of its Establishment, it is hard to be fix'd; but there is Reason to think it was the Growth of this very Year: For, in a Tract call'd, *The present great Intercourse of the King and People*, by way of Letter, dated *September 26, 1679*, Mention is made of it as a Novelty: And, as to the Characters of the Persons it was compos'd of, they were represented as the whitest of Patriots, by some Men; they were condemn'd as the blackest of Incendiaries by others. Mr. *North* is clearly of the last Opinion; and draws such a Picture of them, as would almost countenance the worst of those Desperadoes, that, together with *Cataline*, devoted themselves to Infamy, and

Account of the Green-Ribbon Club.

(b) *Essex* asserts, "That, by this Discovery, he made himself plainly appear, who let him in to frame this detestable Piece of Villany; which he settled the Conspirators, that they knew not what to do; yet procur'd, that the Mayor, instead of having Thanks return'd him for his Service to King

and Country, met with a Check at *Whitehall*, for meddling with what concern'd him not. *Growth of Papers, Part II. p. 205.*

(c) The *Gazette*, No. 1458, says, his Majesty had granted him a Pardon; but under what Restrictions, is not explain'd.

A. D. 1679.  
Examem.  
p. 572, 573.

and their Country to Perdition.— Some of his masterly Touches are as follow: "Their Seat was in a sort of *Carfour* at *Chancery-lane* End; a Center of Buiness and Company most proper for such Anglers for Fools! The House was double-balconied to the Front, as may be yet seen, for the Clubbers to issue forth in Fretco, with Hats, and no Perukes, Pipes in their Mouths, merry Faces, and dilated Throats, for vocal Encouragement of the *Canoghis* below, on usual and unusual Occasions. They admitted all Strangers, that were confidently introduced; for it was a main End of their Constitution to make Profelytes, especially of the raw, citated Youth, newly come to Town. This copious Society was, to the Faction in and about *London*, a sort of Executive Power; and, by Correspondence, all over *England*. The Resolves of the most retired Councils in, and Ministry of, the Faction were brought here, and orally insinuated to the Company, whether it were Lies, Defamations, Commendations, Projects, &c.— There it was known, in half an Hour, what any Member said at the Committee of Elections, or in the Houle, if it fat late: And every Post convey'd the News and Tales, legitimated there, as also the malign Constructions of all the good Actions of the Government; especially to Places where Elections were depending, to shape Mens Characters into fit Qualifications to be chosen or rejected. The Pope himself could not make Saints so readily, as they *Papists*; and so Half and Three-quarter *Papists*; as Belief was prompt or difficult.— And these, besides tutoring, were Carriers up and down, or Dispersers of seditious Talk, at proper Times, as Blood from the Heart, to publish Sedition all over the Town, to the *Exchange*, *Witchinyster*, *Coffee-houses* and *Sub-Coffee-houses*, in a wonderful Harmony of Discovery; So that a puiſne Politician, not aware of the Trick, from a universal Conformity of Discourte, would think the grossest Fallhoods to be Truth in Perfection. Their ordinary Discourse was chiefly on the Subject of Bravure in defending the Cause of Liberty and Property; and what every true Protestant and *Englishman* ought to venture and do, rather than be over-run with Popery and Slavery. There was much Recommendation of Silk Armour, which was suppoed to be Pittol-Proof, and the Prudence of being provided with it against the time that Protestants were to be maffi-

cred. In which, says our Author, the Wearer was as safe as in an House; it being impossible to strike him for laughing.— This was Armour of Defence; and for Offence, they had a certain Pocket Weapon, call'd a *Protestant Flail*; the Handle of which resembled a Farrier's Blood-Stick, and the Fall was join'd at the End with a strong nervous Ligature, that in its Swing fell just short of the Hand, and was made of *Liguan Vita*, or rather, as the Poet term'd it, *Mortis*."

But the great thing for which this notable Confederacy became most eminent, was an Annual *Pope Burning* on the 17th of *November*, being the Anniversary of *Q. Elizabeth's* Coronation-Day, which was perform'd at great Expence, with much Pomp, and more Noise; and which, under the Pretence of inspiring the People with a proper Ardour against Popery, was calculated wholly and solely to enflame them against the Government, and season them for Sedition. "Faction, says Mr. North, always sustains their Project of destroying the Government, by enflaming the Rabble, or at least by making an Appearance as if they were enflamed; which is done by a military Disposition of Mob-Masters about in Corners, that upon the Watch-word, are to bring forward some hair-brain'd Rout, which they call'd *the People*. It was acted in those times to perfection, and the whole Party join'd in it, taking their Parts as regularly as Comedians upon the Stage: For they had also their Connection of Scenes, Entries, Exits, Poetry and Decorations, all design'd to conclude in Mischief." The Place of Prompter-General, or Manager of the whole, the same Writer insinuates, was fill'd by Lord *Staffbury*. But whether his Lordship acted in it by his own single Authority, or whether by Deputation from any superior Power, he does not take upon him to ascertain.

That Gentleman is, however, mistaken in fixing the first of these remarkable *Pope Burnings* in 1680; for, in a Folio Sheet, call'd *LONDON'S* *Defiance to ROME*, we have a circumstantial Narrative of one of those Processions, which is said to have been prepar'd by a Number of worthy, true Protestant Gentlemen, to express their own, the City's, and indeed the whole Nation's *Defiance*, and just Detestation of *Papish Idolators*, for the Celebration of that Anti-papal Jubilee-Day in 1679. The (k) Particulars, as a Matter of no small Curiosity, are inserted in the Notes below. Much

A. D. 1679.

(k) On the said 17th of *November*, the Bells generally about the Town began to ring at Three a Clock in the Morning. At the Approach of the Evening (all things being in readiness) the solemn Procession began, setting forth from *Moorgate*, and so pass'd first to *aldgate*, and thence through *Londonball-street*, by the *Royal Exchange*, through *Chancery-lane*, and so to *Temple-Bar*, in the ensuing Order, &c.

1. Came six Whittlers, to clear the Way, in Pioneer Caps, and red Waistcoats.

2. A Bellman ringing, and with a loud (but dolefull) Voice, crying out all the Way, *Remember Justice Godfrey!*

3. A dead Body, representing Justice *Godfrey*, in a decent, black Habit, carry'd before a Jesuit in Black, on Horseback, in like manner as he was carry'd by the Assassins to *Peirce-Hill*.

4. Next after *Sir Edmundbury*, so mouned, came a Priest

in a Surplice, with a Cope embroider'd with dead Bones, Skeletons, Skulls, and the like, giving Pardons very plentifully to all those that should murder Protestants; and proclaiming it meritorious.

5. Then a Priest in Black alone, with a great Silver Cross.

6. Four Carmelites, in white-and-black Habits.

7. Four Grey-Friars, in the proper Habits of their Order.

8. Six Jesuits, with bloody Daggers.

9. A Concert of Wind-Music.

10. Four Bishops, in Purple, and Lawn-sleeves, with a golden Crozier on their Breast, and Crozier-slaves in their Hands.

11. Four other Bishops, in *Pastichalibus*, with Surplices, and rich embroider'd Copes, and golden Mitres on their Heads.

12. Six Cardinals, in scarlet Robes and Caps.

A. D. 1679.

Much more remains to be said of the Practices of both Parties to bring the People to their Lure: But as the new Privy Council, which had rais'd such great Expectations, was now on the point of Dissolution, in Fact, if not in Form, it is necessary first to touch on some of their Proceedings that remain as yet unnoticed, in order to clear our way.

And what is most to be lamented in this Walk, we have little better than Twilight either to direct our Footsteps, or to enable us to guess at the Objects we make if our Business to explore.

Variety of Cabals in the Privy Council.

In all Privy Councils there will be Rivalships for Favour, Importance, and Reputation; and those thwarting Interests will often produce Oppositions and Cabals. But this boasted new Constitution of Sir William Temple's resembled the War of Atoms, almost from its first Establishment. Sir William, himself, acknowledges, that a Party of four undertook to manage for the rest, as altho' that nothing less would satisfy the Duke of Monmouth and Lord Shaftsbury, than to have the Management of them. It appears, moreover, on his Evidence, that in the great Points relating to the Parliament, such as the dissolving of one, and proroguing another, all the old Members join'd with the Majori-

ty of the new, against those four and the King himself; by whom they were, nevertheless, over-ruled, against his own express Engagement: And that there was yet another Spring of Action, distinct from all these, which was occasionally paramount to all, appears not only from the Instance of the Counter-Orders given to the Duke of Monmouth, when going into Scotland, and indeed from the whole Direction of the Scottish Affairs; but also from the Particulars that follow. "THEY," says Mr. North, meaning the new Part of the Council, open'd their Campaign by turning out of all Commissions and Trusts the King's known Friends, that were call'd the Church and Loyal Party, which was to be done under the Pretence of reforming the Commissions of the Peace and Lieutenantcy, so as none but known Protestants be left therein; which, they said must be done to satisfy the People.—And the like was to have been done as to other Commissions of Trust and Profit, and Places at Court, and even about the King's Person. Divers of the Council appear'd against these Doings, saying, it was utterly inconsistent with the King's Service, to displace Men without some Mischance on their Parts. And then the Lord (1) Sunderland, who, upon the Regulation,

A. D. 1679.

Project to reform Commissions. Examens. p. 77.

came

13. The Pope's Doctor, i. e. *Walsome*, with Jesuit-Powder in one Hand, and an Urinal in the other.

14. Two Priests in Surplices, with two golden Crosses.

*Leahy*, The Pope, in a lofty, glorious Pageant, representing a Chair of State, cover'd with Scarlet, richly embroider'd and fringed, and bedeck'd with golden Balls and Crosses: At his Feet a Cushion of State, and two Boys in Surplices, with white Silk Banners, and Moody Cuckoos and Doggers, with an incense-pot before them, casting his Holiness, who was array'd in a splendid Gasquet Gown, fin'd through with Ermin, and richly dash'd with Gold and Silver-lace: on his Head a triple Crown of Gold, and a glorious Collar of Gold and precious Stones, St. Peter's Keys, a Number of Beads, *Agnus Dei's*, and other catholic Trumpery. At his Back, his Holiness's Privy-counsellor (the degraded Seraphim, *scilicet* the Devil) frequently cussing, hugging, and whipping him, and oft times instructing him about to destroy his Majesty, to forge a *Protestant Plot*, and to fire the City again, to which Purpose he held an infernal Torch in his Hand.

The whole Procession was attended with 150 Flambeaux and Lights, by Order: but for many more came in Volunteers, as made up these thousands.

Never were the Barons, Windowes, and Houses, more numerous in'd, or the Streets closer throng'd with Multitudes of People, all expressing their Abhorrence of *Papery*, with continual Shouts and Exclamations; so that 'tis modestly computed, that, in the whole Progress, there could not be fewer than two hundred thousand Spectators.

This with a slow and solemn Stee, they proceeded to *Temple-Bar*; where, with immense Swarms, the Houses seem'd to be converted into Heaps of Men, and Women, and Children; for whose Diversion there were provided great Variety of excellent Fireworks.

*Temple-Bar* being done in Rebuilding, adorn'd with four stately Towers, etc. Those of Queen Elizabeth and King James, on the inward or eastern Side, fronting the City; and those of King Charles I. of blessed Memory, and our present gracious Sovereign (whom God, in mercy to these Nations, long preserve) on the Outside, facing towards *Westminster*; and the Statue of Queen Elizabeth, in regard to the Day, having on a Crown of gilded Laurel, and in her Hand a golden Shield, with this Motto inscrib'd.—*The Protestant Religion, and August Charles*.—and Flambeaux plac'd before it, the Pope being brought up near the same, the following Song, alluding to the Posture of those Statues, was sung in Parts, between one representing the English Cardinal (*Howard*) and others acting the People.

Cardinal NORFOLK.

From York to London Town you came,  
To talk of Popish Tre,  
To reconcile you all to Rome,  
And prevent Smithfield Fire.

PEERS:

Ceasi, cease, thou Norfolk Cardinal,  
See yonder hands Queen Bets!  
Who would our Suits from Popish Thrall.  
O Queen Bets, Queen Bets, Queen Bets!

Your Popish Plot, and Smithfield Threat,

We do not fear at all;  
For 't is honest Queen Bets's Feat  
You fall, you fall, you fall.

"'Tis true, our King's an 't'other Side,

" A looking too red Whitehall:

" But could we bring him round about,

" He'd counterplot you all.

" Then down with James, and set up Charles,

" On good Queen Bets's Side!

" That all true Commons, Lords, and Earls,

" May wish him a fruitful Bride."

Now God preserve Great CHARLES our King,

And the all honest Men;

And Tyrants all to Justice bring:

Amen, Amen, Amen.

Then having entertain'd the thronging Spectators for some time, with the ingenious Fireworks, a vast Bonfire being prepared full over against the Inner-Temple Gate, his Holiness, after some Compliments and Reluctancies, was decently topp'd from all his Grandeur into the impartial Flames; the craty Devil leaving his infallibilityship in the breach, and laughing as heartily at his deserved ignominious End, as subtle Jesuits do at the Rain of baptiz'd Lay-Catholics, whom themselves have drawn in; or, as credulous Calcasias's Aberration did, when, with Pretences of a Reprieve at last Gasp, they had made him vomit up his Soul with a Lye, and seal'd his dangerous Chops with a Halber. This Justice was attended with a prodigious Shout, that might be heard far beyond *Smarter-haus*; and 'twas believ'd the Echo, by continued Reverberations, before it ceas'd, reach'd Scotland [the Duke was then there] France, and even Rome itself, damping them all with a dreadful Admiration. [Out of the *Galilæan* of Lord Somers, vol. ix.]

It is fit the Reader should know, that a Blank was left in the Print for the two Stanzas of the Song distinguish'd by inverted Commas; which I find supply'd, as above, in my Lord Somers's own Hand-writing.

(1) Our Author is here a little mistaken; for that Lord was made Secretary before the Earl of *Dashy* reign'd his Staff; that is to say, February 8, 1678-9: And the Regulation did not take place till April 21.

A. D. 1679.

came in as Secretary, in his Court Turn (for which he was very particular, and in speaking, had made it almost a fashion to distend the vocal Letters) *What*, said he, *if his Majesty learn out saarty of us, may not he have saarty attors to saarve him us well? And what matters sovs saarvs his Majesty, so long as his Majesty is saarved?* But in good earnest, the Rolls of the Justices were order'd to be laid before the Council in order to be reform'd. And, as some present relate, it was pleasant to see with how much Wit and good Humour, the King order'd Affairs to disappoint these Reformers. He would not suffer the Roll, that was begun with, to be out of his own hand, but pretended to mark the Alterations upon it himself. Then, as many of the Council mov'd for Alterations upon the account of good or bad Men (Terms of Art, which, for Brevity, they us'd, to signify such as the Party lik'd or would have put out or not) if the King was content a Man should out, he made a Mark of his Name; but if he would not part with him, he found some jocular Reason to let him stand; as, that he was a good Cocker, underfoot hunting, kept a good Horse, had good Chines of Beef, kept good Fox Hounds, or some such indifferent Matter, which it was ridiculous to contradict or dispute upon. And in this manner, he frustrated all their Intent as to Removes, and by crossing and puzling the Work, made a plain Demonstration to his factious Counsellors, that they should not have their Will of him in what they intended, *viz.* To dash the best Friends he had, all over *England*, in the Face with such Affronts. In short, finding they could not prevail, they let the Business drop; and I do not know, that any one Roll was in this manner thoroughly perused.

And another to reform the Government of Ireland. *Life of the Duke of Ormond. vol. II. p. 494, 495.*

And again, says Mr. Carte, "The Peace and Quiet in *Ireland*, was a great Disappointment to Lord *Shaftsbury* and his Party, whose Designs could not be advantaged by any thing so much as by an Insurrection there; of which the Experience of their Predecessors in 1643, whose Steps and Measures they copied, was an undoubted Evidence. This was imputed to the Moderation of the Lord Lieutenant and Council, and for the producing a different Face of things, a change of Counsellors was necessary. They wanted to have the Council of that Kingdom dissolved, and a new one form'd of Persons for their Purpose, as had been done lately in *(n) England*. This was the View in ordering the Lord Lieutenant to send over a List of the present Privy Council, and an Account of what Officers us'd or ought to be of it successively. He was told the Design was to reduce the Number, but was not requir'd to give any Character of the Persons. The Party resolv'd to leave none in the Council, but such as were thorough-pac'd for the Protestant Interest, which the Lieutenant, they said, could

A. D. 1679.

not well be, because of his Roman Catholic Relations, and the Chancellor and most of the other Counsellors were not at present. Lord *Howard* of *Esherich* they thought the fittest Man to be Chancellor; and the Lords *Orvery*, *Conway*, *Grenard*, *Maffarene*, *Jones* Bishop of *Meath*, and eight other Persons were design'd for Counsellors, as being most zealous for the Protestant Interest. These Regulations, it seems, were the Fruits of a Consult about *Irish* Affairs, held at Lord *Howard's*; of which the Earl of *Longford*, who found Means to get Intelligence of it, giving the King an Account, his Majesty answer'd, "That, by their good Leave, he would chuse his own Governor and Council for that Kingdom; that he would never be prevail'd with to alter the Government, and that he knew to part with the Duke of *Ormond* was to part with *Ireland*, and to give it up to the Parliament."

The King seeming fix'd in this Resolution, the Party was forc'd to take an indirect way of carrying their Point, by putting Difficulties upon the Government, and laying a Foundation for Disturbances in the Kingdom. Accordingly, it was propos'd now to introduce the Test-Act; and all the *English* penal Laws into *Ireland*; and Orders were given in Council, on November 28, for Mr. Secretary *Covertry* to draw up a Letter, "requiring the Lord Lieutenant and Council to prepare such Laws for excluding Papists from sitting in either House of Parliament, or bearing any Office in *Ireland*, and under the like Tests as had pass'd and were practis'd in *England*; and also such other necessary Bills for suppressing Popery, as might consist with that Government and the State of the Kingdom; and that a Proclamation should be forthwith issued for encouraging all Persons that could make any further Discovery of the horrid Popish Plot to come in and declare the same by a certain Day, to be prefix'd, otherwise not to expect his Majesty's Pardon."

It is observable, that, in this last Account, the Lord *Shaftsbury* is made principal in all the factious Designs; and that the Relative *rney*, in the former, as already explain'd, stands for all the new Counsellors in a Body. But we learn from Sir *William Temple*, that the new Counsellors fell into a Schism almost as soon as they were call'd to the Board: That Lord *Shaftsbury* and Lord *Essex* became declar'd Enemies: That Lord *Shaftsbury* had not above five of the new Lords under his Direction: That Lord *Essex*, from his own particular Views, as the sequel will make manifest, busied himself most in the *Irish* Affairs: And even the very *Gazette* bears witness, that Lord *Shaftsbury* was remov'd *October* the 15th, which was almost six Weeks before the Date of the Order of Council above quoted. Hence, in part, arises the Obscurity and Uncertainty before complain'd of: And hence it is, nevertheless, apparent,

Difficulty in asserting Assertions to their true Authors.



A. D. 1679.

parent, that his Majesty, however beset, had both an Understanding and a Will of his own.

One Point, it seems there was, and one only, in which Lord Shaftsbury and his Pupil (*Monmouth*) as well as the *Triumvirate*, and Sir *William Temple* agreed; and a brief Explanation of this will furnish us with an Idea of our foreign Affairs, at this Crisis, which have been so long overlook'd.

Foreign Affairs.

At the same time that Sir *William Temple* undertook to render his Majesty happy at home, he undertook likewise to render him significant abroad; and both these great Effects were to flow from one and the same Cause, viz. his new Constitution. And to show that he reason'd upon right Principles, he tells us, not only that both Town and Country receiv'd the News of its Establishment with Applause, but that the *States* appointed Mr. *Van Leven* to come over Minister into England upon the Occasion. Whence we are to understand, that both the Prince of Orange and their High Mightinesses concluded, that our Court was at last to be depos'd upon, and that Sir *William* and the new Councillors would be Security for his Majesty's good Behaviour. It is to be lamented that Sir *William* did not think proper to enlarge upon this Affair; and, perhaps, it is not fair to suppose, that there was any Concert between his Highness and him during the Month that this great Expedient was in Agitation, since he himself has not made any such Acknowledgment. This, however, is apparent, that the Acquisitions made by France in the last War, and her Encroachments since the Peace, together with the manifest Superiority she had acquir'd by both, made it more than ever the Interest of the Princes on the Continent to look round on all Sides, for an Arm strong enough to save and deliver them. The Prince of Orange's Eyes were ever fix'd in England; Sir *William Temple* had ever a strong Inclination to adopt almost every thing his Highness propos'd, as being firmly of Opinion, that he was one of the honestest and wisest of Men; and while he was perpetually inculcating the Expediency of the closest Union between England and Holland, Mr. *Van Brunningen* (*Van Leven's* Predecessor at *Whitehall*) took Advantage of the popular Fears of a French Invasion, to establish a Belief, that France had Thoughts of adding England to its other Conquests. Thus it is highly probable, that in Holland this new Constitution was look'd upon as extremely favourable to the Prince and his Schemes; and that the *States* were inclin'd to make their Dispositions accordingly: But tho' Mr. *Van Leven* was nominated Ambassador to England soon after this remarkable Change in the English Council took place, he did not arrive here till about the time of the Prorogation; when it was become notorious that it had fail'd in one of the great Ends propos'd by it; which was to restore a good Understanding between the King and his Parliament, and remove the Evil of Parties by an Equal Gratification of both: Nor when he did arrive, did there

Temp. Mem. P. III. p. 335.

appear to be any thing extraordinary in his Commission: He reliev'd Mr. *Van Brunningen*; He fell into the common Round of Business; He endeavour'd to kindle a Spirit against France, by talking in very tragical Terms of the Demands made by the French Court of the Contribution-Money due from the Country about *Breda*, accompany'd with Menaces to levy it by Force; and if he discour'd of a new Guarantee to be given upon the late general Peace, by his Majesty, particularly to Spain in the Business of *Flanders*, as it is intimated by Sir *William Temple*, he did no more: For nothing is more certain, than that the Proposal in Form was sent from us, by Mr. *Henry Sydney*, Brother to the Earl of *Leicester*, and Uncle to the Earl of *Sunderland*. This was his important Errand to the Hague towards the latter End of July; and it was in this Measure, which, we are further told by Sir *William*, seem'd necessary for the Satisfaction of the *States*, that the several Cabals of the *Triumvirate*, and Lord *Shaftsbury* agreed.

A. D. 1679.

Mr. Henry Sydney sent to Holland, with the Offer of a new Guarantee.

Mr. *Algernon Sydney* calls it one of Sir *W. Temple's* Projects; and that the great Drift of it was, under the Pretence of a Guaranty, to draw Holland and Spain into a League with England, that should help the Prince of Orange to an Occasion of breaking the Peace so lately made: That, to induce the Council to embrace it, Sir *William*, who was taken to be the Oracle of these Parts, assur'd them, there was no such thing as a Party in Holland, inclin'd to oppose the Prince of Orange: That all was submitted to his Authority, and united in desiring such an Alliance with us: That it would necessarily be accepted, as soon as offer'd: That the French, who had made the Peace for fear of us, would, by a Parity of Reason, more exactly keep it, when it appear'd, that we were of the Party against them: And that it would make the Government as popular at home, as formidable abroad.

P. 127, 128, 150, 151.

No Pains, it seems, were spar'd, to convince Lord *Sunderland*, that this was no better than a political Dream; but to no Purpose: The Pursuit was pleasing, and therefore it was follow'd: But neither he that gave the Advice, nor those that follow'd it, had any Reason to plume themselves on the Success: For no sooner had Mr. *Sydney* open'd his Commission, and the *States* had taken it into Consideration, than Mr. *d'Acoux*, the French Minister at the Hague, set all his Engines at work, to render the whole Proceeding abortive. The *States* were not only told, with much Freedom, in a Letter anonymous, that the ill Posture of their Affairs had lain them open to the Menaces of Spain, Denmark, and Brandenburg; and that the only Way to recover their former Significancy was, to return to their former Adherence to France, &c. but Mr. *d'Acoux* in Person deliver'd in a Memorial, demanding a Renewal of the Alliance of 1662; and containing a Representation of the Inconveniences that would, in all Probability, attend their Refusal.

The French make a Counter-Proposal.

Sydney's Letters, p. 14.

Temp. Mem. P. III. p. 335.

A. D. 1679.

These Counter-Projects reviv'd the War of Parties in *Holland*: The *Lowvolein* as greedily fasten'd on This of *France*, as the *Orange* did on That of *England*: Each, in turn, came necessarily before the *States*; and each, in turn, was so warmly oppos'd, that neither could be accepted. They were not, however, immediately rejected: Such a Proceeding would have equally offended both Crowns; and the sad Effects of having Both united against them, the *States* had but too lately felt, and still too sorely remember'd.

But *France* had now been so accusom'd to give the Law, that they would not suffer their *High and Mighty Lordships* even to demur, without giving time to know (by the *Dutch* Ambassador at *Paris*) how much the *Grand Monarque* was offended at it. The King was much surpriz'd, they were told, to find they plac'd so little Value on his Friendship, as to hesitate whether they should close with his Offers, or those of *England*: That he should take any further Delay for a Refusal: And that, tho' he would maintain the Peace with them, he should no longer look upon them as worthy of his Favour, as they would soon feel by the Effects his Displeasure would have on their Commerce.

\*Hist of Eng-land registr'd.

This touch'd the *States* in their most sensible Part; and the *Lowvolein* Faction made do dextrous a Use of their Apprehensions on that Head, that Mr. *Sydney's* Offers were first dismiss'd, tho' in the softest Manner imaginable, by their *High and Mighty Lordships*, way of Qualifier, directing Mr. *Van Leeuwen* to return his Majesty their most humble and hearty Thanks for having, by his Mediation, procur'd a general Peace: And to assure his Majesty, that they would have a perpetual Remembrance of his Kindness, and Good-will towards them: And that they would, on all Occasions, shew their Acknowledgment thereof.

Sir *William Temple*, with more Policy than Candour, has slid over this whole Negotiation: But Mr. *Alg. Sydney*, who had declar'd his Opinion to freely of it, while it was yet in Suspence, declares, upon the Issue, That our Disappointment was more for our Advantage than what we sought. His Words, which are remarkable enough to deserve both Notice and Remembrance, are as follow: "And, as it is said in Religion, that nothing is more terrible than the Return of ill-conceiv'd Prayers; nothing is more to be fear'd in Politics, than the Success of unreasonable and ill-grounded Councils: And tho' the Proposition that was made, being rejected, will certainly raise the Party in *Holland* that is least for the Prince of *Orange*, and cast it into a Dependence upon *France*; that is less mortal than a League, that certainly would have produc'd a Rupture of the Peace, renew'd the War all over *Europe*, expos'd *Flanders* to be lost the first Year, which this must have done: It being as certain, that the Assistances from

Mr. Algernon Sydney's Opinion of it. p. 150, 151.

hence would have fail'd, as that it hath not in itself that which is necessary for its Defence."

A. D. 1679.

It was about the latter End of *October*, that Mr. *Sydney* return'd with the Confirmation of his own ill Success, and found the Court in too great a Ferment to enter immediately on the proper Measures to repair it. The re-establishing the Interest of the Duke of *York*, and the humbling the *Exclusionists*, were now the great Objects of Attention and Deliberation; and, what with Endeavours on one hand, and Opposition on the other, the new Constitution was on the Point of falling to Pieces; or, at least, of undergoing almost as thorough a Reform, as that which first gave Life to it. Under the same Weight that crush'd the Duke of *Monmouth*, the Earl of *Shaftsbury* had just fallen, as before-specified; and, in his Place, succeeded the Lord *Roberts* (a Man equally eminent for his Humours and his Virtues, and lately made Earl of *Radnor*) who had serv'd as Lord Privy-Seal, under Lord *Clarendon's* Administration; and as Lord Lieutenant of *Ireland*, under Part of that of the *CAROL*; but being recalled from his Government, and depriv'd of the Privy-Seal, grew malcontent, and so continued, till he saw Reason to conclude, that there was more of Faction than Patriotism in the Proceedings of those who undertook the Reformation of the State; at which time he again went over to the Court; And, says Mr. *A. Sydney*, with more Bitterness than Candour, in appearing for the King, and Bishops, thought himself of Merit to succeed once more to the Government of *Ireland*, when it was presum'd that the Duke of *Ormond* was once more to be displaced. And this Alteration in the Council was soon after follow'd by another as remarkable, tho' of a different Kind: The Lords *Effex* and *Hollifax* were nam'd in *Dangerfield's* Lists, and yet, according to Sir *William Temple*, were left out in the (u) secret Examinations about it; which either offended them so thoroughly, or furnish'd them with such a Pre-  
Mem. Part III. p. 345.

tence to be offended, that the Duke was no sooner gone, than they openly declar'd themselves disgust'd with the Court, and declar'd a Resolution to retire from it. To their nearer Friends, indeed, they told another Tale: Namely, That they had no sound Part either in the King's Confidence or the Duke's: That they were but other Mens Dupes, and did other Mens Work; and that finding no Measures would be taken for satisfying and uniting the Kingdom, they would have no more Concern in public Affairs. Accordingly Lord *Hollifax* went to his Country-seat; and Lord *Effex* resign'd the Direction of the Treasury: And for fear it should be apprehended without-doors, that the latter of these Lords had taken this Step to reflect any Lustre on Lord *Shaftsbury's* Disgrace, Care was taken to signify in the *Gazette*, that his Lordship

Earl of Radnor made Lord President.

The Lords Effex and Hollifax discontent.

The first resigns the Treasury, and both withdraw from Business.

Numb. 1461.

(u) By Colonel *Mansel's* Narrative, and the Lord Keeper *North's* Memorial, it appears, that Lord *Effex* was at least present at some of the Examinations.

A. D. 1679. Lordship had the King's Leave to resign; and that his Majesty intended he should still continue of his Privy-Council.

Mr. Hyde and Mr. Godolphin made Privy Counsellors.

Life of Lord Keeper Guilford, p. 250.

Mr. Hyde succeeded him in the Treasury; and, of course, became of the Privy-Council; and was soon after follow'd to the left of those Boards by Mr. *Sebury Godolphin*, of which two Gentlemen, the Lord Keeper North has transmitted to Posterity the following Memorials: " *Lawrence Hyde*, one of the younger Sons of the Earl of Clarendon, was a Person adroit in all Matters of Wit and Business, being observ'd to be always early plodding at the Scrutiny of Accounts and Estimates before the other Lordscame. His Infirmities were Passion, in which he would swear like a Cutter, and the indulging himself in Wine. But his Party was that of the Church of England, of whom he had the Honour for many Years to be accounted the Head. For all Men that aim to become great, espouse a Party, and, if possible, get to be trusted as the Head of it; for then they have somewhat wherewith to terrify, and on the other Side, for their own Interest to sell or betray.

Mr. *Godolphin* was a Courtier at large, bred a Page of Honour: He had by his Study and Diligence master'd not only all the classical Learning, but all the Arts and Entertainments of the Court; and being naturally dark and reserved, he became an Adept in Court Politics. But his Talent of unravelling intricate Matters, and exposing them to an easy View, was incomparable. He was an expert Gambler, and capable of all Business in which Caution might be employ'd. All which join'd with a Felicity of Wit, and the communicative Part of Business, made him be always accounted, as he really was, a rising Man at Court".

The Model of the Council being thus altered, it was thought advisable in the next Place, to humble the Malcontents yet more effectually, by making it known by Proclamation, That the King, for many weighty Reasons, had thought fit and resolv'd to prorogue the Parliament (it) again, from the 26th of January, to the 11th of November next ensuing. On the said 26th of January, however, as many Members of each House attending as were required by their respective Rules, his Majesty gave them a Meeting, and from the Throne signify'd, " That when he declar'd in Council his In-

tention of putting off the Parliament to a time so remote, it was not without mature Consideration: That he could not be persuaded from any thing that had happen'd since, in Reference to Affairs within the Kingdom, to alter or repent of that Resolution: That, notwithstanding, considering the present Danger, which threatened some of our Neighbours and Allies (the Dutch) he thought fit to appoint a Day for their Meeting again in April: That the Distractions and Jealousies at home, were of such a nature, and so heightened and improv'd by the Malice and Industry of ill Men, that he was unalterably of Opinion, That a longer Interval of Parliament would be absolutely necessary for the composing and quieting Mens Minds, and that, therefore, at the said Meeting in April, there should be a further Prorogation unless the Condition of our Allies abroad did then require our immediate Assistance."

Two Days after this, his Majesty was farther pleas'd to declare in Council, " That he had sent for his Royal Highness, not having found such an Effect from his Absence, as should incline him to keep him longer from him. That some Questions had been started, of late, of such a nature, and of so great Concern to the Duke, as made it reasonable to have him present at the next Session of Parliament; and that tho' his Majesty would take care to procure his Right, yet it might be for his Satisfaction to be here himself; and that his Majesty was so well assured of the Duke's Compliance, that he could answer his Return should have no Influence upon the Public."

It is observable, that in all these several Acts of State, the King is left by his two Councils to act as if he had none at all. The Malcontents could not be expected to lend their Countenance to Measures they did not approve: And it seems the others stood in too much Awe of the Parliament to abide by their own Advice: And thus, as the King could do no Wrong, all that was done was right.

About this time, the Lords *Ruffell* and *Carwenshif*, Sir *Henry Capel*, and Mr. *Pease* (Sir *William Temple* expressly says, *disgusted at the late Prorogation, as well as at the manner of it, and pretending to despair of being able to serve the King any longer, in a Conduct of Affairs so* *disagreeable*

The King sends for his Royal Highness.

The Lords *Ruffell* and *Carwenshif*, Sir *Henry Capel*, and Mr. *Pease*, after the King's Leave is sent the Council. Mem. P. ii. p. 347.

A Prorogation for almost a Year.

1679-80.

(c) *Ferguson* takes occasion to state the following strange Coincidences to this Partion of our History.

" The Conspirators, say he, being thus strangely frustrated, all of a sudden (by the blowing up of the *Med-Tob Pipe*) found immediately for *Ireland*, both to silence of that Mischievous, and to advise with the Duke upon new Measures; who resolv'd, not to give off the Game so, but to get the Parliament again prorog'd for a longer time; which they effected: But the Duke was now forced to part with a small Sum of Money, to get the thing done: And a greater Sum was prest'd from France; which to enrich some of the Conspirators made three Journeys to Paris; where the French Ministers understood, if the Parliament were to be put off, their Master would lend 200,000 l. Which being sent in England, notwithstanding the Conspirators acted privately, the Duke of *Bucks* plants himself in Paris, PRIVATELY; and, like an heroic *Engishman*, resolv'd to defeat the Conspirators of that Sum of Money: For he will know, if that Avenue were stopp'd, a Parliament would be

permitted to sit, even for the Hopes of Money, which they wanted exceedingly: For tho' the Duke of York had a Treaty, which he travelled with; yet he was unwilling to part with it, as not knowing what Occasions he might have for it, in case the Confinement took no effect: The Duke of *Bucks* lying privately for some time, work'd himself so far into the Secret of the French King, and some of his Ministers, that, with his restoring the Cause, and laying open our Policy; and that the Money given to us would certainly be a Loss to the French King; and making appear to him the Weakness of the Conspirators Party, that he wholly turn'd the Scale, and the Money sum'd as to be paid to us from France came to nothing; which most desirably engag'd our Courtiers, and the Conspirators, &c." *Genral of Piety*, Part II. p. 166.

I shall make but one Remark on this confid' Passage; which is this, That, privately as the Duke of *Bucks* lay at Paris, we had publick Mention made of it in the *Lady Gazette*, N° 1457.

A. D. 1679. *So disagreeable to the general Humour of the People*) went to the King together, and desired his Majesty to excuse their Attendance any more upon him at Council; which the King very easily consented to. Sir William also mentions Lord Salisbury as having taken the same Resolution, tho' not in the same Form: And this it must be understood, was the Catastrophe of that Gentleman's new Constitution.

Sir W. Jones, the Attorney-General, resigns.

This Event was preceded by another, on many accounts too remarkable to be pass'd over in Silence. Sir William Jones, the Attorney-General, who had always inclin'd to the discontented Party (out of Picque, according to Mr. North, because Sir Francis, his Brother, was prefer'd to the Chief Justiceship of the Common Pleas, according to his Rank, before him) and whose great Skill in the Practice of the Law, had been as serviceable to the Credit of the Plot, as fatal to the Prisoners, desir'd Leave of his Majesty to resign; which was granted with an Assurance, says the Gazette, of his being very well satisfy'd with his good and faithful Services. And to account for this Transaction, Mr. North insinuates, That he had laid his political Principles, which were not of the Court Complexion, too open to the King, and by so doing, had lost his Majesty's Favour: That finding his Error by the Alteration of the King's Behaviour, and that the Door of Preferment was shut against him on that Side, he sought to repair his Loss by going over avowedly to the Exclusionists: And that the Earl of Essex, it was verily believ'd, had persuaded him to this Course on this very Principle; as also to countenance his own Retreat, and for the Service of the Party, who could not fail to derive a great Degree of Credit from the Access of so great a Man.

We are now to return to the Ferments of the People, and the Practices of their Leaders; than which nothing better deserves our Notice, not only by way of Instruction, but Warning to Posterity.

The Duke of Monmouth returns without Leave.

The Duke of Monmouth, growing impatient of his Exile, having been also inform'd that the King had put his Prerogative to the stretch in banishing a Man without the Concurrence of the Laws, and preferring his Interest in the People to his Duty to his Majesty, return'd without Licence, towards the latter End of November; and tho' he did not make his Entrance into London till late at Night, the Signal was soon given from one End of the City to the other: The Bells rung, the Streets blaz'd with Bonfires, and the whole Pöple of Malcontents receiv'd him with such Acclamations, as more than made him amend for the Obscurity of his Departure.

The Party being thus once more in Possession of their Leader, and growing fearful that as long as his Royal Highness continued Lord of the Ascendant at Court, the Parliament would not be permitted to sit, had Recourse to a new Device to carry their Point; which was to put up Petitions from every Corner of the Kingdom for a Session, that by the Dirt of Importunity, Noise and Terror, his Majesty might be compell'd to give

way, or come to a sort of Rupture with his whole People.

To clear the way, and throw a sort of Lustre on their Proceedings, the Earls of Kent, Huntington, Bedford, Clare, Stamford, and Shaftesbury, and the Lords Say and Seal, Eure, North and Grey, Chandos, Grey, Howard, Herbert, Rockingham, Townshend, Holles and Delamer, join'd in a Petition to his Majesty, humbly requesting that he would consider the great Danger his Royal Person was in, as also the Protestant Religion, and the Government of these Nations; and that at a time when all these were so highly concern'd, his Majesty would effectually use his great Council the Parliament: And offering it as their humble Advice as well as earnest Prayer, that there might be a Session at the time appointed, and that his Majesty would be graciously pleas'd to give public Notice and Assurance thereof, that the Minds of his Subjects might be settled and their Fears remov'd.

This Petition was usher'd to Court, December the 9th, by four of the Earls, and five of the Lords (the Act of Parliament for the regulating of Petitions, allowing no more than ten Persons to attend the Delivery.) Prince Rupert introduc'd them; the Earl of Huntington presented it in the Name of the rest: And his Majesty was pleas'd to answer, "That he would consider of what they had offer'd; and could heartily wish, that all other People were as solicitous for the Good and Peace of the Nation, as he would ever be."

It appears the Court was thoroughly alarm'd at this Proceeding, and thought it of the utmost Importance to interrupt the Progress, as well as defeat the Intentions of it: And to carry both these Points, was indeed a Matter of much Difficulty. Mr. North assures us, with rather more Zeal than Justice, That it was a firm Maxim at that time to do nothing violent or contrivable against Law: That the People had a Right to petition, he adds also, was the Cry of one Party, and was not deny'd by the other; And that even the Resentment of the Parliament itself, when it should be allow'd to sit, was apprehended, in Case of any over-Rigour against those, who, at their own Peril, appear'd in their Cause. And the Sense of this Difficulty, was at first so exquisite, continues he, that the King's best Friends durst not meddle; although the very Neutrality was term'd, the being against petitioning.

At length a Resolution was taken to send for the Lord Mayor and Court of Aldermen, and by intimidating them from countenance of the Practice by their Example, to strike the like Awe through all the Corporations of England. Accordingly, his Lordship (Sir Robert Clayton) with his Brethren, and the Recorder Sir George Jeffries, making their Appearance before the Privy Council, the Lord Chancellor, by his Majesty's Command, acquainted them, "That his Majesty was more than ordinarily concern'd, at present, for the Peace of the Kingdom, which there were Endeavours using to disturb, by procuring Hands to tumultuous Petitions tending

A. D. 1679. *So Several Petitions for the Sitting of the Parliament.*

The Court alarm'd.

Examen, 544.

The Lord Mayor directed to discountenance and punish those who presented the like Petitions.

A.D. 1679-80 to Sedition and Rebellion, which were fram'd, and sent for that Purpose, likewise, into the Country; and that Letters had been intercepted, wherein the Persons to whom they were address'd, were bid to get as (*p*) many Hands as they could to the said Petitions, saying, That it matter'd not, though they were neither Gentlemen nor Freeholders. Which illegal and seditious Practices, his Majesty was resolv'd by no Means to suffer; and that, therefore, his Majesty expected, that they, the Lord Mayor and Aldermen, would in their several Stations, take care of his Majesty's Honour, and of the Peace and Safety of the City; and not suffer such Persons as should strow such Petitions, or go about to procure Hands to them to go unpunish'd; but that they should proceed against them, or cause them to be brought before the *Council-Board*, to be punish'd as they deserv'd, according to a Judgment of all the Judges of England, *24<sup>th</sup> Jacob.*

Examens,  
P. 545, 546.

But to this the Lord Mayor reply'd, That they knew of no Course they might by Law take to suppress this Inconvenience; for the People took it for a Right in them to petition his Majesty upon Grievances they were sensible of; and they acted upon that Principle only, and were very earnest in their Adherence to it: Therefore he humbly desired that his Majesty would be pleas'd to direct what they were to do. The Recorder, *Jessies*, then mov'd, That his Majesty would by Proclamation prohibit the framing and presenting any such Petitions, and command all the Peace Officers to punish every Person acting to the contrary. This, said he, would oblige all Mayors and Justices to be diligent and active in their Stations to punish; and Men being fearful of Punishment, would fear to offend. Upon this Hint of the Recorder's, the Lord C. Justice *North* resolv'd, by saying, That the Proclamation ought, by no means, to prohibit the petitioning his Majesty in any Case; much less in the Case of the Parliament: But it might take notice of certain ill People, who, upon the specious Pretence of petitioning, went about in a seditious and tumultuous manner, gathering Hands to certain Papers, &c. And then forbid all such tumultuous and seditious Proceedings, and enjoin all Magistrates to punish all Offenders. This Scheme was adopted; and the new Attorney General, *Sir Creswell Lewins*, receiv'd Orders to draw up such a Proclamation: But he declin'd it, objecting, That he did not well understand what the Lord Chief Justice meant; and desiring of his Majesty, that his Lordship might draw up his Proclamation himself. But this was against Form, so the Burden rested upon the Attorney, or rather it seem'd to do so, for the Chief lent his Shoulder in private, tho' he excus'd himself in public: And the Result of their joint Labours was as follows:

“CHARLES R.

Whereas his Majesty hath been informed, That divers evil-dispos'd Persons at this time

*endeavour*, in several Parts of this Kingdom, to frame Petitions to his Majesty, for specious Ends and Purposes relating to the *Public*; and thereupon to collect and procure to the same the Hands or Subscriptions of Multitudes of his Majesty's Subjects: Which Proceedings are contrary to the common and known Laws of this Land; for that it tends to promote Discontents among the People, and to raise Sedition and Rebellion. His Majesty, considering the evil Consequences that may happen, if such Offences should go unpunish'd; and lest that any of his good Subjects should be inveigled, by plausible Pretences, or should, through Inadvertency or Ignorance, be engaged to a Breach of the Laws, in any of the Particulars aforesaid; his Majesty hath therefore thought fit (by the Advice of his Privy-Council) to declare and make the same known, by this his Royal Proclamation, and doth hereby strictly charge and command all and every his loving Subjects, of what Rank or Degree soever, that they presume not to *agitate* or *promote* any such Subscriptions, nor in anywise *join* in any Petition of that *Manner* to be presented to his Majesty, upon peril of the *utmost Rigour* of the Law, that may be inflicted for the same. And his Majesty doth further command all Magistrates, and other Officers to whom it shall appertain, to take effectual Care, that all such Offenders against the Laws be prosecuted, and punished according to their Demerits.

This, which was published on the very Day that the long Prorogation was also publish'd, is call'd by Mr. *North*, a *Master Stroke*, for the *Art* and *Caution* of the Draught; and that because the Word *Public* is substituted instead of *Parliament*; *Subscriptions*, for *Petition*; and that the whole is declaratory not against *petitioning*, but the *Manner of petitioning*: And a *Master-stroke* in Law, it must be acknowledg'd. But if more Regard had been shewn to *Common Sense*, the Court might possibly have been induc'd to allow half'd the Right of petitioning in the utmost Latitude, and to have condemn'd the Abuse of it with the utmost Freedom: To have prov'd, that these Petitions had no Tendency to redress the Grievances of the People, but were apparently calculated to distress the Court: That Government was here on the Defensive only, against the Insults as well as Clamours of a Faction: And that to submit to their Demands, was, in truth, to resign the Scepter into their Hands; or, at least, to hold it only at their Courtesy.—Possibly this would have been the Dictate of *Common Sense*: For to admit that Men have a Right to petition, but not to subscribe their Petitions; to express their Grievs, and not to procure them all the Sanctions that can be deriv'd from Number as well as Matter; or to suppose, that what was legal in its own Nature, could be render'd *punishable* by the MANNER, at the Pleasure of the Privy Council, is no better than setting Truth and Falacy together by the Ears,

Proclamation  
against Petitioning.

(*p*) I have somewhere read, that the *Agitators* were allow'd five Shillings for every hundred Names.

A. D. 1679. 50  
 Ears, with a Pre-determination to declare the latter, at all Hazards, victorious.

In Eign.

We come now to the Event; which, says Mr. North, in the main, shew'd, that the Proclamation was not less wisely advis'd, than carefully prepar'd; "For, as soon as it came down (these are his Words) into the Counties and Places where the Agitators were at Work, the loyal Party took a new Life from it, and strongly exerted themselves in opposition to the whole Design; and, without puzzling upon nice Distinctions, they laid on with the King's Pleasure, signify'd by his Proclamation, That he would have no such Petitions come to him; and so, without farther Distinction or Ceremony, without the Agents, in the Face of the People; and, in most Places, drove them and their Ware quite away: And, out of the Lines of a factious Guard, they scarce durst shew their Heads: And the Practices of Forty-one, with many Epithets relating to them, were liberally bestow'd."

Right of the Subject is protected asserted.

It was to order'd, that not only the Proclamation, but the Lord Chancellor's Speech to the Lord Mayor, above-recited, was inserted in the Gazette; upon which the Exclusionists ever vigilant, and ever ready with Expedients, either to surmount Difficulties, or make the most of every Advantage, immediately put forth a Comment on the Speech; tho' they had the Modesty or Discretion to spare the Proclamation. They began with explaining the Judgment of the Judges *2do Jacobi*, therein refer'd to: They shew'd, it was a *Star-Chamber-Decision*: That the King had propounded Three Questions to the Judges; the last of which was as follows: "Whether it was an Offence punishable; or what Punishment they deserv'd, who fram'd Petitions, and collected a Multitude of Hands thereto, to prefer to the King, in a public Cause, as the *Paritani* had done, with an Intimation to the King, that if he deny'd their Suit, many Thousands of his Subjects would be discontented?" To which all the Judges reply'd, "That it was an Offence punishable at Discretion, and very near to Treason and Felony in the Punishment: For they tended to the raising Sedition, Rebellion, and Discontent, among the People." Concerning this Decision, they affirm'd, that not one Lawyer then living in England would be the wiser for it: That it would rather confound them, as not knowing whether it was Misprision of Treason, which seem'd the Offence nearest to Treason

son or petty Larceny, which seem'd nearest to Felony. They, however, allow'd, that the Point on which this Question turn'd was utterly indefensible; for that when Men arriv'd at such Insolence; as to threaten their Prince, it would prove but a very slender Excuse to call their Menaces by the soft and gentle Name of Petitions. In the next place, they laid down the Statute 13 Car. II. c. 5. as the Basis of the present Petitioning; which was expressly calculated to obviate all the Inconveniences of tumultuous Petitioning, and enact, That not above Twenty Persons shall join in any Petition, Complaint, &c. for Alteration of Matters Establish'd by Law in Church or State, unless first consented to by Three or more Justices of the Peace, or the major Part of the Grand Jury, where the Matter shall arise; and that not above Ten shall attend the Delivery of such Petition, on the Pain of incurring a Penalty not exceeding 100 l. and Three Months Imprisonment: And hence they argued, that, provided the Subject comply'd with the Limitations here prescrib'd, he had the Law on his Side, and might petition without Fear or Danger. The next Topic was, the Reasonableness of this Method of Appeal to the King by Petition: Under which they observe, That it was the Doctrine of our Church, that the only Arms of Subjects were Prayers, Petitions, Supplications, and Tears; and that those were no Friends, either to the King or Church, who would disarm them of these. A Variety of Precedents were then quoted, to shew, that this Claim of Petitioning was warrant'd by Custom, as well as Reason; and that it was an Indulgence, which had been extended even to *Ireland*, tho' a conquer'd Nation: Upon the whole (9) they concluded, from the Opinions of Lawyers, the Doctrine of the Church, and the Declarations of Kings, as well as Custom and Reason, that it was the Subject's undoubted Right to petition; and that as to the Manner, nothing could be more absurd than to say, that the Number of the Supplicants made an innocent Petition an Offence: But that, on the contrary, if, in a thing of public Concernment, a few only should address themselves to the King, it would be a thing in itself ridiculous; the great End of such Addresses being to acquaint him with the general Desires of his People; which could never be done, unless Multitudes join'd.

These Reasonings, it seems, had all their Effect, as well as the Proclamation: For, in

A. D. 1679. 50

Petition in the Name of several thousand

(9) These Particulars are taken from a Folio Sheet, call'd, *An Answer to a Letter written by a Member, upon the Division of his reading the Gazette of December 11, 1679*, which has for its last Paragraph the following Case; which illustrates the whole Argument.

"Give me leave, since the Gazette runs so much in your Mind, to tell you (as I may modestly enough do, since the Statute directs me) what Answer the Judges would now give, if such another Case were put to them, as was put to the Judges *2 Jacobi*."

"Suppose the *Non-compliants* at this Day (as the *Paritani* then did) should solicit the getting of the Hands of Multitudes to a Petition to the King, for suspending the Execution of the penal Laws against themselves; the present Judges would not tell you, that this was an Offence next to Treason or Felony; nor that the Offenders were to be brought to the

Commons, to be punished: But they would tell you plainly and distinctly, That if the Hands of more Persons than Twenty were solicited or procur'd to such a Petition, and the Offenders were convicted, upon the Evidence of two or more credible Witnesses, upon a Proclamation in the King's Bench, or at the Assizes, or Quarter-Sessions, within six Months, they would incur a Penalty not exceeding a hundred Pounds, and three Months Imprisonment, because their Petition was to charge a Manner Establish'd by Law. But if an issue you are a better Logician, than not to see the Difference which the Statute makes between such a Petition, which is to alter a thing establish'd by Law, and an innocent and humble Petition, that a *Parliament* may not according to Law, in a Time when the greatest Dangers hang over the King, the Church, and the State.

A.D. 1679-80  
Inhabitants of  
London,  
Westminster,  
&c.

the Beginning of *January*. Sir Gilbert Gerrard, and one Mr. Smith, a Benchor of the *Middle Temple*, accompany'd by eight other Gentlemen, presented a Petition to his Majesty, for the sitting of the Parliament, in the Name of some Thousands of his Subjects, Inhabitants of *London, Westminster*, and the Places adjacent; but met with a very ungracious Reception; his Majesty declaring, "That he look'd upon himself to be the Head of the Government, and the only Judge of what was fit to be done in such Cases; and that he would do what he thought most for the Good of himself and his People." His Majesty likewise express'd his Concern to find one of Sir Gilbert Gerrard's Name, and particularly Sir Gilbert himself, in such a thing; and when Sir Gilbert would have reply'd, turn'd away in Displeasure. But this mortifying Reception did not deter others from treading the same Path. They were now sensible, that the Laws had no Hold of them; and Frowns they did not fear. *Thomas Towne*, Esq. accompany'd by Sir *Walter St. John*, and Sir *Edward Hungerford*, presented a Petition in the Name of the County of *Wiltz*: Sir *Robert Barrington*, Colonel *Mildmay*, Mr. *Honeywood*, &c. another for *Essex*: And certain other Gentlemen a third, for *Berkshire*. All were alike discourteas'd: Except that the King made a Jest of the *Berkshire* Application: Whereas he treated that of *Wiltz* as coming from a Company of *loose, disaffected People*, because it had not the Sanction of the *Grand Jury*: And as to that of *Essex*, he took occasion to reproach Colonel *Mildmay*, tho' indirectly, with the Mercy he had receiv'd by the *Act of Oblivion*; to which he added a Caution, *That such as had fled in need of that Act would do well, not to take such Courts as might need another*. But, notwithstanding all this Severity, still several other (*r*) Petitions were presented, tho' from Persons of less Eminence; and, in particular, one from *Taunton*, as the King was coming out of the House of Lords, the Day he had in Person declar'd to both Houses his Resolution to postpone the session; and his Majesty asking the Presenter, *How he dar'd do that?* Sir, said he, *my Name is* (s) *DARE*.

and of *Wiltz*,  
*Essex*, and  
*Berkz*

all amongst  
w<sup>ch</sup> receiv'd

A.D. 1679-80  
County of  
Essex, &c.

The City of  
London do  
store up  
Petitions.

[No. 4479]

At this *Bridg-*  
*waters*, *Wiltz*,  
*Oxford*, and  
*Canterbury*.

And now the *Courtyers* finding, that neither the Terrors of the Proclamation, nor the Discouragements heap'd on the Petitioners, by the King himself, was sufficient to put a stop to this troublesome Practice, had recourse to a Counter-Stratagem, that not only answer'd the immediate End propos'd by it, but gave a very sensible and reasonable List to their Cause: The first Experiment of which was made on the City of *London*; where the Spirit of Faction was most predominant, and from whence the worst Effects were apprehended.

The Lord Mayor, Aldermen, and Common-Council, being assembled, *January 21*; Notice was taken of the ill Practices of many disaffected Persons, who endeavour'd to procure Hands to a Petition about the Sitting of Parliament; which gave rise to a long Debate; in the Conclusion of which it was declar'd to be the Sense of that Court, That it was a thing not proper for them to meddle with; and that, in case any such Application should be made, it might prove dangerous to the Government: Upon which Grounds they came to a Vote, that they would not suffer any such Petition to be presented, in the Name of their Court.

To follow this Blow, the King command'd the Lord Mayor and Aldermen to attend him at *Whitehall*; and they attending accordingly, his Majesty was pleas'd to declare to them, his Dislike of any such Debates, on any such Subject, which was not proper for them to meddle with: But added, by way of Softener, that he believ'd it was occasion'd by some ill-affected Persons from without, who misinform'd those who might otherwise mean well: He then gave his particular Thanks to all those who had endeavour'd to prevent the Attendance: And, for a Cloze, assur'd them, he would always be ready to give his loyal City of *London* Proofs of his Affection and Kindness.

Those who resist the Storm melt in the Sunshine: All this Grace and Goodness was set forth properly in the next *Gazette*, and had a wonderful Effect all over the Kingdom: The Mayor and Aldermen of *Bridgewater*, and the Justices at the several Quarter-Sessions of *Wiltz*, *Oxford*, *Salisbury*, and *Canterbury*, rejected

(s) A most humorous Description of which is thus given by Mr. North, in his *Examen*, p. 344:

"But, for the effecting to great a Work as this, it was necessary to invent a Method of Proceeding, and to retrench the laborious Part as much as they could. And thus it was done. Petitions in Form, as had been authentically prepared for the sake of the Unlearned, were written, or, as I take it, printed upon Parchments of a prescribed Width, with large Margins underneath; and shewd more pos. into the Hand, of Agitators and Sub-agitators in the Country about, branching thro' it into hundreds, Towns, and Villages, if any thing populous, or affording consulting Persons to negotiate. And these Agitators, being chosen Party-Men, and well instructed, went to every free Voter, and indeed every one, as they came in their Way, demanding their Hands to the Petition; and did it in such a Manner, as a plain Man knows not well whether it was lawful for him to refuse or no. And when the Hand-tax was gather'd, the Parliament petition was sent up to a select Assembly or Club, who had this Administration in charge. And there the Roll of Hands the Margis was cut off the several Petitions out of one County, except one; and to that all the rest were plac'd. So there appeared a fine Petition, intailed, from all the Freeholders,

&c. And, the Roll being open'd and extended, there appeared more shapen than ever Dreams presented, looking as if they were alive, and, like Infants, crawling about, or as the half-form'd equivocal Vermin in the Mould of *Milz*; but looking clear, they all shew'd themselves no other than Hieroglyphics of Cloasms. And, rather than want a due Number of these Monsters, it was common for the Agitator, or their Masters, on large Markets and Nomes, as they would have, and to buy a good deal of rotten stony, without so much as seeing the Parties, or caring whether they approved it or no. But, for certain, the Work was carried on with such pragmatical Impertinence and Impetuosity, as well as Insolence and Scandal to the Government, that Words can scarce represent the true Genius of the Proceeding."

(r) This Person was a Goldsmith of that Town, and was oblig'd to be made an Example of: Not for petitioning, tho' in spite of the Proclamation; that could not be done: But for speaking *saturnally* of it: For which he was first sent for up to *Conscil*, in Custody; and afterwards prosecuted, and kill'd good. And the Town of *Taunton*, protesting by his Example, took occasion soon after, to shew his Petition publicly in the *Gazette*, No. 3574.

A.D. 1679-80

jected the *Petitions*, and those of *Wells* carry'd their Zeal so far, as to issue several Warrants against the Promoters of it.

But, it seems, the mere rejecting these obnoxious *Petitions* did not sufficiently fluster the Resentments of the Court: The popular Current was at a stand, or rather seem'd to be on the turn; and it was thought right to use all Endeavours to force it as violently the other Way.

The Scotch Privy-Council declare their Abhorrence of tumultuous Petitions.

When the Duke had receiv'd his Majesty's gracious Letter of Revocation from *Scotland*, and communicated it to the Privy-Council of that Kingdom, he took the Opportunity to declare, "That he would acquaint his Majesty, at his Return, that he had in *Scotland* a brave and loyal Nobility and Gentry, a regular Privy-Council, and Judicatories filled with able Persons, well-affected to his Majesty's Service and Interest. He also desir'd them, against their next Meeting, to prepare any thing they desir'd he might represent to his Majesty, that might conduce to the Good of the Kingdom in general, or that might promote any of its true Interests; with which, he said, he would charge himself very cheerfully, and would not fail to give them a satisfactory Account." And, in return for all these obliging Expressions, they not only furnish'd his Royal Highness with the amplest Testimonials of his good Behaviour while amongst them, but, by way of Preamble, signify'd "a just ANNOYANCE of those seditious Persons, and pernicious Principles, which would lead us back, said they, to those dreadful Confusions, which grew up by degrees from *tumultuary Petition* for Reformation and Parliament to a Rebellion that in the last Age destroy'd Both; and which must do so still; since all, who thought that Subjects should direct their King, design'd nothing in effect but to be Kings themselves." And afterwards declar'd, "That with their Hearts, their Lives, and Fortunes, they would maintain his Sacred Majesty, and his Royal Succession, in the ordinary Degrees of Succession, according to their unalterable Right of Blood, which He and They derived only from God-Almighty, whom he represented," &c.

The *London-Gazette* was immediately made the Echo to this Strain of Court-melody; in the Presumption, that, as the Minds of the People were now tun'd, it would have serj'd as a Pitch-pipe to the Voice of the Kingdom: But tho' it was made public *February* 26, and the Lord Mayor and Aldermen that very Day waited first on his Majesty with their Thanks, for having releas'd a Judgment obtain'd upon a *Warranto* against the City, concerning the Duty of *Water-Banage*, and afterwards on their Royal Highnesses, with Assurances of the Affection of their Court,

and the Loyalty of the City of *London* towards him, not a Word escap'd, as we find, of (1) *Abhorrence*: On the contrary, thro' every Article of that Kind was most officiously glean'd up, and gazetted, all in Silence till *April* the 18, and then the Grand Jury of *Essex*, as also the Justices for the said County, take occasion to disclaim and renounce, as also to express their Detestation of, the *Petition* deliver'd in the Name of the County, as before-mention'd: And, on the 17th following, the Grand Jury and Justices of *Westminster* did the (u) same, and more; for, to the Word *Detestation*, they added *Dislike* and *Abhorrence*; and, yet farther, undertook to defend his Majesty's most Sacred Person, his Heirs, and lawful Successors, and the true Protestant Religion, as now establish'd by Law, against all Opposers.

A.D. 1679-80

The President followed by the Grand Jurors of Essex, Westminster, &c.

And now the several Benches of Justice and Juries, at the several Quarter-Sessions, made haste to overtake the Zeal of those of *Westminster* and *Essex*. Those of *Middlesex* unanimously declared, they would lay their Lives and Fortunes at his Majesty's Feet, in defence of his Majesty's most Sacred Person and Royal Authority, his Heirs, and lawful Successors, &c. Those of *Berks*, who in the preceding Quarter-Sessions had petition'd, now eat their Words, call'd it a Sin against the *Prerogative*, ordered it to be expung'd out of their Records, and declar'd their abhorrent *Dislike* and *Abhorrence*. Those of *Norfolk*, in Duty to God as well as the King, declar'd their utter Detestation and Dislike of all tumultuous *Petitions*, acknowledg'd his Majesty had done mighty Things for the Kingdom, and had been ever careful of its Rights and Liberties; thank'd his Majesty, in the deepest Resentment of their Souls, for his steady and resolute Support of the Protestant Religion; and most heartily and highly congratulated his Majesty on the Return of his Royal Brother. The Borough of *King's-Lynn* gave his Majesty an Oblation of their Duty and Thankfulness, in his person and resolute Support of the Church, in his Courageousness, conferring the Regalities of his Crown against insolent *Petitions*, &c. The City of *Norwich* not only utterly disown'd, and declar'd their Dislike against all tumultuous *Petitions*, imposing on his Majesty, against his Royal Prerogative, and congratulated the Return of his Royal Brother, but dismiss'd their Recorder for opposing this Address, and hindering his Majesty's Service. Even the poor Lord *Chandos*, who was one of the seventeen petitioning Lords, had his Eyes open'd, acknowledg'd his Mistake, and declar'd his *Abhorrence* of it, as a Peace-Offering for his Majesty's Leave to go Ambassador to *Turky*. In short, the whole Nation was divided into *Petitioner* and *Abhorrer*, and almost every Day produc'd some mortifying Instance,

(1) Mr. North, however, makes mention of an Address of *Abhorrence*, presented to the King by Sir *George Jeffries* from the loyal Citizens of *London*; wherein they declar'd this Way of petitioning to be the Method of *Forty-two*, and intended to bring his Majesty to the Block, as his Father was. It is certain there now grew up, of a sudden, a close Correspondence between the Magistracy of *London* and the

Court; his Majesty and the Duke confederating to dine with the Lord Mayor at his House, and afterwards with Sir *Jonathan Raymond*, one of the Sheriffs.

(u) This *Westminster* Address was presented by *Francis Withers*, Esq. Deputy-Sheriff, who was knighted by his Majesty for this acceptable Service.



A.D. 1679-80

Instance, that the Grofs of the People had no Sentiment of their own, but only play'd over the Tricks they had been taught by their Leaders.

The Court of  
Appeals in  
Spirit of Zeal  
against Popery.

During this whole Interval, a very uncommon Zeal appear'd at Court against Popery: Proclamation upon Proclamation was issued against Papists: The Lists which had been return'd into the House of Commons, of Recusants, were given to the Judges, when preparing to go the (v) Circuits, with Instructions to make Presentments of all the Persons therein contain'd: A formal Account of their Proceedings thereon was requir'd of them at their Return: And They signifying, that the Laws were every where put in force, his Majesty in Council express'd his thorough Approbation; as also declar'd, that they should be supply'd with all such Orders and Directions as should be farther necessary; that especial Care should be taken for the Prosecution of those who had evaded the Laws, by shifting the Places of their Abode; that proper Agents and Solicitors should be appointed for that Service; and that it was his Majesty's Intention to have the said Laws against Popish Recusants duly and effectually executed. All these meritorious Articles were from time to time published in the Gazette; and, no doubt, contributed not a little to revive the Flames of Loyalty, which the Dread of Popery had almost extinguish'd.

Order and Connection now call upon us to resume our Consideration of Foreign Affairs.

Foreign  
Affairs.

Whether *Ferguson* was in the Right in asserting, that *France* had first engag'd to assist the Court of England with 200,000 *l.* to enable it to wrestle with the Parliament, and afterwards declar'd off, at the Intigation of the Duke of *Buckingham*, or not; the Outside of Things furnishes abundant Reason to conclude, that a Misunderstanding of some kind or other had taken place, and now subsist'd, between the two Powers: For, about the Middle of *November*, Mr. *Henry Sydney* was, all of a sudden, remanded to his Post at the *Hague*, to watch the Motions of the Court of *Amoy*; and his very

Arrival at that Place, as we are told even in the Gazette, dispell'd all those false Reports, which had of late been so common there. 'Tis also notorious, that the said Mr. *d'Amoy* had no sooner renew'd his Negotiations with the States, to enter into a defensive Alliance with his most Christian Majesty, than Mr. *Sydney* appear'd, in the most open and avowed Manner, his Oppos't; Declaring, as the King himself had before done to the Dutch Minister at *Whitehall*, in plain Terms, That his Majesty would look on such a defensive Alliance as a League against him; and, in case it took effect, would be oblig'd to frame his Measures accordingly; and that, on the contrary, in case they rejected the Proposal, his Majesty would not only punctually comply with what was stipulated and agreed in the defensive Treaty of 1678, but also stand by them to the utmost, in case they were attack'd by *France*." And we find the States, at this time, thought themselves so well authoriz'd to depend on these Professions, that they rather seem'd to deliberate on the Offers of *France* for Form's sake, than with any Disposition to accept them; and, in the mean time, gradually prepar'd Mr. *d'Amoy* to expect the like Refusal that, at his Instance, they had before given to those of *England*.

Shock'd and enrag'd as the *French* Court certainly was upon this Occasion, they could not persuade themselves to give over their Pursuit; or to think that Menaces would not succeed, tho' Solicitations had fail'd; Repeated Orders were therefore sent to Mr. *d'Amoy*, to awake their old Terrors; which he fail'd not to obey, in a thundering Memorial to the States, setting forth, That the King his Master was extremely astonish'd at their Manner of proceeding in the Matter of the Alliance by him propos'd, and highly resent'd it: That he, *d'Amoy*, had his Majesty's Command to wait yet a few Days longer for their final Decision on that Affair; after which he should mention it no more, nor accept of any Act relating to it: That, in case they should omit this last Opportunity, they must expect his Majesty would alter his Conduct, so as should be most conducive

A.D. 1679-80  
N<sup>o</sup> 1465.

The Court of  
France renews  
their Negotiations at the  
Hague, for a  
defensive  
League; and  
are oppos'd by Mr.  
H. Sydney.

(v) Mr. *North* hath a Passage in his *Examiner*, p. 364, call'd in his Margin, *cautiously enough*, a *fallacious List* to entrap the Judges in the Western Circuit, which deserves a Place here.

At about the Time when the *Whigs* were threaten'd, which was the Summer before the Meeting of the *Westminster* Parliament 1682, which Parliament made such ado about that Matter, the Judges design'd for the Western Circuit, that is, the Lord Chief Justice *North* and Mr. Justice *Jones*, attended the Secretary of State, who was the Earl of *Sunderland*, to know if his Majesty had any Commands in particular for them, relating to the Circuit. His Lordship made a short Discourse to them, and, among other Matters (some of which I must needs in another Place) told them, that it was his Majesty's Pleasure they should declare to the Country, in their Charge, that his Majesty would have a Regard to tender Conscience; and that the penal Laws should not be executed upon *Protestant Dissenters*, but upon *Papists* only. The Judges went no Reply, but, with a civil Congee, turn'd their Backs, and went away. But, notwithstanding this Charge, their Lordships the Judges, in all the *Shires*, declar'd the Laws to the Country, as they were in Use, without any Distinction at all; for they did not think their Obedience depended on any such Circumstances.

Our Author adds, That one of the *Protestant Dissenters*,

as they were call'd, in his News from *Town*, call'd by him a *Metropolis of the Factions in the West*, said, notwithstanding, That the Lord Chief Justice *North*, in the Place of Mr. Justice *Jones*, had given the Charge, and declar'd the King's Pleasure, as to tender Conscience, as he is before; which had given some Satisfaction: And that his Lordship, in concert with Mr. Justice *Jones*, set forth a Counter-Declaration, in the Gazette of April 12, 1681, signifying, That the said Report was false and groundless. Upon which I shall only remark, That, however right Mr. *North* may be in his Facts, he is wrong in the Time: For the Judges had their Charge in *February* 1679-80. *Before*, before-mention'd, was in'd at *Town*, *March* 20, and the Counter-Declaration is to be found in the Gazette of April 12, 1681.

The other Matter, which Mr. *North* chus'd to pass upon, and which Lord *Sunderland* gave also in charge to the Judges, we find also in the *Examiner*, p. 148, as follows: "That they should give public Discomfence to all Petitioners, and to encourage the Anti-petitioners; which, he says, was no better than a *Seize* for them. For, according to him, if they had done any thing pursuant to their Charge, they had been expos'd to be question'd in Parliament, upon what Sense the Faction would have pleas'd to represent it: And no Wonder, for what had Judges to do with Parliament sitting or not, or petitioning list it?"

A.D. 1679-80

ductive to the Good of his Kingdom, and advantageous to the Commerce of his Subjects; That his Majesty did not threaten them with his Indignation; but they would find, perhaps, that his Dissatisfaction would be more prejudicial to them, than the Indignation of others: And that they would do well to recollect what had happen'd to them within these eight or ten Years; and that his Majesty had then less Reason to be displeas'd with their Department than now."

This was no sooner presented, than it was follow'd by another from Mr. *Sydney*, fill'd with artful Disfluatives, under the Pretence of leaving their Lordships to be guided by their own Interests; and at the same time, urging, That the Intuances of the FRENCH KING were rather too pressing for a free Republic. It is not to be presum'd that these alternate Batteries of Words, made any farther Impression than as they were play'd by the two Factions against each other: And, on the Issue, it appear'd, that the *Orange* had now the best Engineers: For the States of *Holland* (the Province, not the Republic) at last, unanimously resolv'd to reject the *French* Proposals, and order'd their Deputies to declare the same to the *States General*, from whom Mr. *d'Avoux*, was to receive his Answer in form; and who, immediately upon this, gave out, That he should very suddenly be call'd home: That the King his Master would order all his Subjects to quit the Service of the *States, &c.* On the other hand, that these intimidating Expressions might not answer the Ends they were calculated for, a Letter from the King of *England* to the Prince of *Orange* was read in the General Assembly of the *States*; not only overflowing with Assurances of his Majesty's unalterable Resolution to assist the Republic in Case of need; but also of his Intention to give his Parliament a Meeting in *April*, if their Lordships Interest requir'd it. And these Promises, it seems, supported with the whole Weight and Influence of his Highness, wholly turn'd the Scale against the Threats of *France*. *Guelderland, Utrecht* and *Zealand*, immediately follow'd the Example of *Holland*, as did also soon after *Overyssel*: And tho' *Groningen* and *Friesland* adher'd to *France*, after their usual Custom, the Majority of the Provinces, in the Case of a Negative, had a Right to decide for all. Accordingly, about the Middle of *March*, the Prince of *Orange* having first visited the Frontier, and made the necessary Dispositions for its Defence in Case of an Attack, and the *States* having also made a grand Regulation of their Finances, a formal Answer was prepar'd, in the most courtly Expressions that could be us'd, to the several Memorials of Mr. *d'Avoux*; importing, in effect, That the *States* found themselves oblig'd to decline the Defensive Alliance which his most Christian Majesty had done them the Honour to propose to them: Nor did they fail to return their Acknowledgments to his Majesty of *England* for the many Testimonies

The Proposals of France rejected.

he had given them of his great Kindness to their State; in particular, for his repeated Assurances of Assistance as their Occasions should require, and the Regard shewn to their Interest in his late Speech to his Parliament.

And thus the Public was to understand, that a Hook was once more put into the Nostrils of the *French Leviathan*, and that the Interests of the Court of *England*, and the House of *Orange*, were the same. But how deceitful these Appearances on both Sides were, the Sequel will demonstrate.

All this while, the Strivings of the two Factions for and against the Duke of *York*, were kept up with all the Art, as well as Fury imaginable: And if the open Violence of these *Petitioners* and *Abhorers* had created most Noise, the Snares and Pitfalls spread in the Dark by their respective Leaders, were productive of the most Mischief.

While *Dangerfield* was yet the Penfioner of *Lady Powis*, Mrs. *Celier* and the Court, and was laying in his Ingredients for the *Meal-Tub* Discovery, Sir *Robert Peyton*, the (as) second Name in the King's Head of *Green Ribbon* List, who, by the Means of one *Gadbury*, a Pretender to Astrology, was fallen also into an Intimacy with Mrs. *Celier*, dropt some Intimations to these Confidants of his, That if he might be forgiven what was past, he would quit his Party, and go over to the Court; but withal signify'd his Fears, That the Duke was of an unrelenting Disposition, and consequently would not accept of his Repentance. Mrs. *Celier*, who, it seems, had Claims upon the Duke, which she wanted to have satisfied, immediately poited with this Discovery to Lord *Peterborough*, who desir'd her to bring about an Interview between himself and Sir *Robert*. This she plausibly undertook; *Gadbury's* House was the Place assign'd; and when they met, his Lordship, on the one hand, undertook for the Duke; and Sir *Robert*, after some Complaints of hard Usage, declar'd he would come unto the King's Service to all Purposes. His Royal Highness, soon after, confirm'd in Person, all that Lord *Peterborough* had thought fit to say in his Behalf; and Sir *Robert* devoted himself Body and Soul to his Service.

Sir Robert Peyton quits the Exclusionists, and goes over to the Court.

Thus much Lord *Peterborough*, himself, acknowledg'd in his Examinations before the Council, about the *Meal-Tub* Affair, in *November*. And in the Talk of Sir *Robert's* Apostacy, it was presum'd, that the whole Intrigue was at an end. But early in the *January* following, *Gadbury* informs the Committee of Council for Examinations, That he had Matters of Moment to discover, They send for him to make his Discoveries; but to much sooner, it seems, than he fore-saw, that he was unprepar'd, and desir'd longer time to recollect himself; which was not only granted him, but he had leave to put what he had to say, tho' with all Speed, into Writing. On the Strength of which Indulgence,

[Meal-Narratives, p. 62.]

*Gadbury* and *Celier* receive him of *Orange's* Advice.

A.D. 1679-80

duelgence, he came with his Notes the very next Day to the said Committee; and, after an introductory Reference to the Conversion of Sir Robert, before recited, depos'd, That while that Affair was in Agitation, the said Sir Robert had told him, "That in closing with the Court, he should certainly part with a very great Interest; an Interest which had twice compass'd his Election of Member of Parliament; which could put him at the Head of 20,000 Men in two Days time; and which could raise 60,000 Men in a Week or Eight Days. That this Interest, in case the King had dy'd the Summer before at Windsor, was ready to have seiz'd the Tower, Dover Castle, Portsmouth, &c. That they resolv'd to secure the Lord Mayor of London, and such of the Lords of the Privy Council, as should offer to proclaim his Royal Highness, or set up any single Person against their Resolutions, and put them to Death; being resolv'd to advance a Commonwealth-Government: And that this Interest could root all the Royalists and Episcopists out of the Nation."

Mrs. Celler was also brought from Newcastle to give a supplemental Evidence, and testify'd, That, on the same Occasion, Sir Robert Peyton told her, the Lord Mayor was to have been knock'd o' the Head; that such others, as the Party thought fit, were to have been seiz'd and secur'd: That their Resolution was not to have suffer'd the Duke to be proclaim'd King: That they had so possed themselves, as to be able to prevent it: That they allow'd Pensions to several old Officers of the Rump, as to one *Allop* and others; and that Money had been collected for that End. And all these several Particulars, they deposted upon Oath, not only before the Committee, but the next Day before the King in Council. Sir Robert, on the contrary, deny'd all; but against two positive Witnesses in a capital Case, that signify'd nothing: So by a Warrant of Council, dated January the 9th, he was committed Prisoner to the Tower for High Treason, in conspiring to levy War against the King; where he remain'd till February the 10th; at which time he was admitted to Bail, and on the 24th of May finally discharged. It is observable that both *Gadbury* and *Celler*, were at this time under Confinement, on Account of the *Meal-Tub* Plot; and that Mr. North says, *Gadbury* got his Pardon upon Terms to swear against *Celler*: But if he was under the Influence of the *Exclusionists*, as this Minute seems to insinuate, how is it possible to account for his voluntary Evidence against Sir Robert Peyton, which is made up of Circumstances that struck at the very Root of all their Popularity, and which were also made public in the *Gazette*, that they might operate on the Public accordingly? *Gadbury*, it is certain, was discharge'd two Days after Sir Robert Pey-

ton was bailed, but gave in no material Evidence against *Celler*, who was, also, upon Trial, acquitted: So that, upon the whole, it seems natural to conclude, That *Gadbury's* Merit lay in his Discoveries with regard to Sir Robert Peyton; and that the great End of all, was, thro' him, to blait the whole Party.

The Distractions and Confusions of the late calamitous Times, had left such a Horror on the Minds of the People; and this had from time to time been so artfully refresh'd and improv'd, that the Majority were, if possible, more prejudic'd against a Commonwealth, than even against Popery itself: And a proper Celebration of the 30th of January, would have enflam'd their Passions as dangerously for the *Republicans*, as that of the 17th of November for the *Papists*.

This deep Designers among the *Exclusionists* soon became sensible of; as also of the Magic of those bewitching Words in the several Addresses of *Abhorrence*; the ordinary Degrees of *Succession*; the *unalterable Right of Blood*, &c. and found it highly expedient, if not absolutely necessary, to reform their Plan of Management accordingly.

In the Appeal from the Country to the City, as before observ'd, the Duke of Monmouth was recommended by Name, to be the Saviour of the People, because he who had the worst Title, was like to make the best King. But now to repair that Error, a Report was industriously propagated, That a Marriage had been solemniz'd, or, at least, a Contract had pass'd, between his Majesty, while abroad, and Mrs. *Walters*, otherwise *Barlow*, his Grace of Monmouth's Mother: That the late Bishop of *Durham* had consign'd a Writing in a *Black Box*, relating thereto, into the Custody of Sir *Gilbert Gerrard*; and that the said Writing having been communicated to several Persons of Distinction, had fully satisfy'd them, that the Fact was so. About the same time also that this shameless Story was thus artfully circulated, creating Doubt in some, gaining Credit with others, and exciting Surprise and Astonishment in all; the Duke of Monmouth himself, like the favourite Son of *David*, whom he has been so frequently compar'd to, by the Advice of Lord *Stafford*, his *Archibishop*, set out with a Train and Equipage, little less than royal, to progress it thro' the Kingdom he aspir'd to rule, in order first to take Possession of the Hearts of the People; and afterwards, when time should serve, by their Assistance, to take Possession of the Throne. As his Person was fine, his Manner captivating, his Reputation high, his Pretensions dazzling, and his Faction potent, the very Fame of his Arrival bespoke such a Reception, as shew'd he was no common Guest; and when arriv'd, his Presence proclaim'd a Jubilee; the whole Country (x) came in, either out of Curiosity or Devotion, to welcome or wonder at him; and every Scene

A.D. 1679-82

The Story of the Black Box is propagat as an Opinion of the Duke of Monmouth's Legitimacy.

He is committed Prisoner to the Tower, and soon after bailed and discharged.

[Examen, p. 203.]

The Duke of Monmouth's Progress.

(x) At Sir William Portman's, near *Taxton* in *Somerset*: He is said to have been met by near 20,000 Men, mostly on Horseback.

A. D. 1699-80

at every Place made it manifest, that he now stood forth as a Candidate for the Crown, and that he took this Method to solicit the Votes of the People.

Against a Proceeding of so dangerous a Tendency, back'd with a Report that seem'd to render it so justifiable, his Royal Highness and his Partizans thought it of the last Consequence to take all imaginable Precautions. Tho' more Strefs was laid on the Prerogative in these Days than at present, it had less of real Power for its Support. The Public Peace had not the Awe of a Riot-Act for its Security: The Succession was not fortify'd by Acts of Parliament: The Influence of Place and Office on the Nobility and Gentry was little more than nominal: The Dominion arising from Money, tho' known, could not be acquir'd, for want of the Means: The King was not surrounded with a standing Army; and tho' he had the sole Command of the Militia, he durst not have Recourse to it, for fear of drawing the Sword against himself. For all these Reasons Government, in those Days, was a more difficult Science than it has prov'd since; and a sudden Revolution was more to be dreaded, because more easy to take effect. Had the King, himself, at this time, shewn the least Countenance to the Duke of *Monmouth's* Pretensions, his way to the Throne had, perhaps, been smooth and easy; and, in all Probability, neither the Name of his Royal Highness, nor of him that afterwards supplanted him, had ever been enroll'd among our Kings: And that his Majesty, who was so over-fond of Ease, did not chuse to make Peace with his Parliament in favour of a Son that he lov'd, and at the Expence of a Brother that he fear'd, must either argue, that he had a Principle of Justice within him, which no Consideration could induce him to violate; or that he look'd upon his own Safety as involv'd in that of his Brother, and that in sacrificing him, he should, at the same time, make a Sacrifice of himself.

However this may be, April the 16th the Council being extraordinarily assembled, the King and his Royal Highness both present, and all the Judges attending as Assistants; his Majesty first took notice of the Rumour concerning the *Black Box*, and a Marriage, or Marriage Contract between himself and the Duke of *Monmouth's* Mother; which he positively affirm'd to be altogether false: And farther, that, thinking himself oblig'd in Honour and Conscience to have the Matter thoroughly examin'd, he had sent for Sir *Gilbert Gerrard* to declare what he knew concerning it. Sir *Gilbert* was then call'd in, and by his Majesty's Command, supported with the Advice of his Privy Council, and the Opinion of all the Judges, was ask'd, upon Oath, *Whether he knew of, or had seen, any Writing imparting a Marriage or Contract of Marriage between his Majesty and the Duke of Monmouth's Mother?* To which he reply'd, *That he had never seen any such Writing: That none such had ever been committed to his Custody; nor did he know of any such.*

It was natural to think, that when so full,

so clear, and decisive an Answer had been so solemnly given to so plain a Question, and had, also, been made public in the next Gazette, by Authority, the whole Faction would have lost all Credit at once; and that no body would again have dar'd to lend the least Countenance to any Part of a Tale that had been so effectually exploded: But the Authors of it were, it seems, too fond of their Work to let it be dispers'd with a single Breath, like a Cattle in the Clouds; and too great Masters of their Art, not to be ready with Devices of all sorts to make good the Foundation, whatever Alterations the Superstructure might be liable to.

Thus, before the End of the next following Month, *May*, a Paper was set forth, call'd, *A Letter to a Person of Honour concerning the BLACK BOX*; in the first Page of which it is asserted, "That the whole Story of the *Black Box* was a mere Romance, purposely invented to sham and ridicule the Business of the Marriage, which, indeed, had no Relation to it; and that they who judg'd it conducible to their present Interest to have the Duke of *Monmouth's* Title to the Crown, not only discredit, but expos'd, thought it necessary, instead of nakedly enquiring whether he was the King's legitimate or only natural Son, to bring upon the Stage a Circumstance no way annex'd to it; supposing that this being found a Fable, the Marriage itself of the King with the said Duke's Mother, would have undergone the same Censure." Immediately after, The starting this Business is explicitly ascrib'd to the Duke of *York*. And farther on, Occasion is taken to insinuate the Legitimacy of his Grace of *Monmouth*, by Circumstance, namely, by referring, 1. To the Assurances given to the Countess of *Wemyss* concerning it, before the dispos'd of her Daughter in Marriage to him. 2. To the Talk of the Times; among the Standing Topics of which, this Marriage was said to be one. 3. To an intercepted Letter from the King to Mrs. *Walters*, then in the Tower, address'd *To his Wife*. And 4. To the Homage at that time paid her by the King's Party; who, by serving her on the Knee, &c. declar'd they esteem'd her for no less than the lawful Wife of their King and Master.

Thus the Ball was taken at the Rebound, and those Fallacies were boldly communicated to Print, which till then had been broach'd only in private Conversation: But, unfortunately for those who administer'd the Poison, they, in the very same Vehicle, administer'd the Antidote: For, after these Endeavours to establish a Belief of their Hero's Legitimacy, they ridiculously acknowledge, "Tis of no great Concernment, who is the Her apparent in the Regal Line, if we do but consider, that the Parliament of *England* hath often provided a Successor to the Government, when the Interest of the Public hath requir'd it, without the least Regard to such Puntillos; which they would never have done, if there had been the remotest Possibility of making out his legal Title to the Crown. And again, "Many Kings have endeavoured

A. D. 1699

The Refute  
publish'd in  
the Gazette.

A Pamphlet  
Publish'd, as  
refutes the  
Duke's Legiti-  
macy out-  
standing.

1680.  
An extraordi-  
nary Council  
held on the  
Affair of the  
Black Box.

A. D. 1680.

endeavour'd the Advancement of his Bastard-Children, to the Exclusion of their nearest Relations, of the right Blood: Only *Charles the Second* will be first on the File of History, that when nothing but his bare Word was needful to the settling his Dominions on his Son, as legitimately born, would inflame him, in the Face of strong Suspicions to the contrary, to be only his natural Son; and for no other Reason, but that he would gratify his greatest Enemies."

The King in Council justly declares, he never was marry'd to the Duke of Monmouth's Mother. [Gazette, Nov. 15 17]

This Letter was dated *May* the 15th, and dispers'd immediately after; it is reasonable to think, with some Effect: For, on *June* the 8th following, his Majesty was pleas'd to set forth a Declaration (which contain'd also two others to the same Effect, dated *January* the 6th and *March* the 3d, 1679) calling Almighty God to witness, and declaring on the Word of a King, and the Faith of a *Catholic*, that there never was any Marriage, or Contract of Marriage had or made between him and Mrs. *Walters*, alias *Barlow*, or between him and any other Woman whatsoever, his Royal Consort Queen *Catherine* only excepted: As also strictly commanding all his Subjects, not to utter or publish any thing to the contrary, on pain of being proceeded against, according to the utmost Severity and Rigour of the Law.

The Abuse of the Press, and the Insolence of Libellers, have, in almost all Reigns, afforded Matter of Complaint to those in Power; but perhaps never with so much Reason as in this; For scarce had this Declaration of his Majesty found its way to the Borders of his Dominions, before a second Letter to a Person of Honour was made public, which, both for Artifice and Malignity, far exceeded the foregoing.

Which gives occasion to a second Libel.

The (y) Letter-Writer sets out with an Intimation, That the Duke of *York*, having gain'd the ascendant of the King, had hector'd him into, or at least extorted from him, the said Declaration. And that, considering how loth he was to acknowledge his own Wife, (the Lord-Chancellor's Daughter) it was no wonder he should impertune the King to disown Mrs. *Walters*. He then proceeds to make this Difference in the Conduct of the two Brothers, viz. That the Duke's was an Act of Inclination, the King's of Constraint; and asserts, that there were his Majesty's own Expressions, That he was *barrell'd out of his Life by the Importunity of his Brother*; and that he had rather die than live so uneasy, as he had done while he withheld his daily Salutations in this Matter: Adding, "That thro' his Majesty was a Prince of that Cleareness of Understanding, that they could not baffle him by false Reasoning; yet he

had so much of *James's* Timidness, that they could huff and over-awe him to things most opposite to his Judgment as well as cross to his Interest." (z) In another Place he says, "There are those in the Nation, who, preferring their Duty to God, their Country, themselves, and an injur'd Gentleman, before a Reverence to ONE MAN, especially acting under the Influence of a Popish Brother, will bring the whole Business into an impartial (\*) Examination, before such, where a single Negative would not be allow'd as a sufficient Proof to invalidate affirmative Testimonies, provided such can be had." And that this might not be understood to be a vain Threat, he adds yet other Circumstances of Proof, that his first Epistle had not been furnish'd with, viz. "That Mrs. *Walters*, both in the time of her Travel with the said Duke, and at the Hour of her Death, insisted on her said Marriage: That Dr. *Fidler*, the late Bishop of *Lincoln*, had often declar'd to divers worthy Persons, in *Verbo Saccerdotis*, That he had marry'd them: That an Inn-Keeper of *Liege*, never fail'd to assure his *English* Guests, that the Marriage was celebrated and consummated at his House; and that both he and his Wife were Eye and Ear-Witnesses of it: That when some of the Persons examin'd by the Council about the *Black Box*, signify'd that they had heard of such a Marriage, they were told that was not the Business they were to speak to, and were order'd to withdraw: That the late Queen, his Majesty's Mother, had actually given her Consent to that Marriage; and that when the Lord Chancellor *Hyde* was in danger of an Impeachment in Parliament for advising and persuading the King to a Marriage with Queen *Catherine*, he excus'd himself from all smaller Ends in that Affair, by alleging, That his Majesty had a lawful Son of his own by a former Marriage; specifying by name, the Duke of *Monmouth*, to succeed to his Crown and Dignity." His next Point is to shew, that the King had so often broken his Royal Word, that it deserv'd no Credit from his Subjects; instancing the Breach of his Declaration from *Breda*: That no Man should be disquieted or called in Question for Differences in Matters of Religion, provided they did not disturb the Peace of the Kingdom. 2. Of that of *January* the 2d, 1671, promising that the Restraint on the Exchequer should continue no longer than the last of *December*, 1672: And 3. Of that made in Council, *April* 20, importing, That he would lay aside the Use of private Advices, and thereafter govern his Kingdom by the Advice of his whole Privy Council, together with the frequent Assistance

A. D. 1680.

(y) *Ferguson*, it may be remark'd: For, in the Appendix to *Beauchamp's* History of the *Royal*'s Conspiracy, we find a *Prince's* Libel, in which these Letters were set on foot, at the Bottom, as an Acknowledgment, that the said *Ferguson* had paid him eight Guineas, towards the Balance of the fine.

(z) The Letter-Writer, in this Place, takes occasion to insert the following Paragraph:

"And let me, upon this Occasion, remind your Lordship of a Story of a *Scottish* Nobleman to my Lord *Burleigh*, upon that wise Statesman's dening a Character of King *James*,

long before he ascended the *English* Throne: "If your Lordship, said the said *Scottish*, know a *Tackleship*, you cannot but understand, that, if I have him in my Hands, I can make him bite you; whereas, if you can get him into your Hands, you may make him bite me." (\*) See *John Royley*, in his *Memoirs*, p. 100, 101, "That he acquainted the Duke (of *York*) with a Design, in agitation with some People, to prove the King's Marriage with the Duke of *Monmouth's* Mother, and inform'd him how he might obviate it."

A. D. 1680.

ance of his great Council of Parliament. And as to the King's solemn Appeal to *Almighty God*, on the Faith of a Christian, &c. he takes upon him to deliver the Apprehensions of the wisest Heads concerning it, in the following audacious Expressions: "If, say they, neither the Eye nor Dread of *God*, nor the Faith of a Christian, are effectual to restrain a Person from Adulteries and promiscuous Scatterings, can we have any Security that they will prevent such a one from the Guilt of other Crimes? He who neither trembleth nor bluneth to proclaim his Uncleanness to all the World, will he forbear Sins of any Kind, or Hue, out of Principle, tho' he may possibly omit them by Accident, and in Compliance with Interest?" And again, "Besides, say others, Who knoweth but that the King, thro' the like Impressions of Fear, under which he lifted up his Hand to the most High *God*, at *Scots*, when crown'd in *Scotland*, may have been influenc'd and overaw'd to make this late Appeal and Protestation? He who hath done one such thing, and especially, with that Solemnity and Profession of Sincerity wherewith he took the *Covenant*, can it be otherwise apprehended, but that he

may do the like again, if there be sufficient Cause for the same Passion which bias'd him against Knowledge and Conscience then? Nay, the utmost Influencement that sway'd and determin'd him, contrary to his Judgment and Light, to swear by the Great *God*, in Terms so august and awful in *Scotland*, was merely an Apprehension of being otherwise secluded from his Right over that one Kingdom: But it is more than probable, that no less than a Dread of losing his Life as well as three Kingdoms, hath necessitated him to this which he hath done now." He then endeavours to shew from the then Posture of things, "That the several Declarations set forth in the *Gazette*, were writted from the King; who, poor Gentleman! says he, was willing to buy his Pence at any rate; and hath here stak'd his Honour, not to say his Conscience, for it." And for a Conclusion of all, makes two Proposals, namely, "That the Parliament, being admitted to sit, may examine this Affair (of the Marriage) whereof they alone were competent Judges; and that the Duke of *York* might be legally try'd for his manifold (a) Treasons and Conspiracies against the King and Kingdom."

A. D. 1680.

These

(a) The several Particulars of which, under the Notion of shewing what a gracious and desirable Prince this beloved Brother was lik'd to prove, he took care to enumerate, is followeth:

1. He is a Gentleman that hath renounced the Religion, wherein he was not only educated, and which these Nations profess, but which he had convey'd into him, sealed with the Blood of his Father, and entail'd upon him and the whole Line by no less than his Grandfather's Curse, in case any of said *James's* Offspring should depart from it.

2. He hath made it his Business to seduce his Majesty's Subjects to the popish Faith, and to enslave them to a foreign Jurisdiction. And by his Addresses, Solicitations, and Persuasions, wherewith he is able to reward such mercenary Souls as are ready to make sale of their Religion, he hath made more Converts to the Church of *Rome* than all the *English* Millionaires have been able to do.

3. Through the Power which he hath obtain'd over the King, he hath procur'd the chief Places of Strength in the Nation, and some of the greatest Trusts as well Civil and Religious as Military, to be confer'd upon known Papists, and sworn Enemies to the Protestant Cause, and *English* Liberties.

4. He hath been the principal Promoter of arbitrary Government, and of making the King's Interest both distinct from and opposite to that of his People. And this he hath done in pursuance of papal Advice, and in Subservience to the *Romish* Interest. For where the Monarch is absolute, and the Lives and Fortunes of whole Nations are entail'd to the Will and Pleasure of one Person, the meer Whoredom of a lustful, weak, or inconsiderate Prince, will go a great length in the gaining vast Multitudes to adore the triple Crown. And for such as shall prove stubborn and refractory, it is but mercifulness to kill them, and then convert their Lands to the Use of the Holy See.

5. It was this darling and beloved One, that authorized the Burning of *London*, and not only made his own Palace a Sanctuary to the Villains who were suspected as Instruments of that dreadful Conflagration, but retained and discharged divers who were apprehended in the very Fact. And this he did partly in Revenge, for as much as *London* had been the Magazine both of Strength and Treasures, during the War with the late King; and partly to gratify his popish Friends, by destroying the Bulwark of the Protestant Religion, and the chief Repository of the Heretics.

6. It was this presumptive Heir, that all along oblig'd his Majesty to neglect the concealing himself in favour of the Protestants abroad; and did, to order it, through his Power over the King, that never any foreign Alliance was made but what was aimed to the betraying of them. And does yet sit call over a Story, and perhaps a more tragical one, and accompany'd with base Treachery, than any History is able to acquaint you with: One *Monsieur Robes*, a French Gentleman, coming into *England*, to treat with the King concerning an Alliance between his Majesty and foreign Pro-

testants, merely for the Preservation of their Religion; and having acquainted the Duke of *York* with his Demand, after he had in a private Conference or two transacted with the King about it, this Royal Prince, out of his wretched Kindness to the Protestant and the reformed Religion, caus'd *Robes* (Liege Ambassador from *France* at this Court) to stand behind the Hangings at *St. James's*, while he made this innocent Gentleman discourse over the whole Business: Upon which, *Monsieur Robes* being oblig'd to acquaint his Master with it, *Monsieur Robes*, who (upon some Intimation that the Duke had betray'd him) had withdrawn hence to *Brussels*, was there seized by a Party of French Horse, and brought to the *Duquesne*, whence, after some Time's Imprisonment, he was carried to the Place of Execution, and hrown upon the Wheel.

7. It was through the Duke of *York's* Means, that both the first and second Wars were commenced against the *Dutch*; and that, in order not only to weaken the *Protestants* by their mutual destroying of each other, but in hope to have turn'd the victorious Arms of the King upon the Heretics at home, and the Patron of *English* Liberty.

8. It was this zealous Prince, for the Honour and Safety of *Britain*, that advised the breaking the *Triple League*; which was the wisest Conjunction, and most for the Glory of the King's Reign, and the Preservation of his Dominions, that ever he enter'd into. And this he did not only to gratify *Spain*, whose Pensioner as well as whose Confederates he hath been, but to leave the Protestants here naked to the Attempts of the Papist. For we know, that while that League continued firm, the King of *Sweden* and the States of *Holland* would have continued all *Duquesne* upon the Protestants in *England*, as done against those of the same Religion with themselves, and in favour of whose Protestation they had entered into this Alliance.

9. He hath not only maintained Correspondence with foreign Princes, to the betraying the King's Councils, but hath concertated with them for the Extirpation of our Religion, and overthrowing our legal Government. And besides, many other Evidences of this, which it is not convenient to mention at present, the Depositions which arriv'd with the Commisary of *Secy*, during the Session of the late Parliament, together with *Cassius's* Letters, and that which he wrote in the Duke's Nause, and indeed by his Command, do uncontrollably demonstrate it.

10. He was consenting to, and hath co-operated in, the whole popish Plot (as *Oates*, in his *Testimony* has declared) the contrary to the whole *House of Lords*; for both his Confessor and Secretary did, with his Knowledge and Approbation, lead the *Resolves* for the King's Death.

11. It was the Duke, who, when the King had revealed the first Discovery of the heinous *Rochester Plot* to him, immediately communicated it to *Father Bedingfield*, that to the Conspirators might know how to secure their Papers, and abscond themselves.

\* 12. It was he, who, thro' his Command over the Post-Office,

A. D. 1680.

These Impurities, it must be own'd, fully the Course of History. But to come at the whole of Truth, we must turn up the Bottom, as well as admire the Surface. And to shew the Vanity of attempting to gag the Press, it is necessary to observe, That while so important a Matter as the Succession was thus licentiously agitated, in Detraction of the King's express Command to the Contrary, it was under the Tyranny of a Licence; and that neither Menaces nor Punishments were wanting to keep the Luft of Scandal and Diffamation from violating the Public Peace.

The Parliament since previous.

In this Interval, however, all things continuing quiet on the Continent, because France was not, as yet, prepar'd to take that Vengeance she had vow'd, the Court had it in their Power, without any Breach of Faith, to prosecute their own Views by a farther Protraction of the Parliament to the 17th of May: And again from that time, to the first, and afterwards to the 22d, of July. Mr. Henry Sydney also made a short Visit to England, full fraught with Instructions from the Prince of Orange, to whose Interest he was wholly and solely devoted, as well as his Uncle Sunderland, to make the most of the Credit he had acquir'd, by the Defeat of his Antagonist Mr. de Louvois, and contributing to give the

King his Master once more an Air of Significance abroad.

But whatever Appearance there was of mutual Satisfaction between the King, and the States, they rather agreed to countenance than chose to depend on each other. His Majesty in his present embarras'd Circumstances at home, had no great reason to be over-zealous to embroil himself with France in Support of their Interests. And the States were too well acquainted both with his Majesty's Circumstances and real Inclinations, to put more Weight on his Friendship than it would bear. They, however, took care not to offend him with the least Shew of Distrust: On the contrary, they affect'd to consider him as their Guardian Angel, to rely on him, and esteem the Assurances he had given them of Assistance in case of Need, as the Sheet-Anchor of their Commonwealth. And of this artificial Behaviour, we shall find they also made the most artificial Use imaginable, by granting their own Cause on that of the Exclusionists; who having the Ascendency in Parliament, were thought able to serve them more effectually than the King himself.

His Majesty, also, had his Reserves, as well as his High and Mighty Allies; and rather acted from plausible than solid Motives. Thus

Office, prevented the Interspersion the Letters from St. Omer, and other foreign Seminars, whereby that wretched damnable Conspiracy would have been more fully detected.

11. He employ'd his own Doublets in transport several of the Trustees to Holland, &c. did make a Voyage thither, when the Plot was first discovered, that they might escape the Search that was made for them, and the Punishment which they had deserved.

12. It was he who favoured, encouraged, and rewarded the violent Measures to frame and secure a Bill against the Protestants, and that he did to bring a Bill of the right Liberties, and in order to deliver such of the Nobility and Gentry as were the chief Abettors of the Reformed Religion and English Liberty.

13. It was he who advised the several Protraction and Dissolution of Parliaments, whenever they were either considered the better Condition of the Protestant Interest, or of facilitating the King to an Alliance with Protestant Princes for his Protection and Preservation.

14. It was he who, in whole, having the Dissolution of the last Parliament was proposed, and who both prevented the fixing of this, after eight several times, appeared for their Dissolution, and to hinder the Trial of the notorious Lords in the Tower, for which rather have said the Provisions of the Exclusion Bill, and to oblige the further Search into the many Bill, Papers, wherein limited, and the relief of the Papist suggesting the Submission of our Religion and Laws, and the Detraction of the Lives of his Majesty and People, and how much he had pleas'd his Majesty's Interest in the Hearts of his Subjects, and swallow'd their Contentions in his Royal Word, by obliging him to treat the Parliament as he had done a being, his Speech to both Houses, March 6, 1678, had so famously declared his Resolutions to meet his People frequently in Parliaments; and into what Strength and Weight they have thereby also reduced him, I shall rather leave your Excellency freely to consider, than take upon me at this time to unfold.

15. It was he who, after he had for so many Years promoted the aiding and favouring of France with English Forces, all that assisting Prince was offered to a Power and Greatness not to be in any Probability without or controlled, did at last suggest his Majesty in making the general Peace, which is a thing so highly prejudicial to all Europe, in the unaccountable Clauses of it.

16. It was he who, by commandment and enjoin'd the late treasonous Combination of Apparitors and Ruffians, and who, together with the Lords in the Tower, raised out the Money, both for the Expenses of their Entertainments, and for the providing them with Arms to disturb the Peace of the City and Kingdom, and assault the Houses and Lives of his Majesty's loyal People.

17. It is he who hath enrolled and secretly instructed Men, in all Counties of England, and who, besides the Exclu-

Papists, whom at this time he hath called from all Parts of the Nation to London, is also provided of a great Number of Irish, who secretly sold their Hands in the Blood of Protestants, or are the genuine Offspring of those that did. Now, being thus furnished and equipped, he is resolved (unless God in his Providence miraculously interpose) to put all to a Venture, and play over the same Game in England that was heretofore acted in Ireland.

18. It is he who cherish'd in his Bosom, and caulk'd to the highest Truth, such as Col. Gardon, who betrayed his Majesty's Secrets to the usurping Potentate, particularly to Mr. de Louvois, may himself may be charged with many things in those Times, whereby we may secretly discover both his Treachery to his Majesty, and his Ambition to have seized the Crown from him. For when a loyal Party of the English Subject had espous'd his Majesty's Right and Title, against the Enemies of his Crown and Person, the Duke, who being then abroad, should have encouraged and ventured his Life in conjunction with them, did, instead thereof, by a most shameful and dilatory deserting of them, both discourage them in their Duty, and, so far as in him lay, oblige them to conspire for themselves, with a Section of his Majesty's Interest. Yes, besides this, when the Scots were treating with the King at Breda, in order to the establishing him in the Throne of that Kingdom, the Duke of York was at that very time meddling with such a treasonable faithfulness in the King's Title here, that they would renounce his elder Brother, and chuse him for their sovereign. Nor do I believe that his Majesty can forget the Overture and Design upon which the Duke insist'd him at Breda, and withdrew to Holland, so that the King was necessitated not only to command him upon his Allegiance to return, but was forced to send the Duke of Ormond, and some other Persons of Quality, to threaten, as well as persuade, him, before he would comply.

19. It is he who, not thinking the Declaration enough to facilitate his Attention to the Throne, or to secure him from Resistance in the Attempt he purposeth upon, our Lives and Liberties, hath been, and still is, endeavouring to be admitted and let further into the Government; and accordingly hath received the King, by my Lord Ormond, in that Matter.

This is the more surprising, inasmuch as one would think, that it is not possible he should be further let into the Government, having *Boswell's Bill*, *Long's Bill*, *Sherriff's Petition*, and the Migration of the Crown (Leg being now Matter of the Obedience) in the Hands of his sworn Vassals and Creatures; and having also the Superintendency of all Civil Affairs in him, unless by taking the Scepter actually into his Hand, he should reduce the King to a Country-house, and so usual Person. And his Particulars about the Towns talk of no less than the having the Duke crown'd during the King's Life, as Henry II. (tho' upon very different Reasons) was crown'd in conjunction with King Stephen.

A. D. 1680.

A defence  
Alliance with  
Spain.

This care was taken to set forth in the *Gazette*, That his Majesty, having already taken Measures with the *States* for their mutual Defence and Safety, and the common Preservation of *Christendom*, had, in pursuance of the same Ends, concluded a defensive Alliance with the King of *Spain*, &c. But Sir *William Temple*, who had been complimented out of the Promise he had receiv'd from the King, to be made one of the (b) Secretaries of State, and who, from his repeated Disappointments, had learn'd to be less credulous, and more cautious, tells us, that, being call'd upon by Lord *Sunderland* and Mr. *Hylk*, to serve in the quality of Ambassador-Extraordinary to his Catholic Majesty. He started Scruples instead of receiving it with Acknowledgments; representing, That he had no Relish for the Fatigue it would expose him to, nor ear'd to run the Hazard of being undone by the Expence of it: That he did not see what Affairs the King could have in *Spain*, while his own were so disorder'd: That he could see no Use of Leagues or Alliances, while there was no Union at home to support them. He adds, That at last, he found out, that to prepare for a good Session of Parliament, next Winter, the Ministers were resolv'd upon all Measures that might conduce towards it during the Summer; and, as one of the Chief, to send Ministers to *Spain*, *Denmark*, and other of the Confederates, and enter with them into the strictest Measures for the common Defence, against the Power of *France*: That the Ministers were so earnest with him to engage in it, from a Belief, that it would cause a general Opinion, both at home and abroad, of our Sincerity in the thing: That tho' the King himself spake to him concerning it, he detested himself for a good while, as thinking it neither had a good Root, nor would have the Effect upon the Parliament that was expected from it; and that his final Answer was, That he would not charge himself with going to make the intended Alliance in *Spain*; but if the King thought proper to conclude it here, upon Terms of mutual Satisfaction with the *Spanish* Ambassador, he would be content to go and cultivate it with the *Spanish* Court.

Intrigues of the  
Malcontents  
with respect to  
Sheriffs, and  
Juries.

But while the Court were busying themselves with these and the like sly Devices to amuse the Nation, and derive Popularity from their falling in with the old popular Cry against *France*, the Malcontent Faction sunk their Mines much deeper, and projected by one Blow, to level all Opposition, and render themselves Masters of the Government. They had already made several bold Attacks upon it, in relation to the Duke of *Monmouth*; and they purpos'd to make many more. In order therefore, to encrease Courage, they thought it, in the first Place, advisable to lessen Danger: The Laws were in their way. *Harris*, who publish'd that virulent Libel, call'd the *Appeal from the Country*, and others, had

felt the Weight of them. This shew'd the Necessity of securing a Retreat in the Courts of *Justice*, and overbalancing the Authority of the Bench, by the absolute and uncontrollable Decisions of the Jury. "Nothing," says Mr. *North*, was so much laid to Heart, and labour'd by the Faction, as to secure the Law. That it might run partially, or rather friendly, on their Side, and against the Court in every thing. It would have been an useful Crisis of Power all over *England*; but, in *London* and *Middlesex*, where the Government resided, and, consequently, Faction must plant their Batteries, it was absolutely necessary to be brought about. For it would be hard for the Commanders in Chief to pull the forward Actors upon the desperate Danger of the Law, and to see them mortified, as well as run the Risk of being discovered themselves. Besides, the very Grinning of that Iron Enemy kept back the Process strangely.

But, as Matters stood, this whole Work, with Advantage, was practicable by one single Operation; which was the gaining, to their Party, a Majority of the Voters of the Common Hall of the City of *London*. For, that Interest once secur'd, there follow'd a Succession of factious Lord Mayors, and Sheriffs of *London* and *Middlesex*, as well as Members of Parliament, and (by Means of the Sheriffs) the whole Nomination of Jury-Men would also fall within their Faction. It will not be strange if under this Security, after it was gain'd, the Party took Courage and followed their Game full Cry, like Hounds in View, without much Trouble about Precautions and Evasives; they stuck at nothing. And this Dispensation extended, not only to Means of Defence, but equally offended the Adversary, and had that Influence, that it seem'd to be the Interest of any common Man, within those Limits, to enter into the Party for Security of his Interest, as well as Protection of his Person; for wo to an Adversary that came to a Trial, upon any Account, under this Reglement of Jury>Returns. And no less Comfort flow'd for Friends, who were encouraged by such Advantages as Folks expect from Juries favourable to them."

But this Engine, mighty as it was, could not be brought into play, till the Party had made sure of the two Sheriffs of *London*, who were the Weights and Springs that put all in Motion. And here arose a Difficulty which gave rise to one of the greatest and fiercest Controversies that the later Times have produc'd; which is too voluminous to be abridg'd, and too remarkable to be slip'd over without Notice.

It had been a Custom of long standing for the Lord Mayor to put one or more Persons in Nomination for Sheriff at the *Bridge House* Feast, by the Ceremonial of *Drinking to him* out of a large gilt Cup; And the Person so drunk to, by the same Custom, was either oblig'd to serve or pay a large Fine for being

A. D. 1679.

(b) Sir *Leolin Jenkins*, for having less Self-sufficiency, and more Application, had the Preference, and received the Seal: Feb. 11, 1679-80, in the room of *Creventy*.



A. D. 1680. being excus'd. This was interpreted by one Party as an uncontrollable Right in the Lord Mayor to appoint one of the Sheriffs; who also insisted, that the Sheriff, so by him appointed, was return'd to the Common Hall, on the Day of Election, for Confirmation only, in virtue of an ancient Compromise, according to Mr. North, between the Lord Mayor and the Common Hall, to prevent the ill Effects of any such Disagreement between them as might endanger the Seizure of their Franchises. On the other Hand, those who were for vesting the Right of electing both Sheriffs in the Common Hall, affirm'd, that the Person or Persons, so drunk to by the Lord Mayor, were merely put in Nomination, by him; and when return'd to the Common Hall, might either be chose or rejected at their Pleasure. In support of these several Opinions, both Parties had recourse to Authorities of all Kinds: And, according to the laudable Usage of all Disputants, where the Truth did not favour, they made use of Fallacy to perplex the Cause. This Matter, however, was not brought to a Crisis till the Year 1682: For tho' the Malcontents made their great Push this Miltsummer, and the Court, admittin'd of their Purpose, prepar'd for an Opposition, it prov'd an ineffectual one. Sir Robert Clayton, the Lord Mayor, did indeed put in practice the old Ceremonial of drinking, to one Mr. Heckenbal, who was put up first alone, as the Lord Mayor's Sheriff: But the Common Hall would not allow it; and insisted on having the whole List declared, before they proceeded to Election; which, after some Dispute, was agreed to; and it appear'd that *Singly Betbel*, and *Henry Cornish*, Esqrs, had the greatest Number of Hands. And here began the Dispute, for the Common Serjeant gave it as his Opinion, That the Business of the Common Hall was first to confirm the Lord Mayor's Sheriff, and then to elect their own. And the Common Hall, on the other hand, would allow of no such Prerogative in the Lord Mayor; so that his Nomination was any thing more than a Matter of Ceremony, which it was in their Power to confirm or not. The Com-

mon Serjeant reply'd: The Sheriffs supported him: Mr. Heckenbal was put up again, and was again refus'd; the whole *Passé* persisting in their own Choice, and roaring out without Intermission, *Declare! Declare!* The Sheriffs and Common Serjeant then retir'd to make their Report to the Lord Mayor and Court of Aldermen; and were follow'd by three of the *Livery* by way of Deputies for the rest. And here began a new Debate, which lasted for above an Hour; and as it appears, came to no regular Decision at last. For when the Sheriff return'd, they put up Mr. Heckenbal a third time, but with no better Success than before. The Hall rung with a clamorous Negative, and by the Dint of Noise and Persistence, if not of Right, the Many for far carry'd their Point, that *Betbel* and *Cornish* were again declar'd to have the greatest Number of Hands; and *Heckenbal* stood wholly excluded: But still the adverse Party had another Expedient in Reserve; which was to proceed to a new Nomination on July 14; at which time Sir *William Russell*, *Ralph Box*, and *Humphry Nicholson*, Esqrs, together with *Betbel* and *Cornish*, were put up, and the Choice fell once more on the two last: And for a last Stake, a Poll was demanded in favour of *Nicholas* and *Box*. This could not be refus'd; so both Parties again founded to Arms, made their Mufters, and left no kind of Practice untry'd, either to enforce or force Men into their respective Services. The whole Dispute lasted a Month or five Weeks; during all which time, the City was in a continual Ferment; the Progress of the Poll, was the grand Enquiry of the Day: *Echard* and *Oldmixon* affirm the King himself came into the City, and supped with Sir *Simon Lewis*, one of the Sheriffs, to countenance his *Corps*: And that one *Osborn*, a Draper was prosecuted for a Riot, only for taking upon him to check the said Sheriff (c) for some unwarrantable Proceedings. At last the Day of (d) Decision came (July 29) and upon casting up the Numbers, it appear'd, that Mr. *Cornish* and *Betbel* were full victorious.

Bishop *Burnet* never writes fairer than on this

(c) *It* is by this unwarrantable Proceeding of the Sheriff, and the Check he receiv'd first from Mr. *Osborn*, may grow intelligible from the following Passage, which was one of the Remonstrances of *Mitchamers-day*: "A Petition was deliver'd to the Sheriffs from the Common Hall, to be by them presented to his Majesty, for the sitting of the Parliament: at the same time the Sheriff, into whose Hands it was deliver'd, was call'd upon to read it; and he excus'd himself by saying, *They were those for the benefit of the Day, and so more*; one of the Common-hall cry'd out aloud, *Upon the Reading of it as your Petition*." Vide *the true Account of the Proceedings at the Common-hall of 1680.*

The same Day, a like Petition was presented by the Grand Jury for one of the Hundred of *Middlesex*, to the Ld. Chief Justice and Mr. Justice *Town*, at the Sessions-house in the *Old-Baily*; who, after Reading, rejected it, as a Matter improper for them to meddle with. And, soon after, another of the *Middlesex* Grand Jurors presented a Paper, signifying their Dissale of the *Force*, and humbly begging the Court to take particular Notice of these Difficulties to such irregular Proceedings. *Gentles*, No. 1174.

(d) Upon this Occasion, Mr. *Peplius* presented the following Address to the Lord Mayor, in the Name of the Common-hall:

"*May it please your Lordship,*  
We the Commoners of this City, now in Common-hall as-

sembled, cannot but take notice, how our last Meeting here on this Occasion hath by some of this City been misrepresented to his Majesty, as tumultuous and disorderly; and tho' we did not observe any thing of that kind, but what may happen in such great Assemblies on like Occasions; yet not knowing how far the Indifference of the *Commons* may have carried that Scandal in prejudice of us, we hold our selves bound in duty to declare (as hereby we do) that the *Hertz*, which then appear'd amongst us, was so other than the Effect of Simulation for his Majesty's Service, and the Preservation of our own just Rights. And, therefore, as we do strictly detest any Thought of violating our Allegiance to our Sovereign, or of doing the least thing that may bear the Interpretation of an Affront to his Government, or Disaffection to his Royal Person; we pray your Lordship to represent us as such to the King, that he may not be longer deceived in that Matter; nor his gracious Intentions towards us be in any fort diverted. And withal, humbly to assure his Majesty, that we will, with one Heart and one Mind (to the utmost Part of all that is dear to us) join in the Defence of his Royal Person, and the Protestant Religion, against all Attempts and Plots to the contrary, tho' never so often repeated upon us."

Here follow'd another Clause, desiring his Lordship to beseech his Majesty, in their Names, that the Parliament might sit. To which his Lordship reply'd, in these Words:

"*Gentles,*

A. D. 1688.

this Topic: "All Juries, says his Lordship, were return'd by the Sheriffs: But they commonly left that wholly in the Hands of their Under-Sheriffs: So it was now pretended, that it was necessary to look a little more carefully after this Matter. The Under-Sheriffs were generally Attornies, and might be easily brought under the Management of the Court: So it was propos'd, that the Sheriffs should be chosen with more Care, not so much that they might keep good Tables, as that they should return good Juries." Again: "The Court was very jealous of this, and understood it to be done on design to pack Juries: So that the Party should always be safe, whatever they might engage in." And yet again, speaking of *Bethel* and *Cornish*, he says, "These two Persons had never before received the Sacrament in the Church, being Independents: But they did it now, to qualify themselves for this Office; which gave great Advantage against the whole Party: It was said, that the serving an End was a good Resolver of all Cases of Conscience, and purg'd all Scruples."

Exam. p. 94

Mr. North, also, yet more boldy and circumstantially, writes as follows: "*Bethel* and *Cornish* first broke the Ice; for they took the Business of the settling the Panels of Jurymen, out of the *Compters*, into their own Hands, and left to the Secondaries of the *Compters*, who were the proper Officers, no more but to return, to the Courts of Justice, what they had prepared. It seems those Officers were Men of Value, and uncorrupt; and, left to themselves, would not be made Propriety to serve the Ends of Faction. But, for the Business of *Middlesex*, a choice Under-sheriff perform'd all at once: And they found one exquisitely fit for the Purpose, being Doctor-Standing in Treason. His Name was *Goodenough*, and really so he was for the Turn to be serv'd; for once he himself escap'd narrowly the Noose, for Guilt of High-Treason, for which he stood Debtor to his Friend's Secrecy and his own Expedition.

Now the Result, or Consequences of all this Cookery may readily be apprehended, viz. That all grand Inquests were compact of Party-men, Opiniators, and self-willed;

if not real Traitors, little better, and assuredly guided by Faction in all they did. And so also the petty Juries, for Crown-causes; and, which was more extraordinary, even the common Panels, as had been formerly returned almost of course at the *Nisi Prius* Courts, for Civil Trials, were gabbled, altho' consisting of Persons that had, for many Years, serv'd, and were willing to attend, and were known and trusted by the Citizens, almost as Arbitrators, and approv'd of by the Judges, as Men fair and indifferent. Yet there must be a Reform of these also; and, at least, in every one of them, some rank Party-men prick'd in, to procure in Party-Causes. But, upon special Returns made in Causes of Consequence, if Faction interpos'd, the whole String was of the same. And, upon all Occasions of this Nature, the Nomination was consult'd at choice Clubs and Cabals, where the Runners to and fro came in and out with Intelligence, and could inform who were good and who had Men. And so, in their Places near the Court, where all public Business was transacted, the Law was become a perfect Captive of the Faction, like a Dog in a String, to snarl and bite only as they encouraged. It was a fine Retrenchment for the Forlorn Hope of the Party to be enforced behind, and, from thence, to fall out upon Adventurers of Sedition and High Treason; and all with Assurance of Impunity, whatever else happen'd.

To close on this Head: At the same time that the two Factions had their Bickering for the Sheriffs, as it was to the Citizens, that they had those for their Leaders, who would, in person, go all Lengths, and run all Hazards, for the Good of the Cause; or, according to Sir *William Temple*, because Boldness looks like Strength, Lord *Shaftsbury* engag'd the Lords *Huntington*; *Grey of Wark*, *Ruffel*, *Corwallis*, *Brandon*, *Sir Edward Hungerford*, *Sir Henry Coe*, *Sir William Cooper*, *Sir Gilbert Gerrard*, *Sir Scep. Peto*, *Thomas Thynn*, *Thomas Forrester*, *John Trinchard*, and *Thomas Wharton*, Esquires, to go with him into *Westminster-Hall*; and there, to the Grand Jury for *Middlesex*, all of them in a Body publicly presented (s) Reasons for indicting the Duke of *York* as a Reculant;

A Proceeding

A. D. 1688.

Lord Shaftsbury, &c. present the Duke of York as a Reculant.

#### Guidance.

I must confess, I have always had this Apprehension, that nothing could contribute more to the Safety of his Majesty's Person, and the Welfare of his People, than a right Understanding between the King and his People, and more immediately between the King and this his great City. If there have been any such Misrepresentations as you seem to intimate in your Petition, I call God to witness, I am free from it; and I do not easily believe any body else would be guilty of such a thing: However, as to that Matter, Gentlemen, I shall readily comply with your Request, and inform the King truly of the Fact. For the other Matter, I am oblig'd to say so much to you, that I had the Honour, not long since, to wait upon his Majesty, when he was pleas'd to declare to me, and assure me, that this Parliament should sit in November next; and I am inform'd likewise, that he hath accompanied all his Judges with the same thing, for them to satisfy the Country in their several Circuits. If that be so, I have your great Concern for that Matter might have been surpris'd, being anticipated by his Majesty's gracious Intention. However, I shall not be wanting, with all Humility, to lay the whole Matter before him."

(s) As follow.

1. Because the 25th Car. II. when an Act was made to draw *Popish Recusants* out of all Offices and Places fit Trust, the Duke of *York* did lay down several great Offices and Places (as Lord High Admiral of England, General of all his Majesty's Forces both by Land and Sea, Governor of the Cinque Ports; and divers others) thereby to avoid the Punishment of that Law against *Popish*.

2. 30th Car. II. When an Act was made to disable *Popish* from sitting in either House of Parliament, there was a *Privilege* inserted in that Act, That it should not extend to the Duke of *York*; on purpose to save his Right of sitting in the Lords House; tho' he refused to take those Oaths which the Protestant *Peers* ought to do.

3. That his Majesty, in his Speech March 6, the 31st Year of his Reign, doth give for a Reason to the Parliament, why he set his Brother out of England; because he would leave his Man Room to lay, that he had not removed all Causes which might influence him to *Popish* Council.

4. That there have been divers Letters read in both Houses of Parliament, and at the secret Committees of both Houses, from several Cardinals, and others, at *Rome*; and also, from other *Popish* Bishops, and Agents of the Pope, in other Parts of *France*, which do apparently show the great Correspondencies

A. D. 1630.

A Proceeding wholly of the inflammatory kind; and therefore not more unbecoming a peaceable Subject than worthy of the Head of a Faction, whose first Business it was to create a Confidence in his Followers; which could no otherwise be done, than by thus throwing away the Scabbard, and manifesting to the whole World, that he would neither give nor receive Quarter!

The immediate Effect of this daring Action in *Whinistler* Hall, was not so great as was expected; for while the Jury were yet deliberating on the Presentment, the Court had the Address to send for them up and discharge them. "Yet," says *Sir William Temple*, it had a general one on the Minds of the People, and a strong one upon the Passions of all those Persons that were so publicly engag'd in this bold Pace against the Duke; which was breaking all Measures with him, and entering into the desperate Resolution of either receiving his Highness, or themselves; and I found it had a great Effect upon the small Circle of my Acquaintance or Observation."

Another Rebellion in Scotland.

While *England* was labouring with these inward Convulsions, the Remnant of those miserably deluded and persecuted Wretches who had made their Escape after the Rout of *Bathoch-Bridge*, in *Scotland*, the Year before, consisting of the most desperate and most enthusiastic of the whole Party, tho' inconsiderable for their Number, became so lost to Reason and Common Sense, as by a formal Declaration, which they fix'd to the Cross of *Sanquhar*, the 22d of *June*, to disown *Charles Stuart*; who by his Perjury and Breach of Covenant, said they, with *God* and his Church; by his Tyranny and Breach of the very *Leyes Regnandi*, in Matters civil, had fore faulted the Throne of *Scotland*, in which he rather tyranniz'd than reign'd: To declare that, several Years before, he should have been denod'd of being King, Ruler, or Magistrate, or having any Power to act, or Right to be obey'd as such: As also, under the Standard of *Christ*, Captain of Salvation, to declare War against such a Tyrant and Usurper, and all his Abettors, as Enemies to *Christ*, his Cause and Covenant; and finally to disown the Duke of *Tork* a profest'd *Papist*, as repugnant to their Principles and Vows to the most High *God*, &c. The Number of these Desperadoes, were upon this Occasion, no more than twenty-one: And for their Leaders, they had one *Cargill*, and one *Cameron*; after whose Names they were sometimes call'd

*Cargill*, and sometimes *Camerons*. *Cargill* was taken before this Exploit at *Sanquhar*; and *Cameron* had the Honour to dye in his Command, about a Month after, in an Engagement with the King's Troops, near a Place call'd *Cunobock*; which put an End to this little Rebellion almost before it was broke out. Their Numbers, even then, amounted to no more than an hundred Foot and forty Horse; and yet they refus'd Quarter till *Cameron* himself, and about twenty-six of his bravest Followers were kill'd: But if these Men were possess'd with a Spirit of Zeal, which drove them into Phrenzy, those by whom they were overpower'd suffer'd the Transports of their Loyalty to degenerate into Savageness: For, after the Fight was over, they cut off the Head and Hands of *Cameron*, and the Head of one *Pooler*, who had the Command of the Foot under him, as they lay dead on the Field, and made use of them to adorn their triumphal Entry into *Edinburgh*; which was so conducted, as to excite more of Horror in the Spectators, than Approbation: *Haxton*, who was so deeply concern'd in the Murder of the Archbishop of *St. Andrews*, and three more of the Rebels being taken Prisoners, *Haxton*, as the Chief, was receiv'd out of one of the City Gates by the Common Hangman, and set, bare-headed, on a Carriage-Horse, with his Face towards the Tail, his Hands ty'd behind his Back, and his Legs under the Horse's Belly: In which Equipage, the Hangman, bearing aloft *Cameron's* Head on the Top of a Halberd, led him thro' the Streets (the other three, chain'd to a Bar of Iron, and bareheaded likewise, following on Foot behind) to the Council-Chamber; where the Privy Council sat to receive him; and before whom he behaved like a Lion in the Toils, overpower'd, but not subdu'd; Lord of his own Mind, insensible of Pain, incapable of Fear, and wanting nothing of the consummate Hero; if Heroism consists in mere Fortitude and Magnanimity, without any regard to Cause or Consequence. Being examin'd upon several Particulars concerning the late Archbishop's Murder, he said, he was not oblig'd to answer or to be his own Accuser. Being ask'd, if he own'd the King's Authority, his Answer was, That when Authority disown'd the Interest of *God*, in Opposition to *Jesus Christ*, it ought likewise to be disown'd; and that he fear'd the King's Authority was such. Being farther ask'd, if he thought the killing the late Archbishop was a Murder, He said, it was no Murder; and if he own'd the

A. D. 1630.

Immediately cry'd.

Haxton the Archbishop's Murderer taken Prisoner.

His intrepid Behaviour before the Privy Council.

referendecies between the Duke of *Tork* and the Pope: And how the Pope could not chuse but weep for Joy, at the reading of some of the Duke's Letters, and what great Satisfaction it was to the Pope to hear the Duke was advanced to the Catholic Religion. That the Pope has granted Briefs to the Duke, for sin Remission, ample Indulgences, with much more to this Purpose.

That the whole House of Commons hath declared him to be a *Papist*, in their Votes, *Sunday April* the 6th, 1679: "Resolved, *contra* *contra*, That the Duke of *Tork's* being a *Papist*, and the Hope of his coming such to the Crown, has given the greatest Countenance and Encouragement to the present Conspiracy and Designs of the *Papists*, against the King and Protestant Religion."—What this Conspiracy and Design is, will appear by a Declaration of

both Houses of Parliament, *March 25*, 1679: "Resolved, *contra* *contra*, by the Lords Spiritual and Temporal, and Commons, in Parliament assembled, That they do declare, that they are fully satisfy'd, by the Proofs they have heard, there now is, and for divers Years last past hath been, a horrid and reasonable Plot and Conspiracy, contrived and carried on by those of the Popish Religion, for the murdering of his Majesty's sacred Person, and for the subverting the Protestant Religion, and the ancient, well-establisht Government of this Realm."

6. That, besides all this Proof, and much more to this Purpose, it is most notorious and evident, he hath for many Years abstain'd himself from Protestant Churches, during religious Worship.

A. D. 1650.

the (f) *New Covenant* lately taken from *Cargil*? He reply'd in the Affirmative, adding, That he would fain know what any Person had to say against it. Being also ask'd, if he were at Liberty and had Power to murder any of the King's Council, as he had murder'd the late Archbishop, whether he would make the like Use of it? He said, he was not free to give any Answer to that Question. The Lord Chancellor then saying, That if he were not more ingenuous in his Answers with respect to that Murder, he should immediately be put to the Torture. His Answer was, it would be but an Addition to their former Cruelties against the People of God. And being yet further urg'd with several other Questions; he, at first, refus'd to answer; but after a short Pause, said, That if he might have Liberty of Speech, he would give an Answer: Which being freely granted him, he made a short Speech, in which he said, "That he stood there as a Prisoner for *Jesus Christ*, and for adhering to his Cause and Interest, which had been seal'd by the Blood of many Persons, who had suffered lately in that Land, and that he own'd all the Testimonies given by them." Being then ask'd what he could answer to that Article of the Confession of Faith, which he pretended to own, which says, That infidelity and Difference in Religion, do not vacate the Magistrate's Right; he reply'd, That that Article was expung'd by the *Solemn League and Covenant*; the Obligation of which was only to maintain the King in Maintenance of Religion. And all this being read to him, he, openly and without any Reserve, confirm'd every Particular anew; only he refus'd to sign his Examination; which is the only Reason that can be given for Bishop *Burnet's* Assertion, "That he would not own the Authority of the Council, nor make any Answer to their Questions." For the last Scenes of this extraordinary Man's Life, we may, however, depend, in a good degree, upon his Lordship's Authority, because it is corroborated by his whole Story, and all the Traces that are left of it.

And at his Execution.

"He was so low, by reason of his Wounds, says that Prelate, that it was thought he

would dye in the Question if tortur'd: So he was, in a very summary Way, condemn'd to have both his Hands cut off, and then hang'd. All this he suffer'd with a Constancy that amaz'd all People. He seem'd to be, all the while, as in an enthusiastic Rapture, and insensible of what was done to him. When his Hands were cut off, he ask'd, like one unconcern'd, if his Feet must be cut off likewise: And he had so strong a Heart, that, notwithstanding all the Loss of Blood by his Wounds, and the cutting off his Hands, yet when he was hang'd up, and his Heart cut out, it continued to palpitate some time after it was on the Hangman's Knife, as some Eye-Witnesses assur'd me. *Cargil*, and many others of that mad Sect, both Men and Women, suffer'd with an Obstinacy that was so particular, that tho' the Duke of *York* sent the Offer of Pardon to them on the Scaffold, if they would only say, *God bless the King*; it was refus'd with great Neglect. One of them, a Woman, said very calmly, *She was sure God would not bless him, and that therefore, she would not take God's Name in vain*. Another said, more fully, that she would not worship that Idol nor acknowledge any other King but *Christ*: And so both were hang'd."

Thus it appears that Error has its Martyrs as well as Truth; and that the Effects of a strong Conviction, and a strong Delusion are the same. It ought also, in this Place, to be observ'd, that all the virulent Party-Writers on the Side of the Prerogative and the Hierarchy, endeavour to fix the Guilt and Madnes of these Enthusiasts on the whole Body of *Protestant Nonconformists*: But very unfairly; for no Species of the like Insatiation appear'd on this Side of the *Tweed*: Nor, indeed, do the extravagant Doctrines in *Cargil's New Covenant*, bear any Resemblance to those set forth even by the *Scottish Presbyters*, on the Day of his Majesty's Coronation at *Scene*.

That we may not incur the Censure of being too minute and circumstantial in our Narration, we are now to pass over some, and postpone other, (g) Occurrences, which were the Product of this Summer; and proceed, forth-

A. D. 1650.

(f) It consisted of Seven Articles, besides the Preamble, which had an equal Relation to Religion and Government; and were drawn up in very opposite and significant Terms. The first was relative to Matters of Faith only: The second declar'd equally against *Prelacy* and *Episcopacy*; and that, according to their Power (Power being God's Call to us Gods) they would relieve the Church and Kingdom from all Oppression: The third was a Declaration of War against the Kingdom of *Dartree*, and the Supporters of it, *Idolatry*, *Papery*, &c. that being this zealors for God, he might delight to dwell among them: The fourth was express against the King, and his Commissioner *Lauderdale*, for abjuring the *Covenant*; calling their Administration of Power, not Government, but *lawful Rape*; and themselves not *Governors*, but *public Grassladders*, and *public Judgements*, which all Men ought assentually to labour to be free from, as from *Scourge*, *Famine*, *Pestilence*, &c.; and that because they had taken away *Christ's Church*, and chang'd the Civil Government (which was by King and free Parliaments) into Tyranny; so that none could look upon them as bound in Allegiance to them, unless they would also say, they were bound in Allegiance to Devils: They being His Vicegerents, and not *Clas*: The fifth Equally'd their Opinion, That Government was not an *Inheritance*, but an *Office*, which must be squar'd, not to the Interest and Loss of one Man, but to the Good of

the Commonwealth; for which Reason they disdain'd the Government of a single Person, as apt to degenerate into Tyranny; and declar'd their Purpose to provide for their Governour able Men, out of all the People; such as fear'd God, lov'd his Truth, and hated Covetousness; And the *res* *lest* turn'd on the Power, Duty, Office, and Abuse of a Gospel Ministry, &c.

(g) It is ought not, however, to be forgot, that Plaiting was now become a Trade; and that every Villain had Recourse to it, as both a safer and safer Way to thrive, than by taking to the Road: Of which *Ferguson* gives the following extraordinary Instance.

Having first told us, that the Conspirators were so estrag'd against the Duke of *Beck*, for his Proceedings at the Court of *France*, to their Prejudice, before-mention'd, that they resolv'd to have his Head at any rate; he proceeds to say, that a certain Nobleman, who own'd all his Greatness to the Duke's Patronage, was now the principal Instrument to destroy him: The Minister this: They find out a common Strumpet, one *Mrs. de Mar*, who had a Boy call'd *Philip de Mar*, bred about the Court, and, after the Court Fashion, one of the most impudent Villains that ever was heard of; and this Boy's Mother being a Procurer to the Court, is heretofore it may be to the Duke, and using the Duke's Houle; the now growing very poor, and out of date both at Court

with to those more important Incidents which, at last, necessitated those in Power to give way to the Meeting of the Parliament.

The carrying the Sheriffs with to high a hand in the City, the desperate Attack on the Duke in Westminster Hall, the Popularity of his Grace of Monmouth, the deep and dangerous Intrigues of the Earl of Shaftsbury, and the violent Humours that rag'd among the People were all Circumstances, that not only created very melancholly Re-

flections at Whitehall, but actually contributed to some material Alterations: In particular, the Earl of Essex (who, if Sir William Temple's Authority is to be rely'd on, had his Eye and Heart ever bent on his Return to the Government of Ireland; which made him steer wholly by that Compass, and pursue court or popular Humour as he thought either likeliest to gain his End) having endeavour'd to carry that favourite Point, by all the (B) Tricks and Refinements; that

Temp. Mem.  
p. iii. p. 343.

and every where else, is first for the E- of — a House, and the Lady — with Christian, a Servant of the Earl of Derby's, and this infamous Creature, contrive to lay to his Grace's Charge a Vice too false to name; supposing he committed on her Boy; but they could not tell how well to do that neither, in regard the Boy had not lived with the Duke for above six Years before; however, they concluded That time would well enough; and so, with the Help of Mr. Clarendon, who was afterwards convicted for this Conspiracy, and flood in the Pillory with divers others, they settled the Point to well, that the Boy and Mother are taken into present Pay, and introduced to the Duke's Presence, who instantly get's a Justice, so left that Sir George Jeffes, the Recorder of London, to take the Deposition of the Boy and the Mother against the Duke: But to give Sir George his Due, he did not at all relish the Business, but was so far from it, that he plainly told the E- when he had done it, that it was an odd, idle thing, and it look'd too like Malice; and advis'd his Lordship not to meddle farther in such a dirty Business: But Sir George's Advice did but little prevail; for his Lordship perceiving he was committed by the King to do what he did; and therefore told Sir George he must take the Deposition: It was his Majesty's Pleasure; which Sir George did take the Head of, but did not finish it till another Day; which being done, and the Boy and the Mother sworn, his Lordship made a Shift to get a Warrant to apprehend the Duke, sign'd by Baron Bertie and Mellengers were out to way-lay the Duke at his coming over, both at Dover and elsewhere; and the Conspirators once motion'd a Proclamation for the calling home his Grace; but that was diverted by some means or other; and, notwithstanding all the Means and Power of the Court, and Conspirators, to take him, and do his Work that way, yet, by the Care and Industry of Mr. Jeph and Whiteaker, the Roguery was still discover'd as fast as acted: Yet the Conspirators had so far prevail'd, that to put a better Glóse upon their Villanies, they had obtain'd the Council-board to take cognizance of the Fact; and that Board not only examined the pretended Evidence of the Boy and his Mother against the Duke, but also made Orders for the then Attorney-General to hold the Duke upon the Testimony given; and, to encourage the Business, the E- Mar had been so bold as to say, the best Man in England for him to work, and promis'd him 300 l. for answer out of the Duke's Estate for his Pains (which was prov'd by undeniable Witnesses in the Council-chamber) yet, instead of repaying the Villain that had spent such a Man, the Council, so soon as the Duke's Back was turn'd, who complain'd of the Conspiracy against her Lord, allow'd that very Villain the 300 l. for Work, (a Circumstance hardly imaginable) to keep him in Prison, where he was put by the Duke's Agents, in order to be indicted for the Conspiracy. And to show that there were as well great as little Villains in the Design against the Duke, this very Creature, the Mar, before he was seiz'd by the Duke of Barb's Agents, and apprehended, had been kept at a Westmore's House, near White by Name, and that by Order obtain'd by the Treasurer from one of the Secretaries, on purpose that he might not be out of the way when they were ready; and the Money for keeping him was paid to White by Bridgman, belonging to Sunderland's Office: And to confirm were the Conspirators of erecting this Device on the Duke, and getting his Head, that it appear'd, upon the Discovery, that the Duke's Estate was shar'd, before his Head was off.

This is the Person's manner of telling the Story; and, considering the Spirit he wrote with, the Reader may fairly conclude, that, with some Truth, there is also a Mixture of Falshood in it. In the Gazette of April 3, 1680, there is, moreover, the following Article:

"Whitehall, April 7. Mr. Attorney-General being, by Order from the Council-board, directed to take the Examinations of all the Witnesses concerned in the Matter of the Accusation against the Duke of Buckingham, as well those sign'd as for the said Duke, did this Day make his Report accordingly: In which he took notice, that he had Reason to believe that there had been several other Persons assist. And the Right Honourable the Earl of Sunderland finding that his Name was mention'd in one of the said Examinations, his Lordship mov'd his Majesty, that Mr. the Mar, and Phi-

lip le Mar her Son, might be immediately sent for; which being order'd, Mrs. le Mar declar'd, That she was given to understand, that her Son Philip le Mar, who is now a Prisoner in the Tower, had been a great time for to be Question'd by several Persons, and made drunk; and being drunk, had been sworn to several Informations relating to the Duke of Buckingham: And the said Mrs. le Mar nam'd one Edward Esqly, who could testify the Truth hereof; the said Edward Esqly declar'd upon Oath, That the said Philip le Mar, at the said Tavern, come down-stairs drunk; and that he had told her, he was made to swear when he was drunk, and that his Hand four times to a Paper; and that Mr. Berkeley, Esqly a Justice of Peace, and one Cadman, were then present: Whereupon the said Philip le Mar, being call'd in and examined, said upon Oath, That he was made drunk at the said Tavern, as aforesaid, and had then sign'd and sworn to some Informations, which were brought ready written, and which he does not remember were read to him, he not being able to read himself: And the said Examinations being read at the Board, the said Philip le Mar did deny the Whole: And whereas it was said in one of them, That several great Persons had encouraged and instructed him in a Design against the said Duke, and that the Earl of Sunderland also knew of the said Design; the said Philip le Mar upon Oath declar'd, That he never had said any thing concerning the said Earl; and that he neither knows, nor can say, any thing of his Lordship as to that Matter: And it appearing further to the Board, that several other illegal and ill Practices had been used in this whole Business, his Majesty thought fit to order, That Mr. Burghley, who had taken the said Examination, should be put out of the Commission for the Peace; and that, for preventing the like Practices for the future upon the said Philip le Mar, no Person should be suffer'd to come to, or converse with him, during his Imprisonment, without Order from the Board.

Five Days afterwards, Sir William Waller was, also, put out of the Commission of the Peace, for being too idle in this Matter; the particular Offence sign'd for it, being for illegally taking one Hichy, alias Higgins, one of the Parties in this Affair, out of the Custody, and detaining him all Night at a Tavern.

It is, however, certain, that Colonel Blood, before-spoken of, for his desperate Attempts to steal the Crown, and to carry off the Duke of Ormond's son also Christiana, a Creature of Lord Danby's, one Orlan, and one Curtis, were convicted of a Conspiracy against the said Duke, June 28; that is to say, to suborn Philipens Colles and Sam. Ryler, two of his Grace's Servants, to swear against him the detestable Crime before intimated, at several Times, with several Persons, &c.

As another of the Remarkables of this Summer, it ought also to be remember'd, That, in the Cloze of the Month of July, a violent Fever put a Period to the valuable Life of the pillar Earl of Ossory; who had the Felicity to live long enough to acquire into the Light that goodly be deriv'd from the joint Succession of all the Virtues and Graces, and to die before the Rite of Age, and Industry had marr'd the trail of them.

(8) "Whenever the Irish Acts came into Council, he was sure to be there; not raising only Difficulties in the particular Acts, and arranging not the only Precedent but common Sense of the Lord Lieutenant and Council there: Then arguing against the sending a Parliament in that Kingdom: And, at last, introducing Sir James Shea to make Proposal of increasing the King's Revenue there near 80,000 l. a Year, upon a new Farm to himself and the Company he offer'd to be join'd with him: A Farm, indeed, as it was drawn up, not of the Revenue, but of the Crown of Ireland!

This Scheme was ever oppos'd by Lord Essex, says Temple, and ever oppos'd by me, with more Sharpness than was usual to me upon any Debate; because I had found out the Cheat of the whole; and, which the Lord Essex had set forth as a great Matter piece of that Cunning which his Friends us'd to say was his Talent; and was one for which, of all other Talents, I had ever the greatest Aversion. The Short of the Story was, Lord Essex had a mind to be Lieutenant of Ireland, and to hinder any Parliament from being call'd till he

A. D. 1680.

Lord Essex  
and Lord  
Shaftsbury  
reconcil'd.

he or his Friends could put in Practice; and having been defeated in all, fell at this time into new Commerce with Lord Shaftsbury, who, continues Sir William, told him in those shameful Words, My Lord, if you will come in to us, never trouble yourself; we'll make you Lieutenant of Ireland. The way to this Return was, to oppose the Duke's Stay here upon the several Passages, He (Shaftsbury) made; but chiefly upon that (the *Prisentment*) before the Session of Parliament. Lord Hallifax, tho' he fell not in with Lord Shaftsbury, yet was glad to make fair Weather against the Parliament met by his Oppositions to the Duke. The Lord Sunderland was struck with the Boldness of the Lords Presentment in Westminster Hall; and the Consequence of such Men being so desperately engag'd in an Attempt wherein they were likely to be seconded by the Humour of the Nation, upon the Alarms of Popery; which made him conclude the King would not be able to support the Duke any longer; but would be forc'd to separate his Interests from him at Court: And he believ'd the King himself was of the same Mind. Mr. Godolphin fell into the same Thoughts with Lord Sunderland, both of the thing itself and of the King's Mind in it: So as, upon the Debate in Council, concerning the Duke's Stay, or going back into Scotland before the Parliament met, these four join'd absolutely in the Reasons and Advices for his going away: And tho' the rest of the Council were generally of the contrary Opinion, yet the King fell in with these four, and concluded the thing against the Duke's Will and his Friends, as Sir William Temple was told; on whose Credit this whole Account is to be taken.

The King him-  
self for the  
Duke's Return  
to Scotland.Intrigues of  
the Duchess of  
Portsmouth.

There is Reason to think that there was yet a fifth Person, the Duchess of Portsmouth, who had more Power over the King than all the rest; and that she made use of it all, to help the Duke on his way. That Lady had her Reasons, at this time, to be on good Terms with the Opposition; and possibly either bought her Peace with this notable Service, or was brib'd into it with the tempting Assurance, that, in case she co-operated in the Exclusion-Bill, her own Descendants should not be the worse for it. *Ferguson* expressly charges her with having an Eye to the Succession; and makes no Difficulty to affirm, that the Earl of Sunderland was of her Cabal: But if he was, it could be only to delude her; since it is a known thing, that his Attachments were elsewhere. The same Writer, also, says, That Mrs. Wall, her

Growth of  
Popery, P. II.  
P. 276.

Grace's Woman, who was deeply in the Interest of his Royal Highness, appriz'd him from time to time of all that pass'd, and thereby enabled him to take his Precautions accordingly.

But whether his Majesty was overcome by the Charms of the Lady, or gave way to the Authority of his wife Men, or took his Resolution, with respect to the Duke, from his own Sense of Things, and a thorough Conviction, that what he did he was oblig'd to do, he took all imaginable Care to make his Royal Highness believe the last was the Truth, and to reconcile him to the Thing by the Manner. He delay'd his Departure till the very Day before the Parliament was to meet: He accompany'd him as far as *Wobwich*, where he was to embark for Scotland; and he took his Leave of him with all the seeming Tokens of an Affection without Reserve.

But the Duke and his whole Party were, however, too grievously mortify'd with this Wound, to be over-sensible of the Balm, which his Majesty so officiously pour'd into it: Which is the less to be wondered at, if what Sir J. *Revelley* says is true, *viz.* That the *Papists*, presuming on Support from the Duke, had lifted up their Crests with great Arrogance; and that his Royal Highness had till now, reign'd absolute in the King's Affairs.

We have now the Session so long expected, and so violently contended for, in sight: But for the better understanding the principal Points it turn'd upon, it is necessary to take a transient View of the Progress of the Plot; as also, by way of Preparatory for our taking leave of that wearisome Labyrinth, for good and all.

It seems, as the Credit of the Plot rose or fell, the Credit, and consequently the Power, of the two Parties rose or fell with the People: When *Reading* was convicted of suborning *Bedlow* to soften his Evidence, with respect to the (i) five Popish Lords; and *Price* and *Tashborough*, for attempting to do the same by (k) *Dugdale*, in favour of *Harcourt*; it may be pretum'd the King's Witness, as they were called, stood highest in the Esteem of the Public; because it was more natural, from the Prejudices at that time reigning, to conclude, that these dangerous Practices of the Prisoners rather imply'd a Consciousness of Guilt, than that, from a Consciousness of their own Innocence, and Dread of the Fury of the Times, they thought it their wisest Course to treat Prostitutes as Prostitutes; and to submit to a Composition

P. 101.

Practices to  
take of Bed-  
low and Dug-  
dale.

came to the Government. He saw himself out at Court, and the Hopes of getting in by his Interest in Parliament, now delay'd by the Prorogation longer than he could stay; he projects this Farm with Sir James Sheen, and by him offers it to Mr. *Hyle* (First Comptroller of the Treasury) with the Advantage mention'd to the King's Revenue; but agrees with Sir James, that, if the Bait were swallow'd, he should, upon the Conclusion of all, declare, That he, and his Company, were ready to perform all the Conditions agreed upon; but could not do it, unless my Lord *Essex* might be first ever Lieutenant of Ireland; without which the Condition of that Kingdom could never be settled enough for such Advantage to the King's Service and Revenue. This I knew, under Secrecy, from a Confidant of Sir James Sheen, who

had told himself this whole Project, and the Pass intended.\*

*Temp. Mem. Part III. P. 145.*  
(i) But more particularly of the Lords *Perre*, *Francis*, *Stafford*, and *Sir Henry Tushnet*. The Consideration offer'd for this Job was to be made both in Money and Lands: Fifty-six Guineas, at several times, *Bedlow* receiv'd from *Reading*. All the several Circumstances laid in the Indictment, were very clearly prov'd; and *Reading* was sentenced to stand in the Pillory, and pay a Fine of 1000*l*.

(k) She offer'd *Dugdale* 1000*l*; and, if *Dugdale* himself deserves Belief, not only made frequent Use of the Duke of York's Name, to give a Sanction to what he said, but told him he should have a Place in the Duke's Court. The Proof in that Case was, likewise, flagrant: So the Jury had no Difficulty to bring them both in Guilty.

A. D. 1680. position with Villany, rather than become the Martyrs of it.

On the other hand, when *Wakeman*, &c. were acquitted, not all the Libels on the Integrity of the Court, nor the shameless Reflections on the Lord Chief-Justice, could keep the Witnesses in Countenance, nor uphold the Credit of the Plot; till the Practices upon *Dangerfield*, which were calculated to ruin it entirely, furnish'd the Party with Materials to raise it once more as high as ever. But still it had no Stability; *Dangerfield's* Character was so excessively rotten, that nothing could be built upon it. Mrs. *Ceffer* prov'd in open Court, by Record upon Record, that he had been burnt in the Hand, whipp'd, transported, pillor'd four times, outlaw'd for Felony, fin'd for Cheats, and suffer'd public Infamy over and over again for repeated Crimes; so that his Evidence was not only over-ru'd, but he himself was committed as a Rogue almost beyond the Reach of Pardon: And, before, when the Bill against the Countess of *Powis*, who had been committed and held to Bail for high Treason on his Evidence, came to be examin'd by the Grand Jury, and was found to be no otherwise supported, they made no Difficulty to bring it in *Ignoramus*.

Sir Thomas Gascoigne's Case.

During the Interval of Parliament, the Plot had been yet farther dignify'd by the Prosecution of one Sir *Thomas Gascoigne*, a Gentleman of the North, in the last Stage of Life, who had almost totally lost his Sight, his Hearing, and his Memory; and who had for little concern'd himself with public Business, that he had been in *London* but once, for thirty Years before. His Accusers were two of his own discarded Domesticks, infamous for their dishonest Practices while yet in his Service. The Charge against him was for conspiring the Death of his Majesty; but for abounding with Improbabilities and Inconsistencies, that on the Counter-Evidence of no fewer than twelve Protestants, he was acquitted. The Lady *Tempest*, the Daughter of this Sir *Thomas*, who had been robb'd by one of these Fellows to the value of 60*l*. and one Mrs. *Preswick*, Sir *Miles Stratton*, and one Mr. *Thwing*, a Priest, were also prosecuted for their Lives, for being concern'd in the same Conspiracy, on the Credit of the same exploded Witnesses: And tho' the two Ladies and (1) Sir *Miles* escap'd the Snare, the Priest was caught, and suffer'd at *York* after having been tantaliz'd with the Hopes of Life from the End of *July* to the End of *October*, by way of Assurance to the Parliament, that the King's Heart was now as entirely Protestant as theirs.

No Cause could reap any solid Advantage from such Mea or such Proceedings as these;

and yet these Men had Patrons, and these Proceedings (no) Advocates; but not beyond the Limits of the Faction whose Interests they undertook to serve. All of the other took sufficient care to expose their Wickedness, and sufficiently found their Account in it; for an Impositive demonstrative, is, or ought to be, a Specific for Credulity.

The Plot, moreover, and the Plot-Wrights, receiv'd yet another stunning Blow this Summer, by the Deliverance of *Roger Palmer*, Earl of *Castlemain*, Husband to the famous Duchess of *Cleveland*. He was indicted for his Share of the grand Plot, to kill the King and re-establish Popery. The two main Witnesses against him were *Oates* and *Dangerfield*. *Oates* swore that the Prisoner was made acquainted with the Result of the Consultation, so often spoke of, at *Ferriack's* Chamber, and with'd it good Success; in which Case he said, he should be revenged: And *Dangerfield*, that his Lordship had been very angry with him because he had not done the Business he was taken out of Prison for, viz. *The killing of the King*. The whole Issue was put on the Credit of the Witnesses. The Lord Chief Justice (*Scruggs*) in his Charge to the Jury, caution'd them to weigh the Nature of Things in themselves, as they carry'd Probability or not; or else the Confidence of a Swearer would take away any Man's Life; enlarg'd on the Infamy of *Dangerfield's* Character; allow'd that *Oates* was the more reputable Person of the two, and left them to consider whether the turning Witnes made a Sinner a Saint.

These were the Weights against the Plot: And in the other Scale, two Incidents, which were both the Growth of this Summer, were thrown together with all the Trappings they would bear, by way of Counterpoise.

One Mr. *Arnold*, a Justice of Peace in *Monmouthshire*, who had distinguish'd himself by his Zeal against *Papists* Recusants, and in particular, had been eminently instrumental in prosecuting one *Captain*, otherwise *Father*, for exercising the Office of a Priest, of which he was convicted, and for which he underwent the Law, was, about the Middle of *April*, way-laid in *Bell Yard, Fleetstreet*, by two Persons in disguise, who gave him four or five Wounds in his Body, and several Cuts in his Face; and, as it was given in Evidence, would certainly have dispatch'd him, if it had not been for a Pair of Whalebone Bodice, which, it seems, hinder'd the Thrusts from being mortal; saying, at the same time: *Now, you Dogs, pray for the Soul of Captain (n) Evans; as also, D—me, he has Armour on, cut his Throat*. Another Circumstance that render'd the Affair more remarkable, was this: Mr. *Arnold* had a (2) Controversy

Lord Castlemain's Trial and Acquittal.

The attempt on Justice Arnold.

(1) But Sir *Miles* not till the next Year.

(2) Mr. *Agness* says, in particular, says, That *Robert* told his story so discreetly, that every body believ'd him. *Letters to Saville*, p. 112.

(3) He was at *Tewkesbury*, as Mr. *Arnold* assur'd the Court, when the Sheriff came to give him Notice, that he had a Warrant for his speedy Execution; and said on that Occasion, *God do-a-me, I'll play out my last first*.

(4) Of what Nature this Controversy was; and what Connection Mr. *Herbert* had with *Giles*, may be gather'd, in part, from the following Particulars, which are annex'd, by way of Supplement to the said *Giles's* Trial:

"Then Mr. *Herbert* appear'd, and pray'd to be discharged from his Recognizance to appear at the *Old Bailey*; but being accus'd by a Woman for calling her *Whore*, *Jude*, and every ill Name, and holding up his Staff at her, and

A. D. 1680.

Controversy with Mr. *Herbert*, another *Monmouthshire* Justice, which was to have been argued before the Privy Council, at four o'Clock, the very Day he was assassinated, but was unexpectedly postpon'd till the next Morning at ten: At which time it was now impossible for Mr. *Arnold* to attend, by reason of his Wounds. Thus the Affair came as of course before the Council, who thought it advisable to give public Notice in the *Gazette*, That whoever would discover any of the Assassins should have 100*l.* for a Reward. Several Persons were, upon this, taken up on Suspicion, and at last, one *Giles* (of *Monmouthshire* likewise) without the Privy or Knowledge, as it is said, of Mr. *Arnold*, who, upon being sent for to confront him upon his Examination, charg'd him, at first Sight, with being one of the Assassins. And *Giles*, on the other hand, instead of denying it, said, *The Matter would amount to no more than an Assault and Battery*. He was hereupon committed to *Newgate*. In the *July* following, he was solemnly try'd at the *Old Baily*, *Jeffreys* the Recorder presiding as Judge Assistant to the Lord-Mayor, and, upon as full Proof as the nature of the thing would bear, was brought in guilty; his Sentence being, to stand in the Pillory three times; to pay 500*l.* to the King; to be committed in Execution till that was paid, and to find Sureties for his good Behaviour during Life. The Use that was made by the Party of all this, was to refresh the faded Story of *Godfrey's* Murder, to give it additional Credit, to excite new Repentments against the *Papists*, to make new Profelytes to the Plot, and to stigmatize all Unbelievers; as appears from the Preface to the Trial itself; in which, besides several other remarkable Passages, we find that which follows: "The Murder of Sir *Edmundbury Godfrey*, and the Assassination upon Mr. *Arnold*, will be always at Hand, if not to stop the Mouths, yet to curb the Influence of unbelieving *Bigots*."

*Bellows's dying Declaration of the Truth of the Plot.*

The other Incident which help'd to keep the Plot-Balance even, was the Death of *Bellows*, or rather the last Scene of his Life, which was remarkable enough to challenge a Place in Story. The Judges were on their Circuits; and Sir *Francis North* had that of the West for his Province, when the Captain, for so he was call'd, took it into his Head to ride Post down to *Bristol*; where he fell immediately into a violent Fever; in which

Condition he lay when the Lord Chief Justice made his first Entrance into that Town to hold the Assize: And no sooner had his Lordship taken Possession of his Lodgings, but he receiv'd a Message from him by one Sir *John Knight*, desiring, that his Lordship would give him a Visit; he having something of great Importance to impart to him before his Death. His Lordship comply'd, but with his usual Precaution took care to have the two Sheriffs, his own Brother, Mr. *Roger North*, and his Marshal, one *Jones*, as his Attendants, and that he might be sufficiently guarded against all Hazards in such dangerous Company. Being come into the sick Man's Chamber with his whole Company, which had also been reinforce'd on the Way by a Clergyman of the City, at the Instance of the Captain; he (the Captain) laid, in the Presence of all, That he look'd upon himself as a dying Man; that he was shortly to appear before the *Lord of Hosts*, and that, because many Persons had made it their Business to baffle and deride the Plot, he did, for the Satisfaction of the World, declare, upon the Faith of a dying Man, and as he hop'd for Salvation, That whatever he testify'd concerning the Plot, was true; that he had wrong'd no Man by his Testimony, but had rather testify'd under than over the Truth; that his Conscience was clear on that Account; that he should appear cheerfully before the *Lord of Hosts*; that he had many Witnesses to produce, who would make the Plot as clear as the Sun; and that he had many other things to discover, which were of great Importance both to the King and the Country.—— Here pausing, the Lord Chief Justice took occasion to interject, That the Plot was so evidently made out that no reasonable Man, no Protestant, he was sure, could doubt the Truth of it. Adding withal, That he ought not to have conceal'd any thing that concern'd the King so highly. The Captain reply'd, That much of what he had now discover'd was to corroborate his former Testimony; that he had conceal'd nothing that was absolutely necessary to the King's Preservation; and that he thought it not fit to accuse *more Persons*, till he had ended with those whom he had already accus'd.—— He then fell into a Fit of passionate Concern for his poor King, and his poor Country; both of which, it seems, he dearly lov'd, and were still in imminent Danger

A. D. 1680.

*Account published by Order of the House of Commons.*

threatening to bear her for being a Witness against his *Part* in *Giles*; as also for taking away her Harve as he was going to the Mill, and the Reason was because she was to be a Witness in *London* against *Giles*. But the being a marry'd Woman, and none appearing that would be bound to prosecute him for it, he was not bound over to answer it, till another Complaint came in against him, which was immediately made by Mr. *Ballard*, and another Gentleman; who charg'd Mr. *Herbert*, That, in *Windsor* *Week* last, upon a Discourse for causing Knights of the Garter for *Monmouth*, and the Spying of one in the Company, that it was thought Mr. *Arnold* would stand for it, Mr. *Herbert* should make answer, *I will circumvent the other Side of his Clock* *jest*, *on*, *He must have the other Side of his Clock circumvented* *jest*. Upon which, the Court ordered he should not be discharged, but remain bound, upon the former Recognizance, to appear there next Session. And the Recorder gave him several sharp Reprehensions, for his malicious and unmanly Words and Proceedings. This being the second of the King's Witnesses, and a Woman that he

had barbarously treated; fill passionately giving for the Reason, that they were Witnesses against his *Part* in *Giles*, as it was prov'd on Oath before the Court, by several Witnesses.

Then Sir *Thomas Allen* acquainted the Court, that a Gentleman had inform'd him the Day before, that Mr. *Herbert* told him that Mr. *Arnold* wounded himself, and cut his own Throat; which the Court look'd upon as an high Effect of a malicious Ingratitude, Mr. *Arnold* having becomg his Majesty, when Mr. *Herbert* was in *Newgate*, to engrave his Resentment, Mr. *Arnold* reply'd, "That Mr. *Herbert* had been more injurious to his Majesty, who had graciously pardon'd him several Offences, and lately *for* he had *given* *wound* of his Majesty's Person and Government than he had done of him, as it had been prov'd before his Majesty, and of which he believ'd his Majesty was well satisfy'd." The Court told Mr. *Herbert* he was a Shame to all *Englishmen*; and bound him by Recognizance to appear, and answer this Offence, at the King's Bench Bar, the 25th Day of the next Term."



A. D. 1680.

Danger from the Jesuits, who had resolv'd to spare the King no longer than he continued to be kind to them: And by way of Proof, said, he was privy to all their Consultations at *Salamanca* and *Valladolid*, where they us'd to observe the favourable Conjunction they had to introduce their Religion into *England*, which consisted in their having a Head, who was to be set up, whatever came of it: For if they let slip that Opportunity, they never should have such another; and without a Head they could do nothing.

Thus far all was public: After which, the Room being clear'd of all but the Lord Chief Justice and his Officer, the Captain proceeded to make certain perplexed Depositions, upon Oath; involving the Duke in the Guilt of the Plot, but not of the Design on the King's Life; charging that wholly on the *Jesuits*; insisting, that they had undertaken for the Job; as also, that they had settled on some who were to bear the Odium of the Action, and on whom the Duke, when set upon the Throne, was to fly with the Sword of *Revenge*: And concluding, remarkably enough, with an Absolution of the Queen from all Concern in the King's Murder, as far as ever he could find out; and even in the Plot, except by contributing what Money she could for the Introduction of the Catholic Religion: *Nay*, said he, it was a great while, and it made her weep, before she could be brought to that.

Essex, p. 253.

Mr. North is of Opinion, that this Expedition of *Bedlow's* to *Bristol* was with no other View than to trapan the Lord Chief Justice: "Somewhat, surely, said he, was intended here, (p) more than ever appear'd: But the Regularity and Precaution of the Chief Justice dash'd it. He took care to have the Captain's Depositions upon Oath, made his Clerk take all down in Writing, read over distinctly the several Items to him again himself, ask'd him *If that was all?* and, upon the Captain's answering *It was*, call'd upon him to sign the Paper; which he made a shift to do on his Pillow: And thus, proceeds our Author, it was impossible to set up any Fiction touching this Examination."

But perhaps this is an Over-refinement: That great Magistrate was rather (q) too apprehensive of the wicked Practices of those Times; and stood aloof when there was no Danger: The last Request of the Captain's, which was, That his Lordship would have the Goodness to obtain some Money for him

from the King, seems clearly to explain his first Intention: And, apparently, these mitigating Touches, with respect to the Queen and the Duke, were calculated to shew that he was willing to deserre it.

Certain, however, it is, that, on the fourth Day after this Death-bed Examination, the Captain departed to his Audit: And the solemn Confirmation he had given, before so many Persons, of the Truth of the Plot in the general, and his own Evidence in particular, soon taking air, the Party spread it on all Sides, insisted strongly on the Credit that was due to the Words of a dying Man (forgetting how uncharitably they had treated the persecuted Catholics) and plum'd it themselves more than ever on the Authority of so conscientious a Witness. The City of *Bristol* rung with his Applauds; and Numbers of the Inhabitants carry'd their Zeal and Veneration so far, as to solemnize his Funeral with much vain Pomp and Expende: They follow'd his Body to the Grave as Mourners, and they adorn'd his Hearse with Devices to his Honour, accompany'd with Mottos, signifying, *That what he living attested, dying he confirm'd.*

We have now before us a general Prospect of Affairs, both abroad and at home, at the time that the King was pleas'd to meet his People in Parliament; which was upon the 21st of *October*; and, upon which Occasion, his Majesty, in a Manner extremely plausible, if not truly gracious, endeavour'd once more to wipe out the Memory of past Offences, and made all the Advances that could be expected from him, to come to a thorough good Understanding with all his Subjects. He set out with giving a very artful Turn to the several Prorogations, which had postpon'd the Session, so much to the Displeasure of the Malcontents, saying, he had made a good Use of them, by the Measures he had taken with *Spain* and *Holland*, for mutual Defence and Succour: And that they could not fail to attain that End, and to spread and improve themselves further, if our Divisions at home did not render our Friendship less considerable abroad. "To prevent these as much as may be, continued his Majesty, I think fit to renew to you all the Assurances which can be desired, that nothing shall be wanting on my Part to give you the fullest Satisfaction your Hearts can wish, for the Security of the Protestant Religion; which I am fully resolv'd to maintain against all the Conspiracies of our Enemies; and to concur with you in any new Remedies which shall be

A. D. 1680.

The King's Speech at the Meeting of the Parliament.

(p) On the other hand, *Perpallia* writes thus: "Mr. *Bedlow's* dying at *Bristol*, and taking it upon his Death, the Truth of what he had before depos'd, was a great Heart-breaking to the Conspirators; for they hop'd and did attempt to have call out a *second* Repentation of Mr. *Bedlow* to his former Evidence: But that was prevented by Mr. *Richardson*, who first for the Mayor of *Bristol*, [rather] and he for Judge *North*, and gave him his Testimony, before he dy'd, that all was true, and something farther, Part of which has been recital'd to this Day." [Growth of Popery, Part II. p. 277.]

(q) In his Lordship's *Life* (written by his Brother Mr. *Regis North*) p. 149, we have the following Story: "Once, after Dinner, a Servant told him, a Gentleman

waited, in the next Room (which he us'd as a Closet) to speak with him; and his Lordship, as he pass'd by, saw a Couple of Fellows stand in the Passage, which made him think of *Eyes-droppers*: And being enter'd, the Gentleman came up to him, and, My Lord, said he, my Name is *Clypeus*. His Lordship instantly knew him to be (as he was) a Defendant of the once Lord *Clypeus*, one of *Cromwell's* Sons-in-law; and then turn'd round upon his Heel, pulling his two *Eyes-droppers*, who were come nearer the Door, went to his Company, and merrily told them what a *Witton* he had met: What his counterfeited *Lordship's* Business was, could neither be known, nor guess'd at. But, in such Cases, being alone with any Person, that Person is Master, and may swear his Pleasure."

A. D. 1680.

be propos'd, that may consist with the preserving the Succession of the Crown in its due and legal Course of Descent: And, in order to this, I do recommend it to you to pursue the farther Examination of the Plot, with a strict and an impartial Enquiry. I do not think myself safe, nor you neither, till that Matter be gone thro' with; and, therefore, it will be necessary, that the Lords in the *Tower* be brought to their speedy Trial, that Justice may be done." His Majesty then made a Transition to the State of *Tanger* (then, and for a long time before, closely besieged by the *Moor*) and said, the Expence of it amounted to so vast a Sum, that, without their Support, it would be impossible for him to undergo it: Adding, however, that he valued a perfect Union among ourselves, above all the Treasure in the World: And that nothing but such a Union could restore the Kingdom to that Strength and Vigor, which it seem'd to have lost, and raise it to that Consideration, which *England* us'd to have. His Majesty then proceeded thus: "All *Europe* have their Eyes on this Assembly; and think their own Happiness or Misery, as well as ours, depends upon it. If we should be so unhappy, as to fall into such a Misunderstanding among ourselves, as should render our Friendship unsafe to trust to, it will not be to be wonder'd at, if our Neighbours should begin to take new Resolutions, and, perhaps, such as may be fatal to us. Let us, therefore, take care, that we do not gratify our Enemies, and discourage our Friends, by any unreasonable Disputes: If any such do happen, the World will see it was no Fault of mine; for I have done all that was possible for me to do, to keep you in Peace while I live, and to leave you so when I dye." His Majesty added by way of Compliment to both Houses, That from so great Prudence, and good Affection as theirs, he had nothing to fear: And then the Lord Chancellor directed the Commons, by his Majesty's Command, to return to their House, and proceed to the Choice of a Speaker. They did so, and *William Williams*, Esq. was unanimously chosen; who, in his Speech of Acknowledgment, most heroically devoted his Estate, Health, and Life to their Service; declaring, also, in Terms singular enough, That he was their own Minister, their own only, their own entirely; and that he expected no Boon, but by their Grace and Favour to depart as he came, when they should please to command him. But, resign'd and devoted as he was to the House, he shew'd a more than ordinary Stiffness when presented for his Majesty's Approbation; making use of no disqualifying Expressions, but standing before the Throne, with the Air of one, who expected, but who disdain'd to court, his Majesty's Ratification.

But *Hast* address the King for Pardon for all Plot-officers &c.

The first public Business of both Houses was to apply, by Address, to his Majesty for his gracious Pardon, to all such Persons as should, within four Months, come in and give Evidence of any Treason or Conspiracy against his Majesty's Person and Govern-

ment. It is remarkable, that the Commons adjourn'd from *Friday* the 22d to *Monday* the 25th; and that, thro' the Lords in this Interval, not only forwarded their Address relating to these Pardons, and procur'd his Majesty's Answer thereto, but, by Message, communicated both to the Commons, on the said *Monday*, before the House had time to enter on any other Business, the Commons notwithstanding all this proceeded to draw up an Address of their own to the same Purpose, altho' with a different Preamble; for whereas, the Lords contented themselves with saying simply, That the horrid Plot and Conspiracy by the Papists against his Majesty's Person and Government, of which Discovery had been made, *still continued*, the Commons, from a Superabundance of Zeal, took Occasion to assert, "That the said Plot had been carry'd on by potent and restless Practices and Machinations, especially during the late Recesses of Parliament, whereby several Persons had been terrify'd and discourag'd from declaring their Knowledge thereof."

To which his Majesty was pleas'd to answer, "That he did intend to direct such a Proclamation: That he was resolv'd not only to prosecute the Plot, but Popery also, and to take care of the Protestant Religion establish'd by Law. Adding, "If we join, and the House goes on calmly in their Debates without Heats, I do not doubt but to beat down Popery and all that belongs to it."

While this Affair was yet depending, *Mr. Dangerfield* had the Honour to be examin'd before them, and having taken care to mention *Sir Robert Peyton* in his Narrative, a Committee was immediately appointed to sift his Conduct to the Bottom: And the same Day it was resolv'd, *Nemo Contradictante*, "to proceed effectually to suppress Popery, and prevent a Popish Successor."

They also resolv'd, *Nem. Con.* That it is, and ever hath been, the undoubted Right of the Subjects of *England* to petition the King for the calling and sitting of Parliament, and redressing of Grievances: That to traduce such Petitioning as a Violation of Duty, and to represent it to his Majesty as tumultuous and seditious, is to betray the Liberty of the Subject, and contribute to the DESIGN of subverting the ancient, legal Constitution of this Kingdom, and introducing Arbitrary Power. And a Committee was appointed to enquire after all such Persons as had offend'd against these Rights of the Subject. And thus having given the Out-Line of their Session, they bethought themselves of an Address to his Majesty; in which, after a Preface of hearty Thanks for his Majesty's several Royal Declarations in favour of the Protestant Religion, they close with his Majesty's great Judgment, "That without a strict and impartial Prosecution of all the Popish Plot, neither his Person nor his Government, nor his Protestant Subjects could be safe."

And as, say they, the Eyes of all the Protestant Kingdoms and States abroad are upon us, and looking upon your Majesty as the Royal

A. D. 1680.

His Majesty's Answer.

Petitioning said to be the Right of the Subject.

Comments Address, in answer to his Majesty's Speech.

A. D. 1680.

Royal Head of so many Protestant Countries, we cannot but hope, upon a happy and solid Security in our Religion at home, that your Majesty will be the greatest Protection to them, from whom we may expect a mutual Assistance, as being involv'd in the same Common Danger: So we do humbly assure your Majesty, That we shall be always ready to preserve your Majesty's Person and Government, and to support the Protestant Religion, both at home and abroad: And do humbly beseech your Majesty to esteem all Persons whatsoever who shall otherwise represent us to your Majesty, as those who design to divide between the King and his People, and to defeat the Meeting and Sitting of Parliaments, that those Popish Designs may succeed, which they well know cannot otherwise prosper. And this they have made more undeniably evident in the Interval of Parliaments, by contriving, with unparalleled Insolence, a most damnable and wicked Design, to transfer their own Crimes upon so many of your Majesty's Loyal Protestant Nobility and Gentry, hoping thereby to destroy those who with the greatest Zeal and Integrity endeavour to prosecute them.\*

This Address was presented by the whole House; and his Majesty was pleas'd to answer to these Words: "Gentlemen, I thank you very heartily for your Zeal for the Protestant Religion: And I assure you there shall nothing be wanting, on my Part, either abroad or at home to preserve it."

The Terrors the House had scatter'd abroad, were now to be follow'd with Examples: Sir Francis Wittens, one of the Members for *Wiltshire*, stood foremost on the List of *Abhorers*; and therefore it was resolv'd to begin with him first. Mr. *North* speaks of him as one of a moderate Capacity in the Law; but a Voluptuary, and as those commonly are, very timid, and, in great Difficulties, abject. The same Writer says, that some cunning Persons who had found out his Faible, frighted him out of all the little Courage he had; insomuch, that, instead of struggling with the Resentments, he was induc'd to submit in the meanest manner, to the Pleasure of the House; taking Shame to himself, and acknowledging, That he did promote and carry up that Abhorrence: That he knew he was in the wrong: That he did it only because he thought it would please the King: That it was against Law;—and concluding, with an humble Request, That the House would grant him Forgiveness. Now, says Mr. *North*, there were a great many gallant Gentlemen in the House, of great Estates and Interests in their Countries, who were Friends to these *Abhorers*; and who would have done him, in particular, all the Service they could, if he had not lost himself by his Behaviour; that is, if he had stood manfully to what he had done, and declar'd, That he knew no Law he had

broken; whereas, by sneaking, he so disgust-ed even these, that they join'd with the Country Party, and he was expell'd *Nemine Contradictente*.

But it does not appear from the Journals of the House, that these gallant Gentlemen, made any very remarkable Stand in Defence of those who behav'd more cavalierly. Sir *Robert Cann*, and Sir *Robert Toomans*, were accus'd by Sir *John Knight* (all three of *Bristol*) for saying, *There was no Popish Plot, but a Presbyterian Plot*; and tho' Sir *Robert Cann*, who happen'd to be present, not only defended himself with Warmth and Spirit, but even with Outrage against his Accuser; he was reprehended on his Knees at the Bar of the House by the Speaker; and both expell'd, and committed to the *Tower*: Nor could he recover his Liberty, at a less Price, than by the explicit Acknowledgment of his Fault, and an humble Petition for his Discharge: And as to *Toomans*, he thought it his wisest Course to yield to the Storm: And so he kiss'd the Rod upon his Knees at the Bar of the House, and was discharg'd.

One Mr. *Thompson*, also of *Bristol*, a Clergyman, having offended by making use of the same Expressions, in a Sermon which had more of a Party Spirit than a Spirit of Christianity in it, they sent for him up in Custody, and so kept him a long while, without bringing him to an Examination: Order'd his Petition to be heard to lye on the Table: And when the Committee, to whom his Case was refer'd, made their Report, resolv'd, *Nemine Contradictente*, "That he had publicly desam'd his Sacred Majesty, preach'd Sedition, willify'd the Reformation, promoted Popery, by asserting Popish Principles, decrying the Popish Plot, and turning the same upon the Protestants, and endeavour'd to subvert the Liberty and Property of the Subject, and the Rights and Privileges of Parliament; and that he was a Scandal and Reproach to his Function." To justify these bitter Expressions, they order'd the Report of the Committee to be printed: And to strike a Terror into the rest of his Brethren, they also order'd Articles of (r) Impeachment to be prefer'd against him. But it does not appear, that ever they were perfected.

And now Mr. *Arnold* took Advantage of Mr. *Herbert*, this Disposition of the House to bring Mr. *Herbert*, his old Antagonist, before the Commons. And from the Proceedings of the House on this Occasion, we learn the Residue of their Story. Mr. *Arnold*, it seems (while in the Commission of the Peace) had been active in soliciting Hands to a Petition for the sitting of the Parliament: And Mr. *Herbert*, together with four other Justices, not only oppos'd him, but receiv'd Depositions against him upon Oath; which they sent up to the Council Board, in the nature of a Charge; and Mr. *Herbert* undertook to prosecute it. This, it seems, was the Hearing that Mr. *Arnold*

Proceedings  
against Abhor-  
ers, &c. viz.  
Sir Francis  
Wittens,

A. D. 1680.

(\*) It appears, that what was criminal in the Sight of the Commons was held meritorious at Court: For not long

after, this very *Thompson* was rewarded with the *Deanery of Bristol*.

A. D. 1680. *nold* was to have attended the Day before he was assassinated. And for this Offence, Mr. *Herbert* was sent for in Custody; and after a due time of Humiliation, was brought on his Knees at the Bar of the House; and having been reprimanded by the Speaker by Order of the House, was discharged.

Dr. Tonge. Even Dr. *Tonge* himself, who had been so instrumental in saving the King and Nation, by bringing to Light *Oates* and his Evidence, and who by way of Acknowledgment, was, by this very House of Commons, recommended to his Majesty, for the first considerable ecclesiastical Preferment which fell; having, in a Pamphlet of his, dropt some Reflections on Sir *Edward Deering*, a Member, they voted the said Reflections to be *false, scandalous, and libellous*, and order'd the Doctor to attend the House the next Day, as if they were determin'd to exercise the Discipline of it without respect of Persons: But, so, when the next Day came, they order'd the Name of Sir *Francis Wilmers* to be raz'd out of the *Westminster Return*, and that of Sir *William Waller* to be inserted in its stead, and *adjourn'd*; whereby Appearances were sav'd, and the favourite Doctor escap'd.

Sir Robert Peyton,

On the other hand, again, they fell on Sir *Robert Peyton* without Mercy: He was an Apostate avow'd, and therefore had nothing to expect but Excommunication: Not only *Dangerfield* had accus'd him, but *Mansel* was call'd upon to alledge what he could against him. The Committee, also, to whom his Case was refer'd, deliver'd in a Report, which was by no means favourable to him: And, upon the Issue of all, tho' he was heard for Form's sake, in his Place, it was order'd, That he should be expell'd; and that he should receive the Censure of the House upon his Knees: And upon his absconding, the Sergeant at Arms had Orders to ferret him out, and bring him before the House in Custody; which being obey'd, and the Delinquent on his Knees, the Speaker perform'd his Office in such (s) Coarse Terms; and thereby to highly exasperated him, that the Session was no sooner over, than he challeng'd him; but, instead of answering it, Mr. *Williams*, with more Propriety than Gallantry, made his Complaint to the Privy Council; and Sir *Robert* was in Consequence thereof, again committed to the *Tower*.

Sir George Jeffreys,

Sir *George Jeffreys* the Recorder of *London*, who had been equally active in discouraging *Petitions* and forwarding *Absences*, stood next upon the Black-list after *Wilmers*, and, like him, was to be made an Example: In

order, to which, they first took Examinations as to the Fact, and then proceeded with an Address to his Majesty, setting forth, "That the said Sir *George Jeffreys* had, on purpose to serve his own private Ends, and to create a Misunderstanding between his Majesty and his good Subjects, tho' under the Disguise of Service to his Majesty, maliciously declar'd such *Petitioning* sometimes to be tumultuous, seditious, and illegal; and, at other times, had presum'd publicly to insinuate and assert, as if his Majesty would deprive his Citizens of *London* of their Charters and other Immunities, and also of his Royal Favour, in case they should petition; and further, that, in the like Case, that there should not be any Session of Parliament; thereby traducing his Majesty, as if he would not pursue his own gracious Intentions, because they were grateful to his good Subjects; and for these Reasons, most humbly beseeching his Majesty to remove the said Sir *George Jeffreys* from his Chief-Justiceship of *Chesler*, and all other public Offices and Employments under his Majesty."

A. D. 1680.

The King's Answer was, *That he would consider of it*: But while the Matter stuck at Court, the Party try'd on Sir *George* the same intimidating Process, according to Mr. *North*, which had answer'd so well on *Wilmers*. They had a mind to have Mr. (afterwards Sir) *George Treby*, a Person deep in their Confidences, to be Recorder; and, in order to induce *Jeffreys* to resign in his favour, talk'd of nothing less than pursuing him with an Impeachment. Sir *George*, it seems, being terrify'd at that formidable Sound, came to the Compromise they aim'd at; and submitted to receive a Reprimand on his Knees, at the Bar of the House, into the Bargain: The great Difficulty that lay upon him, was, to come well off with the King; and so to manage his Matters, that his compounding with the Commons should not undo him at Court: He, therefore, apply'd to the King for Leave to surrender his Place, which his Majesty, it seems, was unwilling to grant, as holding his boistrous, domineering Department, to be an excellent Qualification for his Service, in over-awing the Infulence of the Citizens, and of little Use any where else: But the King's Backwardness could not get the better of his Importunity; and he never ceas'd plying his Suit, till he obtain'd it: Which gave his Majesty occasion to say, *That Sir George was not Parliament-proof*; and, for this Reason, he never had any real Value for him afterwards.

[Examen. p. 550.]

There

(s) Sir *Robert* took care to have the most offensive Part of his Speech printed, under the following Title:

*A Specimen of the Rhetoric, Candour, Sincerity, and Integrity of William Williams, Speaker of the last House of Commons, or Westminster, in his Speech to Sir Robert Peyton, when he expell'd him from the House, &c.*

You are absolutely the worst of Men, and have committed the greatest of Offences, for which you deserve to be obliterated from the Knowledge of all; being of a base and timorous Spirit: You have endeavour'd to catch the damnable Plot upon the most innocent of his Majesty's Subjects; even those Friends, who chose you to sit in this Honourable House. You have forsaken God and your Country; and

Satan being your Director, you have imagined, contrived, and endeavour'd to bring Popery into this Kingdom, by the vile Ways the Devil and the Pope could still you wishal.

You have been out of measure ungrateful, and fled from the Principles of all honest Men. I cannot call you a fallen Angel; for you have been a Devil from the Beginning; and to bring your diabolical Purpos to pass, you have consulted the Devil *Guilford*, and *hugg'd* the Witch *Colver*; and have been a true Hypocrite, and play'd a Prank with Religion for Advantage. But why should I say Railings, when you never held any, but were ever a profane, polling Hero; having nothing now left you, but the Shape of a Man; whereby you are become useless to this House, and therefore they now spew you out." [Out of Sir *Thomas Wobden's* *Collation*.

A. D. 1688.

Lord Chief-Justice North.

[Examined, p. 55.]

There was still another Name upon the List, at once more obnoxious, and more considerable, than all the rest; *viz.* That of the Lord Chief-Justice North. It was no Secret, it seems, in the House, that he had been the first Mover in the Proclamation against *Petitioning*: But the Information was not perfect nor regular enough to be proceeded upon: It was, therefore, necessary to supply that Defect; which was done by calling on Sir *Creswell Lewins*, the Attorney-General, not to answer for his having drawn up the said Proclamation (for, according to the common Forms of Business, it was to be plac'd to his Account, and to his only;) but to inform the House, who assisted him in it. The Attorney was shock'd with the Demand, and modestly said, "He hop'd the House would not *compel* him to discover Persons, to whom he was oblig'd for any Assistance in his Office." After which, he was order'd to withdraw; being soon after follow'd by Sir *William Jones*, who, says Mr. North, headed this Proceeding: His Business was, to dispose the Attorney to comply with the Pleasure of the House; who, upon his, *Jones's*, Return, was call'd in again, and told, That the House expected to be obey'd. He, nevertheless, stood his Ground, and withdrew a second time; being followed by Sir *William*, as before. This Dance, says our Author, was renew'd at least four times; and, at last, had the desir'd Effect; The Attorney had no mind to a Lodging in the Tower, which he apprehended would be the Effect of his Obstinacy; and so prevail'd on himself to give Utterance to the Thing desir'd, by naming his Friend, the Lord Chief-Justice North.

The House being now enabled to proceed, no farther Notice was taken of the Attorney; every Mouth was open'd against the Chief-Justice only; and all took upon them to shew, how highly necessary it was to make the Offence exemplary: The main Point in view, as we are told, being to give his Lordship a List out of his Place, that Sir *William Jones* might enter. For this, the Party were prepar'd; and Sir *Francis* was to have been address'd against, as Sir *George* had been before him: At least, this is what Mr. North affirms; tho' it seems somewhat strange, that so wise a Man as Sir *William Jones*, should chuse to build on a Foundation that had fall'd so often already. However this may be, as soon as the several Speakers on that Side had pretty well exhauisted themselves, those on the other took occasion to urge, "That the Censure of that House was a grievous Punishment, and ought not to be inflict'd upon any Person, without first hearing his Defence; for he might either deny the Fact, or shew somewhat fit for the House to be inform'd of, which might possibly clear him: That no Man could foresee what might be alleg'd in all Cases; that natural Justice requir'd Hearing before Condemnation; and that, by all Laws, such Sentence was void." Sir *Francis Winnington*, upon this, rose up, and, as if in an arch Way of joining Issue with the Adversary, proceeded to say, "That

A. D. 1689.

since those Gentlemen were so much for Hearing (tho' the Person nam'd was convict by Mr. Attorney's express Discovery at the Bar) by his Consent, he should be heard; and therefore he mov'd, That he might be impeach'd of high Crimes and Misdemeanors." Accordingly it was resolv'd, *namine contradicente*, That the Evidence that Day given to the House against Sir *Francis North*, was a sufficient Ground for an Impeachment, &c. And to account for the Unanimity of the House on this Occasion, Mr. North takes care to inform Posterity, that those who travers'd the first Motion clos'd with the second; not because they adopted the Sentiment contain'd in the Vote, but because they clearly perceiv'd that *Winnington's* Forwardness would entirely defeat the Designs of his Party, and quit the Chief-Justice of all farther Trouble.

Accordingly, a select Committee being appointed, to draw up Articles against him, (of which Sir *William Jones* was Chairman, tho' it was *Winnington's* Right) it soon became manifest, that they had no Ground for the Fabric they were directed to rear; and that, however the Proclamation was tortur'd, it could not be brought to accuse his Lordship. That therefore the Bulk might not operate too strongly, either within-doors or without, it was contriv'd, that the Committee should make no Report, but be kept on foot: And so the Matter dy'd gradually, and the Expectation it had rais'd, with it.

The Wrath of the House fell next on the Lord Chief-Justice *Scroggs*, Sir *Allo Jones* one of the pious Judges of the King's Bench, and Sir *Richard Wilson* one of the Barons of the Exchequer: Against the last, indeed, but two Articles were brought; the first, for decrying the Reformation; and the second, for magnifying the Prerogative; which, according to some, was no more than every honest, learned Lawyer finds himself oblig'd to do; but, according to others, was prostituting the Authority of the Judgment-seat, to the arbitrary Purposes of a Court. The Particulars were taken from a Charge, by him deliver'd at the *Kingston Assizes*; in which he very freely condemn'd the first Reformers, for having introduced their Novelty, against the Inclination of their respective Princes (forgetting the same might have been affirm'd, with equal Truth, of *Christ* himself;) saying, "*Zuinglius* set up his Fanaticism; and *Calvin* built on that blessed Foundation: And, to speak Truth, all his Disciples are season'd with such a Sharpness of Spirit, that it much concerns the Magistrates to keep a strict Hand over them. And now they are restless; amusing us with Fears; and nothing will serve them but a Parliament: For my Part, I know no Representative of the Nation, but the King; all Power centers in him. 'Tis true, he does entrust it with his Ministers; but he is the sole Representative: And, i' faith! he has Wisdom enough to trust it no more in these Men, who have given us such late Examples of their Wisdom and Faithfulness." Upon the Report of which, the House resolv'd, That the said Expressions

Lord Chief-Justice Scroggs, Sir T. Jones, and Sir R. Wilson.

A.D. 1680

Expressions were a Scandal to the Reformation, and tending to raise Discord between his Majesty and his Subjects; as also to the ancient Constitution of Parliaments, and the Government of this Kingdom.

The rejecting a Petition for the fitting of the Parliament, was the only Crime imputed, immediately and personally, to Sir *Thomas Jones*; but then he having given his Sanction to the several Treipsasses of the Bench where he had his Seat, it was thought advisable to bring him in for his Share of the Censure belonging to them.

But it was on Sir *William Scroggs*, that the whole Weight of their Fury fell: Impeachments were only voted against the two others; but against him eight several Articles were actually prepar'd, agreed to, and left with the Lords, to the Effect following: "That he had traitorously endeavour'd to subvert the Fundamental Laws, and the establish'd Religion and Government of this Kingdom of England; and, instead thereof, to introduce Popery and an arbitrary and tyrannical Government. 2. That contrary to his Oath, duly to administer Justice according to the Laws and Statutes of the Realm, he had, maliciously, designedly, and illegally discharg'd a Grand Jury, by which many Presentments against Papists and other Offenders; and in particular, a Bill of Indictment against the Duke of *York*, were frustrated. 3. That in making a Rule of Court to forbid and prevent the farther Publication of a certain News-paper, call'd, *A Weekly Packet from Rome*, he had acted most apparently against Justice, had countenanc'd Popery, discourag'd Protestants, openly invaded the Right of the Subject, and encroach'd and assum'd a Legislative Power and Authority. 4. That he had shewn great Partiality in setting Fines, having amerced one Person 500*l.* for the same Offence for which he had amerced another but 100*l.* and in particular, one *Jesse* 100*l.* for publishing false News; and one *Hewitt*, the Author of it, but five Marks. That Papists and Persons Popishly affected, had enjoy'd all his Clemency, and his Majesty's Protestant Subjects, all his Rigour. That in imposing these Fines, he had neither regarded the Nature of Offences, nor the Ability of Offenders. By which arbitrary, unjust, and partial Proceedings, many had been ruin'd: Popery had been countenanc'd under Colour of Justice, and all the Mischief and Excesses of the Star-Chamber-Court, by Act of Parliament suppress'd, had, in direct Opposition to the said Law, been renew'd. 5. That, designing to subject the Persons as well as Properties of his Majesty's Liege People to his lawless Will and Pleasure, he had often refus'd sufficient Bail, legally tender'd; declaring at the same time, That he refus'd Bail, and had committed them to Goal, only to put them to Charges; using such furious Threats and scandalous Expressions, as were a Dishonour to Government, and the Dignity of his Office. All which Proceedings were a high Breach of the Liberty of the Subject, destructive to the Fundamental Laws of this Realm, contrary to

A.D. 1680.

the Petition of Right and other Statutes, and manifestly tending to the Introduction of Arbitrary Power. 6. That in farther Oppression of his Majesty's liege People, he had granted divers general Warrants for attaching Persons, and seizing Goods, not nam'd nor describ'd in the said Warrants; by Means whereof, many had been vex'd, their Houses enter'd into, and themselves grievously oppress'd, contrary to Law. 7. That he had at divers Times and Places, as well sitting in Court, as otherwise, openly defam'd and scandaliz'd several of the Witnesses of the horrid and damnable Plot; that he had endeavour'd to disperse their Evidence, and take off their Credit, with a Design to suppress and stifle the Discovery of the said Plot, and to encourage the Conspirators to proceed with the same, to the great and apparent Danger of his Majesty's sacred Life, &c. 8. That instead of giving a good Example to his Majesty's liege People, by a sober, grave, and virtuous Conversation, he did by his frequent and notorious Excesses, and Debaucheries, as well as his profane and atheistical Discourses affront *Almighty God*, &c.

The Commons, it seems, either through Examen, Passion or Discretion (for it is easy to conceive how those very different Causes might have produced the same Effect) never summon'd any of these *reverend Men*, as they are call'd by Mr. *North*, to a Hearing, nor to put in their Answers, before they proceeded to pass such terrible Censures upon them: And, according to the same Writer, the Cause was thought to be, "That they were stout Men, and would have justify'd all they had done; which was not thought seasonable." He describes Baron *Weldon*, in particular, "As only sorry that he had not an Opportunity of talking in the House of Commons; and as willing to compound for a moderate Punishment, to have had his full Scope of arguing his Case before them: And yet he never put himself in the Way of obtaining what he so impatiently long'd for, by requesting to be heard; which has been often done by Persons in the like Circumstances, and was scarce ever refused by the House. That Gentleman (Mr. *North*) is, indeed, as anxious to vindicate these *reverend Men*, as earnest to condemn the House of Commons: But tho' an Abuse of Liberty on the Side of the People may provoke an Abuse of Power on the Side of Government, it will hardly justify it; and the only fair and rational Way is, to condemn both Parties alike.

It cannot however, be deny'd, but that the Judges could not possibly commit greater Treipsasses on the Liberty of the Subject, in support of the Prerogative, than this House of Commons did in support of their Privileges: Scarce a Day pass'd, but some *Abhorror* was dragg'd before them, and committed to the Custody of the Serjeant at Arms, at the Pleasure of the House, and this strange Despotism they exercis'd with so much Wantonness, as well as Cruelty, that Mr. *Treby* was pleas'd to say, *They kept an Hawk*, (meaning the said Serjeant) and they

The Treipsasses of the Commons on the Liberty of the Subject. [Examen, p. 561.]

A. D. 1680.

they must every Day provide Flesh for him: And the Quantity he was this Session gorged with, gave rise to this proverbial Expression, *Take him (t) Topham!* in all Discourse of peremptory Commitments. But in this, as it appear'd by the Event, they acted as impolitically as unjustly: It had not been usual to force Gentlemen from their Habitations in the Country, to answer for their Conduct on Juries, at the Bar of their own Representatives; and it began at last to grow into a common Question, *Shall They take away the Liberties of the People, who are entrusted to defend them against all arbitrary Powers whatever?* Thus, at the same time that they grew terrible, they grew odious: And no sooner did they lose the Affections of the Public, than the Prerogative grew too strong for them; and a general Disposition appear'd to submit rather to the Will and Pleasure of ONE, than the Tyranny of MANY.

One Stowel  
refus'd to obey  
the Serjeant at  
Arms.

Two Circumstances help'd on this Change, which deserve to be particularis'd: One Mr. Stowel, who had serv'd as Foreman of the Exeter Grand-Jury, at the time that they complimented the Crown with an *Abhorrence*, was order'd into the Custody of the Serjeant; who sent down his Deputy to seize and bring up his Prey: But Stowel refus'd to submit; bid the Officer take his Course; and alleg'd, that he knew of no Law for the taking away his Liberty, on account of what he had done as a Jury-man. This convinced the Party of their Error; and, to conceal the Blow that was hereby given to their Authority, they order'd it to be insert'd in the Votes, which were now regularly printed, That the Party was indispos'd; and that he was allow'd a Month for his Recovery. The second Circumstance was this: A Paper was set forth, under the Title of *A List of Abhorers*; containing the Names of those Persons who had been taken into Custody, and confin'd, by Order of the House. After which follow'd these Three Paragraphs:

Their Proceed-  
ings shew'd to  
be against  
Law.

1. *Magna Charta, cap. 29.* No Freeman shall be taken, or imprison'd, or be disseiz'd of his Freehold, or Liberties, or free Customs, or be outlaw'd, exil'd, or any otherwise destroy'd: Nor will we pass upon him, nor condemn him, but by lawful Judgment of his Peers, or by the Law of the Land, &c.

2. 5 *Edwardi III. cap. 9. Item.* It is enacted, That no Man, from henceforth, shall be attach'd by any Accusation, nor forejudg'd of Life or Limb; nor his Lands, Tenements, Goods, or Chattels, seiz'd into the King's Hands, against the Form of the Great Charter, and the Law of the Land: That is, according to the Statute of 25 *Edwardi III. cap. 24.* by Indictment, or Presentment of good and lawful People of the same Neighbourhood where such Deeds be done, in due Manner; or by Process made by Writ original, at the Common-law.

3. 28 *Edwardi III. cap. 2. Item.* That

no Man, of what Estate or Condition that he be, shall be put out of Land or Tenement; nor taken nor imprison'd, nor disinherited, nor put to death, without being brought in Answer, by due Process of the Law.

Thus the Peoples Eyes were open'd, and the Patriots of the House of Commons found it highly necessary to put in practice their own Lesson to the Court; namely, That it was better to found their Dominion on Love than Fear.

There were yet other Persons who fell, about this time, under the Displeasure of the House, tho' not on the Account of *Abhorring*: Among whom was Mr. Seymour (afterwards Sir Edward). Sir Gilbert Gerrard was his Accuser; who exhibited four Articles against him, under the Denomination of high Crimes, Misdemeanours, and Offences, by him committed as Treasurer of the Navy; to the following Effect: 1. That out of a Sum of 584,978 *l.* granted by Parliament for the speedy building of thirty Men of War, and appropriated to that Use only; he, the said Mr. Seymour, had, contrary to the said Act, and the Duty of his Office, lent 90,000 *l.* at eight per Cent. Part of the said 584,978 *l.* then in his Hands, towards the Support and Continuance of the Army, after such time as, by an Act of Parliament, the said Army ought to have been disbanded; whereby the Nation was afterwards put to the additional Charge of 200,000 *l.* for the disbanning the said Army. 2. That, whereas his Majesty had been enabled by Parliament to raise Money by a Poll-tax, for an *actual War* with the French King, and certain *East-land* Merchants had furnish'd Stores on the Credit of that Bill, having been assur'd that the Sum of 40,000 *l.* was then in the said Mr. Seymour's Hands, and which he also acknowledg'd so to be, for their Payment and Satisfaction, he the said Mr. Seymour did issue out and pay the said Sum to the Victuallers of the Navy, by way of Advance for Provisions not then brought in, contrary to the Meaning of the said Act, and to the Prejudice of the Rights and Claims of the said Merchants, who in the last Parliament had put in their Complaints thereof. 3. That tho' the said Mr. Seymour had a clear yearly Salary of 3000 *l.* a Year, as Treasurer of the Navy, he had also accepted 3000 *l.* a Year more, while Speaker of the House of Commons, out of the Monies appointed for Secret-service; and which he received as well during the Intervals as the Sessions of Parliament; and, in particular, during the long Prorogation of fifteen Months. 4. That, in the Eighteenth of the King, and during a War with the *States-General*, he, the said Mr. Seymour, being one of the Commissioners of Prizes, did, fraudulently and illegally, and in deceit of his Majesty, unlade a Prize-Ship, and dispose of the Cargo, pretending the same to be Mucovado Sugars, and did account with his Majesty for the same as such;

Proceedings  
against Mr.  
Seymour,  
Treasurer of  
the Navy.

(t) The Name of the Serjeant.

A. D. 1680. such; whereas, in truth, the said Ship was laden with Cōchineal, Indigo, and other rich Merchandizes, of very great Value.

Whether Sir Gilbert Gerrard had any particular Quarrel to Mr. Seymour, or Affection to his Place, is no where specify'd: And why, just at this Crisis, Matters which had lain so long dormant were brought forward, and made the Basis for an Impeachment, will probably be best understood, when Mr. Seymour's Conduct with respect to the *Exclusion Bill* comes to be explain'd. But whether private spleen or Party Views, or both, were the Cause of his Prosecution, the House was unanimous against him upon every Article: And an Order was made that he should be taken into the Custody of the Serjeant at Arms, and so continue, till he had given sufficient Security for his forth-coming to answer to the said Impeachment.

The Case of  
Mr. Norris.

Even Mr. Secretary Jenkins, for the Sins of his Office, became also obnoxious to the Heat of the Times. One Norris, a Taylor, had been dispatch'd to France to bring over one Dowdall, a Priest, who was suppos'd to be in the whole Secret of the Plot; and a Description of his Person, and an Account of his Errand (Part written by one Dr. Day, and Part by one Mr. Sheridan) having been given, about three Weeks or a Month after Norris's Departure, to the Secretary; a Letter was written by his Order to the Mayor of Dover, enjoining him to take *some handsome Course* to detain the said Norris in his Return, as also the Person or Persons he should bring over with him, till he should receive farther Persecution concerning him. Accordingly, Norris, after having met with some Difficulties abroad, and also on his coming on board the Packet Boat, no sooner landed at Dover, than he was seiz'd, and thrown into the common Prison; but finding means to get free, presents himself before the Bar of the House of Commons with his Complaint, is refer'd to a Committee, who incorporate all these several Circumstances in their Report to the House; with these Additions, That an Order of Council, dated July 18, 1679, was obtain'd for Dowdall to come to Dover for a Month: That before the said Order could take Effect Dowdall dy'd, and not without a Suspicion of a violent Death; but that it did not appear to them that this was known in England, till after Norris's Return; who was not sent on this Errand till about ten Months after the Date of the said Order. The Result was, that Sheridan, who had carry'd the Description to the Secretary, was order'd into Custody; where he was kept (according to his own Account, in his Speech at the Bar of the House, which was afterwards publish'd) *after such a manner, as neither Felon, nor Traitor, not only accus'd, but convicted, could suffer a closer Confinement*: And as to the Secretary's Concern in it, they contented themselves with voting, That the late Imprisonment of Peter Norris at Dover, was illegal; and that the Proceedings of Sir Leslie Jenkins, by describing the Person of the said Norris, and

directing such his Imprisonment, were illegal and arbitrary; and an Obstruction to the Evidence for the Discovery of the Popish Plot.

But if the Conduct of the House was all Storms on one Side, it was all Sunshine on the other. On the Receipt of a Petition from the Taunton Hero, Mr. Thomas Dare, and another from Mr. Benjamin Harris, each of whom was in Durance for a Fine of 500*l.* the first for Seditious Words, and the second for publishing that scandalous Pamphlet, call'd *An Appeal from the Country to the City*, they had the Goodness to interpose with his Majesty, by Address, for the Release of their Fines, and the Discharge of their Persons: And his Majesty not being over hasty to comply with their Requests, they renew'd their Instances in favour of Harris; that no Encouragement might be wanting for those who ventur'd farthest for the Cause. They also gave it as their Opinion, that one Brown ought to be restor'd to all the Offices and Places which had been taken from him, in consequence of a Judgment given against him in the King's-Bench, for publishing an unlicensed Book, call'd, *The long Parliament dissolved*. Dangerfield, with all the accumulated Infamy, he was loaded with, appears to have been in a very particular manner their Favourite: They not only address'd for his Pardon, and that some Provision might be made for him, but when he complain'd to the House, that his Pardon when granted was defective, they made a second Application in his Favour, requiring, not only that a full and general Pardon might be granted him, but that even particular Crimes might be specify'd: Nay, when the said Pardon was again amended, agreeable to his Majesty's Assurance that it should extend to all *Miscellaneous offences*, it was thought expedient to appoint a Committee, to examine whether it was such as the House requir'd; not for the sake of the Man, it may be presum'd, but for the sake of his Testimony.

Indeed the whole Gang of Witnesses, of all Ranks, Kinds, and Conditions, they countenanced, encouraged, and protect'd; and, if they did not reward them, they made no scruple to solicit his Majesty to provide for them out of his Revenue: They also, in some sort, quarter'd them on the Public, by authorizing them to print their several Narratives: Thus Dangerfield, Turberville, Jenkinson, Dugdale, de Paria, &c. &c. successively found their Way to the Press, with a parliamentary Recommendation: And, if so many additional Evidences did not afford any additional Conviction to the Wife and Knowing, they at least serv'd to amuse and puzzle the Vulgar; to keep up the Cry of a Plot; and to countenance those violent Proceedings, that were set on foot, and carry'd on, under the plausible Pretence of providing for the Safety of the King and the Protestant Religion.

But the great Push of the Session was, for the *Exclusion-Bill*: And every material Effort

A. D. 1680.

Address in  
favour of  
Dare, Harris,  
and Danger-  
field.

Proceedings on  
the Exclusion-  
Bill.  
fort



A. D. 1686.

fort they made was, to force his Majesty to give way to it, whether he would or no. To

this End, in (u) Opposition to the Maxim of the contrary Party, that the Right of Succession

A. D. 1686.

(s) It is fit Posterity should know, that this Affair of the Exclusion gave rise to a Controversy, that employ'd the most learned and military Pens of the Age. Mr. Somers (afterwards Lord Somers) led the Way, in a Treat, call'd, *A Brief History of the Succession*; written for the Satisfaction of the Earl of H. and which was answer'd by Dr. Beane, Sir William Dugdale, and others. In his Collection are to be found all the Papers on both Sides; and, among the rest, his own Performances, with a great Variety of Alterations and Improvements, in his own Hand-writing; out of which I have subjoin'd the following Passages, together with his Lordship's Manuscript Notes thereon, not only as a Matter of Curiosity, but of Information: As also Part of Sir William Dugdale's Reply.

"In the First Year of Queen Elizabeth, the Parliament recogniz'd her Title to the Crown, with express Relation to the Statute 35 Hen. VIII. which inserteth in (s\*) her, and the Heirs of her Body; and do enact, That the Limitation made by that Statute shall stand and remain as Law for ever; and all Sentences, Judgments and Decrees to the contrary, are declared to be void, and appointed to be cancelled: And the several Officers which are made Treason by another Statute, in the same Year, are all retained to the Queen, and the Heirs of her Body only; the Parliament intending to extend that Security no further than her Estate in the Crown (which the took by that parliamentary Limitation) did extend.

"In her Thirteenth Year it was enacted, That if any Person claim Title to the Crown, for himself, or any other, during her Life, or shall not upon Demand acknowledge her Right, he shall be liable during his Life to have the Crown to Succession, as if he were naturally dead. And to affirm the Right of Succession in such Claimer or Usurper (after Proclamation made of such Claim or Usurpation) is made Treason, Nor does the Statute stop there, but makes it Treason, during the Life of the Queen, and Forfeiture of all Goods and Chattels after her Decese, to affirm that the Queen, with and by the Authority of Parliament, is not able to make Laws and Statutes of sufficient Force and Validity to limit and bind the Crown of this Realm, and the Descendants, Inheritance and Government thereof; or that this or any other Statute made by Parliament, with the Queen's Assent, is not or ought not to be ever of sufficient Force to bind and govern all Persons, their Rights and Titles, that may claim any Interest or Possibility in or to the Crown, in Possession, Remainder, Inheritance, Succession, or otherwise. If were well if some Injust Men, who presume in their Discretion to infringe the Power of the Parliament (that the King, Lords, and Commons) in the great Business of the Succession, would be in-wise to remember this Act (which is still in force,) and the Penalty to which they subject themselves by such faulty Talk. That incomparable Statesman the Lord Berkeley had another kind of Opinion of the Security which an Act of Parliament could give his Royal Mistress, by making the English Queen (the English Successor of that time) unable and unworthy of the Succession; as appears in a Letter which he wrote about this time to Sir Francis Basset, then Ambassador in France.

"In the Twelfth-seventh Year of Queen Elizabeth, it was enacted, That if any Invasion was made, or Rebellion, or other thing tending to the Hurt of her Person, by, or for, or with, the Privy of any one who should in right pretend Title to the Crown, and the same should be accomplish'd in such manner as that Law appoints; then every Person against whom such Judgment should be given, should be excluded and disabled for ever to have or claim the Crown; And that the Subjects of this Realm lawfully might by all forcible and possible Means, pursue all such Offenders to Death; And then Heirs following or privy thereto are in like manner disabled, and to be pursued. And that Act was made in pursuance of an Affidavit enter'd into by the People, in the Vacancy of Parliament, out of their great Zeal for the Preservation of the Life of that excellent Princess.

"By virtue of this Statute, Mary (1) Queen of Scotland was afterwards executed, as appears by the Commission for her Trial.

King James her Son, who was a wiser Prince, and not

wholly govern'd by Priests; as his Mother was, though he had the same Presences that she had; yet never dispos'd his Right, or set on foot any Title during the Life of the ever-renewed Queen; though he would never suffer him to be declared her Successor. He was too wise to incur the like Disability as his Mother had done, and to contest a Title establish'd by Parliament.

"After Queen Elizabeth's Death, the Act of Recognition, made upon King James's coming to the Crown, doth particularly intill upon that Title (1) which was rais'd by Act of Parliament to Henry the Seventh, and the Heirs of his Body; and that, immediately upon the Queen's Decese, the Crown descended and came to King James: So that you see the Title of Queen Elizabeth is again (1) acknowledg'd by Parliament; and the Royal maid by the Statute of 35 Hen. VIII. being spent, upon her Death without Issue, King James comes in as next Heir to the old Realm made the First Year of Henry the Seventh." [Out of Lord Somers's Collection, Vol. xx.

"On the other hand, faith Sir William Dugdale, "If we consider how much, if not altogether, her Title to the Crown depended upon Statute-Law, and how questionable her birth-right was generally reputed to be; no Man can much wonder if his own Advantages and Safety, the attributed more to an Act of Parliament than otherwise he would have done. She was recollect'd to take this Course to establish herself against the Pretenses of the Queen of Scots, when her Birth-right could not do it, it being very doubtful whether she were legitimate, considering the Proceedings in the Divorce of Queen Catharine, Marriage of her Mother, and her Mother's Confession to Archbishop Cammer, when this Statute was made for the declaring the Marriage null and void, between Henry VIII. and Jane Bolton, by which Statute she was also solemnly bastardiz'd.

"And although Queen Elizabeth, at the Entrance upon her Government, was acknowledg'd to be rightly, legally, and lawfully descended from the Blood Royal of this Realm, which, if true, had been a sufficient Title; she being then the only remaining Issue of Henry VIII. yet her Right was reckon'd as depending upon the Laws and Statutes of this Realm, and by express Mention of, and Reference to, the thirty-sixth of Henry VIII. by which Statute the Crown was sett'd upon her, and the Heirs of her Body lawfully begotten (1) in several Places whereof, the 1<sup>st</sup> by the King her Father, implicitly repudiated and declar'd illegitimate, and the Settlement in this Act is made so here, as not being lawfully begotten, or having right to inherit.

"In the first of her Reign, before cited, when the Crown was declar'd to be vested in her, that Declaration and Recognition, as also the Limitation and Declaration of the Succession of the Imperial Crown of this Realm, mention'd and contain'd in the Act of 26 Henry VIII. were to stand, remain, and be the Law of this Land for ever. Which, notwithstanding, when Mary Queen of Scots had claim'd the Crown by Right of Inheritance, and had spread abroad that Title unto us, and also the Title of the House of York, and other Titles were whisper'd up and down; the Act of 26 Henry VIII. (or this Act of Recognition, were not thought sufficient to secure the Queen Elizabeth. Then was this Act in the thirteenth of her Reign made merely either to create or strengthen her Title, and not to exclude the Queen of Scots from the Succession, unless she attempted any thing against her, or had Claim to the Crown; which was also in its own nature a securing Clause to Queen Elizabeth. But the great Clause of Security to Q. Elizabeth in this Act, was that Clause by which it was made Treason for any Man to affirm, that she by Authority of Parliament could not make Laws and Statutes to bind the Succession of the Crown, or that this Act or other Laws to be made by the Parliament of England by her Royal Assent for limiting the Crown, and recognizing the Right to be lawfully and justly in her Person, is not, are not, or shall not, or ought not to be for ever, of good and sufficient Force. This Clause was levelled against the Opinion, That the Queen of Scots had the best Title; which began to spread, and gain much Credit, as well amongst the Nobility as Commons. By all which it is manifest, this whole Act was but temporary; and therefore we may note with

(\*) See *Proc. Pleas and Pensions for Priggs and Popham*, published 1610, page 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

(\*) The Privy-Council, amongst other things which they proposed to Q. Mary of Scotland, in the Condition upon which she might have her Liberty, reckon'd this as one, That she should claim no Right in herself to the Kingdom of England, until the Heirs of that Kingdom should be lawfully elected to the Throne of England. *Hist. of Mary of Scots*, p. 200, 201.

(\*) See *Proc. Pleas and Pensions for Priggs and Popham*, published 1610, page 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 9

A. D. 1680.

cession was radically in the Duke, and could not be transfer'd by any Rule or Ordinance of any Power or Authority whatever, they taught, after the Court Maxim of Henry VIII. and Queen Elizabeth, that the Succession was wholly in the Power of King and Parliament; that they, being the Legislature, might model it as they pleas'd; and that the English Story was full of Instances that they had done so. They also taught, that a Roman Catholic, who acknowledg'd, that the Roman Pontiff was Christ's Vicegerent on Earth, must of necessity be the Betrayer, instead of the Defender of the Protestant Faith; and could accept of the Supremacy of the Church with no other View than to hold it in Trust for his Holiness: That, to admit a Popish Successor was to admit the Papal Tyranny with him; and that the very Act of Parliament which made it so highly criminal to say the present King was a Popish, sufficiently shew'd how pernicious it would be to the Nation to have a Sovereign that was avowedly such.

Heated with these Doctrines which were far from being without a Foundation in the Reason and Nature of Things, and work'd up almost to a political Phrensy, by all the Artifices that could either affect the Reason, or enslave the Passions of Man, the People by their Clamours without Doors, countenanced the Violence of those within; who, from the very Beginning, had shewn no Disposition to regard the Cautions given by his Majesty, in his Speech from the Throne; but, on the contrary, appear'd determin'd to admit of no Medium; and either to steer the Bark according to their own Humour, or leave it at the Mercy of the Winds and Waves.

Sir William Temple observes, that those who presented the Duke in Westminster Hall, fell immediately into the Cabals of the Lords and Commons who fram'd the Bill; wherein, says he, they were desperately engag'd, not only, as they profess'd, upon Opinion of national Ends; but, likewise, upon that of Self-preservation; having broken irreparably with the Duke. The Generality of the House of Commons were carry'd away partly with the Plausibleness of the thing, calculated, in Appearance only against Popery, without any private Ends, as was pretended; and partly with the Opinion of the King's Resolution to fall into it, upon the Observation of such Lords of the Court, having engag'd so far in

sending away his Royal Highness. All the Duke of Monmouth's Friends, drove it on violently; not doubting he would lye in the Duke's Place, tho' no Provision seem'd to be made for it in the Forms of the Draught. And if the Author of *Two Treatises* call'd *Cof. sandra*, is to be rely'd on, the Dutch Minister here had Instructions to enter into the Cabals of the (v) Exclusionists, and with all his Power to promote the passing of the Bill. All these Circumstances concurring, made so violent a Torrent for its Passage thro' the House of Commons, as nothing could resist, or any ways divert: And as it happens on all Occasions, the feeble Opposition it met with, only serv'd to make the Violence the greater.

Sir William Temple farther observes, that, besides these general Circumstances, there were two more particular, and personal, that seem'd to him to have great Influence upon the House. One was Lord Russell, setting himself, almost with Affectation, at the Head of this Affair, who was generally reputed an honest, worthy Gentleman, without Tricks or private Ambition, and who was known to venture as great a Stake, perhaps, as any Subject of England. The other arose from the Conduct and Character of Sir William Jones, the late Attorney General; who, at his first Entrance into the House, espous'd the Bill with a Warmth and Vehemence which were not natural to him. And this Person having the Fame of being the greatest Lawyer in England, and a very wise Man; being also known to be very rich, and of a wary, or rather timorous, Nature, made People generally conclude, That the thing was safe and certain; and would, at last, be agreed on all Hands, whatever Countenance was made at Court.

This being the general State of Things with respect to the Leaders and the Led, and with respect to the general Bent and Humour of the Times; the Commons, on the seventh Day of their Sitting, as a House, after the Appointment of their Speaker, resum'd the Consideration of this grand Affair; the Way being clear'd, by a general Recapitulation, made by Mr. Treby, of all the Matters, by him reported in the last Parliament, relating to the horrid Popish-Plot: As also, by a Repetition of those famous Resolutions (*nemine contradicente*) That the Duke of York's being a Popish, &c. had given the greatest Encouragement to the present Conspiracies

with *Falsen*, that it expi'd with Queen Elizabeth; and it was no Act of Exclusion, but a Law only to secure her Person, and to make and confirm unto her a Title, which without Statute-Law, was in itself at least doubtful. And the new Clause which was added, That it should be High Treason, during her Life, for any Person to affirm, the by Authority of Parliament had not Power to bind the Crown and Succession thereof; or, that the Right of the Crown and Succession was not justly and lawfully in her Royal Person; cannot affect the Title of a lawful Successor by Inheritance, nor be brought or made use of as a Precedent to exclude him from the Succession.

But it may be said, There is a great Forfeiture inflicted upon every Person holding and affirming, after her Decese, That Queen Elizabeth and a Parliament could not limit the Succession, and fix the Crown upon her own Head.

This Clause could take no Effect after her Death, and

therefore was added to preserve her Memory from being defam'd after her Death, or slandorously charg'd with the heinous Crime of usurping the Crown, which must have been the inevitable Consequence of affirming the said her Parliament could not limit the Succession.

For she valued much her Credit and Reputation, and would seem to maintain still, that she acted nothing against the Queen of Scots; and therefore the Law is made in general Words, against every Person or Persons whatsoever, of what Degree, Place, Nation, or Condition whatsoever, that should affirm she was not a Right true and lawful Queen, or that should claim the Crown, &c. [*True and genuine History of the Succession*, p. 40, 41, 42.

(v) This is, in part, confirm'd by Burnet; who says, vol. i. p. 42, That the Prince of Orange declar'd his Desire, that the King would fully satisfy his Parliament.

A. D. 1682.

No. II. p. 40.

A. D. 1680.

spiracies against the King and the Protestant Religion; and that, if the King should come to a violent Death, they would revenge it to the utmost on the Papists.

Arguments  
pro and con.

Colonel *Titus* then mov'd, that a Committee be appointed to draw up a Bill, to disinherit *James Duke of York* from inheriting the Imperial Crown of these Realms, and was seconded by Lord *Ruffel*. Mr. *William Flarboard* ascrib'd every Instance of Mis-administration he could recollect, to the Duke's Influence, and therefore he was for going to the Root, by agreeing to the Motion. Mr. *William Gee* recommended the Expedient propos'd by his Majesty in his Speech; advis'd Moderation; hinted, that it was unfair to condemn and punish the Duke unheard; and mov'd for the appointing a Day to consider of some other Method for the Security of Religion, in a Committee of the whole House. This was oppos'd by Sir *Henry Capel*, who declar'd, That every other Expedient besides the Bill would leave them in the unhappy Condition of contesting with the Influence of a Popish Successor during the King's Life, and the Power of a Popish King hereafter. He was supported by Colonel *Titus*, who compar'd the Cautions given to them in his Majesty's Speech, to a Physician's prohibiting his Patient to be bled, tho' his Disease was a Pleurisy; and to be cured no other way. Another Member, not only ascrib'd the Death of Lord *Sandwich*, the discharging the Persons taken up for being concern'd in the Fire of *London*, the Death of *Gadrey*, &c. but took occasion to ascribe all the present Terrors and Dangers of the Nation to the *Portugal Match*; for which he said the late Lord *Clarendon* was answerable. Mr. *Hild* here rose up both in Defence of his Father, and the Duke; in Behalf of the first, saying, among other things, That there had been worse Ministers since: And for the last, That he was of Opinion, the bringing on this Bill would be a great Hindrance to the Business, without answering the Ends, of the House: Contest'd, that the Duke deserv'd great Mortifications, because he had given to great a Suspicion of his being a *Papist*: Hinted, that he would submit to Limitations; but made a Question, whether the Law contend'd for would be binding; And again stippel'd for a Day to consider of Expedients. Sir *Leslie Jenkins* said many things to the same Purpose. It was answer'd by Colonel *Birch*, That, as to the Legality of the Bill, it was quite out of the Question; for all Power was lodg'd in King, Lords, and Commons: And, as to Expedients, he thought they might as well think of catching a Lion in a Mouse-trap, as to keep out Popery by any other Means than the Exclusion-Bill. Sir *Thomas Player* said, He had lately heard the Duke to cry'd up, and the King to slighted, that he was afraid the Scene which had lately been acted in *Portugal* was on the point of being copy'd

here. Mr. (or) *Seymour* was earnest for having the Affair canvass'd in a general Committee: Said, however, that he was much against the bringing in any such Bill at all: Lamented, that the House should fasten on the only thing his Majesty should forbid: Affected to be clearly of Opinion, that the Protestant Religion was so secur'd by Law, that it had nothing to fear from a Popish Head: Asserted, the Bill in question would not be held binding by all in *England*, nor by any in *Scotland*; and, possibly, would be disputed in *Ireland*: As also, that it was not to be conceiv'd, that the Duke would submit to it; so that, without a *Standing-Army*, it could not operate; from which more Danger was to be apprehended, than from a popish Successor, or a popish King. Sir *Richard Grabur* trod in the same Track with Mr. *Seymour*; and concluded for a Debate upon Expedients. Sir *William Pultney*, on the contrary, compar'd Expedients in Politics to Mountebank-tricks in Physic; and was positive, that a Popish King and the Protestant Religion were irreconcilable. Mr. *Daniel Finch* could not open his Mouth in the Debate without *Fear* and *Trembling*; and yet found Assurance enough to say, "This Nation has been so unfortunate as to cut off one King already; let us have a care how we cut off the Right of another." Mr. *Boscawen* took much Pains to enlarge on the Cruelties of the Papists, in this and other Kingdoms; as also to shew from the Records, that the Succession had been frequently alter'd by Acts of Parliament: Upon the Whole, the Sense of the Majority appear'd to be for the Bill: A Committee was, of course, appointed to prepare it; and, the next Day but one, it was read the first time, according to Form: Upon which Occasion, Mr. Secretary *Jenkins*, having first undertaken to prove, that the Scope of it was contrary to natural Justice, the Principles of our Religion, and the Oath of Allegiance; as also, that the Kings of *England* had their Right from God only, mov'd, that it might be thrown out. Mr. *Montagu*, on the other Side, made a Counter-motion, for reading it a second time; and was seconded by Mr. *Hampden*: The First insisting, that it was as much for the Credit of the House to provide for the Preservation of the King, now, as it had been, before, to provide for his Restoration: And the Last, that the Protestants of *England* did no more than take the same Precautions that the Papists of *France* and *Spain* would do in the same Case. Mr. *Montagu's* Motion receiving the Sanction of the House, it was order'd, that the Bill should be read a second time on the 6th: Which was done accordingly.

And now the Courtiers chang'd their Method of proceeding; and, instead of a direct Opposition to the Bill, confin'd their Objections to the Manner in which it was drawn up. Sir *Richard Temple*, in particular, undertook

A. D. 1680.

The first Reading of the Bill.

The second.

(\*) Probably Mr. *Seymour's* Behaviour on this Question, as before hinted, was the true Ground of his Impetachment.

dertook to shew, that the Tenor of it did not answer the Intention of the House; and that, by disabling the Duke, without nominating a Successor in his room, the Nation fell into the Danger of an *Inter-regnum*: Mr. Secretary *Jenkins* adopted this Refinement, and further insisted, that the Arguments of those who were for the Bill, if they proved any thing, proved too much: "If, said he, we may thus disinheret the presumptive Heir, not only the Royal Family, but the whole Nation, would be subject, by such a Precedent, to many Inconveniences: For, by the same Reasons, the like might be done, hereafter, upon any other Pretence. Whence it follows, that Pretences may always be found to disturb the Succession; and thence to keep the Body-politic in a sudy continual Ferment, as may bring on a speedy Dissolution." Mr. *Booth* (afterwards Earl of *Warrington*) on the contrary, would not allow these Objections to be of Weight sufficient to retard the Progress of the Bill: And Sir *Roger Hill* quoted the Authority of *Queen Elizabeth*, who said, *That the naming her Successor would be doing a Grace for her*; and very artfully added, That, in his poor Opinion, some Persons shew'd so much Zeal for the Duke's Interest, that he was afraid they had forgot their Allegiance to the King.

The Bill committed.

The Result of this Day's Debate was, the committing of the Bill: And, on the 8th, after a thorough Winnowing, it underwent several Alterations and Amendments; which, on the Report, were agreed to by the House; and, on the same Day, it was Resolved, *That the Bill* &c. be engross'd.

So great a Progress, in so short a Time, threw the Court into mortal Agonies: It now plainly appear'd, that their Attornies in the House had neither Credit enough to carry their Cause, nor even Address to bring the Adversary to a Compromise: As a last Resource, therefore, on that Side, it was resolv'd, that the King should again take upon him to be his Brother's Advocate; and make one Effort more to do his Business, without laying himself under the cruel Necessity of sacrificing *his own*. Accordingly, on the 9th, Mr. Secretary *Jenkins* deliver'd the following Message to the House, *viz.*

CHARLES R.

A Message from the King.

His Majesty desires the House, as well for the Satisfaction of his People, as of himself, to expedite such Matters as are depending before them, relating to Popery and the Plot: And would have them rest assur'd, that all Remedies they can tender to his Majesty, conducive to those Ends, shall be very acceptable to him; *provided* they be such as may consist with preserving the Crown in its *ancient and legal Course of Descent*.

Debate continues.

Nothing can be plainer than the Drift of this Message; and yet Mr. *Booth* could find no better Way to comply with the Letter of it, than by moving, that a Message should be sent to the Lords, desiring them to ap-

point a Day for the Trial of the Lord Viscount *Stafford*. This willful Perverision, which favours very strongly of a Practice at this time of Day very well understood, by the Name of *Parliament-Craft*, was no sooner broach'd in the House, than it was greedily epous'd by the whole Party. Mr. *Hampden* took the Hint first, and did not fail to point out the glaring Absurdity which appear'd in the Conduct of the Court, from this two-fold Consideration: That they had for a long time together put a stop to the Prosecution of the Plot, by dissolving one Parliament, and so many successive Prorogations of another: And that now they were all of a sudden as hasty for dispatching it as fast as possible. Mr. *Harbord* was willing to understand the first Part of his Majesty's Message, as the Effect of his Goodness; but the latter Part, concerning the Succession, he thought put the House under the like Difficulty with that impos'd by *Pharaoh* on the *Israelites*, *viz. The making Brick without Straw*. He was, however, for giving their Enemies no Advantage to misrepresent their Proceedings; and, therefore, mov'd for the drawing up an Address, in Answer to his Majesty's Message. Colonel *Titus* enlarg'd on the ill Effects of the late Prorogations and Dissolution, with respect to the Plot, the Trial of the Lords, &c. insinuated his Doubts, that some Persons were already at work to render them odious, both to his Majesty and his People, and to prevail with his Majesty for their Dismissal; declar'd, that he took such Persons to be Enemies both to the King and Kingdom; hop'd the House would take a Time to find them out, and proceed against them according to their Merits; and, for a Close, join'd in both Motions, for the Address, and the Message. Sir *Francis Winnington* prophesied, that every succeeding Parliament would prosecute Popery like the past; pray'd, that this Temper of the People might not be a Cause for the Dissolve of Parliaments for good and all; and compar'd the Policy of those in Power (in stopping or smothering all Proceedings against Popery for the last two Years, and then indirectly reprehending the House of Commons for not bringing all to Perfection in two Weeks) to the killing of Justice *Goffrey*. He also was for the Message, and the Address; and, the House in general being of the same Mind, both were voted, *nemine contradicente*.

Address of the Commons.

Of the Effect of the Message, we shall treat in its Place: And as to the Address (which was drawn up under the Direction of Sir *William Jones*, who was that very Day introduced into the House, as also appointed of the (x) Committee, and by them plac'd in the Chair, out of a peculiar Compliment) it was founded on the Thought first started by Mr. *Booth*; and affected gravely to convince his Majesty, That his faithful Commons had made a considerable Progress in the Prosecution of Popery and the Plot; and even attempted to turn

(\*) As likewise that for the inspecting the Journals of the two last Parliaments, relating to the Plot and the Impeachment of the five Popish Lords.

A. D. 1650

turn the Table, upon him, by insinuating, not over complaiantly, that the Difficulties in their Way to the Trials of the Lords had been much increas'd by the pernicious Councils of those who had advis'd the Prorogation, and Dissolution of the last Parliament, &c. Some of those who might have come in as Witnesses, having in that Interval, possibly, either dy'd, as *Hedder*, who is instanced as a material Witness against all the five Lords, or having been taken off, or discourag'd from giving their Evidence. And the Use and Application of all was contain'd in the following Words: "To prevent the like or greater Inconveniencies for the future, we make it our most humble Request to your most excellent Majesty, that as you tender the Safety of your Royal Person, the Security of your loyal Subjects, and the Preservation of the true Protestant Religion, you will not suffer yourself to be prevail'd upon by the like Councils to do any thing which may occasion in Consequence (tho' we are assur'd never with your Majesty's Intention) either the deferring of a full and perfect Discovery and Examination of this most wicked and detestable Plot, or the preventing the Conspirators therein from being brought to speedy and exemplary Justice and Punishment. And (for a Sweetener in the Cloze) we humbly beseech your Majesty to rest assur'd (notwithstanding any Suggestions which may be made by Persons, who, for their own wicked Purposes, contrive to create a Distrust in your Majesty of your People) that nothing is more in the Desires, and shall be more the Endeavours of us your faithful and loyal Commons, than the promoting and advancing of your Majesty's true Happiness and Greatness."

The English Bill read a third time.

This Address being reported and agreed to, and the House appearing in a fit Temper to prosecute the grand Affairs, Mr. *George Vernon* mov'd, That the engros'd Bill for dishonouring the Duke of York might be read: And the same being read accordingly, Mr. Secretary *Wynkin* rose up once more in opposition to it, declaring it to be still his Opinion, That the House ought not to chastise his Royal Highness by a new Law, without any Hearing: That having taken the Oath of Allegiance, he look'd upon himself as bound to the Heir as well as the Possessor: That he knew no Power on Earth, which could absolve him from that Oath: That to dishonour a Prince merely for a Difference of Opinion in Points of Faith, was contrary to the Principles of the Religion we profess; and that if such an Act, when made, should be of any Validity, it would change the Constitution of this Monarchy, and make it in a manner elective. Sir *Richard Mason* contended for a Proviso to be added to the Bill: That if the Duke should turn Protestant, the Bill should be void; as likewise for a second, That in case the Duke should have a Son, after the Crown in virtue of this Act should have descended to his Daughters, it might revert to him; making use of these memorable Words: *As there is no Design to exaltise the Daughter for the Father's sake, so I suppose not the Son.* Mr. *Walden* launch'd into such Personal Invectives against the Duke,

A. D. 1650.

that he was not suffered to proceed. Mr. *Hyde* gave it as his Opinion, That it would consist more with the Justice of the House to impeach the Duke and try him in a regular way; and then cut off his Head, if he was found to deserve it; than thus; unheard, to exclude him from his Birthright: Talk'd of a loyal Party that would not obey this Law when made, which would unavoidably occasion a Civil War: Complain'd that the Proviso for the Security of the Duke's Children was not sufficiently expressive, and more particularly, that the Words *presumptive Heir*, were industriously left out, and concluded for rejecting the Bill. Sir *William Jones*, on the other hand, took it for granted, That it was impossible for a Papist to come to the Possession and quiet Enjoyment of the Crown, without wading thro' a Sea of Blood: Said, that he saw no way to prevent the Miseries which had been made to it; and took upon him to answer them all: Affirming the Bill was not intended as a Condemnation of the Duke, but as a Security for the Nation: That instead of being against natural Justice, it was agreeable to all the Rules both of Justice and Religion, since the Safety both of the King and Kingdom depended thereon: And no one Man's Interest could be brought in Competition with that of the whole Community. That as to the Oath of Allegiance, it was the first time he had ever heard it pleaded in favour of Popery: That it did not extend to the Successor, during the King's Life, and, therefore, there was no need of a Dispensation in that Point: That he could not understand how it could be a Scandal to the Church for them to secure it from the Danger of Popery. That as to the Argument drawn from the Assertion, that there was a loyal Party who would not obey this Law, it was new and strange to him: "For, said he, to doubt that the whole Legislature cannot make Laws that shall bind any, or all the Subjects of this Nation, is to suppose there is such a Weakness in Government, as must infallibly occasion its Ruin; and therefore I am of opinion, that what Laws you make in this Case, will carry as much Right and Strength with them, not only now, but after the King's Death, as any Law whatsoever. And how then can those be a loyal Party that will not acquiesce therein, unless the Word *Loyal* have some other Signification than I know of? I take it to be a Distinction that can only be given to such as obey Laws: And, I think, we need not doubt, but if once this Law was pass'd, there would be Protestants enough, whose Interest it will be to defend it, that would compel an Obedience. And we have much more reason to fear a Civil War without it, than with it; for if we can get this Bill, we may be, thereby, so united and enabled to defend ourselves, as that the Popish Party may never have the Confidence to attempt us; but without it we shall not be in any Capacity to defend ourselves; which

A. D. 1680.

which above all things may encourage a Civil War." As to the Proviso relating to the Duke's Children, he further said, "That if it was not strong enough, he was ready to give his Vote that it should be stronger. That as to the leaving out the Words, *presumptive Heir*, there was no such Term in their Law Books relating to the Succession; and therefore, he hop'd, they would be careful how they made a Precedent in such Cases. That, as there were no Objections of any Weight against the Bill, so there were many unanswerable things to be urg'd for it: For, continued he, altho' the Malignity of Men cannot erase his Majesty's Goodness, yet, by assisting the Popish Faction, they have spoil'd the beautiful Face of the best Government in the World, by breaking that good Correspondence that there ought to be between the King and his People, by dividing us in Points of Religion, and by being the Cause of Jealousies and Fears: By which his Majesty is reduc'd to great Difficulty and Trouble in the Administration of his regal Authority, and the Credit, Peace, and Tranquillity of the Nation are almost incurably lost. As to all which, the Art of Man cannot find out any Remedy as long as there is a Popish Successor, and the Fears of a Popish King."

These were the first Fruits of this great Lawyer's great Abilities, in the House of Commons. He was follow'd by Sir F. Wmington, who enlarg'd on the same Topics; and in particular quoted a Variety of Precedents to shew it was no Novelty for the Parliament to divert the Course of Succession into what Channel they pleas'd. Colonel Leg then submitted it to the Consideration of the House, on the Credit of History, whether the Precedents quoted by Sir Francis were not accompany'd with Blood and Misery: Intimated that this disinheriting Bill would have no better Success, and concluded with expressing his Sorrow, that no Successor was nam'd; because it left him in the dark, as to the Petition for whom he was to draw his Sword. Sir Henry Capel rose next, and took occasion to drop a Hint, That if the Colonel would take the Pains to read the Histories of England, he would find cause to change his Opinion. He also signify'd, That the Barbarities of the short Reign of Queen Mary more than balanc'd all the Inconveniences resulting from any Exclusion-Act: That the removing one Person in the order of Succession would make no material Alteration in the Government; and that the most material Observation he could make on the Arguments against the Bill, was, *That it was thought too good for them: That it was fear'd it would prove effectual.* And this Observation he further illustrated as follows: "If we consider how all the Laws which have, hitherto, been made against the Duke have been defeated, we may, with some reason, fear the like Success of all other that shall be made; unless you can do something that may tend to changing of the Interest; which can never be done without this Bill. We have a great many old Laws against Papists; but I did never hear that

A. D. 1680.

any thing was done by virtue of them, that ever prejudic'd the Duke: It was once attempted by a Presentment made by a Grand Jury: The Success was, That a known material Law of the Land must be broken by an extrajudicial Discharge of the said Jury, rather than the Law against him should have any Effect. There was a Law, not long since made, obliging all Persons that held or executed any Office to take the Transubstantiation-Test. It is true the Duke was so brave-spirited, as not to dissent and take it, tho' haply he was earnestly press'd with a Dispensation; yet had not that Law had any Effect in favour of the Protestant Religion; for tho' the Duke hath not since acted in his Office by himself, he put in, as his Deputies, Persons of so much Gratitude, as have in all things, follow'd his Directions; so that as to himself, the Act hath not prov'd of any force. There was another Act, lately made, which was intended chiefly against him, I mean that of excluding Papists from sitting in either House; and there he fairly got himself excepted by name. Now we would secure our Religion by another Bill against him. I had it meets with Opposition here; what it may meet with elsewhere, I cannot tell: But if such be his Power under a Protestant King, what may we not justly fear, if he should come to be King himself? I think nothing less than Popery, Slavery and Misery."

We have here the Sum of what was said on both Sides, on this very important Occasion: And on the Issue of all it was resolv'd, that the Bill do pass, under the Title of, *An Act for securing the Protestant Religion, by disabling James Duke of York, &c. And that the Lord Russell do carry up the said Bill to the Lords for their Concurrence.*

This was the great Work of November the Eleventh; and, to give it all the additional Strength and Lustre imaginable, as also to shew how close and intimate a Connection there was between the House of Commons and the City of London, the Lord Mayor the very next Day held a Common Council; in which it was agreed and order'd, *veniant contentisente*, that the following Petition and Address, should be presented to his Majesty as soon as conveniently might be:

"We your Majesty's most dutiful and loyal Subjects, being deeply sensible and apprehensive of the great Danger your Royal Person, the Protestant Religion, and the good Constitution of this Kingdom, have been, and, as we have reason to fear, are still in, do with all humble Thankfulness acknowledge your Majesty's great Grace and Goodness in causing the Parliament to meet, and sit, to the great Satisfaction of this City, and of all your good Subjects at home, and the Comfort and Encouragement of all your Protestant Neighbours abroad, and for your most gracious Speech at the Opening thereof, in those Assurances you were pleas'd to renew for the Security of the Protestant Religion, and in recommending to their Care the Suppression of Popery, and the Prosecution of the horrid Popish Plot, with a strict and impartial Inquiry; without which, neither your

The Bill pass'd by the Commons.

Petition and Address of the City of London.

Royal

A. D. 1680.

Royal Person, nor your good Subjects, can be in any Safety.

And we being also sensible how much the happy Conclusion of this Session of Parliament will conduce to those Ends; do most humbly beseech your Majesty, that you would be graciously pleas'd to hearken and incline to the humble Advice of that your great Council, for the Safety of your Royal Person, the Preservation of the Protestant Religion, the quieting and uniting the Minds of all your good Subjects; and for securing the Peace of this your GREAT CITY, and the whole Kingdom.

And we do in the most dutiful manner, and with unanimous Consent, humbly assure your Majesty, that in Pursuit of those Councils, your GREAT CITY of London will be ready at all times to promote your Majesty's Ease and Prosperity, and stand by your Majesty against all Dangers and Hazards whatsoever.

What Reception this extraordinary Piece met with from his Majesty, may be easily conjectur'd; and what Effect it had, the Sequel will inform us.

It is worthy Remark, that tho' the Exclusion-Bill was pass'd by the Commons, and order'd to the Lords on Tuesday, November 11, it was not carry'd up till Monday the 15th following: And there is no other way to account for that Demur, after it had been hurry'd thro' all the Forms of the House with such Rapidity before, than by supposing, that this Interval was employ'd by the Party Leaders on both Sides in endeavouring to bring the Matter to a Compromise. Bishop Burnet is express as to the Fact, but not as to the Time. Many Meetings, says he, were appointed between Lord Halifax and some leading Men; in which, as he try'd to divert them from the Exclusion, so they study'd to persuade him to it, but without effect. He also says, that Lord Halifax's Hatred of the Earl of Shaftsbury, and his Vanity in desiring to have his own Motion prefer'd, sharpen'd him, at that time, to much Indecency in his whole Deportment: And that, on the other Hand, the Party depended on the Hopes that Lady Portsmouth and Lord Sunderland gave them. It is, however, most strange, that the Party should be deluded by such Hopes, if what that Prelate yet farther affirms, on the Authority of Lord Halifax, be true; That any Limitation whatever, that should leave the Title of King to the Duke, tho' it should be little more than the mere Title, might be obtain'd of the King, tho' he was positive and fix'd against the Exclusion.

But wherever the Fault lay, the Treaty broke up; both Parties became more exasperated against each other than ever; and Lord Russell, attended by the whole Faction

in a Body, carry'd up the Bill and left it with the Lords; who, resolving to rid their Hands of it as expeditiously as possible, gave it a Reading the next Day; and tho' by a meager Majority of two, it was committed, it was only to reject it with the greater Appearance of Candour and Impartiality: All the Bishops except three, throwing their Weight in the Court-Scale as usual; and, thereby shewing, that they piqu'd themselves more on their Loyalty than their Religion. The Course of the Debate was extremely violent, and came to an Issue at last, rather thro' Weariness than Conviction. Till 11 o'Clock at Night the Rage of Altercation and the Lust of Superiority kept up the Contest, the King being present all the while, and the whole House of Commons attending, who had adjourn'd their own Proceedings, to indulge their Curiosity in observing the Progress and Event of this. The Lord Shaftsbury, supported not only by the Lord Essex, who had resign'd his Places, but the Lord Sunderland, who was still in Possession, headed one Party, and the Lord Halifax the other: And to the superior Talents of the last, as far as superior Talents can be thought to influence in such Cases as these, the Honour of this Day's important Victory ought in Justice to be ascrib'd, on the joint Evidence of both Friends and Enemies. The King, on the one hand, in acknowledgment of his Merits, took him into his Bosom, and rely'd on him as the Man of his whole Court, that could serve him most: And on the other hand, the House of Commons, adopting the Resentments of his defeated Adversary, Shaftsbury, resolv'd to set a Mark of their Displeasure on him, tho' not only in Violation of all Forms, but even of Decency and Justice; a Motion being the next Day made and (y) carry'd for an Address, humbly to desire his Majesty to remove George, (z) Earl of Halifax, from his Presence and Council for ever: It is remarkable, that in the Vote, no Cause is assign'd for this severe Proceeding; but in the Address, which was not reported till the 22d, the late Prerogatives and Dissolutions were plac'd to his Account, and made the Foundation of their Request, that he might be remov'd. His Majesty could not, however, be induc'd to consider the Affair in that (a) light, or to give way to their Importunity. On the contrary, in his Answer, he signify'd, "That their Address was liable to many Exceptions; and tho' to avoid all Occasions of Dispute, he forebore to enter into Particulars: That the Grounds they went upon were not sufficient to warrant a Compliance; and that whenever they should, in a regular way, prove any Crime either against the Earl of Halifax or any other Person who either was or should be of his Councils, he would leave them to their own

A. D. 1680.

By whom it is rejected.

The Commons address against Lord Halifax.

The King's Answer.

Vol. i. p. 481.

The Exclusion-Bill left with the Lords.

(y) A Motion was made to adjourn the Debate, but over-ruled, Year 95. Nov. 219.

(z) He was made an Earl in July 1679; as were also, at the same time, the Lords Robles and Gerrard.

(a) The Lords, some time after this, having prepar'd a List of superfluous Officers, which, for that Reason they design'd to interpose with the King to lay aside Sir J. Reef-

by imagining himself to be one, apply'd to his Majesty for Favour and Exemption, in case his Peers should prove to be well-grounded; which gave the King occasion to reply, "Let them do what they will, I will never part with any Officer at the Request of either House: My Father toll his Head by such Compliance; but, as for me, I intend to die another Way." Retrib. Mem. p. 106.

A. D. 1680.

A Supply demanded for the Relief of *Tanger*.

own legal Defence without interposing to protect them."

On the Day the *Exclusion-Bill* had been left with the Lords, his Majesty had by Message, demanded a Supply for *Tanger*; without which it was urg'd, that Place could not be much longer preserv'd. There was some Truth in this and some Falacy, as there is generally, in all Demands of the like nature. *Tanger* was, indeed, in some Distress; but the King was in more: And whatever was given in Relief of the first, would, also, have contributed to the Relief of the last. But, on the other hand, the Commons very well knew they had not been assembled to make fine Speeches in the House, or render themselves popular at the Expence of the Royal Family. Like the fine Lady in the Comedy, they knew, there was but one thing they could do to please the Court, which was giving Money; and that being once done, they also knew, that an instant Dissolution would follow: There was, therefore, no Pretence, how plausible soever, that the King could use, to shew the Necessity and Reasonableness of his having Recourse to the Benevolence of his Subjects, but what they were prepar'd with Pretences as plausible, to evade and refuse.

Debate thereon.

Thus, on the Day that this Message was taken into Consideration, *Sir William Jones* rose up foremost to oppose it, on the following Maxim: "That it was a Duty incumbent on the House to secure things at home, on which our All depended, before we enter'd into an Expence of Time about securing things abroad." And in the Course of his Speech he farther said, in plain Terms, That *Tanger* was a Nursery of popish Soldiers; and that the Consideration of it came unseasonably before them; because, said he, it must end in Money, and not a little Sum; and before that was granted, he was of Opinion, they ought to know into whose Hands it was to go; whether to Persons in the Protestant or Popish Interest; and whether, instead of being employ'd for the Defence of *Tanger*, it might not be diverted to the Destruction of the Protestant Religion: Concluding with a Motion for an Address to his Majesty, containing their Reasons for not complying with his Message, &c. After him, *Mr. Hampden* urg'd the Almightyness of the Duke's Interest and Power in the Government, as a Reason why no Money ought to be given. *Mr. Harbord* very explicitly declar'd for the Address, but with a Caveat, that it might be drawn with the Duty and Humility that became Subjects, tho' with the Truth and Plainness that became an English House of Commons. *Sir Edward Deering*

very rationally propos'd, That a State of *Tanger* might be laid before the House, to be consider'd at leisure, and when they were assur'd of some Equivalent in lieu of the Exclusion-Bill: *Colonel Birch* was for knowing, whether they had any thing to give, or no, before they consider'd the State of *Tanger*; and, if the Duke and the Popish Interest was strong enough to wrestle with the King and the Protestant Interest, he concluded they had not. He also said, they could neither answer to God nor Man the giving of Money, until there was a great and general Reformation, as to Petitions in Trust and Command: That there were Eleven to Seven in the Popish Interest; in some Places; and All in others; and that in such as were of great Importance too: For a Close, he declar'd for the Address; and desir'd it might be full and plain. *Mr. Vernon* was of Opinion, that our Religion was of more Value than our Trade; and, therefore, he was for providing for the Security of the former, before the latter: *Colonel Titus* reason'd on the same Proposition; recapitulated past Misapplications; and, coming down to the present Times, proceeded in these Words: "For, tho' we had never more (b) Treasurers, we had never less Money; never more Admirals, yet never a worse Fleet; and tho' never more Counsellors, never less Safety. *Lord Russell* was expre's for making the Disinheriting the Duke, and the Removal of his Friends the Condition sine qua non of giving Money. *Mr. Lenthal*, from his own Knowledge, undertook to shew, that unless the Mole of *Tanger* was completed, which he was afraid would never be, the Place itself was of little Value, unless in the Case of a War with Spain. But if, continu'd he, it must cost 100,000*l.* per ann. and if a War with Spain be not like to happen one Year in twenty, I am of Opinion the certain Charge will amount to more than the uncertain Inconvenience. *Mr. Lucy*, on the contrary, was of opinion, that if we once fell into the way of sending good Governours thither, it might be made to maintain itself; and that it was worth all the Charge, if only to keep it out of the Hands of the French, Turki, Moors, and Spaniards. *Mr. Secretary Jenkins* and *Mr. Hyle* adventur'd also to oppose the Current of the House, but after such a manner as argu'd their Despair of getting the better of it. The whole Burden of the Day, indeed, on the Court Side, seem'd to be rested on the Shoulders of (c) *Sir William Temple*; who agreed with *Mr. Lenthal*, that if the Town and Mole could be blown up into the Air, or any otherwise destroy'd, it would not be worth the Charge of keeping it,

(b) Alluding to the Treasury and Admiralty being in Commission: Which, in those Days, was unusual; though Custom has familiariz'd it to us.

(c) Of *Sir William's* Conduct with respect to the Exclusion-Bill, and his Covert-Opinion with respect to the Address, he gives the following Account, in his own Memoirs, Part lii. p. 352: "In the Business of the Bill I never meddled, nor to much as reason'd, either in or out of the House; having declar'd my Opinion to the King and his Ministers, that it was to no purpose to oppose it there; nor for the King to take notice of the Commons Address upon it, farther than

to let them know, that whenever any Bills, or any Addresses, upon Things of that Nature, were brought to him from both Houses, he would suffer them: By this means, I thought the King was sure of his Bed; for the Bill would certainly fall, as often as it came into the House of Lords; and if he should be forc'd to break the Parliament, it would be better done upon an inevitable Difference between the two Houses, than upon any between his Majesty and the House of Commons. But this Opinion was not agreed to by the chief Ministers."



A. D. 1686.

it, but contended for the Support of it to prevent the Mischief that would arise from its falling into other Hands; enlarg'd on its immediate Danger from the Moors, and the Necessity of an immediate Supply; such, however, as might be precisely necessary for the Defence and Protection of the Place; a small Sum, he said, in comparison of what the House had formerly given, might be sufficient: And, to shew of what Importance it was to give that, he took occasion to represent the deplorable State of the Protestants abroad; how much they were concern'd in the good or ill Success of the Parliament; and how grievously they would be perplex'd to hear any ill News thereof: Caution'd them, therefore, not to do any thing that might bring on a Breach with his Majesty: Advis'd, above all things, that, in their Address, they would take no notice of the Lords having thrown out the Exclusion-Bill, since it was not to be presum'd, that his Majesty had any Concern in it: Acknowledg'd, that it was strange and unusual to do so, without a previous Conference: Said very wisely, "That tho' a King alone could not save a Kingdom, yet a King alone could do very much to ruin it: And that tho' Parliaments alone could not save this Kingdom, yet Parliaments alone might do much to run it." Put them in mind, that the King in his Message had requir'd their Advice as well as Money: Insinuated, that if the Address was ground'd on that Expression, many good things might be grafted upon it; and begg'd them not to give any Advantage to those who it was justly to be fear'd were endeavouring to put off the Parliament; that thro' his Majesty's Care and Goodness, all Difficulties might be overcome, and the Session brought to a happy Conclusion. What Effect all this was like to have on the House, Sir William could not but foresee; since he himself takes notice, in his Memoirs, "That the House met with such a Bent, on what they thought the chief of their Home Concerns, that the Name of any thing foreign would not be allow'd among them: Nay, that the Mention of Spanish Leagues, Alliances with Holland, and Measures intended by the King with other Confederates, were laugh'd at, as Court-Tricks, and too stale to pass any more." And, agreeable to this Disposition, it was resolv'd upon the Question, That a Committee be appointed to draw up an Address, Sr. humbly representing to his Majesty the dangerous State and Condition of the Kingdom, in answer to his Majesty's Message: Which Representation was to the following Purpose: That they look'd on the present Condition of *Tanger* not only as one Infelicity more added to the afflicted State of his Subjects, but as one Result also of the same Councils and Designs, which had brought his Majesty's Person, Crown and Kingdoms into those great and imminent Dangers, with which they were then surrounded; and that they were the less surpris'd at the Exigencies of the Place, because it had been several times under the Command of Papists, and that a great Part of the Garrison was compos'd of

The Represent-  
ation is good  
wise &c.

Papish Officers and Soldiers. That to that Part of his Majesty's Message relating to his Dependence on that House for the Support of the said Place, they, with all Humility and Reverence, answer'd, That while the Cloud which had long threaten'd this Land, was ready to break on their Heads in a Storm of Ruin and Confusion, and till they were effectually secur'd from the imminent and apparent Dangers, arising from the Power of Popish Persons and Councils, it would neither be consistent with their Duty to his Majesty, or the Trust repos'd in them by their Constituents, to come to any Resolutions concerning it. Descending then to Particulars, they proceeded to say, That it was not unknown to his Majesty how restless and bold the Endeavours of the Popish Party had been of late Years to introduce the *Romish*, and utterly to extirpate the true Protestant Religion. That by the treacherous Assistance of *perfidious Protestants*, the several Approaches they had made towards compassing their Designs, had been so strangely unsuccessful, that it was Matter of Admiration to them; and what they could only ascribe to an over-riding Providence, that his Majesty's Reign was still continued over them, and that they were yet assembled to consult the Means of their Preservation. That they had not only been conniv'd at, but countenanc'd in an open and avowed Practice of their Idolatry, without Controul, in several Parts of the Kingdom: That Swarms of Priests and Jesuits had resorted hither, had exercis'd their Jurisdiction, had made Profelytes, had found Means to disgrace their Opposers; and, if they were Judges, Justices, or other Magistrates, to get them turn'd out of their Commissions. That in Process of Time, they became able to influence Matters of State and Government, and thereby to destroy those they could not corrupt. That the Continuance or Separations of Parliaments had been accommodated to their Purposes: That Money rais'd upon the People to supply his Majesty's extraordinary Occasions, had by the Prevalence of their Councils been employ'd to make War on a Protestant State (the *Dutch*) and to aggrandize the dreadful Power of the *French King*. That Numbers of his Majesty's Subjects had been employ'd and continu'd in the *French Service*, notwithstanding the apparent Interest and Calls of the Nation to the contrary: And that *English* Ministers had been made Instruments to press upon that State as the Price of a Peace with *France*, the Admission of the public Exercise of the Catholic Religion into the *United Provinces*, with a farther Demand, That the Churches should be divided between them and the Protestants, and that the *Romish* Priests should be maintain'd out of the public Revenue. That when his Majesty, by the Advice of his Council, or at the Instance of Parliament, had given Command to put the Laws in force against the Papists, even from thence they gain'd Advantage to their Party, while the Edge of those Laws was turn'd against Protestant Dissenters, and the Papists escap'd, in a manner, untouch'd. That even

A. D. 1686.

A. D. 1680.

the very Tests had either been render'd ineffectual by Dispensations, or those who refus'd were succeeded by Persons so favourable to the same Interests, that Popery itself had rather gain'd than lost ground. Hence they pass'd on to *Coleman's* Correspondence, the damnable and bellifio Plot, *Godfrey's* Murder, Commissions granted to Popish Officers, Attempts to corrupt Witnesses, the Meal-Tub Plot, the Discharge of the Grand Jury, &c. And upon the whole signify'd, That upon mature Deliberation, they had lately propos'd one Remedy of these great Evils, without which all others would prove vain and fruitless, and rather expose his Majesty's Person to the greatest Hazard, and the People, together with all that was valuable to them as Men and Christians, to utter Ruin and Destruction; and that if by his Majesty's great Wisdom and Goodness they might be effectually secur'd from Popery, and that none but Persons of known Fidelity to his Majesty, and sincere Affection to the Protestant Religion might be put into any Employment civil or military, they should not only be ready to assist his Majesty in Defence of *Tanger*, but to do whatsoever else should be in their Power to enable his Majesty to protect the Protestant Religion and Interest at home and abroad, &c.

This Address was represent'd *November* the 20th: But either his Majesty return'd no Answer, or it was of such a nature that the Commons did not think proper to publish it. And here we must leave this great Affair in Suspence, in order to dispatch the last Scenes of the Plot, and drop the Curtain upon it for good and all.

It is shrewdly observ'd by Mr. *Carter*, "That it was a terrible Slur upon the Credit of the Popish Plot in England, that, at-

ter it had made such an horrible Noise, and frighted People out of their Senses, in a Nation where there was scarce one Papist to an hundred Protestants, there should not, for above a Year together, appear no such as one Witness from *Ireland* (a Country otherwise fruitful enough in producing them) to give any Information of any Conspiracy of the like Nature in that Kingdom, where there were fifteen Papists to one Protestant, as that charg'd upon the Papists of *England*, whose Weakness would naturally make them apply for Assistance from their more powerful Brethren in *Ireland*." To remedy this Defect, a Proclamation was set forth in 1679, while the Malcontents held their Influence at the Council-board, to notify all over the Kingdom the Encouragement that would be given to all Persons that should offer themselves as Witnesses. All the Correspondents of the Party in *Ireland* were, besides, indefatigably vigilant in laying out for Intelligence, with the double View of furthering the Cause in *England*, and of blating the Lord Lieutenant as a Favourer of Papists, in case he did not keep pace with their Zeal and Activity: And what was still more extraordinary, Persons of bad Characters were empower'd and authoris'd to go in search of worse than themselves, if such could be found, who were to give Credit and Countenance to all the Extravagances they thought fit to depose; as also to play the Part of travelling Inquisitors, and lay the Country under Terror and Contribution, by holding farms in Custody, by making others pay for their Discharge, and by committing such open Acts of (d) Rapine and Violence, as called aloud for public Vengeance, instead of public Rewards.

It would be endless to enter into all the particular

Account of the Irish Plot. Life of the Duke of Ormond, vol. ii. p. 495.

(2) For instance, thus writes Mr. *Carter*:

"Another Fellow employ'd to pick up Witnesses for the Plot, and to bring them over to *England* to be tutor'd and instructed there (for the Men taken up, when they appeared before the Council, generally professed they knew nothing of the Matter) was one *James Goughan*, alias *Dolan*, of whom I find this Account, in a Letter of the Lord Lieutenant and Council to the Earl of *Sunderland*, dated *Jan. 3*: This Man came to *Ireland* in *Nov. 1680*, with an Order of the Council of *England*, requiring the Government and Magistrates of *Ireland* to give him Assistance in the Business he came about, especially for the apprehending of any of those who had engaged themselves to kill the King. "He landed at *Youghall* and, "after several very extraordinary Proceedings in the Country, " (mention'd in a former Letter to the said Secretary) came to *Waterford*, where he was committed, upon an Information, for treasonable Words. Upon Application to the Lord Lieutenant, he was releas'd, and brought up under a Convey of *Horle* for his Safety to *Dublin*. He gave an satisfactory Account to his Grace why he did not apply to him sooner for Assistance in the Prosecution of his Undertaking. But his Demands were, first an Order from the Lord Lieutenant to take up and imprison whoever he should see fit, and requiring all Officers civil and military to assist him; next a Guard of six Horsemen, to be taken from *Garrison* to *Garrison*, as he should call for them; and in the last place *Money*, to buy or hire him an Horse, and to bear his Charges. Within the first of these, it was not thought safe fully to comply, in regard he already had charg'd with a Design of raising Profit of his Employment, by compounding with some Persons he propos'd to accuse; but he had as ample Power as was necessary, as appears by the Order sent inclosed. His other two Requests were granted.

"Thus authorized, guarded, and provided, (by the Words of the Letter) he set forth from *Dublin*; but as his setting forth began to give ill Signs of his Temper and

"Conduct, having in the open Street (his Guard of Horse "about him) not only whipp'd and beaten a Butcher about "the Price or Hire of an Horse, but rode away with the "Horse, without making any Agreement with the Owner. "In prosecution of the Circuit he intended to make, he "committed many other Outrages nothing appearing to "the Work he had in hand; of which several Complaints "were made to us, and yet we forbore to restrain his Irregularities, in regard to the Importance of the Service he "was upon, from which we were loth to recall him. But "at length his Violence, Excesses, Debaucheries, and in "effect his plain Robberies committed on Irish and English, "Protestants and Papists, were so manifest, and rais'd to great "a Disturbance in all Places where he pass'd, that we began "to suspect he could not be guilty of so extravagant a Design, "but with design thereby to call a Blessing upon "other substantial Discoveries and Witnesses. Wherein we "were in some measure confirm'd by his apprehending, and "carrying Prisoner about with him one Mr. *Pope*, a Justice "of Peace, and a known, constant, and zealous Protestant; "and by his breaking open the Chest, and taking out of it "about 30*l.* of one *Bilbois*; also a Protestant, and Horseman "man in the Earl of *Longford's* Troop; and also by his "accusing one *Carroll* of Treason, and after having apprehended him, and having obtain'd a Writings of a Justice "of Peace to carry him to Goal, he took the *Writings* from "the Constable, and retain'd *Carroll*, upon a Composition "of twenty Pieces of Eight, and kept the *Writings* in his "Pocket, which was found about him. The Depositions "and Complaints against him the said *Goughan*, "herewith sent, will show what it laid to his Charge. Upon "so clear Proof whereof, we are of Opinion, the Justice of "the Government and the Reality of the Popish Plot could "not be sufficiently vindicated, but by the Commitment of "the said *Goughan* to safe Custody, where he now remains, "and concerning whom we humbly desire to receive his "Majesty's further Pleasure."

A. D. 1680.

A. D. 1680.

particular Villanies that arose from these strange Proceedings: And all that is necessary to be said in this place, is, That certain low Fellows of infamous Characters, viz. one *Burch*, one *Maekinnara*, one *Conyns*, one *Foy*, and one *Sanson*; as also a Gentleman of the Name of *Fitzgerald* (who had himself, been committed for treasonable Words) enrol'd themselves as Witnesses, and undertook to prove, that *Ireland* had its Share of the Plot as well as *England*. All these and many more were sent for over to *England*, were countenanc'd and maintain'd; and before they were produc'd in Public, the Earl of *Stafford* was (e) indiscreet enough to avow himself to be their Patron, and declare that they had great things to discover. But when it came to the issue, instead of supporting the Truth and Validity of the *English Plot* by this of *Ireland*, the Buttreff pull'd down the Building, and the Architects had like to have perish'd under the Ruins. *Fitzgerald's* Information consist'd of the Discourses of some *Irish Officers* in the *French Service*, who had come in 1674 and 1676, into *Ireland*, to raise Recruits, but had return'd, and were then abroad: Whence he infer'd, that a Design had been laid for an Insurrection, and that several Gentlemen of the Country were concern'd, who were taken up, examin'd, discharg'd; and then prosecuted again by fresh Orders from *England*, whether *Fitzgerald* had been summon'd; and from whence he, after a while, endeavour'd to make his Escape, from a Court-martial, that he had advanc'd more than he could make good. *Burch*, *Maekinnara*, and *Conyns* gave in their respective Affirmations to the House of Commons, in effect as follows:

*Burch* depos'd, That being by the Kindness

of one Major *Baker* admitted to the Knowledge of the Earl of *Tyrone*, and by that means frequently keeping his Lordship company in his Passages both at home and abroad, he observ'd that the said Earl and the Major would be always extolling the *French King*, and praying for his Prosperity. That he further observ'd a continual Refort of Papists and suspicious Persons to the said Earl's House: That being one Morning private with his Lordship, his Lordship told him, That he had Intelligence out of *France*, that the *French* were very powerful, and that *Parlez Français*, would be plentifully heard in *Ireland* ere long.

That in farther Discourie, his Lordship drew out of his Pocket a great Quantity of Papers roll'd up and deliver'd him to subscribe his Name in one of them; and that upon a sudden Glance he could read the Names of some that he knew to be Persons ill affected to his Majesty and his Government. That upon his Refusal to subscribe, his Lordship call'd him Coward, and drew his Sword half out of his Scabbard to have kill'd him, but was prevented by the unexpected coming in of another Gentleman. That from that time forward his Lordship us'd several Means to ruin him; and, in particular, threw him into (f) *Waterford Gaol*; from whence he wrote five Letters to the Lord Lieutenant of his hard Usage, and what he had to say as to the Conspiracy; but could have no Answer. That being got out of *Waterford Gaol*, he gave in his Informations against the said Earl at *Dublin*; where, though his Lordship were bound over to answer the Informant at *Waterford* Assizes, yet such was his Power over the Judges and the Jury, that he easily got himself acquitted: So that finding *Ireland* then too hot for him, the Informant

was

(e) For which he is treated after the following Manner, even by the own *French*.

The Conspirators, having now got off the Parliament, and all other things according to will in *England* and *Scotland*, resolve upon labelling the Earl of *Stafford*, and some others, in a sudden time; for now they had gotten good Footing every where, and, in order thereto, conceive how to inveigle the Earl of *Stafford*, the Earl of *Essex*, and others, into the Belief of a most dangerous *English Plot* in *Ireland*, join'd with, and in Nature the same, with this in *England*, which was design'd only to abuse these Lords, and others; but if they succeeded as what they aim'd at, it would overthrow the Belief of the Plot in *England*. The Design and Aim was this: The Conspirators, having observ'd in some of *Mr. Oster's* Depositions, Mention had been made of raising of *Moony* and Men in *Ireland*, and for the introducing the *French*, by the Earl of *Tyrone* thence, into that Kingdom, resolve to carry on the Story, and make this laborious to their Purpose, by making the Lord *Stafford*, and others, who were great Soldiers to find out the *English Plot*, believe a Plot in *Ireland*, though there was none in; in hope that when it appear'd to all the World, that all the Hunting of an *Irish Plot* was on a false Scent, the *English Plot* might meet with a Bluffe by that means, or, at least, a Jealousy would be rais'd, that it was of no other Metal than the *Irish Plot* was: And therefore the Conspirators, as well as their Agents, and Correspondents in *Ireland* and elsewhere, having provided a Parcel of *pretious Wares*, *Gene-Buttons*, *Hibonnyes*, and such like Villains, to tempt to themselves an *Irish Plot*, carry'd on there in Copartnership with this in *England*; some of the cunningest of the Conspirators Crew, easily got them a, and had the Story of this *Irish Plot*, and got both their ready 1. and as a principal Agent and Instrument for the Management of the Evidence, they made use of one *Hetherington*, who was escap'd out of Prison for Debt in *Dublin*, and sent him with their Instructions, and bid him apply himself to the Lord —, who then was

President here: He comes accordingly and tells the Council of his being a Justice of Peace, and a great Man in the *Queen's County*, and discovers a perfect *Irish Plot*, made to his Hand by his Employers; but by this time the Lord *Stafford* is turn'd out of the Council: However the whole Discovery is offer'd, or was really made, to him; which his Lordship liked well of, and look'd upon as a mighty Discovery, and of great Service to the Nation; and tho' his Lordship was now out of the Council, yet he gave notice to the Council, and to the Lord *Roberts* (his Successor in this Matter; and *Hetherington* he sets by himself for a mighty Discoverer, and, by degrees, brings over the Under-*high-Vermis*, to prove what he had declar'd: Which Plot appear'd to great noise, that, in effect, the whole *English Plot* was drawn'd: And these Creatures, whom the Conspirators had sent over to be Witnesses, were so miserably poor, that many other People, being affected with their Condition, and glad of a Discovery of the Plot, taking all for Truth that these Villains had related, gave them their Charity; which was the thing aim'd at by the Conspirators: And it was so order'd here, that, whenever they came over, and had given in their Depositions, they had no Subsistence allow'd them by the Court, but were put to Shift for themselves. In short, to were things order'd, that, if there had been any real Plot, as it is very probable there was, at least to come to the Knowledge of such *Shrews* and *Tary-Deputations* as these; yet the Usage these Creatures met with from the Court was enough to discourage much better Men than they ever were; which was principally design'd from the Beginning. But however, by the Charity of several Persons, these *high Cattle* were kept together all of a Side, in hope that when the Parliament next came, Provision would be made." *Growth of Depry, Part II. p. 212.*

(f) Mr. *Corse* says, he was committed for a dangerous Assault on one *McDaniel*, after having been allow'd four Days time to find Bail, without being able to procure any.

A. D. 1680.

was forc'd to retire into England, to make his Appeal.

*Accusation depos'd.* That one *William Bradley*, Esq; a Justice of the Peace in the County of *Waterford*, having first made him take an Oath of Secrecy, gave him to understand, That the Earl of *Tyrone* had receiv'd a Commission from the *French* King to be a Colonel of Horse in the County of *Waterford*, and that the said *Bradley* was to be his Lieutenant-Colonel, and therefore desir'd him to provide himself of Horse and Arms, and get away as many as he could trust, promising him a Captain's Place.

That after *Bradley* had unfolded to him the aforesaid Treason, he met with the Earl of *Tyrone*, who ask'd him privately, whether *Bradley* had said any thing to him; who answering, he had; the Earl bid him be very private, and then shew'd him a List of several that were to be Superior Officers in several Counties of *Ireland*, which he took special notice of, as knowing several of the Persons.

That the said Earl, at the same time told him, that he had a Commission from the *French* King under his Hand and Seal, to be a Colonel of Horse in the County of *Waterford*; and that there was hardly a County in *Ireland*, where Persons were not appointed by the *French* King for the same Purpose, with other Discourse of the same nature.

And *Comyns*, That, living with one *Keadeagh Magher*, his Relation, in *Karigginisurie* in the County of *Tipperary*, Treasurer for the Confederates in *Ireland*, he was privy to the Payment of several considerable Sums to several considerable Persons upon the Account of the Plot, by the Directions of *Plunket*, titular Primate of *Ireland*, *Brenand* titular Archbishop of *Cashel*, and *Powes* Dean of *Waterford*, who had the Disposal of the said Money.

That there was a Meeting of the *Irish* Clergy, with the titular Primate, at *John Wallis*'s Houfe, who was Lawyer for the Duke of *Ormond* in the County of *Tipperary*, where they agreed to give every Judge that would go the Circuit, and befriend them upon Occasion, 200*l.* a-piece.

That the Sum of 200*l.* was secur'd to Sir *John Davis* upon the same Account, he being then a Judge at *Clanmel*, of which he was an Eye Witness.

Lastly, after the Recital of many other Circumstances, of his being pursu'd and imprison'd by Sir *John Davis*, and several other Justices of the Peace, contrary to their Duty, for his Discovery; he affirm'd, that the *Papists* had barbarously murder'd the said *Keadeagh Magher*, their Treasurer, when they found that he detested their Design, and was turn'd Protestant.

The Result of all this, besides the Noise and Clamour it furnish'd the Party with Pretences to raise, was the Impeachment of the Earl of *Tyrone*, and the Trial and Execution of *Plunket*, the titular Primate of *Ireland*, on a most extravagant Charge of having form'd a Design to reduce the Kingdom of *Ireland* under the Dominion of *France*; Cir-

cumstances, indeed, that afforded them very little Cause of Triumph, since they were accompany'd with plain and evident Proofs, that the Practices laid to the Charge of the *Papists* in *Ireland* could not, by any kind of Torture, be made to coincide with the Discoveries made in *England*.

We now come to the Message before-spoken of from the Commons to the Lords, relating to the Trial of Lord *Stafford*; and which took place under the Pretence of conforming to his Majesty's Pleasure, contained in his Request; "That they would expedite such Matters as were depending before them, relating to Popery and the Plot."

Many Writers, and, in particular, Mr. *Trotter* of the *North* and Sir *John Royston*, are of Opinion, That this Nobleman was selected by the Commons to bear the Sins of the whole Five, on the Presumption that he was least capable of defending himself; and that his very Spirits, as well as his Parts, would fail him, under the Weight of such a Prosecution. He was old and infirm; he had been under Confinement for above two Years; he was timorous by Nature; he had the popular Tide against him; he had the ablest and most zealous Members of the House of Commons for his Prosecutors; a large and considerable Body of his Judges, the Peers, were Parties on the same Side; and his Majesty, tho' he pity'd the Victim, he had Reason to believe, had not Resolution enough to prevent the Sacrifice.

Under all these Disadvantages, his Lordship was brought to the Bar of the Peers in *Westminster-hall*, upon *November* 30, the Lord-Chancellor presiding in quality of High-Steward; and, having been charg'd in the Names of all the Commons of *England*, with having imagin'd and contriv'd to murder the King, to introduce Popery, and subvert the good Government of Church and State, established by Law, pleaded *Not Guilty*. The Charge was open'd by Serjeant *Maynard*; seconded by Sir *Francis Winnington*; and Mr. *Treby* had the Management of the Witnesses; who were divided into two Classes; such as were to prove the Plot in general, and such as had Matter to urge against the Prisoner in particular, which last were *Oates*, *Dugdale*, *Bedwin* and one *Turberville*: *Dugdale* swore, That his Lordship, at a certain Meeting held at *Tixshill* in *Staffordshire*, about the latter End of *August*, or early in *September*, 1678, had given his deliberate, full Consent, to take away the King's Life, and introduce the *Papist* Religion; and had expressly offer'd him 500*l.* to murder his Majesty; and, as a farther Inducement, that he should have a free Pardon of all his Sins, and be fitted for the Job. *Oates* swore, That he had seen several Letters, sign'd *Stafford*, to the Jesuits, containing Assurances of his Lordship's Fidelity and Zeal in promoting the Catholic Design: That his Lordship (in 78) receiv'd a Commission from *Ferwick* to be Paymaster-General of the Army, in his *Oates*'s Presence; and that, in Discourse with the said *Ferwick*, he said, He was of necessity to go down into the Country, to take account how

A. D. 1680.

A. D. 1686.

Affairs stood there, and did not doubt but, at his Return, *Groce* should do the *Business*; with this Addition, speaking of the King, *He hath deceiv'd in a great while, and we can bear no longer*. And lastly *Turberville*, a fresh Witness, swore, That after a Fortnight's Acquaintance with the Prisoner at *Paris*, in the Year 75, and a Promise of Secrecy, he propos'd to him, in direct Terms, to take away the King of *England's* Life, who was a Heretic, and a Rebel against *God*, *Ambley*; and, for circumstantial Proofs, that this was true, added, That in his Fortnight's Acquaintance he had frequent Access to his Lordship; that when he took his Leave, his Lordship, having the Gout, had his Foot on a Stool: That his Lordship appointed him to wait at *Diappe*, in order to his coming over with him in a Yacht: That he did so; but while there he receiv'd a Letter from his Lordship, signifying, that he had alter'd his Resolution, and should take his Journey by the way of *Calais*.

His Lordship's Defence.

To all this his Lordship reply'd, 1. As to *Dugdale*, That he was an infamous Person, having defraud'd his Master *Lord Alton*, as also both his Workmen and Servants of their Wages: That by his Extravagances he had run himself into debt; and that being thrown into Gaol for the same, he had no Way to get out, but by making pretended Discoveries: That he had directly and palpably perjur'd himself, in many Parts of his Depositions: That he now swore he had a deep Concern in the Plot; whereas he had formerly, in the Presence of *Sir Walter Bagot*, *Mr. Kimmerly*, and *Mr. Whitegrove*, declar'd, as he hop'd for Salvation, he knew nothing of it: As also, that in *Waken's* Trial he swore, point-blank, that the Meeting or Consult at *Tixhall* was in *August*; whereas his Lordship was not there till the 12th of *September*, as was made evident by the *Marquis of Worcester*, the *Marchioness of Winchelsea*, and several Persons in the Service of the said *Marquis*: That whereas he had sworn, that the Prisoner had sent for him when at *Tixhall*, *September*, the 26th or 27th, into his Chamber, either by his Gentleman or Page, and that they were left alone together; both of them testify, that their Lord was never alone with him on either of those Days (or at any other time, to their Knowledge) nor had seen him, but in their Presence, and thro' his own Goodness, *Dugdale* having desir'd his Lordship's Intercession with his Master, for Leave to go to certain Races in the Neighbourhood: That, whereas, in the Trial of the said *Waken*, he had sworn, that, having receiv'd a Letter on the 14th of *October*, which mention'd the Death of a Justice of Peace, he had imparted the Contents to *Mr. Sambidge* a Kinsman to *Lord Alton*, and *Mr. Phillips* Minister of *Tixhall*; and that they answer'd, They heard nothing of it before, both the said *Phillips* and *Sambidge*, in the most solemn Manner, deny'd every Title of the said Evidences; and declar'd, that neither from *Dugdale*, nor from any body else, had they ever heard any Circumstance relating to *Goffroy's* Death; all it was

the public Talk, and the Body was found: That, in an Information upon Oath, he had depos'd, That, presently after *Howard* the Queen's Almoner went beyond Sea, he was told by *George Hobson*, then Servant to *Lord Alton*, that there was a Design intended for the Reformation of the Government to the Popish Religion; whereas it was prov'd, that the said *Hobson* was not Servant to *Lord Alton*, nor known by *Dugdale*, till three Years after the Departure of the said Almoner. Three several Persons moreover stood forth, and charg'd *Dugdale* with endeavouring to suborn them to countenance his Testimony, by swearing such things as they were taught: And finally his Lordship most pertinently observ'd, that *Dugdale*, not only for his *Kniveries* and *Perjuries* deserv'd no Credit; but also because he had sworn, that whole Packets of Letters to and from several Persons, in several Places, at several Times, all fill'd with the most horrid Treasons, had pass'd thro' his Hands, and had been open'd and read by him, and yet he had not one Line or Scrup to produce in support of his Evidence, or to clear himself from the manifold Forgeries laid to his Charge.

2dly, Against *Oates* his Lordship objected the Unlikelihood, that so many and so great Persons should place such an unreserved Confidence in him, and yet leave him in so wretched and forlorn a State that he begg'd at Doors for Six-pence, as his Lordship undertook to prove: His Lordship then charg'd him with Perjury, in having before the whole House of Lords declar'd upon Oath, that he had no more Persons to accuse in relation to *England*; and yet, afterwards, expressly accus'd the Queen, as before-mention'd; as also, in super-inducing the Circumstance of his Lordship's having receiv'd a Commission from *Fenwick*, after he had so often affirm'd upon Oath, both at the Council-Board and Lords-Bar, that he had given in a full and entire Account of all he knew, which, with respect to the Prisoner, consisted in the Letters that he had seen, sign'd *Stafford*: And his Lordship further inferr'd, that a Man who, for three Years together had feign'd himself to be a *Roman Catholic*; and who had solemnly renounced one Religion, and embraced another, in order to be a Witness against the Professors of it; was so far from being worthy of Credit in a Court of Justice, that he did not so much as deserve the Name of a Christian.

And, 3dly, as to *Turberville*, his Lordship prov'd, that he had to two several Persons, with Oaths and Execrations, deny'd, That he knew any thing of a Plot, either directly or indirectly, either against the King's sacred Person, or for the Subversion of the Government: And both his Lordship's Gentleman and Page; who constantly waited upon him, attest'd, that they never once saw *Turberville* at their Master's Lodgings; and that he never had the Gout. His Lordship, also, charg'd him with Perjury, in the following Instance: That in the Information he deliver'd upon Oath to the House of Commons, he depos'd, That he went to live with *Lord Powel* in the

Year

A. D. 1684.

Year 73, and that he came into England in the Year 76, but that the next Day he alter'd both these Dates, the first to 72, the second to 75. 2. That in the said Information, he peremptorily swore, That the Prisoner came over from France in Company with Count Grammont by way of Calais; whereas, as his Lordship prov'd, he did not leave France till about a Month after Count Grammont; and that he then came by way of Dieppe. 3. That in the said Information he also swore, That the Earl of Castlemain was several times present at certain traitorous Consults at Poyais Castle, in the Years 72, and 73; whereas, the contrary was prov'd by Notes out of the Journal Book of Mr. Lidcut, a Protestant, who had liv'd with the said Earl nine Years.

The Trial is almost immeasurably long, and yet in the whole Course of it we find this ancient Nobleman defending himself against all the Art of all the able Managers for the Commons (and, perhaps, as to Matters of Fact, and certainly as to Matters of Law, they were the ablest that ever appear'd on the like Occasion) with more Spirit, Sense, Presence of Mind, and Firmness of Resolution, than it was before imagin'd that he was Master of. Sometimes, indeed, he was fretted into Peevishness, sometimes provok'd into (2) Anger: Once, recollecting his Lady and Children, he melted into Tears; as also when his Sentence was pronounc'd: And more than once the Noises and Shouts of the People threw him into some Confusion; nevertheless, on the fifth Day, notwithstanding all the Fatigues and Mortifications he had undergone, he so far got the better of them all, as to be able to sum up the whole Cause, as to Fact and Argument; which he did, after the Manner, and to the Purpose following:

First, He pleaded his Age, his want of Endowments, his exhausted Spirits and Strength in his long Trial: In Consideration of which, he hop'd their Lordships (who were both his Judges and Council) would pardon the many Defects he must needs commit in summing up his Defence. Then he recapitulated the whole Evidence, as well as his weak Memory and discomposed Condition would permit. He reminded their Lordships of the several Points wherein he had prov'd the Witnesses forsworn. He recounted their Sayings and Unsayings to the same Things. The various Contradictions, the moral Impossibilities and Absurdities as to divers (tho' before-hand studied) Parts of their Evidence: Inferring from hence, That he who will forswear himself in one thing, is not to be credited in any. He insisted upon the Infamy of the Witnesses, and Wickedness of their Lives, especially the more than athe-

istical Sacrilege of some of them, acknowledged in open Court. He inculcated their former Beggary, compar'd to the present Encouragement, Careless, and Alurements of Gain, and Applause, they find in their new Employment. He alledged their Subornation of others, to make good their Forgeries, their false Oaths without any corroborating Circumstances, but what depended on the same Oath; concluding, that such as will swear Lies, will never stick at swearing of false Circumstances, to solder those Lies together.

And having thus summed up his Defence, as well as a weak, old Man, harass'd and spent with five Days Pleading; and, as he said, depriv'd of Sleep, could do on a sudden, he cast himself into their Lordships's Hands, desiring them to remember how faithfully he had served the King in the late Wars; how much himself, his Wife, and Family had suffered on that Account; how easily he might have prevented those Miseries, if he would, as others did; have turn'd a Rebel; and consequently, how unlikely it was, that he should now in his old Age, and settled, contented State, be guilty of so horrid a Crime, proved only against him by the incredible Stories of three infamous Men.

Then he proceeded to propose certain Points or Doubts in Law, which occurred in his Case, concerning the Manner of his Impeachment; the Continuance of it from Parliament to Parliament; whether the Indictment contain'd an Overt Act, necessary to a Conviction of Treason? Whether Men, who swear for Money, ought to be credited, or admitted for Witnesses? Whether the Plot, being supposed a Plot of the Papists, was as yet legally proved so? Lastly, Whether there being but one particular Witness to any one particular Point, such an Evidence be sufficient in Law.

Sir William Jones, prodigiously to the Honour of his Abilities, but not at all to his Virtues, summ'd up (b) the whole Evidence with such amazing Art and Address, that all the Pity which the unfortunate Prisoner had before excited, was for a while turn'd into Indignation against him; and instead of appearing as he had hitherto done, an innocent, ensheathed, persecuted, reverend old Noble, he stood array'd in all the Colours of a bold, deluging, desperate, ignominious Malefactor. But while they yet dazzled the Eye, they faded away; and Relentment once again gave place to Commiseration.

As to the Points of Law started by his Lordship, at least, that which seem'd to be of the highest Importance, viz. Whether the Law requir'd two Witnesses to every Overt Act; the Lords call'd upon the Judges for their

A. D. 1684.

His Lordship's Plea, as to Matters of Law.

over-ruled.

(a) In the Course of the Evidence, Sir William Jones having said, *Oh! I desire that may be allow'd*; the Prisoner broke out in these Exclamations, "Oh! Oh! will not condemn me, for Law and Justice. I am not to be run down with Oh! Oh! or what such impudent Villains as these say." *Trial*, p. 116. And again, Mr. Baron Ashurst, in giving his Opinion on a Point of Law, having urg'd, to enforce it, "That the Evidence of one Witness to one Overt Act ought to be deem'd sufficient in his Lordship's Case; because if it

were not, it would prove, that those Persons who had already suffer'd had suffer'd illegally; his Lordship passionately exclaim'd against it, saying, I am sorry to hear a Judge say any such thing: And tho' I am in such a weak and debarr'd Condition, I assure your Lordships, that my Blood rises at it." *Ibid.* p. 137.

(b) He was assist'd also by Mr. Poulter and Sir Francis Wilmot.

A. D. 1686. their Opinions. Ten of them attended, and all ten in open Court gave it against the Prisoner; the Lord Chief Justice North, in the Absence of Serjeys, leading the way, by declaring, "That if there be several Overt-Acts, which are Evidences of the same Treason, if there be one Witness to prove one such Overt-Act, at one time, and another Witness to prove another Overt-Act at another time; both the Acts, being Evidences of the same Measure, there are two sufficient Witnesses of that Treason, and will maintain an Indictment or Impeachment."

He is found guilty.

All his Lordship's other Objections were also over-ru'd (on the Debate of the House, not by the Decision of the Court) on the 6th Day of his Trial; and on the 7th, the Commons attending in their Places, but the Prisoner absent according to common Usage, the Suffrages of the Peers were taken by the Lord High Steward; who upon calling up the Numbers under the several Heads of guilty and not guilty, pronounc'd, that the last were (i) thirty-one, and the first, fifty-five. The Lieutenant of the Tower was then summon'd by Proclamation; to bring his Prisoner into Court; which being done accordingly, his Lordship was made acquainted with the fatal News, by the Lord High Steward, and express'd his Resignation by saying, *God shalby Name be prais'd!* And being ask'd what he had to say, why Judgment of Death should not be pronounc'd against him? after signifying some Surprise at what he had heard, as being what he did not expect to hear, he submitted two Points to their Lordships Consideration, *viz.* Whether his Trial was not defective in point of Form, since he had not been call'd upon to hold up his Hand at the Bar. 2. Whether by the last Proviso in the Act of the 13th of the King (Charles II.) tho' he was try'd on that of the 25th of Edward III. the Extent of his Punishment, as a Peer, was not to be the Loss of his Seat in Parliament?

Not to dwell on Matters of Form, the Lords withdrew to debate these Queries; and being reunit'd, the Lord High Steward declar'd the Sense of the House to be, That neither the Omission of the Ceremonial of holding up the Hand; nor the Proviso his Lordship had refer'd to, authoriz'd any Conclusion in his Favour. After which he proceeded to close the melancholy Scene, by saying several things to justify the Reality of the Plot, as also to manifest his Lordship's particular Concern in it; and then pronouncing Sentence after the usual Forms, which was, however, qualify'd by a Signification, "That the Lords would be humble Suitors to the King, that he would remit all the

Sentence pronounced on him by the Lord High Steward.

Punishment but the taking off his Head."— Here the unfortunate Prisoner could not restrain his Tears, but withal intimated, That they show'd in Acknowledgment of their Lordships Goodness, not from a Sense of what he was to suffer. The Lords did accordingly intercede with his Majesty for this Remission; which they obtain'd; and a Writ was issued under the Great Seal for his Execution on Tower-Hill, by the cutting off his Head. But even this Grain of Mercy was thought too much; and the Sheriffs not only started their Doubts, whether the King had Authority to alter the Sentence of the Lords, but apply'd to both Houses, by Petition, for a Solution. That of the Lords contain'd also a sort of Reprimand. "Their Serjeants, said the Sheriffs, were found by this House to be unnecessary; and this House doth declare, *That the King's Writ ought to be void.*" But the Commons resolv'd in these remarkable Words, "That this House is content, that the Sheriffs of London and Middlesex do execute William, late Viscount Stafford, by severing his Head from his Body ONLY."

Scraps of the Sheriff's relating to his Execution.

There is yet another Circumstance in this Nobleman's Story, which, for many Reasons, deserves a Place in our Annals before we wait on him to the Scaffold: It was this: While he lay under Sentence, being daily urg'd by his Friends and Relations to make Discoveries of all he knew; as the only remaining way to save his Life to, regain the King's Favour, and merit the Acknowledgments of the whole Nation; his constant Reply was, That he was most willing and ready, out of a mere Sense of Duty and Conscience, independent of any temporal Advantage to himself, to discover, with all imaginable Sincerity, the utmost of what he knew, either to the King or House of Lords, whenever they requir'd it. The Lords being inform'd hereof, order'd his Appearance before them; and his Acknowledgments were to this effect, "That he thought it no Crime in any Man to wish his Neighbour might be of the same Religion wherein he himself hop'd to be sav'd; nay, to seek and promote it by such Ways and Means, as the Laws of God and the Nation allow. That there had been at divers Times, and on sundry Occasions, Endeavours used, and Overtures made, to obtain an Abrogation, or at least a Mitigation, of Severities against Catholics; but this to be procur'd no otherwise than by legal and parliamentary Means. That he himself went to Breda, whilst the King was there, and propounded 100,000*l.* in behalf of the Catholics, to take off the penal Laws. That after the King came in, there

Stafford's Mem. p. 52. 53.

His Confession to the Lords.

(1) These were the Lords Bales, Arundel of Teerick, Holt, Weston, Lucas, Ward, Byss, Hatton, Delacour, Norry, Wroth, Ferris, Morley, and Mordaunt; the Earls of Berkeley, Halifax, Torrington, Ashburnham, Leveson, Bath, Clarendon, St. Albans, Thames, Clarendon, Courtenay, Ferrers, Dorset, Rutland, and Lord Chamberlain, Arundel; the Marquis of Worcester; and the Duke of Newcastle. And those of the other List were, the Lords Crew, Cornwallis, Rushdown, Ashley, Long, Herbert of Cheshire, Howard of Effingham, Maynard, Lovelace, Grey of War,

Brak, Chester, North and Grey, Foxe, Wharton, Essex, Cromwell, Cowley; the Viscounts Newport, Falkenberg; the Earls of Cowart, Macclesfield, Suffolk, Gainsford, Shaftsbury, Harrington, Cosby, Essex, Southampton, Winterton, Stanhope, Rivers, Malpas, Northampton, Manchester, Wyndham, Carew, Bristol, Northampton, Leitch, Bridgewater, Salisbury, Suffolk, Bedford, Hastings, Kent, Oxford; the Duke of Monmouth, Albemarle, and Buckingham; the Lord Privy Seal, Lord President, the Lord High Steward, and Prince Rupert.



there was a Bill brought into the House, in favour of Catholics, but it was oppos'd by my Lord Chancellor *Hyde*. That there had likewise been fram'd by the Lord *Briſtol* and others (in order to the proposing of them in Parliament) several Forms of *Oaths* contain'd in such Terms as might fully expreſs all Duty and Allegiance to the King, yet not entangle tender Conſciences with Clauses and Proviſoes, diſagreeable to Faith, and no wife appertaining to Loyalty; but neither did this ſucceed. That afterwards he had offer'd ſome Propoſals, as well to the Lord Chancellor at his Houſe at *Kenſington*, as to the Duke of *York*, concerning ſome lawful Expedients, conducing to the Good, as he thought, both of Catholics and the whole Nation. And alſo about diſſolving the long Parliament; the Subſtance of which he likewiſe communicated to my Lord *Shaſtbury*; who ſaid, *He doubted not, but that there would come great Advantages to the King by it.* Theſe he avouch'd were the chief, and only Deſigns he ever had or knew of amongſt Catholics, for promoting their Religion. Of more than theſe he proteſted before Almighty God and their Lordſhips, he was wholly ignorant. But this Declaration not being ſatisfactory towards the detecting any damnable Conſpiracy, the Lords thought fit, without any further Examination, to remand him back to the *Tower* (K).

All Hope and Expectation, on both Sides, being thus at an End, nothing remain'd but for one to ſuffe, and the other to ſuffer the Law. On the 19th his Lordſhip had Notice given him to prepare for his Death on the 20th following, which he receiv'd as a Philoſopher would, and as a Chriſtian ſhould, not only with Compoſure, but Elevation. And in this Frame of Mind he continu'd to the laſt. On the Morning of his Execution he even expreſs'd ſome Impatience for the Arrival of the Lieutenant; and being adviſ'd to put on a Cloak to defend himſelf from the Rigour of the Weather, he did ſo; for, ſaid he, *I perhaps may ſhake with Cold, but I truſt in God, not for Fear.* Thro' the Prevalence of a ſavage Curioſity, thouſands of Perſons were aſſembled on the Hill, to be the Spectators of that Day's Sacrifice; and among them all, no Face was to be ſeen ſo ſerene or cheerful as that of the Victim; not a Feature, not a Muſcle, not a Line, not a Glance witness'd the leaſt Perturbation or Diſmay. He walk'd to the Scaffold by the Side of the Lieutenant, who, being indiſpos'd of the Gout, was carry'd in a Chair; and, when upon it, finding the People were all Attention to what he ſhould deliver, made his laſt Speech, with ſuch an Air, and in ſuch a Manner, as commanded the Eſteem and Admiration, as well as the Compaſſion of thoſe that heard him. He began with proteſting, upon

his Salvation, in the Preſence of the Eternal, Omnipotent, and All-knowing God, that he was innocent as it was poſſible for any Man to be, even to a Thought, of the Crimes laid to his Charge. He renounc'd and declar'd his Detestation of that Doctrine, that heretical Princes might be depos'd and murder'd by their Subjects. He diſavow'd all Inſubordination, Diſpenſations and Pardons to murder, rebel, lye, forſwear, &c. And declar'd he did ſo, without any Equivocation or Reſervation whatſoever. He ſaid he had good Grounds to believe, that tho' he was the laſt of the Lords impeach'd, he had been the firſt proceeded againſt, on the Belief, that to ſave his Life, he would make ſome great Diſcovery; and that he would have done ſo, if it had been in his Power: But, added he, had I a thouſand Lives, I would loſe them all, rather than falſely accuſe either myſelf or any other whatſoever. He pray'd for the King: He declar'd it to be illegal to liſt up a Hand againſt him or his legal Authority. He declar'd, that on the Preſervation of the Conſtitution of this Kingdom depended the Preſervation of its Peace. He proteſt'd his Abhorrence of Murder next to Treason; and that neither to ſave his own Life, nor to make himſelf as great as he could wiſh, nor to eſtablish what Religion or Government he thought beſt or ſhould affect moſt, he would not, by any way, be the Death even of one of thoſe *Fellows*, who by their *Perjuries* had been the Cauſe of his. He then begg'd Forgiveneſs of God and Man; declar'd he forgave all Men without Exception: After which he proceeded in theſe remarkable Words: "I do now, upon my Death and Salvation, ſwear, That I never ſpoke one Word either to *Oates* or *Torber-ville*, nor to my Knowledge, ever ſaw them till my Trial. And for *Dugdale*, I never ſpoke to him of any thing, but about a Foot-Boy, or Foot-Man or Foot-Race, and never was then alone with him. All the Punishment I wiſh them, is, that they may repent, and acknowledge the Wrong that they have done me; then it will appear how innocent I am. God forgive them! I have a great Confidence that it will pleaſe Almighty God, and that he will, in a ſhort time, bring Truth to light: Then you and all the World will ſee and know what Injury they have done me." The reſt of his Speech conſiſted of a Strain of Chriſtian Devotion and Chriſtian Charity; and for a Cloſe had the following fervent Expreſſions: "I beſeech God not to revenge my innocent Blood upon the Nation, nor on thoſe who were the Cauſe of it, with my laſt Breath. I do, with my laſt Breath, truly aſſert my Innocency; and hope the Omnipotent, All-ſeeing, Juſt God, will deal with me accordingly."

Several written Copies of this Speech he deliver'd

His laſt  
ſpeech.

(K) The Author of the Memoirs, from whence this Page is taken, proceeds as follows.

"On this Occaſion, there run about both Town and Country an univerſal Rumour, That the Lord *Shaſtbury* had now made a full and perfect Diſcovery of the whole Plot; and that the Purſuits could not for the future have the Impu-

gence to deny it, after the Confeſſion (tho' to ſave his Life) of to be ſervant to a Papiſt. But this proſtrated Miſtake; And by the way, it was very observable, my Lord's Adventure, took this falſe Alarm with ſo much Eagerneſs and Joy, as Juſtly deſerv'd they were not well ſuſpected of the Truth of the former Evidence given againſt him."



A. D. 1690.

delivered to the Sheriffs, and others near him; and one, written with his own Hand, he sent to the King: He then knelt down, and continu'd for some time at his Devotions: After which, he again address'd himself to the People, to the same Purpose as before; and had the Satisfaction to find, that he touch'd his Hearers to the Quick; most of them either pulling off their Hats, and bowing to him, in testimony of their Assent to what he said; or, by distinct Exclamations, answering, *We believe you, my Lord! God bless you, my Lord!* &c. When he fitted himself to the Block, it was observ'd, that his Countenance underwent no Change, nor did any Joint of his Body tremble. It was also observ'd, that the very Headman was struck with Remorse, for, having twice lifted up his Ax, as if to strike the fatal Blow; he twice desist'd, and the second time, sighing: And when, at last, he had made a shift to perform his dreadful Office, and expos'd the bleeding Head at the four Corners of the Scaffold, with the usual warning Cry, *This is the Head of a Traitor!* no Acclamations follow'd, all was melancholy Silence; and, in that Pause of severe and solemn Reflection, all the Virtues of the humane Mind had ample Exercise.

Maxims on which he was condemn'd.

[Examen, p. 219.]

Trial, p. 199.

As it was a surprize to this noble Lord himself, for it was to many others, that his Peers should find him Guilty. According to Mr. North, it was talk'd abroad, that certain Opinions then prevail'd, which wanted Time to be digested, and better understood, or else that Sentence had not prevail'd, one was, *That the House of Commons must not be baffled:* In which case, it was an obvious Conclusion, that a Trial was a mere Matter of Form, that the Accus'd acted virtually the Part of the Judge, and that the Lords were only Delegates for the Commons. Another reigning Opinion was, *That the Peers, in judging, were not free;* they must determine *secundum allegata & probata:* Of which Opinion, daring his Trial at least, was Lord Stafford himself: Whence it was concluded, that there being positive Oath, as to the material Facts, they were to be directed by it: Whereas it is the Office of the Triers of the Fact, to try the Testimony also, and the very Credibility of the Witnesses. And as to the noted Plot-drivers in the House of Lords, the Prisoner had in Equity a much better Title to except to them as Judges, than a Commoner indicted capitally, has to except to a certain Number of Jurors, without Cause shown, and to as many more besides, as he can prove are under any such Influence as may ever so remotely affect the Rectitude of their Proceedings.

Remarkable in the Division of the King.

Some Things are also remarkable in the Division of the House: Four of his Lordship's own Family, *viz.* the Lord Howard of Esherick, and the Earls of Carlisle, Berkshire, and Suffolk, condemn'd him: And, on the other hand, he was absolv'd by the Lords Lucas and Helke, who were eminent for their Zeal against Popery. Even the very Ministry divid'd upon this Point, as they had before done, on the Exclusion: The

Earls of Halifax and Arlington took the merciful Side of the Question, and were follow'd by all the Lords of the Duke's Party: But the Earl of Sunderland was for the Edge of the Ax, and was countenanced by the Duke of Lauderdale as Lord Guilford, the Lord Privy-Seal Anglesey, the Lord President Radnor, and even the Lord High-Steward Nottingham, who, moreover, declar'd his Faith in the Plot, in the strongest Terms he could use.

And that the King should not exert the most amiable Privilege of his Prerogative, in favour of this unfortunate Lord, is so much the more to be wonder'd at, since Sir John Reresby attests, that in the very Month before he was executed, he was present at the Duchies of Portsmouth's, when his Majesty, lying aside all Reserve, took occasion to discourse of the Plot, and the Witnesses on whose Credit it rely'd; and prov'd to a Demonstration, that many Articles they had given in Evidence were not only improbable, but impossible.

P. 103.

Plots are, indeed, such mysterious things, have been so often forg'd, and so often produc'd such a Variety of Mischiefs, that Infidelity, in such Cases, is almost the only Sign of Grace: A Man may be allow'd to exercise his Forecast in the midst of Security, and to take the necessary Precautions on the first Appearance of Danger, tho' the Cloud be never so remote, and to human Sight no bigger than a Man's Hand; But as, on the one Side, to adopt Fears and Fancies as incontestable Facts is the Extreme of Weakness; so, on the other, to graft deliberate Falshoods on the Fancies and Fears of others, with a Design to make Credulity the Tool of Knavery, and to gratify every bad Passion at the Expence of every thing holy and righteous, is the Extreme of Wickedness.

Some general Reflections on the Plot.

That the Traces both of this Wickedness, and this Weakness, may be found on the very Surface, thro' the whole Course of the complicated Affair which we are now approaching to the Close of, will scarce admit of Contest: But then it is also incontestable, that neither could the Crafty have impos'd, nor would the Credulous have so believ'd, if the Completion of the Times had not help'd to create and aggravate the Prejudices of the one, and to countenance the Artifices of the other. Some few supplemental Thoughts, and Circumstances, may probably render these several Truths as apparent as Sunshine.

And first, as to the Completion of the Times. The King had no legitimate Issue, was abandon'd to his Pleasures, had given Proofs that he was no Enemy to Popery, had not only favour'd all the ambitious Views of France, but had actually enter'd into a Concert with her to lop off a Limb of the Protestant Interest, by the Ruin of the States-*General*, had discovered a very strong Inclination to lay aside the Use of Parliaments, the very Moment that they hesitated to feed his Extravagancies, and to govern by Will and Pleasure; and in his most relenting Fits, seem'd to have it more at Heart to amuse than to

Enslify

A. D. 1680.

satisfy his People. Again, his Brother, the Duke, was a known Papist, and of a Temper which created more Fear than Love; appear'd to have a remarkable Ascendancy over his Majesty, and made as remarkable a Use of it, as we have seen in the Disposition of Power, the Management of Parliaments, and the Maintenance of the Succession. Both the Brothers had marry'd Roman Catholics, and by their respective Marriage Contracts the *Romish* Religion was to be openly celebrated in the Royal Palaces of England, where the Queen and Duchefs resided. This gave Protection to their Family-Priests, and afforded Pretences for whole Swarms of them to frequent the Metropoles, and disperse themselves all over the Kingdom, where they were indefatigable in the great Work of Conversion; which they carry'd on so openly and successfully, and with such seeming Assurance of Countenance as well as Indemnity, that those of the establish'd Church, as most concern'd in the Issue, were the first to take the Alarm; to give Utterance to their Fears, and to put the Nation on their Guard against the impending Danger.

And yet all the Danger was not apparent; for, over and above what was visible at Court, and the Practices perpetually try'd upon the People, the Duke's principal Engineer, *Coleman*, and all his other Emisseries were in the mean while at work Under-ground; and the Courts of *Rome* and *Paris* were perpetually ply'd with Remonstrances, setting forth how favourable the Crisis was to root out the pestilent *Northern* Heresy, and how much it import'd them to aid and assist in improving it to the utmost.

Nor was even this all; the *Jesuits* had taken Possession of the Souls had canton'd out the Kingdom amongst them; had their regular Correspondences with all the rest of the Brotherhood all over *Europe*, had their Headquarters and Commander in Chief in *Rome*; under whose Authority, and by whose Direction, they proceeded in all things; had their stated Times and Places of Rendezvous; and in particular, held their general Assembly, agreeable to the Summons, in the Letter produc'd at *Harcourt's* Trial, on the very same Day in *April*, mention'd by *Oates*, under the Duke's own Roof, as hath been already notic'd, on the Credit of Sir *John Reresby*. From all which it may be fairly concluded, that Measures were actually taking in Favour of Popery, and to give such a Turn to all our Councils, as might render them most servicable to that great End. Mr. *Norby*, indeed, is express, that all these Efforts of theirs had no other Center; than to obtain a Toleration of all dissenting Sects, and thereby to destroy the establish'd Church. But if they had Recourse to a Toleration as the Means, it is acknowledg'd even by him that it was not the End; and having attain'd the first Round of the Ladder, it may be presum'd they would never have rested till they had also attain'd the last. Besides, that the Duchefs made a Voyage to *Holland* soon after *Oates* had made his Discoveries, cannot be deny'd, and no tolerable Reason

A. D. 1680.

can be assign'd for it, but the covering the Retreat of those Priests and Jesuits who were deepest in the Secret, and consequently were most liable to the Laws: And of these it is affirm'd, in one of the Trials of the Plotters, that *Oates*; so often mention'd in *Dugdale's* Evidence, was one: Nor can it be conceiv'd why a Secretary of State should order the Mayor of *Dover* to arrest and detain *Norris*, together with his Companion, unless it was apprehended, that there was still something material to be made known.

Upon the Whole, then, it must be allow'd, that the People had Reason for their Fears; and, consequently, that it was high Time to provide for their Security. But then it must be allow'd also, that the Merit of *Oates's* Discoveries consisted more in the timing of them, than the Items they were compos'd of; more in the accidental Light they gave, than the Knowledge they were founded upon: He fir'd the Beacon, 'tis true, and cry'd out, *The Enemy!* But disgrac'd his own Intelligence, by a Detail of such things as had little or no Agreement with the Truth. He likewise gave the Hint of *Coleman's* Correspondence, to the Privy-Council, which occasion'd the seizing his Papers; but he neither knew of what Nature it was, nor did the Designs carry'd on by *Coleman*, and those he undertook to reveal, hold any Relation to, or any way tally with, each other. That there was a secret Intercourse of some kind or another among the Jesuits, relating to England, by his Residence with them he had an Opportunity to know; as also the Names of many, or most, of those thro' whose Hands it pass'd: But as to the particular Points upon which it turn'd, it is apparent he was an utter Stranger to them, or else he had never fix'd the Place of Consult at the *White-Horse* in the Strand, when in truth it was held at *St. James's*.

But there were Persons ready, it seems, to adopt his Intelligence, imperfect, chimerical, or fictitious, as it was, and to make use of it as a Firebrand, to light up such a Flame of Dissention, as had like to have laid waste the Kingdom: And of these, according to the Distinction already made, some were weak, and some were wicked. The Weak were those who thought Popery the great Mischief that comprehended all others; who mistook Prejudice for Conviction, Credulity for Candour, and Rigour for Righteousness: These, however, meant well, tho' they acted ill; and, while doing the Drudgery of a Party, persuaded themselves they were saving the Nation. The Wicked were the Master-Politicians of the Times; who considered Things not as they were good or ill in themselves, but as they were ill or good with respect to their own immediate Views: Now the Plot, whether true or false, was form'd of the happiest Ingredients imaginable to advance their Interest; for, if the King's Life was thought to be in danger from the Designs of the *Papists*, nothing could be more meritorious than to persecute the one, in order to preserve the other. It was against Nature, for his Majesty to discountenance those

A. D. 1680.

those who were zealous for his Safety; and it was against Law to punish them. If he fell roundly in with them, under the broad Umbrae that the Belief of so horrid a Conspiracy afforded, Popery was sure to fall at their Feet, like *Dagon* before the Ark of God: As a powerful Inducement, they were, moreover, ready to promote a favourite Son into the Place of a too formidable Brother. And if he stood aloof, affected to be incredulous, and took upon him to detect and expose the Forgery, it was only enlarging the Drama, and introducing him as a new Personage in the Plot; and the same Reasons that conduc'd against the Heir, would have rais'd as violent a Spirit against the Possessor.

From this extraordinary Connection between the Plot and the Purposes of the Party who press'd it into their Service, some Persons have been dispos'd to think, that the Papists were no otherwise concern'd than as Sufferers in it; and that those who were so dextrous in the Application, were only in the Secret of the Contrivance. In particular, Mr. North, in one Place, is certain, that *Tonge* was *Oates's* Pilot, but very uncertain, who gave the Word of Command to *Tonge*. He takes care, however, to introduce one *Smith*, a Barrister at Law, find'd for standing Practice in Causes of Forgery, as *Oates's* learn'd Council in the Plot, for so it seems he was call'd; saying, of him, moreover, That he understood the Statute of Treasons, and knew to an Hair, what would come up to an Overt-Act, and what not. And in another Place, treating of Lord *Shaftsbury*, tho' he acknowledges, that he found nothing of his Lordship's Midwifery in bringing forth that Discovery, he insinuates, notwithstanding, that he was behind the Curtain, and in the Depth of the Contrivance; is positive, that after the *Throws* were over, he became the Dry-nurse, and took the Charge of the monstrous Birth, till it could stilt for itself. This he farther explains, by saying in express Terms, That after the Parliament came to be possess'd of the Matter, the Management was visibly his, or what was much the same thing, he was the first Mover of the Machine, and took upon him the Direction of all its Powers. He also justifies his Opinion, That this Lord was in the Depths of the Contrivance, by asserting, That he was too cunning ever to work in a Wheel of which the active Principle was not perfectly understood, if not entirely commanded by him: And yet farther by the following remarkable Passage: "A certain Lord of his Confidence in Parliament, once ask'd him, What he intended to do

with the Plot, which was so full of Non-sense as would scarce go down with *Tantamount* Idiots? what then could he propose by pressing the Belief of it upon Men of Common Sense, and especially in Parliament? It's no matter for that, said he, the more nonsensical the better: If we cannot bring them to swallow worse Nonsense than that, we shall never do any good with them. This, continues Mr. North, was a true political Thought: For when the Design is to drive Men upon Changes that are to terminate in their own Confusion and Perdition, it is not to be attempted without an extreme Insanity of Mind, or Insatiation in the generality of the People, by way of *Populatum*, to be well establish'd by previous Experiments upon them."

But to leave these Conjectures and Refinements, and return to Facts; *Godfrey* was no sooner missing, than a Report was officiously circulated the Kingdom over, that he was murder'd by the Papists: And the whole Party taught as with one Voice, that the Truth of the Plot was demonstrated by the Murder: Whereas no one Circumstance has hitherto appear'd to warrant any such Conclusion; and no sort of Argumentation, whatever, can be made use of to shew, that because *Godfrey* was murder'd, he was therefore murder'd by the Papists. *France* and *Belgium's* Stories are irreconcilable. All the several Scenes said to have been acted at *Somerfet House*, are liable to unanswerable Objections. The Papists had no Interest to serve by removing him out of the way; neither could those foreboding Expressions of his to Mr. *Robinson* the Prothonotary, and (1) others; such as, *I shall have no Thanks for my Pains; I shall be the first Martyr*, &c. have any Reference to his Apprehensions from that Quarter: For he was apparently upon good Terms with them, and had acted rather partially in their favour, than zealously against them. This appears by his acquainting *Coleman* with

A. D. 1680.

Ibid. p. 200.

Ibid. p. 201.

*Oates's* Discoveries, that he might acquaint the Duke. And it further appears that in Consequence of this Piece of Friendship, he was sent for by Lord *Darby*, who menac'd him on that Account. From all which it is obvious that the Papists were charg'd with the Guilt of this Murder, not so much because there was Matter of Evidence against them, as because it answer'd the Party-Views of those Times, to render them as black and odious as possible.

There are those who carry their Conclusions from these Premises a great way farther. Mr. North, among the rest, is pleas'd to say, "That, considering how *Godfrey* was circum-

(1) One Mr. *Wymot* depos'd upon Oath, as follows:

"That going towards Mr. *Casham's* in Countess at Law with Sir *B. G. Godfrey*, about the Time of the Lords Commitment to the Tower; the Informant was telling Sir *Edmond*, that the said Lords could not be such Fools as to think of such a thing; or, What Power had the Pope in such or such a Case; Sir *Edmond* replying, No, he has none; The Lord says at present as you or I; *Casham* will die, but not the Lords. To which the Informant said, If so, where are we then? Sir *Edmond* replying, *Oates's* is a snare, and is perjur'd. This Informant bid him then speak the Truth, and tell the Meaning as it. Why says Sir *Edmond* Countess

about a Toleration; nothing against the King; but there is a Design upon the Duke of York; and this will come to a Dispute among them. You may live to see an End on't, but I shall not.

Mr. *Wymot* says further; That, upon his seeing Sir *E. B. Godfrey* sometimes, why he was so melancholy, his Answer has been, That he was Master of a dangerous Secret, that would be fatal to him: That his Security was *Oates's* Deposition, &c. that he the said *Oates* had first declar'd it to a public Minister: And truly, That he came to Sir *Edmond* by his Direction." *Leopold's Brief Hist. Part iii. p. 187.*

A. D. 1680.

fland'd in relation to this Affair, it is easier to conceive he was look'd upon by the Plotters as their Enemy, than that the Papists should chuse him, who had done friendly Offices to the Head of their Interest, to make a Martyr of. Common Sense will not entertain a different Construction; who then should kill *Godfrey*, the Friends of the Duke, or the Plot? And again, in another Place, he declares, peremptorily, That the Generation, or rather Procreation of the Plot, was the Destruction of poor *Godfrey* (n). But then Sir *Roger L'Estrange*, who writes on the same Side, who enlarges on the same (n) Facts, and who publish'd his Book not only in the Reign, but under the immediate Patronage of King *James*, makes all his Inferences center in this one Point, That he was his own (s) Murderer. Both these Gentlemen cannot be in the Right; but if either is, the Papists are to be reputed innocent; and no Censures can be too severe for those who loaded them with so horrid a Calumny; and who made use of all their Powers and Faculties to put three Innocents to Death, that it might be the more effectually believ'd.

There is still another Scene of Wickedness which ought to be display'd, namely, the Conduct and Practices of the Inquirers (for so the Secret Committee of Lords, *Buckingham*

*Shaftsbury*, the Bishop of *London*, &c. who sat upon *Godfrey's* Murder, at *Wallingford* *House*, most righteously deserve to be call'd, on the Hopes and Fears of the several Persons, who, during the Rage of the Plot, were summon'd before them. All that could be done by Threats or by Promises, by Circumvention, and even in some sort, by Torture, to find or make Evidence, they did; without any Dread of Shame, or Sense of Remorse. To recount all the Particulars would be endless; but some, by way of Instance, are necessary:

As 1. The Case of *Ashkin*, who was Clerk to Mr. Secretary *Pepys*, and had been nam'd as an Accessary by *Bedloe*; This Person on his first Appearance before the Lords, was invit- ed with all the soothing Language imaginable, not only to confess all he knew, but to adopt what he did not, according to Mr. *North*, with a View, thro' him to reach his Master, *Pepys*, and thro' Mr. *Pepys*, the Duke; but, proving intractable, that is to say, resolute, not to forfeit his Integrity for any Consideration whatever, was committed close Prisoner to *Nesogate*, deny'd Bail, and secluded from all Resort of Company, unless such as were commission'd to ply the Batteries against his Firmness; and to carry Intelligence of their Success: Nor was this all, for, still refusing to learn the Lesson they would

(n) He also fills in his Marginal Index, that the Architects of the Plot, and the Patrons of *Oates*, were the Authors of the Murder.

(o) As follows:

"Upon taking *Tonge's* and *Oates's* Depositions, upon Sept. 28, 1678. (though very unwillingly, as appears over and over again) Sir *E. Godfrey* reflected upon it, that he had made no formal Discovery of the pretended Treason; and finding now that the Business was come to be public, the Matter being then brought before the Council, he came to be every day more and more sensible of the Danger of that Situation, and not without great Fears, by the by, that he was like to be called to an Account for it: there being near a Month past, from his first Information, Sept. 6, without any regular or effectual Notification of the Matter: And he was the more frighten'd upon it, for the Difficuity that did to the Duke of making a Plot on; for he never believ'd one Word of the story, at least till People at such, where he thought he might safely declare himself. So that the Martyrdom he fear'd was, the being made a Sacrifice to the Faction. He was sufficiently sensible, how readily the Multitude swallow'd this Bait of a Plot; what Labour was us'd to make a Parliament Cause on't; and how heartily dispos'd the Majority, even of that Parliament, were to entertain all colourable Suggestions, under so popular a Pretence. It must be added now, that this terrible Parliament itself was to meet upon the 28th of that *October*: so that Sir *Edward* had but a matter of three Weeks time to consider on't. There was an unlucky Circumstance more too, in the King's going to Newcastle upon the second of that *October*, when the Faction had effectually the Shuffling, Carriage, and Dealing of their own Game; and all things working towards a common Trust. There never was a Conjunction of more critical, and most Accidents toward the Ruin of one poor Justice of Peace, than met upon this single Occasion; adding to all the rest an hereditary, and an insuperable Melancholy to work upon a Melancholy that he complain'd of long before these Depositions came into the World; as is set forth already in the Depositions of Mr. *Chard*: But upon the whole Matter, however, the last Day of his Life was the 28th of *October*, the 17th Day from the beginning of the Plot before the King and Council; and the 9th from the Meeting of the Parliament.

This was the Pinch of his Condition: His Cafe lay open to the world of Construction, and he was morally sure that his Enemies would make the most of any Advantage against him. The Man was no Fool; and his Friend, as well as his Enemy, by the by, had been *Bedloe*; and who knows, if he had liv'd till the Meeting of the Parliament, whether he should not have been brought in as a Party to the Conspiracy, rather than for a bare Mispinion? For his Royal Highness was made the Cause *vis a vis* one of the Plot itself; and the communicating of their Informations to the Duke of *Tork* would never have been forgiven him. To conclude, if

he had surviv'd, he should, in all likelihood, have suffer'd the same as a Papiſt *Francis*; whereas, by this intervening Disappointment, he was put off from these several Years, and a Pious Martyr: So that, in truth, the Parliament were the Papists that he fear'd; which agrees with an Information of *Mrs. Gibbon*, deliver'd upon Oath to a Secretary of State, long before ever I saw the Face of her, as follows:

"*Mary* the Wife of Captain *Thomas Gibbon* deposed, That there was a long and particular Intimacy and Friendship betwixt the two Families of Sir *Edmund* *Gibbon* and the Informant; and that the said Sir *Edmund* had frequent Visits at her House in *Old St. Andrew's Church*, acquainting her many times with things that troubled him; and, for some time before his Death, he came to her, at least, once a Week; and, upon the *Tuesday* was *Saturday*, before the *Saturday* when he never fell away from his House, he came on this Informant's, and desired to speak with her alone, he being then in her Mother's Chamber with her Husband and her Brother (Colony *William Raw*) her Mother lying at that time upon her Death-bed. He went with Sir *Edmund* into another Chamber: When being enter'd, the said Sir *Edmund* bolted the Door, and, appearing to be much troubled, and out of order, ask'd her, if she had not heard that he was to be hang'd; for (says she) all the Town is in an Disorder about me. She then ask'd him, For what? To which he reply'd, That he having taken *Oates* and *Tonge's* Examination, a Month ago, and that he had been often at Dinner since as my Lord Chancellor's, and Sir *William Justice*, yet he had never discover'd the Plot they had sworn to: She ask'd him, What Plot? And he said, That *Oates* had known himself, and it would come to nothing. Just upon this, Colony *Raw* call'd the Informant away; and thereupon Sir *Edmund* went his way; so, saying, he was parting, that he would come to her again the next Day, and would tell her more. Sir *Edmund* came accordingly; when the Informant, being here bound, told him she would wait upon him immediately; but before she could put on her Hood, and come back, he was gone his Way. He sent to the Informant in the last Week, when he went away, (so the both of her Memory) to come to him; but her Mother being dead, she could not leave her; that the Informant however desired her Daughter to go to him early upon *Saturday* Morning, and invite him to Dinner; who brought word back, that he was there by Eight, but *Pamphill* (a Servant of Sir *E. Godfrey's*) told her he was gone out an Hour before." *Lectura. Brief Hist. Part. iii. 185, 186, 187, 328, 329.*

(p) In the Title-page of the *Trial* of *Berry*, and in the *Lectura* in Lord *Sancho's* Collection, the following Sentence remains in his Lordship's own Hand-writing: "Sir *Edmund* *Gibbon*, I judge, I judge, was a Party to the Conspiracy. There is also, in the same Page, Part of another Sentence, which seems to charge the Dead on the *Roman Catholics*: But one half being cut off by the Binder; the Sense remains imperfect.

A. D. 1680.

Examen, 247.

A. D. 1688.

would have taught him, he was loaded with Irons, and in that Condition brought again before the Lords; and, as before has been mention'd, was finally try'd for his Life; because he had too much Spirit to earn his Deliverance at the Expence of his Honour and Virtue.

2. The Case of *Prance*, a Man who had neither the Sense nor Courage of *Athins*, and who underwent much harder Usage: When first apprehended and examin'd he had deny'd all Concern in, or Knowledge of, the Murder; but, soon after, was induc'd by those Practices which fail'd with *Athins*, to acknowledge both, and to turn Accuser. He says, himself, that, when he was first put into *Newgate*, and lodg'd in the condemn'd Hole, and left to ruminate on all the Horrors of the Place, Darkness, Solitude, Cold, Hunger, Chains, Nailines, &c. a Person, to him wholly unknown, laid a Paper on a Form near him, and went his way; that a second brought him a Candle, and did the same; and that this Paper contain'd the Substance of the following Minutes: "So many Popish Lords mention'd by Name, fifty thousand Men to be rais'd, Commissions given out, Officers appointed, *Treland*, (the Man not the Kingdom) acquainted with the Design, an Abstract of *Bellin's* Evidence; with Suggestions that *Prance*, himself, was, undoubtedly privy to the Plot; and by way of Use and Application of all, YOU HAD BETTER CONFESS THAN BE HANG'D." This turn'd the Scale; *Prance* could hold out no longer, but desir'd to be carry'd to Lord *Stafford*, to whom he confes'd all that was requir'd. Unfortunately, however, his Heart fail'd him

Leffrange's  
Brief Hist.  
Part III. p.  
26, 27.

before the King and Council, and he deny'd all again; saying, I had all he had before deliver'd was out of the Paper of Instructions, just now spoken of. This expos'd him to worse Treatment than ever. He was again thrown into the condemn'd Hole; and from the End of *December* to the 10th of *January*, lay in such miserable Torment both of Body and Mind; that he spent that dreadful Interval in Groans and Lamentings, &c. which being overheard, it was advisable to give out that he was mad; that the Comission they exacted might not do more Mischief to the Cause; that his Testimony could do it Service. For a last Experiment, the Lords of the Comission apply'd to his Majesty for a Pardon for him, which was put into the Hands of *Dr. Lloyd*, then Dean of *Bangor*, and afterwards Bishop of *St. Asaph*, with Directions to shew it him, in order to settle his Doubts; and if he appear'd dispos'd to embrace and defend it, to have his Irons knock'd off, and himself remov'd to better Quarters; which had the desired Effect; and *Prance*, once more, became (p) a staunch Evidence.

3. The Case of one *Corral*, a Hackney-Coachman. *Biddis* had provided a Hackney-Coach to carry off the Body of *Godfrey*; tho' *Prance*, afterwards, thought proper to remove it on Horseback; and this Man was unfortunately fix'd upon for the Driver. The Questions put to him by the Lords, according to his own Depositions, were, Whether he carry'd the said Body to *Princes Hill*; or whether he knew who carry'd him? And his Answers to both were flat Negatives. He was then told he should have 500*l.* if he would swear the Truth, and a Guard to secure

(p) After all which, he again refus'd; and, in a Letter to his *Excellency*, wrote in his *Brief History*, set forth the Course of his own Proceedings, as follows:

"From the time of taking off my Irons, and changing my Lodging, which was upon my yielding barely to *Leffrange*, myself spent those innocent Persons, *Brown*, *Berry*, and *Hill*, that I had upon my wicked Evidence; Mr. *Brown* was the Man that asked for me a new suit of many things, which I copy'd after him; I found by his Discourse, that he had been several times with my Lord *Stafford*, and with *Bellin*; and he told me, that I would be certainly hang'd, and that if I did not agree with *Bellin's* Evidence, and own the *Ferriole*, the Men would not be hang'd. I would not yield to it, in he yielded to mine, and the *Ferriole* was made so, more on; and holding me aside what a Conclusion I should be in, if any of them should come forth. He got me out of *Newgate*, some few Days after the Trial of *Green*, &c. But, betwixt any of them were executed, Mr. *Brown* told me, how much some of *St. Edmund's* Relations were troubled that I was out to join, for fear I should deny all again; and to Mr. *Brown* took me to his own House, and watched me, and went with me whatsoever wrong, till that innocent Man were executed. I would not join, but *Berry* for it; but Mr. *Brown* laid he was guilty of the Murder, and could not be lov'd; and that if the King had a mind to pardon him he might do it, without my troubling myself.

It was purely the Fear of Death, and the Misery of my Condition, that wrought upon me to forsake myself, without any Thought of Reward; a while I was told several times, that great Things would be done for me. My Lord *Stafford* told me the only Trade should be better than were it was, and brought some Plate of me himself, Fast afterward was for *Getic*. This brings to my Mind, that, in the Time while I deny'd the Murder, or my Knowledge of it, I was taken out of *Newgate*, and carry'd to two eminent Lawyers; where I was oblig'd for departing from my Evidence; one of them wondering much what should make me do so, and speaking to me to this Effect: "You are afraid, perhaps, of being your Trade, that lies mostly among the Popes; or else, perhaps, you did not think yourself damn'd of your Pardon, &c." Which Words were spoken in fact

a Way, that I took them for Hints to me, what Benefit I might make upon going off again; and, as I am a Christian, this was it that first put that Excuse into my Head. My Lord *Stafford* gave me two Guinea's piece, to help off a Man that I had sworn against the dangerous Words against the King; I receiv'd thirty Pounds by his Majesty's Order, and five Pounds of *London*.

My Accusation of *Mr. Eggle*, for saying, that the King was a great Heretic; but the Lord *Bellin*, *Arnold*, *Powis*, and *Peter*, would have a gallant Army for deposing the King; and that they had already given out Commissions to divers Gentlemen, as *St. Henry*, *Bolton*, *Mr. Tolan*, and *Mr. Storer*, as was suggest'd to me by my first Paper of Instructions, but made much more in drawing up the Information and Narrative.

My Charge, *Mr. J.*, against *England*, for saying, in the Presence of *Fowell* and *Grove*, that there would be shortly fifty thousand Men in Arms; and *Fowell* laying thereupon, that they should be commanded by the Lords *Bellin*, *Arnold*, *Powis*, and others; a false in every Part of it; And so in the following Article of *Green's* saying, that the Lords *Bellin*, *Arnold*, *Powis*, and *Peter*, was to command the intended Army, and had Commissions for that Purpose, I took Hint towards their Accusations from my first Paper of Instructions; and they that shew up the Informations made the rest.

I did fully accuse *Le Phaux* also, for a Discourse about the Catholics providing Weapons, *Vol. 6.* and likewise *Mr. Brown*, that, for speaking of ten thousand Horse to be shortly rais'd for the Catholic Cause. It was all false, likewise, and of my own Contrivance.

I shall now speak to the pretended Murder of *St. Edmund's* *Godfrey*, whom I charg'd *Gerald*, *Kelly*, *Green*, *Berry*, *Hill*, *Leffrange*, and *Verriote*, to be either Authors or Accessories. I am desirous, for my part, I know nothing of such a Conspiracy; neither do I believe there was any such; but that the whole Presence of the Murder, as well for the Persons, as for the Place, was all false.

The Particulars above written are all true, as I hope for Salvation.

A. D. 1639.

cure him against the Releasements of those who had employ'd him; and reply'd, that he had nothing to swear, that he had been employ'd by nobody. The Lords then chang'd their Tone, and ply'd him with Threats; *Staffbury*, in particular, saying, That the Papists had hir'd him not to confess; that he should die; that he should be roll'd in a Barrel of Nails down a Hill; and in the Afternoon of the same Day (on his being confronted by another Person, who said he saw him whipping his Horses by *Tottenhams-Court*, and his persisting in the Denial of all) That he should be starv'd to Death. After this he was remanded to *Newgate*, thrown into the Condemn'd Hole, where he was kept without Victuals from *Thursday* till *Sunday Noon*; and for six Weeks and three Days lay under the Pressure of such heavy Irons, that he had great Holes worn in his Legs, which disabled him from driving for eight Weeks after he was discharged; and the Marks of which he carry'd to his Grave.

Nothing can be more affecting than these Influences, and nothing would be more conclusive against this dreadful Committee, if

*France* had not so often vary'd his Testimony, or *Corral* had not been prevail'd upon to set forth a Counter Deposition in the Case of *Mrs. Celler*; in which, after disavowing several of the Particulars, by her too forwardly specify'd, he concludes with saying, That he had been civilly treated during the time of his Imprisonment, by the Keeper and his Servants. But the very Fact of his Imprisonment was in itself a Cruelty; for if there was any Truth in *France's* Evidence, that the Body was carry'd off on Horseback, this *Tellow* and his Coach were entirely out of the Question: Besides, the Earl of *Clarendon* view'd his Ulcers himself, and in Compassion of his Sufferings, gave him Money; and their whole Conduct was of a Piece; as appears by their committing one (*g*) *Bramwell*, and one *Walters*, who first discover'd *Godfrey's* Body, the former to *Newgate*, and the latter to the *Gatehouse*, because they would not discover what *GREAT ROMAN CATHOLIC* had employ'd them to do so.

Had the Proofs of the Plot, and its Connection with the Murder, been ever so apparent; and had the Character of these Lords-Committees

A. D. 1639.

(g) Whole respective Depositions were as follow:

*William Bramwell* deposes, That this Informant, together with one *John Walters*, passing by *Princes-hill* toward the *White-horse*, about three or four in the Afternoon of that *Thursday*, when the Body of *Sir Edmundbury Godfrey* was found, saw a Cane and a Pair of Gloves lying within a Thicket, upon a green Bank near the Ditch. This Informant, and the said *Walters*, went forward to the *White-horse*; where, as they were drinking together, speaking of the said Gloves and Stick, and likewise of a Belt lying with them (as this Informant remembers) it was propos'd, and agreed, to go down to the Place, to see whether they were there still. And being come thither, the Master of the *White-horse's* Flopping to take them up, started back on the sudden, saying, 'Lord bless us! There's a Man murder'd!' This Informant, and the Company, stoop'd a very little; stoop'd without touching the Body, or meddling with the Gloves and Stick that lay by, went away presently to *Mr. Brown*, who was then Conduable, and upon this Informant's, and the others, Description of the Person to *Mr. Brown*, he said to this Effect, 'I wish it be not *Sir Edmundbury Godfrey*'.

And that, in the Way from *Princes-hill* to *Mr. Brown's*, this Informant, with his Company, met one *Jennings*, a Cow-keeper at *Chisbury Hall*, and told him, that they had found a Man dead in such a Place, naming the Place, and considering what was best to do in it: The said *Jennings* replying, 'You had best let it alone, and take no further Notice, for fear you should come into Trouble about it; Besides rebuking the said *Jennings* for talking at that rate; and to they parted from the said *Jennings*.

And thus likewise, That, about the latter End of *October 1678*, this Informant, and *John Walters* above-said, were taken up, and brought before the Lords Committees at *Whitehall*, where, the Earl of *Staffbury* being in the Chair, where they were examin'd, and this Informant severely threaten'd by the Earl of *Staffbury*, and committed to *Newgate*. And, about ten Days after, this Informant was set free again; where the Lord *Staffbury* declar'd, That the Informant was set on by some great Roman Catholic to find out the Body of *Sir Edmundbury Godfrey*; and, if any Man ever was hang'd, he should be hang'd, if he did not discover it.

And farther, that after these Minutes of the Lord *Staffbury*, *Major Wilmot* took this Informant into a bye Place, and there ask'd this Informant, Why he would not discover what he knew of; for he should have good Rewards, his Life fear'd, &c. Still pressing this Informant, as aforesaid, this Informant telling him, that he had spoke what he knew, already; and that he could say no more, nor would he receive any Man's offer.

And moreover, That this Informant was kept about nine Weeks a Prisoner in *Newgate*, without suffering any body to come to him; saying only, that this Informant's Wife had an Order from the Duke of *Beaufort* twice to visit him.

*John Walters* deposes, that he this Informant, walking with *William Bramwell* toward the *White-horse* upon the Day when *Justice Godfrey's* Body was found, saw a Cane and

a Pair of Gloves upon a Bank near *Princes-hill* about three or four in the Afternoon. And as they were drinking afterwards at the *White-horse*, speaking of the said Gloves and Stick, they went down to the Place to see if they were there still, the Master of the House going along with them; who being come to the Place, and stooping to take up the Gloves, started back; and cry'd, *Lord bless us! there's a Man murder'd*. This Informant and Company made very little stay after this, but left things as they found them, and went away to see for a Conduable, and were directed to one *Mr. Brown*; who, upon describing the Body, said to this Effect, 'I wish it be not *Sir Edmundbury Godfrey*'.

And that as they were upon the way to get a Conduable, they met one *Jennings*, and told him of a Body they had found in such a Place, naming the Place, whose Name was, 'I take you for *Newington* and *Princes-hill*, do not advise you to say nothing of it, but let friendship be find it out for you may bring yourselves into a great deal of Trouble.' This Informant and the Company blaming *Jennings* for talking so, and then they parted.

And farther, that about the latter End of *October 1678*, this Informant was taken up by one that belonged to the Duke of *Beaufort*, as he told his Informant, and carried to the Lords Committees at *Whitehall*, the Day that *Sir Edmundbury Godfrey's* Body was buried. The late Earl of *Staffbury* being in the Chair, and *Vices Count* appointed to see if he knew this Informant; the said Earl threatening this Informant very severely; and this Informant was committed thereupon to the *Gatehouse*, where he was fetter'd and handcuff'd, and kept in the Dungeon for three Days and three Nights.

Fifty about eight or ten Days after his Commitment, this Informant was sent for again to the Lords Committees, when the said Lord *Staffbury* took this Informant aside into a bye Place, speaking to him to this Effect, 'Honor me the Smith, thou look'st like an honest Fellow, thou dost know my Horse, and I'll make a Man of thee.' Saying further, 'Tell me who assur'd this Man, and who bid thee to find it out? What Papist dost thou work for?' And so the said Earl went on, pressing this Informant to the same Effect; this Informant making Answer, 'My Lord, if I know your self had murder'd him, I would discover it, though I dy'd for it.' This Informant telling the said Earl, as well as he could remember, he went *Chisbury* he brought; after which, the Informant was deliver'd up to the Keeper, but presently call'd back and discover'd.

*Mrs. Giffon*, the Person who gave the Information before-quoted to *Mr. Jennings* also deposed, That the Lord *Staffbury* call'd to her, saying, You damn'd Woman, what devilish Paper is this you have given us in? putting her upon her Oath to declare who wrote it, calling her *Stitch* and other vile Names, and threatening her, that if she would not confess, that *Sir John Bampfylde*, *Mr. Poyne*, and *Master de Poy* let her on to write that Paper, she should be torn to Pieces by the Multitude; threatening her to have her worry'd by the Dogs, worry Cats, inasmuch that she fell into Fits upon it, and thought she should never have got home.

A. D. 1680.

Committees been ever so clear and unexceptionable, such violent and unjust Proceedings as these would have admitted no Excuse or Palliation; But if, on the contrary, under plausible and popular Practices, they sought only the Gratification of their own Passions and Interests, if there was neither visibly nor probably any Connection between the Murder and the Plot; and if the Plot, itself, as it was set forth by *Oates*, was, in the gross, a self-evident Forgery, it must ever bring a Horror over the Mind, as often as it is recollected, that Law and Liberty, Justice and Mercy, were thus audaciously trampled under Foot by those who affected to be so zealous for their Preservation.

And that it was a Forgery, Numbers of Authors, both Protestants and Papists, make no Scruple to affirm; as also, that, such as it was, it was wholly unsupported either by credible Witnesses, or probable Circumstances; both of which are absolutely necessary to enforce Conviction, and authorize Punishment. That as to the Credibility of the Witnesses, how notoriously infamous they were for all sorts of Felonies, Forgeries, Cheats, Debaucheries and Wickednesses, not only the Records gave public Testimony, but they themselves, in open Court, were frequently forc'd to acknowledge: And that as to Probability of Circumstances, there was not the least Shadow of it: In support of which Assertions, they assign the following Reasons: *viz.* That the Papists, though they wish'd for a Toleration, were yet content with the Indulgence, which, under the King, they had all along enjoy'd: That it would have been Madness in this their quiet Condition to trouble the Waters they were to drink of, and to rush thro' Difficulties and Dangers in Pursuit of an uncertain Liberty, which might have eluded their Grasp, and instead of an Establishment, expos'd them to Extirpation: That it was indeed necessary to have great Men at the Head of such an Enterprize; but that it was utterly inconceivable, that any such as were great enough to give it either Strength or Countenance, should be also desperate enough to run the Risques that must unavoidably attend it, that is to say, of Estate, Life, Honour; all they had to enjoy, and all their Posterity had to hope for: That it surpasses all the Wonders of Fable and Romance, that a Secret of so deep and black a nature, which had been spread thro' so many different Nations, *England, Scotland, Ireland, France, Italy, Spain, Germany, &c.* and communicated to so many thousands of both Sexes, of different Interests, of all Ranks, Circumstances and Conditions should be kept for so many Years together; without permitting the least Whimper of Discovery to escape; without giving the least Room for Suspicion: That not one of all that vast Number should have any Remorse for being concern'd in so bloody a Treason: That none should have the Merit, Wit, or Grace to divulge it: That no intervening Accident, no Levity, no Disagreement of Parties should happen to detect it; and that the last and worst of Men should, out of mere Tenderness of Consci-

NUMB. XLVI.

ence, be the sole Discoverers: That, tho' these Discoverers agreed in testifying, that huge Armies of Papists, according to *Dugdale's* Muster-Roll, two hundred thousand, were to be rais'd, arm'd, and provided, so as to be in a Readiness for a general Massacre of all Protestants, at an Hour's Warning; and tho' the said Discoverers affirm'd, they were in the deepest and most secret Intrigues, the Papists had of this nature, they could not in thirty Months, with all the Assistance that the whole Power of the Legislature could give them, authenticate their Evidence, by pointing out the least Trace of any Magazine or any other military Preparative, necessary to so mighty an Enterprize; especially as it was utterly impossible that they could be invisibly dispers'd or convey'd away on so sudden and unexpected a Discovery, and that in the very Instant too, when they were to have been made use of: That tho' so many hundreds of seal'd Commissions, of all sorts, were said to have been given out, and so vast a Quantity of treasonable Letters, circulated, as well by the common Post, as by the Hands of those very Discoverers, not one of these Letters, nor one of these Commissions, nor a Scrap of any one of them could be produc'd in Confirmation of the many things advanc'd, and which could be demonstrat'd no other way; nay, that tho' *Oates* himself, had a Patent to be of the Consult, he never thought fit to make it visible; which he would scarce have fail'd to have done, if it had been in his Power, or if it had contain'd any one Circumstance, that by any kind of Interpretation, could have been made to favour his Testimony: And, finally, that *Oates*, himself, destroy'd all his own Pretensions to Conscience, or Abhorrence of Treason, to Love and Loyalty to his Majesty, and Concern for his Fellow Subjects, by owning, that he was confessions, for above a Year together, of the daily Attempts made by *Grove* and *Pickering* to SHOOT THE KING; that he hourly expected, for several Months, the horrid Effects of Sir *George Wakeman's* Poison; that he was privy to the design'd Assassination of the King at *Windsor*; that he knew the Russians were actually upon the Spot, and ready for the Villany; that he saw the Money paid for their Encouragement, and every Moment waited to hear the fatal Stroke was given; and that, nevertheless, tho' he was convinc'd the Pilots were already aim'd at his Majesty's Head, the Cup of Poison at his Lips, and the Dagger almost at his very Heart, this Man of Conscience made no Discovery, never cry'd out Murder! against the *Lord's* Anointed; never call'd for immediate Succour, never diverted the impending Mischief; never warn'd him of the imminent Danger; but brooded over the manifold Treason; but gave the Traitors all the time they could wish or want, to complete their Catastrophe.

*Lelrange*, the celebrated Advocate for the establish'd Church, goes yet farther, and not only affirms, but undertakes to prove, that the Plot was the Fabric of *Tonge*, on the Model of another Forgery, set on foot in the

6 Y

preceding

A. D. 1680.

A. D. 1629.

preceding Reign by one (*s*) Habersfield. "He took a Copy of it, (says he, in his *Brief History of the Times*) in his *Royal Martyr* (a Book so called); he shew'd it to Oates to consider of; he wish'd for a Plot; he did all that he could to make People believe there was a Plot; he design'd a Plot; he fram'd and put together the Heads of a Plot; he contributed with Purse, Council, Heart, Hand, and Good-will, toward the Execution of it. It was by his Means, that Oates was maintain'd; by his Advice, that Oates was sent over; by his Direction, that Oates got Jesuits Names and Acquaintances, to build so much as a Pretext upon. He did not only pass over Oates's execrable Hypocrisies, blasphemous Perjuries, and mock Sacraments; but he was privy to, advis'd, approv'd, and encourag'd them: He bids Oates go over, and gives him his Directions, not to much what to look for, as what to find: Upon Oates's Return; he sends him back again upon the same Commission. Oates wanted Bread; Tonge stops his Mouth, and takes upon him to put him in a Way: Do but discover a Plot, says Tonge, and you are a made Man for ever. Make the People jealous of Popery, and your Work is done. Oates undertakes the Task, and, without any more Words, a Bargain's a Bargain.

During this Manage of Oates, Tonge was not idle otherwise neither: Witness his searching out Evidence, soliciting, promoting, and expediting, to his very great Expence, as he sets forth in his *Cause and Request*, the paying of above forty Clerks to write for him; his Undertakings and Disbursements to divers Irish, as well as the English, Witnesses, as appears upon several Bills and Discharges under his own Hand; his restless Scribbling, to provoke Fears and Jealousies; the indefatigable Pains he took to assist false Witnesses, and to help forward scandalous Informations.

Oates neither saw with his own Eyes, nor heard with his own Ears; he stirr'd neither Hand nor Foot, and his Tongue hardly wagg'd in his Mouth, but by Tonge's Direction. His Way was still chalk'd out before him; and all that he had to do was, to swear to Tonge's Words and Matter. Where

Oates made a Stumble, was about his lying so close in Town at the Time of the Confute; that he could get no Witnesses; who but Tonge to cover the Perjury; and, upon all other Occasions, to palliate his Folleries? Who was it but Tonge that made the Plot, that wrote the Story of it, that hunted out Knights of the Post to second it, that expos'd all sorts of Impollures for the colouring of that Cheat? And it cost him more Trouble at last to defend and to execute the false Oaths, than to procure them.

Who was it again that put Oates upon swearing his Informations before Sir Edmond-bury Godfrey? Who was it that carry'd him thither, and supported him there with an Oath, that the Contents of those Papers had been shewn to the King already? Who was it that counsell'd Oates to have several Copies of them transferib'd; and that help'd both in the writing, and in the recommending, of them himself? Who but Dr. Tonge, that guided and influenced this whole Affair? And Oates, all this while, not so much as seen or heard of, till the 2d of September at Vaux-hall: Only the plenipotentiary Doctor, with full Powers and Authorities, was his own Principal and Commissioner, both under one.

It must be further said, for the (*s*) Doctor's Credit, that he shew'd as much Steadiness in his Perseverance, as Boldness and Resolution in the Attempt: For he gain'd his Point at last, in despite of all the Bug-bears of Honour and Conscience, and in defiance of all the Oppositions of Law, Reason, and common Sense.

In the same Book, the same Author more-over inserts the following Clause, out of a Petition of Tonge's Son to the King, viz. "Your Petitioner doth protest, in the Presence of Almighty God, that it is very true, that the Plot was contriv'd by my Father and Titus Oates, when he return'd the second time beyond the Seas." He also adds other (*s*) Passages, out of certain Letters from the said Tonge, junior, to himself, more circumstantially, to the same Effect. 'Tis true, this Tonge swore all this again; and, as Mr. North bears witness, was a Wretch most profligate and despicable. But if his Evidence

A. D. 1648.

(r) All the Papers concerning which are to be found in *Naples's Collection*, vol. I. fol. 167.

(s) "I have yet one Paper more of his (*Tonge's*), says *Lehew* (writing Date April 30, 1629, *Tristram*).

He takes upon him, with his usual Confidence, to advise his Majesty to deliver up all Priests and Jesuits to the Severity of the Laws in that Case provided: For, says he, they are not to be consider'd as men, Priests, but as professed and known Enemies to our King and Kingdom, Spies, Assassins, and Secularists.

To this Discourse the King shew'd great Dislike, and changed his Countenance with Displeasure, and said, That Blood became not the Doctor, nor his Cause; and He must preach other Doctrine to him, and that, on the account of Conscience, and appeal to the Doctor's own Conscience, whether he would be contented to be so persecuted (saying that *see People*) and God, other as essential Means might be used.

The Doctor answer'd, That he spoke this only for his Majesty's Information, and that he might know that he was not oblig'd, neither in Honour, Promise, nor Confidence, to interpose for them as Priests; if his Affairs press'd him, and requir'd him to do otherwise.

(t) *See*. "When I came from the University, in the Year 77, I found Oates with my Father, in a very poor Condition, who complain'd he knew not what to do to get Bread; who went under the Name of *Amberg*. My Father took him home, and gave him Cloaths, Lodging, and Diet, saying he would just *benefit* of it."

And then he perswaded him to get acquainted among the *Popish*; and when he had done so, then my Father told him, there had been many Plots in England to bring in Popery; and if he would go over among the *Popish*, and observe their Way, it was possible there might be one now; and if he could make it out, it would be his Perseverance for ever. But, however, if he could get their Names, and a little Acquaintance with the *Popish*, it would be an easy Matter to stir up the People to *see Popery*. And again, "My Father and he (*Dr. Oates*) went and lodg'd at *Vaux-hall*, in one *Leahurst*, a Bull-quarrier (which House was call'd by the Neighbour the *Popish*) and there Oates's Narratives were written; whereof several Copies were written, very different from the other: And the four *Tyburn* Letters (wherein Oates profess'd he was the whole Discoverer) were Contempts, &c. *See* *Hist. Parl.* p. 38.



A. D. 1685.

Ibid. Part iii. p. 85.

dence is, for this Reason, the less to be regarded now; it might have been the easier exploded then: And yet, the Party suffer'd themselves to be publicly challeng'd (u) by Sir Roger to do so, without putting in any Reply. And to bring the whole Affair to a Period, Dr. Lloyd the Dean of *Buzer*, before quoted, in a Letter to *Leffange*, dated April 16, 1686, is frank enough to say, "I never saw how *Prance's* Evidence could stand, and I never went about to support it; and as for *Oates* and *Bellin's* Informations, they would make one renounce any thing that depends on their Credit." Even Sir *William Jones*, himself, who was so remarkably active in the Prosecution of the Plot, having been order'd, when Attorney-General, to give in a State of the Evidence to the Council-Board, towards the Conclusion of his Report, makes use of the following Expressions: "Some Objections have been made as to the Credit of Mr. *Oates* against some Particulars of his Testimony, which relate to the general Design; wherein he is suppos'd to be mistaken: But because those Objections are many, and some of them not made by these Prisoners, nor, perhaps, will be; and because I am not certain what Answer he can make to them, when they shall be objected against him: I think it not fit to mention them in particular." Whence it is pretty obvious that he thought they would be fatal to the Plot, because he thought them unanswerable. And finally, at the Close of a Book, call'd, *A Vindication of the English Catholics from the pretended Conspiracy against the Life and Government of his sacred Majesty, discovering the deep Falshies and Contradictions contain'd in the Narrative of* *St. Omer's*, we find no fewer than twenty solemn Attestations to that very Purpose; the Originals of which, or authentic Copies of them, were deposited in the *English* Seminary at *St. Omer's*; for the farther Satisfaction of Mankind: The whole ending with this remarkable Passage out of *Tacitus*, Lib. 4. *Annal. Delatores, Genus Humanum, publico scilicet resortum & poenis nunquam satis coercitum, per pernoia abutuntur*, that is to say, "Informers, a sort of Men found out to procure the public Ruin, whom no Punishments could sufficiently restrain, were invited and encourag'd by Rewards."

And now, upon the whole Matter, let every Man lay his Hand on his Heart, and pronounce for himself.

Our way being thus clear'd, we are, in the next Place, to resume the Business of the Session, which we left in Suspence, and which we are now to dispatch without any further Interruption.

And first we are to cast an Eye on a remarkable Proceeding in the House of Lords: The *Makontents* were there weakly; and

it was beyond the Compass of Invention to bring about any material Change. An Effort was there made to remedy this Defect, as also, to compel the King to speak out in favour to the Remembrance of BOTH Houses, by calling in Assistance from the Commons: In order to which, an artful Question was propounded, whether a Committee should be appointed to join with a Committee of the Commons to debate Matters concerning the State of the Nation. But the Draft being discover'd, it was over-ruled; and the only legitimate Conference, was a Protest, sign'd by eighteen Peers, of whom the Part of *Sunderland* was one; for the following Reason: Because they were convinc'd in their Judgments, that the having Recourse to such a joint Committee, was the most likely way to produce a good Understanding between the two Houses; which they took to be most necessary at this time, for the Safety of the King's Person, and the Security of the Protestant Religion against the bloody Designs of the Papists; as also for the Redress of other Grievances which the Nation, at that time, labour'd under."

On the other hand, the House of Commons had no sooner dispatch'd the Trial of the Lord *Stafford*, than still, by way of expediting such Matters as were before them relative to Popery and the Plot, they pass'd a Vote, *nemine contradicente*, to resolve themselves into a general Committee, in order to resume the Consideration of Ways and Means to secure the Kingdom against Popery and Arbitrary Power. This was done on Monday, December 13; and on the Wednesday following, which was the Day appointed for this Debate, the King order'd their Attendance upon him in the House of Peers; and, after a Reference to that Part of his Speech, at the opening of the Session, which related to the State of Christendom, and the Expectations of his Allies, proceeded to say, "That our Allies could not but see how little had been done since their Meeting to encourage their Dependence upon us. That he found by them, that, unless we could be so united at home, so as to make our Alliance valuable to them, it would not be possible to hinder them from seeking some other Refuge, and making such new Friendships, as would not be consistent with our Safety." Adding: Consider that a Neglect of this Opportunity can never be repair'd. He then said, that he must tell them plainly, That without their Assistance, *Tanger* could not be preserv'd. And concluded in these Words: "I did promise you the fullest Satisfaction your Hearts could wish, for the Security of the Protestant Religion, and to concur with you in any Remedies, which might consist with preserving the Succession of the Crown in its due and legal Course of Descent. I do again,

A. D. 1689.

Which was a Protest.

Proceedings of the Commons against Popery and Arbitrary Power.

King's Speech.

None is the House of Lords for a joint Committee several.

(u) In these Words: "If any Man, Whome, or Child, will be so kind and generous, as, out of an Affection to the Protestant Religion and the Vindication of Dr. *Oates*, to call *St. Omer's* to a legit Account, for endeavouring to destroy the Credit of

the said Doctor, and his Evidence, by scandalous Reflections upon both; *Roger Leffange* does hereby offer himself, out of a Zeal to the public Good, to furnish authentic Papers, and Memorials, towards the Protection of the Work." *Observes* vol. 1. p. 134.

A. D. 1680.

with the same Reservations, renew the same Promises to you: And being thus ready on my Part to do all that can be reasonably expected from me, I should be glad to know from you, as soon as may be, how far I shall be assisted by you, and what it is you desire from me."

Here was another Opening from the Throne, to pacify the Fears, by removing the Dangers, of the People. But those who found their Account in the Tempest, could not be induced to hearken to a Calm. Thus, when the Speech was reported by the Speaker to the House, Mr. Gee openly declar'd, that as almost every Paragraph had tended to Money, and that the Paragraph relating to Religion contained the old Reserve, it would be to little Purpose even to appoint a Day to take it into Consideration; referred to the Contents of the late Representation as a sufficient Answer to it; complain'd, that the Bill they had already perfected against Popery had been thrown out as hastily, as if it had carry'd a Fire-ball with it; and concluded with giving it as his Opinion, that they should keep their Money till they had got Laws.

But the Patriots, it seems, were not unanimous on this Occasion; and, in particular, Colonel Titus declar'd, That he thought the Speech was a fair Step towards coming to a right Understanding; and, for that Reason, deserv'd the most respectful Consideration they could give it: And, the House being also of the same Sentiment, a Day was appointed accordingly.

A Day appointed to take it into Consideration.

In compliance with the Order of the Day, the House then resolv'd itself into the general Committee for securing the Kingdom against Popery; of which Mr. Povey had the Chair. The Debate was open'd by Lord Cavendish; who, by way of Preamble, enlarg'd on the Dangers arising to the Nation from the Perversion of the Duke of York to the Romish Religion; insisted on the Expediency of the Bill of Exclusion, notwithstanding the Lords had thrown it out; presum'd, that when their Lordships, especially the Bishops, on whom he pass'd some ironical Compliments, were convinced there was no other effectual Way to answer the great End in View, they would still find a Time to adopt it; and concluded with a Motion, That a Bill might be brought in for associating all his Majesty's Protestant Subjects. Mr. Montagu rose up next, neither to second nor oppose the Motion, but to offer a new Proposal of his own, namely, That a Bill might be brought in for securing frequent Parliaments; in support of which, he very artfully urg'd, "That, next to the Exclusion-Bill, to secure their own Sitting was the Matter of most Moment." For, said he, offer at what you will, if it be any thing that is like to prove strong enough to secure us against Popery, you will see the House put off, before it comes to any Perfection: And that, in time, will be made use of to arraign the Proceedings of Parliament, and to persuade the People, that this House did attempt to alter the Government by such and such Bills; and so, by degrees, possess the

A. D. 1680.

People, that Parliaments are either dangerous, or inconsistent with the Government, that, if possible, they may be well content without them." As also, "That if, at the same time that we endeavour to secure ourselves against Popery, we do not also do something to prevent arbitrary Power, it will be to little Purpose." It happen'd that he had, in the Course of his Speech, dropt a Hint, that a Bill to banish the most considerable Papists out of the Kingdom might be of use; and this Sir E. Hungerford gather'd up, and enforced, together with Mr. Montagu's Motion in form; relating to the Frequency of Parliaments; and, moreover, threw in a wholesome Caution against future Intermarriages of the Royal Family with Papists. Mr. Harbord clos'd only with the Bill of Banishment: Several other Members were as express for the Association: And this Variety of Opinions seems to indicate, that the House was either split into a Variety of Parties, or that the several Speakers brought their several Projects crude to the House, without coming to any previous Explanation, or entering into any preparatory Concert with each other. Either, therefore, for fear of the Distraction which, on such Occasions, is likely to ensue; or else, by keeping the House in the Pursuit of what it was impossible for them to obtain, to divert them from pursuing what was; Sir Nicholas Crew brought back their Attention to the Affair of the Succession: Said, That as long as there was a Popish Successor, there would be Papists in Masquerade, whom neither their associating nor banishing Bills would reach: And, therefore, concluded with a Motion, That, in the first place, they would pass a Vote, "That, as long as the Papists had any Hopes of the Duke of York's succeeding to the Crown, the King's Person, the Protestant Religion, and the Lives and Liberties of the People, were in apparent Danger." Colonel Titus, who spoke next, on the contrary, insinuated, that it was rather their Business to pursue what was practicable, than what was best. Sir Francis Winnington gave it as his Opinion, That all Measures, that were like to prove serviceable against Popery, would prove alike impracticable: That he was afraid this Parliament would sooner be dissolv'd, than any such Measure would be permitted to take place: That, in such case, the very Mention of these Bills would, hereafter, rise in Judgment against them: That, however, he thought they must adventure: That the several Motions which had been made met with no Opposition: And, that, therefore, their first Concern ought to be to save Time, by putting the several Questions. The Motion for the Banishing-Bill was then agreed to at the Instance of Sir Richard Temple. After which, Mr. Montagu took occasion to urge, that the Association-Bill was now become more necessary than ever; for that, as well as the Duke of York, by the Exclusion-Bill, they had made the whole Party, by the Banishing-Bill, their Enemies. Mr. Gee was for hastening the Bill for the uniting the Protestant

A Bill is brought in for the most considerable Papists are banished in.

A. D. 1680.

Protestant Dissenters, which was already before the House. Mr. *Paul Poley* made a long Discourse to shew, that the Papists, by their Interest in the Government, were too strong both for Parliament and People; and, adopting the Sentiments of Sir *Francis Winnington*, said, these Bills would furnish those who were dissatisfied to Parliaments with Arguments for their Dissolution; and, withal, to persuade the People, that they struck at the very Foundation of the Government; for which Reason, he expected no good Effects from them. Sir *Francis Roll* then called for the Question, on Sir *Nicholas Crew's* Motion, above-mention'd; which was agreed to by the Committee, and carry'd in the Affirmative. Sir *Gilbert Gerrard* then renew'd the Motion for the Association-Bill; and was seconded by Sir *Henry Capel*, who levelled the Main of his Discourse, which was long, at the Duke of *York*, but in his Way let fly a Shaft or two at the King himself. He said, The Wheel within the Wheel, which had been so often complain'd of, still continued: That tho' his Majesty had once declar'd, how sensible he was of the Inconvenience of being advis'd by private Cabals, and had seem'd resolv'd to dismiss them, he had been prevail'd upon to recede from that Resolution: Whence he concluded, that, till some Alteration was made in Council, the Parliament would find their Labours both endless and useless. Another Member, in the Fury of his Zeal, was mad enough to say, "That Popery was so clencht and rivetted, that it did not lie in the Power of God nor Man to prevent the setting of it in this Nation." Defending, however, at last to common Sense, he was pleas'd to add, That he found in *Coke's* Reports, that, when the Nation was in apparent Danger, the People might go directly to the King with their Grievances, and make their Complaints and Petitions known: As also, that they had a Precedent for their Association-Bill in the Reign of Queen *Elizabeth*, which was set on foot by the Gentry, and afterwards receiv'd the Sanction of Parliament. Mr. *Lawson Gower* was of Opinion, that the Popish Interest was too weighty to be remov'd by such little Bills as these; yet advis'd, that what was defective in the Foundation might, if possible, be remedied by the Goodness of the Building. Another Member made no doubt, that the King was willing to secure the Protestant Religion, both to them and their Posterities; and, therefore, hop'd he would, at last, either concur in the Expedients propos'd to him by his Commons, or propose better of his own. Sir *William Jones* was for trying to get something in lieu of the Exclusion-Bill; which, tho' not of Force enough to remove the Enemy, might be sufficient for their own Preservation; but affect'd to be perswaded, that, if the Association-Bill was drawn as it should be, it would have no better Success than the other; "For, said he, I am afraid that, altho' we are permitted to brandish our Weapons, we shall not be allow'd to wound Popery." He also added, that the Bill in dispute ought to be

much stronger than that in Queen *Elizabeth's* Days: That was for an Association only after her Death; "but, continued he, I cannot tell, if such a Bill will secure us now; the Circumstances we are under being very different. In Queen *Elizabeth's* Days, the Privy-Councillors were all for the Queen's Interest, and none for the Successor's; now, most of the Privy-Councillors are for the Successor's, and few for the King's: Then, Ministers were unanimously agreed to keep out Popery; now, we have too much Reason to fear, that there are many that are for bringing it in: In those Days, they all agreed to keep the popish Successor in Scotland; now, the major Part agree to keep the Successor here: All which must be considered in drawing the Bill."

What was urg'd in reply to all these bitter Things, we are left to conjecture: Those who were so careful to preserve their own Sentiments, did not think themselves oblig'd to preserve any more of the Debate than answer'd their own immediate Purposes; and what weigh'd within-doors, was thought sufficient to satisfy all without. In conclusion of all, it was resolv'd, "That a Bill be brought in for an Association of all his Majesty's Protestant Subjects, for the Safety of his Majesty's Person, the Defence of the Protestant Religion, and the Preservation of his Majesty's Protestant Subjects, against all Invasions and Oppositions whatsoever; and for preventing the Duke of *York*, or any Papist, from succeeding to the Crown. And, two Days after, three Bills more, all tending to the same Point, were further agreed upon, viz. one for the more effectual securing of the Meeting and Sitting of Parliament, as one Means to prevent arbitrary Power: A second, that the Judges, hereafter to be made and appointed, might hold their Places and Salaries *quum ibi se bene gesserint*; as also to prevent the arbitrary Proceedings of the Judges: And a third, against illegal Exaction of Money upon the People; and to make it High Treason.

The 18th was the Day appointed for taking his Majesty's Speech into Consideration, and these previous Votes had very sufficiently indicated what Reception it was like to meet with. Mr. *Hampden* open'd the Debate upon this Occasion; and set out with observing, That, by the Tenor of the Speech, it was obvious the Success of this Parliament depended upon their Answer to it; and, consequently, the Safety of the Protestant Religion, both at home and abroad: He then pass'd on at once to the latter Part of it, as the most proper to be consider'd first: Said, that the Reservations contain'd in it look'd like a perfect Design to save the whole Popish Party, accompany'd with a Power and a Presence sufficient to enable them to accomplish their End; which End, he made no Difficulty to affirm, was the Destruction of the Protestant Religion. In former Times, he further said, the Interest of no one Man could bear up against the Interest of the Nation; whereas the Religion, Lives, and Liberties, of all the Protestants of the three

A. D. 1680.

Four Bills order'd in:  
1. For an Association:  
2. To secure the Meeting of Parliament:  
3. To regulate the Councils and Courts of the Judges:  
4. To prevent the illegal Exaction of Money.

Debate on his Majesty's Speech.

A. D. 1680.

Nations, were now to be sacrificed, rather than one Man should be disposse'd of his Right; tho', by his own Act, he had made himself incapable of enjoying it: Appeal'd to the House, whether the *French* Agents, Male and Female, as well as the Duke's, were not as busy, and in as great Credit, at Court as ever: And concluded, upon the Whole, That, till Things were settled at home, on a true Protestant Bottom, it could not be imagin'd that any Protestant Prince would depend upon us, or make Alliances with us: And therefore it would be in vain to treat either of those Alliances, or Money for the Support of them: "For, till the Interest chang'd at Court (these were his Words) that so there might be a better Understanding between the King and his People, such a Treaty could not produce any thing for our Advantage." In order to which, he humbly mov'd, That a Committee might be appointed, to draw up an Address to assure his Majesty, that when his Majesty should be pleas'd to grant them such Laws as were necessary for the Security of their Religion, which might be particulariz'd in the Address, his Commons would be ready to give him what Money his Occasions might require; not only for the Support of *Tanger*, and Alliances, but to enable him to have a good Fleet at Sea, &c. Lord *Ruffel* rose up next, and gave it as his Opinion, That it was impossible Affairs should ever be settled on a good Protestant Bottom, as long as there was a Popish Successor, which Bar could never be remov'd, but by the *Exclusion-Bill*; and that, therefore, to avoid Misconstruction, the Supply might be offer'd to the King in exchange for that Bill only. Sir *William Jones* introduced what he had to say with an Observation, That the little Success their Endeavours had hitherto met with, made it reasonable to suspect, they were permitted to fit there rather to destroy themselves, than to save their Country. He then proceeded to admire, that those about the King, who were so fond of Expedients, should chuse to saddle them always with the Burthen of contriving them: Said, that, according to the Opinion of three successive Parliaments, the Limitation in favour of the Popish Interest was plain, intelligible, and practicable: Hop'd, therefore, that his Majesty would call upon them who had given him such clear Advice to provide for the Security and Preservation of Popery, to provide such Expedients to secure and preserve the Protestant Religion also, as were equally clear, plain, and practicable: Those already propos'd, he asserted, were self-contradictory, because they left the People under the miserable Necessity of having, first or last, a Contest with their lawful King: And added, "There can be no such thing as setting up a Power to oppose him, but by putting a kind of supreme Authority in the Parliament; with a Power to oppose, as well by making War as Laws, which might grow destructive to the monarchical Government: The said Trust or Power, without the *Exclusion-Bill*, being not to be repos'd in the next Heir, or any

A. D. 1680.

single Person, lest he should die before he should come to have the Power in him, or utterly refuse to act, if he should live to have a Right, by virtue of such a Settlement, to administer the Government. In such a Case, there would be no lawful Power lodg'd any where else to oppose such a King, and *there must not be an Interregnum.*" His Conclusion from all this was, That those who advis'd the King to make the Limitation mention'd in his Speech, did intend it as an Expedient to make the Endeavours of Parliament ineffectual, and to bring in Popery: And that, on the other hand, if the House was to adopt the Expedient discours'd of (for Argument's sake) by himself, it would follow, that as the last House of Commons was arraign'd for omnipotent and ambitious, this would be laid under a worse Reproach, namely, that of having attempted to destroy the monarchical Government, in hope to render Parliaments odious thereby, both to Prince and People. He then gave it as his Sentiment, that such an Answer should be return'd to his Majesty, as might, if possible, create in him a good Opinion of the House; as might satisfy him of the Necessity of the Bill contend'd for; and convince him, that all other Acts of Grace would only serve to fatten them as Sheep for the Slaughter: In particular, as a proper Return to the last Part of the Speech, which he affect'd to consider as his Majesty's *own*, and which he acknowledg'd to be a fair Proposition to come to an Understanding, he was for driving a Bargain with his Majesty, and plainly specifying in their Address, that, in exchange for their favourite Bill, he might have what Money he wanted; but otherwise none at all. Mr. *Gee* was for enumerating all the national Grievances; wonder'd that no body took notice of the Standing-Army; insist'd, that it ought to consist of no more than were barely sufficient for Guards; declar'd, that, unless a Provision was made to prevent any Augmentation, unless in the Case of an Invasion, or a Rebellion, all Laws would signify nothing: As also, that he was unsatisfy'd with general Offers of Money; and concluded with saying, that he was either for demanding *more*, or promising *less*. Sir *Eliah Harvey* seem'd to be of the same Mind as to the *Exclusion-Bill*; intimating, that he could not agree to offer *so much*, and demand *so little*: But then he was for offering Money in general Terms, without specifying for what; or enumerating Bills. Mr. *G. Vernon*, on the other hand, was against particularizing any Sum of Money in the Address; signify'd, that any Sum of Money would be well bestow'd for the *Exclusion-Bill* only; and that, as the said Bill was so precisely necessary for the Preservation of the Protestant Religion, all the World would justify them for insisting upon it as the Consideration. — Here, likewise, our Minutes of this Debate fail; being as deficient as to the other Side as the last: And, upon the Issue, a Committee was appointed to draw up the Sentiments of the House, in an humble Address to his Majesty, which was in Substance as follows:

A. D. 1680.  
The Commons  
Address.

The Preamble was all Acknowledgment of his Majesty's great Goodness, in renewing his Assurances to concur with them in any means for the Security of the Protestant Religion, and for his gracious Invitation to make their Desires known. But the second Paragraph set forth their Grievous Heart, that these princely Offers were render'd, by the Reservation annex'd to them, wholly fruitless. The Words of this Reservation are then repeated; and by way of Answer it is urg'd, That no Interruption of the Descent had been endeavour'd, except in the Person of the Duke of York, who had suffered himself to be perverted by the wicked Instruments of the Church of Rome to the Romish Religion: And for the Papists to have their Hopes continued, that a Prince of that Religion, should succeed to the Throne of these Kingdoms, they gave it as the Issue of their most deliberate Thoughts and Consultations, was utterly inconsistent with the Safety of his Majesty's Person, the Preservation of the Protestant Religion, and the Prosperity, Peace, and Welfare of his Protestant Subjects. This they further undertook to illustrate, by endeavouring to shew from the Principles of the Church of Rome, and the Testimonies of the Plot, That his Majesty's Sacred Person was in continual Danger under the Prospect of a Popish Successor: That it was to the Expectation of this Succession, that the great Increase of Papists in his Majesty's Dominions was to be ascrib'd; and, that it was the same Expectation which had harden'd the Papists of this Kingdom, and animated them to make a common Purse, to provide Arms, and solicit the Aid of foreign Princes, to impose Popery upon us. They then proceed to set forth, that it was his Majesty's Glory and true Interest to be the Head and Protector of all Protestants; but stop short to ask, "If these Hopes remain, what Alliances can be made for the Advantage of the Protestant Cause? or what Confidence can be plac'd in them, as long as this Protestant Kingdom is in so much Danger of a Popish Successor; by whom, at present, all their Councils and Designs may be eluded, as they have hitherto been; and by whom, if He succeeded, they are sure to be destroy'd?" Having thus expatiated on the Dangers, that accompany'd the Expectation of a Popish Successor, they went on to give a Specimen of the Mischiefs that would follow, in case such a one should inherit: Their Religion, which was already dangerously shaken, would then, they said, be totally overthrow'd. Nothing would be left, or could be found to protect or defend it. The Execution of old Laws would cease, and it would be vain to expect new ones. The most Sacred Obligations of *Conscience* and *Prudence*, if any such should be given, that were against the Interest of the Romish Religion, would be *violated*. The Pope would be acknowledged supreme, and all Causes either as spiritual, or in order to spiritual things, would be brought under his Jurisdiction. The Lives, Liberties, and Estates of all such Protestants as valu'd their Souls

more than their secular Concernments, would be adjudg'd forfeited. And such foreign Princes who had been invited to assist in securing the Crown to the Duke of York, with Arguments drawn from his great Zeal to establish Popery and to extirpate Protestants out of his Dominions, would expect Performance. They, farther, humbly besought his Majesty to consider, whether, in case the Crown should descend to the Duke of York, the Opposition which might possibly be made to his possessing it, might not endanger not only the farther Descent in the Royal Line, but even Monarchy itself. And for all these Reasons, they declar'd themselves humble Petitioners to his most Sacred Majesty, that, in tender Commiseration of his poor Protestant People, he would be graciously pleas'd to depart from the Reservation in his Speech; and when a Bill should be tender'd to his Majesty in a Parliamentary way, to intitle the Duke of York from inheriting the Crown, his Majesty would give the Royal Assent thereto: And moreover, as what was necessary to fortify and defend the same, that he would be farther pleas'd to assent to the Association Bill. "These Requests, said they, we are constrain'd humbly to make to your Majesty as of *absolute Necessity*, for the safe and peaceable Enjoyment of our Religion. Without these things, the Alliances of *England* will not be valuable, nor the People encourag'd to contribute to your Majesty's Service." Nor was this all; they were humble Suitors also to his Majesty, that, from thenceforth, such Persons only might be Judges as were Men of Ability, Integrity, and known Affection to the Protestant Religion; and that they might hold their Offices and Salaries, *quam diu se bene gesserint*. That several Deputy Lieutenants and Justices of the Peace, fitly qualify'd for those Employments, having been of late displac'd, and others put in their Room, who were Men of arbitrary Principles and Countenancers of Papists and Popery, such only as were to qualify'd, might serve in those Offices, or as Lord Lieutenants, &c. and finally, that none but Men of known Experience, Courage, and Affection to the Protestant Religion, might be employ'd either in the Army or the Fleet. All which their humble Requests being granted, they declar'd themselves ready, on their Parts, to assist his Majesty in all things. And to wind up all, they presum'd to hope, that after this their humble Answer to his Majesty's gracious Speech, no evil Instruments, whatsoever, would be able to lessen his Majesty's Esteem of the Fidelity and Affection which they bore to his Service; that he would always retain, in his Royal Breast, the same favourable Opinion of them, his loyal Commons; and that those other good Bills which they had then under Consideration, conducing to the great Ends, before mention'd; as also all Laws for the Benefit and Comfort of his People, as should, from time to time, be tender'd for his Royal Assent, would find Acceptance with his Majesty.

When this Address was reported, Mr. Ed-  
ward Vaughan, after allowing, that the Dis-  
s. Vaughan.

A. D. 1680.

gers arising from a Popish Successor were very obvious; that there would be no Peace and Tranquillity in the Nation, as long as there was one; and that the Protestant Religion would be lost under a Popish King; gave it as his Opinion, nevertheless, That it was not convenient, at that time, to press hard for the *Exclusion Bill*, because it could not be had without a Prorogation, which he declar'd himself to be as apprehensive of, as of a Popish Successor: For I do believe, said he, in that Case, you will sooner see the Duke at *Whitehall*, than this Assembly met together again between these Walls; and, in Consequence of a Dissolution, the Protestant Interest, both at home and abroad, would be ruin'd. He declar'd also against any Mention of the Association-Bill, because it was not as yet before them; urging, that it was equally unreasonable to recommend, and to expect the King should approve, what neither knew any thing of. Those things about the Judges, for so he express'd himself, he also thought too minute to be insisted on, in comparison with others, which might be demanded. But then he added, That Queen *Elizabeth's* Counsellors never thought her safe, until the Popish Successor was inclin'd in a Tower; and that he was afraid they should never be safe, until some such Course was taken as might bring things to an Issue. He also seem'd to espouse the Banishing Bill: And upon the whole, mov'd, That the Address might be recommitted, in order to a farther and better Consideration.

As the Court had now the Labouring Oar of Opposition to manage, and all the Strength lay on the other Side, their Business was to get the Helm into their Hands, if possible, and by skilful Steering, to weather those Points which lay full in their Way, and which were no otherwise to be avoided. It is reasonable to think that this Motion of Mr. *Vaughan's* was a Refinement of this Nature, and was calculated rather to amuse, divide, or distract the House, than to facilitate any one of the popular Points it seem'd to favour: And it is apparent that Sir *W. Jones*, who rose up to answer it, consider'd it accordingly: For in his Reply we find him speaking to this Effect, viz. That he was glad that worthy Member agreed with him in the Apprehensions of Danger from a Popish Successor, and the Necessity of the Exclusion-Bill; and sorry that he was forc'd to differ with him in every thing he had said besides: That he could not think to ill of his Majesty as to fear he would agree to a Prorogation, for two or three Days, under a Pretence of gratifying them with the Exclusion Bill, only to bring on a Dissolution: That for his Part, he fear'd a Prorogation, unaccompani'd with any such Concession; but that if the King agreed to the Proposal, he should make no doubt of the Effect: That as to the Objection, with regard to the Association-Bill, it was wholly groundless; the Word being very

A. D. 1680.

well understood, and the Ends very clearly express'd: That if, when drawn, it should appear different from the Conception of the House, it was reasonable to suppose the House would take care to mend it; or if not, the King's Promise would be no further binding, than the Bill answer'd the Representation given of it: That he could not but admire to hear the having good Judges, Justices, and Commanders by Sea and Land treated as a trivial thing; for without that, all other Regulations would signify nothing, since it was not to be conceiv'd, that while the whole executive Power was lodg'd in the Hands of Persons Popishly inclin'd, it would be exerted for the Security of the Protestant Interest: That as to the new way propos'd of securing the Popish Successor, as had been done in Queen *Elizabeth's* Time, it was first necessary to have such a Council as hers; since it was manifestly impracticable, as long as there were eleven to seven in the Interest of that Popish Successor: And finally, that, seeing these Proposals had no Appearance of operating for the public Service, he saw no Reason the House had to be diverted from the way they were going. Upon the whole, the Address was agreed to; and on the 21<sup>th</sup> of *December* presented to his Majesty, who was now so embarras'd with his Wants and Necessities, so unresolv'd, perhaps, in his own Judgment, to select with Impertinencies on both Sides, for and against the Duke, both to comply with the Offers of the Commons, and to reject them, that it was not till the fourth of *January* following, that he return'd his Answers.

At, or about, this Crisis it was, that the *States-General* deliver'd that remarkable Memorial to Mr. *Sully* at the *Hague*, to be by him transmitted to *England*, which Sir *William Temple* (to clear Lord *Sunderland's* of the Imputation, or, as it may be understood, tho' it is not express'd, the Prince of *Orange*) concludes, was drawn up by the Pensioner *Fagel*, and which was, in Effect, as follows: "That the *States-General* had heard with extreme Sorrow, that the Misunderstanding between his Majesty and his Parliament, was not in so fair a way to be compos'd, as they heartily wish'd, and the Exigencies of *Christianity* requir'd: That they would neither take upon them to judge of the Cause of Dispute, nor of the Means to put an End to it: That they had wait'd, with an extreme Sorrow, yet with a respectful Silence, the Issue that God and his Majesty should please to give it; nor had ever interier'd, if their own Danger had not oblig'd them to speak; and if they were not sensible that they neither could nor ought to address themselves to any but his Majesty: That nobody was better acquainted than his Majesty with the Injuries they had sustain'd since the Conclusion of the Peace, nor with the Endeavours that had been us'd to engage them in Measures which his Majesty could not approve, because

Memorial of the States-General.

(40) Because there was one Expression in it, which seem'd to argue, that the Writer of it was not acquainted with the Manner of the King's giving his Assent to an Act of Parliament.

A. D. 1682.

because he apprehended them to be as prejudicial to his own Interest as to theirs: That when threaten'd for refusing to enter into those Measures, his Majesty had assur'd them of his Protection, and that he would venture all for their Preservation: That the *States*, resting upon his Royal Promises, to call his Parliament as soon as he thought Affairs requir'd it, had waited for the Performance, if not without Impatience, at least with as much Resignation as his Majesty could expect from his own Subjects: That the Misunderstanding between his Majesty and his People, which seem'd to increase every Day, reduc'd them almost to Despair; and that more especially, because it turn'd on a Point, so peculiarly delicate, because so peculiarly domestic, as left them no Room to meddle in it: That, in the mean time, his Majesty might be assur'd by Eye-witnesses, that those foreign Powers with whom he had no *Tye*, were making extraordinary Preparations: That nothing but their Apprehensions of his Majesty had hitherto preserv'd the Republic from the Effects of their Menaces: But that the same untoward Disposition of things, which kept his Majesty at Variance with his People, would also give them full Opportunity to execute their Designs; since they well knew his Majesty's Power, separate from his People, would not be sufficient to prevent them: That his Majesty was sensible of the Prevalence of their Arts in his own Kingdom to facilitate those Designs: That the *Spaniards*, by their own ill Conduct, had left the *Spanish Netherlands* wholly expos'd: That his Catholic Majesty was not able to provide for their Defence: That the *States* were so exhausted by their late Wars, that they were not in a Condition to help him: That if the Republic and the Residue of those Provinces were swallow'd up, his Majesty would vainly endeavour to withstand the Progress of a victorious King, at leisure to employ all his Forces against him, and extremely formidable by Sea as well as by Land: That they had not the necessary Means to save themselves; nor could they hope for any Help from his Majesty, as long as he was divided from his People; nor even from Time itself, since Delays had only serv'd to make their Enemies stronger and themselves weaker: That his Majesty had found by Experience, that the Dissolutions and Prorogations of Parliaments had only serv'd to encrease the Discontents of his People; and that subsequent Parliaments or Sessions had always trod in the same Track with their Predecessors, only with greater Animosity: That they could not but lament, that the Interest of their own Republic, as well as of all the Protestant Powers of *Europe*, and indeed of *Europe* in general, should all be sacrific'd for so uncertain a Matter, as a *future Succession*: That his Majesty could not but recollect, that even Acts of Parliament to exclude particular Persons from the Succession, as in the Cases of the two Queens, *Mary* and *Elizabeth*, had not answer'd the Ends for which they were made: That it was much to be fear'd that a Parliament

A. D. 1689.

compos'd of Persons skill'd in the Laws of this Country, arm'd with considerable Precedents, and animated with the Concurrence of the great Cities, and the Bulk of the Nation, would be able to keep their Ground, and thereby continue the Disunion, in which Case, all the *Mitcheifs* now apprehended, would have Opportunity to take place, and his Majesty's Concessions, if, at last, he should condescend to make such as were necessary, come too late: That they did not, in the least, pretend to offer any Directions to the Will and Pleasure of his Majesty; but, on the contrary, submitted themselves entirely to it; only desiring, That, if they must be so unfortunate, as to see his Majesty proceed to sacrifice his Kingdoms, his Royal Person, and the Union of his People for so uncertain a Matter; and that, consequently, his Majesty cannot engage himself in the Troubles of, or communicate his Assistance to, his Neighbours, his Majesty would give them leave to use their Endeavours to find out some other Means to save their Commonwealth, and the poor People committed to their Charge: That they would always gratefully remember his Majesty's good Intentions towards them: But that it would be with extreme Regret, and even with Tears of Blood, that they should find themselves abandon'd to Perdition, for the sake of an Interest depending on a Contingence that might never have a Being; and, if it should, might bring along with it as many and grievous Calamities, as it was likely to inflict on them."

These were the Contents of this notable Piece; and to countenance the *States* in so unusual a Proceeding, *Don Pedro de Riquillo*, the *Spanish* Minister, presented also another, as nearly of the same Nature, as the different Circumstances and Connections of the two Powers would allow. The Dangers of *Europe*, from the encroaching Spirit, and overgrown Power of *France*, afforded the Pretence for both: But these Dangers were set forth more circumstantially in the Memorial of *Spain*; and the several Facts therein contain'd were, indeed, such, as could not be read without the highest Indignation. In particular, it specify'd the Excesses and Violences committed by the *French* on the Inhabitants of *Puerta-Rabia*, in the midst of a Conference held there for settling the Claims and Pretensions on both Sides; as also, that, since the perfecting the Treaty of *Nimeguen*, they had, under one Pretence or another, taken Possession of almost the whole Counties of *Namur* and *Luxemburg*: That the fortifying *Boisguen*, situated upon the *Maas*, being held the most likely Expedient to secure the Remainder, the Work was no sooner undertaken, than the Governor of *Tournay* sent word to the Prince of *Parma*, Governor of the *Spanish Netherlands*, that not one Pallisado should be erected there, altho' the Place had been incontestably a separate State, and was still comprehended in the County of *Namur*: That when these several Facts were complain'd of at *Paris* by the *Marquis de Fuente*, the *Spanish* Minister there, that Complaint gave rise to a violent Contest, which

Another from  
the Spanish  
Embassador.

A. D. 1680.

which was clos'd on the Side of France with this dictatorial Answer, "That his most Christian Majesty did not doubt but that the Catholic King would give Orders to his Commissioner at Fuenta-Rabia, to proceed in the Treaty, leaving each in Possession of what they held at present (as if a violent Usurpation, under the Surety of the good Faith of the Conference, could in one Day be converted into an actual Possession)." That for what related to the Low Countries, he could not forbear taking Possession of what he presu'd belong'd to him, agreeable to what he should declare at the Conference of Courtray. That the Marquis de la Fuente objecting to this Answer, on account of the Injustice and Indecency of it; declaring, he could not receive the same, as not knowing how to impart it to the King his Master; and beseeching his most Christian Majesty, to shew more regard to the Justice of his Demands; his Answer was, That he would consider of it: But that, at the same time, he order'd his Forces to march into the Spanish Territories to hinder the fortifying of *Bowigen*: That tho' he thus arbitrarily depriv'd his Catholic Majesty of the Benefit of the late Treaty, he claim'd, and made use of the whole Benefit of it himself, by lowering the Waters of the River *Lisse*, to facilitate the new Works he was raising at *Mennin*; which, till then, had been wholly open: That these were not mere Infractions, but open Acts of Hostility: That the French made no Secret of their Designs, but even affected to give out, that they intended to lay Siege to *Luxembourg*, and after that was reduc'd, to proceed to *Namur*: That this Application was made to his Majesty, as a common Mediator, who, in that quality, was concern'd to see the Peace preserv'd; and, who, as an Ally, was also under Obligations to defend it: That tho' the Frontiers of Spain itself, by *Cantabria* and *Catalonia*, were infested, the Spanish Dominions in *Italy*, by the Treaty between France and the Duke of *Mantua*, in apparent Danger; and the *Indies* expos'd to the Insults of the French Fleet, under the Command of the Count d'Estrees, his Catholic Majesty possess'd these his greatest Concerns, and attended principally, if not solely, to the Preservation of the Little that was left in *Flanders*; and which he should have been better able to have done, if the successive Usurpations of the French, since the Peace, had not successively, broken his Measures, and driven him in Pursuit of new: That he had, however, sent considerable Supplies into *Flanders*,

and persever'd in his Resolution to defend it to the utmost: And that all this he had done, in the Hope, that the Union of Interests between Spain and England, would have been productive of mutual Assistance, and by Consequence, mutual Safety: That all good Englishmen must be sensible, that if an immediate Opposition was not made to the growing Power of France, the Residue of the Low Countries must, almost instantly, fall into their Hands: That the States General would then find themselves unable to resist the Torrent, whatever Reason they might have to fear it: That England was the sole Power that could stand in the Breach; and that now was the only time for her to interpose, with any Hope of Success: That the Divisions which, at present, rag'd in this Kingdom, encourag'd the most Christian King to prosecute his vast and pernicious Designs: That even he, as well as all the other Princes and Powers of Europe, had their Eyes and Hearts fix'd on the Issue of the present Parliament: That the Latter had plac'd their sole Trust and Confidence in the happy and speedy Agreement of the King and his People; and that the former, had, for a while, given a Check to his own Ambition, from the bare Possibility, that such an Event might take place: That he was on the point of bestirring himself again, which he also took care to publish every where, for an Assurance, that the said Division would not be heal'd: That these very Divisions were maintain'd and cherish'd by him, with vast Promises tho' at small Charge: That the Fruits he expected from them, was Leisure to complete his Conquest of the Low Countries, which was the Master-Key to Universal Monarchy: That as a farther Proof of the Advantages he reaps from the Dissension of those, whose Interest it apparently was to put a Stop to his Career, it was fit his Majesty should be made acquainted with a late Fact, *viz.* That tho' the most Christian King had, hitherto, given such fierce and haughty Answers to the several Complaints of the several Princes of the Empire, who had groan'd under his (s) Insults and Oppressions; yet, finding now, that the Emperor, the Electors of *Saxony*, *Bavaria*, and *Brandenburg*, &c. were making considerable Levies, and had declar'd, they would no longer suffer his arbitrary Proceedings in the Empire, but that they would, to the utmost of their Power, oppose the same, he had, all at once, contended to agree to a Conference in one of the Imperial Cities, to decide and explain the ambiguous Points in the Treaty

A. D. 1680.

(s) So long ago as the preceding July, the Diet of the Empire had, in a solemn Letter to the King of Great Britain, as the common Mediator, represented, that the French had so many Ways infring'd the Treaty of *Nimwegen*, that nothing but the precious Name of Peace remain'd, and call'd upon him, in the most earnest and pathetic Manner, to interpose with his good Offices in their Behalf; that the Outrages they complain'd of might cease, and that the public Tranquillity might be indeed restor'd. The Imperial Ministers at the Hague made also the like Representation to the States, and, in the several Letters and Memorials from the Emperor to the Dutch, and the several Conventions laid to their Charge there, enumerated, *scilicet*, 1. By continuing their Troops in the Empire. 2. Holding Possession of

all the Places they ought to evacuate. 3. Exacting Contributions. 4. Obliging the Ten Towns of *Alsace* to take a new Oath, that thereby usurping a Sovereignty over them; creating a new Court of Appeals (at *Metz*) and forbidding any future Additions to the Imperial Chamber at *Spires*. 5. Requiring an Oath from the Vassals and Nobles of *Alsace*. 6. Setting up Pretensions on the Vassalage of *Metz*, *Toul*, and *Verdun*; as also on other Imperial States and Countries. 7. Confining the Rents and Revenues of the Chapter of *Strasbourg*. 8. Raising new Fortifications at *Schoffels* and *Haningen*. 9. In not restoring *Almshausen*. 10. In fighting of *Duisburg*. 11. In taking of *Homburg* and *Bielefeld*. 12. In starting several new Pretensions on the City of *Strasbourg*.



A. D. 1680. Treaty of Nimwegen, concerning the French Conquests in *Alsace*; and also, that as soon as the Commissioners were met, the Chamber of *Metz* should suspend its Proceedings; that all Innovations should be superseeded; and that even a Person should be admitted to treat in favour of the Duke of *Lorraine*. What follow'd next was to shew, that, tho' the Fate of *Germany* was thus respited by the Strength and Resolution of its confederated Princes, *Flanders*, by that very Incident, became more and more expos'd; and that a like Exertion of the Strength and Resolution of *England* alone could save it.

For a Conclusion of the whole Piece, the Embassador, who penn'd and presented it, proceeded to say, in his own Person, That he very well knew, that the Agitations of the Kingdom were great, and that the Pretensions seem'd to be distant: That it made his Heart bleed to see, that there was no Way open'd to a Union: And that, as there was nothing impossible in human Things, he was so much the more afflicted to see so little Concern appear to accomplish this: That if *England* was not so nearly and intimately concern'd in the Fate of the *Low Countries*, the Pretensions on both Sides might be ligated to the utmost: But that, as *Flanders* was manifestly the Barrier of *England*, as *Spain* and the *Indies* were the great Support of its Commerce and Source of its Wealth, there was no Time, no Room, no Excuse, for carrying on this obstinately a fruitless Contest, and thereby giving the common Enemy Time and Opportunity to effect the common Ruin: That, from all these interesting Considerations, the said Embassador promis'd himself, that *England* would once more be at Peace with itself: And that his Majesty would effectually apply himself to prevent the Loss of the *Low Countries*, by such Ways and Means, as to his great Prudence should seem meet.

Such was the Countenance the *Exclusionists* receiv'd from abroad; and such were the Impertinencies which his Majesty was expos'd to from foreign Considerations: Nor is it to be presum'd, that these were all: His most Christian Majesty could not but see how nearly his Interest was concern'd in these Memorials, nor how much it behov'd him to throw his whole Weight and Interest into the Scale of the Duke of *York*, both to fulfil his Obligations, and for his own immediate Service.

The Duchesse of *Portsmouth*, however, who is said to have been his Proxy, and to have acted in all things by his Direction, openly

took the other Side of the Question; and appear'd as strenuous for the Exclusion, as if the whole Benefit of it had been to defend on her own Offspring. According to *Bishop Burnet*, who affirms it on the Credit of *Mr. Montagu*, she was induc'd to act this Part from that very Consideration; it having been propos'd to her, "That if she could bring the King to the Exclusion, and some other popular Things, the Parliament would go next to prepare a Bill for securing the King's Person, in which a Clause might be carry'd, that the King might declare the Successor to the Crown, as had been done in *Henry the Eighth's* Time;" which left an Opening for her to make use of her Ascendancy over him, in favour of her own Children. But then the same Prelate also adds, on the same Authority, that she had actually drawn the King to consent to it, and that she was to have 600,000 *l.* for the Jobb; which latter Story seems to destroy the former; for there is no Necessity to bribe People to serve their own Ends. It has also a fairer Face of Probability to recommend it; for, whereas his Lordship observes, in the first Instance, that the Duke of *Monmouth* and she were brought to an Agreement with respect to the Exclusion, and thought they were making Tools of one another: It is plain, that by the last, both might have been gratify'd; he in his Ambition, she in her Avarice; as also the King in his Ease; and all at the Expence of his Royal Highness: And this being presum'd and allow'd, the Sequel is most natural and probable, viz: That the several Parties to the Agreement so thoroughly distrust'd each other, that neither durst, or would, fulfill the Conditions of it *first*; and so the Whole became impracticable.

In the midst of all these Cabals, Intrigues, and Solicitations, and while to every way shroudd with Difficulties and Perplexities, it would be but reasonable to suppose, that the King was far from being the happiest Man in his Kingdom; and yet *Sir John Reresby*, who has taken his Portrait after the Life, affirms, that, at this very Crisis, he seem'd to be wholly free from Care and Trouble; and the (5) Detail he gives of his Majesty's Conversation and Behaviour, when undressing for Bed, very sufficiently proves, that either he had less Sensibility of Pain, or more Skill to conceal it, than Princes usually have.

It appears, however, from the same Author, that many were of Opinion, That his own pressing Wants, and the fair Offers of the Commons, join'd to the known Fickleness

Ann. 1680.  
Exclusion-  
Bill. Vol. 1. p. 487.

The King's  
Unconcern in  
the midst of  
all his Per-  
plexities.

P. 110.

P. 102. 109.

Conduct of the  
D. of Port-  
smouth with  
respect to the

(5) As follows:

"I was at the King's Couch, when there were but four present: His Majesty was in a very good Humour, and took up some time in displaying to us the Pallacy and Emptiness of those who pretend to a fuller Measure of Sanctity than their Neighbours; and pronounced them to be, for the most part, abominable Hypocrites, and the most earnest Knaves: An Instance of which, he mention'd several eminent Men of our own Times; not 'twas to introduce some mirrored Heads among the rest, which he pretended to be none of the best, tho' their devout Exterior gave them the Character of Saints with the Crowd. However, there were, of the Men so

pointed out, some whom the King had no Reason to love, upon a political Account; which may be pleas'd in Abatement of the Acrimony of his Censure. He was that Night two full Hours in putting off his Cloaths, and it was half an Hour past One before he went to Bed. He seem'd to be quite free from Care and Trouble, tho' one would have thought, at this time, he should have been overwhelmed therewith; for every body now imagin'd, he must either dissolve the Parliament in a few Days, or deliver himself up to their pressing Desires; but the Straight he was in seem'd no way to embarrass him. Mem. p. 110.

A.D. 1660.

Fickleness and Indulgence of his natural Disposition, would have induced him to abandon the Duke: And that he did not, was probably more owing to the Indifference of the *Exclusionists*, than to his Attachment to his Brother. They had driven too furiously: They had behav'd, as if they had had the Court at their Mercy: And were too secure of carrying, in the long run, what Points they pleas'd. This made the King soon apprehensive, that his Brother's Case was, at the Bottom, his own; and made him as soon resolve to espouse it accordingly; as is evident by his saying, about this time, to Sir *John Kersey*, *If I do not stick by my old Friends, I shall have no body to stick by me*: And again, from Lord *Hallifax's* assuring the same Gentleman, that there was not the least Probability of his Majesty's complying with the Proposals of the Commons; which he compar'd to the offering a Man Money to cut off his Nose. Bishop *Barnet* also takes notice, that when Lord *Essex* had made a Motion in the House of Lords for a Bill of Association, in support of certain Limitations (*sc.*) discuss'd of by Lord *Hallifax*, and that some cautionary Towns should be put into the Hands of the Associates, during the King's Life, to make them good after his Death, his Majesty look'd upon it as a Design to make him instrumental to his own Deposition; and concluded, that he himself was chiefly levelled at, tho', for Decency's sake, his Brother was only nam'd. As we proceed, we shall meet with yet other Circumstances, that sufficiently justify his Majesty's Suspicions, and account for his Behaviour.

1680-81.

The 4th of *January* was the Day appointed for returning his Majesty's Answer to the Commons Address; which, it was foreseen, would give so much Disgust to the House, that no body car'd to be the Bearer: It was properly the Business of the Secretary, Sir *Leoline Jenkins*, but he was already on ill Terms with the House, and for that Reason was excus'd; Sir *Robert Carr* and Mr. *Godolphin*, who were next pitch'd upon, excus'd themselves; and the Druggery was at last impos'd upon Sir *William Temple* (not by the Choice or Direction of the Council-board, but at the Influence of the King himself) who, indeed, submitted to it, but with so ill a (*a*) Grace, that the Merit of the Service was lost by the Manner of undertaking it: And, what was still worse, without obliging his Majesty, he moreover incurred the Displeasure of the House; and Sir *William Jones*, in particular, took an Opportunity to let him know, how sorry he was to see him employ'd in the Delivery of so unacceptable a Message; saying, in effect, That, for himself, he was old and infirm, and expected to die soon; but that he (*Temple*) would, in all Probability, live to see the whole Kingdom lament the Consequences of it.

The Message itself was as follows:

Swift's Appendix to Temp. Mem. p. 308.

(a) Sir *William Temple* says (in his *Memoirs*, Part iii. p. 252.) That, tho' they were daily talk'd of, they never appear'd.

" CHARLES Rex,

His Majesty received the Address of this House with all the Disposition they could wish, to comply with their reasonable Desires: But, upon perusing it, he is sorry to see their Thoughts so wholly fix'd upon the Bill of Exclusion, as to determine, that all other Remedies for the suppressing of Popery will be ineffectual. His Majesty is confirm'd in his Opinion against that Bill, by the Judgment of the House of Lords, who reject'd it. He therefore thinks, there remains nothing more for him to say, in answer to the Address of this House, but to recommend to them the Consideration of all other Means for the Preservation of the Protestant Religion; in which they have no Reason to doubt his Concurrence, whenever they shall be presented to him in a parliamentary Way: And that they would consider the present State of the Kingdom, as well as the Condition of Christendom, in such a manner as may enable him to preserve *Tangor*, and secure his Alliances abroad, and the Peace and Settlement at home.

As to the Effect of this Message, it was exactly conformable to the Expectations entertain'd of it at Court; that is to say, it set the House in a Flame, and every leading Patriot gave vent to his Resentments, in the freest Terms he could use: Mr. *Henry Booth* led the Way, with a sort of Half-Compliment to the King, signifying, That no body doubted his Concurrence in any other Means to secure the Protestant Religion, when he should be pleas'd to follow the Dictates of his own Judgment: But that while he was surrounded with the known Creatures of the Duke, scarce any thing of that kind was to be expected from him. He then made a Transition to the House of Lords, concerning whom he was pleas'd to say, "It is well known how many of that House came to their Honours, and by whose Interest; and it is not strange, that those who are as *Servants* should obey their Master: But strange, indeed, it is, proceeded he, that those who have prevailed with the King to reject the Bill, if Protestants, should be so unconcern'd for the Protestant Religion, as not to offer what Expedients they have, to secure it any other Way; especially, since the last Parliament, as well as this, found it a Talk too hard for them." Hence he concluded, that the rejecting the Exclusion-Bill, which was the Expedient the House had propos'd, without making any Proposal of their own in lieu of it, was a Demonstration, that the Duke's Interest was more considered than the People's: That, as long as that was the Case, nothing was to be obtain'd against Popery: And that, since they were not permitted to proceed by Bill, they ought to pass such Votes as might convince their Constituents, that they had done all they could for the Service of their Country, &c. 1. That neither the King's Person, nor

A.D. 1660-3.  
King's Address to the Commons Address'd.

Debate thereon.

(a) Saying, cautiously enough, *That he had not so good a Stomach to English, as to be content only with the Protestantism without other People had thro'd.* Mem. Part iii. p. 252.

A.D. 1683-4.

the Protestant Religion could be secur'd without the Exclusion-Bill. 2. That they could give no Money, without endangering the King's Person, and Protestant Religion, till that Bill was allow'd to pass. 3. That there should be no Anticipations of the Revenue. And, 4. That such Persons as had advis'd the Dissolution of the present Parliament, should undergo the Censure of the House. Mr. *Montagu* rose next, and without seconding Mr. *Beath* in form, observ'd, That the House had committed a great Error in the Beginning of the Session, in going about to look for the Popish Plot in the *Tower*; whereas they ought to have search'd for it among the Duke's Friends at Court. Sir *Henry Capel*, at his very rising, declar'd for the Votes propos'd by Mr. *Beath*; expressly call'd upon the King's Servants in the House, to propose their Expedients in Lieu of the Exclusion-Bill, if they had any to offer, and pass'd in the midst of his Speech to give them an Opportunity——But they having no such Commission, continued silent in their Places; and he went on to say, among a Variety of other things, That as long as there was a Popish-Successor, there would be a Popish-Interest; that as long as there was a Popish-Interest, the Nation would be divid'd at home, and for that reason usel'ss to their Allies abroad: That they were now, thro' the Prevalency of jesuitical Councils, and jesuitical Policy, reduc'd to this Dilemma: If they gave Money, there was reason to fear it would be employ'd to their own Destruction; if not, there was equal reason to fear that *Flanders*, if not *Holland*, would be lost: That he spoke so largely and earnestly, because he was doubtful, whether he should ever have an Opportunity to speak in that Place again: That such Endeavours had been us'd to unsettle things, that he was afraid not only of our Religion, but of the very Government and Being of the *English* Nation: That if Blood should be drawn, while the *French* King was so powerful, he might easily have the calling Voice: That if he should not interpose, God only knew what might be the End of such Confusions, as some Men endeavour'd to canic: That tho' all Projects for settling the Affairs of this Nation without Parliaments had hitherto prov'd unsuccessful, and been attended with ill Consequences, he fear'd the Experiment would be try'd again; and that because he was of opinion the Use of Parliaments must be destroy'd, before Popery could be establish'd in this Nation. Mr. *Hyde* was the next Speaker, who artfully waving all Notice of the Call which had been made by Sir *Henry Capel* on the Court, plant'd all his Batteries against any farther Proceedings with respect to the *Exclusion-Bill*; and said it would be much better to follow his Majesty's Directions in his Message, and to try some other way to prevent any farther Disagreement; that so the Parliament might have a happy Conclusion. Lord *Caversham* declar'd for proceeding with those other Bills they had on foot, since they were not like to have that; and for clotting with the first of the *Votes* mov'd for,

NUMB. XLVII.

provided it was not meant to preclude the House from trying what could be done by other Laws, lest Advantage should be taken to break the present Parliament; which, he said, he trembled to think of; because of the great Ruin it would bring upon our Affairs both abroad and at home. Sir *Robert Markham*, had, by this time, bethought himself of an Expedient to answer the Purposes of the *Exclusion-Bill*, viz. That the Prince of *Orange* might be appointed to administer the Government jointly with the Duke, under such Restrictions as the House should think fit: But, like all other unconcerned things, it met with little Attention, and less Countenance. Sir *William Jones* saying upon it, That it did not become the Gravity of the House to be put out of their Method, unless the Court had made their Proposal (as they had been challeng'd to do) Asalto, that crown'd Heads and Lovers could not bear Rivals, nor were at Ease till they were remov'd: And yet farther of Expedients in general, that if any could be found, which were, really and effectually like to prejudice the Duke's Interest, he saw no Reason why the same Arguments should not be urg'd against them as against the Bill, since it was not the Name, but the Thing, that was the Matter of Contest on both Sides. "But, added he, the Truth is, that all other Bills, in this Case, would be no more for the Security of our Religion, than a great many *Leases*, *Releases*, and other Writings, are, in many Cases of Estates, without *Fines* and *Recoveries*." Mr. *Finch* trod in the Footsteps of Mr. *Hyde*, and advis'd the passing on to other Bills, to prevent the breaking up of the Parliament, which he intimated would be the Consequence of prosecuting that Bill. Another Member then declar'd, That he was not for cheating those who sent him: That he thought it more for the Interest of the Nation to have no Laws, than such as would prove but a Snare; and that he had rather lose both his Religion and his Life, for want of Power to defend them, than be fool'd out of them by trusting to such Laws: That if a Popish King should succeed, it could not be doubted, but that those who were so loyal as to bring him in, would likewise be loyal, as it would be call'd, to obey him in all things. And the same Argument which Queen *Mary* us'd, viz. That the Execution of all Ecclesiastical Laws might be suspended by Force, but could never be repeal'd by Acts of Parliament, would be made the same Use of, to authorize a new Persecution; and that unless they could prevail with the King to come over to their Side, it would be impossible for the Protestant Interest to subsist long. According to Mr. *George Vernon*, all their Difficulty was to satisfy his Majesty, That nothing but the *Exclusion-Bill* could save his People from Popish Bondage; for that being done, he made no doubt of his passing it, to save three Nations from perishing. He also insinuated, That tho' his Majesty now seem'd to rely on the Judgment of the Lords, he would possibly find, upon Enquiry, that they had rejected the Bill; because it was known he desir'd

A.D. 1683-4.

7 B

sur'd

A. D. 1689-1.

fir'd they should do so; and because they were aw'd by his Presence: That there was room to think they had now more favourable Thoughts of it; and that a Conference would even bring them to an Agreement: For which reason he advis'd, That they should, by a Vote, declare their Resolution to adhere to the Bill. Sir *William Pulteney*, in answer to those who had urg'd, that a Popish King would be content with the Crown, and for that Reason think it his Interest to make no Attempt to change our Religion, was pleas'd to say, That a Popish Head on a Protestant Body, would be such a Monster in Nature, as would neither be fit to preserve or be preferred; and that it would follow as naturally as Night follows Day, that either the Head would change the Body, or the Body the Head. Sir *Francis Winnington* admir'd how the King should know the Sense of the Lords in a parliamentary way, so as to authorize the Mention of it to them; and that he should take that unparalleled Trouble of attending them daily for the good of the Protestant Religion with so little Success: And, that for the better Regulation of their Proceedings for the future, it would be advisable to consider why a Bill of that Consequence had met with such unprecedented Treatment; and resolv'd all into the Prevalence of the Popish Interest at the Council-Board. Mr. Secretary *Jenkins* repeated his old Maxim, That the Bill, if pass'd, would be void of itself; was clear, that tho' such Laws might not be obtain'd, as would prevent the Duke from succeeding, there would be no Difficulty in obtaining such as would secure the Protestant Religion, after he had succeeded; and clos'd with putting this Alternative to the House; Whether it were not better so to provide for that Security, than to prosecute a Matter that the King and Lords had declar'd against; more especially the King, who would never give his Consent to it, because he thought it illegal and unjust? Colonel *Titus* undertook to answer the Secretary, and had recourse to the Omnipotence of Parliaments to batter down his Maxim as to the Illegality of the Bill; but allow'd he was right enough in one thing, the Impossibility of carrying it: Said the same Objections lay against the Association-Bill, as the Exclusion-Bill; Signify'd that the Retrievation in the King's Messages, Speeches, &c. imply'd a clear Denial of all Laws against Popery; That all Laws against Popery, if once they had a Popish King, would signify nothing; That he would either evade or over-rule them; That an Access of Power to the Parliament which seem'd the only reasonable way to render such Laws effectual, would create mutual Jealousies, and soon end in such a Breach as would endanger the Government; and upon the whole he concluded, that to ac-

cept of such Expedients as had been offer'd, A. D. 1689-1. would be as strange, as if, in case there was a Lion in the Lobby, they should vote, that it would be more for their Security to let him in and chain him, than to keep the Door fast against him. Mr. *L. Gower* observ'd, That all those who argu'd against the Bill, talk'd out of *Coleman's* Declaration, and that except by the Exclusion-Bill there was no way to provide for the Security of Religion, but at the Expence of Monarchy, which neither the House ought to propose, nor the King to grant.

Upon the Issue, a Question was stated on the first of Mr. *Boyle's* Motions, and with an (b) Amendment in point of Expression (which had been offer'd by Sir *William Juxon* to prevent any Misconstruction, that the House assum'd a Legislative Power) pass'd: Two other Questions were, moreover, stated on the second and fourth of the said Motions, which were also agreed in the following Terms: "Resolv'd, That his Majesty, in his last Message, having assur'd this House of his Readiness to concur in all other Means for the Preservation of the Protestant Religion; that this House doth declare, that until a Bill be likewise pass'd for excluding the Duke of *York*, this House cannot give any Supply to his Majesty without Danger to his Majesty's Person, extreme Hazard of the Protestant Religion, and Unfaithfulness to those by whom this House is intrusted. Resolv'd, That all Persons who advis'd his Majesty in his last Message to this House, to persist in his Opinion against the Bill for excluding the Duke of *York*, have given pernicious Councils to his Majesty, and are Promoters of Popery, and Enemies to the King and Kingdom."

But this Vote of Censure not being held sufficient, particular Persons were nam'd, as the reputed Authors of those pernicious Councils: And, after a long and warm Debate, it appear'd to be the Sense of the House, that Common Fame, or universal Agreement, reduc'd a Charge to moral Certainty, and authoriz'd the House to address the King for the Removal of such Counsellors or Officers as were generally thought Enemies to the Public: That it was the ancient Right, and had been the constant Practice, of the House to proceed in that manner, on such Grounds: That it was the only way to reach great Ministers who abus'd their Power or Influence, and to secure the Government against their evil Practices: That there was now as great Occasion as ever to make use of this only way; the Influence of Popish Councils having reduc'd the Nation, not only to the Mercy of the Popish Party at home, but of a Foreign Power: That the Danger on all Sides impending, could no otherwise be prevented, than by establishing such a mutual Confidence between the King and his People, as might give Encouragement for the raising a consider-

(b) *Fin.* Instead of these Words, *That the Duke's being a Popish King would be content with the Crown*, the Vote was made to run thus: "That it is the Opinion of this House, that there is no Security nor Safety for the Protestant Religion, the King's Life, or Government of the Na-

tion, without passing a Bill for disabling *James Duke of York* to inherit the Imperial Crown of this Realm, &c. And to rely upon any other Means and Remedies, without such a Bill, is not only insufficient, but dangerous."

A.D. 1680-9.

considerable Sum of Money to be employ'd for the Preservation of the Public; which was never like to be done till the King was serv'd by Persons more in the Interest of his Majesty and the Protestant Religion, and less in that of the Duke and Popery. The Result of all were several Votes, ordering several Addresses to be prepar'd and presented to his Majesty, viz. against the Earl of *Hallifax*, the Marquis of *Worcester*, and the Earl of *Clarendon*, as being the Advisers of his Majesty's last Message, Promoters of Popery, and Enemies to the King and Kingdom; against the Earl of *Feversham*, as a Promoter of Popery and of the French Interest, and a dangerous Enemy to the King and Kingdom; and against Mr. *Hyde* and Mr. *Seymour*, without aligning any Cause; but, however, requesting that his Majesty would remove them both from his Council and Preference for ever.

the Lords Hallifax, Worcester, Feversham, &c.

and the Advance of Money on the Revenue.

And, finally, that the King himself might feel the Smart of their Resentments, as well as his Ministers, the House enter'd farther into a Consideration of the great Charge brought upon the Kingdom, by Interest and Advance-money paid to Goldsmiths and others: And the Majority being of opinion, that, by coming to an Understanding with his Parliament, his Majesty might regain the Affections of his People, and be supply'd with Money for the necessary Support of Government, and his other Occasions; that the several Offers already made by the House, on condition such Bills were pass'd as were precisely necessary for the Security of the Protestant Religion, were sufficient Proofs that such Supplies were really and cordially at his Devotion; and that all other Ways of supplying his Occasions not only tended to bring Parliaments into Disuse, to exhaust the public Treasury, and contract Debts, but to endanger both the King and Kingdom, by undermining the Constitution; it was resolv'd, "That whosoever should, thereafter, lend, or cause to be lent, by way of Advance, any Money upon the Branches of the King's Revenue arising by Custom, Excise, or Hearth-money, should be judg'd a Hinderer of the Sitting of Parliaments, and be responsible for the same in Parliament. That whosoever shall accept or buy any Tally, or Anticipation, upon any Part of the King's Revenue; or whosoever shall pay such Tally, hereafter to be struck, shall be judg'd, &c. as before."

Thus the Siege carry'd on by the Commons against the Court was turn'd into a Blockade; and the proper Dispositions were made, either to starve them into a Surrender, or furnish Pretences to make Preparations for a Storm.

Vol. I. p. 186.

As to the House of Lords, Bishop *Burnet* assures, they did nothing very material, after the rejecting the Exclusion-Bill: But in such flitting Times, it is utterly inconceivable, that so stirring a Spirit as Lord *Shaftsbury* should leave them without Employment.

Heads of a Speech in the House of Peers, which I do not find in Shaftsbury.

A Speech is extant in the *State Tracts*, temp. Car. II. intitled, *The Speech of a noble Peer*, and by the general Voice ascrib'd to that

Nobleman, which very clearly shews there was yet another great Day in that House; and that even there the *Exclusionists* were not quell'd with one Repulse: For, in the Preamble, the general Topics of that Day's Debate (viz. Dec. 23.) are set forth under these several Heads: The King's Speech (of the 15th) the sad State and Condition of the Nation, and the Remedies thereof: And as to the particular Drift of it, there is Reason to conclude it was for an Address against evil Counsellors, and possibly against some Persons of the King's own Family: For in one of the first Paragraphs of this notable Speech, we find a Reference to the Conduct of *Henry IV.* who put away a great Part of his Family and Council at one time; because the People spoke ill of them. Immediately after, mention is made of the chargeable Ladies at Court; and an arch Question is ask'd, in the Words of *Samuel to Saul*, "What means the Bleating of this kind of Cattle?" for the sake of an arch Answer, "That the King reserves them for Sacrifice, and means to deliver them up to please his People: And the next Passage pretumes to give the Law, as follows: "For there must be, in plain English, my Lords, a Change; we must neither have popish Wife, nor popish Favourite, nor popish Mistress, nor popish Counsellor, at Court, nor any new Convert." A Lady out of Court is then spoken of (perhaps the Duchess of *Mazarine*) as equally obnoxious; because, like *Sempronius in Cataline's Conspiracy*, she did more mischief than *Catibogus*: Some Expressions, which Lord *Hallifax* had let fall in the Course of the Debate, are repeated, viz. "That the House of Commons had lately made Offers to the King: That he wonder'd their Lordships did not expect his Majesty's Answer to them, before they enter'd into such hot and high Debates: That if the King could be assur'd of Supplies, no doubt could be made of his Compliance with all they should think fit to ask: And that, if those were refus'd, it would throw his Majesty into the worst Condition of a Prince; That of having lost the Confidence of his People." And occasion is taken to retort, in Substance, That such a Gratification of the King would be the Ruin of the Nation: That it was a hard thing to say, they could not trust the King: That they had been deceiv'd too often already: That the Apprehensions of Discontent among the People had no Weight at Court: That his Majesty was a Prince that had not his Parallel in Story: That, in the midst of so many Proofs of a Design to murder him, he seem'd little apprehensive of it: That the Transactions between him and his Brother were admirable, and incomprehensible: That, tho' the Duke had aspir'd to the Crown, before his Majesty's Restoration; had given out the Queen was never like to have Children, as soon as his Father-in-law had made the Match, and, in consequence thereof, had declar'd himself the indubitable Heir, the King had allow'd him Guards, lodg'd him on the same Floor, lay within his Reach, and in his Power every Night, and in a manner divided the Sovereignty with

A.D. 1680-4.

A. D. 1680-1.

with him, by making him the Dispenser of all the Trusts, Offices, and Dignities, both secular and ecclesiastic, in the Gift of the Crown: That, tho' he had chang'd his Religion, had form'd a Party to support him in spite of his Apostacy (such a Party as made it necessary for the King to out-bid his Brother in Favours to them, for his own Security) and had even headed the Plot, his Majesty had so behav'd, since it broke out, as made it every Day apprehended the Court would join with his Highness against the People; and more had evidently been done to make the Plot esteem'd a *Propheterian* Plot, than to prosecute the Discovery of it: That the several Prorogations and Dissolutions of Parliament shew'd, what Reason there was to place a Confidence in the Court: And that, above all, while the Duke had his Residence in *Scotland*, while he was raising Forces on the *Terra firma*, that could make their Entrance dry-foot, without Hazard of Winds and Seas, as soon as he should have Notice, there was no room for Trust: That, on the contrary, it was thought the Business was now so ripe, *They* having the Garrisons, the Arms, the Ammunition, the Seas, and Soldiery, all in their Hands, nothing was wanting but a good Sum of Money to set up and crown the Work: That, afterwards, the Good-will of the People would be of little Use, and consequently the Want of it would be little lamented.— For what remains, we must have recourse to the very Words of the Speech, that the unprecedented Licence of these Times may bear witness against itself:

“ My Lords, I hear of a Bargain in the House of Commons, and an Address made to the King; but this I know, and must boldly say it, and plainly, that the Nation is betray'd, if upon any Terms we part with our Money, till we are sure the King is ours: Have what Laws you will, and what Conditions you will, they will be of no use but waste Paper, before *Easter*, if the Court have Money to set up for Popery and arbitrary Designs in the mean while.

On the other hand, give me leave to tell you, my Lords, the King hath no Reason to distrust his People; no Man can go home and say, that if the King comply with his People they will do nothing for him, but tear all up from him: We want a Government, and we want a Prince that we may trust, even with the *spending of half our annual Revenues*, for some time, for the Preservation of these Nations.

The growing Greatness of the *French* cannot be stop't with a little Expence, nor without a real and hearty Union of the King and his People. It was never known in *England* that our Princes wanted Supplies, either for their foreign Designs, or for their Pleasures;

nothing ever stut the *English* Parties, but the Fears of having their Money us'd against them.

The Hour that the King shall satisfy the People, that what we give is not to make us Slaves and Papists, he may have what he will: And this your Lordships know, and all Mankind that know us. Therefore, let me plainly tell your Lordships, the Arguments that the present Ministry use are to destroy the King, and not preserve him: For, if the King will first see what we will do for him, it is impossible, if we are in our Senses, we should do any thing.

But if he will first heed, that he is entirely ours; that he weds the Interest and the Religion of the Nation; 'tis impossible he should want any thing that we can give.

But I see how the Argument will be us'd: Sir, they will do nothing for you, what should you do with these Men? But, on the other hand, I am bold to say,

*Sir, You may have any thing of this Parliament; put away these Men, change your Principles, change your Court, and be your self; for the King himself may have any thing of us.*

My Lords, If I have been too plain, I beg your Pardon: I thought it was the Duty of an *English* Nobleman at this time to speak plain, or never.

I am sure I mean well; and if any Man can answer or oppose Reason to what I say, I beg they would do it; for I do not desire or propose any Question.

I beg this Debate may last for some Days, and that we may go to the Bottom of the Matter, and see if these things are so or no, and what Cure there is of the Evil we are in; and then the Result of your Debates may produce some proper Question.

However, we know who *bears*; and I am glad of this, that your Lordships have dealt so honourably and so clearly in the King's Presence, and in the King's Hearing, that he cannot say he wants a right State of Things: He hath it before him, and may take Counsel as he thinks fit.

Now, though it does not appear that the King shew'd any Disposition to obey the Dictates of this Master in Politics; or, that they produced any Vote or Resolution, that might flatter the Views of his Party; it is certain, the Complexion of the House had undergone such a Change since the Rejection of the Exclusion-Bill, that for thirty-three which appear'd against the Court then, no less than fifty-five stood forth as Patriots now. And that all Defects of Strength and Spirit within-doors might be made good by the Clamours and Strivings of those without, the Ingredients of this Speech, with such Additions and Alterations as were proper to insatiate, mislead, and influence, were spread on a (c) Half-sheet, and dispensed as a reasonable

(c) The Publishing of this Piece afterwards gave rise to another remarkable Paper, called, *The Character of a Resolute Courtier*, which is here inserted for the Reader's further Satisfaction.

“ He was born of a considerable Family, Heir to a Fortune above contemptible; but with an aspiring Mind, by which too high-flown for his Quality and Estate.

His Behaviour towards his King was so loyal, in Times of Difficulty and Danger, that every Body, who knew him, knew he deserv'd Advancement; Advancement at least as high as that of *Honour*.

His Dissentry in doing ill made him thought capable of performing admirably well, if ever he came to be publicly employ'd and entrusted.

A.D. 1680-1.

sonable Dose thro' the Kingdom. One of these printed Copies, it seems, reached the Duke of Ormond at his Government in Ireland: And his Sentiments of it we find thus express'd, in a Letter from his Grace to his Son, the Earl of Arran, dated January the 9th, 1680-1. "If the Speech we have here in Print was spoke in the Lords House, as it is printed, and shall pass without any Reprehension, or so much as an Explanation, I know not why any Subject should wonder at any thing said of him or to him. It is plain out of whose Shop the Articles you mark'd come: And it is visible here, that the Merchant has fill great Credit with his Partners."—But, as it happen'd, it did not pass without Reprehension. The King was personally attack'd in it; and wiald to openly and indecently, that tho' many complain'd of the Outrage, none were found hardy enough to justify it: Even the Lord Shaftsbury, himself, to whom it was imputed, had the Grace to disown it, and thereby escap'd the Censure of the House. And as to the Paper, it was order'd to be burnt by the Common Hangman; which was perform'd according-

It is burnt by the common Hangman.

ly in the Old-Palace-Yard, at the Royal Exchange, &c. on the 4th of January.

During all these Bickerings with Relation to the Succession, the Churchmen and all their implicit Followers, as before observ'd, had prefer'd the Interest of the Monarchy to that of their Religion; and shew'd themselves more apprehensive of a Gap in the Succession, than of the Introduction of Popery; while, on the other hand, the Protestant Nonconformists, of all Denominations, had clos'd with the Exclusionists, and work'd against Popery with Might and Main; some, honestly, out of mere Zeal, but more, hypocritically, with a View to their own Establishment.

It is a Fundamental in Politics, that all Men are govern'd by their Interest; and that whatever Pretences varnish over the Outside of things, God, himself, would not be serv'd without a Consideration. Thus Care was taken to quicken the Righteousness of their over-righteous Sects, with the Shew of a Reward: And several Bills were accordingly brought in to give them a Prospect of, if not an Opening to, the Promis'd Land. In particular, two were of Ease and Indulgence, and

Proceedings in Favour of the Nonconformists.

So he was prefer'd, for his Ability, to the highest Places of Honour and Office; admitted into the Cabinet Council; made acquainted with all the secret Wheels; and could tell how many Cogs there were in each Wheel, upon which the great Engine of State was turn'd, and kept in motion.

By the Favour of his Prince, he acquired sufficient Riches to support the Splendor of a Family, use-ful to the Degree of Nobility.

His City was once so eminently conspicuous, that there were but a few Factions below the Crown steerd above him; and nothing was wanting to render his Felicity as falling in Nature intended his Life, but a Heart that knew how to be grateful to a successful Benefactor.

He thought all the Favours and Honours he enjoy'd were less than the Reward of his Merit: That Thought paid him up with Pride, such a Sort of Pride as is closely attended with an irreparable Fall, which was his Fortune; and as his Fall (like that of Lucifer, his Protestant might very well have been proclaim'd, *How to see the Inhabitants of the Earth, for the Devil is come down among you.*

Open Revenge against his Sovereign being too dangerous to attempt, he presently resolv'd upon foibles; he espous'd all the Weakness and Inconveniences of the Court (from which no Court, or City, or Country, is or will ever be free) and where he can find no real Faults, he seizes imaginary ones, and persecutes out for Convent.

By his new made Office, he represent every Mite full of Millions in the public Administration, for a Minister is call'd *Country*, and so degrades to the Top of *Class* a City, he multiplied and multiplied the very Misfortunes which were the Effect of his own evil Council.

He makes the Irish Nation in the Unlawful, with wild Rumours, and extravagant Apprehensions of Slavery; makes the Government of a Prince, who in Acts of Favour, and Mercy, and Clemency, has exceed'd all his Predecessors.

He sets the Head of the People with whizzing Fears, of *Genial* Devils, Chamberlains, which only his Malice had invent'd, on purpose to frighten them out of their Loyalty, and their Wives, and possess and open them for *Edwards*, of Rebellion.

He makes the Pretences of Liberty the Snare to get up, and Religion the Snare he slides in, pursuit of his monstrous Designs.

With these Pretences, he chews the Innocent (after tickling their Fancies with the *Leather* of *Religion*) and, promising to open their Eyes, turn'd them as the *poor* Angel did our Parents in Paradise, only blow into them the Dull of Disbelief, and then rebids them of those Jewels he undertook to bestow, *viz.* Liberty and Religion, which are both as much talk'd of, and both so little understood.

Being a Gentleman of no Religion himself, he seems, for all that, to espouse every Division and Sub-division of it, every Faction and Person, who are bold enough to stand him in opposition to the ancient and well settled Government.

If he be by Inclination covetous, and temperate by Nature and Habit, he rather chuses to invert Nature itself, than suffer a Disappointment in his Designs of Revenge; to which

he makes a Sacrifice at once, both of his Virtues and his Vices.

He keeps open House for Entertainment of all State-Malcontents, without Consideration of Quality or Qualification.

He accompanies, and carouses, and contrains Intimacy, and Amity, with the lewdest Debauchees in all the Nation, that he thinks will any ways help to forward his private Intrigues.

He becomes all Things to all Men, in the very word of Seneca; perverting the Design of *St. Paul*, that he may at last prevail upon some to be as bad as himself.

Nor are still and easy Men by him only deluded, he is too cunning for the very Lawyers themselves (tho' they are too cunning for all the rest of Mankind) a most eminent Attorney, and a famous Solicitor, and a reversed Judge, are not free from the Force of his Incantations.

By the Subtlety of his Insinuation, he bewitches to alliance with him great Part of the new, and of the Sons of the old, Nobility; the Sons of such Fathers as dy'd in the faithful Defence of their suffering Sovereign.

He deceives (besides a Number of other great Men, and great Counsellors) a *General* of an Army, a *Viceroy* of a Kingdom, a *Darling* of the People, and a Son to the greatest and the best of *Fathers* upon Earth.

He would fain be reputed as constant as the Sun; and yet his Appals produced nothing beneath the Moon more fickle and variable; for he never was, and 'tis his never will be true to any thing; saw only the eternal Revelation of doing Mischief.

Having lost his Honour with his Prince, and the good Opinion of the best Subjects and best Men; he cringes, and creeps, and fawns, to the meanest and basest of the People, to procure himself, among them, an empty and vain-glorious, because undeserv'd, Name; the *Patron* of his Country.

And hoping to be shortly made the *First Head* of the *great Rabble*: He would persuade them to believe that they are all betray'd, and that the King himself is in the Plot against himself, as well as in the Plot against them.

He encourages them to strike home, against those whom he calls the Enemies of the King and Kingdom (pointing at the faithfulllest and most affectionate Servants to both) well knowing, that the mighty Public can never be shaken, till its main Pillars and Supports be, by cunning and by Stratagem, most deliberately, and undermined.

At last, thro' his Divine Providence, the magical Milt he had call'd before Mens Eyes dissipates, and totally vanishes.

The hypocritical Veil falls off of its own accord, leaving his Deceit and naked, and openly exposed.

His dearly beloved *Mistress*, popular Applause, forsakes him; and to complete his Undoing, he lives to see the Efflux and Burial of his Fame; even the very Fame of his Politics.

So that nothing remains to yield him Consolation, after such feeble and being Disgraces, but only the Liberty he has left him to follow the great Example of King *David's* defeated Politician. (*Out of Lord Somers's, Coll. 2. c. 22.*)

A. D. 1680.

and one contain'd the Project of a Comprehension; and was call'd (A) *A Bill for uniting his Majesty's Protestant Subjects*: But this bill was not introduc'd till towards the latter End of *December*, when the Close of the Session was in-View. And hence it may be concluded, that it was one of those parliamentary Fireworks, that are occasionally let off, only to make a Noise, and expire. It was, however, both oppos'd on one hand, and defended on the other, by those who were not in the Secret of Things, with as much Eagerness, as if it had been a Measure seriously pursu'd, and in a fair way of becoming a Law. The Danger of the Church was the common Topic of both Sides: Even the Advocates for it granted, that Papist and Fanatic were alike Enemies to the Church: But then they urg'd that the Papist was the most dangerous, because he had the most Power; and that by making Peace with the one, they should be the better able to subdue the other. This way of Reasoning, however, did not weigh with the Opposers: They laid hold

on the Concession, that the Fanatics were Enemies to the Church; and insisted, That the pulling down the Pales of the Church was no way to preserve it; and that instead of being invited, they ought to be compell'd to come in. To this it was reply'd, That Experience had shewn, that Penal Laws had often serv'd the worst Purposes of Government, but never once the great End of making all Men of one Mind: That the chief Sticklers for these Laws had been Sir *Thomas Clifford*, Sir *Salomon Staalé*, and Sir *Roger Strickland*, then conceal'd, and afterwards avow'd Papists: And that Oppressions had been multiply'd only to raise the greater Clamour for a general Toleration. Upon the whole, the Bill was committed, on the Question; but afterwards dropt; no doubt, on the same political Principle which first made way for its Admission: For tho' it was expedient to humour the Nonconformists, it was not safe to wage War with the Church.

The Bill of (E) *Ease or Toleration*, as the like Bill is now call'd, however, went thro' all the

A. D. 1680.

(A) About this Time, *William Pass*, the celebrated Quaker, set forth a Paper, call'd, *One Project for the Good of England*; that is, our civil Union is our civil Safety: In which we find the following truly rational and politic Passages.

"Thus the incontestable Answer Christ made to the blasphemy of that Power which he wrought Miracles; *A Kingdom divided against itself shall stand: What he said then, let us, on another Occasion, lay now, As interests divided against itself must fall.*"

"I know some Men will take fire at this, and by crying, *The Church, The Church*, hope to silence all Arguments of this Nature: but they must excuse me, if I pay no manner of regard to their Zeal, and hold their Devotion both ignorant and dangerous at this time. It is not the Way to fill the Church, to destroy the People. A Church without People is a Contradiction, especially when the Scripture tells us, first in the People that make the Church.

And this is not without an Appearance of Reason, that good and wise Men are apprehensive, that the greatest Sticklers for persecuting Protestant Dissenters, in *England*, are Men addicted and devoted to the Church of *Rome*, or at least animated by such as are, who, despairing of doing any great Feats, if known, hide themselves under this Pretence: But the Meaning of it is, to debilitate the Protestant Cause in general, by excluding the Church of *England*, in destroy all more Protestant Islands in their Kingdoms, that no room may remain for Popery to contend with, but the few zealous Adherers of that Church.

And that this may not look insignificant, or like a Trick of mine, I will inform it by a Demonstration. It is plain fact, that the Church of *Rome* hath ever since the Reformation practis'd the Restoration of her Religion and Power to these Kingdoms. It is as evident, that *Religion* is with her a Word for *civil Interest*; that is, that she may have the Rule over Men, both Body and Soul. For us Government she aims at, to have the Reins of Power in her Hand, to give Laws, and wield the Scepter.

To do this, she must either have a greater Interest than the Protestants that are now in possession, or else divide their Interest, and to weaken them by themselves, and make them Instruments to her Ends. That her own Force is considerable is clear. She has nothing within doors to give her Hope, but the Dissect of Protestants. It follows then, that the mark of necessity betwixt herself, and she her Arts to influence the Reasoning among Protestants, and carry their Dissents about religious Matters to a Division in the civil Interest. And it is the more to be fear'd, because, whatever she has been to others, she has been true to herself.

If this then be the only domestic Suggestion left her, we are sure she will use it, and, if too, it shall prove to be of great Importance, with all Protestants, to see how they pursue Ambition, and take all possible Care, that their Dissents about Faith or Worship which regard the civil World, divide not their Affection and Judgment about the common and civil Interest of their Country: Because, if that be kept entire, it will frustrate the Design of *Rome*, as if you were of one Religion. For since, as I said before, *Religion*, with the great Men of that Church, is nothing else, but a civil Word, for *civil Interest* preserve you but a sin but a sinner from Faction, and you are in that Sense of *one Religion*

too; and that both as men, as you tend not first the Temptation of *Smithfield*, if you will be true to it.

This being the Case, I would take leave to ask the serious Gentlemen of the *English Church*, if Consistency to the Fashion of their *Worship* be dearer to them than *England's Interest* and the Cause of Protestantism? If their Love to Church Government be greater than to the Church and her Religion, and to their Country and her Laws? Or, lastly, Whether, in case they are sincere in their Allegations for the Church (which I doubt not) I could ingenuously I am sure to say, if it be to be supposed, that the present Churchmen (Commonists I mean) are better able of themselves to secure Possession, and our civil Interest, against the Attempts of *Rome*, than in conjunction with the civil Interest of all Protestant Dissenters? If they say *Yes*, I would have them at the same time, for the same Reason, to give it under their Hands, that 'tis a standing Rule in Antiquity, that *Omne ius in aere captum*, and that hitherto we have been all mistaken in the Art of Numbers.

Being brought to this Point, I conceive they may say, that they had rather deliver up their Church to the Power and Degree of Popery, than suffer Dissenters to be free among them, or Protestants, or of any nature Religion, and of the same civil Interest, or else follow to break those Bonds, that are laid upon Dissenters of their order, and (by Experience) of peaceable Conscience; and by Law establish the free Exercise of their Worship to Almighty God, that the Zeal, Jealousy, Distraction and Division, that now affect the one common Interest of Protestantism, may be removed; for it seems impossible to preserve a distant Interest from both. But with choice of these they may incline, I need not determine; and yet, I hope, they will not be of the Mind of a late Monk of *Calice*, that, in his public Exercise, rebuked the civil Magistrate to chide to have their Gay poor and catholic (that is, popish) rather than great and opulent, by the Admission of tending Heretics; but, if they could, may on Magistrates have, at least, their Prudence; for his *Colloquia* gave him the Hearing, but were in vain to the Interest, as the Monk to his Superstition. [Out of the Collection of *Lord Somers*.

(E) The Heads of which are as follow:

1. That all Persons convicted or professed by virtue of an Act made in the 24th Year of Queen *Elizabeth*, and another Act made in the 3d of King *James*, for Recusancy, that shall take the Oaths of Allegiance and Supremacy; and make and do by such Declarations to be made in the Court of Exchequer, Assize, or Oath-Sitting, shall be declared of all Penalties, Forfeitures, and Disabilities, by force of the said Statutes, without Composition or Fine.

2. That no Person taking the Oaths aforesaid, and subscribing the Declaration aforesaid, shall be prosecuted upon the said Acts in any ecclesiastical Court, by reason of their non-conformity to the Church of *England*: Provided that no Person dissenting from the Church of *England*, and meeting in any Place for religious Worship, with the Doors lock'd and Bars if shut, shall be deemed together, shall receive any Benefit from the Law: neither shall any of the Persons aforesaid be exempted from paying Tithes, or other parochial Duties.

3. That if any Person, dissenting from the Church of *England*, shall be chosen into any Parish Office, it shall be law-



A. D. 1689-1.

the Forms of the House, and was sent up to the Lords for their Concurrence: And the Lords themselves actually did concur in another Bill prepar'd by the Commons to repeal the sanguinary Statute of the 25th of Queen Elizabeth against the *Brownists* and *Barrovists* of those Days, as well as Papists; by which *Recusancy*, or the not coming to Church for a Month (which constituted a *Recusant*) was on Conviction to be expiated by public Abjuration, or punish'd by Death.

We are now come to the last Stage of this enterprising Parliament: By the Votes they had pass'd in the Close of their Debate on the King's Message, it was become notorious, that nothing short of the Exclusion-Bill would satisfy them; and that they were resolv'd to keep his Majesty in continual Distresses and Uneasiness, and the Nation in continual Ferments, till they had carry'd it. On the other hand, the King, difficult as he found it to maintain his Hold, resolv'd never to quit it, while he had any Strength or Power remaining. The Disposition he had shewn to bring Matters to a Compromise, had only serv'd to damp the Ardour of his Friends, and redouble the Confidence of his Opposers: This he was fully sensible of; as also, that a farther Manifestation of Fear on his Side, would create farther Presumption on theirs: And that if he was once at the Mercy of the Torrent, he must drive on with it, perhaps to Perdition. This desperate Situation of Things made a Prorogation necessary; and for fear of inflammatory Votes, all imaginable Precautions were taken, after the Measure was resolv'd on, to keep the Secret till the very Moment that it was to take effect. But it was of too volatile a nature to endure a total Restraint: And tho' the King came privately to the House (January 10.) the Commons had a Quarter of an Hour's previous Notice; in which short Interval, in a loose and disorderly manner, they made a shift to pass the following extraordinary Resolutions, &c.

Resolv'd, That whosoever advi'd his Majesty to prorogue this Parliament, to any other Purpose than in order to the passing of a Bill for the Exclusion of James Duke of York, is a Betrayer of the King, the Protestant Reli-

gion, and of the Kingdom of England, a Promoter of the French Interest, and a Pensioner to France.

That the Thanks of this House be given to the City of London (by the Members serving for the said City) for their manifest Loyalty to the King, their Care, Charge, and Vigilancy for the Preservation of his Majesty's Person and of the Protestant Religion.

That it is the Opinion of this House, That the City of London was burnt in the Year 1666, by the Papists, designing thereby to introduce Arbitrary Power and Popery into this Kingdom.

That the Commissioners of the Customs, and other Officers of the Custom-House, have wilfully broken the Law, prohibiting the Importation of French Wines, and other Commodities: And that if they shall hereafter wilfully or negligently break that Law, they shall be question'd, therefore, in Parliament.

That it is the Opinion of this House, That James Duke of Monmouth hath been remov'd from his Offices and Commands, by the Influence of the Duke of York.

That an humble Application be made to his Majesty from this House, &c. to restore the said James Duke of Monmouth to his said Offices and Commands.

That it is the Opinion of this House, That the Prosecution of Protestant Dissenters upon the Penal Laws, is at this time grievous to the Subject, a weakening of the Protestant Interest, an Encouragement to Popery, and dangerous to the Peace of the Kingdom.

They had not time to proceed any farther, if they had any farther Matter to proceed upon. While the last Vote was yet passing, Sir Edward Carteret, Officer of the Black Rod, came to the Door, and order'd their Attendance on his Majesty above; They obey'd. The King pass'd such Bills as he thought proper, &c. A Bill to prohibit the Importation of Irish Cattle, and some private Bills: And the Lord Chancellor prorog'd the Parliament till the 20th following. The Bill to repeal the persecuting LAW, 35 of Queen Elizabeth, before spoken of, by a Court Judge, or as some say, by the express Command of his Majesty to the Clerk of the House, was not presented for the Royal Assent; and

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

A. D. 1689-1.

Extracts  
Resolutions  
of the Commons.

Parliament  
George's 2.

Trick to evade  
Passing the Bill  
to repeal the  
Statute 35 of  
Elizabeth.

fo

ful for him to execute the same by a sufficient Deputy: Provided the said Deputy be allow'd by two or more of the Judges of the Peace.

3. That no Dissenter in Holy Orders, or pretending thereby, that shall take the said Oath, and make and subscribe the aforesaid Declaration, together with his Assent and Consent to the Articles of Religion, mention'd in the 17th Year of the Queen, except only the 14th, 25th, and 26th, and these Words in the 20th Article, &c. That the Church has Power to depose Bishops and Clergymen, and actually in Contravention of Faith, shall be liable to the Pains and Penalties of either of the Acts made in the 13th or 21st Years of his present Majesty's Reign: Provided they do not present in any Place with the Deputy lock'd or bur'd.

4. That all Persons pretending to Holy Orders, that shall subscribe the Articles aforesaid, except before excepted, together with Part of the 27th Article concerning Infant-Baptism, and take the Oath, and make the Declaration aforesaid, shall enjoy all the Benefits and Advantages of this Act.

5. The Judges of the Peace are requir'd to tender the Oath of Allegiance and Supremacy to any Person or Persons that go to private Meetings; and, upon Refusal to take

them, and make the Declaration aforesaid, to commit them to Prison, without Bail or Mainprize; and, being so committed, if they shall refuse, upon a second Tender, to take the said Oath, or to make Declaration of their Allegiance, they shall be thenceforth taken for popish Recusants, considered, and suffer accordingly.

For those that scruple the taking of any Oath, the following Declaration shall be sufficient, being by them made and subscribed.

I acknowledge and declare, &c. That King Charles II. is a lawful King of the Realm, &c. and that the Pope, neither by himself, nor any Authority of the Church of Rome, or by any other Means, hath any Power to depose the King, or dispose of his Dominion, or to authorize any foreign Prince to invade or assay his Country, or to discharge any of his Subjects of their Allegiance or Obedience to him, &c.

6. Such Persons as shall conform to this Act are empower'd to keep Schools.

7. This Act not to extend to any Papist, or popish Recusant; or to any that shall deny the Doctrine of the Holy Trinity.

A. D. 1680-1. fo the Nonconformists had no more than the bare Opinion of the Commons to flatter them from the Indignation of the Crown.

Those who are pleas'd to assume the venerable Title of *Patrist*, have given large Scope to their Resentments against the King for this anti-constitutional Proceeding: And those who value themselves as much on the Glory of being *Loyalists*, have shew'd their Gall as freely on the Commons for their licentious Votes. And it may serve as a general Key to the modern History of England, That Parties have never to good a Title to be believ'd, as when they expose each other.

Disparagement  
on the Conduct  
of the Com-  
mons.

It is, however, impossible to turn our Backs on this Parliament without making two Observations, *viz.* 1. That, omnipotent as the *Exclusionists* were in the House of Commons, they never made one Step towards an Enquiry into the Legitimacy of the Duke of *Monmouth*; tho' in the Pamphlet, call'd, *A Letter to a Person of Honour*, before quoted, they had so loudly threaten'd to do his Grace that Justice, and to give the Nation that Satisfaction: And tho' any Proofs of the Facts they had so confidently advanc'd therein, had render'd the *Exclusion Bill* unnecessary. And, 2. That their parting Votes, which were apparently calculated to connect and unite themselves, the City, the Duke of *Monmouth*, and the whole dissenting Interest; that is to say, the Authority of one Branch of the Legislature, the Influence, Power, and Wealth of the Metropolis, the Popularity, Pretensions and military Skill of his Grace, and the Numbers, Strength, Zeal, and Resentments of so large a Party, in the common Eye of one common Interest, had very much the Aspect of making Provision for a Civil War.

Men. p. 112.

That the Court, also, were not without some such Apprehensions, is apparent from certain Passages in Sir *John Kersey*, who intimates in one Place, that, dining with Lord *Hallifax*, with whom we are to understand, he had the Honour of being particularly intimate, on the Day Lord *Stafford* was be-headed, his Lordship was pleas'd to say, *Well, if it comes to a War, you and I must go together*. And, again, in the next Page, (f) "That, waiting on the same Nobleman, on the Day the Parliament was prorog'd, he added farther, That if he, *Kersey*, would repose a Confidence in him, he would let him know when it was time to appear for the

King's Service, and that he should share For- A. D. 1680-1.

It is further remarkable, that, on the very Day the Parliament was prorog'd, as if to shew, that, the Vote of Thanks from the Commons to the City, was the deliberate Result of a settled good Correspondence between the Leaders of both; a Body of Citizens waited on the Lord-Mayor (Sir *Patterson Ward*) with an Address, setting forth their Apprehensions of the great and imminent Dangers which that Metropolis, and the whole Protestant Interest were expos'd to, from the horrid and devilish Designs of the Papists, and others their Adherents; as also, their Sensibility that those Dangers were increas'd and heighten'd by the surprising Prorogation of the Parliament, and recommending the following Particulars to his Lordship, *viz.*

Address to the  
Lord Mayor to  
call a Common  
Council.

I. That his Lordship would be pleas'd to cause the several Watches of the City to be doubled that Night, and so to continue; and cause some Housekeepers to watch in Person, and a sufficient Ward by Day.

II. To cause the several Chains in the several Streets of this City to be put up that Night, and so to continue.

III. To keep the Keys of the several Gates of the City that Night, and so to continue.

IV. To cause the several Gates of the City to be kept locked up every Lord's Day, and permit the several Wicket Doors only to be opened.

V. That his Lordship would not permit any Body of armed Soldiers, great or less, other than the Trained Bands of the City, to march through any part of the same.

VI. That his Lordship will forthwith order a Meeting of the Common Council of this City, *January* the 10th, 1680.

His Lordship's Answer was, not only satisfactory, but he figur'd his Conduct accordingly; a Common-Council was summon'd forthwith; an Address to his Majesty was propos'd, agreed to, and presented the same Evening, signifying, "That, whereas the Parliament had convicted one of the Popish Lords, and were about to convict the others; had impeach'd the Lord Chief Justice *Scroggs*, and were about to impeach other Judges; all in order to the Preservation of his Majesty's Life, the Protestant Religion and Government, they were greatly surpris'd to see the Parliament prorog'd in the Height of

very complex  
and fit.

City Address to  
the King, that  
the Parties  
must wait till fit.

(f) The whole of this Passage deserves a Place, as serving to give some Idea of what was then passing behind the Scenes.

"Waiting this Day on Lord *Hallifax*, he complain'd much of the Severity of the Commons in their Vote, That he was a *Friend of Peace*; and a *Benefactor of the People*; which, said he, were a Man near to innocency, yet coming from the representative Body of the People, is too heavy for the Shoulders of any one single Person; that he had these, or some other Thoughts of retiring from Court; but that, however, he would go on his own Peace, and not be kick'd out in their Pleasure. That if for the future his King should have occasion for him, in any thing that was just, he should be ready to serve him; That if I would repose a Confidence in him, he would let me know when it was Time to appear for the King's Service, and that I should share Fortunes with him, and so on. But, at the same time, he complain'd of the Fickleness and Inconstancy of the King's Temper; and

observ'd, that, while he seem'd perfectly in approve of the Council you gave him, he sometimes shew'd a Reluctance, which made him wavering of Mind, and slow to resolve. The next Day I waited on Lord *Dorset* in the Tower, and he spoke of the King's Unanimity on the very last time (Strain) and particularly observ'd, that tho' the Duke of *York* had but little Influence with him, as to what purely regard'd himself, the Minister would find him an Overmatch with his Majesty, as to any other Person or Concern. The same Day the Duke of *Beaufort*, told me he was to wait on the King the next, and that he intended he would offer him some Employment; but that, as his Majesty had not done it in better Times, he would excuse himself now that they were so dangerous; which recall'd to my Mind what Lord *Hallifax* had observ'd a few Days before, That the King's Uncertainty and Silence, as to what he propos'd to himself, made men afraid to serve him." *Recess*. Nov. p. 115, 114.

A.D. 1680-1.

of their Business; and humbly praying that his Majesty would be graciously pleas'd to let his said Parliament sit at the Day appointed, and so continue till they had dispatch'd the great Affairs before them." But his Majesty, it seems, was not in a Humour to make the Will and Pleasure of the City, the Rule of his Government; and not only reply'd somewhat roughly, That the Sitting of Parliament was none of their Business; but five Days after, dissolv'd it by Proclamation without assigning any other Cause, than that it was his Resolution to meet his People, and to have their Advice in frequent Parliaments; and without any Mention of his Privy Council. And yet farther to shew his particular Repentment to the City of London, as also to deprive the Faction of the more immediate Countenance and Support of so rich and powerful a Body; he gave Notice, in the same Proclamation, that he had order'd Writs to be issued for the assembling of a new Parliament, to be held at Oxford, the 21st Day of March then next ensuing.

Rever. Mem. p. 114.

The Parliament dissolved.

and a new one summons'd to meet at Oxford.

This important Notice was no sooner given, than both Parties prepar'd for another Trial of Strength and Skill; and behav'd towards each other, as if persuas'd it was to be the last: Over and above the Frauds and Contentions usual on the like Occasion, filling into such Extravagancies, as had never till then been practis'd; nor, perhaps, have ever since been imitated.

But, however triumphant the Exclusionists were like to carry their Elections in most Parts of England, the appointing Oxford for the Place of Meeting, was a most mortifying Blow to them; as became sufficiently apparent by the many Artifices they try'd to divert the King from his Purpose. The Proclamation was but a Week old, when sixteen Peers, viz. the Duke of Monmouth, the Earls of Kent, Huntingdon, Bedford, Salisbury, Clare, Stamford, Essex and Shaftsbury; and the Lords Mordaunt, Eure, Gray, Fogel, Howard, Herbert and Delamere, waited upon his Majesty with a solemn Dissuasive; call'd by them their humble Petition and Advice. The Earl of Essex undertook to be the Presenter, and introduc'd it with a Speech of his own, tending to shew, That, as many of the Parliaments which had been held at Places remote from the Capital, had prov'd fatal to the Kings who had assembled them; and that as the many Jealousies and Discontents prevailing among the People, furnish'd Cause to apprehend, that the sitting of a Parliament at Oxford might prove as fatal to his Majesty and the Kingdom, they, as Peers, could not answer it to God, his Majesty, or the People, if they did not endeavour to prevail with his Majesty to alter his (to their Apprehensions) unseasonable Resolutions. The Petition itself had for its Basis the great Points at several times admitted in the King's own Speeches

Petition of sixteen Peers, that the Seat may be held at Westminster, as usual.

and Messages, That the Dangers which threaten'd his Majesty's Person and the whole Kingdom, from the wicked Plots of the Papists, and the too sudden Growth of a Foreign Power, could no otherwise be stop'd or remedied than by Parliament, and the Union of all his Subjects in one Mind and Interest. It set forth, that, in Contradiction to these Propositions, and to his Majesty's declar'd Purpose to make the general Advice of his Privy Council, with the frequent Assistance of his great Council the Parliament, the Measure of his Government, Parliament after Parliament had been prorog'd and dissolv'd, to the total Overthrow of all their just and pious Endeavours to save the Nation. And thus in Consequence, those foreign Kingdoms and States, which, in Conjunction with England, might have given a Check to the Progress of the French, were reduc'd to Despair; the Strength and Courage of our Enemies, both abroad and at home, were increas'd, and the whole Country stood on the Verge of Desolation: That, in the midst of these Extremities, their only Comfort, under God, was the Hope they had entertain'd, that his Majesty, tenderly touch'd with the Groans of his perishing People, would have suffer'd his Parliament to reassemble on the Day, to which it had been prorog'd, and that no farther Interruptions would have been given to their Proceedings, in order to the saving the Nation: That even this last Comfort had fail'd them, when they heard, that, thro' the private Suggestions of some wicked Persons, Favourers of Popery, Promoters of French Designs, and Enemies to his Majesty and the Kingdom, without the Advice, and as they had good reason to believe, against the Opinion, of his Privy Council, his Majesty had been prevail'd upon to dissolve it, and to call another at Oxford, where neither Lords nor Commons could be in Safety; but would be daily expos'd to the Swords of the Papists and their Adherents, of whom too many had crept into his Majesty's (g) Guards: In consequence of which, the Liberty of speaking according to their Consciences, would be destroy'd, the Validity of their Acts for want of it become disputable, and the Witnesses against the Popish Lords, Judges, &c. would be afraid to trust themselves under the Protection of a Parliament, that was itself under the Power of Guards and Soldiers; And, finally, that the Premises consider'd, they, the Petitioners, out of a just Abhorrence of such a dangerous and pernicious Council, which the Authors had not dar'd to avow, and the direful Apprehensions of the Calamities and Miseries that might ensue thereupon, did make it their most humble Prayer and Advice that the Parliament might sit at Westminster as usual.

The Particulars of their Lordships Reception are no where specify'd. It is only said, the

A.D. 1680-1.

(g) Is a Pamphlet, call'd, *A justifiable Address to both Houses of Parliament, concerning the Succession*, set forth, just before the Session at Oxford, I find it affirm'd, That his Majesty sent Mr. Secretary *Jenkins* to the Earl of Essex for

a List of the Papists here spoken of, with an Intention to have them dissolv'd; and that the noble Peer had none to give.

A.D. 1680.

A.D. 1680.

the King, frow'd upon them: And he must have no Gall in his Composition to have done otherwise. The Charge fasten'd upon his Guards, was sufficiently shocking when deliver'd to his Face, since it must be presumed that they were to receive the Word of Command from him: And the scattering this Petition in Print all over the Kingdom, immediately afterwards, they did. That their Intention was not so much to convince as to expose his Majesty.

A Message to the King by a Specter.

They had, also, Recourse to yet meaner Devices than these to keep up the national Ferment, and enflame the Spirits of their Party. A Relation was publish'd in the Name of one Elizabeth Freeman, afterwards call'd the Maid of Hatfield, setting forth, That, on the 24th of January, the Appearance of a (b) Woman all in white, with a white Veil over her Face, accompany'd her with these Words: *Sweetheart, The 15th of May is appointed for the Royal Blood to be poison'd. Be not afraid, for I am sent to tell thee.* That on the 25th, the same Appearance stood before her again; and she having then acquir'd Courage enough to lay it under the usual Adjuration, *In the Name, &c.* it assum'd a more glorious Shape, and said in a harsher Tone of Voice: *Tell King Charles from me, and bid him not REMOVE HIS PARLIAMENT, and stand to his Covenant: Adding, Do as I bid you.* That on the 26th it ap-

pear'd to her a third-time, but said only, *Do your Message.* And that on the next Night, when she saw it for the last time, it said nothing at all; and it was in this manner.

Those who depend upon the People for Support, must try all manner of Practices upon them; and such Fables as these sometimes operate more forcibly than Expedients of a more rational kind. Care was, besides, taken, to have this Relation attested by Sir Joseph Jordan, a Justice of the Peace, and the Rector of Hatfield; Dr. Lee, who was one of the King's Chaplains: Nay, the Message was actually sent to his Majesty; and the whole Forgery very officiously circulated all over the Kingdom. By way of Antidote to the Poison, therefore, the other Party press'd the same Apparition into their Service, and made a much more Sarcastic, tho' perhaps a much less politic, Use of it. Scandal had given out that there was a more than ordinary Familiarity between the Duke of Monmouth and the Lady Grey; To her, therefore, the Specter was address'd; and in the (i) Account that is given of the several Conferences that pass between them, no Opportunity is taken to expose his Grace's private Life, as well as his public Pretensions.

See the next page.

The same Apparition turn'd on the contrary Party.

peared to her a third-time, but said only, *Do your Message.* And that on the next Night, when she saw it for the last time, it said nothing at all; and it was in this manner.

II. That on Saturday January the 26th, between the Hours of Seven and Eight, it again appear'd to her in the same Manner, and said; *Do you remember what I said? And the answer'd, Yes. When the Spirit said, Do you believe it? And he answer'd, Yes. Then the Apparition said, what have you to do now? And the answer'd, Yes. Then immediately it appear'd in a more terrible Shape, and with a more harsh Voice said, Tell Sir James Duke of Monmouth from me, and bid him not go to Wapping: And then it vanish'd through the Key-hole.*

III. That on January the 28th (being the Day kept in Remembrance of the late King's Martyrdom) about the Hour of Three in the Afternoon, it again appear'd, and said a few Words, *Have you faith to-day? And the answer'd, No. The Spirit said, You shall see it again.*

But Opposition of any kind, serv'd only as Wind to the Flame, to make it blaze the higher, and rise the higher. On the first of February came on the Election for London; and it was in this manner.

IV. That on February the 1st, about the Hour of Eleven at Night, it appear'd again, and said to her, *Tell James Duke of Monmouth, that he interrupted the Spirit, and said, He is here a dead man. He said, I will give you my leave. The Spirit thought it unwell to be interrupted, and took part, and vanish'd.*

V. That on February the 2d, about Two of the Clock in the Afternoon, he heard the same Spirit, but suppos'd, that he being interrupted, that he was the Reason of it, he not appearing any more; But he talk'd privately to her a great while, making several Speeches and with boasting again very incoherently. The Words chiefly her Language (say) the words down, which are these, viz. *Bill James a Duke of Massachusett's got the Voters, and venant's wife a Duke of Charles won't hurt him. Tell him, that he has discover'd the Whore of his Party, he persecuting me with Fifteen other men. He has many Followers, I am sure, and a good Company attend him to Hedge Lane, from a City, or a Town at the Sea-side. Bid all the Lord's who know have a care of poisoning, unless they are a faithful Persons. Tell my Lord Strangle, his Wife keeps her Bed. Bid Secretary have a care of his Spirit; for, if he is true, all the Parliament run out. The Whiting's will again appear the 21st of March next. Detractional, Damnation is near. If Settlement does not hold, and if we have not Peace, we shall be in danger of War. I am the Hatfield Specter, and return to haunting the old House of my Lordlord the Earl of Suffolk. (I said) it vanish'd, and was never heard of more. Out of Lord Somers's Questions, vol. xxi.*

VI. That on February the 3d, about Two of the Clock in the Afternoon, he heard the same Spirit, but suppos'd, that he being interrupted, that he was the Reason of it, he not appearing any more; But he talk'd privately to her a great while, making several Speeches and with boasting again very incoherently. The Words chiefly her Language (say) the words down, which are these, viz. *Bill James a Duke of Massachusett's got the Voters, and venant's wife a Duke of Charles won't hurt him. Tell him, that he has discover'd the Whore of his Party, he persecuting me with Fifteen other men. He has many Followers, I am sure, and a good Company attend him to Hedge Lane, from a City, or a Town at the Sea-side. Bid all the Lord's who know have a care of poisoning, unless they are a faithful Persons. Tell my Lord Strangle, his Wife keeps her Bed. Bid Secretary have a care of his Spirit; for, if he is true, all the Parliament run out. The Whiting's will again appear the 21st of March next. Detractional, Damnation is near. If Settlement does not hold, and if we have not Peace, we shall be in danger of War. I am the Hatfield Specter, and return to haunting the old House of my Lordlord the Earl of Suffolk. (I said) it vanish'd, and was never heard of more. Out of Lord Somers's Questions, vol. xxi.*

A.D. 1680.

A.D. 1680.

A. D. 1680.

The four old Members chosen again for the City.

and receive the Thanks of the Common-Hall for their past Services.

A small Bill was lately introduced.

As also the petitioning Peers.

Alterations at Court.

and the Exclusionists resolved to make such a use of their Ascendancy there, as should, at once, strike a Terror into the Court, and encourage the rest of the Kingdom to follow their Example. Accordingly, the four Members, who had served for the two last Parliaments, *viz. Clayton, Pilkington, Popham, and Lovel*, were not only unanimously rechosen (*Ward*), the Mayor, making it his own Request not to be put in Nomination) but received the Thanks of the Common-Hall, in the following remarkable Words:

"We the Citizens of this City in Common-Hall assembled, having experienc'd the great and manifold Services of you our Representatives in the two last Parliaments, by your most faithful and unwearied Endeavours to search into, and discover the Depth of the horrid and hellish Popish Plots: To preserve his Majesty's Royal Person, the Protestant Religion, and the well establish'd Government of this Realm: To secure the meeting and sitting of frequent Parliaments: To assert our undoubted Rights of Petitioning: And to punish such who would have betray'd those Rights: To promote the happy and long-wish'd for Union amongst all his Majesty's Protestant Subjects: To repeal the thirty-fifth of Queen Elizabeth, and the Corporation Act; and especially for what Progress has been made towards the Exclusion of all Popish Successors, and particularly of James Duke of York, whom the Commons of England, in the two last Parliaments have declar'd, and we are greatly sensible is, the principal Cause of all the Ruin and Misery impending these Kingdoms in general, and this City in particular. For all which, and other your constant and faithful Management of our Affairs in Parliament, we offer and return to you our most hearty Thanks, being confidently assur'd that you will not consent to the granting any Money Supply, until you have effectually secur'd us against Popery and Arbitrary Power; relying, by Divine Assistance, in Pursuance of the same Ends, to stand by you with our Lives and Fortunes."

Nor was this all; for this Paper was not sooner presented and read, than another was deliver'd to the Sheriffs, intimating, "That the said Citizens, having diligently perus'd the late Petition and Advice of the Peers, and finding it, as they humbly conceiv'd, highly reasonable in that unhappy Conjunction, and greatly tending to the Safety of these Kingdoms, did make it their most earnest Request, that they, the Sheriffs, would, in the Name of the Common-Hall, return their grateful Acknowledgments to the Earl of Essex, and by him to the rest of those noble Peers: And a circumstantial Account of all their Proceedings was immediately committed to the Press, that the Contagion of Patriotism, as it was esteem'd on one Hand, or Sedition, as it was stigmatiz'd on the other, might be caught and communicated, by all that could read or hear, from one End of the Realm to the other."

In the mean while, such Alterations were made at Court, as very clearly evinc'd, that

his Majesty was in no Disposition to adopt the Sentiments which had been so greedily embrac'd, and were so tenaciously held by his People. Lord Sunderland, who, contrary to his Majesty's known Pleasure and express Command, had join'd with Lord Sheffield in promoting the Exclusion-Bill, was deprived of the Secretary's Office, and, together with the Lords Essex and Salisbury, who had render'd themselves obnoxious by Petitioning as well as Voting (as also Sir William Temple) dismiss'd from the Council-Board. But his Lordship, it seems, had offered more ways than one: The Memorial of the States to Mr. Sydney, before quoted, was impudently to his Direction; and tho' he had given it as his Opinion in Council, that the King ought not to comply with the Commons Address against Lord Halifax, he had incur'd that Lord's Displeasure by saying, after the Debate was over, That if such an Address should ever be made, against him, he would certainly desire the King's Leave to retire, as a thing that would be for his Majesty's Service. As to Sir William Temple's Crime, he professes himself to be wholly ignorant of it; unless it were, what was commonly guess'd, his Attachment to the Prince of Orange (which, however, considering how little his Highness, at least to his Knowledge, wedded with his Majesty's domestic Concerns, he would not allow to be criminal) or his Friendship with Lord Sunderland, or the Declaration he had caus'd to be made to the King by his Son, that he desir'd to meddle no more in public Affairs. Which Declaration, it is observable, was not made till he had first desir'd to know whether it was his Majesty's Pleasure, that he should again take a Seat in Parliament; and had receiv'd for answer, "That, considering, how things then stood, little Good was to be expected from it, and therefore he might let it alone." And it is further observable, that from this Opening of the King's, both Lord Sunderland, and Sir William Temple concluded, that his Majesty had left off all Thoughts of agreeing with his Parliaments, and had taken his Measures another way for the Supply of his Treasures.

Thus Lord Halifax was left sole Manager at Court; at least he was so esteem'd: And Sir William Temple insinuates, that the Resisters of those Times, made no Scruple to conclude, that he had, all at once, alter'd the Stream of his Conduct, and let himself to oppose the Exclusion Bill, as the only way to engross the King to himself, and become his Favourite without a Rival.

But if Sir John Evelyn, who had, or would be thought to have had, so large a Share in his Confidence, is to be rely'd on, the Removal of Lord Sunderland did not remove all his Lordship's Jealousies. "He was now become fearful that the Earl of Danby would be taken out of the Tower, and receiv'd again into Council: In which Case, his Resolution was to retire; and he gave it as his Advice to that Gentleman, not to press for Employment, till Things were establish'd upon a more solid Foundation."

A. D. 1685.

Temp. Mem. P. iii. p. 335.

Ibid. P. 354.

Mem. P. 115.

Sir

A. D. 1680-1.

Sir *John* also adds, "That he found him absolutely resolv'd to retire; not because he was at all diffusid'd with the King, but because he was afraid the Duke's superior Prevalency with him might, peradventure, carry Things too far. In short, every thing now, and for some time to come, was in the most unsettled, dark, and perplexing Suspence; so that a Man scarce knew what to think, or how to behave."

Mr. *Algermon Spukey*, also, in his Letters to Mr. *Saville*, has some Passages, that seem to confirm these Sentiments of *Rereby's*. "The Lord *Hallifax*, says he, is gone to ruminate upon these Matters at *Rufford*; and says (j) he will not return Southward, until the Parliament meet at *Oxford*. The Fruits expected from the last Parliament having been lost by little, under-hand Bargains; and, as some say, the King and Parliament equally betray'd by those that were trusted by them. Mens Minds seem to be fill'd with various Conceits, and many Jealousies. Some think the Writs for calling the Parliament are in themselves void, as being without Advice of Council; and that the Law takes notice of nothing done by the King, *sine Sapientum & Magnatum Consilio*: Or that, if it should meet at *Oxford*, its Acts would be void, or subject to be vacated, for want of the Freedom of voting, which is essential unto it. Others say, the Validity of the Writs depends solely upon the Person of the King; and that others ought to think themselves safe, when he is safe, *tho' their Danger be from him*. I know not what this will produce; but I never saw Mens Minds more heated than at present, and cannot think it portends less Evil than the *Comet*."

The Intrigue  
of Fitzbarris's  
Libel.

Things being in this distracted State, both Parties equally exasperated against, and apprehensive of, each other; lying in wait for, and resolv'd to improve to the utmost, all Advantages; one *Fitzbarris*, the Son of an *Irish* Knight, and a professed Papist, (who had been retain'd as a Spy on the Anti-court Party, by the Duchefs of *Portsmouth* and Mrs. *Wall* her Woman, and who, for the early Intelligence he had given of certain (k) Libels, both on her Grace and the King, had been rewarded with 250*l.*) enter'd into

A. D. 1680-1.

a Concert with one *Everard a Scotsman*, to write one of the grossest Injunctives against his Majesty and the Duke, and with the most avow'd Design to kindle a War between the Government and People, that ever the World saw.

Both these Persons had been in the *French* Service, where their Acquaintance first commenc'd, and were known to each other to be Adventurers; or, in other Words, *Vernin*, who prey'd on the Filth of the Times. If *Fitzbarris* was a Spy, *Everard* had been a Discoverer and Evidence; and after having been confin'd four Years in the *Tower*, set forth a Narrative, tending to prove that he had underwent that severe Treatment for endeavouring to give the very first Informations relating to the Plot.

*Fitzbarris* was the Proposer of the Libel, and undertook to furnish Matter, and *Everard* was to give it Fashion and Ornament. The first, from the very Opening, acted wholly like a Fool, and the last like a Knave. *Fitzbarris*, after some preliminary Discourses on their present sad Circumstances, and in favour of the *French* Service, preferable to the *English*, comes to the Point; avows that he was acquainted with the *French* Ambassador and his Confessor, who would give an ample Reward for the Service requir'd, and that he was sent by divers Lords and Gentlemen, who were in Confederacy with them. The great Drift being, as *Everard* depos'd, to keep the People together by the Ears, while the *French* King reduc'd the rest of *Hlanders*, and to lay the Guilt of the Libel at the Door of the *Nonconformists*. *Everard* listens, seems to approve; undertakes, and receives some verbal Hints to enable him to make a Beginning; but all this while thought only of a buck Game, and of sacrificing his Employer. In short, *Fitzbarris* was no sooner gone, than he set himself to work at once to write the Libel, and to betray his Friend; communicating all to one Mr. *Smith* and Sir *William Waller*; whom he took care to station in his own Chamber, the first at the next Interview, and both afterwards, so as that they might hear and see all that was done and said.

The Snare being thus spread, *Fitzbarris* rushes

(j) The Letter from whence this is taken, and the next that follows it, are mislaid by the Editor in Feb. 1678-9; whereas they ought to have been dated 1680-1. I have added the Conclusion of the first, as one of the most fault'd Pieces of Irony in our Language:

"Notwithstanding that was said, we good Subjects hope all will go perfectly well. His Majesty, as is said, resolves to go to reform his Court, that all shall be of one Mind. Mr. *Secretary*, being now look'd upon as the greatest Man, brings his two Friends *Comyns* and *Randolph* into the Management of Business; and the best of these being an eminent for Fisticke of Wit, Quibblers and Estuaries in state-affairs, as the other in the Excellency of all moral Virtues, Things cannot but go well; and we particularly hope, that *England* will keep up its Reputation of being, as the Cardinal *Pallavicini* says, the Mother and Nurse of the best Wits in the World, when all foreign Ministers shall come to treat with *England* and *Comyns* [said Secretary in the room of *Sunderland*] who will be taken for Patterns of the Genius of the Nation, and not thought the only Men it produceth, that deserve the highest Praises; and let any thing should be wanting, Mr. *Hale* is join'd unto these. It is true, that we have not of our Nation a Man to put at the Head of the Soldiers, as admirable in military Skill and Virtue, as those above-men-

tioned are in Civils and Morals; But the Knowledge of our own Defects, the Sagacity of discovering in the Earl of *Perth* the Qualities which we have want, and the prudent Humility of consulting unto him that is blest with them, though a Stranger, deserves some Commendations! And I am confident, that when Things shall be brought into such Order, that a Papist may appear open-faced, we shall then as great Respect unto the Lord *Dunbarren*, *France* and *Germany*, that are full of their Trophies, cannot but admire this; whilst we rest secure under their Shadows. For Men may more easily be found for less eminent Places, and the Earl of *Towne*, as is said, shall succeed Mr. *Ruffell* in the Command of the Foot-guardia. Civil and military Affairs being thus settled, Treasures flowing in unto us on all Sides, and all foreign Princes, concerned in our Affairs, being sure unto us; we need not fear a few discontented Lords, a mutinous City, or assuming Countess; and perceiving, that the vast Hoopazars of Arms made at *Brussel*, and found that with a good Quantity of Ammunition were lately sent into *Ireland*, are in pursuance of Agreements made with you, we cannot but think all will tend to our Good."

(k) *See The King's word's Article of Impeachment against the Duchefs*, before-quoted.

A. D. 1680-1

ruffles into the midst of it, full to Business at once, reads what had been written; and, as one having Authority, alters all to his own Mind. *Everard* artfully turns the Conversation to the Danger and the Reward. *Fitzharris* promises forty Guinea down, and a monthly Pension from the *French* Embassa-

dor; and for his Security against the Danger, leaves with him a Paper of Instructions for his further Proceeding, in his own Hand-Writing.

Thus fortify'd against all Hazards, *Everard* finishes the (1) Work, gives a Copy to *Fitzharris*, and secures one for himself; with which

A. D. 1680-1

(1) The Whole of which was as follows:

"The true Englishman speaking plain English, in a Letter from a Friend to a Friend.

I thank you for the Character of a popish Successor which you sent me; wherein you just Fear, and the Grounds of those, are justly set out. But I am in greater Fear of the present Position. Why do you frighten ourselves about the Evil that is to come, not looking to that which is at hand? We would cut off the budding Weed, and let the poisonous Root lie still: We would stop the Channel of our Evils, and let the Fountain still run. My Meaning is this: Can *Charles* know and act all these bloody Conspiracies, and not impart them to his dear *Overseer*? If *James* be conscious and guilty, *Charles* is to too. Believe me, these two Brethren in Inquiry are in Conspiracy with *Pope* and *France* to introduce Popery and arbitrary Government, as all their Actions demonstrate: The Parliament, *Magna Charta*, and Liberty of the Subject, are as heavy Voices, which they would call off, to be as absolute as their Brother of *France*; And, if this can be prov'd to be their only Aim and Endeavour, why should not every true *British* be a Quaker thus far? Let the *English* rise, and move as one Man, to Self-defence, to open Action, and bring off their intolerable Rulers. Blow the *Commons*, stand on your Guard, and withstand them as Bears and Tigers. And first there can be no Trust given to this godly Couple of popish Brethren, not to Rebel expelled from a Parliament: true to your Swords, in defence of your Lives, Laws, Religion, and Properties, like the stout Lord of old, who told a King, that, if he could not be defended by *Magna Charta*, he would be relieved by *Longa Spada*.

Yet to convince the World that this *Scottish* Race is corrupt, Root and Branch, and popish from the very Beginning, let us first consider their Reason, following.

The Grandfather of their Men, *James* the first, was of no Religion at the Bottom, but enter'd by a Pretence of a sham Plot of the *Papists* against his Life, which really he colligated with the popish Party under-hand, his Mother, his Ancestors, with great Submission; yet afterwards thinking it for his Purposes to enjoin the Parliament, and write against the *Pope* and *Cardinals*, he sent his *Secretary* to bind the Eyes of the *Printer*, Keeper with Money, and to send his Letters from off the *Roman* File; and then he crown'd, as boldly as an unsuspected *Historian*, for the Protestant Religion and Interest.

That Man's Son *Charles* I. held a secret Correspondency with the *Pope*, calling him his dear and Holy Father; as is to be seen in his Letters recorded in *Engelworth's* Collections. Were not his Wife and Courtiers Popish? Did he not countenance and promote the Rebellion in *Ireland*? as the *English* Grandees, and his very Commissioners, testify and declare. Was there not a popish Plot, and an universal Conspiracy of the *Papists*, ally'd to him and his Confessor *Leard*? and did they not plainly shew it, yet they should have discovered the Necessities of their Mother-Church? While that godly Protestant *Prince* pretended to relieve the poor beleaguer'd Protestants at *Richmond* by his Confident *Backingham*, did he not hold Correspondency with the *French* Cardinal how to betray them for a Sum of Money (which his Obsequity with his Parliament made him stand in need of)? But they who for so approved themselves to be Heads of the Protestant Church, *Charles* and *Leard*, did they not lose their own Heads, by a manifest Judgment of God? And was not the false Head of their *Laudian* *Backingham* found out by an *Allen's* Knife?

But, to come nearer to our Purpose: These two godly Jews, at our Days are dark enough, arriv'd at the Heights of *Witchcraft*, and of professed *Antichristian* and Popery.

As for *James*, he was a *Papist* while he had a Regiment in the *French*, and afterwards in the *Spanish*, Service beyond Seas. And as for *Charles*, he was reported, 'ere he came into *England*, to have been reconcil'd to the Church of *Rome*, in one of the *French* King's Country-houses: And, since they came in, how have they wheel'd, and play'd *Edmund* and *Isabella*, in their Passion of Religion, as *Orpheus* and their Affairs require? Have they not all along maintained secret Correspondency with *France* and *Rome*? In *Charles's* Letters may frequently be met such words as have not seen more secret Ministers.

But let us come to examine their Actions, which are a better Proof of their Hearts. Were not the Duke's Servants and Command all *Papists*? witness his *Talbots*, *Patricks*, and other *High* Tempers. Were not the Duke, and such of his

Creatures as were known *Papists*, promoted to all public Offices of Trust, both at Sea and Land? witness *Belleisle* now a Traitor in the *Tower*. Did not *James*, by *Calown*, *Thurston*, and others, hold open Correspondency with the *Pope* and *Cardinals*? and could *Charles* be ignorant of all this? Nay he fill'd all so well, that he hardly employ'd any about him but *Papists*, as *Gifford*, whom he made Treasurer; or employ'd any abroad, but Persons of the same Stamp; witness *Godolphin*, whom he first Ambassador into *Spain*; who he did others elsewhere. What more obvious, than that the Duke's Treachery against the Kingdom and Protestant Religion be fully made out, and the *People* and *Parliament* seek to bring him to a legal Trial, yet *Charles* obstructs Justice, and will not suffer it? How can this be, but that he is join'd in Will and Deed in all the Duke's Villanies, and that he is afraid to be discovered and found out to be a *Papist*, and a Betrayer of his *People* and the Protestant Religion? If he was heartily concern'd for our Religion, would he not oppose a popish Successor, who will infallibly overthrow it? Can there be any thing more evident, than that he continues the Duke's Adherents, and those who were advanced by him, in all Offices of Trust? And hath he not turn'd out of his Council the most zealous Protestants, such as *Shaftesbury*, *Eyles*, and others, and introduced in their Rooms other more *Popish*, or those that are popishly and abominably affected? Hath he not modelled all the Sheriffs and Justices throughout *England*, in subserviency to a popish Design? Was not Sir *William Waller* and Dr. *Chamberlain*, and divers others turn'd out of the Commission in and about *London*, merely for being zealous Professors of Priests and *Papists*? Doth not *Charles* all he can to hinder the further Detection of the popish Plot? And doth he not in his utmost discomfite the Discoverers of it, and suffer them to want firm? And doth he not in the mean time plentifully encourage and reward *Fitzgerald* and all the Sham-plotters? Whereas *Denzil* had 8 l. a Week, whilst a Forger of Plots against the Protestants, he is call'd off with Scorn, and in danger of his Life, since he laid open the popish Engineers. Is not *Charles* so much in love with his popish *Irish* Rebels (therein trading in his Father's Steps) that he promotes *Montgomery*, *Georgeloff*, *Fitzpatrick*, and others, who were the Heads of the Rebellion, to *Honours* and *Preferment*, though *Charles* took the *Commons*, and a *Coronation*, Oath to prefer the Protestant Religion; yet hath he not palpably broken them? He made large Promises and Protections at *Breda*, for the allowing a perpetual Liberty of Conscience to nonconforming Protestants; but he soon forgot them all. To what End was the Act, which was made soon after his Restoration, prohibiting any to call him *Papist*, or to try he was popishly inclin'd, and reading such as should offend guilty of a *Penance*, but to stop the *People's* Mouths, whenever he should act any thing in favour of Popery, as he was then resolv'd to do?

Is it not manifest therefore, that *Scottish* Oaths, *Breda* Promises, Protestant Profession, Liberty of Conscience, War with *France*, Saving of *Flanders*, is all in jest, to delude *Protestant* Subjects? Is it not apparent, that breaking of Leagues, Dutch Wars, *Spanish* Plots, *French* Measures to favour their Cause, Loss of Ships, War in *Christendom*, Blood of Protestants, reviving of *Popish* Trainers, is all in earnest, and done in favour of Popery? And are not his fair Speeches, his true Protestant Love to Parliaments just Rights and *English* Liberties, his pretended Ignorance of the Plot, and his hanging of Traitors to serve a Turn, but in mere jest? Are not his great Debaucheries, his whoring Courtiers, popish Council, clearing Rogues, heathen Plottings, his favouring of Traitors, his *French* Pensioners, his Nets of Whores and Swarms of *Ballads*, his *Masses*, his *Carthouses*, his horrid Murders, his burning of *Lambeth* and the *Provd's* House, his Sham-plottings, his infamous Villains, his popish Officers by Sea and Land, his Strugglings for a popish Successor, his Agreements with *France*, his frequent Dissolutions of Parliaments, his buying of Votes, his false Returns, all of them Designs to ruin as in good earnest, and in favour of arbitrary Government? And is it not in order to the blessed End, that you see now transmitted by *Charles* and *James*, but *Charles* *Papists*, licensing *Bishops*, tithing *Abbeys*, burning *Towns*, popish *Scholars*, to destroy the *People*, and kill the popish Successor's *Legal* Title. Are not *James* Councils, *French* Alliance to conquer *Ireland*, *Irish* *Scottish*, *French* Alliance to conquer *Ireland*, *Irish* *Scottish*, *French* Alliance, bent the *Dutch*, yet their Stoppage, the *Masters* of the Seas? and are not *Charles* buying a Rebellion, the letting the Plot go on, the endeavouring to retrieve the popish Cause by getting a popish Pensionary, abhorring *Parliament*,

A.D. 1682.

He is commit-  
ted to the  
Gatehouse.

Fel. l. p. 497.

which Sir William Waller, immediately and directly, hies to the King; while Fitzbarris, with his, went round about to Mrs. Wall, desiring with much Earnestness to be brought to his Majesty, as having something of vast Importance to communicate; but met with a Repulse; was ask'd, why he did not apply to the Secretary; and advi'd to resort with it to the Lord Clarendon or Hyde: And while he was on this Pursuit, was taken up by a Warrant from the Council, examin'd, and committed to the Gatehouse; the whole Intrigue between him and Everard having taken up no more than eight Days; viz. from the 21<sup>st</sup> of February, to the 28<sup>th</sup>: March the 2d, having been re-examin'd, he was committed to Newgate; where, as Dangerfield had done before, he turn'd short on the Court, which he had hitherto profert to serve, and put in for the Merit of out-discovering all the Discoverers who had preceded him; whether of his own mere Motion, or by the Persuasion of others, is the question. Bishop Burnet says, "Cornish the Sheriff going to see him, he desir'd he would bring him a Justice of Peace, for he could make a Discovery of the Plot, far beyond all that was yet known. Cornish, in the Simplicity of his Heart, went and acquainted the King with this; for which he was much blam'd; for it was said, by this means, that Discovery might have been stop't: But his going first with it to the Court, prov'd afterwards a great Happiness both to himself and many others. The Secretaries, and some Privy Counsellors were, upon that, sent to examine Fitzbarris, to whom he gave a long Relation of a Project to kill the King, in which the Duke was concern'd; with many other Particulars, which need not be mention'd, for it was all a Fiction. The Secretaries came to him a second time to examine him farther; he boldly stood to all he had said, and he desir'd, that some Justices of the City might be brought to him. So Clayton and Treby went to him; and he made the same pretended Discovery to them over again; and insinuated, that he was glad it was now in safe Hands that would not flit it. The King was highly offended with this, since it plainly shew'd a Distrust of his Ministers: And so Fitzbarris was remov'd to the Tower, which the Court resolv'd to make the Prison for all Offenders, till there should be Sheriffs chosen more at the King's Devotion. Yet the Deposition made to Clayton and Treby, was, in all Points, the same

that he had made to the Secretaries. So that A.D. 1682. there was no Colour for the Pretence, afterward put on this, as if they had praesid'd on him."

Mr. North, on the other hand, in this, as in most other Matters, differs from the Bishop, *into Celo*; and affirms, on what Authority will appear hereafter, that *Babel* accompany'd *Cornish* in his Visit to *Fitzbarris* in *Newgate*. His Words are these: "The *Examen*, two Sheriffs went together first, to give the *Physic*, and then the Alderman (*Clayton*) and the Recorder (*Treby*) in Couples, to see the working of it: And, in the End, the whole Pharmacy, that is, Management of the Subornation, devolv'd upon the good Recorder, who had the Patient, *sola cum solo*, for two Hours." Nor has he thought fit to make any mention of the Secretary's Visit at all.

After all that has been written on this Affair, we shall find, and perhaps leave it, one of the most mysterious Parts of our Story. This, however, is certain, that the Libel, the Commitment, and the pretended Discoveries of *Fitzbarris*, were all made serviceable to the Cause of the *Exclusionists*; and that they, all along, acted the Part of Defendants for him, with as much Zeal and Assiduity, as if his Cause had been their own.

But, however openly and avowedly they adopted this Incident, or however carefully they nurs'd it up, they did not hold it advisable to place the whole of their Expectations upon it. The Current of the General Election had flow'd as strongly as ever in their favour: They had fill the Gale of Popularity to fill their Sails; the King had Wind and Tide to struggle with, and was thought to be on the Point of giving way to their joint Violence, and his own Necessities. If he had ungraciously dismiss'd one Parliament, he had made some Amends, by calling another: And if he persisted in obliging them to desert their Head Quarter at London, and to follow him to Oxford, they flatter'd themselves, that a Manifestation of the same Strength, would produce the same Effects in one Place as another.

Prosperity, even in Individuals, too often generates Insolence; but in Herds and Parties it scarce ever fails to do so. Every Man in a Crowd thinks he is obnoxious'd, and consequently at Liberty to say and do things, that, single and alone, he would be ashamed of: And where all are equal, it may be also thought that superior Boldness is the best Qualification

Preparations  
of the Exclu-  
sionists for the  
Oxford Par-  
liament.

banes, who shall betray their Country, enslave Posterity, and destroy themselves at last, Means only to save a popish, traitorous, Successor, and a pretent popish Possessor? *James* and *Charles* are Brethren in Iniquity, corrupt both in Root and Branch, and who study to enslave *England* to a *French* and *Romish* Yoke, is not all this plain? Have you not Eyes, Sense, or Feeling? Where is the old *English* noble Spirit? Are you become *French* Allies, to suffer any Lord to be laid upon you? And therefore, if you can get no Remedy from this next Parliament, (as certainly you will not) and if *Charles* doth not repent, and comply with it, then up, all at one Min. O brave *Englishmen*, look to your own Defence, ere it be too late; rouse up your Spirit, remember your Predecessors; remember how that the altering of their Liberties justifi'd, both by *Success* and *Law*, the War of the *Breves* against wicked Counsellors, who misled the King, And will you now let that go which cost them so dear?

How many oppressing Kings have been depos'd in this Nation? as appears in Records referred unto, in that worthy *Parliament's* History of the Succession. Were not *Richard II.* and *Henry VI.* both laid aside? not to mention others: And was there ever such a Kedge as this of ours? Was not King *Jahn* depos'd for going about to embrace the *Mahometan* Religion, and for entering into a League with the King of *Morocco* to that Purpose? the *Mahometan* and the King of *Morocco* were no such Enemies to our Rights and Liberties, as *Papery* and the *French* King are. Is it not Time then, that all should be ready? Let the City of *London* stand by the Parliament, for the maintaining of their Liberties and Religion in an extreme Way, if *Parliamentary* Ways be not improv'd unto by the King. Let the Counties be ready to enter into an Association, as the County of *York* did in *Henry VIII.*'s Time. *Out of Lord Somers's Collection, vol. xxii.*



A. D. 1680. Qualification, for a Leader; whence Men may be induc'd to bid against each other for Pre-eminence, at the Expence of Discretion and Decorum; and what is worse, Justice and Humanity.

Thus the *Exclusionists*, believing that they had now the Game in their own Hands, and that the King must submit to their Terms, first or last, gave a Locus to all that wicked Wantonness of Behaviour, which has been acknowledg'd natural; but which, however, cannot be too severely condemn'd.

To be more particular; we are told, that, as the time of the Session drew on, the Roads to Oxford swarm'd with their Parties. Every Member had his little Following of Friends and Servants; and every Leader his Band of Com-Patriots, arm'd as well as mount-ed: And as to the four City Representatives, they came attended with a Troop; wearing Ribbands in their Hats, with these Words woven in them; NO POPERY! NO SLAVERY!

The City of Oxford, says Mr. North, in his peculiar Style, and with his peculiar Acrimony, was a *Redundance* of all the active Party-Traders and Jobbers that us'd to be busy in the Treason-Trade in London. And it was notorious they all look'd four and rough; and in their ordinary Discourse breath-ed nothing that was easy and moderate. In another Place, he adds; "As in all States there is a civil, as well as a military, Admi-nistration; so in this Oxford Oeconomy, the Faction had another Order regimented, namely, the Writers, Talkers, and Disposers of News and Libels by Directions of wiser Heads than their own. Most Places of re-sort were full of these Sparks, to argue Mat-ters and Questions depending, to furnish Members with Colours, call'd Reasons, to take notice of Objections, and to answer or ridicule them; to rally every thing that look'd loyal and quiet; to be always forth-coming at the Times of notable Debates, and to hunt the Party-Members into the Quest-ion." &c. And again; "I know very few of them were Lords of many Mannors, or had any visible Stock to maintain that Course of Life. By that, and divers other Indications, it appear'd there was some Fund of Money laid up for Incidents, and the current Charges of the Party. But whence it came, I will not pretend to divine. There was, besides, a Magazine provided of Ammunition, Libels, Lampons, Satires, Pictures, and Sing-Songs, for the Service of Oxford; some adapted to deceive Men of Fortune and Education, well penn'd, and, perhaps, in Heroic Verse; others for the Rabble, and drunken, sottish Clubs, in Ballad Doggerel, with witty Picture af-fix'd, in dainty Conceit and Proportion. Not-

able Eloquence for the Eye! One was the King (with two Faces, one towards *Popery*, the other towards *Protestantism*) for a (*m*) *Racee-Show*, with his Box of *Parliament-Motions* at his Back, and the Saints pulling him down into a Ditch. Another was call'd *Mac Ninny*, which went for the Duke of York; where he was ex-press'd half Jesuit, half Devil; the former half with a Brand in his Hand firing of London, and about half a Dozen of the *Tantivies* (the Clergy) were mounted upon the Church of *England*, booted, spur'd, and riding it like an old Hack Tantivy to Rome. And the famous Writer of Pamphlets on the Court Side, *LeStrange*, was a Dog, with a Broom (the Rebus of his Bookseller, whose Name was *Broom*) ty'd to his Neck, and a Fiddle (to note one of his Qualities) at his Tail, running away from a Whip. And the two Universities, in square Caps, standing by, cry'd: *This is our Towzer*." And yet once more. "But to conclude; this Oxford-Expedition was a general Rendezvous of all the Desperadoes of the Party. They had the famous three M's, *Men, Method and Money*; with which a great Architect us'd to say, he could do any thing, and so these Men thought of their Provisions."

This is the Account of the Oxford-Meet-ting given by one Party, and which they farther say, was without Example, since that of *Rumney Mead*, which produc'd *Magna Char-ta*: Whereas, some of the other, affirm as ex-predly, *That some of the Members were so ill attended, as that they were not in a Con-dition to secure themselves from being robb'd by the way: That diverse of the most mar-tial Persons in the Oxford House of Com-mons, went thither in Hackney Coaches, with scarce a Servant a-piece to wait upon them: That, in particular, the Earl of Shaftsbury travell'd thither in a hir'd Coach; and that the Concourse of People there, was much smaller than was expected, considering the Greatness and Solemnity. But these Words, Some, Diverse, and the particular Instance of Lord Shaftsbury, serve only to shew, that those who made this Parade of their Strength and Interest among the People, purposely avoided any personal Connection with them, for fear their own Engine should recoil on themselves; for, in the very next Paragraph, the Fact, thus extenuated, is in part allow'd, as follows: "It cannot be thought, that the Peers of England, and the principal Gentry of the Kingdom, should go to so august and solemn an Assembly, without some menial Servants to attend them: And, if the hav-ing *Supernumeraries* in a Retinue, be Founda-tion to raise a just Suspicion of a Plot, the Lords and Commons to whom some give the*

Examen,  
p. 99, 100,  
101, 102.

Examen,  
p. 99, 100,  
101, 102.

\* O'Brien of the  
new Edition.

(6) The whole was explain'd by a Ballad; the most mem-orable Part of which, as we find them protect'd in *LeStrange's* Notes upon *Stephen College*, deserves to be quoted; not, in- deed, for the Excellency of the Composition, but because of the political Drift of it; and because the Guilt and Scandal of the Piece was impos'd on the whole Party.

Help \* Cooper, Hagles, and Gooze,  
With a Hey, &c.

To pull down *Robert-Shew*, With a Hey, &c.

Let's Mallers out of Poud! — With a Hey, &c.

And now you've freed the Nation,  
Crash in the Convocation;

With *Professors* 21 and some,

Into the Chest of *Rams*

And thrust in 4 *Sts* and *twelve*,

With 7 *Not* and *twelve* good *Plenty*!

And loot them away;

To *Callis* or *Break*.

Halloo! The Hour's begun,

Like Father, like Son! &c.

† Bishop.  
‡ Lords that are  
pointed *Stratford*.

A. D. 1689-1) the Character of being more loyal than the rest of his Majesty's Subjects will be most liable to Suspicion."

P. 301.

The Scope of one of their Pamphlets, called, Reason for his Majesty's passing the Exclusion-Bill.

The Truth is, that both Parties made their Mufters, and came prepar'd alike, to awe and frighten, if not to attack and destroy, one another. Mr. North acknowledges, that, as others did, he follow'd the Camp, nor the Court, to Oxford: That his Majesty had his Guards in order, some in the City, and some quarter'd about: So that, according to the Representation on both Sides, the Meeting rather resembled that of a Poll'd Dyet, than an English Parliament: And that, whether any sanguinary Designs were intended by either or not, it is little less than a Miracle, that, where such a Train of Combustibles was laid, some accidental Spark had not given fire to it, and cover'd the whole Land with Ruins.

The Press, in the mean time, was not wholly engros'd by the Lampons before spoken of, nor by the Exclusionists only: Appeals were solemnly made to the Reason, as well as the Passions, of Men; and the Courtiers confedered to do this, as well as their Adversaries: The chief Efforts of this Sort, made by the Latter, are to be found in a Pamphlet, called, *Reasons for his Majesty's passing the Bill of Exclusion*; the great Artifice of which lies in the Introduction: In this the angry Proceedings of the last House of Commons, and even the very Men who had occasion'd them, are treated with much (a) Bitterness, that the Discourse itself might have the greater Weight, both with the King and People: After which, the Writer propoies, as a Refinement on their Conduct, to shew, That, instead of such Votes and Addresses as carry'd the least Shew of Menace, and which could only serve to divide his Majesty yet farther from his People, their Proceedings and Remonstrances ought to have no other Tendency, than to convince him, by unanswerable Reasons, that it was his own particular Interest to pass the Bill: That, to clear their Way, they ought to demonstrate, That it had its Foundation in Justice and Reason; that Government had no other Basis than the Good of the Governed, and that their Good, in the most important Branch, that of Religion, the Duke, by his Apostasy, was not only in a moral Incapacity to pursue, but lay under a positive Obligation to destroy; that he had thus vacated his Right, by his own Act and Deed; and that this

A. D. 1689-1) Bill was no more than the bare levying of the Forfeiture: That, by the Confusion of this Government, the King, while in possession of the Hearts of his People, was one of the most considerable Princes in Europe; and, when at Variance with them, was of little Consequence, either abroad or at home, as it might be supposed the Case then was: And if nothing could more contribute to the widening the Breach, than his refusing to pass the Bill, his Majesty's own Interest apparently consisted in gratifying his People: That by so doing, he would for ever stop the Mouths of his Adversaries, leave them no Colour to refuse his just and necessary Demands, and put an End to all seditious Practices, by cutting off all Pretences for their Justification: That, supposing the worst that could be supposed, a Promise made to the Duke never to give the Royal Assent to the Bill, such a Promise was void in itself, because inconsistent with the Coronation-Oath, by which his Majesty oblig'd himself to maintain the Establish'd Church; and that could no otherwise be done, than by excluding a popish Prince from the Throne: And finally, that all Promises are understood to be either for the Advantage of him that makes them, or of him they are made to, or both: But that the performing this would not only be ruinous to his Majesty, but of no Advantage to his Royal Highness; for that, however great his Merits and Virtues were acknowledged to be, he lay under a Circumstance that made it impossible for him to come to the Crown, THO' THE BILL SHOULD NEVER PASS, BUT BY CONQUEST.

On the other hand, the Court set forth their Packet, under the Title of a *Seasonable Address* (before referred to in a Note); the main Direction of which was to shew, That the Public had been alarm'd with an Outcry against Popery; not because there was any real Danger from that Quarter; but because the *Protestant*, while Guard was kept only at one Gate, against one Enemy, might, unobserv'd and undisturb'd, make their Entrance at the other: That the Artifice had already too far succeeded, that no Man could be held loyal, unless he was factious; nor Protestant, if not a Presbyterian: That those who first rais'd this (a) Out-cry were either the Offspring of those seduced or concerned in the late Rebellion, or such as had been turn'd out of, or wanted to force themselves into, great Employments; Men of much

And of a Court Piece, call'd, a Seasonable Address.

(a) As follows:

"I must confess, I have had no great Veneration for late for some Men, who, thro' extreme zeal in appearance for Things of public Concern, and particularly for the Bill for excluding the Duke of York from the Succession to the Crown, have yet taken such Methods for the obtaining that Bill, as (with respect to their Popularity) look'd to me, as if they had rather wish'd it should be deny'd, than granted.

I mean a sort of Men that pass with the Vulgar for very public Spirits, yet are no otherwise for the public Good, than as they think it may conduce to their own private Designs. It matters not how they are disposed for them to leap into a great Place, so as to be restor'd to some Office they have formerly enjoy'd, and in which they have discover'd Principles far different from what they now profess; if every one they have a Pretence to be not immediately remov'd; or, perhaps, if they fancy themselves the most likely to heal the

Rabble, should Things fall into Confusion; they will be sure, with great Appearance of Zeal, to press Things of less Moment, and which they think will be deny'd, but any thing that really tends to Settlement should be granted: And they are for the most part insatiable by this; for their Vehemence, which proceeds from dark and hidden Causes, seldom fails of being mistaken by the Vulgar for a true and hearty Love of their Country. I believe his Majesty will not think Mea surer, I am far less necessary, to be study'd, than the Nation: And therefore I hope you will not wonder, if I, who care not much for a great Office if the Bill of Exclusion do pass, or to be popular with the Rabble if it do not, cannot heartily concur with all that seems to be aim'd at by that Sort of People. Out of Lord Somers's *Calculus*, s. v.

(c) We have already seen, that the legitimate Sons of the Church were so active in raising and spreading this Alarm, as by Sect or Party whatever.

A. D. 1680-1. Ambition, or desperate Fortunes; all of them such as had their private Views; and who made a Pretence to serve the Public, in order to serve themselves: That all knew Sir *William Jones*, Sir *Francis Winnington*, Colonel *Titus*, &c. were discontented, because disoblige'd; and that, on condition of being plac'd according to their several Cravings, they would go as far in the Court-Service, as now in that of the Faction: That, during the late Parliament, Bargains were actually driving between Patriot and Courtier: That the Envy of some produced the self-denying Vote, That whatever Member accepted an Office of Trust or Profit, without Leave of the House, should be expelled, to spoil the Market of others: That, after such a flagrant Acknowledgement that the accursed thing was among them, it must argue the last Stage of Blindness and Folly in those who should place any Confidence in their Professors of Zeal and public Spirit: That, in order to retrieve their Credit, and serve the Public indeed, they ought to secure the Constitution against Papist and Presbyter alike: And that those who now gloried in being the King-leaders of the Faction would do well to consider, how precarious the Tenure of Popularity was; and how liable they were to lose it, as others had done before them: That as to the protesting Peers, their Patriotism was to the full as rotten at Heart as that of the Commons: That the Passion of Lord *Essex* was either to be Lord High Treasurer, or once more Lord Lieutenant; and that, in Power and out, he had been directed by no other Motive: That, after a whole Life of Shifts, Turns, and Doubles, Lord *Shaftsbury* had solicited a Reconciliation with the Duke; and offer'd to be his Servant to all Intents and Purposes, in case he might be reinstated in his former Power and Greatness: That he whose Son was the great Tribune of the People in the Lower-house, meaning the Earl of *Bedford*, had demanded the Title of Duke in addition to the Garter, as the Price of himself and that Son: That a fourth, not nam'd, insist'd on being a Privy-Counsellor: That a fifth would have been Master of the Horse to the Duke, at any Rate of Purchase: That a sixth, the Earl of *Nulgrave*, had own'd himself disoblige'd to the King, because his Expedition to *Tanger* had not been rewarded with the Command of a Regiment: And that the Duke of *Monmouth* was led away with the Hopes of a Crown; but that it would be much better for him to be content with the second Place in the Kingdom, than by aspiring to the first, against all the Obligations of Reason, Justice, Law, and Religion, to forfeit his Fortune, Life, and Honour: That, tho' the *Bill of Exclusion* was the only thing the Party seem'd to insist upon, it was not all they thought requisite for their Security and Satisfaction: That they, moreover, expected all the King's

Friends to be remov'd, and their own to be establish'd in their Places; on the Presumption, that, having his Majesty in their Power, it would be no hard Matter to make him act according to their Pleasure: That, from their Books, call'd, *Plato redivivus*, and the *History of the Succession*; the one tending to prove, That the Crown was rather elective than hereditary; and the other expressly contending for a Commonwealth; as also, from a notable Passage in a certain Lord's Speech in the last Parliament, That the People of Athens were so fond of their good King *Codrus*, that they would have none after him, there was Reason to think the very Monarchy was in danger: That the frequent Mention which had been made of the tragic Fates of *Edward II.* *Richard II.* and *Henry VI.* could not but deter his Majesty from ever putting himself into such Hands, as would probably force him into the like Calamities; or from entertaining any Thoughts of sacrificing his only Brother to oblige his Enemies: That the trying Practices on the Constitution was more likely to destroy than mend it: That it was only the Work of a God to strike Order out of Confusion: That, in all Probability, a forcible Attempt to enlarge, would be the Means to efface, our Liberties: That the Monarchy was now become an Over-match for any Faction whatever: That the King had the sole Power of the Sword, and had the very (p) Being of the Parliament in a manner at his Mercy: That, as Rebellion had no longer such Helps as in the last Reign to give Success to its Purposes, so neither could any reasonable Plea be urg'd in its Justification: That the very Danger of Popery, which had been set forth in such hideous Colours, was no more than the *Rose-head and Bloody-bones* of the Faction: That, in fact, no such thing exist'd, or could exist: That the Number of Papists in England was but as One to Two hundred and Thirty: That their Number in the three Kingdoms was but as One to Two hundred and Five: That their Proportion of Property was but as One to Three hundred: That Men really honest, and public-spirited, would rather strive to bind up the bleeding Wounds of their Mother-Country, than take pleasure to tear them open: That the Point, so obstinately stickled for, was never like to be granted: That, if the King was to give way to it, which was not to be imagin'd, the Duke never would: That being treated as an Enemy to his Country, his Royal Highness would become one: That what was so unjustly enacted could no otherwise be defended than by a Standing-Army: That the Remedy would then become worse than the Disease: That, therefore, Recourse ought to be had to other Expedients, that should secure the Government equally against both Papist and Presbyter: That such might now be had, as would effectually provide for the Security

(p) The Words of the Pamphlet are these: "And, above all, he has the Parliament in his own

Power, to let them sit or not sit, at his Pleasure, and their good Behaviour."

A. D. 1580. Security of Religion, against the Successor so much, tho' so causelessly, dreaded: That the very State of his Revenue, at his Accession to the Throne, would be a Sort of Security for his good Behaviour: That not above a Fourth of what was necessary for his Support would devolve to him, together with the Scepter: That hence he would find himself oblig'd to call a Parliament, and to comply with the just and reasonable Demands of his People: That it was the highest Degree of Imprudence to rush into real, present, to avoid possible, future, Evils: That it was worthy Consideration, whether the unquiet Apprehensions rais'd by the Plot might not be laid by a speedy Trial of all the Accus'd, and a speedy Execution of all the Convicted, follow'd by a general Act of Grace: And that, in fine, if the Parliament, by whatever Means, would apply themselves, with all their Powers and Faculties, to re-establish a right Understanding between the King and his People, to defeat the Artifices of those who were Enemies to both, to restore and maintain Peace and Unity at home, and to rescue the Nation from Contempt abroad; they would be as deservedly honour'd and belov'd, as odious and infamous by conforming to the libellous Doctrines of the Times.

We have already had Occasion to observe, that, tho' the Courtiers thought the *Exclusion-Bill* abundantly too much for the King to grant, they also thought, that their Adversaries would not be satisfy'd without a great deal more. This we find also makes a Part of the Charge against them in the Piece just quoted. Mr. North, in many Passages of his *Examen*, moreover, affirms the same thing: And Sir John Reresby, treating of the *Oxford* Parliament, is express, that the Question was now become not so much, Whether the Duke should succeed or not? as, Whether the Government should be Monarchical or Republican? Some of the adverse Side, says he, having blabbed out, in the House, That the *Bill of Exclusion* was not the only material Bill they intended to get pass'd that Session, in order to secure the People of England from falling a Prey to Popery and arbitrary Power: That it was necessary the military and civil Power should be lodg'd in other Hands; and that the present Officers of both should be called to an Account, and chang'd.

The same Writer yet farther intimates, That, from these Eitapes of the Party, and the Remonstrances that were founded upon them, the King was convinced, that the abandoning his Brother would prove but a Step to the immediate Ruin of his Friends and Servants, and the exposing himself to the Will of his Enemies: And that his Majesty, dreading the Consequences, took his Resolutions accordingly.

But we have seen, that the King had taken his Resolutions before the *Oxford* Parliament was call'd, or the last *Westminster* Parliament had been dissolv'd: And there is very sufficient Reason to conclude, That he had recourse to a House of Commons once more, not so much with a view to an Accom-

modation of any sort, as in a Dependence, that they would ruin themselves with the People, by their own Extravagancies: And how madly and desperately they rush'd into the Snare, we are now to shew from the Course of their own Proceedings.

March the 21st, the Session was open'd by his Majesty, with a Speech to both Houses, to the following Effect:

"That the unwarrantable Proceedings of the last House of Commons, were the reason of his parting with them; for that he, who would never use Arbitrary Government himself, would not suffer it in others. That whoever calmly consider'd the Assurances he had renew'd to that last Parliament, and what he had recommended to them, his Foreign Alliances, the Examination of the Plot, and the Preservation of *Tanger*, and reflect upon the strange unsuitable Returns made to such Propositions by Men assembled to consult, might rather wonder at his Patience, than that he grew weary of their Proceedings: That he had thought it necessary to say thus much, that he might not have any new Occasion to recollect more of the late Miscarriages: That it was his Interest, and should be as much his Cause as theirs to preserve the Liberty of the Subject; the Crown not being late when that is in Danger: That by calling this Parliament so soon, he let them see, that no Irregularities of Parliament should make him out of love with them: By which means he gave them another Opportunity to provide for the Public Security, and had given one Evidence more, that he had not neglected his Part.

That he hop'd the ill Success of former Heats, would dispose them to a better Temper.

That as for the farther Prosecution of the Plot, Trial of the Lords, &c. he omitted to press them, as being obvious to Consideration, and so necessary for the Public Safety: But desired them not to lay so much Weight upon any one Expedient against Popery, as to determine that all other were ineffectual.

That as to what he had so often declared, touching the Succession, he should not depart from it: But that to remove all reasonable Fears of what might arise from the Possibility of a *Popish* Successor, if Means could be found that, in such a Case, the Administration should remain in *Protestant* Hands, he should be ready to hearken to any such Expedient, by which Religion might be secur'd and Monarchy not destroy'd.

Lastly, he advis'd them to make the known and establish'd Laws of the Land the Rules and Measures of their Votes, which neither could nor ought to be departed from, nor chang'd, but by Act of Parliament: And for a Conclusion of all, he made use of these Words:

"And I may the more reasonably require, That you make the Laws of the Land your Rule, because I am resolv'd they shall be mine."

Having in this high-spirited manner declar'd his Mind, he directed the Commons to proceed to the Choice of their Speaker. They did so. *Williams*, the late Speaker,

A. D. 1580. 4.  
Speech at opening the Oxford Parliament.

A. D. 1680-1. was rechofen unanimously; who being led to the Chair by two of the Members, according to Form, took occasion to say, "That he apprehended they had pitch'd on the same Speaker, because the Country had, in general, endeavour'd to return the same (k) Members as had serv'd them before: That the just Sense he had of the Honour, was sufficient to oblige him to do and suffer all that Flesh and Blood could do and suffer in their Service: That it was a time not to speak much, but to act well; and that he made it his Request, that their Debates might be regular and orderly, without Reflections or Passion; and that his Behaviour might have their kind and candid Construction."

His Bravado to the King.

And the next Day, being presented to the King for the Royal Approbation, as if it shew'd that the House was rather rouz'd than aw'd by the lofty Tone of his Majesty's Speech, he declar'd before the Throne, That the Commons, in Obedience, &c. had, with one Voice, elected him to be their Speaker, to manifest to his Majesty and the World, That they were not inclinable to Changes; and that he stood before him, to receive his Pleasure, with a Head and Heart full of Loyalty to his sacred Person, and arm'd with a settled Resolution, never to depart from his ancient and well establish'd Government."

It is not to be suppos'd, that this Bravado, which favour'd more of the Herald, than the Speaker, could be any otherwis agreeable to the Court than as it favour'd their Expectations, that the Commons would so behave as to leave themselves without Excuse; And Ferguson intimates, that some of the Peers were seen to bite their Lips on hearing it. But no Displeasure was shewn: On the contrary, the Words of the Lord Chancellor's Reply, were, That his Majesty did very much approve the Election which the Commons had made. After which, the Speaker again display'd his Eloquence, such as it was; made the usual Petitions, receiv'd the usual Confirmation, and return'd with the House.

(Growth of Papers, P. II. P. 292.)

He is approv'd notwithstanding.

These Ceremonies consum'd two Days; a third was spent in taking the Oaths; and on the fourth, if an Account is to be depend'd on, which Mr. North, after all the Recollection he could make, admits for literal Truth, the Lord Shaftsbury pretended to have receiv'd a Letter written in an unknown Hand, containing a Proposal for settling and composing all Differences between the King and Parliament, that was of Consequence enough to demand and deserve his Majesty's immediate Consideration; for so his Lordship, it seems, officiously gave out, on every Side; perhaps, that his Majesty might be the better prepar'd to give it a proper Reception. Hence it follow'd, that, while he was endeavouring to make his way to the King, the Letter was every where discours'd of; every body discover'd an Eagerness to be let into the Contents; and, in particular, the Lord Chamberlain Arlington, meeting with the Duke of Monmouth, could not forbear

[Examen, P. 123, 124.]

An Expedient offer'd to the King, in lieu of the Exclusion-Bill.

applying to his Grace for Information: But his Grace chose to be on the Reserve, because it had a Relation to himself: Adding, That my Lord Shaftsbury was pleas'd to be more forward in his Concerns than he desir'd he should be. In the mean time the Earl, himself, had fallen into the Way of Lord Everingham, or Lord Feverham had made it his Business to fall into his, and undertook to introduce him to the King; prefacing his Offer, with a Signification, That he heard he had some Business of great Importance to communicate to his Majesty: To which Lord Shaftsbury, ironically, reply'd, That he should be glad to be introduced by so *long a Man* as his Lordship. Being, at last, admitted, his Lordship pretends the important Paper, which contain'd the grand Secret of securing the Protestant Religion, and public Peace. The King reads, finds it to be a Project to settle the Crown on the Duke of Monmouth, in lieu of the Bill of Exclusion: And with some Indications of Surprise, answers: "That he wonder'd that, after so many Declarations to the contrary, he should press him upon that Subject: That, if, either with Conscience, or Justice, or Nature, he could have done such a thing, he would have done it before; it being reasonable that, if he ever had a Child of his own, legitimate, he should much rather have him reign than his Brother, or any of his Brother's Children: That he was none of those that grew more timorous with Age; but that, rather, he grew more resolute, the nearer he was to his Grave." At that Word, the loyal Earl seem'd mightily concern'd, and cry'd out, "That it chill'd his Blood to hear such an Expression; telling the King how earnest the whole Nation was for his Preservation; and that in him were compriz'd their Safeties, Lives, Liberties, and Religion, and their All." "Yes, answer'd his Majesty, and yet, my Lord, I am the only arbitrary Man in the Kingdom. But, assure yourselves, I intend to take a greater care of my own Preservation, and that of my People, than any of you all, that pretend to so much Concern for the Security of my Person: And yet, as careful as I am of my own Preservation, I would much sooner lose this Life, of which you pretend to be such watchful Preservers, than ever part with any of my Prerogatives, or betray this Place, the Laws, or the Religion, or alter the true Succession of the Crown; it being repugnant both to Conscience and Law."

A. D. 1680-1.

"For that Matter, replied the Earl, let us alone, we will make a Law for it." But the King told him, "My Lord, if this is your Conscience, it is far from being mine, for this cannot be done without overthrowing all Religion and Law. And, in fine, assure yourselves that, as I love my Life so well as to take all the Care in the World to keep it with Honour, so I do not think it of so great Value, after fifty, to be preferred with the Forfeiture of my Honour, Conscience, and the Laws of the Land."

It

(k) There were above a hundred new Members returned.

A.D. 1680.

The Moderation of the House which it was in 1680.

It is universally understood, That very little Regard is shewn to Letters from unknown Hands, even in private Affairs. If, therefore, any Credit is due to this Narrative, it must be presum'd, that the Earl was not the Patron, but the Projector, of this Expedition; and that, by his Influence over the Party, he prevail'd with them not to ply their grand Parliamentary Batteries, till the Success of it was known. No less than twenty-five Petitions, complaining of undue Elections, were received this Day, the fourth of the Session, before they proceeded to any other Business. The printing the Votes came next before them, and gave rise to a short Debate (Mr. Secretary *Jenkins* opposing it, because it was against the Gravity of that Assembly, and a sort of Appeal to the People). And when another Motion was made to enquire into the Mis carriage of the Bill for the Repeal of the 35th of *Elizabeth*, because it was a Breach of the Constitution, *Sir Francis Winnington* desir'd, that the Debate might be adjourn'd; as being a Matter too big to be debated that Day. Nay, when *Sir Nicholas Carew* mov'd for bringing in the Bill of Exclusion, which had pass'd, *nemine contradicente*, before, and was regularly seconded by *Mr. Gower*; even *Colonel Birch*, himself, was for giving the King's Proposal in his Speech, as to other Means, the Honour of a Day's Consideration, before the said Bill should be again admitted. And of the same Opinion were *Harbord*, *Musgrave*, *Worwood*, *Poude*, *Hampden*, *Winnington*, *Trenchard*, and all the other Leaders of the Party. Whence it seems natural to conclude, that a Word of Expectation had been given out; that those who had tow'r'd highest condescended to stoop to the Lure; and that, if they were not in the Secret of the Contrivance, they thought themselves concern'd in the Event.

And this Opinion derives some additional Authority from the different Spirit which prevail'd in the House the next Day, and which discover'd itself almost as soon as the House was set. The first material Business which had engag'd the Attention of the Lords was, a Petition from the Earl of *Danby* in the Tower, praying that he might be admitted to Bail. This had been supported by several Lords, who offer'd to be his Security; and has been represented as a Design to create a Misunderstanding between the two Houses, and thereby furnish an early Pretence to break up the Parliament: But *Lord Hallifax* himself, and several other Courtiers, who dreaded the Return of his Credit with the Restoration of his Liberty, opposing it, the Debate was adjourn'd; and, for fear it should be resum'd, the Commons let loose their Terrors against him once more, by appointing a Committee to inspect the former Proceedings relating to his Impeachment; who enter'd upon their Charge with so much Zeal, and went thro' it with so much Dispatch, that they made their Report the same Day, and the House issued the following Order upon it, "That a Message be sent (by *Lord Cavendish*) to the Lords, to mind their Lordships, that the

Commons in Parliament had formerly, by their Speaker, demanded Judgment at the Bar of the Lords House, upon the Impeachment of the Commons, against *Thomas Earl of Danby*, of High Treason; and to desire their Lordships to appoint a Day to give Judgment against the said *Thomas Earl of Danby*," &c.

This was the Opening of the fifth Day's Business: And while the Committee were making their Inspection, and digesting their Report, it was represented by several Members, That many Counties, Cities, and Boroughs, had freely, and without Charge, elected their Representatives, according to the ancient Practice: And a Motion was made, that they might be honour'd with the Thanks of the House; which was agreed to, and an Order was made accordingly.

The Debate relating to the Bill for the Repeal of the Statute 35 *Eliz.* was, in this Interval, also resum'd, and many of the Party-Leaders, who had the Day before shewn such a Backwardness to engage in so weighty a Matter, now enter'd upon the Consideration of it with all the Alacrity, and dispatch'd it with all the Facility, imaginable. *Sir William Jones* observ'd upon it, "That the Bill itself was of great Moment: That it was a Security even for the Lives of the Subjects, in the Time of a popish Successor: That the Manner of losing it shook the very Constitution of Parliament: That the Precedent might be fatal: That tho' the King had one Negative, he never knew that the Clerk of the Parliament had another: That to Bills grateful and popular, as every body vers'd in Law and History was sensible, the King gave his Consent as of Course: That this was a Way to frustrate the Intentions of Parliament, without a Possibility of knowing at whose Door the Fault ought to be laid: That their Deliberations and Resolutions would be useless: That a new Grievance would arise, which it would be extremely difficult to surmount: And that, upon the Whole, it was his Motion, that a Message should be sent to the Lords, to demand a Conference; in order that some Way might be found out to give the House Satisfaction in so great a Matter." Many other Members enlarg'd on the same Topics; and, upon the Issue, the Message for a Conference was agreed upon, with the Addition of these Words, *on Matters relating to the Constitution of Parliaments in passing of Bills.*

From this Affair they pass'd on, at a Heat, to *Fitzbarris's* Case; and *Sir George Treby* produced the Depositions taken by him and *Sir George Clayton* in *Newgate*; which he read in his Place, and which were in Substance as follows:

"That *Father Gough* told him, that, in two Years, he should see the *Roman Catholic* Religion settled in *England*, as it was in *France*: That, if the King would not comply, Things were so ordered, that he should be taken off, and killed: That the Declaration of Indulgence was made for that End, viz. to introduce the *Catholic Religion*: That the War was made with *Holland* for the

A.D. 1680.  
The Commons demand Judgment against him.

1681.  
The Thanks of the House voted to such Places as had elected their Members without Charge.

The Debate on the Bill to repeal the 35th of Elizabeth.

A Conference with the Lords demanded upon it.

*Fitzbarris's* Depositions read.

The Earl of Danby petitions to be admitted to Bail.

[Growth of Popery, P. 61, p. 292.]

A. D. 1681.

the same End; for that Nest of Heretics being once destroy'd, the English Protestants would have no Assistance from abroad. That Madam came over to *Dover* on the same Design. That he, *Fitzbarris*, was an Officer in the Army encamp'd at *Blackheath*, and knew many other Papist Officers there; and who, upon the Test-Act taking place, all laid down. That it was the common Intelligence and Opinion among them, that the said Army was rais'd to bring in the Roman Catholic Religion. That Father *Parry*, on the Disappointment by Peace, told him the Catholics who were engag'd in this Council resolv'd to destroy the King; and, if they fail'd, the Queen would do it; and in the Year 1678 assur'd him the Business was near. That the *Modena* Envoy offer'd him 10,000*l.* to kill the King; which he refusing, the Envoy said, the *Duchess of Mazarine* understood poisoning as well as her Sister, and a little *Phial*, when the King came there, should do it. That, upon killing the King, the Soldiers of the Army in *Flanders*, and those of *France*, that were near, were to come over to destroy the Protestant Party. That Money was raising in *Italy* for Recruits and Supplies. That after this there should be no more Parliaments. That the Duke of *York* was privy to all this. That *Kelly*, at *Calais*, own'd himself to have been one of the Murderers of *Godfrey*; and that it was done much in manner as *France* had sworn. That *Du Puy*, the Duke's Servant, told the Murder was consulted at *Windsor*; as also that the Duke was desirous to come to the Crown; for the King was uncertain, and did not keep touch; and farther, that he, *Du Puy*, said it was necessary to take off the King. That Father *Patrick* said the King of *France* was to send over and take in *Ireland*, to be subject to the former Owners, the *French*; and that libelling the King and the Government was necessary to distaste the King and make him jealous of his People: And that the Opinion of *Patrick* encourag'd him to correspond and concur with *Everard* in the Label.

It may be recollected, that in a Quotation, before taken from Bishop *Burnet*, this whole Detail, is, by that Right Reverend Prelate, fill'd a *Fifteen*: And yet we find it solemnly adopted by these *Oxford* Patriots, not only as Gospel Truth in itself, but what clearly confirm'd all those other Informations which the House had receiv'd before. These are the very Words of their Great Oracle, Sir *William Jones*, and contain his Reason for seconding a Motion, which had been made by Sir *John Harrop*, for laying it before the Public in Print. But this political Use of *Fitzbarris's* Confession was not sufficient for Sir *Francis Winnington*, who, tho' so moderate the Day before, was for rising on his Brother *Jones*; and, accordingly, set forth in very tragic Terms, That it was the Talk of the Country, that *Fitzbarris's* Label, was to have been distributed to several Gentlemen, who, upon its being found in their Custody, were to have been committed as Traitors: That their All was at Stake: That whether the Term of their Sitting was

to be long or short (here he throw in a Parenthesis, signifying, That a certain Trooper, one *Horsifon*, had given out there would be other Guards at *Oxford*) their Courage ought not to fall them: That, therefore, they ought to go to the Bottom of the Business: That, in order thereto, he mov'd *Fitzbarris* might be sent for and impeach'd: That they knew by Experience, that when an Accusation was once upon Record in Parliament, which was the highest Court in the Kingdom, Malefactors had been found to be within the Reach of Justice; and that *Fitzbarris*, while under the Awe of such a Prosecution, might, possibly, relent and tell all. And to shew there was yet more to be told, Sir *Robert Clayton* took the Hint to say, That when *Fitzbarris* had made the Confession already before the House, he ask'd, Whether he had said enough to save his Life? That he, Sir *Robert*, reply'd, That he should not think him ingenuous, unless he would also specify what Council he had for drawing and modelling the Paper: To which he added, That he had left him, with a parting Addition, to be ingenuous in the whole Matter, which he promis'd him to be, and an Assurance, That he would come again to take his farther Examination: But that he was, the next Day, remov'd to the *Tower*, out of Reach. An Impeachment was then order'd; and to shew in what Contempt they held the Court and the Ministers, a Motion was made and agreed to, That Mr. Secretary *Jenkins* should carry up the said Impeachment to the Lords. It seems the Gravity of the House was lost on this Occasion. The Motion was made and carry'd on with an Air of Derision. The Secretary perceiv'd it, and so far forgot himself in his Resentment, "That he declar'd the Message was put upon him for the Character he bore: That he valu'd neither his Life nor Liberty; and that, let them do what they would, he would not go." This threw the House into much Disorder. To the Bar! To the Bar! was the Cry on all Sides. Even Sir *Thomas Littleton*, who was now one of the Moderators between the two Parties, declar'd against him. Sir *William Jones* said many inflammatory things upon the Occasion: In particular, that the Secretary's Words seem'd to import, That the King would not have the Plot prosecuted; and if so, it was to no purpose to sit there; it was time to go home, &c. Sir *Henry Capel*, on the contrary, was for admitting the Secretary's Excuses, if he thought fit to make any: And, at last, by the Persuasions of Sir *John Fenley*, Mr. Secretary thought fit to qualify his Words to the Palate of the House; and submitted to go on the Message, according to order. After which, at the Instance of Colonel *Bireb*, Sir *William Waller* had the Thanks of the House for the Discovery he had made of *Fitzbarris's* Intrigues; which was represent'd as the greatest Service which had been done the Nation, next to that of the Popish Plot.

Thus the Calm ended in a Ruffle, accompany'd with all the Prognosticks of a Storm to ensue.

Accordingly,

A. D. 1681.

Fitzbarris impeach'd.

Secretary Jenkins order'd to carry up the Impeachment.

He refuses,

but Jenkins at last.

A. D. 1688.  
The Exclusion  
of Ser-  
geant and  
Maurice.

Accordingly, the next Morning, as a proper Introduction to the Order of the Day for the House to enter into a Consideration of the Means for the Security of the Protestant Religion, and for the Safety of the King's Person, Sir George Treby reported the (1) Examinations of one *John Sergeant*, and *David Maurice*; both of which had been taken on the same Day, viz. February 11, 1679-80, tho' not made a Part of the Patriot System till now. That of *Sergeant's* was to this Effect, That *Gowan* or *Gowson*, one of the five *Jesuits* which were hang'd, contrary to his solemn Affeurations in his Dying-Speech, had maintain'd to one Mrs. *Shipweith*, against a Scruple of Conscience by her put, That the Queen might not only lawfully kill the King for violating her Bed, but was bound to do it; for that in continuing to connive at the Sin, she was accessary to his greater Damnation. To which was added his Confirmation of the same before the King; as also, his Reasons, address'd to his Majesty, for persevering to assert, that all he had advanc'd was true. That of *Maurice* contain'd nothing new, and was brought forward, merely as an additional Prop to the Credit of *Sergeant*: He deposing, that *Sergeant* had introduc'd him to Mrs. *Shipweith*, on purpose that he might hear the same Story from her own Mouth.

The Exclusion-  
Bill upon  
Maurice's  
Story.

Having thus prepar'd the Way, Sir *Robert Clayton* open'd the Debate, artfully enough, under the Umbrage of his Constituents the Citizens of *London*. "I have, said he, been full of Expectation of some other Expedient to secure the *Life of the King*, and the *Protestant Religion*, than that of the Bill to exclude the Duke.— All I have yet heard of tend to make a Breach in the Constitution, and to throw us into Confusion. I have heard it has been ancient Usage for Members to consult the Sense of those they represent, in any thing of Weight; and to be govern'd by it.— The City of *London* has call'd upon me for the Bill of Exclusion.— I heartily wish some other Expedient could be found: But I must fulfil my Trust; and therefore move for a Bill to exclude all popish Successors, and in particular *James Duke of York*." He was seconded by Lord *Russel*, who declar'd he lay under the same Obligations to the County of *Bedford*. Here it must be suppos'd, that some Court Member stood up, and endeavour'd to dissuade the House from proceeding on that Bill, the King having declar'd against it, and recommended *other Means*, &c. for we find Mr. *Ralph Montagu* saying, That he was sorry to hear such Language: That to prescribe to the House what they should do, and what they should forbear, was using the House more like a *French* than an *English* Parliament: That no greater Instance of arbitrary Power could be given, than the endeavouring to overawe the Parliament: That possibly this was the Design of bringing them to Ox-

ford: That it was to be hop'd notwithstanding that, wherever they were call'd, they should approve themselves to be the same Men: That Lord *Danby*, when he dissolv'd the *long Parliament*, had boast'd, *He had spoil'd the old Rooks of their false Dies*: That the new Ministers were for playing the same Tricks, and shuffling again and again, till a Card turn'd up to their Mind: That as to the Disinheriting the Duke, he presum'd, that no Master would scruple to dismiss a Servant, nor Father to disinherite a Son, that would ruin him: That, in truth, neither Bishops nor Counsellors could answer the deferring our Security so long: But that, hitherto, neither Ministers of the Gospel had endeavour'd the Preservation of Religion, nor Ministers of State the Government: That the one had acted against the King's Safety, and the other against the establish'd Church: And that, upon the Whole, no Expedient would answer, but the Bill. Mr. *Henry Coventry* then rose up, and took notice, That the Order of the Day was not made the Rule of the Debate: That several Gentlemen had declar'd against Expedients: That those who had declar'd for them had offer'd none: That all agreed the Duke's Religion was fatal to the Nation: That if the Exclusion was the best Remedy, and that best Remedy could not be had, they could not answer it to their Country to reject all: That whoever had any Expedient to propose would find it necessary to speak often, perhaps, to make that Expedient good: That this could only be done in a Committee of the whole House: That, in such Case, if one Question was rejected, another might be substituted in its place: That the Motion for the Bill of Exclusion excluded all other Motions: That the Order was general, to find out Means against Popery, and to preserve the King: That, when Persons put on too fast, they come late to their Inn, by jading their Horses: And that, without a grand Committee, it would not be *consultare*, but *dicere*. Sir *John Evelyn* seconded this Motion for a grand Committee, on Expedients: But another Member observ'd, that the general Turn of the Order left the House free, either to admit the Bill, or any other Expedient: That all other Expedients, hitherto, had only serv'd to increase their Fears (m) of the King, and to hasten our Undoing: That the Dissolution of Parliaments was one of those ill Expedients: That those near the King, who had seen Cause to come over to the Bill, were all put away: That those now near him were all for Expedients: That the Councils of the *Jesuits* would have their desir'd Success, either by practising on the Fears of the People, so as should induce them to take up with a false Security, which might serve as a Blind to cover its Approaches, rather than as a Means to prevent them; or by throwing the Kingdom into Disorder: That as to the Motion for a grand Committee, it brought the

A. D. 1688.

Motion for a  
Committee of  
the whole  
House.

(1) Which were ordered to be printed.

(m) Surely this Particle has been substituted by Mistake instead of so.



A. D. 1685.

the House under an ugly Dilemma; for if it was deny'd, it would look like denying Freedom of Debate; and if it was accepted, it would render their Proceedings dilatory, when no body knew whether they had another Day to sit: That the Affair of the Exclusion, having been depending two Parliaments, was very well understood: That, during all that Time, no other Expedient was thought worth hearkening to: And that therefore he was for keeping up to the Letter of the Order. After this, Mr. *L. Gower* calling upon those who had Expedients, to offer them; Sir *John Ernley* declar'd he had something of that kind to communicate, provided the House thought proper to resolve itself into a Committee, according to Mr. *Coomtry's* Motion: But this was fiercely oppos'd by another Member, who said, That our Disease was a *Pleurisy*, and that we must let Blood: That they ought to proceed to what would do their Business: That if the Bill was carry'd, possibly they should want yet other Expedients to fortify it: That he would have the House understand, that those who were against the Committee were for excluding the Duke; that those who were for it were against the Exclusion; and that, upon this Issue, they might put the Question, if they pleas'd. Two other Members then stood up for the Committee, urging, that those who were for proposing Expedients ought to receive all the Encouragement that the House could give. These were answer'd by Mr. *Hampden*; who, after insisting on the Merits and Virtues of the Bill contended for, and the Sanctions it had already receiv'd, challeng'd those who had these Expedients *in petto* to open them, that the House might judge whether they were worth the Consideration of a Committee; and that if Gentlemen insisted on carrying their own Points their own Way, it might be fairly concluded, they were *summing one way, and nothing another*. This provok'd Sir *John Ernley* to unfold his Secret, namely, (1.) That the Title of King might remain in the Duke, but the Power be veiled in the next Heir, as Regent, with Authority, upon the Death of the King, to resemble the Parliament which sat last, who should have Time to confirm the Bill: And that the said Regent should be disabled, by Proviso, from resigning in favour of the Duke. The first Objector was Sir *Nicholas Carew*; who desir'd to be inform'd, whether, in case the Duke refused to submit to this Decision, those who undertook to compel him would not be reckon'd Traitors by the Law? But Sir *William Pulteney*, in plain Terms, call'd it a crude Project; and made no scruple to declare, That he could not imagine it would ever be an effectual one: That it render'd the King a Shadow: That our Laws would never endure the dividing the Person from the Power: That who the next Heir would be, nobody could ascertain: That the King recom-

Expedient proposed by Sir J. Ernley.

mended such Expedients as prefer'd the Monarchy: That this, on the contrary, supposes two Kings, at the same time; one by Law, and another by Right: That nothing could be more dangerous, than to admit the Duke, and then make a question whether Allegiance be due to him: That most of the Members had express Directions from their Constituents to pursue the Bill: That, unless they acted agreeable to those Directions, it was to be doubted whether their Proceedings would be avow'd by them: That the Bill had been under the Consideration of all the People of England, perhaps all the Protestants in Europe: That all the Wit and Learning of those who oppos'd it had been exercised in Objections against it; and yet all the People still adher'd to it: That the Expedient was the most mishapen of all things which was recommended in lieu of it: That it might be two or three Years before it would be understood: That when it was to operate, no body could calculate: And, finally, That, unless it was greatly amended, he saw no Reason to entertain it. This Hint of Amendment call'd up Sir *Thomas Littleton*; who, having decry'd the Plea which several Gentlemen had urg'd, of being directed by their Principals, as an uncertain thing in itself, and not sufficiently warranted by proper Credentials, from those they pretended to obey, proceeded to build on Sir *John Ernley's* Plan, to remove the Prejudices which the House had already conceiv'd against it, and to shew that it bid fairer to establish the public Peace, than the Bill itself. He said, the Regency propos'd, came the nearest of any thing imaginable to the King's Proposal; for it secur'd the Administration of Power in a Protestant Hand, without making any Interruption in the Monarchy:—The Duke might be banish'd 500 Miles from England:—The next Heir, the Prince of Orange, and after her the Lady Anne, for Example, might be nam'd in the Bill:—An Oath might be prepar'd and insert'd to oblige them, in case they accepted the Regency, to execute the Conditions of it:—It would be a less Violence to govern in a Father's Name, than take the Kingdom from him:—When the Law was made, that the King and Parliament might dispose of the Succession, it was a Maxim among the Lawyers that the Crown was unalienable, and yet that Law was obey'd:—The Precedent and Success of that might very well warrant this:—It was the best and safest Expedient that could be propos'd:—It was to be fear'd, that after so great an Affair had been started, if nothing was done, the *Yesuits* and Commonwealth-Men would have the shuffling the Cards again:—But if some Medium was agreed upon, both would be undone:—He added much more: But the Minutes that are left of his Speech, (and indeed all the other Speeches taken at this time) are so perplex'd and incoherent,

A. D. 1685.

(1) The Merit of this Expedient the Reader will find Bishop Burnet taking upon himself, vol. i. p. 496; and also

Sir John, That Lord Halifax and Symonds approv'd it, and even the King himself.

rate, that nothing very material can, with Confidence and Certainty, be further extract- ed from it. Sir William Jones undertook to answer him, and set out with expressing his Amazement, that so learned and able a Gentleman should not see thro' the Expedient he propos'd. What does he mean, said he, by the next Heir? for any thing I know and believe, it is the Duke's Daughter.---- But suppose the Duke should have a Son, and the King should die while he was in his Infancy, or the Princess of Orange should leave an Infant Heir, must that Infant, as next Heir, be Regent? If so, that Infant must have a Protector; and so there would be a Protector of a Protector. But if the Duke is left in Possession of the Name, it will imply a Right to the thing: If he is not depriv'd of the Title, he cannot be depriv'd of the Power. Learned Lawyers will tell you, That all Incapacity is taken away by the Possession of the Crown. If he has the Right, and is debar'd from the Administration, I doubt whether I shall fight against him.----The Papists will say, you have got a Law to separate what is inseparable.----If I was the Duke, I would have had such a Bill as this to puzzle and perplex my Opposers.----If one Army should be necessary to maintain the Exclusion, four would be as necessary to maintain this Expedient: And those who propose it will have the same Power to let the Duke in, as to keep him out.---- Sir Tho. Mompesson, on the other hand, to obviate the Law-Maxim, That Dominion must accompany the Name of King, appeal'd to the Lawyers, whether they who could disinherit the King, could not make this Expedient Law; and argu'd, that as there was no likelihood of obtaining their own Bill, it would be advisable to accept of this: That in his Opinion, the Expedient was a kind of Exclusion; and that if Gentlemen were of a different Mind, they would do well to manage so, that the Country might have the Benefit of one Bill, or the other. Sir Francis Wilmington, as in his Profession, undertook to solve this Gentleman's Query; and, yet allow'd, at the very Entrance of his Discourse, That the same Power that could make a Descent of the Crown, might modify it; which was, in Effect, admitting the very Principle he pretended to confute: But then he said, That Lawyers were aptest to take on with the strongest Side, and to resolve all into Prerogative: That an Act of Parliament against Common Sense was void: That to make a Man a King, and not to suffer him to exercise kingly Power, was a Contradiction: That the Clause relative to the Succession, before refer'd to by Sir Thomas Littleton, was a flattering Clause to satisfy the People, not put them in Possession of the thing: That if this Expedient was to become an Act it would be found Nonsense, because impracticable; and then it would be said the House of Commons were outwitted: That, therefore, it was rather an Expedient to dazzle the Eyes of the People, than give them any solid Security: That he discern'd, during the last

Parliament, That by the Management of the Papists and the Ministers, in case the Exclusion-Bill did not take place, our King would be irresistible: That even the King, in his Speech, when recommending Expedients, seem'd to doubt whether any were practicable: That in the Expedient then under Consideration, there would be no legal Security: That he hop'd Reason, and not great Offices, would have most Weight with the House: That nothing short of the Exclusion-Bill would answer the Ends propos'd; and that he spake all as dying Man: Sir Thomas Mompesson reply'd pathetically, "Pray let us have the Law on our Sides, that if the King dye, we may know whether we are to go.----I think the King's Speech is penn'd as it ought to be penn'd.----Should a King declare positively what Laws he would have, we should resemble an *Irish* more than an *English* Parliament.---- But the King's Words are tender Words: The Thing lies fairly before you: If any Expedient can be thought of, not to destroy the Monarchy, embrace it; And, if the best cannot be had, do not refuse that which may." Mr. Edward Vaughan rose up next, but with a very different Spirit: He was of Opinion, the Regency-Bill would entail a War on the Nation, as well as that of the Exclusion; and farther express'd himself to this Effect: "Tho' Endeavours have been us'd to frighten us out of that Bill, by Prerogatives and Dissolutions, they will have no Effect on those whose Reasons go along with it. I am for that Bill, because all Men are for it, and have sent up the same Parliament again that pass'd it: But if you lead People into Uncertainties as to Government, as this Project of the Regency undoubtedly will, both Court and Country will agree to lay aside Parliaments, because they are useless. Colonel Legg endeavour'd then to turn the Current of the House, by setting before their Eyes the Terrors of a Republic. Such Attempts, he said, had already been made; and if the Duke was excluded, considering how much the Revenue depended on the People, there was much Danger of the like Attempt again. To confirm this, he told a Story of an eminent and powerful Man, in the late troubled Times, who had given his Father, then in Prison, this Caution, *I have oblig'd you; and if the King come in, as I believe he will, then think of me. Look to yourselves when you are in the Saddle again: If once you divide, adieu to Monarchy for ever.*" Adding, "If you keep out the Duke, what must follow? An Act of Association. I speak now for England, for my Posterity, (I have seven Children) not as the Duke's Servant; nor would I out of a Pique of Honour, do any thing to destroy my Posterity." Possibly these and the like things, deliver'd with more Passion than Art, began to fasten the House; and it was thought advisable to efface every such Impression as fast as possible. For tho' Sir William Courtenay rose up to speak for the Exclusion, he was not suffer'd to proceed; and Colonel Birch undertook to work upon the Passions (69).----<sup>9</sup> This is the Day

A. D. 1659.

Day of England's Distress, said he: On this Day's Debate depends the Fate of the Protestant Religion all the World over.—Nothing but a Miracle from Heaven can save the Protestant Religion, without the Exclusion-Bill.—As to the Point of Law spoken of, that will be interpreted according to the Strength of the Party.— We are in a Condition of Conquest or Compact; and so small Government.— Interest must defend this Bill, and not an Army.— We are the Army: I have a Family, as well as others; and, rather than my Children should breathe in an Air tainted with Idolatry, I had rather see them bury'd.— Without this Bill, you may fit down, take a Popish Successor, and renounce the Protestant Religion.— I would break this popish Interest, and then Interest will maintain this Bill.— If once the Bill is pass'd, and, as in Queen Elizabeth's Time, Protestants are put in Places of Trust, you need not fear the Disturbance spoken of.— Where Ten were *once* of this Mind, there are *now* a Hundred, that will bleed for the Bill. In plain English, let the World see, that the Protestant Religion is dear to us, and we shall have the Law on our Side." Sir Thomas Lyttleton here offer'd an (e) Explanation of the Expedient he had recommended, namely, That the Lady Mary's Regency obviated an Absurdity in the Exclusion-Bill: In that, no Provision was or could be made, in case the Duke should have a Son, after his Daughter had ascended the Throne; for she could not be dispossest'd: Whereas, in this, the two Princesses might respectively succeed to the Regency during the Minority of the Son, as well as the Life of the Father, without any Violation of Right, or Prejudice to Monarchy. Mr. Booth, upon this, took upon him to close the Debate, by observing, that if, on the Supposition of a Regency, all Commissions were to be issued in the King's Name, Obedience would be

due only to him: That the Oaths of Allegiance and Supremacy could be taken to none but him; and by them it was declar'd unlawful to take up Arms against the King, or those commission'd by him: That, on the contrary, if the great Privileges of the Crown, such as making War and Peace, disposing of Money, &c. were lodg'd in the Regent, the Monarchy would be violated, if not destroy'd: That, upon the Whole, he saw no Remedy but the Exclusion-Bill; and, therefore, he thought it reasonable to call for the Question: Which was put, and carry'd for the said Bill: And a Committee was appointed to prepare and bring it in accordingly.

This was the Work of the Morning: And while the Debate lasted, Sir Leoline Jenkins, in obedience to the Commands of the House, lodg'd the Impeachment against Fitzharris with the Lords; which he had no sooner done, than Mr. Attorney-General, Sir Robert Sawyer, gave their Lordships an Account of the Case; and farther signify'd, that he had his Majesty's Order, dated the 9th of March instant, for prosecuting the said Fitzharris at Law; and that, in obedience thereto, he had already prepar'd an Indictment against him: Thereby tacitly intimating, that there was no need of their Lordship's Help, to bring a Delinquent to Justice, who was already in the Clutches of the Law.

These Counter-proceedings of the King and the Commons immediately gave rise to a long and warm Debate; the Court-Lords urging, That Fitzharris was beneath the Notice of Parliament: That he was already under Protection: And that it was in the Option of the House either to accept or reject Impeachments, when preferr'd against *Commoners*; as, in particular, the Lord-Chancellor endeavour'd to shew, by citing the Case of the (p) six Murderers of Edward II. who

A. D. 1659.

The Exclusion-Bill ordered in again.

Proceedings of the Lords on the Impeachment of Fitzharris.

[Growth of Papers, P. ii. p. 293. Burnet, v. i. p. 458.]

(a) Edward says, "The business of the Day is opened with reading a Paper of Exhortation, but whatever concerns the Progress of the Debate must be convinced, that the Paper was otherwise; and that the Paper was drawn up after the Debate was over. The said Paper, containing the whole Project in form, is of importance, and therefore deserves a Place here as follows:

It was intitled, *Heads of the Expedient proposed in form of the former Bill, for excluding James Duke of York &c.* 1. That the Duke of York be banish'd, during his Life, five hundred Miles from England, Scotland, and Ireland, and the Dominions and Territories to them belonging. 2. That the whole Government, both Ecclesiastical and Civil, shall, upon the Death of the King, be vested in a Regent, for such time as the Duke of York shall survive. 3. That the Regent be the Princess of Orange; and in case of her Decease without Issue, or with Issue in Minority, then the Lady Anne. 4. That if the Duke have a Son, educated a Protestant, then the said Princess respectively shall succeed in the Regency, during the Minority of such Son, and no longer: Which obtains an *inseparable & fixed* in the former Bill of Exclusion. 5. That the Regent do nominate the Privy-Council, and they to be, or not to be, approv'd in Parliament, as shall be judg'd fittest, upon directing the drawing up of this intitled Act. 6. That, notwithstanding these Kingdoms (that of Respect to the Royal Family, and Majesty itself) may be govern'd by the said Regent, in the Name and Style of James the Second, &c. yet it shall, by this intitled Act, be made capital, for any to take up Arms on his behalf, or by his Commission, not sign'd by the said Regent, or granted by lawful Authority deriv'd from and under his Regency; or to maintain an Opinion, that the retaining for said Name and Style shall, in this Case, purge the Duties impos'd by this Act, or elude the Force thereof. 7. That Commissioners be forthwith sent to the Prince and Princess of Orange, to take their Oaths, that they will take upon them the Execution of this Act, and that their Oaths be here recorded. 8. That all Officers, civil and military, forthwith take Oaths to observe this Act, from time to time, as in the Act for the 7th. 9. That his Majesty would graciously declare to call a Parliament in Scotland, in order to passing the like Act there; and recommend the same; and the like to be done in Ireland, if thought necessary. 10. That, in case the said Duke shall come into any of these Kingdoms, then shall he be *ipso facto* excluded, and shall forfeit, as in the former Bill; and the Sovereignty shall be forthwith invested in the Regent, upon such his coming into any of these Kingdoms. 11. That all considerable Papists be banish'd by Name. 12. That all their fraudulent Conveyances be defunct. 13. That their Children be educated in the Protestant Religion. By this means, these three Kingdoms will be united in the Defence of the Protestant Religion, his Majesty's Person and Government; and a sure Foundation laid of an effectual League with Holland, and consequently with the rest of Christendom, in opposition to the growing Greivance of France.

(b) In the 4th of Edward the Third, in Parliament, Simon Buregh, Thomas Grey, and John Mowbray, Knights, Hugo de Lincoll, John Dremar, William Ogle, all Commoners, were arraign'd to Death by the Lords, for murdering King Edward the Second: And afterwards, in the same Parliament, when the Lords had given Judgment against them, a Privy Seal Agreement was recorded in these Words: *Et of oxford &c. &c.* And it is intitled and recorded by one Lord the King, and all the Guards, in full Parliament, That, when the said Peers, as Judges of

Parliament,

A. D. 1681

being all Commoners, and having been condemn'd by the Lords, it was thereupon expressly enacted, That the Thing should not be brought into Precedent or Example for the Time to come. Those in the Opposition reply'd, That the Case was not in Point; and consequently was of no Authority: That this Record was made at the Instance of the Commons, who had just Reasons to dread Impeachments at the King's Suit, as this was; but never meant to preclude themselves from the Privilege of prosecuting them at their own: That Judges, Secretaries of State, and Lord-Keepers, were often Commoners; and, if this was to be receiv'd as Law, it was in the Power of the Lords, whenever they pleas'd, to put a stop to the Course of parliamentary Justice: That, however, the Matter of Fact was otherwise: That, as it was the Right of the Commons to impeach; so it was the Duty of the Lords, and had ever been their Custom, to receive such Impeachments: And that they could not reject them, without a manifest Violation of the Law and Usage of Parliaments. A Question being at last stated, Whether *Edward Fitzbarris* should be proceeded with according to the Course of the common Law, and not by way of Impeachment, at this time, it pass'd in the Affirmative.

The said Impeachment re- judic'd.

[North's Examen, p. 116.]

And here began a new Debate; the vanquish'd Party not only desir'd Leave to enter their Dissent, But also their Reasons for dissenting. Leave to protest was granted of course; but to specify Motives and Causes was a Novelty, and apparently demanded with a View to the Service without-doors: For this Reason it was earnestly oppos'd by those who were most likely to be affected by it; who said, It was not equal for the Reasons on one Side to appear on Record, and not those on the other; nor, that Provision should be made to seduce Posterity into an Opinion, that the Proceedings of the House were warranted by Numbers only. But, in this Instance, the peculiar Interest of the Peerage got the better of Court-attachment: The Majority of the Lords were pleas'd with the Thought, and glad of an Opportunity to enlarge their Privilege: In consequence of which, the Protesters carry'd their Point, and enter'd their Reasons; which were in

A Protest, with Reasons,

substance as follows: viz. 1. Because that, in all Ages, it hath been the undoubted Right of the Commons to impeach before the Lords any Subject, for Treach, or any Crime whatsoever: And the Reason is, because great Offences, that influence the Parliament, are most effectually determin'd in Parliament. 2. The Impeachment of *Fitzbarris* could not be rejected, because THAT Suit or Complaint could not be determin'd any where else. 3. Such a Rejection, for that very Reason, would be an absolute Denial of Justice; the House of Peers, as to Impeachments, proceeding by their judicial Power, and not by their legislative: Whence it follow'd, that, as a Court of Record, they could no more deny Suitors (especially the Commons of England) that brought legal Complaints before them, than the Justices of *Westminster-hall*. 4. The Law says, in the Person of the King, *Nulli negabimus Justitiam, We will deny Justice to no single Person*: yet here, according to their Apprehensions, Justice was deny'd to the Body of the People; which might be interpreted an exercising of arbitrary Power, and would, it was to be fear'd, have an Influence upon the Constitution, by encouraging all inferior Courts to exercise the same arbitrary Power; as in denying the *Presentments of Grand-Juries*, &c. for which at this time the Chief-Justice stands impeach'd in the House of Peers. And, lastly, these Proceedings of the House of Peers may misrepresent the House of Peers to the King and People, especially at this Time, and more especially in the Case of *Edward Fitzbarris*, who is publicly known to be concern'd in vile and horrid Treasons against his Majesty, and a great Conspirator in the Popish Plot, to murder the King, and destroy and subvert the Protestant Religion. This Protest was sign'd by the Duke of *Monmouth*, the Earl of *Kent*, *Huntington*, *Bedford*, *Salisbury*, *Clare*, *Stamford*, *Sunderland*, *Essex*, *Stafford*, and *Macclesfield*; and the Lords *Murdant*, *Wharton*, *Paget*, *Grey of Wark*, *Herbert of Cheshire*, *Cornewallis*, *Loveclace*, and *Cress*; and by the Means of the Press, for which it was originally calculated, became the Subject-Matter of political (q) Controversy all over the Kingdom.

A. D. 1681.  
admitted for  
the first time,  
in this Court.

The

Parliament, took upon them, in the Presence of our Lord the King, to make and render the said Judgment, &c. yea, that the said Peers who now are, or the Peers who shall be in time to come, be not bound or charg'd to render Judgment upon other than their Peers. For that the Peers of the Land have Power to do this, but thereof for ever to be discharg'd and acquitted: And the aforesaid Judgment now render'd be not drawn into Example or Consequence, in time to come; whereby the said Peers may be oblig'd and charged hereafter to judge other than their Peers, contrary to the Law of the Land, if the like Case happen, which God forbid. *Fit. Parl. N. 1, 2, 3, 4, 5, 6.*

[g] An Answer to this Protest was also printed: the most material Parts of which are here inserted, that the Reader may be the better Judge of the Merits on both Sides.

To the 5th Article, it was answer'd, "The Parliament is certainly the most high Court of the Nation; and, by the Writ, the Members of both Houses are called to treat, de quibusdam articulis, certain difficult Matters, or Things of a high Nature, which concern the King, Kingdom, and Church; and therefore 'tis rational to think, that any Crime whatsoever doth not properly fall

under the Cognizance of this high Court; nor can any Crime whatsoever be such a great Offence, as (to sit the same Phrase) may influence the Parliament, and be most effectually determin'd in it. If this were admitted, in a short time the Jurisdiction of all inferior Courts would fall to the Ground; and, it may be supposed, it would be thought necessary, by these noble Lords, to have a perpetual Parliament for Good-Governance, and the determining Crimes and Misdemeanors of the lowest Nature.

The great Offence, in this particular Case, is High-Treason; and, if what hath been said above be a valid and convincing Reason against the Lords for rejecting the Impeachment, it doth seem to infer a Necessity or Right of trying all Treasons by Impeachment in Parliament; because they influence Parliament, and are most effectually determin'd in them. [Here followed Numbers of Instances to show the Fallacy thereof.]

By *Alagna Charta*, no Man is to be condemn'd, but by lawful Judgment of his Peers; which hath been confirm'd, and declared to be the common Law of the Land, by many Acts of Parliament. The House of Commons were never chosen, intrusted, or empower'd, by the People, they repre-

A. D. 1681.

The Commons highly censur'd at the Proceedings of the Lords.

The Commons had adjourn'd till the Afternoon; and in that Interval, became acquainted with all the Particulars of this Affair; at which, it appears, they were so highly incens'd, that, as soon as the Houle was reassembled, they took Cognizance of it, with more Rage and Fury than ever they had witness'd on any Occasion before: Even Sir Thomas Lyttleton, who had that very Day acted the Part of a Mediator between the two Factions, lost all Temper, declar'd the Lords would be a Court or not, as best suited their present Purposes; and that by the dismissing of the Impeachment, he saw no further Use of a Parliament. According to Sir William Jones, the Lords were so flagrantly in the wrong, that all Reasonings upon the Case

were unnecessary; And yet he proceeded to shew, That if an Action was brought in the lower Courts, it did not hinder the same Action from being brought likewise into *Westminster-Hall*: That the same Practice held in their Case: That tho' the Popish Lords were indicted at Common Law, it was thought no Impediment to their being impeach'd in Parliament: That if it should be objected that no Indictment was laid, nor Prosecution commenc'd, against *Fitzbarris*, Lord Chief Justice *Streeggs* was in the same Circumstances; and yet the Lords, without any Scruple, accepted his Impeachment: That as the Lords spiritual, who had no right to vote on this Occasion, had help'd to decide so great a Point, the Injustice was double: That

sent, to do any thing which is not according to the common Law; nay, the whole Parliament cannot do any such thing, unless they make a Statute first, to make void that Law.

'Tis further the common Opinion of Lawyers, That all Acts of Parliament are void in themselves, or not binding, which are made against the fundamental Law, of which, if this Trial by Peers be not one, there is none in England.

He knows not the Value of Trial by Jury, that desires to be try'd any other Way. 'Tis dangerous, and against the Liberty of free Englishmen, to admit of, and have Precedents made to warrant Trial without Jury: Innocents may be hurried to death by their Prosecutors, and the vile Criminals saved by the same Means; the Speeches, passionate Expostulations, and Inclinations of such Men prevailing much upon, and influencing, the Witnesses, either to conceal or dilate their Evidence against the Person impeach'd; especially when they know they may do it freely, with Impunity, and by Approbation of potent Persons.

But, it may be said, What if the Commons desire to impeach a Compeer before the Lords, for Treason, may it not be done?

Yes, if the Lords be willing to receive the Impeachment; for they cannot be forced, or oblig'd against their Wills, to hear and pass Judgment in criminal capital Cases, upon any but their own Peers. *There follows the Case of the six Compeers before-quoted.*

Of the second it was said, 'This is all artificial Reason, or rather a mere Quibble, if duly examined; for, whether this Criminal's Trial be by Indictment in the King's-Bench, or by Impeachment, 'tis the same Accusation, namely, for Treason; and the Prosecution in both Courts (which is really and truly the Suit) is for the same End and Purpose: that is, that the Delinquent be punish'd according to Law; for 'tis to be suppos'd that was the Intent of the Impeachment, and this may be done most effectually and legally, by the Trial of his Peers, in an inferior Court, according to the Course of the common Law.

The Ground of this wonderful Reason is, the different Use of the two Words *impeachment* and *indictment*, both which signify an Accusation; and the End and Design of this Accusation is the same; and 'tis no matter, whether this black Criminal recover the Sentence of being hang'd, drawn, and quarter'd, for his vile Treason, from the Lords in Parliament, the Judges of the King's-Bench, or by special Commission of Oyer and Terminer: But, most certainly, the most legal Way of Trial is by his Peers, by whom he may have the most equal Condemnation or Acquittal, there being not one Precedent to be found, that comes up to, or is parallel with, this Case.

'Tis the Third, the Answer proceeded thus: 'These Lords interpret this Rejection of the Impeachment to be an absolute Denial of Justice, because they say, as before, *the same Suit cannot be try'd any where else*: it hath been shew'd before, that this Reason is a mere Quibble of a fond groundless Nicety. Nor can any Man, tho' but of a weak Capacity, think it to be a Denial of Justice to refuse the Trial of a Crime to an inferior Court, where it is most properly try'd by the Laws of the Land. Nor was it certainly a Denial of Justice in the Lords, in *Drake's* Case, which they desire to be try'd in the King's-Bench: The Words of the Oath are this.

The Houle taking into consideration the Impeachment, brought up from the Houle of Commons in the Name of all the Commons of England, against *William Drake*, Merchant and Citizen of London; and their Lordships approving they may not have time before their Dissolution to proceed in judicature against him: It is therefore ordered and declared by the Lords in Parliament, That the King's Attorney-General do, in his Majesty's Name, proceed against the said *William Drake* in the Court of King's-Bench, upon the said Offence, according to the ordinary

Course of Law. *Lords Journ. Merc. Dec. 19. 1660.*

This Reference of this Case to the King's-Bench was not protected against by any of the Houle of Peers, nor so much as question'd, nor thought to be arbitrary, illegal, or against the Constitution of Parliament: His Crime was, for publishing a Pamphlet, in the Name of one *Phillips*, call'd, *The Long Parliament reviv'd*: The Impeachment was in this Form, 'The Knight, Citizen, and Burgess, of the Houle of Commons, in the Name of themselves, and all the Commons of England, do hereby declare, complain, and shew, against *William Drake*, Merchant and Citizen of London, that, in contempt of his Majesty's Crown and Dignity, and of the Laws and Government of this Kingdom, and out of a malicious Intention to raise and stir up Sedition and Division in this Kingdom, and against the Person of our Sovereign Lord the King, &c. *Cons. Journal, Merc. Dec. 21. 1660.*

By this Proceeding of the Lords, it seems, they thought not then, that one and the same Impeachment might continue from Parliament to Parliament, without being reviv'd; or a new one brought up; and a Man would think they had Reason on their Side; for 'tis hardly conceivable, when a Court is dissolv'd, and not in being, how any thing depending in that Court should have a Being, and remain: What can support it? What can give it a Being or Existence! In the Privileges of Parliaments, all Business ceaseth, and begins anew, much more it ought to do so, when the Court itself falleth, and ceaseth in Being.

Lastly, as to the fourth, it was urg'd, 'As to the Denial of Justice in this Case, it hath been clearly made appear before, there neither is, nor can be, any such thing, by rejecting this Impeachment, and referring the Treason contained in it to be determined and try'd by the common Law; and therefore what is not, nor can be, cannot be interpreted an exercising of arbitrary Power, nor have any Influence upon the Constitution of the English Government.

This whole Paragraph is indeed a needless Reflection, rather than Reason (to what End 'tis fellows to tell the World) for this very Action of waving this Impeachment is so far from encouraging inferior Courts to exercise an arbitrary Power, by denying the Privileges of Grand Jurors, as manifestly it hath a contrary Operation and Effect in Law; for by this means, the great Caspitor in the popish Plot to murder the King, and destroy and subvert the Protestant Religion, will receive his Trial in the Law direct, by Pointment and Verdict of a Grand Jury and Petty Jury, one or both of whom are his Peers.

Having done with the Prosecution itself, it may not be impertinent to make a Query or two about the Subject-matter of the Indictment, and Impeachment. 'What if there be several and different Treasons, for which Mr. *Fitzbarris* may stand accus'd; shall not the King proceed to try him according to the due Course of Law? The Treason for which he is prosecuted at Law may not be the same, and in all Probability it is not, for which he was impeach'd: The Houle of Commons declar'd not what the Treason was in particular, and the King had the first Possession of the Case, having first examin'd the Criminal. 'Shall the Course of the common Law be obstructed or delay'd by the Impeachment? When, if he receives not Sentence of Death upon his first Indictment at Law, he may be remanded to Prison, and afterwards prosecuted by Impeachment, or upon new Indictments at the common Law, for his other Treasons, if the Gentlemen of the late Houle of Commons, who have so received the Information against him, shall think it expedient. 'Have not all the *heretick*, *damnable* popish Plot-ars, which were Commoners, been try'd by the common Law, notwithstanding the sitting Parliaments? What Necessity is there then of an extraordinary Way by Impeachment? *One of Lord Somers's Collections, p. 321.*

A. D. 1681.

That it was his Opinion they ought to resolve, That the Commons had a Right to vote in capital Cases; and that the Lords had deny'd them Justice, in refusing the Impeachment: That after they had thus asserted their Privileges, they ought to draw up Reasons to justify these Votes, and convince the Lords in a parliamentary way, at a Conference, how unwarrantably they had acted; and that in case a Dissolution should follow, the Blame might fall in the right Place. Sir Francis *Wilmington* even out-form'd Sir *William*: He said; "This is no Common Case: Both Religion and Property are concerned in it; and how the *Bishops* came to stifle it, let *God* and the World judge.----- The Attorney-General tells the Lords, he has had Directions from the King to prosecute the Man; but no Indictment is laid, no Record appears. Is this sufficient Ground for the Lords to deny our Impeachment? If the Lords will vote that the Commons shall not impeach, they may as well vote that we shall not be Prosecutors:-----But yet we will be so.-----*Fitzbarris* is accus'd of being concern'd in a new Plot against the Protestants; and we must not impeach him; which is as much as to say, That they must not bear it.-----If this be the Case: If our Time be but short, as I believe it is, pray come to a Vote to assert your Right.-----A little while ago, when the Duke was presented for being a Papist, the Grand Jury was dismiss'd. One would almost conclude, That the Lords thought themselves bound in honour to justify the Proceedings of the Judges by their own, &c. Sir *Robert Howard* thought it strange that *Fitzbarris* should be hurry'd to the Tower, as soon as he began to confess in *Newgate*, that when the Terror of his Condition inclin'd him to confess the whole Plot, he should be taken out of their Hands.----- "The Concern of the French Ambassador in this Plot, said he, a Jury will never enquire into: Their Business is only to decide whether the Evidence makes out the Indictment.-----Unusual Practices will occasion unusual Suspicions.----- What Provocation does our Impeachment carry along with it?----- Secretary *Jenkins* would not present it: The Lords will not accept it.----- Must we give over the Prosecution of the Plot? Must the Protestant Religion be shewn no Mercy?-----*Fitzbarris* may merit Pavour by Confession; and if his Breath be stop'd by the Lords, I am sorry that People will have room to say, If it were not for the Lords, *Fitzbarris* might have discover'd all the Conspiracy, and the Protestant Religion might have been sav'd." For a Conclusion of this Rhapsody, he was pleas'd to move, that the House would come to a Resolution, That the Rejecting the Impeachment, had not only a Tendency to subvert the Constitution of Parliaments, but also of the Protestant Religion. Sergeant *Meynard* was bold enough to assert, "That all knew there had been a Plot in England; that he was also sure it had extended to Ireland: That all Arts and Crafts had been us'd to hide it: That it began with Murder, Perjury, and Subornation:

A. D. 1681.

That this was a second Part of that: That in refusing the Impeachment, the Lords had, in effect, destroy'd the Essence of Parliaments: That, if this be so, *Holland* and *Flanders* must submit to the French, and they must overrun all: That this was a strange Breach of Privilege, and that it tended to the Danger of the King's Person, and the Destruction of the Protestant Religion. Sir *Thomas Playter* reserv'd himself for the Close of the Debate, possibly to put in for the Merit and Glory of saying greater Things than any of the Worthies who had preceded him: For, according to him, the Confessions of *Fitzbarris* were a Confirmation of the Truth of the Plot: That the King was to be murder'd: That the Duke had given his Consent to it: That Justice *Godfrey* was murder'd: That the Army at *Blackheath* was to destroy the Protestants in *Holland*, and awe the City of *London*, &c. &c.

As the Print, from whence these Minutes are taken, was set forth by the Exclusionists, not only as the Sense, but the very Expressions of the Party, there is no Room to imagine, they intended to ridicule and expose themselves. And yet their Adversaries could not have hurt them more, than by informing the Public, on what a Mixture of extravagant Assertions, and forc'd Inferences, their Resolutions were founded. Sir *Henry Capel* was, indeed, pleas'd to confess to Sir *Francis North*, when urg'd in a private Conversation, for some better Reasons than appear'd, for so violent a Prosecution of the Exclusion-Bill, That they did not use to give the true Reasons that sway'd them in Debates in the House: And herein consists the main Craft of Faction, To make the World adopt those Arguments that they do not believe themselves. But this cannot be done always; Mens Minds must be previously tun'd to the right Key, or there will be no Response. Conviction against the Grain, will not operate so strongly as Persuasion with it. And thus in the Case before us, the Tone of those that spoke was suited to the Ears of those that heard: Every Man either supply'd or forgave all Defects: And on the whole it was resolv'd, That it was the undoubted Right of the Commons to impeach any Peer or Commoner for Treason, or any other Crime or Misdemeanor; and that the Refusal of the Lords to proceed upon such Impeachment, was a Denial of Justice, and a Violation of the Constitution of Parliaments: That in the Case of *Fitzbarris*, for the Lords to resolve, that the said *Fitzbarris* should be proceeded with according to the Common Course of Law, and not by way of Impeachment, at this Time, is a Denial of Justice, a Violation of the Constitution of Parliaments, an Obstruction to the further Discovery of the Plot, and of great Danger to his Majesty's Person and the Protestant Religion: That for any inferior Court to proceed against *Fitzbarris*, or any other Person lying under an Impeachment in Parliament, for which he or they stand impeach'd in Parliament, is an high Breach of the Privileges of Parliament. And for a Close of this busy Day, they order'd in a Bill

Their angry  
Vote.

A. D. 1681. to associate his Majesty's Protestant Subjects; and another, to banish the most considerable Papists, by their Names.

This was Saturday, and, tho' the House had often sat on Sundays during the Heat of the Plot, they now adjourn'd till Monday; probably, that the first Movers might have Leisure to revolve the present System, and give it some new Direction. But, if such was the Design, it does not appear that it was brought to any Issue: For, on Monday, when the House met again, the *Exclusion-Bill* was (7) receiv'd, read once, and order'd to be read a second time; after which, Sir *William Jones* undertook to offer such Considerations as should satisfy the Public, that, in their late Votes relating to *Fitzbarris's* Affair, which it seems had already occasion'd much Discourse, they had the Right on their Sides: But he had scarce dispatch'd the introductory Part of his Speech, before he was interrupted by the Usher of the Black-rod; who commanded the House to attend his Majesty in the House of Peers, who was come thither to put a Period to their Proceedings.

[The Exclusion-Bill again brought in.]

*Ferguson* asserts, That the *Conspirators*, meaning the *Court*, having receiv'd Intelligence that *Fitzbarris's* Wife and Maid were come to *Oxford*, in order to discover what they knew, resolv'd to put a stop to the Career of the Commons early on Monday Morning, by a Dissolution; which was resolv'd on late the Night before, in the Cabinet-council at *Christ-Church*: And Mr. *North* gives the following Detail, both of the Cause and Manner of this extraordinary Event:

[Examens, p. 294.]

"The Commons complain'd, that the Convocation-house was too strait for them to sit and transact in; and, at their Desire, Orders were given for the immediate fitting up the Theatre for their Use. The King concern'd himself much about the Disposition of it, view'd the Design, gave his Judgment, and came in Person among the Workmen; and, particularly on Saturday, 26 March, 1681, I had the Honour of seeing him there, and observ'd his taking notice of every thing. Upon Sunday next his Majesty was pleas'd, especially towards the Evening, to entertain himself and his Court with Discourse of the wonderful Accommodation the House of Commons would find in that Place; and, by his Observations and Descriptions, shew'd how it was to be. All this while the Spies and Eves-droppers could find no Symptom of a Dissolution, but rather of the contrary, that the Parliament was like to make a long Session of it. The next Morning, which was Monday, the King came to the House of Lords, as he was wont, in a Chair, and another Chair follow'd with the Curtains drawn; but, instead of a Lord, as was thought to be in it, there was only the King's Robes. Thus they went and sat down in a Withdrawing-room. When the Robe Chair was open'd, a gross Mistake appear'd, for the Garter-ropes were put up

instead of the Robes of State; so the Chair must go back, with an Officer, to bring the right. A Lord happen'd to be in the room, who, upon this Discovery, was stepping out (as they thought) to give the Alarm: Upon which those with the King prevail'd to continue his Lordship in the Room till the Chair return'd, and Matters were fix'd, and then he had his Liberty. The Reason of this Privacy was to prevent bad Language, or worse, in parting Votes; as had happen'd upon the Dissolution of the former Parliament. And the Precaution was more reasonable, because, if any Evil was ripe, it might prevent the Execution of it: Or, perhaps, his Majesty had no mind to be troubled with too many Interposers, with their dark Objections; as, *Sire, what do you mean? Does your Majesty consider? First, think what will be the Consequence*; and the like. And, I guess, besides weightier Considerations, the King desired to free himself from such kind of Importunities."

Mr. *North* also says, that the Appearance of the *Black-Rod* at the Door of the House gave the first Cause of Suspicion, that a Dissolution was at hand: But the contrary of this appears in the Debates already quoted; in which the Apprehensions of what happen'd are very strongly specify'd!

However this may be, the Commons sooner presented themselves at the Lords Bar, than his Majesty express'd himself to this Effect: "That he perceiv'd there were Heats between the two Houses: That from such Beginnings nothing good could be expected; and that therefore he thought fit to dissolve them." After which, by his Majesty's Command, the Lord Chancellor declar'd the Parliament to be dissolved accordingly.

This sudden and surprising Exertion of the Prerogative had all the Effect that the most sanguine of the King's Advisers could have expected from it. Those who were so formidable in a Body, as the Representative of the Commons of *England*, were all at once become so insignificant, as scarce to be distinguish'd from the Herd: Eye-witnesses of this remarkable Scene report, that the King's Breath scatter'd them like Leaves in Autumn: That, instead of those lordly Looks, and menacing Speeches, which they had us'd and worn till then, they appear'd crest-fallen, dismay'd, reserv'd, and pensive; as if, in the Moment of Projection, all their Hopes had blown up, and they were undone by the Experiment. "It is not to be express'd, says Mr. *North*, what Clutter there was in Town about getting off; the Price of Coaches mounted *Cent. per Cent.* in a Quarter of an Hour. It was the Conceit of a foreign Minister, that the Town look'd as if it had been besieg'd, and was just surrender'd, upon condition that all the Inhabitants should immediately remove." Other Writers affirm, that the Terror was on the King's Side; that he took Coach the Moment he had silenced the

A. D. 1681.



[Parliament abruptly dissolved.]

[Kennet, Richard.]

(7) Mr. Secretary *Jessles* mov'd, that it might be rejected; but not being seconded, his Motion dropp'd of course.

A. D. 1681.  
[Covers  
against the  
Wing, P. 1.]

the Parliament, and drove full speed to *Windfor*, as one who flew from Danger, and was overjoy'd with Deliverance. Possibly the two Parties were equally afraid of, and made equal Haste to fly from, each other: And, if that was the Case, it may be presum'd, that both these Pictures are after the Life.

The King sets  
forth a Decla-  
ration.

The King now believing the Advantage to be on his Side, thought that he might venture to turn the Tables on his Opponents: And, in order thereto, most politely began with an Attempt to recover the good Opinion of his People: In a few Days after his Majesty's Return to *Whitehall*, which was the second after his Departure from *Oxford*, a Royal Declaration was made public, not only by the Press, but by the Official in every Parish-Church in *England*; wherein, after his Majesty had set forth with what exceeding great Trouble he was brought to dissolve the two last Parliaments, without more Benefit to the People; and how absolute his Intentions were to have comply'd, as far as would have consist'd with the very Being of the Government, with any thing that could have been propos'd to him for preserving the establish'd Religion, the Liberty and Property of the Subject at home, and supporting the foreign Alliances, he took notice of the *unsuitable Returns* of the House of Commons; their Addresses in the Nature of *Remonstrances*; their arbitrary Orders for taking Persons into Custody, for Matters that had no relation to their Privileges; and their strange, *illegal Votes*, declaring divers eminent Persons Enemies to the King and Kingdom, without any Order or Process of Law, or hearing their Defence.

That, besides these Proceedings, they had voted, That whoever should lend any Money upon the Branches of the Revenue, or buy any Tally, should be adjudg'd to hinder the Sitting of Parliaments, and be answerable to the same in Parliament. Which Votes, instead of giving him Assistance, tended rather to disable him, and to expose him to all Dangers that might happen at home or abroad, and to deprive him of the Possibility of supporting the Government itself, and to reduce him to a more helpless Condition than the meanest of his Subjects.

That they had voted the Prosecution of Protestant Dissenters, upon the penal Laws, a Grievance to the Subject, a Weakening to the Protestant Interest, an Encouragement to Popery, and dangerous to the Peace of the Kingdom: Whereby they assumed to themselves a Power of suspending Acts of Parliament. Which unwarrantable Proceedings were the Occasion of his parting with the first Parliament. That having assembled another at *Oxford*, he gave them Warning of the Errors of the former, and required them to make the Law of the Land their Rule, as he resolv'd it should be his. Adding withal, that though he could not depart from what he had so often declar'd touching the Succession; yet, to remove all reasonable Fears that might arise from a popish Successor, 18 Means could be found, that, in such a Case,

A. D. 1681.

the Administration of the Government might remain in Protestant Hands, he was ready to hearken to any Expedient for the Preservation of the establish'd Religion, without the Destruction of Monarchy.

Notwithstanding all which, no Expedient could be found, but that of a total Exclusion; which he was so nearly concern'd in Honour, Justice, and Conscience, not to consent to. Nor did he believe, as he had Reason so to do, but that if he had, in the last Parliament at *Westminster*, consented to a Bill of Exclusion; that the Intent was not to have rested there, but to have attempted some other great and important Changes.

That the Business of *Fitzharris*, impeach'd by the Commons of High Treason, and by the Lords referred to the ordinary Course of Law, was on a sudden carried to that Extremity by the Votes of the House of Commons, *March 26*, That there was no Possibility left of a Reconciliation.

Whereby an Impeachment was made use of to delay a Trial directed against a professed Papist, charg'd with Treasons of an extraordinary Nature.

That, nevertheless, he would not have the restless Malice of ill Men persuade his Subjects that he intended to lay aside the Use of Parliaments; for that he did declare, that no Irregularities in Parliament should make him out of love with them; and that, by the Blessing of God, he was resolv'd to have frequent Parliaments; and, both in and out of Parliament, to use all his utmost Endeavours to extirpate Popery, and to redress the Grievances of his good Subjects, and in all things to govern according to the *Laws of the Kingdom*.

How well the Allegations in this artful Piece are founded, the Reader is already enabled to judge: With what Sincerity so many fair Promises were made, the Sequel will explain: And, by way of Anticipation, Sir *John Reresby* makes no Scruple to declare, "That from this abrupt Dissolution, and what he had heard from Lord *Hallifax* and others (he might have added, the notable Disposition that now appear'd to husband the Revenue, especially in the Retrenchments which had been made in the Household; and which a certain Exclusionist-Member, took the Liberty, even in the House, to call *scandalous*) his Conclusion was, That the King was determin'd never to relinquish his Brother; as also, to call no other Parliament for a long time."

The Virtue and Value of political Pieces may very well be estimat'd by the Care that is taken to answer them.—The Declaration was encounter'd, if Fame ever tells Truth, by Sir *William Jones*, himself, in a Pamphlet, call'd, *A Just and Modest Vindication of the Proceedings of the two last Parliaments*; some Account of which will be necessary, for the sake of Information, as well as Impartiality.

It set forth with an Assertion, that all good Men were equally amaz'd at the unlook'd-for Dissolutions of two Parliaments; and that an Attempt should be made to justify such extraordinary

Which is as-  
sured by Sir  
Wm. Jones,  
in the Name of  
the Party.



A. D. 1681.

extraordinary Proceedings. It acknowledg'd that our Kings were entrusted, in a great measure, with the Power of calling and dismissing Parliaments; but then it also suggest'd, That, by the Wisdom of our Ancestors, it was provided, That Parliaments should be annual, and that they should not be dissolv'd till all the Petitions and Bills before them were answer'd; that these Privileges were secur'd to the Nation by the same sacred Tie, by which the King, at his Coronation, does oblige himself to administer Justice, and to preserve inviolably all the Rights and Liberties of his Subjects: That the late abrupt Dissolutions, at a time when only the Legislative Power could relieve the just Fears of the Public, were, therefore, very *unsuitable* to the great Trust repos'd in the Prince: That the manner of these Dissolutions was as *unwarrantable* as the Facts: That by the Writ of Summons they were taught, and by the Usage of all Ages confirm'd, that Parliaments should neither be assembled nor discharg'd without the Advice of the Council: That by forsaking this safe Method, the King became *personally* expos'd to the Reflections and Censures which accompany'd ungrateful Actions; and the Provision which the Laws had made that those who gave irregular Advice, or obey'd illegal Commands, should be answerable for them, was evaded: That this last Dissolution was so much a Work of Darkness, that even the Privy Council was as much surpriz'd at it as the Nation: That the Author or Adviser of the late printed Paper, call'd, *His Majesty's Declaration*, was out of the Reach of any future Parliament; because his Majesty never speaks to his People, as a King, but, personally in Parliament, or under his Seals, by which his Officers become responsible for what they deliver; whereas that Piece had no other Sanction than that of the King's Printer to vouch for it: That Declarations like this, were always needless or ineffectual: That good Actions requir'd no Apology; that bad would admit of none: That after *Coleman's* Masterpiece in this way, which unluckily shew'd how little Sincerity there was in such kinds of Writing, it was generally believ'd that nothing of the same Kind would have appear'd in this Age; and that the present Ministers might well be out of Countenance to see their Copy fall so very short of the Original: That tho' the real Authors of it hop'd to conceal themselves by prevailing with his Majesty to take it wholly on himself, they had, nevertheless, answer'd to their Names, when they number'd among the Crimes of the House of Commons, their having voted diverse eminent Persons to be Enemies to the King and Kingdom: That, tho' to the Dishonour of the Country, it was thus apparent, that some *Englishmen* were both concern'd in advising the Dissolutions and the Defence of them; it was yet evident, that the Writer of the Paper, was either a *Frenchman*, or so devoted to the Interests of *France*, that he could express himself in

the Idiom of no other Language, or else he could never have introduc'd the King saying, *That it was a Matter extremely sensible to us.* A Form of Speech peculiar to the *French*. And that from the number of *Gaspichius*, apparent through the whole Paper, it was doubtful whether that which was publish'd in *French*, or the *English* one, was the Original. That tho' the Peers at *Oxford* were so totally ignorant of the Counsel, that they never once thought of a Dissolution, till they heard it pronounc'd, the *Duchess of Mazarine* had better Intelligence, and publish'd the News at *St. James's*, many Hours before it was done: That, tho' the Declaration was not communicated to the Privy Council till *April* the 8th, when his Majesty, according to the late Method, did graciously declare to them his Pleasure to have it set forth, without desiring any Advice upon it, the *French* Embassador, *Mr. Barillon*, did not only read it to a Gentleman on the fifth, but demanded his Opinion of it, who took the Liberty to ridicule it to his Face: That the Reason which had been assign'd for dissolving three several Parliaments successively, namely, *That the King was resolv'd to have the Advice of his People in frequent Parliaments*, was grown ridiculous; for that, as soon as the Ministers began to suspect that his Majesty was inclin'd to accept and pursue their Advice, those very Parliaments were presently dissolv'd. That surely the Declaration would make but few Converts, not only because it had represented those things as highly criminal, which the whole Kingdom had been celebrating as highly meritorious, but because the People had been so often deceiv'd by former Declarations, that nothing bearing that Name, would have any Credit with them for the future.

That as to his Majesty's exceeding great Trouble, it ought to be plac'd to the Account of a few desperate Men; for whose sake he had been prevail'd upon not only to disappoint his own People, but almost all *Europe*: That the Blame could not be imputed to the Over-violence of either of those Parliaments: That if they had gone too far in any thing, they had been misled by his Majesty's own Speeches and Declarations: That he had not only often recommended the Prosecution of the Plot, but declar'd, that he thought neither himself, nor them, *safe*, till it was completed: That he had also declar'd it was his constant care to secure our Religion for the future in all Events: That in all things which concern'd the Public Security, he would not follow the Zeal of his Parliament, but lead it: That he had often shewn himself desirous of a dispensing Power in favour of Nonconforming Protestants: That he had even promis'd to make it his special Care to incline the Wisdom of Parliament to concur with him in making an Act for that Purpose: That, as if to manifest that these gracious Intimations did not terminate with the Possibility of extending to Papists the same Toleration, his Majesty had, (r) since the Discovery

A. D. 1681

covery of the Plot, when there was no Hope of even procuring a Conivance for them, express'd his Zeal for a Union among all sorts of Protestants; and that the Lord Chancellor, by his Command, had told both Houses at the same time, That it was necessary to distinguish between Popish and other Reculants; between them that would destroy the whole Flock, and them that only consider from it. And that over and above these Encouragements from the Throne, the Behaviour of the Papists themselves had been such as would have excus'd an English Parliament, if they had been hurry'd into some Excess: But that no Provocations had driven them into any thing not justifiable by the Laws of Parliament, or unbecoming the Wisdom and Gravity of an English Senate.

That as to his Majesty's gracious Expressions at the opening his last Westminster Parliament, they had lost their Force and Weight for want of a Correspondence of Actions: That whatsoever the House of Commons address'd for, was certainly deny'd, tho' it was only for that Reason: And that there was no surer way to Favour at Court, than the receiving a Censure from the Representative Body of the People: That supposing some of the things detur'd by the Parliament were exorbitant, or even inconsistent with the very Being of Government, all were not so: That the Government might have subsisted, tho' some of the Gentlemen put out of the Commission of the Peace for their Zeal against Popery, had been restor'd; or Sir George Jeffries had been remov'd, or the Statute of the 5th of Elizabeth had been repeal'd.

That further, as to the gracious Things said by his Majesty, it was to be wish'd, that his Majesty had added to his gracious Asking of Money in support of Alliances, a gracious Communication of those Alliances, since there was no Precedent to be shewn, that ever a Parliament, not even the late long Parliament, tho' fill'd with Pensioners, did ever give Money in Maintenance of Leagues, till they were first made acquainted with the Particulars of them: That in the King's Speech no Mention was made of any new Ally, except the Spaniards, whose Affairs at that time, thro' the Defects of his own Government, and the Treachery of our own Ministers, were reduc'd to so desperate a State, that he might well be a Burden to us, but nothing could be hop'd from a Friendship with him, unless, by the Name of a League to recommend our Ministers to a new Parliament, and help them to couzen Country Gentlemen out of their Money: That the League was in itself pernicious: Since it tended to embroil us in every Quarrel or Disturbance, that internally or externally might affect any Part of the Spanish Monarchy: And that this Obligation being reciprocal, in case of any Commotion in England, arising from any Attempt to change our Religion or Government, his Catholic Majesty was to give Aid in so pious a Design, and make War upon the People with all his Forces by Sea and Land: That on the other hand, instead of contributing to

A. D. 1681

the Conservation of the general Peace, or the Security of Flanders, the French might become Masters of it in a Month; and our Successors were not to be sent till three Months after the Invasion had taken place: That, therefore, upon the whole, it was reasonable to suspect, that the main End of the League was to furnish a handsome Pretence to raise an Army in England; and in case that Measure had given rise to any Disorders, to call in the Spaniards to assist in suppressing them: That as to another of his Majesty's gracious Things, the Prosecution of the Plot, the Parliament had so behaved as to leave no room for Censure on that Head: That as to the Assistance demanded for the Preservation of Tanger, they had given his Majesty to understand they were ready to grant it on a reasonable Security, That it should not be unemploy'd to augment the Strength of their Popish Adversaries, and to increase their Dangers at home: And that to leave the Consideration of England to provide for Tanger, would be to act like a Man that should lend his Servants to mend a Gap in his Hedge when he saw his House was on Fire, and his Family like to be consum'd in it: And that as to his Majesty's Offers, to concur in any Remedy that could be propos'd for the Security of the Protestant Religion, they were no more than Offers; for those Remedies which the Commons had tender'd were rejected; and those they were preparing were prevented by a Dissolution.

That for the unjustable Returns of the Commons, viz. 1. Their presenting Remonstrances rather than Addresses, no English Reader had any criminal Idea to affix to that Word: That if they meant by a Remonstrance a Declaration of Causes and Reasons of what was done, it stood justify'd by his Majesty's own Example, who had vouchsafed to declare the Causes and Reasons of his Actions to his People: And that if they had not shewn upon what Grounds they proceeded, they had been accus'd of acting peccatorily or giving the Law. 2. Their arbitrary Orders for taking Persons into Custody for Matters not relating to Privilege:—The Fact was mis-stated; for if the Privilege of Parliament was concern'd, when an Injury was done to any particular Member, it was concern'd much more when Men (alluding to the Abhorers) struck at Parliaments themselves, and endeavour'd to wound the very Constitution: That, however, there were Precedents innumerable of Commitments by the Commons, in Matters not relating to Privilege: That the Cases of *Crockerell*, 4th Ed. VI. committed for confederating in an Escape; of *Sir Francis Mabeck*, and others, for Misdemeanours, 15th *Jas.* in procuring a Patent for the Forfeitures of Recognizances; *Dr. Harris*, 20 *Jas.* for misbehaving himself in preaching; *Burgess*, 2d *Car.* I. for Faults in Catechising, and *Love* for pretending to exercise a Patent, which had been adjudg'd a Grievance by a Committee of Commons in a former Parliament, might serve for their present Justification; and that the Commons had betray'd their Trust, if they had assert-

A. D. 1681

ed the Right of petitioning, which had been before taken by such a *strange, illegal, and arbitrary Proclamation*. 2. Their *strange, illegal Votes*, declaring several Persons to be *Enemies to the King and Kingdom*:—The Commons, in Parliament, had ever us'd two ways in delivering their Country from pernicious and powerful Favourites: *viz.* By Impeachment, when it is thought needful to make them public Examples by capital Punishments: And by immediate Address to the King to remove them, as unfaithful, or unprofitable Servants: That the Records and Histories, *Ed. I. Ed. II. Ed. III. and Hen. IV.* and indeed all other succeeding Kings were full of such Addresses as these. But no History or Record could shew that ever they were call'd illegal or unparliamentary before: That former Ministers durst not appeal to the People against their own Representatives; and that the best of our Princes, such as *Ed. I. Hen. II. Hen. IV. Hen. V. and Queen Eliz.* had, with Thanks, acknowledg'd the Care and Duty of their Parliaments in telling them of the Corruption and Folly of their Favourites; while the disorderly, troublesome; and unfortunate Reigns of *Hen. III. Ed. II. Rich. II. and Hen. VI.* ought to serve as Land Marks to warn succeeding Kings from preferring secret Councils to the Wisdom of their Parliaments. 4. Their Votes against *Anticipations* of several Branches of the Revenue.

The very objecting to which, must imply a total Ignorance of *public Treasure*, which was ever esteem'd sacred and *unalienable*: That it was on this Maxim, the Parliament declar'd King *John's* Grant of 1000 Marks *per ann.* out of the Inheritance of the Crown to be null: That Acts of Resumption had been made in the Reigns of *Hen. IV. and Hen. VI.* And that it was the best Excuse which could be made for those who advis'd the postponing all Payments to the Bankers out of the Exchequer in 1672; that they judg'd all Securities by way of Anticipation of the Revenue, illegal and void in themselves: That tho' the present Courtiers speak of the Revenue of the Crown as if it were a private Patrimony, design'd only for domestic Uses, and the Pleasures of the Prince, the Fact was quite otherwise: That it was in its own Nature appropriated to public Service; and, consequently, could not, without Injustice, be diverted or anticipated: For either the public Revenue was sufficient to answer the public Occasions; and then there could be no Colour for Anticipations; or if by any extraordinary Accident the King stood in need of an extraordinary Supply, he ought to resort to the Parliament for it: That if the King borrow'd and never repay'd, the Honour of the Crown would suffer both abroad and at home; and if the Load was to devolve on the People, it would open a way for Taxes without end, and to be given whether they would or not: That for this Reason, the *Professors*, mercenary as they were, would never discharge the Revenue, of the Bankers Debt: That by the Express Words of the Statutes, the King, without common Consent, cannot supply his most pres-

A. D. 1681.

sing Necessities, either by Loans or Benevolence, which are deem'd annul'd forever: That the Commons, instead of committing any Trespas by their Votes, had restrain'd them more than they needed to have done: That they had specify'd only three Branches of the Revenue, which had been given by Parliament to the present King; and that they were authoriz'd to do what they had done, by the very Acts themselves; if it be understood, as it ought to be, that when the King receives a Gift from his People, he receives it under such Conditions, and ought to employ it to such Purposes only as they direct: That the Words of the Statute, 12th Car. II. c. iv. are, "That the Commons, reposing Trust in his Majesty, for guarding the Seas against all Persons intending the Disturbance of Trade, and the invading of the Realm, to that Intent, do give him the *Tonnage and Poundage, &c.* which is as direct an Appropriation as Words can make: And by consequence, for the King either to divert or anticipate any Part of this Branch, would have a manifest Tendency to disable himself from fulfilling the Trust reposit'd in him. And the late long Parliament thought this Matter so clear, that they pass'd a Vote, with relation to the Customs, almost in the same Words: That the Parliament which gave the Excise, were so far from thinking the King had any Power to charge or dispose of it as his own, that by a special Clause in the Act, whereby they gave it, they took care to empower him to dispose of it, or any Part of it, by way of Farm; and to enact, that such Contracts should be effectual in Law, so, as they be not for a longer Term than three Years." That the Act whereby the *Hearth-Money* was given, declares, That it was done, *That the public Revenue might be proportion'd to the public Charges*, which it could never be, if it were liable to be preingard'd and anticipated: That the Parliament was even so careful to preserve this Tax always clear, that they made it penal for any body to accept of any Grant of any kind upon it: That if the Peners of the Declaration had not been so totally ignorant of the Laws, they would not have had the Face to say, that the King was expos'd to Danger by the said Votes, &c. And that, if the inviolable Observance of the Statutes would reduce his Majesty to a more helpless Condition than the meanest of his Subjects, he would, notwithstanding, be left in a better Condition than the richest and greatest of his Ancestors; none of which were ever Masters of such a Revenue. 5. Their assuming to themselves a Power to suspend Acts of Parliament, in relation to the prosecuting *Protestant Dissenters* upon the Penal Laws.—The Ministers remember'd that, not many Years ago, the whole Nation was alarm'd with the arbitrary Assumption of such a Power, and therefore thought it would be popular to charge the like Attempt on the Commons: But nothing could be more disingenuous than their Interpretation of that Vote, nor, without the Help of a second Declaration, would it be conceivable how the *declaring an Opinion* could be understood to be the pretend-

A. D. 1681.

pretending to a Power of repealing Laws. That, however, they had sufficient Reasons to warrant that Opinion, drawn from Observations of the Designs of the Papists against all Protestants; the Countenance they met with, the Power they were supported by, having the Duke for their Head, who had Scotland already deliver'd into his Hands, &c. the partial Execution of these Laws in contempt of repealed Proclamation; so as that dissenting Protestants snarled only under the Edge of them; and the manifest Necessity arising from all these Circumstances of an Union of all the Protestants, which it was not rational to expect as long as one Part were treated as Enemies by the other: That a long and sad Experience had shewn how vainly Parliaments had endeavour'd by Compulsion to make all Men of one Mind: That, therefore, the Commons had Recourse to a surer Method, namely, the taking away all Occasions of provoking or being provok'd, by a general Repeal of all the Penal Laws that were made the Instruments to persecute our Protestant Brethren: That this Vote declaratory of the Necessity of such a Repeal, was admitted without *one Negative*, and was meant not to operate as a Law, but to serve as the Basis of a Law; which had, infallibly, been superinduc'd, if the Dissolution had not prevented it: That this Proceeding of theirs had been countenanc'd by (1) those of the Lords, who had also Bills before them in favour of Dissenters; and, as above observ'd, the King had often wish'd it was in his Power to ease them: So that tho' no formal Repeal had pass'd, all the several Branches of the Legislative Power had severally express'd their Approbation of, and Inclinations for, such a Repeal: That after all, whether the Vote was justifiable or not, the Ministers had strangely forgot themselves, in assigning it for one of the Causes of the Dissolution of the Parliament, when it was notorious the King was putting on his Robes, and the Black Rod was actually at the Door, before it was pass'd: That it was also most surprizing that they should object to the Commons their *strange, illegal Votes* against several eminent Persons, at the same time, they should arrogate to themselves an unheard of Authority to arraign one of the three Estates in the Face of the World, and deliver them over to the Clergy to be villify'd from every Reading Desk in the Kingdom.

6. Proceeding now to the Oxford Parliament: The unpardonable Disobedience of not submitting to the royal Command, *not to touch on the Business of the Succession*.—The Command itself was irregular; two or three unknown Minions are not to take upon them like the Lords of the Articles in Scotland to prescribe unto an English Parliament what things they should treat; nor are they to be

plac'd *inter Instrumenta Servitutis*, as the Romans had Kings in this Island. Should this but once be allow'd, every Parliament would be open'd with Directions, which again would be quicken'd with Menaces, in case of Disobedience: And Restraints on the Freedom of Debate would speedily and certainly end in a general Loss of Liberty. If it was lawful in itself to propose a Bill to exclude the Duke of York, such an unwarrantable Signification of the King's Pleasure could not make it otherwise, &c. But his Majesty never once seems to doubt, whether it was not in the Power of the Legislature to exclude his Brother: He only objects his own private Sense of Honour, Justice, and Conscience, which ought to give way to his public Obligations: And if Gratitude contains the Sum of all Obligations whatever, what did not his Majesty owe to his Protestant Subjects, who had recalled him from a miserable, helpless, Banishment, placed him in the Throne, enlarged his Revenues above what any of his Predecessors had enjoy'd; and given him vast Sums of Money in twenty Years, than had been bestow'd on all the Kings since William I? That the Return expected from him was in no respect inconsistent with the Fundamentals of the English Monarchy, nor unauthor'd even by the Examples of other Nations; particularly the States of France and Sweden; the first of whom declar'd Henry of Bourbon incapable to succeed, because a Protestant; and the last actually depriv'd *Stigismund*, and disinherited his Children, for being a Papist: That if ever Difference of Religion was to be held a Disqualification, it was peculiarly so in the Person of the Duke of York; because of the natural Violence of his Temper; because, even in his Brother's Life-time, he had discover'd such an Eagerness to exalt the Prerogative beyond its due Bounds; and because, when such a Disposition was under the Direction of so bloody a Religion, all Excesses of Cruelty were to be apprehended from him: That, therefore, they had prefer'd an absolute Exclusion to any other Expedient; as well knowing he would never bear the Shackles of a Regency, or remain contented with the Title of King without the Power: That the Objection started by the Ministers, that even the Exclusion could no otherwise be maintain'd, than by a standing Army, was groundless: The whole People would be an Army to support it; and where there was no Enemy, there could be no Opposition: That if there must be a War, let it be under the Authority of a Law; let it be against a banish'd, excluded Pretender; there was no Fear of the Consequence of such a War: That, however, nothing could be more ridiculous, than such an Argument in their Mouths, who had often endeavour'd to establish a standing Army;

A. D. 1681.

(1) Concerning which, Mr. Sydney writes to Mr. Saville as follows.

"The Lord Halifax brought in a Bill for the speedy Discovery and Conviction of Episcopi, and Fate of Nonconformists, but to contrived, that both Parties are almost equally incensed against him for it. The House of Lords was on Thursday turn'd into a Committee, and, as I hear,

will be to every Day, to consider of it, and try whether it can be so amended, as to be useful unto the Ends intended. I know not whether that can be done or no; but I could have wish'd, that, intending to oblige above a Million of Men, that go under the Name of Nonconformity, he had been pleas'd to consult with one of that Number, concerning the Ways of doing it."

A. D. 1681.

*Army*, who had actually rais'd two, with no other Design; and who, since the Disbanding of them by Act of Parliament, had increas'd the Guards to such a formidable Degree, that they were become a *standing Army*.

7. As to the *other Ways* (than the *Exclusion*) which were darkly and dubiously intimated in the King's Speech, and afterwards repeated in the Declaration, his Majesty, in his Wisdom, could not but know they signify'd nothing: Those who more openly propos'd a Regency, at the same time, declar'd publicly as well as privately, that the Duke would not consent to it, nor to any unusual Restriction of the Royal Power: Nay, one of his own profess'd Vassals was so sham'd of the Cheat, that he openly renounc'd it. All, therefore, that could be meant by it, was to delude both the Parliament and People.

8. The other *great and important Changes*, which it was presum'd the Parliament would attempt.—If by those Expressions any Change of the Constitution was to be understood, the Suggestion was malicious, since not warranted by any Vote or Proposition in either House: To arraign the whole Body of his People on the ill-grounded and malevolent Surmises of evil and corrupt Men, who hated Parliaments, because they had Reason to fear them, did not become the Justice of a Prince: And if he suffer'd his Royal Mind to admit such Impressions, there would never want perpetual Pretences for perpetual Dissolutions. But if these Expressions mean, That they would have besought his Majesty to take the Government out of the Hands of the Duke and his Dependants, and no longer suffer the Characters of Favour and Honour to be plac'd on such as the Nation had judg'd to be Promoters of Popery, and Pensioners of France; these were indeed *great and important Changes*, but such as it became *Engishmen* to believe were design'd by the Parliament; such as would be design'd and press'd by every Parliament; and such as the People would ever pay might at last find Success with the King. Without such Changes as these, the Bill of Exclusion would only have provok'd, without disarming the Enemy; and the very Money paid for it, would have been made use of to hasten the Duke's Return.

9. The Business of *Fitzharris*.—The Commons had Cause to think his Treasons of such an extraordinary Nature, that they well deserv'd an Examination in Parliament: That he had been made use of by some *very great Persons* to set up a counterfeit Protestant Conspiracy; and, thereby, not only to drown the Noise of the Popish Plot, but to take off the Heads of the most eminent of those who still refus'd to bow their Knees to *Beel*: That there had been divers of such honest Contrivances before: That his Libel, fill'd with the most subtle Insinuations, and sharp Expressions against his Majesty, and with direct and passionate Incitements to Rebellion, was to have been convey'd, by *unknown Messengers*, to those Hands who were to be betray'd: That the finding those Libels upon them was to be held a Confirm-

A. D. 1681.

tion of the Truth of a Rebellion, which they had provided Witnesses to swear was design'd by the Protestants, and had prepar'd Men, by private Whispers, to believe: That the heinous Nature of the Crime, and the *Greatness of the Persons* suppos'd to be concerned, made the Commons believe, that none but the Parliament was big enough to go thro' with it: That the Zeal and Courage of inferior Courts were already abated: That another Plot of the same Nature, discover'd by *Dangerfield*, and plainly prov'd to the Privy-Council, had been stifled by the great Diligence of the *King's Bench*: That the Mouths of *Gadbury* and others had been stop'd, as soon as they began to confess, with a Pardon: That there was the more Cause for Jealousy in this Case, because *Fitzharris*, when inclin'd to Repentance, and beginning to confess, was, without any visible Cause, taken out of the Sheriff's Custody, and sent to the *Tower*: That the Commons, therefore, had no other Way to be secure that the Prosecution should be effectual, the Judgment indifferent, and the Criminal out of all Hopes of a Pardon, (unless, by an ingenious Confession, he could engage both Houses in a powerful Mediation in his behalf) than by impeaching him: They were sure no Pardon could stop *their Suit*, though the King might release his own Prosecution by his Pardon: That, as to the Right of the Commons to impeach a Commoner, and of the Lords to receive such Impeachment, it had been admitted by the Lords themselves, in the recent Case of *Seroggs*: That this was such a Fundamental of Government, that there could be no Security without it: That otherwise, on a Supposition of a Ministry of Commoners, all manner of Treasons might be perpetrated with Impunity: That 'tis laid down as a Maxim, in the *Mirror of Justice*, That Parliaments were ordain'd to bear and determine all Complaints of *wrongful Acts*, done by the King, Queen, or their Children, and such others against whom common Right could not be had elsewhere: That whereas some would have it, that, by the Record relating to the Case of *Matravers*, &c. the Lords were discharg'd from judging Commoners, there was not the least Trace in the said Record to warrant any such Conclusion: But, on the contrary, the whole Druit of it was to defend the Lords from being ever press'd again into the Service of the King, to the Violation of the Laws: That this was further apparent, by a Writ issued in the 19th of *Edward III.* to suspend the Execution of the Judgment against *Matravers*; not because the Lords ought not to sit in Judgment on Commoners, but because it been illegally pass'd; as by an undoubted Act of Parliament for the Pardon of the said *Matravers*, in the 26th of the same King, is, both by Lords and Commons, expressly acknowledg'd: And that, to silence the most Malicious on this Head, whoever considers the famous Act of the 25th of *Edward III.* which hath ever since limited the Jurisdiction of all inferior Courts to the Trial of such Treasons *only* as are therein particularly specify'd,

A. D. 1681. city'd, and reserved all other Treasons to the Trial and Judgment of Parliament, must conclude, that, if any other Treasons are committed by Commoners, they must be so try'd, that is, by Parliament, or not at all: And if the last should be allow'd, it would follow, that the same Fact which in a Peer is Treason, and punishable with Death, in a Commoner is no Crime, and subject to no Punishment: That, moreover, *Magna Charta* doth not confine all Trials to common Juries; for it ordains, That they shall be try'd by the Judgment of Peers, or the Law of the Land; under which Words the Law of Parliament is comprehended: That, since the Parliament-Records are full of Impeachments of Commoners, and no one Instance can be given of the Rejection of any such Impeachment, the Commons have most Reason to cite *Magna Charta*, which provides expressly against the Denial of Justice; and such Denial of Justice might very well be charg'd on a Court, which, having undoubted Cognizance of a Cause regularly brought before them, should refuse to hear it; more especially in this Case, when the Lords could not judicially know whether any Prosecution would be carry'd on elsewhere: For, tho' the *Declaration* says, a Trial was directed, it is certain nothing was done in order to it, till a Month after the Dissolution: That as the Votes of the Commons had nothing in them unparliamentary, or tending to carry Things to Extremity, they could not desire a Conference, till they had first stat'd their own Case, and asserted by Votes the Matters they were to maintain at a Conference. These Votes were so far from putting the two Houses beyond a Possibility of a Reconciliation, that they were made in order to it: There was no other Way to attain it: And the House was actually preparing to send a Message for a Conference, to accommodate this Difference, at the very Instant that the Black-Rod call'd them to their Dissolution: That as the Ministers had taken upon them, in the *Declaration*, to decide this great Dispute between the two Houses, and to give Judgment on the Side of the Lords, it might well be demanded, What Person was by Law constituted a Judge of their Privileges, or had Authority to censure the Votes of one House, made with reference to Matters in contest with the other, as the greatest Violation of the Constitution of Parliaments? And it might be fairly pronounced, that the giving such a Judgment, and the publishing such a Charge, was not only the greatest Violation of the Constitution, but had a direct Tendency to the Destruction of it: That as to the Cautions given to the Public in the said Paper, concerning two sorts of ill Men, *viz.* Those of *Commonwealth Principles*, and those *malcontent thro' Disappointments*. If by the first they mean Lovers of Commonwealth Principles, Men passionately devoted to the public Good, and to the common Service of their Country, who believe that Kings were instituted for the Good of the People, that Government was obtain'd for the sake of the Go-

verned, and who put forth their Complaints when it was us'd to contrary Ends, every honest Man would be proud to be rank'd in that Number: And if Commonwealth signifies common Good, as all good Authors of all Nations always use it, no good Man will be asham'd of it: That if the *Declaration* would insinuate, that there had been any Design to set up a democratical Government, in opposition to our legal Monarchy, it was one of the Calumnies which the Penmen of it had vented, in order to lay upon others the Blame of a Design to overthrow the Government, which belong'd only to themselves: And as to the *Malcontent*, if under that Distinction they rank'd those Men of Honour and Conscience, who, being qualify'd for the highest Employments of State, had either left, or refus'd, or been remov'd from them, because they would not accept or retain them at the Price of selling their Country, or enslaving their Posterity; the People would, notwithstanding their Caveats, persevere in having a Consideration for what they said; and therefore it would be Wisdom to give such Men as these no Occasion to say, that they intend to lay aside the Use of Parliaments.—But, in truth, the Behaviour of the Ministers had already given occasion to say, that the Use of Parliaments was already laid aside: For, tho' his Majesty had own'd, in so many Speeches and Declarations, the great Danger of the Kingdom, and the Necessity of the Aid and Counsel of Parliament, he had, nevertheless, been prevail'd upon to dissolve Four, in the Space of Twenty-six Months, without making any effectual Use of their Advice: And as, on the one hand, there was no Room to hope, that the Court would ever love any Parliament better than the first of those Four, in which they had so dearly purchas'd such a Number of fast Friends; so, on the other, there was good Reason to suspect their Designs were ill indeed, that could shock such a Parliament.

That the one Point gain'd by the Declaration was the express Acknowledgment it contain'd, That Parliaments were the best Method for healing the Distempers of the Kingdom, and the only one to preserve the Monarchy in Credit, both at home and abroad: That tho' they rejoic'd that his Majesty seem'd resolv'd to have frequent Parliaments; and hop'd he would continue just to himself and his People, by continuing constant to his Resolution, they could not but doubt, to some degree, when they recollect'd his Majesty's Speech of January 26, 1679, to both Houses, in which he told them, "That he was unalterably of Opinion, that long Intervals of Parliaments were absolutely necessary for composing and quieting the Minds of the People:" That which deserv'd most Credit, a Speech or Declaration; or which was likeliest to last longest, a Resolution, or an unalterable Opinion, none but a Court-Critic could decide: That nothing but the effectual Performance of the last Part of the Promise would give Assurance of the first: And, finally, That when the

A. D. 1681.

real Fruits of their utmost Endeavours to extirpate Popery, out of Parliament, became apparent; when the Duke of York was no longer First-Minister, or rather Protector, of these Kingdoms, and his Creatures no longer had the Direction of all things; when Love to Religion and the Laws was no longer a Crime at Court, nor a certain Forerunner of Dismission and Disgrace; when the Word *loyal*, that is *faithful to the Law*, should be restor'd to its old and true Meaning, and no longer signify one who was for subverting the Laws; when Commissions should be filled with hearty Protestants, the Laws executed in good earnest against the Papists; the Discoverers of the Plot countenanced, at least suffer'd to give their Evidence; the Courts of Justice steady, not avowing a Jurisdiction one Day, and disavowing it the next; no more grand Juries discharg'd when they should hear Witnesses, nor Witnesses hurry'd away when they should inform grand Juries; when Court Instruments no more labour'd to raise Jealousies of Protestants at home, and some Regard was shewn to Protestants abroad; when it was seen, that something else was meant by *governing according to Law*, than putting the Laws in force against Dissenters, that were meant against Papists, *then* the Nation might depend upon frequent Parliaments, with all the blessed Effects of pursuing parliamentary Councils, the Extirpation of Popery, the Redress of Grievances, the Flourishing of Laws, and the perfect Restoring the Monarchy to the Credit which it ought to have (but which the Authors of the Declaration confess it wants) both at home and abroad. There needed no Time to open the Eyes of the People; and their Hearts were ready prepared to meet his Majesty in Parliament, in order to perfect the good Settlement and restore the Peace wanting in Church and State. But that, while so many little Emisaries were employ'd to sow and increase Divisions, as if the Ministers had a mind to make his Majesty the Head of a Faction, who ought to be equally the Head of all his People (and which, *Thuanus* says, was the Folly and the Destruction of *Mary Queen of Scots*, his Great-Grand-Mother;) while the same Differences were promoted which gave rise to the late Troubles, and which were once thought fit to be bury'd in an Act of Oblivion; while the popish Interest was so plainly countenanced, which was then done with Caution; when every Pretence of Prerogative was strain'd to the utmost Height; when Parliaments were us'd with Contempt and Indignity, and their Judicature, and all their highest Privileges brought in question in inferior Courts; there would be but too good Cause to believe, that, whatever loyal and good Men did, yet the Ministers and Favourites very little consider'd the Rise and Progress of the late Troubles, and had but little Desire to prevent a Relapse: And that, as they had never yet

Lib. xxviii.

shewn Regard to Religion, Liberty, and Property; so they would be little concern'd to see the *Monarchy shaken off*, if they might escape the Vengeance of public Justice, due to them for so long a Course of pernicious Councils.

This Abridgment, the Superficial and Impatient may possibly think too long, and the Cool and Deliberate as much too short. The (1) Pamphlet itself is certainly the most judicious and important of all that the Party ever set forth: Nor is the State of the Controversy between the two Factions to be understood without it. And, upon a Survey of the Whole, what is the Result? The King very shrewdly exposes his Adversaries: They more shrewdly defend themselves, and retort the Blame of all on him: Both emblazon each other's Faults, in the strongest Colours; and both endeavour to expunge their own: Both endeavour alike to captivate the People, and by their Means rather to have the Direction of the Storm, than the bespeaking a Calm. All is Menace and Reproach, Rancour and Bitterness. The sacred Name of Government is alledg'd on one Side; the sacred Name of Patriotism on the other; to excuse Turbulence in these, Malversation in those. The King called his Parliaments, not to aid and assist him with their Advice, but with their Pursets: They press the public Fears and Dangers into their Service, and refuse to give, but on their own Conditions: Each reveals the other's Secret, and brings such authentic Vouchers to support their Testimony, that nothing but the most amazing Insatiation could hinder Mankind from availing themselves of the mutual Discovery, and from deserting both, by common Consent: For as, on the one hand, by a corrupted Government, we are to understand the Craft of seducing the People by the Laws; so, by a corrupt Opposition, we are to understand the Craft of distressing that Government, within the Laws. In neither, the People have any solid Interest; and, consequently, as from the Collisions of these Bodies, Good is sometimes fortuitously struck out, their Part is only to put themselves in a Readiness to catch the happy Spark, and improve it to their own Advantage.

But, in the Case immediately before us, however glaring the Light, they continued still to grope for the Way, or to follow blindly the Guides who led them to Perdition.

In point of Success, on the apparent Face of Things, the King had the Advantage of the Dispute: His condescending to appeal to his People soften'd their Hearts, if it did not convince their Understandings. He appear'd to be an Object of Compassion; he appear'd to have been all this while on the Defensive: The Offers he had made were thought more weighty than his Adversaries Objections: In short, he was no sooner pity'd, than he was believ'd; and, above all, the artful Turn given,

A. D. 1681.

The Declaration of Service to the King.

(1) It is to be found entire in the *State Tracts*, temp. Car. II: *As also*, in the *Collections of parliamentary Proceedings*.

A. D. 1681.

given, in his Declaration, to the Commons Vote in favour of the *Nonconformists*, drew in all the Clergy and their Followers to his Side, in a Body: The Cry of *Church and King* was again renew'd, was echo'd from one End of the Kingdom to the other; and, as if it was a Charm to debafe the Spirit and cloud the Understanding, produced such a Train of detestable Flatteries to the Throne, mingled with so many flagrant Proofs of a fordid Disposition to enter into a voluntary Vassalage, as might very reasonably make an *Englishman* blush for his Country while he read them; and would have made a *Roman* or a *Spartan* exclaim, *The Gods created these Barbarians to be Slaves.*

This deprav'd and servile Disposition did not however burst forth in its full Perfection of Prostitution and Ignominy all at once; on the contrary, it started up first under the Shadow of an Address of Thanks from the *Middlesex* Justices to his Majesty, for calling upon them to put the Statute 43. of *Queen Elizabeth* in force, for the Relief of the Poor. Their Worshipps, it seems, thought themselves oblig'd to lay hold of that *reasonable Opportunity* to make their humble Acknowledgments for the late *gracious Declaration*, in which his Majesty (forgetting his own Act of Oblivion) was pleas'd to put his People in mind of the Miseries they had endur'd under the Tyranny of the late usurping Powers, when the *Monarchy* was spoken off; and to give his *Royal Word*, that he would govern according to the Laws; which had made so deep an Impression on them, that they were unanimously resolv'd to devote their *Lives and Fortunes* to his Majesty's Service, for the Defence of his most sacred Person, the true Protestant Religion, and the Government, as by Law establish'd, in Church and State. And his Majesty, in his Answer, most graciously assur'd them, that he was an utter Enemy to all arbitrary Proceedings; and that he should do his utmost to maintain the *legal Rights* of his Subjects, which was the only Way for the preserving the public Peace.

Ten Days after the Declaration was made public, this political Intercourse between his Majesty and his Subjects was thus modestly opened; and, ten Days after that, certain of the most eminent Citizens, in the Name of themselves and many thousands more of the most eminent Citizens and Inhabitants of *London*, presented a Paper to the Lord Mayor and Aldermen, which they call'd their Address, Declaration, and Resolution, humbly petitioning them to present it to his Majesty, signifying their deep Sense of the many Instances they had had the Honour to receive of his Majesty's princely Goodness and Bounty; particularly, of his Royal Assurances, &c. set forth with a most express Solemnity in his late Declaration; Declaring, in the Contemplation of a Goodness so ample and so effectual, that there was nothing further wanting to the composing of Mens Minds, &c. saving only the dutiful Return of Veneration and Obedience from the Subject, in acknowledgment of the fatherly Tenderness of so indulgent a

Sovereign; and unanimously resolving to lay their Lives and Fortunes at his Majesty's Feet, in defence of his sacred Person, &c. against all Opposition whatsoever.

But the City, it seems, was not altogether so unanimous as their Worshipps of *Middlesex*; for, on the very Day this loyal *Competition* was presented to the City Magistrate, a Counter-Petition was also presented from *other eminent Citizens*, setting forth, That, according to their humble Conceptions, it was not his Majesty's Declaration to have frequent Parliaments, that could contribute any thing to the Security of their Religion, their Lives and Liberties, and the composing of Mens Minds, but the actual Sitting of a Parliament, to provide necessary Laws, and his Majesty giving Life to those Laws by his Royal Assent; and praying, that a Common-Council might be call'd, to present such an Address to his Majesty as the Necessity of the Case should be found to require.

As this latter Faction had either the most Strength or Interest, it was presum'd they had the most Reason on their Side: In consequence of which Way of arguing, the Lord Mayor, like the blind Patriarch, bestow'd his Blessing, rather according to the Dictates of his Palate, than the Convictions of his Judgment; and, while he rejected the Voice of *Jacob*, authenticated the Hands of *Esau*. In plain Terms, a Common-Council was call'd, according to the Prayer of the last of these Petitions; and, as it was clearly foreseen, the Result was likely to be little favourable to the Declaration and its Partisans, Care was taken to break the Force of the Blow, in a good degree, by making a proper Use of the Loyalty and Zeal of the Lieutenancy of *London*, and the Grand-jury of *Southwark*; who were severally prevail'd upon to wait upon his Majesty with their Compliments on his gracious Declaration, on the very Day that the Lord Mayor and City of *London*, under an opposite Direction, importun'd him to call a Parliament: And an Account of the very different Reception of those very different Papers was, by Authority, circulated in Print all over the Kingdom; at once to admonish and deter the rest of his Majesty's Lieges.

To the Lieutenancy, who after their humble and hearty Thanks, &c. had given his Majesty a perfect Assurance, That they were unanimously resolv'd to venture their *Lives and Fortunes* for the Preservation of his Majesty, and the Maintenance of the Government in Church and State, as by Law establish'd, in opposition to, and defiance of, all Enemies and Opposers, of what Sort or Sect whatever, the Lord Chancellor was command'd to answer, That his Majesty thought these Expressions of their Loyalty, &c. were, at this time, a very *reasonable Piece of Duty and Service.*

And to the Jurors of *Southwark*, who came with their most profuse Acknowledgments of the transcendent Obligation laid upon them by his Majesty's gracious Promises, and for his having reminded them of the late *Rebellion*, in a Manner so obliging, his Lordship signify'd, That his Majesty was extremely

The best Pleasur of the People.

[Gazette, No. 1609.] of the Middlesex Justices had the Way.

They are set forward by certain Citizens of London.

[Collection of Address, p. 4.]

[Ibid.]



A. D. 1681.

well pleas'd with the Form of their Address; and thought they proceeded on the surest Grounds imaginable, in laying it down for a Maxim, That steady Loyalty is the only Foundation of true Felicity.

Then, turning about to the (u) Lord Mayor and Aldermen, and Common-Council, of London, in the last Place, his Lordship chang'd his Honey into Gall, and proceeded as follows:

Lord Mayor  
of London,  
&c. repr.  
mand.

"(u) As for that other Address, which styles itself, *The humble Petition of the Lord Mayor, Aldermen, and Commons, of the City of London, in Common-Council assembled*; and which is very much discredited by these other Addresses which accompany it, I have many things in Command to say to it.

The King did expect that a Petition which seems to come from the Mayor, Aldermen, and Common-Council of the City of London, should have consisted of such Matters only, as relate to the particular Concerns of the City; at least, he thought he should have found in it some due Acknowledgment of his continual Care in preserving and improving your Trade, and supporting your Liberties and Franchises.

But, contrary to his Expectation, and (as he thinks) to your Duty, he finds this Petition meddling with *Matters of State and Government*, Things which do in no sort appertain to you, but are quite out of your Sphere; And, if this should pass without Reproof, the meanest Corporation, nay the meanest Village, in England, will have as much Right to be meddling in these Matters, as you have.

The only End and Use of Common-Councils in London is for the Business of London; you are not the Common-Council of the Nation, and yet you behave yourselves so as if you thought you were.

But the King doth not look upon this Petition as proceeding from the unanimous Consent of the Common-Council; He is very well inform'd, that it pass'd there by an inconsiderable Majority, but fourteen Votes in the Whole, and against the Sense of the major Part of the Court of Aldermen: And his Majesty hath a great Value and Kindness for the Honesty and Discretion of those who dissent from it. And he looks upon the rest as misled by some ill Men, who make it their Business to begin that Confusion in the City, which they see no Hopes of beginning elsewhere.

And the King does not believe that the Matter of this Petition was ever well consider'd by you, because he finds in it so many Presumptuous and Mistakes.

It prays the Calling of a Parliament, at a Time when the King hath already declared to all the World, That there shall be frequent Parliaments; and so seems to doubt of that Assurance which all good Subjects give the King most humble Thanks for.

It prays a Continuation of that Parliament,

till all their Business be dispatch'd; and so breaks in upon the highest Trust which is lodg'd in the King, to whom alone it belongs to appoint the Times and Seasons.

It deprives the King of the whole Honour of his Grace and Goodness in calling a Parliament, by making it seem to be the Effect of your Importunity.

So that nothing in the World could be more contrary to the seeming Ends of this Address, than the Address itself.

And, besides all this, the King takes notice of another Expression in your Address, wherein you pretend to be much troubled, that certain Pamphlets have lately come out, which speak very dishonourably of the Proceedings of the two last Parliaments.

Now the King would have been glad you had mention'd what Pamphlets you mean; left otherwise the World suppose you to have a secret Meaning in this general Expression; such a Meaning as no honest Man, or good Subject, dares own.

And the King would have been glad too, that you had likewise taken notice of such other Pamphlets as defame his Majesty's Person and Government, and libel all the Orders and Constitutions both of Church and State.

But, it seems, your Curiosity hath been very great to look after some kind of Pamphlets; but your Diligence hath been very little when you should have look'd after the rest, and have punish'd the Seditious.

Notwithstanding all this, the King is still of Opinion, that there are but very few among you who deserve these Reproofs: He is not only confident of the Affections of the City in general, as knowing that no Prince ever deserved better of his People: But he believes the greatest Part of the Court of Aldermen, and of the Common-Council too, if they had all been present, to be very much addicted to his Service.

If therefore there be any among you who seek to make Divisions, he hopes you will mark them, and avoid them, and that you will study to be quiet, and to do your own Business; for the King hath set his Heart upon this City, to do them all the Good he can; and 'tis only the Peace of his Government which can bring you any Prosperity.

The King therefore recommends it to you, and requires it of you, to take effectual Care, that there be no kind of Disturbance or Disorder among you."

But London was not the only Place where the refractory Spirit, which the Lord Chancellor thus endeavour'd to lay, shew'd itself; for no sooner were the several Grand-juries of Middlesex for Easter Term settled, and proceeding as usual to their Business of the Sessions, than that for the Hundred of *Oxtoupton* was attended by a considerable Number of Knights, Gentlemen, and Freeholders, who laid before them the following Requests: 1. That they would present their and the County's Thanks to the Knights who represented

A. D. 1681.

[u] Edward Esq. They had been refus'd Admittance at Woulton, and were ordered to attend the Council at Han-

ton-Court, purposely to receive this remarkable Reprimand.

[w] Out of Sir T. Walsley's Collection.

Request to a  
Middlesex  
Grand Jury.

A. D. 1681.

sent them in the last Parliament, for their good Intentions to have serv'd them to the utmost; in these Times of imminent Danger, had they not been prevented by a sudden and surprizing Dissolution. 2. That they would make the same Compliment to those truly loyal Patriots and noble Peers, who had asserted the ancient and fundamental Rights of the Commons of England, by protesting against the Lords Rejection of the Commons Impeachment against *Edw. Fitzbarris*. And, 3. That they would in their, and the County's, Name, petition his Majesty for the speedy Calling, and effectual Sitting, of a Parliament, until the great and many Dangers and Grievances of this Kingdom be effectually prevented and redressed; which could not be done, but by the Wisdom and Authority of Parliament.

sent by a writ:

With all which, as it was foreseen, these notable Jurors unanimously clos'd: They gave their Thanks; they prepar'd and presented their (x) Petition to the Court of King's-Bench, to be by the Lord Chief Justice handed to the King: And a Print of the whole Process was immediately set forth, that other Grand-Juries might take the Hint, and do likewise.

Address'd against by the Middlesex Justices.

But this striking at the Root of the present Designs of the Court, the Middlesex Justices were again order'd upon Duty: And in a second Address to the King, which was immediately set forth in the Gazette, took care to specify, "That tho' the said Petition was prefer'd in the Name of the Grand Jury for the County, it was the Work but of one single hundred; that, therefore, it was not to be esteem'd the Sense of the County; that there being some Expressions in it not at all becoming the Duty of Loyal Subjects, the said Justices (seventeen of whom were

of the Hundred of *Oswalston*) thought it their Duty to express their Dislike thereof; as also to declare, That the Time for calling and sitting of Parliaments is the King's Prerogative, and the Law of the Kingdom: That his Majesty is the only Judge when to call them, and how long they shall sit. That it is as unreasonable for his Majesty's Subjects to direct his Majesty in that Particular, as it would be for his Majesty to confine his Subjects when they should sow or reap their Corn: That his Majesty was troubled with this Paper to shew they were of a different Opinion from the Presenters of the said Petition; and that they acquiesc'd in his Majesty's Wisdom in the Administration and Exercise of his Majesty's Government; which they should be always ready to support with their Lives and Fortunes."

And now the Flood-Gates of Loyalty being open'd, almost every Day, to the End of the Year, brought in some additional Stream to swell the general Torrent: inasmuch, that the Gazettes from the Middle of May to the January following, are little more than a Collection of Testimonies, That the People were weary of all those Rights and Privileges that make Subjection safe and honourable; and that the King could not have oblig'd them more, than by taking such troublesome things out of their Custody for good and all. Quotations to shew the Folly of some, and the Prostitution of all, would be endless, and, indeed, beneath the Notice of History; for Mariners, Watermen, and even (y) Apprentice Boys were press'd into the Service, and tutor'd to vilify Parliaments, and place their sole Trust and Confidence in the All-sufficiency of his Majesty. The Materials they were compos'd of, being, in

Universal Prostitution of the People.

Barnet, &amp;c. 1701. gave

(x) Which they follow'd, at the next General Sessions at *Hick's-Hall*, with a Presentation and Petition to the Bench of Justices, in these Words:

"The *Protestants*, &c. to the *Honourable*, &c. *Justices*,  
That we, the said Grand Jury, being by our Oaths oblig'd to enquire into the State of the Peace of the County, hold ourselves bound to shew unto this Court, what we find and apprehend concerning the same. Upon the most diligent Enquiry and Observation that we can make,

We find, That the Peace of this County, and the whole Kingdom, is in no Security, by reason of the continual Contrivance of the Papists and their Adherents against the Protestants, to shew their wicked Conspiracies upon them; and we have Reason to fear daily, that the Peace may be broken, by means of some of their wicked Designs to engage some inconsiderate People.

We find, That his Majesty's Person is in no Security, whilst the Papists have Hopes, and a visible Appearance, that there may be a popish Successor, to kind them, and destroy the Protestant Interest, if they can, by any wicked Means and heinous Villanies, procure his Majesty's Death; which God (in his Mercy) prevent.

We find the Minds of the People greatly disquieted and distracted, with Fears of what may happen to them, remembering the Distractions that have been made in the City of London, and elsewhere: And we perceive daily Endeavours, by seditious Councils, to distract and divide the Protestants into Parties, and to incense each of them against the other, to suggest ill and false Opinions of their Parliaments, and to vilify the Authority of the Common, and to misrepresent their Proceedings.

We find wicked Secrets, Endeavours to make Breaches between his Majesty and the Commons of England in Parliament, by printed Papers and otherwise, to bring the Commons in Parliament into the Hatred and Contempt of the Nation; which we conceive to be of most dangerous Con-

sequence, tending even to the Dissolution of the Constitution of the Government.

And we find the Papists and their Adherents much encouraged by the frequent Dissolution of Parliaments, and the whole Kingdom put into a languishing Condition.

All which Evils, in our Apprehensions, can be only cured by the Sitting of annual Parliaments, until the Business of the Kingdom be done (as the Laws for holding Parliaments do intend) that being the only Means to keep the whole Administration of the Government in due Order, and therefore the Peace of the Kingdom inviolable; which Parliaments shall (as hath been said heretofore) constantly inspect the Effects of all Councils given to his Majesty: none will dare advise him against his own and the Kingdom's Interest, whereby only the People may enjoy what was left them by their Ancestors, and Justice may be done upon all dangerous Offenders and Conspirators, against his Majesty, and the Religion, Laws, and Liberties, of the Subjects.

We therefore humbly offer it as our Request, that your Worships, and this Court, will (in that most acceptable and effectual Way, which shall seem most to your Wisdom) make their most humble and earnest Desires and Prayers known to his Majesty, for the immediate Holding of a Parliament, which may sit for such time as the imminent Danger of his Majesty, and the whole Kingdom, hath made it necessary and indispensable; that so his Subjects may enjoy the Benefit of the Law, as the Constitution of the Government intends them in their Parliament; which is, to make sufficient Provision for the Safety of his Majesty, and the Security of the whole Kingdom, in their Religion, Laws, and Liberties.

And your Petitioners shall ever pray, &c."

(y) Out of Lord Somers's Collection, vol. xx. which complimented his Majesty for the timely Dissolution of the two last Parliaments, was presented by one of the Middlesex Grand-Juries for a Libel.

A. D. 1681. gave Lord *Hallifax*, himself, occasion to say, somewhat coarsly, *That the Petitioners for a Parliament had spit in the King's Face, but the Addressers had spit in his Death.*

Let a few choice Passages out of the Harangue made by the Vice-chancellor of the University of Cambridge (z) to the King's Majesty, in the Name of that learned Body,

serve as a Specimen of the other loyal Performances, which were made the Prop of the Court in these dubious Times. " Sacred Sir, said the Reverend Flatterer, we have long, with the greatest and sincerest Joy, beheld what we hope is the Effect of our own Prayers, the generous Emulation of our Fellow-subjects, contending who should first

A. D. 1681.

(z) But if the Churchmen were thus forward with their Obituaries to the Throne, the Lawyers *demurred*; as may be learn'd from the following Paper, which excellently well sets forth the Intrigues and Ferment of the Times:

" *The Transgression at the Middle-Temple, concerning an Address lately proposed by it made to his Majesty from thence, June the 16th, 1681.*

Some Gentlemen of the *Middle-Temple* did some time since set on foot a Design of an *Address* to his Majesty, and having against the Form of it, at several Meetings at a Tavern, upon *Thursday* last the Promoters of it, being in Number *Sixty-Eight*, (whereof by far the greatest Part were young Gentlemen, who came to the House) brought it into the *Common-Hall*, and proposed the passing of it there, as the *Act of the Society*; but it not meeting with the desired Reception, they retir'd to the Tavern, leaving about *Seventy-two* of the *Bar-riers*, and a great Number of the *Students*, in the *Hall*; and after some time a Gentleman came from them to inform the Society, that the Gentlemen at the *Droit-Tower* had agreed upon an *Address*, and resolved upon one of their Number to carry it to *Whinler*: But the Gentlemen assembled in the *Hall* proceeded to consider the Proceedings of the *Addressers*, and after about two Hours Debate thereof, they agreed upon a *Declaration* relating to it, and appointed some of their Number to present it the Day following to the *Bar*; which being accordingly done, after the Debate thereof, it produced the following Orders, viz.

*All Parliamenters, tuncus Junii 17mo, 1681.*

*Resolved*, by all the *Masters of the Bench*, with *six Cases*, that if any Person, Members of this Society, do take upon them to call a *General Assembly* in this House in Parliament, without the Leave of the *Masters of the Bench*, 'tis an *Act unwarrantable*, and contrary to the Orders and Government of this Society.

*Resolved*, That those Members of this Society, that took upon them to call a general Assembly of the Gentlemen of this House to meet in the *Hall* Yesterday, are guilty of the Breach of the Orders and Government of this House.

*Resolved*, That the *Bar-riers* and Gentlemen of this House, who opposed the disorderly and irregular Proceedings of the Assembly which met in the *Hall* Yesterday, and who disapproved the same, and declar'd their Dislike thereof, have the Thanks of the *Masters of the Bench* for so doing. And their *Masterships* do concur with the said *Bar-riers* and Gentlemen in every Part of the *Declaration* which they then made, and have since deliver'd in Writing to their *Masterships*.

Which *Declaration*, as it was subscribed by *Seventy-two Bar-riers*, and a great Number of Gentlemen under the *Bar*, follows in these Words, viz.

*Febru. 15. Junii, 1681.*

We the *Bar-riers* and Gentlemen of the *Middle-Temple*, being assembled in the *Middle-Temple* Hall, do declare, That there has been no *Parliament* of this Society regularly summoned or assembled this Day; nor that the Gentlemen of this Society have this Day conformed to any *Address*, or other *Act* whatsoever (except what is here declared); and therefore, if any Person whatsoever shall pretend that any *Address*, or other *Act*, was this Day made or done by the Consent of this Society, the same is altogether false and scandalous, and contrary to the Statute of the *Bar-riers* and Gentlemen of the *Middle-Temple*.

*The Proceedings at Gray-Inn, touching the Address presented from some Members of that Society, June, 1681.*

It having been said abroad, about the Beginning of the last Week, that some Gentlemen of *Gray-Inn* were endeavoring to procure Hands to an *Address*, by way of Thanks to his Majesty for his late Declaration, which they intended to offer to the *Bar* for their Approbation and Concurrence; a great Company of Gentlemen thereupon met in the *Hall*, on *Tuesday* last at Noon, to withstand and oppose such a Design, in case they should find any to proceed in it. Which, too, it thurted those who were the Promoters of the said *Address*; yet apprehending themselves to be engaged, that they could not handsomely retreat, they apply'd themselves to the *Bar*, which is the governing Part of the Society, for a *Perpetuo*, which is in some respect the same that a *Parliament* is in the *Temple*: But the *Bar*, upon mature Delib-

eration, humbly conceiving, that the Matters which the *Address* related unto so ways belong'd unto them to judge of, or pronounce concerning it, did unanimously resolve to grant a *Perpetuo* in order to say such Purpose. Yet those who were the Favourers of the *Address*, instead of being discouraged by the Entertainment which they met with from the *Bar*, continuing not only to make a *Perpetuo* in favour of what they intended, but giving out that they would cause the Bell to ring for assembling themselves together that were inclined to fabricate it, gave occasion to the Gentlemen of the *Bar-Mess*, on *Wednesday* at Noon, to desire the *Bench*, that nothing relating to the Society might be receiv'd; but what was, according to the Rules and Orders of the House, arriv'd with them thro' their Hands. Which the *Bench* readily agreed unto, as also to some other things, by way of Request, which were represented unto them, as appears by the Order of the *Bench* heretofore published. There being no other regular Way then left, for the Promoters of the *Address* to compass the Concurrence of the Society, but by applying themselves to those of the *Bar-Mess*, they accordingly made a faint Tender of the Paper unto them, which they were desirous to have pass under that Name; but why, as the same Session, they refused to allow those Gentlemen Time or Liberty to consider it, or examine the Tendency of it, they, as became Persons of Wisdom and Justice, instead of interceding themselves to hand or recommend it to the *Bench*, claim'd having any thing to do with it. All Men acquainted with this Affair, besides such as were too far inclin'd to withdraw, thought that hereby there was an Issue put to that Design: But it appears false, that what they could not proceed to be the *Act* of the Society, they carried on as their own. Nor doth the Society further concern themselves about it as their own; for only to let the World know, that all the *Bench* (save Sir *William Scroggs* alone, Son of the Lord Chief Justice) two Parts of three of the *Bar-riers* that are now in Town, and the Majority of the *Students*, refused giving the least Concurrence unto it, being persuaded, through the Knowledge which they have of the Laws, that it was not a Matter any ways proper for them to meddle with.

The before-mentioned Order of the *Bench* of the Society of *Gray-Inn* is as follows:

Upon the Complaint of many of the ancient *Bar-riers* and Members of this Society, made at this *Perpetuo*: That several Gentlemen of this Society, some of whose Names appear in Common, say as *Defendants*, and desire the Revocation of the House, and others have taken military Employments upon them, and others without Cause and with Contempt, for these two Days last past here, in a tumultuous Manner, assembled themselves in the Common-hall of this Society (being the *House* there) and in an irregular and disorderly Way recompos'd the *Bar*, and by getting upon the *Cap-board* and *Tables* in the said *Hall*, with loud Acclamations, and Singing up their Hats, did very much disturb the Peace, and infringe the ancient good Government of this Society, which, if not prevented, may prove of dangerous Consequence; and therefore did give that this *Perpetuo* would take into their Consideration, and provide some Way to redress the same for the future. This *Perpetuo* being greatly sensible of the same, and taking themselves oblig'd to do thereto, they thereunto unanimously declare, That if any Person or Persons, Members of this Society, shall do at any time hereafter promote or abet any Tumult, Insurrection, or outrageous Assembly, contrary to the Peace, Order, and good Government of this Society, such Person or Persons shall be justly esteemed traitors and unworthy to be and continue Members of this Society; and that they will proceed against them accordingly. And for the further Preservation of the Peace and Quiet of this Society, it is ordered, That, for the future, no Applications, upon any public Matter whatsoever, be made to the *Bench*, sitting in the *Hall*, from any Members of this Society, but by the *Bar-Mess*; the same being according to the ancient Custom and Usage of the House: And that this Order and Declaration be publicly forward once in every Term, as in like Cases.

As for *Lincoln's-Inn*, there has been none so hardy as to propose any such *Address*: And when it was set on foot in the *Middle-Temple*, it was rejected. So that we have the Sentiments of all the *Inns* of Court against it, whose Judgments are certainly as valuable in this Case as any of the *Addressers*: One of *Lord Somers's* Colleagues, vol. xxix.

A. D. 1681.

first and best exprefs their Duty and Gratitude to their Sovereign, at this time especially, when the seditious Endeavours of unreasonable Men have made it necessary to assert the ancient Loyalty of the *English Nation*, &c. That we were not seen in those loyal Crouds, but rather chose to stand by and applaud their honest and religious Zeal, cannot be imputed to the Want of it in ourselves: For it is, at present, the great Honour of this your University to be eminently stedfast in our Duty, and to suffer for it, as much as the Calumnies and Reproaches of *seditious* and malicious Men can inflict upon us; and that they have hitherto been able to do no more, that they have not proceeded to Plunder, Sequestration, &c. as once they did; next to the over-ruling Providence of *Almighty God*, is only due to the Royal Care and Prudence of your most Sacred Majesty, who gave so *seasonable a Check to their arbitrary and insensit Undertakings*.

But no earthly Power, we hope, no Menaces, nor Misery, shall ever be able to make us renounce or forget our Duty. We will still believe and maintain, *That our Kings derive not their Titles from the People, but from God; that to him only they are accountable, that it belongs not to Subjects, either to create or censure, but to honour and obey their Sovereign, who comes to be so by a fundamental hereditary Right of Succession, which no Religion, no Law, no Fault nor Forfeiture, can alter or diminish*. Nor will we abate of our well-instructed Zeal for our most holy Religion, as it is profess'd, and by Law establish'd, in the Church of *England*; that Church, which hath so long stood, and still is, the *Evoy and Terror* of her Adversaries, as well as the *Beauty and Strength* of the Reformation.

It is thus, *Dread Sir*, that we have learn'd our own, and thus we teach others their, Duty to *God* and the King; in the conscientious Discharge of both which, we have been so long protected and encouraged by your Majesty's most just and gracious Government; that we neither need nor desire any other Declaration than that Experience, for our Assurance and Security for the future. In all which Grace and Goodness, *Great Sir*, we have nothing to return; we bring no *Names and Seals*, no *Lives and Fortunes*, well capable of your Majesty's Service, or at all worthy of your Acceptance; nothing but *Hearts and Prayers, Vows* of a zealous and lasting Loyalty; our *Selves and Studies*, all that we can, or ever shall be able to, perform, which we here most sincerely promise, and most humbly tender to your Majesty's Feet; a mean and a worthless Present; but such a one as we hope will not be disdain'd by the most gracious and indulgent Prince that *Heaven ever bestow'd upon a People*.

As Compliments are the Currency of the Court, and as in that Specie the King was

rich enough to answer any Bills, that even the Clergy could draw upon him, his Majesty seem'd resolv'd, in his Reply, if possible, to outflatter the Flatterer: "He made no Doubt of the Loyalty of the *University*, nor that they would always act up to what they had declar'd.—There was no Church in the World, he said, that taught and practis'd Loyalty so conscientiously as that of *England*; and that for his Part, they might rest assur'd, That he would always be the Defender of that Church, whatever might be alledg'd to the contrary.

And now it was, that those who had laid such Stress on the *Voice of the People*, in the Article of Petitioning, finding their own Artillery thus turn'd upon them, took as much Pains to shew, that the *Voice of the People* was no more than common Air, passive under every Impulse: That the *Offers of Lives and Fortunes* to *Charles* the King, were worth no more than the like Offers to *Richard* the Protector: That out of the sixteen hundred thousand who vow'd to live and die with him, not one drew a Sword for him: That the most Noife at this time, was made by the most contemptible Boroughs: That the great Cities and Corporations had declin'd the Service, as had the Benchers of the Inns of Court: That the Muster-Roll of the Addressers would make but a very insignificant Figure against those who had either refus'd to join, or openly oppos'd them: That the most active Instruments upon this Occasion, were either Bankrupt Tradefmen, disgrac'd Attornies, or pragmatistical meddling Priests: That even where they had been obtain'd, not one in ten, in some Places, and scarce one in an hundred in others, had given their Concurrence: That if his Majesty plac'd any real Confidence in the unmeaning Professions of such an impotent Rabble, he would do well to call a Parliament, that they might shew the Greatness of their Power and Interest, by more solid Services: And that even of these, the most rational and substantial, when calmly shewn the natural but pernicious, Tendency of such Proceedings, had solemnly profess'd, That they would sooner be hang'd at their own Doors, than be intentionally necessary to the establishing a despotic Rule over a free Nation.

These and many more things of the like nature were set forth in a Pamphlet, call'd, *An Impartial Account of the Nature and Tendency of the late Addresses*. But the People were now deaf to the Voice of the *Clamour*. Addressing was now become the Fashion, as Petitioning had been before; and that bare Word was found to have more Authority than all other Considerations.

In short the Flow of Opposition was spent, and the downward Stream of Loyalty carry'd all before it; many were even sordid or frantic enough to forego, publicly, all the (\*) Hold they had left of their Liberties, to quit

A. D. 1681.

These who had magnify'd the Voice of the People in Petitioning, do try it in Addressing.

(\*) One *Fleaur*, of *Bristol*, had been presented in the preceding Year by the Grand-Jury of that City, for saying, "The King is unwill to govern by a Parliament, and that he doth not raise an Army, and govern by the Sword: There

are several Gentlemen in *Stony-Strait* ready to assist him, to my Knowledge; and the *Bishop of Bath and Wells* is gone up to acquaint him with it."

A. D. 1681.

all the Protection they were entitled to by the Constitution, to declare in express Terms against Parliaments, to rush into voluntary Servitude, to call on the King in (a) Print to assume an absolute Power, to make his Will a Law, and to take off the Head of him, who should dare to murmur at it.

It is, perhaps, unfair, in the general, to make a whole Party answerable for all the Extravagances of all the Madmen that may belong to it. But when every Extravagance of almost every kind, is not only tolerated, but encourg'd and rewarded, no tolerable Reason can be assign'd for not placing every particular Article to the general Account; nor tolerable Excuse can be made for not doing so. Thus in the Case before us, he was esteem'd most loyal, who went farthest in giving up the Laws; and the best Citizen who was most assiduous to betray the Commonwealth. Whence it follows, that he who first directed the Bias of the Bowl, is answerable for the Cast.

But this Victory, however unexpected, or sudden, or complete, was to be made known to the Public by Facts as well as Noise. It was now resolv'd to make the Faction feel the Power they had desy'd, not only to mortify, but to subdue them; and all by Form of (b) Law.

And here begin the Lamentations of those Writers who side with the Exclusionists, and

the *Idolaters* of those who idolize the Prerogative. All of whom, of the last that is to say, with Mr. North at their Head, justify the Proceeding by alluding to the Provocation; Acknowledging, indeed, That it was a dangerous Cafe to the Public, and in other Times might have had fatal Effects: But alledging withal, That ill Actions give Colour to mischievous Precedents; that *Omnia dat qui iusta negat, quod remedia desituntur ipsa reculet*; and that some Governments would have resorted to Force, and justify'd it on the bare Pretence of what in this Cafe was notorious: But chusing to forget, that *summum jus est summa injuria*; that in national Cafes, the Innocent are involved with the Guilty; and that whatever it may be in Religion, in Politics it is the unpardonable Sin to visit the Iniquities of the Fathers upon the Children.

Of these *legal Persecutions* we have already had some Taste in the Cafes of *Harrington*, (c) *Darr*, &c. But merely to run down Individuals did not come up to the Views of the Ministry, nor the great Use that was to be made of the Crisis: The whole Herd were now become Royal Game; and among these the Disenters were first singled out as being most obnoxious to the Government, for having aided and assisted the Faction with all their Might, and most at the Mercy of the Laws.

They, on the other hand, were soon aware of the Storm, and also that the Opinion of

A. D. 1681.

Endeavour of the last to ward off the Storm.

Resolutions of the Court to mortify the Faction, and to begin with the Dissectors.

(a) In a Piece call'd, *An Apology from the Royal Party to the King's most Sacred Majesty's humble Petition, from the most Honble of Commons met, by Law, the 2<sup>d</sup> of 1<sup>st</sup> of disaffected Members*; which contains the following Passages:

"Dread Sovereign, You are the Object on which all our Eyes are fix'd; you are the Center in which the Hopes and Desires of all loyal Hearts are lodg'd. Now is the Time to make yourself a King, and us a happy People, or never. If you put on an unlikeliest Resolution, you will encourage and strengthen your Enemies to stand by you to the last; which we are resolv'd to do, if you force us not from you: And this will not a little tame the Insolency of those bad Men, who brand all those who stand up for your Rights and Prerogatives with that scandalous Name *Popish*. All those honest Gentlemen, who had a Desire to serve their Country by being Parliament-men, because they oppos'd the *Rump Faction*, they and all their Friends were *Popish*, rank, *inherited* *Popish*. If these Men can make us *Popish* at this rate, we shall have *Popery* among us before we know where we are: And really I think we have no great Reason to be so much afraid on; for 'tis come to that, that you shall not hear of an honest Cavalier, say force an honest Man, but presently he is a *Popish*."

Sir, you have been silent too long; therefore, since you have given us your Royal Answer, that you *Love* *and* *will* *defend* *your* *Right* *and* *Majority*, by which you are resolv'd to govern, let us hear you roar like the King of Lions, when next you meet your Parliament cry *Ho!* to them, and *Ho!* again, till (like your Predecessor Henry VIII.) you make them tremble. Sir, remember you are as well King of France as England; therefore let not the French King be a greater Monarch than yourself! At least, for a time, shew yourself as *valiant* over your People as he is; and, since that Law is your *Masthead*, like him tell them *Je suis le jehou*, and take off the Head of that Man who shall dare to open his Lips to contradict it: And be assur'd that this Way of Governing shall gain you more Friends in one Day, than all your Compliance to the unreasonable Demands of your Parliament shall gain you in an Age.

Sir, the first thing you are to do is to know your Enemies, and then to arm yourself against them: You cannot have forgotten their Men by whom your Royal Father fell, and pardon you to Banishment: These are the Men, Sir, who like you to boldly at your Crown; and therefore beware your Head. You cannot therefore persuade yourself, that the Murderers of the Father can ever love the Son. But, lest your Majesty should mistake these Men, and think them to be your Friends, our famous *Salomonian Doctor* (Quint) hath nam'd them thus: For he says (and what he says with us is Gospel) *They* *they*

are *Popish* in *Masquerade*, *disguis'd* in the *Habit* and *Manners* of the good *Protestants*. So that 'tis to be hop'd your Majesty will not trust some of them, nor any thing that looks like his kind of Cattle. We humbly therefore beg, that the next Parliament you will take a View of your House of Commons, that you may know the Members of which it is compos'd; and, if there be any of these disigu'd *Popish* there, that they may be *tor'd* out; that is not a Place for them; for the Law says, *No Popish shall sit in the House*. If therefore there be any there who have imbruid their Hands in your Father's Blood, they are disigu'd *Popish*, they must sit out. If there be any there who have imbruid their Swords against their lawful Sovereign, and appear'd in open *Rebellion* against him, they are the same, they must sit out; for they are all *Popish* in *Masquerade*. Or if there be any of the Sons or *Trust* Men, they are the same Pleth and Blood, and they'll prove themselves so: Instead I'll warrant you, they have suck'd in their Father's *Disloyalty* and *bloody* Nature with their Milk, which 'tis to be fear'd, they will never digest so long as they have an Hour to live; therefore they must sit out. And when the House is thus purg'd of their kind of Cattle, we may hope to see good times again; and not till then; for, believe it, Sir, they are so glutted with the Spoil and Sweet of their *last Rebellion*, that they will now be *Cavaliers* or *nothing*; which *Heaven* and your Majesty must prevent. *Out of the Last Somers's Collection*, vol. 24.

(b) Even *Hawley*, a Lawyer of these Times, of the Anti-Court Party, bears Witness, That a certain Nobleman, who had borne a considerable Character in the King's Councils, complaining to him, That his Majesty had been misled by the Advice of his Lawyers; he said his Lordship, whether the King put his Judges and Council upon doing what was done, without considering whether it was legal, according to the Common *Yogues*, or whether his Lawyers first said'd him, that what was to be done, was Law? To which his Lordship answer'd upon his Honour, That the King's Council at Law, first said'd, that the King might do by Law, what he would have done, before he command'd them to do it. *Hawley's Remarks on the Trials of Vintners*, &c. p. 18.

(c) Whose real Fault was, the presenting the *Taxation Petition*; but the *Cavaliers* found to punish him was, for *fraying, softly and maliciously*, said the Indictment, "That the Subjects had but two Means to redress their Grievances: One by Petitioning, the other by *Rebelling*." And this the Court was pleas'd to construe into *Rebellion*, tho' he made it plainly appear in his Defence he had no rebellious Intents (because he had said at the same time, "God forbid there should be a *Rebellion*: I would be the first Man to draw my Sword against a Rebel."

A. D. 1681.

the Commons in their Favour, which had been represented as so criminal by the King's Declaration, would rather expose them more to the Fury of it, than afford them the least Shelter. They had, therefore, recourse to the *Press*, and set forth a Pamphlet, call'd, *A short History of the Life and Death of the Act made 35 of Eliz. Cap. 1. to retain the Queen's Subjects in their due Obedience*; attempting to prove, That the said Act was, to all Intents and Purposes, expir'd; for that it was temporary in its first Formation: That tho' it was several times reviv'd, the last, viz. 1. *Jac.* was, with this Restriction, *ill the End of the first Session of the next Parliament.* And in the said next Parliament, no Notice was taken of it: That, therefore, it appear'd to be the Intention of the Legislature to revive it on the 21st of King *James*, and also to continue it in other subsequent Parliaments. Yet, as it was absolutely dead before the time specify'd in the Act for adjudging it to be in force; and the Word, *Reviv'd*, was not made use of, all was deficient; and the said Act to be esteem'd, notwithstanding, a Nullity: And finally, that tho' in the 16th of the King, in the Act against Conventicles, it was again declar'd to be in Force; yet as the Act, itself, had long since expir'd, it must be concluded that the Virtue of the said declaratory Clause expir'd with it."

To this it was answer'd by the Voice of Authority in the *Gazette*, to undeceive his Majesty's loyal Subjects: That the next Parliament, 12 *Jac.* refer'd to as above, was held to be no Parliament, because nothing was done therein: That, indeed, there was yet another which sat, 18 *Jac.* and pass'd only a Bill of Subsidies. After which the Doubt arose whether the Act in question was not expir'd: That nine of the Judges were of Opinion it was; and that to remedy that Defect, the Parliament 21 *Jac.* not only reviv'd both that and fifty-seven other Laws, but adjudg'd them to have been in force ever since the last Session of King *James's* first Parliament: That in fact so they were, by virtue of 1 *Jac.* That the latter Continuance ran clear of the declaratory Law, 16 *Car.* 2. and that tho' the said Conventicle was expir'd, there was another of greater Force, 22d of the King, yet in being.

Whoever had the best of the Argument, the Dissenters no sooner saw this open Denunciation of the Wrath of the Court, than they knew it would be decided against them. As their last Resort, therefore, they endeavour'd to terrify and intimidate in their turn, by crying out, That before those in Power let loose the penal Laws against them, they would do well to consider (what they themselves forgot, when the Papists were sacrific'd for the Good of the Cause) the Temper of the *English* Nation in general, who were apt to be tenderly touch'd with Compassion, for those who suffer'd merely for Conscience Sake: That, even in the blind and bloody Reign of Queen *Mary*, when Cruelty had the Sanction of Devotion, and Superstition had still her Foot on the Necks of the People, the Horror conceiv'd at He-

A. D. 1681.

refy, soon gave way to the Horror arising from a just Sense of the Calamities of those who were punished for it: That even the long Parliament, who, under the Management and Directions of the Church had been the Authors of all the new Laws against Dissenting Protestants, found it reasonable, at last, to untwist their own Web, and to prepare a Bill for the Union of all Protestants in the Year 1672, which was to have been an Act of Mercy to those very Dissenters they had before so eagerly prosecuted: That as all these antichristian Proceedings would be imputed to the Duke, it would fill the Nation with astonishing Apprehensions of his Reign; and the general Conclusion would be, that Severities now were to serve as Precedents, to authorize his Cruelties hereafter: That three Parts in four of the Kingdom would mediately or immediately be involv'd in, or affected by, the Sufferings of the Dissenters: That, as the Fruits of their Industry and Commerce were an Access to the Commonwealth; so the Commonwealth would be proportionably impair'd by their Losses and Impoverishment: That, tho' *Empton* and *Dudley* took care to shelter their Oppressions under the Umbrage of the Law, they were nevertheless hang'd for being notorious Oppressors, to pacify the Clamours of an injur'd, exasperated People: That possibly the *Fanatics*, furr'd with their Sufferings might, by way of Retrial, indict many of his Majesty's conforming Subjects, upon other penal Statutes, to which, on one Account or another, all might be found liable: That, in case they should, it would shew too manifest Partiality in the Government, to grant *Noli prosequi* in favour of one half of the People, while it countenanced and encouraged Prosecution against the rest: That it would be little for the Reputation of those in Power, to see the whole Kingdom made to resemble a Cock-pit, and his Majesty's Lieges turn'd loose to peck out each other's Eyes: That if these *Fanatics* were thus inclin'd to retaliate on others the ill Treatment prepar'd for themselves, they wanted not considerable Advantages, even from the Statutes themselves, to lessen, if not wholly destroy, some considerable Branches of the Revenue: That, in particular, it would grievously affect the Excise, if Ale-house-keepers should be indicted on the Statute of the 21 *Jac. cap. 7*; which enacts, That whoever sells a Pot or Quart of Ale for above a Penny, should, for every such Offence, forfeit twenty Shillings; from which the King could no ways relieve them, seeing the Clause in that other Statute of the 22 & 23 of his Majesty, by which they were indemnified, was wholly expir'd: That even the important Act which settled the Excise was not so discreetly and cautiously pens'd, but that Occasion might be taken to question the Validity of it in some Particulars, which, if overthrown, would also overthrow the Act itself: That, according to the nice Distinction of the Sages in the Law, on the Prerogative Side, viz. That, tho' Petitioning was the Right of the Subject, the King might suppress tumultuous Petitioning, the

Words

A. D. 1681.

Words of the Act did not extend to Conventicles, unless they were *seditionis* Conventicles: That if it should be found that the Parliament which met May 8, in the 13th of the King, had continued or sat beyond the Time prescrib'd by the 16 Car. I. *cap. 1.* For preventing of Inconveniences happening by the long Intermiſſion of Parliaments, before they once thought of repealing that Statute, which they did not till the Session that began March 16, in the 16th of the King, it would be found also, that the Laws against Dissenters had not the Force and Validity which it was now prescrib'd they had: And that, however difficult and dangerous it might be to wrestle with Power, or however, in the general, unbecoming the Duty of a Subject, a rich and courageous People, driven to Despair by ill Usage, might think themselves justify'd by that ill Usage for so doing; and more for their Honour to run the Risk of the Contest, than to submit like Slaves to unmerited Punishments.

Spaul of Fitzharris's Story.

It is now Time to pursue the Thread of Fitzharris's Story; whose Case, as a Malefactor, both in Process and Event, is too well known to need a minute Exemplification here: But to know *what* Knave he was, according to the Expression of Mr. North, and what political Use was made of him and his Intrigue, calls for all the Lights that either Facts or Reasonings can furnish.

We left him in the Tower, whither he had been hurry'd, say the Court, that the Hope of Life and Fear of Death might not induce him to confess, not what was true, but what would best answer the wicked Purposes of the Commons; say the Commons, that he might not tell all, that is, expose to the Bottom the wicked Practices of the Court.

The Commons, as we have seen, resolv'd to be Prosecutors; by which means they hop'd to rescue the Prisoner once more out of the Hands of the Court; and the Court thought it worth a Dissolution to disappoint them. Both had, therefore, their Views; and it is not reasonable to suppose, that when two incens'd Factions drove so desperately against each other, that either was wholly in the right, or wholly in the wrong.

Mr. North, in his *Examen*, bestows a Number of Pages to prove, that Fitzharris, a known Spy of the Court, was, by the Arts of the Faction, decoy'd into Everard's Snare, purposely that, having the Gallows in sight, he might be wrought up to any Pitch, and influenced to swear any thing against any Person. On the contrary, *Ferguson*, more briefly, but as explicitly, affirms, that Fitz-

(Sketch of Papers, p. II. p. 287, 288.)

harris had a like Commission from the Court to decoy Everard, a known Tool of the Faction; with like Intention to force him to earn a Pardon, by swearing against *Shaftsbury*, and such other Persons as they thought most in their Way.

It has been said of *Montecuculi* and *Turenne*, the Pupil and the Master, in the Art of War, that the one had reduced it to such a Certainty in point of Rule and Practice, and the other had profited so effectually by his Lessons and Examples, that when they came to be Opposites, both always took the same Measures to carry the same Points; and the only Struggle lay in who should make the Experiment first. If therefore it may be admitted, that the Statesman's Science is capable of as much Method and Exactness as the Soldier's, both these Writers may have Truth on their Side; and that the old Proficient *Shaftsbury* had no otherwise the Advantage of his Kinſman *Hallifax*, than as he was serv'd by *Everard* with more Expedition, than his Antagonist by *Fitzharris*.

Not to err into unwarrantable Refinements; It no sooner appear'd that *Fitzharris* was preparing to play the Part of *Dangerfield*, and the Party to make the like Use of him, than the Court resolv'd, at all Hazards, to prevent them, and to make an Example of *Fitzharris*, who had already confess'd enough to forfeit the King's Mercy, tho' not enough to answer the Expectations of his new Employers.

But a Chief-Justice was first to be appointed: *Serjeant* lay under an Impeachment, as well as *Fitzharris*; and it would have rais'd much Clamour, to see one Delinquent sit in Judgment on another. *Pemberton*, who had before been a pious Judge, and gain'd Credit, says *Howles*, by being turn'd out, was pitch'd upon to succeed him, on the Recommendation of the Lord Chancellor, as *Ferguson* writes; Care having first been taken to be sure of his Opinion, as to *Fitzharris*; and whether he would venture to try him, in defiance of the Vote of the Commons. (d) Boldness, it seems, was the Characteristic of the Man; and Boldness was, at this time, look'd upon as the best, if not the only, Qualification for the Place; and this was so well understood, even without doors, that it became a common Remark on this Preferment, "That Sir Francis Pemberton was made the Lord Chief-Justice *Serjeant*."

Pemberton made Lord Chief-Justice.

[Ibid. p. 297.]

The Court made use also of another Piece of Management, of which Mr. North could not be ignorant, and yet has not thought proper to touch upon. There was no Possibility

(d) We find the following Character of him in Mr. North's Life of his Brother the Lord Keeper, p. 222:

"The Lord Chief-Justice Pemberton was a better Practitioner than a Judge; for being made Chief-Justice of the King's Bench, he had a towering Opinion of his own Sense and Wisdom, and rather made than declar'd Law. I have heard his Lordship say, that, in making Law, he had outdone the King, Lords, and Commons. His Morals were very indifferent; for his Beginnings were debauched, and his Study and first Practice in the Goal: For having been one of the forced Tower-Bakers, and spent more than he had of his

own, his Case forced him upon that Expedient for a Lodging; and there he made so good use of his Leisure, and busied himself with the Cases of his Fellow-Colleagues, whom he inform'd and advis'd so fully, that he was reputed the most notable Fellow within those Walls; and, at length, he came out a *Sheriff* at the Law. After that, he proceeded to study and practise, till he was eminent, and made a *Serjeant*; and, when Chief, became a great Ruler, and suffer'd nothing to stand in the Way of his Authority.

To this Character two short Cases are annex'd, to show that he was neither a fair Practitioner, nor an upright Judge.

A. D. 1681.

lity of taking off *Fitzbarris* (which was a thing resolv'd upon, not only by way of Vengeance on him, but to terrify all other Knaves of the same Class from presuming to fancy that there was any other Name under Heaven, but that of the King, by which they might be saved) except by the Evidence of *Everard*, and his two Evesdroppers, *Waller* and *Smith*, who were all Creatures of the Faction, and had given out, They would appear as Witnesses no where, but in Support of the Impeachment before the Lords. *Waller*, in particular, had many Pretences to excuse himself, as having been a Member of that very Parliament which sent up the Impeachment; and one of the Majority who had carry'd those minatory Votes after the said Impeachment had been rejected by the Lords. He was also so encumber'd with his Debts, that he durst not shew his Head. Ways and Means were, however, found to conquer all these Difficulties. *Ferguson* affirms he was drawn in with the Hopes of matching his Son to *Chiffinches's* Daughter, and that he had a (e) Protection bestow'd on him to screen him from his Creditors. And *Huxley*, without expressly naming *Waller*, only says, "He was prevail'd upon to give Evidence; but by what Means is best known to himself." Both *Everard* and *Smith* were, in like manner, prevail'd on to come in; and afterwards appear'd openly for the Court, as Mr. *North*, himself, acknowledges in his *Examen*, p. 301, and elsewhere, whether from an Impulse of Conscience, or less refin'd Motives, there is no certain Grounds to pronounce.

The way being thus smooch'd, *Fitzbarris* was indicted of High Treason for compassing and imagining the Death of the King; and the Libel, before quoted, was brought in Evidence against him, as the Overt-Act requir'd by the Law to convict the Prisoner capitally. *Everard*, *Waller*, and *Smith*, fallen'd this upon him, after the manner, and with the Circumstances above, perhaps, prematurely specify'd. In short, they went as far in support of the Indictment, as they could have done in the Impeachment: And what was farther remarkable, it is not improbable, that they mind their Evidence; that they said just enough to hang the Prisoner; that they suppress'd every Circumstance which might give Umbrage to those in Power; and that this was foreseen by the Party they had abandon'd: For after the Evidence for the King had been clos'd, *Oates* depos'd, in Behalf of the Prisoner, that *Everard* had acknowledg'd to him, that the Libel was of his own composing; that it was to have been sent in Penny-Post Letters to the Leaders of the Commons: That the Court had a hand in it: That he, the King, had given *Fitzbarris* Money, and would give him more, if he had Success; And was follow'd by Colonel *Manfel* and Mr. *Hunt*,

who both testify'd, That Sir *William Waller* had told them, and others in Company with them, That, tho' when he made *Fitzbarris's* Affair first known to the King, his Majesty had given him a great many Thanks, and acknowledg'd it to be one of the greatest Services he had ever receiv'd, he had not long taken his Leave, before two worthy Gentlemen inform'd him, that the King had said, That he, *Waller*, had broken all his Measures, and that he would have him taken off one way or another.

Now Mr. *North* who has undertaken to answer one of the most negligent and inaccurate of all the Anti-Court Historians, possibly, that his own Apology might appear with the greater Force, labours much to expose the Inconsistency of their Heat-fay-Evidence, and finds much Cause of Triumph, in that *Waller* and *Everard*, who were both in Court, never open their Lips to confirm what *Oates* and his two Associates advanced. But *Everard* could not be expected to accuse himself. And *Huxley*, on the other hand, affirms, that *Hunt*, in a particular manner, appeal'd to *Waller* as to the Truth of what he said; and asks with a good deal of Reason, why the Court did not take upon them to oblige him to answer? If those things were vented upon the Trial maliciously and falsely, only for the sake of the Impression they might make, at the Rebound, on the People, as Mr. *North* would have it believ'd, why were they not confuted in open Court? And if *Waller* was still in the Bosom of the Faction, for the same Author insists he never was otherwise, why did not he give an additional Credit to the Story, by avowing it to be true? And if he was still obnoxious to those in Power, and had no such worthy Gentlemen to produce, why was not his Forgery detected and expos'd? The Weight of the Court was obviously in the Scale of the Government; and it every where appears, that all the Use was made of it that could be made.

To pass on to the Residue of the Prisoner's Defence; the great Drift of it was to shew, that he acted in the whole Affair as in his Vocation, that is to say, as of a Spy for the Court. He call'd upon his Cousin Mrs. *Wall* and her Lady, the Duchets of *Portsmouth*, to do him the Justice to own, that he had received two hundred and fifty Pounds from the King for his Services in that Capacity. But tho' they did not deny that Money had been given him, they would allow no other Motive than Charity; except that Mrs. *Wall* added, as if the Secret was extorted from her, that it was also for bringing in the Lord *Howard* of *Essex*. That Lord also avow'd, that he had visited the Duchets of *Portsmouth*, at the Instance of the Prisoner, in the Name of his Majesty; and that he had, in return, recommended him to her Grace, as a fit Object of his Majesty's Bounty. Sheriff *Cornish* depos'd,

A. D. 1681.

[Examen, p. 305.]  
[Ibid. p. 291.]

(e) Which, according to *Ferguson*, was withdrawn as soon as the Trial of *Fitzbarris* was over; and being abandon'd also by his old Friends, whom he, it seems, had abandon'd first, he was forced to quit the Kingdom, and soon after dy'd.



A. D. 1681.

pos'd, That when he waited on the King, to inform him, that *Fitzbarris* was inclin'd to make Discoveries; his Majesty acknowledg'd, that he, *Fitzbarris*, had offer'd him his Service, as a Discoverer; that, about three Months before, he had told him he was in pursuit of a Plot; and that he had countenanced him, and given him Money. The Secretaries of State, who were present, being demanded, whether the King had not own'd the Prisoner, as one entertain'd in his Service? Sir *Leoline Jenkins* reply'd, that he could not recollect that the King had ever made any use of him. Lord *Conway* admitted, that he had heard his Majesty say, he had formerly employ'd him in some trifling Things; but added, that he, the King, had never seen him, till the Day after he was taken up: And, for a Close of all, *Fitzbarris* himself alledg'd, that tho' the great Persons he had appeal'd to had thought fit to disown him, the Fact was notorious: That tho' *Everard* was now pleas'd to make a French Story of the Affair, he knew it was OTHERWISE: That he, *Everard*, then affirm'd he was well acquainted with the Lords *Sbastian* and *Howard*, and with all their Intrigues and Cabals in the City: That he, *Fitzbarris*, told him it would be of the greatest Consequence, to continue his Discoveries: That what he said to *Everard* was purely to draw him in to undertake and perfect the Libel: That all he had done was only to serve the King, by a Detection of the Designs against him: That he had no sooner got the Libel into his Possession, than he carry'd it to *Whitehall*: And that he was not ashamed to own, that he was employ'd by the King, though the Secretaries were so unkind to deny it.

Now the Article in his Plea which seem'd to conclude most in his Favour, namely, That he went with the Libel to Court as soon as he had receiv'd it, was in part confirm'd by Mrs. *Wall*; who acknowledg'd, that, on the Thursday before he was taken up, he came to her at Nine at Night, and desir'd to be introduced to his Majesty, as having something to communicate for his Service; and that she, dreading Mischief, it seems, referred him to the Secretary, and others. Thus far then it was clear, that, by what Person or Party soever insinuated to frame the Libel, in concert with *Everard*, or whatever Use was to be further made of it, he had no Design to publish it in order to stir up the People to a Rebellion; which was the Crime charg'd upon him by the Indictment. If it was a Trick of his own to make himself appear of Consequence at Court, and to authorise a Claim of more Money; or if, as the Faction gave out, it was a Conspiracy of the King against them, or if, as Mr. *North* so laboriously attempts to prove, it was a Conspiracy of the Faction against the King, still, there was no Shadow

of Reason to convict him on the Statute of Treason; and in every one of these Cases, he was liable to the Laws as a Cheat. *Hutcheson* reasons to the same Point for several Folio Pages together: And *North* fancies he has answer'd him by an ironical Recapitulation of some Parts of the Libel, which was indeed prov'd to be written under *Fitzbarris*'s Instructions; but, as *Everard* himself depos'd, (f) to be drawn in the Name of the Nonconformists, and put upon them; that is to expose them to the Fury of the Laws, not to let them in Arms against the King.

But, unfortunately for the Prisoner, Mrs. *Fitzbarris*'s *Wall* depos'd, that he did not mention the Libel, when he press'd for Admittance to the King. It appear'd also, that he had loiter'd about, two Days afterwards with the Mischief in his Pocket: That he would have communicated it to the Earl of *Arran*, as a Matter of Curiosity; which his Lordship had, however, the Presence of Mind to divert, with some good Advice to *Fitzbarris* himself, not to busy himself with such dangerous things: And the Jury understanding the Proof of the Writing to contain the Proof of the Treason, entertain'd no other Scruple than such as related to themselves: They had the Votes of the Commons before their Eyes, and were afraid to judge a Parliamentary Cause. The Foreman call'd on the Bench for Advice, and receiv'd for Answer, That it was the unanimous Opinion of all the Judges of England, that the Prisoner was within the Jurisdiction of the Court. It is also affirm'd, that they had the Terrors of the People before their Eyes, as well as the Parliament; for the Hall was throng'd with the Anti-Court Party; and while the Hearing lasted, they, most unwarrantably, were ply'd with Papers, to dissuade them from finding the Prisoner guilty, as also with Threats, That, in case they did, they would have their Verdict to answer for to Parliament, and that the Nation would never desist till they had ruin'd them and their Families. And when withdrawing, some had the Insolence to say aloud, *Find them guilty if you dare!*

It has been already represented, that, by the Artifices of the *Exclusionists*, they had got the Gallows on their Side; or, at least, by their Power over Juries, they had gone a great Way towards it: In this they had acted cunningly, if not fairly: The labouring Oar was always on the Court-side; and all that the Witnesses could swear, or the Bench sanctify, was liable to be undone by a Verdict.

As well, therefore, as to appoint a proper Chief-Justice, and to work the Witnesses into a proper Temper, it was thought necessary also to try some Practices on the Jury. *Ferguson* asserts, that the Attorney-General (Sir *Robert Sawyer*) mov'd, that the Master of the Crown-Office might return the Panel, instead of the Sheriffs; and that, by way

A. D. 1681.

(f) And yet Mr. *North*, quoting some Words of *Kennet*, says, "It (the Libel) was to be fix'd upon the Protestant Dissenters;" is pleas'd to say, *Essays*, p. 325, There

is not one Syllable in all the Acts and Proceedings tending to this.

A. D. 1681.

Examen,  
p. 495.

way of Authority, he produced a Statute of Henry VIII. no more to the Purpose, says he, than if he had produced a Sentence of the Bishop's-Court, pronouncing himself to be a good Lawyer. This was over-ruled by the Court: But, however, to qualify the Refusal, a Rule was made to take the Business out of the Under-Sheriff's Hands, who had hitherto been entrusted with it, and to oblige his Principals to take that Trouble on themselves. *Howles* adds farther, that, when the Trial came on, the Attorney-General challenged several without shewing Cause, and several for that they were no Freeholders; and his Challenges, of both Sorts, were allowed. Notwithstanding all which, Mr. North, having started an Objection, viz. that it looks a little oddly at first, that, in the Reign of *Ignoramus*, a Man should be convict of Treason, whether the Party who had the Issues of Life and Death in their Keeping would or no, ironically answers, that very good Men were found and return'd, and the Pannel was settled by due Advice, Care, and Consideration; who, but for a very odd Accident, had done what the Party expected from them. This Accident he explains as follows: "There were two Persons of the Name of *Clew*; one liv'd in the Country, and was of the Party; the other in Town, and abhor'd them: The Bailiff, thro' Mistake, or Laziness, or, what is more probable than either, Corruption, summons the latter; and, his Person not being known, he was sworn, and all the while taken for the good Man intended. But, after the Trial, when they were retir'd to consider their Verdict, and the ref began to chime in for acquitting, this false Brother insisted so strongly the other Way, that his Weight turn'd the Scale.

Thus, to the infinite Surprize both of the Faction who had resolv'd to save the Prisoner, and of him who had depended upon them, he was brought in Guilty."

It is fit, however, to observe, that, smoothly as this Story runs, it is liable to two Objections, which are easier to be started than solv'd: Namely, 1. If such previous Care was taken to settle the Pannel, and such Confidence was placed on the Return, what Occasion was there for either Importunities or Menaces, to force them on such a Verdict, as, it must be understood, they came pre-instructed and pre-engag'd to give, without any such additional Promptings? And, 2. If there were eleven sure Men against one, how is it to be accounted for, that That one should gain the Mastery, and those eleven submit to his Will and Pleasure, there being no Time for Argument, in half an Hour?

He is found  
Guilty.

For no longer, if the Record is to be depended upon, were they absent.

And now *Fitzbarris*, finding his Life was in the King's Hands, made another short Turn, and attempted to redeem it at the Expence of the Party. Indeed, from the Moment he was taken out of the Custody of the Sheriffs and lodg'd in the Tower, his Wife, who had a notable Concern in this whole mysterious Affair, had shewn a Disposition to play a double Part, as appear'd, upon the Trial, by the Evidence of Mr. *Bullstrode*. She had apply'd by Petition to the King, for Leave to visit her Husband; and his Majesty refer'd her to the Secretary of State: Saying he would have no Concern in it. She then made her Complaints to Mr. *Bullstrode*, who gave her to understand, there would be no Remedy, without a full Discovery of the Author of the Libel: Upon which she undertakes to prevail with her Husband to disclose the Secret, in case she might be permitted to see him. Mr. *Bullstrode* acquaints the King; who replies, *If she will come and be examin'd, with all my Heart.* Mr. *Bullstrode* lets her know his Majesty's Reply: She returns to Mr. *Bullstrode* at Midnight, pretending a Dread of having it known that she was taking any such Step; signifies a Willingness to obey his Majesty's Pleasure; and the next Day attends accordingly: But no sooner was she told that she was to appear before a Committee of Council, than she declar'd, Unless the King would speak with her alone, she would not open her Lips. And so ended this Negotiation.

This terrible Verdict, however, taught them to be less peremptory. *Fitzbarris* offers immediately to turn Evidence, and *will all on the other Side*: Names Lord *Shaffsbury* and Lord *Howard*. The Court think it worth their while to grant him a Hearing. He charges the latter with having given the Instructions on which the Libel was founded: This is confirm'd by his Wife and Maid, who alledge, the said Instructions were given in their Presence: Lord *Howard* was upon this taken up, examin'd, and committed to the Tower: But, notwithstanding the Merit of this notable Discovery, Sentence was pass'd on *Fitzbarris*, and no Regard was shewn to his Plea, "That it would be prejudicial to the King's Service to condemn him, before he had perfected his Evidence against Lord *Howard*." June the 9th was the Day of his Trial and Conviction: On the 12th Lord *Howard* was committed: On the 21st a Bill of Indictment was preferred against his Lordship, to the Grand-Jury of *Edmonton*; who finding the Evidence of the Mistress and the Maid (g) contradictory, says

Fitzbarris  
exam'd on the  
Evidence, is  
in hope of a  
Pardon.Accus'd Lord  
Howard of  
being concern'd  
in the Libel:Who is com-  
mitted to the  
Tower.

Ferguson,

(g) The whole Evidence on which the Bill was founded, was afterwards publish'd by the Direction of the Jury themselves, as follows:

Mr. Smith's Evidence:  
He heard Mr. *Fitzbarris* say to Mr. *Everard*, That he could give no further Instructions that Night; for that he was to go that Night to *Knightsbridge*. And when Mr. *Fitzbarris* was gone, Smith and *Everard*, whether Mr. *Fitzbarris* was gone that Night? He said he was gone to the Lord *Howard* of *Essex*'s House at *Knightsbridge*; and further said not.

Mr. *Everard*'s Evidence saith, That he asked when he should complete his Instructions? *Fitzbarris* told him, That he could not do it that Night, nor the next Morning, for that he was to go to *Knightsbridge* that Night, or the Morrow Morning; and afterwards told him, he was to go to the Lord *Howard* of *Essex*'s at *Knightsbridge*; and *Fitzbarris* came the next Day towards Night, and completed the said Libel, and corrected it in several Places. And Mr. *Everard* saith, at the Issuing of this Libel, *Fitzbarris* gave *Everard* Directions to take the *Surries* out of a printed

A. D. 1681.  
[*Ornaments of  
Poetry, P. II.  
p. 304.*]

Ferguson, return'd it (*b*) *Ignoramus*; as a former Grand-Jury, under an opposite Influence, had done in the similar Case of the Countess of *Peovis*, accused by *Dangerfield*: And, on the very next Day, a Writ was issued out of the King's-Bench for the Execution of *Fitzabarris* on the first of July following.

After he was cast, it seems, a Rule had been made for *Dr. Burnet* to attend him, at his own Request; but he had no sooner declar'd against *Lord Howard*, than the Doctor turn'd his Back on him, and visited him no more: After which, he fell into the Hands of Doctor *Hawkins*, the Minister of the *Tower*, who made to good a Use of his Divinity, that he prevail'd with him to make and sign a Confession (which was the Authority of *Mr. Norris*, before-quoted) and which was in Substance as follows:

"That, as to himself, he was no farther concern'd in the Libel, than as employ'd to give the King Notice of such Matters: That this was his sole Motive in procuring it from *Everard*: That his Application to *Mrs. Wall* was, in order to discover it: And that the Money he had receiv'd from the King was really by way of Gratuity for his Services, and not as an Act of Charity: That *Lord Howard* had acquainted him of a Design to seize upon the King's Person, and to carry him into the City; where he was to be detain'd till he had conceded to the Desires of the Party: That one *Hoyms* and he were privy to this Design, and had several Meetings upon it with *Lord Howard*; who, for their Encouragement, had assur'd them, That the Settlement of *Ireland* was to be broken: That the additional Revenue of the Bishops was to be taken off, and, together with the Estates of Forty-nine other Persons, were to be shar'd among the Party.

That, while he was in *Newgate*, the Sheriffs *Betted* and *Cornish* came to him with a

Token, which he knew to be a true one, from *Lord Howard*; and also the Heads of an Accusation from *Everard* against him, charging him to be a Court-Emiffary, or *Tyrkish*, put on by the King to put the Libel into Protestant Hands, to trapen them: That he declar'd upon his Death, he had no such Intent, nor was privy to any such Design: That the Sheriffs farther told him, the Parliament would impeach him; and that nothing would save his Life, but discovering the popish Plot: That they gave him great Encouragement, in the Name of *Lord Howard*, and said, that, if he would declare that he believ'd as much of the Plot as amounted to the introducing the (*j*) *R. C.*, or if he could find out any that could criminate the Queen, *R. H.* [*his Wife's*] or make so much as a plausible Story to confirm the Plot, the Parliament would restore him to his Father's Estate, with the Profits thereof since the Restoration: That he, finding himself in *Newgate*, FETTER'D, moneyless, friendless, his Wife ready to lie in, and both her and his Children destitute of Subsistence, was, for their Relief and his own Preservation, not from any ambitious Motive, induced to comply: That the Sheriffs brought Instructions, which, they said, came from the Lords and Commons, who met that Day in order to address the King in his behalf, in case he thought proper to embrace their Proposals: That they nam'd *Lord Shaftsbury*, and others: That they dislike'd his formal Story of the Plot, *Cornish* saying, "Those were Things which had been cry'd about the Streets two Years before:" That he replying he could say no more, the Sheriff added, he was sorry for him; but nevertheless renew'd his Solicitations, and mention'd several Heads, which he was either to speak to, or to give up all Hopes of Life: That many of these Heads were the same with those afterwards taken in his Examination by

Clayton

*Fitzabarris's  
Confession in  
the Tower.*

a printed Pamphlet, call'd, *The interested Letter in Roger L'Estrange*, and to insert them into the said Libel.

*Mrs. Fitzabarris* saith, she saw the *Lord Howard* at her Husband's Lodgings (some short time before her Husband was made Prisoner) deliver a Paper to her Husband, and said, *They were notable Heads*; and would say, *That when those things were put in order, the People would rise, and then they would seize the King, and keep him until he had pass'd the Bill of settling the Duke of York, and settling the Succession upon the Duke of Monmouth*: And saith (reading the Paper left in her Husband's Chamber by the *Lord Howard*) she remembers these Expressions in that Paper: *As it was the undoubted Right of the People to appoint a Popish Successor, so it was in their Power that would follow, and so on, and so on, in his Parliament*. At which time *Mr. Fitzabarris* call'd for a Pen and Ink, and told his Wife that he had promised her to deliver that Paper in that hand; and she asking whether he was going to her Husband answer'd, He was going to *Mr. Everard's* Chamber to have that Paper drawn up: And before the *Lord Howard* went out of *Mr. Fitzabarris's* Chamber, *Mr. Fitzabarris* asked the *Lord Howard* what he should do for Money: To which the *Lord Howard* reply'd, *Let me advise for that*: And that within a Day or two her Husband brought her the Libel to his Wife, and read it to her: Upon the reading of which, she ask'd him whether *Everard* had drawn that Book out of those few Heads: Her Husband answer'd, Yes: for that *Mr. Everard* was a Man of Parts.

*Mrs. Verrius French* (*Fitzabarris's* Maid) saith, That being in her Master's Chamber, or Dining-room, she found the *Lord Howard* in the Drinking-room, and saw the *Lord Howard* give a Paper, and told him it was a notable thing, and bid him read it; and said, *If they were ever published, the People would rise, and then we will seize upon the King, and keep him, until such time as he pass'd the*

*Bill concerning the Exclusion of the Duke of York, and settle the Crown upon the Duke of Monmouth*: And *Mr. Fitzabarris* asked him, what he should do for Money: The *Lord Howard* said, *Mr. Verrius should have enough within a Week*. And the said, he gave it for his Wife to read; and after she saw her Master copy it out; and asking, whether he would come in to Dinner? he answer'd, he had earnest Business at *Gray's Inn*, whether he was going.

This was the true Evidence given before a Gentleman of the Grand Inquest, June 21, 1681.

This is a true Copy of the Original Paper.

Charles Lee, William Black, Jos. Beale, John Nichol.

[Out of *Lord Somers's* Collection, vol. xxiv. And yet, in a Pamphlet, call'd, *A modest Address to the Lover*, &c. 1681, we find it asserted, that the Publisher of this true Copy of the Evidence, &c. has thought fit to conceal some Parts of it.

(*b*) *Ferguson* also says, That they [*Fourteen of them; five had Serjants*] order'd the Clerk to bring the Bill the next Morning to be indors'd; who, by the Directions of the Attorney-General, instead of doing so, withdrew it: And *Edward* add'd, "That, the Jury complaining of this Action to the Court, they were told, that the Attorney-General might stop these Proceedings as he saw Occasion, or Words to that Purpose; but the Jury being no ways satisfy'd, they went innocently and prefer'd a Bill of Indictment against the said *Ward* to the Grand-Jury of *Opwalthes* Hundred, then attending, for his High Misdemeanour, which Bill was presently found."

(*j*) The Court-writers make these Initials stand for *Royal Charles*: But surely, *Roman Catholic*-Religion would be as eminent in the obvious Sense of the Passage, and more so to the subsequent Part of this Rhapsody.

A.D. 1681.

Clayton and Treby, and the rest, which he did not speak to, related to the Queen, R. II, Earl of Danby, French Penionsets, the Lords Halifax, Hyde, Clarendon, and Feverham, Mr. Seymour, and others; the Burning the Fleet,—Forts and Government in popish Hands,—Meal-tub-Plot,—Prentices Plot,—and the Contrivance of the Libel on Lady Portsmouth, a French Design to destroy Protestants.

That when Clayton and Treby came to examine him, Clayton ask'd him, what he could say concerning Godfrey's Murder; and put him on recollecting himself: That what he had deposed concerning Father Patrick was forced out of him; and was not true: That Treby was with him Three Hours, or thereabouts: That he also press'd him on Godfrey's Death, saying, unless he could speak to that Murder, he said nothing: That he, Fitzbarris, then mentioning something which he had receiv'd from others, Treby ask'd him, if he could say no more: That he rejoin'd, *Is not this enough to save my Life? am not I a Rogue enough?* and Treby swore *God's W—d!* what were you ever but a Rogue? That Lord Shaftsbury said, You know more of these Matters than any Man: That Treby again would have him speak concerning the Confult, as that the Duke was at it, and also the Lords Bellois, Arundel, and Powis; you have seen them go to it at St. James's; without doubt they were there.—Do you but say it; we have those that will swear it.

That what he had said relating to the Queen and Duke, as to the Matter of Godfrey's Murder, he was put upon: That as to the threatening (k) Words he had sworn against Lord Danby, to the best of his Remembrance; he had really heard him utter

such Words; but against whom, he had never Light enough to guess: That what de Puy had told him concerning that Nobleman, he had Reason to think was the Effect of Ill-will: That he was induc'd to charge his Lordship, as he had done; in hope to stave off his Trial till a Parliament should be summon'd: That they were the more desirous to fasten the Murder of Godfrey on Lord Danby, because the Crime of Murder was not infer'd in his Pardon: That he was heartily sorry for what he had said against the Queen, Duke, and Lord Danby; and heartily begg'd their Pardon.

That he had made this Confession and Declaration as a dying Man, and not to save his Life: That he called God and all his Angels to witness the Truth of it: That he renounced Mercy at the Hands of God Almighty, if it was not true: That he had made it freely, of his own voluntary Accord, without any manner of Promise made, or Hopes given him, of Life: And that he forgave all the World, (l) &c.

This Paper he sign'd in the Presence of three Persons (two of them Warders, and the third the Wife of one of them) who also attested it; and Dr. Hawkins threw in his Sanction by way of Postscript; in which he also declar'd, that he had more than once assur'd him, there was no Hope of his Life: that he knew of, nor of his Salvation, if he said any thing that he knew to be false: That, he continuing to admonish him in this manner, as he proceeded with his Narrative, Fitzbarris took occasion, at several Periods, to kneel down and solemnly to protest the Truth of every Word therein contain'd; and that all this he again declar'd upon the Faith of a Christian, and the Word of a Minister of the Gospel.

There

(k) According to Ferguson (*Growth of Popery, Part II. p. 391*) that he, Lord Danby, had sent him (Godfrey) of a long Errand. According to Bishop Burnet, vol. 1. p. 502, that he, Fitzbarris, had heard that Lord say in Windsor, that if (the Murder) might be done. The last of these Authors adds, That when the Court objected to the Jury, that what was said at Windsor did not lie before them, Fitzbarris reply'd, He had heard him say the same things at Whitehall. And again, "This was very gross; yet, upon to slight an Evidence, they found the Bill against the Lord Danby: And, when they were reproach'd with it, they said, a dubious Evidence was a sufficient Ground for a Grand-Jury. Yet another Doctrine was set up by the same Sort of Men, within a few Months." To illustrate this Matter yet farther, it is fit the Reader should know, that, in the Year 1690, a Paper was set forth with an Intent to fix the Guilt, Disgrace, and Punishment, of this Murder on Lord Danby; by insinuating, that Godfrey had highly incens'd his Lordship, by inspecting *Danis's* Discoveries to Coleman and the Duke; that he had even menac'd him for meddling with Things and Persons to much above him; that this was the Ground of Godfrey's Fears; that at one o'Clock on the Day he disappeared, he was known to have been at Lord Danby's; and that he took Water at Whitehall, with Mr. Christian, his Lordship's Gentleman; after which he was seen no more alive: And also, that Christian immediately publish'd an Answer to it; in which he asserts, That Lord Danby never had any Conference with Godfrey for several Months before his Death; and offer'd to submit to be hang'd, if any Man could prove he was within fifty Miles of London, on the Day mention'd, on condition the anonymous Author of the Charge would come forward, and expose himself to the like Suffering, in case he could not make good what he had said against Mr. Christian. Both these Tracts, and a frivolous Reply to the last, are to be found in Lord Somers's Collection, p. xx.

(l) This is a fair and impartial Brief of this Paper, as it was made public by Dr. Hawkins; and yet Mr. Edward, upon what Authority I am not able to guess, has been pleas'd to insert the following Things in his Book, p. 1010, 1011, as said by Fitzbarris, tho' not in that order his dying Narrative:

A.D. 1681.

"That there was a Design laid by the Protestant Party to seize the Person of the King, and carry him into the City, and there detain him till he had consented to call a Parliament; which should be till the Exclusion-Bill against the Duke was pass'd, all civil Conventions remov'd, Men of their quality put into Prison of Trust, the Militia settled, the Navy put into good Hands, and all Grievances redress'd according to their liking: And, had this Design succeeded, the Bishops, and others of the Clergy, would have suffer'd severely, The Party engag'd in this Design, he said, were Men of Interest, and could have sixty thousand Men at Command, at a short Warning: That to his Knowledge HAYNES was surpris'd with to come in against the Queen, the Duke, and the Earl of Danby, who were the chief Persons aim'd at; and that a considerable Person said to him, 'I promise, Fitzbarris, find me out Men, that will swear the Murder of Godfrey against the Duke,' which he, to honour him, said, 'There are Men, if there were Money' to which the Person reply'd, 'Find me the Men, and the Money' shall not be wanting.' He moreover declar'd, that a Paper of Intrusions was put into his Pocket in Westminster-Hall, wherein he was bid so 'speak boldly, and not spare the Queen, the King himself; and if he did not speak against the Queen, his Royal Highness, the Lord Powis, and his Lady, Lord Arundel, Lord Bulloigne, Lord Peters, Lord Danby, and Lord Pembroke, all his Friends would forsake him.' At another time he assur'd him, 'That his Wife last Night had whisper'd to him, how a certain Person had been with her from a great Lord, to desire him, to say nothing when he came to die, and they did not value what he had said to Dr. Hawkins elsewhere; and if he could persuade him not to declare any thing against the Party, when he came to be executed, they had promis'd to continue their Allowance to her of three hundred a Week, and to make her the same Present of three hundred Guineas, on the Day of his Execution, which should have been made him on the Day of his Trial, had he been acquitted.' And when he reduc'd his Confession to Writing, he often said; 'His Confession would injure his poor Wife and Children; her Allowance would be withdrawn, and he would lose those who were now her best Friends.'

A. D. 1681.  
His Speech at  
the Place of  
Execution.

There was also another Paper, a *Half-Sheet*, which *Fitzbarris* read at the Place of Execution by way of dying Speech; and which tallies with the third Paragraph of the former; for therein he solemnly disavows all Concern in the Libel, but as employ'd to discover to the King what Practices of that kind were against him (tho' the Persons who had so employ'd him, refus'd to do him Justice at his Trial) as also his having never receiv'd one Farthing from his Majesty but for such Services; Charges the Witnesses with having sworn *most falsely* against him, as to his Correspondence with the *French* Ambassador and his Confessor; and concludes thus, *What I might farther declare, I have left with Dr. Hawkins: I forgive all the World, &c.* I beg the Prayers of all good People, &c.

Both these Papers were immediately after his Death made public; and became Matter of much Exultation to the Court-Party. Mr. *North*, in particular, builds upon them as of unquestionable Authority; is very severe on *Kennet* for having suppress'd it; glories, that even the *Lampoon Lawyer, Hawkes*, so he characterizes him, says not a Word of it; and would have it thought that no better Answer could be given to it, than is to be met with in a Pamphlet of those Times, call'd a (*m*) *Tory Plot*; in which it is rather touch'd upon than formally answer'd.

[Examen, p.  
283, 289.]

Ascribed by  
Clayton, Treby,  
Bethel,  
and Cornish.

But in this he, himself, is guilty of almost as flagrant, and as execrable a Suppression, as the Author he arraigns; for an express Reply was immediately set forth by the City Magistrates, *Clayton, Treby, Bethel, and Cornish*, entitl'd; (*n*) *Truth Vindicated, &c.* with all their Names at length in the Title Page: In which, they insinuate, in the first Place, that *Hawkins* had not done his Duty conscientiously, like a Protestant Divine, in not having purg'd his Penitent of those odious, repeated Perjuries to the Secretaries of State, Sir *Robert Clayton, &c.* and the Judges of the King's Bench, of which he must have known himself to be guilty, if he had also known his Confession to be true; and that this was the more necessary to be done, inasmuch as those Perjuries had been publish'd to the whole World: That tho' he now swore the Treason of the Libel, whereof he was convicted, came from a Protestant Lord, his Conscience could not but bear witness within him, That he had often protested before God, that the said Lord had no concern in it; and that he had bitterly complain'd sometimes to *Cornish*, and sometimes to *Bethel*, in *Newgate*, that he was so earnestly press'd with the powerful Argument of saving his Life, to lay it to him and Lord *Shaftsbury*, that he had fallen on his Knees to be excus'd from any further Impunity; declaring, at the same time, the Lord *Howard* to be innocent; that the Lord *Shaftsbury* he

had scarce ever spoke to; and that he had rather dye than be guilty of so base a Villany: That as to the Design of seizing the King, and detaining him till he had yielded to the Desires of those who should to have him in Ward; the thing was in itself impossible, without the Concurrence of Parliament, supported with the Force of the City: That not one Circumstance appear'd in Confirmation of so extravagant an Assertion; not the least Trace of either Preparations or Consultations; unless it could be suppos'd, that Lord *Howard* was mad enough to think he could master the Guards; and subdue all other Opposition by the Help of *Fitzbarris* and *Hoyne* only: That having thus endeavour'd to establish a Belief, that there was a *Protestant Plot* in Embrio, he is next induc'd to testify, that the Sheriffs, &c. would have suborn'd him to confirm the Popish Plot: That, however, the said Sheriffs were ready to depose, in answer to their coming with a *Token* from Lord *Howard*, That they never once saw or heard from his Lordship in any kind, while *Fitzbarris* was in *Newgate*: That, as *Richardson* and the Underkeepers could witness, they had never come together to *Fitzbarris*, or discours'd him together, or were in *Newgate* at the same time while he was there, save only that on the 10th of *March, Bethel*, as he was coming out, met *Clayton, Treby, and Cornish* going in; and that then they made no stay together, but separated forthwith: That *Bethel* had never seen *Fitzbarris* till the 9th, nor *Cornish* till the 6th; which was after the Secretaries had first examin'd him: That *Cornish* did no more than advise him to make an honest, true Confession, about the Libel, its Authors and Abettors: That *Fitzbarris*, of his own accord, offer'd, to make Discoveries concerning the popish Plot, and *Godfrey's* Murder: That he himself desir'd *Cornish* to take his Deposition; who declin'd it, because he was not in the Commission of the Peace: That then *Fitzbarris* made it his Prayer, that he would send one: That *Cornish*, instead of doing so, made all known to his Majesty the same Day; in consequence of which, the two Secretaries, accompany'd by the Attorney-General, came the next Day, the 7th that is to say, and examin'd him before *Clayton* and *Treby* had ever seen his Face; so that he had been three several times examin'd by the Secretaries, and had sworn to all the several Circumstances enter'd in his printed Confession, except that one relating to *de Puy*, as Mr. Secretary *Jenkins* acknowledged to the House of Commons, before these suborning Magistrates had ever put him a Question: That as to one of the afflicting Particulars, which he enumerates to account for his complying with the Solicitations of the Sheriffs, viz. his being FETTER'D; many Witnesses

A. D. 1681.

were

(m) There were two Pamphlets with this Title; neither of which were publish'd till the Year 1682: Whereas several had been publish'd in the Year preceding, professedly treating of *Fitzbarris's* pretended Confession: And in one, call'd, *No Protestant Plot, Part 1. Mr. North* might have recollected, that more is said to confute it than in both the others.

(n) Concerning which, all our Historians are as silent as Mr. *North*: And this is so much the more to be wonder'd at, since it is to the full as remarkable a Piece as the Confession it answers; and there is no such thing as recounting this Part of our Story fairly without it.

A. D. 1681. were ready to depose, that he never was put in Iron, all the Time he was in Custody; and that, from Circumstances, it would also be made as evident, that no more Violence was offer'd to his Mind than to his Body: That, as to the Instructions said to be sent to him from the Lords and Commons, who were met that Day in order to address the King in his Behalf, in case he comply'd with them, it was a Forgery so gross, that it expos'd itself; for Addresses from the Lords and Commons to the King are never made, but when both are sitting in Parliament; whereas the Parliament did not sit till ten Days after *Fitzbarris* was taken out of the Sheriffs Custody; and then not at London, but at Oxford: That, in truth, no Instructions of any kind were ever brought him by the Sheriffs, or either of them; no Address for his Pardon was ever imagin'd or thought of, either by Lords or Commons, nor mention'd by the Sheriffs, or either of them; nor was there any Meeting for any such Intent; nor Discourse between the Sheriffs and any Man or Men under the Sun, about any such thing: That as to his Examination taken by *Clayton* and *Treby*, which he fully represents as extorted from him, or rather dictated to him, what has been already mention'd, viz. That he had thrice sworn to the same Confession in Substance before the Secretaries of State, previous to that Examination (which was taken at his own reiterated Request) was a sufficient Confutation; nor could it be enough admir'd, that while he appear'd so careful to retract the last, he should not once think of retracting, or even excusing the former: That whereas it was craftily insinuated, that *Fitzbarris's* Depositions concerning the Councils held at *St. James's* and *Windsor*, relating to *Godfrey's* Murder, were taken by *Treby* and *Clayton*, it was, on the contrary, most notoriously known, that by his own Motion to the Judges of the *King's Bench*, these Depositions were taken before that Court, in the Term, after the Dissolution of the Oxford Parliament, and above six Weeks after his most close Imprisonment in the Tower, where none of the City Magistrates were ever admitted to see him: That *Clayton* and *Treby* never did examine him about Lord *Danby*, and yet the Word *They* (who were the more desirous to accuse his Lordship of the said Murder, &c.) as it stands in the Confession, can be understood to relate to none but them: That as to the Words ascrib'd to *Treby*, in the Company of *Clayton*, and so plac'd to the Account of Both, *Do you but say it, we have those that will swear it*; they were too wicked to be believed of them, and too foolish to be believed of any Man whatever; since, if *Treby* had been so well furnished with Knights of the Post, it would have been the wiser, safer, and shorter Way, to have given them their Lesson from his own Mouth; and more especially as *Fitzbarris's* Word could have given no additional Authority to their Oaths: And that, upon the Whole, they were struck with Astonishment and Horror, that a Doctor of the English

Church should, under pretence of a private Conference with a Papist attainted of Treason, publish for Truth, that two Justices of the Peace, and two Ministers of Justice, had combin'd with certain Lords and Commons in Parliament, in a horrid Conspiracy against the Queen, Duke, and many Privy-Counsellors; as also to sorn the said attainted Papist to perjure himself, by forming a plausible Story to confirm the popish Plot; when the said Doctor *KNEW*, that every Tittle he so publish'd was contrary to the most solemn Oaths of the very Person whose Name he us'd, sworn before the King's Ministers, as well as before those Justices; and that all the Commons of England in Parliament had, by Order, caus'd what he had so sworn to be set forth in Print.

This we have not only a direct Denial, but in many Particulars, a clear Confutation of this *last Sham* of *Fitzbarris* (as it was call'd, in the Title-page of another Pamphlet which came out in Answer to it) under the Hands of those who, as they were the most concern'd to expose it, were also sure to be expos'd in their Turn, in case they advanced any one Item that would not bear all Lights, and all Reflections.

But neither is this the whole of the Case. The three Witnesses to *Fitzbarris's* Paper testify, that the Protestation it contains was made in their Presence and Hearing, the Morning of his Execution, between the Hours of Seven and Eight; and the Doctor, *Hawkins*, or *Hawthorpe*, (for, it seems, he had a Claim to either of these Names) throws into the same narrow Space of Time several solemn Admonitions on his Side, and several solemn Protestations on the Prisoner's: Whereas a very swift Writer could scarce copy the Paper in twice that time: And the four Defendants, *Clayton*, *Treby*, *Betbel*, and *Cornish*, undertake to prove, that it was making and forming at least a Week before the Execution; and thence find occasion to complain, that this very righteous Divine did not use the Means in his Power to satisfy himself by undoubted Evidence of the Falseness of several pretended Facts, which he thought proper to impose on the World for Truth.

*Ferguson* goes yet farther, and affirms, that *Hawkins*, who, according to him, was Chaplain to the Duchess of *Perth*, had it in Command to put him in hopes of a Pardon, if he would deserve it; that is, if he would retract his former Depositions, and accuse *Clayton*, *Treby*, &c. of extorting them from him: That he was admitted to the Prisoner, in the room of *Dr. Burnet*, purposely for this End: That he was allow'd to be in private with him for five or six Hours together: That when he had carry'd his Point, which it may be, not uncharitably, presum'd was no very difficult Matter, he posited to *Windsor* with the Paper: That he there signify'd upon what Terms he had obtain'd it: That he was receiv'd as one who had laid out his Talents to the best Advantage: That he was nevertheless told, there was no Possibility of saving his Penitent; for,

A. D. 1681.

Other Accounts of Practices upon *Fitzbarris*.

[Growth of Papers, P. II. A. 302, 303, 305, 306.]

A. D. 1681.

unless he was hang'd, his Recantation would do no good; and farther instructed to keep him still in Expectation, for fear he should make one Turn more, and unfay all again: That *Hawkins* went thro' with his Commission, and carry'd on the Delusion to the last: That, when the Truth could no longer be conceal'd, and *Fitzbarris* in Agonies called for his Papers, he told him they were at Court; that if it should be whisper'd *there* that he had made any such Demand, he would not only lose his Life, but his Wife and Children would also lose their Maintenance: That his Wife asking if her Husband could be sav'd, going out of the World with such a Lye in his Mouth, and leaving behind him so groundless a Charge against so many innocent Men, the Doctor undertook to furnish him with an authentic Passport, by granting him Absolution: That the Paper sign'd by the *Warders* was the Half-sheet, which contain'd his Speech, and not the two or three Sheets, which contain'd his Confession, and which those *Warders* never saw: And that, even in the Cart, he kept up the Spirits of his pretended Convert, by giving him Assurances, from time to time, that Care would be taken of his Family.

As to this last Article, it is indeed asserted, in the (2) Account of his dying Behaviour, that *Hawkins* stepp'd into the Sledge to him, and discours'd privately with him for some time: But the four Defendants mention no such Circumstance; nor, if the Discourse between them was private, could any body give an Account of it. Those Gentlemen, however, farther say, that, as the Confession was modelled, they had Reason to think *Fitzbarris* understood many things in it as little as he did the Doctrine of the Four General Councils, which he was taught to own for his Faith: That the said Confession was kept secret till after his Death, for fear he should in his last Moments have expos'd the Fraud; which probably he would have done, had he been absolutely certain he had so few to write: That he had, on the contrary, receiv'd Assurances of Life from the Doctor, even but a few Hours before his Execution: That the Sheriffs reminding him at the Gallows of the Promise he had formerly made to each of them in *Newgate*, "That if THEY put him to death before he could discover to the Parliament what was yet undiscover'd of the popish Plot, which, he said, he reserv'd for them, he would leave it behind him in Writing." He answer'd, That he had left it with Dr. *Hawkins*: That they demanding of the Doctor that it might be read to the People, while the Man was yet living to own it; the Doctor only, not the Man, refus'd it: That they then demanding a Copy of the said Paper, as their Due; the Doctor, after a shuffling Manner, evaded it; by saying, it was already in the Hands of a great Man: That Time, they made no doubt, would bring to Light the

A. D. 1681.

whole Contrivance of obtruding upon the World this mock Confession, and make it appear that *Hawkins* knew that *Fitzbarris* never intended it should pass for a true and real one, in case he dy'd for the Treason: That probably it was for this Reason that, during all the Days which were spent in contriving of it, no one Person of Quality or Authority about the Tower was called in to bear witness of the Fairness of the Proceeding; which had certainly been done, for the Doctor's own Safety and Credit, in case there had been any such Fairness to make manifest; and that it was moreover probable, that those two obscure Men, and the Woman, whose Names are set to the printed Paper as Witnesses, knew no more what the Confession and Declaration was, which *Fitzbarris* protested to them he had made to *Hawkins* freely, than the Sheriffs knew what the further Discovery was of the popish Plot, which he also told them with his dying Breath, he had left with the said *Hawkins*; who, instead of denying the Fact then, or confirming it since by producing the said Discovery, had brought forward this odious, *faam Confession*, in its room.

And over and above all this, the Pamphlet, called, *No Protestant Plot, Part i.* affirms, that *Fitzbarris* himself, the very Night before his Execution, wrote a Paper, which he directed to be deliver'd to his Wife, in order to prevent the spilling of innocent Blood; wherein he tells by whom he was advis'd to accuse those noble Peers (*Shaftsbury* and *Howard*) of the Libel, and other Gentlemen of having put him on the Discovery of the popish Plot, by telling him, that he should be rewarded with a Pardon, adding, "That, as he was persuaded to accuse them upon the Assurance which was given him of saving his Life, so he thought, that what he then said would not be so prejudicial as his Life might be serviceable: But finding he was deluded, he declares, as before God, that they were innocent, that he had wrongfully accused them, that what he had deposed against the Papists was true, and that he had only been too sparing of accusing great People amongst them." The Author of this Pamphlet farther affirms, that the original Paper in *Fitzbarris*'s own Hand-writing was then in the Custody of a certain Magistrate of London, who would be ready to produce it, when a proper Opportunity offer'd: And Bishop *Burnet* expressly declares, that he himself saw and read Letters from *Fitzbarris* to Vol. i. p. 504. his Wife, in which he told her how he was practis'd upon with the Hopes of Life, and charg'd her to swear falsely against none. His Lordship adds, that one of these Letters was written the very Morning in which he suffer'd.

A Memorial of the Lord Chief-Justice *North*, inserted in the *Examen*, p. 296, by his Lordship's Brother, will help yet farther to illustrate this cloudy Affair, as follows:

"After

A. D. 1681.

“ After the great Surprise of the Verdict, the Memorial relates, says Mr. North, That presently Fitzbarris will turn Accuser, and discover the Conspiracy of the Lord Shaftsbury, Lord Howard, and others. This did somewhat fluster the Court, who thought it might be worth while, now Sedition was grown unto that height to be almost ready to break out into Force, to discover the Ways of it, or, at least Persons that knew them, and, in a real Danger, would be sure to do it. So Fitzbarris was relieved for a short time; and, left his Discovery should be useless, his Wife and his Maid pretended they could testify the same thing, and were very busy at the Secretary's Office to press for Fitzbarris's Pardon, upon the Shew what great Services might be done. But the Lord Chief Justice North, who came there sometimes, perceiving that they were always conducted by (p) Whiteacre, whom his Lordship knew to be of a most virulent and implacable Spirit against the Government, declar'd, That he thought there was no Regard to be had of any thing Fitzbarris should say. For what would not a Villain say, to save his Life, if he might surely do it by accusing another Man? And Whiteacre, who govern'd the Wife and Maid, might take care, by producing Papers under their Hands contradicting, to make all they should say to be of no Use or Signification. And therefore there must be no Overtures made; but if the Prisoner could make such Discoveries, as should receive Confirmation by other Circumstances and Persons, so that there might not be the Reproach upon the Government of taking these Ways that had been too much insisted on; to have Criminals receiv'd to accuse better Men than themselves; then there might be Reason to save his Life: But otherwise, his Discovery would have no Merit, but might be turned upon the Government. For those Villains would be as ready to accuse falsely the Court of Subornation, and would more heartily do it than what they now offer, and they would, in that manner, gain their Point both Ways; for the saving of Fitzbarris would preserve him to those Purposes for which the Faction design'd him at first. This afterwards proved true; for, Fitzbarris being executed, the Wife and Maid recanted, and pre-

tended Subornation, and where they are now, God knows: But Fitzbarris made a full Discovery to Dr. Hawkins.”

And here (with an Exception to the last Item, which seems rather to be stuck on, than to be of a piece with the rest) we have the proper Clue to the Maze. Fitzbarris was a hungry Spy: His Converse with the Malcontents did not furnish him with sufficient Materials to make such Draughts on his Employers as his Necessities requir'd. Not finding Business, therefore, he resolv'd to make some. Hence arose the Project of the Libel: And when he was caught in his own Snare, and became sensible his Life was at stake, he resolv'd to take any Measures with any Party, that might contribute to his own Preservation. Both Parties saw the Use that might be made of him, and bid for him accordingly. Even this Memorial of the Lord Chief Justice's insinuates, That his Lordship's Advice was not rebely follow'd; that the Court did actually try Practices on Fitzbarris; and that the Event shew'd he had form'd a right Judgment both of the Man and the Proceeding. Next to his own Life, Fitzbarris lov'd his Wife; and when he found, that one Party could not procure him a Pardon; and that the other would not, he made it his chief Concern to secure a Provision for her. In order to which, after the same double manner that he had acted all along, he furnish'd (q) Hawkins with such a Confession, as should entitle her to Claims on the Court: And, for fear the Memory of the Service (should die with it, clandestinely supply'd her, at the same time, with such other Papers, as should enable her to make her own Terms with the Malcontents: And we have already seen, that she wanted neither Craft nor Spirit to act in all things, and upon all Occasions, as her Interest directed.

Upon the whole, it is every way, notorious, that Fitzbarris never once consulted his Conscience in this whole Affair; and, consequently, in no Part of it deserves any Credit from Posterity.

As to the Lord Howard, who had been committed to the Tower, as before notic'd, for having promoted the Libel, for which Fitzbarris (r) dy'd, he was still continu'd a Prisoner there, tho' the Grand Jury had recus'd

A. D. 1681.

Lord Howard continued a Prisoner in the Tower.

(p) He was Author of the Pamphlet call'd, *The History of the Life and Death of the Statute 22 Eliz.* before-quoted; and Solicitor-General to the whole anti-court Party.

(q) Who also found his Account in it, being long after rewarded with the Deputy of Gloucester.

(r) *Flower*, the titular Prisoner of Ireland, before spoken of, was executed at the same time. Having had but little of this unfortunate Prelate, and his Case being remarkable, I have added the following Extract out of his last Speech; which I find preserv'd in Sir Thomas Webster's Collection:

“ I have some few Days past shaid my Trial at the King's Bench; and now very soon I shall hold up my Head at the King of King's Bench, and appear before a Judge who cannot be deceiv'd by false Witnesses, or corrupted Allegations, for he knoweth the Secrets of Hearts, &c. And I pray'd, upon the Word of a dying Man, and as I hope for Salvation at the Hands of the supreme Judge, that I will declare the naked Truth with all Candor and Sincerity: And, that my Affairs may be the better known to all the World,

“ I do to be allow'd, that I have been accus'd in Ireland of Treason and Perjury; and, that there, I was arraign'd and brought to my Trial; but the Prosecutors (Men of Bargains

and infamous Lives) perceiving that I had Record and Witnesses who would evincely convince them, and clearly show my Innocency and their Wickedness, they voluntarily absconded themselves, and came to this City, to procure that, I should be brought to my Trial (before the Courts objected were not committal) where the Jury did not know me, or the Qualities of my Accusers, and were not inform'd of several other Circumstances conducing to a full Trial. Here, after six Months close Imprisonment (or Strabond) I was brought to the Bar the 2d of May, and arraign'd for a Crime, for which I was before arraign'd in Ireland: A strange Revolution, a rare Piece, of which you will hardly find a precedent these forty hundred Years past: But whereas my Witnesses and Records were in Ireland, the Lord Chief Justice gave me five Weeks time to get them brought hither: But by reason of the Uncertainty of the sea, of Wind and Weather, and of the Difficulty of getting Copies of Records, and bringing many Witnesses from several Counties in Ireland; and for many other Impediments (of which I do not make) I could not at the End of the five Weeks get the Records and Witnesses brought hither: I therefore besoug for twelve Days more, that I might be in a Readiness for



A. D. 1681

refus'd to find the Bill, which had been presented against him by the Attorney-General; nor could his own solemn Protestation, previous to his receiving the Sacrament, that he had neither directly nor indirectly, mediately nor immediately, by himself or any other Hand, been concern'd in, or privy to, any Part of the said Label, &c. nor his humble Petition to the King, asserting his Innocence, and beseeching to be discharged either with, or without Bail, as his Majesty should direct, procure his Engagement.

The Faction in Power were now more intent than ever on subduing the Faction out of Power. This Paper of Fitzharris's, or *Hopkins's* was calculated to look forward as well as backward, to authorize all the Rigours of the Court, as well as condemn all the Proceedings of Parliament, and to blast the Characters of their most active Leaders; And we shall find cause to conclude, that the coupling the Name of *Hopkins* with that of *Fitzharris*, was a Reinement that far surpass'd the Reach of either.

Whoever maintains a long and obstinate Quarrel with an enrag'd and powerful Enemy, will be hurt in the Progress, and may be undone in the Conclusion of it: At the very

instant that he makes a Pass, he may receive a Wound; and his own Skill may only serve to expose him to Danger. It was worthy, perhaps, of a Politician of the first Rank to establish a Belief, that the Popish Plot had taken Root in *Ireland*, as well as *England*, and to beat up for Witnesses to prove it: But then such a Politician could not help foreseeing, one would have thought, that unless his Proofs were of such a nature as left no Room for Controversy, unless his Witnesses were of unquestionable Credit, he would create Suspensions, instead of enforcing Conviction, and teach his Enemies the way to turn his own Artillery on himself.

It has been already shewn, that the Lord *Shaftsbury* had made himself the Patron of the *Irish Plot*, had taken the Witnesses under his Protection, and had shewn a more Irish Zeal to procure it the Sanction of Parliament; which whole Proceeding appears to have given equal Offence to his Friends, and Advantage to his Foes. *Fer-* Gravel of  
Pepers, P. ii.  
177.

my Trial, which the Lord Chief Justice deny'd, and so I was brought on my Trial, and explain'd it with my own Hands to all the learned Judges, who did sit at my Table, by reading me of the following Points:

1. That I have sent Letters by one *Niall O'Neill* (who was my Page) to *Monseigneur Ballechin* the Pope's Secretary, to the Bishop of *Down*, and to *Prebendary* *Malone*, that they might solicit *George Powers* to invade *Ireland*; and also to have sent Letters to Cardinal *Bullibus*, to the same Effect.

2. To have employ'd Captain *Charles* to the French King for Secret.

3. To have levy'd and exacted Money from the Clergy of *Ireland* to bring in the French, and to maintain 20,000 Men.

4. To have had in a Residence 70,000 Men; and Lids made of them, and to have given Directions to our *Crist* *Depts* to make a List of 150 Men in the Parish of *Engham* in the County of *Louth*.

5. To have transported all the Arms and Matchlocks of *Armagh*, and to have set upon *Charles* in a fit Harbour for the French Landing.

6. To have had several Councils and Meetings, where there was Money allotted for introducing the French.

Finally, That a Meeting in the County of *Monaghan*, four or twelve Years past, where there were three hundred Gentlemen of several Counties, to wit, *Monaghan*, *Carlow*, and *Armagh*; whom I did exhort to plot Arms to recover their *Liberty*.

Every one of which Points being plainly, fully, and circumstantially deny'd; after which he proceeded thus:

"Now, to be brief, As I hope for Salvation, I never sent Letter or Letter, Agent or Agents, to Pope, King, Prince, or Prince, to assist in any Plot or Conspiracy against my King or Country; I never raised Sum or Sums of Money, great or small, to maintain a Soldier or Soldier, till the Days of my Life; I never knew or heard, (before I did consent to my Thoughts or Intention) that the French were to land at *Carlingford*; and I believe there is none who live in *Ireland*, even in a Map, but will think it a mere Romances; I never knew of any Plotters or Conspirators in *Ireland*, but such as were notorious and proclaimed (and usually called *Tories*) whom I did endeavour to suppress. And, as I hope for Salvation, I always have been, and am, entirely innocent of the Treason laid in my Charge, and of any other whatsoever.

And that I am not guilty of the Crime of which I am accused, yet I believe none can ever in this Place, who are in such a Condition as I am; for if I should ever acknowledge (which in Confidence I cannot do, because I should bely myself) the said Crime laid to my Charge, no wise Man that knows *Ireland* would believe me. If I should confess that I was able to raise 70,000 Men in the Districts of which I had Care, to wit, in *Ulster*, my error in *Ireland*; and to have levy'd and exacted Money from the Roman Clergy for their Maintenance, and to have employ'd *Charles* for the French's Landing, all would but laugh at me; it being well

known, that all the Revenues of *Ireland*, both spiritual and temporal, possess'd by his Majesty's Subjects, are scarce able to raise and maintain an Army of 20,000 Men. If I will deny all those Crimes (as I did, and do) yet it may be that some, who are not acquainted with the Affairs of *Ireland*, will not believe that my Denials grounded upon Truth, tho' I assert it with my last Breath. I dare venture further, and affirm, that if these Points of 70,000 Men, &c. had been known before my Protestant Jury in *Ireland*, and had been even acknowledged by me at the Bar, they would not have believ'd me no more than if I had been deposed, and condemn'd by me, that I had *sworn in the Air from Dublin to High-land*.

You see therefore what a Condition I am in, and you have heard what Protestations I have made of Innocency, and I hope you will believe the Words of a dying Man: And that you may be the more induc'd to give me Credit, I shew you, that a great Part of me is gone, that he would save my Life, if I could in any manner. But I know it, that I never knew of any Conspiracy in *Ireland*, but that I did believe it was publicly known in *London*; and that, to save my Life, I would not fully avow any, nor justify my own sin. *God grant I may live, &c.* To raise any my Men's Life or Honour wholly or in part, as a Catholic, especially in case of my Calling, being a Clergyman of the Catholic Church, and also an unworthy Priest, which I do openly confess. Neither will I deny to have exercised in *Ireland* the Functions of a Catholic Priest, as long as there was any Continuance of Education; and by Preaching, and Teaching, and Scattering, to have endeavour'd to bring the Clergy (of which I had a Care) to a due Comportment, according to their Calling; and though thereby I did but my Duty, yet some, who would not understand, had a Prejudice for me, and especially my Accusers, to whom I did endeavour to do good; I mean the Clergy in (as for the last Laymen who opposed against me, and *Peter* *Marston*, the two *Knights* and *Knights*, I was never acquainted with them.) But you see how I am requir'd, and how, by false Oaths, they bring me to the untimely Death; which wicked Act, being a Deed of Violence, ought not to stand upon the Order of St. Francis, or upon the Roman Catholic Clergy; it being well known, that there was a *Tutor* among the Twelve Apostles, and a wicked Man called *Nicholas* among the Seven Deacons; And, even as one of the said Deacons, to wit, *Silas*, did deny for those who should him to Deny, to do in the same way, with *Perjurers*, and my Innocent Blood; Lying, as St. *Stephen* did, O Lord, lay not this Sin to them. I do humbly beseech thee, and also the Judges, who by denying me full Time to bring my Records and Witnesses from *Ireland* I did expose my Life to evident Danger. I do also forgive all those who had a Hand in bringing me from *Ireland* to be try'd here, where it was morally impossible for me to have a fair Trial. I do, finally, forgive all who did concern; directly or indirectly, to take away my Life. And I life Eternity of all those whom I ever offended, by Thought, Word, or Deed. &c.

A. D. 1681

A. D. 1681. it is certain, the Event shew'd, that the more Honour his Lordship had reflected on their Evidence, the more effectually he had enabled them to injure himself.

Ferguson's  
Character of  
Lord Shaftsbury;

Ferguson's Character of this Nobleman, is, "That he had the Misfortune only to see and not the Gift to foresee, and that he lov'd to be ador'd for his Politics, tho' seldom right." But in this, he differs from the whole World besides, for all acknowledge his Lordship's great Abilities to embroil Matters, tho' many doubt whether he was equally able to compose them. And as to the

[Hist. p. 283.]

Irish Plot is still pretended to be search'd into, and the Irish still buzz about the Lord Shaftsbury like Bees; egging him on to put them in a way how to preserve their Evidence, and to get him to intercede at the Court, that they might be provided for; which his Lordship was ready enough to do, not knowing the Snare that was laid for him by the Lord H——, and the rest of the Conspirators: For the Conspirators put the Irishmen upon complaining to him, and to get their Pardons (by his Intercession) that they might have the better Advantage, and some plausible Pretence hereafter, in producing these Irish Witnesses against him when the thing was ripe.

and Account of  
Court-Practises in  
Ireland.

We have here some Truth, but not the whole Truth; nor, indeed, are there sufficient Authorities extant to warrant the precise Adjudgment of these Counter-Intrigues, to the Satisfaction of a scrupulous Reader. Bishop Burnet only says, That *Dugdale, Turberville and Smith*, and the Irish Evidence, came under another Management; and tho' Bishop Kennet more particularly adds, That soon after the Lord Shaftsbury's Return from Oxford to London, *Haynes* came to him, and assur'd him he could give great Light in the Matter of *Godfrey's* Murder, if he might have his Pardon: That the Earl endeavour'd to get one, but it could not be obtain'd: That *Haynes* being taken and carry'd before the Council, hop'd to get Favour by accusing the Earl, &c. His Recital, if Mr. North is to be depended on, is neither fuller nor fairer than Ferguson's. But even Mr. North's own Account is in part so obscure, and in part so extravagant, that it requires much Faith, and much Illustration. "This Man

Vol. 1. p. 504.

V. iii. p. 390.

[Examens,  
p. 117.]

Conjur. Eccle-  
siastice by  
North.

(*Haynes*) says he, it seems, was once the Earl's Favourite, and honour'd by a Petition to his Majesty, which he and a Junto of Peers presented in his Behalf for obtaining his Pardon: In which Petition it was alleg'd, that he was a Man of Worth and Credit, and had many things to disclose for a farther Discovery of the Plot; and, in particular, relating to the Murder of *Godfrey*. The King was under a firm Resolve never to pardon a Man to make him a Witness: He saw enough the Evil of that way, and he had greater Reason to refuse this, because the Earl had told the King plainly, "That if he would not pass the Bill of EXCLUSION, they would LAY THE MURDER OF GOD-

FREY UPON HIM; and at the same time, shew'd him an Affidavit of this Man of Worth and Honour, that tended that way: So their Lordship's humble Petition for qualifying and securing *Haynes*, in TESTIFYING AGAINST HIS MAJESTY HIMSELF (as was verily presum'd he would do) was refus'd, and the Matter came to nothing." There is no need to point out the Extravagance of this Story; it flares us in the Face. And as to the Obscurity, it follows, "perhaps, there has not been a piece of Roguery more infernal at the Bottom, than the Management of that *Haynes* before the Oxford Parliament; which indicates, that some Use was to have been made of him, if *Fitzbarris's* Case had gone so far as to let in the rest of the Protestant Rout of Villains, that waited without to be employ'd as Witnesses." Now there is no Trace of this infernal Management in any other Book: And Mr. North, himself, seems to acknowledge as much, by adding, he had Memoirs of this Matter, which were satisfactory to him; and that it needed no other Voucher than the Earl's own Petition. But Knowledge is not to be convey'd in the Lump; and to satisfy Posterity, both the Matter and Manner of this Management should have been circumstantially explain'd.

It is a Matter of Doubt, whether Party-Disputes contribute more to the discovering and realizing of Truth, or to the bringing all Truth into question: For, if on the one hand, Faction accuses Faction, and accumulates Proofs upon Proofs to support that Accusation, on the other, a peremptory Charge begets a peremptory Denial, and Reply begets Rejoinder, till Controversy grows a Wilderness, in which the very Footsteps of Certainty are in danger to be lost.

It is thus in the Case before us. According to Mr. North and his Royalists, the King had no sooner shewn himself to be Master by the Dissolution at Oxford, and setting the Exclusionists at Defiance, than the Witnesses which the last had kept in petto, like false Dies, to be us'd as occasion offer'd, grew sick of the Service; and all, at once, without any Practice upon them, or Application to them, began to open on the other Side: And the Court, as if by Inspiration, without entering into any Concert with these new Profelytes, or dreaming of the Advantages that might be drawn from them, prepar'd to let loose the Laws against their Adventurers, without knowing whether they had any thing criminal to allege against them.

And in the Papers call'd by these Royalists, *The Labels of these Times* (and which all Papers are esteem'd that are written against the strongest Side) we find it affirm'd as incontestable Truth, that one *Wercup* a Justice of Peace, who had for a long while co-operated with *Waller* for the good of the Cause, and *Fitzgerald*, the chief of the Irish Witnesses, before spoken of, had undertaken for those in Power, to turn the Plot-Engine on the the Exclusionists, and to find out such Persons as should do as good Execution, as the most notable Marksmen of them all: That

A. D. 1681.

Truth know-  
n'd in the  
Mans of Con-  
troversy.

According to  
the Royalists,  
the Witnesses  
were Villains  
in the  
Service.

According to  
the Malcon-  
tents, they  
were false'd.

[Growth of  
Popery, p. ii.  
p. 298.]

[No Protest-  
ant Plot, p.  
20.]

A. D. 1681.

[Tory Plot, Part 1. p. 4.]

[Growth of Papers, p. 11. p. 307.]

how long soever it was before they could bring Matters to bear, it was what those who had the Ascendancy at Court, had purpos'd from the Beginning; That *Cleypole*, *Cromwell's* Son-in-law, was sent to the *Tower*, under a Charge of having said, That he and two hundred more had enter'd into an Engagement to kill the King, to be there in Readiness to bear the Guilt, Shame, and Punishment of the Popish Plot then on the Point of being executed, thro' *Oates's* reasonable Discovery made way for his Deliverance: That another Effort of the same kind was the Practice set on foot by *Dangerfield* and *Cellier*, and happily defeated by *Mansel*: That the late villainous Project of *Fitzbarris's* was another Arrow out of the same Quiver: That the Paper procur'd by *Harobin* was calculated to be the Ground-work of their Subornation: That a Committee of Council sat at *Whitehall* to settle the Matter of the Depositions, and to give a proper Direction to the whole Proceeding: That this Committee was compos'd of the Lords *Hallifax*, *Conway* and *Hyde*, Secretary *Jenkins*, Mr. *Seymour*, and one more, whose Name is not reveal'd: That in this Committee, the Salaries of the several Emiffaries were appointed: That these Emiffaries were of both Nations, *English* and *Irish*: That *Smith*, *Dagdale*, and *Turberville*, all meritorious Names for their Services in the Popish Plot, were to have their old Stipends continued on a new Footing: That *Warcup* and *Fitzgerald*, were not only put on the Establishment in their own Persons, but with Credit to draw for such Sums as might be further necessary for the Encouragement of others to come in: That *Fitzbarris's* Wife was allow'd fifteen Pounds a Month, and her Maid twenty Shillings a Week: That *Haynes*, *Denbit*, two *Macnamarras*, and *Esplance Cenny*, were also taken care of in propor-

tion to their different Capacities of being more or less useful: That the Scene was laid partly at *Oxford* and partly at *London*, that in case of a Disappointment at the latter Place, they might have recourse to the former; where the Lord-Lieutenant of the County, Lord *Norris*, the Sheriff, and, in general the People, were known to be at the Devotion of the Court: That to give the fairer Scope to the Design in hand, the *Judges* of *Middlesex* were put upon petitioning the King, That, for the future, his Majesty would be pleas'd to pick a Sheriff for *Middlesex*, as for other Counties, in order to deprive the City of *London* of a Privilege which had prov'd such a Thorn in the Sides of the Court: And that to shew equally what this Design was, and what were the Principles and Practices of those who were retain'd to support it, Sir *George Treby* had a Deposition upon Oath to present, &c. which had been made before him by *Haynes*, himself, *March* the 6th, 1680-1, to this effect: "That *Fitzgerald* had told him, they were resolv'd to sham the Popish Plot: That there was no other Plot than a Presbyterian one, invented by the Earl of *Shaftsbury* on purpose to extirpate the *Stuart* Family, dethrone the King, turn *England* into a Commonwealth, or else set the Crown on the Earl's own Head; which, he said, belong'd more to him, the said Earl, than his Majesty: That he (*Fitzgerald*) had several times tamper'd with him (*Haynes*) to suppress *John Macnamarra's* Evidence, promising, in such a Case, that the said *Macnamarra* should be provided for all the Days of his Life; and adding, That he wanted but the said *Macnamarra* to come in and join him, to be able to take off *Shaftsbury's* Head, and sham the whole Popish Plot. In Addition to all which, *Hetherington*, that Nobleman's Agent for *Ireland*, sets forth the (3) Articles of high Misdemeanors, which he had prefer'd

A. D. 1681.

[Ibid. p. 298.]

[No Priestly Treby had a Deposition upon Oath to present, &amp;c.]

[Hetherington's Irish Evidence consisted by their own Oaths.]

[Ibid. p. 20.]

(1) To follow.

"Articles of High Misdemeanors preferred against David Fitzgerald, in the High of Common, and there proved fully by Mr. William Hetherington, and afterwards before the King and Council, but not shew brought to Hearing."

1. That the said *Fitzgerald*, at the first coming of the Witnesses out of *Ireland*, to prove the heathen Popish Plot, did seem to be very glad of their coming, to justify their Evidence, and in particular that of *Esplance Cenny*, saying that he was an honest Man, and was wrongfully shut up in Prison by the means of Sir *William Davitt*, for discovering the Plot, which he, the said *Fitzgerald*, saith he could by more than any of them all, and that he could charge the greatest Man of *Ireland* there with it, or in Words to that Effect: But after he saw *Cenny's* Narrative printed, and found that several of his Friends, as he pretended, were charged then, they began to rail and reflect upon him, and threaten to be the Death of him; and afterwards took occasion to abuse and revile the rest of the Witnesses.

2. That amongst other Matters that he pretended he could prove touching the Plot, he said he could prove the Day and Time that the Duke of *Torb* was to be proclaimed King in *Ireland*; and that he would tell the King of it; and that he did acquaint the Earl of *Bartholomew*, coming out from the Committee of the Lords, that he could and would help their he had accused, and bring Great oaths to prove his accusations he had charg'd them with.

3. That notwithstanding the said *Fitzgerald* hath since endeavour'd by many Ways and Means to bring this Information and the said Witnesses into his Majesty's Disfavour, and to call Reproaches upon them, the better to invalidate their Evidence; alleging, firstly, that they had receiv'd three thousand Pounds from the City of *London*, or some of the

Witnesses thereof, or some others whom he would mention if he could.

4. That the said *Fitzgerald* hath, sometimes by Threats, other ways by Falses, Treas, Money, Promises, and other Ways of Vertuosity, labour'd to make off the said Witnesses from giving their Evidence on his Majesty's behalf, particularly in the Case of Sir *John Denbit*; and when all that would get prevail upon them, told them, that his Majesty was displeas'd with this Informant's Proceedings, and would be so with them, if they follow'd his Direction; and by these Devices so afflicted them, that he got them to sign a Petition to his Majesty (which he drew for the Purpose) intimating, that they were inform'd his Majesty did not look upon them as coming to do him Service; and that, if it were so, they should readily discharge themselves; tho' their Informations were ready to serve his Majesty.

5. That the said *Fitzgerald*, when he called the said Witnesses were to be called into either House of Parliament, or some Committee sitting to them, to give in their Evidence, hath endeavour'd to hinder them, or some of them, that they could not be found; and, when they have been found, he hath laid violent Hands on them, or some of them; and would not permit them to go, until they forced themselves from him; and then he threaten'd them, and those that call'd them, and with an Oath, God he would break *Esplance Cenny's* Neck; and the better to prevail with the Witnesses, acknowledg'd he had receiv'd for his Service an hundred Pounds of his Grace the Duke of *Ormond*, five hundred Pounds from the King, and a Commission to be a Captain; and that his Majesty had given him two blank Patents for Baronet, the one for his Father-in-law, and the other to be at his own Disposal; and a Grant of the Lands of *Belah*, and all the Commons of *Keshgrove* in the County of *Lisnisk*.

A. D. 1667.

to the last *Westminster* Parliament against the said *Fitzgerald*, charging him with having departed from his own Evidence, with having menac'd, abus'd, and endeavour'd to corrupt the rest of the Witnesses; asserts that he had given the Committee of the Commons, to whom he was refer'd, full Satisfaction in all the several Particulars he had alleg'd; and that the Chairman was making his Report when a Period was put to the Session: And to prove all aforesaid attested Copies of several Affidavits, *voluntarily sworn*, says he, before the respective Magistrates, therein mention'd, by several of those very *Injurers*, who were now fallen under another Management, according to Bishop *Burnet's* Phrase, before they were totally debauch'd: And that *Warcup* might be as effectually expos'd as his Yoke-fellow, *Fitzgerald*, Care was taken to reprint an (2) Article from the *London Gazette* of July 21, 1666, setting forth, That the said *Warcup* had carry'd on a corrupt Negotiation in the Name of Lord *Abington*, had been detected in it, and had been committed to the Fleet for it, &c. as also to make public a Deposition of *Everard's*, now turn'd Patriot again, signifying, That Justice *Warcup* had dealt with him to swear something towards a Preliminary Plot; and particularly, That Lord *Shaftsbury* intended a Commonwealth; and that he, with others, were preparing Arms to alter the Government.

[No Precept-  
and Plot, p.  
22.]

Whoever, as a Man, is, from a laudable Selfishness, dispos'd to think highly of Human Nature, must be grievously mortify'd at the Exhibition of such shocking Scenes as these: For whether the two Parties were mutually guilty of these detestable Practices to destroy, or mutually forg'd these Calumnies to blacken, one another, human Nature is equally disgrac'd, and we have equal Reason to blush for the Species.

We are now to take notice of the Transactions of the City, during this violent Ferment. As the Court now wore a more threatening Aspect than ever, it was more than ever necessary for the Malcontents to entrench themselves behind the Power, Wealth, and Authority of the Metropolis, which was now become their only Bulwark. On the choice of Sheriffs in particular, all the Residue of their Hope depended. When, therefore, the Day of Election was come, the Hall was fill'd with their Party, and *Pilkington* and *Stuës*, who were put in nomination by them in opposition to *Box* and *Nicholson*, who had the Countenance of the Court, were declar'd to have the Majority of Hands: But a Poll was demanded in favour of the two last; and, being agreed to by the Sheriffs (*Bethel* and *Cornish*) declar'd they would close it that Night; and *Pilkington*, made his Court to the Hall, by declaring, That he would not serve, if he was not

A. D. 1664.

Proceedings of  
the City in the  
Choice of Sher-  
riffs, &c.[Proceedings  
of the Common-  
Hall, printed  
by Janeway,  
p. 2.]

return'd

6. That the said *Fitzgerald* had not only abus'd and threaten'd the said *Cowley*, but had also interr'd several of the Members of the House of Commons; that the said *Cowley* was a very Rogue, and that he could produce many Records against him, and that he was not fit to be credenc'd; and also threaten'd and threaten'd to kill him the said *Cowley*, so that he was forced for some time to keep himself in Obscurity: That the said *Fitzgerald* had not only abus'd and threaten'd him his Informant, and the Evidence which he was concern'd for, but also Mr. *Thomas Sawyer*, who came over upon his own accord to serve his Majesty in that Matter, and who, by his Testimony therein, hath given great Satisfaction to both Houses of Parliament.

7. That the said *Fitzgerald*, being examin'd by a Committee of the House of Commons against Sir *John Fitzgerald*, refus'd to give his Evidence, being his Relation, in that the Committee would promise to intercede to his Majesty for his the said Sir *John's* Pardon; and before a Committee of the Lords, in his Evidence, he charged Colonel *John Fitzpatrick* and Sir *Edward Sea*, to be Confederates in the Plot; but at the Lords Bar would not, tho' accus'd; and left their Names out in his Narrative published in Paris, of his own Knowledge in that Matter, his Mind being thro' stuck, upon what Consideration may well be judg'd: He also said before the said Committee, that he fear'd the worse, because they knew that the King had a Kindness for him.

8. That the said *Fitzgerald* accus'd the Witnesses, or some of them, Whether they retained the *Rough Religion* still; who reply'd they did; for which he the said *Fitzgerald* committed them for so doing; for that the Protestants would only rise for their own Purpose and Advantage, and afterwards would hang them.

9. That the said *Fitzgerald* also told the said Witnesses, or some of them, that the King was satisfy'd that the late Lord *Stafford* was innocent, denying the Fact at his Death; or Words to that Effect: And that his Majesty was resolv'd not to try any more of the Lords in the Tower: And, after the Parliament was prorog'd, he told the said Witnesses, or some of them, that he would remove their Nests.

10. That the said *Fitzgerald* had kept continual Correspondency and Familiarity with the four Witnesses, which were brought over by a Messenger from *Ireland*: And a Person of Quality perceiving it, told him, that he had not observ'd of the Orders the Committee gave him; which was, that he should not come near any of the Evidence, nor converse with them: The said *Fitzgerald* reply'd, that he was assur'd by the King to come there, and also gave the said Person of Quality very scurrilous and abusive Language.

11. That the said *Fitzgerald* also abus'd the said four Witnesses, or some of them, and accus'd them, if they came to hang poor *Planters*?

12. That the said *Fitzgerald* said he was abus'd, because he would not see the Duke of *Ormond* and the Chancellor of *Ireland*, which he knew to be a honest Men as any in the three Kingdoms. [Out of Lord *Somers's* Collection, vol. 12.

(2) viz. "The Right Honourable the Lord *Abington*, his Majesty's principal Secretary of State, having on *Wednesday* last made his Complaint to his Majesty in Council, that Mr. *Edward Warcup*, Justice of the Peace for the County of *Middlesex*, had greatly wrong'd him in his good Name, in tracing and expelling with certain Persons for the quitting and manumitting (in consideration of a Sum of Money) one of the Persons lately summar'd by his Majesty's Proclamation to retire from beyond the Sea: Which Treaty having for several Months been carry'd on and managed by the said Mr. *Warcup*, he had all along falsly made use of the Lord *Abington's* Name therein, as privy and consenting to the said Transaction: Whereupon his Majesty, having caus'd the whole Matter to be fully examin'd by certain of the Lords of his Council, and their lordships having made Report Verbally to his Majesty at the Board, that the Matter was false and scandalous; it was order'd by his Majesty in Council, That, in Vindication of the Lord *Abington's* Name, and for Example of such unjust and pernicious Mischiefes brought upon his Ministers and Government, the said Mr. *Warcup* should be forthwith committed to the Fleet, put out of the Commission of Lieutenancy, and remain for ever incapable of the Court: His Royal Highness having at the same time declar'd, he would likewise dismiss him from his Service: The Lord *Abington* being left to take his certain Remedy against him as Law, or his Lordship shall think good."

That for the *Gazette*: What follows shall be extract'd on the Credit of the Party.

Now being successively turn'd out of Commission, and committed Prisoner to the Fleet, he was there visited by Sir *T. Cl. C.* to whom he confest the Whole of the Roguery, declaring, that if he might be releas'd, he would not be forc'd to make all public Justices: But resolv'd, upon his Submission at the Board, *Sept. 17, 1666*, and his craving his Majesty's Pardon upon his Knees, discharged from his Confinement, he was four other, and as the Report then went, resolv'd to be a Justice of the Peace, by the Mediation and Influence of a certain Gentleman now in the North [perhaps Lord *Hallifax*]. And the poor man's judic' was much surpris'd of old *Kingdoms*, is at last glad of an Employment, as well as an Opportunity of satisfying his Gratitude, by compassing the Destruction of the Earl of *Shaftsbury*, whom his Patron and Relieve reckon himself oblig'd by." [No Precept Plot, Part 1. p. 22, 23.]

A. D. 1685. return'd by their Election, not their Confirmation, as having been appointed by the Ceremonial of the Lord Mayor's having drunk to him before. Immediately after this the Poll was open'd: Eleven Writers were appointed to enter Votes: And such Expedition was us'd, that the whole Affair was clos'd in five or six Hours; Proclamation having first been made in the Hall, That if any Person, who had a Right to poll, had any Reason to offer, why the Books should not be shut, they were desir'd to speak. Three Days after, according to Custom, another Common-hall was call'd to declare the Election; which appear'd to be in favour of *Pilington* and *Stude*; by a vast (a) Majority; the Numbers standing thus: *Pilington*, 3144; *Stude*, 2244; *Box*, 1266; *Nicholson*, 84. A Petition was then presented from the Common-hall to the Lord Mayor; and also an Address to the Sheriffs: The first *beginning*, "Their Thankfulness to God, that, notwithstanding the daily Plots of the *Papists* and their *Accessories*, they still enjoy'd their ancient and undoubted Right of assembling, and choosing their own Officers; and that they remember'd, with all Gratitude, the faithful Endeavours of his Lordship, the Aldermen, and Common-council, in ordering and presenting a Petition to his Majesty, in which were set forth the manifold Dangers of both King and People, from the Designs and Conspiracies so long projected by the Councils of *Rome*, and their Adherents; in the Pursuit of which they were chiefly animated by the continual Hopes of a *papish* Successor; and also the general Apprehensions, that no effectual Remedy could be obtain'd against the impending Evils therein mention'd, but by the Wisdom and Advice of his Majesty's great Council the Parliament: And, that whereas it was come to their Knowledge, that Reports, by *Mistake* or *Prejudice*, had been rais'd, that the said Address contain'd only the Sense and Desires of a few Persons, and not of the Generality of that great City, most humbly praying, that his Lordship would, in such Manner as should seem best to his Lordship's Discretion, humbly represent to his Majesty, That the Subject-matter of the said Address did also contain the humble Desires and Resolutions of his true and loyal Subjects the Citizens of his City of *London*, in Common-hall assembled; and that his Majesty would be graciously pleas'd to esteem it as such." There was also another Paragraph, importing their Concurrence to the Vote of *Thanks* given by the Common-council to their worthy Representatives in the last Parliament, for their faithful Endeavours to serve the City, according to the Desires and Instructions they had receiv'd. And the Address to the Sheriffs specify'd, How sensible of, and greatly satisfy'd with, their faithful Endeavours to discharge those Offices which they had called them to, the Citizens of *London* were, particularly in maintaining and asserting their

undoubted Rights and Privileges, as Citizens, and making continual Provision of faithful and able Juries; especially at such a Time as that, when Innocency itself was not flood from the Imputation of the blackest Crimes; and the best and most loyal Protestants were exposed to the utmost Hazards, by the Perjuries, Subornations, and Villanies, of the *papish* Party and their *Adherents*, &c.

These were the Transactions of *June* 24, and 27: And, as if the Party had now fill'd the Measure of their Offences, and had themselves given the Signal for the Court to let loose their Vengeance on them, *John Rouse* and *Stephen College*, two of their most active Agents, were apprehended by a Warrant from the Secretary's Office, or Council-board; and, after Examinations, committed to the *Tower*; the first, says Mr. *North*, because he was a thorough-pac'd Traitor, and look'd upon to be Paymaster to the Mob: A *Whigginger* [that is one of Lord *Shaftsbury's* Whiggish-friends] and good at mustering Seamen. And the second, according to the same Authority, because he was a pragmatist, fanatical Joiner, and had been set up as a prime Operator in the desperate Doings of the Party among the lower Order of Men; having, in particular, a great Charge incumbent on him, to conduct that which was dress'd up for the *Oxford* Parliament. But, according to *Ferguson*, because thro' *these* it was thought lay the easiest way to come at that Nobleman. *College* having been active in introducing the *Irish* Witnesses to his Lordship, and in detecting the *Irish* Plot, and *Rouse* having collected and distributed Money for their Support. The last of these Writers adds, That *Rouse* confess'd to the Council, that he had been guilty of giving Money to those Wretches to keep them from starving; but that the Crime he was charg'd with, viz. the disbursing Money to levy War, he utterly deny'd; and that *College* who was afterwards accus'd of being engag'd in a Plot, or Design to seize the King at *Oxford*, was press'd to accuse *Shaftsbury*, which is, however, utterly incredible; for the Times would not have borne open Subornation; nor was *College* a proper Person to trust with so dangerous a Secret. However this may be, the Lord *Shaftsbury* was apprehended next, *July* 2d, his House search'd, and all his Papers seiz'd and carry'd off, without permitting them to be mark'd, or any List to be taken of them, tho' his Lordship requir'd it as a reasonable Precaution both for the Court and himself. When brought before the King and Council, he was told of a Charge of High Treason sworn against him; and, by way of Reply, requested, that his Accusers might be brought Face to Face. But tho' all the *Papists* accus'd by *Cates*, &c. had met with this Indulgence, it was refus'd to him; and tho' when he made his Appeal to the Lords present, whether they thought he could be so void of Common Sense, as to treat with such Persons as the Witnesses were,

A. D. 1685.

Rouse and College apprehend'd, and committed to the Tower.

[Examens, p. 58.]

[Growth of Party, p. 11, p. 500.]

The Common-hall declares, that the last Address of the Lord Mayor, &c. to the King contained the Sense of the City.

A. D. 1681. were, about Matters of such dangerous Con-  
 [A. D. 1681.]  
 [No. 1630.]  
 [Growth of Papers, p. 3.]

cernment, as they had lay'd to his Charge, not one of them had the Confidence, says one of the (u) Pamphlets publish'd on this Occasion, to answer in the Affirmative, he was (s) committed to the Tower. And the Cause assign'd in the next Gazette, was for High Treason in compassing and imagining the Death of the King, and endeavouring to depose him from his Crown and Dignity, and to raise Arms to that Purpose.

The Sessions for London and Middlesex were either now beginning or begun; and *Whitacre*, before spoken of, as the Solicitor of the Party, and call'd by Mr. North, the most infernal, bloody Party-Man of the whole Pack, was employ'd to move the Bench in Behalf of the several Prisoners, for a speedy Trial, or to admit them to Bail: But the Attorney-General would hear of neither, urging, extravagantly enough, as we are told, that the Tower was a peculiar Precinct, neither in the Jurisdiction of London or Middlesex: That consequently no Commission of Oyer and Terminer for either, could reach it: That they should be ready enough with their Indictments, when they had an equal Jury to try it: And by way of Menace to *Whitacre*, giving him to understand, that he who was now so active for the Defence of his Clients, would speedily have enough to do to defend himself.

At length, however, it was resolv'd to begin with *College*, and that the Witnesses should give, and the Grand Jury receive their Evidence in open Court; in order, say one Party, that when such manifest Treasons should be thus publicly sworn to, the Jury might find themselves without Excuse, if they did not find the Bill: And, say the other, that they, the said Jury, might have the less Opportunity to cross-examine the Witnesses, and detect the Subornation. This, it seems, was a Novelty in Practice; but nevertheless the Bench gave way to it; and also to another Demand of the Attorney-General, That the Jury should ask no Question, but such as the Court approv'd.

And now the Wrath of the Court, which had been before denounc'd by the Attorney-General, fell on *Whitacre*: According to *Ferguson*, at the Instigation of *Smith* the Evidence; to remove a perpetual stumbling-block out of the way. The Day before *College's* Affair was to come on, a Warrant was issu'd against him (*Whitacre*) by Mr. Secretary *Jenkins*, at the Attorney's Instance, which was serv'd upon him by two Messengers the

next Morning by five o'Clock. He demands a sight of the Warrant, insists on their calling in a Constable to their Assistance, as the Law requir'd; and also on being carry'd before a City Magistrate, according to the Privilege of a Citizen and Inhabitant of London. This could not be refus'd: The Lord-Mayor was the next day, and before him he complains, That he had been assaulted and seiz'd by two Men, calling themselves Messengers, under colour of a Warrant from one *Leoline Jenkins*, by them call'd Secretary of State; but, he was sure no Alderman of London: That the Pretence was High Treason: But, supposing that Pretence could be made good, the Secretary had no Jurisdiction there; the Charter of London providing, That neither the King nor his Ministers should execute any Warrant or judicial Process in the City, except by the Magistrates thereof: Adding, that for these Reasons, he chose to surrender himself into his Lordships Hands; that he claim'd the Protection of the City; and that if any thing appear'd against him not bailable, he might be sent to the Common Goal of *Newgate*, according to Law. — But the Lord-Mayor, it seems, had not altogether so much Spirit or Knowledge as the Appellant; and therefore chose to refer him to the Court to be held that Day at the *Old Bailey*, where his Lordship call'd in the Assistance of the Recorder: And before Both, in open Court, *Whitacre* made the same Plea as before. And now it appear'd that the Recorder was as much stunn'd as his Lordship; for, tho' he confess'd, that *Whitacre* had the Law on his Side, he did not care to allow him the Benefit of it without a previous Consultation with the Lord Chief Justice: But the deciding this Question being no Part of his Commission, his Lordship, more prudently than bravely, declin'd giving any Opinion upon it: And this Caution of his so far re-doubled the Doubts and Fears of the Lord Mayor and Recorder, that they sunk under them; and meanly resign'd the Prisoner to the Messengers, who carry'd him off in Triumph.

There are few Men but what think themselves authoris'd to desert their Friends, when deserted by them: *Whitacre*, on the contrary, show'd the same Firmness after this Incident as before it. Being brought before a Committee of the Council, he gave them to understand, That he well knew why he was, at that time, taken into Custody; that as to any Questions that might be put to him, he should answer none, unless they were stated

(u) Intituled, *A brief account of the Designs which the Papists have had against the Head of Study, as occasioned by his Commission*: In which also the following Indictment is insert, viz. Whereas the said Letters up and down, from unknown Hands, and without Names, to several loyal Persons, to lay aside their Papers, was not an Argument that the Prosecution then compos'd against that Lord was not a *perpetua latrocinia*. One of which Letters was as follows:

My Lord *Shaftsbury* being just now committed to the Tower, and *Sir Thomas Player* under Examination before the King and Council, and several Warrants out against several of our dearest Friends, and now all like to be discover'd; I

was desir'd by his Lordship to give Warning to his Friends, and particularly those in *Shipping*, to secure all Papers and Things, &c. of which I desire you to give Notice to as many as you can think; that they nor you may be surpris'd: Being in more haste than ordinary, have only Time to subscribe myself,

Your, in all Devotion,  
 Whitehall, July 20, 1681.

J. T.  
 Your Name is in the List, with others of your Neighbours.

(s) Sir J. Rossby says, in his *Memoirs*, p. 123, That Lord *Shaftsbury* told him, there would be Matter enough, both against him and Lord *Beaumont*, to hang them both.

A. D. 1681.

stated in Writing, and unless they then appeared to be such as he thought reasonable: And that, in case they thought proper to commit him, the Place appointed by the Laws for the Reception of Prisoners of his Rank and Circumstances was the *County Goal*, and not the *Tower*. He was, however committed to the last of those Places; and kept a close Prisoner there for Five Months; notwithstanding several Petitions for his Removal: Which is one of those many Circumstances of the like Nature to be found in this Reign, that Mr. *North*, and those of his Faction, think it prudent to take no notice of.

A Bill of Indemnity preferred against College,

Under all these subtle Precautions, the Bill was preferred against *College*, July 8: But tho' the Jury were under some Surprize, they did not lose their Presence of Mind; on the contrary, they took shelter under their Oath to keep the King's Secrets and their own; and urg'd, that this was impossible, when the whole Court was as deep in these Secrets as themselves. This was rather the Refinement of Policy than a Scruple of Conscience: No one is oblig'd to keep a Secret he is not charg'd with; but then there is Reason to believe that the Objection was over-ruled, not for the sake of Truth, but Party. Justice, tho' pleaded on both Sides, had little to do with either; and, if at liberty to act dictatorially, would have made Examples of Both. The Witnesses, thus left at large to tell their own Stories, discharg'd themselves like Men of Ability in their Calling, and omitted no one Circumstance that could lend Authority to the Bill. Three of them, *Dugdale*, *Turberville*, and *Smith*, had been held and receiv'd as good Men and true, against the Papists, *College* himself had, in the Case of *Lord Stafford*, insisted that *Dugdale* was an honest Man; and all the rest had found Credit in the House of Commons, and indeed with the whole Faction. Here then lay the Strais of the Question, as it was afterwards stated, tho' in other Words, by Serjeant *Jeffries*, 'tis the Jury rejected the Bill, because the Witnesses were not to be believ'd, they shook the whole Fabric of the popish Plot, for the Conclusion was manifest, that if there were Subornation and Perjury in one Case, there was sufficient Room to suspect the like Ingredients in the other: And if they found the Bill, on the

Presumption that the same Men deserv'd the same Credit still, they arm'd the Court against the whole Party, and enabled them to do Execution on whom they pleas'd.

To wind themselves out of this Difficulty, which might have bewilder'd very able Politicians, the Jury insisted on examining the Witnesses a second time, by themselves, and separate from each other; and, with some Difficulty, prevail'd. What truly and simply pass'd on that Occasion is not known; but the Party gave out, that some of the Witnesses ingenuously confess'd they were under a corrupt Influence; and others notoriously contradicted their former Evidence before the Court, that the Jury held themselves justifi'd for returning the Bill, indorced with an *Ignoramus*.

The Joy of the Party overflow'd on this Occasion, as it was natural it should; for the Net was now broke, and they were free again: But what was Matter of Triumph to them, as a Body, was fatal to the Prisoner, in particular: Though one Bill was thus frustrated, he was still liable to another. The treasonable Facts alleg'd against him lay in two Counties, *Oxfordshire* and *Middlesex*; and the King, by Law, might prosecute in either. It was determin'd thereupon, says Mr. *North*, "That, since the Justice of an Indictment was deny'd by the *Middlesex* Grand-Jury, to proceed upon it in *Oxfordshire*, and there being an Opportunity, by means of the *Affizes* then at hand, the Witnesses were sent down, and an Indictment preferred to the ordinary Grand-Jury, who found the Bill. This could not be unequal; for this Case was not thought of when that Grand-Jury was return'd." Contrary to which, *Ferguson* asserts, and, not without Reason, tho' perhaps without any other Authority, that the Bill was expedited at the *Old Bailey*, purposely that, in case of a *Miscarriage*, the Experiment might be renew'd with better Success at *Oxford*: And *Echard* adds these Words, "To make sure of the Bill of Indictment, we are told, (by *Hawles* in his *Remarks*, p. 20.) that the King's Council puffed thither with the several Witnesses, and was privately shut up with the Grand Jury, till they were prevail'd upon (*Hawles* adds, by what Arts is (y) unknown) to find the Bill: A Practice much (z) complain'd of afterwards."

In the midst of these violent Proceedings, the

(y) And farther, as follows:

"And I should wonder if he, who frequently, in the Hearing of those who understood better than himself, had Assurance enough to impose upon the Courts, should scruple, in private, to impose any thing on an ignorant Jury." *Remarks*, p. 20.

(z) By the same *Hawles*, in these Words:

"I know not how long the Practice of that Master, of administering Council, to a Grand-Jury, hath been; I am sure it is a very unjustifiable and unchristianable one. If the Grand-Jury have a Doubt in point of Law, they ought to have Recourse to the Court; and that publicly, and not privately; and not rely on the private Opinion of the Council, especially of the King's Council, who are, or at least behave themselves as if they were, Parties."

It is true, it is said, that they are upon their Oaths; and tho' it be not express'd in their Oaths, that they should do Right between the King and his Subjects; yet that is implied in the Oath, I agree: But have they know'd themselves as if they were under an Oath? Besides, all Men are

not capable of giving Advice to be rely'd on, in so great a Matter as Life: But the Manner of doing it, being in private, can never be justifi'd. I know, in *Fisher's* Case, the King's Council were counselling the Grand-Jury in private for some Hours; but I did not think fit to take notice of it in that Trial; because I think both the Grand and Petty Jury did very well: They acted according to the best of their Understanding; which is all that God or Man requir'd of them: They us'd no pestilent Questions; they were prevail'd in none, nor falsly answer'd in others: Nor that I think either of them gave a Verdict according to Law upon the Facts, as it appear'd upon the Evidence. But that was not the Fault of the Jury, but of the King's Council, and of the Court, who mis-led the Jury. I thought it more proper to take notice of it in this Trial; wherein the first Bill was rejected by an understanding Jury; and all Men wonder'd how the second came to be found *Billis verae*: And, for that Reason, one of the King's Council dash'd at *Cover's* all his service, and causing Management, in that Matter. *Id.* p. 20, 21.

A. D. 1681.

and return'd Ignoramus.

Examens; p. 577.

P. 1011

A. D. 1664.

The Prince of Orange arrives in England.

State of foreign Affairs at that time.

the Prince of *Orange* arriv'd in *England*; and at Visits of Ceremony, or Parties of Pleasure, took up but a very little Part of his Life, it must be suppos'd, that his Voyage hither, at this time, was neither for the sake of Amusement, nor merely to pay his Court to the King his Uncle.

But of whatever Importance these extraordinary Motions of his always were, and however critical this more especially deserves to be thought, the Writers of his Life, and most of our general Historians, make no mention of it; and those who do, content themselves with scattering only such Scraps and Fragments of Intelligence, as suit their own immediate Purpose.

We can only therefore collect such Circumstances as may lead us to the Door of Truth, and help us to make probable Conjectures of what was doing within.

The Power and Perfidy of *France*, the Acquisitions she had already made, and the Designs she was still apparently pursuing, were the great Objects of his Highness's Attention: And every Day's Experience convinced him more and more, if possible, of the Necessity of finding out Expedients to set Bounds to her Encroachments, or of submitting to her Mercy.

Upon the slightest View of her pernicious Projects, it appear'd she had enter'd into a close Correspondence with the Malcontents of *Hungary*, (become so indeed by the tyrannical Government of the House of *Austria*, especially in Matters of Religion) and inspir'd them up to open Rebellion; that the Emperor, thus embarrass'd in his own hereditary Dominions, might be less able to interpose in the Protection of the Empire.

The *Sovereign Chamber*, as it was call'd, which he had injuriously and iniquitously establish'd at *Metz*, had just declar'd, that the far greatest Part of the *Duchy of Luxemburg*, and its Dependances, were a Part of the Bishopric of *Metz*; and having summon'd the City of *Creutznach*, and *Frankendale*, as belonging to the Bishopric of *Verdun*, his most *Christian Majesty* had, without any farther Ceremony, given them to the Prince of *Birkenfeld*: And, till the Surrender was actually made, a Body of *French Troops*, under the Command of *M. de Boufflers*, had Orders to march into the Baillage of *Alzey*, and live at Discretion. Nor was this all: So great were their military Preparations in *Germany*, and so alarming their Motions, at this time, that it was, thus early, fear'd they entertain'd Designs upon *Strasbourg*; that they would even become Masters of it; and that, thereby, having the Empire open to them, they would be in a Condition to crown all, by causing the *Dauphin* to be elected King of the *Romans*.

And, on the Side of *Flanders*, over and above the Pretensions of *Lucemburg*, before-mention'd, his most *Christian Majesty* was farther pleas'd to make a peremptory Demand of the County of *Clinau*, with all its Dependances, which was follow'd with a Declaration, That, if they were not deliver'd up forthwith, he should order the Count de *Bisli*

to seize them by force; in which Case, all the Soldiers found on the Premises should be sent to the Gallies.

So notorious a Violation of Decency, as well as Justice, gave the *Spaniards* the most sensible Provocation. They forgot their own Weakness; they gave Orders for a vigorous Defence; they call'd upon the *States* to stand by them, and to make it a common Cause; and they not only importun'd the Court of *England* for their good Offices, but for solid Assistance, in virtue of the defensive League subsisting between the two Nations.

But, alas! there was Reason to believe, that his most *Christian Majesty* had made the same, or the like, Experiments in *England*, which he had practis'd in *Hungary*, and almost with the same Success: For when the People had no longer any Confidence in the King, and the King had broken all Measures with his People, the Power of these Islands was no longer of any Weight in the Scales of *Europe*, and consequently he had nothing to apprehend from it.

What was still worse, there seem'd to be a sort of Conformity in the domestic Proceedings of the two Courts: For while that of *England* set a new Edge on the penal Laws against Protestant Dissenters; that of *France* issued severe Edicts against the *Hugonots*; in particular, forbidding them to send their Children to be educated in foreign Countries; allowing those Children to change their Religion, and become Papists, at seven Years old: And when many of those persecuted People did leave the Kingdom on account of these Rigors, and many more prepared to follow their Example, forbidding them to take their Children with them.

It does not, however, follow from hence, that the two Kings were in the Plot to root out the *popish Northern Heresy*, according to *Coleman's Phraze*, and render *Popey* universal. At the same Instant that his most *Christian Majesty* appear'd thus zealous to introduce a Uniformity of Opinion and Worship in his Dominions; he was at Variance with the Pope, on many Accounts; and his Holiness, who was an *Austrian*, and who more dreaded the Power of *France* than he desir'd the Propagation of the Faith, would have gone any Lengths, consistent with the Safety of the Church, to get it reduced within a more manageable Bound; which Disposition on both Sides will serve also to shew, that the *popish Plot* was not in Truth what it was artificially represented.

This was the general State of Things, when the Prince of *Orange* came over; and about the same time, or soon after, an elaborate Performance was made public, containing some alarming and many pompous things concerning the growing Greatness of *France*; what *England*, in particular, had to apprehend from it; and how much it import'd the *English* Government to lay it in the Dust.

In this Discourse, the holding the Balance of Power, which has since cost this Nation such a Mine of Wealth and Sea of Blood, is laid down as the only salutary Maxim that those

A. D. 1661.

The first sight of a general Congress against France.



A. D. 1661: those in Power had to pursue: And, to show how reasonable it then was to make use of it, Care is taken to inculcate, that his most Christian Majesty aim'd at no less than *universal Monarchy*; as also to manifest how great a Progress he had made towards it: Namely, that he had gotten *Brisac* and *Friburg*, to enter *Germany*; the *French Comptee* to awe the *Switzers*; *Pignard* to enter *Italy*; *Perpignan* to enter *Spain*; and almost all *Flanders* to enter *England*: That by Sea he was become so potent, that, if his Seamen and Officers were equal in Goodness to his Ships, it would be a Question, whether he might not contrait the whole maritime Power of *Europe*, and make the Strait between *Calais* and *Dover* a Ferry to pass over into *England* what Armies he pleas'd: That this naval Strength of his had been of so swift a Growth, that tho', in the Year 1665, he was not able to put to Sea twenty Men of War, he had now upwards of two hundred: That they were also grasping at *universal Commerce*, as well as *universal Monarchy*: That for one trading Ship which they had in the Year 1660, they had now forty: That, by the Encouragement given to Trade and Navigation, their Mariners were increas'd in proportion: That they had establish'd a Fishery at *Newfoundland*, tho' the Property of *England*, and never till of late occupi'd by any Power, without both Licence and Acknowledgment, as well for a Nursery of Seamen, as for the sake of the Gain arising from it: That his most Christian Majesty bore the Expence of supernumerary Hands on board every Ship: That he had open'd a Channel of Traffic both to the East and West *Indies*: That he had granted Privileges to such of his Nobles as would be prevail'd upon to engage in the List, in order that to contribute to the Wealth as well as the Fame of their Country might be thought honourable: That, as if he was already without a Rival by Sea, as well as by Land, he had given Orders to his Officers and Commanders to assert the Sovereignty of the Seas, circumjacent to his Colonies: That a great Part of the Wealth of *Europe* already center'd in *France*: That his Subjects were Gainers annually by the Trade of *England* 1,500,000 l: That for Wines, Brandies, Salt, Silks, Stuffs, Toys, &c. they exhaulted the Northern Regions of One hundred and twenty Millions of Florins: That wherever else they carry'd on any Commerce, it was on Terms proportionably advantageous to themselves; for that the *French Merchants* were consider'd only as Factors for the Commonwealth; and while Exportations of all sorts met with all imaginable Encouragement, Importations, unless of Indispensables, were so over-loaded with Duties and Customs, that the Profits did not countervail the Cost: That his most Christian Majesty, having a regular Revenue of Sixty Millions of Florins yearly, and having such inexhaustible Resources from the Riches of his Subjects, which, by virtue of his supreme Power, were always at his Devotion, was in a Condition to undertake whatever was possible to be accomplish'd; nor could less than the

A. D. 1681: united Force of all his Neighbours withstand him: That his very Motives and Devices (*Solus contra Omnes, non pluribus impar*, &c.) shew'd his aspiring Genius, and what was to be apprehended from it: That if he was already thus formidable, the Addition of the *Dutch Commerce* and Maritime Strength, which must fall in to him upon the Reduction of those Provinces, would lay the rest of *Europe* at his Feet: That *England* alone could prevent his making that mighty Seizure: That even no Power on the Continent was more interested to prevent it than *England*: For that the *Netherlands* were the Out-works of *England*, and that the Day of their Subjection would be the Eve of *ours*: That while *France* subdu'd any one Power, she weakened all: That, with regard to the Common Cause, there was little Difference between the Inactivity and total Ruin of any one Power, interested in the Common Defence: That the Loss of Seasons and Opportunities was the Loss of every thing: That, as *France* no longer thought herself bound by Leagues than they suited her Convenience, all her Neighbours were authori'd by the Law of Self-defence, to adopt the same Maxim, and to make their Efforts, when they had the fairest Occasion, not merely when they were the most sensibly provok'd: That the prime Policy of *England* should be to reestablish Union at home: That in the second Place a firm, sincere and lasting Friendship, founded on mutual Interest, should be establish'd between *Great Britain* and the *States General*: That his *Britanic Majesty* should avowedly take upon him the Protection of the Protestant Cause all over *Europe*; and, by that Tye, center in himself, as far as political Considerations would give leave, the Strength, Interest, and Credit of the whole Protestant Body: That, on this Basis, a general Association or Confederacy of all the Princes and Powers of *Europe*, who had either felt, or had reason to fear, the growing Greatness of *France*, should be form'd, on the great first Principle of common Preservation: That such a Confederacy being there form'd, the *Maritime Powers*, under which Denomination, *Spain*, *Sweden*, and *Denmark*, as well as *England* and the *States* were included, should make it their more immediate Business to cut the Nerves of the *French Power*, by destroying their Trade and naval Force: That, at the same time, all the Land Force of the League on the Continent should endeavour to put *France* on the defensive, by carrying the War into the Bowels of that Kingdom: And that the great Drift of the whole Scheme should be, not merely to humble that aspiring Power, but to disable her for ever, by cantoning it once more into the several Principalities it was once compos'd of; as had been endeavour'd by the *French Grandees* in the Reign of *Henry the Third*, and as would have been then effected, if the insatiable Ambition of *Philip the Second* of *Spain* would have given way to it.

Here we have the first rough Draught of a general Confederacy against *France*; and it is not improbable, that something of this nature

Report of a  
Confederacy in  
France the King  
and Prince.  
ture

A. D. 1681.  
 Clarendon, p.  
 473. 474.]

ture was the important Business that brought over the Prince of Orange in Person, to found the Depths and Shallows of the Court of England.

Mr. North has recourse to his Brother's Memorials on this Occasion; and from them we are told, "That the public Pretence of his Highness's Visit was, to desire the King to declare War against France, and THEN Spain, Holland, and Germany, would be sure to come in: That, by way of Inducement, he told his Majesty this Step would put him to no considerable Expence; two thousand Men, and a few Ships, would be sufficient; the Charge of which might be easily defray'd out of his own Revenue: That his Majesty asking, How he could be sure, that, if he began the War, the States would come into it? the Prince reply'd, He was very confident of it; and he would persuade them so as they should not refuse: That his Majesty then said, That if the States would begin the War, he would follow them; and, in that case, they would be oblig'd not to leave him: That for him to enter first, with so small a Force, was irrational: That if the Prince could persuade the States to follow in the War, he might persuade them to lead in it, as they ought, as being in more immediate Danger: That, however, he would give his Ambassador in France Orders to join with the Dutch Ambassador, in any kind of Overtures to the French King."

If this Dialogue had not been handed down to us on the Authority of a Judge, Privy-Counsellor, and Politician, it would have little or no Consideration: And, as it has, we can only say, with due Reverence, That this is the first time that we find the Prince of Orange saying such inane and disingenuous Things to any Person, upon any Occasion whatever;— Things that he could not rationally hope would impose upon any body, much less on the King, who wanted nothing of the great Man, but Application and Resolution; and that seem to have no kind of Agreement, not only with the then Crisis, but even with the whole Current of Affairs, ever since the first Opening of the Negotiations at Nimeguen: There indeed we find one of the Dutch Ministers talking, not treating, on the Subject of England's becoming a Party in the War, and undertaking to shew at how small an Expence, and with how inconsiderable a Force, she could turn the Fate of the War: But, since that time, we had actually enter'd into a Concert with the States, and the Parliament had granted Supplies for an actual War with France, upon an Establishment widely different from what is here reported in the Prince's Name: And, again, since then, Mr. Sydney had found Means to prevail with the States to reject the Offers of France; not in consideration of any thing his Majesty could singly do, but on Assurances, that when their Distresses should demand it, he would summon a Parliament, that by their Help he might be able to suc-

cour them indeed. It is but reasonable, therefore, to presume, that, instead of coming over to seduce the King only into the Quarrel, his real Errand was to call upon his Majesty for an effectual Performance of his Engagements, by coming to an Agreement with those who had the Ascendency in Parliament; whether in concert with them, or purely and simply, for the Good of the common Cause, is not, perhaps, so easy to be decided.

The Right Honourable Memorialist is indeed pleas'd to acknowledge, "That his Highness press'd the King extremely to satisfy the Nation, and agree with his People: That his Majesty lent a favourable Ear, bidding him ask any of the discontented Party what would do it, and what were their whole Demands: That the Prince, hereupon, consent'd with some of them, and gave for Answer, That there was no undertaking for an Assembly, for they would do as they pleas'd: But there must be more than the Exclusion; for that was but Parchment, which was nothing.— That the King, thereupon, understood they must have the Militia (a) &c. and took occasion to start a new Question, which might have been put with more Propriety at first, viz. Who were the Nation's Suppôts, said his Majesty, as you have spoken with some who are for this, I should speak with thrice as many who are against it; would you call the growing Satisfaction to a few, a Way to satisfy all? My Friends are modest, quiet Men, who make no Noise, but are far more considerable than all the others." The Memorialist proceeds to say, "That his Highness wonder'd much at this Declaration; for he thought the Dissatisfy'd Party infinitely more numerous than the other. But he was farther told, That was because he convers'd with more ease: And that it was not in his Power to know the Temper and Opinion of the People, and the Value of Parties, better than the King."

To what Length this Conversation went, or how it terminated, our Memorialist has not thought proper to specify: The King we see is left in possession of the Argument, and the Prince utterly confounded: Which to a common Capacity appears strange enough: For, if the King had to clear a Majority of the People with him, why should he decline meeting them in Parliament, which was the great Point the Prince had to solicit? And, if he had not, his Majesty's Premises, and the Building he had rais'd upon them, apparently sunk together.

Our Memorialist, however, makes a Distinction between this latter Conference and the former, by representing a War with France, as the public Pretence of the Prince's Journey, and the Exclusion as his private Business; which, it seems, he thought the most wholesome Expedient to satisfy the People; because the Limitations were derogatory to the Monarchy. He also insinuates, That the Dutch rather sought to embroil the King, than to become Parties in the War themselves.

(a) For this unfair, &c. the Memorialist is answerable.

elves: For, says he, the next News receiv'd here, after the King had declar'd, that his Minister at Paris should join in the Remonstrances of the States, was, that they had order'd their Ambassador to take care, by all means, not to give any Provocation to France to occasion a War: And, upon the Whole, takes occasion to make the following Inferences: "By this I perceiv'd, how forward the Prince was to engage the King in a War, and to desire him to rely upon his Advice; and likewise, how mistaken in his Measures; and what Reason the King had to take care, before he was engag'd; and how far from having any Intrigue with France that was prejudicial; and how groundless the Obloquy of the People was."

Certain Mis- takes of Mr. North, in his Reasoning in this Memorial,

[Hist. p. 474.]

Mr. North not only calls this a very important Memoir, as indeed it is, in some respects, but makes a most unmerciful Use of it. According to him, the Memorialist did not see far enough into this Intrigue: No Man's Wisdom, says he, is a Match for all Events: What is by the first call'd *Mistake* in the Prince, is by the last call'd *Disguise*: And, without Remorse, he prompts us to conclude, "That his Highness would have taken the like Advantage against his Uncle, as he afterwards did against his Father-in-law, if the Circumstances of the Times had afforded him the like Opportunity." Again, at the Distance of above 300 Quarto Pages, (for, after his singular Manner of treating this Reign, he has split this Memoir into two Parts, and placed them thus far asunder) he further pronounces, "That the Prince had too much Honour to say, that the Parliament would provide what was fit, because he knew the contrary; and also, that the King must know the same:— That the Dutch were in the right (politically speaking) to move by the Prince, upon the Strength of his Interest and Credit, and not by their own Ambassador; there being a direct Answer to them, *Begin first, I'll follow*: That their *Stadtlieder* might undertake any thing for them: And if the King had been drawn in by him, they would have excus'd themselves from following, by saying,— *The Prince had no Authority from us:— He said what he thought;— you trusted him:— But that doth not oblige us*: That what happen'd made good this Consequence; for not having Interest enough to hinder their Lordships from making Peace, how could he have induc'd them to make War?— That if the Action at Mons had been taken in France for a Rupture, and a War had ensu'd, the Dutch had taken the Volant, and done just enough to have kept the Fire alive, and to have secur'd to themselves the naval Import and Export Trade of all Europe:— That the King would have been put to Sea in an unprovided Vessel," &c. &c.

Notice has already been taken of this magisterial Writer's Inaccuracy, in treating of foreign Affairs; with what Justice, let the Reader decide, when he recollects, That the Prince came on this Visit to England, July 23, 1681, as in a Foot-note is acknowledg'd by Mr. North himself: That the Battle

of Mons was fought August the 14th, 1678, almost Three Years before: That the King, instead of being thus miserably unprovided, had then been in full supply'd by his Parliament for an actual War: And that the English Forces, rais'd for that End, had a very eminent Share in the signal Glories of that remarkable Day.

A. D. 1681.

But, over and above this flagrant Anachronism, and the Reasonings deduc'd from it, this whole Passage, as well as the Memorial itself, which gave rise to it, is liable to a Variety of Objections. *Fan-Letters*, the Dutch Ambassador to England, was actually sent over hither, as if to prepare the Way for the Prince of Orange. (says the London Gazette, [Nov. 1461.] to acquaint his Majesty with the Sentiments and Resolutions of the States, on the late Proceedings of the French in the Province of Luxembourg;) and, from the Nature of Things, it must be concluded, that he had Instructions from his Masters to support the Prince in all things; for any Difference in their Language must have defeated the whole Negotiation at once, and furnish'd the English Ministers with a reasonable Pretence for turning a deaf Ear to all their Proposals.

In Truth all Europe was, at this Time, equally alarm'd and provok'd at the daily Outrages of France; and there appear'd every where, a suitable Spirit of Relentment; which the Spaniards as well as the States, and the Prince of Orange, endeavour'd, by all the Arts of the Cabinet, to make the most of. Their Couriers were in continual Motion, their Ministers were in continual Conferences; and before the Close of the Year abundant Proofs broke out, that a general Confederacy was actually under Deliberation. Whence it must be presum'd, tho', perhaps, it cannot be circumstantially prov'd, That the Prince of Orange was neither the Cats Foot of the States, to draw the King of England singly and unprovided into a War with France, merely for the Furtherance of their Traffic; nor play'd the Incendiary himself, merely to gratify his own private Ambition. But that he came over to make his last Efforts to disengage his Majesty from France, and to prevail with him to give Life, Spirit, Motion, and Efficacy to that Association, which, alone, was able to set Europe free.

General Consideration of France under Deliberation.

Even before his Arrival here, he had spirited up the Elector of Brandenburg to signify to the French Minister, Resident at his Court, "That if the King his Master continued to treat the States of the Empire, and particularly the Elector Palatine, as he had lately done, he would find there were Princes enough in the Empire, that would not bear it, and that would take such Measures as might be necessary for their Common Peace and Security." And his most Christian Majesty having disobligh'd his old Stipendiary the King of Sweden, by giving the Duchy of Deux Ponts to the Prince of Birkenfeldt to his Prejudice, Care was immediately taken to improve that Incident, that he also had thus early shewn a Disposition to abandon the Alliance of France, and to enter into Engagement with the Emperor and Empire;

A. D. 1681.

pire; by which he was to oblige himself to contribute 20000 Men to the Common Service, exclusive of his Contingent as Duke of Piedmont.

The like Disposition appear'd on all Sides; and nothing was wanting but the Countenance, Power, and Wealth of England, to make the great Experiment for the first time, whether France alone was a Match for all the rest of Europe.

Onrages of  
French in the  
Netherlands.

But to sure was his most Christian Majesty that he had a better Interest in his Brother of England, than the Prince of Orange, that even while his Highness was here in Person, he caus'd the Prince of Parma, Governor of the Spanish Netherlands to be inform'd, That if the Count de Bissy was not put in Possession of the County of Chimay, in twice forty-eight Hours after he had receiv'd that Notice, the Count de Montber had Orders to enter with his Forces into the Spanish Territories; and, at the same time, Notice was also given to the Boors of that Districh, that if they presum'd to remove their Forage, or Cattle, or cut their Corn, their Villages should be fir'd about their Ears. And when the Country was actually surrendr'd, as upon this terrifying Summons it immediately was, the Use made of it by the French, was to shut up Loevenburg on every Side, and to cut off all Provisions sent to the Relief of the Garrison, who, by that means, in the midst of a nominal Peace, endur'd almost all the Extremities of an avow'd War.

In this same Interval, also, at the Conferences held at Courtray, with relation to the French Claims, under the Head of Dependencies, the Commissaries for his most Christian Majesty made a farther Demand of the Country of Alost, containing three Towns, and one hundred and eighty Villages; as also the Little Brabant, being Part of the County of Wais, and the four Ambachts near Ghent; and that not from any Pretence they could derive from the Treaty of Nimwegen; but the Right of Conquest only: So that the Will and Pleasure of his most Christian Majesty was now to be a Law, not only to his own Vassals, but to all who were within the Reach of his Power, tho' out of his Jurisdiction.

Nor, after the Prince of Orange's (b) Departure from the Court of England, which was on the tenth Day after his Arrival there, did the Grand Monarque shew any more Apprehensions of the German Princes, than he had before shewn of the Resentments of Spain, or the Intrigues of his Highness; as the Sequel will demonstrate.

Upon the Motions of the French Troops, in the Neighbourhood of Straßburg, the Court of Vienna had dispatch'd Mr. Mercy to reside in that City on his Behalf; or, as it

was given out, to take care of his Imperial Majesty's Interest. And, no sooner had the Baron de Mandlare, the French Lieutenant-General in Alsace, received Intimation of it, than he gave the Magistrates of Straßburg to understand, That if the said Mr. Mercy did not immediately leave the Place, he would burn all the Villages that belong'd to them. Which Menace had such an Effect, That this Imperial Agent was immediately forc'd to leave this Imperial City accordingly.

Nothing could be more shocking than a Message at once so peremptory and so unprecedented, which was equally an Insult to the Emperor and Empire: And nothing can be alledg'd in Excuse of it, except the Politician will unmake at once and shamefully avow, That whatever is expedient is lawful.

His most Christian Majesty could not be satisfi'd with the Possession of Alsace, which had been ceded to him by the Treaty of Munster and Nimwegen, unless he was Master alio of Straßburg; which commanded the Passage of the Rhine, and might be call'd the Key of Germany.

To have attack'd this Place with open Force, would have immediately set the German Princes in Arms; in which Case the Enterprize would have been hazardous, and the Event dubious. It was thought more expedient, therefore, to have Recourse to Negotiation, or rather Corruption: And the Intrigue was esteem'd to be of so much Importance, that Mr. de Louvois undertook the Management of it himself, tho' we find the Glory of the Success, thro' an Excess of Flattery, ascrib'd in his political Testament, to the superior Wisdom and Address of the King his Master.

The Means he made use of was to open a Correspondence with the Magistrates themselves, and, in particular, to secure to his Interest the Burgonialsers of the Year, who were intrud'd to contend for the Reduction of the Garrison, under the Pretence of reducing the public Charge; which was so much the more plausible, inasmuch as the City was encumber'd with Debts; and in a time of Peace, as that was, it might be presum'd, there was no Enemy to guard against, or Danger to be fear'd.

Proposals of this kind are sure to be heard with Favour: The Advice was not only receiv'd, but applauded: The People were glad to be reliev'd: The Burgonialsers were honour'd as Patriots; and Part of the Garrison was discharg'd; which was no sooner done, than Mr. de Louvois had Notice, and in Person joining Mr. de Mandlare, appear'd on the 22<sup>d</sup> of September before the City, seiz'd on Fort Keil and the Bridge the same Day; and

A. D. 1681.

P. 150.

Histoire de  
France par de  
Lamoignon, Tom.  
v. p. 64.]

and in the  
Empire.

(A) All that Bishop Burnet has thought fit to remember of this important Voyage of his Hero, we find under the Translations of the Year 1684, as follows:

"The Prince had come for a few Days to England, after the Oxford Parliament; and had much private Discourse with the King at Windsor. The King assur'd him, that he would keep things quiet, and not give way to the Duke's Engagement, as long as he liv'd; And added, he was confident,

whenever the Duke came to reign, he would be so restless and violent, that he would not hold it for Years to an End. This I had from the Prince's own Mouth." The Bishop further says, "That the Earl of Portland (Boswell) told him, that his Majesty shew'd the Prince one of his Seals, and told him, that whatever he might write to him, if the Letter was not fir'd with that Seal, he was to look on it as only drawn from him by Impunity." Vol. 1. p. 575, 576.

A. D. 1684.

and the next summon'd the Place to surrender, as belonging to his most Christian Majesty in virtue of the Treaties before mention'd: The honest Burgomasters now acted the Hero, as they had done the Patriot before: They were all for a desperate Defence, and for being bury'd under the Ruins: And, having given suitable Orders to the Reliques of the Garrison, assembled the Burgeses, and began their Harangues; which, as had been foreseen, were soon interrupted by the Clamours of the Populace, who, surrounding the Town-house, loudly and importunately demanded, that they would forthwith set open the Gates, and save the City from Destruction. These Outcries from without gave an immediate Turn to the Deliberations within: "If the People are resolv'd to submit, we must make a Virtue of Necessity, and those notable Burgomasters, and so behave to this great King, in the Person of his favourite Minister, that we may find in him a powerful Protector, instead of an exasperated Enemy." Fear had now taken such absolute Possession of the Assembly, that those who were not in the Secret became as tractable, as those who were. Orders were instantly given to beat a Parley; the Flag of Capitulation was, at the same time, spread; and, on the 30th, the French took Possession of the Place, on their own Terms, in effect; for they put the Roman Catholics in possession of the Cathedral Church, which had been held by the Protestants ever since the Reformation; they had all the Town Magazines, Cannon, &c. put into their Hands; they disarm'd the Inhabitants, with this mitigating Circumstance only, that their Weapons of all Sorts were to be lock'd up in a separate Apartment, of which the Magistrates were to keep the Keys. They took care to introduce a Mark of their new-acquir'd Sovereignty into the Civil Proceedings of the Town-Courts, by subjecting all Causes exceeding a thousand French Livres in Value to an Appeal to the Council of Brisac; and, to crown the whole Proceeding, his most Christian Majesty left his own Royal Residence on purpose to make his triumphal Entry into it; which he did with great Pomp (being attended by his whole Court) on October the 14d, having been met by the Magistrates as far as Schiffsst, where they made their Submission to their new Master on their Knees, and the next Day heard Mass at the Cathedral; which, to do him the greater Honour, was celebrated by the Bishop in Person.

The Emperor complains of the French King.

All Europe was astonish'd at this unexpected Incident; and the Emperor immediately dispatching Count Mansfield to complain of it as a Breach of the Peace, his most Christian Majesty was pleas'd to reply, "That he could not sufficiently admire, that his Imperial Majesty should interpose in an Affair which no ways concern'd him; That he had a Right to the Place, as being the Capital of Alsace, which had been ceded to him by Treaty, and that if he had not taken Possession of it sooner, it was for such Reasons, as he did not think himself oblig'd to

explain to any body." The Count, expecting this Plea, was ready with his Answer, "That in the very Contest from whence his Majesty deriv'd his Right, the ten free Cities of Alsace, of which Strasbourg was the principal, were expressly excepted: That they were immediate Fiefs of the Empire, and in all other Respects independent, and therefore could not be dismember'd even by the Emperor himself." "Very well then, rejoins the King, that very Independency You urge is sufficient to warrant my Possession. If the Strasburghers were free, they had a right to chuse their own Master; and in taking them under my Protection I have done them no Injury."

A. D. 1684.

Not without Effort.

The Electors and Princes of Germany, however, supported the Remonstrances of the Emperor, in such a manner, as sufficiently shew'd their Fears were equal to their Dangers and their Resentments to both; and tho' Mr. de Avoaux, in an artful Memorial endeavour'd to palliate the Matter to the States of Holland, their Lordships dispatch'd Mr. Van Beuninghen once more to England, in hope, that, mamb'd, and insensible as the King and his Ministers had, hitherto, appear'd, this heavy Blow would restore them to the Use of their Faculties, and beyond all Arguments convince them of the immediate Necessity of joining with the rest of Europe against such a perfidious Enemy.

The States send Mr. Van Beuninghen once more into England.

Sir John Kersey says, that being, a little before this, in Conversation with his Friend and Patron Lord Halifax, his Lordship had given him to understand, "That, were it [Mem. p. 124.] not for the Interest the King of France had here, he did not doubt but he should be able to put England into a very happy State and Condition in a very short time: That there was no Hope of doing any thing by way of Parliament, EXCEPT his most Christian Majesty should make some new Attempt on Flanders: And that such an Incident might be made use of as a Handle, whereby to reconcile all Differences." Sir John farther says, "That such an Opportunity offer'd itself soon after: That News came the French King had taken Strasbourg; whereby, becoming Master of the Rhine, he might intercept all Communication and Commerce between the Low-Countries and Germany; so that the former would be absolutely oblig'd to bend the Knee to France, if we did not enter into a League with them against the common Adversary; which they did most earnestly solicit."

But, however free the King was from having any prejudicial Intrigue with France, however groundless the Obloquy of the People was on that head, as Lord North teaches, however fair an Opportunity now offer'd to reconcile all Differences, however earnestly the States demanded our Assistance, and however reasonable it might be to grant it, the King turn'd a deaf Ear to their Solicitations, nor would be diverted from pursuing the great Point of subduing the Faction at home, for any foreign Consideration, how important, or interesting it were.

Who finds the King, as before, immovable.

And yet, though the Lord, last-quoted, so explicitly

A. D. 1687.

The States  
negotiate a  
Confederacy  
against France  
nearly finish'd  
ing.

As enter into  
a particular  
Alliance with  
Sweden :  
which the  
French com-  
plain of, and  
they justify.

explicitly affirms, That the *Dutch* Embassador in *France* had positive Orders from his Masters not to give any such Provocation to the *most Christian King* as should occasion a War, after their Lordships had receiv'd abundant Reason to despair of *England* for ever (which Despair might very well justify their behaving with the utmost Caution in such dubious Circumstances) we find them, at this very Crisis, endeavouring to form the best Confederacy that could be form'd without our Assistance, and pursuing it openly and avowedly, in contempt of the repeated Memorials of *France* to divert them from it. Nay, when they had actually completed a particular Alliance with *Sweden*, in Maintenance of the Treaties of *Westphalia* and *Nimeguen*; and Mr. *d'Armaux*, had, in the Name of his Master, particularly complain'd of it, they return'd such an Answer, as at once manifest their Prudence, and maintain'd their Dignity, viz. That they were very desirous of his Majesty's Friendship; That they would do nothing that might give him any just Occasion of Offence: That their Opinion of his Majesty's Equity, would not suffer them to think that their making any Alliances for the good and Preservation of their Subjects could be offensive to his Majesty, THEY BEING A FREE, SOVEREIGN STATE: And that they could not conceal from his Majesty the Treaty they had made with *Sweden*, nor believe he would dislike it, as long as they persuaded themselves, that his Majesty's Intentions were to preserve the Peace of *Europe*. And Mr. *d'Armaux*, still continuing to express his Master's Dissatisfaction with the said Alliance, their Lordships came to a Resolution to add ten, or, if there was Occasion, twenty Men to a Company, that the Republic, in case of a sudden Attack, might not, like *Strasbourg*, be found unprovided.

To make our leave of the Acquisitions of *France* for this Year, on the very Day that Mr. *de Leucois* took Possession of that City, *Casal*, the Capital of *Montferrat*, situated on the *Po*, admitted also a *French* Garrison; which was, at once, an additional Mortification to the House of *Austria*, and an additional Proof of the towering Aims of *France*. This Place was under the immediate Sovereignty of the Duke of *Mantua*: And it was in virtue of a Treaty with him, that his *most Christian Majesty* became Master of it. Here, therefore, there was neither Fraud nor Violence to complain of; but then it was a Fief of the Empire; and the Emperor, himself, was presumptive Heir to the Duke; and yet his Highness had never consulted him on the Occasion, nor would *France*, as it was rightly presum'd, descend to apply for, or submit to, the Ceremonial of an Investiture. These were, therefore, made the Pretences of Clamour against both the contracting Parties: But the true Ground of his Imperial Majesty's Uneasiness was his Dread of the Neighbourhood of the *French* in *Italy*; and that one Encroachment would make way for another, till it should become necessary either to resign the Sword, or throw

away the Scabbard: And his Expostulations on the Subject with the Duke were so warm, and were so warmly resent'd, that it gave rise to a Report, That his Highness would make over the whole of his Dominions to *France*; and that he would take up his Residence for the future in that Kingdom, with a Reserve of such Titles, Honours, and Privileges, as should leave him in Possession of the Shadow of Sovereignty, tho' he had parted with the Substance.

We are now to follow the Duke of *York* into *Scotland*, and to give a brief State of that Kingdom under his Administration; that we may learn from his Conduct there, what Reason there was to fear his Succession to the Government here.

His Royal Highness was scarce arriv'd at *Edinburgh*, (viz. towards the End of the preceding Year) before he had Reason to apprehend that no Endeavours would be wanting to make his Residence as uneasy in the one Nation, as he had found it in the other; and he, in return, so behaved, as left no Room for either to doubt of what *Faith* he meant to be the *Defender*.

The annual Pope-burning, which had answer'd so well in *London*, &c. had never yet been imitated in any Part of *Scotland*: And now, all at once, a Disposition appear'd in the Students of the College of *Edinburgh* to try the Experiment on *Christmas Day*; which was judg'd fitter than any other for the Ceremonial of executing *Antichrist* in Effigy. Accordingly, the necessary Preparations were made; and it being apprehended from the unusual Resort of known Papists, about that time, to *Town*, that these young Adventurers would meet with some Opposition, they oblig'd themselves in Writing to go thro' with the Frolic, one and all, and to defend themselves against the said Papists in case of an Attack, under this notable Precaution in the Front of their Paper, That except the Pope, they had no Intention to put an Affront upon any body.

The Secret, however, was not so well kept, but the Lord Provost got notice of it; and, by him it was convey'd to the Duke and Lord Chancellor, who appear'd greatly incens'd, and also determin'd either to prevent the thing, or punish those who appear'd in it. In order to which the Principal of the College had Orders first to extort a contrary Obligation from the Students to that they had subscrib'd before; which being refus'd by all except some Novices, two *English* Gentlemen, and some few others, suppos'd to be the King-leaders, were the next Day apprehended, and by the City Magistrates committed to the Custody of the Soldiers. A Proclamation was also set forth, forbidding all Merchants, Tradesmen, &c. to suffer their Apprentices or Servants to go abroad on *Christmas Day*. And lastly, when the Day came, the *Town* was fill'd with Soldiers to deter the Students from prosecuting their Purpose: But they were not to be deterr'd it seems: On the contrary, issuing out in a Body, and being join'd in their way by Numbers of the *Townsmen*, &c. they made a shift to set Fire to their Pageant,

A. D. 1687.

Affairs of  
Scotland.

A tumultuous  
Pope-burning  
at Edinburgh,  
by the Students  
of the College.

A. D. 1681.

with a loud Exclamation of, *Pereat Papa!* and then wisely dispers'd, leaving his Holiness to the Care of his Protestant Defenders. It happen'd that one of the *English* Students was of the name of *Grey*; and hence arose a Suspicion, that the Lord *Grey* was at the Bottom of all: But tho' they were examin'd very strictly on this head, and even threatened with the *Boot*, they would confess nothing to authorise it. Upon which, having given Security for their farther Appearance, when call'd upon by the Council, they were discharge'd.

Here it was presum'd, this ridiculous Bustle would have ended; but the Soldiers, whether of themselves, or by Direction, is uncertain, took all Occasions after this to insult the Students; and, in particular, cleft one of them thro' the Skull, before the very Gate of the College, as it is said, without the least Provocation. This rais'd the Ferment higher than ever: The Principal and Regents, fearful of the Consequence, would have thrown themselves at his Royal Highness's Feet; but were refus'd; and when they were, at last, admitted, the Students grew jealous, that they had made a Submission, and *begg'd Pardon for burning the Pope*: Upon which they all appear'd before the Provost's Houfe with *blew Ribbands* in their Hats, inscrib'd, *No Pope!* And in passing thro' the Streets, accompany'd with Numbers of the Populace be-ribbon'd after the same manner, the whole Possie shouted forth the same Words: Nor was this all; one of the Students had rashly said, *That the Provost had deserv'd to have his Houfe burnt*. And soon after his Houfe was burnt accordingly. The Scholars were immediately accus'd of the Fact, as it was natural they should; all Appearances were against them; and no Endearments were spar'd to saddle them with it. Several were taken up and examin'd before the Council: The Story went, that one of them was tortur'd, but would confess nothing. And upon the whole, no positive Proofs appearing, all ended in setting forth a Proclamation, in which it was declar'd, that the Houfe was wilfully burnt, by throwing in of Fireballs: That it could be imputed to none but them: And all and every of the said Students, who could not, nor would not, find (e) Security for their good Behaviour, were commanded to depart from *Edinburgh* fifteen Miles, at least, in twenty-four Hours.

The Schools were, likewise, by Order of the Council, shut up; and, tho' the Principal rais'd a Doubt whether a College, established by Parliament, could, without the Authority of Parliament, be dissolv'd; and desir'd to have the Matter argu'd by his Advocates before the Council, no regard was shewn to his Plea; and the College continu'd shut till *February* the 14; when, at the In-

stance of the Magistracy of *Edinburgh*, as well as the said Principal and Regents, it was again open'd; on Condition that all the Students who were re-admitted, should give the Security before requir'd, should take the Oath of Allegiance, and sign an Engagement to attend divine Worship as by Law establish'd.

The (d) Narrative, from whence these Particulars are extracted, concludes with a Prayer for the King's long Life, upon a Surmise, that his Successor might be one, who was resolv'd to look upon his People's expressing their Detestation of *Popery*, as a Crime next door to *Rebellion*, and every public Avowal of the Protestant Religion to be an *intolerable affront to his Person*.

Whether the turbulent Spirit which manifested itself on this Occasion was laid at once; or whether it continued to haunt the Public in any other shape, we have no Authority to decide: But if those in Power met with no new Provocations, they shew'd it was no easy Matter for them to forget the old: For when it was thought advisable to have recourse to a Parliament once more, not to remove the Complaints of the *Scotts* People, but to strengthen yet farther the Hands of the Government, Occasion was taken in the King's most gracious Letter to that Assembly (after a Repetition of that favourite Court-Maxim, That the Happiness of the People was best preserv'd, by preserving the Power of the Crown) to signify, "That his Majesty expected they would not connive at the *smallest* Appearance of those wicked and seditious Principles, which (how plausibly soever disguis'd, under the old Pretences and fallacious Masks of Liberty and Religion; ever least minded by the most clamorous Pretenders to them) yet, in the Issue, led to such monstrous Effects, and rebellious Extravagancies, as necessarily tended to the Dissolution of all Government and Order."

As this Parliament had been call'd at the Duke's Instance, and for his peculiar Service, nothing would satisfy him but to represent his Majesty in it: And so great was his Ascendancy, and of so little Consequence was it now held to save Appearances with the People, that he was indulg'd in all he requir'd; whether without Opposition, or whether with such Opposition as only serv'd to shew he was irresistible, is no where explain'd. In the King's Letter it is said, his Majesty had appointed him to be his Commissioner, as an eminent Expression of his Favour, to the Parliament: And, what was yet more emphatical, That his (the Duke's) Interest was inseparable from his Majesty's: And the Duke, on his part, in his Speech at the Opening of the Session, made it his Glory, that the King had chosen him for that Service,

A. D. 1681.

But open'd again, under certain Restrictions.

King's Letter to the Scots Parliament.

The Duke's Speech.

The Provost's Houfe burnt down.

All the Students banish'd.

and the College shut up.

(e) It is observ'd, that tho' the two *English* Gentlemen offer'd such Security, it was refus'd; and so much Time was wast'd in the Application, that they were oblig'd to go out of *Edinburgh* on foot, and take post at the next Stage, lest a worse thing should befall them.

(d) It is call'd, a *Modest Apology for the Students* of *Edinburgh*, and is to be found in *Lord Sommers's* Collection, Vol. xxi.

A. D. 1685.

He is re-  
cited as the  
King's Com-  
missioner in  
Scotland etc  
incapable by  
Law.  
[P. 1. p. 512.]

And promises,  
in the King's  
Name, That  
the Episcopal  
Government of  
the Church  
should be main-  
tain'd, and  
that the Laws  
should have  
their Course.

vice, Since, said he, it flows to all the World  
the Goodness be bath for us, as well as the Trust  
and Confidence he bath in me.

Papists were by the Law of Scotland, as  
well as England, render'd incapable of hold-  
ing any Place of Trust or Profit. It seems  
reasonable to think, therefore, that the Scots  
might have legally refus'd to act under an  
illegal Commissioner: And Bishop Burnet  
bears witness, that above forty Members of  
Parliament were of this Opinion; and were  
actually for forming an Opposition on this  
Principle, in case the Duke of Hamilton  
would have taken the Lead: But his Grace  
being weary of striving, in vain, with the  
Torrent of Power; and finding his own Pas-  
sage easy to a Place in the Council, in case  
he gave way to it, declin'd the Service: And,  
what is yet more strange, the Patriot-Advo-  
cates, Lockhart and Cunningham, pronounced,  
that the Words *Places and Offices of Trust* did  
not comprehend a Commission to represent  
the King's Person.

Thus his Royal Highness found all Incapacities  
as effectually remov'd, as if he was  
already in possession of the Crown: And, as  
if convinced by this Instance of Ductility,  
that the Parliament was in a Disposition to  
swallow any thing, proceeded to promise  
most royally, in the King's Name, That the  
Episcopal Government of the Church should  
be inviolably maintain'd: That the Laws  
should have their Course, &c. At the same  
time also, and under the same Authority, so-  
lemnly recommending such Courses as should  
most effectually suppress *seditions and rebel-  
lious Conventicles*; and signifying his Majesty's  
Expectations, "That they would not be  
short of the Loyalty of their Ancestors, in  
vigorously asserting and clearing his Royal  
Prerogative, and in declaring the Rights of  
his Crown in its natural and legal Course of  
Descent; as also, in taking care to settle and  
provide seasonable and necessary Supplies,"  
&c.

The Duke, it seems, made a right Judg-  
ment of those he spoke to. In their whole  
Answer to his Majesty's Letter, there was but  
one Expression which seem'd to argue they  
durst entertain a Thought which would be dis-  
pleasing to his Royal Highness, *viz.* "That  
they should with all Christian Care and Duty  
endeavour to confirm his Majesty's Concern  
for the Protestant Religion, so as it might  
become a solid and pious Support to his  
Royal Family, and Monarchy, and a sure  
Fence in this disturbed and divided Church,  
against all the *Usurpations and Disorders of  
POPEY and FANATICISM.*"

Possibly, even this seeming-uncourtly Strain  
of Zeal may be accounted for. If the King-  
dom was once secur'd, all Things might  
be added to it: And, as the Dread of Popery  
was the main Obstacle, whatever had the Force  
of providing for the Safety of the Protestant  
Religion, had a real Tendency to establish the  
Succession. Now the Business of the Scotch  
Parliament had, thro' the Corruptions and En-  
croachments of the Times, devolv'd upon, and  
been prepar'd and digested by, the *Lords of  
Articles*; and these, who were wholly under

the Influence of the Court, had so order'd it,  
that the Session should be open'd by two Acts;  
the first of which was apparently calculated to  
smooth the Passage for the other, *viz.* One  
for ratifying and approving all Laws then  
in being for the Security of the Protestant  
Religion, and against Popery: And the other  
declaring, That no Difference of Religion;  
nor no Act of Parliament, made or to be  
made, could alter or divert the Right of Suc-  
cession, or lineal Descent of the Crown; or  
could stop or hinder them in the full, free,  
and actual Administration of the Govern-  
ment; and that it was High Treason in any  
of the Subjects of that Kingdom, by writing  
or acting, by Word or Deed, to endeavour  
the Alteration or Suspension of the said Right  
of Succession, &c.

Bishop Burnet says, that when these Bills  
[Hist. p. 510] were brought into the House, some mov'd,  
in relation to the first, that the Laws in ques-  
tion might be examin'd before they were  
confirm'd, some being too severe, and some  
having prov'd inefficual: That, however,  
no Regard was shewn to these Scruples, nor  
could any Delay be admitted of: And that  
the Bill itself was an Amusement, and no  
more; as indeed was in a manner self-evident;  
for nothing new was obtain'd in it; no not  
the Approbation of him who pass'd it; for he  
acted by Deputation, and could only renew  
the Sanction which his Brother had given  
already. And, of the second, the said Pre-  
late adds, That the leading Patriots of all  
Ranks, particularly the Duke of Hamilton  
and Earl of Argyle, eipous'd it with Zeal:  
That all others that intended to writ  
it made Harangues about it: And that the  
Lord Tweeddale was the only Person who  
ventur'd to move, That the Act might be  
made as strict as possible, with relation to  
the Duke (and his Family, must be understood)  
but no farther; since the Queen of Spain,  
who was his Majesty's Niece, stood to near  
the Succession; and it was no amiable thing  
for the Kingdom to become a Province of  
Spain. Upon the whole Matter, both Acts  
pass'd, without one dissenting Vote; and  
the Duke, when he gave the Royal As-  
sent to them, took occasion to declare, That  
[Gazette, Numb. 164.] he did very heartily go along with them in  
providing for the Security of the Protestant  
Religion: At which the House appear'd as  
much overjoy'd, as it was possible for the  
Patriots of England to have been on obtain-  
ing their favourite Exclusion-Bill.

The next Sacrifice that these Court-Idol-  
aters were call'd upon to make was a Free-  
will-offering of a new Supply, towards the  
Maintenance of the Forces; which, to shew  
they were cheerful Givers, was also dispatch'd  
without one Negative: And, with almost the  
same Generosity, they continu'd the Excise,  
which was devoted to the same Use; for,  
upon the Question, but fix appear'd against  
it.

These were manifest Court-Jobs, and as  
such were manifestly agreed to; for, by the  
Death of the Lord Chancellor *Rolles*, at the  
very Opening of the Parliament, a great Place  
was become vacant; and those who had the

A. D. 1685.

Which is de-  
clared to be  
lineal and un-  
changeable.

A new Supply  
granted for  
the Forces.

The great  
Drift of hold-  
ing the Par-  
liament was,  
to secure the  
Succession.



A. D. 1681.

best Pretensions by having the most Influence, vied with each other in Prostitutions, in the hope of being intitled by superior Merit to succeed him. And, that no Advantages which might be drawn from so yielding a Parliament might be lost, all the Addresses that these notable Candidates were Masters of was brought into play to annex new Powers to the Prerogative, by Acts seemingly calculated for the sake of Justice and Reformation. Thus, when Application was made in behalf of the Subject, against those little Tyrants who had a sort of Sovereignty in their own Lordships, it was promis'd, that there should be a Regulation of the Courts held by them, by subjecting their several Jurisdictions to the Review of the supreme Judicatories. "But the Act, says *Burnet*, was penn'd in such Words, as importeth, that the whole Course of Justice all over the Kingdom, was made subject to the King's Will and Pleasure. So that, instead of Appeals to the supreme Courts, all was made to end in a personal Appeal to the King: And by this Means, he was made Master of the whole Justice and Property of the Kingdom."

The King made the final Rules of Law and Justice. P. 515.

P. 514.

Proceedings against Lord Halton.

The same Prelate adds, "That, as they were going on in public Business, one stood up in Parliament, and accus'd the Lord *Halton*, the Duke of *Lauderdale's* Brother-in-law, so often mention'd, of Perjury, on the Account of *Michel's* (r) Business. He had in his Hands the two Letters that Lord *Halton* had written to the Earl of *Kincardin*, mentioning the Promise of Life that was made him: And, as was told formerly, Lord *Halton* swore at his Trial, that no Promise was made. The Lord *Kincardin* was dead before this: But his Lady had deliver'd those Letters to be made use of against Lord *Halton*. Upon the reading them the Matter appear'd plain: The Duke was not ill pleas'd to have both Duke *Lauderdale* and him thus at Mercy; yet he would not suffer the Matter to be determin'd in a parliamentary way; so he mov'd, that the whole thing might be refer'd to the King; which was immediately agreed to: So that infamous Business was made public, and yet stifled at the same time; and no Censure was ever put on that base Action."

How represented in the Gazette, Numb. 1651.

Thus the Bishop. And yet in the Account of the *Scottish* Transactions publish'd by Authority, we find the Fact stated as follows: "There having, soon after the Opening of the Parliament, been Articles presented by one *Noble* against the Lord *Halton* (there call'd *Halton*) Lord Treasurer Depute for a pretended Subornation of Perjury, in the Case of one *Michel*, who suffer'd Death as a Traitor: And the *Lords of the Articles*, having examin'd the same, and the Lord *Halton's* Answer, they were so little satisfy'd with the said Accusation, that they would have immediately rejected it, and would have caus'd the Accuser to have been exemplarily punish'd, had not the Lord *Halton*,

A. D. 1681.

press'd, in his own Vindication, that the Matter might be brought to the severest Trial: Which the *Lords of the Articles*, considering his Lordship is one of his Majesty's Officers of State, thought not fit to allow of, till his Royal Highness, as his Majesty's High Commissioner, shall have represented the Matter to his Majesty, as it lies before them; and that his Majesty shall have signify'd his Royal Pleasure therein."

The Bishop further writes, "That the Lord *Bargeny*, who was Nephew to Duke *Hamilton*, had been clapt up in Prison, as concern'd in the Rebellion of *Bottwell-Bridge*. Several Days were fix'd on for his Trial; but it was always put off: And at last he was let out, without having any one thing ever objected to him. When he was at liberty, he us'd all possible Endeavours to find out on what Grounds he had been committed: At last he discover'd a Conspiracy, in which *Halton* and some others of the Party were concern'd. They had practis'd on some who had been in that Rebellion to swear, That he (*Bargeny*) and several others were engag'd in it; and that they had sent them out to join in it. They promis'd these Witnesses a large Share in the confiscated Estates, if they went thro' in the Business. *Depositions were prepar'd for them*, and they promis'd to swear to them; upon which a Day was fix'd for the Trial: But the Hearts of these Witnesses fail'd them, or their Consciences rose upon them; so that, when the Day came on, they could not bring themselves to swear against an innocent Man, and plainly refus'd to do it: Yet, upon new Practices, and new Hopes, they again resolv'd to swear boldly: Upon which new Days had been set, twice or thrice; and, their Hears turning against it, they were still put off. Lord *Bargeny* had full Proofs of all this ready to be offer'd; but the Duke prevail'd to have this likewise refer'd to the King: And it was never more heard of."

The Gazette, on the other hand, only says, "That several Witnesses having been examin'd, at the Instance of the Lord *Bargeny*, against the Laird of *Ardmillane*, his Royal Highness, and the *Lords of the Articles*, did not find Ground to secure the Laird of *Ardmillane*, as was desir'd by the Lord *Bargeny*; but left it to him to consider, if he would insist on a Process against the Laird of *Ardmillane*, upon the Grounds of his Petition, and to chuse before what Judiciary he will bring it."

It is observable, that what these Grounds were is left to Conjecture; and that not the least Mention is made of the Lord *Halton's* Name, in this second Cause: But, if what follows be true, which we are to take on the Bishop's Authority, no question can be made, but that the Lord *Halton's* Conduct had been such, as no Privilege ought to have screen'd, as no Government ought to have pardon'd. His Lordship's Words are these: *Vol. i. p. 523.*

"The

A. D. 1681. "The Accusations of Perjury were stifled by him (the Duke;) and all the Complaints of the great Abuse Lord *Haltin* was guilty of, in the Matter of the Coin, ended in turning him out of all his Employments, and obliging him to compound for his Pardon, by paying 20,000 *l.* to two of the Duke's Creatures; so that all the Reparation the Kingdom had for the Oppression of so many Years, and so many Acts of Injustice, was, that two new Oppressors had a Share of the Spoils; who went into the same Track, or rather invented new Methods of Oppression. All these Things, together with a Load of Age, and of a vast Bulk, sunk Duke *(f)* *Lauderdale* so that he died that Summer."

Duke Lauderdale dies.

A new Test against Popery and Fanaticism.

We come now to that Affair, which, both in the Transaction and the Event, was the most important of the Session: Namely, the Act for imposing a new Test, which was to secure the Protestant Religion equally against *Popery* and *Fanaticism*.

The Right Reverend Historian, just quoted, introduces this Matter with observing, That a Promise had been given in the Beginning of the Session, that, as soon as the Act for maintaining the Succession was past, the Protestant Religion should be yet further secur'd, by any other Expedient that could be propos'd or desir'd. Accordingly that Act was no sooner pass'd, but those who had most Zeal call'd aloud for the Consideration; and the Cry was so popular, that there was no withstanding it. Such a Test was therefore propos'd, and consisted at first of no more than a Profession, upon Oath, of the Protestant Religion, as also a Resolution to maintain it, and an unreserv'd Acknowledgment of the King's Supremacy, which was to be made the Condition, *sine qua non*, of holding any Office of Trust or Profit, in Church or State. But on this Stock the Court-Party thought fit to graft several other Clauses: Such as the solemn Disavowal of Resistance, for any Cause, or under any Presence whatsoever; an Engagement, as solemn, never to join in any Endeavour to alter the Government in Church or State; a Renunciation of the *Covenant*; a Declaration, that it was unlawful for Subjects to enter into any Covenants or Leagues, or to hold any Meetings in order to deliberate or determine on Matters of State, Civil or Ecclesiastic; and an Obligation to maintain all the King's Rights and Prerogatives.

The Bishop asserts, the Test was thus loaded, to make the other Side grow weary of the Motion, and let it fall; which, it seems, they were willing enough to do, when they found how heavy it was like to prove. But no sooner did they discover that Inclination, than the *Refiners* about the Duke induced him to temporize once more, and to make this farther Sacrifice to the Protestant Religion, in regard of the Advantages arising from it to his temporal Interest.

The other Party, now finding themselves entangled in their own Noose, turn'd against the Bill they had before contended for, and some of them with more Warmth than Discretion: In particular, the Lord *Belhaven*, was rash enough to say, "That, tho' the Bill did abundantly secure the Protestant Religion, against *Popery* and *Fanaticism*, it made no Provision against a fanatical or popish Successor." Which Words were no sooner out of his Mouth, than three Parts in four of the House, cry'd out, *To the Castle! To the Castle!* And tho' his Lordship would have explain'd away the Offence, by pleading, That his Words related only to what might happen a hundred Years after, he was committed by order of the House, under a Charge of Treason, on the late Act, relating to the Succession; but was afterwards releas'd, on his humble Application to the House by Petition, and submitting to acknowledge his Fault, and ask Pardon on his Knees.

A. D. 1681.  
Lord Belhaven committed to the Castle of Edinburgh.

This Incident did not, however, put an End to the Opposition to the Bill; on the contrary, two or three Clauses in it gave rise to very warm Debates, viz. 1. That which provided that the Test should be taken, especially by all Members of Parliament, and Electors of Members of Parliament. Against which it was urg'd, That the Right of voting in Elections, and of sitting when elected, was the most essential of all the Privileges of the Subject, and therefore, ought, on no account, to be restrain'd: And on the other hand, the Bishops, who, above all things, dreaded a Presbyterian Parliament, contended as vehemently for it; on what Principle is not remember'd; and for what End, there is no necessity to explain. 2. That by which the King's *LAWFUL BROTHERS* and *Sons* were excepted. Against this the Earl of *Argyle* zealously and fatally distinguish'd himself: He said, the only Danger the Nation had to apprehend as to Popery, arose from a Possibility, that some of the Royal Family might be perverted; that, therefore, the principal Aim of the Bill, should be to shut the Door, if possible, against that Danger; and that it would be more advisable to have no Act at all, than one with such a Clause, as made express provision to leave the Nation obnoxious to it. 3. That which Bishop *Burnet*, not improperly, calls the great Point of all, namely, *What Definition or Standard should be made, for fixing so general a Term as the Protestant Religion.* The Confession of Faith then us'd in Scotland was that which had been set forth by the Assembly of Divines at *Westminster*, in 1648, and which the Kirk had authoriz'd, and the Bishops hitherto continu'd at: But this, as Presbyterian, it may be presum'd, was willfully overlook'd; and another, which had been fram'd in 1559, and which had receiv'd the Sanction of a Law in 1567, but was now grown so obsolete, that scarce a Person in the House, and not

Rat. relas'd on his Submission.

(f) *Ferguson* asserts, That he had so incens'd the Duke, by saying, "That all his Royal Highness had done in Scotland was nothing, in regard the Oaths (of Qualification) were

omitted; And that the Parliament he had held was but a Convention," that he durst not trust himself within his Reach. *Growth of Popery, Part II. p. 310.*

A. D. 1681.

one of the Bishops had ever read it, was recommended in its stead. Our Right Reverend Historian declares, That he who propos'd it, and who was the only Person in the House who had read it, did so on a Presumption, that when certain Propositions in it came to be consider'd, it would induce those in Power not to put the Act in force: For whereas, according to the *Test*, it was unlawful for Subjects to take up Arms against the King, or those commission'd by him, on any pretence whatsoever; according to this *Confession of Faith*, &c. (which was fram'd to justify the deposing *Mary Queen of Scots*, and the obliging her afterwards to resign) it was not only held lawful, but meritorious, to repress Tyranny.

But, from whatever Motive it was propos'd, it was greedily embraced; and not more so by the Duke and his Courtiers, than the Right Reverend Fathers of the Church; who had neither the Ingenuity to acknowledge their Ignorance, nor the Grace to adjourn the Debate till they could procure Information; but, without Shame or Conscience, set the Example of implicit Faith, which they wanted the whole Nation to follow.

But one Day was allotted to the Consideration of an Affair of this very delicate Nature; in which short Space, all the Objections that were started by those who oppos'd it, were over-ru'd, and all the Scruples that must have unavoidably arisen in the Minds of those who appear'd for it, were stifled; and, to the Disgrace not only of the Protestant Religion, but even of Christianity itself, it was finally pass'd at Six o' Clock in the Evening, by a Majority of seven Voices: Which serves to shew, that, whatever Merit was made of it, it was look'd upon as the most iniquitous Job of this iniquitous Session.

With this enjoining Act, and one more for securing the Peace of the Country, the Business of the Session was clos'd; and soon after, the Parliament was (g) adjourn'd till the first of March.

Bishop Burnet (who, in the *Scottish Affairs*, and more especially in this particular Period, is upon the Whole our best Guide) asserts, that Lord Hyde, immediately on the Separation, was sent down from the King to the Duke, as it was given out, to press him, in his Majesty's Name, to return to the Church of England; that by such an Act of Grace he might have the Affections of the People to depend upon, as well as the Powers of the Government. "I was assured, says his Lordship, that Lord Halifax had prevail'd with the King to write to him to that Purpose: The Letter was written, but not sent. But Lord Hyde had it in charge to manage it as a Message. How much of this is true I cannot tell; one thing is certain, that, if it was true, it had no Effect."

While his Royal Highness was thus victorious and triumphant in Scotland, by the Help of a Parliament, the Ministers in Eng-

land made it appear by their Actions, that they resolv'd to do as great Things without one.

We have already taken notice, that a Bill of Indictment had been found against *Cellege at Oxford*, though it had miscarry'd in London: And it being held neither fair nor expedient to hurry on his Trial during the same Affize, it was postpon'd till August the 17th; when a special Commission of Oyer and Terminer was issued for that Purpose, to the Lord Norreys, as Lord Lieutenant of the County, Lord Chief-Justice North, and the puisne Judges *Jones, Raymond, and Leven*. Mr. North, who, as Council for the King, was himself a Party in this Transaction, takes sufficient Care to shew how deeply the whole Faction engag'd in defence of the Prisoner, in order to discharge every Spot and Stain which the Ink of that Faction has scatter'd on the Justice of the Court. "It is not to be conceiv'd, says he, what a Thunderclap

it was for the Faction to hear, that a prime Instrument of theirs should be brought to answer, much more to be attain'd, for Treason. They thought the whole Party safe enclos'd behind the Sheriffs of London and Middlesex, with their Partizans of *Ignoramus*; and that the whole Law was enervous as to them. And now for one of them to be hal'd forth to an indifferent Trial, with the Consequences, was of the last Importance, and would render the most zealous of them less daring, and many, as had been found in divers Instances already, go over, and become Discoverers. This made the whole Party engage, as *pro Aris & Focis*, with all the Skill and Interest they had, to boom off this Fireship, and save their Friend.--- And the Attendance was accordingly; for there was scarce a pragmatical Town-party-man absent, and abundance of the vulgar Sort of them," &c.

The same Author also adds the following remarkable Incident: "When the Ld. Chief-Justice North and Mr. Justice Jones arriv'd (at Oxford,) just at his Lordship's alighting out of his Coach, a Servant put into his Hand a Letter, with only these Words in it, *You are the Rogue the Court relies on for drawing the first innocent Blood*; and this, it seems, his Lordship soon after shew'd to his Friends; under this Remark, *These Men think me to be so poor-spirited, as to be frighted from my Duty by such silly Stuff as this*."

But if one Party made it a Point to do all they could to save the Prisoner; it may also he said with equal Justice, that the other made it a Point to dispatch him: And however roughly Mr. North handles Bishop *Ker*, for insinuating, that the Man was singled out to die for the Sins of his Party, the Fact is as well warrant'd as any Fact of that Nature can be.

More than ordinary Care has, however, been taken to make the contrary believ'd: In the Front of the Trial, we find two Petitions

A. D. 1681.

Proceedings against Colledge at Oxford.

[Examen, p. 588.]

An insulting Letter sent to the Lord Chief Justice.

The Test-Bill pass'd.

and the Parliament adjourn'd.

A. D. 1681.

tions of *College* to the King: The first for Leave for his Children to have Access to him, as also Mr. *Smith* and Mr. *Wol*, and that he might have the Use of Pen, Ink, and Paper; all which was granted: And the second, That he might have a Copy of his Indictment; that his Council, naming eleven Persons, and Solicitor, might have free Access to him; and that he might have a Copy of the Jurors, to be return'd upon his Trial, some Days before it came on. Now tho' the first of these Petitions was fairly and fully granted, the second was cut short; and the Order of Council in answer to it, grants no more than, that his Friends and Relations should have Liberty of visiting and freely conversing with him, first giving in their Names to the Lieutenant of the Tower. *Hawles*, the Lampon-Lawyer, as he is, not over decently, call'd by Mr. *North*, enumerates the singular Favours of the Court to a Man of such low Degree: As, that he was lodg'd in the Tower, was allow'd the Assistance of Council, and was try'd by an extraordinary Commission: But adds, *That all this was only to make sure Work of him*: For, it seems, the King's Council had so order'd the Matter, that the Goaler and Messenger, who were to conduct *College* from Prison to Court, should run him into a House, in his Way thither, and take away all his Papers, which contain'd the Instructions given him by his Council in the Tower. This was done accordingly, and the said Papers were deliver'd to them: In consequence of which, the Favour shewn him in the Tower prov'd only a Snare for his Life; they were in the whole Secret of his Defence; and became enabled thereby to attack, with their whole Force, where he was least upon his Guard.

The other Party, it seems, had been guilty of the like Violence in the Case of *Atkins*, before-treated of; and therefore could not complain now, without condemning themselves: But, except in a State of open War, one savage Action cannot authorise another; nor can any reasonable Plea be urg'd, why the Injuries suffer'd by *Atkins* should be visited on *College*, who had no Concern in them.

Under the Confusion arising from this Incident was this fatally-distinguish'd Mechanic brought into Court, and put upon his Country for his Life: The Indictment against him being, as *Hawles* acknowledges, in part according to the common Form, for Treason; but circumstantially, for designing to seize the King's Person at *Oxford*, mix'd with Words he should say; as, That there was no Good to be expected from the King; that he minded nothing but Beastliness; and that

he had endeavour'd to establish Popery and arbitrary Power.

The Prisoner, however, did not lose either his Spirit or Presence of Mind, under the ill Usage he had met with; but, for a long while together, refused to plead till his Papers were restor'd; urging, That they contain'd Directions for his Defence; that he understood the Indictment was faulty; that possibly legal Exceptions might be made to it, which, for want of Skill in the Law, he might lose the Advantage of; that this Design was not only against him, but against all the Protestants, &c.: But all he could say was over-ruled; tho' Council had been assign'd him, on his Petition, to prepare him for his Trial, he was to have no more Benefit of their Assistance than his own Memory could furnish: And as for a Solicitor, Mr. Serjeant *Jeffreys* crav'd Leave to put that Solicitor in mind, if such a one there was, that a Person acting in that Capacity for a Prisoner indicted of High Treason, was himself accus'd of High Treason. And, while this Controversy lasted, the very Papers in dispute were examin'd by the Attorney General and his Brethren, and finally handed up to the Bench, where Part of them were declar'd libellous (in these elegant Terms, by Mr. Justice *Jones*, One of them [the Papers] is a *(b)* Speech, and a most seditious, libellous Speech, to spit Venom upon the Government, in the face of the Country), and therefore to be suppress'd; and Part of them contain'd Instructions for the Prisoner as to Matters of Law; and those, it seems, he could have no Benefit of, because whatever he had of that kind to propose was to flow from himself. Lord Chief-Justice *North*, indeed, was more moderate; he was at one time for letting him have rather too much for his Defence than too little; at another, for letting him have a Transcript of his Instructions, leaving out what was scandalous; at a third, for granting a Copy of the *Whole*; but, in the End, finding his Brethren in a less relenting Mood than himself, reduced his Indulgence to the narrow Bounds of permitting him to make what Use he could of the Paper by perusing it, in the Custody of the Sheriff's Son, while the Court adjourn'd to dine: Concerning which last Circumstance *Hawles* affirms, it was only a Pretence to give the King's Council farther Opportunity to inspect the Prisoner's Papers, and to consider of the Method of his Prosecution by them; which, continues he, they did, and alter'd it from what they at first design'd it: And he farther intimates, That the Adjournment was made at the Instance of the King's Council; and that their Whispering with the Lord Chief-  
Chief-

Remarks, p. 21.

The Prisoner's Approval of his Papers.

(b) Part of this we find profess'd by Mr. *Edward* as follows:

"Before you plead, speak to this Purpose: My Lord, I have been so that only make an Innocent to an Englishman, but I believe more barbarously than any civilised Villain under the Tyranny of Turkey or France. When I was first apprehended, I was, contrary to the Privilege of the City of London, carry'd out from thence before a Secretary of State. I might with as much Justice have been hang'd at Tyburn

by the way, as to be brought hither to be murder'd with a little more Formality. If the Attorney-General, or any of the King's Council interrupt you, &c. answer thus, I will not be murder'd in His Majesty's Name. When you come to open your own Evidence, speak to this Purpose, so the Judges and Jury, I hope you will not bring in much Scandal upon yourselves, as to be the Pope's Druggist, and give the first Blow in the Protestant Cause, by awarding me upon such infamous Evidence.

A. D. 1681.

and reflects in plain words upon them.

A. D. 1691. Chief-Justice, which he calls both an unjust and an indecent thing, was over-heard, &c. *See p. 128.*  
 But even this small Concession was not made till the Prisoner had submitted to plead *Not guilty*, and put himself on God and his Country; which was, at once, admitting the Indictment, and forgoing all the (i) Advantages which his Instructions might have enabled him to take against it.

To proceed.— At Two in the Afternoon, the Ceremonial of the Trial was resum'd; when the Attorney-General, says our Law-Critic, insisted, That the King's Witnesses ought not to be examin'd out of the Hearing of each other: In which he was over-ru'd, but the Rule not observ'd; nor was it material, for the King's Council having the Prisoner's Writings, and by them observ'd how he intended to make the Witnesses against him contradict themselves, they did not produce such (A) Witnesses as were instructed to concur in the Evidence of the same Matter, but produced only such as were instructed to give Evidence of distinct Matters.

*Dugdale* began the Charge, who gave Evidence of vilifying Words spoken of the King, as that he was a Papist, and as deep in the Plot as any of them, &c. at several times, at *Oxford* and *London*, by the Prisoner, to himself alone; that he shew'd the Witness several scandalous Labels and Pictures, viz. the intercepted Letter to *Roger Lestranger*, a Character of a *popish Successor*, the *Raree-screw*, *Mac-Ninny*, &c. and said he was the Author of them; that he had a Silk-armor, a Brace of Horset-pistols, and a Pocket-pistol and Sword; that he said, he had several stout Men to stand by him, and that he would make use of them for the Defence of the Protestant Religion: That the King's Party was but a Handful to his Party. *Stevens* and *Atterbury*, Messengers, swore the finding of the Original of the *Raree-screw* (that is to say, a Drawing with black Lead; but this original Drawing was lost before the Trial came on; which is strange enough, considering the Importance it was of, and the great Circumspection that appear'd in all other Particulars) in the Prisoner's Chambers. *John Smith*, alias *Harvey*, swore his speaking scandalous Words of the King, and of his having Armour; and that, when he shew'd it the Witness, he said, *These are Things that*

*will destroy the pitiful Guards of Rowley*: That he said, he expected the King would seize some of the Members of Parliament at *Oxford*; which if done, he would be one who should seize the King: That he said, *Fitzgerald* at *Oxon* had made his Nose bleed, but before long he hoped to see a great deal more Blood shed for the Cause: That if any, nay if *Rowley* himself, came to disarm the City, he would be the Death of him. *Hoyne* swore he said, Unless the King would let the Parliament sit at *Oxon*, they would seize him, and bring him to the Block; and that the City had one thousand five hundred Barrels of Powder, and one hundred thousand Men ready at an Hour's Warning. *Turberville* swore he said at *Oxford*, That he wish'd the King would begin; if he did not, they would begin with him, and seize him; and that he came to *Oxford* for that purpose.

Mr. *Masters* swore, That in Discourse between him and the Prisoner, he justify'd the Proceedings of the Parliament in 1640; at which the Witness wonder'd, and said, How could he justify that Parliament that raised the Rebellion, and cut off the King's Head? To which the Prisoner reply'd, That that Parliament had done nothing but what they had just Cause for; and that the Parliament which sat last at *Westminster* was of the same Opinion: That he called the Prisoner *Colonel* in mockery, who reply'd, Mock nor, I may be one in a little Time.

Sir *William Jennings* swore as to the fighting with *Fitzgerald*, and the Words about his bleeding; with some Difference of Expression, viz. *I have lost the first Blood in the Cause, but it will not be long before more will be lost.*

As to the Prisoner's Defence, it consisted in the most solemn and explicit Denials of every treasonable Circumstance sworn against him; and in endeavouring to destroy the Credit of the Witnesses, by fastening a very strong Suspicion, if not a positive Proof, of Subornation upon them; and he brought such Matters against them all, except Sir *William Jennings*, and *Masters*, (the first of whom he acknowledg'd to be a Gentleman and a Man of Honour) as shew'd them to be of the most (1) abandon'd of the human Species. It is in particular remarkable concerning

(1) *Havelock* affirms there was Matter in them for quashing the Indictment: Adding, And he hired to mock to the Court, as that the Indictment contain'd Crimes of a different nature, as Treason and Misdemeanour; and I think it was good Cause to quash the Indictment. In all Civil Matters, two Matters of different natures cannot be put in one Action, as Debt and Treason: Two capital Crimes of different natures cannot be join'd in one Indictment, as Murder and Robbery: And for the same, and another Reason, Treason and Misdemeanour cannot be join'd in one Indictment: For the Jury may observe, that one Part of the Indictment, which is itself is not Misdemeanour, as that he (the King) did, The King misdeed nothing but *Beastliness*, &c. two charg'd in the Indictment as Treason, was prov'd, and not the material Parts of the Indictment, as obliging to force the King's Person, &c. and finding some Part of the Indictment prov'd, might find him guilty generally; which extends to every Article of the Indictment; and so the Jury is deceiv'd, and the Prisoner in Danger. *Remarks*, p. 26, 27.

(2) That we find confirm'd by *Colles* himself on his Trial; for, when one of his Witnesses, who had declar'd of *Hoyne*, that

he had heard him say, That he knew nothing of a Popish Plot nor a Presbyterian Plot neither, but if he were to be an Evidence, he should not care what he swore, but would swear or say any thing to get Money, would have gone on to expose the two *Macnamers*'s equality; and was check'd by *Sirgeant Jefferys*, who said, *They had nothing to say in this*, *Colles* observ'd upon it, "They have been Evidence against me (meaning before the Grand Jury) tho' you do not now produce them: They are all in a String; but they are not now brought, because my Witnesses are prepar'd to answer them."

(3) A Truth which I find thus illustrated in the Remarks, is often already quoted, as follows:

"Who could believe any of those four Witnesses, *Dugdale*, *Hoyne*, *Turberville*, and *Smith*, if it were for no other Reason than the Improbability of the thing, that, as *Colles* said, was it probable he should trust things of that nature with Papists, who had broken their Faith with their own Party, who could lay greater Obligations of Secrecy upon them than he was able to do? That he, a Protestant, should trust People who had been employ'd to sue Protestants Themselves, and neither of them ever discovered any of the thing

A. D. 1681.

[Barret, v. i. p. 595.]

cerning *Dugdale*, that having been charg'd by *Oates*, who upon this Occasion stood forth to testify the Evidence of those who had supported his, with having given out that he was poison'd, when his Malady was in truth a venereal Disorder, he put the whole Credit of his Testimony on the Proof of that single Article; and yet the Fact was prov'd upon him, before the King and Council, by *Dr. Lower*, who had prescrib'd to him on that Occasion; to whom the Author of *No Protestant Plot*, Part i. adds also *Dr. Needham* and *Dr. Carey*.

And as to *Turberville* and *Haynes*, *Oates* produced a (an) Petition, which they, together with one of the *Macnamara's* and others, had presented to the Lord Mayor, Aldermen, and Common-council, of the City of *London*, praying, That they would contribute to their present Support and Maintenance; and, by way of Inducement, setting forth, That the Papists had not only far wrought upon the Necessities of some, as that, for a present Supply, they had shipwreck'd their Consciences; but that they were tampering with, and labouring to corrupt, others of the molt

considerable Witnesses. It happen'd, or it was so managed, that, tho' this (n) Petition was read in Court, *College* did not hear it; which, it must be presum'd, was the Reason why he did not immediately draw such Conclusions as were natural and obvious from it, viz. That *Turberville* and *Haynes* themselves had now shipwreck'd their Consciences, and were become as corrupt as those they had before refer'd to. And as to the Bench, or the Lord Chief-Justice for them, they unfortunately could see nothing in it, which could be of use to the Prisoner: For, says his Lordship, most notably, "To say, as they do in that Petition, That they had been constant Witnesses for the King against the Papists, and that they have been tempted to UNSAY what they have said, does not contradict what they now say." And *College* replying, "I suppose they say they have been tempted to turn the Plot upon other People, and to make a Plot upon the Protestants." His Lordship iterates, with all the Simplicity in the World, *They have been tempted, they say, by the Papists to UNSAY what they have said: Nor can that broad Comment of Oates's,*

A. D. 1681.

That

things they swore, till after the *Oxford* Parliament, though most of them were pretended to be translated & spoken before?

Who could believe *Dugdale* in any Part of his Evidence against the Prisoner, when *Oates* testify'd against him, that he said he knew nothing against any Protestant in England? And being testify'd by *Oates*, that he had gone against his Conscience, in his Evidence against *College* to the Grand Jury at *London*, he said; *It was long of Colonel Watercup, for he could get no Money else*; which was a plain Confession he had sworn wrong, and Confession of the Cause for which he did it; and of the Person by whom he was induc'd to do it: That he had given out that he was poison'd; whereas his Disease was a Clay, which was an ill thing in him, as it imply'd a Charge of poisoning him on other Persons: And when *Elizabeth* had testify'd against him, that he said, after *College* was in Prison, that he did not believe *College* had any more Hand in any Conspiracy against the King, than the Child unborn; and that he had as love have given a hundred Pound he had never spoken what he had; and that he had nothing to say against *College*, which could touch his Life: And when *Teit* testify'd against him, that when *Faines* said *College* was an honest Man, and stood up for the Good of the King and Government; yet, said *Dugdale*, *I believe he lies, and I know nothing to the contrary*.

Who could believe *Haynes* in any Part of his Evidence against the Prisoner, when *Hall* and *Mrs. Richards* said, he owned he was employ'd to put a Plot upon the Dissenting Protestants; when *Haley* testify'd against him that he was a Thief, and had *John Winsley's* Tunic; when *Law* testify'd that *Hensh* said the Parliament were a Company of Rogues, for not giving the King Money; but he would help the King to Money enough out of the *Fanatics* Estates; when *Hickman* testify'd against him, he heard him say, *God damn him*, he cared not what he swore, nor against whom he swore, for it was his Trade to get Money by swearing; when *Mrs. Oliver* said that he had written a Letter in her Father's Name, without her Father's Knowledge; when *Roberts* testify'd against him, that he said he knew nothing of a *Popish* or a *Presbyterian* Plot; but if he were to be an Evidence, he cared not what he swore, but would swear any thing to get Money; when *Esward* testify'd against him, that he said, *Necessity* and *hard Pay* drove him to say any thing against the Protestants: And being testify'd that his Evidence against *College* agreed not with what he had formerly said, he said, *he could not repeat it, but his Freery and self preservation drove him to it*; which was a plain Confession of the Falshood of his Evidence, and of the Reason of it; and add, it was a *Jejurament* upon the King or People, the *Witnesses* swearing against them, for owing the *Truth* of their Estates; which can have no other Sense, than the *Witnesses* swearing themselves against the *King*, was a *Jejurament*.

How could *Turberville* be believ'd in any Part of his Evidence against *College*, when *Oates* relatus against him, that he said a little before the *Witnesses* were sworn against *College* at the *Old-Baily*, that he was not a *Witness* against him, nor could give any Evidence against him: And yet af-

terwards at *Oxford*, *Turberville* told him he had sworn against *College* to the Grand Jury, and said the Protestant Citizens had seduced him, and *God damn him* he would not *swear*? Which Words, I think, need no Explanation.

And lastly, how could *Smith* be believ'd in any Part of his Evidence against the Prisoner, when it was testify'd against him by *Blake*, that he said *Haynes's* Discovery was a Sham-Plot, a *Meal-Tub-Plot*? The Meaning of these Words, I think, are well known. That he would have had *Robins* swear against *Sir John Brink*, the Lord *Southey*, and *College*, things of which he knew nothing, and told him what he should swear, lest they should disagree in their Evidence: When it was testify'd against him by *Oates*, that he said, *God damn him*, he would have *College's* Blood; when it was testify'd against him by *Menckley*, that he tempted *Menckley* to be a *Witness* against *College* and *Sir John Brink*, and was very inquisitive to know what *Discourse* he had with the Lord *Faulcon*, *Sir John Hervey*, and *Mr. Stora* on the Road to *Oxford*; and said, if the Parliament did not give the King Money, and flood on the Bill of Exclusion, that was *Fit* enough to fear a *Draigo* to lecture the King at *Oxford*; when *Esward*, and many others testify'd he said he knew of no *Presbyterian* or *Protestant Plot*? Now if *College's* Witnesses were credited, it was impossible the King's Witnesses could be credited, that was agreed by the Court to be true upon the Trial; it was the Answer on the Trial was, That the King's Witnesses were on their Oaths, the Prisoner's were not; which was a Reason not in Words, and not in Sense.

And lastly what *College* said on that Matter, without any Knowledge in the Law, cannot be answered. It is *not* *fair dealing*, said he, *with a Man for his Life, because the Witnesses against him upon their Oaths say the things the Witnesses for him swear; therefore the Witnesses against him may be believ'd, and the Witnesses for him not believ'd, when yet the Witnesses for him were really on their Oaths to maintain what they said for him*.

Not in the Law? for asking the Law to be that a *Witness* for the Prisoner does not be sworn, which is only made good by *Practice*, the same Law, that is to say *Practice*, is, that a *Witness* without Oath for the Prisoner, is of equal Credit with the *Witness* upon him upon Oath, and none can draw the contrary out of late Days.

(n) This Petition had been deliver'd by them to one Mr. *Wilmot*: Now this Mr. *Wilmot* had been Foreman of that Jury, which had brought the Bill against *College*, *Haynes*, at *London*, and was to have been one of the *Witnesses* at *Oxford*; but was prevented by a Charge of High Treason brought against himself; upon which he had been committed. *College* said, he had been inform'd, that when he had to try in his behalf, was very material: And the Lord Chief Justice cut him short with saying, It would be enough for him, *Wilmot*, to clear himself; for that he was charg'd with High Treason, and that by two *Witnesses* too.

(o) It is further remarkable, that tho' Mention is made of this petition in the Trial printed by the Author, and tho' it is Matter of Evidence, the Petition itself is not inserted.

A. D. 1681. That he (*Oates*) having upbraided *Turberville* with appearing against *College* before the Grand-Jury, contrary to his own express Declaration, That he had nothing to say against him; *Turberville* answer'd, *Why the Protestant Citizens have deserted us, and, God damn me, I will not flatter; 'twere to give his Lordship any new Light.* He appeals, indeed, to *Turberville*, whether he ever made use of any such Expression to *Oates*? but seems very well satisfy'd with his Negative; which Mr. Serjeant *Jeffreys*, who behaved with a very indecent Levity thro' the whole Trial, took care to support, by observing, That there was the *Oath* of the one against the *Saying* of the other.

There was, moreover, one Point of great Consequence, which *College* labour'd to prove, by the Evidence of *Everard*, namely, That the Papists design'd to make a Presbyterian or Protestant Plot, to turn off their own; and that Justice *Warcup* had endeavour'd to suborn Evidence in support of that Design: But he had no sooner laid down his first Proposition, than the Lord Chief-Justice, somewhat peevishly, interpos'd, *There is nothing concerning a Presbyterian or Protestant Plot in the Case*: From which hasty Concession, *College* very shrewdly infer'd, That if there was no Presbyterian, Protestant Plot, nor any other Persons in Confederacy with him, it was as impossible he should have a Design to seize the King, as it was improbable he should own it: Adding, Now, my Lord, this Man was sollicit to come in for an Evidence of such a Plot: And this *Everard* confirm'd, by saying, That Justice *Warcup* would have persuaded him to have sworn a Presbyterian (s) Plot against certain Lords; and that *Haynes* had also acknowledg'd to him, That Necessity had driven him to swear against Protestants.

His own personal Plot.

As to the personal Defence of the Prisoner; it was such as shew'd him to be a Man of uncommon Parts, and uncommon Spirit and Resolution. Tho' single and unsupported, with the Countenance of the whole Court against him, as well Spectators, as Council and Judges; frown'd on by these, revil'd by those, run down by all, he endur'd the Noise of the Crowd, he look'd down upon the Insult, withstood the Reason, and detected the Sophistry of the Bar and Bench, and he expos'd the Villany of the Witnesses; nor, in all the Length of Time which the Trial lasted, did he so far lose either his Temper, Understanding, Courage, or Presence of Mind, as to give his Adversaries any material Advantage: On the contrary, every thing he

A. D. 1681. said was sensible, firm, gallant, and had all the Air of Innocence to enforce it; inasmuch that he made his Party good against the whole Court, and was rather over-borne than out-argu'd at last; when the Chief-Justice directed the Jury to observe, in relation to *Oates's* Evidence, that there were the *Oaths* of three Men, viz. *Dugdale*, *Turberville*, and *Haynes*, against his single *Affirmation*, *College* obviou'd, in his turn, "That *Oates* charg'd each of them singly; and that there was but the single Denial of each of them to his Charge." When *Everard* declin'd speaking what he knew of *Warcup*, unless he had the Permission of the Court; he cry'd out, *My Lord, this is fool Play! If I die for my Country's sake, I can do it freely, and the Will of God be done: But I would have the Truth out, for the sake of the Protestants*: And, when he was to reply generally to the whole Charge against him, he made use of these elevated Thoughts and Expressions: "I have a Soul that must live to Eternity, either in Joy or Misery: I act according to these Principles; and I hope I have some Assurance of Salvation when I die. I would not call God to witness to a Lye, for a thousand Lives."— And again: "I have only Innocence to plead.— I declare, in the Presence of God Almighty, that as to whatsoever is sworn against me (enumerating the Particulars) I never had such a Thought.— They, (*Dugdale*, &c.) have sworn desperately against me; and it hath appeared, I think, by the Evidence of very credible Persons, that they have contradicted one another.— It hath been prov'd this was a Design, that they were tamper'd withal, that they complain'd they were in Poverty, that they wanted a Maintenance; and they did confess they were tempted to come over to swear against Protestants; and now the Lord knows they have clos'd with it, and begin with me."— He then transiently touch'd on the Improbability of his discovering treasonable Designs, if he had conceiv'd any such, at first Sight, to such a Fellow as *Haynes*; pleaded an Incapacity to enter into all the Particulars of the Evidence; and signify'd his Reliance on them to supply all Deficiencies; acknowledg'd, That, out of a Zeal for the Protestant Cause, he had been active for the Support of it; and that, thinking it a Shame, that the Irish Witnesses, who came over as they pretended to serve us, should want Bread, he had collected some small Charities for them: He also gave a circumstantial Account of his first Interview with *Haynes*, and what follow'd upon it, which has many (p) Things remarkable in

(s) Here Mr. Justice *Tess* who was of a warm Disposition, and kept his Zeal always kindled, took part against the Prisoner, by saying such qualities: "Now here is Mr. Justice *Warcup's* Fame traduc'd behind his Back in the Face of the Country; and it is nothing to this Cause before us." There is, moreover, a Note in the Trial, which says, That *Warcup* came into Court while this Matter was yet in Debate, and declar'd to vindicate himself; but that he was not permitted; the King's Council thinking it unnecessary.

(p) For which Reason it is here inserted: The Irish Witnesses would pretend they had something to discover of the Popish Plot, and so they would apply to me

as a Man of some Acquaintance. And the first time I saw *Haynes*, was upon such an account: The Beginning of *Harsh* laid, and it was then: I was at *Richards's* Coffee-house at *Temple-Bar*, where *Macnamara* did desire me to go out, and I should hear such a Piece of Roguery I never did hear in my Life, against my Lord *Sheffsbury*. So I did go out with them, and I called Captain *Brown*, who is since dead, to go with me; and we went to the *Hercules Pillars*, and *Haynes* there discovered what I told your Lordship before, a Design to destroy the Parliament at *Oxford*, an Army that was to land in the North, and another in *Ireland*; and the Duke of *York* was to be at the Head of them. My Lord,

A. D. 1681. in it: He, fix'd a Fallhood on *Dugdale*, though he made a Shift, by the Connivance of the Court, to shuffle off the (9) Imputation; and, being call'd upon to proceed with a Comparison of the Evidence on both Sides, a Work which, we shall find, the Lord Chief-Justice himself either was not

equal to, or did not care to meddle with, he again declar'd, That he did not well know what was said; that he could not hear Half, nor write a Quarter of it. *My Life, and your Souls, lie at stake, said he, to do me Justice: Therefore I hope you will take notice of what I had not an Opportunity to write down:* Addressing

A. D. 1681.

Lord, after I had heard all this, he did desire us all to conceal what he had said till the Parliament sat, and then he would not only discover this, but much more. He at the same time told us, that there was a Design of *Fitzgerald's* against my Lord *Shaftsbury* to take away his Life; and he was employ'd to come to his Cousin *Matsenarra*, to get him over to join in the Design, and he should never want for Money, if he would but consent; and so they would have him. After he had discovered himself, Sir, said I, you are a Stranger to me; and I never saw him before in my Days; if he had seen me, I can't tell: But, Sir, said I, either this is true, or this is false. If it be true, said he, 'Tis all true, and much more. So he up and told us much of *Colman*, and of the Resurrection between the Duke of *Ormond* and the Duke of *Tork*, and how he came to be Lord Lieutenant of *England*, and how *Plaster* came to be Prisoner, and by Means of whom, and the Letters that pass'd, and how to much a Year was given to *Phoedus*, for carrying on the Correspondence: And he told us to much, that I did wonder to hear any Man talk after that rate. After I had heard what he had to say, I told him, Sir, said I, this is either true or false that you have said; if it be true, my Lord *Shaftsbury* shall know it to-night; for I will not conceal such a matter as this of the Duke's, and if it were a Colours, he should know of it. And I did lend him word that Night; and, said I, Sir, you ought to go, for your own Security and ours too, to swear it before a Magistrate. Said he, If I should, I should be discovered. Said I, I can't think you would be discovered; if you swore it before *St. George's* or *Sir Robert Clayton*, they will not discover you. So we agreed he would swear before *Sir George Trevelyan*, and he did so accordingly; but he being out of town, I cannot have him I shall visit to produce it. I wrote a Letter last Saturday-Night to *Sir George* to bring me, and I hoped he might have been here to-day. This was the last Acquaintance I ever had with *Hoyne*. The next time I heard of him, was upon this Occasion. *Joy* comes to me in *Richard's* Coffee-house, and, said he, You are the Man that made that Discovery, which I told you before that *Hoyne* had said to me; it was about a Month or three Weeks before the Parliament was at *Oxford*. After the Parliament was dissolv'd at *Oxford*, *Joy* comes to me, and I think it was betwixt the two Terms wherein *Fitzbarris* was arraign'd and tried; I know not the Names of them; but he comes to me and tells me, he had been with my Lord *Shaftsbury*, and that there was a Friend of his that would contain a great concernment concerning the Marriage of *Sir Edmund's* *Goffrey*; and, says he, My Lord *Shaftsbury* hath desired me to go to acquaint you with it. Where is your Friend, said I? He is without, said he. So we went out of the Coffee-house; and when we came out of Doors, there was this *Hoyne*: We went to the Crown-Tavern without *Temple-Bar*; it was in the Forenoon. When we came there into the Room, he enquired all the Names, and Galliards, and Fencers about the Room, to see that no body was there. When he thought all was secure, he began to tell me he had been to acquaint my Lord *Shaftsbury* that there was a Friend of his that would discover the whole Intrigue of the Murder of *Sir Edmund's* *Goffrey*, all that *Fitzbarris* had said, and much more: And he said he that I would intrust my Lord *Shaftsbury* to be instrumental to get him his Pardon before he discover'd particularly. Thus I told him; I think it is convenient, said I, that you discover something in Writing, and give under your Hand what you can say. He was not willing to do that. Can you believe, said I, that my Lord of *Shaftsbury* will betray you? Says he, I will not trust any body; I will be satisfied. Said I, if you will not give it to any body else, will you give it in Mr. *Michael Goffrey*, *Sir Edmund's* *Goffrey's* Brother; I can have no Jealousy of him, that he will ever discover you. Said he, If my Lord *Shaftsbury* will engage to get me a Pardon, I will tell the whole Truth. Said I, I will go to my Lord and acquaint him; so I went to both my Lord and Mr. *Goffrey*; and *Sir Edmund's* *Goffrey's* two Brothers both met me at my Lord of *Shaftsbury's* House. This is the thing that he tells me; he would have me get my Lord's Protection and a Pardon for *Trent*; but the real Truth is, he sent me upon this Errand. So I came to my Lord *Shaftsbury*, and the two Mr. *Goffrey's* were in the Room; and after I had told my Lord what Discourse I had with him, says my Lord, *Collette*, these *Informers* have confounded all our Business; and they said I must have a care they do not put a Trick upon us; this may be a Trick of the Papists to ruin

us; and if they have such a Design, if they will not put it upon you and I, they are Fools. Upon your Lordship, said I, they may; but I am a poor Inconsiderable Fellow. Says my Lord, I'll tell you, Mr. *Goffrey*, Mr. *Collette* hath not only been an honest Man, but an useful and an active Man for the Protestant Interest. So I told my Lord how far I had gone with him, and that I desir'd it might be put in Writing. Says my Lord *Shaftsbury*, If he will put it in Writing, I will go once again; for I have been since I saw the Fellow, with my Lord *Mansfield*, and my Lord Chief Justice *Pemberton*, and my Lord Chancellor, and I have told them that there is such a Person in general, but I knew not the Man; as indeed my Lord did not, for only *Joy* was the Person between them that my Lord knew: And I told them, says my Lord, that he can confirm all that *Fitzbarris* has said concerning the Death of *Sir Edmund's* *Goffrey*; and that he would prove my Lord of *Darby* was in it, if he might have his Pardon: And my Lord said, They promis'd to speak to his Majesty that it might be granted. But some time the latter End of the Week I heard it would not be granted; and both of these Men follow'd me to know what they should do. Said I, My Lord *Shaftsbury* knows not but that it may be a Trick, and said I to *Joy*, I wonder why he should concern all this while, being a secretist Man, and so on; pruffed by the King in his Proclamation. Why, says *Joy*, do you think there is no Truth in it? Says I, 'Tis not my Judgment, but my Lord *Shaftsbury's* and Mr. *Goffrey's* Judgment too. He answered me again, *Fitzbarris* hath desired he may have a Pardon granted for himself and a *Friend*; and if it be these were offering in it, do you think he would move for a Pardon? Says I, Did Mr. *Fitzbarris* move for *Hayne's* Pardon? How do I know that, says *Joy* again; *Fitzbarris's* Wife told me so. Says I, Let me speak with *Fitzbarris's* Wife, let me hear her say so, and I will believe you. The next Day he did bring her to me to my House: And this was the Time and the Occasion that brought *Fitzbarris's* Wife, and *Hoyne*, and *Joy*, and Mr. *Fitzbarris's* Maid to my House; and I never saw *Fitzbarris* in my Days, till his Trial; he had any Communication with him. But, my Lord, he did talk with *Hoyne*, and confid'd in it to me. That her Husband had desired a Pardon for him. Why then, said I, he would do well to discover what he knows to my Lord *Shaftsbury*; for I was with my Lord, and he says he will pardon so many, unless he will give it under his Hand what he has to say. And he did consent to me in my own Yard, for there was were together. That he saw my Lord of *Darby* come into the Chamber at *St. James's*, when the Body of *Sir Edmund's* *Goffrey* lay under the Altar.

(2) *Collette* had ask'd of him upon what Occasion he had explain'd to him that the Name of *Randy* belonged to the King; Upon the account of the Picture, answer'd *Dugdale*. *Collette* replies, Upon what Picture was it? *Dug*, I am not certain. *Col*, Remember you have an Account to give as well as I. *Dug*, You have to many Pictures, that I can't remember them: You have shew'd me more than have been produc'd in Court. *Col*, Where had you the Picture from me, that they call *Randy's* *Shew*? *Dug*, Truly I receiv'd of them twice at *Richard's* *Coffee-house*. *Col*, Twice do you say? *Dug*, Yes; two of them, at two several times; for you having promis'd me one, you brought it accordingly to your Word. *Col*, When was that? *Dug*, I did not give an Account of the Day of the Month, and so I can't remember it: *Col*, Where was *Richard's* *Tavern* you shew'd into my Pocket, and Mr. *Bolton* was by at that time. *Col*, Then will I be willing to dye for it, if he and I and Mr. *Bolton* were at the *Green Dragon* Tavern together. When was it that I gave you this Picture? was it since the Parliament at *Oxford*? *Dug*, Do I charge you since the Parliament? *Col*, I never saw *Richard's* before the Parliament at *Oxford*. *Dug*, I do not say it was that; you give me one of the others. *Col*, 'Tis strange you will stick to nothing. Mr. *Justice* *Trent*, Mr. *Collette*, will you consider upon what Mr. *Dugdale* was call'd up about, the Exposition of the Name *Randy*? *Col*, I did examine him, and he hath committid himself; for he hath said, at the *Green Dragon* Tavern I gave him a Picture of *Randy's* *Shew*. Mr. *Justice* *Trent*, He said he never saw it; he said, he did not know which it was. *Col*, I am certain he meant that then, when he spoke it. Mr. *Justice* *Trent*, Mr. *Collette*, you were in the right way just now to manage your Evidence, in Opposition to the other Evidence: Go on in that way.



A. D. 1681.

dressing himself to the Jury, he said, "Gentlemen, I do declare and protest, as I shall answer it at the Day of Judgment, that as to what these People have sworn against me, either as to Words, or as to any manner of Treason against the King, the Government, or the Laws establish'd, I take God to witness, I am as innocent as any Person upon Earth. And, therefore, I must beseech you, be not frighted, nor flatter'd. Do according to your Judgments, and your Consciences: You are to be my Judges, both in Law and Fact: You are to acquit me, or condemn me; and my Blood will be requir'd at your Hands." And when the *Solicitor-General* undertook to sum up the Evidence to refresh the Memories of the Jury, he made use of these Words: "The Crime charg'd upon Mr. *College* is High Treason, in imagining and compassing the Death of the King: The Proof of that, hath been by a Conspiracy to seize the King here at *Oxford*: Which Conspiracy he declar'd he was in, by shewing Arms for that Purpose, and by coming down to *Oxon* with that Intent; *College* vehemently deny'd, that the CONSPIRACY WAS PROV'D; and receiv'd a Reprimand from the Bench for speaking out of Turn: But tho' he committed a Trespas in point of Form, he had certainly the Right of his Side in point of Fact.

It is not consistent with the Nature of this Work, to trace all the Circumstances of this (re) tedious Trial too minutely: It shall therefore suffice to say, That Mr. *Serjeant Jeffreys*, towards the End of his Harangue to the Jury, threw in these remarkable Words, allud'd to before, "But know, Gentlemen, That the King is concern'd; your Religion is concern'd; that Plot, that is so much agreed to by all Protestants, is concern'd: For if *Dugdale*, *Smith*, and *Turberville*, be not to be believ'd, you trip up the Heels of all the Evidence and Discovery of that Plot." And that the Lord Chief-Justice, in the Close of all, laid down two Considerations, which, he said, were to be observ'd in all Cases of the like Nature, viz. The Force of the Evidence, and the Truth of the Evidence. Upon the first of which he observ'd, that it related to Matter of Law, and therefore was the Province of the Court (meaning the Bench); and upon the last, that it related to the Facts alleg'd, and the Credit of those who alleg'd them; which was the Province of the Jury. He then quoted the two Statutes relating to Treasons; namely, That of the 25th of *Edward III.* the Practice relating to which he gave a short Explication of; adding, That the Cases describ'd in that Statute were to be manifested by some Overt Act: And that of the 13th of the King (*Charles II.*) which provided, That, if the same treasonable Intentions were manifested by malicious and advised Speaking, it was sufficient: And, after this, his Lordship proceeded to illustrate the Force of the Evidence; and beginning with the Words sworn against the Prisoner,

The Reply of the King's Council.

Lord Chief Justice's Charge.

by *Master* and *Sir William Jennings*, declar'd, That they did not amount to Treason; but that however they shew'd he had some very extraordinary Thoughts in his Heart, concerning *Divisions*, *Quarrels*, and *Fighting*, that he expected should be.—Here *College* again interpos'd; first asking, Whether those Words would not bear a more favourable Interpretation? Then affirming, with a becoming Boldness, that he was the fittest to explain his own Thoughts; and, the Chief-Justice allowing no body could tell what those Thoughts were, insisting, That then the Interpretation should be made and taken in the best Sense.

The Chief-Justice made no Reply; but went on to shew, That if the four other Witnesses deserv'd Credit, they were full Witnesses to maintain the Indictment. His Lordship's next Transition was to the Truth of the Evidence: And here, at his very Outset, he refer'd the Jury to their own Notes, as not caring to speak by Memory: But, nevertheless, having pass'd over the declaratory Part of the Prisoner's Defence, as flourishing and popular Things merely, observ'd, That *Dugdale* and *Turberville*, who were the most material Witnesses relating to what was spoken in *Oxfordshire*, had the least fail against them; profess'd he did not remember that any material thing had been said against them, except by *Oates*; whose single Affirmation he also was of Opinion ought not to have any Weight against the Oaths of three Men. His Lordship, moreover, was pleas'd to say, "I must tell you, this Matter is VERY IMPROBABLE, that, after Witnesses had sworn a thing, they should voluntarily acknowledge themselves to be forsworn, &c." And then, having again intimated, That he remember'd nothing material against *Dugdale* and *Turberville*, and pronounced, that they were two Witnesses to the full Matter of the Indictment, and two Witnesses to what was done in *Oxfordshire*, which satisfy'd all the Considerations of the Law, his Lordship concluded his Discourse with another Reference of all the other Parts of the Evidence to the Consideration of the Jury.

Thus it happen'd most unfortunately for the Prisoner, that his Lordship remember'd just enough to convict him, and not one Title in his Favour; and that in his Reasonings he pointed out the Improbability of the Witnesses confessing themselves perjur'd, without bestowing a Thought on the Improbability, before urg'd by *College*, That he should expose himself to a capital Prosecution, by saying such things to such Persons: Nor was *College* so wanting himself, as not to take proper notice of these Omissions: On the contrary, Mr. Justice *Jones* having signify'd, "That he neither should nor could add any thing to what my Lord had said;" And the other two Judges having, by their Silence, testify'd the same implicit Acquiescence; he call'd upon his Lordship to examine his Notes, and affirm'd he would find much more Evidence against *Dugdale* and *Turberville*.

A. D. 1681.

*A. D. 1681.* *Tierberville* than he had repeated: But his Appeal was to no Purpose, as his Lordship declar'd, *he could remember no more*: And the Jury, having been refresh'd at the Bar with two Bottles of Sack, by Direction of the Bench, withdrew to consider of their Verdict; and, in half an Hours time, dispatch'd a Cause which had lasted till two o' Clock in the Morning. Their Verdict was, *GUILTY*; which fatal Word was no sooner utter'd, than the Court rung with such barbarous Shouts, as would only have become a Crew of Executioners: And when the Prisoner was brought the next Morning to receive Sentence, the Lord Chief Justice seem'd to take it ill, that he should still persist, as he steadfastly did, in asserting his Innocence; and declar'd, without Remorse, "That the Court was very well satisfy'd with the Verdict; that there were sufficient Proofs to warrant it; and that the Jury had done according to Justice and Right, &c."

*Character of the Proceedings against him, by North and Burnet. Exam. p. 594.*

*Vol. 1. p. 505.*

*Reflections on his Case.*

Mr. North has also pronounce'd, "That no Man that ever was try'd for High Treason, had, or could claim more Latitude or Scope of Defence than was allow'd to his Man; which, continues he, is sufficient in answer to all that ever was, or can be, alleg'd against this Trial." But if Forms are observ'd, a mere Lawyer is but too apt to be satisfy'd. Bishop Burnet, on the contrary, has these Words: "North's Behaviour, in that whole Matter, was such, that probably, if he had liv'd to see an impeaching Parliament, he might have felt the ill Effect of it."

Each of these Passages is, perhaps, liable to Exception: One Man may have full Latitude or Scope of Defence, without deriving any Advantage from it; and another may feel the ill Effects of disobliging a Party, without being guilty of the least Transgression. If the Bishop means, that the Lord Chief Justice had behaved so as to be obnoxious to the Justice of Parliament; it is hard to say wherein; for, however prejudic'd he was against the Prisoner, and, however strongly that Prejudice operated on his Deportment towards him, he was surely and safely trench'd behind the Law; and there is no Statute to punish a Man for want of Judgment or Memory. And if the Counsellor (North) would be understood, That neither College nor his Advocates had any thing to complain of, the contrary is manifest on the very Face of the Trial; and tho' the Prisoner had leave to talk, and many smooth things were said to him in the Course of his Trial, nothing is more certain, than that he had never been brought to the Bar, if it had not been for the sake of bringing him to the Gallows by way of Example; or else to make a worse use of him.

That he had drop'd certain treasonable Expressions, was sworn against him; and that he had worn Arms in his Journey to Oxford he confess'd; as also, that if the Papists had committed any Outrage on the Members, he would have us'd them. But neither this Intention thus avow'd, nor that Fact, appear to have any Relation to the Conspiracy charg'd upon him: And as to the treasonable

Expressions, if ever so incontestably prov'd, Death was too severe a Punishment for them: But when sworn to only by such Miscreants; and when the whole Prosecution was so manifestly an Act of State, they deserv'd no Credit at all. The Government might have had very good Grounds of Quarrel against College and his Party; might think themselves entitled, politically speaking, to remove him out of the way; but *Reason of State* is a Term unknown to our Courts of Justice, and if sufficiently understood, ought to have no authority there.

But these very Men were believ'd against the Papists, say the Apologists for this Reign; and with those, who on that Occasion, plac'd an implicit Confidence in them, this Plea ought to have some weight; but if there is a Man who thinks they were earning the Wages of Iniquity then, he will make no Scruple to draw the same Conclusion now, and lament alike the innocent Victim, whether Protestant or Papist.

Certain it is, that, while the red-hot Zealots for Church and King (who, till now, would not allow the Existence of any Plot but a Presbyterian Plot) became the public Champions for these Wretches and their Depositions, and, in their Writings insultingly apply'd the proverbial Saying, *What is Sauce for a Goose, is Sauce for a Gander*, to the Havock they had already made among Papists, and were like to make among the Protestant Dissenters, the most sensible of the Roman Catholics took Occasion to infer, not that College was guilty, but that Lord Stafford, and the other State Martyrs of their Church, were innocent; as also that God had sufficiently asserted and aveng'd their Quarrel, in causing those who had been most active and assiduous in setting the Snare for them, to be caught in it themselves.

As to the last Scenes of College's Life, Ferguson asserts, that, after he had receiv'd Sentence, a Message was sent him, importing, That if he would confess (that is, according to him, accuse Lord Shaftsbury, &c.) he should be pardon'd and flourish: And Howles, almost to the same Purpose, speaking of the long Time allow'd him to prepare for his Death, viz. from the 18th to the 31st of August, concludes, That his Execution was thus delay'd, to see how the Nation would digest the Matter; and whether the Man, by the Terror of Death, would be prevail'd upon to become a Tool to destroy other Innocents. And College himself, in the Paper he left with his Wife, makes use of these very Words: "I further declare, that Secretary Jenkins, Lord Killingworth (for Kenilworth) Hyde, and Mr. Seymour, when they committed me, interrogated me to many things, that I should be privy to, against the King: Mr. Seymour saying, I did know the Lord Shaftsbury, Lord Howard, and Mr. Ferguson, were engag'd also. To all which I answer'd, *Were it to save my Life, I could not accuse a Man of them, or any other Person whatsoever*. This Day also, Tuesday the 23d of August, the Messenger who brought me a Message of my Death told me, I might save

*A. D. 1681.*

*Growth of Popery, Part II. p. 313.*

*The Paper he left with his Wife.*

A. D. 1681. my Life, if I would confess who was the Cause of my coming to *Oxon*, and upon what Account: I answer'd him, I was glad the confessing the Truth of that would do it; and said; I came voluntarily of myself; I rode my own Horse, spent my own Money, and neither was invited, nor had Dependency on any Person whatsoever; and had only (1) one Case of Pistols, and my Sword; and had the Papists, or *their Party*, offer'd to have destroy'd the Parliament, as it was sworn and fear'd they would, I was there to have liv'd and dy'd with them: And I thought in this I had serv'd the King also. But when I had said this (although the very Truth) I found it was not what he wanted; and so, with a Curse, he left me." In the same Paper he however acknowledg'd, that, on some Occasions, and in the Heat of Talk, he had utter'd some Words of Indecency, not becoming his Duty, concerning the King and his Council; and, if so, he begg'd their Pardon: But he disown'd all Concern in, or Knowledge of, the Prints and Labels laid to his Charge; or that he had ever undertaken to decypher them.

Bishop's Speech. At the Place of Execution he also made a long Speech, tending to manifest his Innocence. He touch'd on the first Charge brought against him, viz. That he had avow'd a Design to pull the King out of *Whitehall*; and to serve him as the *Logger-head* his Father had been serv'd; and with the utmost Solemnity declar'd, both as to that and the latter, to seize his Majesty at *Oxford*, in the Presence of God, as a dying Man, and on the Terms of Salvation, that he never was engag'd in any such Design, nor knew any Person that was; or that, if he himself had been so wickedly disposed, would have stood by him in it: And how likely it was, that I should do such a thing by myself, said he, let the whole World judge! He moreover complain'd of hard Usage, and that his Faculties were impair'd by it: Declar'd it was his Belief, That he was as certainly murder'd by the Hands of the Papists, as Sir E. Godfrey had been, tho' the thing was not seen: Pray'd that his Blood might be the last they might be permitted to shed: Clear'd himself from the Imputation of being a Papist, in the most explicit Manner: Intermix'd all with animated Prayers, for his Country, for his King, for the Protestant Religion, for his Enemies, for those who had sworn away his Life, for his own Soul; and clos'd his Discourse, certain Farewells excepted, with this Sentence, *Let my Blood speak the Justice of my Cause*.

Thus dy'd the Protestant (1) Joiner; who, for his Zeal, Sense, Firmness, and public Spirit, deserves much Praise, and much Compassion: But, for leaving the safe and quiet Paths of humble Life, to mix in the Intrigues of the Great, without being able to fathom their Depths, or comprehend

their Views, as much Censure. It is the Politician's chief Play to put the warm, conscientious Man in the Front of the Battle; he believes much, knows little, fears nothing, and undertakes to answer for all. This was poor *College's* Case. He thought he was in the right Road; and that his Guides were unerring; in which Persuasion, he look'd on Death without being terrify'd; and for which Cause, both his Faults and his Misfortunes must be imputed to the Times.

There is still a Circumstance growing out of this Man's Case, that deserves to be spoken of. *Titus Oates*, for his Merits and Services in revealing the Popish Plot, had hitherto been honour'd with an Apartment in *Whitehall*, as well as rewarded with a noble Pension: But now, all at once, the one was considerably reduced, and he was by express Order ejected out of the other; and also forbid the Council-Chamber. The Reverend Mr. *Pointer*, who mentions this Circumstance in his *Chronological History*, has assign'd no other Cause for it but his Impudence; of which he had no doubt an elder Brother's Portion. But Impudence is to indefinite a Term, that it rather serves to excite our Curiosity, than to satisfy it: And Mr. *North*, who, speaking of his Evidence in *College's Trial*, says, "He affected to pronounce *Ore retundo* the round Oaths, and ribald Stuff, that he charg'd the others (Witnesses for the King) to have utter'd: And that the Manner of his Behaviour shew'd the Genius of the Man, more than any Description can do," does not specify, that it was for this Species of Impudence he was turn'd out. Nor, indeed, can we suppose this was so much as pretended; for of all the shocking Testimonies, that ever put a Court of Justice to the Blush, that of *Haynes*, both for Matter and Manner, was the most shameful and abominable: And yet, instead of being check'd for his Impudence, he was countenanced in it, if not rewarded for it. We have no other Way, therefore, of ascertaining his Offence, than by considering the Time of his Punishment; which was almost immediately after this Trial was over: Whence it is natural to conclude, That, whatever was the Pretence, his Fault really consisted in his Attachment to his Party; and in his presuming to appear for the Prisoner, in a Cause where the King was Prosecutor; and that not only in Name, but in Truth.

The Court having again lost their Point in the Election of Sheriffs of *London*, as before explain'd, now resolv'd to retrieve all in the long Run, by so ordering Matters, that the City-Chair might be fill'd with a Lord Mayor after their own Hearts: The Person pitch'd upon was Sir *John Moer*, upon whose Character, says Mr. *North*, very much depended; and which Character the same Author has thus given us at large:

"He was a Person very grave, and of a Mr. *North's* retir'd

(1) Which, together with his Horse and himself, *Forge* calls the Whole of the *Oxford* Conspiracy.

(2) Mr. *North* bestows this ridiculous Conceit on him, *That he was a good Workman at Dissolving, whereas said his Essay, p. 590.*

A. D. 1653  
Character of  
Sir J. Moor.

retir'd and virtuous Course of Life; conformable, and constant at Church, of loyal Principles, and very just and honest in all his Dealings; all which his very Enemies could not deny: And although all the factious Party would have made him their Property, yet few intended him, personally, any Harm. He was by Nature, not only careful, but also, very fearful of Consequences; but, being once assur'd of the Justice in what concern'd him to do, he wanted no Resolution or Courage to perform it. In the mean time, his being suspicious, dubious, cautious, and not soon determin'd, but hesitating at unusual Occurrences in his Office, made him pass for a Person timorous, and of a fickle, irresolute Temper; otherwise he had not been Mayor at that time, as will be shew'd. He was forward in nothing, and, being sensible of his soft, unsteady Elocution, inclin'd to Silence: But his Behaviour was always modest and respectful to all, and, by his Words or Carriage, offending none, but to his Betters, extreme submits. His ordinary Discourse, as well as his Countenance, was faint, and tended to Dejection, so as one would think he always desponded; and that made Folks apt to guess he had no Firmness or Resolution at the Bottom, or at least not such as might sustain him upright under Difficulties. All which made it wonderful that, in so troublesome a Mayoralty, as he had, he should carry himself with such Firmness and Perseverance, in all the substantial Points of his Difficulties, as he did. Whereby it was plain that he carried in his Mind a Determination, that neither Public nor Private should suffer through him, whatever Men might think to extort from him, or whatever should happen to himself. Which Character was cut out for this Time and public Occasion; for nothing but such Firmness of Mind and manifest Goodness, with a seeming passive Disposition, could have protected him from those Rages of Violence as very often threaten'd him: Which, probably, had broke loose upon any one, in his Post, that had carried Matters with a stern and minatory Behaviour.

The loyal Citizens (proceeds the same Author) knowing this Person to be a just Man, and one who would not combine with Faction, and having a view of some Use to be made of such a one for settling the Affairs of the City right, applied themselves so effectually, that they carried the (a) Election of Lord-Mayor for him. This was some Surprise to the factious Party, though they did

not think his Election of any mighty Consequence to them; and, his Course being next, many thought it not reasonable, nor creditable in the City, to put him by; and they looked upon him as one who, by Terror (in which the Faction traded much in those Days) if he had been, as they thought he was not, very averse to them, might be wrought into any Measures. And his Office did not affect the Return of Juries, which was their *Palladium*; therefore they did not unite as one to exclude him, as they did to carry the Choice of *Sheriffs*; else, as was seen in that Case, he would never have been chosen.

And now the Court, not only thought themselves in a Condition to carry Matters with a higher Hand than ever, but made no Secret of their Intentions to act accordingly; even the King himself being prevail'd upon to lay aside the Gentleness of Behaviour natural to him, and even to trespass on all the Laws of Decorum, to gratify one Party at the Expence of the other; as we learn from the following Incident. The City had come to a Resolution to invite his Majesty to their Lord-Mayor's Feast; the Message was sent, according to Form, by the *Sheriffs*, with the Recorder (*Troby*) for their Spokesman; and the Answer his Majesty was most graciously pleas'd to return, and which is upon record in the *Gazette*, was as follows: "Mr. Recorder, an Invitation from my Lord-Mayor and the City is very acceptable to me; and to shew that it is so, notwithstanding that it is brought by Messengers that are so unwelcome to me as these two *Sheriffs* are, yet I accept it."

We are now to follow the two Factions again into the Courts of Justice, or rather to the Theatre where Oppression on one Side, and Licentiousness on the other, maintain'd a desperate Struggle for the sole Property of the Laws; alike to the Disturbance of Society, the Reprach of Government, the Dishonour of the Kingdom, and the apparent Hazard of the Constitution.

College being dispatch'd, it was propos'd by those in Power, that *Rouse*, who had been taken up about the same time, should follow next. According to *Ferguson* (concerning whom it must, once for all, be observ'd, that he ever gives the worst Turn he can to the Proceedings of the Court) the Lieutenant of the *Tower*, by the Direction of Mr. Secretary *Jenkins*, had visited *Rouse*, and had caus'd him to be treated with more Kindness than at first, in hope, that he, being suppos'd a weak Man, and known to be in strait Circumstances,

The King invited to the Lord-Mayor's Feast; upon which Occasion he appoints the *Sheriffs*.

Proceedings against *Rouse*.

Growth of Popery. P. 317.

Went to court.

[a] *Ferguson* says, that the *Folly* of the *Factionists*; but does not say to explain wherein that *Folly* consisted. Bishop *Berkeley* however that supplies the Defect, *vol. i. p. 525*. "He (*Moor*) had been a Nonconformist himself, till he grew so rich that he had a mind to go thro' the Dignities of the City: But, tho' he conform'd to the Church, yet he was still look'd on as one that, in his Heart, favour'd the *Seditious*: And, upon this Occasion, he persuas'd some of their *Frenchers* to go among their *Congregations* to get Votes for him." *Ferguson* adds, That, upon carrying this Point, there was great Rejoicing among the *Conspirators*, not only in *England*, but even beyond the Seas: Even *Rouse* itself, continues *ibid.* 619. "A in this *Enterprise*: For tho' we knew not then the Effect of an honest and stout Lord Mayor in the Con-

quences; yet they could both see and foresee for the Year ensuing. And, at that very time, reckon'd the Day their own, both for *Sheriffs* and Lord-Mayor, for the future. *Growth of Popery, Part II. p. 318*.

The Bishop again observes, That some who knew *Moor* well, were for setting him aside; as one whom the Court would easily manage. *Richard* also takes notice, That he met with great and unusual Opposition: And, *Palmer*, in his *Chronological History*, has a Minute, That, after a long and tedious Trial, he was voted by a Majority of about 100 Voices. Which sufficiently shew, that the Anti-court Party was divided upon this Occasion: And the Consequence will further shew, that this Division made way for their Destruction.

stances, would have been wrought upon, countenance the Prosecution of Lord *Jefferys*, by joining in the Evidence against him: But the Bail not taking, and the Man continuing as intractable as ever, the manner of his Attack was, all of a sudden, chang'd; and it was hop'd that Terror would succeed where Indulgence had fail'd. With this View, he was remov'd from the *Tower to Newgate*; and the Attorney General had Directions to prepare for his speedy Trial: But something more was now to be done than merely to frame a Bill of Indictment: A Party Jury could do by *Reufe*, as they had before done by *College*. In order, therefore, to strike an Awe into both Sheriffs and Juries, Sir *George Jefferys* was prevail'd upon to neglect his Practice at the Bar, and act as an Implement of State, by attending as a Justice of Peace at the Quarter Sessions held at *Hickes's-Hall*, August 26; and being put into the Chair, undertook to reform the Panel, return'd by the under Sheriff, on the Authority of the Statute, 3 *Henry VIII.* of which Transaction an Account was given in the *Gazette*, N<sup>o</sup> 1647, in Substance as follows: The Sheriff had return'd a Panel of fifty-four Persons to serve of the Grand Jury for *Middlesex*, very few, if any, of which were known either to the Bench or the High Constables of the Hundreds: The Justices hereupon made Enquiry after the Persons so return'd; and most of them being Frequenters of Conventicles, and seldom or ever coming to Church, order'd the Under-Sheriff, then present to put out some of the Panel, and put in others in their stead; which he, after three several Commands, refus'd: Upon which their Worthships thought proper to make use of fifteen, those already return'd, that the Service of the Country might not be obstructed, having first tender'd them the Oaths of Allegiance and Supremacy, which they all took." Here the *Gazette* stops; but Mr. *Eschard* adds, That, when the under-Sheriff had thus refus'd Obedience to the Order of the Bench, the two Sheriffs, *Pilkington* and *Shute*, were call'd upon, and not answering to their Names, were (as) fin'd fifty Pounds a Man, tho' the Recorder put in a Protest, signifying, That the Sheriffs of *London* and *Middlesex* were never found to attend in Person at *Hickes's Hall*.

Nor did the Affair terminate here; but upon a Representation of this undutiful Inference to the Sheriffs (says Mr. *North*) the King order'd, that all the Judges should attend at the *Old-Baily*; and the same Proceeding to be had there, where, perhaps, more Respect might be paid to the Judges, than had been to the Justices of the Peace; at least they knew, and were able, better to deal with them. This was done; and, to shew the Moderation and Tenderness of the Pro-

ceedings on the Crown Side in those Days (proceeds the same Author) I shall tobjoin a faithful Report of the Passage, as I had it, from a Hand of unquestionable Authority.

"At the Sessions at the *Old-Baily* before *Michaelmas Term*, 1681, the King commanded the Attendance of the Judges; they were all present, except *Justice Chorleton* and *Baron Street*. Mr. Solicitor General being present, and other Council for the King, he inform'd the Court that the Grand Jury, that was return'd, consisted of Persons disaffected to the Government, and criminal in not going to Church, and resorting to Conventicles, and desir'd that the Court would take Consideration thereof, and reform the Panel according to the Power in 3 *Hen. VIII.* The Court thereupon oppos'd some that were objected to; and one not giving a clear Answer to his not coming to Church, and another declaring he went sometimes to Church, and sometimes to other Places, which the Judges understood to be *Conventicles*, and he not denying it, the Court thought fit to enjoin the reforming the Panel; and it appear'd necessary to put in others, else there had not been twenty-four according to the Command of the Writ. The Sheriff (*Pilkington*) boggled at it, insinuating that it would reflect upon them and condemn their first Return, and also upon these Jury-Men that were put out, and desir'd that it might be made appear that the Panel was corruptly made, and within the Cases recited in the Preamble of the Statute, before they should be put to return the Panel. But the Court told them, that there were certain ill Cases recited in the Preamble, which, it may be, were the Occasion of making that Law; yet all ill Cases were not recited, and by the enacting Clause, Power was given to the Judges in all Cases to reform the Panel by putting out and putting in; and the Sheriffs were enjoin'd to make a Return accordingly. That the Court was not bound to shew any Cause, for they were entrusted to do it at their Discretions; but they had here proceeded upon a Cause, in as much as they thought Men, who were (x) Breakers of the King's Laws, not fit to serve upon Juries, as they that refus'd to go to Church, or frequented seditious Conventicles, were; and therefore they hop'd the Sheriffs would be candid in their Obedience; and, having taken an Oath to perform the Office of Sheriffs, they would not, in the Face of the Court, break their Oath in refusing. They desir'd to advise with Counsel, but the Court told them, that it was very indecent for them to ask to go to Counsel what the Law was, when all the Judges had declared it, or whether they should obey it, if it were so. Then they said, What need it, when there were enough besides, and the Court might forbear swearing those Men? But the Court persist'd to

An George Jefferys in the Chair at Hickes's Hall, when the under Sheriff is reform the Panel:

Which is refusing, the two Sheriffs are call'd upon, and not appearing, are fin'd 50 l. a piece.

P. 1014.

The same Practice at the Old-Baily by the King's Command, p. 1014, 1014.

(x) Mr. *Eschard* also writes, That the said time being stirr'd, the Common Council of *London* declar'd, "They would stand by their Sheriff, and defend them against any Sort of Law that should be brought touching that Matter, and that at the Charge and Expence of the City."

(\*) Old Lawyers tell us, *Dei Lex non diffinitur, nec est Augustus definitus*; we could never to put a Difference

where the Law puts none. Now if no Statute excludes Proceedings unprovoked any Crime, or Diffamers (see *Talks*) to serve on Juries, I should think we ought to wait, at least, till an Act of Parliament be made to that Purpose, before we deny them *Inter Leges*: And in all otherwise, in my silly Opinion, seems not only unreasonable, but a daring Usurpation of Legislative Power. *Quereant Proluctus* p. 2.

A. D. 1651.

to require them to return the Panel, and said that those Men had brought a *Suspicion* upon the whole Panel, and it became the Court to make use of all the (y) Powers the Law gave them, to provide for impartial Returns of Juries; and, at last, the Sheriffs consented to return (that is to say reform) the Panel.

The Sheriff's  
good story.

p. 586.

But even Mr. North who affects to write thus circumstantially, as well as authoritatively concerning these Proceedings, has even here his Inaccuracies to answer for; for he says, "That the amazing Refusal of the Grand Jury to the Bill against *Shaftsbury, &c.* occasion'd that Ostentation, rather than full Use of the Power by 3 Hen. VIII. mention'd before." Whereas his own Memorial, just recited, bears witness, that the Court was not satisfy'd with a bare Ostentation of the Power

of this dormant Statute, but made the full Use of it: And this Controversy arose in the Case of *Rouffe*, against whom a Bill was prefer'd *October 17*; whereas, *Lord Shaftsbury* was not indicted till *November 24*.

A. D. 1651.

Instead also of shewing the Particulars of the Treason laid at this time to this Man's Charge, as he ought to have done, in order to leave these *ignoramus* Juries without Excuse, this egregious Writer very unfairly loads him with his after Concern in the *Rye-Camp-spiracy*, and leaves his Readers to conclude, that the very Facts he was then condemn'd for, were charg'd upon him now; which, however, was not his Case; for, of the whole String of Witnesses which appear'd against him now, the Trial shews, that but one appear'd against him then: And thence it may be

(1) None perhaps but the Sages of the Law are proper Judges of the Merits of the Dispute: To a common Capacity, indeed, it seems natural to conclude, that common Usage was of greater Authority than an obsolete Law. The Opinion of the Court we have seen above; and what was to be urg'd against it, we find set forth in a Half Sheet, publish'd at that time, as follows:

"None but the Sheriffs ought to name and return Jurors to serve in Inquests before Commissioners of Oyer and Terminer."

The Statute of 11 H. IV. cap. ix. I find in *Rafael's* Collection, in these Words:

"Now, because that now late Inquests were taken at *Wigmore* of Persons named by the Justices, without the Return of the Sheriff, of which Persons some were outlawed before the said Justice of Record, and some fled to Sanctuary for Treason, and some for Felony, there to have Refuge; by whom as well many false Offenders were indicted, as other lawful Liege-people of the King, not guilty, by Conspiracy, Abetment, Imagination of other Persons, for their especial Advantage and Iniquity Laene, against the Course of the common Law used and accustomed before this time; Our Sovereign Lord the King, for the great Ease and Quietness of his People, willeth and granteth, That the same Indictment be made, with all the Appurtenances to the same, be revoked and annulled, for ever void, and holden for none. And that from henceforth no Indictment be made by any such Persons, but by Inquests of the King's lawful Liege-people, in the Manner as was used in time of his noble Progenitors, returned by the Sheriffs or Bailiffs of Franchises, without any Demotion to the Sheriffs or Bailiffs of Franchises before made, by any Person, of the Names which by him should be imposed, except it be by the Ministers of the said Sheriffs or Bailiffs of Franchises, sworn and known to make the same, and other Ministers to whom it pertaineth to make the same, according to the Law of England. And if any Indictment be made hereafter in any Point to the contrary, that the same Indictment be also void, revoked, and for ever holden for none."

This Statute was made in Affirmance of the common Law, and by the Preamble appears to be enacted upon Complaint of the like Practices as are now attempted, viz. That Jurors to serve on Inquests may be nam'd by such as the Court shall appoint; which would overthrow the most beneficial and necessary Part of the Law.

After this Law was made, till 3 Hen. VIII. I presume Mr. Attorney himself will admit, that this Law of Hen. IV. ought to have been observ'd; Which if so, then if the Statute of 3 Hen. VIII. cap. xii. do not extend to reform Panels of Inquests to be taken before Courts of Oyer and Terminer, this Statute of Hen. IV. is in as full Force as ever it was, and so ought to be observ'd by the Sheriffs as well as others. And if the Sheriffs shall obey the Court to leave a Turn in a Matter of so great Consequence, they will be liable to answer for the same, and ought to be punish'd for betraying their Trust.

Now the Statute of 3 H. VIII. is in these Words:

"Whereas great Extortions and Oppressions be, and have been, within the more Part of all the Counties and Shires within this Realm of England, by the Subtilty and untrave Demerance of Sheriffs and their Ministers, committed and done unto many Persons in great Number of the King's Subjects, by means, and making, and returning at every Sessions holden within the said Counties and Shires for the Body of the Shire, in taking, and putting in, and returning of Names of such Persons, as for the singular Advantage, Benefit, and Gain of the said Sheriffs and their Ministers, will be wilfully sworn and perjur'd by the sinister Labour of the said Sheriffs and their Ministers; by reason whereof, many and di-

vers substantial Persons (the King's true Subjects) contrary to good Equity and Rightness, have, divers times and many, wrongfully been indicted of divers Murders, Felonies, and other Misdemeanors, by their Covin and Falshood, to the utter Undoing of their Lives, Loss of their Goods and their Lands; by reason whereof, they, and every of them, in avoiding the untrue Treashe and Vexation, which to them might come and ensue by reason and occasion of the same false Indictments; and also, sometimes by Labour of the said Sheriffs, divers great Felonies and Murders concealed, and by the said Persons, also by the said Sheriffs and their Ministers partially returned, not prizur'd, be not have been compelled to make Fine, and give Rewards to the said Sheriffs and their Ministers: Wherefore, Be it enacted, ordained and established, by the King our Sovereign Lord, and by the Assent of the Lords Spiritual and Temporal, and the Commons, of this present Parliament assembled, and by the Authority of the same, That all Panels to be returned, which be not at the Suit of any Party, that shall be made and put in by every Sheriff and their Ministers, above any Justice of Good-delivery, or Justice of Peace, whoseof one to be of the *Quorum*, in their open Sessions or require for the King, shall be returned, by putting in and taking out of the Names of the Persons which to be impeached by every Sheriff and their Ministers, by the Discretion of the same Justices, before whom such Panels shall be returned. And that the same Justice and Justices shall command every Sheriff, and their Ministers in his Absence, to put other Persons in the same Panel, by their Discretions; and that the same Panels, so returned by the said Justices, be good and lawful. And that if any Sheriff, or any their Minister, at any time do not return the same Panels so reformed, that then every such Sheriff or Minister be offending, for every such Offence, shall forfeit Twenty Pounds Sterling-money of England; the one half thereof to our Sovereign Lord the King or his Heirs, and the other half thereof to him or them of his Subjects that will sue for the same by Action of Debt at the common Law, or Bill, or Complaint, where it shall fortune any such to fall and be. And that none Effoin nor Procecion be allow'd for the Defendant or Defendants in that Action or Plaint, nor that the said Defendant nor Defendants therein be admitted to wage their Law. And that the King's Pardon shall be no Bar against the Party and Parties in the same, that any such Action shall sue.

By which it does not appear, that the Statute of H. IV. was observ'd in any thing, as to Inquests to be taken before Commissioners of Oyer and Terminer, which is that is at present extant for.

Now no Peer can be indicted legally for Treason or Felony, before any other than Commissioners of Oyer and Terminer; or in the King's Bench, as my Lord Coke, in his third Institution, p. 288, saith was adjudg'd in the Case of *Thomas Duke of Norfolk*, in 15 *Edw.* And then how can this Statute of 3 H. VIII. be of any use to carry on the prisoner *Imprigoo*? unless the Sheriffs (which no Man can believe) will be so far overcome as to join therein, and make a Present to the Ruin of themselves and the whole Nation, by permitting Inquests to be pannel'd to enquire before Commissioners of Oyer and Terminer, to hang the Peers, and hazard the Common.

I shall only add these Words, taken out of the Statute 1 and 2 P. cap. ix. and leave the Consideration thereof to the Reader's own Thoughts.

And it is further Enacted, by the Authority aforesaid, That all Trials hereafter to be had, awarded or made, for any Treason, shall be had and used only according to the due Order and Course of the common Law of this Realm, and not otherwise." [Out of Lord Somers's Collection, vol. xxii.]

be reasonably inferr'd, that the Facts were different, as well as the Evidences.

To consider the whole Series of Commitments and Prosecutions, viz. of Lord Howard, Colledge, Roofs, Lord Shaftsbury, &c. could imagine all had been involv'd in the same Treason; that Fitzbarris's Confession had given Fire to the Train; and that all their several Indictments would have so far agreed, as to shew they were all Accomplices in the same Crimes.

But hitherto no such Connection has appear'd: Against Lord Howard, tho' continued a Prisoner for capital Matters, no Indictment had been prefer'd at all; Colledge was accus'd of being in a Conspiracy to seize the King at Oxford: And when the Indictment against Roofs came under Consideration, and the Evidence to be heard in support of it (which was at the Old-Baily, in Presence of the Judges, who, as before, in the Case of Colledge, attended to see fair Play) instead of a Charge, that he had acted as Pay-master to the Troops, in which Colledge was to command as Colonel, which it was reasonable to expect, two Clerks of the Exchequer Office, viz. Ferguson, stood forth, and accus'd him of uttering certain treasonable Words in his Cups, about seven or eight Months before, viz. Speaking of the Oxford Parliament, (z) "That he foresaw it would be but a very short Session: But these frequent Prorogations and Dissolutions of the Parliament would not avail; for whatever the King had, the Parliaments gave him, and might take away when they pleas'd: And that when one bid him have a care what he said, he reply'd, The King has forfeited his Crown, and has no more Right to it than I have." These were fresh Men who had never till then appear'd in the Service; and were introduc'd rather to clear the way, than to do Execution: For according to the old Statute of Treasons, Words were not capital; and according to the new, the Prosecution should have been made within six Months after the Offence had been committed: But even These, as we are farther told by Ferguson, contradicted each other: And, as to the remaining six, for, as the Gazette observes, there were no less than eight who swore Matter of Fact positively against him, they were on the Establishment of Messrs. Warcup and Fitzgerald, and had acquir'd no Credit in London, by their Success at Oxford; and who, besides, depos'd such Things, if Ferguson, (who is equally blameable with Mr. North for lumping his Account) detrays any Credit, as carry'd along with them their own Confutation: On which Preamption, the Grand Jury, without any regard to the notable Endeavours of the Bench, dismiss'd the Bill with an Ignoramus: And the next Night his Majesty being at the Duches of Portsmouth's, broke out into this Expression

in the hearing of Sir John Reresby: "It is a hard Case that I am the last Man to have Law and Justice in the whole Kingdom."

But however incens'd the Court might be with these Disappointments, they were not so discourag'd as to give over their Prosecutions. The Earl of Shaftsbury was principally aim'd at, and his Turn was to be next.

But, before we enter on the immediate Consideration of the actual Proceedings against this great Protestant Peer, which was the popular Distinction, at this time bestow'd upon him by his Party, it is necessary to touch on certain previous Circumstances concerning him, which have escap'd the notice of our general Historians, and which, if true, seem'd to argue a Consciencefulness of some Guilt on his Side; and also on that of his Adversaries a settled Resolution, by any Means that had the Face of Law, to make him a Sacrifice to the public Peace.

Sir John Reresby writes, that on the 12th of October, Lord Halifax told him, "That Lord Shaftsbury had written to the King, that if he would be pleas'd to free him from his Confinement, he would engage to go to Carolina, never more to return into England; but that the King had rejected his Request, and determin'd to leave him to the Law." Now, if he was innocent, with the Country on his Side, as, in relation to Juries, Lord Shaftsbury notoriously had, why should he capitulate for his Enlargement at so dear a Price as perpetual Banishment? But the same Gentleman has also another Passage, which indicates, That Lord Halifax was not overpleas'd with this Determination of his Majesty's, for Lord Danby, who was still in the Tower, having complain'd to Reresby, That the King's Ministers, meaning the principal one, Halifax, was too favourably inclin'd to his Fellow-Prisoner, Shaftsbury; and he, Reresby, having echo'd it to his Lordship, his Answer was, "That People were mighty ready with their Judgments and Decisions; but if the Fact was even as suggest'd, what could the King do better than let him at Liberty? That he had as good be enlarg'd upon Terms, as by a Jury, which would most assuredly acquit him, were he brought to a Trial, tho' ever so deep in Guilt; and that, were he out, he could not do the King so much harm, as such an Act of Mercy and Popularity, would do him good."

It must, however, be understood, that this was rather the Voice of the Politician than of the Friend; and that Lord Shaftsbury was utterly ignorant, that Lord Halifax had ever discours'd in this manner concerning him: For, in the Writings about this time set forth, to shew the Injustice and Cruelty of the Proceedings against his Lordship, Lord Halifax is ever consider'd as one of the principal Promoters of them, and treated with much (z) Bitterness on that Account.

There

(z) This Passage is taken from Roofs's Trial in 1685: one of the Witnesses then declaring, That he had sworn to the same Effect, when this Bill of Indictment was before the Grand Jury in 1681, and having been introduc'd, probably, Nov. 21. 1681.

for no other End; that Prosecution offering a fair Opportunity to justify this.

(1) For Instance, in the Protestant Plot, Part I. p. 5, 6, 7. "Nor do I know of those who are so violent in the Prosecution of

A. D. 1681.  
Mem. p. 125.

Previous Steps  
to the Prosecu-  
tion against  
Lord Shaftsbury.

His Lordship  
writes to the  
King desiring  
leave to write  
down.  
Mem. p. 124.

Lord Halifax  
of opinion that  
it ought to be  
granted.

ibid. p. 126.

Growth of Popu-  
lary, Part II.  
p. 317.

The Bill  
against Roofs  
also p. 28  
and p. 28.

A. D. 1681.  
*Mrs. Fitzharris retraced her Evidence. Growth of Popery, Part II. p. 312.*

There is also another Particular, which even *Ferguson*, himself, has thought proper to mention for an End of his own; and which raises and almost warrants a farther Suspicion, that *Lord Howard*, and, perhaps, *Lord Shaftsbury*, had ugly Apprehensions, and saw Cause to take his Precautions accordingly: For at the same time that he, *Ferguson*, asserts, That it was at first propos'd to proceed against those Noblemen at *Oxford*, as well as *College*, in case the last, on Conviction, should have been induc'd to come in as an Evidence against them, to save his own Life, he also asserts, That *Fitzharris's* Widow, who was to have been a principal Evidence, and to have had an Advance of 100 *l.* extraordinary, for her extraordinary Service, all at once left the Court, pretending Scruples of Conscience, foregoing her Reward; and in a Deposition upon Oath before the Lord-Mayor set forth all the indirect Practices which had induc'd her to falsify her Testimony. Of this Incident, *Man*, the Sword-Bearer, who, we are told, was a Spy for the Ministry on the Lord-Mayor and the City, gave immediate Information; whereupon, continues our Author, he was diligently search'd after, but not taken: And his Conclusion upon the whole is, That her Desertion wholly disconcerted the Design of indicting those Lords at *Oxford*. And this Desertion of hers, we are left to suppose, was of her own mere Motion, without any counter Practices to induce her to take a Step that not only deriv'd her of an immediate Advantage, but expos'd her to immediate Persecution.

On the other hand, as to the *fitted Resolution*, mention'd above, which had been taken by those in Power by any legal Management to remove those turbulent Lords out of the way, the same Author farther asserts, That *Michaelmas-Term* approaching, the Committee of Subornation (so he calls the Committee of Council which had this Busi-

ness for their Province) met to settle the Methods of Prosecution; in order to which they previously order'd a *View* of the whole Evidence to be made by *Quarles*, an eminent Council; and that this being done, it was sent by *Lord Fitzharris*, to the Duke's Approbation: On which within the Affair being again taken into Consideration, and his Royal Highness's Sentiments (as is known, it was finally resolv'd to proceed against the Prisoners by the Court of *King's Bench*, in case the Judges would venture to speak in it. The next Step, therefore, was to know their Opinion upon it; and the result in Consequence being, that some of them thought the King might by Law, send those Lords by the Court of *King's Bench*: Lord Chief Justice *Pemberton* answer'd briefly and briskly, *That no such thing could be done*; and his Brethren, by their Silence, intimated, That he spoke for them all.

The Judges thus refusing to open this indirect Passage, and the Court not thinking it advisable at such a Crisis to contest the Matter, nothing remain'd to be done, but to proceed to find the Bill in open Court, as before, against *Rouse*, and by Strength of Evidence, if possible, to obviate the Intrigues of the Sheriffs, and subdue the Prejudices of the Jury.

But even here, it seems, arose a new Difficulty: Of those who had appear'd against *College*, *Dugdale*, who, till then, had made a Top-Figure, had fo expos'd himself, that no farther Use could be made of him; and the rest were so tarnish'd by repeated Use, that no great Strefs could be laid on the Effect of their Depositions; unless a fresh Glof could be set on their Characters by the Countenance of others who had some Reputation to lose.

It happen'd that there was, at this time, *Practices on one Captain Wilkinson*, an old Cavalier, who had been appointed

*Ibid. p. 310. A Proposal to try the Lords Shaftsbury and Howard by the Court of Verge.*

of my Lord *Shaftsbury* much magnify their Wisdom, nor seem to have well consider'd their Interest in the doing of it. For however long it be since *Wiz*, who would be thought in earnest when he bewail'd against Popery, promoted or contriv'd at it, I am sure, a certain *Person*, within these few Years last past, declam'd against the Court and the Ministers, with as little Respect and Decorum in what he said, as he doth now against the two last Parliaments. And whereas my Lord of *Shaftsbury* never spoke of his Majesty, but with the utmost Deference; nor of his Ministers, but with that Regard which was due to their Character; there is a certain *Gentleman* in the World, that us'd to speak, both of his Prince and them, in another Style.

And if the Earl of *Shaftsbury* be guilty of any thing against his Majesty, it is in having been so unhappy as to have heard him spoken of with too much Disrespect and Undervaluation, by a certain *Gentleman*, that now glories in having the chief Superintendency of his Affairs. It is natural for some People, what Interest soever they espouse, to be always violent; and we can the more easily pardon their Intemperance against those from whom they have withdrawn, by remembering with what *Choler* and Acrimony they us'd to discourse of them in whose Councils they are now engaged.

It hath been long observ'd, that they who, in Matter of Religion, wheel off from one Party to another, are the greatest Haters, and most implacable Persecutors, of the Side which they relinquish'd; but I never heard till now, but Men might fee Reasons to change Measures in Politics, without being for sacrificing those that cannot shift about to the several Points of the State-compass, as the Wind of Court-favour may happen to sit. Besides, who knows but that the Witnesses, whom *some Person* do so tenderly embrace and cherish, in order to the ruining of my Lord *Shaftsbury* and

others, may not, upon the Disappointment of the Expectation wherewith they flatter themselves, and a Frustration of the Hopes wherewith they have been incited, endeavour to atone and make Compensation for what they are doing, by accusing such as do at present manage and serve themselves upon them? For, whatsoever Men may think of the Steadiness of these Fellows who appear as Witnesses concerning a Presbyterian Plot, yet, when a Parliament comes thoroughly to inspect this Affair, and to discover the Wiliness that runs through it, the Courage of these Gentlemen of the *Peel* will fall them; and then, to make Expiation for their own Crimes, they will be sure to load others with Guilt.

Besides, were my Lord *Shaftsbury* and a few other Persons of Quality once destroy'd, how easy will it be for some, whom I forbear to name, to crush *those* that are now so instrumental in their Ruin? There is a certain *Gentleman* in the North, as well as *we*, if not more, in the *Treasure*, who have Memories tenacious of old Injuries, and who are not of a Temper very inclinable to forgive. For by how much they would be thought great and generous, by so much will they prove the more averse to pardon those as have allow'd themselves to speak of them with Contempt, and in a Language near to *Ridiculous*. And tho' I pretend not to any great Prospect of what is future, yet I dare undertake to foresee, that the Day the Earl of *Shaftsbury* falls, *some*, that do now flatter themselves in the Thoughts of it, will be found to have supplanted their own *Stranding*, and to have foreseer'd their Persons and Fortunes to the Courtesy and Discretion of such, whom they have had the Unhappinefs to provoke. However, they can never expect, that their Heads should lie easy upon their Pillows, who seek to purchase their own Indemnity at the Price of the Lives of their Fellow-subjects."



A. D. 1681.  
 pointed Governor of *North Carolina*, by the Lords Proprietors, among whom was the Lord *Shaftsbury*; but, before his Voyage could take effect, thro' a Variety of Difficulties and Disappointments, specify'd in the Preface to his Narrative, he was beset by his Creditors, and by their Rigor, to all Intents and Purposes, ruin'd.

To this Man, in these calamitous Circumstances, came first one *Baines*; who, entering into Discourse with him about Lord *Shaftsbury*, took occasion to say, that he could not but know much of his Lordship's Designs against the King; that he would do well to make the Discovery to him, he having an Interest in Lord *Hyde*; and that, for so doing, he should have a considerable Reward.

This was on the 8th of *October*; and on the 11th, one *Booth* (by *Ferguson* and others said to be a Clergyman, and by *Wilkinson* himself characteris'd as a Person of good Learning, very ingenious, but of a very ill Reputation; and who, by a Breach of his Engagements, had contributed to his, *Wilkinson's* Misfortunes) sent for him to a House in the Rules, he being just become a Prisoner too; and, after some preparatory Speeches, gave him to understand, that he might either have a Settlement of 500 *l. per annum*, on himself and his Heirs, or 10,000 *l.* in Money, if he would discover what he knew of Lord *Shaftsbury*, and his Design in changing the Government to a Commonwealth, and bear witness against him.

After this, *Booth* and *Baines* attack'd him together, and renew'd their Promises in the Names of the Lords *Hallifax* and *Hyde*: And *Wilkinson* (who had already discover'd all their Intrigue to one of his Fellow-Prisoners, at the same time solemnly swearing, that he knew nothing criminal against Lord *Shaftsbury*; declaring, that if he should ever swear any thing to the contrary, it would be for Reward; desiring him also to testify against him, in case he did, and to take note of every Passage, from time to time, as he should recount them to him) demanded two thousand Guineas, and a general Pardon, by way of Security for the Performance of the mighty Promises they had made in the Name of those Courtiers, and to which he was not willing to truit.

P. 5.  
*Graham*, the Solicitor to the Treasury, ply'd him next; promising, in his Majesty's Name, that he should be rewarded for his former Services and Sufferings; and that he should have the same Assurances from the King's own Mouth; he having an Order to carry him to his Majesty for that purpose. But neither the Guineas nor the Pardon appearing, the Captain stood off, and refus'd to go.

And now the Affair took a new Turn; for tho' the Agents in this Affair would suborn by Promises, they would not run the risque of paying before-hand. *Booth*, therefore, the next Day, chang'd the Battery; told

him, that *Wilson*, Lord *Shaftsbury's* Secretary, who was in the *Gatehouse*, had offer'd to declare all he knew, in case he might have a Pardon; advis'd him, therefore, to put in for the Honour of being the first Discoverer; and (*Wilkinson* still turning a deaf Ear) added, that, in case he persisted in his Refusal to go to Court, he would be compelled by the Lord Chief-Justice's Warrant to appear at his Chambers, where a Committee of Council would attend to take his Examination; but soften'd this again with a further Promise of 500 *l.* a Year more, out of the Duke of *York's* Lands in *Ireland*: All proving ineffectual, he then proceeded to ask him, if he did not ride with his Sword and Pistols out of Town with Lord *Shaftsbury*, when he went to *Oxford*? And *Wilkinson* frankly owning, that he did, as also saying that he could do no less, in acknowledgment of the Favour he had receiv'd from him, in contributing to make him Governor of *Carolina*, *Booth* infer'd, That then he must needs be privy to this, "That if his Majesty would not pass three Acts, one for excluding the Duke of *York*, the next for making void the Act of *Queen Elizabeth* against Recusancy, and the third for uniting Protestant Subjects; then, by force of Arms, he was to be compell'd; adding, That all the Council were satisfy'd he knew this, and as much as any Person; in regard both Lord *Shaftsbury* and himself were disgusted at the Court; and that they knew he was a Soldier, and was to act in that Concern."

The Captain had now a double Prospect, of Terrors as well as Rewards, before him; and, after having been allow'd one Night to ruminate upon it, both *Booth* and *Baines* return'd to the Charge, importuning him first, not to lose this great Opportunity: And when he ask'd, Why they were so urgent with him to become a Witness? *Baines* frankly answer'd, "To uphold the Credit of the *Irish* Witnesses: For, said he, tho' you have been unfortunate in your private Concerns, you are unblemish'd in your Character:" And, upon the Issue of all, told him, That if he would not go voluntarily to *Whitehall*, the Marshal had a *Habeas Corpus* from the Lord Chief-Justice to carry him.

This prov'd to be Fact. In the Afternoon of the same Day, *October 15*, the Marshal produced his Writ; and to Court he was carry'd: Where he was first examin'd by the two Secretaries; strictly, says he, but fairly and honestly; and great Arguments were us'd to induce him to confess; but without Effect: His Majesty himself then came into the Office, and was pleas'd to acknowledge, That he knew the Captain well: That he had serv'd both himself and his Father faithfully: And that he hop'd he would not decline in his Obedience. The Captain reply'd, That he had never deserv'd to be suspected. And his Majesty rejoin'd, That tho' he had not yet been able to serve his Friends,

(6) For Clipping and Coining, and even Murder, as the Captain afterwards explains: With this additional Circumstance, That he had his Majesty's Pardon, as he was inform'd.

A. D. 1661.

Friends, he might: That, in particular, it was his Intention to consider him for his Sufferings: But withal specify'd, That he was not to understand these Expressions of his Majesty's Kindness to be made with a *Design to invite him to speak a Word but Truth itself*: And that, if he knew the Captain, or any other Person, did (speak any thing but Truth) he should never endure them. So that a Man who had never been rewarded for his Loyalty, and who could not have been an effectual Witness against Lord Shaftsbury, unless he had been a joint Traitor with him, was now to be rewarded for his Treason. *Wilkinson* himself farther declares (whether from a Principle of Candour or Policy, let the Reader judge) that the best Divine in *England* could not have exhorted him more effectually on this Head, than his Majesty: What follow'd was, Question upon Question relating to Lord Shaftsbury and his Designs, and the Captain's Concern in them. But he persisting to assert his own Innocence, and his total Ignorance of the Guilt imputed to Lord Shaftsbury, his Majesty was pleas'd in the Issue to signify, That if the Captain would say, *As he hop'd to be first'd be knew nothing of any Design against his Person*, he would believe him. The Captain did so; and the King seem'd to wonder at it.

Here, it was natural to think, the Pursuit was at an end: But the Fact was otherwise. His Majesty being withdrawn, Mr. Secretary *Jenkins* began his Interrogatories and Solicitations anew: Which provok'd the old Soldier to say, That tho' he knew his Duty to his Majesty, and would not draw a Sword against him, he could freely do it against some of the Court, who were Enemies to his Majesty and his Friends: And yet again after this, he was led into another Room, where he found his Majesty, the Lord Chancellor, the Lords *Hollifax* and *Hyde*, the two Secretaries of State, and the Lord Chief Justice *Pemberton*. Here being confronted by *Graham*, *Booth* and *Baines*, the Lord Chancellor took him in hand, and, changing the whole Method of Proceeding, ply'd him with Terrors instead of Hopes and Promises; saying, in particular, "I cannot believe but you must be guilty of knowing great Things against Lord Shaftsbury:" And, the Captain replying, That, if it was thought proper to bring that Nobleman to a Trial, he would declare upon Oath, in open Court, what that Knowledge was, without any View of Gain or Advancement; his Lordship added, with notable Shrewdness, "You need not give yourself any Trouble as to that; your own Trial is like to come on before his; and you

would do well to consider, that there are two Sorts of Advancements. He then proceeded to inform the Captain, that *Booth*, then present, had sworn, that he had never seen him have had the Command of a Troop of Foot Men, of whom *Booth* himself was one: And that the *Oxford-Explosion* had not been the Work of all, *Wilkinson* declaring, That, if any other Man would be so willing to speak Truth, he would never apply for his Majesty's Reward; he was remanded to the *King's Bench*, and shortly after setting for a new Trial, was there by struck such a Leap into the *Chancery*, as says *Ferguson*, that they were not to be seen.

Now Bishop *Compton* is said to be one of the Writers of the *King's Bench*, who has inserted the Facts contain'd in the Narrative, as a Proof of Subornation on the side of the Court: And Mr. *North*, his proci'd<sup>l</sup> Antagonist, has for that Reason treated him with a more than usual Mixture of Scorn and Indignation. According to him, the Captain was invited to swear nothing but Truth; and all the Scandal of that Invitation, if any, falls on his Friend and Companion *Booth*; so he unfairly styles him, who was the only Person who told him of the great Things to be had by being a Witness. But unfortunately it appears, that tho' *Booth* was the only Person who descended to Particulars, both *Baines* and *Graham* assist'd him, and even the King himself promis'd, he should be rewarded for his Services and Sufferings: And how demonstrably this Reward was in fact a Bribe, is apparent from the Event: For, though the Man offer'd to swear the plain Truth, without any Consideration, when he refus'd to swear against Lord Shaftsbury, instead of being rewarded for acknowledged Services and Sufferings, he was treated as a Delinquent, for imaginary Offences: And if this does not come up to the full Idea of (e) Subornation, there is no Certainty in Words, nor Solidity in Things. But, says our *diatribal Examiner*, even the Captain himself has fully vindicated the King: He should have rather said, He has treated the King decently: And all that can be infer'd in favour of his Majesty is, That he preserv'd Appearances; and, from the whole Proceeding, That it was managed with as much Art, at once to suborn a Witness, and obviate the Proof of any such a Practice, as if it had been under the Direction of the Bench itself.

Our *Examiner* deserves, perhaps, rather more Notice, when he proceeds as follows: "I have somewhat very notable to observe upon this Narrative of *Wilkinson's*; and it is that, thro' all the Steps of this Business, he was a *Rogue*, and a manifest Trajan of the Earl's:

Diatribe Notes of Mr. North's upon this Narrative. [Examiner, p. 119, 120.]

(\*) Mr. North is, however, of another Opinion; and endeavours to explain away every Surmise of this Nature, with the following artful Examinative:

"As for the pressing this *Wilkinson* to testify what he knew, is there any thing extraordinary in it? If he had been taken up, as a pre-suppos'd Prostitute, out of the Goal, without any Discovery leading to him, it had been misconstruable; but not, when there was express Proof, that he was concerned. It is not done in every private Cause: As, for Instance, *You know the Truth, Sir, pray testify it for me*; and so they not add good Words, *I will not be counting myself for Sir, as any Occasion in which I may; and this*

done without any express Gift, Reward, or unlawful Aid? Where is the Mountain so, had the Case been so, this Author (*Kenner*) would have to be imply'd? And, on the other side, was it not necessary to go to *Wilkinson*, to have out of him all he could say? And was not the Earl a Costumier, to let his Jailor get a Sum of Money if he could, and to teach him the Trick of a Box of perjur'd *Wilkinson*, charg'd and pleas'd in order to a *Slave's* Turn, and to fetch all about again with a *Registral*? And all this is so usual to me, that I cannot but fancy I hear them saying their Plot together; not without Merriment, when Spirit they should have, if they caught the Court." *Examiner*, p. 113.

Earl: And that he watch'd for, and only wanted a Bribe to be offer'd, or rather to be given him (for he held out his Dish, and would readily have taken it) and then he would have shown his noble Friend better Service than in dealing with him to Oxford: And the Frame was subtle, that I make no doubt but it was the Earl's own Contrivance; and lay in *happening* an Advantage of having a direct Proof of what had been called and gone for, Subornation. The Snare is manifest, and consists in the laying in those two Gentlemen Witnesses. It was to have wrought thus: The Captain, having that Advantage, should have sworn roundly against the Earl; and then, at the Examination, *very opportunely* to come in to confront him with his previous Declaration made to them; and then he, *all-to-be-confounded*, confesses all, and that he was bribed so and so to swear as he did: Then what a Cry had been raised? Here was plain Subornation, and the whole Cause no better; and his Lordship come off with Honour and wonderful Popularity, and the Infamy of Ignoramus sav'd. The Rage, as had happen'd upon such a Turn as this, is obvious to be conceiv'd by all that are acquainted with the Arts of Law, and false Dealing; which consist chiefly in drawing the Adversary to do some wicked thing, or such as is likely to be construed so, and the having indubitable Evidence of it. But now let me give the Imagination a Lift higher. Suppose the Court had been so weak, as to have given this FELLOW (he had call'd him THE GOALBIRD but just before) *Wilkinson*, a round Sum of Money to have been an Evidence, as they call'd it, against the Earl, and, between him and his two *provisionary* Gentlemen, and other real Tokens, perhaps, there was a clear Evidence of it; though, it may be, the *harmless, unwary* Court expected only from him to have sworn the Truth of the Oxford Plot, which *they were sure* he was privy to, and knew. Then the Ignoramus Friends had let the Indictment go *Billa vera*; and his Lordship had stood his Trial *per Parei*. He had run no Hazard, for this Discovery in Evidence, made before that vast Assembly, which must have been a Surprise, and unprovided of any Answer, had tainted the whole Prosecution, and brought him off with prodigious Vogue of Popularity."

These are Mr. North's own Words: None but his own can do him Justice: And it must be confess'd, in favour of this very notable Observation of his, that those who would have Recour'd to such wicked Artifices to take off an Enemy, might very well presume, that the same Enemy would be to the full as wickedly artificial in his Defence. Nor is it easy to conceive, why the Captain should stipulate for 2000 Guineas, and a Pardon, as an Earnest of the Sincerity of the Court, if he had not an Intention to deserve Both, by swearing up to the Court-Expectation, or if he had not some such Turn to make. But with whatever View, or from whatever Motive he acted, even Mr. North himself does not charge him with falsifying any of the Cir-

cumstances he treats of: But, on the contrary, acknowledges, almost in spite of himself, that he had been sufficiently cautious in that Particular; for he says, *he was careful chiefly not to be expos'd for a Liar in Matters of Fact*: And it is to be wish'd, that our great Examiner had been equally scrupulous; in which case he had not so often insisted on the Captain's Ambuscade of two Gentlemen; to confirm the Perjury and Subornation; since the Captain mentions but one, who was a Prisoner as well himself, and whom he selected out of the Herd, as he says himself, for appearing to be a *sober and sensible* Person: And whereas Mr. North farther asserts, That the Captain does not reveal who his two Friends in reserve were, that one, at the End of the Narrative testifies by Name, *viz. Jarvis James*, that the Informations given to him by the Captain, from day to day, tallied in all respects with it; as he was ready to make Oath, when requir'd.

It is, however, most true, that, in these desperate Party-struggles, all Considerations are equally on both Sides to give way to the Good of the Cause; and mutual Charges can no otherwise be answer'd, than by mutual Recriminations. Many a flagrant Exemplification of this fatal Truth has in the Course of this History already occurred, and many another is yet to occur. Even in the Portion at present before us, this Affair of *Wilkinson's* is not distinguish'd as the only one of the kind, but as that which made the most Noise. And, if the Accounts publish'd at the Time are to be depended on, the Treasons imputed to the several Persons under Prosecution, were scarcely more heinous in themselves, or of a worse Tendency with respect to the Welfare of Society, than the Methods taken to punish them. Thus, in the Tract call'd *No Protestant Plot*, Part i. p. 17, we find it suggested, that it was the Practice of the Papists, meaning the Creatures of the Duke of York, to intercept Letters directed to Lord *Shaftsbury*, and, after inserting Treason in them, to transmit them to such as would be sure to lay that Treason before the Ministry: And to convince the Public that this was true, a Letter from an *English* Gentleman in France to that Nobleman, containing a Regiment for relieving him in the Gout, is instanced; which was in this manner, we are told, intercepted; and, after the following Words had been fraudulently inserted, in a similar Hand to that of the Writer, *viz. That he was able to furnish this Earl with forty thousand Men from France, to oppose the Duke of York*, forwarded to the French Ministry, to be by them first improv'd to the Prejudice of the Person who wrote it, and then communicated to ours, that they might make the like malicious Use of it against the Person it was address'd to.

In the same Tract we are farther inform'd, that *Fitzbarris's* Widow, by a Deposition upon Oath, August 15, 1681, not only affirm'd, that her Husband, a little before his Execution, had told her of great Rewards at first offer'd him, in case he would charge his Libel on the Lords *Shaftsbury* and *Howard*;

A. D. 1681.

*Ill Practices charge'd upon the Court, in the Course of this Affair.*

A. D. 1651. but that he had also advis'd her to do it, as the only Means to save his Life; tho' he acknowledg'd at the same time, that they were wholly innocent: As also, that the further depos'd, that a certain Gentleman (who, is not explain'd) assur'd her, she should have what Sums of Money she pleas'd, if the would accuse those two Lords of the said Libel.

[Hist. p. 12.] And, what is more immediately to our present Purpose, in the second of these Tracts, we find it asserted, That, to all the other Arts and Methods of obtaining Witnesses to support the Belief of a *Presbyterian or Protestant Plot*, the *papal Factors* had added one more, which, in a more especial manner, deserv'd the Abhorrence of all Mankind; because it left no Man safe, that they had the Boldness and Impudence to accost: For that, as in *Wilkinson's* Case, as soon as they discover'd that those they attempted to corrupt and suborn had more Uprightness than they apprehended, or were made to believe, and had either the Wisdom, or Virtue, or Grace, to scorn their Offers, and resist their Importunities, they immediately drove them into the Toils they refused to set for others, by swearing Treason or Subornation against them; inasmuch, that the Man of Conscience, who chose to expose himself, rather than injure his Neighbour, was immediately oppress'd with the whole Weight of Power, and became the Martyr of his own Integrity.

[Hist. p. 16.] Thus, knowing that the single Evidence of *Booth* would not be sufficient to dispatch *Wilkinson*, or to establish a Belief of the Plot, Endeavours were us'd to prevail with one *Mande* to swear, that *Wilkinson* had confes'd to him, "That Lord *Shaftsbury*, and the Members of the *Oxford-Parliament*, were engag'd against his Majesty." But *Mande*, instead of complying, solemnly protested to Twenty Gentlemen. That he neither was, nor could be, a Witness against any Protestants, tho' *Warcup* had spar'd neither Promises nor Threats, to terrify or seduce him into that detestable Service.

[Hist. p. 15.] Thus, when the said *Warcup* had also fail'd in corrupting *Everard* to swear, That Lord *Shaftsbury* intended to set up a Commonwealth; and that he, with others, were providing Arms, with a Design to alter the Constitution, Warrants were immediately issued to apprehend him, for capital Offences against his Majesty, his Crown and Dignity.

Thus, when one Mr. *Puckle*, a Person often employ'd in his Majesty's Service, and who had always acquitted himself with Diligence and Fidelity, refus'd, under the like Importunities, to accuse the Lords *Shaftsbury* and *Howard* of treasonable Designs against the King and Government, and of having corresponded with him in pursuance thereof, one *Cor*, infamous for having undergone the Pillory, and a whole Life of Enormities, was invited from *Holland*, whither he had fled from the farther Consequences of his Knaveries here, to bear witness against him, as being an Accomplice in the same Treason.

Thus, one *Brownrigg*, having been invited to become an Evidence against Lord *Shaftsbury*, and refusing, was sent a Prisoner to *York-Castle*, with this aggravating Circumstance, that there was no Specification of his Crime in the *Warrant*; nor any better Pretence than that of a Commitment, than that an Information was laid of a treasonable Nature, and being made against him: The Contents, which *Widdowson*, in Truth, were, That he had sent *James de Dringer* (in consequence of the Plot) to be try'd upon him, in relation to his turning Evidence, must be understood) who was in the possession of Lord *Shaftsbury*, and that he was a Design carrying on against the Liberty of *Lord*.

And as if this were not enough, by the same Party-writings, he is to be try'd for a Plot, and then suborn Witnesses to swear it, (P. 12. p. 16) the Managers of the Affair, as well to facilitate the Success of their Intrigues, as to secure them from being detected and expell'd, had recourse to one Trick more, namely, To cause all those to be accus'd of one Offence or another, who shew'd any Zeal or Activity in endeavouring to unmask their iniquitous Proceedings to the Public: Whence it follow'd, That, as Innocency was no Protection, against the Perjuries of corrupt and prostitute Men; so those who had the Courage to stand upon the Defensive, by labouring to discover the Means and Persons by whom such Villanies were propagated, and to whose Rain they were to be employ'd, did but expose themselves to new Difficulties and Dangers. For, as he, in the *Roman* Story, who would have kill'd his Neighbour, complain'd, on his being prevented, that the Person he attack'd did not *assum Gladium recipere*; so they who made it their Business to falsen a Conspiracy upon Protestants, against his Majesty's Person and Government, were angry that those they prosecuted would not abandon their own Innocency, and suffer their Adversaries, without Disturbance or Molestation, to swear them out of their Lives and Estates; The Truth of which appear'd by their causing Mr. *John Harrington*, for no other Crime, to be bound in a Recognizance of 1000*l.* to answer at the King's Bench to whatsoever Charge or Information should be brought against him; and by their giving out on every side, that Indictments and Precognitions were ready to be prefer'd against several Persons, who, like Mr. *Harrington*, had nothing to answer for, but their too bold and saucy prying into the secret Transactions of *Warcup*, to suborn the Willing on one hand, and to persecute the Obstinate on the other: The general Method of conducting which, we find thus compendiously set down, agreeable to what has [P. iii. p. 62.] been already suggested in the Case of *Wilkinson*, *Sec. viz.* That the first Expedient they made use of to prepare a Man for the Impression they design'd to make was, to bear him down with a strong Persuasion that he must needs know something of the Earl of *Shaftsbury's* Designs against his Majesty: That the next was, to take the Advantage of his Weakness or Wickedness, by insinuating,

ating, that if he would be so ingenious as to confide, he had an Opportunity both to enrich himself and obtain the Favour of the Government; and that if the Person thus dangerously betwixt, prov'd so just to him self, and so tender of himself, as to declare in the Simplicity of his Heart, that he was altogether ignorant of any ill Design projected or promoted by that Nobleman, he was finally told, That an Information of a dangerous Nature was lodg'd against him; and that since by declining to inform against Lord Shaftsbury, he had render'd himself unworthy of the Favour and Mercy of his Prince, he must expect to undergo the utmost Severity of the Law.

And, to close for the present, on this scandalous Head, we have already seen, that the Names of such great Men as the Lords Halifax, Hyde, &c. were openly made use of to give Credit to the mighty Promises necessary to be made in a Traffic of this infamous nature; so, in the Writing before us, we find those Pillars of the State call'd upon to take signal Vengeance on Warcup, Booth, &c. for having prostituted their Characters to so vile a Purpose, if they had any Regard for the Opinion of the Public, or if these their known Agents had exceeded their Instructions, and said or done more than they could justify.

Having thus treated of the Allegations against one Party, it is but equal to treat also of those against the other: And this brings us to the grand Struggle between the Bench and the Jury in the Case of Lord Shaftsbury; not for the Palm of Justice, but to serve their respective Clients; as may be very fairly and candidly infer'd from the Proceedings on both Sides.

With what an Eye to Contests of this nature the Milcontents had been so extremely solicitous to have Sheriffs after their own Heart, has already been shewn; as also of what Advantage to their Cause this Solicitude of theirs had proved, in the Cases of College and Rowse: And with what Zeal those of the present Year, Pilkington and Slute had bettir-

ed themselves in behalf of their great Leader, became manifest to the whole Court, when the Jurors answer'd to their Names. (f) It is truly observ'd by Mr. North, that they were pick'd out from the very Center of the Party; and tho' Men of Eminence both for Ability and Circumstance, were so far gone in the Distempers of the Times, that it was next to impossible for them to see any political Object, but thro' a factious Medium.

Previous Care had also been taken to set forth in the Papers, just quoted, all the Circumstances, Arguments and Inferences that could help either to blacken the Prosecutors or to blanch the Prisoner: One of these (the second Part of *No Protestant Plot*) came out but the very Night before the Hearing; in which all the plausible things imaginable were said both to induce the Jurors to suppress the Bill, and to countenance them to the Public for so doing: In particular, they were told, That a Grand Jury was never to find a Bill, but either upon personal Knowledge of the Facts specify'd in it, or (g) credible Evidence: That if they did otherwise, they were perjur'd; for if they believ'd the Evidence to be false, they could not believe the Bill to be true: That when Jurors found a Bill on such Evidence, they were guilty of a threefold Injury to the Prisoner in relation to his Liberty, Estate, and Life; for, that upon finding the Bill, his Body became liable to a closer Restraint, his Goods to be inventory'd, and his Life was put into Hazard: That they were the sole Judges of the Matter of Fact; and therefore it was reasonable, and had been customary for the Witnesses to give their Depositions to them only, and that more especially as the Bench were not to give them any Directions as to their Decision thereon: That they were Judges of (h) Law as well as Fact, so far as it related to Fact, or was complicated with it: That they were not only to be guided by the Credibility or Incredibility of the Witnesses, but also by the (i) Probability or Improbability of what

A Pamphlet publish'd the Night before the Hearing, for their Instruction, &c.

The Grand Jury, in Lord Shaftsbury's Case, pick'd out of the Center of their own Party.

(f) *Remonstrance, Popillon, Dubois, Ekin, Shepherd, Gifford, &c.*

(g) Under this Head it was further said; "They are, in the first place, and in a special Manner, to consider and weigh the Quality and Credibility of the Witnesses, who are brought to prove the Indictment. For there are some, whose Testimony the Law doth not admit, and consequently the Jurors are not to receive their Evidence, as in the last to be influenced by it. And whoever is so branded that he cannot be a Juror, he is also excluded, according to Law, from all Capacity of being a Witness. There are some whom the Law styles infamous, nor have such any Credit to support what they say. Yea, there are some whom the Law hath not branded with the Mark of Infamy, and yet Principles of natural Light instruct us not to give any Faith unto them. *Perjurus est, Gith Civil Law, non facile creditur*; a beggery or bold Person is not to be credited. Such a one, *perjurus, magis quam Gith, iudicatur: ubi non Imperialis est non bene a gravitate. Perjurus non dicitur Responso in Reputatio*, is not to be much hearken'd unto in what he says. Particularly, whoever is brib'd or suborn'd is both in the Sight of the Law, and according to the common Sense of Mankind, an infamous Person, to whom Jurors are to give no Belief. Yea, one Witness, of whose being suborned the Jury are fully'd, it is enough to bring a just Suspicion upon the Testimony of never so many other Witnesses, tho' there be no Evidence of their being corrupted." *No Protestant Plot, Part II, p. 25.*

(h) Which Maxim we find thus artificially enforced and explain'd: "For they do not, neither are they to find the

Fact absolutely by itself, and leave the Law to the Court; but they find the Party guilty or not guilty, or a Bill to be *Bills vera or Ignorantia*, as the Indictment, or the Case in Issue, contain Law and Fact complicated together. For, though they may be convinc'd of the Fact, that the Party charged before them did it, yet they are not to find him guilty, which they be fully'd that he did it as it is laid in the Indictment; that is, that it be such a Crime as it is there styl'd, and done with that intention and malicious Intention as it is there laid. And were it otherwise, a Person might come to be condemn'd for the most innocent Fact in the World; provided that it were reprim'd in the Indictment as some mortal Offence, and then proved by the Witnesses to have been done. Thus, suppose a Person to be indicted for Words that are plainly Treason, according to the Statute of the 14th of Charles II. Yet, if the Party charged be not professed within the Time provided by that Act, he is not to be brought in as guilty, tho' it should appear by the Evidence, that such and such Words were spoken. And the Reason is plain, for as much as the Statute makes not Words treason, but without such a limited and prefixed Time; and therefore if the Time, thro' the Fault of the Informer, or Neglect of the Prosecutor, be suffered to elapse, no Jury is afterwards to find an Indictment, were the Words charged never so fully proved." *Ibid.*

(i) For, as a Witness is to swear nothing but what he hath heard or seen, and is not to be allow'd to make any Inferences or Deductions, but is merely to relate Matters, as they occurred and fell under his Sense; so Jurors are not to swallow it without chewing of it, and examining the Possibility

A. D. 1681. what they depos'd: That they were to compare the Allegations of the Accusers with the Characters of the Accus'd; and if upon their own Knowledge there appear'd a remarkable Disagreement, they were to be govern'd by that Knowledge against the Testimony of ever so many Witnesses: That they were to consider the (k) Motives, the Nature and Manner of the Prosecution; and, finally, that when the Jurors had indors'd their Bill, or declar'd their Verdict, they were accountable to God and their own Consciences only for what they had done.

A. D. 1681. *A Mablewright*  
*down to cover*  
*the Court.*  
[Examen,  
p. 113.]

And, over and above all this, Mr. North takes notice, "That, at this Examination, according to Custom, the *Wapping* and *Suburb Detachments* were upon Duty, possess'd of the Yard and the Street, full of Insolence and Threats in their *Bruit* and *Faces*." So that nothing was omitted that could help either to convince, persuade, or overawe. And if all this Variety of Efforts for the Earl's Preservation was made purely and simply, out of Affection to his Person, or Zeal to the Cause, without any mercenary Mixture of any kind whatsoever, it must be acknowledg'd that he had a better Interest in the People, and was better serv'd than his Majesty.

November the 24th was the Day of hearing of this Important Cause; when the Bench was fill'd with the Oracles of the Law by special Commission, having in Front, for the more Ostentation, the two Chief Justices, and at their Feet the whole Royal posse of Attorney and Solicitor General, King's Council, &c. to assist in doing his Majesty Reason against the Obstinacy and Perverseness of a malapert, refractory Jury. But, notwithstanding this express Apparatus for this single Purpose, which is even acknowledg'd by the Lord Chief Justice *Pemberton* himself, we find his Lordship entering upon his Charge to the Jury, as if he was wholly unprovided with any set Discourse, on the Presumption that the (l) Recorder had already instructed them to his Hand.

The Lord  
Chief-Justice's  
Charge.

As to his Lordship's *extempore* Harangue, the principal Drift of it was to explain, 1st, the two Statutes of Treason, particularly the last, already so often mention'd, which provided, That any malicious and advised speak-

ing or writing, tending to the Death of the King, or laying him under Restraint, should be the same as the Capital Treason; And 2dly, To caution them not to be over Partious nor merciful. "You are not to judge the Persons, said his Lordship, nor to condemn; nor is it your Office to require any Bill made by you; but by others that are sworn to try a Fact or Cause, a reasonable Cause, or some Ground, that the King hath to call these Persons to answer for it, as enough, Gentlemen, for you to find a Bill, inasmuch as is by Law required. Gentlemen, you must consider this, that it is a Crime for you to condemn innocent Persons, so it is a Crime as great to acquit the Guilty.--- And let me tell you, if any of you shall be refractory, and will not find any Bill, where there is a probable Ground for an Accusation, you do therein undertake to intercept Justice.--- You thereby make yourselves Criminals, and the Fault will lye at your Door:--- Compassion or Pity is not your Province nor ours in this Case.--- Therefore I must require you to consider such Evidence as shall be given you, and to be impartial, &c.

A Bill being then offer'd against the Earl of *Shaftsbury*, Sir *Francis Wither*, the Parliament-*Abhorrer*, formerly spoken of, mov'd, that the Evidence might be heard in Court; which, after some Controversy between the Bench and the Jury, was allow'd: But this Concession on the King's Behalf, so far transported Mr. Sheriff *Pilkington*, that, forgetting he was the King's Officer, he made it *his* Request, that the Witnesses might be call'd one by one; for which he was reprimand'd by the Court, as having made himself a Party against his Majesty in a Cause which no way concern'd him.

The Bill of Indictment was, in the *Text of the Bill of Indictment*.  
Place, read; and in it the Earl was accus'd, with all the Plenitude of Law-Elouquence, of traitorously compassing, imagining, and intending the Death and final Destruction of our Sovereign Lord the King, and the ancient Government of his Kingdom of England to change, alter, and wholly to subvert; and him our said Sovereign Lord from the Title, Honour, and kingly Name of his Imperial Crown to depose and deprive; that is to say, by providing Arms, and armed Men to assist him therein, by holding traitorous Consults with

of the Whole, and the Consistency of one Part with another: For *aliquis extraneus non est iudicandus*; he who produceth Things which interfere with themselves, or with what any other hath said in the same Cause, overthrows both the Credit of his Fellow-witness, and destroys his own Testimony. Some things, tho' positively sworn, yet carry their Refutation along with them. For example, that there should be a Protestant Plot to seize the King and alter the Government, and not one of all those know it, who were most likely to have been made acquainted with it: And a Conspiracy to apprehend the King at *Dayton*, and yet no visible Force to effect it, nor any thing proportionate to such an Undertaking either taken care of before-hand, or brought to light since. It is impossible, that what my Lord *Shaftsbury* is charged with should be true, and yet that no Man should ever hear of it, but they from whom, if there had been any such thing, it would have been most industriously concealed." *Ibid.*

(k) "For where there is either Malice at the Bottom, or unseasonal and unbecoming Rigor and Violence in the Pursuit, it is just Ground admitt'd of a Suspicion, that the Party acted it not so much nocent as his Enemies out of Wrath and Revenge would have him thought to be. A Prince's In-

terest is to have the Lives of all his Subjects preferred, as far as the Law, his own Safety, and the Welfare of the Society, will admit; and therefore the *Arguing* out of a Person from the rest, as if it were of purpose to *own him down*, argues that some Inducements, which his Prosecutors do not think fit to mention, do influence unto it, and that it is the Interest of some *secret Ministers*, rather than the Party's own Guilt, that bring him under *Ostracism*. Besides, where all things have been carry'd with a *Clash* and *Blow*, which is neither justify'd by the Law, nor usual in other Cases, there Men may justly fear that there is some Play in that Man's Affair. Again, when a *Si quis*, as it were, hath been sent into all Parts to invite Witnesses, and when foreign Dominions have been sought into for Evidence, as well as our own Kingdoms, it gives impartial Men Cause to apprehend, that the Party pursued is not so criminal as his Adversaries endeavour to proclaim him." *Ibid.*

(l) His Lordship's Words are, "Truly I can hinder this Morning, with an Apprehension that you had your Directions given you before by the Recorder: for it is our usual Way not to come till the Juries are sworn, and their Directions given them."

A. D. 1651. with *John Booth*, and others; by saying to the said *Booth*, by way of Incentive, on the 18th of *March*. That the Parliament was speedily to sit at *Oxford*. That he had inspected the Elections, and consider'd the Inclinations and Dispositions of the Members elected; and was fully resolv'd to insist on three things, *viz.* (m) The Bill of Exclusion; the Abolishing the Act against Recusancy; and the passing a new Bill for uniting Protestant Dissenters: As also divers other good and wholesome Bills; to which he was certain the King's Majesty would refuse to give his Royal Assent: That therefore he did expect there would be a Division between the King's Majesty and the Parliament: That many noble Lords and worthy Members of the lower House did concur in the same Opinion: That they were resolv'd to insist on the passing of those Bills; and if the King's Majesty still refus'd, that they (meaning him the said Earl, and the said noble Lords and worthy Members) had provided Strength to compel the King's Majesty to concur also: That for his Part he had provided fifty stout Men to be commanded by *Wilkinson*, of whom *Booth* was to be one: That on the said 18th of *March*, in the Presence and Hearing of many of his Majesty's Lieges, he had moreover declar'd, That our said Lord the King was a Man of no Faith; that there was no Trust in him; and that he deserv'd to be depos'd as well as *Richard II.* That he, the said Earl, would never desist until he had brought this Kingdom of *England* into a Commonwealth, without a King, as *Holland* was: That many would assist him in this Design; and that our said Lord the King and all his Family should be rooted out: And finally, that he, the said Earl, had further declar'd, that the King was a Man of an unfaithful Heart, and not worthy to be trusted, nor fit to rule and govern, being false, unjust, and cruel to his People; and

A. D. 1651. that if he would not be govern'd by his People, that they, still meaning himself and his traitorous Associates of both Houses, before mention'd, our said Sovereign Lord would depose, &c.

Thus we have, at last, an Epitome of the *Oxford-Conspiracy*, and find, that tho' Lord Chief-Justice *North*, in *College's* Trial had fo explicitly declar'd, That he knew of no Protestant Plot in question; the Fulness of Time was now come, when a Protestant Plot was to be openly avow'd; when one Protestant Peer was indicted for being an Accomplice in it: And when a Foundation was laid for the like capital Proceeding against every other obnoxious Member in either House; whether justly or not, it is as yet too soon to determine.

The Indictment being thus read, it was natural to suppose that the next Step would have been to produce the Evidence on which it was founded: But by way of Preparatory, Mr. *Blathwait*, and Mr. *Gwyn*, both Clerks of the Council, and Mr. Secretary *Jenkins*, were call'd upon to give in the Testimony relating to a certain Paper found in the Earl's Closet, and now produc'd in Court: And first *Blathwait* swears, That the said Paper was put in his Custody by *Gwyn*, who seiz'd it among others in Lord *Staffbury's* House: Then *Gwyn*, himself, in a round-about way, confirms the same thing; by deposing, That he put certain loose Papers, which he found in Lord *Staffbury's* Closet, into a Velvet Bag; and, when press'd by the Bench, that the Paper then under Consideration was 'one of them. And after him Mr. Secretary *Jenkins* swears, that the said Paper was put into his Hands by *Blathwait* at the Council Board.

The Paper itself, thus authenticated, was read in Court, and contain'd the Draught of an (n) Association; the obligatory Part of which, was as follows:

"I A. B. do in the Presence of God solemnly

[n] See the Excerpts from *Wilkinson's* Narrative, before-mentioned.

[e] Thus introduced: "We the Knights, &c. finding, to the Grief of our Hearts, the popish Jesuits and Jesuits, with the Papists, and their Adherents and Abettors, have, for several Years last past, pursued a most pernicious and heinous Plot, to root out the true Protestant Religion as a pestilent Heresy, to take away the Life of our gracious King, to subvert our Laws and Liberties, and to set up arbitrary Power and Popery."

And it being notorious, that they have been highly encouraged by the Countenance and Protection given and procured for them by J. D. of Y. and by their Expectations of his succeeding to the Crown; and that, through crafty popish Counsels, his Designs have so far prevail'd, that he hath created many and great Dependents upon him, by his bestowing Offices and Preferments both in Church and State:

It appearing also to us, That, by his Incessant, mercenary Forces have been levied and kept on foot, for his secret Designs, contrary to our Laws; the Officers thereof having been named and appointed by him, to the apparent Hazard of his Majesty's Person, our Religion and Government, if the Danger had not been timely foreseen by several Parliaments, and Part of those Forces, with great Difficulty, caused by them to be disbanded, at the Kingdom's great Expence:

And it being evident, that, notwithstanding all the continual Endeavours of the Parliament to deliver his Majesty from the Council, and out of the Power, of the said J. D. yet his Interest in the Ministry of State and others have been so prevalent, that Parliaments have been unseasonably prorogued, and dissolved, when they have been in hot Pursuit of the popish Conspiracies, and all Ministers of State their Assis-

And that the said J. D. in order to reduce all into his own Power, hath procured the Garrison, the Army and Ammunition, and all the Power of the Seas, and Soldiers, and Lands, belonging to these three Kingdoms, to be put into the Hands of his Party and their Adherents, even in opposition to the Advice and Order of the last Parliament:

And as we considering with heavy Hearts, how greatly the Strength, Reputation, and Treasure of the Kingdoms, both at Sea and Land, is wasted, and consumed, and lost, by the intricate, expensive Management of these wicked, despicable Designs; and finding the same Councils, after exemplary Justice upon some of the Conspirators, to be still pursued with the utmost devilish Malice, and Desire of Revenge; whereby his Majesty is in continual Hazard of being murder'd, to make way for the said J. D.'s Advancement to the Crown; and the whole Kingdom, in such case, is destitute of all Security of the Kingdom, Laws, Estates, and Liberty; sad Experience, in the Case of Queen *Mary*, having prov'd the wicked Laws to be of little Force to keep out Popery, and Tyranny under a popish Prince:

We have therefore endeavour'd in a parliamentary Way, by a Bill for the Purpose, to bar and exclude the said Duke from the Succession to the Crown, and to banish him for ever out of these Kingdoms of *England* and *Ireland*. But the first Means of the King and Kingdom's Safety being utterly rejected, and we left almost in despair of obtaining any real and effectual Security, and knowing ourselves to be entrusted to advise and act for the Preservation of his Majesty and the Kingdom; and being perswaded in our Conscience, that the Dangers aforesaid are so eminent and pressing, that there ought to be no Delay of the best Means that are in our Power to secure the Kingdom against them: We have thought fit to propose to all true Protestants an Union among

A. D. 1688.

lemnly promise, vow, and protest to maintain and defend, to the utmost of my Power, with my Person and Estate, the true Protestant Religion against Popery and all Popish Superstition, Idolatry, or Innovation, and all those who do or shall endeavour to spread or advance it within this Kingdom.

I will also, as far as in me lies, maintain and defend his Majesty's Royal Person and Estate, as also the Power and Privilege of Parliaments, the lawful Rights and Liberties of the Subject, against all Incroachments and Usurpation of ARBITRARY POWER whatsoever, and endeavour indirectly to DISBAND all such mercenary Forces as, we have reason to believe, were raised to advance it, and are still kept up in and about the City of London to the great Amazement and Terror of all the good People of the Land.

Moreover J. D. of F. having publicly profess'd and own'd the Popish Religion, and notoriously given Life and Birth to the damnable and hellish Plots of the Papists against his Majesty's Person, the Protestant Religion, and the Government of this Kingdom. I will never consent that the said J. D. of F. or any other who is, or hath been, a Papist, or any ways adher'd to the Papists in their wicked Designs, be admitted to the Succession of the Crown of England: But by all lawful Means, and by Force of Arms, if Need so require, according to my Abilities, will oppose him, and endeavour to subdue, expel, and destroy him, if he come into England, or the Dominions thereof; and seek by Force to set up his pretended Title, and all such as shall adhere unto him, or raise any War, Tumult, or Sedition for him, or by his Command, as public Enemies of our Laws, Religion, and Country.

To this end we, and every one of us whose Hands are here under-written, do most willingly bind ourselves and every one of us unto the other, jointly and severally, in the Bond of one firm and loyal Society or Association; and do promise and vow before God, That with our joint and particular Forces, we will oppose and pursue unto Destruction all such, as, upon any Title whatsoever, shall oppose the just and righteous Ends of this Association; and maintain, protect and defend all such as shall enter into it in the just Performance of the true Intent and Meaning of it. And lest this just and pious Work should be any Ways obstructed or hindered for want of Discipline and Conduct, or any evil-minded Persons, under Pretence of raising Forces for the Service of this Association, should attempt or commit Disorders, we will follow such Orders as we shall from time to time receive from this present Parliament, whilst it shall be sitting, or the Major Part of the Members of both Houses subscribing this Association, *when it shall be prorogued or dissolved*, and obey such Offi-

cers as shall by them be set over us in several Counties, Cities, and Burroughs, till the next Meeting of this or any other Parliament; and will then themselves attend Obedience and Submission unto them, and shall be bound to it.

Neither will we be separated or separated ourselves from this Association, or in the Prosecution thereof during our Lives, upon Pain of being by the Lawes prosecuted, and suppress'd as persons and public Enemies to God, the King, and his native Country.

To which Pains and Punishments we do voluntarily submit ourselves, and every one of us, without Benefit of any Colour or Pretence to excuse us.

Mr. Secretary *Jenkins*, in his Deposition, makes mention of nine Papers more; and among these, there was one, "Which made more Noise in Town, says Mr. North, than this of the Association; but by reason the Title was enigmatic, it could not regularly be offer'd in Evidence.—It was a List of Counties, and Names under the Titles of *worthy Men*, and *Men worthy*, in two Columns; the first, by Interpretation, was of Preferment, and the other to be hang'd. But, continues the same Writer, in the Observation of the Public, the *White and Black List* was a notable Discovery; for it shew'd by what sanguinary, as well as partial Measures, the Party had proceeded, if their Designs had taken Effect, &c."

This Paper-Evidence being dispatch'd, which, by the way, had no immediate Relation to the Indictment, and was introduc'd, Mr. (s) *North* tells us, only as a Circumstance, that made the direct Evidence more credible, *Booth's Evidence* was call'd upon, who enlarg'd on all the Particulars mention'd in the indictment relative to *Wilkinson* and himself; adding, moreover, That he had been first introduc'd to the Earl by the Captain: That they had, both together, waited on him often: That upon those Occasions his Lordship did use to inveigh sharply against the Times, and complain of personal Neglects, &c. That, discoursing of the *Oxford* Parliament, he presum'd that a Breach would be unavoidable; in which case they were to repel Force by greater Force, to purge the Guards of *Papists* and *Tories*, remove (p) evil Counsellors, and bring the King to *London*, there to be detain'd till the new Establishment was made for the Security of the Protestant Religion, and the putting a Stop to the Growth of Arbitrary Power: That he, himself, had provided a good Stone-horse, and Arms for himself, and Arms for his Servant; and that the Conspiracy was only defeated by the sudden and unexpected Dissolution of the Parliament. *Turberville* follow'd next; the main Part of whose Deposition was, That Lord *Shaftsbury* had said to him, that little Good was to be expected

Examens. p. 117.

Ibid. p. 112. Booth's Evidence.

Turberville's.

themselves, by solemn and sacred Promise of mutual Defence and Assistance in the Preservation of the true Protestant Religion, his Majesty's Person and Royal State, and our Laws, Liberties, and Properties; and we hold it our bounden Duty to join ourselves, for the same Intent, in a Declaration of our

united Affections and Resolutions, in the Form ensuing."

(s) According to *Ferguson*, he was of the King's Council in this Cause.

(p) *See*. The Lords *Worcester*, *Clarendon*, *Halkin*, *Tarbovian*, and *Hild*.



ex. Sed from the King, as long as his Guards were about him; for, were it not for those Guards, we would quickly go down to *White-hall*, and obtain what Terms we thought fit. *Swift*, alias *Barry*, made a long and purposely-extend'd Discourse, which he clos'd in these Words:

"Another thing that I have observ'd particularly: Before the Parliament went to *Oxford*, I went to see him, and we fell into some Discourse, and my Lord said there was great Preparations made, and a great many rais'd together upon the Road between *London* and *Oxford*. My Lord, said I, what is the Meaning of that? Any body may see, says he, that is only to terrify the Parliament to comply with the King's Desire, which I am sure the Parliament never will, for we are as resolute now as ever, and more resolute; for we see clearly what the King aims at, and that is to bring in Popery; which, I told several Years ago, and when I was last in the *Tower*: But, says he, we have this Advantage of him, if he offer any Violence to us (for we expect it) that we have the Nation for us, and we may lawfully oppose him, and he will meet with a very strong Opposition; for all that come out of the Country, shall be well hors'd and well arm'd, and so we shall be all; and here is the City which now has a Question in debate among them, whether they shall bear the Charge of their own Members or no; but they are willing to do it, and send so many Men to wait on them; and if we oppose the King, as we may do, for it hath been done in former Times, the whole Nation is to stand by us; and as I said when I was in the *Tower*, I would die before I would bring in Popery or any thing of that nature."

Here being call'd upon by the Jury to repeat these Particulars again, he did so, with some Variation of Expression, and the following Addition:

"My Lord, said I, we can expect nothing but Confusion from this Parliament in this nature, for then we shall be involved in another Civil War; nothing else can put an End to our Miseries, or make this Nation a settled Nation, but a Civil War. Then my Lord, said I, by this Means we shall make an end of Monarchy, or else enslave the Nation to Popery for ever. No doubt of one, says he, but we are sure of one; for the Nation is of our Side, and the City, you know how they are, and wherever they strike, I am sure the Nation will; and this I'll stand and die by."

*Brian Haynes* then stood up, and open'd his Evidence with a blunt Declaration, That he had heard Lord *Shaftsbury* vilify the King often; that is to say, discoursing with his Lordship once on the Subject of the Discoveries which he (*Haynes*) had to make concerning *Goffrey's* Death, the Earl encourag'd him to proceed in them, by putting him in hopes of a Pardon; that he, on the contrary, stood off, for fear of exposing his Person to the King's Anger; urging, that he was sure his Majesty

would never grant a Pardon to any Man that impeach'd the Earl of *Danby*; and that hereupon ensu'd the following Parley (9) between them:

"Says he, (these are *Haynes's* own Words) do not fear; if he doth not grant you a Pardon, he makes himself the Author of the Plot; and, says he, the Earl of *Essex*, Lord *Masfield*, [for *Macclesfield*] and I, we do all resolve, if you put it in Writing, we will go to the King, and beg a Pardon of his Majesty for you; and, if he doth not grant it, we will raise the whole Kingdom against him; for, says he, he must not expect to live peaceably in his Throne, if he doth not do it; for he makes himself Author of the Plot.

My Lord, said I, he hath dissolv'd so many Parliaments for the sake of the Earl of *Danby*, and prorogued for many Parliaments, therefore he will never grant me this Pardon. Says he, do not fear, 'tis the best Pretence we can have in the World; and if you will but put it in Writing, and let me read it, that I may give my Opinion of it, the Work is done; and, if he doth not do it, we are prepar'd to raise Arms against him."

He then spoke of another Conference with the Earl, at ANOTHER TIME, and said, he was then inform'd by him, That the two *Goffreys* had been with the King at *Windsor*, to solicit his Pardon; and that the King had refus'd it: That, hereupon, he (*Haynes*) again expressing his Fears of what might befall him, from the King's Fury, in these Days, and desiring Money in order to enable him to leave the Kingdom, his Lordship reply'd, in effect, That these were the best Days or Times he could wish for: That, if the King did not grant him a Pardon, he could not expect to be long King of *England*: And that he durst as well be hang'd, as meddle with him.— And, to complete his Evidence, he mention'd a third close Conference with the Earl, in which he (*Haynes*) entertain'd him with so exact an Account of the public Transactions, from the Accession of *K. Charles I.* to that very Day, that his Lordship, finding also he was a *Troscoller*, as well as a Politician, was mightily satisfy'd, and mightily pleas'd, and free with him: Which encourag'd him to make as free with his Lordship, by putting to him the following home Question: Pray, my Lord, what *Model* do you take, or intend to do? Says he, (here again we copy Mr. *Haynes's* own Expressions) Do you not think but there are Families in *England* that have as great Pretences to the Crown as the King? Says he, there is the Duke of *Bucks*, in the Right of his Mother: She was descend'd from *Edward*— one of the *Edwards*— and, in her Right, he claims the Barony of *Ros*. He hath as great a Right to the Crown of *England*, as any *Stuart* of them all." Here the Jury calling upon him, likewise, to go over the latter Part of his Story a second time, he did so; but not without a very material Alteration in his leading Question to the communicative Earl: For, instead of saying, as before,

(9) Which the Reader ought to compare with the Quotation from Mr. *North*, before inserted in Page 602.

A. D. 1681.

the Mazarin  
matters' 1

before, that he only enquir'd in general, what his Model was, and what he intend'd to do; according to the second Edition, it was, *What did THEY intend to do with the Government, if they pull'd the KING down?*

John Macnamarra was the next Man upon the List; who swore, That the Earl, for himself, and those who were with him at Oxford, undertook to procure Money for the Witnesses in the Popish Plot; and that he had made Applications to him to be taken care of, as one of the Number: That, in particular, after his Lordship's Return to London from that Place, he going to him to see what was done (in relation to Money, must be presum'd) his Lordship was pleas'd to say, "That the King was popishly affected, and did adhere to Popery; and that he took the same Methods that his Father before him took, which brought his Father's Head to the Block; and we will also bring his to this." That he then spoke of the Money, as that a Collection had been made, and that he should hear farther in a Fortnight; and that he waiting again on his Lordship, at the Fortnight's End, he told him, the Money was deposited in *Rouse's* Hands: Adding, moreover, in the Presence of one *Foy*, and, he thought, of his Brother *Macnamarra* too, "That the King was a faithless Man; that there was no Credit to be given to him; and that the *Duchess of Mazarine* was his Cabinet-Council, who was the worst of Womankind."— Here he not only came to a full Stop, but unfortunately declar'd, *This was all he had to say*: And Sir *Francis Withens* asking, for what End need not be explain'd, if he remember'd nothing else; he answer'd, peremptorily, N O. Nevertheless Sir *Francis*, finding a Way to prompt as well as question, by proceeding to ask farther, Whether he had heard nothing about deposing the King? his Memory, all at once serv'd him to recollect, that his Lordship had, at the same time, declar'd, *That the King deserv'd to be deposed, as much as King Richard the Second did.*

The other *Macnamarra* being then call'd, swore to the same Words, and that *Foy* was also present when they were spoken. This was obviously *Foy's* Cue to come forward; which he did, and testify'd, That, soon after the Oxford Parliament, he was at the Earl's House, and heard him say of the King, "That he was an unjust Man, and not fit to reign: That he wonder'd he (the King) did not take Example by his Father before him: That he really believ'd he was a Papist in his Heart, and intended to introduce Popery." That, some time after, having been instrumental in introducing *Haynes* to the Earl, his Lordship desir'd *Haynes* to put what he had to say in Writing; promis'd him a Pardon, and said, moreover, That, if the King did deny it, as he dares not deny it, we will rise upon him, and force him: "That he was frequently with his Lordship, and that he carry'd *Haynes's* Examination to him; upon which Occasion his Lordship desir'd it might be explain'd, what he meant by the TALL BLACK MAN; and,

says he, proceeds the notable Evidence, if he does mean the King, he must explain himself, and speak of the King, or the Duke of York, or the rest; and if he does, we will take care of him as long as he lives. But unless he does, we will do nothing for him. And yet, after all these promising Issues, being brought back to the first Part of his Testimony by Sir *Francis Withens*, and ask'd in particular, whether he remember'd the Circumstance relating to Richard the Second, which both the *Macnamarra's* had sworn was utter'd in his Presence, he declar'd he remember'd nothing of it.

In the Rear of all came one *Richard Dennis*; who depos'd, That from the Time he had commenced Witness he had been maintain'd by Lord *Shaftesbury*, by the Hands of *Hetherington*; and that being in Discourse with his Lordship in the GALLERY, at his Lordship's House, he, the Earl, told him, that, tho' what he had given in of the Plot in general was very good and sufficient, it would be better if he spoke more home and positive against the Queen and Duke of York; that he might be able, at least, to corroborate what others had sworn against them: But the Force of what he had to say, as he express'd himself, consisted in what follows, *viz.* That, after the Oxford-Parliament, he coming to wait on the Earl to solicit a Supply, found him in his Room, in the Company of one Major *Manley*, a Barber also waiting to shave him; before both whom, it seems, his Lordship not only refer'd him to *Rouse* for Money, but proceeded to ask how many of his Name or Clan there might be in the County from whence he came (*Dennis* was one of the *Irish* Corps)? and that he answering, by Conjecture, about three or four hundred able Men; says the Earl, (or at least to Mr. *Dennis* swore he said) "Mr. *Dennis*, I would very willingly have you to advise those of your Name, and those of your Friends, for to be in a Readiness, whenever Occasion shall serve, and to stand by, if Occasion should be, for to assist the Commonwealth of England; for we do really intend to have England under a Commonwealth, and no Crown; and we intend to live as we see Holland does, that is, to have a Commonwealth, and to have no supreme Head, particular Man, or King, nor owe Obedience to a Crown; and we will extirpate the King, and all his Family, as near as can be."

The Indictment was so well supported in every Instance, as far as Swearing could support it, that the King's Council here thought fit to close their Evidence; and the Lord Chief-Justice gave the Jury to understand, that, if they had any Questions to ask, the Witnesses should be brought into Court again, one by one, to answer to their Inquest. But the Jury, it seems, had two previous Questions to put to the Court, *viz.* 1. On what Statute the Indictment was founded, whether on that of the 25th of *Edw. III.* or that of the 13th of the King, or both? 2. Whether any of the Witnesses were themselves indicted? To the first, the Lord Chief-Justice *Pemberton* answer'd, That the Indictment

was grounded on the Statute of the King, as being the *most copious*; but both were to be consider'd: And the Lord Chief-Justice *North*, to make their Foundation as broad as possible, took notice, as before in the Trial of *Collige*, That as the Words in the Judgment were *contra Formam Statuti*, with an Apostrophe, it might be understood *Statutorum* or *Statuti*; so that all the Statutes relative to Treason were in force upon this Occasion. And, as to the *second*, the Lord Chief-Justice *Pemberton*, with his usual Address of, *Leak ye, Gentlemen*, gave the Jury to understand, That it was not proper for them to examine or take Proofs concerning the Credibility of the Witnesses; and that on the contrary, they were only to examine whether the Statute was satisfi'd, in having Matter that was treasonable, and having it witness'd by two Men, who were, *prima facie*, credible. And yet the Bill of Indictment is drawn up in the Names of the *Jurors*, who are therein made to adopt the Depositions of the several Witnesses, and to give all in, not on the Oaths of the Witnesses, but their own; which is sufficient to startle any Man not vers'd in the Practice of the Law, and to authorize any Scruples of any kind whatever.

Examination  
of the Wit-  
nesses by the  
Jury.

These Points being thus decided, the Court adjourn'd till Three in the Afternoon; at which Time, the Jury came prepar'd with their several *Queries*: They began first with *Mr. Gwyn*; whom they question'd in relation to the Seizure of the Papers, and of the *Association-Paper* in particular, in such a manner as argued a Suspicion, that it was laid there by those that found it. *Mr. Gwyn* was, however, express, that the Paper was fairly found; tho' he confess'd he did not know the Hand, and was very hardly brought to own, that he had ever heard any Talk of a parliamentary Association: And when some Questions were put to *Mr. Secretary Jenkins*, relative to the same Point, even he appear'd to have the same (*r*) *Gift of Forgetfulness*: For, having said, that he did not remember to have heard this particular Association propos'd, and being ask'd by the Foreman, *Sir Samuel Bernardson*, whether he did not remember the Reading of it, on occasion of the Bill, he could recollect no more, than that such a thing had been talk'd of; not that he was present at the Reading: Tho' it is affirm'd he was on the Credit of several of his Fellow-Members; and moreover that he oppos'd the said Bill with all his Might.

[No Protest-  
ant Plus, P.  
iii. p. 134.]

The Questions they put to *Booth*, related to the Time, Manner, Place, and Circumstances, &c. of his being admitted to the Earl: But when they proceeded to ask him, Whether he had been indicted for Felony? and Whether he had ever had any Converse with one *Marriot* an Attorney, who had been concern'd in some Management of the *Irish* Witnesses, &c.? the Lord Chief-Justice

interpos'd in the King's Behalf, with as much Earnestness as they had shewn in behalf of the Earl; saying, Such Questions were not to be suffer'd; those relating to *Marriot* being Trifles; and those which had a Tendency to make *Booth* accuse himself, unfair.

A. D. 1681.

Of *Turberville* they ask'd, When he heard the Words he swore to? He answer'd, in *February*. Q. When he reveal'd them? A. About the fourth of *July*. Q. Whether, about the Beginning of *July*, after the Earl's Commitment, he did not declare to one *Mr. Herbert* who charg'd him with being retain'd as a Witness against his Lordship, That, as he was alive, he knew of no such thing? A. I do not remember that ever I spoke one Word to *Mr. Herbert* in my Life. Q. Were not you one who petition'd the Common-council? A. Yes. Q. And did not you then declare, that you were tempted to witness against your Conscience? A. I believe I never read the Petition. [Note, *Mr. Bellamy*, the Scrivener, who drew up this Petition, depos'd upon Oath, "That *Mr. Turberville*, *Macnamarra*, *Haynes* and others, came to his House (being near *Guild-Hall*) the Night before the Common-Council sat, to desire him to draw a Petition to the Lord-Mayor, Court of Aldermen, and Common-Council, for their present Support and Maintenance: And that when they had given him Instructions, he drew a foul Draught thereof, which he read to them the next Morning as audibly and distinctly as he could; and that they all seem'd very well satisfi'd with it, desiring only that he would add to the last Clause of the Body of the Petition these Words, *viz.* That they could not be suppli'd out of his Majesty's Exchequer. And that when he had thus perfect'd the foul Draught to their Satisfaction, and engross'd it, he read it to them again with the same Plainness and Distinctness as before; and that all of them did very well approve of it, especially *Mr. Turberville*, who was pleas'd to give it a particular Character.] Q. Were you in a poor Condition? A. Truly, I was not very poor, tho' I was not over full of Money.

Of *Smith* they ask'd abundance of Questions; all tending manifestly to expose and ensnare him; which he discern'd, and kept so good a Guard, as shew'd he had many weak Places to cover.

The most material Questions put to *Haynes* were these: Namely, Q. Did you ever make any other Information to a Justice of the Peace? A. Not of my Lord *Shaftsbury*. Q. Did you not give in an Information of a Design (*1*) against the Earl of *Shaftsbury*? A. [after some Embarrassment] Yes, to *Sir George Treby*, in *March* last. Q. When did you give in your Information against the Earl? A. The 20th of *June*, the Day I was taken up by the Messenger. Q. When was it with the Discourse with him? A. I had several Conferences with him. Q. Did he ever

(r) This Expression is borrow'd from a Priest: who, being accus'd of having heard in Confession from *Roveller*, that he intended to assassinate *Henry IV.* reply'd, That  
NUMB. LV.

among the Mercies which God had bestow'd on him, one was the Gift of Forgetfulness.

(1) See Page 609, Col. 2.



A. D. 1681. time say the same? *A.* The LAST was in *Ironmonger-lane* [this must be understood of the CLOSE CONFERENCE he had before spoken of] --He wanted me to explain what I did mean by the TALL MAN I mention'd in the Narrative. -- When we met, MY NAME IS HAYNES, my Lord, said I. -- I had, I believe, a whole Hour's Discourse with him: And, pray my Lord, said I, what Religion is the King of? Truly, says he, Mr. Haynes, he hath no more Religion than a Horse; for, says he, they say, Sir, he was inclin'd to Popery, when he came first to England: But since, he was degenerated from all the Principles of Christianity, for he is just like a perfect Beast. Q. Was it the same time he spoke about the Duke of Buckingham? *A.* No. Q. Did you ever hear any other Words? *A.* Yes; for, in *Ironmonger-lane*, I told him our only and best Way to have our ENDS of the King was, to raise a Rebellion in *Ireland*; that I had Relations and Friends, and could get discontented Persons enough; and his Lordship would do the like here. Q. Did you propound a Rebellion in *Ireland*? *A.* I offer'd to go beyond Sea, and that now was the best time to raise a Rebellion in *Ireland*. And he said it was not the best Way; for they had other Means to take; and so the Discourse was wad.

The Questions put to the two *Macnamaras* were all pretty much of the same Nature, as their Evidence was chiefly drawn from the same Conversation; only *John Macnamarra* was ask'd, Whether he had sign'd the Petition to the Common-council; and he acknowledged that he did; but withal declar'd, like *Turberville* before him, That he had not read it, neither did he know the Contents. Upon which Mr. *Papillon* observ'd, as follows: "My Lord, in that Petition, they say, they were tempted to swear against their Consciences; and that some of the Witnesses had made shipwreck of their Consciences. We ask them now, and they say, they do not know what was in the Petition: If we should ask them, who tempted them, and who those Witnesses were that made shipwreck of their Consciences, it would signify nothing: For since they do not know what was in the Petition, it is in vain to ask them any more." *Dennis Macnamarra* was moreover ask'd, Whether he had a Pardon? and Lord Chief-Justice *North* interposing, on the Maxim before made use of by Lord Chief-Justice *Pemberton*, That he might not be put on accusing himself, Mr. *Papillon*, the Querist, added, "If he hath a Pardon, he is in *statu quo*: Suppose, my Lord, some of them have been guilty of poisoning, some of Felony, some of Robbing on the Highway, we do but ask if they be pardon'd." And *Icely* having own'd, that the Words he swore to were spoken about the latter End of *March*, or Beginning of *April*; whereas the Earl was not committed till the Beginning of *July*; and being further ask'd, Why he conceal'd

his Information so long? he answer'd, I will tell it as soon as I could.

The first Question put to *Dennis* was also in relation to the Time when the Earl used such Expressions to him; he was depos'd in the Morning; and Mr. *Answer* was had, on *April 4*, or five Days after the Dissolution of Parliament was dissolv'd: And Mr. *Papillon*, as if for greater Precision, asking, In the Beginning? He seem'd to correct himself, and said, in *March*. Q. It was in *March*, and where? *A.* In his own House, here in the Town, four or five Days after the Parliament was (t) dissolv'd at *Oxford*, immediately after he came home. I do not think he was at home three Days before. Q. Who was present? *A.* Mr. *Shepherd*, and some other of his Servants. Q. Did he whisper? *A.* No: I was just by him. Q. When did you make this Information? *A.* In *June*. Q. Why did you conceal it so long? *A.* Because I was in the City so long. Q. Did you go about to muster your 400 Men? *A.* Upon my Word, I did advise some of them to be ready. Q. Did you provide them with Arms? *A.* No, I was not able to do it. Q. In what Place of his House were the Words said? *A.* In his own Chamber, the great Chamber; I do not know whether you call it the *Hall* or *Parlour*. Q. Have you heard my Lord say any treasonable Words in any other Place, at any other Time? *A.* In the long Gallery, in his own House, at another time. Q. Why did you not say so before? *A.* I did say so before: In the long Gallery he told me he would have a Commonwealth in *England*, and extirpate the Crown of *England*, and the King of *England*.

Now here occurs one of the most flagrant Contradictions that ever branded Knight of the Post: For, in his former Deposition, he swore point blank, that the Words utter'd by the Earl in the Gallery related to his Evidence of what he had to say consisted in the Discourse which he had had with his Lordship in his Room; not in the Presence of Mr. *Shepherd*, but of Major *Manley*, and a *Barber*; and yet the Jury pass'd over it, apparently thro' Inadvertency; for if they had discover'd the Flaw, they would not have fail'd to expose it.

Indeed the very Bench itself seem'd to be greatly abash'd, that so mighty an Expectation should be rais'd; and that so little appear'd to satisfy it: For the Lord Chief-Justice *Pemberton* did not so much as attempt to give a Summary of the Evidence, but contented himself with saying, upon the Issue, "You had best go and consider what Evidence is deliver'd, and weigh well all those things that have been said to you; and you must consider your Duty, whether it be fitting for the King to call my Lord *Staffbury* to question, upon this account of treasonable Words: And even the Lord Chief-Justice *North*, whose Zeal for the Crown

Lord Chief-Justice Pemberton's Charge:

Lord Chief-Justice North's Charge:

(t) The Parliament was dissolv'd *March 28*; and we have already quoted a Passage out of *No Protestant Plot*, Part ii. p. 125. in which it is affirm'd, that the Earl was

forced to stay at *Oxford*, after the Dissolution, till he had sent to *London* for Horses to convey him home.

no body can question, instead of laying the Stress of his Charge on the Depositions, which alone were brought in support of the Indictment, took notice of the Association only, which had no immediate Relation to it: His Words are these: "I would say one thing, because I observe that some of you ask'd the Question, Whether the Parliament did not debate about an Association? Whether it related to that Paper or no, I am not certain: I hope you will consider that Paper well: For my part, I must needs say for myself, I heard of it, but I never heard it read before, and never heard the Contents of it; but it seems to me to shew, what those Officers were to do for the Ends of this Association; and one of those Ends, as I remember, (Gentlemen, I refer you to the Paper, and hope you will consider it, you are Men of Understanding) I thought that one of those Ends was to *destroy* (his Lordship should have said *dissolve*) the mercenary Forces in and about the Cities of London and Westminster; and that the Government was to be by the major Part of the Members of Parliament in the sitting of Parliament, *not with the King, but the Major Part of the Members of Parliament.* Gentlemen, I may mistake, for I profess I speak only out of Memory; but it seems to me to be of great Consequence, and there is great Matter to be *prosum'd upon it*, it being found under Lock and Key in his Study: But I suppose my Lord Shaftsbury may give an Account of it; but there is great Presumption upon it, it doth not import to be an Association by Act of Parliament."

Upon the whole, the Jury having withdrawn to consider the Evidence, return'd the Bill *Ignoramus*; the Court immediately rung with Shouts and Clamours; the Acquittal of Lord Shaftsbury being a Matter of as much Triumph at London, as the Conviction of poor College at Oxford; and the Attorney General recorded his own Vexation, by desiring that those Shouts and Clamours might be recorded.

We have hitherto follow'd the Course of the Proceedings against this Nobleman as they were publish'd by the King's express Command, signify'd in the Title Page: And though the Intelligent Reader may think himself a sufficient Master of the whole Case, from the Lights already before him, some other Particulars remain still to be il-

lustrated, that the Followers of neither Party may have Room to say, we have omitted any thing material either for their Justification, or the Information of Posterity.

Thus Mr. North in his Closet, more peremptorily than his Brother on the Bench, is pleas'd to pronounce as follows:

"The scandalous Perjury of these *Ignoramus* Returns, lay in this, that, upon an Indictment, the Examination is only an Inquest of Office to accuse, and not a Trial to condemn, or acquit, the Party. And therefore they hear only the Prosecutor, and never any Defendant; and, when divers Offences come to their Knowledge, they have not a Discretion to return to the Court one Information, and to withhold another, but they are to return every unlawful Fact, of which they have Knowledge either of themselves, or from lawful Testimony. If the Testimony be not lawful, as but one Witness in Treason (for the Statute says two lawful Accusers) or if the Testimony be not express to the Matter charg'd, or if that be frivolous or Nonsense, then there is no Information, and they return that they have no Knowledge of such Fact, which is *Ignoramus*. But if the Testimony be lawful and full, it is *Billa Vera*, so is the Form; and then the Defence upon Circumstances, such as Mistake of the Person, Perjury of the Witnesses, and the like, doth not belong to them, because it comes not in Examination before them; and for them to grow up, as they pretended, from mere Informers, to become Triers of the Fact, is contrary to Law, the Institution and Duty of their Offices, and no better than rank Perjury. They are not to return to the Court their private Opinion, as the Triers do that say, *Not guilty*; but they return (as I said) their Information only; which, being legal, is, to all the Intents of any Inquest, *vera*. And the setting up their Consciences, as to the Merits, which cannot be decided but by another Trial, and hearing both Sides, is a rank Usurpation, or, rather, an Obstruction of the common Course of Justice. But here was no Room, even for that, which made their Act the more impudent and scandalous; for there was not only a *legal Testimony*, but, as it appear'd, a *convincing Evidence* of High Treason; and yet, for the Sake of this Head of the Party, the Law must be laid aside (a)."

And,

(a) The same Author, in the Fury of his Zeal, proceeds as follows:

"This indeed was a singular Case, both for the Value of the Person, and the Necessity that fell upon the Faction, for saving of him, to stop the Law in the first Instance. If the Earl, precious as he was to them, had been attain'd by his Party, it was to be fear'd the *Treasons* of his Skin would not have stood long against a *bloody Extirpation*; but such Discoveries might have been made, by way of *PAIN FOR HIS HEAD*, [it was hop'd, it seem'd, that the Earl himself could have turn'd Evidence] as were terrible for the whole Party, and the Interests they serv'd, to think of. And they had not in their Hands his Trial, for that went up to the Peers, as they had of a Commoner, that would come to a Jury of the same Stamp; for then they might have let the Indictment go, and the Petty-Jury, with better Colour, had acquitted him; which had sav'd to the Party that mournful Scandal of *Ignoramus*: A Point they would have willingly given'd, for open Infamy doth no Party Service; and it is a Prejudice not to be incurred without the utmost Necessity;

which Necessity fell out here, because they dar'd not trull the Trial of this noble Earl to his Peers. It is a manifest Evidence, that what the Jurymen did was against their Consciences; for if they had thought the Earl innocent, or that no fatal Consequences to the Party had hung to an Attainder of him, they would have *tried the Peers*, who, of all Jurymen in the World, are generally most indulgent to the Members of their own Body, of whom they are the only Triers capitally. And to say truth, this Party did not manage so cunningly as they might have done; for this stopping the Law, at the Grand-Jury, in plain Cases, as they did at first in the Cases of some Commoners, without letting them come to Trial, where it might, with much better Colour, have been done, made them more detestable, as having no Excuse. But yet, to do them Right, I guess, even in that, they had Reason; which was, to obviate all manner of Notice or Publication of the Fact; for, at petit Trials, the Jury are a sort of Judges of the Case and Testimony, and the Behaviour of all Persons that are concerned. And thus the Party really did, where the Examinations were per-

A. D. 1658.  
P. 144.

And, on the other hand, the Writer of *No Protestant Plot*, Part iii. not only arraigns the printed Account of the Proceedings, as set forth by Authority, of unwarrantable Additions, Subtractions, and Alterations; and enters into a large Discussion of the Characters of the Witnesses, and the Depositions they made; but has beslow'd some Remarks on the Conduct of the King's Council, and even the Bench itself.

H. p. 139.

According to him, things did not appear to have been carry'd with that Equality and Impartialness betwixt the King and so deserving a Subject, as the Law and common Usage directed and prescrib'd: And it is certain no kind of Procedure is any longer for the King's Honour and Interest, than it is according to Law; which is the Standard of the King's Prerogative, Glory and Safety, as well as the Rule by which the Subject is to be protected, if innocent, and condemn'd if guilty. Whatsoever Wrong is done against any of his Majesty's Lieges, is in the Sense of the Law, done against his Majesty himself, as being the common Spring and Fountain of Justice to all his People: Nor can the Throne be more dishonour'd, than to have Prosecutions to manag'd as to argue, that the King was more concern'd to condemn the Accus'd than acquit the Innocent. Those who testify in support of an Indictment, are no longer for the King, tho' call'd the King's Evidence, than they keep to the Letter of their Oath, and declare the whole Truth and nothing but the Truth: And the Moment any Proof appears, or there is just Reason to suspect that they are retain'd to swear falsely against his Majesty's Subjects, they are in Reality Witnesses against the King, by endeavouring to destroy his People, prevent his Justice, and bring Dishonour on his Royal Name: And when too much Tenderness is shewn to the Characters of Accusers, it follows, that too little is shewn to the Estate, Life, and Honour of the Accus'd.

The express Recommendation of the Statute, 13 of the King, to the Jury, because it was the more copious, seem'd to discover more of a Disposition to condemn than to acquit; And that Disposition became more manifest, when Advantage was taken of both the Statutes against the Earl: By the first, the Proof of some Overt-Act was necessary to constitute Treason; and by the last, which provided that Words should be held as criminal as Deeds, it was also provided that the Prosecution should be commenc'd within six Months after the Words were spoke or writ; and the Indictment laid within three more: But by proceeding in this complicated manner, the King had the Advantage of the Former in extending the Definition of Treason, and of the Latter, in prosecuting at what Distance of Time he pleas'd; whereas the Earl

was render'd obnoxious to the Edge of both, at the same time, that he was depriv'd of the whole Benefit that the Subject had a Right to challenge either from the one or the other.

The Examination of the Witnesses in open Court, and the subjecting the Questions of the Jury to the Pleasure of the Bench, were also complain'd of, both as Innovations, and Proofs, that the whole Proceeding was rather a Matter of Revenge than Justice, rather a Piece of State Craft, than the fair Execution of the Laws: And tho' it was alleg'd by the Lord Chief Justice *Pemberton*, that the King might dispense with that Part of the Juror's Oath, touching the keeping the King's Secrets, and challenge the Privilege of making them public if he pleas'd, it was alleg'd on the other Side, That the Proceedings of our judicial Courts did not depend on the King's Pleasure: That the Power of Juries, and the Methods they were to follow in their Enquiries, were already establish'd by Law and Custom: Nor had the King any Right or Authority either to enlarge or lessen the first, nor to cause any Variation in the last: That, consequently, what the Lord Chief-Justice *Norrib* was pleas'd to urge, That when all the Judges had agreed that the Witnesses should be examin'd publicly, the Jurors ought to acquiesce, was of no Force; for if the King could not prescribe, neither could the Judges who were his Delegates; and, at this time, it may be remember'd, held their Places *durante bene placito*, instead of *quandiu se bene gesserint*.

But that which created the most Surprise, was the Appearance of the King's Council in Court, to lead the Witnesses, and not only open but enforce their Evidence: For a Person fairly indicted, stands in the Sense of the Law, probably innocent, till the Bill be found; and, therefore, no Man, till then, ought to countenance one Side more than the other: And that these avow'd Retainers to the Crown, so avowedly interested themselves in this Case, as to make the King a Party in it, seem'd yet farther to indicate, that there was something more at the Bottom of this Affair, than merely an Experiment to make Truth or Falshood, Guilt or Innocence apparent.

Then as to the Tenderness shewn to the Witnesses, over and above the great Care taken by the Bench to hinder their Villanies from being expos'd in open Court, these venerable Sages very well knew the Rule laid down by *Bracton*, (w) *That he who doth not discover Treason with all the Expedition imaginable, after it once comes to his Knowledge, shall not be heard or allow'd as a Witness, if he comes to discover it afterwards, unless he shows very sufficient Cause*: And yet they admitted these Desperados to swear thro' thick and thin against a great Lord, tho'

note, as in the Cases of *College* and *Reyfe* [Note, Mr. North himself, as we have seen, bears witness, that both these Examinations were public; but, as soon as the Court ordered the Examination to be public, that Measure was broken, and then they began to regard a little Reputation, and let Indictments

go, depending on the Petit-Jury for the Acquittal, as in the Case of *Fitzherbert* [Note also, that *Fitzherbert* was executed the Day before *Lord Shaftsbury* was committed; but in that case they were muffled, as will appear.] *Exam. p. 115.*

(w) *Lib. iii. cap. 5.*

A. D. 1681.

tho' none of them could deny their having suppress'd and conceal'd their Evidence for Months together, nor were able to assign the Shadow of an Excuse for their having done so then, or an honest Call for revealing it at last: So that if their Depositions had Truth for their Foundation, it must be allow'd they were under the Direction or Impulse of no good Motive when they made them: And if they were under a bad one, it is reasonable to presume, that they might, with as much Facility, have been induc'd to enter into a Conspiracy against the Life of a Subject, as to depose their King.

It further appears, as to their particular Evidence, that *Boob*, who is the principal Witness, in relation to the *Oxford* Design, acknowledges in one Place, that he did not come in till within six Weeks; and in another, till within seven or eight Weeks of this Hearing; which was about the very time that the Attempt was made on Captain *Wilkinson*: And whereas he swears that he was several times with the Earl, in Company with the Captain; the latter affirm'd, That he never was with him there but once, which was in the Company of Sir *Peter Calliton*; and that their whole Discourse was on the Subject of *Carolina*. Had there been any Truth in his Depositions, relating to the fifty stout Men whom the Captain was to have commanded, and of whom he, himself, was to have been one, he would certainly have been able to have discover'd some of his Comrades; whereas, when he was interrogated on that Head, his Answer, tho' calculated to conceal his Knavery, betray'd it, *viz.* He never DIRECTLY knew or convers'd with any of them. And what is yet more conclusive against him, when call'd upon to give the World an Account, where he bought the Stone-Horse, which, as he said, he had provided for the Design, or in what Stable he had kept him, he was utterly unprovided with an Answer.

*Turberville's* Evidence, as we have seen, consisted in a Declaration of Words only, *viz.* That as long as the King's Guards were about him, little Good was to be had from him, &c. And these Words, he depos'd, were spoke in the Beginning of *February*, and not reveal'd till the fourth of *July*, which was two Days AFTER the Earl's Commitment.

And if *Smith* swears, that he had reveal'd certain treasonable Expressions, which Lord *Sbaffery* had let fall to him in Discourse, to a select Club of Gentlemen, immediately after they had been utter'd, that whole Club, unanimously and solemnly, profess'd, he had never made any such Recital to them: And Major *Manley*, who was present at the same Discourse with the Earl, undertook to depose upon Oath, that no such treasonable Expressions, nor any one Syllable of a treasonable Tendency, were then utter'd by his Lordship. And it is farther remarkable that this Man's Information, by his own Confession, was also not given in till a LITTLE AFTER the Earl was committed.

As to *Haynes*, who had enter'd into so deep a Confidence with the Earl, he was,

A. D. 1681.

even according to his own Account upon Oath, so slightly known to him, that in his last *close* Conference with his Lordship, in *Ironmonger-lane*, he was forced to preface his Approaches to him with these Words, *My Name is Haynes, my Lord*; which Circumstance alone is sufficient to blast his whole Evidence: But the Earl himself insisted, that he had never seen *Haynes*; that he never would admit him to his Presence, (This p. 124.) and undertook to prove this, as far as a Negative would admit of Proof: All the Servants of the House in *Ironmonger-lane*, moreover, and all the noble Persons his Lordship was there in company with, were ready to testify, That he never came down-stairs out of the great Room where the Company was assembled, till he was going away; and that he took Coach immediately, without withdrawing into any Room below-stairs.

And as to *Dennis* (for of the two *Macnamarras* and *Peey*, tho' call'd by Mr. *North* material Witnesses, enough has been said already) Major *Manley*, whom he, *Dennis*, cites as being present at one of the Interviews he had with the Earl, and who acknowledg'd that to indeed he was, offer'd to swear, That his Lordship spoke not one Word to *Dennis*, except the asking him, with some seeming Passion and Heat, What his Business was?

It is yet further observ'd, that the Features of Forgery are to be traced over the whole Face of the Evidence in general: That, in the Expressions they ascribe to the Earl, they make him not only forget the Loyalty of a Subject, but the Civility and Breeding of a Gentleman: Or, in other Words, that, instead of putting into his Mouth such Words as became a Man of Sense and Quality, they charge him with using the coarse and rude Dialect that was familiar to Wretches like themselves.

That the Designs and Discourses they accus'd him of were, both in Matter and Manner, so improbable, so ridiculous and extravagant, that they confuted themselves. For Instance, 1. The Circumstance sworn by *Haynes*, That the Earl should say, That the Duke of *Buckingham* had, in the Right of his Mother, as good a Title to the Crown as any of the *Stuarts*: Whereas no body had, till then, ever heard of any such Right, Claim, or Pretence; nor was there so sublime a Friendship between the Duke and the Earl, as to oblige the latter to plunge himself into all the Hazards of so desperate an Affair, purely for the Duke's sake; when the inevitable Consequences must be the Loss of his best Friends, and his own irreparable Ruin. 2. That other Extravagance sworn by the same *Haynes*, namely, That in case the King would not vouchsafe a Pardon to the said Profligate, he, the Earl, would raise his Majesty's own Kingdom against him, and by involving him in the popish Plot pave the Way for his Ruin. 3. The notable Item sworn by *Dennis*, That the Earl propos'd to extirpate the King, and with him the popish Successor, and to establish a Commonwealth by the Assistance of Irish Papists; such as were the three or four hundred able Men of *Dennis's* Clan, which he, *Dennis*, undertook

Improbability and Extravagance depicted by the Witness.

A. D. 1681.

to raise. 4. The Conceit of the *Oxford-Conspiracy*, which had nothing to countenance it, but the extraordinary Attendance on the Members: Which extraordinary Attendance was rather a Matter of Ostentation and Parade than any thing else; and, tho' calculated no doubt to alarm the Public; and to draw the Government into Suspicion, far from being a Match for the whole Body of his Majesty's Guards, reinforced as they were with two Troops of the Militia, great Numbers of Volunteers from *London*, and in a manner all the Gentry of the County; inasmuch that, if a Design had really been form'd against his Majesty, that Time, that Place, and these Circumstances, render'd the Execution of it utterly impracticable. 5. The Manner in which the Witnesses recited the several Conferences which they had with the Earl: For, according to their Depositions, all was Caution and Circumspection, Decency and Loyalty, on their Side; and all was Phrensy, Rudeness, and Treason, on the Earl's: And it is a Sin against common Sense to suppose, that a Man of his acknowledged Abilities should be so far off his Guard, as to put his Fortune, Life, and Honour, in the Hands of such *Banditti* as these. Even Mr. *North*, who is professedly his Enemy, allows him to have been a consummate Politician; and declares he committed as few Errors as ever any Man did: And nothing could have been more inconsistent with this Character, than the placing so extravagant a Confidence in Ruffians that he knew were capable of all Enormities. It is besides notorious, that he was one of the most wary of all Men; never (x) admitting any Stranger, or suspicious Person, to an Audience, but when he was secur'd from their Designs of whatever kind, by the Presence of his Friends or Servants. And, lastly, it is urg'd, as to the great Point of his labouring to subvert the Constitution, and to superinduce a Commonwealth on the Ruins of the Monarchy: That he was too well acquainted with the Genius and Complexion of his Fellow-subjects, to amuse himself a Moment with any such Impracticability: That his own Interest in the Peerage, which was so essential a Part of the present System, forbid all such Thoughts: That those who look'd upwards, and yet despair'd to rise, might be for subverting all Orders and Distinctions, that none might seem higher than themselves; but no Man, who was already on an Eminence, could be suppos'd mad and desperate enough to cut the Ground from under his own Feet, that he might be lost among the Herd: That

it was never known, that the People were twice in an Age deceived into the same Misfortune: That the Remembrance of the late calamitous Experiment rather struck them with Horror, than a Desire to renew it: That, from the very Depositions themselves, the Earl's Innocence was apparent; for if, as *Booth* depos'd, his Lordship only meant to restrain the King, till he had pass'd the Exclusion-Bill, &c. Or if, as *Hoyne* depos'd, he had a Purpose to make a Transfer of the Crown to the Duke of *Buckingham*, what *Dennis* depos'd in relation to a Commonwealth, was a palpable Forgery: And so, *contra*, if the Commonwealth Story was true, the other Stories were false: There is also an irreconcilable an Enmity between the Depositions of *Booth* and *Hoyne*, as between those of *Booth* and that of *Dennis*: And thus, in whatever Light they are consider'd, like the fabulous Brood of *Cadmus*, they destroy one another.

From this Incongruity of Matter, in the several Testimonies of these Fellows, it seems reasonable to conclude, however, that they were not furnish'd with their Lessons from Court, tho' the (y) contrary is asserted; for, if that had been the Case, they would have been taught to lye more plausibly, and to use better Language.—And yet, why should the Court adopt what they would have been asham'd to inspire? The Absurdity was almost as great the one way as the other; and they were sure to undergo the same Reproach.—But when Men shut their own Eyes, they persuade themselves that the rest of the World are blind; and that what they will not see, others cannot: Which is of all Mistakes the greatest, and most fatal.

Touching the Charge of Subornation, a *Proof of Subornation at* Variety of Particulars occurs; *some few of* which are as follow: *John Macanarria* acknowledged to five several Persons, that *Worship* had offer'd him several hundred Pounds, if he would recant his Evidence against the Papists, fall in with *Fitzgerald*, and swear Treason against the Earl of *Shaftsbury*, and other Protestant Lords and Gentlemen. *Brownrigg* depos'd, That he saw two of the Witnesses receive Money from a Servant of *Marrist's*, both for themselves and two others of the Evidence. *Jenks* depos'd, That *Key* had confest'd to him, that great Offers had been made to him, provided he would swear against Protestants. And one Mr. *Ashlock* affirm'd, that he (z) one Day told him, he had been with Lord *Hyde*; who had order'd him to send to him from time to time for Supplies of Money.

A. D. 1681.

(x) That one Mr. *Gandy* depos'd upon Oath, That *John Macanarria* told him, how he and *Key* having been with the Earl of *Shaftsbury*, his Lordship had refus'd to discourse with them alone; saying, he never discours'd with any, but in the Presence of his Servants: And that *Key* being thereupon very greatly disgusted, contriv'd, by way of Revenge, to swear High Treason against him. *No Protestant Plot*, Part iii. p. 114.

(y) One *Shenon* swore, That being, on the 11th of *August*, in Company with *Smith* and *John Macanarria*, the said *Macanarria* told *Smith*, That the Reason why he could not flatter him upon him that Morning was, because he had been with *Sir Leslie Jenks*, who had given him a long

Lesson; which he had nevertheless learn'd, tho' it was very long. *No Protestant Plot*, Part iii. p. 96.

(z) This Fellow was one of those who sign'd the Petition to the Common-council, and in *Rose's* Case had the Impudence to urge, That his former Allegations against the Papists were wholly false; and that he had made Oath of them, only because *Rose* would not, otherwise, furnish him with Money. Divers Persons also affirm'd, that whereas he had sworn, on the same Occasion, that the Earl of *Shaftsbury* did usually distate to him the Informations he drew up and depos'd concerning the Popish Plot, they had seen the said Informations in his Hand, before he was known to his Lordship.



A. D. 1681. Money. *Aflock* also affirm'd, that he had seen a Letter directed to the said Lords, which *Jery* said was for Money. *Dennis*, while soliciting the Benevolence of the City, had, himself, depos'd before Sir *Patience Ward*, That both *Warcup* and *Fitzgerald* had tempted him with great Offers of Gold and Silver if he would depart from his Evidence against the Papists and swear Treason against the Lords *Shaftsbury*, *Howard*, and other Protestants. And a Namesake of his, one *George Dennis*, depos'd, "That to his Knowledge the Witnesses who swore against the Earl of *Shaftsbury* had a hundred, or a hundred and fifty Pounds a Man for so doing: And that he might have had as much, if he would have sworn against the said Earl.

[108.]

[110.]

It was, indeed, manifest to the whole World, that their Circumstances were greatly mended: For no sooner had they taken this new Ply, which was as soon as it appear'd, that the over-bearing Power of Parliaments was at an end, than they appear'd in new Cloaths, had their Pockets full, and liv'd in all the Luxury imaginable; which very sufficiently indicated whose Implements they were, and from what Quarter they receiv'd their Wages.

It is farther allegd, that the Court had a much larger Band of these Mercenaries in petto, than they thought fit to produce; and that the Names of several of them were indors'd on the Bill; but on second Thoughts expung'd: Some of these are particulariz'd, as *Fitzgerald*, the Evidence-Broker so often mention'd, one *Sir James Hays* a noted Sharper of those Times, and *Fitzbarri's* Maid, whom we find represented as a more infamous (a) Prostitute than any in the Stews.

Reflections on the Association Paper.

The Paper call'd the *Association*, remains still to be spoke of; and in Abatement of all Conclusions that could be drawn from it, it is urg'd, That tho' Mr. *Gwyn* swore there were none present, he thought, when he put up the Earl's Papers, but himself and his Lordship's own Servants, it could be prov'd, that he brought five or six Persons more into the Closet, who were all as busy as he in putting up the said Papers: That an Inventory of the said Papers being refus'd to his Lordship, his Lordship refus'd to put his Seal on the Trunk in which they were contain'd; so that those who had them in their Possession, had it in their Power to insert among them what other Papers they pleas'd: That *Blatvauit* swore more than he could possibly know, when he depos'd that *Gwyn* had seiz'd that Paper in the Earl's Closet: That the Attorney-General had, in Discourse, been pleas'd to acknowledge, That there were two or three Bills of Association

found in the said Closet, different from that exhibited in the House of Commons; which fem'd to argue that many things of that nature had been submitted to his Lordship's Consideration; and if he had rejected those, he might also have rejected this: So that upon the whole, the Lord Chief Justice *North* had no legal Warrant for saying, That there was a great Matter to be presum'd upon it, and was almost without Excuse for urging it in Conclusion to the Jury, when the Attorney-General had not thought it of Weight enough to deserve a Place in the Indictment.

A. D. 1681.

It must, however, be acknowledg'd, that even these very Endeavours to weaken the Proofs, that this Paper was actually found in the Earl's Possession, and that the Earl had any Concern in it, imply a Confession, that the said Paper was in its Nature and Tendency criminal, and, however abandon'd and prostitute the Witnesses notoriously were, by whatever corrupt Motives they were induc'd to swear what they did, and however flagrant the Absurdities and Contradictions appear'd, which they perjurd themselves to authorize, it will be no Breach of Charity to conclude from the Disposition of the Man, and the Temper of the Times, that some such Project as this of an Association was really on foot; that the Leaders of the Party were all in the Secret of it, tho' not the Wretches who were brought to testify; and that the Effect of it was only by these sudden, and otherwise unjustifiable, Prosecutions prevented.

But Reasons of State, as before hinted, cannot come properly before a Court of Justice, nor ought to have any Influence on a Jury; when, therefore the Gentlemen who were impannell'd in Lord *Shaftsbury's* Case, dismiss'd the Bill with an *Ignoramus*, they took the gentlest way of dismissing it; and we find it well observ'd, that, instead of being justly obnoxious to the severe Persecution which was soon after let loose against some of them, and the heavy Censure which fell on all of them, they were rather to blame for not immediately indicting the perjurd Miscreants, who had appear'd before them, of a Conspiracy against the Life and Honour of the noble Person they had accus'd, and thro' him, against the Lives and Honours of his whole Party: For by *Smith's* Evidence, all his Partizans in the City were affected; and by *Booth's* and *John Macnamara's*, all the Malcontents of both Houses.

[Ibid. p. 110.]

How the People, who attended the Trial, call'd by Mr. *North*, A SET RABBLE, were affected by it, we have already, in Part, seen, by the Joy they testify'd when the Jury brought in their Verdict: But this was not all, they made such Remarks in the Courfe

of

(a) It is upon this Occasion also, that we are let into the Particulars of the Contradictions which appear'd between her Evidence and that of her Mistress, when the Bill was press'd against Lord *Howard*, relating to the famous Libel before insert'd at large; which were as follow, viz. "The Maid being ask'd, how her Maid came to hear Lord *Howard* and speak the treacherable Words which were sworn, reply'd,

That the Wench had arriv'd at the Knowledge of them by standing and leaning behind the Door. But the same Question being propos'd to the Maid, she affirm'd she was as much trust'd by my Lord as Mrs. *Finborough's* berriest; and that he had said *to* and *to* her, in performance of the testimony which she had with him, and the Confidence he placed in her." *Ne Prestitus Plea*, Part iii. p. 211, 112.

A. D. 1681.

of the Proceeding as gave frequent Offence to the Court: Bishop *Kennet* affirms, that the Judges afterwards complain'd that they had been affronted as they sat on the Bench; and most certain it is, that the Winesles dearly earn'd in that one Day's Service, the whole of their Pay; for they never pass'd in or out of the Court, but they were loudly and openly menac'd and revil'd, and, upon the Issue, had like to have been torn to Pieces.

The two Parties greatly exasperated against each other.

Indeed, both Parties were now thoroughly heated against each other; and no wonder; for each had been taught, that the other study'd their Destruction: Those detestable Names of Distinction, or rather of Reproach, (*b*) *Whig* and *Tory*, had now also been alternately given and glory'd in, which afforded a ready Vehicle for all the Bitterness that mutual Provocations could raise, or Malice accumulate. Henceforward, their Proceedings were such as shew'd, that Charity was alike extinguish'd on both Sides. If the persecuted Party complain'd against Informers, out of *Taciturnitas*, as now they did, in the very (*c*) Words formerly made use of by the Papists when persecuted by them, the Persecutors retorted their own Practices and Examples upon them. Thus, instead of being entitled to Justice, they were held unworthy of Compassion; and as the Quarrel grew every Day more and more desperate, Men were punish'd in their private Capacities for their public Faults; whoever sided with one Faction, had the other in a Body to grapple with: And even the Laws themselves were wrested out of the Hands of Justice, and instead of preserving the Peace of Society, were made the Engine to destroy it.

[No Protestant Plot, Part II. P. 14.]

(b) Of which Mr. *North* gives the following concise, novel, and lively History.

"The Terms of that Distinction were not cover'd in Practice, but the Party that is *Tory* had much the Start, and was indiffer'd about a Year before the other was thought on: But now *Whigs* has the Pre-eminence, for better Sound's sake. In the *Whigs* in Parliament 1679, the Bill of Exclusion of the Duke of *Jork* took place in the House of Commons; but was without Division, Heat, and Animosity, as a Matter of that high Name must needs cause. But, without doubt, the Debates among the People were more fierce, and agitated with Extremity of opposite Talk; and the lower Sort were generally on the Side of the Bill, who, but for some naughty Guards, which the King had always in good Order, had come down and assisted with their Noise (at least) about the Houses of Parliament. Tending the Debates, the factious Drives play'd the Coffee-houses, and all Places of promotion Resort, to incite a Mixture of them (instead of which) upon which the whole Machine run'd; it which was that hotting, or *whetting*, but the Exclusion, would do. The King had offer'd a necessary after him, little less than the Power of the Government still; but, in Substance, that would not do, and why? It was not to take place in his Time. It is easy to imagine how rampant these Prosecutors of Power, the Exclusioners, were under such Circumstances of Advantage, as it that time prevail'd: Every where inflicting and demanding the Loyalty, as was done, in all the Terms of common Conversation; and the latter had the Wind in their Face, the Votes of the House, and the Rabble into the bargain. The *Tories*, then not much opposed, naturally led to a common Use of fighting and opprobrious Words; such as *Tories*. That serv'd for many Distinctions, but did not scandalize or rile enough. Then they came to *Tannoy*, which imply'd *whetting* *Play* at Rome. Observe, all *Whigs*, the loyal Church Party, were passing, the Charge by wholly on the other Side. First, observing that the Duke's favo'r'd *High Men*, all his Friends, or those accounted such by appearing against the Exclusion, were brought become *High*, and to *whet* *High*, these *Whetting*, and, in the Copy of the famous Language, the Word *Tory* was entertain'd, which imply'd the most execrable Swages among the *whet* *High*; and, being a vocal, eleven-sounding Word, readily pro-

These are Scenes that disgrace our Annals; A. D. 1681. but 'tis fit they should be display'd at full, that the Pride of all Parties alike may be humbled; and that while we blush for our Fathers, we may set a fairer Example for the Imitation of our Posterity.

Still the Wrath of the Court hung over the Lord *Shaftesbury* and his Adherents: Tho' acquitted of the Indictment, he was refus'd his Discharge; which Mr. *North* will not allow to be any Hardship: "For, says he, [Examen. P. 115, 116.] the Ignoramus-Return clears only that Piece of Parchment, call'd the Indictment, prefer'd to the Grand Jury; but neither the Person nor the Offence; for those remain still indictable, as if nothing had been done. It is the Trial upon Plea and Issue join'd, that makes an Acquittal to clear a Man. But Grand Juries may enquire *toties quoties* of the same Offence; and if Proof be kept back, or Ignoramus return'd by Corruption, the Bill may be verified at any other time. Then the Case stands as at first: A Person charg'd with full Evidence of Treason, under Custody, can claim to be discharg'd no otherwise than by due Course of Law." This may possibly be true in Point of Law; the Lawyers will admit of no Interpretations of the Statutes but their own: But if it be, the Subject is in a great measure depriv'd of the Benefit of Juries; and may be kept under the Torture of a heavy and expensive Prosecution till the Experiment, by Repetition, has at last come up to the Expectation of the Court. Mr. *North*, indeed, adds, That as to the Remedy for Liberty, the Subject might have Recour'd to the *Habeas-Corpus-Act*; and, as I take it, says he, *The Earl had*,

nounced, it kept its Hold, and took possession of the soul Mouth of the Faction; and every where, as their Men pass'd, we could observe them breathe little else but *Tory*, together with Oaths and Damnation. Tho' the Anti-exclusioners were Argu'd with Execution and Contempt, as a Parcel of damn'd *Tories*, for divers Months together; and force any devil to much as hiss, but most lay by under the Prejudice of being loyal; Fault enough at that time.

But as nothing violent is falling, in this raging, nick-naming, signifying sort of Men began to fall exceedingly in their Credits with the Community of the Nation, and apparently to lose Ground; the Cause and Steps of which will appear elsewhere: And the Loyallists began to cheer up, and to take Heartenances. And, in the Working of this Crisis, according to the common Laws of Scolding, they consider'd which way to make Payment for so much of *Tory* as they had been treated with, and to clear Scores. They began; and, one while, call'd the Adversaries *High Men*, because such were not satisfy'd to be Protestants, as the Churchmen were, but must be *High* Protestants, implying the others to be false ones, just not Papists. Then they went on, and call'd the Adversaries *Burning* *Protestants*, alluding to false Graces, counterfeited at that Place. This had a considerable Time; but the Word was not stout enough for lastly Repaire; and, after divers Changes, the Lot fell upon *Whig*, which was very significant, as well as truly, being vnderstand in *Scotland* (from whence it was borrow'd) for *corrupt* and *low* *Whig*. Immediately the Term took, and, upon the last Touch of the Experiment, it ran like Wild-fire, and became general. And for the Account of *Tory* was balance'd, and soon began to run up a fair Score on the other Side: For the *Whigs* were to fearfully perpe't'd, that they grew weary of Nicknames, and began to put on give Faces, and cry, *why* *those* *whetting* *Distinctions*? And, ever since, they have lately chang'd, the *Tories* to have been the Authors and Begunners of that Distinction, which was truly, by the Name of *Tory*, begun by themselves, and continued till Flesh and Blood could bear no longer; and then the *Tories*, re-animat, as I have shew'd, directly *se defendenda*. Examen. p. 370, 371, 372.

(c) *Delictus* *Genus* *Humanum* *publicis* *hominis* *reputari*, &c.

A. D. 1681.

ball, in the End, his Liberty without it. But a Man can scarce be said to be at Liberty, who is held upon Bail; and surely, while obnoxious to a capital Prosecution, can be in no Condition to enjoy it: And, as to the Earl's being enlarged without claiming the Benefit of that Statute, the very Records themselves bear Witness to the contrary: For on the 28th of November, his Lordship, as also the Lord Howard of Effrick, Wilmore, Whitacre, &c. were all bail'd at the King's Bench; the two Lords in a Recognizance of 3000 l. apiece, and each of their four Sureties in half that Sum.

The Lords  
Shalbury  
and Howard,  
Whimore, &c.  
admitted to  
Bail.

Nov. 7. 1681.

The Duke of  
Monmouth  
went and more  
in Exigent.

Sir John Reresby tells us, That, immediately after the Earl had thus obtain'd his Liberty, the King declar'd his Displeasure against the Duke of Monmouth on several (d) Accounts; one of which he specifies to have been, his having made an Offer to be Bail for Shaftsbury: And the next Day his Majesty appointed the Duke of Richmond, his natural Son by the Duchess of Portsmouth to be Master of the Horse, and gave one of the Regiments of Foot-guards to the Duke of Craven, another of his natural Sons by the Duchess of Cleveland; both which Commissions had been held by his Grace of Monmouth, and, probably, had been kept vacant till this time, as Lures to separate him from Lord Shaftsbury, and re-unite him with the Court.

On the Face of things it was reasonable to suppose, that this was an acceptable Service to the Duke of York; and that, in consequence, whoever was the Adviser of it, must have been dear to his Royal Highness. But the Great are not to be serv'd by Halves; and nineteen Performances will not atone for one Omission.

"Having been to visit the Duchess of Portsmouth (says Sir John Reresby) my Lord Halifax took me home with him from

Whitehall. On the Way, I acquainted him that the general Report was, That his Lordship opposed the Duke of York's Interest with the King, and his Return from Scotland, which his Highness most urgently pressed. His Reply was, That it was well if the Duke's Over-hastiness did not turn to his Disadvantage; that his Highness had a sort of hungry-Servants about him, who were eternally pressing for his Return, nor would ever let him be at rest, till with a View to their own Interest, they put their Master upon what might prove much to his Prejudice. And true it is, that whilst his Highness was near the King's Person, every body believ'd his Majesty to be principally sway'd and actuated by his Advice; and consequently, that Popish Councils were then uppermost; whereas, he did a great deal of Good in Scotland, by keeping a watchful Eye over that mutinous Kingdom. But the Papists, and others, his Highness's Creatures, pretended he was kept in Scotland, that his Enemies might the more easily work him out of his Brother's good Opinion; and that the Ministers might have the King all to themselves, and guide him according to their own Will and Pleasure. Upon this Lord Halifax observ'd, there was great Partiality in the Judgment of Men; for that in common Justice they ought to take as much Notice of things that were manag'd for the Duke's Advantage, as of what seem'd to be otherwise: That, for Instance, no body had commended the Ministers for getting the Duke of Richmond to be Master of the Horse in prejudice to the Duke of Monmouth; tho' it must prove a great Obstacle to his Return to the King's Person; and tho' most evident it was, that no greater Service could be done to his Highness, than to keep the Duke of Monmouth from Court."

It is a happy thing for a Minister, when his

(d) Probably the following Paper was another:

"Whereas Nat. Thompson hath lately, in his Public Intelligencer of the 27th of October 1681, publish'd these Words following, as delivered by the Earl of Huntington to his Majesty, the said Earl being at that time admitted to the Honours of kissing his Majesty's Hand: That is to say, 'That the said Earl had by Experience found, that they who presented the Bill of Exclusion were for the Subversion of Monarchy itself: We, who will not deny ourselves interested in the Promotion of that Bill in Parliament, then judging it the best Means of uniting his Majesty and the Universality of his Subjects, and of calling back such Hearts (if any such were) as had in the last Revolt, turn'd from him, on his Royal Power, his Grace continued for that very Reason involved in his ignominious Sentence, held it expedient to refer to the Earl of Huntington, to know whether he own'd what Thompson had so intemperately and injudiciously in his Lordship's Name publish'd; which we accordingly did, and having demand'd the said Earl the Truth of this Matter, he positively deny'd the Utterance of any the said Words, either to his Majesty or any body else; with these Alterations, that he knew of no Person whatever so weakly disposed, as the Words publish'd by Thompson, in his Lordship's Name, imported."

However, since ill Designs frequently meet with Success, and the Trade of Inventing Mean Reputations is as really professed, as some Parting of great Ignorance and depraved Manners, would have the Behaviour of the Government believ'd to be; and likewise find comfort in Truth, published, and probably to have riden yet through the whole Kingdom, purfued with a reflective Character, which will well enough serve here to gratify the Revenge of some, and the Malice, Pride, Ignorance, and ill-humour of others: We think it highly to declare, That, whether the Lord Huntington hath, or any other Person shall hereafter affirm, that we who were for passing the Bill of Exclusion of the Duke of

York (and with ourselves we may with Justice enough comprehend the Universality of that worthy Person of both Houses who concurred with us in Opinion) were for the Subversion of the Monarchy, or had any the least Thought or Intention tending to it, he is a Stranger, so contrary to common Sense, the Laws of this Kingdom, and we hope to the Will of the wise Disposer of all things, that such Assertion, by whomsoever made, should as well with Impudence and Falshood, as with Levity and Misconclusion; and we would remind such Traubers of the good Statutes of this Realm, which forbid any Man to be so hardy as to publish Falsely, (some Statute calls them false Lives) whereby Disquiet or Occasion of Discord or trouble may arise between the King and his People, or the great Men of the Realm; the Execution of which Laws we submit to his Majesty's Will and Pleasure, relying on his Royal Word in his late Declaration: For certainly nothing can more justly provoke the indignation of a Prince than High Treason; nor misapprehend the Mind of a loyal Subject, than to have his Innocence so verimously blaas'd. And we further declare, that we always were, and are still, ready and more heartily disposed to draw our Swords, and expose our Lives, for the Advancement of the King's Honour, Support of his Crown and Government, and safety of his Person, than such impudent Detractors (how greatsoever) either are, or perhaps could how to be: To whom we submit their dark Countenances, whose special Skill lies in piffing away the Credit of well-deserving Subjects, and privately insinuating such Reproaches, as either they themselves, or else should to fix a Name to.

This we think fit to publish under our Hands, to diffuse the World, which such dabling Politicians endeavour to thamelessly to impose on.

November 2.  
1681.

MONMOUTH,  
F. GEE,  
HEMBRY.

(Out of Lord Somers's Collection, vol. xxi.)

A. D. 1681.

his Master's Business furnishes him with a plausible Pretence to do his own. The Duke's Abience, no doubt, help'd to countenance his Majesty's Proceedings: But then his Presence apparently lessen'd the Importance of his Majesty's Favourite. Now the Pride and Glory of being the First-Mover at Court, was, at present, Lord *Hallifax's* sole Reward; for, as yet, as far as appears, he had neither Place nor Pension: It was, therefore, his peculiar Interest to keep the Duke in *Scotland*, and to keep him as easy as possible, by serving him in all things, except that one, which was to his own immediate Prejudice. Nor even in disposing of these Preferments to the Prejudice of the Duke of *Manmouth*, did he make his Court to the Duke the sole Object of his Endeavours; for he both humour'd the King's own Inclination, and gratify'd the darling *Duchess* at the same time, who, as a Retainer to *Fraunce*, was no cordial Friend of his, and who, till very lately, had been at open Variance with him.

Effect of the Test in Scotland.

To keep Pace with the Year, we must now pursue the Course of the Duke's Administration in *Scotland*, at least as far as relates to the Test, which was enacted in the last Session; and which had already thrown the conscientious Part of that Nation into very great Difficulties. Bishop *Burnet* says, that the *Confession of Faith* which accompany'd it, was no sooner made public, than it created an universal Murmuring among the best of the Clergy; many of whom were against swearing to a System made up of such a Variety of Propositions. They were, also, proceeds the same Author, highly offended at the great Extent of the Prerogative in the Point of Supremacy; by which the King was authoris'd to turn out Bishops at Pleasure by a Letter. It was hard enough to bear this; but it seem'd intolerable to oblige Men by Oath to maintain it. The King might, by a Proclamation, put down even Episcopacy itself, as the Law then stood; and by this Oath they were bound not only to submit to, but maintain whatever Institution he

Vol. i. p. 117, 118.

should set up in its stead. All Meetings in A. D. 1681. Synods, or for Ordinations, were, hereafter, to be held only by Permission; so that all the visible ways of preserving Religion depended now wholly on the King's good Pleasure; and they saw that this would be a very feeble Tenure under a Popish King: And when a Church was yet in so imperfect a State, without Liturgy or Discipline, it seem'd to be a more peculiarly strange Imposition to make People swear never to endeavour any Alteration, before it could be said there was any regular Establishment.

This was the general State of Things with relation to this extravagant Law: But this is not all; it was made in so remarkable a manner a Snare to ruin the Earl of *Argyle*, who had so remarkably oppos'd it, that his Case deserves a more circumstantial Explanation, which will, of Necessity, oblige us to trace the Stream to the Fountain, in order to shew the Offence as well as the Punishment.

And first, we find it observ'd of him, That he was the only Man of Quality in *Scotland*, who, after the Discovery of the Plot, took out a Commission to disarm the Papists (whether out of public Zeal or private Animosity, is hard to decide) and that under the said Authority having summon'd the chief of the *Mac Donalds* to surrender his Arms, it drew upon him a little War: *Mac Donald* thereupon entering *Argyleshire* with an armed Force, and committing Hostilities on all Sides, on the Earl's Lands and Tenants: And when a Herald was sent to him from the Privy Council, requiring him to disband his Force, instead of obeying, he tore the Coat from off the Herald's Back, and sent him to *Edinburgh* with all the Marks of Contempt he could shew. And, as if in this whole Proceeding he had acted by Authority, not in Defiance of it, he was never call'd in Question either for his Insolence or his Treason.

This, however, happen'd before the Duke's Arrival in *Scotland*; and what more immediately drew down his Highness's Anger upon him, was his (e) Behaviour, with regard to the Bills relating to Religion, which had been

[No Protestant Plot, Part iii. p. 26, 27.]

[Case of the Earl of Argyll, p. 5, &c.]

agitated

(e) Of which we have the following particular Account: "In the Beginning of the Parliament, the Earl was appointed one of the Lords of the Articles, to prepare Matters for the Parliament, and named by his Highness to be one of a Committee of the Articles for Religion, which, by the Custom of all *East* Parliaments, and his Majesty's Instructions to his Commissioners, at this time, was the first thing treated of: In this Committee there was an Act prepared, for securing the Protestant Religion; which Act did ratify the Act approving the Confession of Faith, and also the Act containing the Covenant Oath, appointed by several standing Acts of Parliament to be taken by all our Kings and Regents, before their Entry to the Exercise of the Government.

This Act was drawn somewhat less binding upon the Successor, as to his own Profession; but fell as strictly trying him to maintain the Protestant Religion in the public Profession thereof, and to put the Law concerning it in Execution, and also appointing a further Test, before the former, to exclude Papish Inimic Fines of public Trust: And became the Fines of such as should act, without taking the Test, appeared no better than discharged, if falling in the Hands of a popish Successor, and some accusing any Limitation worse than any Exclusion, and all being content to put no Limitation on the Crown, so it might consist with the Safety and Security of the Protestant Religion, it was ordain'd that all such Fines and Penalties should appertain the one half to the Informers, and the other half should be bestow'd on private Lives, according to certain Rules express'd in the Act.

But this Act being no ways pleasing to some, it was laid aside, and the Committee discharged any more to meet; and instead of this Act, there was brought into the Parliament, at the same time with the Act of Succession, a short Act, ratifying all former Acts made for the Security of the Protestant Religion, which is the first of the printed Acts of this Parliament.

At the passing of this Act, the Earl proposed, that these Words, *and all Acts against Popery*, might be added; which was opposed by the Advocates, and some of the Clergy, as unnecessary: But the Motion being seconded by Sir *George Leibhart*, and the then President of the Session, now turn'd out, it was yielded to, and added without a Vote. And this Act being full not thought sufficient, and several Members desiring other Additions, and other Acts, a Promiss was made by his Royal Highness, in open Parliament, that Time and Opportunity should be given to bring in any other Act, which should be thought necessary for further securing the Protestant Religion: But the several Persons, both before and after passing the Act for the Test (here before) did give in Memorials and Overtures, yet they were never suffer'd to be read, either in Articles or Parliament, but, in place of all, this Act for the Test was fill obtruded, and passing of that Nature suffer'd to be heard, after once that Act pass'd, tho' even so passing it the Promise was renew'd.

As for the Test, it was first brought into the Parliament without mentioning the Confession of Faith; and, after several Hours Debate, for adding the Confession of Faith, and

many

A. D. 1681.

agitated the last Session: For while that Session was yet depending, the Duke gave him to understand privately, "That he would do well to be upon his Guard; for that the Earl of *Errol* and others, were preparing a Bill to make his Estates answerable for the Debts, which, as they pretended, they were bound for, in Behalf of the late Marquis his Father; and that those who were most forward in his Majesty's Service, must be taken care of." The Earl reply'd, "That there was no Ground for any such Bill, and that he hop'd neither the Earl of *Errol*, nor any body else, would have any Advantage to claim over him in any thing relating to his Majesty's Service." His Highness, also, after this Conference, told others, *That he had given the Earl good Advice.*

Shortly after this, two Bills were actually prefer'd against the Earl; one by Lord (f) *Errol*, agreeable to what has been just mention'd; and the other by his Majesty's Advocate (who acknowledg'd he acted by Command, and that the Affair was beyond his Line) to deprive the Earl of his *Heritable*

Officers of Sheriff, &c. and especially that of Justice-General of *Argyleshire*, that he might no longer, say some, be enabled by the Authority arising from those Offices, to protect the Protestants, or over-awe the Papists. To these Bills the Earl reply'd with so much Art and Address, that it appear'd the Marquis of *Huntley* (a Papist, who was under the Duke's Patronage, and who was not only deep in Debt to the *Argyl* Estate, but enjoy'd a very large Revenue by Gift from the Crown out of the late Marquis's Forfeitures) would be more a Sufferer by the former of these Bills than he, and that the King would be equally a Sufferer in his Prerogative by the latter. The Consequence of which was, that the Proceeding was stop't for the present, and his Highness made the Earl an Excuse for having concern'd himself in it.

No sooner, however, was the Parliament adjourn'd, than a new Design was set on foot to apply to the King for a Commission to review all the Earl's Claims and Rights with the same Views, that is to say, to deprive him of his Offices, and to burden his Estate with more

A. D. 1681.

[No Protestants  
Plot, Part iii.  
p. 20.]

many other Additions and Alterations, it was put at the first printing, albeit it was exactly print by near half the Parliament, that it might be delay'd till next Morning, the Debate being so much chang'd and interlin'd, that many, even of the most engaged in the Debate, did not sufficiently understand it, and tho' they took Notes, knew not precisely how it stood. And this was indeed the Earl's Case in particular, and the Cause why, in voting, he did rather choose to approve or disapprove.

His Part in the Debate was, that, in the Entry of it, he said, that he thought, as few Oaths should be requir'd as could be, and that these as short and clear as possible: That it was his humble Opinion, that a very small Alteration in these Oaths, which had been used their twenty Years, might serve; for it was misappl'd, and he attested the whole Parliament upon it, that the Oath of Allegiance, and Declaration, had essentially chang'd all Passages from getting into the Oath of Treach' all that time: It was true, some Papists had swallow'd the Oath of Allegiance, and therefore a Word or two only of Addition, to guard against them, was all he judg'd necessary.

And thereafter, where in the Close of the Act, the King's Sons and Brothers were intended to be dispens'd with from taking the Oath, he oppos'd the Exception, and said, It was our Happiness, that King and People were of one Religion, and that they were so by Laws: That he hop'd the Parliament would do nothing to loose what was felt, nor open a Gap for the Royal Family to differ in Religion, their Example was of great Consequence, one of them was a thousand, and would draw the more Followers, if ones it appear'd to the People that it were honourable and a Privilege to be of another Religion: And therefore he wish'd, if any Exception were, it might be particular for his Royal Highness. But his Highness himself opposing this, the Earl concluded with his Fear, that if this Exception did pass, it would do more Hurt to the Protestant Religion than all the rest of that Act, and many other Acts, could do Good. *Argyl's Case*, p. 1, 2, 3.

(f) "The Earl of *Errol's* Claim was, That the Earl of *Argyl* might be declar'd liable to relieve him and others of a Debt, wherein they alleg'd they stood bound as Cautioners for the late Marquis of *Argyl* the Earl's Father. To which the Earl answer'd, That he had not got his Father's whole Estate, but only a Part of it, and that expressly burden'd with all the Debts he was liable to pay, whereof this pretended Debt was none; and that the Marquis of *Huntley*, who at that time was owing to the Marquis of *Argyl* 37,000 l. Sterl. had got 4000 l. Rent of yearly Rent, out of the Marquis of *Argyl's* Forfeiture, without the Burthen of any Debt; so that, both by Law and Equity, the Earl could not be liable; the Marquis of *Huntley*, and not he, having got that which should be his Burden, and which should indeed have paid the late Marquis's Part of the Marquis of *Argyl's* Debt, the same having been undertaken for *Huntley* by *Argyl*, either as Cautioner for *Huntley*, or to raise Money to pay his Debt: Besides, that the Earl of *Errol* had never made it appear, that he or his Predecessors were bound for the Marquis of *Argyl's* third Part of the Sums he claim'd. Yet some were much inclin'd to believe *Errol* on his bare Assertion.

His Majesty's Advocate's Claim was, to take from the Earl his *Hereditary Office of Sheriff*, &c. especially that of Justice-

General of *Argyleshire*, the *Just*, and other Places; which last it nevertheless only a Part of the general Jurisdiction of all Scotland, granted to his Predecessors some hundreds of Years ago, for honourable and onerous Causes, and constantly enjoy'd by them until expressly surrender'd into his late Majesty's Hands for a new Grant of the above-mention'd Jurisdiction of *Argyl*, &c. And this new Grant was also confirm'd by many Acts of Parliament, and particularly by his Majesty's Royal Father, of blessed Memory, in the Parliament holden by him *Ann* 1633; 22. Likewise by his Majesty that now is (whom God long preserve) his own Gift and Charter, after several Debates before him in *Ann* 1653, and 1672: Which new Gifts and Charters were again ratify'd by a special Instruction from his Majesty in the Parliament 1672. So that albeit several late Gifts of *Regality*, granted to the Marquis of *Abol*, Marquis of *Sutherland*, and others, may be question'd, because granted since the Acts of Parliament discharging all such Gifts to time coming; yet the Earl of *Argyl's* Rights are good, as being both of a far different Nature, and granted long before the said Acts of Parliament: And, in effect, the Earl's Rights are rather confirm'd by these prohibitive Acts, because both anterior to, and excepted from, them; as appears by the Act *Salvo Jure*, 1653, wherein the Earl's Rights are particularly and fully excepted, in the Body of the printed Act.

When these Things appear'd so plain as not to be answer'd, it was alleg'd, That upon the Forfeiture of the late Marquis of *Argyl*, his Estate was annex'd to the Crown, and so could not be given to the Earl by his Majesty, (whereto they soon discover'd a Design to forsake him, if any Precedence could be found.) But the Act of Forfeiture being read, and containing no such thing, but, on the contrary, a clear Power left to his Majesty to dispose of the *Wishes* and the Earl telling them plainly, that those that were most desirous to have his Father's Estate were very far from desiring his Estate to be annexed to the Crown, being it was in expectation of Gifts out of it they were so diligent, that Precedence of the Annexation was pass'd from; but yet the Design was no wife given over; for there was a Proposition made, and a Vote carry'd in the *Articles*, that a Committee should be appointed, with parliamentary Power, to meet in the Intervals of Parliament, to determine all Controversies could be mov'd against any of the Earl's Rights: Which was a very extraordinary Device, and plainly carry'd by extraordinary Influences.

Upon this, the Earl apply'd to the Parliament, where this Vote was to be brought in; and having observ'd that Members of his Right, and the Consequencers of such a new Judicature, he had good Hope to get the Vote reversed, when his Royal Highness, on second Thoughts, judg'd it fit to put a stop to it, and examin'd himself, saying, If it were his going against, and not lately in Affairs, had made him go along with it; for he found it did plainly impinge his Majesty's Prerogative, and might be of ill Consequence: And indeed it is plain enough. It would have expos'd the Marquis of *Huntley's* Gift, which proceeded on the same Forfeiture, as well as the Earl of *Argyl's*, to the same and far greater Hazard, as some came to be foolish, who they heard all. You see here at what rate the Earl was perswad, and on what Grounds, before his taking of the 3rd came in hand. *Ibid*. p. 3, 4.

A. D. 1687.

more than it was worth. The Earl, upon this, waited upon his Highness, and undertook to make it appear, that his Estate was not subject to any such Review; intreated that if such a Process was resolv'd on, it might be refer'd to the Ordinary *Judicatories*; affirm'd, that, as to his Offices, he had an undoubted Right to them, but withal signify'd, that he was willing to resign them to his Majesty, either freely or for a valuable Consideration, tho' he could not give way to their being torn from him by any body else. The Result of all was, that he had Leave to go into the Country for the Vouchers he had refer'd to, with a Promise that no Commission should be issued till his Return.

This Favour, it seems, did not dispose him to rely wholly on the Justice and Goodness of his Highness; on the contrary, he apply'd by the Earl of Murray, Secretary of State for Scotland, for Leave to wait on the King.—But tho' it was granted at London, it was over-ruled at Edinburgh; for first, the Earl was told he could not have Access to his Majesty till he had taken the Test; then that he had given Offence by applying for that Leave: And at length it escap'd, That even if he did take the Test, it would not clear his way.

Thus he was reduc'd to the Necessity of repairing again to his Highness, and upon the way learn'd, That the late President of the *Session* and himself were turn'd out. No sooner, also, was he arriv'd at Edinburgh, than several Meetings of Council were appointed, only to lay him under a Necessity of explaining himself as to the Test: And he, on the other Hand, evaded it, by going a few Miles out of Town, as often as those Appointments were made. At last, a Meeting was order'd expressly for that End; and one of the Clerks was order'd to give the Earl particular warning to give his Attendance: But the Earl had such timely Notice of the Message, that he made a Shift to reach his Highness before it was deliver'd: And the Conference which pass'd upon this Occasion, was so remarkable; that it deserves to be repeated at large in the *Scottish* Dialect as we find it.

“The Earl told his Highness, He was now return'd to make good his Word, and to shew those Writs and Rights he had promised: But, Sir, said the Earl, I have heard by the way of Alterations, and that I am turn'd out of the *Session*. His Highness said it was so. The Earl ask'd, What next? His Highness said, he knew no more. The Earl said, he had never sought that, nor any Place; and he knew that Place was at his Majesty's Dispose, and it might soon be better fill'd: But, said the Earl, if it be to express a Frown, it is the first I have had from his Majesty this thirty Years; I know I have Enemies, but they shall never make me alter my Duty, and Resolution to serve his Majesty; I have serv'd his Majesty in Arms, and in his Judi-

catures, when I knew I had Enemies on my right Hand, and on my Left; and I will do so still: But if any have Power to render his Majesty or your Highness jealous of me, it will make my Service the more useless to both, and the less comfortable to myself. His Highness said, he knew no more than what he had said. The Earl then said, it was late, and he would wait on his Highness some other time, about these Matters:

But the thing that at present presses, says the Earl, is, That I hear one of the Clerks of Council is appointed to tell me to be at the Council To-morrow, I conceive, to take the Test: Pray, what is the Matter? May not I, with your Highness's Favour, have the Time allowed by the Act of Parliament? His Highness said, No. The Earl urged it again, but in vain; and all the Delay he could obtain was, till *Thursday* the third of *November*, the next Council-day in course. The Earl said, he was the less fond of the Test, that he found, that some that refus'd it were still in favour, and others that had taken it turn'd out, as the Register. At which his Highness only laugh'd. But, Sir, said the Earl, how comes your Highness to press the Test so hastily? Sure there are some things in it your Highness doth not over much-like. Then said his Highness, angrily, and in a Passion, Most true, that Test was brought into the Parliament, without the Confession of Faith: But the late President caus'd put in the Confession, which makes it such as no honest Man can take it. The Earl said, he had the more Reason to advise. Whereby you may see, whether his Highness then thought the Confession was to be sworn to in the Test, or not.

We are now to observe, that several of the Privy Counsellors having taken the Test on the 22d of *September*, and it coming to the Earl of *Queensbury's* Turn to do the same, he was allow'd to declare, in relation to that Part of the Test, which provides, *That there can be no Obligation, &c. to endeavour any Change or Alteration in the Government:* “That he did not understand himself to be oblig'd against Alterations, in case it should please his Majesty to make any either in Church or State.” The Bishop and Synod of *Aberdeen*, as also the Synod and Clergy of *Perth*, had taken the Liberty to give their own particular Explanations of the Test; and Remarks had been made, and Scruples publicly started in the Names of the conform'd Ministers, which, not only excited the Attention, but receiv'd the Approbation of the Public; insomuch that it was thought necessary to set forth such an *explanatory Vindication*, as might render it both more palatable and more easy of Digestion. This Task fell to the Lot of *Paterjous*, Bishop of *Edinburgh*, who actually prepar'd such a Piece, and laid it before the Duke and Council, who (g) rejected it because of its Length, and yet left the Bishop at liberty to print it if he thought proper.

Thus

(g) His Highness saying, That the first Chapter of John, with a Verse, would chuse wry a Day.

A. D. 1681.

Thus it appear'd on all hands, That the Earl of Argyll was not the only Person who had Doubts and Scruples with regard to the Test; and that, in the general, it was not held criminal to endeavour to make the Dictates of the State and those of the Conscience agree: And it is a Circumstance which greatly ennobs his Character, that, notwithstanding the Bishop of Edinburgh, when he communicated to him his Vindication of the Test, and all the several Palliatives which accompany'd it, let him into the fatal Secret, by bidding him, *Have a care of a noble Family*; and telling him, *That the opposing the Exception of the King's Sons and Brothers from taking the Test, had fir'd the Kin*; he persisted in maintaining his Integrity; and chose to hazard all things rather than abandon it.

That, however, he might stand justify'd to himself, in Point of Prudence, as well as Conscience, he several times waited on the Duke, particularly on the 2d of November; and made it his most humble and earnest Request to be indulg'd with longer time of Deliberation; or, in case a present Answer was insisted on, that he might be permitted to decline the Test in private; or that the Time prescrib'd by the Act might be suffer'd to elapse; in which Case, his Disqualification would become a thing of Course, and would take place without Noise: But all was refus'd; and after other Applications, and other Refusals, as a last Expedient, it being suggested to him, by the Bishop of Edinburgh, that his taking the Test with an Explanation, the shorter the better, would be allow'd, he immediately embrac'd it, and drew one upon the Spot accordingly; which, being

objected to as too long, he made no Difficulty to shorten it, and then put it in his Pocket, with a Resolution not to make use of it after all, till he was assur'd it would not be displeasing to the Duke; nor to stir out of his Chamber, till he had his Approbation. As this Affair was now the great Object of Attention, his Highness was instantly appriz'd of this new Turn, and a Coach was lent for the Earl; and in the Lobby to the Council-Chamber, he was told that the Bishop of Edinburgh had given the Duke to understand, *That he was willing to take the Test with an Explanation*: And that the Bishop said, by the Duke's Authority, must be understood, *That it would be very kindly accepted*. These, we are told, were the very Words made use of on this critical Subject: Upon which the Earl went in, and pronounc'd his Explanation close by his Highness, and directly towards him, so loud and audible, that some in the farthest Corner of the Room acknowledg'd they heard it: Whereupon the Oath was administred, the Earl took it; and his Highness, with a well-satisfy'd Countenance, and a gracious Smile, commanded him to take his Place: And while he sat by his Highness, which he had the Honour to do that Day, his Highness spake several times in private to him, and always pleasantly.

It is remarkable, that, on this very Day, when the Earl's particular Explanation was thus admitted, a more general one was brought on the Carpet before the Council, under the Notion of removing the Scruples of the Clergy, but, in Reality, to leave a Door open to the Papists: On which Account, probably, it was then (b) the Opinion of the Board, That

A. D. 1681.

The Earl takes the Test, with an Explanation of his own.

A general Explanation, the same Day, agreed upon in Council.

(b) This however they afterwards departed from; and, November 21, it was publish'd in the London Gazette as follows:

Forasmuch as some have entertained Jealousies and Prejudices against the Oath and Test appointed to be taken by all Persons in public Trust, civil, ecclesiastic, or military, in this Kingdom, by the sixth Act of his Majesty's third Parliament, and whereby they were to swear to every Proposition or Clause of the Confession of Faith therein mentioned; or that Invasion were by it made upon the intrinsic Spiritual-power of the Church, or Power of the Keys; or as it the present Episcopal Government of this national Church, by Law establish'd, were thereby expos'd to the Hazard of Alteration or Subversion: all which are far from the Intention or Design of the Parliament's imposing this Oath, and from the genuine Sense and Meaning thereof: Therefore his Royal Highness his Majesty's High-Commissioner, and the Lords of the Privy-Council, do allow, authorize, and empower the Archbishops and Bishops to administer this Oath and Test to the Ministers, in their respective Dioceses, in this express Sense, as the Sense of the Parliament:

1. That the Confession of Faith, ratify'd in Parliament 1567, was from'd in the Infancy of our Reformation, and declares its due Praise; yet by the Test we do not swear to every Proposition or Clause therein contain'd, but only to the true Protestant Religion founded upon the Word of God, contained in that Confession, as it is oppos'd to Popery and Fanaticism.

2. That by the Test, or any Clause therein contained, no Invasion or Infranchisement is made or intended upon the intrinsic Spiritual-power of the Church, or Power of the Keys, as it was extrins'd by the Apostles, and the most Pure and Primitive in the three first Centuries after Christ, and which is still retain'd entirely to the Church episcopal.

3. That the Oath and Test is without any Prejudice to the Government of this national Church, which is declar'd by the first Act of the second Session of his Majesty's fifth Parliament, to be most agreeable to the Word of God, and most suitable to Monarchy, and which, upon all Occasions, his Majesty hath declared he will inviolably and unalterably preserve. LVI.

serve: And do appoint the Archbishops and Bishops to require the Ministers, in their respective Dioceses, with their full Conveyance, to obey the Law in swearing and subscribing the aforesaid Test; with Certification that the Refusers shall be esteemed Persons disaffected to the Protestant Religion, and to his Majesty's Government; and that the Fundament appointed, by the aforesaid sixth Act of his Majesty's third Parliament, shall be impartially, and without delay, inflicted upon them.

Now this Explanatory was no sooner publish'd, than it gave rise to abundance of Reflections; and, among the rest, those that ensue, viz.

1. That the very Preamble acknowledg'd, that others, besides the Earl of Argyll, had entertain'd Jealousies and Prejudices against the said Oath and Test.

2. That their Lordships were not ignorant of those Jealousies; nor that many of the King's good Subjects were in the Number of those who were prejudic'd against the aforesaid Oath and Test, whose Weakness their Lordships were willing to gratify by condescending to an Explanation.

3. That from the first Head it follow'd,

1. That they could be no Protestants, who scrupled the taking the Oath and Test upon that Account; since it was they who at first form'd and compos'd the Confession, and never question'd or scrupled subscribing to the Whole; for from the beginning of the Reformation, it was that which they contended for, and triumph'd in as their Glory, and procur'd it to be enacted, that whoever oppos'd it should not be taken for Members of their Church.

2. That they could be no other but Papists, that scrupled it upon this Account; since they always, from the beginning of the Reformation, did, and down to that time did, abhor it, and wrote subscriptions to it, except such only as had from their Conscience an Indulgence to subscribe any thing, whereby they might be render'd the more capable of serving the papal Interest.

And, 4. That in this Explanation there was large Provision made for Papist tender Consciences; first, by affirming, that by the Test they did not swear to every Proposition or Clause contained in the Confession, and yet not mentioning

A. D. 1681. That it ought not to be printed. Here the Earl had a fair Opportunity to perfect his Peace, if he would have conniv'd at the extending the Indulgence to others, which he found needful for himself: But he had no Mind to relax, where it was manifestly the Intention of the Legislature to bind: He, therefore, refus'd to give the Sanction of his Vote to this notable Device; and to avoid being press'd, took Occasion to quit the Council-Chamber.

There were some, it seems, who appear'd surpris'd and confounded when the Earl had thus happily broke thro' the Snare that was set for him; and these, it must be suppos'd, took the Advantage of the Earl's withdrawing himself, to renew the Duke's Prejudices against him; for when he waited upon his Highness the next Morning, and expected a Continuance of the same gracious Reception which he had been honour'd with the Day before, he found the Duke's Countenance chang'd; and going about to entertain him in private, his Highness interrupted him, by declaring bluntly, That he was not pleas'd with his Declaration. The Earl reply'd, That he should not have presum'd to make it without his Highness's Permission. The Duke did not deny that he had given him such Permission, but added, That he expected some short one like that of the Earl of *Queensbury's*. "Your Highness heard what I said, reply'd the Earl." "I did, resum'd the Duke; but I was surpris'd." "But, said the Earl again, I have express'd myself to the same Purpose in private to your Highness, and you seem'd satisfy'd with it." Here the Earl proceeding to justify himself, the Duke cut him short with these Words: *Will, it is pass with you, but it shall pass so with no other.*

It was now reasonable for the Earl to think with *Agag*, That the Bitterness of Death was pass.

But his Enemies had not yet given over the Chace. The Earl was still to take the Test, as one of the Commissioners of the

Treasury, and expected, as every body assur'd, to do it in the Exchequer: In which, however, all were mistaken; for he had scarce left the Duke two Hours, before he receiv'd Information, That there was a further Design upon him, and that he would be oblig'd to swear, yet once more before the Council. Accordingly, at 12 o'Clock an extraordinary Council was summon'd, at which it was resolv'd, That the Commissioners of the Treasury, as Officers of the Crown, were to take the Test before the Council. The Earl was, also, told, That the Exchequer could not that Day sit, without him: And, to make the Matter yet more solemn, it was determin'd to reassemble the Council in the Afternoon in the Presence of his Highness.

All things being thus adjust'd, and the Council met at the time appointed, the Earl was call'd upon to take the Oath; which he made no Scruple to do, with the Addition of these Words, AS BEFORE; which he had no sooner utter'd, than the Earl of *Roxburgh*, who was purposely planted behind the Duke's Chair, and who had never till then spoke in Council, stood up, and with Clamour ask'd, *What was said?* His Highness, himself, had the Condescension to turn, and inform him. Lord *Roxburgh* then desir'd, that what the Earl of *Argyl* had said before, might be repeated; and the Earl, forewarn'd of Mischiefe intended him, declin'd it; but his Highness, on the other hand, peremptorily challenging his Obedience, he thought it the safest way to signify, That he had a Note of the Words in his Pocket. This his Highness very earnestly call'd for, and he very readily produc'd it. The Paper was then read, and some Difference of Opinion arising between the *President of the Session* and the *Register*, as to the Expediency of the Earl's signing it, he was order'd to withdraw: After which, being call'd in, he was requir'd to sign it: To which he answer'd, "That his Meaning being good, he saw no Reason to avoid it; adding, If the Words gave the same Satisfaction now as they did when they were first pronounc'd,

A. D. 1681.

The Earl call'd upon to take the Oath again:

And to give in the Note which contained his Explanation: Which he did.

to how many, or to how few, they swore, or to which Clauses they were bound to swear, and to which they were not; and all Men might well imagine that the Papists, being thus left at their Liberty, would be indulgent enough to themselves, and swear to very few that touch'd their beloved Principles; but would have the Confidence to lay hold on this Explanation as their greatest Happiness, in making the Test, as easy as they could desire. *Secondly*, In that they were to swear to the true Protestant Religion therein contain'd, as it is founded on the Word of God, and as it is oppos'd to Popery and Fanaticism. Now this Affirmative left Things at as much Uncertainty as the former Negative. For *first*, some would make all things that agreed not with their Humour to be Popery, and others would have nothing to be so that agreed with theirs. Some would make all things Fanaticism, and some would make nothing so. And thus it necessarily follow'd, that to swear to the Confession so far only as it is oppos'd to these, was to swear to every thing or nothing. *Secondly*, To swear to the Confession, so far as it was founded on the Word of God, was no more than any Man would swear. A Papist would swear to Protestantism thus far; for he had a two-fold Word of God, a written and an unwritten Word, he had a scriptural and traditional Word of God; and he was not such a Fool, as to exclude himself from Honour, Office, and Preferments, for a silly Word called Protestantism; let him be oblig'd to swear to it no farther than as it was agreeable to the Word of God, and he would be content to do that without the least Heintenance whatsoever: And so would a Protestant subscribe to the Council of *Trent*, and a Nonconformist to the Liturgy, so far

as they were agreeable to the Word of God. So that, *thirdly*, this Comment destroy'd the Test, and the Explanation overthrow'd the Design of the Test: For the Design, or the pretended Design, of the Test was, to secure the Protestant Religion; which Protestant Religion was contain'd in this Confession of Faith; and this Confession of Faith was supposed to be founded on the Word of God. *But*, by the Explanation, we are not oblig'd to subscribe to every Clause and Proposition therein, but only to the true Protestant Religion contain'd in the Confession, so far as it is founded on the Word of God, and oppos'd to Popery and Fanaticism; whereas there is nothing in the World more plain, than that the Confession was the Touch-stone, the Test, and Standard of the Protestant Religion in that Kingdom, and had been own'd as such ever since the Reformation of the Church of *England*. *Fourthly*, All that profess the Christian Religion do pretend, that their Principles are founded on the Scriptures, only they differ in the Explication thereof; to prevent which *Divi*, the *First Reformers in Scotland* (and so in *England*), and other Churches too) labour'd to reduce the Principles of Religion contain'd in the Scriptures to a Certainty, by drawing up the Heads of their Faith into certain Articles, which they own as their Belief from God's Word: But now comes this last Interpretation, which, not falling upon the Truth of the external Confession of Faith, exclaims Men to swear to it, not as consonant to God's Word, but so far as it is so; and Faith, they are not oblig'd to swear, that every Clause and Proposition thereof contains sound Doctrine, but such as are founded on the Word of God: And yet which they are it presently conceals.



A. D. 1681.

nounce'd, I am ready to subscribe them; but if the least Matter of Displeasure is found in them, I chuse to forbear it." Here he was a second time order'd to withdraw; and, when again call'd in, was told, That not having given the Satisfaction requir'd by Parliament in relation to the Test, he could no longer sit in Council; and some dark Hints were moreover dropt to prepare him for something worse to follow: The Earl's Reply was to this Effect, "That all the Parliament meant was to exclude Refusers of the Test from Places of Trust; That if he was judg'd a Refuser, he had nothing to do but to submit: That as to any farther Danger, he could not apprehend it; for he had serv'd his Majesty faithfully within Doors, and meant to do so without: With which Words he made his Obedience and retir'd.

It is here proper to insert the Paper itself, which was as follows:

"I have considered the Test, and am willing to give Obedience so far as I can: I am confident the Parliament never intended to impose contrary Oaths; and therefore I think no Man can explain it but for himself, and reconcile it as it is genuine, and agree in its own Sense. And I take it in so far as it is consistent with itself and the Protestant Religion: And I declare I mean not to bind up myself in my Station, and in a lawful way to reach and endeavour any Alteration, I think, to the Advantage of Church or State, and repugnant to the Protestant Religion and my Loyalty: And this I understand as a Part of my Oath."

The next Morning the Earl waited once more on his Highness, and took the Liberty to expostulate with him on the Transactions of the preceding Day, saying, "That he was strangely surpris'd to find the very same Words which he had made use of in private to his Highness before, without Offence, and in public with his seeming Approbation, should now be interpreted into a Crime." And the Duke making no Reply, the Earl renew'd his Attack, by putting his Highness on-recollecting what he himself, the Duke, had said, when he had discours'd with him on the same Topic before: To no Purpose, indeed; for his Highness had forgot all; at least he said so: And the Earl reply'd, So much the worse for me; but, added he, "Sir, here are the same Words which I formerly us'd without Offence. What says your Highness now? What ill is in them? Let me know, and I will vindicate myself." His Highness was now driven against the Wall, and finding himself oblig'd to say something, urg'd, "That they were unnecessary Words: That the Earl scrupled needlessly: That he was not ty'd up by the Test as he imagin'd.—And after a Pause, That, however, he had cheated himself, for he had taken the Test, notwithstanding his Explanation." Here the Earl thought to close by saying, "Then I hope your Highness is satisfied." But to shew him the Contrary, his Highness proceeded to complain, "That the Earl, during the little time he had sat in

Council, after he had taken the Oath, he had not thought fit to concur in the Explanation, before spoken of." The Earl answer'd, "He had not heard the Debate, and therefore it was but reasonable, that he should be excus'd from voting." And his Highness reparted a little warmly, "That he knew the Case well enough, notwithstanding."—Here ensued a Pause;—and then his Highness put a Period to the Conference in these remarkable Words: "That the Earl and others had design'd to bring Trouble on a Handful of poor Catholics, who would live peaceably, however they were us'd: But it should light on others."

Soon after this, the Earl receiv'd a Command from the Duke, not to leave the Town, till he had first waited on him; which was follow'd by a Message from the Council to the same Effect. And, on the 8th of November an Order was serv'd upon him, by one of their Clerks, to enter himself a Prisoner in the Castle before twelve o'Clock the next Day; which he obey'd with great Resignation, going all alone in a Hackney-Coach: And when some of his Relations and other Persons of Quality would have accompany'd him, he refus'd it, saying, "That if he were pursu'd by any of his Fellow-Subjects, he would accept of their Civility: But, seeing the Suit was in his Majesty's Name, he would go in the humblest manner, and suffer nobody to be concern'd but himself." And that he might not be wanting in any Instance of Respect or Submission, after he had been some Days under Confinement, he wrote a Letter to his Highness purporting, "That he had obey'd the Orders he had receiv'd, in entering himself a Prisoner: That he had not written sooner, lest it might be thought he was impatient of his Punishment, which appear'd to be the Effects of a high Displeasure, but which he hop'd he had no ways deserv'd: That he was resolv'd to continue in all Obedience to his Majesty and his Royal Highness, and never to fail in any Profession he had made; and finally that he begg'd to know what Satisfaction was expected, and where and how he might live with his Highness's Favour."

This Letter seem'd, at first, to have had some Effect; and a particular Message was sent from some of the Court-Cabal to the Earl, signifying, That no more was design'd than to humble him, by taking the heritable and other Offices from him and his Family: And when his Highness was told, *It was hard Measure, by such a Process, and on such Pretensions, to threaten Life and Fortune*, he reply'd, with some Emotion, *Life and Fortune? God forbid!*

How their Professions, and the Manner of conducting the Prosecution, agreed, we are now to specify.

The next Day after the Earl's Commitment, a Letter of Notification was sent from the Council to his Majesty; in which they say, "That it being provided, that the Test should be taken in the plain and genuine Sense and Meaning of the Words, they were

careful

A. D. 1681.

It is order'd to enter himself a Prisoner in the Castle of Edinburgh.

And is declar'd  
and of his Stat  
in Council.

The Words of  
his Explanation.

A. D. 1681.

careful not to suffer (j) ANY to take it with Glosses of their own; That the Earl of *Argyl*, coming to Council to take the said Oath, spoke some Things which were not HEARD or ADVERTED TO: That being a second time call'd upon to take it simply, he refus'd, and gave in a Paper, shewing the only Sense in which he would take it: That this Paper they all consider'd as that which had in it gross and scandalous Reflections on that excellent Act of Parliament, &c. and teaching the Subject to evacuate and disappoint all Laws and Securities that could be enacted for the Security of the Government, and by making that Paper a Part of his Oath, assuming a legislative Power, &c. And that, for the further Prosecution of all relating to this Affair, they waited for his Majesty's Commands."

This Letter was dated *Novem. 8*, and the King's Answer the 15th: But tho' they profess'd to wait his Majesty's Pleasure, they proceeded to indict the Earl, in that Interval, of *Slandering and Depraving*, and afterwards, the Design growing, of *Treason and Perjury*. It was now high time for the Earl to provide for his Defence: Accordingly he apply'd by Petition for an Advocate, *Sir George Lockhart*, to plead for him, which he was clearly entitled to by the Laws; but met with a Refusal: For tho' the Council condescended to allow him Advocates, they would not allow him that particular Advocate; his Highness openly threatening, that if *Sir George* should undertake for the Earl, he should never more plead for the King, or him: But the Earl persisting in his Claim, moreover taking an Instrument or Voucher, before a Notary-Public, That he had requir'd the said *Sir George* to plead for him, and that for his own Safety he had refused to do so, without express Authority from the Council, and giving out, that he would not utter one Word at the Bar by way of Defence, unless he had the Benefit of the Laws; he was at last indulg'd, and *Sir George* had Leave to undertake his Cause: And early in *December*, he, and the other Advocates concern'd with him, gave it as their Opinions, That, considering the Earl's Design and Meaning, in offering the Writing in question, was only to clear his own Conscience, not to propagate Faction or Sedition, the said Writing did not contain any of the Crimes charged in the Indictment: And that the Glosses and Inferences put upon it were altogether strained and unwarrantable, inconsistent with the Earl's true Design, and the Sincerity of his Meaning and Intention. For which they

were question'd before the Council, and told, that their Fault was greater than the Earl's.

*December* the 12th was the Day of Trial, or rather of devoting a Victim; for scarcely were the Forms of Justice observ'd; and as to the Essence, it was wholly overlook'd. The Earl of *Queensberry*, who had himself taken the Test with a Court Reserve, officiated as Lord Justice-General; and had for his Assitants the Lords *Nairn*, *Collingtoun*, *Forret*, *Newtoun*, and *Kirkbouse*: And the Indictment having been read, the Earl himself made a Speech, asserting the Innocence of his Intentions, and setting forth at large the uniform Loyalty of his Life: After which the Lawyers enter'd into the Merits of the Cause, and affirm'd and deny'd, reply'd and rejoind'd, till they had exhausted their whole Art. The Hearing lasted from nine in the Morning till nine at Night; and then the Court was adjourn'd till twelve o'Clock the next Day; the Earl and the whole Auditory believing that a Stop was thereby put to the Proceedings of the Day: But the Lords of the Judiciary, it seems, were still unwearied, and resolv'd to go thro' with their Share of the Job at a Heat. One of them, indeed, *Lord Nairn*, who was superannuated, and who, on that Account, for a considerable time past, had not been suffer'd to weigh out Justice even in the Retale-Traffic of the Law, quitted the Bench almost in the Middle of the Pleadings: But when this Resolution was taken to drive Post to the Issue, even this incompetent Elder was expressly sent for, and rais'd out of his Bed to throw in his Voice at the Decision; which was all that was requir'd of him, and all that he could bestow.

The proper Business of a full and open Court being thus in the Hands of a dark Cabal, five or six Hours more were bestow'd in a Revival of the Pleas of the several Advocates; during a good Part of which time, the Lord, last mention'd, nodded in full Tranquility over the Cause; and in the Issue, the *Libel* was found relevant, according to the *Scottish* Phrase, by a Majority of three to two; the Lords *Collingtoun*, and *Kirkbouse*, dividing for the Prisoner, and the Lords *Newtoun*, *Forret*, and *Nairn* against him; the Lord Justice-General, according to the Constitution of the Court, not voting at all.

All Difficulties being thus removed, when the Court met again according to Adjournment, Sentence was pronounc'd in the Name of the whole Bench, to this Effect, "That the Prisoner was (j) guilty of the *Treason*, and of *Leasing-making* and *Leasing-telling*;" and

A. D. 1681.

His Trial.

(i) The contrary of which is manifest, not only in the Case of the Earl of *Queensberry*, above-mention'd, but of the whole Clergy: And it is further affected, in the Earl's Case, p. 114, 25, a known Truth, That the President had permitted several Members of the College of Justice to promise, when they took it, some one Sense, some another, and some Non-sense; as one saying, he took it in *jure Senes*; another making a speech which no body understood; a third, all the time of the reading, repeating, *Lord have Mercy upon me, miserable Sinner!* Nay, even an Advocate, after being debarred a few Days, because, tho' no Clerk, he insisted on

not taking it without the Benefit of the Clergy, viz. the Council's Explanation, was yet admitted afterwards, without the Council's Dispensation.

(j) On what Principle, may be gather'd from the following Glosses on the Earl's Explanation, which are taken from the very Words of the King's Advocate:

"Earl, I have considered the Test, *Advocate*, which ought not to be done. E. And am very desirous to give Obedience, as far as I can. A. But am not willing to give full Obedience. E. I am confident, the Parliament never intended to impose contradictory Oaths. A. That is, I am con-

He is declar'd guilty of *Treason* by the Judges.

A. D. 1681.

and that the Charge of *Perjury* was remitted to the Consideration of an *Affize* or *Jury*."

Nothing could equal the Surprise of the whole Court, that the Judges should come ready prepar'd with their Decision; that they should with one Breath set aside the Earl's whole Defence, and that they should discover Treason in (k) Words, which neither his Highness in private, nor all the Counsellors in public, nor the President of the Council, tho' he rose out of his Seat to hear them the more distinctly, nor any of the most learned Lawyers, or the general World had found, in any Respect, blameable. As to the Earl and his Advocates, they were struck dumb with Astonishment; and, clearly foreseeing that where the Disease was in the Will, it would be a vain thing to apply Remedies to the Understanding; and that where Innocence so pure and spotless had so little avail'd, the Tongues of Men and Angels would be employ'd in vain, they made no Objections to the Jurors, tho' liable to many (three of them being Privy Counsellors who had already foretold their Judgment; others having partially advis'd and sollicit'd against him, and all having been tamper'd with, both by Threats and Promises) nor to the Witnesses, who were the Governor of *Edinburgh* Castle, two Clerks of the Council, and one Sub-Clerk: Nor did they present to the Jurors, according to Custom, the favourable Side of the Case, nor attempt to shew, as they might have done, That even the (\*) Depositions, instead of proving the Earl's Guilt, demonstrat'd his Innocency.—They gave way in Silence to the Torrent they could not stop. The Jurors were sworn, heard the Depositions, withdrew, and fell to their Business as roundly as the Judges before them. This much of Conscience, however, appear'd amongst them. Those who were Privy Counsellors did allow they had heard the Earl's Explanation, the first Day, and, therefore, acquitted him of the *Perjury*; and the Majority of the rest chose to be determin'd by their Authority. Yet some there were who knew nothing of the Fact, but by Hearsay; and yet, without any Regard to the Testimony of the said Counsellors, took it on their Consciences, that the Earl had said nothing, when he first took the Test, and voted him guilty: And the Clerk of the *Affize* was so forward to lend his helping Hand, that he twice mis-reckon'd the Votes, before he would admit that the Earl was even acquitted of the *Perjury*.

A. D. 1681.

Having, at last, adjusted their Verdict, all that remain'd was to deliver it in the open Court; which was done by the Marquis of *Montrose*, as their Chancellor or Foreman, in these Words: "The *Affize*, all in one Voice, find the Earl of *Argyl* guilty AND culpable of the *Treason*, *Leaving-making*, and *Leaving-telling*; and find by Plurality of Votes the said Earl innocent, AND not guilty of the *Perjury*."

The Court was then adjourn'd; and the very same Day, that no Time might be lost, an Express was dispatch'd with a Letter from the Privy Council to his Majesty, not containing a particular Account of what the Earl should be found Guilty of, for his Majesty's full Information, as his Majesty had requir'd, and which could no otherwise have been done, than by accompanying the said Letter with a Copy of the whole Proceeding; but only a simple Declaration, That, after a full Debate and clear Probation, he had been found guilty of *Treason*; and urging, "That it was usual, and most fit for his Majesty's Service, and the Advantage of the Crown, that a Sentence be pronounc'd, upon the Verdict of *Affize*; without which, the Process would be still imperfect; after which, his Majesty might order all farther Execution to be fitted during Pleasure." This Letter was sign'd by the whole Council, not at Discretion, after the usual Form, but by special Command laid on every Member; the Clerk going about with the Letter from Man to Man, and extorting every Subscription, by pleading that Command, and making Complaint to the Duke if any scrupled to yield Obedience. Hence some Bishops (he of *Edinburgh*, who had been so deeply concern'd in explaining, the Test not excepted) thought themselves oblig'd to forget their Function and soil their Hands in this Cause of Blood; and even some of the Earl's own Friends and Relations had not the Firmness to decline, what they blush'd to perform.

About a Week or two before the Trial, the Earl had receiv'd Notice, that a close Cabal had been held of the Duke's Familiars; upon which Occasion, it was recollect'd by one of the Party, That in the Year 1663 the Earl had been pardon'd by his Majesty, after he had been found guilty by the Earl of *Middleton* and the Parliament, then sitting: That it was then esteem'd an Error in the Earl of *Middleton*, that he had not proceeded to Execution, tho' his Majesty had commanded to the contrary; for tho' it might have

confident they did intend to impose contradictory Oaths. E. And therefore I think no Man can explain it, but for himself. A. That is to say, every Man may take it in any Sense he pleases to devise, and thereby render this Law, and also all other Laws, tho' not at all concern'd in this *Affair*, useless: And so make himself a Legislator, and usurp the Supreme Authority. E. And I take it, in so far as it is consistent with itself and the Protestant Religion. A. Whereby I suppose, that it is not at all consistent with either; nor was ever intended by the Parliament it should be consistent. E. And I declare, that, by taking this Test, I mean not to bind up myself, in any Station, and in a lawful Way, to wish, or endeavour, any Alteration I think to the Advantage of Church or State, nor to be repugnant to the Protestant Religion, and my Loyalty. A. Whereby I declare myself, and all others, free from all Obligation to the Government, either of Church or State, as by Law esta-

blish'd, and from the Duty and Loyalty of good Subjects; resolving myself to alter all the Fundamentals, both of Law and Religion, as I shall think fit. E. And this I understand as a Part of my Oath. A. That is, as a Part of the Act of Parliament, by which I take upon me, and usurp, the Royal Legislative Power."

(k) A Scander-by, we are told, when the Sentence was pronounc'd, declar'd on the Spot, That he believ'd the Words were by some popish Magic transubstantiated; for, to his Eye, they appear'd the same as before. Another answer'd, That he was of the same Opinion; and moreover was confident, that some could discover Treason in the Words, who would not, when Time should serve, profess his Belief in Transubstantiation too.

(\*) One of the Witnesses depos'd, that he heard the Earl make the same Explanation the Day before in Council; and that it was there accepted.

A. D. 1681.

have cost him a Crown, it would have cost him no more: And infer'd, that if a Proceeding of that Nature would have been so lightly resent'd then, it would be over-look'd now, his Royal Highness being on the Throne: That the Stop of the Sentence would look like a Diffidence; whereas, the Execution would countenance, vindicate and secure the whole Proceeding. All this, it seems, was echo'd to the Earl; as also, That it was resolv'd that nothing but fair Weather should appear towards him, till his Doom was seal'd; and that the Council's Letter had been sent Post to Court, to cut off all Possibility of Application on his Side. And from all this, he thought it reasonable to conclude, That nothing short of his Life would satiate the Rage of his Enemies; and that he had no way to escape their Cruelty, but by not trusting to their Mercy.

That, however, he might leave them without Excuse, the Day after the News had been sent to Whitehall of his Conviction, he apply'd by a Friend to his Highness, for Leave to wait on him; whose Answer was, "That it was not usual to speak to Criminals, except with Rogues concern'd in a Plot, when Discoveries might be expected; but that he would consider of it." The Result of which Consideration was, that the next Day he refus'd it. The Earl, nevertheless, apply'd again, with an Intimation, That he had sent a Petition to his Majesty; and that he was desirous to owe some Part of the Favour he expected to his Highness. This only drew on another Refusal; and, at the same time, viz. Monday the 10th of December, he receiv'd further Intelligence, That the Return of the Council-Express was expected on the following Thursday, being the Council-Day; that the Justice-Court, which, according to Custom, had sat the same Monday, and, according to Custom, should have adjourn'd till Monday the 26th, or, because of Christmas, to the first Monday in January, was, for the Earl's sake, adjourn'd only till Friday, to be in Readiness to pass Sentence, as soon as his Majesty's Pleasure should be known: And that his Highness had been heard to say, That if the Express return'd not according to Expectation, he would take the Issue upon himself: Which Expressions being dark and general, left the more Room for Suspicion. The Earl now thought it more reasonable than ever to meditate an Escape, yet came to a Resolution on to postpone the Attempt till Wednesday: But the next Day, receiving a Confirmation that all Access to the Duke was debar'd; and being inform'd, That some Troops, and a Regiment of Foot were come to Town; as also, that on the Morrow, he was to be brought down from the Castle to the common Goal, from whence Criminals were usually carry'd to Execution, he concluded, that no farther time was to be lost; and, accordingly, either by good Fortune or good Management, or both, eluded the Guards, and got late out that Evening, and made the best of his way to London, where he lay conceal'd for some time after.

Within two Days, as had been expect-

He makes his Escape.

A. D. 1681.

ed, the King's Answer to the Council's Letter arriv'd, authorizing them to proceed to Sentence; but to suspend the Execution till his Majesty's farther Pleasure should be known. This Answer was read at the Board the Day it came to Hand; and the Court of Justice being to sit according to Adjournment, on the next following, there was a sort of Necessity to come to an immediate Determination; but the Earl having made his Escape, a Doubt was started whether the Judges could proceed to pass Sentence against him, he being absent. The Countess of Argyll had also presented a Petition in Behalf of her Lord, back'd by such Arguments as either Law or Reason could furnish, why Sentence ought not to pass, till he, himself, had clos'd his Defence; which, as yet, he had not done, and which he still might take an Opportunity to do. But the Petition was soon reject'd, and the Doubt over-rul'd; and instead of declaring him a Fugitive, and Out-law; which, according to the old Law and Custom, was the Extremity he had to apprehend, the Lords of the Judiciary decreed and adjudg'd, That as a Traitor Convict, he was liable to all the Penalties of Treason: That he should be put to Death when apprehended, at what Time, and in what Place and Manner his Majesty should think fit to ordain: That his Name, Memory, and Honours should be extinct: That his Posterity should be incapable of Honour, Place, or Office: And that his Estates, Goods, and Chattles should be forfeit.

The unprecedented Severity of this whole Proceeding astonish'd and terrify'd all Scotland, and deeply affected every British Subject in the three Kingdoms, who was not an Idolater of the Prerogative, and ambitious of being a Slave: Thro' every Exclusionist it struck a peculiar Horror; for, if such was the Viceregency of the Duke, what was not to be dreaded when he should hold the Scepter in his own Right? And if the Earl of Argyll had been thus hunted down, for only refusing to cabal with the Duke against the King, in case his Majesty should ever be induced to pass the Exclusion-Bill; what Mercy could they hope for, who had set that Bill on foot; and who had so openly and loudly declar'd, That they would never permit his Highness to take peaceable Possession of the Crown, nor live peaceably under him? These were Questions that perpetually arose, and drew on such Conclusions as had a manifest Tendency to draw on dangerous Conspiracies against both Brothers alike, and to involve the whole Land in Blood and Confusion. While the King continued to make the Duke's Cause his own, and to countenance whatever Extravagances he thought proper to commit, it was scarce possible to strike at the one, without endangering the other.

The same implacable Spirit had, moreover, shew'd itself at Whitehall that night in Scotland; and there seem'd to be no Want of Will to serve up Shaftesbury and others here, in the same manner that Argyll had been serv'd up there: Whence it follow'd naturally,

His Sentence.

The Terror it caus'd.

[Barnet, v. 1. p. 522.]

rally, if not necessarily, that the Devoted in both Kingdoms should rush into each others Arms, and, under the Pretence of saving the Public, seek their own Preservation.

It is an up-hill Labour for a Number of Individuals, however wise, great, rich, popular, or provok'd, to wrestle with a Government: And, for that Reason, there must be a very extraordinary Assenblage of Circumstances to prompt any Man to embark in so dangerous an Enterprize: Till the Great are made desperate by Proscriptions, they are too fond of Ease, and too fearful of Dangers and Difficulties, to stake their present Possessions against any Prospect, how inviting soever: And till the Herd are driven into Madness by Oppressions, they never think of using their Horus: Both must be aggriev'd at the same Instant, in order to be sensible that they stand in need of each other's Assistance. And, in the Times before us, one would almost imagine, that those in Power had purposely firm'd the Malcontents with all the Requisites to try the Experiment against themselves; for they at once took care that there should be enough to lead, and enough to follow; and that both should be held together by the Smart of present Sufferings, and the Dread of worse to ensue.

While the Lords *Shaftsbury* and *Argyl* were yet fore with their late Persecutions, and many other Grandees had Reason to believe, that, as soon as plausible Pretences could be found, or a Set of more reputable Witnesses to countenance them, it would be their Turns next to pass thro' the Fire, as a Sacrifice to the Court-Molech, it was resolv'd to make the Body of Protestant-Dissenters, then far more numerous, opulent, and powerful, than they are at present, feel more sensibly than ever the Weight of the penal Laws: But, in order to put the fairer Mask on this Proceeding, the Justices of the Peace were first summon'd to Court to receive a Charge in relation to the Papists only. Sir *John Kersey* says, to receive a severe Reprimand, for having been too remiss in putting the Laws in force against them; tho', according to the same Author, it was shrewdly suspected, his Majesty was not in earnest: After which, the said Justices, as of their own accord, waited on the King with an humble Representation, signifying, "That an Intimation of his Pleasure was necessary, at that time, as to the putting the Laws in execution against *Conventicles*, in regard that when it was before given them in charge to prosecute *popish Recusants*, no Mention had been made of suppressing *Conventicles*; whence it

had been pretended, that they were not to be disturb'd, or meddled with." And his Majesty was pleas'd to declare it to be his express Pleasure, that the Laws be effectually put in execution against them, both in City and Country.

Being thus arm'd with his Majesty's express Pleasure, which, it seems, was of more Weight with them than the express Letter of the Laws, they issued forth their Edicts to the Constables, Churchwardens, &c. of the several Parishes, to return the Names of all Preachers in Conventicles, and of the most considerable Frequenters of the same: And these Edicts of theirs finding but little Observance, they, in the next place, call'd upon the Church to aid and assist, by making it their Request to the Bishop of *London*, that he would cause all the Officers in his Diocese to use their utmost Diligence in excommunicating all such as were liable to that Censure; and that the said Excommunications might be publish'd in the Parishes where the said Persons liv'd, that they might be obvious to the Penalties they had incurred, viz. Not to be admitted for a Witness, or return'd upon Juries, or capable to sue for any Debt. Their Worship also farther order'd, "That the Statute of the first of *Elizabeth*, and the third of *James*, be put in due Execution, for the levying Twelve-pence per Sunday upon such Persons who repair'd not to Divine Service and Sermons, at their Parish or some other public Church." All which, even Mr. Archdeacon *Eberd* acknowledges, "made way for all sorts of Prosecutions, both in City and Country; which, in many Places, were carry'd on with great Spite and Severity, where they never wanted busy Agents and Informers, of which a few were sufficient to put the Laws in execution. So that for the most part the Dissenters, this Year, and much longer, met with cruel and unchristian (!) Usage, greater than any Subject had felt since the Reformation."

There are moreover two (*m*) Papers still extant, in the Name of these persecuted People; the one is called, *The Case of present Distresses on Nonconformists examin'd*; and the other, *The Form of an Address expressing the true Case of the Dissenting Protestants of England*. In the Preamble to the first, it is asserted, that their *Conventicles* did not come within the Description of the Act, as not being *seditions*; and that, under Cover of it, the following Practice had been taken up, viz. Upon the bare Oath of Informers, Convictions were clancularly made, and Executions granted on the Goods of those inform'd against,

(1) The Archdeacon, indeed, takes care to insinuate, that they deserv'd it, by saying, "For what they had done before that time was almost remember'd, and run'd such an Indignation and Prejudice against them, as the which Men could not easily conquer." He also adds, "That the Beginning of this Proceeding rais'd a mighty Noise and Discontent, and occasion'd some Reflections upon the King, which were very rude and violent; as particularly, Mr. *Fredrick Horsey* said, 'That the King's consenting to the tyrannical Proceedings of convicting Dissenters, he did not question but would make him the Head shorter; and that he did believe the City did not secure him the last Lord *Mary's* day, when they had him there?' For which

Words he was committed Prisoner to *Newgate* for High Treason."

It is fit the Reader should know, that this Article is taken verbatim from the *Gazette*, No. 1669: That tho' these Words were sworn against this Mr. *Horsey*, it no where appears, that ever they were prov'd; and that, in such Times as these, no Office of his Nature would have gone unpunish'd. Insist therefore of drawing Conclusions against the Dissenters from this Instance, as this Reverend Divine seems to direct, it seems fairer to produce it as a new Proof of the arbitrary Spirit of the Government:

(2) Both these Papers are in Lord *Somer's* Collection, vol. 220.

A. D. 1681.

A. D. 1681.

The Nonconformists severely persecuted.

Mem. p. 159.

Gazette, Nov. 1677.

A. D. 1681-2. against, a first, second, and third time, without Notice, Warning, Summons, or any Intimation of Proceedings against them, or Allowance for them to make their Defence; contrary to the plain Sense and Intention of the very Law on which these Distresses were made: For therein it is provided, that there should be a Gradation in the Penalty, annex'd to the Continuance of the Offence; the first being for twenty Pounds, the second for forty, &c. apparently, that Warnings and Admonitions might accompany Prosecutions, and the first Stage of Punishment deter Men from sinning any more.

And as to the second Paper, it contain'd a modest and pathetic Address to the King, in the Names of his nonconforming Protestant Subjects; declaring their deep Sense of his Majesty's heavy Displeasure; presuming that, since it fell so peculiarly on them, it must arise from Causes peculiar to them; intimating, that those Causes could only be, either a Difference in the Practice of Religion, which was obvious, or a Notion that they were not duly affected to his Majesty's Authority and Government: And endeavouring to shew, 1. That their Scruples in religious Matters arose from a Conviction, that they ought to fear God more than the King. And, 2. That as to the Matter of their Loyalty, the same Conscience which oblig'd them to differ from the Laws, in the Rites and Modes of public Worship, oblig'd them also to be obedient in all things else.

There was also one particular Paragraph, in which they set forth the Injustice of reproaching them with the bloody Contest of former Days, which happen'd before most of them were of an Age to take any Part in them; insinuate, that considerable Numbers of them had some Merit to plead in the Restoration; and indirectly claim the Benefit of the Act of Oblivion.

It must be own'd, that in all this they had Truth and Reason on their Side, but in the Clamour of the Times both were lost; and nothing could be heard but what flatter'd the Rage of those that were uppermost. The Earl of Shaftsbury had been acquitted in November, and the Gazette had been taken up with loyal Addresses to his Majesty, on the seasonable Dissolution at Oxford, and the gracious Declaration that follow'd it, till the Beginning of January; and in all that time, which was almost two Months, no body on the Court-side had been ingenious enough to draw from their late Defeat at the Old Bailey all the Fruits of a Victory: At last the Grand-Jury of (n) Dorset, assembled at Blandford, and the Justices, Deputy-Lieutenants, Grand-Jury, &c. of Somersetshire, had the Honour and Good-fortune to light on the happy Expedient, on the same Day, viz. January 10, and to set a Precedent which was instantly follow'd, wherever the loyal Faction were the Majority.

The first of these Productions was in the Shape of a Presentment (to be remitted or

not to the King, at the Pleasure of their A. D. 1681-2. Worthips, to whom it was made) and signify'd, "That they, the Grand-Jury, were credibly inform'd, that there were in that County SOME PERSONS, the obstinate Remains of the late horrid Rebellion, calling themselves PROTESTANTS, who had the Impudence to protest their Dissent from the Laws of his Majesty's Government, and who, they FEAR'D, were ready, on that Account, to unite themselves against the same, upon pretence of securing the Protestant Religion, &c. That they were further inform'd, that the said Persons much approv'd, as a proper Instrument of such Union, the Model of an impious Confederacy, call'd an ASSOCIATION, lately discover'd, &c. being in truth a more insidious Invasion of the Government than the late bloody and traitorous Solemn League and Covenant: And that they humbly hop'd, the honourable Court (of Justices) would use all Means which were by the Laws put into their Hands, at once for the further discovering and suppressing the same."

The second was an immediate Address to his Majesty, expressing how deeply and sadly sensible the Addressers were of those many desperate and wicked Designs, which had been of late laid against his Majesty's sacred Person and Government; and, amongst other abominable Machinations, carry'd on with great Secrecy, that of an Association; and declaring, That, as they should unanimously adhere to the Government of Church and State, as by Law establish'd; so they should oppose all Associations, which had not his Majesty's Royal Assent; and that they would, by due Course of Law, endeavour to bring the Contrivers and Promoters of all such Associations, of what Equality and Condition soever they were, to condign Punishment, as Traitors and seditious Persons."

Both these Papers were set forth in the Gazette of January the 16th; and in the next, viz. of the 19th, appear'd a third, from their Worthips of Middlesex; in which, after reminding the King, "That they were the first who had waited on him with their Offering of Thanks and Acknowledgments for his gracious Declaration, they confess, that they are asham'd that they were not also the first in expressing their Indignation against that most execrable and traitorous design'd Association, lately discover'd by his Majesty; and doubt not, that if any Persons should attempt, under Colour and Pretence of so horrid and damnable a Contrivance, to disturb the Peace and Quiet of his Majesty's Government, whatever Impunity they might meet with on Earth, yet they would not escape the Divine Justice."

To encourage others to follow these loyal Examples, Care was taken to let the whole Kingdom know how graciously they had been accepted; and immediately every Court-Implement every where put in for his Share of Merit, by taking the Hint, and endeavouring to surpass in Matter and Manner all those who had the Start in point of Time: And

A second Course of Addresses.

(n) The Earl of Shaftsbury was himself of Dorsetshire, as may be recollected from a former Passage.

A. D. 1681-9. And with such notable Success was the Work carry'd on, and so thick did Addresses crowd on the Heels of each other, that from the Outside of Things, it was natural to conclude, That all his Majesty's Subjects were become of one Mind; that there were none left to *associate*; and, consequently, that there was no solid Ground for the very Addresses which these outrageous Loyalists so absurdly glory'd in.

[Gazette, Nov. 1795.] The Bench of Justices and Grand-Jury of *Durham* *associate* against all *Associators*; and, not satisfy'd with a verbal Declaration of their Loyalty, or a general Tender of their Lives and Fortunes, liberally offer to contribute MONEY, to the utmost of their Abilities, whenever his Majesty's Occasions should require.

The (e) Mayor, &c. of the loyal City of *Glocester* declar'd before God and the whole World, "That they did abominate, detest, and from their Hearts abhor, that most impious, scilicet, and traitorous Association, hatch'd in Hull, and lodg'd in the Hands of *known* and most eminent *Disturbers* of the Peace of the Kingdom; an Association not to be mention'd among *Christians* without Amazement; that threaten'd Ruin both to Church and State, and had again involv'd us in Blood, had not God of his great Mercy detected it, &c. And that they would give their utmost Assistance and Compliance to whatever Methods his Majesty's princely Wisdom should propose and command them, for the Preservation of his sacred Person, the most happy establish'd Government in Church and State, and the legal Succession of the Crown, against all Pretences and Designs, of what Sort or Faction soever, to the total Expense of their Estates and Blood.

Even the *Benchers* and ancient *Barristers* of *Gray's-Inn*, who when the former Addresses were in agitation would not give the least (f) Countenance to any such Proceed-

ing, "now look'd upon themselves, as they A. D. 1681-9. [Hist. 1699.] said, by their Allegiance, bound in Duty to declare their utmost Detestation of all Bands and Affiliations whatsoever, enter'd into without his Majesty's Authority and Allowance, as felonious Designs against his Sovereign Power; and more particularly, of that abominable Project of Association lately produced at the *Old-Barley*, being the very Model of a Change of Government, in the manifest Proposal of a *Rebellion*, under the Mask of asserting Liberty and Religion."

And some of the *Middle Temple*, headed by Mr. *Saunders*, one of the Council against Lord *Shaftsbury*, went so far as to declare, "That they thought themselves, by reason of their Profession, more oblig'd than others to declare it as their Opinion, That the execrable Paper produced against the Earl of *Shaftsbury* contain'd most gross and apparent Treasons, more manifestly tending to the Ruin of his Majesty's Dominions than the old hypocritical *Solemn League and Covenant*; And that whosoever promoted that rebellious Association, design'd by the said Paper, or countenanced the same, by refusing, upon (g) full Evidence, to find Bills of Indictment against the Authors and Promoters thereof, &c. had in a high measure perverted the Laws, and could have no other Design thereby, than to usurp to themselves an arbitrary and tyrannical Dominion, not only over his Majesty's Subjects, but over his Majesty also."

It is easy to conceive, that the King's open and avowed Approbation of such bitter and provoking Expressions as these could not but contribute to widen the Breach, to make the whole anti-court Party desperate, and to push them on dangerous Undertakings, whether they had before entertain'd any such Thoughts or not. Now, according to the common Rules of Policy, is there any other Way to account for his Majesty's Conduct, than by supposing

(a) An obsolete Repetition, if it be true what some say, who quote the Town-books for their Vouchers; wherein it is recorded, "That he was admitted into the Freedom of that City, for the good Service he had done in fighting against *Charles Stuart* at *Worcester*." Others again say, on the slender Authority of a *Poem of good Credit*, That he and all his Family were expelled the City, in those Times, for their Loyalty.

(b) See Page 597.

(c) This Reflection drew a Vindication of Lord *Shaftsbury's* Jury, it is probable, from some of themselves; in which are these Words:

"What a Court may call *clear and plain Proof* (as they have done in the late and unusual Way of Examination of Witnesses) may appear far otherwise to them the Jurors, and for Reason, weighty and convincing; and whosoever Men may say or write, yet, since they know not believe as they please, it is not in their Power to alter their Judgment according to another's Direction. So that there might be Motives strong enough to induce the Earl of *Shaftsbury's* Jury to acquit him, tho' there had been as many more such Witnesses, and had all as positively sworn the Treason as those that appeared; as the Consideration of the Evidence itself, how improbable some things were, and how irreconcilable others to common sense and Reason; how infamous the Witnesses were; and what Applications they had made to the City (and perhaps to some of them) for a Subornance, before they enter'd into the Conspiracy; the State of say Lord *Shaftsbury*, as he stood in the Way of popish Designs; and therefore necessary to be destroy'd, and by no Means to be adjudg'd to their Cause as under the Colour of a Protestant Plot to be prov'd by Popish Evidence. How unlikely a

Man of his Prudence was to discover such a Design to Person that might betray, but could never give the least Advantage to it; how fatal the King's Death such Needs be to a Man of his Fortune, eminently unconcern'd to Popery and a popish Succession: The Jurors might have under their Consideration these or the like Circumstances, and from them conclude, that such thorough and improbable Swearing was not gratis; and, upon the same Reason, that such a Party as would be at the Charge of such and so many Witnesses would not spare for Price, nor want Opportunity to convey into his Closet the horrid Paper that was found there. It is worth Consideration, that every Witness comes to a Grand-Jury under the Obligation of this Oath, viz.

"The Evidence that you shall give to the Grand-Jury, upon this Bill of Indictment, shall be the Truth, tho' it witness Truth, and nothing but the Truth, as it help you God."

So that, having all that can be said against the Prisoner, it were very unreasonable if they should not be so tender of his Liberty as not to hazard it at a further Trial, if what is said on one Side be not to them sufficiently convictive; and here on a conscientious Jury are they that upon his Oath, the Truth whereof he is not likely to be in his Judgment; For the Oath of their Pretirement runs thus: *The Jurors, upon their Oaths, do profess, that A. B. is guilty of Treason, Murder, or Felony*; for they shall, upon their Oaths, ever the Truth, as well as the subsequent Jury, or else the Prisoner can never be convicted; and therefore ought to be as careful in their Verdicts, and not find a Bill upon that Evidence, though of the Grand-Jury, which they would not upon the same Evidence find, if of the other, the Prisoner nor ever declining upon his Trial."

A.D. 1681<sup>12</sup> it was calculated on purpose to drive them on Extremities, and to make their Relentsments a Snare for their Destruction; in which case, it might be clearly foreseen, that he would be absolute Master of the People, and that the whole Constitution would sink in Ruins at his Feet.

The immediate Effect of this second Round of Addresses, was one of the sharpest and rudest Controversies that ever disgrac'd the Press, or amus'd the People: For the Experiment had no sooner began to operate, than a Paper was publish'd under the Title of, *A Letter from a Person of Quality to his Friend about ADDRESSERS and ABHORRERS*; in the former Part of which, the Success it met with is ascrib'd solely to the Artifices of the Court, the Practices of the Clergy, and the Ambition, Servility, (r) Depravity, Corruption, and Prejudices of the Gentry; and in the latter, it is asserted, that the Paper call'd the *Association*, which was thus pelted at, was a Man of Straw of their own letting up: That *Gwyn*, who pretended to find it, was *Steynour's* Creature, and *Shaftsbury's* known Enemy; and that all the Papers reliev'd at Council, were mark'd by his Lordship's Agents, *Wilson* or *Starkey*; whereas this was mark'd by neither. The Drift of all was to dissuade Persons from shewing any Countenance to this Device, and concluded with these Words: "But you are not to set your helping Hand to these things: There is a God above, that will certainly enquire after such Matters: And, if you have PATIENCE but a while, the Wicked that thus prosper, their Place shall know them no more."

It happen'd unfortunately for the Party that this Paper was calculated to serve, that it abounded more with Repentment than Discretion. It charg'd the *greatest Part* of the Nobility and Gentry with having *lost their Senses*: It said, that many of them had been corrupted by a *vile and fardid Education* under the CLERGY: It said, that without the Help of *University Learning*, it was not possible to imagine how the Protestant Religion could be preserv'd under a Popish Prince; and it call'd upon the Person to whom it was address'd, to consider, when it should become notorious, that all Honours and Advantages were conferr'd upon none but the Duke's Creatures, how long the *dissolute and drunken Part* of our Nobility and Gentry would hold out as Confessors for the Protestant Church of England.—Whoever uses ill Language in a Controversy that regards great Numbers of Men, is sure to have the whole Hive about his Ears; and serves his Adversary more by his Indecency, than he hurts him by his Inferences. This was no Secret

to those who undertook to answer this; and they accordingly brought forward all those broad and coarse Expressions, accompany'd with suitable Remarks, and thereby more advantag'd their Cause, than they could have done by ever so clear a Deduction of Facts, or ever so strong a Chain of Arguments.

This Reply occasion'd a second Paper against these mortifying Addresses, which, tho' better guarded in Point of Expression than the first, serves equally to shew how fearful the Party-driven were, that they had lost the Bulk of the Nation, and how angry they were with those who had rescu'd them out of their Hands. The Introduction insinuates, That the great Point in Power had in View, was to keep up the present Ferment of the Nation, for the Furtherance of the Papal Cause; and that this Ingredient of Addressing was again thrown in to intoxicate the People a-new, who were on the Point of returning to their Senses. Then follow certain Negatives; as, 1. That the Writer could not pronounce of these Addresses as *LeStrange* had done of those to *Cromwell*, viz. *That they were no other than Leagues offensive and defensive between him and the Nation*; and that while his Care was for engaging one Party, it was for destroying another. 2. Nor would pronounce, that the Addressers should have said to have seen the good Effects of his Majesty's former Promises, in relation to frequent Parliaments, before they had address'd him again. 3. Nor that it would have become them to be well assured that the Paper call'd the *Association* was really found in *Shaftsbury's* Closet, as *Gwyn* had suggest'd. 4. Nor that it would have been more for their Honour to testify their Abhorrence of *Sham Plots*, than *Sham Associations*. 5. Nor that it look'd ill that Addresses in Abhorrence of Parliaments should be countenanc'd and promoted, while Petitions for a Parliament were prohibited by Proclamation.

After this the Writer changes his Method to *Positives*; says, He is sure the Government has nothing to apprehend either from *Phrenetic* Preachers or People; seeing some of the most fam'd among them, after having been an hundred times deceiv'd and impos'd upon, were still ready to be brib'd by a Dinner, a Smile, or a fair Word, to co-operate with their Enemies to their own Destruction; and that it was to be wish'd, that some of the Dissenting Ecclesiastics would be content with Grace, and not pretend to civil Wisdom, which, it was evident to all the World, the great Dispenser had deny'd them. 2. That *LeStrange*, the principal Agent in modelling and remodelling the present Addresses, had chang'd his Sentiments in relation

(r) Which is illustrated by the Example of Sir *William Parsons* and Sir *Nathaniel Nassau*, &c. who having gone all Length in the *Queen's* Parliament, were no sooner got home, than they join'd in the Addresses of Thanks for their own Dissolution, and thereby acknowledg'd themselves to be little less than Rogues and Traitors. There is also the following Paragraph in this Piece, which was probably meant by way of Comment on the Trial of *College*.

"I would ask you, should a Popish Prince hereafter have a Design to hang any Man that was too busy in the Promit-

ant Cause; whether he had more to do than to make a beggarly, necessitous, or bigot Gentleman Sheriff of that County, and send down his private Orders to the Lord Lieutenant, who shall return a Grand Jury of Lieutenants and Esquires, that shall never find *Ignoramus*; and a petty Jury of Serjeants and Corporals, before whom *Ignoramus* may be believ'd; especially if care be taken that the Lord Lieutenant be so good a Churchman as to take his Tutor in the University for Governor of his Affairs and Fortune ever after?"



tion to such Applications; having formerly declar'd, "That the same Expedient in the Hands of the late Protector, was no other than an Artifice to piece out his broken Power, and to set a false Gloſs on his Interest; and that Cromwell was too wise to place any farther Dependence upon it; for that having been gain'd by Contrivance, or Force, or at least, Importunity, half a Dozen pitiful Wretches, the Presenters, had still'd themselves, *The People of such a County*; which was the whole of the Reckoning. 3. That the *Papists*, in a Body, had chang'd their Sentiments as well as he; for whereas they now held the *unpardonable Sin in Politics* to be, the *Exclusion of the Presumptive Heir*; they had taught, towards the Close of the Reign of Queen Elizabeth, when a Protestant Heir was in Sight, "That Succession to Government was neither establish'd by the Law of Nature, nor Revelation, but only by Human Sanction, which Men might alter or cancel as their Interest determin'd them." 4. That even the Protestants also were sick of the same fantastic Disease; for whereas in the same Reign, the whole Clergy, and most of the Nobility, Gentry, &c. deriv'd their main Arguments against *Mary, Queen of Scots*, from the Danger likely to befall the Reformation, in case she should survive Queen Elizabeth; it was now come to that Pass, That no Zeal had any Merit but that for a *Papish Successor*. 5. That as all Addresses of this Nature had a Tendency to render the King, who ought to reign equally in the Hearts of all his People, the Head of a Faction merely, so they also serv'd to make the Divisions of the Kingdom apparent, and consequently to expose the Weakness of the Government. 6. That the most fatal Effect of these Addresses consisted in the depriving his Majesty of that Security which the Wisdom of Parliament had provided for his Person against the *Papists*, viz. By an Association to avenge his Death on them, in case they should, by any Violence, remove him out of their Way; for, according to the general Scope of these Papers, all Associations were abolish'd, and ridicul'd alike. 7. That they, the *Papists*, by causing all Places Civil and Military, to be fill'd with such only, in whom they could entirely confide, had secur'd to themselves an Indemnity, in case they should think fit to carry their traitorous Purposes against the King's Life, now left open and expos'd, into Execution. 8. That it was worthy Remark, That the King of Portugal had lately been laid aside, and confin'd to the *Terreira* Islands, by the very Men whom he had admitted into Power, and who made no other Use of that Power than to supplant him, and impose his Brother on the Throne. And, 9. That the *Addresses* were so insinuated, that they never once reflected on the great Progress which the *Papish* Interest had lately made, nor of the Insolence it had already inspir'd them with, tho' so flagrantly manifested in *Lancashire*, where they had just risen on the King's Officers at *Alton*, and by main Force rescu'd

the Goods and Persons they had taken in Execution out of their Hands.

It should have been observ'd, that the Reply which caus'd this second Paper was address'd by Implication, tho' not in Words at length, to the Earl of *Shaftsbury*, on a Presumption that he was the Author of the first; which is one of the unfair Artifices of Faction, to blacken an Adversary, by making him answerable for all the Extravagances of all his Followers. It was not however held prudent, to retort the Provocation, and draw the Attention of the Public to Persons instead of Things; which Forbearance on his Side seems to have encourag'd Licence on the other: For the *second Return* (as the Answer is call'd to this second Paper) to the *Letter of a noble Peer concerning Addresses*, rushes at once into personal Abuse, and lays on Inveective, as if the Author of it held the Scourge by Authority: According to him, it was downright *Impudence* in the Earl to surmise, that there was any Room to doubt of the Paper's being found in his Closet, since nothing was ever more exactly prov'd:—It was greatly to be lamented, that all those who, in the House, saw and promoted this damnable Association, and did not so discover it, as to have the Projectors and Forwarders of it rewarded with their *worried Rope*, should escape free from Punishment:—He, the Earl, had been rais'd by an Excess of Royal Goodness, not only from a mean Estate, but from such as deserv'd more of Severity than Favour.—His Wit, like *Galba's*, had very unseemly Lodgings.—Out of so ill-contriv'd a Frame, nothing was to be expected but what was mischievous and unlucky.—It was ador'd by the Mob for its excellent Deformity:—All honest and quiet Men were become now convinced, that the frightful Stories of *popish Designs*, which had thrown the Nation into Fits, were but the Tools of *Pratishan Joynery*.—It was great Pity the *Masters of the Company* were not hang'd for Company with the *Journeyman*.—*Sec. &c.*

These are some of the Flowers of this choice Piece of Court-Wit and Humour; and as to the Ground on which they were laid, it consisted more of Contradiction than Consistency; with the Addition of such Plausibilities as, under the Pretence of setting forth the Charms of Loyalty, might best reconcile Men to Slavery. Thus it is said, That the *Addresses* did, with a *filial Respect*, purge themselves of all sinister Designs or Intentions towards the Crown, either in the present Fruition, or future Inheritance: That out of the Ardency of honest Affection, they had express'd their Abhorrence of such rotten Members as he and others: That these seasonable Declarations of theirs would scatter to pieces all foreign Malignity, as well as domestic: That the Day of securing the Liberty of the Subject, by dissolving the late Parliament, deserv'd as well to be kept holy, as the Day of his Majesty's Restoration: That the things ascrib'd by him to the Whole of the Clergy, Nobility, &c. in Queen Elizabeth's

A. D. 1681. *bed's* Time, were wholly false: That they were, in truth, to be ascrib'd only to some of the *Puritan Gang*: That the Association in her Reign was not enter'd into without her Consent: That whereas it had been insinuated; that his Majesty's Consent was to have been solicited to this, it was proper to ask, Where and when those *audacious Ruffians* would have propos'd it? and whether on the Point of a Spear, at *Holmbury House*, the Isle of *Wight*, or *Hurst Castle*? That, instead of raising such a Din about the Protestant Religion, his Lordship should have shewn what it was: The Addressers had undertaken for the Security of that establish'd in the Church of *England*; and, if he comprehended all the various Sects in his political Ark, *England*, in the next Generation, would outdo *Africa* in Variety of Monsters: That the Instance of the *Portugall King* was introduced with no more Propriety, than if he, the Writer, should petition to have his Lordship sent to the *House of Correction*, as a Reward of his *Oratory and Manners*: That his Lordship was so great and fortunate a Statesman, that he was neither believ'd nor lov'd: That he never attain'd what he sought, nor spoke Truth but, as the *Devil* quoted Scripture, to pervert the Righteous: That the Duke of *York's* Loyalty and Fidelity could not be parallel'd, except by his Candour and Sincerity: And finally, That Popery, which thro' his false Optics appear'd a Giant, was in reality a Dwarf.

This Paper, it is necessary to observe, was dated from *Newmarket*, *March* the 16th, where not only the King and Court then were, but also the *Duke*; who had so far got the better of Lord *Hallifax*, as to obtain his Majesty's Permission to revisit *England*. It is, therefore, not unreasonable to suppose, that some Adventurer in his Highness's Train, whether by Direction or not can never be decided, took Advantage of the Crisis, to set forth this inflammatory Piece. That Lord *Hallifax*, himself, should ever descend to such dirty Work, can never be imagin'd; his Wit was of too pure a kind to flow thro' so foul a Channel; nor would his Sentiments concerning the Duke's Return permit him to take up the Pen at that time in his Service: And yet the peculiar Insolence and Malice of the Invective, as well as the injurious Direction of it to Lord *Shaftsbury*, so far provok'd the Latter, or some other Person in his Character and Behalf, that Lord *Hallifax* was personally attack'd in his turn; and not only made answerable for all the exceptionable Passages in the Production before us, but treated with all the Bitterness that could flow from the most envenom'd Hatred, and most implacable Resentment. The (*2*) *Reply* to this *Second Return* (to this other virulent Piece is call'd) opens with these Words:

"I received yours in Print by the Penny-Post, and expected the Date from (*1*) *Ruford Abbey*, and not from *Newmarket*: But

A. D. 1681. "I understand your Lordship has given your Agents in this Town the Lye, and not retird to your Country-house, upon the Duke's coming, but have rather pok'd down to *Newmarket* with the new *Hespanna* of, O Duke, *live for ever!* which was some Years since, O King, *live for ever!*" The Letter-writer then denies, that the Paper charg'd upon Lord *Shaftsbury*, was written by him, or that he stood in Debt for his Fortune to his Majesty's Bounty; it being well known that his Father's Estate in 1630, was between 8 and 9000 *l.* a Year; Professes not to understand the malicious Hint relating to the Severity he had deserv'd from the King, since no Man could be suppos'd obnoxious to Severity, who had acted a principal Part in restoring the King to his Throne: Affirms, that without his Courage and Dexterity some Men (meaning *Mobs*) the most highly rewarded, had acted otherwise than they did: That the Act of *Obsequy* was an Act of the King's Honour and Justice, not of his Mercy: That under the same Head, or a Comparison of the Promises, Declarations, and Engagements then made to the Protestant Dissenters, with their Sufferings, it might be said, that their Submission and Loyalty were without a Parallel: That, in order to keep his Lordship's Hounds in full Cry, a *Red-Herring* out of his own Kitchen was traid first, and hunted afterwards: That as to the Certainty of the Association-Paper's being found in Lord *Shaftsbury's* Closet, *Gwyn* himself does not expressly swear it: That if he had, no Man was, or could be made, answerable for a loose Paper; nor was there any Reason for such a Clamour as had been rais'd upon it, since there was no Proof, that ever any Attempt had been made to put it in force: That altho' he (*Hallifax*) was now so hot for advancing such Members to the House-top, as had promoted the Association; it could be prov'd, that the Association, and the banishing the Duke for ever, was his own Proposition in the House of Lords, during the last *Westminster* Parliament: That when the Nomination of Sheriffs for *London* and *Middlesex* should fall into his Lordship's Hands, like those of the rest of the Kingdom, the Masters of the Companies would indeed be hang'd with the *Journymen*: That none but a *Fagitt*, or a *scold* Enemy to the King and Kingdom, could have Reason to consider the Days of dissolving the last Parliaments, as Days of Deliverance; since they were flush to them only: That these Addresses, tho' so much glory'd in, were so far from being the Voice of the Nation, that they were only the Clamour of his own corrupt Faction: That Jurymen as well as Sheriffs were selected for this peculiar Service: That the whole Secret of procuring them was known: That eighteen such Men might possibly be found in every County, as would be induc'd to echo whatever the Court pleas'd: That, however, in some

A. D. 1681.

some Counties, and those great ones, they had not been able to muster above thirteen; and that in others they had been wholly disappointed: That, on the contrary, the Voice of the Nation was only to be known by their Representatives; and what that was, might be learn'd from the last, which had been chosen against all the Opposition, Industry, Power, and Money of the Court: That when a way should be found to put the Nomination of Juries, as well as Sheriffs and Judges into the Hands of the Court, all would be in the Hands of the Court: That this System was already so complete in Scotland, that the palpable Effects had given rise to the following proverbial Saying, *Shew me the Man, and I will tell you the Cause*: That tho' it was unquestionably the Prerogative of the Crown to summon and dissolve Parliaments; it was as unquestionably the Birthright of the Subject to have the Use of them: That since the Religion by Law establish'd was the only one his Lordship was willing to acknowledge, he would do well to find and offer some Security, that, when Time should serve, he would not interpret that to be the *Ranish* Religion, which having the Sanction of *Magna Charta*, might be said to be likewise irrevocable: That his Lordship had either most egregiously mistaken or misrepresented the Matter of Fact, as to the Association in *Queen Elizabeth's* Time, for that she herself, in open Parliament, "had protested before God, she was wholly ignorant of it, till a great Number of Hands, with many Obligations, were shewn her at *Hampton-Court*, sign'd and subscribed with the Hands and Seals of the greatest in this Land:" That as to the *Puritan Gang* he spoke of, as the only Opposers of the Succession of *Mary Queen of Scots*, he had lump'd under that invidious Distinction several Parliaments, who not only oppos'd her Succession, but never rest'd till they had brought her to the Block; as thinking the Queen's Person was not safe, as long as a popish Successor was in being: That the two Cases were in some respects exactly parallel: That the Papists were as zealous and as bloody now as then, and the Duke as ambitious as his Great-grandmother: That, indeed, there was a wide Difference in their Circumstances; for the Queen was a Prisoner in the Hands of her Enemies; whereas the Duke, thro' his Majesty's Over-confidence and Credulity, was Master of the whole Power of the Kingdom; and, consequently, might put his Designs in Execution when he pleas'd: That his Highness's Loyalty, however extoll'd, was but a slender Guard against such mighty Temptations; and was the less to be trusted, since it had already given way: That the King himself knew of several Attempts he had formerly made to recover the Crown, to his Majesty's Prejudice: That the Transactions of the Duke of *Buckingham* and *Colonel Banfield*, in the Duke's Name, with that View, were only to be prov'd: That the King's Marriage to a Lady, whom the *Spanish* Ambassador, at that time undertook to shew could have no Children, ought to be plac'd principally to his Account, not only

NUM. LVII.

because it was negotiated by his Father-in-law; but because it had no sooner taken place, than his Highness assum'd all the Honours and Privileges of the Prince of *Wales*, except the Style and Title, as if confident the King would never have any legitimate Heirs to step between him and the Throne: That no King but his Majesty ever went such Lengths to establish the Title of his presumptive Successor: That he had even to far unking'd himself, that it might be said, he reign'd only at the Courtesy of his Brother: And that his Majesty was already visibly eclipsed, for while the whole Throng of Courtiers paraded it in the Duke's Train, the King walk'd the Streets with no other Attendants than two or three Pages of the Back-Stairs.

When the Breach between the Lords *Shaftsbury* and *Hallifax* first became apparent, it was foreseen it would be the Ruin of the anti-court Party; and that the Duke and his Creatures would gain ground in proportion as the other lost it. The immediate Consequence of their Division was their taking opposite Roads: The Lord *Shaftsbury* grew a fiercer Patriot, and the Lord *Hallifax* a more ductile Courtier, than ever: And both of the Concessions on one Side, and the Extravagances on the other, his Highness had the Advantage. But tho' Lord *Shaftsbury*, by driving Matters to Extremities, became of all Men the most hated at Court, Lord *Hallifax* could not by his Services, however eminent, attain the great End of his Ambition, to be the most favour'd and best belov'd. He had indeed the King's Ear; his Advice was always heard, and often taken; but then it was perhaps more out of Policy than Affection, that, according to the King's favourite Maxim, the Court Factions might balance each other. If the Duke was to be serv'd, he was also to be aw'd; and by a Man of less Weight and Ability than his Lordship, this could not be done. There was therefore a Necessity that he should have a large Share of the King's Countenance; and so much the more, as he had a Credit and Interest of his own with a great Part of the Nation; who look'd upon him as equally a Friend to Prerogative and Liberty, and equally an Enemy to Popery and Fanaticism: But if the Minister was to be play'd off occasionally against the Heir, the Heir was most consider'd and rely'd on in the main. Hence tho' he was not permitted to carry all Points, he was generally indulg'd in those that affected him most. If he had the Mortification to be sent to *Scotland*, he was permitted to model the Government there almost into what Shape he pleas'd; and no sooner did a favourable Crisis offer in *England*, than he was recalled.

To make his Administration popular, Lord *Hallifax* had, in the Beginning of February, contended for the summoning a new Parliament: He had urg'd that all Christendom, *France* excepted, was desirous of it; and that nothing could be offer'd in objection at home, but the Fear that they might begin where the former had left off; in which

S I

case,

A. D. 1681.

Lord *Hallifax* advises the calling a new Parliament. *Parliamentary* *Recoll. Mem.* p. 134.

A. D. 1681-2

case, the King might either prorogue or dissolve them as he pleas'd; and at the same time convince the World, as before, That it was their own Faults; that he had kept up to his Promise of calling frequent Parliaments, &c. and that, on the other hand, if the Disposition of the Majority should prove more favourable to the Court, his Majesty would gain the grand Points of being united at home, and formidable abroad. But he was oppos'd by *Seymour, Hyde, &c.* who were the known Partizans of the Duke, and who, as well as their Patron, were too much concern'd in the Success of the Experiment, to abide the Hazard of it; which, beyond all Arguments, evinces, that the same Management which had procur'd Addresses, could not be depended on in the Choice of a Parliament.

But it is observ'd by the Duke's Party,

How this Advice call'd with the State of Europe.

What Connection there was between this Motion of Lord *Hallifax's*, and the Intrigues of the House of *Austria* and the Prince of *Orange*, we have not sufficient Light to ascertain; tho' from Circumstances it may be conjectur'd that such a Connection there was.

*Luxemburg* was still kept in Blockade by the *French*; and the *Spaniards* had made the most earnest Applications to their Allies on every Side, to co-operate for its Deliverance: With *England* and *Holland* they were, in a particular manner, importunate; but while the Former stood aloof, the Latter would proceed no farther than Complaints and Remonstrances; while the  *Germans*  at *Ratisbon* held perpetual Conferences on the Means of avenging their Injuries by renewing the War; and as it appear'd, wanted only the Wealth of the  *Maritime Powers*  to put them in Motion.

Now it was natural for all the Princes of *Europe* to conclude from the florid Outfide of the King of *England's* Affairs, that he had the Faction at his Mercy, and consequently might draw what Advantages he pleas'd from his Parliament. It was natural, therefore, for them to avail themselves of this Crisis, and to exert their utmost Endeavours to induce him to take Part in the Common Cause.

*Holland* had his Promise to urge, of calling a Parliament when that common Cause should require it: *Spain* had the Rights of an express Treaty to enforce: The  *Germans*  could join in the Invitation, tho' they had no Obligations to insist on; and the Prince of *Orange*, whose Element was War, and whose particular Ambition it was to be the Instrument of humbling the grand Monarch of *France*, had a Family Claim to plead, and the whole Streets of all his former Negotiations.

On the other hand, the very same Circumstances that encourag'd these several Powers to renew their Applications, convinc'd *France* of the Expediency, if not Necessity, of preventing them; and not only Mr. *Montagu's* Treaty, but the whole Course of their Dealings with us had shewn them an infallible way. The Power of Gold they had always

found to be irresistible; and as it was never more wanted on our Side, nor could ever have been laid out to more Advantage on theirs, it is reasonable to think they were not backward in their Offers, nor we in our Acceptance.

A. D. 1681-2

*Ferguson* is express, that the *Duchess of Portsmouth* was the Agent between the two Courts on this Occasion; that she went over on Purpose, and that she was accompany'd by the Duke her Son, who, to flatter her Pride, was treated with all the Honours shewn to a Prince of the Blood; inasmuch, that his Royal Highness grew jealous that she was negotiating for herself, as well as the King his Brother.

Duchess of Portsmouth sent to France. (Growth of Papers, P. II. p. 322.)

This is certain, that no sooner did it appear that all was safe on the Side of *England*, than his most Christian Majesty caus'd the *Heer Van Staremberg* the *Dutch* Ambassador at *Paris* to be inform'd, in answer to his Memorials on the Affair of *Luxemburg*, "That his most Christian Majesty's Intentions were religiously to observe the Treaty of *Nimwegen*; but that the Crown of *Spain* refusing to yield him *Alst*, and other Places in *Flanders* belonging to him, in Pursuance of the said Peace, he had caus'd his Troops to block up *Luxemburg*; and that he should continue to do so, till he had obtain'd Satisfaction in full."

About the same time, rather to divide than pacify the  *Germans* , his most Christian Majesty also gave the Diet to understand on what Conditions he was willing to leave the Empire in Repose. And that they might be sensible he was in a Condition to exact their Compliance, he not only induc'd the Elector of *Brandenburg*, by the Dint of Subsidy, to become of his Party, but to act in a manner as his Agent, by causing him to order his Ministers at the Diet to declare in the Name of his Electoral Highness, "That as Things now stood in the Empire, no Opportunity ought to be neglected of coming to an Agreement; and that any tolerable Terms were preferable to the Hazards of another War."

The most Christian K. makes Proposals to the Diet, and promises the Elector of Brandenburg to assist them.

In the mean time the *Spaniards*, notwithstanding all the Variety of Discouragements they met with from every Quarter, still continu'd deaf to the Demands of *France*; and instead of growing more submissive, gave out they would raise the Blockade by Force, and made their Preparations accordingly. They also demanded of the *States-General* the *8000* Auxiliaries, which on the Faith of Treaties they were intitled to, in case of a Rupture; and that with such Earnestness, as laid their High and Mighty Lordships under the greatest Embarrassments: For being fully convinc'd of the fatal Acendency of the *French* Interest in *England*, and of their Power every where else, they justly dreaded to do what otherwise correspond'd alike with their Interests and Inclinations. This Perplexity, as it was natural, begot Delays, which the (a) Arrival

Spain demands of the States the Auxiliaries they were oblig'd to furnish by Treaty.

(a) The Lord Viscount *Priffin*, another Creature of the Duke's, was about the same time sent to *Paris*, in the room of Mr. *Montagu*.

A. D. 1681.  
 rival of Mr. *Claude*, a new Minister from the *British* Court, offer'd them a Proteste to execute. And when it appear'd his Errand was at best Matter of Amusement only; and the Importunities of the *Spaniards* became so pressing as to be no longer evaded, they enter'd on the Debate with aching Hearts; afterwards, met again, and again separated, without coming to any other Resolution than barely to consult their Principals, tho' the Prince of *Orange* assist'd at their Deliberations, with his usual Ardour, to forward every Measure that any way interfer'd with the Views and Interests of *France*. Neither when they re-assembled did it appear that their Difficulties were surmounted. The Towns differ'd in Opinion as well as their Deputies; the two Factions had every where oppos'd each other during the Retreats; the Minister of *France* had put in his Caveat; and the Dread of his most Christian Majesty's Resentment struck an Awe through the whole Republick; which is even visible in their final Determinations: For, in answer to the *Spanish* Envoy, they declare, "That, according to the Treaty subsisting between his Catholic Majesty and the *States*, they are at Liberty to use their Endeavours to determine by Conference the Matters in Difference, before they are oblig'd to grant the Auxiliaries which he demanded; That they will do their utmost during the said Conference, to incline the most Christian King to allow, that *Luxemburg* shall be supply'd with Provisions; and that in case the said King should refuse to enter into the said Conference, or that they should prove unsuccessful, they would then, without Delay, fulfil their Obligations." And, at the same time, in answer to the Counter-Memorial of the *French* Ambassador, they set forth, "That they desir'd nothing more sincerely, than to preserve the Peace of *Europe*; That it would give them a very sensible Concern to see it disturb'd: That they would, if possible, induce the Court of *Spain* to submit the Matter in dispute to a Conference, in hope they might be amicably compos'd: That whereas *Europe* could not be in a thorough State of Tranquility, as long as there remain'd any Disputes on foot between his most Christian Majesty and the Empire; they made it their Request that the Conferences might be general: Declaring that they would use their Good Offices, jointly with the King of *England* for bringing the said Disputes to a happy Issue; and finally, praying, that the King would suffer *Luxemburg* to be reliev'd."

The Marquis de Gram made Governour of the Spanish Netherlands.

This Dilatory was, by no Means, pleasing to the *Spaniards*, who, by a Series of Indignities and Outrages, were now provok'd into more Vigour and Expedition than were natural to them; and labour'd in earnest to put their Affairs into a better Posture for the time to come. The Prince of *Parma*, their Governour in the *Netherlands*, had fallen under some Suspensions; and a Resolution was

taken to remove him, and put the Marquis *de Grana*, a *German*, in his stead: But this Resolution was kept an inviolable Secret; and tho' the Marquis was expect'd at *Brussels* with some particular Instructions, nobody was able to guess either at their Contents, or in what Rank he was to appear. In his Way he landed at *Portsmouth*, and came as far as *Witchell* to expostulate with his Majesty on his Partiality on one hand, and his Neglect on the other. But hearing he was in the midst of his Recreations at *Newmarket*, and not caring to interrupt him, with so ungrateful a thing as Business, he set out for *Flanders* the very next Day, as if it was not worth his while to throw away another. Tho' Kings are sometimes obnoxious to Contempt, it is very rarely shewn them: And when it is, they have not Philosophy enough to bear it: Even King *Charles* himself was touch'd to the Quick with this Proceeding of *M. de Grana's*, and complain'd of it to the Court of *Spain*; but, for aught appears, with as little Effect as the *Spanish* Ministers had made their Complaints from time to time in the Court of *England*.

The Marquis in the mean time, careless and fearless of the Success of his cavalier Behaviour, arriv'd at *Brussels*; kept the Secret of his Commission yet a Day longer: then all of a sudden produced it, seiz'd the Prince of *Parma's* Papers, and confin'd his two Secretaries, as also several others, suppos'd to be concern'd in the same criminal (or) Intrigues: Upon this, his Highness the late Governour thought it prudent to make his Escape; which he did to *Cologne*, leaving his Instruments to answer both for his ill Conduct and their own.

This was the State of Affairs abroad; and from hence it must be presum'd, that Lord *Hallifax* had his Concerts, as well as Lord *Danby* before him: And, from all that has been said concerning him, it is manifest, that his Interest with the King went no farther than his Compliances with his Mother's Pleasure: While gratifying his own Passions, in assisting to run down Lord *Stafford*, he had the Credit of leading the Pack; but when he turn'd against *France*, or wrestled with the Duke, or propos'd any Measure that might serve to give him some Credit and Countenance with the Party he had abandon'd, he found himself without Consequence: And yet, tho' he repin'd like a jealous Lover, and expostulated like an angry one, he still serv'd on, and thought one Favour overpay'd a thousand Neglects. It further appears, that either he was not always in the Secret of Things; or that, even with his Intimates, he endeavour'd to keep up his Credit, at the Expence of Truth. Thus Sir *John Kersey* informs us, That having had a long Conversation with his good Friend the Lord *Hallifax*, he found him to be of Opinion, "That the Duke had gain'd no great Ascendency over the King by his Journey from *Scotland*:"

Whereas

[See] According to *Ferguson*, with *France* and *England*, Mr. *de Grana*, that some *English* Letters of the Duke were

actually seiz'd on this Occasion. *Growth of Party*, Part II. p. 279.

A. D. 1681.

Lands in England; but hearing the King was at Newmarket, re-embark'd the next Day.

He finishes the Prince of Parma's Secretaries, who were in Cologne.

The Error of the Lord Halifax's Papers at Court.

A. D. 1681-2

Whereas it is demonstrable, that now it was that the Duke took his Measures to have the whole Administration in his Hands, and the King gave way to it; possibly not so much to gratify his Brother's Ambition, as that he might undergo the Odium of all the violent things now to be done, while His Majesty reap'd the Advantage. It is true his Highness, after having receiv'd the Compliments of the City of London, and his own particular Corps, the (x) *Artillery Company*, set out once more for Scotland, and the Lord *Hallifax* appear'd again to be the Morning-star of the Court: But his Lustré was of no long Duration. The Duke, as we shall see, went only to put the Government into safe Hands there; and, by previous Stipulation, was immediately after to return with his whole Family, to revisit the North no more.

1682.  
The Duke con-  
plimented by  
the University  
of Cambridge  
(Kenset, vol.  
iii. p. 294.)

There was yet another Incident, which, during his Stay in England, serv'd to manifest the Greatness of his Ascendancy: Of all the Honours which the Duke of *Monmouth* had held, none remain'd to him but his Peerage and Garter, and the Chancellorship of the University of *Cambridge*. While his Royal Highness was yet at *Newmarket* with the King, he was waited upon by Dr. *Coga* the Vice-chancellor, to congratulate his Return, in the Name of that learned Body; who, treading in the Steps of Dr. *Gower* before-mention'd, made no Scruple to declare, "That as, by his Royal Highness's good Conduct, the Government of *Scotland*, both in Church and State, had been settled in Peace; so they made no doubt, but that, under his Majesty, his Presence would have a great Influence in effecting the same here." And the Duke, in return, most graciously signify'd, "That he would ever stand by the Church of *England* as now established, and countenance the Members of it; as having seen by Experience, that they were the

best Supporters of the Crown," &c. This is the Amount of what pass'd in public on this Occasion: And, as to what pass'd in private, it may be guess'd by the Event; for, immediately after, the King signify'd his Royal Will and Pleasure to the University, that they should chuse another Chancellor in the room of the Duke of *Monmouth*: Which they not only comply'd with, but afterwards displaced his (y) Picture also, which had been hung up with great Ceremony in their public Schools, and, with many Insults, publicly burnt it: Nor was this all; for, having elected the Duke of *Albemarle* in his room, their whole Body came to Town to install him, with all the Honours they could devise, that the Affront to their former Head might be render'd the more notorious.

A. D. 1682

Who immedi-  
ately after re-  
mov'd the D.  
of Monmouth  
from being  
their Chan-  
cellor, and burnt  
his Picture.

But Temporizing was now the Fashion; and even Lord *Hallifax* himself condescended to keep these Reverend Flatterers in countenance, by following their Example: "Waiting this Day, *May 22*, says Sir *John Reresby*, on my Lord *Hallifax*, he told me, that the Day before, being *Sunday*, the Duke of *Monmouth* came to him after Prayers, and ask'd him, if it was true that his Lordship, as was reported, had advis'd the King in Council to issue out a Proclamation to forbid every body from keeping him company: And that he had answer'd, That he was not oblig'd to satisfy him, whether he had so advis'd his Majesty or not: And that the Duke reply'd, There would be no need of a Proclamation to prevent him from keeping his Lordship company, and that in another Place he would have said more to him; and so went away." Our Author proceeds to say, "That he offer'd his Lordship his Service on this Occasion; which he thought fit to decline, saying, That if it came to a Necessity of that sort, he would make use of somebody he did not esteem so much as he did me; but that, however,

Mem. p. 145,  
146.

(x) The Entertainment, says Mr. *Echard*, was manag'd with more than ordinary Pomp and Splendor; and after Dinner, upon his returning into another Room, great Numbers of the Citizens crowded in, and were admitted to kiss his Royal Highness's Hand.

In Opposition, as it were, to this Invitation, the Party most colour against *Popery* and the Duke's Succession, to shew and improve their Strength, appointed a Public Meeting, with a Sermon and a Dinner, as usual among particular Bodies and Societies; and they invited their Guests, upon a Ticket in the following Words: *It being His Majesty's Will, by his Majesty's Proclamation, to deliver and preach his Majesty's Perjury, his Protestant Religion, and English Liberties, his Majesty's Letters, his Majesty's frequent Attempts of their Enemies, the Papists: In Testimony of Thankfulness herein, and for the preserving and improving mutual Love and Charity, among such as are lovable themselves, you are desir'd to meet many of the loyal Protestant Nobility, Gentry, Clergy, and Citizens, on Friday the 21<sup>st</sup> Day of this Instant April, 1682, at ten o'Clock, at St. Michael's Church in Cornhill, there to hear a Sermon, and from thence to go to Haberdashers Hall to Dinner; and to bring this Ticket with you.* The Court, which daily grew more vigilant and jealous, soon discover'd the Matter, and publish'd the following Order of Council, dated April 19<sup>th</sup>: "Whereas the appointing of Public Falls

and Thanksgivings in Matters of State, and belongs only to his Majesty by his Proclamation: And his Majesty's being so form'd, that in the City of London, Invitations have been made of great and unusual Numbers, by printed Tickets, one of which is herewith annex'd; his Majesty looks upon the same as an insolent Attempt, in manifest Derogation of his Right, and of dangerous Consequence. The Matter of the said Invitation being of a public Nature, and Manner of carrying it on, tending to Sedition,

and raising Dissensions and Confederacies amongst his Subjects, against the known Laws and Peace of the Kingdom; his Majesty therefore, by the Advice of his Council, hath thought fit, and doth hereby strictly charge and command the Lord Mayor and Aldermen of London, as they will answer the contrary at their Peril, to take immediate and effectual Care to prevent and hinder the said Meeting, as an Unlawful Assembly. And all Sheriffs, Constables, and other his Majesty's Officers in the said City, are hereby commanded to be aiding and assisting therein.

(y) Which may serve to humble those who are so outrageous in their Insults against the Person, who, a little before this, had cut his Royal Highness's Picture in *Gold-ball*; even if there is no Truth in the following Passage, which is taken from the Preface to a Tract before-mention'd, call'd, *A True Plot, Part II.*

"With how much very Zeal hath the cutting and degrading the Duke of *York's* Picture been approv'd, in the vilifying the Dissenting Protestants, as if they were, like Tories, of such epicurean and revengeful Natures, that rather than be frustrated of all Revenge, they would rub an innocent Picture? The next Day after it was done, there was a grave German-Knave, that wears a beard, and thinks himself answer'd to a Don as the bell, who enquir'd of some Gentleman, whether they heard the News? No, said they; what News, pray? He said he, the Game is begun; the *Wigs* have hit upon the Duke's Picture. For this canonical Baner was nullified, for it was not a Protestation, but a Paper, that did it, in hopes to exasperate the King and his Royal Highness against the City, as appears from the cutting of *Brady's*, a Papist who own'd, that he was the Man that did it, before-mentioned *White-fist*, that have roven the figure; and he now stands bound over to answer for it next Sessions."

A. D. 1682.

however, he did not think himself oblig'd to fight upon that account; tho' he should ever be ready to defend himself, while he wore a Sword by his Side.

*An Order of Council for-  
titude, all in  
the King's  
Service to  
keep Company  
with the Duke  
of Monmouth.*

The next Day a Council was held at Hampton-court; where, as soon as it was up, his Lordship told me, an Order had been pass'd to this Effect: "That, Whereas the Duke of Monmouth had been guilty of some threatening Speeches to a Member of that Board, in relation to something offer'd to his Majesty in Council; his Majesty considered the same as an unmannerly Insolence towards himself; and did therefore charge all his Servants, and all such as had a Dependence on him, not to keep company with, or frequent the said Duke of Monmouth for the time to come."

*The Lord Shaft-  
bury brings his  
Bill in Mid-  
dlesex, against  
Craddock,  
Graham, &c.  
for a Conspi-  
racy.*

We must now pursue the War of Factions, as it was carry'd on in the Courts of Justice, and under the Banners of the Laws. And first the Lord Shaftbury, (with a *severful Assurance*, says Mr. Carte) for the *Malcontents*, brought Actions against one Craddock, for having laid he was a *Traitor*, and against Graham the Solicitor of the Treasury, and others, for having enter'd into a Conspiracy against his Life, by means of Subornation, &c. the *Barbarity* of which Proceeding Mr. North is very solicitous to set forth; alleging, That they acted but ministerially in the Affair; and that the Action being laid in *Middlesex*, to be try'd before an *Ignoramus* Jury, the Damages would have ruin'd twenty Persons, in Circumstances like theirs. But then he does not also reflect, that, upon all such Occasions, the Defendant is sure to be borne up on the Shoulders of the Government, to have all the Indulgences that can possibly be shewn him, and to be indemnity'd in the Issue, that others may not be deterred from going the same Lengths in the Service. - This appear'd almost in the first Instance of the Prosecution; for Craddock having been advis'd to move for a Change of the *Venue* or *Venire*, as the Lawyers call the Writ of Summons for a Jury, from *London* to some other County, that the Return might be fair and equal; a Day was appointed for the Hearing, at which the Earl himself attended; the Merits of the Case were thoroughly litigated on both sides; and, upon the whole Matter, the Court gave it as their unanimous Opinion, That it was not likely to be an *indifferent Trial* in the City; and therefore left it to his Lordship to levy his Action in any other County: Who thereupon openly declar'd, "That so many Counties having reflected upon him in their Addresses, he would not expect any Justice from them; and therefore he should withdraw his Action." And the Lord Chief-Justice retorted, That his Lordship's Resolution did greatly confirm the Opinion of the Court: That it ought not to be try'd in *London*; seeing his Lordship would not trust any other Jury in *England* with his Cause. Thus each Party criminated the other, and both were in the Right.

*But is avoided  
by the Court to  
prosecute his  
Suit in some  
other County.*

*Wilmer's  
Case.*

Their *barbarous Proceedings* were not peculiar to the *Malcontents*; on the contrary, they were rather *Reprizals* than *Precedents*.

A. D. 1682.

The Law had been the Tool of Court-Persecution almost from the very Opening of the Reign; and several Instances have already been particulariz'd, in which it was shewn, that Men suffer'd for the Faults of their Parties, not their own: And as *Graham*, *Craddock*, &c. were pursu'd by the Law for conspiring against Lord Shaftbury, *Wilmer*, the Foreman of *College's* London-Jury, was pursu'd with equal Violence, for setting the *Ignoramus* Precedent in that Case, which had been made use of to acquit him: It seems this Man, as we have already seen, was either so peculiarly obnoxious, or it was held so peculiarly necessary to make an Example of him, in order to strike a Terror into future Juries, that a Process had been commenc'd against him for High Treason; in Consequence of which he had been committed to the *Tower*: But the Witnesses being blasted, who were to have supported it, and Pretences failing to bring it to the desired Issue, it became expedient to change the Attack, and ruin him by some other way. *Wilmer* was a Merchant, and had sent a Boy who had apply'd to him, and said he had no Friends, beyond Sea, by Agreement; to which the Mayor of *Gravefend*, his Clerk, who was an Attorney, and the King's Searcher of that Place, were Witnesses. In all the nice and thorough Disquisition that was made into *Wilmer's* Life and Actions, this, it seems, was the most culpable that could be laid to his Charge. And when the Boy's Friends, who were miserably poor, first appear'd against him, which was not till two Years after, he had offer'd to refer the whole Dispute to the Decision of the Lord-Mayor, *Moor*, who declar'd it to be his Opinion, That *Wilmer* had acted honestly, and offer'd fairly: Notwithstanding all which, an obsolete Law was put in force against him, which requir'd Body for Body; or in other Words, that *Wilmer* should be imprison'd till the Boy was produc'd. He was, besides, indicted for an Assault on the said Boy: And tho' he urg'd in Court, that the whole Prosecution was malicious; that one *Carlton Beaumont*, who was a Principal in it, had threaten'd to *COLLECT* him before he had done: And tho' he had unquestionable Evidence to produce in Proof of all he advanc'd, a Verdict was brought against him; which he himself, in the State he has given of his own Case, endeavours to account for in part, by saying, That of twenty reputable Witnesses which appear'd for him, scarce half were sworn; and several of them were not heard: And that though six of the most eminent Council had taken his Fees, they said as little as they could for him; and by insinuating, that he was the Scape Goat of his Party. Nor were his Pursuers content with the Advantage which the Laws, or rather the Persecution of them, had given them, they also triumph'd over his good Name; the very *Gazette* giving out, *That the thing, upon a full and positive Evidence, appear'd very foul against him*; the other Court Vehicles treating him, on all Occasions, as a profest'd Kidnapper: And even Mr. North, who is so extremely

A. D. 1688. tremely tender and sensible on *one Side* of his Heart, when not only the Animofities of thofe Times were almoft forgot, but the Abufes of them had undergone the Cenfure of the Legiflature, gravely pronounces on this very Cafe, "That if a Man will affrontoufly break the facred Truft of Juftice, in a Matter of Treafon againft the State, more like a Partizan than a sworn Enquirer, he muft expect the State will lay hold of him, if he be found in any Refpect obnoxious to the Law; And that a Man had need be a *(20) Saint* indeed, that praiftifes barefacedly againft lawful Authority."—So that all Authority, it feems, was lodg'd in the Breath of the Bench, and none in the Confcience of the Jury: And while all was Righteoufnefs on the Behalf of the Crown, all was flat *Perjury*, fo he represents it, on the Behalf of the Subject.

The ill Effects of this Proteftion and Verdict were, however, fo feverely felt before the End of the Year, and became fuch a Grievance to the Merchants, that, on their repeated Complaints, his Majesty, fingly, without the Coadjutorfhip of his Council, affum'd the Legiflature; and, in Imitation of his Brother of France, put forth an (\*) Edict, fpecifying after what manner the *Exportation of Servants* fhould be carry'd on for the future; and that he would caufe *all Suits to be ftopt* which fhould be commenc'd againft thofe Perfons who had govern'd themfelves thereby.

But, neither was *Wilmer* the only State Warning-Piece to deter Men from making ufe of their Privileges for the Protection of each other. *Wiltacre*, who had alfo been charg'd with *High Treafon*, *Aaron Smith*, one *Beil*, and others, were alfo profecuted for feditious Words, and all found guilty. For even before the Shrieverly of *Pilkington* and *Slute* expired, the *Ofentation* of the Statute of *Henry* the VIIIth. as 'tis call'd by *Mr. North*, for reforming the Pannel, and the Terrors which had been let loofe againft

the Sheriffs themfelves, as well as refractory Jurymen, had operat'd fo ftrongly, that the King was, in many Cafes, as well forc'd by the Juries as even by the Bench itfelf.

And, as if to render thefe Partialities yet more notorious, while they were in their full *Outrage*, *Mr. Teyn* was affaffinated in *Palomall* by certain Foreigners, who being under the Influence and Direction of Count *Ceningfmark* a noble *Sweede*, then in *London*, both he and they were apprehended, examin'd, committed, and try'd finally for their Lives at the *Old Bailey*, before Lord-Chief Juftice *Pemberton*; who, as it is manifefth thro' the whole Courfe of the Trial, appear'd as Council for the Count, led him by the Hand, as it were, thro' all the Turns and Doubles of the Law, and never quitted his Hold till he had plac'd him out of their Reach; by urging to the Jury, "That it did not appear he had given any Command or Direction to have the Murder committed: And that if a Gentleman had receiv'd an Affront, which he feem'd to refent, and any of his Servants officioufly took his Quarrel upon themfelves, and murder'd the Aggreffor, without his Knowledge, he was not answerable for their Actions, and ought to be acquitted." Whereas, according to Sir *John Herwelefs*, had he alfd two of the Affaffins, *viz.* Lieutenant *Stern*, and *Borski* the *Polander*, what they had to fay for themfelves; which is a Queftion of Right as well as of Courfe to be put to all Prifoners, they would have urg'd, as they did before their Trials, and after their Condemnation, That they had acted by the Directions of the Count; which would probably have induc'd the Jury to have found him guilty. And for want of this neceffary Impartiality, which *Herwelefs*'s farther intimates, was purpofely avoided by the Court, the Principal escap'd, and his unhappy Inftruments fell a Sacrifice for having ferv'd him but too faithfully (a).

We left the Duke, who is now to be confider'd

And fight of  
Whitacre,  
Aaron Smith,  
&c.

A. D. 1688.

Teyn's  
Murder.

Partiality  
Proves to Co-  
ningmark.

(20) *Wilmer* was a Nonconformift.

(\*) See *Gazette*, Numb. 1782.

(a) As the Reader will find Sir *John Herwelefs*'s Account of the Affair, in many refpects, the moft interefting of any extant, I have here infer'd it.

Feb. 12. At this time was perpetrated the moft heinous and audacious Murder that had almoft ever been heard of in England. *Mr. Teyn*, a Gentleman of 5000 *l.* per *ann.* and lately married to *Lady Ogle*, who, repeating herfelf to the Church-yard from him into *Holland*, before they were bedded, was fet upon by three Ruffians, who that him as he was going along the Street in his Coach. This unhappy Gentleman being much engag'd in the Duke of *Monmouth*'s Caufe, it was fear'd that Party might put fome violent Conftriction on this Accident, the *Doctors* therein making their Efcipe juft for the Time, and being unknown. They arriv'd to be at Court that Evening, when the King hearing the News feem'd greatly concern'd at it, not only for the Honour of the Action itfelf, which was fhocking to his natural Difpofition, but alfo for fear of the Turn the anti-court Party might give thereto. I left the Court, and was juft ftepping into Bed, when *Mr. Teyn*'s Gentleman came to me, to grant him an *Hup-and-Cry*; and immediately at his Heel comes the Duke of *Monmouth*'s Page, to desire me to come to him at *Mr. Teyn*'s Lodging, faying his Coach for me, which I made ufe of accordingly. I there found his Grace furrounded with feveral Lords and Gentlemen, *Mr. Teyn*'s Friends, and *Mr. Teyn* himfelf mortally wounded with five Shot from a Bombard. I on the fpot granted feveral Warrants againft Perfons fufpected to have had a hand therein; and that Night put fome Intelligence concerning the Actors themfelves. At length, by the Information of a Chairman, who

had carried one of the Ruffians from his Lodging at *Heff-walton* to the *Black Bull*, thre to take Horfe, and by means of a loofe Woman, who us'd to visit the fame Perfon the Coachmen found out the Place of his Abode, and there took his Man, by *Nation* a *Sweede*, who being brought before me, confefled himfelf a Servant to a German Captain, who had told him he had a Quarrel with *Mr. Teyn*, and had offer'd him to watch his Coach; and that particularly that Day, the Captain no longer underftood the Coach to be gone by, than he loofed himfelf, and with two others, a *Sweede*, Lieutenant and a *Pol*, went on *Herwick*, as he fuppofed, in quest of *Mr. Teyn*. Feb. 13. By the fame Servant I alfo underftood where poffibly the Captain and his two Companions were to be found; and having with the Duke of *Monmouth*, Lord *Mortimer* and others, searched feveral Lodges, as he directed us, all fit in the Morning, and having been in clofe Purfuit all Night, I poffibly took the Captain in the Houfe of a *Sweede*'s Dwelling in *Leinfeld*. I went firft into his Room, believed by Lord *Monmouth*, where I found him in Bed, with his Sword at fome diftance from him on the Table; his Weapon in the full place fecured, and then his Perfon, committing him to two Coachmen. I wonder'd he fhould make to me a Submillion, for he was certainly a Man of great Courage, and appear'd quite unconcern'd from the very Beginning, who he was very certain he fhould be found the chief Actor in the Tragedy. This Gentleman had, not long before, commanded the forlorn Hope, at the Siege of *Alton*, when but two, besides himfelf, of fifty under his Command, escap'd with Life; and, in confideration of this Service, the Prince of *Orange* made him a Lieutenant of his Guards; and, in reward for the fame, the King of *Sweden* gave him a Troop of Horfe. But, to dift



1682. sider'd as the first Mover of all things, on his way to *Sealand*: And we are now to touch on the remarkable Incident which befall him in his Voyage; and which has given rise to such a Variety of Speculations.—The Duke had chose to make his Passage by Sea, and had for his Convoy the *Gloucester*, *Dartmouth*, *Ruby*, &c. One Captain *Ayres* was his Pilot, who was esteem'd the ablest of his Profession in those Seas; tho' his Skill, it seems, fail'd him him on this great Occasion; for if the *Gazette* Account deserves Credit, after he had (b) confidently affirm'd, that they had past all the Sands and Shoals; and in particular that known by the Name of the *Lemon and Oar*, the *Gloucester*, on board which the Duke himself was, struck on that very Sand; and after losing her Rudder, fill'd so fast with Water,

that his Highness was forc'd to take to the Long-boat, with such of his Train as he thought worth saving. Mr. *Edwards* says, on the Authority of the *Gazette*, That he took as many of the best *Persons* with him into the Pinnace, as he could carry. Bishop *Burnet*, on the contrary, affirms, That he took care of some of his Dogs. And some unknown *Persons*, who from the Care that was taken of them, were believ'd to be his Priests (Mr. *Churchill*, afterwards so famous in our Story, was one of these unknown *Persons*) and that the Vessel would have held above 80 more: And the Writer of the Life of King *James* the Second, yet farther specifies, That several *Persons*, being Passengers, as well as common Seamen, who could swim, made up to the Boat; and, endeavouring to save them-

A. D. 1682.  
P. 1020.  
P. 1. p. 213.

no further on this, his two Accomplishers also were taken, and brought to my House, where before I could finish the several Examinations I had to go through, the King sent for me to attend him in Council, for that Purpose, with the Prisoners and Papers. His Majesty order'd me to give him an Account of the Proceedings hitherto, as well with regard to the apprehending of the Prisoners, as their Examination, and then examin'd them himself; and when the Council vote, order'd not to put every thing into Writing, and in Form, Spanish the Trial, which took me up a great Part of the Day, tho' I had got one of the Clerks of the Council, and another Justice of the Peace to assist me, both for the sake of Dispatch and my own Security, the Nicety of the Affair requiring it, as will, in the Sequel, appear.

Feb. 15. the Council met again, among other things, to examine the Governor of young *Count Coningsmark*, a young Gentleman then in Mr. *Fisher's* Academy in *London*, and supposed to be privy to the Murder. Upon this Occasion, the King first for me to attend in Council, where the said Governor confess'd, That the eldest *Count Coningsmark*, who had been in *England* some Months before, and made his Addresses to the Lady who is unfortunately married Mr. *Thyns*, arriv'd in *London* ten Days before the said Murder, and lay disguised till it was committed, gave great Cause to suspect, that the Count was at the Bottom of this bloody Affair; and his Majesty order'd me thereupon to go and search his Lodgings; which I did with two Constables; but the Count was absent; he went away betimes in the Morning of the Day after the Deed was perpetrated; of which I immediately gave the King an Account.

I several Times afterwards attended on the King, both in private and in Council, from time to time, to give him Information, as fresh Matter occurred or appear'd; and upon the whole it was discover'd, partly by the Confession of the Parties concerned, and partly by the Information of others, That the German Captain had been for eight Years an Inhabitant with *Count Coningsmark*, one of the greatest Men in the Kingdom of *Sweden*, his Uncle being at that time Governor of *Pomerania*, and near upon marrying the King's Aunt; and moreover, that during the Time he was in *England* before, he had made his Addresses to Lady *Orela*, the only Daughter and Heiress of the Earl of *Northumberland*, who had been marry'd to the deceased Mr. *Thyns*, and that the said Count had retained something as an Affair from Mr. *Thyns*: That the Captain, mov'd thereupon of pure Friendship to the Count, tho' not at all with his Privy, as pretended, had determin'd within himself to revenge his Cause, and that in consequence of such his Resolution the Murder happen'd: It appear'd also, that such his crafty Design was further'd by the Assistance of the *Swedish* Lieutenant, and the *Page*, who had been by his oblig'd to discharge the Illustrious into the Coach. I was extremely glad, that in this whole Business there was an English Person directly or indirectly concern'd; for the *Princes* had been'd it about, that the Design was chiefly against the Duke of *Monmouth*: So that I had the King's Thanks more than once, the Thanks of my Lord *Hallifax*, and several others, for my Diligence in tracing out the true Springs and Motives of this horrid Action, as well as the Actors themselves. The Duke of *Monmouth* had been out of the Coach above an Hour; and, by the Continuation of the Crosswind, I found they were not to have made the Attempt, if his Grace had been with Mr. *Thyns*.

Soon while it was discover'd, that *Count Coningsmark* was still in the Kingdom; and Search being made after him, he was met with alone in disguise at *Greenwich*, by a Servant of the Duke of *Monmouth*, just as he was stepping out of a Sculler, intending the very next Day to embark on board of a *Swedish* Ship. Being brought up to *Towrs*, the King immediately call'd an extraordinary Council to examine him. I

was present upon this Occasion, and observ'd, that he appear'd before the King with all the Assurance imaginable. He was a fine Person of a Man, and I think his Hair was the longest I ever saw. He was very quick of Parts, but his Examination was very superficial; for which reason he was by the King and Council order'd to be, the same Day, examin'd by the Lord Chief Justice, the Attorney General, and myself; but he confess'd nothing of the Murder, pretending the Reason why he lay at this time concern'd to be, that he was then under Oath for a small venereal Distemper, and did not care to appear in public, till the Course of his Prescription was over; and that his going away in disguise, after the Fact was committed, was by the Advice of Friends, who told him it would reflect on him should it be known he was in *England*, when an Intimate of his labour'd under so violent a Suspicion of having committed to block a Deed; and that he endeavour'd to make his Escape, not knowing how far the Laws of his Land might for that very Reason involve him in the Gallies. But being at the King's Coach the Night after (Feb. 21.) I perceiv'd by his Majesty's Discourse, that he was willing the Court should get off.

A few Days afterwards (Feb. 26.) afterwards, *Monfr. Swbert*, who kept the Academy in *London*, came and desired me to put him in a way how to save *Count Coningsmark's* Life, insinuating to me, that as he was a Man of vast Fortune, he could not make a letter *Ubi* of it, than to support his own Interest, and build himself from the *Edge of the Law*, in a *Foreign* Country. I told him, that, if the Count was really innocent, the Law would naturally acquit him, as much tho' a Foreigner as if he was a Native; but that he ought to be cautious how he made any Offer to pervert Justice; for that it were to make all Men of Honour his Enemies, instead of gaining them to be his Friends. This was one of the first *Business* of Value ever offer'd to me, which I might have accepted without any Danger of Discovery, and without doing much for it: But my Opinion has always been, that what is so acquire'd is no Addition to our Store, but rather the Cause of its Waste, according to the Saying, *Mais parer n'est de l'abandonner*; I therefore rejected this, as I had done others before, and as I hope I shall always do for the time to come.

Bill's being found at *Hick's Hall* spirit the three Murders of Mr. *Thyns*, as principal, and against the Count, as accessory; they the next Day made their Appearance at the *Old Bailey*, where, after a Trial which lasted from nine in the Morning to five in the Afternoon, and a very vigorous Prosecution on the Part of Mr. *Thyns's* Relations, the three were brought in guilty as Principals, and the Count by the same Jury acquitted as not accessory; it being per *indubitanter* *lingua*, according to the Privileges of Stangers. I was the first that carry'd the News of this to the King, who from that time on was all *disposition* for it; but the Duke of *Monmouth's* Party, who appear'd to add Weight to the Prosecution, were extremely desirous that the Count had been acquitted.

March 10. the Captain, and the other two his Accomplishers in the Murder of Mr. *Thyns*, were, pursuant to their Sentence, hang'd in the Street where they had perpetrated the Crime. The Captain dy'd without any the least Symptom of Fear, or offering at the least Glance of Reflection on *Count Coningsmark*; and being me in my Coach, as he pass'd by in the Court, he made a Bow to me with the most friendly Countenance, as he did to several of my Spectators he knew, before he was turn'd off. In short, his whole Carriage, from the first Moment he was apprehended to the last that he resign'd his Breath, favour'd much of Gallantry, but not at all of Religion. Mem. p. 235. & seq.

(b) The same Account says, That his Opinion had not been follow'd the Day before; and that the Court had been alter'd by the Duke's express Command.

A. D. 1682.

themselves on board her, had their Hands cut off; which, if true, was a Barbarity, that even Self-Preservation would hardly justify. But the *Gazette* is express, That when the Barge lay a-long-Side the Wreck, not one Man attempted to rush into her; but while sinking themselves, all thank'd God for his Highness's Preservation. Other Accounts say, They mann'd the Side in form, as on other honorary Occasions, and gave his Highness three Huzzas in going off, as the last Compliment they could pay him. This, however, is certain, that the Earl of *Roxburgh*, Mr. *Hyde*, a Brother-in-Law of the Duke's, the Lord *O Bryan*, the Laird of *Hoptoun*, Sir *Joseph Douglas*, Col. *Macnaghten*, and above one hundred and thirty more Persons went to the Bottom, before his Eyes. (Mr. *Carte* says 300 Seamen, besides those of his Highness's Retinue). Even the Captain, Sir *John Berry*, who had first warn'd the Duke of his Danger, and made the necessary Provisions for his Safety, was not of the chosen Few, but was left to the Care of Providence; and

by the Help of a Boat from one of the other Ships, made a shift to escape. The Duke and his Party got all safe on board the *Mary Yacht*; and the unlucky Pilot, himself, was taken up at Sea; but then he was immediately thrown into Irons, and afterwards try'd for his Life; with what Issue, can scarce be ascertain'd: For according to Father *Orleans*, he was banish'd: According to the *Biographer*, just quoted, he was only committed to the *Marshalsea Prison*: According to Mr. *Carte*, he was hang'd: And according to an improbable (c) Tradition that has obtain'd among a few, he had his Life given him to prevent the Licence of a Dying Speech.

As to the real Motive or Necessity of the Voyage, which produc'd this tragic Incident, we are wholly in the Dark. Mr. *Edward* says simply, *He had occasion to go*; BURNET, that *He went for his Duties*: And, as to his apparent Business, it was only to appoint the great Officers of State, who were to act as his Delegates; to give his (d) Instructions; and to take his leave of that Govern-ment

A. D. 1682.

(c) *Pls.* That the Day preceding the Wreck was a Day of Rice; that he was importun'd to quit his Bed, and take his Share in it; that he refusing, the Duke himself order'd him to leave the Deck; that, instead of drinking, he took to his Cabin, and, by the Information of a Pocket Companion, found, that the Ship's Counters was chang'd immediately, and directed for the very Sand, upon which she afterwards wreck'd.

(d) To this Effect: To preserve the public Peace, support the Church, and oblige all Men to live regularly in obedience to the Law. The Persons to whom this was more particularly entrusted were, the Earl of *Helds*, President of the Sessions, as Chancellor: the Earl of *Passbury*, as Treasurer; and the Earl of *Perth*, as Lord Justice-General: And the Comment upon this Text appears to be, as Bishop *Barnet* tells us, That the Proceedings against Conventicles were to be firmer than ever; and that the Firm for Officers of that Nature, which had hitherto never been cry'd, except on extraordinary Occasions, because held too exorbitant, should be levy'd without Exception. In consequence of which laudable Interpretation, the Chancellor laid down a Method for proceeding against all Offenders punctually; and the Treasurer took care to reap the full Benefit from it. Our Right Reverend Hierarch proceeds as follows: "When the People live *free*, they come all to Church again; and that, in some Places, where all Sermons had been discontinued for many Years; But they come in so awkward a Manner, that it was visible they did not mean to worship God, but only to stay some time within the Church-Walls; and they were either talking or sleeping all the while. Yet most of the Clergy seem'd to be transported with this Change of their Condition, and sent up many Panegyrics of the pious Services that the Duke had done their Church. The Enemies of Religion observ'd the Ill-nature of the one Side, and the Cowardliness of the other, and pleas'd themselves in censuring them both. And by this means an impious and atheistical Leaven began to corrupt most of the younger Sort. This has since that time made a great Progress in that Kingdom, which was before the freest from it of any Nation in Christendom. The Beginnings of it were reckon'd from the Duke's Stay among them, and from his Courts, which have been cultivated since with much Care, and but too much Success.

About the End of the Year, two Trials gave all People sad Apprehensions of what they were to look for. One *Hume* was charg'd, by a Kinsman of his own, for having been at *Bethwell-Briggs*. All Gentlemen of Estates were excepted out of the Indemnity: So he, having an Estate, could have no Benefit by that. One *swore*, he saw him go into a Village, and seize on four Arms: Another *swore*, he saw him ride towards the Body of the Rebels: But none did force that they saw him there. He was indeed among them: But there was no Proof of it. And he prov'd, that he was not in the Company where the single Witnesses saw him seize on Arms, and did evidently discredit him: Yet he was convicted and condemn'd on that single Evidence, that was so manifestly prov'd to be infamous. Many were sensible of the Mischeworthiness of such a Precedent: And great Applications were made to the Duke for saving his Life: But he was not born under a pardoning Planet. Lord *Aberdeen*, the Chancellor, prosecuted *Hume* with the more Rigour, because his own Grandfather had suffer'd in the late Times for

bearing Arms on the King's Side, and *Hume's* Father, was one of the Jury that condemn'd him. The Day of his Execution was fix'd to be on the same Day of the Year on which Lord *Stafford* had suffer'd; which was thought to be done in compliment to the Duke, as a Retaliation for his Blood: Yet *Hume's* infamous Kinsman, who had so basely betray'd him, liv'd not to see his Execution; for he dy'd before it, full of Horror for what he had done. Another that went much deeper; and the Consequences of it track a Terror into the whole Country.

One *Wile of Blackwood*, that managed the Marquis of *Douglas's* Concerns, was accus'd of Treason, for having kept company with one that had been in the *Business of Bethwell-Briggs*. *Blackwood* pleaded for himself, that the Person, on whose account he was now prosecuted as an Abettor of Treason, had never been mark'd out by the Government by Treason, or Proclamation. It did not so much appear that he had ever suspected him upon that account. He had liv'd in his own House quietly for some Years after that Rebellion, before he employ'd him: And if the Government seem'd to forget his Crime, it was no Wonder if others enter'd into common Dealings with him. All the Lawyers were of opinion, that nothing could be made of this Prosecution: So that *Blackwood* imagin'd it was no great Application, thinking he was in no danger. But the Court consented to a strange Sentence in this Matter, by these Steps: They judg'd, that all Men who suspected any to have been in the Rebellion were bound to discover such their Suspicion, and to give no Harbour to such Persons: That the bare Suspicion made it Treason to harbour the Person suspect'd, whether he was guilty or not: That if any Person was under such Suspicion, it was to be presum'd that all his Neighbours should know it: So that there was no need of proving that against any particular Person, since the Presumption of Law did prove it: And it being prov'd that the Person with whom *Blackwood* had convers'd lay under that Suspicion, *Blackwood* was upon that condemn'd as guilty of High Treason. This was such a constructive Treason, that went upon so many unreasonable Suppositions, that it threw the Shamefulness of a Sort of Men, who had been for sixty Years declaiming against a parliamentary Attainder for a constructive Treason in the Case of the Earl of *Strafford*, and did more, in a common Court of Justice, condemn a Man upon a Train of so many Inferences, that it was not possible to make it look even like a constructive Treason. The Day of his Execution was set: And tho' the Marquis of *Douglas* wrote earnestly to the Duke for his Pardon, that was denied. He only obtain'd two Months Reprieve for making up his Accounts. The Reprieve was renew'd once or twice for so. *Blackwood* was not executed. This put all the Tories in a great Fright: Many knew they were as obnoxious as *Blackwood* was: And none could have the Comfort to know that he was safe. This revived among them a Design, that *Lockhart* had set on foot ten Years before, of carrying over a Plantation to *Graveland*. All the Presbyterian Party lay they were now deliberated of a main Part of their Enterprise, of changing their Representatives in Parliament: And upon that they said they would now feel a Country where they might live undisturb'd, as Freemen, and as Christians. The Duke encourag'd the Motion: He was glad to have many stonewall People sent far away, who he reckon'd would be ready upon the first favourable Conjecture to break out into a new Rebellion.

Some

ment in Form. These, therefore, must be understood to have been his *Occasions*, for no other are instanc'd; and merely to amuse, was no longer worth his while: When he left *Scotland* last, seven of the *Scottish* Bishops had sent over Testimonials of his Zeal for the establish'd Church, to the Archbishop of *Canterbury*, which had been made public by Authority: In the City, his Faction was in a fair way to carry all before them, and at Court his Will and Pleasure seem'd to be a Law.

There is yet another Circumstance which shews what great things had been concerted during his Highness's Stay in *England*, and how deeply he was concern'd both in the Contrivance and the Execution. *Ireland*, we are told by Mr. *Carte*, was in so quiet and happy a Condition, that the Duke of *Ormond's* Absence could now be dispens'd with: And, it seems his Wisdom and Reputation, his Loyalty and Disinterestedness, were thought of Importance for restoring Union to the Cabinet (that is to say, to balance the Power and Credit of the Earl of *Hallifax*) and accomplishing the several other momentous Points in View. He was, therefore, call'd upon early this Year, to attend the King's Service at Court: And, as we are expressly told, at the Instance of his Royal Highness, who, it seems, had need of him to keep his Majesty steady in the Measures he had begun to take, and in which, if he relax'd, we are further told, he would fall into a worse Condition than what he had been in before. The same Historian adding, "That the Duke was entirely of Opinion, that his Majesty had better never have attempted to assert his Authority, than after having gone so far in that way, to desist before he had establish'd it, and that so unsteady a Proceeding would make him more contemptible than ever."

This Way that the King was in, was plainly to subdue the Liberties of his Subjects, in order to subdue the Faction, which, taking the Advantage of his own Miscarriages, had made his Reign uneasy, and invaded the Succession: And the Measures he had pursued to this End were, by bringing a *Quo Warranto* against the Charter of the City of *London*, and other refractory Places; and by inducing the Pliant or the Timorous to surrender theirs as of their own mere Motions. In consequence of which Proceeding, it was expected, that the Malcontents would be for ever dispossest of their strong Holds in Parliament; and that, for the future, the King would be represented as well as, if not instead of, the People. Even Mr. *North*, who is most particularly anxious to justify this Measure, acknowledges, "That the Crown had need of a better Interest at that time than it had in the Choice of

Members, to maintain a due Balance, that an adverse Party might not carry every thing in their Model against the Crown; and asserts, That it was better if it had, or could have, been done thus, than by setting up new Boroughs, which the King might do at Pleasure." But this Gentleman, who is no Piddler, is not content to deal merely in Palliatives; but affirms roundly, "That there never was a Piece of more necessary Justice in the *English* State, or more beneficial to the People in general, than the prosecuting those *Quo Warranto's* was: And to shew there was absolute Need of it, says he, (for it is fit to give his own Words) I affirm also, that the just Overture was not from the Court, nor from such black Designs, as Libellers have suggested, but from the Counties where the Abuses were a Grievance insufferable; And, for redress of them, the Gentlemen of the Counties apply'd to the King, by such Means as they had. The Mischief lay in Towns that had Justices of their own, with a Clause that the Justices of the Country *ne intromittant*; so, by excluding the Country Justices, they were become the ordinary Asylums for all Sorts of Rogues that fled from the Justice of the Sessions, and particularly those that were tumultuous and seditious, and there found Protection. And, particularly, the Town of *Paul* in *Dorsetshire* was of this Order; and, if I mistake not, *Taunton* *Dean* another. Others there were in the West of *England* complain'd of; and so much in earnest, that the Grand-Juries in *Dorsetshire* and *Devonshire*, or one of them (for I do but just recollect some Particulars) presented these Places as common Nuisances. And, upon the Application of the Gentlemen to the Judges of Assize, the Matter was laid before the King, and *Quo Warranto's* ordered to be prosecuted against the chief of them. And, upon that, some were reduced; others, knowing themselves to be obnoxious, submitted; and then their Charters came to be surrender'd, and new ones granted in lieu of them: In which no Alterations were made, but such as respected the Law, and the good Government of the Country; such as laying the Towns open to the Justices of the Counties, if they found Cause to interpose there, and to act with the Justices of the Place, and sometimes to be of the Body, and capable of the Offices of Authority in the Corporations. And if any honest *Englishman* can be of opinion that such Changes were not much for the better, especially as to divers factious, or rather mercenary, Corporations, I must crave leave to differ from him. And this Method was observ'd in most Instances of that Reign, without any of the hideous Characters which the Faction, now in our latter Times, have bestowed

Some Gentlemen were sent up to treat with the Patentees of *Carolina*: They did not like the Government of those *Plantations*, as they were call'd: Yet the Prospect of so great a Colony obtain'd to them all the Conditions they propos'd. I was made acquainted with all the Steps they made; for those who were sent up were particularly recommended to me.

In the Negotiation this Year there was no mixing with the Malcontents in *England*: Only they who were sent up went among them, and inform'd them of the Oppressions they lay under: in pursuance of the Tenure with which this Sentence against *Blackwood* had struck them all." *Vol. I. p. 324, 325, 326.*

A. D. 1632

stowed upon it. And I limit this Division of a *laudable* Proceeding, WITHOUT ANY ABUSE AT ALL, until the Time that Sir George Jeffreys was made Lord Chief-Justice of the King's-Bench, and sworn of the Privy Council, which let him into the Means, as his Way was, to push things beyond their due Bounds."

It will at first Sight occur to every dispassionate Reader, that this is a partial State of the Case, and that Policy was abundantly more concern'd in it than Reformation. We have already seen, that Applications to Court were the Result of Applications FROM Court; and that Grand-Juries and Justices were no better than State Puppets, which articulated as they were inspir'd: And that the whole Affair should arise merely from an Abuse of Justice (which, by the way, means no more than the shewing mercy to the Persecuted) in minor Corporations, as Mr. North so peremptorily asserts, can never be admitted by those who consider, 1. That in the great Cause of the London Charter no such Precedence was, or could be, assign'd. 2. That Mr. North himself allows, *This great City was among the earliest that were question'd at Law for Forfeiture.* 3. That probably it was the first proceeded against; for these Reasons, *viz.* It was the most obnoxious Place in the Kingdom: It was the strong Hold of the Malcontents: The *2<sup>o</sup> Warrant* was brought against it in Hilary Term, 1631; we meet with no Instance of any such Proceeding before that time. And, 4. That over and above the particular Case of London, or such other Prosecutions as were grounded generally on the Presentments before-specified, another Practice obtain'd; of inducing Corporations to surrender their Charters, either as a Manifestation of their unbounded Loyalty, or for fear a worse thing should befall them; for the Court-implements carry'd on their Work either by Blandishments, or Terrors, or both, according as both or either bid fairest to answer their Purpose.

It is moreover certain, that this Practice of enforcing the Merit of making his Majesty a *free-will Offering*, and the Dread of incurring his Vengeance, were brought into play at the very same Instant of Time that these Corporation-Suits were first commenced; and long before any one of them was brought to a Hearing, much less to a Decision.

To make this apparent by Facts: In the very Beginning of February 1631-2, the Mayor of Hereford, as we learn from a Paper call'd, *The Proceedings of the Citizens of Hereford, set forth by themselves*, convenes a Common-council, which consists in the whole of Thirty-one Persons: Nineteen of them met; and his Worship gives them to understand, That he was inform'd a *2<sup>o</sup> Warrant* was issu'd against their Charter: That, for his part, he would not contend with the King: That if he should hear any more concerning it, he would let them know: And that, in the mean time, they

would do well to consider of what he had said. Having then agreed on a thundering Abhorrence against Lord Shaftsbury's Association, they separated. On the 24th of the same Month, the Mayor convenes his worthy Associates again: Twenty-one obey the Summons, to whom his Worship communicates a Letter from a *Person of Honour*, (so he is call'd) signifying, "That a Charge was actually laid against their Charter; that several Breaches were specify'd; and that the King was urg'd to grant a *2<sup>o</sup> Warrant*; but that his Majesty had refus'd to do so, till he had first been inform'd, whether the Citizens of Hereford would *trust to his Beauty and Clemency*, rather than stay till they were so attack'd. The Result was, that with one Voice, these worthy Elders resolve to renounce their Charter, as had been requir'd, and to throw themselves on his Majesty's Goodness for a new one. Accordingly the Mayor, by Deputation, accompany'd by four other Persons, takes a Journey to London, and upon his Knees, March 2, made the Surrender into the King's own Hand; who was pleas'd to accept it with particular Expressions of Pleasure and Acknowledgment. They had soon after a new Charter, but dock'd in some Particulars,

But whether these Gentlemen had the Honour of being the *first Betrayers of their Trust*, is out of our Power to determine: Whether they had, or not, their Zeal was far surpass'd in Circumstance, if not in Time, by the Mayor and a Part of the Corporation of Nottingham, as will appear from the following Brief of the Case.

It was a Part of the Common-Oath of the Mayor, Council, and Burgesses of this Place, That they the Franchises of the said Town would maintain and sustain with their Bodies, their Goods and their Chateles to their Power, without Regard of any Man. When, therefore, it became the common Discourse in the Beginning of the Year, that the Mayor and his Cabal had entertain'd a Design to compliment those in Power with their *Franchises* which they were sworn to defend, certain Burgesses of the opposite Party in Easter Term caus'd four *Carrots* to be enter'd against it, *viz.* two before the Lord Chancellor, and two before the Attorney-General: And thus the Matter rest'd till July the 25th, when the Mayor call'd a Council, without any Specification, unless to his own Partisans, of the Business to be agitated, but a Question for the Surrender of their several Charters. It seems there were six Aldermen present, who by a Decision of the Judges and Lords of the Privy Council, in 1605, were declar'd incapable of voting in Council, but who had however of late made a Shift to break thro' that Regulation. Among these Aldermen, there was also one *de Facto* who had been sworn in by the Mayor against another Person who had near twice as many Votes, and which had given rise to a Suit that was yet undecided. As soon,

The City of Hereford first renders its Charters.

A. D. 1682.

soon, therefore, as his Worship had put the Question, the opposite Party put in their Protest against the Votes of the Aldermen in general, and of this last in particular; but without Effect. The Mayor follow'd his Instructions, and proceeded to take the Poll; which appear'd on the Issue to be exactly equal in Numbers; the Mayor, four Aldermen, and nine Burgesses voting for the Surrender; one Alderman and thirteen Burgesses against it; and one Alderman refusing to vote at all. Thus, it was manifest, there could be no Decision on the Court Side; yet such was the Heroic Resolution of the Mayor, that he produc'd an Instrument, containing a formal Surrender of the said Charter, caus'd the Corporation Seal to be affix'd to it; and return'd it to the Earl of *Hullifax*, and Sir *Leoline Jenkins*, into whose Hands, it seems, it was, thereby, provided, that the said Surrender should be made. It fortun'd that, on a Review, this Instrument was deem'd insufficient; and another was order'd in its room. Of this Incident, the opposite Party took the Advantage, apply'd to Council, and, having collected their whole Possé, consisting of three hundred and sixty Burgesses, who all sign'd a Paper expressing their Dissent to, and Disapprobation of, what the Mayor had done, as also their Resolution by all lawful ways to defend their Privileges, solemnly deliver'd the same to his Worship on the 4th of *August*, in the Presence of several Gentlemen of Quality: Nor did they stop here, but enter'd other *Caveats* in the Lord *Privy-Seal's* and the *Signet-Office*; and also caus'd a Petition to be laid before the Lord Chancellor, setting forth their Case and praying to be heard before such a surreptitious Surrender should be accepted of. This Petition was presented *August 10*; and as if in contempt of it, on the 12th, the Mayor the second time affix'd the Town-Seal to the said Surrender, with this aggravating Circumstance, that it was done clandestinely, he having forc'd open a (J) Lock to get at it; and on the 14th it was presented to his Majesty, as we learn from a (G) Paper set forth by the said Burgesses, on the 21st following.

The Mayor of Nottingham does the like, contrary to the express Sense of the Burgesses.

These two Influences are sufficient to shew, that the Crown-Proceedings in this Matter, were not so LAUDABLE, and wholly free from Abuse, as Mr. *North* would have it believ'd: And to cut off all Cavils as to the Limitation of Time set by him, it is fit the Reader should, in this Place, be told, that *Jessays* was not made Lord Chief-Justice till *September 29, 1683*.

Yet farther, that this whole Affair took its Rise in the Cabinet, that it was prosecuted with the whole Weight of ministerial Power and Influence, and that the Courtiers made a Merit of diving it on for Ends of their own, the Mention that has just been made of the Earl of *Hullifax*, and Sir *Leoline Jenkins* in the *Nottingham* Job very sufficiently shews:

And Sir *John Relfey*, moreover, furnishes us with a Corollary that puts it out of Dispute: For, having given us to understand, that he had been appointed Governor of *York*, thro' the Interest of the Earl of *Hullifax*, he farther intimates, that, going to take Leave of his Patron, his Lordship gave him such Directions for his Behaviour in the *North*, as in common political Prudence, he thought fit to conceal; and then proceeds to say, "That the City of *York* had been more noted than most Places in *England* for the Height and Virulence of Faction; but that after I had been there some time, finding some of the Leaders willing to abate of their Warmth, I engaged myself in some private Discourse with Mr. Alderman *Ramsden*, one of the most extraordinary of the whole Fraternity, and so well explain'd to him the Danger they were in, if they did not shew some speedy Signs of Remorse and Repentance for their former Behaviour, That he confess'd himself sensible of Errors committed upon several Occasions, viz. in that they had so often perished in their Choice of such Members as they knew to be quite ungrateful to the King; in that they had so unhandomely receiv'd the Duke of *York* when he pass'd through their City, in his way to *Scotland*; and in that they had petition'd for a Parliament, but never address'd or obsequ'd. But that after all he was afraid their Offences were too enormous to be pardon'd, upon a Consideration less than the Surrender of their Charter, which they did not know how to think of. I then asked him what he thought the City might be persuaded to do by way of some Attonement: To which he answer'd, They might be brought to do three Things if they might be accepted. First, To lay aside Alderman *Thompson*, a peevish Antimonarchical Fellow, to whom it fell of Course to be Lord Mayor the next Year, provided his Majesty would, by Letter, command them so to do. Secondly, To chuse a new High Steward, and to offer the Honour to his Royal Highness, in lieu of the Duke of *Buckingham*, whom they would put out, or in case his Highness should refuse it, to his Lordship of *Hullifax*; and, Thirdly, to elect better Members for that City, when Occasion should offer. These three things, he said, were feasible, might they be thought sufficient.

I immediately gave notice of this our Conversation to my Lord, now Marquis of *Hullifax*, who in a few Days sent me for Answer, That tho' he approv'd of the setting aside of *Thompson* from being Lord Mayor, he could by no Means think it safe to venture the King's Letter upon it, to the Corporation; except the Success of the Attempt were actually certain; and especially as things were in so very fair a way above, particularly with regard to the *Legis* Warranto against the City Charter, which if it succeeded, every other Corporation would

A. D. 1682.

Practices in the City of York.

(J) Thus under the Custody of Three, it seems; which were never to be open'd but in Council.

(G) Concluding with these Words: "This is the true State of the Burgh of Nottingham, who are ready to make

good every Matter of Fact as herein stated, wherever there shall be Occasion; and doubt not but to prove it, if they may either be heard upon their Petition, or Copied." Lord Somers's Collection, vol. xxi.

A. D. 1682.

be oblig'd to truckle; and that should the King's Letter not meet with the propos'd Effect, it would rebound back again upon the Court, and be an Encouragement to the other Party. That as for their chusing his Highness to be their High Steward, he judg'd it improper and unfit upon many Accounts; and as for himself, he was willing to put himself upon the Issue of what they propos'd, provided it did not seem to be his own Request, and that it should appear he had a considerable Number of Friends and Wellwishers therein, tho' the Event itself should not answer."

These are Sir *John Rivers*'s own Expressions, and from these it is impossible not to conclude, That Sir *John*'s Conversation with the Alderman was in virtue of the Directions he had receiv'd from his Patron; more especially, as we shall find, that the same Purviuit was never given over till it became visible that the Citizens, by no kind of Practice would be prevail'd on to resign their Charter, and then a *Quo Warranto* was serv'd upon them, as will be again touch'd upon in its proper Place.

But the Over-Zeal, and Over-Activity of the great Men of these Times to put the whole Power of the Kingdom in the Hands of the King, which to us appears so highly blameable, were then, it seems, consider'd as the highest Merit of the Subject: And it is not without Amazement, that we see even the Duke of *Ormond*, himself, acting up to the full Expectations of his Royal Highness, by laying his Shoulder to the Work, and labouring with all his Powers and Faculties to put the King in a Condition to trample all Opposition under foot, without one Reflection, for aught that appears, That he withal put him in a Condition to trample both on Law and Justice too. His own Historian makes use of these Words,

"A *Quo Warranto* had been brought by the Attorney-General against the City-Charter, and though it appear'd plainly enough from the Pleas of the City, that the Charter would be overthrow'n, yet Judgment could not be obtain'd till after the City-Officers for another Year were choic'd; and what might be attempted in that time, was much to be apprehended. The Lord Lieutenant's (the Duke of *Ormond*) Reputation was of infinite Service to the Crown in this Juncture; and his (B) Return to *Ireland* was desir'd till this important Point was settled. He exerted all his Interest and Credit on this Occasion; and, as he says in one of his Letters, Never Man underwent a greater Fatigue than Mr. *Goswold* his Secretary did, for several Weeks together, on that Account. Sir *John Moor*, the Lord-Mayor at that time, was a very honest Man, but timorous in some Cases, and

doubtful of exerting his Authority. The Duke of *Ormond* was the Person that inspir'd him with Courage; he generally din'd with him twice or thrice a Week during the Contests which now happen'd, and was (i) the only Person about Court employ'd on those Occasions."

It is remarkable, that both Parties agree, that the very Being of the Constitution was concern'd in the Issue of these Disputes: But then they differ d widely in the Application of that sacred Word; one meaning the Head, and the other the Body: Whereas, in truth, the Idea is never complete, but when both are understood; and the Constitution is equally affected by any Injury done to either. Which was the least mischievous of these Mistakes, it is hard to determine. The *Loyalists* urge, That every thing was to be dreaded from the City, under the Direction it had till then continu'd: The *Malignants*, That every thing that was to be dreaded actually took place, when the King, by the Help of one Part of his Subjects, maiter'd the other.

To proceed to the Facts themselves: The great Struggle was for the Magistracy of *London*: And the first remarkable Trial of Strength, to fill up the Vacancy of an Alderman in the very Ward where the Earl of *Shaftsbury* liv'd; which went in favour of the Court, against all the Efforts of the opposite Faction. But the main Point of all was, to recover the Lord Mayor's (A) Right of appointing one of the Sheriffs, by the Ceremonial of drinking to him; which had been faintly asserted by *Clayton* in 1680, and over-rul'd by the Spirit of the Times. We are told by Mr. *North*, that the Court was first admonish'd of that Expedient from the City:

"But, after it had been communicated to the King, says he, and well consider'd by those about him, it was well approv'd; and a Resolution was taken to put it in Execution, and, if possible, to carry it through. And the King was so sensible of his Safety and Interest in the Consequence, that he resolv'd by himself to prove my Lord-Mayor, (on whom all depended) and if he complied, to take care the Law should defend him in it, as all agreed they would do. And, for other Disorders, if any happen'd, that he would not be unprovided to assist the Government, and to keep Peace in the City. The Lord-Mayor had been before press'd by divers of the Citizens, to do it of himself; but he was scrupulous and doubtful, and would determine nothing. At length he was sent for by the King, and, in his Majesty's Presence, divers of the Council, and the Attorney-General, explain'd his Power to him, that he might nominate one Sheriff, as the Custom

Custom

The Date of Ormond's advice for the King at this time.

[Life of the Duke of Ormond. vol. II. p. 522, 523.]

[Remon, p. 600, 601.]

(A) It should rather have been said, in my humble Opinion, that he was sent for blither to assist in settling it, as hath been hinted already.

(B) *Fagun* names Sir *Leoline Jenkins*, as a very busy Conductor in the same Cause: And it is proper to observe, in this Place, that tho' he is accus'd by the Courtiers of having inserted many Lies at Lines in his Book, he also affirms, that several of the *Confessors* were always at the Mayor's House,

to keep him in heart: which is partly warranted by this very Passage. He also names *Jessop*, as another of the Court-Emulators; and in this he is warranted by Mr. *North*, who moreover makes the Lord Chief-Justice *North* one of those appointed to be in the City on the Day of Election.

(C) See p. 502, 503, where there is a Brief of the Pretensions on both Sides.

(68.) Custom of the City was, though some of his immediate Predecessors thought fit to waive it. And the King himself encourag'd him, with Expressions not only of Protection but Command; and, at last, after much Hesitation, he determin'd roundly to conform; and, all at once, promis'd the King to send his Cup to any Citizen his Majesty should nominate to him. He was slow, but sure; and what with his Judgment that the City was in such a State that a Regulation was become necessary, and what with the King's Promise to stand by him, together with the concurrent Advice of his Court of Aldermen, who were his regular Council, he contracted a Firmness of Mind to pursue his Point; and he made it good; but with many an hard Rub and Difficulty emerging, that Faction stirr'd up against him, as may be readily imagin'd by those who know the Humour of abused Popularity.

Difficulty to find a Person to hold.

This Difficulty over, another sprang, as hard to accommodate; and that was to find a wealthy and reputable Citizen, who, being drunk to, would not fine off, but hold under that Method of Appointment. The taking one of a low Senic, and to support him, would look treacherous; and, at that time, the Court would use no Means but what were legal, justifiable, and reputable. Divers Citizens were spoken to upon this account, with Assurance that nothing extraordinary would be required, but the Year would pass in the usual Forms and Feasting, and all Business of the Law would fall of course into the Hands of the Under-officers, as formerly had been the Usage. Many were not only willing, but desirous, to have stood, if it might have been, as they alleg'd, with Safety. But they were told, that my Lord Mayor had no Right to make a Sheriff, but the Common-hall only; and whoever should stand upon his Title would be involv'd in Law-suits, and moreover be complain'd of in Parliament; and what would come of that they could not tell; and, not caring to stand in hazard of so much Trouble, they desir'd to be excus'd. The Occasion of this Scrupulousity was the Behaviour of the Faction, who, in pursuit of their Designs, never breathe any thing moderate. For as soon as they found my Lord Mayor would exert his Power by drinking, and all their Applications to divert him fail'd, although us'd with all the Form, and in all the Shapes, of Menace as

well as Flattery, whereby they were prodigiously surpris'd; then they wound up their whole Party and Interest in and about the City, and charged them with the most horrible and long-bear Denunciations they could invent and put in Words, to deter all Citizens from holding on that Foot. And, accordingly, they went bellying about into all Companies, and Places of promiscuous Resort, *Persons, Estates, all rush'd to Perdition*; Hanging was the mildest Word came out of their Mouths; Law, Parliament, knocking of Brains out, Hell and Damnation, (Mr. North's Words) if they might presume so far, were to be the certain Fate of any one who should dare to stand against the City, as they call'd it; but, *distum factum*, Ruin, in a word, was to follow: And, to do them Right, they honestly meant as they said.

While these Intimidations ran high, the Court at a loss for a good Man, the Citizens busy as Bees, some persuading others, but none inclin'd to stand, every one wanting Courage to bear the Brunt; Sir George Jefferys the Recorder, or, through him, some of the Citizens, insinuated, that the Lord Keeper North's Brother (*he was so as yet*) a Turky Merchant, lately arriv'd from *Constantinople*, and settled in *London*, rich, and a single Person, was every way qualify'd to be Sheriff at this time, in case he could be prevail'd with to stand, as they hop'd might be done by the Lord Keeper's Means, if he would endeavour to persuade him. This extremely took with the King, and soon set him at ease; for he found no formalising Scruples on the Lord Keeper's Part, and, as for the Citizen, he was made to (1) understand, that there was no hazard at all, and also, what an Advantage such an Opportunity was, to oblige a King, who had Power to gratify by *Employments* any fit Person, such as he was, to much greater Profit in consequence, than all his extraordinary Charges; as also, that it was not a small Matter to gain so much Honour and Repute with the Best of the City, as well as Court and Country, as the standing stoutly in this Gap would procure him.

These were Arguments of Weight, and had their full Effect: And Matters being thus concert'd, the Lord Mayor lent his (m) Cup in full Parade and Form to Mr. North. This was no sooner known, but all the (n) Artillery of the Faction was pointed at him, in order

A. D. 1688.

Mr. Dudley North pitch'd upon, and how his Acquaintance and Qualifications.

(1) In the Lord Keeper North's Life, p. 160, 170, 171, we have a more circumstantial Account of the King's Application in the Family of the Norths, and of the Lord Chief Justice's Arguments for inducing his Brother to comply with it, in this Year: The King ask'd the Lord Chief Justice, with much Tenderness, *Whether it would be too much to give him the Sheriff, Mr. Dudley North, to hold Sheriff on the Lord Mayor's Drinking?* The Chief Justice undertook to propose the Matter to him; and, in fact, made it a Point to persuade him to Compliance: He said First of the Business, *Is my Brother, was to make Sir Dudley North (to be plain) the most pretentious Justice of his Interest in complying with the King.* His Lordship made use of many Arguments to show how fairly the Lord Mayor might nominate, and how honourably it might serve:— But still the Point was, What it would signify to him, to bear a tedious Feasting, and spend two or three thousand Pounds to purchase it? And thus the Affairs hang, we are told, for a Day Near. LVIII

or two, till the Chief Justice vanish'd all his Scruples by saying, "Here, Brother, take a thousand Pounds to help make good your Decision; and if you never have Opportunity, by Accident or Employment, so to reimburse you and me, I will lend my Share; else I shall be content to receive this thousand Pounds out of one half of your Pocket, when they come in; and otherwise not at all." Thus the two Brothers became joint-adventurers; and we shall find they made us so small Adventurers.

(n) According to ancient Custom, when the Party pitch'd upon was chosen.

(14) Which is thus explain'd by Mr. North: "Most of the Eminent Men in the City that had Acquaintance with him, especially his Brother of the Turky Company, who were too much that Way, took their Opportunities, more or less, to expostulate in Discomfort with him, saying, Why would he be undone? For if you, and they, take this Office upon you, upon this (or that) delusive Title, you would

A. D. 1681.

[Growth of  
Popery, P. II.  
p. 306.]He goes  
Bond to serve.

[Nem. 1750.]

order to testify him from serving, and to induce him to fine off. But all, it seems, had no Effect; he knew his Ground, and was resolv'd to make the most of it: And, as well to put off all farther Importunity, as to intimidate the Adversary Party, he not only gave Bond to serve, but occasion was taken to call him *Sheriff-elect*, in the *Gazette*, before the Day of Election was come.

However, instead of being intimidated, they became desperate, and resolv'd to abide all Extremities.

This appear'd on the first naming of Mr. *North*; who was droll'd upon, as being the more fit for the Court-purposes, because just arriv'd from *Turkey*; and yet more remarkably, on the Lord Mayor's issuing out his Precept for the Meeting of the Liveryes, for therein it was express'd, That the said Meeting was to be held, not for the Choice or Election of Sheriffs, but for Confirmation of the Person who hath been by me chosen to be one of the Sheriffs, (these are the very Words of the said Precept) and for the Election of the other of the said Sheriffs: Much warm Discourse immediately ensu'd; and some Divisions in the Companies; some issuing out their Summons to their Members, To meet and chuse Sheriffs, &c. as anciently; others, after the Court-fashion, For Confirmation and Election: and some only For electing City-officers: These various Proceedings, on the Lord Mayor's Precept sufficiently shew'd the Disorders like to follow: And, by way of Prevention, a Court of Aldermen was held on *June* the 22d; when, after some Debate, Sir *George Treby*, the Recorder, was call'd upon to give his Opinion; which was, That the Right of electing both the Sheriffs lay in the Livery; and that the Sheriffs pro tempore were Judges of the Poll, if any should arise, and in which (we find it expressly (e) asserted, that) The whole Court acquiesc'd: And, in consequence thereof, some of those Companies which had sent forth Summons for Confirmation, and Election, sent forth others for Election only.

Hence it was natural to think, that the Court-project had burst like a Bubble in their Hands; and that the Malcontents would have had the Benefit of Juries, as before: But whether this seeming Accordance to the Recorder's Opinion was only a Feint to lay the adverse Party asleep; or whether the Court-Agents again induced the Lord Mayor to go thro' with his first Engagement; both Parties made their Murmurs the next Day, as determin'd Opposites; and repair'd to the Place

of Replezvous, equally resolv'd to carry their Points by any means whatever. The Court, not satisfied with setting up the Lord Mayor's Claim to appoint one Sheriff, were also come to a Resolution to push for both: With this View, Mr. *Bank*, formerly mention'd, was coupled with Mr. *North*; that is to say, the one for Election, and the other for Confirmation: And on the contrary, the Malcontents were resolv'd to admit of neither, and to chuse for themselves; having already been pre-engag'd by their Leaders for *Popillon* and *Dubois*, who had both distinguish'd themselves by a long, open, and violent Opposition to the Court, and more particularly by the Part they had taken against the King's Witnesses, when they serv'd on Lord *Staffbury's* Jury.

This was the Posture of things when *Midsummer-day* came, when, as we are told by Mr. *North*, the Malcontents, who took care to be first on the Spot, in a manner fill'd the Hall with their Numbers, inasmuch that the adverse Party were scarce able to wedge their Way in. The Difficulty produced violent Strivings, loud Clamours, and much Confusion: The Floor from the *Hoopings* seem'd pav'd with Faces, at once full of Expectation, convuls'd with Pain, and enflam'd with Rage. This was the Scene till the Lord Mayor and Court were seated: And then, the Question of Confirmation being first put, the Hall rung with a thundering Negative: Upon which his Lordship, and his Part of the Court, retir'd to deliberate what was to be done next, and came to a Resolution to try the Experiment again; but still with no better Success than before. All things being thus at a stand, the Mayor again withdrew; and the leading Citizens of both Sides follow'd, to lingate the Matter before him, which they had leave to do; but, instead of clearing, puzzled the Cause more than ever: His Lordship was then advis'd by one Side to adjourn the Hall; but was told by the other, in conformity to the Opinion of the preceding Day, That he had no Authority to do so, till the Business of the Day was clos'd. This rais'd a new Dispute: All the Aldermen but five or six (for no more, 'tis said, were factious) were now for adjourning: But a Motion being made to have the Matter argued by Council, it was agreed to; and till proper Persons could be found to Juncture the necessary Matter to authorize the L. Mayor's Decision, the Attention of the Court was taken up with the Complaints of the two Parties.

The Question  
for Confirmation  
of the L.  
Mayor's Shy-  
of new ord'd  
by the Hall.

The Recorder  
call'd upon to  
give his Op-  
inion of the  
Lord Mayor's  
Claim.

know an End of Lewin's, and by crush'd by the Parliament to last, and what Safety can you propose to yourself? His Answer w'd be, I am a Christian Jew, and if the Government of this City will not upon Oath, I'll stay, and never break my Head about Titles. He was flood with Penny-well Letters, and so were his nearest Friends and Relations. They came all out of pure Friendship and Respect, wishing those Persons would interpose to reduce him from inevitable Ruin. They were to malicious to find out Sir *Robert Cross* at Bristol, Father of the Lady *Grey*, whom for that counsel, and wrote to him, to let him know that his Daughter was going to show herself away upon a Man of a desperate Fortune, and that would certainly be hang'd; and he returned it, but the Lady knew better; so, by virtue of his good Stars, that blow mis'd its Effect. And what was most extraordinary was that, during all the Time of the Brigades in the City con-

cerning him, and both Town and Country ring of his Name, which was still loudly about it, he profess'd to be quiet, he went about his Business, and disturb'd himself, just as he w'd in 1671, and mis'd the Shy for more than 1000. If they had not courted him. He was, by common Talk and Rumour, made to remarkable, that, whenever he went, People stirr'd out of the way, looking at him, and crying, That's he. All which did not hurt him within doors, or from his ordinary Walks. Which terming shortly, he had Letters and Intelligence, that he was dead, a dull news, and his Name should be blotted out of the *Commons*.

[1] In a Post, 686, a particular Account of the Proceedings of the *Commons*, and of the City of London, printed for *Lapley Currier*; and to be seen in Lord *Devereux's* Collection, vol. 10.



A. D. 1689.

Parties, who mutually accus'd each other of Outrages and Irregularities. "This was *Midsummer's Work* indeed, says Mr. North, extreme hot and dusty, and the Partizans frangely disorder'd every way with crowding, bawling, sweating, and Dust: All full of Anger, Scandal and Filth in their Faces, they ran up and down Stairs; so that any one, not better inform'd, would have thought the Place rather a huge *Bedlam*, than a Meeting for civil Business: And yet, under such an awkward Face of Affairs as this was, the Fate of the English Government and Monarchy depending." — At last the Council arriv'd; Mr. *Pollifson* for the Malcontents, and the Attorney-General for the L. Mayor; the first of whom, according to the decisive Author just nam'd, talk'd nothing but *obscure Nonfenses*, and consequently stood self-confuted: But this, it seems, the Court could not discern, till the Attorney shew'd it to them; and then, as if inspir'd, the Lord Mayor rose up, suddenly and unexpectedly, his Discourse having been in vain us'd to deter him, order'd the Officer to take up the Sword, and go down into the Hall, laying most heroically as he went off, *If I live, I die*: Then passing through the Crowd, by whom a terrible Rage of Faces was made at him, he took his Seat on the Hutings, and directed the Common-Serjeant to adjourn the Court, which he did, but in the midst of such an Uproar, that scarce any body heard him: After this, his Lordship and his Party (p) quitted the Hall; and the Sheriffs, in contempt of the Adjournment, by themselves, and of their own Authority, which they presum'd was sufficient, held on the Assembly, and proceeded with the Election, by setting up a Poll; which, we are told, was the most *vindictive Blunder* that ever was known, and whar could be made good by nothing but Sword in Hand.

This is the Substance of Mr. North's State of this remarkable Transaction, with an Intermixture of his peculiar Expressions; and by this we are to understand, that the Lord Mayor never departed from the grand Point, That the Hall should confirm his Sheriff, before he would permit them to elect their own. But if there is any Truth in the several Papers publish'd in the midst of this famous Contest by the Leaders of the malcontent Party, which were of course to pass into every Hand, the Fact was very different from this Representation. They affirm, that on the Lord Mayor's first withdrawing, the Sheriffs proceeded with the Election, and first put up *North* and *Box*, and afterwards *Popillon* and *Dubois*; which last, the Common-Serjeant declar'd in the Name of the Sheriffs, had the greatest Number of Hands. A Poll was then demanded by the Friends of the first: To which it was answer'd, that after a Report had been made to the Lord Mayor, and the rest of the City-officers were

chosen, it should be granted. Accordingly the Hall proceeded, in the next place, to the said Choice: Which being over, the Sheriffs left the Hall, to make their Report; and in a short time returning, declar'd the Allowance of a Poll. These Circumstances are specify'd in a Paper, call'd, *Some Account of the Proceedings at Guildhall*. Another, call'd, *The Matters of Poll in the present Election, as faithfully reported*, affirms, in express Terms, That his Lordship acquiesc'd in the Poll. And a third, call'd, *An impartial Account*, &c. is as express, That the *City* about Confirmation was relinquish'd. The first of these Papers again takes notice, that the Poll was open'd, at several Books, by two o'Clock, and continued without Interruption till between six and seven. *Ferguson* (Growth of Party, p. 24, p. 277.) alters, That the Reason for closing it then, and adjourning the Hall, was to hinder the Declaration; double the Number of Citizens appearing for *Dubois* and *Popillon* that appear'd for *North* and *Box*. And tho' Mr. *Certe* intimates, that the Mayor insist'd on his own Nomination, and gave his Vote for Mr. *Box* alone, he at the same time allows, that every body else on the same Side of the Question polled for Mr. *North* also; and by way of pretence for his Lordship's adjoining the Poll, says, "That the Clerks who took the Poll playing foul, the Lord Mayor adjourn'd the Court to another Day, in order to get true Lists of the Liveryes in the mean time; and went out with six hundred Voters of the loyal Party who had not yet polled." Not to insist on the Difficulty of making so exact a Muster, and with so much Precision as to be sure none of so large a Number had polled, in the midst of the Hurry and Confusion of so tempestuous a Day, every body knows, that the Manner of correcting a Poll is by Scrutiny, after it is over: So this Pretence rather serves to shew the Weakness than the Strength of the loyal Cause: And what is yet more material, it appears, even from this Passage, that a Poll was regularly admitted on both Sides; and that the Election of course depended on the Issue: And it may be fairly suppos'd, that if the Court could have carry'd the Sheriffs by the Poll, they would scarce have contended any longer for the Ceremonial of the Mayor's Nomination. In one of the (q) Papers before-quoted we have, moreover, an Account of the *foul Play* complain'd of by Mr. *Certe*, in these very Words:

"It was desired by some, that a distinct Column might be for such as were for Confirmation; but that being before resolv'd in the Negative, and the only Diffuse now not being for or against Confirmation, but which two of the four Gentlemen should be chosen by the Common-hall for Sheriffs, the same was refus'd as impracticable and impertinent; but all left at liberty to poll for which of the four Competitors they pleas'd. Yet some

few

His Lordship advises the Court; and the Sheriffs contest the Poll.

Difference in the account given by Mr. North of the Transaction, and that of the Malcontents.

A. D. 1682.

Growth of Party, p. 24, p. 277.

Life of the Duke of Ormond, vol. II. p. 523.

The Mayor advises the Poll.

(p) Mr. *Johnson*, p. 1024, says, That upon pronouncing *God save the King, the People* huz'd, and cry'd, *God save the Protestant Liberty*, &c. and press'd so hard upon the Lord Mayor, that he was thrown upon his Knees, and endanger'd by the Crowd. And in the follow-

ing Trial of the Sheriffs, &c. something of the same Nature was depos'd. But Mr. *North*, who was present, and who would scarce have let any such an insubstantial Circumstance, which he mentions no such thing.

(q) See my official Account, &c.

A. D. 1682. few factious and troublesome Men, only to create Occasion for Cavil, demanded to be polled for Confirmation, as they called it, yet refused to declare whom they would confirm, or name any that they would poll for, and yet complain'd to the Court of Aldermen, and some of them (as particularly Mr. *Malters* in *St. Paul's Church-yard*) offered to make Oath that they were deny'd or refus'd to be poll'd.

And again:—"It appearing that the Suffrages were likely to fall upon *Papillon* and *Dubois*, several that were for *North* and *Box* apply themselves to my Lord Mayor, suggesting as if they were deny'd to poll, and that many of their Party were absent, and the like Complaints; which occasion'd his Lordship's coming to the Hall. His Honour sending for the Sheriffs into the Council-chamber, they excus'd themselves for the present, being busy in the Work of the Day, but promis'd to wait on his Lordship, as soon as the Poll concluded. His Lordship came to the Polling-place (that is to say, the Area without the Hall-gate) and seem'd to forbid the further proceeding in the Poll; but the Sheriffs offered several Reasons why they ought to go on, being in the legal Discharge of their Office; and so proceeded;" but, unfortunately for their Friends, did not persevere to the End; for, having continu'd the Poll till near nine at Night, and the other Party unreasonably, as it was then thought, pressing in, they return'd to the Hall, and adjourn'd the Court till *Tuesday Morning nine o'Clock*.

However this Proceeding, or *audacious Blunder* of theirs, as 'tis call'd by Mr. *North*, furnish'd the Court with a Pretence to interpose openly. *Midsummer Day* this Year fell on a *Saturday*; *Sunday* was spent in Deliberations; and on *Monday Morning* the Council being assembled extraordinarily, the Lord-Mayor, Aldermen, and Sheriffs, were summon'd to appear before his Majesty, who was now to throw the whole Weight of the Prerogative into the Scales of a Party: For as to the Hearing, it was but a Formality; and what was to be the Issue, was already decided. The Lord-Mayor and his Associates were Plaintiffs; the Sheriffs were treated as Offenders. Several Persons deposed upon Oath, that they had continu'd the Poll after the Lord-Mayor had adjourn'd the Court. This, it was said, had occasion'd a very great Riot; and for this they were to be committed to the Tower; which was accordingly (7) done, tho' obviously for no other Ends, but to scatter Terrors thro' the City, and to hinder the closing the Poll on the next Day, since it could not but be foreseen that the Sheriffs would take the Benefit of the *Habeas Corpus*, and of Court be at Liberty again in a few Days; or as *Ferguson* suggests, in Hopes the Citizens would

have risen to rescue them; which would have been interpreted Rebellion, and laid the whole Faction at the King's Mercy. And Mr. *North*, himself, gives some Sanction to this Surmise, by saying, "That if they (the Sheriffs) or their Party had made any Stir or Resistance, there was Force enough at hand to have executed the Warrants effectually; and for that Reason the Arrest was submitted to." The Cause specify'd in the Warrant for their Commitment, which the whole Council sign'd, was for promoting and encouraging a most enormous Riot, to the manifest endangering the Public Peace. Now these very Words seem to indicate, that the Peace was not actually broke, and consequently, that no riotous *Alien* was committed, unless the very taking the Poll should be so construed. But in bar of that Conclusion, those affected by it urge, That the Poll had been open'd by common Consent, that the Sheriffs, who were the proper Officers for conducting it, had been expressly empower'd by the Common Hall to do so; and consequently that there could be no *Trespass* in carrying it on after the usual Forms and Methods of such Proceedings. They withal urge, that the Mayor, himself, was more obnoxious to the Charge of a Riot than the Sheriffs: For that when he took upon him to adjourn the Poll, he was follow'd by a Company of Men, of whom many were not Freemen, many were arm'd with Swords, and several were known Papists. They yet further urge, that the Behaviour of these Men was very insolent: That they affronted the Citizens, particularly the Recorder and the Aldermen on the popular Side, to whom they gave insufferable Provocations: That it was believ'd these Insults were purposely offer'd to create a Disturbance; for which Reason the injur'd Persons made no other Returns than to reprove them for their Want of Respect to Authority: And, finally, they urge, that the committing the Sheriffs by an Act of Council for a pretended Offence, without hearing Council in their Behalf, was such an extrajudicial Proceed, as had not the Countenance of the Precedent in our whole Story.

But notwithstanding this vigorous Step of committing the Sheriffs, it does not appear that the L. Mayor and his Party adventur'd to proceed the next Day without them: His Lordship, indeed, gave the Common-hall a Meeting on *Tuesday the 27th*; and it must be pretium'd, the Ferment ran as high as ever; but nothing conclusive was done, but to adjourn the Common-Hall to *July the 5th*.

In this Interval the Sheriffs being admitted to Bail, return'd to the Charge with as much Ardour as ever: And on the Day of Meeting, appear'd in the Hall with the additional Merit of having suffer'd for the Cause. Both

Parties

The Sheriffs proceed.

The Court in 1682.

and commit the Sheriffs to the Tower.

A. D. 1682.

The Sheriffs, being admitted to Bail, proceed in the Election.

(7) Mr. Attorney-General was also order'd forthwith to exhibit an Information in the King's Bench against *Thomas Philpotts* and *Edward Stiles*, Bishops, Sheriffs of *London*, and *Henry Corneil* Esquire, one of the Aldermen, and such others as, upon Examination, should be found to have been Promoters and Encouragers of the late enormous Riot; and

that he do proceed against them according to the utmost Severity of the Law.

Under the Ward where the Lord Grey of *Werk* was comprehended, who had distinguish'd himself as much in supporting the Citizens on one hand, as the Ministers of State on the other.

A. D. 1682.

Parties had made their Musters, as before; and nothing was wanting but the Lord-Mayor's Presence, to renew the Struggle with as much Violence as ever; when the Recorder appear'd on the *Hustings*, with News, that his Lordship was either really or politically indispos'd, and in his Name *adjoining* they would adjourn, say some, and *ordering* them to adjourn, say others. But whether this Message was a Command or a Request, it was not comply'd with: It was said he had no Authority over the Hall; that he was there but as a Fellow-citizen; that he had only a single Vote to bestow: And that, besides, the Recorder, not being a Freeman, was not a proper Substituted, nor could be received in that Capacity, and they were not in a Humour to do his Lordship any Favour. In this Disposition they refused to adjourn, or to be adjourn'd; but with one continued Roar called upon the Sheriffs to proceed with the Poll; who, as if pres'd into the Service, at last *undertook* it; and having carry'd it thro' without any Interruption, and given repeated Summons, by Proclamation, for all other Voters, if any such there were, to come in, declar'd *Papillon* and *Dubois* to have the Majority of Voices, and consequently to be duly elected.

And to have  
Papillon and  
Dubois

These Particulars are, in the main, taken from the Paper before-quoted, called, *The Matters of Folly, &c.* and are, in part, verifi'd by Mr. *Echard*; who says, That the Mayor being sick, sent his Order of Adjournment by the Recorder; which the Citizens refus'd to obey, but on the contrary proceeded to Election. Notwithstanding which, Mr. *Noel* is pleas'd to rotise this Transaction in these Words: "As soon as the Sheriffs were come out upon Bail, like Men federated to Folly, they took up the Game where they left, and, at a Day of Adjournment of the Common-hall, resum'd their Poll by themselves, at the other End of the Hall, apart from the Lord Mayor's Assembly: For he, with the Court of Aldermen, was sometimes upon the *Hustings*, and sometimes in the Court, puzzled with the Difficulties in settling this Matter of the Choice of Sheriffs." The Inferences that flow from hence flow so naturally, that they need no Help: And after this egregious Misrepresentation (for so it must be call'd, though something of that Nature afterwards took place) the same Author proceeds as follows: "But now there was a new Difficulty started, and my Lord Mayor was attack'd with new Doubts and Scruples, for, said they, 'Here are two Sheriffs declar'd, who are in possession of their Election; and, whatever you might have done before, you cannot now make a Super-election, and thereby set up Anti-Sheriffs of London.' And, in very sober earnest, most indifferent People, whose Heads did not lie for distinguishing Matters of Order and Constitution, thought that the City Sheriffs, in taking a Poll, were not Ministers but Judges of the Election, and believ'd that now the Lord Mayor's Case was much worse than before, and so was the current Consent of the Town."

We have here the Difficulty acknow-

ledg'd; and as to the Means of removing it, we have an obscure Hint, both in *Ferguson* and the Papers just quoted, That an Attempt was made to get the present Sheriffs turn'd out, by the means of those Citizens who were of the Lord-Mayor's Faction, who alone were expected at the next Meeting and were to have acted as a Common-hall: But the Secret taking Air, the other Party gave their Attendance likewise; and thereby render'd that hopeful Project abortive.

Concerning this Circumstance, Mr. *North* is wholly silent; which is the less to be wonder'd at; since he is not so much to be consider'd as an Historian, as an Advocate for a Party. Nor is it mention'd quite fairly by those on the other Side of the Question: For whereas, according to them, it is natural to suppose, that the Lord-Mayor endeavour'd, by a particular Precept, to procure a partial Convention of the Citizens: The Truth unquestionably was, That his Lordship was advis'd to overlook this Act of the Sheriffs, or to esteem it an Illegality, as done without his Authority; to hold the Court on *Friday* the 7th, agreeable to his own Adjournment, and to take any Advantage that the Inadvertence of the Party, who presum'd they had already carry'd their Point, should offer him. With these opposite Views on that Mornning the two Factions fac'd each other, and, according to Mr. *Echard*, the Point in dispute was, the Validity of his Lordship's last Adjournment; but, according to the Papers before us, the great Struggle lay for the Lord-Mayor;

The Court knew their whole Hold consist'd in their Hold of him; and that if he gave them the slip, all Hope was at an end: And the Malcontents, tho' they affect'd to be in full Security and Tranquility, as having, or pretending to have, the Authority both of Law and Custom on their Side, were yet willing to have his Lordship's Sanction, to put an end to all farther Controversy. And, in the mean time, nothing can be imagin'd more perplexing than the Condition of the poor Man; expos'd to the Counter-importunities and Menaces of such fierce Opponents; who were encouraged by his own apparent Irresolution to continue their Efforts, and thereby to prolong his Misery: Sometimes he seem'd to be on the point of adjourning the Hall, that he might gain farther Time; and sometimes inclin'd to confirm the Election, in order to extricate himself from such a Variety of Difficulties: Nor could he be brought to any other Conclusion at last, than to consent, that Lawyers should again be call'd in to argue the Point; which was done upon the spot. *Jeffrey* and *Saunders* undertaking for the Court; *Tredy*, *Pellessen*, and *William* the late Speaker, for the Sheriffs. But neither did this Expedient produce any thing definitive: For whereas the popular Advocates offer'd to sign their Opinions, the Courtiers declin'd it; which help'd more to weaken his Lordship's Resolution, than their Arguments to convince his Judgment: In which Distraction he not only adjourn'd the Court to the 14th, after it had been kept in suspense from Nine in the

A. D. 1682.

(Growth of  
Party, P. II.  
P. 137.)  
A Practice, as  
got the present  
Sheriffs turn'd  
out, as stated.

(The Matters  
of Folly, &c.  
P. 25.)

S N

Morning,

A. D. 1682. Morning, till after Six in the Evening; but afterwards, in private, came to the following Compromise, viz. That, in case the adverse Party would waive their late Return, and proceed to a new Election, he would waive his Nomination; the whole Four should be put up again, and the Choice left to the Citizens. And to this he not only adher'd a whole Night, but, as we are told, confirm'd it by fresh Assurances the next Morning. It is obvious, that this must have been a Thunderclap at Court; who knew that the trusting to an Election was, in effect, giving up the Cause: Sir *Leoline Jenkins* was therefore possest immediately into the City, by his Ascendancy over the Mayor to disconcert all again; and in order thereto, gave him to understand, That it was expected, that he should re-assert his Right of Nomination, tho' *rueret Carolum*, all things should run into Confusion. This Vint had its full Effect: His Lordship

The L. Mayor comes to a Compromise with the Malcontents:

He breaks it again, at the Instance of Sir Leoline Jenkins.

He repairs to the Privy-Council.

had more reason to believe the Opinion of the Lord Mayor, than Sir *John North*, judging his Power of Ascendancy.

For the next Step in this intricate Affair, we shall have recourse to Mr. *North*: Who says, "The Lord Mayor was sent for, or went of himself, to Court, and appeared before the King in Council; where an Account was given to his Majesty of the Trouble the City was in about the Election of Sheriffs, upon the Declaration these Men had made of an Election. All the Learned at the Board, and the King's Attorney, declared that the Proceeding of the Sheriffs was no Act of the Body, but, as to legal Effect, absolutely null; but yet criminal, as being done without and against lawful Authority: And that the Lord Mayor, the Head of the Body that was to elect, could alone direct and declare the Election: And that, at the next Meeting of the Common-hall, he ought to proceed *de iure*, as if nothing had been done; as their Use is when Sheriffs, chosen, *fine-off*. The Question depended wholly upon that of my Lord Mayor's Power to adjourn the Common-hall; and Sir *John Moor* was extremely dissatisfied and uneasy about that, being what divers Citizens had told him he could not do. The Lord Chief-Justice *North*, a Privy-Counsellor, was so far from making any doubt of that, that he said to my Lord Mayor, he need not be at all concerned; for

A. D. 1682. the Question was frivolous and impudent, or to that Effect." Thereupon Sir *John Moor* crept towards the Place where his Lordship sat, and, with a moist submiss Countenance, desired to know of his Lordship, if he would be pleas'd to give it under his Hand; and contrary to the Expectation of all present, his Lordship said *Yes*; and, taking the Pen and Paper before him, wrote his Opinion, That the Lord Mayor had Power to adjourn the Common-hall to what Time and Place in the City he thought fit, or to that Effect; and, setting his Hand to it, gave it Sir *John Moor*. Now the Courtiers, that were more us'd to Sneakers, than to Men of clear Courage in a clear Cause, expected his Lordship would have shuffled off this setting his Hand; but the Readiness of doing it very much confirm'd Sir *John Moor*, and exceedingly pleas'd the King.

A. D. 1682.

And there remains the Opinion of the Lord Mayor, which Sir *John North* judging his Power of Ascendancy.

We must here stop a while, to observe, that as in this Passage the only Question decided is the Lord Mayor's Right to adjourn the Court; so, in the Paper-Controversies of this Time, the Point principally enforced is, his Lordship's Precedence to nominate a Sheriff, by the Ceremonial of drinking, &c. and the Obligation thereby laid on the Hall to confirm his Choice. And tho' Mr. *North* decides both these Questions in a Manner so peremptory, against the Liveries, it does not appear, that either the Arguments or Authorities he urges were, in those Times, held to unexceptionable as he would have Posterity believe: For as to the Latter, in the very Writings set forth by the Court-Party, we find it at the very Threshold acknowledg'd, (1) That the Charters are to the Citizens to elect their Sheriffs, but that by Usage, and particular By-laws, those Elections have been confin'd to the Liveries: And tho' they produced Variety of Precedents of the Lord Mayor's to appointing a Sheriff, and the Liveries confirming him, a Variety of Precedents were also produced to shew, that the Liveries had set aside the Person nominated by the Mayor, and elected both Sheriffs: Whence it was infer'd, that the Liveries had a Right to reject, as well as confirm; and that the Example of one Common-hall was no Law to another. And as to the Former, a (?) ruled Case is cited, of this very Reign, in which a Lord Mayor suspended a Common-

(1) See a Paper call'd, *The Lord Mayor's Right of electing a Sheriff asserted, against all the Pretensions of a popular Election*; to be found in Lord *Barnard's* Collection, vol. 231.

(2) As follows: "One *Trotter* dissenting Collopetter with another, in the Year 1679, for a Bridge-master's Place, and a Poll being appointed and general for the Decision of the Election between the two Persons that were named and put up; Sir *Barnard Sterling* being at that time Lord Mayor, and perceiving, after some Procedure in the Poll, that the Election was by the Votes of the Majority like to fall upon *Trotter*, did, from a Pique which he bore to the said Person, and in order to prevent his being elected to the Place of one of the Bridge-masters, assume and usurp the Power of dissolving the Court. Whereupon *Trotter* finding himself aggrieved, did, immediately after *Trotter* was out of his Magistracy, commence an Action of the Case against him, in one of the Law and Justice Courts at *Goldball*. And as it is very remarkable, that the Foundation of his Action was, That the Mayor had neither Power, nor ought to dissolve the Common-hall, without the Consent of the major Part of the Livery and

there present; so, notwithstanding the Envoir and Interest which Sir *Barnard* was supposed to have in the Judge of the said Court where the Cause was try'd, he obtain'd a Verdict against him, and sent by a Jury of Citizens, who had known his Rights and Claims of the City, and being upon their Oathsworn that at a Time when there was more of their Remembrance and Remembrance which struck Men to Justice and Piety, are to be believed to have proceeded according to the Rules of Law, and the Duties of their Conscience: And whereas *Trotter*, not choosing to acquiesce in the said Verdict, moved for an Arrest of Judgment in the Common-Hall: We desire that all would take notice, how thin, after several Days hearing and arguing of the Cause before the Judge of the said Court, for whom *Trotter*, who had been Recorder of the City, and knew the Law, Privileges, and Customs thereof, as well as any Man alive, was once Judgment was given against him: which could no ways have been, provide my Lord Mayor had been before the Court, and the Poll or Court, being all well known, and well understood in the proper Judge, he may by better reason appear or dissolve the Court,

A. D. 1632.

Which gives  
a very re-  
ason of the  
Lord Chief-  
Justice Hale.

mon-hall for Ends of his own; and after his Mayoralty was expir'd, being prosecuted by the injured Party for the same, was cast in all the Courts. The Lord Chief-Justice Hale, before whom it was finally brought, pronouncing, "That if my Lord Mayor should be allow'd such a Right, Privilege, and Prerogative, as to dissolve the Common-hall, without Consent and Leave of the greater Part of the Freemen, it would directly tend to the Subversion of all the Privileges of the City." Thus Authority encounters Authority, and Precedent: And to shew upon the Whole, that because the Lord Mayor was entituled with the summoning the Common-hall, was no Argument that he was authoris'd also to adjourn or dissolve it, before the Business in hand was dispatch'd: It was yet further urg'd, That this Office was ministerial only: That it devolv'd, as of course, on the Lord Mayor, for the sake of Order and Regularity only: And that it was as absurd for that Reason to suppose the Jurisdiction was in him, as that, when the Citizens were summon'd, as anciently, to the *Falshote*, by the ringing of a Bell, either the Bell or Bellman was to govern the whole Proceeding afterwards.

In short, both Parties alike, as in all other Contests of the like nature, made it their Business rather to say what would advantage their Cause, than to investigate the Truth; and the Rage of Controversy, and all the Rancour of Party Animosity, the Abuse of Claims, Privileges, &c. never appear'd more flagrant than on this important Occasion. The fourth of this, has in part appear'd already from the Quotations on both Sides: And to shew yet farther how deeply the Quarrel lay, and with what Malignity it was carry'd on, it is fit in this Place to bring forward one Passage more from the Malcontent Papers, which (as) affirms, how truly or falsely let the Reader judge for himself, that Lord *Habitax* had said, *That he foresaw there would be hanging, and seas resolv'd to hang last*: And that *Duncomb* the Banker, afterwards so eminent on many Accounts in the City; and one more, not nam'd, had, to the same purpose, given out, "That they wonder'd to many of the Citizens should take such Pains in this Affair, seeing they had nothing to apprehend from the Court: Their only Design, by obtaining Sheriffs to their Mind, being to hang about nine or ten Persons, who were obnoxious to those in Power."

But to proceed. For the better Countenance of Sir *Joh'n Moor*, says Mr. North, it was thought fit, that his Majesty in Council should order him to do his Duty in the City. And such an Order, by the Advice of Council, was accordingly assign'd in these Words:

"His Majesty having been inform'd by the Lord-Mayor and divers of the Aldermen of London, That the Disorders and Riots arisen in the City upon the Day appointed for the Election of Sheriffs, have been chiefly occasion'd by the Proceedings of the Common-hall in an irregular way, contrary to what hath been anciently accustom'd, his Majesty, by the Advice of his Council, hath thought fit, for the better keeping of the Peace of the City, to direct, and hereby to require the Lord-Mayor to maintain and preserve intire the ancient Customs of the City; and for the better doing thereof, to take effectual Order, that at the Common-hall to be held to-morrow, all Proceedings be begun a-new, and carry'd on in the usual Manner, as they ought to have been upon the 24th of June last."

Thus we see that it was not till the Day before the last Adjournment expir'd, that this Expedient was agreed upon: And, thus authoris'd, his Lordship appear'd a new Man; his Doubts were departed; his Purpose was fix'd; and from the very opening of the Hall he put on the Mien of one who was no longer to be disput'd with, but obey'd. As an Introduction to the Business of the Day, the Royal Mandate was read and heard, say the Malcontents, with the greatest Respect and profound Silence imaginable. *Fact, p. 2.* Says Mr. Echard, "It was oppos'd by the adverse Party with great Noise and Clamour, some crying for the reading of the 16th of Charles I. in which was a Clause declaratory, *That the Privy Council had no Authority to examine, determine, or dispose of the Lands, Tenements, Hereditaments, Goods and Chattels of any of the Subjects of this Kingdom.* But this, continues the same Author, being look'd upon as no ways pertinent to the present Case, they proceeded accordingly." No Doubt the Passage here quoted is impertinent enough: But it cannot be said that the Court could decide of the Impertinence of the Act till they had heard it read, which the Lord-Mayor actually refus'd, and thereby destroy'd the very Essence of a Common-hall; which, in its very Name, implies an Assembly of the Liverymen on an equal Footing, to act freely for themselves, as to the Business of the Day, and as far as the Law allow; and not according to the arbitrary Prescriptions of a Dictator. It was not, however, for the sake of the Clause above recited, that the Motion was made for this great Statute (for abolishing the *Star Chamber*, and setting Limits to the Power of the Privy Council) to be read, but for the Declaratory, which follows: "And so far as the Council hath, of late Times, assum'd unto itself a Power to intermeddle in Civil Causes, and Matters only of private Interest between Party, and have

A. D. 1682.

Upon which he  
Hall he put on the Mien of one who was  
no longer to be disput'd with, but obey'd.  
terially.[Matters of  
Fact, p. 2.]  
[p. 1022.]He receives an  
Order of Council  
of his Majesty  
to do his Duty  
in the City.  
[Examen,  
p. 611.]

Court, without the Leave and Approbation of any other Persons. And, which yet more essentially serves to the blotting of all Gallinies who have not renounc'd Sense and Modesty, it is worthy of our Observation, how that *Stirling*, not willing to hold himself condemn'd by a Judgment against him in the Court of Common-Place, brought the Cause, by a Writ of Error, into the Court of King's-Bench. But, in-

stead of obtaining the Judgment to be there reversed, that he should, jail, and exclaim Perjury, my Lord Chief-Justice Hale, would not to much as suffer it to be argued, but immediately confirm'd the Judgment, saying, &c. as above. [The Privileges and Rights of the Freemen of London, &c. p. 7, 8. out of Lord Somers's Collection, vol. xxii.]

(3) See Rights of the City further unfolded, p. 4.

A. D. 1682. have adventur'd to determine of the Estates and Liberties of the Subject *contrary to the Law of the Land*, and the Rights and Privileges of the Subject; by which great and manifold Mischiefes and Inconveniencies have arisen, and much Incertainty, by Means of such Proceedings, hath been conceiv'd concerning Mens Rights and Estates, &c. Now it is here expressly declar'd, That the Interposition of the Council in civil Causes and Matters, was contrary to the Laws of the Land: Consequently, nothing could be more pertinently urg'd in Opposition to the present Order of Council, than this Statute. And hence it may be justly infer'd, that the reading of the Statute was refus'd, for the Reason directly opposite to that alleg'd by the Arch-deacon.

But his Lordship, it seems, was equally dictatorial in every other Circumstance that arose; for when several Citizens began to speak to the Point before them, and desir'd to be heard, he would not allow them that Liberty, tho' it was so notoriously their Right, but proceeded to insist on his former Nomination, and to signify, that all they had to do was to confirm Mr. North as his Sheriff, and to proceed to a new Election of their own. And here began a new Dispute; the Sheriffs and their Party were so far willing to obey the Order of Council, as to proceed to a new Election, with a *Salvo jure* to their former: But then they insisted, that, according to the ancient Customs of the City, the said Election was wholly in the *Common-hall*; and that tho' his Lordship might recommend a Person to serve, he had no Right nor Power to insist on his being chosen. The Lord-Mayor maintain'd the contrary; and to cut off all farther Contest, having receiv'd, it must be presum'd, what (a) Sanction to his Nomination a Minority could give, caus'd Books to be open'd, under the Inspection of the Common Sergeant, the Town Clerke, the two Secondaries, and the four Attornies of the Mayor's Court, with three Columns only, for *Box*, *Papillon*, and *Dubois*: And, contrary to all former Usage, took upon himself the Management of the Poll. Upon which the Sheriffs made their Appeal to the Hall; and having been expressly authoriz'd by the Majority, open'd other Books for all four, and carry'd on a counter Poll; which gave rise to all those various Motions of the Lord-Mayor from the *Huffings* to the *Floors*, and back again, in the wrong Place discours'd of by Mr. North; who falls into another Mistake yet greater than the former, by saying, Page 611, *That at the Day to which the Common-hall was adjourn'd, the Faction threw up and made no Appearance.*

Now it to happen'd, for want of better Directions, that many of the Partizans of *Papillon* and *Dubois* (x) voted in the Lord-

A. D. 1682. Mayor's Books, while the far greater Part follow'd the Sheriffs; of which Advantage was taken to put the Line on the Mayor's Books only, as the only legitimate Poll; and on their Authority, to pronounce *Box* duly elected by the Majority of Voices, while the Sheriffs on the other hand did the same by *Papillon* and *Dubois*; North in all the Books having but 107 Votes, *Box* 1357, and *Papillon* and *Dubois* 2700: And thus by a Complication of Tricks, tho' Mr. North (Enamen, p. 605.) allsidge, that nobody pretended to impose even one Sheriff on the City in the Mayor's Right, unless his Choice had the Confirmation of the *Common-hall*; and that the Right of the Citizens to elect the other was unquestionable, the Lord Mayor's Sheriff was declar'd, apparently without any such Confirmation, and the other without any such (y) Election. Even *Box*, himself, was so abus'd of the Methods which had been taken to force him into the Office, (Mr. North says, so frighted at the double Election) or so unwilling to undergo the Drudgery, that, in all Probability would be expected from him, that he rather chose to sine off than serve; insinuating to the Mortification of the Court; who, if *Ferguson* says true, most earnestly importun'd him to persevere; and offer'd him any Security he could desire to indemnify him from any Suits or Damages that might ensue.

Hitherto we have made use of all the Authorities extant; but in the Circumstance which follows, we must depend on Mr. *Echard* only, who says, That on the 27th following the Lord Mayor and Court of Aldermen assembled again, not without Apprehensions of a Disturbance from the contrary Party; therefore two Companies of Foot were order'd to be upon Duty at the *Exchange* that Day, and the Lieutenantcy plac'd themselves in the Gallery before the Room where the Court of Aldermen sit, to keep off the Multitude from pressing in upon them. Very great Numbers were gather'd into *Guild-hall*, requiring an Answer to a Petition, which they had formerly deliver'd to that Court, demanding that Mr. *Papillon* and Mr. *Dubois* should be call'd forth to give Bonds to serve for the next Year's Sheriffs: Some few of the Chief of this Party being at length call'd in, the Lord-Mayor caus'd the following Paper to be read to them, as a final Answer: "Gentlemen, this Court hath consider'd of your Petition, and will take care that such Persons shall take the Oath of Sheriffs upon them as are duly elected, according to Law, and the ancient Customs of this City; and in this, and in all other things, this Court will endeavour to maintain the Rights and Privileges of the Chair, and of the whole City; and wherein you think that we do otherwise, the Law shall judge."

(x) The N<sup>o</sup> *Quarta* in 1738 says, that Mr. North was actually confirm'd, which can be no otherwise understood, than by the Mayor's Partizan only.

(y) These were single Votes; for, as Bishop *Bowser* observes, none were admitted to vote, by the Mayor, who would not admit of his Nomination of Mr. North.

(z) Which was tacitly confess'd even by the *Commons* N<sup>o</sup> 1735: For after the Paragraph relating to the Lord Mayor's declaring *Box* elected by a Majority of Voices, follows these Words: "The other Proceedings, by way of polling in another Place, are so contrary to the ancient Usage of the City, and without any Warrant or Authority from any Lord Mayor."

A. D. 1682. "judge between us." With this Answer the Lord-Mayor commanded them, in the King's Name, to depart; and he also laid his Commands upon Sheriff *Pilkington* to go out, and cause them to depart; which Mr. Sheriff durst not disobey, tho' he, himself, and all that Party were highly dissatisfy'd with the Answer.

The only material thing which the Court had now to do, was to procure a proper Substitute in the Room of *Box*, and to get him as luckily declar'd; for to get him elected, was what they, with Reason, despair'd of. As to the Man, none was thought better qualify'd than one *Rich*, a Lieutenant Colonel of the *Militia*, who had been very active in taking Depositions during the late Prosecutions under Mr. Secretary *Jenkins*; whose Circumstances were low, and whose Zeal was high. *Rich* was accordingly pitch'd upon, and very gladly embrac'd the Opportunity of making himself useful at Court at the Expence of his Fellow-Citizens: And in order to put him in Possession of his Preferment, a Common-hall was held on the 19th of September; at which assisted the whole Herd of both Sorts, as before: But no sooner was the Court open'd by the Common-Cryer, than the general Roar was, *No Norib! No Election!* By which it was the declar'd Sense of the Hall, that they persisted in their former Choice, and would admit of no other: And so very dextrous were the Courtiers now become in solving Difficulties, that on this very Dissent they built the Success of their Experiment: For when the Mayor was (a) withdrawn, as usual, the Common-Sergeant put *Rich*, and one *Griffith*, in Nomination; but not as had been customary, by the Common-Cryer's making Proclamation: Contrarywise, taking advantage of the continual Clamour which deafen'd the whole Hall, on having barely nam'd those Persons, and that in such a manner as not above Ten heard what was said, says *Ferguson*, and not above Thirty applauded it, says *Bishop Burnet*, he, the Common-Sergeant, in the same unfair Manner, intimated, That the Choice was fallen on *Rich*; and posted to the Lord Mayor with the News, being follow'd by the Sheriff, not to authenticate his Report, as the *Gazette* would have us to believe, but to disprove it, though without Effect: His Lordship was deaf on that Side, and resolute to give up the City into the Hands of the Court: Accordingly, repairing once more to the Hall, he declar'd that *Rich* was Sheriff, and proceeded to dissolve the Assembly.

This, all Circumstances consider'd, is presum'd to be the truest State that can now be given of this remarkable Transaction: And yet the *Gazette*, without Remorse, pronounces, as also Mr. *Eckard*, That *Rich* was chosen by a Majority of Voices; by which the Public

was to understand a Majority of the whole Hall: A Piece of Craft that disgraces the sacred Name of Authority; for in case of Controversy, it must have been acknowledg'd, that the true Meaning of those Words was, That *Rich* had more Voices than *Griffith*.

It must now be observ'd, That the Struggle of the Day did not end with my Lord Mayor's Act of dissolving the Hall; for the Sheriff, as before, dispos'd his Authority to do so, continu'd the Assembly, and not only put the Question to the Liveries, Whether they would abide by their former Choice of *Papillon* and *Dubois*? but on the Appearance of some Opposition, proceeded to a new Poll: Which the Lord Mayor being inform'd of, he first sent the Common-Cryer to the Sheriffs, to require them to disperse that unlawful Assembly; and they showing no regard to his Order, he return'd to the Hall himself, accompany'd with some Aldermen; and having dispers'd the People, by what Means is not explain'd, caus'd the Gates of the Hall to be shut up: Nor was this all; for the next Day his Lordship repair'd to Court with a Complaint against the Sheriffs; who were order'd to make their personal Appearance again before the Council; by whom, after they had been severely reprimanded, says Mr. *Eckard*, and told they had been guilty of a high Misdemeanour, they were call'd upon to enter into a Recognizance of 1000 *l.* each, as also to find Ten Securities of 500 *l.* each. "That they should appear the first Day of the next Term, to answer to such Information as the Attorney-General should bring against them on the King's Behalf; and in the mean time to be on their good Behaviour"; which the Dread of worse to ensue oblig'd them to submit to.

We are now come to the last Scene of this desperate Contest, which was indeed a proper Catastrophe to the whole Proceeding. September the 28th was the Day of swearing in the new Sheriffs; and it being apprehended the Minority of the Aldermen would assert the Right of the Majority of the Liveries, by adventuring to swear in the Sheriffs they had elected, in opposition to those forc'd upon the City by the Mayor and his Cabal; and that the Liveries would in Person attend, to insist on their Choice, *Gouldball* was early in the Morning possess'd by a Party of the Trained-bands, by Order of the Lieutenantancy, and when the said Aldermen, together with *Papillon* and *Dubois*, enter'd the Hall, the commanding Officer, one Lieutenant-Colonel *Quincy*, order'd his Men to surround them; which was done so effectually, that they had scarce six Foot square left them to stand upon: And while they were in this Plight, the said Officer gave them to know, That he had Orders to keep the Hall clear till the Lord Mayor came. The Aldermen then demanded

(a) Contradictory to the Doctrine taught by Mr. *Norib*, we find it asserted by the Malcontents, "That the Reason of the Lord Mayor's withdrawing is not because he has elected one Sheriff, when he leaves the Common only to confirm: But because having tear'd his Right of a Livery-

man, in the Choice of the same Officers, by the Nomination of one to the Hall he allow'd or allow'd, as they see good, he would not sell the Grandeur and Dignity of his Place, by continuing in a Court where he was not to have the Direction."

A. D. 1682.

demanded to see that Order; and signify'd, *That they being Magistrates of the City, it could not be understood to affect them.* Quiney reply'd, *That the Order was with the Mayor of the Regiment; that he knew them well enough who they were; and that they must remove notwithstanding.* The Aldermen pleaded, *That they had the Lord Mayor's Summons to attend, and that they were there, in obedience to it.* This stagger'd Quiney, and being utterly at a loss to reconcile Injunctions to opposite, he withdrew for new Instructions: And what those were, the Sequel will best explain: For being return'd he said, *Gentlemen, you must withdraw, I have a Command to require it.* And being again importun'd to shew that Command, he answer'd, in a great Heat, *He should show none, so such as they.* After which, laying his Hand on Sir Patience Ward's Shoulder, he said, *Sir, you must remove;* and at the same time call'd upon his Soldiers to interpose between them and the Bar, and force them away: *Ward*, upon this call'd on his Brethren, and even the Soldiers themselves, to bear witness to the Violence that was offer'd him: And Quiney reply'd, *That he car'd not for Witnesses, but would justify what he did, by his Orders:* And resolving to fulfil them, he laid hold on Sir John Lawrence, another of the Aldermen, who was leaning on the Bar; and with great and repeated Violence pull'd him from off the Step, and had like to have thrown him on the Floor: And so in Succession proceeded to the rest, till the Bar was clear'd, and remain'd wholly in possession of these military Loyalists; which, it seems, was the principal thing aim'd at; for the Aldermen were suffer'd to continue at the West End of the Hall in Peace; where were several of the opposite Party, who had look'd on while this Outrage was committed, not only with Composure, but Satisfaction; as preferring the narrow, dirty Service of their own particular Faction, to the Peace, Dignity, Freedom, and Independency of the City in general; which were all thus flagrantly violated, in the Persons of these Magistrates.

At length the Lord-Mayor and his Possessors arriv'd, and being immediately join'd by these his Brethren, his Lordship, at once, unfolded the Cause of all this Violence, by saying, *Gentlemen, here are five Writings, to go and swear Sheriffs, and I not present.* To which it was reply'd by one of the Aldermen, *That he had been misinform'd:—That they had not the least Intention to attempt any such thing, but only to make good their Claim by presenting the Sheriffs, which the Liveries had chosen;* Sir Robert Clayton adding, *That his Lordship had frequently and publicly declar'd, That the Dispute should be determin'd by Law;* and they had been told, that unless Mr. Papillon and Mr. Dubois presented themselves to be sworn, they would have no Claim to litigate.

This seem'd to pacify his Lordship; and the Court being late, Papillon and Dubois made a Tender of themselves to serve the Office of Sheriff for the Year ensuing, in Conformity to the Choice of their Fellow-Citi-

A. D. 1682.

zens. This was express'd in full, in a Paper which Papillon read, and would have deliver'd to the Lord-Mayor; but he refus'd to accept it. His Lordship was, however, press'd to take the Matter into Consideration, for that the Aldermen had been summon'd to a Court, his Answer was, *There was no Business.* To which it was reply'd, *“We have much to say; for the Citizens seem to be thrown out of Possession of the Sheriffs, which they have enjoy'd so many Ages by free Election. We desire fairly to tender our Sheriffs, in order to have the Business more fairly determin'd at Law, according to your Lordship's Promise in Answer to the many Addresses made, That the Law should determine it. And it is the only way for us, tho' troublesome and chargeable. We also desire, that the Matter may be debated, in order that an Answer may be given to the Sheriffs, who have tender'd themselves.”* But the Majority of the Aldermen were, it seems, for leaving the whole Merit of the Day to the Lord-Mayor; and, therefore, were, by no means, for giving way to any Debate. Upon which Sir Patience Ward mov'd, *That the aforesaid Paper and his Lordship's Refusal of it, might be recorded.* And, at the same time, Sir Robert Clayton, in a Whisper to the Lord-Mayor, intimated, *“That if he brought the Affair into Dispute, and put the Issue on the Determination of the Court, he would either have the Authority of the Court to justify him, or they would have as much to answer for as himself; and that the Averseness which they had shewn to have any Concern in it, ought to make him the more diffident of undertaking in his own Person to be answerable for the whole Proceeding.—”* This Suggestion seem'd to have some Weight with his Lordship; he hesitated a little, and seem'd to relapsing into his old Indolence: But being stirr'd up afresh by the Court Parties of all Sides, grew a Hero again; told the Misdemeanors, if they had any thing farther to say, they might deliver it on the *Hustings*; and, rising immediately up, call'd on North and Rich to follow him; which they did, as also Papillon and Dubois, and the Aldermen of both Factions; whither being come, those of the Minority prepar'd to renew the Dispute, and demand'd to be heard, agreeable to the Promise of the Mayor; but were peremptorily refus'd: Nor, indeed, could their Arguments have had any great Effect, if deliver'd; for the Court were of the same Mind below Stairs, as above: And as to the Liveries, so many of them were excluded by the Admission of the Trained Bands in their Room, and the rest were kept so remote from the Bar, by the said Trained Bands, that all Communication between the *Hustings* and the Floor, was, in a manner, cut off. His Lordship then calling his two Men to the Book to be sworn, Papillon press'd once more to be heard; but being refus'd, would have presented a Paper to his Lordship, sign'd by himself and Dubois, signifying, *That they were ready to take the Sheriffs Oaths, and every other way to qualify themselves*



A. D. 1682.

themselves as the Law requir'd, for the holding and discharging that Office; which was also refus'd by him, but accepted by Sir John Loveless as an Evidence of their Tender. The Lord-Mayor then proceeding to administer the Oath to North and Rich, Papillon and Dubois advanced likewise; and Papillon actually laid his Hand on the Book, and held it there for some time; still contending to be heard, as having something of Importance to say; but was at last oblig'd to desist, in Obedience to the positive Command of the Lord-Mayor and his Corps, accompany'd with a solemn Charge, to keep the Peace; which putting an end to the Contell, North and Rich were sworn in; how much to their Honour, let impartial Posterity judge: And the six defeated Aldermen, with the People's Sheriffs, withdrew; (a) protesting against such irregular and illegal Proceedings.

Careful for a Lord Mayor.

Both Parties being now convinc'd, by the Good and Ill resulting to their several Interests, from the notable Endeavours of Sir John Moor, of the Importance of having the City Chair fill'd with one after their own Hearts, prepar'd to dispute it as warmly and fiercely for a Mayor, as before for Sheriffs. In the last Bickering, Sir William Pickering had most distinguish'd himself by the Activity of his Zeal for the Court, and by shewing, on all Occasions, a remarkable Pliability to go all Lengths in the dirty Roads of Court-Prostitution. This was Merit enough to recommend him to all the Favour and Interest of his Party: And on the Strength of it he was set up, in Conjunction with Sir Henry Tiff, as a Person every way qualify'd to succeed the great Magistrate he had before both prompt and seconded on every Emergency: And, on the other hand, the adverse Party, who

had been serv'd with as much Zeal, and probably as few Scruples by Sir Thomas Gould, and Alderman Cornish, set them up in Opposition to the two former, and prepar'd to support them with their whole Force.

A. D. 1682.

On the very Day, after the former Contest was decided, this new one began; which was conducted with as much Vigour, but it seems, with much more Decorum than the foregoing: For even the Gazette bears witness, that the Proceedings were very orderly: All the Aldermen beneath the Chair, according to Custom, having been nam'd, the Common-Serjeant declar'd Sir William Pritchard, and Sir Thomas Gould had the Majority of Hands: But which of these had the Advantage, was a Question not so easily decided. A Poll was therefore demanded, and granted; and the Sheriffs, that it is to lay the new ones, as well as the Common-Serjeant, were now thought fit to be trusted with the Management of it. This lasted till October the 30, when it appear'd, upon casting up the Books, thro' under the Inspection and Direction of the Courtiers only, that the Numbers for Pritchard were 2233, for Tiff, 226, for Gould 2289, and for Cornish 2259; so that even the latter had the Advantage of Pritchard by 26 Voices, and Gould by 26. Notwithstanding which, the Gazette, with a shameful Disingenuity, reported, that the Disparity between the two Parties was but 25 Voices.

The Majority falls on Gould.

[Nam 1761.]

And now the Court could have Recourse to a Scrutiny, as the proper Expedient to detect any foul Play, but after the most rigid Examination, finding none, or none that was not more than countenanc'd by their own, they had recourse to Disqualifications: Upon the Strength of which, thro' (b) thence to be wholly without Ground, the final Report made

(a) These Particulars are taken from a Paper, call'd, *A true Account of the Proceedings at Guildhall, in relation both to the Election and Succession of Dudley North and Peter Rich, Esquires*; which is to be found in Lord Sydenham's Collections, vol. xiv. And the Ld. relating to the Protest, we find was himself countervail'd by the Ld. Dubois North himself, according to the Evidence of his Brother.

(b) The State of the City, as made by Pritchard's Friends, and oppos'd by those of Gould and Cornish, was as follows.

"That several Persons of the Merchant-Taylor Company are not only qualify'd to poll, for that they have not taken the Liveryman's Oath of that Company, entered among the By-Laws, Oaths, and Orders of the same.

Whereunto we have given an Answer to this Effect: That the Master, Wardens, and Assistants of every Company, have Power to report, let aside, or suspend the Election and Oath of their By-Laws, Oaths and Orders, as often as they shall think convenient, at their own Wills and Pleasures.

That the 18 of October 1680, the then Master, and Wardens, and Assistants of Merchant-Taylor Company, did, by their Order, set aside the Imposition of the Oath, before that time actually admitted to such as were admitted Liverymen of that Company upon their Admissions; and that six several Persons had since been admitted of the Livery of the said Company, sans the making of the said Order last-mention'd: All which we are ready to prove.

They further make this Objection: That several Persons of the Company of Grocers have polled, and did not take the Liveryman's Oath, entered in their Books, upon their Admission; and therefore have no legal Vote.

Whereunto we have given this Answer: That this Oath is sometimes imposed, and sometimes omitted, according to the Pleasure of the Master, Wardens, and Assistants; this, or the like Oath being no way essential for making a Liveryman in any Company in London: And if the Masters, Wardens,

and Assistants, have omitted to administer the usual Oath, the Liverymen are not to lose their Privileges or Franchises for the Omission of others: And therefore these Liverymen have legal Votes. And, moreover, we are ready to prove, that all the said Persons but Twelve have taken the said Oath.

They furthermore have made this Objection: That several Persons of the Company of Upholders, who have polled, are of other Companies, and were not fairly translated, according to the Customs of the City: They being Members of such Companies at the time of their respective Admissions into the Upholders Company; and therefore were ineligible of being Liverymen of the same.

Whereunto we have given this Answer: That any Citizen is capable to be at the same time a Member, and of the Livery of several Companies; and that the Use of Translation from one Company to another is for the Life of such Citizen, he being not liable, if once translated according to the Customs, to be put in any chargeable Offices by that Company from whence he is so translated; and the Want of such Translation shall not take away his Right of polling once, if he was of twenty Companies; and therefore these Persons have legal Votes.

They further object, that many Quakers, who were Freeman of this City, and of the Livery, have no legal Votes: Which Answer, as we apprehend, is very strange, seeing they have not hitherto been disabled by any Law whatsoever: Which Answer, of ours, we doubt not, will as well satisfy all indifferent and unconcerned Persons as ourselves, that the Objections shewmention'd, are of no weight or moment: And therefore we do farther Certify (not having any further regard to the said Objections) as follows.

That the Number of the Persons who have polled twice, \_\_\_\_\_

Sir W. Pritchard, Alder. Cornish.

Sir H. Tiff, Gould.

The

A. D. 1682.

But by the  
Dist. of Dis-  
qualifications  
Pritchard is  
debar'd.The Malcon-  
ters apply to  
the King's  
Bench in fa-  
vour of  
Gould or Cor-  
nith, in suite.Reflections on  
the whole Mat-  
ter.  
[Examen,  
p. 616.]

made to the Common-hall, was, That *Pritchard* had 2138 Votes, *Gould* 2124, and *Cornith* 2093: Whereby the Tables were wholly turn'd; *Pritchard* appear'd to have a Majority of 14; those who gav'd him immediately proceeded to make a proper use of it by declaring the Choice to have fallen upon him; the Hall rung with the Shouts of the triumphant Party; and the Malcontents had rather more than Foresight, that their Ruin was at hand. They did not, however, shew any Tokens of Despair; but, on the contrary, though *Pritchard* had been slavishly presented to the King, for his Appropriation in Person, and had publicly obtain'd it, they complain'd loudly of the repeated Injuries which had been done them; they even proceeded so far in their Endeavours to obtain Justice, as to appoint Mr. *Williams* and Mr. *Walker* to move the Court of *King's Bench* for a *Mandamus* to *Sir John Moor*, the present Lord-Mayor, and the Aldermen, to swear in either *Gould* or *Cornith*, who had demonstrably the Majority of Votes: And when the Court, under the Pretence, that a *Mandamus* in the disjunctive was a thing unprecedented and absurd, proceeded to reject that Motion, they refus'd to countenance *Pritchard's* Admission by paying the usual Attendance, either when he took the Oaths at *Westminster*, or when he caus'd the City afterwards.

"Some may think, (c) says Mr. *North*, that an Account of these City Squabbles are but low History; but if these are low, I am at a loss to know what is high." And thus far we may join Issue with him. The Struggles of contending Factions, both for Information and Warning, are the most important Portions of our Story. But when he proceeds to ask whether this immediate Contest was not a *Battail rangée* between the King and Council, with the Ministry and loyal Party on one Side, and the whole Antimonar-

chical and rebellious Party on the other; and thro' his whole Book suggests, that if the King had not been victorious, his People must have been undone; we must take the Liberty to enter a Caveat against his Conclusions. As the King was before upon the defensive against the Parliament, and therefore had Reason and Justice on his Side, the Malcontents were on the Defensive now; and tho' labouring for their own particular Preservation, could no otherwise obtain it, than by preferring the democratic Part of the Constitution, in which consists the very Essence of *English Liberty*. And we shall soon find, that, under the Pretence of securing the Monarchy, that Liberty, which has hitherto been the Glory of every *English Subject*, no longer subsisted, but at the Courtesy of the Prince on the Throne.

It cannot be deny'd, that the Malcontents had fallen into many Excesses, which shew'd that the Leaven of Faction was among them; and that tho' their Leaders, or the greatest Part of them, avow'd the best Principles, they were actuated by the worst; pretending to reform; meaning to destroy. But then these Desperadoes had the Countenance of many brave, honest, disinterested, and therefore undesigning Persons, who were in earnest concern'd for their Rights and Privileges, Civil and Religious, and thought themselves oblig'd to stand in the Breach, tho' they were overcome by the Waves. Those who had been Couriers, such as *Monmouth*, *Shaftesbury*, *Effes*, &c. had their personal Considerations plainly in view: But the Citizens of *London*, *Bathel* and *Cornith*, *Pilkington* and *Stude*, how could they be advantaged by kindling Comotions in the State? Or, rather, What could induce them, in such dangerous Times, not only to take upon them the Office of Sheriff, at all times troublesome and expensive, but now apparently dangerous;

The Names of the Persons who are not of the <i>Lovery</i> , or were in the Country, during the time of the Poll, and yet their Names entered in the Poll books	76	18
The Number of Persons polled, who are not free of the City, &c.	6	2

So that <i>Sir William Pritchard</i> hath in the whole	2144
<i>Sir Henry Trel</i> hath in the whole	239
<i>Sir Thomas Gould</i> hath in the whole	2257
Alderman <i>Garnish</i> hath in the whole	2227

So that the Majority is fallen upon  
*Sir Tho. Gould* and Alderman *Garnish*.

*John Ellis*,  
*Th. Hayes*,  
*Len. Robinson*,  
(c) As this Gentleman has found Fault with *Bishop Kennet* for not inserting in his Book any Account of the great Effects of these Changes in the City, it may not be amiss to extract the Reader with the Effect he has made to supply that Defect, in his own singular Words as follows:

"He (*Kennet*) hath taken no Notice of the great Alteration in the Honour of the Citizens upon this Reform: One might discern it in their Spirits and Countenance. For as soon as the new-sworn Sheriffs entered upon their Office, in the *Low Precinct*, was refus'd to sit in the several Counters; and the Sheriffs open'd their Halls, and began the Course of *Pushing* the several Companies, which they carry'd on with great *Plenty*, *Jollity*, and *Splendor*. And the Fancy went further; for some Societies without the City, as the *Temple*, in particular, desir'd his Honours of *Jin-*

ing with Sheriff *Beach*, and made him a Present, as the way is. The *Malcontents*, who had been for a while excluded, were now return'd to their *Feils*, and, as if they had been lately return'd to *Paradise*, and come back inclin'd to Poetry, where no Neglect of their Vein in celebrating the Reformation of their Faculty. They chanted out their Master's Names in Words as Length, as for Instance,

The *Worshipful* *John Moor*  
After *Ag* that *Beach* *spoke*.

ring in all Companies. No Person was ever more popular and cried up in the City than he was, and his Health constantly dress'd in the charming *Poet's* Sense with Adoration. He that kill'd *Wear*, was not more celebrated for Courage and Constancy, than that great *Magnanimous* *Charlestown* appear'd in all Places, public and private, in the Room of the *Building*, *bookbinding*, and *military Trade* was driven before. It is not to be deny'd, but, at many Meetings, good Fellowship, in way of Health, run into some *Intemperance* and *Noise*, at such which they call *Huzzing*, an Usage, then at its Perfection. It was derived from the *Mitras* and the *Shouts* the *Semites* make when Friends come aboard, or go off. And the Use of it in Health was not unlike the *Assemblies* of the *Levantine* merchants, that, at every Health, cry'd *Chalcedon*! So at all the *Tory* Meetings, as they were call'd, the Cry was that of *Heaven*! which, at great and solemn Feasts, made up *Little Noise*, and gave advantage to the *Whigs*, who had not such Music, to change the *Tories* with *Bravado* and *Extravagance*; and the *Antient* *Antient* it upon their own *Clubs* and *Sally* which had, perhaps, seen *Heaven*, if there had been no Disorders made by those others, to occasion Rejoicing, as after a Recovery." *Examen*, p. 616.

D. 1681. dangerous; unless it can be suppos'd and allow'd, That they were Men of as much Integrity as Resolution; and that they, indeed, expos'd themselves for their Country's sake? But it may be urg'd that they fell into all the Extravagancies of the Party they serv'd, and many times acted so, as to leave themselves without Excuse. They did so. Of all the Virtues, Zeal is aptest to run into Riot, and degenerate into Vice, because it is grafted on Passion, and ever partakes of the Stock from whence it derives its Nourishment. Had not the Excellencies of these Persons been thus alloy'd, they would have deserv'd the Admiration, as they still do the Acknowledgments of Posterity. Men are much apter to melt in the Sun-shine of a Court, than to bear up against the Storms that issue from the same Quarter. And it must be confess'd, that the Spirit of these Times rather deserves the Imputation than the Censure of ours. How hard it was to be maintain'd, we begin already to be sensible. There were Numbers as docile as these were stubborn; and they, having the Wind and Tide to favour them, and the others both to struggle with, had soon the Herd for their Followers.

But if *Stuarts* and *Pilkington* more particularly suffer'd their Party-Prejudices to carry them beyond the Bounds of their Duty, it must also be confess'd, that they were as often over-rigorously punish'd for it. All the several Proofs of this Truth, it is scarce possible to enumerate: It shall therefore suffice to say, that when the Lord-Mayor and Aldermen had taken their Resolution to wait on his Royal Highness the Duke with their Compliments of Congratulation on his Return from *Scotland*, *Pilkington*, who was a warm, rash Man, not only refus'd to give his Attendance, but madly said, *The Duke of York has fir'd the City, and is now come to cut our Throats*. Two of his Brother Aldermen, *Hooker* and *Tulfe*, had the Honour of being Witnesses against him; and so forward were the (d) Juries now become, says *Mr. Echard*, that they found a Verdict for the Plaintiff, and in Defiance of *Magna Charta*, gave no less than a hundred thousand Pounds Damages; which shew'd that the utter Ruin both of the Man and his Family were aim'd at: And to prevent it, he was forc'd to surrender himself a Prisoner in Execution, in Discharge of his Bail, without a Prospect of Redemption; because he did not know how to submit, nor the Duke to pardon. And, as if this was not load enough, when the *enor-*

mau Riot of continuing the Poll, after the Lord-Mayor had adjourn'd the Hall, came under Prosecution, he was put foremost in the Indictment, and saddled with an additional Fine of 500*l*.

Out of the first of these Trials arose another, which deserves also to be mention'd, as it serves to shew how apt Men are to extenuate or aggravate Matters, as they are prompted by their Party Attachments, instead of keeping invariably to the very Letter of the Truth. *Sir Patience Ward* had been call'd in as a palliating Evidence for *Pilkington*, and by his Over-zeal ensnar'd himself: For if any Evidence on either Side, in such Times as these were, is to be credited, he swore first, (e) That *Pilkington* was not in the Room when the Duke was kill'd; and afterwards, that when *Hooker* took Exceptions to *Pilkington's* Words, he, *Ward*, laid his Hand on *Pilkington's* Mouth, &c. Which latter Part of his Deposition falsify'd the former, and furnish'd Matter for a Charge of Perjury against him; that was pull'd on with such peculiar Malevolence, as manifested the Man was prosecuted, not the Fault; and that the Punishment alone was sought after, not the Example.

All that remains to be said of the Strivings of the two Factions for the Superiority in the City this Year, relates to the Common-Council, and to the Practices of the Court, to procure a Majority therein, in order to complete their System: For with Reason apprehending, that these tedious and vexatious Contentions would be annually renew'd, and that the Malcontents might again find an Opportunity to give the Law, they resolv'd to strike at the Root, and by Force, or Surrender, make way for its being to new-model'd, as should leave the King Master in Perpetuity of their Fundamental Privileges. The Lawyers had the first already under Consideration; and both in public and private, had pronounc'd, that the Issue would be as the Court would have it: But the very *Observance of Forms* was what the Impatience of those in Power could scarce submit to; and therefore a more expeditious way was thought of, which was to persuade the City, if possible, to adopt the *last*, and to become *Felo de se*.

The Lord-Mayor, Aldermen, and Sheriffs were already at their Devotion; and while their Affairs had every where so florid an Aspect, it was believ'd the Common Council, also, might be made to keep pace with the

(d) *Edw. Barret* says roundly, "They were become the Shame of the Nation, as well as a Reproach to Religion; for they were pack'd and prepar'd to bring in Verdicts, as they were directed, and not as Matters appear'd on the Evidence." But, in these Cases, it does not appear that Evidence was wanting: And therefore the Jury are to be blam'd only for their Rigour, in assigning such unreasonable Damages, not for the Issue of their Verdicts.

(e) The *Perjury* had-quester states the Case thus: "Ward was indicted for Perjury, it being said that since he swore, that the Duke was not spoken; and that the Jury had given a Verdict upon the Evidence that they were spoken; by Consequence he was guilty of Perjury. It was said, on the other Side, That when Two swear one way, and a Third

swears another way, a Jury may believe the Two better than the One; but it is not certain from thence that he is perjur'd. A Man's swearing to a Negative, that such Words were not spoken, did only amount to this, That he did not hear them: And it would be hard to prove, that he who swore so had heard them. But *Ward* prov'd, by him that took the Trial in short-hand, as he had done some others with great Approbation, that he had said, to the best of his Remembrance, these Words were not spoken by *Pilkington*; upon which *Hooker* had said, his Assertion was better than his Memory. And the Attorney-General, in summing up the Evidence to the Jury, had said, They ought to have no regard to *Ward's* Evidence, since he had only depon'd upon his Memory." *Fol. l. p. 556.*

A. D. 1682.

the Times; and thereby render the whole Corporation of a Piece.

To effect this on one Side, and to prevent it on the other, was the great Business of both Parties till St. Thomas's Day, when the Elections were to be made as usual. And in order to facilitate the Experiment on the Court-Side, the Bishop and Clergy of London were call'd upon to let loose the Excommunications, before spoken of, against the Dissenters, in order to deprive them of their Votes: But, according to Bishop Burnet, that Prelate (London) beginning to apprehend, That Things were running too fast, he chose to venture the King's Displeasure, rather than be over-active in his Obedience. "The Clergy of the City, he expressly says, refus'd to make Presentments: The Law laid that on the Churchwardens; and so they would not meddle officiously." And, upon the whole, he tells us, "That, after all the Practices of the Court in the Returns of the Common-Council, they could not bring it to near an Equality for delivering up their Charter." With this Addition: (f) Jenkins manag'd the whole Business of the City with so many indirect Practices, that the Reputation he had for Probity, was much blenish'd by it: He seem'd to think it was necessary to bring the City to a Dependence on the Court in the surest Methods he could fall in; and, if these did not succeed, that then he was to take the most effectual ones; hoping, that a good Intention would excuse bad Practices."

From these repeated Mortifications, which fell so thick and fast on the Body of the Malcontent-Faction, we must now make a Transition to the Head. The (g) Order of Council forbidding all Persons in the King's Service to frequent the Company of the Duke of Monmouth, before spoken of, had scarce been made, before his Majesty was taken ill of a slight feverish Indisposition; and though it neither seiz'd him violently, nor was attend'd with any bad Symptoms, nor threaten'd to last long, we are told by Ferguson, it was held expedient to have Warrants ready for the seizing the Person of this dangerously popular Man, and also the chief of his Party; that, in case of a Demise, they might not be in a Condition to make good their Menaces by disturbing the Succession: And tho' the King's speedy Recovery preserv'd his Grace for a while from the Effects of this politic, tho' illegal Precaution, it was not long before he fell into the Hand of Power and the Subject was encourag'd to make a Merit of approaching with Addressees at his Expence.

He had this Summer made an ostentatious Parade into Cheshire, under the Pretence of a Horic-Race, as formerly into Somersetshire; and his Friends had contriv'd to give him a

pompous Reception, by assembling all the Gentlemen of his Party through the whole County to do him Honour, and bid him welcome: And at Stafford, in his way back to London, he was entertain'd at Dinner by the Corporation. But the Feast was scarce over, it seems, before he was taken into the Custody of a Sergeant at Arms by virtue of a Warrant from Mr. Secretary Jenkins, in the midst of all his Grandeur, and when surrounded with such a Crowd of his Idolaters. He prudently submitting to the Arrest, and they conniving at it with as much Deference as could have been shewn by the most resig'd Loyalist; and, thereby, at once disarming the most pointed Suggestions of his Enemies. Notwithstanding which, the Grand Jury of Cheshire remitted an Address to his Majesty at New-Market, importing, "That they dislike'd and disown'd the Reception which the Duke had met with in the County, and the (b) Circumstances attending it: That they believ'd the greater Part of the Gentry were not concern'd in it; and that they declar'd, for their Parts, they would be far from countenancing any Endeavours to alter the Succession, or to allow of any armed Violence or other Designs to accomplish it, and that they further resolv'd and promis'd not to create or encourage any Person who should obstinately persist in Courses dislike'd by his Majesty, which might any way tend to the shaking the public Peace, &c."

This Address was inserted in the very next Gazette of October 16, possibly by way of Hint for another Round of Abhorrences: But either the Country was tir'd of preparing them, or the King of accepting them; for it does not appear that the Precedent was ever follow'd.

Ferguson affirms that the Ground of this Proceeding was a Fear, that the Duke might be made an Instrument of disappointing the pernicious Designs now entertain'd at Court, and a Help, that the seizing him so rudely and suddenly in the Face of such a Number of his Friends, might provoke some of them to make Resistance, and thereby furnish the Caval in Power with the Pretences they wanted, to authorize all the Severities they already prepar'd to pour out on the whole Party.

We have already met with Insinuations of the same nature, in Relation to the Commitment of the Sheriffs: And, over and above what was at the same time mention'd of the Forces at hand, to take the Advantage, Mr. Carte furnishes us with a Circumstance that has very much the Aspect of a Snare for some such Consequence, tho' introduc'd under a different Colour: Those Gentlemen, at the particular Instance of the Duke of Ormond (who oppos'd their being sent to the Tower

A. D. 1682.

The Duke of Monmouth taken into Custody at Stafford.

(L) of the Duke of Ormond, vol. III. p. 529.]

by

(G) Grantham of Papers, p. ii. p. 356.]

(f) Ferguson writes, (Grantham of Papers, Part II. p. 123.) That, during the Council for Sheriffs, he had written several Letters to Mear the Mayor, which, by a Wife, he waded out of his Hands, again: Which gives him Occasion to add, "Thus have they led this poor, dull Tool to dance after their Pipe; and now, at the last, dare not to touch a trail him with a Scrip of Paper; by which the World may know how it was manag'd, and what the Honesty and Justice of their Cause was."

(g) Which was occasion'd, as we learn from Mr. Carte, by his Grace's sending a Message to the King, signifying, "That he was ready to throw himself at his Majesty's Feet, but that he would rather dye than be receiv'd, or submit to the Duke of York."

(b) The Mob, recover'd by his Presence, says Mr. Carte, had broke the Windows of Gentlemen's Houses, forc'd open the Doors of the Church of Cheshire, and committed great Disorders. Life of the Duke of Ormond, Vol. II. p. 530.

by Water, under a strong Guard, as had been divid'd) being conducted thither through *Cheshill*, and by the *Exchange*, the whole Length of the City, by four *Beef-Eaters* ONLY.

But the same Gentleman assigns a very different Motive for this Proceeding against the Duke of *Monmouth*, and probably on more rational Grounds. His Grace, according to him, was deeply interrested in the Proceedings at *Guild-Hall*. His Friend and Favourite, *Sir Thomas Armstrong* had been equally concern'd with the Lord *Grey* in the enormous Riot at that Place, before spoken of, tho', as it happen'd, he was not equally a Sufferer for it; and the Duke, himself, had not only engag'd to be at the Election which was to ensue on *Box's* refusing to serve, but had actually bespoken thirty Post Horses on the Road from *Litchfield* to *London* to enable him to be as good as his Word; tho', says our Author, He well knew of what Consequence it (that Election) was to the Security and Quiet of his Majesty's Regn.

Hence then it must be presum'd, that the Reason why he was put under this Arrest was, to prevent him from mingling among those refractory Citizens, who resolv'd neither to be aw'd nor blatter'd out of their Privileges; and to extenuate that Proceeding, which it does not appear that the Duke had as yet furnish'd any legal Pretence for. A Doubt is artfully thrown in our Way, "Whether any violent Attempt was to be made at that time, in which he might be useful as an Head; or whether Lord *Shaftsbury* had a mind to embark him in his Measures past all Hopes of a Reconciliation."

But, tho' in Cases of positive and immediate Danger, a Government may equitably deviate from the Letter of the Law, and take its Direction from Reasons of State; it is not to mistake the Spectres rais'd by its own Fears for those positive Dangers, and to proceed upon them as if they were Realities. The Law is not, or ought not to be, more tender of the King's Prerogative, than of the Subject's Liberty: And yet we find it represented as a new Crime in the Duke, that he took the Advantage of his Birthright. Our Author's Words are these: "When his Grace was brought up as far as *St. Albans*, *Sir Thomas*

*Armstrong* (who, upon his being arrested, had gone Post to *London* with a Copy of the Warrant) met him there with a *Habeas Corpus*, which he had got from Judge *Raimond*. This serv'd him for a Pretence not to go to the Secretary's Office, till he was sent for; and then refusing to give Security for keeping the Peace, he was committed to the Sergeant's Custody, by a new Warrant. He then demand'd another Writ of *Habeas Corpus*, and Judge *Raimond* taking time to consider of it till the *Monday* following, he was then brought before him, and giving the Lords *Clare*, *Ruffel*, and *Grey*, for his Bail, was set at liberty. This Behaviour of his was a new Provocation to the King, who expected he would have been more submissive." Now it appears, even from this very Passage, that the Duke, in point of Law, was the injured Party, that the Court proceeded arbitrarily against him, and that the Consequence to be expected from such an Experiment, in such a Disposition, were rather Rage and Resentment, than Submission and Resignation: It was but natural that he should be stung with the Affront, and that from such violent Treatment he should derive Pretences and Excuses for having recourse to Methods as violent to gratify his Revenge; which the angry Man is but too apt to call doing himself Justice.

It is indeed mention'd to the Honour of those in Power at this time, by Mr. *Echard*, that the Reins of Government were now held with a more strict and steady Hand than in several Years before; which he exemplifies in several Particulars: As, that the Lord Mayor and Sheriffs were very active and vigilant in suppressing the Clubs and Conventicles of the Malcontents: That the News-Papers in the Service of the same Party, were by Authority prohibited, and all the Hawkers silenc'd: That the Mob, on the 7th of *November*, having shouted forth a *Monmouth!* a *Monmouth!* and committed some Disorders with that obnoxious Name in their Mouths, the Trained-bands were let loose upon them, and several, being taken, were punished with Imprisonment, Fines, Pillories, &c. and that, in particular, an Order of the King and Council was issued, commanding, (1.) That no Person whatsoever should presume to make

and admitted to Bail.

A Spirit of Severity prevails in the Government.

(1.) Of this Affair, Mr. *North* gives the following circumstantial Account, as tending to the particular Honour of his Brother the new Sheriff, as follows:

"Against the 7th of *November*, 1682, there were made the extraordinary Collections, and Engines set to work upon the Fabric of various Poppinies, and the whole Proceeding was to come out with many Alterations and Additions; and all People were alert in expectation of seeing this fine new Play.

The King was then resolv'd to hinder the Execution of that Design; and it was greatly deliberated which way to do it. The King was for that of the Magistracy of the City, who ought to do it, and were now willing, if they could, and so long they ought. Others, that had an Idea of popular Fury in Extremity, thought it was impossible to beset one so easily. Of which Number the Lord Chamberlain, *Norton*, was one; he thought the Rabble, what the Zeal, and what the Spirit, were set upon it, that it would be very hard to put them by. Some, as of course, were for Horic and Foot without more ado. But the King would speak with the Magistracy. So the Lord Mayor and the Sheriffs attended; that is, *Sir John Mow*, and *Sir Dudley North* and *Sir Peter Bult*; which two latter, with several other

had been chosen Sheriffs not long before. And, when the Occasion was told them, and that the King expected they should prevent the intended Riot on the 17th of *November* Instant, *Sir Dudley North*, the elder Sheriff, stipp'd forwards, and said, that, having his Majesty's Command, and a little Assistance in reference, if he wou'd if *October* were, they should not but to take away a Poppet from any one that should pretend to fight it. That was his *Leisur*ing Manner of expressing himself. The King heard this with the greatest Satisfaction imaginable; and, turning to the Lord Chancellor, ask'd him there, my Lord, said he. And his Lordship then ask'd Mr. Sheriff *North*, how he propos'd to do this? The Sheriff answer'd, that they would have a Company of the City Trained bands in the Exchange, to be ready to fight, if need were; and, if his Majesty is pleas'd, a Company of his Majesty's Guards might be employ'd; I ample that, that, in any Disturbance was considerable, might be set for to fight in the middle of it, (that he wou'd think there would be no such Occasion) he was ready to the contrary; but they wou'd do the Business with us by their ordinary Officers.

This frank and clear Declaration of the City Sheriff was so opposite to the usual Dealings of their Predecessors the former Year, and agreeable to the King's own Judgment and Expectation,

A. D. 1682.

make any Bonfire, and other Fireworks, without special Order fo to do from the Lord Mayor and other Magistrates." Which being enforced by the Magistrates of London, and the Justices of Westminster, Guards without the City, and the Militia within, had such an Effect, that, tho' great and notable Preparations had been this Year made for the annual Burnt-offering of a Pope, his Holiness was repriv'd, and the public Peace effectually preserv'd.

But though the Cabinet was thus absolute without-doors, it was not in repose within. If his Majesty had the Pleasure to see his Counsellors endeavour to outstrip each other in his Service, he had also the Mortification to see that they jostled each other for the Reward; and to find, that he was not in a Capacity either to satisfy their Cravings, or put an end to their Importunities. Death did not make Vacancies last enough: And every body was careful not to incur the Disgrace of being remov'd. Thus his Majesty's Difficulties rose from such a Circumstance as seem'd to argue him under no Difficulties at all; and it became finally necessary to sacrifice Gratitude to Policy, or, in other Words, oblige the Men of former Service to give place to those of present.

Intrigues of the Cabinet.

There were two great Officers who were within this Predicament, the Earl of Radnor Lord President of the Council, and the Earl of Anglesey Lord Privy Seal. If both could have been remov'd, the Peace of the Cabinet might have been effectually preserv'd, perhaps, by the Admission of the two principal Claimants into their Places, the Earl of Halifax, and Mr. Seymour. But the King had his Reasons why he would remove but one at a time; and at last determined that this one should be Anglesey; for what Reason, and

under what Influence, the Sequel will explain. Nor was even he to be remov'd without some Pretence; and either that Noblemen's Conduct had been so faultless, or so circumpect, that no better could be found than certain Passages in a Book of his, which had been publish'd in the preceding Year, in answer to the Earl of Castlehaven's Memoirs of his own Conduct in the late Wars of Ireland. These Passages were deem'd to cast a Reflection on the Memory of the late King; no less a Man than the Duke of Ormond, was call'd upon; not merely to enter the Lists of Controversy with the Earl, but to prefer a Complaint against him at the Council-board; and tho' his Grace acknowledges, in that very Complaint, That there had been a Course of above Twenty Years free and friendly Acquaintance and Correspondence between them, he was prevail'd on to be the Court-Instrument in this Jobb, and to please the King and his Brother, at the Expence of his Friend. His Historian, indeed, insinuates, that the Task was disagreeable to him: And no doubt it was so; which increases the Wonder, how a Man of his gallant Turn could stoop to to mean an Office, unless it can be suppos'd that Obedience, without Reserve, is the Sum of all political Virtues.

A Controversy between the Duke of Ormond and the Earl of Anglesey.

This Complaint of the Duke's was prefer'd June 17, containing in Substance two (7) Articles. 1. That the Earl had injuriously reflected on the late King in his said Book. 2. That he had maliciously endeavour'd to calumniate and asperse the Duke of Ormond; and produc'd an Order of Council for the said Earl to attend the Board on the twenty-third, which he did (tho' not able to stand, because of the Gout, with which he was at that time afflicted to the last Extremity.) And

Expectation, that it fill'd him with Content as to this Affair. And, when the Time came, it happen'd as was prognosticated; for there was nothing like the Noise of extraordinary Forces. The Faction found there was to be no Boy's Play now, nor any Conivance of the Magistrates, but, on the contrary, right down Resolution in earnest to suppress the Disorder; and the Faction not being economica'd for making a Push upon the Main at this time, they wholly withdrew, and gave up the tumultuous Game for lost. And the Sheriffs, mounted in a Caparison with their blue-coat Attendance, rode the Petrolvile about the City almost all Night, and no use attempted to make a Bonfire. Such is the Force of a regular Magistrate's Authority to keep the Peace, if he be resolv'd to execute it, and neither for Timidity or Perfidy fails of doing his Duty. About Three in the Morning, the Sheriffs were inform'd, that, in a back Building without Bishopgate, there were some Pigeons discover'd; if they went, and, upon Search, found a Parcel of equivocal Monsters, half-fowl'd, like those fabled of the Mind of Nilus. Legs and Arms by couplet above, Heads under'd, and Bodies un-headed, with the Windrose and Timber-work wherewith, if this Interposition had not come, and the Game turn'd from fell to Earnest, all the Shew was to have been compos'd. But woe! was the Case; for these mangled Beginnings of human Reformation, being hal'd forth into the street, made no small Sport among the very same Rabble as were to have been divert'd with some another Way in more Perfection. Thus ended this *Discoloraria*, never to appear again, till like Mithras's are hatching, and encourage'd to take another Tour in the same Form as was here intenc'd. *Examen*, p. 579. 580.

[2] It also contain'd the following Passage: "The Duke of Ormond humbly conceives, that, at least while the Lord Privy Seal and he have the Honour to be of your Majesty's Privy-Council, and in the Stations they are, it will not be fit for him to publish such an Answer to the Lord Privy Seal's Book and Letter, as might otherwise be necessary in vindication of Truth, in late Majesty's Justice and Honour, and his own Integrity." His Grace's own Historian also says, vol. II. p. 521, "That it was not till he had receiv'd repeated Or-

ders from Court, that the Duke wrote and sent over an Answer to the Earl's said Book; which, continues he, I have read in Manuscript, but was never printed: Both which Passages seem to insinuate, that the Duke had never printed any thing against the Earl: Whereas the Earl, reflecting on the Passage in his Grace's Representation just quoted, says, "The Earl does not know what the Duke means by saying, That at least while the Lord Privy Seal and he, being, which he would insinuate it fit for the Earl to be dispos'd to make room for that long-threaten'd Answer, that he might have the more home and fuller Stroke at the Earl before your Majesty, when he hath endeavour'd but cannot hurt him before your People."

And it appears that it is but a new Fancy and Consideration taken up by the Duke; for when he was pleas'd not only to write, but *publish* his virulent Letter of the 12th of November, against the Earl, it had not, it seems, affected his Thoughts as of any Import; and still since then, that it is too late and dishonourable an Appeal to be made to your Majesty, after the Duke hath done it, without Notice, in *Prise* to the People, and would never, if possibility have been attempted, but that he thinks be hazardous in a more happy Conjunction, or hath entertain'd some groundless Hope of Favour by the Earl's Deposition, which he will never in the least apprehend from a just Master that he hath faithfully serv'd to long.

And therefore the Earl, conceiving that the Duke hath already in Print charged him with all he hath to say, and more than he can make good: And three being his Obligation of Honour lying upon him to publish an Answer to the Lord Privy Seal's Book, which (without Defence or Respect to him) would be necessary in vindication of Truth; and the said Earl, so ways apprehending the Danger of such an Answer, humbly beseecheth your Majesty, that the Duke may be at Liberty and encouraged in his worthy Design for Vindication of Truth by his Answer, without regard to the Earl, who is ready and willing to be arraign'd upon for the Truth's sake, and should much more what the Duke says with vain Hopes, whether or insinuate to your Majesty, than any thing he can or fall think fit to publish for that End."

And when the King came in fifth, in a personal Address to his Majesty, signify'd, that he should rather have expected the Duke of Ormond to have complain'd of the Earl of Castlehaven's Book, which aspers'd and scandaliz'd his Royal Father's Government, and represented his Protestant Subjects of Ireland as Rebels, and the confederate Irish Papists as Loyal Subjects; than against his, which was calculated to vindicate both; and which had done it so effectually, that the Earl of Castlehaven, himself, in his Preface to the second Edition of his Book, had confess'd, that himself, and the said Irish Confederates, were, indeed Rebels; and, that all the Water in the Sea could not wash that Rebellion off that Nation: And then refer'd himself to a written Vindication, which he then presented to the Board.

Not to enter too minutely into the Particulars of this Controversy, it shall suffice to say, that in the said Vindication, the Earl, having first reprehended the Duke for applying to his Majesty by *Representative*, when it was his Duty, as a Subject, to have done so by *Petition*, affirms, That the Book was intended as no more than a private Correction of the Lord Castlehaven, to whom it was accordingly sent, and thro' whose Hands, not the Lord Privy-Seal's, it found its way to the Press; and concludes with a Request, that his Grace of Ormond would in due Form of Law, and by legal and certain Articles charge the Earl with Particulars, to which he may answer by Advice of Council.

On the 13th of July, the Duke exhibited the (A) Particulars thus call'd for. On the 27th the Earl deliver'd in his Answer, and both the Lords having been respective-

ly heard; and being withdrawn, it was resolv'd at the Board, "That the Lord Privy-Seal's Letter to the Earl of Castlehaven, was a scandalous Libel against his late Majesty, against his now Majesty, and against the Government." But no particulars were mention'd to ground that Censure upon. And when the Parties were call'd in again, the Lord Chancellor only told the Lord Privy-Seal, That the King conceiv'd him faulty in one particular Clause of his Letter, not made a Part of the Duke of Ormond's Charge, wherein the Committees of the Parliament of Ireland were mention'd as having been concern'd in the Intrigues of the Popish Faction at Court; but that the Council had appointed his Lordship to produce the Vouchers, mention'd in his Answer, in order to a further Hearing on the next Council Day, August 3. But in this Interval, the Earl, by the Entries in the Council-book, having found the Cause to be already prejudg'd, declin'd making any further Appearance; but, instead thereof, sent a warm, expostulatory (1) Letter to his Majesty under Cover to the Lord-Privy-Seal, on the visible Partiality of this Proceeding; not without some home Reflections on the Council-Board, for having usurp'd a Power to sit in Judgment on a Peer, for libelling, not warranted by the Laws. On the Day appointed for the Earl's further hearing, this Letter was read; and, if debated, produc'd no Revolution; only the Lord Castlehaven was examin'd in his Turn, and his Book was pronounc'd, A Scandalous Libel against the Government, as the Lord Privy-Seal's had been before. And thus the Controversy rested till the 9th, when it was brought to the intended Issue (m) by

A. D. 1682

Mr.

(A) *See* "J. The Collations and Pieces disseasable to the Crown of England. Page 27.

II. Of advantage only to the *Libel*. *Ibid.*

III. Destructive to the *English Protestants*. *Ibid.*

IV. That therefore the Lords Justices and Council were from the Beginning averse to them. Page 60.

V. That for the same Reasons, the Sheriff, and most of the English Nobility in Ireland, and the Generality of the English, Scotch, and Irish Protestants, of all Qualities and Degrees, known or later, opposed both the Collations and Pieces. Page 65.

VI. That amongst them were found the Earl of Kildare, *Thames*, &c. *Ibid.*

VII. And that the two first Pieces were against Law, and several Acts of Parliament in both Kingdoms. P. 64.

(B) Some Colleges of which were as follow.

Speaking of the Council's Resolves against his Book, he says, "Your Majesty may imagine with what Annoyance, as well as Trouble, this came to my Knowledge; I should wish, less Concern had been a Dagger at my old, faithful Heart, than to have receiv'd the Wound I have from your Royal Hand, after three-and-twenty Years faithful and diligent service under your Majesty's rule."

After which he proceeds thus: "I do not know by what Right or Authority the Council-table, who are limited by the Law in those jurisdictions, take upon them the Trial of a Peer for pretended Libelling; tho' I should be glad to see their Zeal against real Libelling, which is the dangerous and unchristian'd Sin of the Age."

I am impartial, at present, under my Misfortune in this, thro' your Majesty, who hath so often declared to your People, that you will govern according to Law, will not deny your old Service a fair and legal Trial, to some one of your Courts of Justice, upon the Points whereof the Duke of Ormond hath accus'd me, before they take my Impression on your Majesty to my Prejudice; and then, I no ways doubt, by a due Administration of the Laws, I shall by Juries legally impartial and unsway'd with, which is the Right of every Subject, be restor'd to your Majesty in this Affair, under a Character more suitable to that unchristian'd Reputation and Honour, with which I am arriv'd at old Age. But

if the Duke of Ormond, upon his Prosecution of me before those Judges who have Power to hear and determine, shall, by applying his Defect of Proof in Council, convict me for a Libeller, in any one Point of his Charge, I shall not only deserve your Majesty's Censure, but the utmost Severity of the Law in my Punishment, which may gratify the Ambition of those who promote, and wait for, my Surplusing."

Again: "And no longer as any fact shall dare to come to Court, and by their Factions spread Libels, to the Scandal of all legal Proceedings, and the expensating your People daily, in support of the wile Provision the Law of the Land have made against them, neither your Majesty nor your Kingdoms can be safe, but the Seeds of Sedition will grow up to Confusion."

(C) Possibility might farther to know, that this Controversy was no secret, tho' decid'd, than the most material Parts of it were made public; it may be prov'd, by the Earl's own Dictation: And in the Close of those Papers, care is taken to lead the Nation into a Belief, that the Ground of his Lordship's Displeasur was his Zeal against Popery, which was figur'd to be flowing in upon them: And that the only way of keeping it out, was, by laying about an Union of all his Majesty's Protestant Subjects. In support of which Opinion, a Letter from Dr. Merly, Bishop of Winchester, to his Lordship, dated July 28, 1679, is inserted entire, for the sake of the following remarkable Paragraph.

"You know what I was for in the late Session of Parliament: I mean not a Comprehension, but a Coalition or Incorporation of the Presbyterian Party, into the Church, as it is by Law established: And I am full of the same Opinion, that it is the one only essential Expedient, to hinder the Growth of Popery, and to secure both Parties: And I am very confident, that there are no Englishmen in the World (the Scotch only excepted) that would not conform to all that is required by our Church, especially in such a juncture of time as this is, which it ill I have to say as to that particular, at this Distance."

There is also a posthumous Paper in Print of this great and learned Latin, call'd, *The Earl of Arundel's State of the Government and Kingdoms, perpetu'd and inveterat from his Majesty King Charles II. in his Year 1682*; which contains

Advised





That he deliver'd it more jealously than he had receiv'd it.

Thus one of the desir'd Vacancies at Court

occurl'd; and now the greatest Difficulty was become who should fill it. We have already mention'd the two Rival Candidates, *Hallifax* and *Mr. Seymour*, for it.

A. D. 1682.  
Hallifax and  
Mr. Seymour,  
for it.

or the best Information that may be had shall guide you, by your own private Mind, that others may not receive the Thanks and Dependence due to you first.

As for the other, which is Qualification, let your Majesty's Love and Clemency to your People make it appear to proceed from you unwillingly and of Necessity, for the Support and Strengthening of Government, and to be executed, that it may not seem or be such as is suspected to come from any Principle of Crashty, or Delight in the Prefecture or Fall of any Person. The known Clemency of a Prince and Indulgence to Mercy, doth not to oblige Subjects, than the known Ingratitude of David or King; it being natural in the worst Term to run aside, if he be unmercifully trod upon; and Debase to please, or secretly conceived Jealousy, many times exceed the Loss of most useful and honest Servants.

4. I know your Majesty to be a great Patron of the Church and Church-men, and therefore let their Sakes (who are seldom safe for themselves) I presume to propose, that you will never countenance any of those that shall busy themselves with Matters of State and Government out of their Sphere. In all my Reading and Experience I find, that in the most dangerous Disorders and Revolutions of the World, they have ever had a principal hand; whom their chief Work should be to pray for and promote the Peace of Church and State, in the Calling God both for them. And if never you come under any Opposition or Knowledge, that any Kingdom was happy or prosperous where they had not great an Influence, since the primitive Time and Zeal; nor that ever it succeeded well to themselves, or gain'd upon those under their Charge, when they shew'd themselves active in Temporal Affairs, leaving a Calling competent to employ the whole Man, and are to give themselves in all Diligence and Piety, wherein they are promised a Blessing, as their great Father hath written them. *For his Kingdom is not of this World;* and that they should not fight, nor strive, nor tempt themselves with the Affairs of this Life.

As a prime Foundation of your Majesty's Gracious and Honest, let the Settlement and Increase of your Majesty's Revenue be laid to heart. Have often solemnly consented to for your Majesty, who have the greatest and surest Revenue of any Potentate in Christendom; but our many times brought to lack great Strength, by the ill Management thereof, that I know not whether your Majesty did not enjoy yourself more in the time of your Exile, being deprived of all your own, than you do now; and your Servants and Followers better contented with Hopes and Expectations, than they are now with their lack Enjoyments, Retrenchments, and Suspensions.

Towards the Redress hereof, such should be sought out and encouraged, that are able and willing to improve your Revenue to the best Advantage, without greedy Purloin of their own private Gain. Such Men no doubt your Majesty's Kingdom doth stand, and may be found; and by a full Calculation of the vast Estates some have rais'd to themselves by a hoole, law, and despicable Way of ordering it, will appear how, and by what Means, your Majesty becomes poor, which others seldom as your Riches; and what a vast Treasure you are at, till this great Waste be vigorously taken in hand, and regulated; by which no doubt your Revenue may be rais'd at least hundred thousands of Pounds Sterling, above what it now amounts to. Let me bear the Disgrace of being accounted an Impudens, if I esteem not what I have said; and then your Majesty will be the best Judge how you have been ever since your Restoration; tho' I scarce note that have serv'd you otherwise, but desire all Honors and Favour may be retained and augmented, upon condition that they who have had the Misfortune to give it as words a Christian; or coming thof of doing your Majesty that Service which is now proposed, may with Patience, and without Envy or Strife, see you better serv'd by others for the future.

The thank Service of your Government being thus enlarged and strengthened, and the Design appearing certain to your Majesty, I sin humbly propose,

1. That the Greatest of your Household may be reduced to that of your most renowned Predecessors. This will add advance your Honour and Respect both at home and abroad.

2. That the Security of your Majesty and Government may be cared for, by a well established Provision for your two Guards, and the unanimous Love of your People, which I will not desire to see, may make your Majesty judge it a dangerous Charge, and for the old Guards your Majesty's Ancestors were serv'd, with the strict Attention of all your Subjects (which you will desire as well as any that ever enjoy'd the Succession of his Kingdom) sufficient.

3. To uphold your sovereignty of the Sea, and to preserve your Majesty's being serv'd and regulated abroad, and your Subjects accustoming themselves safe at home, and in

their Trade and Commerce to all Parts of the World, whether they shall carry your Name and Fame, offering more countries more than a powerful Fleet; which the Great House of Assize, and the Charge thereof in that being all the World over, require should reach each choice of your Predecessors, tho' they ever claim'd the Dominion of the Sea; and that the best Use may be made thereof, and with best Husbandry and most Certainty, till your Successors, Yards and Wharfs, may be neatly replenish'd with all warlike Instruments and Necessaries whatsoever, for the speedy Service out of Ports to Sea, and your Ships kept always in good Repair for that end; which which each Subject may happen as we have formerly set, and Occasions for Service, never again to be recover'd, may be lost; both being equally disadvantageous and mischievous to your Majesty and Kingdom.

4. The next thing to assure the Obedience of your Subjects, and to advance your Majesty's Honours and Revenues among all, is to provide that the Course of Justice may run uninterrupted; this being the chief End that the chief Magistracy, or Kings, are advanced above their Brethren, and have a divine Stamp set upon their Authority, as a Seal of Awe and Obedience. In order hereunto, let your Majesty's principal Care be to chuse freely the most able and honest Men, and of the greatest Integrity, for Judges in all the Courts; they who youth others had stood by very unblameable themselves; and here it ought to be considered, whether of all Persons Judges should not hold by the strict Term, and enjoy their Place *perpetua, a bene placito*, at least, and never be discommodated or displaced, but upon good Proof of Crimes or Offences which render them unworthy that Trust and Dignity, and their Pardonment for which will rejoice your Subjects; they of all Men ought to be placed above the Temptations of Hope or Fear, as much as it is possible, in their Judgments will run down like a Stream, and Righteousness like mighty Waters.

And where Justice is to flow immediately from your Majesty, as towards all Officers and Domestic that hold by no Tenure but your Royal Pleasure, care would be taken of every Step leading therto. Pickthack Informers and Sycophants are the worst Instruments that can get into Princes Courts; but if they do, they are not to be admitted to the King's Ear. Nevertheless, if Informers happen, let your Majesty be so upon your Guard, that no Man be uninform'd, loose down, or raised by a Whistle.

Another main Branch of Justice is that you may be King of all your Subjects Hearts: To find out Ways to unite your People; and, for that happy End, to avoid countenancing divided and dividing Addresses, and Invasions upon the Liberties and Franchises of your People, granted by your Royal Predecessors or yourself; especially when the Trust and Design of them is void, or hath in it from your own Court, or tend to foment Hates and Discontents, and raise Jealousies.

The great Lord Baron Vilcoast St. Alban, who was not only a wise Statesman, but Lord Chancellor of England, advis'd the King to be no Faction or Party, but to make use of, and be above, all, if any be in his Kingdom; or they will much prejudice his Authority and Estate.

I could rejoice to see your People unanimously kind to your Majesty; but for any to pretend it in diminution of better Subjects than themselves, and in Ways provoking, offensive, and reproachful, tending to the Disquiet of your Majesty, and Disturbance of the Peace of the Kingdom, all good and wise Men from their very Souls abhor, as Time will show when this Land-Book of Commerce and Honor, if ever justly in Practice, hath been laid off which it will force us, if not ungenerously kept up and countenanced; In which case, as a Kingdom divided against itself cannot stand, so if my Tears upon such Intrigues traced out the Beach be wide as the Sea, I have deliver'd my own Soul by this timely Warning, which I hope you will graciously consider.

To conclude: Tho' your Majesty is in your own Prerogative above the Reach of Law, and Sovereign of all your People; yet the Law is your Master, and Justice due to him to govern: And your Subjects assure themselves you will never attempt the countering that Law by which you are King, and which you have not only by frequent Delinquencies, but by solemn Oath upon your Throne, been oblig'd, in a most glorious Presence of your People, to the Maintenance of; and that therefore you will look upon any that shall propose to advise to the contrary, as such Persons to be near you; and on those who shall persuade you it is lawful, as for'd Predecessors, and the word and milk of Goshawk's Enemies; you and your Kingdom have. What I say before your Majesty, I have written freely, and like a fervent, faithful Counsellor; perhaps not like a wise Man with regard to myself, as things stand; but I have discharged my Duty; and shall count it a Reward, if your Majesty vouchsafe to read what I shall not but write, and which I beseech God to give a Blessing to.

A. D. 1682.

fax and Seymour, of whom the first had the most signal Services to urge; and also the best personal Interest in his Majesty; which was, perhaps, the Circumstance of most Weight in his Favour. Seymour, we learn, by an unexcusable Roughness of Manners, without the Sanction of an over-scrupulous Life to instance it, had made himself many Enemies, and among them the King, himself; to whom he had the Rashness to lay, upon what Occasion is not specify'd, *Sir, how long will your Majesty prevaricate with yourself?* But then he had Hyde, Lord Rochester, for his Friend, who, in Virtue of the Confidence repos'd in him by his Royal Highness, his Place in the Treasury, and his (n) Alliance with the Duke of Ormond, divided the Cabinet with Lord Halifax. The worst was, that these two Lords, instead of making use of their Power to dilate, had enter'd into mutual Engagements to forward and assist each other. This laid Lord Rochester under a Necessity to work with the utmost Caution in so nice an Affair, as that of favouring Seymour against the Pretensions of his Colleague: And, accordingly, he rather chose to divert Lord Halifax from pursuing them, than avowedly to oppose him. Thus he had been instrumental in causing him to be rais'd to the Dignity of a Marquis, which he had never sought, in Hope he would think such a Step in the Scale of Honour an Equivalent for the Office he had: And possibly, when it was found, that both the Claimants were alike resolute to have their Share of Profit as well as Honour, he also put in Practice that Stratagem to content both, which Ferguson speaks of, by worming out the Lord-President as well as the Privy-Seal: For according to him, a Message was sent to the old Man in the King's Name to compliment him out of his Place, by signifying, that on Account of his Age and Infirmities his Majesty was willing to dispense with his Service; it being presum'd, that, on the first Intimation of any thing tending that way, he would have thrown up in a Pet. But, contrary to his usual way, having, perhaps, been forewarn'd of the Share by those who had an Interest in rendering it fruitless, he took time to consider of the Message, and undertook to return the Answer to the King himself; who, upon that Occasion, testify'd such a Surprise, as shew'd that those who had usurp'd his Name, had not consulted his Pleasure; so that the Fraud being detected, the Purpose was defeated. And upon the Issue of all, Lord Halifax carry'd his Point, and Seymour, in Resentment left the Council-Board.

[Life of Lord Rochester, p. 228.]

Lord Halifax shew'd it to Seymour before the Council.

This was a double Mortification both to Lord Rochester and his Patron; For in Proportion to the Superiority of Power shewn by Lord Halifax on this Occasion, the Necessity appear'd of balancing it, and by losing in Seymour, a Voice in the Cabinet, they were become weaker when they most stood in

need of Strength. Some other Person was therefore to be introduc'd on their Part, of such Talents, Abilities, and Practice in Business as might once more make the Scales even. No Person about the Court better answer'd this Demand in all Respects, than the Earl of Sunderland, who, tho' Brother-in-law to Lord Halifax, was thoroughly and heartily his Enemy, or at least endeavour'd to be thought so: And this was Merit sufficient to atone for his past Conduct with respect to the Exclusion-Bill, and all the other obnoxious Measures of the Malcontents, in which he had engag'd himself almost as deeply as any of them. Bishop Burnet estimates, that it was the general Conclusion of the Public at that time, That he had gone into the Opposition by the King's own Direction, "Who, says he, naturally lov'd Craft and a double Game, that so he might have proper Instruments to work by, which way soever he had turn'd himself in that Affair." And, if so, it must be presum'd his Reconciliation met with no other Obstruction, than what arose from the Animosity of Lord Halifax. The same Prelate farther adds, That the King had an entire Confidence in him; that he was deep in the good Graces of the favourite Duchesses, and that Lord Rochester dispos'd the (e) Duke, on his making great Submissions, to receive him into Favour. All which Particulars being also admitted, it follows, that the King, himself, was, in this Instance, of the Party against his Favourite, as in the Disposal of the Seal, he had chosen to declare for him: Nay, there is Reason to think, that the Admission of Lord Sunderland into the Cabinet was the Fine he paid to the Duke for Leave to make that Promotion; for the former took his Place at the Board, September the 20th; and the latter was not actually constituted Lord Privy-Seal till October 28. And on the other hand, as if to make the Lord Privy-Seal Amends for this Preference, tho' Lord Sunderland was taken into Confidence in September, he was not gratify'd with his old Place in the Secretary's Office, till the 28th of January following.

The Earl of Sunderland takes on the Great Seal.

Vol. I. p. 511.

Which was done a Quarter before the Earl of Sunderland.

Mem. p. 191.

No sooner, however, did it appear, that Lord Rochester had taken Lord Sunderland by the Hand, than the Marquis look'd upon it as a Breach of the League offensive and defensive, till then subsisting between them, and there is Reason to believe, had express'd himself accordingly: For we find him at once acknowledging to Sir John Ker, that the King had bid his Commands on him to live upon good Terms with Lord Rochester, and declaring, that, however dutiful he was to obey his Majesty, that Minister should give him sufficient Assurance, that he was more a Friend to him than Sunderland, before he should think it advisable to place any Degree of Confidence in him: That, in the mean time, he would keep in his Corner,

(e) The Earl of Orléans the Duke's Grandson had marry'd the Lord Howe's Daughter, through the Interposition of his Royal Highness.

(f) Mr. North, in the Life of his Brother the Lord

Ker, is express, that Lord Sunderland was brought in by his Royal Highness's aid; not without the Assistance of the French Ladies, among the Duchesses of Portsmouth and Mazarine.

and be attentive to whatever might be for the King's Service, and not be afraid to acquaint his Majesty with whatever was transacted to his Disadvantage, whoever were concern'd in it: And in time, that as Opportunities offer'd, he should not fail to distinguish those that were his Friends, from those that were otherwise. The plain English of this was, that the Marquis, perceiving his own Ruin was meditated, resolv'd to prevent it, if possible, by ruining his Rival. And he very well knew that the Treasury was a Province, which, if not manag'd with as much Integrity as Ability, would furnish him with very tempting Opportunities.

Boards of Treasury were then held at stated times in the Sovereign's Presence; and thence it follow'd, that all the Lords of the Cabinet had an Insight into the Transactions of that Office; and consequently were in some Degree enabled, as well as enabled, to detect and expose Neglects and Abuses. Now, whether it was in this formal way, or by any more secret Counsel that the Lord Privy-Seal came by his Intelligence, we learn, that his Lordship, soon after this Misunderstanding broke out, made such Discoveries of Mal-Accumulation in the Treasury, as greatly affected the Credit of the first Commissioner, Lord *Rocheſter*, and made Injustice of them, as caus'd him to be much dreaded and hated within Doors, and as much reverenc'd without.

The Story is told two ways: According to Sir *John Reresby*, no less than 20,000 *l.* arising from the *Church-Duty* had been misapplied to some Use or Uses which Lord *Rocheſter* could not but be privy to; and was much suspected to have heard of. According to Bishop *Burnet*, a Branch of the Revenue had been firm'd for 20,000 *l.* less than might have been actually had for the same Bargain. And Mr. *North* is express, That the unhappy Difference, as he calls it, between the Lords *Halsifax* and *Rocheſter*, was about the Bargain made with the *Farmers of the Excise*. Which is in the Right, is hard at this Distance to say; for, if Sir *John* was the Lord Privy-Seal's Confidant, and had his Intelligence from his own Mouth, the Bishop derives his Knowledge from the same Spring: But if, with the collateral Authority of Mr. *North*, it should be admitted, that the Prelate's Hint, as to the Ground of the Difference, is most to be depended on; there is Reason to think, he is mistaken in the man-

ner of conducting it; for he insinuates, the Lord Privy-Seal proceeded at first in a friendly manner with his Discovery, apprizing Lord *Rocheſter* of it, as inclining to believe him rather mistaken than guilty; and that he did not prefer his Complaint against him, till he found, that, instead of protesting, he protected those who were the Authors of the Abuse. Now all Contracts are made by the Treasury-Board, and consequently Lord *Rocheſter*, himself, must have been Principal in this; and if infinitum'd and mislead, might have disgrac'd, but could not prosecute those who had sav'd him to ill; And it is, besides, quite unreasonable and unnatural to suppose that he who was lying in wait for Revenge, would compliment it away. It must, therefore, be concluded, that, according to the usual Dictates of State-Rivalship, he proceeded to make use of the Advantage, as soon as it was found, and made all the Merit he could of the Discovery.

This is certain, that no sooner had he divulg'd it to the King, than the whole Court was divided into Factions; some applauding the Lord Privy-Seal, who alone had ventur'd to disclose the Fraud, and ascribing his Behaviour on this Occasion to his Courage, Fidelity, and Public Spirit, &c. when it was, perhaps, no better than a plausible way of gratifying a private Animosity; and others censuring him, as an officious Meddler, who, under the Pretence of his Majesty's Service, sought only to monopolize his Majesty's Favour.

As to the Result, the Charge was of such a nature, and the Accuser every way so important, that there was a Necessity of bringing it to a Hearing before the Council; tho' it may be gather'd from the Sequel, that the King had rather have been excus'd from the Trouble, since it only serv'd to shew, that he had not Power enough to do himself Justice. Sir *John Reresby* says, "It plainly appear'd that the King was so much a Loser; but such was the Interest, that Lord *Rocheſter*, supported, as he was, by the Duke of *York*, *Duchess of Portsmouth*, and Lord *Sunderland*, had with his Majesty, that little or no Notice of the Fraud was taken at this time." He should have added also, that such was the Management of the first Commissioner; for when the Treasury Books were refer'd to, as unquestionable Vouchers of what the Lord Privy-Seal had allegg'd, it appear'd that (p) *Three Leaves* which contain'd the

Particulars

(p) An honest Violation of the Earl of *Rocheſter*, in a single Half-year, was publish'd in the Reign of King *William*, possibly by the Misconduct of *Halsifax*, himself; in which we find the following Paterfamilias allusion to this Affair.

"The third Thing which the Reason of this noble Earl endeavour to find out, is his Possession (what did provoke me those all other things, because it seem'd to touch him as to his Justice and Integrity, for which he does so truly deserve, as to be honour'd) of the cutting of Three Leaves out of a Book containing the Account of the *House-money*, during the Administration of the Treasury in the Reign of King *Charles II.* together with other Scandalous Circumstances relating to this Affair.

But it pleases me infinitely to think I have the clearest Answer to give to this moving Sermon (but it is no more) which can possibly be imagin'd. No Man doubts of the no-

ble Earl's Wisdom and Foresight, and therefore it is impossible for any Man to conceive, that, if he had been inclin'd to any indirect Practice in that Matter, he would not have made use of his Power (which all will agree was very great, after the time when this was supposed to be done) to have damn'd all Possibility of a future Enquiry. But on the contrary, which I urge as a Demonstration of his Innocence, this whole Account is open at this very Day. And if any of the Lords of this noble Earl have a mind to examine into it, they may do it as soon as they please; and I dare say he boldly challenges them to do so. I have heard it said to Discourse by his Maligners, that he may be so bold now, because Sir *Ra. Traill*, Mr. *Argyler*, and Mr. *Shayle* are dead, and that the Challenge was never heard of before. To this I say, Tho' there be no more of yecumour and evidence Insinuations, yet I think it an Answer; that there are two

A. D. 1682.

Mem. p. 153.

*Subsequens  
Confessio  
betwe  
the King  
and Lord  
Hallifax,  
as also  
betwe  
the Lord  
and the  
Duke,  
and the  
Duke  
of  
Portsmouth.*

Particulars of the Transaction were cut out; so that whatever might be imply'd, nothing could be prov'd. And to keep Lord Hallifax, himself, from the ill Effects of the Maligency which this Business expos'd him to, the King, himself, found it necessary to say on the Day of hearing, "That his Lordship had done nothing in the whole Affair, but by his Order and Approbation." And as to the Duke, his Lordship gave Sir John Reresby to understand, That his Royal Highness had made it his Business to clear himself from having had any Concern on either Side; for the Fraud on the one hand, and the Discovery on the other, were the general Talk of the Town; but that his Highness should apply to him, before he would apply to his Highness. He told me also (proceeds the same Author) that he had, the Day before, been with the King, and that he was two Hours in private with him; and that he had observ'd to his Majesty, That a Report was spread, as if Lord Rochester was to have the Lord High Treasurer's Staff deliver'd to him; but that he was in Hopes there was no such Intention; for that it would be a great Reflection upon himself, and look as if his Majesty thought he had done wrong to the Man who he immediately so favour'd; and that his Majesty should say, *The Man should not be Lord Treasurer the sooner for what he had lately done as Lord Rochester*; and that his Majesty was angry with him for giving ear to so groundless a Rumour.

Within two Days afterwards, Lord Hallifax farther told his Confident, That the Duke had assur'd him, he was not in the least concern'd in the Difference between him and Lord Rochester; and that he had reply'd, he was sure his Highness could wish him so ill; and that, if he did, he should never do any thing to oppose him; but that, in such a Case, he should not be able to serve him with that Zeal he could wish; and that his Highness might possibly repent he had lost his Service, to the Degree he desired to use it for him: That he had done no more than he had been by the King commanded to do; and that there was no Man in the Kingdom so great, that he could be decently displeas'd with what was done at the King's Command: That he perceiv'd they, meaning Rochester, had a mind to rid their Hands of him; and that it was likely they might endeavour to make him uneasy in his Station, but that he would take care they should not remove him, *First*, Because he would stay with the King to be ready to serve him; and, *Secondly*, Because he had a mind to disappoint those who so earnestly long'd for his Absence: That his whole View had been to save the King Money; and that he knew no greater Service that could be done to his Highness, if he would but be pleas'd to look a little before him into Futurity: That the King indeed had made him a greater Man than he deserv'd to be; but that he had this

to say for himself, He was a Gentleman, and that his Highness ought in Justice to have some Consideration for those that bore Escutcheons, as well as for those that had none (*Some of the Duke's Creators were scarce Gentlemen*); and that for his part he should never say any thing to his Highness but Truth, which though, at first Sight, it might look a little plain and homely, nothing at the Bottom carry'd with it a greater Fund of Respect; and much more to the same Effect. That to this his Highness made answer, that what his Lordship had said seem'd to be very rational, that he was sensible of great Obligations he had to him, and that he never would forget them, but serve him in all he was able, and that so his Lordship should find.

This Lordship, it seems, had also, the same Day, an Interview with the Duchess of Portsmouth, not to make his Court to her, but on the contrary to shew her that he was able to stand on his own Bottom: For he told her, he found that, in case he should stand in need of his Majesty's Favour, he was not to expect many Friends on that Side of *Whitehall*; and that he made answer, That some who had been very much his Friends, meaning Rochester, came thither sometimes, and that the hope they would be as much his Friends again: That to this he reply'd, He was in much Doubt as to her Intercession, and good Offices, in such a Straight; but hop'd he should avoid the Danger of depending on them. Upon which her Grace reddening, and seeming to be in some Confusion, his Lordship took the Advantage to add, That, were he quite as young as he had been, he might be as well with her as other.

From the Court, as usual, the Dispute created by this Affair made its way to the Publick, and was publicly canvass'd, with the Freedom usual on the like Occasions; the Litigants taking part as their Passions and Prejudices led them, rather than Truth and Information. Thus all the Intersted, that is to say, such who had Dependances on the Exchequer, made it their Business to say all they could in extenuation of the Facts imputed to Lord Rochester; and all the *Maltcontents*, who expected from the Broils of the Cabinet to derive some Advantage to themselves, now shew'd a Disposition to forgive Lord Hallifax his Apology, and all the Ministers it had occasion'd, and extoll'd him as the Censor of the Age; insomuch, that he himself, tho' not sensible of their Praises, grew fearful of the Consequences; as that it might create a Jealousy elsewhere, which might injure him more essentially than this transient Gale of Popularity could serve him.

During this remarkable Court, the Lord

*The Lord  
Chancellor  
Nottingham  
died.*

Was

were by Gentlemen still alive, and of great Reputation for Integrity, who knew the whole Truth of this Matter; I mean Anthony Row, Esq; and William Bridges, Esq; and if

it should be thought fit to have them thoroughly examin'd, I do not in the least doubt but it will tend to the Honour of this noble Lord, who is ready to abide the severest Scrutiny.

A. D. 1682.  
Sir Francis  
North made  
Lord Keeper.

was appointed to be his Successor, with the Title of Lord Keeper; but not till after some little Demur, which we find largely accounted for by his Brother and Historian; in Substance thus:—

While Lord *Nottingham* was on his Death-bed, the King had in Person intimated to Sir *Francis North*, that the Great Seal, on the Chancellor's Decease, would be put into his Hands; and many other Notices of the same kind from many other Quarters were given him; not from Affection, or to do him Honour, but to put him on solliciting the Place, that the obtaining it might be thought a sufficient Favour, without the additional Pension which had been enjoy'd by Lord *Nottingham*; But Sir *Francis*, it seems, saw the Hook underneath the Bait, and instead of applying for the Seal, waited till they were offer'd to him; nor would even then accept the Truitt, without the further Inducement of an annual Pension of 2000*l*. (his Predecessor had 4000*l*. the ordinary Profts of the Seal being held insufficient to support the Dignity; which, after some Difficulty shewn on the Side of Lord *Rochester*, and some Reluctance on his, was at last granted. The King, putting the Seal into his Hand, said, with some Humour, but more Truth, *That he would find it heavy*; and his Lordship, in his last Sickness, verily'd that Prediction by saying, *That he had never enjoy'd one easy and contented Minute*, from the time he was thus rais'd to the highest Honour of the Kingdom. This no doubt was the Overflowing of the Heart; and tho' in point of Time we ought rather to comment upon it at the Close of his Lordship's Administration, than at the Beginning, we shall, for this once, make Order give way to Use; and by the Help of this, and one or two Passages more which Mr. *North* has slip't into his Life, endeavour to fix the Character, and account for the Actions, of this great Man; of whom our general Historians have said little, and his own Biographer so much.

[Life of Lord  
Keeper North,  
p. 241.]

We find it acknowledg'd by his Brother, or rather gloried in, that he seem'd the vulgar and insane Calumnies; that he was a Prerogative-man, and labour'd to set up arbitrary Power: That, in contempt of them, he labour'd as much as he could to set up the just Prerogatives of the Crown: That he had said, *That a Man could not be a good Lawyer, and honest, but he must be a Prerogative-man*: That he was sincerely of Opinion the Crown wanted Power, by Law; so far was it from exceeding! And these being his Principles, it is no wonder that his Practice was agreeable; and that the Court and he were so forward to embrace each other. But, if these were indeed his Lordship's Principles, it will follow, that either they were ill-founded, that is to say, That the King had Power enough by Law to extend Protection and exact Obedience; or that the Law, under his Lordship's Influence, was put to the Torture, and made to speak what the King would have it; for under legal Pretences only, without ever drawing a Sword, one of the mightiest and most aspiring Fac-

tions, that ever threaten'd the public Peace, was subdu'd, and the Weight of the Sceptre left a Bruise wher-ever it fell.

A. D. 1682.

It is farther manifest, from the Death-bed Saying of his Lordship's just quoted, and will become yet more so, from the Particulars of his Conduct in the Cabinet, as they rise, that when he adopted these high Notions of the Prerogative, he thought only of the Use, and not of the Abuse, more especially in the Hands of a popish Successor: And that a great Part of his Discontent must have arisen from a Sense of the mischievous Effects of that very Power, which he himself had so eminently contributed to establish. While he was only upon the Ascend, and had not gain'd the Summit of Prerogative, the King had the labouring Oar to manage against his People, and it was no difficult Matter to persuade himself that what was his Interest was also his Duty. But when the King became Master, and a furious Court-Faction put his Majesty on arbitrary Measures, which his Lordship was either to authorize at his Peril, or at his Peril refuse, his Eyes were open'd, he saw immensurable a great way off, and nearer had not a little of steady Prerogative at Court: And yet we are farther told, that he never had the Remorse to have in the least disserv'd his Country, by serving the Crown: Which, if true, serves only to shew, that, being falsify'd with the Purity of his own Intentions, he did not think himself answerable for Contingences and Events.

In fine, Bishop *Burnet* says of him, "That he had not the Virtues of his Predecessor; but he had Parts far beyond him: They were turn'd to Craft; so that whereas the former seem'd to mean well even when he did ill, this Man was believ'd to mean ill even when he did well." And, on the other hand, Mr. *North* enters this general Protest, "That, to his own certain Knowledge, his Lordship's great Study and Labour was to convince and dispose his Company (in the Cabinet) so as they might heartily co-operate with him in the glorious Work of bringing the King into the foundest Measures of the English Government; which were, to rule wholly by Law, and to do nothing which, by any reasonable Construction, might argue the contrary." Adding, "In this Design he was, in one respect, singular, for he had no Self-Interest, no Boons to ask, no Party to head, no Means to sustain an Interest at Court; depended on nothing but merely the Character he bore, and his own personal Qualifications. Some had the Protection of the Duke of *York*, and of the *French Ladies*; others were of the Lord *Hallifax's* Party; and some of the Lord *Rochester's*. But he was in the midst of all the Court, *solus cum solo*; alone by himself; at least after *Junkins* withdrew. But yet he urg'd continually the same Doctrine, that holding the Law (wherein I always include the establish'd Church of *England*) his Majesty was not only safe, but growing in Power and Credit, which, if he forsok the Law, would all fall retrograde, and scarce ever be recover'd." And, in another Place, we learn from the same Author, That once

[Ibid. p. 742.]

[P. L. p. 552.]

[Life of Lord  
Keeper North,  
p. 252.]

A. D. 1682.

in the King's Presence, the Discourse turning on the Subject of using Lenity or Severity in Cases of Tumult or Sedition; and some urging that Rigour, others that Pardon was most proper, his Lordship said, *That his Majesty's defensive Weapons were his Guards, and his Offensive, the Laws; and that Enemies were to be resisted by opposing Force to Force; but to be punish'd only by Law.*

Impartially speaking, as well from these Assertions for and against him, as from the Facts which are plac'd to his Account, it appears, that his Abilities were as eminent as his Places: That his Services to the Crown deserv'd the highest Reward the Crown had to bestow: That the Craft import'd to him arose from his Profession: That his Endeavours to advance the Prerogative, were not so much a Proof of slavish Complaisance, as that he was perswaded such Endeavours were then necessary to allay the Discontents of the Times; and that upon the whole, he was as (*g*) honour'd a Man, as the Habits of the Law, and his Attachments to a corrupt and factious Court, in a Licentious Age, would allow.

For the Lord-Keeper or Lord-Chancellor to have a Place in the Cabinet at all times, is almost a Matter of course; but in such times as these, when the great Business of the State was to set the Foot of the Sovereign on the Neck of a Faction, and the Law was the great Engine by which it was to be done, it was indispensable. But, as hinted above, Sir Francis North had a very considerable Footing there before, and was now only immo'd with a superior Title. And as to those who were his Associates there, we find them thus enumerated by himself: The Lord President, *Nesbitt*, the Lord Privy-Seal, *Hallifax*, the two Secretaries, Lord *Gowen*, and Sir *Leoline Jenkins*, the Duke of *Ormond*, and Mr. *Sydney Godolphin*. But Lord *Cowley*, who, it is agreed by all Parties, was rather a Man of great Interest, Fortitude, and Pleasure, than Business, soon gave place to Lord *Sunderland*, as already noted, much to the Mortification of the Lord-Keeper, who, we are told, had a thorough Aversion to him. And as to Sir Francis *Penberton*, and Sir *Edward Saunders*, the famous *Abolisher*, before spoken of, who fill'd the two other chief Offices in the Law, tho' they were of the Privy-Council, they had no Access to the Cabinet. This was also the Case of Prince *Rupert*, who dy'd about this time of a Pleuritic

Fever, in the 63d Year of his Age. By the Countenance he had shew'd the Malcontents, he had forfeited the Favour of his Majesty, and of course stood excluded from his Confidence. The last Act relating to the Public that is remember'd of him, was his introducing the first Set of petitioning Lords to his Majesty: And if he afterwards continued to herd with that Party, it must be presumed he did not rest into all their Excellence: For Persons of high Rank have ever the Eyes of the World upon them; and a Behaviour so inconsistent with his Obligations to the King, must have drawn upon him such Reproaches as no Length of Time could have effac'd.

Having mention'd the two Lords Chief Justices, it is requisite to enlarge a little on the Promotion of the one, and the Removal of the other. The King's Bench which had been held by *Penberton*, was the Post of the most Honour, but, withal, the most Business and the least Profit. It was, therefore, no undesirable thing to descend from thence to the Common Pleas; and *Penberton* was complimented into it to make Room for *Saunders* on the King's Bench. "When the Court," says Mr. *North*, "fell into a steady Course of using the Law against all kinds of Offenders, this Man was taken into the King's Business, and had the Part of drawing and perusal of almost all Indictments and Informations that were then to be prosecuted, with the Pleadings therein, if any were special: And he had the settling of the large Pleadings in the *Exchequer* against *London*." Now this was the main Business at present in hand, and this, the same Author, with the utmost Frankness, acknowledge, could not be trusted to Men of doubtful Principles, or such as any thing might tempt to desert them. And yet again in another Place, "And the Truth is, it was not thought any way reasonable to trust this Cause, on which the Peace of the Government for much depended, in a Court where the Chief (meaning *Penberton*) near shew'd to much Regard to the Law as his Will; and notorious as he was for little Honesty, Boldness, Cunning, and unaccountable Opinions of himself."— And yet this Man, notorious as he was, was twice made a Judge, and as often set aside, besides this (a) Removal, by King *Charles* the Second, And the very same Notoriety which is urg'd in Excuse for his being now translated from one Bench to the other, was before his Qualification

Sir F. Penberton removed to the Common Pleas, to make Room for Saunders in the King's Bench: Life of Lord Keeper North, p. 223.

Rebukes on his Affect.

Book 7. 223.

Dark of Prince Ka. part.

(\*) As his Behaviour on the Chancery Bench almost alone, is sufficient to demonstrate which is as large a room as of Mr. North, in his *Life*; and who, by way of Introduction, thus expresses himself concerning those who had presided there, on the same Bench before him: "The Lord *Pringle*, who was a very good Common-Law Judge, made a very bad Chancellor: For his timorous Manner of creating and judging abundance of Points, some on one side, and some on another; and possibly concluding that each should have a competent share; made Work for Registers, Solicitors, and Counsel, who drubb'd up Causes to his Honour. Then came my Lord *Godolphin*, like the Mouth of *Mary*; as they say, *is like a Lion, and not like a Lamb*; for he fearg'd not to speak what Ailes he would make of all the Council at the Bar; but was soon rebuk'd.— The Lord *Leining*, formerly Attorney-General, came in, and for there a great many Years. During his (a) the British, I cannot say the Justice, of the Court shew'd exceedingly. For he was a Formalist, and took pleasure in hearing and deciding,

and gave way to all kinds of Motions the Council would offer; imagining that if he left the Bar, and, with his Gold Salary, retir'd to his private house, the Justice was every day; and that speaking with Honour the People could not, who were more than his Law, and that not in a Respect. He then speaks of his Brother, the Lord Keeper *North*, "who, says he, coming after, and knowing how much the Suters crav'd by the *Flourishing* of the Court, and being no Concern in many things but the *Flour* of *Justice*, and Dispatch of the Suters; and ever regarding, that unreasonable Delay was the fault on the Suters, as Justice was in the End; and that if he were time, should not be in a Respect, rather than first upon the Bench, he put on his Thoughts to attempt a tolerable Regulation of the Court."

(a) Mr. North's testimony says on this Occasion, That Sir Francis *Penberton* returned to his Position in the Common Pleas, under Sir Francis *North*; which will be understood of his first Dismission from the Bench.

caution for Preferment. This was appointing Judges to serve a Turn, with a Vengeance: And, indeed, our *Biographer* makes no Difficulty to own it: But then he vindicates it at the same time with all the Art he is Master of. "This Question, says he, turns upon the supposed Integrity of the Government. They are, as all Governments must be, entrusted with Power; which Power may be used to good or ill Purpose. If it be to ill, it is no Objection to the Reasonableness of the Power, because Power must be. Here a Government is beset with Enemies, ever watching for Opportunities to destroy it; and having a Power to chuse whom to trust, the taking up of Men whose Principles are not known, is more than an even Chance that Enemies are taken into their Poison. Here the Government first consulted of the Justice of the Law against the City's Charter, and found by clear Advice, that it was forfeited, and ought to be accordingly condemn'd. And upon the Event, this Impudence pass'd; even the Peace of the Nation. Would any Government in the World trust that Justice to the Arbitrament of Enemies, or run the Hazard of having such? Or were it a Doubt of Opinion, would they not be sure of Men to judge whose Understandings and Principles were lock'd down? What is the Use of Power but to secure Justice? it may, it is true, protect the contrary, and so Men may kill one another." "The true Distinction is, when Governments use Powers that do not belong to them (as High Courts of Justice) and when they use only such Powers as are properly lawful, as the ordinary Courts of Common Law. It is a Maxim of Law, That Fraud is not to be allowed in Lawful Acts. If Governments secure their Peace by doing only what is lawful to be done, all is right."

When we use a Man's own Words, we cannot be accus'd of Misrepresentation: And these, it is obvious, contain a Mixture of Truth and Sophistry. All Governments must, indeed, have Power sufficient for their own Preservation; but then it is not merely for their own Sakes; nor to enable them to oppress; but to protect those they govern. In particular, Power is not the Creature of the English Government, to be us'd to Good or Ill; at the Discretion of those who possess it; on the contrary, as any Branch becomes a Nuisance, the Subject has a Right to insist on its being abolish'd: And it has ever been the Custom to insist on it accordingly. Not is even the Law itself, to be made the Terror and Veation of the Subject: *Empson and Dudley* took care to have it on their Side; and yet they were prosecuted and punish'd as Oppressors. And it is so far from being true, that all is rightly done that may be legally done, that, even to a Proverb, the Abuse of Law is reckon'd the worst of all Abuses. There is also another Maxim which has a broader Foundation, and has obtain'd more universally, than that above quoted by Mr. *North*, viz. The Public Good is to be consider'd above all Laws; nor ought it ever to be barr'd away on any Pretence whatever, to gratify the Cravings, or answer the

Conveniencies of a Court. And as to the Arguments drawn from the Influence of a Government's being beset with Enemies, and the Necessity of finding out *sure Men* to dispatch them, it concludes, too much. *Charles's* Government was beset with Enemies. Every bad Government will be beset with Enemies, and may avail themselves of the same Pretence. In which Case, what was expedient would be call'd lawful, and a Nation must be undone, that a Government may be safe.

As to the *Role* and Character of *Spencer's* *Life and Character of Spencer*, *Esq.* on whom this great Tract of condemning the City Charter was thus obscurely report'd, it is thus in substance given by Mr. *North*. "He was at first no better than a poor Beggar-Boy, in a Pitiful Fowling, without known Parents or Relations; liv'd on the Scraps which were thrown to him by the Attorneys, Clerks of *Chancery's* Inn; taught himself to write in a Small-Cafe Window; became a Halcyon-Writer; then an exquisite entering Clerk, and at last an able Counsel." As to his Life, says our Author, he grew a mere Lump of morked Flesh by continual Sotifmetes. And as to his Practice, his great Dexterity was in the Art of special Pleading; in which he would lay Snare that often caught his Superiors who were not on their Guard: And he was not out of Success for his Clients, that, rather than fail, he would set the Court hard with a Trick; for which, he sometimes met with a Reprimand. Lord Chief-Justice *Hale*, in particular, could not bear his Irregularity of Life; and for that and a Suspicion of his Tricks, us'd to bear hard upon him in Court. And yet we are farther told, That the King observing him to be of a free Disposition, loyal, friendly, and without Greediness or Guile, thought of him to be Chief Justice of the King's Bench at that nice Time.

There are yet two other Persons who, about this time, had the Honour to be admitted into the Bourgeois of Buinefs at the Council-Board; and these were the famous *petitioning and presenting* Earl of *Huntington*, who had now turn'd his Back on his old Friends for good and all, and the Earl of *Peterborough*, who had in long been in the Service of his Royal Highness.

And it is, in general, observable of this Year, that, tho' his Majesty had no War upon his Hands either by Sea or Land, nor had any very material foreign Negotiations to manage, nor Parliamentary Difficulties to struggle with, and consequently thro' all the High Roads to Favour and Preferment, his Subjects had never less Opportunity to arrive at either, Titles and Honours were scarce ever bestow'd with a more liberal Hand; for, over and above the Compliment to the Lord *Hollifield*, already spoken of, we find the great Malcontent of *Scotland*, the Duke of *Hamilton*, elected a Knight of the Garter; the Duke of *Ormond* of *Ireland* created Duke of *Ormond* of *England*; the Marquis of *Worcester*, Duke of *Beaufort*; the Lord *Norrey*, Earl of *Abington*; the Viscount *Camden*, Earl of *Gainsborough*; Lord *Dorcy*, Earl

A. D. 1682. Earl of *Holborn*; Lord *Windsor*, Earl of *Princetown*; Lord *Townsend*, Viscount *Townsend*; Sir *John Bennet*, Lord *Ossulton*; Sir *Thomas Thynne*, Viscount *Weymouth*; Colonel *Legg*, Lord *Dartmouth*; Lord *Alington*, Baron of *Wimondley*; and Col. *Churchill*, Lord *Churchill* of *Asynoth* in *Scotland*.

No doubt the *Heralds* have done all these Noblemen Justice, in specifying their Merits and Services in the Preambles of their several Patents; but as yet they have not been made the Substance of History? Only of the Duke of *Ormond* we find it recorded,

[*Life of the Duke of Ormond*, vol. II. p. 524.]

"That the Earl of *Rocheſter*, apprehending that the Marquis of *Bath* aspir'd to a still higher Title, and jealous of a Minister who was his Rival in Power, to prevent his getting the Part of the Duke of *Ormond*, propos'd to the King, and press'd him to honour his Grace with an *English* Dukedom; which his Majesty comply'd with, in consideration of his faithful Services as well in *England* as in *Ireland*; and particularly for his keeping this last Kingdom quiet all the time of the Plot, while *England* was in the utmost Distraction."

[*Confession of the Malicious* text.]

While the Court was thus in its full Flow of Prosperity, and distributing its Rewards among those who, it may be presum'd, had contributed to turn the Tide, those of the opposite Faction, seeing their Hopes blasted, their Strength broken, their very Popularity departing, and themselves on the point of being driven into the Toils on every side, fell into all that Confusion and Distress which great Disappointments bring on those who are not rather duly prepar'd by Reason and Philosophy for the worst that can befall them; or who have not Fortitude to bear it; or who have study'd more to act plausibly than wisely; or who have follow'd Ambition instead of Virtue? And among them all, the Earl of *Shaftsbury*, who had lost the *Intelligence*, who is accus'd of having boasted, that he would walk the King *deſerv'dly* out of his *Domitour*, and that he would make the Duke of *York* as great a *Yacoub* upon the Earth as *Cain*, sunk the lowest: On the very Night that the two new *Sherrifs* were admitted, as if the whole Magazine of Court-thunder was instantly to be discharge'd on him, he took his House, and sought a *Hidden* place in the City; where he staid for some time, as we are told, with a Mind so broken and disorder'd, that his very Dreams prompted him on rushing into the most desperate Dangers, by making an instant Appeal to the Sword:

[*Bills of Secret Trade Accounts* p. 9.]

[*Life of the Duke of Ormond*, vol. II. p. 518.]

But that, finding the Men of Action were not to be brought into his frantic Measures, he threw up the Game as lost, and with the utmost Privacy embark'd for *Holland*; being glad to seek an Asylum in that very Country which he had once so solemnly devoted to Destruction. Nor did his Mortifications end even here; for, upon his Arrival at *Amsterdam*, which he had chosen for the Place of his Residence, having solicited the Magistrates to be made one of the upper Burghers of that City, in order to be secure of its Protection, and the *English* Consul not only opposing it in the Name of the King his Ma-

[*Lord Shaftsbury* text.]

ster, but putting them in mind of his famous *Dilemma est Caribages*, as an unpardonable Sin against the State, his Suit was rejected; and, we are inform'd, he had not so much as a Compliment from the Burghers to countenance him. In this *forlorn* and despicable Condition he languish'd about six Weeks, surrounded with a few miserable Refugees; not one considerable Man of his own Party, unless *Bengwin* should be so call'd, chusing to do him Honour by following him into Exile; and then gave up the Ghost; under the Horror of what Compunctions, who shall say!

A. D. 1682.

[*Where he dies* text.]

Here let the Man of eminent Rank, Title, Fortune, Capacity, Greatest and Importance, pause, and reflect one Moment, seriously and solemnly, on the eminent Vanity of all those coveted and envied Possessions, when they become the Prostitutes of Ambition. Ambition was Lord *Shaftsbury's* Idol; to Ambition he sacrific'd all things: Ambition made him a Courtier; Ambition made him a Patriot; and to Ambition, tho' not above the usual Forms, he dy'd a Martyr. Mr. *Locke* writes to him a noble Saying, viz. "That it is not the Want of Knowledge, but the Perverseness of the Will, that fill Mens Actions with Follies, and their Lives with Disorder." And it is greatly to be lamented, that he did not apply it to the Regulation of his own Life, in which case, it had probably prov'd one continued Scene of Happiness and Glory to himself, and had been measur'd by an uninterupted Series of Services to his Country: Whereas, by making all his Powers and Faculties the Slaves of his Passions, he was the Instrument of Tyranny when in Power, and of Confusion when out; was ever expos'd to Troubles and Disappointments; was more hated than rever'd by his Associates always; and when he left the World, furnish'd his old Adversary the Duke of *Ormond* with Occasion to observe, to the Mortification of all turbulent Spirits, "That those of his own Party extenuated the Loss of him by saying, he did them more Hurt than Good; and that the Court would not acknowledge it to be any Advantage to them, as being of Opinion he did them more Good than Hurt: So that his Departure was neither lamented by his Friends, nor rejoic'd at by his Enemies."

[*Appendix to the Life of the Duke of Ormond*, vol. II. p. 101.]

As it may be suppos'd, his abandoning such a Damp on his City-Friends, it must be concluded, that his Flight, which could scarcely be conceal'd, communicated to them a Portion of his Despair: And this, no doubt, made Mr. Secretary *Jenkins's* Labours in the Elections of Common-Council-men, before-spoken of, the easier: And this, in the Passage already-quoted from Bishop *Burnet*, it is insinuated, that, after all his Practices, he could not procure Returns wholly to his Mind; it is certain he made a very considerable Alteration in that Body; as appears by their being induc'd, at their first Meeting, in conjunction with the Court of Aldermen, to compliment Sir *John Mier* with their Thanks, for the good Service by him perform'd last Year, when Lord Mayor.



It soon appear'd, however, that all the Spirit of the Faction was not departed with Lord *Shaftsbury*: For *Papillon* and *Dubois* having demanded of *Pritchard*, the present Lord Mayor, to be admitted to the Exercise of the Office of Sheriff, to which they had been elected by the Liveries, and receiving no Answer, caus'd him to be arrested April the 24th, in an Action upon the Case. Good enough the Under-Sheriff was the principal Promoter of this provoking Insult; *Brome* the Coroner granted the Warrant; and one *Keeling*, of whom we shall have Occasion to treat more largely, was made a special Bailiff to put it in Execution; Good enough telling him, the Party would take it amiss, if he refus'd to officiate on this Occasion; and Thirty or Forty of them being present when he receiv'd his Instructions. As to the Event, the Lord Mayor obey'd the Warrant, and was conducted to *Stinner's-Hall*, where *Brome* refused, and was there held in duress Six Hours: In which Interval one *Fletcher*, a Sergeant of the Poultry-Compter, hearing of what had been done, or possibly having been apply'd to, and having an Action of Debt against *Brome* for 100*l.* arrested him in his turn, and carry'd him off to the Compter: By which means the Lord Mayor and his Fellow-prisoners (for the Sheriffs *North* and *Rich*, and several of the Aldermen, were involved in the same Action) were left at liberty, and went home in peace.

Mr. *North* intimates, that it afterwards appear'd that Action was a Preparative to something very extraordinary, by way of Insurrection, which the Party was at this time to have undertaken, tho' it did not appear in what Manner or Order it was to have been executed. "The whole treasonable Society, says he, were but just now in Arms." Adding, "It seems the Train did not take; for the City-Militia took the Alarm, and Sir *John Peake*, an Alderman, and Colonel, with extraordinary Dispatch, had his Regiment under Arms in a few Hours; which being known, or rather some other Prattle about *Whitebals*, that set in the dark (for the Guards would have suffic'd to have crush'd them) that Party would venture no farther at this time."

But surely this is an Over-Refinement. If they had any rebellious Design, why were they not in Arms? Did they imagine, that by arresting the Lord Mayor a general Dissolution of Government would follow, and that they should have nothing to do but to divide the Spoils? The first Confusion caus'd by so surprising an Incident was the very Moment of Protection: And that the Party was not ready to make use of it, argues fairly enough, that no such deep Design had then been thought of; and that the whole Proceeding (if not calculated, as it may be perceiv'd it was, for the Service of those who were concern'd in the City-Riot before-speak'd of, and whose Trials were now at hand, and of whom Good enough was one) was no more than a Discharge of political Wild-fire, to make a Noise, and keep up the Spirit of the Party. Besides, the Desperate *Shaftsbury* was dead;

and we shall find, that all the other Compeers had in a manner broke with him, because they would not be hurry'd into any Misadventure: Whence it is natural to conclude, that if any thing violent was then in agitation, it met with no Countenance beyond the City Walls. And, with whatever Intent, or for whatever Ends, the Experiment was made, it operated most unluckily, both to the Citizens in particular, and the whole Party in general. The King's Friends immediately took fire at it, and call'd it an Inference beyond Example; and even those who were dispos'd to allow the Rights of the Citizens could by no means digest the putting it in force, while *Pritchard* was yet in the City-chair; as deeming it a Wound to Authority in general, and which had a natural Tendency to inflame Matters, without the Power or Virtue of doing any solid Good: And this became immediately evident; for while the Rejoicement on account of this Outrage was yet glowing, the Trial of the Rioters came on; and the Juries, who were now all *Jure Men* of the other Side, and were, therefore, in vain excepted to by the Council for the Defendants, were too much incensed when they came into Court, to think of Mercy afterwards.

*Papillon* and *Dubois* having moreover, alledg'd in their own Justification, That the Action against the Lord Mayor was prosecuted at the Instance of the Citizens of London; Advantage was taken to insinuate, that, for the sake of the Charter, the Fate of which was now speedily to be decided, the representative Part of the City ought to purge themselves from having any Concern in it. Accordingly the Lord Mayor having call'd a Common-Council, it was resolv'd, "That the Members of this Court, to deliver themselves and the said Citizens from this undue Imputation, do declare, That they were not privy or consenting to the said Action or Arrest, and do disown and disapprove the same." To shew their Displeasure yet more effectually, they turn'd *Brome* out of his Office, and render'd him incapable of enjoying any Trust or Preferment in the City.

And as it yet farther to shew how successfully *Stephen Jenkies* had labour'd in the great Work of new-modelling the City, or how judiciously the Wind was chang'd from the Rage of Opposition to an obsequious Gale of Loyalty and Submission, the same Common-Council soon after reassembled in Form all the Proceedings of their Predecessors under the Usurpers, and pass'd a Bill for declaring and asserting the ancient Rights of the Chair; by which the Lord-Mayor and Court of Aldermen were restor'd to their negative Voice. They also declar'd and enacted, That the Lord-Mayor had sufficient and lawful Power of choosing one Sheriff: And the next Day at the Bridge-House Feast the Lord-Mayor declar'd his Choice of a Sheriff accordingly. But tho' they went thus far in their Compliances, possibly with a View to make fair Weather at Court, and in hope it would be accepted as a Composition for their Charter, they had their Re-

A. D. 1681.

The mischief done by this Action.

The Common-Council disown the Arrest.

And restore the Negative to the Lord Mayor.

terves,

[Richard, p. 1025.]

[Richard, p. 1025.]

A. D. 1681  
Lord Mayor's  
London.

erves, as hath already been hinted, and will be further explain'd, which they were resolv'd never to depart from.

Order of Time now demands that we should speak of the Prosecution of that momentous Affair; but first it is necessary to take our final leave of Sir *William Jones*: the great Lawyer, so often spoke of in the Course of this Work, who did not live to see the Issue of it; and who, having long given over Practice, had no other Concern in the Cause, than arose from his Attachments to the Party, which, it must be presum'd, took care to be stilted occasionally with his Advice.

Mr. *North* says that, after the *Oxford* Parliament he did not appear much abroad: That he hated *Shaftesbury*, and notwithstanding Party-work, would not willingly come into the Room where he was, for which he assigns this Reason: "His personal Gravity and Virtue was great, and he could not bear such a stirring Wit and Libertine as the other was." The same Gentleman insinuates he

was in the Secret of *Guise's* Plot, as not caring to suppose that he could be deceiv'd like the common World; mentions certain Circumstances in support of his Supposition; as his being one of the first to propagate the Belief that *Geoffrey* was murder'd by the Jesuits; and his countenancing the popular Apprehensions, by sending an Order express from his Villa at *Hampstead*, to his House in Town to have his Billets remov'd from his fire, to his Back-Cellar, for fear of the Fire-Balls of the Jesuits; rethurs him deviously for using all the *Arts of his Profession* to procure the Conviction of so many good Men's Justice under such infamous Evidence, without once reflecting how soon the Tables were turn'd, and that the same *Arts* were as flagrantly us'd by the very Person he extols the most; and consequently, for having written in defence of *Leveson's Justice*, and the exorbitant *Debts of the Westminst' House of Commons*. He, however, does ample Justice to his Abilities and Virtues, which he acknowledges were almost unparalell'd and had no Alloy but his Party Principles; tells us, he had a great Value for the *Lampson* of this Reign, and that he us'd to magnify him of the last, as the greatest Man for Sense and Foresight that was concern'd against the King: And concerning his Death, which Bishop *Burnet* only says, happened in *May* this Year, more particularly recollects, that it happen'd at Mr. *Lampson's* House in *Northampton*, where several of the most consulting Men of the Faction assembled to consult of the common Affair; and, as it was said, occasion'd by an un-air'd Bed, which gave him a great Cold: Under which Influxion, having *Leard at his Heart* (that is, being no stranger to the more violent Projects, which the Malcontents had now on foot, for so Mr. *North* expressly intimates, tho' he at the same time clears Sir *William* from having given them the Sanction of his Approbation) Nature wanted Force to master the *Distemper*, so it turn'd to a malignant Fever which carry'd him off."

And now we are come to the great Attack on the Franchises of the City, which,

however artificially represented as a mere Matter of Law and Right, by the Party, who drove it on, was a Matter of State: And tho' it should be admitted that the Shot was aim'd at Faction, nothing can be more undeniable, than that it had like to have been the Death of Liberty. Thus far a Man of common Sense may venture to pronounce; but when we enter into the Labyrinth of Controversy, which this Cause gave rise to, it will be expected that we should take the Lawyers for our Guides, and not presume to lose Sight of them a Moment for fear of being lost.

And first, as to the Law on which the Process was founded, says Mr. *North*, 1. Nothing is more trite in our Law-books, than that all Franchises whatever, deriv'd from the Crown, are forfeited by Abuse. 2. The Corporation in question was a Franchise deriv'd from the Crown. 3. The said Corporation had committed divers unlawful Facts, which fell within the Construction of Abuses. And, 4. Care was taken to select Two such from among these, to be assign'd for Forfeiture, which were unquestionably unlawful, and as unquestionably the proper Acts of the Corporation. The first of these was the Petition of the City to the King for the Sitting of the Parliament, before-quoted; and in this, more particularly, the following Clause: "Your Petitioners are greatly surpris'd at the Late Prerogation, whereby the Prosecution of the public Justice of the Kingdom, and the making necessary Provisions for the Preservation of your Majesty, and your Protestant Subjects, hath receiv'd Interruption." And the Second, an Order of Common-council for levying Money, by imposing certain Tolls on every Horse-load, Cart-load, &c. of Provisions, brought to the several Markets of the City. This is in substance what Mr. *North* is pleas'd to assign for the Basis of the Process; and, moreover, gives it as his cordial Opinion, That as the King can never do wrong; so, on this occasion, he did nothing but what was right. The Attorney-General, however, set out in a much higher Strain, perhaps being to oblig'd by the Form of his Profession. According to him, the City had usurp'd on the King all the Rights and Powers it had presum'd to exercise. It had no lawful Grant to be a Corporation: It had no Authority to constitute Sheriffs: Nor were its Magistrates entitl'd to be Justices of Peace. So on the Information: In answer to which, the Council for the City urg'd, That their Right to be a Corporation had been confirm'd by *Magna Charta*, and many subsequent Statutes: That they deriv'd their Privilege to elect Sheriffs in *perpetuum* from a Grant of King *John*: And that their Magistrates were constituted Justices of the Peace by the Letters Patents of his late Majesty *Charles I.* The Attorney, in his Reply, permits in the Negative, and pleads over, as the Phrase is, the Articles of Forfeiture above-recited. To which the City Council rejoin'd, 1. That the Mayor and Commonalty were seiz'd in Fee of the public Markets; that they had provided

A. D. 1681

Death of Sir  
W. Jones.[Examen,  
p. 509.][Life of Lord  
Keeper North,  
p. 53.][Examen, p.  
509.]Proceedings  
of the Quo Warranto

1665.   
 void Stalls, and other Accommodations, for the Market-people, at their own Costs; for which it had been usual to receive reasonable Tolls; and that the particular Tolls objected to were laid in the Year 1666, for retelling the said Markets, which had been consumed in the dreadful Fire of that fatal Year. 2. That the Petition complain'd of was founded on the very Points laid down in the King's own Speech, recommending to both Houses the farther Examination of the Plot; and declaring, he neither thought himself nor them *safe*, till that Matter was thoroughly examin'd, and till the Lords in the Tower were brought to their Trials, that Justice might be done: That the Parliament had also, in their Address to his Majesty, declared their deep Sense of the sad Condition of the Realm, and made it their Petition that a solemn Fast might be held thereon; which Fast was held accordingly: That several Bills were prepar'd for the Preservation of his Majesty's Subjects; which were all defeated by a sudden Prorogation; That the Citizens then, apprehending the Dangers which had been thus set forth by the King, and which the Parliament had set themselves to provide against, would immediately take effect, unless prevented by the Sitting of Parliament, had indeed petition'd his Majesty for that End, but then it was for that End only, and from a Conviction that it was the Right of the Subject to do so.

Here therefore the Facts were acknowledged; and consequently the essential Points to be debated were, 1. Whether these Facts were criminal; and, 2. Whether, if so, the Penalty would amount to a Forfeiture of the Charter? And here again, to the Man of common Sense, it appears, that the levying Tolls in the Years 1681, 1682, was no greater an Offence than the doing the same in the Year 1666, and those ensuing: That this Article would never have been us'd against the City as a Trespas, if the City had not been obnoxious on other Accounts to the Indignation of the Court. And it must be allow'd, that either, as Mr. Seymour took the Liberty to say, his Majesty had *prevaricated* with his Parliament, in admitting the Dangers arising to himself and his Subjects from the Plot to be real, which the Citizens perhaps did not, and certainly were not oblig'd to, understand; or that which is call'd the libellous Part of this Petition was, in a good degree justify'd by the Words of the Speech, as quoted by their Council. For if neither the King nor his People were *safe*, till the Plot was thoroughly examin'd; that thorough Examination could only be made in Parliament; and the People, on their own Behalf, had the Right of Self-preservation to urge in *excuse* for importuning him to summon his Parliament to sit: And, on the Behalf of his Majesty, the Duties of Affection and Loyalty, to render that Importunity *meritorious*.

But Mr. North is displeas'd that they should presume to justify themselves on this Point at all. "The learned Council, says he, could plead, in form, a Justification of a scandal upon the King, posted in Print,

1665.   
 that knew by Law, that no Justification can be pleaded even in a Case of *Scandalum Magnatum* against a Peer. And, when the Law says expressly, that the King can do no wrong, how comes it to be lawful, or tolerable, to accuse him for having done it? But where Faction bids to do, every thing may give way, and all that is for them is regular and just, and nothing else?"

As to the latter Part of this Remark, we heartily join Issue: But then we also insist, that one Faction is as liable to the Force of it as another; and as the Eye does not see itself, so this Gentleman, who so clearly discerns the Prejudice of his Adversaries, is stone-blind to his own. And as to the former, the unchangeable Passage in the Petition will surely admit of a less offensive Construction than he is pleas'd to give it: For, according to the true Comment on the Maxim he alludes to, the King can do no wrong, because he is never suppos'd to act without Advice: And when Wrong is done, his Advisers, and not he, are answerable: And thus the Petition, in conformity to the general Permutation of the Malcontents of those Times, indirectly ascribes the Prorogation it complain'd of, not to the King personally, but those who had the Attendance over him; and treats of it as a Measure as dangerous to himself as his Subjects: According to the constitutional Sense of that Maxim, supposes the Prorogation, though the Act of the King, to have been made by the Advice of others; and that the said Advice was not only inconsistent with the Speech, but as much to the Prejudice of his Majesty, as his People. However arrogant, therefore, it might seem to a mere Lawyer, for the City to interpose in the Government of the State, or to question the Exercise of the Prerogative, had the Dangers really impended, which they had been taught to believe, the Necessity of the thing might have aton'd for the Indecorum: And, as it was, there was no condemning their factious Officer's, without condemning also the King's *prevaricating* Speech, and the Proceedings at both Houses, on which it was apparently founded.

To hasten to the Issue: The Court having taken due Care, as Mr. North has already inform'd us, to make *sure* of their Point, nothing was omitted to satisfy the Nation in point of *Form*: The Cause had two solemn Hearings in two several Terms; and in the Court of which Mr. Treby and Mr. Pollexfen, for the City, as we learn from Bishop *P. l. p. 335. Burnett*, pleaded for the City as follows:

"They laid it down for a Foundation, That trading Corporations were immortal Bodies, for the breeding a Succession of trading Men, and for perpetuating a Fund of public Charities (*the Bishop's own Words*) for the Estates of Orphans and Trusts, and for all pious Endowments; That Crimes committed by Persons entrusted in the Government of them were personal things, which were only chargeable on those who committed them, but could not affect the whole Body: The Treason of a Bishop, or a Clerk, only forfeited his Title, but did not dissolve the Bishopric, or Benefice: So

A. D. 1683.

the Magistrates only were to be punish'd for their own Crimes: An entail'd Estate, when a Tenant for Life was attainted, was not forfeited to the King, but went to the next in remainder upon his Death. The Government of a City, which was a temporary Administration, vested no Property in the Magistrates: And therefore they had nothing to forfeit, but what belong'd to themselves. There were also express Acts of Parliament made in favour of the City, that it should not be punish'd for the Misdemeanors of those who bore Office in it. They answer'd the great Objection that was brought from the Forfeitures of some Abbays on the Attainder of their Abbots in King Henry the Eighth's time, that there were peculiar Laws made at that time, upon which those Forfeitures were grounded, which had been repealed since that time; all those Forfeitures were confirm'd in Parliament; and that purg'd all Defects. The Common-council was a select'd Body, chosen for particular Ends; and if they went beyond these, they were liable to be punish'd for it: If the Petition they offer'd the King was seditious, the King might proceed against every Man that was concern'd in it: And those upon whom those Taxes had been levy'd might bring their Actions against those who had levy'd them; but it seem'd very strange, that when none of the Petitioners were proceeded against for any thing contain'd in that Petition, and when no Actions were brought on the account of those Taxes, that the whole Body should suffer in common for that, which none of those who were immediately concern'd in it had been so much as brought in question for in any Court of Law: If the Common-council petition'd more earnestly than was fitting for the Sitting of the Parliament, that ought to be ascrib'd to their Zeal for the King's Safety, and for the establish'd Religion; and it ought not to be strain'd to any other Sense than to that which they profess in the Body of their Petition, much less to be carried so far as to dissolve the whole Body on that account: And as for the Tolls and Taxes, these were things practis'd in all the Corporations of England, and seem'd to be exactly according to Law: The City, since the Fire, had a vast Charge made their Wharfs and Markets much more noble and convenient than they were before; and therefore they might well deny the Benefit of them to those who would not pay a new Rate, that they set on them for the Payment of the Debt contracted in building them: This was not the imposing a Tax, but the raising a Rent out of a Piece of Ground, which the City might as well do, as a Man who rebuilds his Houfe may raise the Rent of it. All the Precedents that were brought were examin'd and answer'd: Some Corporations were deferr'd, and so upon the Matter dissolv'd themselves: Judgments in such

Cases did not fit this in hand: The seizing on the Liberties of a Corporation did not dissolve the Body; for a Bishop dies, the King seizes the Temporalities, but the Corporation still subsists, and they are restored to the next Incumbent. There were indeed some very strange Precedents made in Richard the Second's time; but they were follow'd by as strange a Reverse: The Judges were hang'd for the Judgments they gave. They also insisted on the Effects that would follow, on the forfeiting the Charter: The Custom of London was thereby broken: All the public Endowments and Charities, lodg'd with the City, must revert to the Heirs of the Donors.

On the other hand Mr. North treats all this, and all that was said besides, with downright Contempt, saying, in effect, "That the Council for the King at large, insisted, That a Corporation was a Franchise; that in all the Books and *Lego Histroriae* Cases, it pass'd under this Title; that whatever it was, it was capable of no Amendment but Seizure; that it must either be lawless or feizable; that the Notion of Immortality was a Chimera of Invention, absolutely a stranger to the Law and the Law-Books; that the Common-Council was the Representative Body of the City, *Corporatione Congressiva*, and the only Means by which the City, as a Corporation, can act extraordinarily, to bind themselves and all the Members: And that as for By-Laws, granting all that was urg'd in their Favour, they could extend only to the Citizens;" (Which is unquestionably true with respect to arbitrary Impositions: But surely the City might legally set a Price on the Conveniences of their own Markets; for in that Case, the Trader was free to take or refuse; and the Cost, as in all singular Cases, whether more or less fell in the End on the Consumers, who were the Inhabitants of London.) "That the City-Petition directly accus'd the King of Misgovernment, and stopping the Current of Public-Justice: That these Articles of Forfeiture were no Peccadillo-Trifles, and that small or great made no Difference in the Case, seeing it was not Value but Legality which made the Question."

The whole Dispute takes up a Folio. — But it is needless to pursue it any further: Enough has been said to shew the manner of conducting it. And as to the Event, upon the 12th of June Mr. Justice *Jones* presiding on the Bench in the Absence of the Lord Chief-Justice *Saunders*, who had been disabled by an Apoplectic Fit from finishing the Jobb for which he was prefer'd, and being countenanc'd, it cannot be said assist'd, by *Wilsons* only (1), another *Abhorrer*, say (2) some; and, say (3) others, by *Raymond* as well as *Withiam*, pronounc'd Sentence for the King against the City, That the Franchises should be seiz'd into the King's hands on the *Authorities*, and under the Pretences, Mr. North calls them

Reasons,

(1) Made a Judge in the room of *Dillon*, who, says *Barbours*, was turn'd out because he was found out to be

clear: The same Author is also express, that *Primbros* was remov'd to the Common Pleas, for the same Reason.

(2) *Hawkins* and *Kearnt*.

(3) *North* and *Salmes*.

Sentence pronounced against the Charter.

A. D. 1683.



A. D. 1685. up, sunk in Ruins at the King's Feet: Both Parties alike having contributed to its Down-fall; the Malcontents by an intemperate Opposition; and their Adversaries by their implicit Resignation; and the Success of this Experiment most effectually verifying the Lord Keeper's favourite Maxim, That his Majesty might do by Law, if not whatever he had a mind to do, whatever was necessary for him to do.

There was, however, an Air of Moderation shewn in the Use of this important Victory; for the Attorney-General waived the Entrance of this Judgment, till the King's Pleasure should be known; and this we are assur'd by Mr. *Nort*, on his own Knowledge, arose from a gracious Tenderness to the City, that certain Customs or Duties which depended on its Corporate Capacity, and which could not be reviv'd by a new Grant, might not create by the Dissolution of the old. But our two Right Reverend Historians, *Burnet* and *Kennet*, are of a contrary Opinion, and surmise it was done only to draw in the Citizens to make a Surrender, and thereby preserve the Court from the *Odium* and *Clamour* likely to follow a Derivation. Bishop *Burnet* expressly says, "That new Endeavours were us'd to bring the Common-council to deliver up their Charter; yet that could not be compass'd, tho' it was brought much nearer in the Numbers of the Voices than was imagin'd could ever be done." But, unfortunately, it does not appear that any Question of this nature was ever put to the Common-council: On the contrary we shall find, that the Court did not aim at a total Surrender; they only wanted to draw the Teeth and clip the Nails of the City; or in other Words, to deprive them of their Strength and leave them in Possession of their Forms: And all the Prac-

tices they us'd, was to bring the Citizens to submit to the Operation; which this Force-bearing of the Attorney-General furnish'd a handsome Pretence to bring about; For, as we are told by Mr. *Edward*, two Days after Judgment given, a Common-council was call'd to consult how to proceed in this Exigency; in which it was resolv'd to draw up a submissive and yielding Petition, acknowledging their hearty and unfeigned Sorrow for the Misgovernment of the City of late Years, whereby the Citizens had fallen under his Majesty's Displeasure, which had occasion'd a *Res Warranti*, and Judgment to be pronounc'd against them, declaring, that they were deeply and thankfully sensible of his Majesty's great Favour in not requiring Judgment to be immediately enter'd thereon: And in Consideration of this their distressed Condition, humbly casting themselves at his Royal Feet, imploring his Princely Compassion and Grace to be extended to this his ancient City; and most humbly begging his Majesty's Pardon for all their Offences, with most solemn Promises and Assurances of constant Loyalty and Obedience to his Majesty, his Heirs and Successors, and of a regular Administration of his Government in that City for the future, &c.

Such a Petition was, accordingly, drawn up, and on the Report, agreed to, almost unanimously; for only two Persons held up their Hands in Opposition to it; and the Result was, That the Lord-Mayor in Person, and such of the Aldermen and Common-Council as had most contributed to bring things to this mentorious Issue, were deputed to wait on his Majesty, now at *Windsor*, with it; which they did, possibly more pleas'd with an Opportunity of making their Court in so acceptable a manner to his Majesty, than affected with the deplorable Condition

A. D. 1685.

P. 1026.

The City apply to the King by Petition.

Essex, p. 612, 655.

Vol. 1. p. 555.

It is also fit that Posterity should know that, to prevent the Possibility of a great Lapse to grant a Body, *the Law* *Special* pleaded with the Duke of *York*, on the King, which argues how truly, as well as lawfully, that celebrated *W. M. Hall* said, That the House of Commons only resolv'd that the Duke should not reign after the King, but that the King was resolv'd he should reign even during his Life; in behalf of the City, *Mr. Ashurst* did for *St. John*; and that the most affecting of his Arguments were as follow:

"I will know it is a Condition annex'd to all Bodies Politic, whether they be establish'd on account of Religion or Policy, That the Trust reposit in them be fully and faithfully discharged. If it be not, and the Intention of their Institution not comply'd with, they become rather public Grievances, And the Condition, tho' it is only imply'd by Law, yet is of as strict an Obligation, as if it had been literally express'd in their Charters or Foundations.

But there can be no little Doubt, that it is in the Election of the Crown, and in his Majesty's own Royal Beal, whether he will proceed for such Offences, or Obstacles of Trust, against the Bodies Politic, in their private, or in their public Capacities. I shall therefore, with your Royal Highness's Permission, next consider, which Method of the two is most advisable, in the present Situation of Affairs.

The Petition may indeed be call'd, in construction of Law, the Act of the whole Corporation, inasmuch as it was presented by the Common-council, who are chosen by, and consequently represent, the whole Community; and their Act may be, for what I know, of the same Force and Obligation in Law, as if done by every individual Member. But yet I am far from thinking it really was the Act or Assent of the Whole. There is abundant Reason to think, that this Act then pass'd, and still is, disapproved (my I can affirm upon my own Knowledge, is despis'd by every thousands of his Majesty's loyal Subjects in the City: and your Highness well

knows who were the chief Promoters of this, as well as of some other late Acts of Dissolution.

Your Highness will also, I doubt not, consider, that all corporate Bodies determine their Acts by the Majority, and that Majority often not above one or two Votes; sometimes their Resolutions are carried by surprise, and under Misapprehension or Misrepresentations, as I doubt not but this was; and therefore I must humbly submit to your Highness, whether it be reasonable or just, in such a Case, for the whole Corporation to suffer, and more innocent Persons, who did not at all concur, to be involved in one and the same Measure of Punishment. *But now your Highness be pleas'd, and I shall yet speak, that the Petitioners' conduct was more than greater Objection, but I take leave to suppose they might have committed they could not undergo a greater Degree of Punishment than what is now propos'd, viz. the entire Forfeiture of their Privileges, and of their very being as a Corporation.*

Your Highness, I doubt not, will also consider the many *Mischiefs* and *Inconveniences* that must necessarily follow, if the great Body should be dissolv'd by vote to small a Number, tho' his Majesty or his Co-heirs should desire it only in *reversum*, and the whole Term into whose Sense of their Obedience, and upon that account *Parliament* obtain'd, should be pleas'd to return them to their former Privileges.

In a word, if such a rigorous Course should be taken, I fear it may give Room to malicious Suggestions, and Embolden the present *Whigs* and *Discontents* of the Nation, and may (tho' without just Reason) alarm all other Corporations. I cannot therefore conceive it advisable, or fit for his Majesty's present Service, till things counter'd to proceed to such Extremities against the whole Body, but rather to direct Proceedings against the most obnoxious Members in their private Capacities; but yet that submit with all Humility to his Majesty's next year Royal Highness's Will, as becomes, &c. *Jenkins's Letters*, vol. II. p. 685.

A. D. 1683.

of the City, which now remain'd in Possession of that Name at his Courty only: And, as it had been preconcerted, the Lord-Keeper, in his Majesty's Name, return'd them the following Answer, which is here inserted at large, both because Mr. *North* is greatly offended with Bishop *Kennet* for having done otherwise, and because the Piece, itself, is one of the most remarkable in any History whatever:

" My Lord Mayor,

" I am, by the King's Command, to tell you, That he hath considered the humble Petition of the City of London, where so many of the present Magistrates, and other eminent Citizens, are of undoubted Loyalty and Affection to his Service, that, for their Sakes, his Majesty will shew the City all the Favour they can reasonably desire.

It was very long before his Majesty took a Resolution to question their Charter; it was not the tedious Discourses in Coffee-houses, the treasonable Pamphlets and Libels daily published and dispersed thence into all Part of the Kingdom, the outrageous Tumults in the streets, nor the Affronts of his Courts of Justice could make him do it. His Majesty had Patience till Disorders were grown to that Height, that nothing less seem'd to be design'd than a Ruin to the Government both in Church and State. For the factious Party were not content with the Practice of their Insolences, but endeavour'd to have them publicly countenanc'd by the Magistrates; and, for that End, in all Elections, they tickled to choose the most dissipated into Offices, and carried themselves with that Heat and Violence, that it was a Terror to all sober and discreet Citizens; and the City was so unhappily divided into Parties, that there was no Likelihood it could return into Order, so long as the factious retained any Hopes of procuring the Elections of Magistrates of their own Party, for their Impunity.

It was high time to put a Stop to this growing Evil; this made it necessary for his Majesty to enquire into their Abuse of Franchises, that it might be in his Power to make a Regulation sufficient to restore the City to its former good Government. It was not for the Punishment, but merely for the Good of the City that the King took this Course; and now he hath obtain'd Judgment in a *Quis Warrantia*, it is not his Intention to prejudice them either in their Properties or Customs. Nay, lest the Entry of the Judgment upon Record might have fatal Consequence to them, his Majesty was so tender of them, that he caus'd Mr. Attorney to forbear the same at present, that the City might have time to consider their Condition.

My Lord,

I must needs say the City hath not been so well advis'd to defer their Application to his Majesty so long, even till the Court hath pronounc'd Judgment; it had been done with a much better Grace if it had been more early. His Majesty's Affection for the City is too great to reject their Suit for that Cause.

But, for that Reason, you will have less time to deliberate upon the Particulars the King doth require of you: And indeed there will be little need of Deliberation; for his Majesty hath resolv'd to make the Alterations as few, and as easy, as may be consistent with the good Government of the City, and Peace of the Kingdom.

His Majesty requires your Submission to these Regulations:

1. That no Lord-Mayer, Sheriff, Recorder, Common-Sergeant, Town-Clerk, or Coroner of the City of London, or Steward of the Borough of *Southwark*, shall be capable of, or be admitted to, the Exercise of their respective Offices, before his Majesty shall have approv'd them under his Sign Manual.

2. That if his Majesty shall disapprove the Choice of any Person to be Lord-Mayer, and signify the same under his Sign Manual to the Lord-Mayer, or in Default of a Lord-Mayer, to the Recorder or senior Alderman, the City shall within one Week proceed to a new Choice; and if his Majesty shall, in like manner, disapprove of the second Choice, his Majesty may, if he so please, nominate a Person to be Lord-Mayer for the ensuing Year.

3. If his Majesty shall in like manner disapprove the Persons chosen to be Sheriffs, or either of them, his Majesty may appoint Persons to be Sheriffs for the ensuing Year by Commission, if he so please.

4. Nevertheless the Election of these Officers may be according to the ancient Usages of the City, with these Restrictions.

5. The Lord-Mayer and Court of Aldermen may, with leave of his Majesty, displace any Alderman, Recorder, Common-Sergeant, Town-Clerk, Coroner of the said City, and Steward of the said Borough.

6. Upon any Election of any Alderman, if any of the Persons, that shall be presented to the Court of Aldermen by the Ward, shall be adjudg'd unfit; upon such Declaration by the said Court, the Ward shall proceed to the Choice of other Persons in the Room of such; or so many of them as are so disapproved; and if the Court shall disapprove such second Choice, they may appoint in their Room.

7. The Justices of the Peace to be by the King's Commission, which his Majesty will grant according to the usual Method, unless upon extraordinary Occasions, when his Majesty shall think it necessary for his Service.

Their Matters are to be settled in such manner, as shall be approved by his Majesty's Attorney and Solicitor General and Council learn'd in the Law.

My Lord Mayor,

Their Regulations being made, his Majesty will not only pardon the Prosecution, but confirm the Charter in such manner as may be consistent with them.

The City ought to look upon this as a great Condescension on his Majesty's Part, it being but in the nature of a Reservation of a small Part of what is already in his Power by the Judgment, and of those things which conduce as much to their own Good and

The Lord  
Keeper's  
Speech is an-  
swer to it,  
prohibiting the  
Regulations  
they were to  
comply with.

A. D. 1685. Quiet as to his Service. If the City should look upon it with another Eye, and neglect a speedy Compliance, yet his Majesty hath done his Part, and demonstrated his Affection to the City by giving them this Opportunity. And if there shall be any heavy Consequence of this Judgment, which it will be to have you well to consider, the Fault will be at their Door in whole Power it now is to bring this Matter to a happy Conclusion.

*Mr. Lord Mayor,*

The Term draws near an End, and *M. J. Summer-Day* is at hand, when some of the Officers use to be chosen, whereof his Majesty will reserve the Approbation; therefore it is his Majesty's Pleasure that you return to the City and consult the Common-Council, that he may speedily know your Resolution hereupon, and accordingly give his Directions. That you may see the King is in earnest, and the Matter is not capable of Delay, I am commanded to let you know; that he hath given Order to his Attorney-General to enter up Judgment on *Saturday* next, unless you prevent it by your Compliance in all these Particulars.

*Bishop Kennet*, and after him *Mr. Ebbard*, has call'd this, *An ORDER of Regulations*, which *Mr. North* has complain'd of and says the *proper wording* should have been, *An ORDER of Regulations*; and it must be own'd it has the Air of a *Proposal*; but then it is a *Proposal*, accompany'd with such Terms, as give it all the Force of a *Mandate*. The City was entangled in the Snarles of the Law, and in case of any further Struggle, had Reason to expect a *Dissolution*.

At least, this was the Light in which it was consider'd by the Magistrates and Common-Council; by whom, on the Question, it was carry'd by Submission by a Majority of eighteen Voices, *Yeas 102, Noes 86*. It may, perhaps, be wonder'd at by some, that the Senate of a Common-Hall was not taken on this momentous Occasion; and that more especially, since it was at their Expense that all these Alterations were to be made. But when a Sacrifice is to be made, neither Butcher nor Priest consults the Disposition of the Victim: And it was easy enough to foresee, that the Liveries would never have been induc'd willingly to make a Surrender of their Rights; tho' they must have submitted to part with them in case of Forcefulty.

The next Day after this Point had been thus carry'd in the Common-Council, the two Sheriffs, wait'd again on his Majesty with the News, in Form; as also, with a Free-Will-Offering, as it must be understood, &c. That they had put off the Election of Sheriffs from the 24th of *June*, to the 6th of *July*. But still this was not satisfactory. A more verbal Declaration might in time, admit of Disputes, and leave Room for the Liveries to pour in again at the Breach, and give Disturbance to the Court as before. It was, therefore, expected and required, that the Citizens should sign their final Submission to the Regulations which had been requir'd by

the King, as the Condition of their being entitl'd to a new Charter. But, however forward some of them had been to gratify the Court hitherto, they boggled at this; and the Affair rested in Sufpence so long, that the Court, at last, refus'd to enter their Judgment. After which the Government of the City, if *London* might still be call'd a City, was continu'd by Virtue of a *Royal Commission*, as before by a *Royal Charter*.

These last are the qualifying Expressions of *Mr. North*, who, in extantation of the whole Proceeding, says, in one Place, "It is not to be imagin'd, that the King intended the *King's Hand* to the City itself by the Judgment; and most of the Citizens of Credit were thereof satisfy'd, and ready to have trusted the King." And, in another, "It is to be noted, that all the Offices subject to the King's Approbation were those that belong'd to Government; other Offices, that belong'd to the City-Revenues, and private Oeconomy, as the Chamberlain, Sword-bearer, &c. were all left free and untouched." Again, more largely on the same Head, "No Citizen most acquainted with the publick Business, and Born of the City, much less Strangers, by any thing appearing or done after the Seizure, could possibly (not knowing what had pass'd) imagine that the Order and Model of the Government there was any way chang'd from what it was before the Seizure: For there was the Lord Mayor, Court of Aldermen, Sword-bearer, Town-clerk, Chamberlain, and all inferior Officers, just as before; and the Revenue of the City were collected and paid into the Chamber, and issued again to the proper Uses, without the Diversion of a Farthing.—The Sheriffs were appointed by Commission, as in other Counties, the Aldermen of the Wards were establish'd by Commission, like that of the Peace: And by these means, all the Authorities of the Law and Government, as well as the Disposition of the City-Revenues, subsist'd as effectually, as when the Corporation itself subsist'd; and the external Appearance was in all respects the same; which was an unspokeable Comfort to the good Citizens, and created such a Trust in the King, so far as his Person needed, that they would have trusted any thing in his Hands. They saw there was as much Care taken of the City, as a Father could take of a Child.—And all this, as was declar'd, for the sakes of those worthy Citizens as had been eminently loyal." And from these several Circumstances, he not only concludes, that all those Pretences against agreeing with the King, with which the Faction blinded the Dyes of, and dar'd the honest Citizens from appearing for it, were no better than *Republican Fables*; but that all this Lenity was an Intendment to the Renewal of the Charter, which might otherwise have been sued out in that Reign, and of course had prevented the Restoration of the old in the next.

This we are to understand, that *Form's Resolves*, or external Appearances, the Sword and Mace, Fur and Scarlet, were all that the good Citizens thought worth their Ambition:

A. D. 1685.  
Which, not being found, the Court enter'd on Judgment.

Examen. p.  
512. 637.  
539.

The City made their Submission.



A. D. 1683. tion: That the Forfeiture of all the Offices relative to Government, into the Hands of the King, did them not the *least Harm*: That in having the Honour of being left in a Capacity of being the Tools of the Government, they were sufficiently recompens'd for losing the Power of opposing the Government: That they were us'd too well because they were us'd no worse: And that those who had been most instrumental in betraying their Trust, were the only good Men the City had to boast of.

But these slavish Doctrines, however dictatorially deliver'd, but ill agree with the Fundamentals of the *British* Constitution: If it is ever so undeniably the Voice of the Law, that the Subject shall not draw his Sword against his Prince, the same Authority pronounces as clearly and undeniably, that the Prince shall not oppress the Subject: And because Precepts are vain things without Power to make them good, the Wisdom of our Ancestors had recourse to all imaginable Precautions to put themselves in a Condition of Security from all such Oppressions, without being liable to the Necessity of making a criminal Appeal to the Sword. Among these the Election of their own Magistrates, and that annually, was one of the most valuable. They knew that Ministers of all sorts, would depend on their Masters: That consequently their own would be answerable only to themselves: That the only way to keep off the Encroachments of *Will and Pleasure*, was not to suffer them to approach: That without a continual Exercise of the whole Art of political Fortification this would be impossible; and that when the Breach was once made, the Tide would unavoidably run in.

Now in the Case before us, the Government of the City was wholly dismantled, and lay open to any Invasion of any kind. The Liveries, who had not been originally concern'd in framing the obnoxious *Petition*, which was made one of the Grounds of Forfeiture, were actually depriv'd of their Share in the Government of the City, which consisted in the annual Election of Magistrates: For there was no essential Difference between the King's Approbation and Nomination; and as the Event prov'd, even the Ceremonial of a Choice was lost aside. And tho' the City Revenue was collected and fill'd, as before, Mr. North himself, starts the following unlucky Question, which effectually destroys his own Triumph on that Account: *Who could oppose the King's sitting up of an Exchequer for the Revenues, formerly of the City, on granting a Commission, as upon an Escheat to the Crown?* It is to no Purpose to say, the King did not use his Power on this Occasion, or to make a Merit of his forbearing to do so. It was not his Interest to do all that he had a Power to do: Great Changes are to be introduc'd by Degrees, and never can be introduc'd so safely as when old Forms are preserv'd. As Pretences had been found to seize their Franchises, there was sufficient Reason to fear that, when Time should serve, other Pretences would also be found to seize

their Revenues too: And the very Dread of this Day had a Tendency to force the good Citizens into all kinds of Vassalage, for fear of halting it. The Happiness of a free People consists in being secure from Violation: And the Moment that Security ceases, they cease to be free.

But it is urg'd, that they had abus'd their Privileges, and therefore had justly forfeited them. So had the King his Power, and his Ministers their Trust: as in the Course of this Reign has appear'd in a Variety of Instances: And yet this Gentleman, and those of his Party, who are so rigid in exacting Possessors in one Case, will not allow the same way of Reasoning in the other. Besides, we are over and over again assur'd, that the Numbers of the good Citizens far exceeded the ill: And yet by this Method of proceeding, both were punish'd alike. Neither was there any longer the same Pretence for carrying it into Effect, as for setting in on foot; for either the City was return'd to its Duty; and in Consequence thereof had already chosen such Magistrates as his Majesty approv'd; or such Magistrates had been impos'd upon them; in which Case, the Court had not more Reason to complain of the City-Faction, than the City-Faction had of them: And if there was a demonstrable Necessity to proceed desperately with a desperate Disease, it was but reasonable, that when the Cure was perform'd, the Regimen should be laid aside: That is, that when the Corporation was once purg'd, the Charter should have been restor'd in full; on the Presumption, that the Citizens thus severely dealt with on one hand, and mercifully on the other, would have thought themselves oblig'd to make a more modest Use of their Privileges for the future; by keeping on the Defensive, merely, without once thinking of invading the Crown.

To sum up the whole of the Matter in few Words: The Court-Faction in the City were among the Liveries, in whom the Power of Elections lay, the weaker; and rather than not subdue their Adversaries, chos to be subdu'd with them; which, as we have seen, was their common Case, when the King had seiz'd on their Franchises, and the Corporation subdu'd by Permission only. But tho' both were thus equally in a State of Subjection, both were not equally sensible of it; for but one Side was punish'd; and the other was enrich'd with their Spoils, as we shall see in its proper Place, and to become possess'd of the Superiority which they could have attain'd no other way.

It is but natural to suppose, that when the Charter of *London* was thus overborne, not a Charter in the whole Kingdom was secure. In a long Tract of Time, Abuses, either thro' Ignorance or Inadvertency, if not downright Perversion, will, almost unavoidably, creep in: And if neither the Kind nor Degree of Offence could be admitted as a Plea of Mitigation, it was almost a vain thing to plead at all; and the wisest Course seem'd to be, to surrender at the first Summons: Accordingly, many Corporations made a Virtue

A.D. 1683. of Necessity, and gave up their Franchises, because they found it impossible to keep them; and others, to make their Court, by shewing that their Backs were prepar'd for the Burthen: The Courtiers of all Kinds and Degrees making use of their whole Art, Power, and Interest, to call in these sacred Pledges of Liberty, and to have the Merit of laying them in Heaps at the King's Feet.

If the factious Malcontent was alarm'd for his own sake, to see the Nation thus madly rushing into Slavery, the disinterested Lover of his Country, who was equally solicitous for the Splendor of the Crown, and the Happiness of the People; and for Both, as the joint Result of Wisdom in the Head, and Unity in the Members; could not but draw very melancholy Inferences from the present Aspect of things: For if the Crown had been before on the Defensive against the Subject, and so long had a large Share of his Concerns, the Bulk of the Subjects were now so far from defending themselves against the Crown, that they help'd to undermine the very Ground they stood on, with their own Hands, and glory'd in the Advances they made to their own Ruin: So that if no Opposition was given to their frantic Endeavours, the Constitution would gradually moulder into Ruins; and if an intellectual Opposition was made, the Downfall would be more sudden and precipitate, and the Effects more deplorable.

Bishop Burnet, giving an Account of a Conversation which he had held with Lord Essex, expresses himself as follows: "I always said, that, when the Root of the Constitution was struck at, to be overturn'd, then I thought Subjects might defend themselves: But I thought Jealousies and Fears, and particular Acts of Injustice could not warrant this. He (Lord Essex) did agree with me in this: He thought the Obligation between Prince and Subject to be equally mutual, that, upon a Breach on one side, the other was free. But tho' he thought the late Injustice in London, and the End that was driven at by it, did set them at liberty to look to themselves; yet he confess'd Things were not ripe enough yet, and that an ill-timed and ill-manag'd Rising would be our Ruin." And the Bishop adds, by way of Reflection, that as yet he thought a Rising both impolitic and unwholesome: By unwholesome must be understood unjustifiable; for, whatever Countenance the Advocates for Resistance derive from *Magna Charta*, the Letter of the Law is expressly against it, at all times alike; for, never supposing that the Subject can be injur'd without legal Remedy, it never makes any Provision of Indemnity in case the Subject should put himself in Arms against his Prince.

But, whatever the Bishop's Scruples as to a Rising were, whether political, or moral, or both, whether it may be concluded, that the Government had now fill'd the Measure of their Iniquities, that the Contract understood between King and People was in Essentials broken, that the People were consequently absolv'd from their Allegiance, and that, agreeable to the Principles of the Ro-

man and Spartan Worthies, the Brave and Great were authoris'd to stand in the Gap, and, however obnoxious they became to the Laws for so doing, would stand justify'd to Posterity, there were among the Malcontents those who were not altogether so tender in these Points, and who thought they had a Right to embroil the Public, for their own private Security.

Thus, agreeable to what has been already hinted, the Prelate just-quoted acknowledges, that Lord Shaftsbury had no sooner seen the new Sheriffs admitted, and thereby the Issues of the Law once more under the Influence and Direction of the Court, than he declar'd for an open Insurrection: He had already, it seems, made sure of an honest, high Party in the City, and fancy'd that by their Help he might make himself Master of the Tower; as also, that on the first Appearance of the least Disorder, they would have prevail'd on the King to yield every thing: He had even, thus early, enter'd into a Consult on this Head with the Duke of Monmouth, who had rejected his Proposals; not because no Abuse had as yet appear'd of the Power which the said Sheriffs had usurp'd; nor that the Fate of the Charter was as yet decided; nor because the Grounds of Complaint were not sufficient to make out a proper Manifesto; but because he understood what a Rabble was, and what Troops were, and look'd on such an Enterprise as a mad exposing of themselves and their Friends.

We find it also depos'd, more particularly, by one of Lord Shaftsbury's principal Co-adjutors, that the said Lord, in a Conference with him in the City, about two or three Days after he first absconded, gave him to understand, That he had made such Preparations, as he made no doubt would in a short time enable him to reduce things to a better Posture: That he had several thousands ready, upon notice, to betake themselves to Arms: That they were first to master the City, and then attack the Guards at Whitehall: And that they were to be assisted by a thousand or twelve hundred Horse, to be drawn insensibly to Town, from several adjacent Parts, under the Conduct of good Officers: And that nothing hinder'd the Execution, but the Backwardness of the Duke of Monmouth, Lord Russell, &c. who had unhandsonely fail'd him, after their Promise to be concurrent in the like Undertaking, at the same time, in Devonshire, Somersetshire, Cheshire, Lancashire, and other Counties; to give Variety of Diversion to the Standing-Force, &c.

There are yet several other corresponding Testimonies to this Point, viz. That a Rising was in agitation long before Christmas, 1682; and some, that such a thing was, at least, in view, before the Meeting of the Oxford-Parliament. Whence it is an obvious Inference, That the Justice of the Cause was never so much the Object of Deliberation, as the Expediency: So that however reasonable it may be held, when the Charter of London was seiz'd by the Crown, and all the other Corporations of the Kingdom were practis'd upon

A.D. 1683.

An Information  
is presented by  
the Malcon-  
tents.  
[P. 4. p. 537.]

A. D. 1683. upon to surrender theirs, to conclude, that the Constitution was in imminent Danger, and that it was become the Duty of every honest Man to venture his All for its Preservation; it is manifest, that the greatest Part of those who thus prematurely resolv'd to correct the Exorbitances of the Court, by committing greater themselves, had more of the Incendiary than the Patriot in their Compositions; and, in lieu of espousing the public Quarrel for the sake of the Public, only made use of public Pretences to satisfy the Scrupulous, seduce the Unwary, and to kindle the Flame which was to answer all the desperate Purposes of Ambition, Avarice, and Revenge.

But all, as we have seen, were not for rushing into Extremities, till they had the Warrant of good Policy, at least, for their Justification: And here, as well on the Bishop's Authority, as on that of the Depositions before alluded to, it appears the Faction broke. The Duke of Monmouth deny'd that ever any such Concert had been agreed on for an Insurrection, as Lord Shaftsbury had complain'd of the Breach of: Said, that both himself and Lord Russell, &c. were altogether ignorant of what was doing by the said Earl: And, on the other hand, complain'd himself, that his Lordship had, for some time past, withdrawn himself from his Friends, and acted on a separate Bottom: But propos'd a Meeting in order to a Re-union, and to prevent, if possible, the Mischief which he would infallibly bring on the whole Party, by too much Precipitation. When this was told Lord Shaftsbury, he fell into a Rage: Said he had long discover'd in the Duke a Backwardness to Action, by which they had lost great Opportunities: That he had Cause to suspect, that this artificial Dilatoriness of the Duke proceeded from a private Agreement between him and his Father, to save one another: That his People were impatient of Delays, as having already proceeded too far to retreat safely: That one of his Friends had drawn almost a hundred Horse into London, before Michaelmas-day: That the Duke's Motive of Action was to set up himself; but theirs to set up a Commonwealth; under which only their Liberties would be secure: That for these Reasons he was fully determin'd to depend on the Duke's Motions no longer: That he would pursue his former Intentions of attempting the Deliverance of his Country, by the Help of his honest, brisk Party in the City: That if the Lords would co-operate, they might share with him in the Glory of so honourable an Undertaking; and that if they would not, he hop'd he should be able to effect the Work without them. Thus far the Deposition: And the Bishop adds, That he also reflected on Lord Effex, as having made his Bargain with the Court: That he said, Lord Russell was deceiv'd among them; and that, with these Aspersions, he endeavour'd to blast them in the City. The Result, however, was a new Message from the Duke to request an Interview, in order to the removing all Jealousies and Misunderstandings on both sides: And with this he seemingly comply'd; en-

NUMB. LXI.

gaging to meet his Grace and Lord Russell the next Day in the Evening; where, is not specify'd in the Deposition; but the Bishop allows that it was at one Shepberd's, a Wine-merchant in the City: But, according to both Accounts, he did not keep to his Appointment: And we shall find, that the very Meeting which was thus contended for, as the best Means of providing for the Security of the Party, prov'd a Snare for their utter Undoing. The Deposition says, his Lordship sent an Excuse for his Failure, by one Colonel Rumsey, the next Morning: The Bishop, that Rumsey and Ferguson attended at Shepberd's that very Night. The Deposition farther says, that Lord Shaftsbury on the Morrow remov'd to another Lodging, where he continued to secrete himself till the time of his Departure out of England: The Bishop, on the contrary, says, he had first one Meeting with the Earls of Effex and Salisbury; and that Lord Effex told him, the Bishop, Fear, Anger, and Disappointment had wrought so much on him, that he was much broken in his Thoughts. The Deposition again informs us, that, during the time of his Concealment, several Days were appointed for the Insurrection; one in particular, about the latter end of October, at which time the King's Return from Newmarket was expected; but that this was prevented by the Duke (of Monmouth) who prevail'd with him, by what Arguments, or by whose Interposition, is not particularis'd, to defer it for a Fortnight, in expectation of a Concurrence of the Country with them: And that the Returns from thence, at the Expiration of that Term, contain'd nothing but Discouragements.

Here we must stop to observe, That our Deposition grows both confus'd and inconsistent: Nothing being more strange and unaccountable than that, after the Earl had shewn such a Distrust of the Duke, both in Word and Action, he should be over-ru'd by him in so important a Point, as the postponing a Design of such inexpressible Importance, which could not be adjust'd without an Infinity of Precautions; nor delay'd without giving the whole Machine such a Shock, as must endanger the breaking it to pieces.

But this is not all. Tho' the Day appointed was in the latter End of October, though the Adjournment was for a Fortnight; and, instead of assisting, the Country discourag'd the Proceeding, the second of November, as the Deponent had been inform'd, was made a Day preperatory for the Execution, which are Circumstances that clash with one another, and consequently deserve Mention only to be expos'd. The Bishop, on the other hand, affirms, "That, as soon as the Earl was gone, the Lords, and all the chief Men of the Party, saw their Danger from forward Sheriffs, willing Juries, mercenary Judges, and bold Witnesses:" Adding, "So they resolv'd to go home and be silent, to speak and to meddle as little as might be in public Business, and to let the present Ill-temper the Nation was fallen into wear out: For they did not doubt but the

§ X

Court,

A. D. 1683.

A. D. 1683.

[P. 1. p. 537.]

A. D. 1683. Court, especially as it was now manag'd by the Duke, would soon bring the Nation again into its Wits, by their ill Conduct and Proceedings: All that was to be done was, to keep up, as much as they could, a good Spirit with relation to Elections of Parliament, if one should be call'd.

Now, according to this Representation, the Party was no sooner rid of *Shaftsbury*, than, as if at once dispossest'd, they became all Submission and Reîgnation; and, like the most unexceptionable Loyalists, thought only of preserving themselves, by their behaving innocently and inoffensively; and the Nation, by such Remedies as the Law allow'd.

But even the Bishop, himself, takes care, that we shall not continue long under this Mistake; for, in the succeeding Paragraphs, we learn, that the Duke of *Monmouth* chose, for his Cabal, the Earl of *Essex*, the Lord *Russel*, *Algernon Sydney*, Lord *Howard*, and the younger *Hampden*; which are the very Persons laid to have constituted the Council of Six, in a farther Deposition of the same Person before cited. The said Prelate moreover

[*Ibid* p. 539, 540.]

acknowledges, "That with these Men the Duke of *Monmouth* met often: That he had many Conferences with the Earl of *Argyle* while he was in *London*, concerning the State of *Scotland*, and what might be done there, his Grace believing that Kingdom to be the proper Scene of Action: That the late Proclamation, which had been there issued (which provided, that *Circuit-Courts*, as they are call'd

[*Id.* p. 520, 527.]

by (b) Bishop *Burnet*, should be held round the Western and Southern Counties, to enquire after all who had been guilty of harbouring or Converseing with those who had been in Rebellion, even tho' there had been neither Process nor Proclamation issued out against them; as also, that all who were found guilty of such Converse should be prosecuted as Traitors; that this Inquisition should last for three Years; at the End of which *Terms*, a full Indemnity was to take place to all but such as were already under Prosecution; and that those who took the Test should have the Benefit of the said Indemnity immediately) had dispos'd all those who were obnoxious to the Force of it, to look out for Remedies as soon as they could: That the Duke and his five Coadjutors had agreed to set on foot a Treaty with these Malcontents: That *Aaron Smith*, before spoken of, was dispatch'd into *Scotland* to desire that some Men of absolute Confidence might be sent hither for that End, under the Pretence of settling a *Scottish* Colony at *Carolina*: That *Ballie* and others did come up to *London* in the Beginning of *April* accordingly; and that *Argyle* ask'd, at first, (1) 20000*l.* for bringing a Stock of Arms and Ammunition which he afterwards brought down to 8000*l.* and a thousand Horse to be sent into *Scotland*."

Thus all those fine Images of Patience and Relinquishment to the good Will of Providence,

until it should please his Majesty to open a way for Redress of Grievances in a Constitutional way, by the Interpolation of Parliament, before set forth by the Bishop in such delusive Colours, vanish at once; and we find ourselves surrounded with a Band of enterprising Patriots, who are labouring in earnest to strike out a shorter way to their Wishes, by throwing the Kingdom into the desperate Convulsions and Agonies of a Civil War.

A. D. 1683.

And tho' the Bishop professes to have no more than general Hints of these Matters, and does not think fit to compare those general Hints with the more particular Account given by Bishop *Sprat*, we find them all confirm'd in *our Deposition*; which moreover specifies, 1. That the first Meeting of the Council of Six, had been held at Mr. *Hampden's* about the Middle of *January*: That the Points in Debate were, Where the INSURRECTION should first be made, whether in the City or Country, or both at once; what Counties were fittest for their Purpose; what Persons to be apply'd to; what Towns to be gain'd; what Arms were necessary to be got, and where and how to be dispos'd; what Sums of Money were to be rais'd; and above all, how *Scotland* was to be drawn into a Concert with *England* (whence it appears, that till now, these Points had never been regularly, if at all, discuss'd, except by Lord *Shaftsbury* and his separate Cabal; and consequently, no Resolutions could have been form'd upon them.) 2. That the next Meeting was held at Lord *Russel's* about ten Days after; in which, the Correspondence with Lord *Argyle* and the *Scots* was agreed upon; as also that a special Messenger should be sent to invite Lord *McKuin*, Sir *John Cochran*, &c. into *England*; till whose Return, it was resolv'd to have no other Meeting: And that after this, our Deponent, going out of *Town*, had no farther Concern in the *Affair*; which is also confirm'd by Bishop *Burnet*, who acknowledges, That during his Absence, his Associates thought they had plac'd more Confidence in him already, than he deserv'd; and that the best Way to repair their Error would be, to trust him no more.

It is beyond all dispute, that in this Interval *Aaron Smith* was dispatch'd to *Scotland*; that his Invitation was accepted; and that several Malcontent Gentlemen of that Nation did actually come up to *London*, and enter'd into a Treaty with those of *England*; where Face to Face, in a general Meeting, or by the Interposition of some one Person, or Persons, equally trusted on both Sides, is not altogether so demonstrable. The Points treated of, were the Ways and Means of redressing the Grievances of both Nations, and the Model of Settlement to be established when they had got the Power in their own Hands. According to Bishop *Sprat*, on the Credit of *Wess*, who quoted *Ferguson* for his Authority,

The Malcontents of both Kingdoms enter into a Treaty.

(1) Concerning this Proclamation, the Bishop further writes as follows: "This was, perhaps, such a Proclamation as the World had not seen since the Days of the Duke of *Alva*. Upon it, great Numbers ran in to take the Test, declaring, at the same time, That they took it against their Consciences; but they would do any thing to be safe. Such

as resolv'd not to take it were trying how to settle or sell their Estates; and resolv'd to leave the Country, which was now in a very oppressed and desperate State."

(1) According to the Deposition in Dr. *Sprat's* Appendix, 30000*l.*

[*True Account*, p. 65.]

A. D. 1683.

Authority, the *English* Commissioners requir'd, They should presently declare for a Commonwealth and the Extirpation of Monarchy; which the *Scots* refus'd, protesting the Generality of their People would not hearken to that at first. But neither Major *Holmes* nor *Castlars*, who were both deep in the Confidence of Lord *Argyle*, and who confess'd all they knew, make mention of any such Difference. It appears, indeed, on the Evidence of the last of those two Persons, that there was a Variety of Jealousies and Antimosities among them, as there ever will be in the like Cases; since it seldom happens that any two Reformers are of the same Opinion, and yet seldom, that any one gives up his Sentiments in Compliment to another. Colonel *Sydney*, who was a Republican avow'd, thought Lord *Argyle* too much a Royalist at the Bottom to be trusted on this Occasion. *Ferguson* always blam'd *Sydney* for driving on Designs of his own, meaning, perhaps, for prescribing too much and consulting too little; for as to the Re-establishment of the Commonwealth on the Ruins of Monarchy, which was *Sydney's* favourite Point, they could have no Dispute. Lord *Melvil* again, and others of the *Scots* were for having no Concern at all with the *English*, as being only *Fire-shoe* Plotters, such as would talk, but not act; and for adventuring by themselves, or with the Duke of *Monmouth* for their Leader. And the Earl of *Argyle* was so far of the same Opinion, that in a Letter to Major *Holmes*, he intimated, that he would join with his Grace, and follow his Measures, or obey his Directions. But it is agreed on all hands, That Money was by the *Scots* held the one Thing needful, which they expected the *English* to furnish; that this Article underwent the longest Debates, and that more than once, the whole Project had like to have blown up, because the latter were either unable or unwilling to go all the Lengths expected by their Northern Brethren. And tho' the Sum at first demanded was so considerably reduc'd, it appears that even the small Pittance at last agreed upon, could no otherwise be rais'd than by the Mortgage of Lands; so low were these Conspirators in Purse, or so poor in Spirit; and, in either Case, so little provided to set on foot an Insurrection in June 1683: Whereas we find them charg'd with having all their Preparations complete in the Months of *October* and *November*, of the Year preceding.

We have already heard of an honest and brisk Party at Lord *Shaftsbury's* Devotion in the City, who, so long ago, were ready to rush into all Extremities whenever he should give the Word of Command: And under this Denomination it is natural to think of the malecontent Aldermen, the Sheriffs who had ventur'd so much for the Cause, and those who had offer'd to do as much more: But their Patriotism did not fly so high; and his Lordship was induc'd to stake his whole Trust in the City in the Hands of *Godenough* the famous Under-Sheriff, and his Brother, *Shepherd* a Wine-merchant, *Hone* a Joiner, *Aaron Smith* the Solicitor,

A. D. 1683.

*Rouse* who had his chief Dependence on *Playter* the Chamberlain of *London*, one *Bourne* a Brewer, *Lee* a Dyer, and *Keyling* a Salter; with whom were confederated *Ferguson*, Colonel *Rumsey*, one *Hollaway* a Linnen Draper of *Bristol*, Lieutenant-Colonel *Walcott*, Major *Holmes*, one *Rumbald* a Malster, and his Brother, *John Ayliffe*, *Joseph Tyles*, *Edw. Norton*, *Edw. Wade*, *Richard Nelthrop*, and *Robert West*, Lawyers; who are all set forth by Bishop *Sprat* in his *Dramatis Personae* in the most odious Colours, as furious Anabaptists, Independents, Atheists, Republicans, Fifth-monarchy-men, Rebels by Principle, and almost by Instinct, in order to prepare his Readers for the worst Conclusions possible to be made against the Party in general.

But of all these it does not appear that any, besides *Ferguson* and *Rumsey* had any immediate Resort to, or Connection with, the Lords and Gentlemen who constituted the Cabal, or Council of Six, before-spoken of; or that either of these two ever receiv'd any Encouragement to treat with them on any other Subject than the Insurrection; in the Guilt of which it cannot be deny'd but all were alike involv'd: And consequently, neither the profligate Talk, nor profligate Designs, of those other Desperadoes, ought to be placed to the Account of their Superiors; tho' the Prelate, last-cited, has endeavour'd, with so much Art, to lump the whole Affair, and render the one as black as the other: On the contrary, it will appear, that when these minor Conspirators did not find their Projects adopted by the Grandees, nor that the great Business of Confusion was push'd on with the Violence they requir'd, they set up for themselves: That *Ferguson*, *West*, *Godenough*, *Wade*, *Rumsey*, &c. at several Meetings, discours'd over all the Means of Mischief, their wild Imaginations could suggest; and that when the Question was started, Whether, in case they should make a violent Attempt on the Persons of the King and his Brother, the Duke of *Monmouth* would countenance it? they were answer'd preemptorily in the Negative, even by *Ferguson* himself; which is sufficient to prove, that the Insurrection and Assassination were two different Plans; and that the noble Persons, who were forward enough to be concern'd in the First, abhor'd all Thoughts of the Last: Nay it will yet farther appear, that when this outrageous Villany was broach'd to those who were expected to join in it, the far greater Part of them, tho' ready to engage in any other desperate Design, started with Horror at this, and refus'd on any Conditions to be Accessories: So that the Guilt and Reproach of the Proposal rests principally, if not solely, on those who put in for the Merit of being Discoverers.

What was the general Situation of Things, at the Time the Discovery was made, will best appear from the several Informations; and all that seems necessary to premise is, That on the very Day that the Court of King's-Bench gave Judgement against the City of *London*, on the *Quo Warranto*, *Keyling* the Salter,

A. D. 1683.

Keyling's  
Discovery.

Salter, who had been the Instrument of the Party to arrest the Lord Mayor and Sheriffs, now concluding that all was lost, and that he should find it more for his Interest to be a Witness than a Patriot, made his Application first to Lord Dartmouth, and by him was refer'd to Mr. Secretary Jenkins, as the Person who had found what the Court had so long lain in wait for, a Protestant Plot; the Particulars of which, as explain'd by him, were as follow, viz. That about a Fortnight or three Weeks before the King went LAST to Newmarket, which was in MARCH, RICHARD GOODENOUGH, the Under-Sheriff to Bethel and Cornish, took him aside, and, after some introductory Discourse, on the sad State of the Citizens in case they should lose their Charter, ask'd him, how many Men he could procure to take away the Lives of the King and the Duke of York? That he, Keyling, answer'd, *He could not procure any to do that Work:* That, while his Majesty was actually at Newmarket, meeting Goodenough a second time, he renew'd the same Question; which he now not only listen'd to, but actually clos'd with: That he afterwards met the said Goodenough often, and, by the Solicitation of him and others, did speak to several Persons (naming one Burton a Cheesemonger, one Thompson a Carver, and one Barber an Instrument-maker, all of Wapping:) That, at a Meeting by Appointment with Rumbald the Malster, at the *Mitre Tavern* without Aldgate, it was agreed, that the Party should go down to a Place call'd the *Rye*, near *Hoddesten* in *Hertfordshire*, being the Residence of the said Rumbald, on the Saturday before his Majesty was to return to London, and there effect their Design, by taking off the Two Brothers: That the Manner of doing it was propos'd to be thus: Rumbald's House being by the Highway-side, the Undertakers were to hide themselves under a Wall or Pale; and when his Majesty's Coach came opposite to them, Three or Four were to shoot with Blunderbusses at the *Postilion* and Horses; and if the latter did not drop, Two more of the Party, dress'd like Labourers, were to rush out of a Lane near the Place, with an empty Cart, athwart the Way, in order to stop the Horses, while several others of the Gang fir'd on the King and his Guards. Here we find Place and Manner regularly adjust'd, tho' without any Specification of Arms or Persons: And yet our Informant proceeds to say, That, in a subsequent Meeting with WEST the Council, *Hene* the Joiner, and Rumbald, at the *Dolphin* behind the *Exchange*, the Discourse turn'd on the TIME of the King's Return; which, it seems, they were equally uncertain of and unprepar'd for; Rumbald saying, He had heard that he would return that very Night, and WEST, that he would not come till Monday, adding, *I hope he will not come till Saturday Se'nnight*; to which Rumbald reply'd, *I hope so too*; which gave WEST occasion to proceed with these Words: "If he do not, how many *Swam-Quills*, how many *Geese-Quills*, and how many *Pair of Crow-Quills*, (meaning Blunderbusses,

A. D. 1683.

Muskets, and Cases of Pistols, as he explain'd himself to Keyling) will you, or must you, have?" And Rumbald answer'd, in effect, Six of the first, Twenty of the second, and Twenty or Thirty Pair of the third, with *Ink and Sand*, that is, Powder and Bullets, proportionable. By which it appears, That neither was the *Time* prefix'd, nor even the *Arm* provided; and consequently, from this Evidence, it must be concluded, that the Plot, of whatever kind, was much farther from the Birth, than Bishop Sprat and his Followers have represented; and possibly this Part of it was no more than a Discharge of disemper'd Humours, which, instead of endangering, had a Tendency to preserve the Constitution: For it has been of old observ'd, That when Men give a Licence to their Tongues, there is the less Reason to be afraid of their Swords. What is yet farther remarkable, our Informant, in the next place, gives us to understand, that while so important an Enterprize as this was in agitation, and in which Rumbald was to be so materially concern'd, the said Rumbald went down to his House, the *Rye*, without any of his Associates; and that, while he was there, the King and Duke pass'd by his House in their Way to London, with only Five of the Life-guards, as he himself afterwards reported to Keyling, with this additional Remark, "That if he had had but Five Men with him, he could have done their Business." Our Informant, in the next place, without staying to assign any Reasons for his making no farther mention of Goodenough in the Pursuit of this pernicious Project, nor for WEST's not furnishing the several Sorts of Quills demanded, nor for Rumbald's Journey to the *Rye*, in such an unprepared Condition, when the Uncertainty of the King's Return made it necessary for the whole Party, if they were in earnest, to be on continual Duty, proceeds to *depote*, That about a Fortnight before he made the Discovery, he had receiv'd a Paper from the said Goodenough, containing the Names of certain Streets and Alleys, in which, with the Assistance of Nine or Ten others, he was to make an Enquiry what Number of House-keepers, Journeymen and Apprentices, might be rais'd upon occasion, EITHER to justify the Assassination, in case it should take place; or, if not, to co-operate in case of an Insurrection or Rebellion: That the Informant being again in his cold Fit, and expressing some Dislike of throwing the Nation into *Blood and Confusion*, the said Goodenough, to reconcile him to the Jobb, said, *That he was clearly for doing it, and then there would be quickly an End to it:* That Goodenough farther declar'd, he had divided the City and Suburbs into Twenty Parts; and shew'd this Informant the Names of the said Divisions in Writing: That Rumbald's Brother was in Company at the same time; and being offer'd one of these Parts, as his District, *he refus'd to meddle:* That the Informant himself having offer'd another to one *Hobby* a Carver, he did the same: That in another accidental Conversation with Goodenough, accompany'd with *Wade*, *Nelbrep*, *West*, *Waket*, and one

they

A. D. 1683.

they call'd Colonel (*Ramsay*) at the *Salutation Tavern* in *Lombard-Street*, they gave him the Name of *Gulick*; and he demanding the Reason receiv'd for Answer, "That *Gulick* was a brave Fellow, who had headed the People of *Cologne*; and that they hoped to see this Informant do the same at *Wapping*." After this our Informant recurs to the Conversation with *Rumbold*, *Burton*, *Thompson*, and *Barber*, before treated of; seemingly only to blacken the said *Rumbold*; by charging him with saying on that Occasion, "That to take off the King and Duke would be a keeping of One of the Ten Commandments; since it would prevent a Rebellion, whereby abundance of Blood must be shed." He also recurred to the Conversation with *Goodenough*, *West*, &c. at the *Salutation Tavern*; and said, That having ask'd the said *West* and *Goodenough*, What Care was taken for Arms? it was answer'd, That he need not take care of that; for there was Provision already made: Adding, That *West* recommended Secrecy above all things, to this Deponent; on the Consideration, that, if the present Design miscarry'd, they should never be able to retrieve it: And, finally, that the said *West* farther told him, on *Easter Eve*, "That, since the Design to be executed upon the King's Return from *New-Market* had fail'd, they intended to take off the two Brothers between *Windsor* and *Hampton-Court*."

[Examen, p. 378.]

It is acknowledg'd on all Hands, that Mr. Secretary *Jenkins* set no great Value on this Discovery; alledging, says the Lord Keeper *North*, it would be but of little avail, because there was but one Witness: And this Sentiment of his is extremely remarkable; for if the Plot was real, and the King's Person in such apparent Danger, the Merit of the Service ought rather to have been placed in the King's Preservation, than the Punishment of the Criminals. However, *Keyling* was resolv'd to get the better even of that Objection too, and said, "That if Mr. Secretary would employ any Man, that was not known, to go with him, he would introduce him into their Company, where he should bear the Treason discours'd. But we are told it appear'd so incredible, that Persons conversant in the Law, as *West* and *Goodenough* were known to be, should so openly expose themselves to the Danger of it, as to enter into treasonable Conferences in the Presence of Strangers, that the Secretary was not over-forward to embrace his Proposal; which is as much as to say, that it was left to *Keyling* himself to find out an additional Evidence to authenticate his own. It is plain he so understood it; for, two Days after, viz. on the 14th, he introduced his own Brother, *John Keyling*, into the Company of *Goodenough*, at a Tavern behind the *Exchange*; and, by the Train of Questions he put, it is not unreasonable to conclude, that he was assisted by wiser Heads than his own; for, according to the joint Deposition of the two Brothers, *Josiah*, the DISCOVERER, first ask'd, What Account he, *Goodenough*, had receiv'd of his Twenty Divisions? and *Goodenough* readily

He makes use of his Brother to confirm his Evidence. [Sprax's Appendix, p. 45.]

Their joint Information.

answer'd, That *Lee*, the Dyer, had undertaken for five hundred Men. *Keyling* then demanded, Where these Men, &c. should have Arms and Ammunition? *Goodenough* reply'd, That twenty thousand Pound was promis'd, and would be issued on demand to the twenty Persons who undertook for the several Districts, in proportion to the Number of Men they brought in. It must be presum'd, that the next Interrogatory related to the Persons by whom this Money was to be rais'd; for we find *Goodenough* proceeding to say, That the Duke of *Monmouth* and all his Friends were concern'd in raising it: That his Grace was moreover to be at the Head of the Party, which was expected to be Four thousand strong. Descending then to Particulars, he farther said, That a certain Colonel, suppos'd to be *Ramsay*, would advance eight hundred or a thousand Pounds towards paying for Arms: That *Wade* of *Bristol* kept two or three hundred Pounds in Town; and that he himself had about sixty Pound in Plate, and about fifty or sixty Pounds of his own in Gold, for the same Service. *Keyling* then asking, What Provision of Horse was made? he, *Goodenough*, answer'd, That a hundred were ready, and Men to mount them; and that, if there was occasion, more should be provided. He also demanded in his turn, What Progress *Josiah Keyling* had made upon those Papers he had entrusted him with? who reply'd, All was well enough with them; only Arms and Ammunition were wanting: And to remove all Doubt on that Head, *Goodenough* reassur'd them, That, if there was Faith in Man, there should be no Want of Money for the procuring both; and that he was that very Night to have a Meeting with the Persons principally concern'd. Here *Keyling* (*Josiah*) in order to obtain farther Confidence, suggested a Stratagem to get possession of the Tower; which *Goodenough* having applauded, the said *Keyling* once more turn'd the Discourse to the Means of satisfying his People on the Subject of their being provided with Arms: And having received fresh Promises of Money, made a farther Push for Information, by asking, What Gunsmith it would be safest to deal with? Whether with *West*'s? Whether some Arms were not already in hand? Whether those were dispos'd of, which were to have been sent to the *Rye*? And, upon being inform'd they were not, Whether they were lodg'd at *West*'s House, or still remain'd in the Gunsmith's Hands? And *Goodenough* answering, that they were still in the said Gunsmith's Shop; *Keyling* clos'd his Enquiry, by asking, Whether they went on with their Design of killing the King and the Duke between *Windsor* and *Hampton-Court*? and *Goodenough* reply'd, No; because it was not usual for them to go together; but that they would do it at the Bull-feast in *Red-Lion-fields*.

Bishop *Burnet*, treating of this joint Information of the two *Keylings*, would have his Readers believe, that *John* was a Man of Probity, not inclin'd to ill Designs, and left to discover them; that he was seduced into the Affair by *Josiah*; that he found himself in

A. D. 1683.

[P. 1. p. 549.]

A. D. 1651.

the Secretary's-office, before he knew where he was going; that when he became sensible of the Snare, he was deeply struck with the Cheat and Surprise; that he could not avoid the making oath of all he had heard; and that he sent Advertisements to *Goodenough*, and all the other Persons that had been nam'd, to go out of the way. But if he was once trapp'd, how came he to go voluntarily the next Day, the 15th, into *Goodenough's* Company again, to draw him into fresh Discoveries? And afterwards to go, with his Eyes open, a second time, to Mr. Secretary *Jenkins's* Office, and join in a second Information? And either he did both, or the Informations annex'd to *Bishop Sprat's True Account* utterly destroy the Credit of the Work they are design'd to support: For there we find a second Paper, dated *June 15*, in the Name of the TWO *KEYLINGS*, signifying, That they had had another Meeting that Day, with *Goodenough*, at another Tavern behind the Exchange: That they all'd the said *Goodenough*, WHAT PERSONS OF QUALITY WOULD BE CONCERN'D? who answer'd, That *William Lord Russell* would be concern'd in it to his utmost: And that he would use all his Interest to accomplish the fore-said Design of KILLING the King and the Duke of York. There is yet a third Information of *Josiah Keyling's*, which, like the last, seems to be calculated to complete the Discovery; for therein, after an inflammatory Repetition of much idle Tavern-talk, he deposes, That *Goodenough* and *Rumbald* had told him, "There was a Remonstrance or Declaration ready drawn up, which would be printed against the Day that their design'd Commotion was to be; wherein they would ease the People of Chimney-money, which seem'd to be most grievous, especially to the common People; and that they would lay the King's Death upon the Papists, as a Continuation of the former Plot."

But tho' the second *Keyling* had confirm'd the Evidence of the first, as to the general Discovery of the Plot, in Law he could be admitted as a Witness only against *Goodenough*; and tho' the Duke of *Monmouth* and *Lord Russell* had been mention'd, there was nothing but Hearsay against them; and, from what yet appear'd, *Goodenough*, *West*, *Ferguson*, and others of the same Level, were the principal Conspirators. Still farther Lights, and other Witnesses, were therefore necessary, to come at the Bottom of the Secret, and to make the most of the Discovery: In order to which a Proclamation was issued *June 23*, for apprehending *Rumsey*, *Rumbald*, *Nelbrop*, *Waide*, *Goodenough*, *Walcot*, *Thompson*, *Burton*, and *Hone*, for High Treason. But we are told by the Lord Keeper *North*, as well as *Dr. Burnet*, That *John Keyling* "had most perfidiously, and to the Intent that his Discovery might be public, gone to divers of the Party, and told them what he had done.—So that it began to be discours'd in Town, that there was a Discovery of a Plot against the King's Life; whereby, continues his Lordship, the principal Conspirators came to be assur'd of it, and fled; and none could be

apprehended but one *Barber*, a poor Instrument-maker at *Wapping*.—This poor Fellow discover'd the cable material Part of the Discovery, with very little Difficulty; whereby it was plainly understood, that there was a Reality in the Design, and *Keyling* an honest Man."

In all Affairs of State there is something left in the Dark, and that something is ever of more Importance than all that is reveal'd. Thus in the Case before us, it is natural to suppose that *Barber* was apprehended in virtue of the Proclamation; whereas his Name was not in it: And if he was brought by warrant before the Council, it was rather to make use of him as a Witness, than to proceed against him as a Criminal. On the very Day that the Proclamation, was set forth, this Man gave in his Information, which could refer only to the Meeting at the *Mitre-Tavern* within *Aldgate*, since he was never consult'd but that once; at which, as before specify'd, were present only *Rumbald*, *Keyling*, and the three which he, *Keyling*, had endeavour'd to enlist into the Service: And it appears strange enough, that when neither *West*, *Goodenough*, *Rumsey* nor *Ferguson*, who were the main Springs which gave Motion to the Machine, were present, two of their Understrappers, and three Novices should go farther in adjusting, directing, and ascertaining the Progress of it, (as the Word agreed, in *Keyling's* Information, intimates) at one Meeting, while they spent their Six-pence a-piece, for so *Barber* deposes, than all those other notable Undertakers, after so many Consultations and so much time wasted, before. *Barber's* Evidence, however, differs materially in many respects from *Keyling's*. *Keyling* speaks in the plural Number, THEY propos'd, &c. *Barber* talks of *Rumbald* as the leading Voice, and of *Keyling*, himself, as his Second. *Keyling* affirms the taking of the King and Duke was expressly discours'd of, *Barber*, on the contrary, uses these very Words, "I never heard that this was intended against the King; for he never was mention'd in any respect, that I did understand; but I did verily believe that it was meant by his Royal Highness." According to *Keyling*, it was agreed, on the *Saturday*, &c. to go down to the *Rye*. According to *Barber*, "It was NOT CONCLUDED ON, by Reason *Rumbald* did expect to have seen more at that Place." As to the other Circumstances of killing the Horles, Coachman and Postilion, &c. as also of driving a Cart across the Road, *Barber* agrees with *Keyling*, except that *Keyling* swears, That several were appointed to shoot into the Coach where his Majesty was to be: Whereas *Barber* only says, They were to shoot into the Coach, without specifying WHO.

Still, according to Mr. Secretary *Jenkins's* Notion, the Discovery was imperfect; for tho' *Barber* confirm'd some Parts of *Keyling's* Deposition, he destroy'd others; and, as an Evidence in Law, could be admitted only against *Rumbald*; for *Keyling* was no longer to be consider'd as a Traitor. But the Defect was scarce observ'd, before a Remedy was found: One of the Lords of the Council

A. D. 1651.  
*Barber's* Evidence.[*Sprat's* Appendix, p. 21, 22.]

[Examen, p. 379.]



A. D. 1683.  
[Kammes,  
p. 180.]

Council declaring, *That, a Friend of his had receiv'd Overtures from West, that he would render himself, if he might have Hopes of Pardon.* This we are told by the Lord Keeper North, who adds, "That the Lords were very cautious not to assure him of Pardon, but only to answer, *That, if he would yield up himself, and make a Discovery of all he knew, they would lay the Matter before the King, for him to do his Pleasure, as the Matter should deserve: But it was the only way to make him capable of the King's Mercy to do so.*"

Well's In-  
formation.

On the very same Day that Barber was examin'd, *Well* came in, and depos'd, "1. That he had been inform'd by certain Persons (whom he could not then recollect, but afterwards nam'd *Walcot*, one *Skute* and *Ferguson*) that an Insurrection was intended in London in November last; the Particulars of which he was never made acquainted with: And that he heard soon after the Design had been wholly laid aside. 2. That about the time his Majesty came from *Newmarket*, in or about October last, he had also heard there was a Design to seize the King and Duke of *York*; but how, or by whom, he was wholly ignorant. 3. That about the same time, meeting with *Ferguson*, he, *Ferguson*, had told him, that two Ways had been thought of for the Relief of the People; one by a general Insurrection in several Parts of the Kingdom, and the other, the most compendious and safe, by taking away the King and Duke by some Surprize, in some Journey. 4. That after the said *Ferguson's* Return from *Holland*, they had several Discourses together, concerning the destroying the King and Duke; and in which it was concluded, by whom it is not said, that there would be an Opportunity, shortly, of doing it, either upon the King and Duke's going to, or coming from, *Newmarket*. 5. That the Examinant *Well*, *Ferguson*, *Godenough*, *Rumbald*, *Rumsey*, and *Walcot* (another Council of Six) met sometimes at the Examinant's Chambers, and sometimes at other Places, to consult on the Method of putting the Design of killing the King and Duke into Execution: That *Rumbald* was the only one of the Company who was to have acted in it personally; and that the said *Rumbald*, moreover, in concert with *Ferguson* and *Godenough*, under-

took to find such Persons as would assist in the Attempt; the Number of whom was fix'd at forty at least, or fifty, if they could be procur'd. 6. That it was agreed the Arms to be made use of on this Occasion should be Blunderbusses, Mulkets, or Carabines, and Pistols; but that on the Question, whether the said Arms should be carry'd down (to what Place is not specify'd) beforehand, or by those who were to use them on Horse-back, he did not remember they came to any Resolution. 7. That *Rumbald's* Corps was to be divided into several Parties to fight the Guards, disable the Horses, and fire into the King's Coach, &c. as had been depos'd by *Keyling* and *Barber*. 8. That after the thing had been resolv'd upon, he was much troubled in his Mind, and endeavour'd by a Representation of the Difficulties attending it, to divert the Execution. 9. That after the (f) Fire at *Newmarket*, and before the King's Return from thence sooner than was expected, it was agreed, BECAUSE they had no CERTAIN INTELLIGENCE when his Majesty would set out, to the best of the Examinant's Remembrance, that the Attempt should be wholly laid aside. 10. That (k) after the King's Return, the said Examinant discoursing at a Tavern in the City with *Rumbald* and *JOHN* (by mistake for *Josiah*) *Keyling*, concerning the Disappointment of their said Attempt (l) IN NOT HAVING THE ARMS READY; and the said *Keyling* talking too openly of Blunderbusses, Mulkets, and Pistols, he advis'd him to call them *Swan-quills*, *Goose-quills*, and *Crow-quills*, that the Drawers might not take notice. 11. That at the same Tavern *Rumbald* told this Examinant how slyly the King was guarded (by SIX (m) only) when he pass'd by his House towards *London*, and how easily they might have succeeded in their Attempt. 12. That it was, some short time after, agreed by this Examinant, *Ferguson*, *Rumbald*, and *Godenough*, that some Arms should be bought, in readiness for any Occasion; which was made the Province of the said Examinant, who had accordingly bespoke 30 Cases of Pistols, 20 Carabines, with Belts and Swivels, and 10 Blunderbusses, of one *Draft* a Gunsmith in *Sheer-Lane*, besides Bullets and Flints, under Pretence of sending the same to *America*. 13. That at a Tavern, about three Weeks or a Month ago, *Nel-*  
*throp*

A. D. 1683.

(f) Which is thus composedly set forth by *Bishop Spear*, in his *True Account*, p. 55. 261.

"But whilst they were thus wholly intent on this barbarous Work, and proceeded secretly in its Contrivance, without any the least Doubt of a prosperous Success; behold! on a sudden God miraculously disappointed all their Hopes and Designs, by the terrible Conflagration unexpectedly breaking out at *Newmarket*. In which extraordinary Event there was one most remarkable Passage, that is not to generally taken notice of, as, for the Glory of God and the Confusion of his Majesty's Enemies, it ought to be:

For after that the approaching Fury of the Flames had driven the King out of his own Palace, his Majesty at first remov'd into another Quarter of the Town, remote from the Fire, and as yet free from any Annoyance of Smoke and Ashes. There his Majesty, finding he might be tolerably well accommodated, had resolv'd to stay, and continue his Recreation as before, till the Day first nam'd for his Journey back to *London*. But his Majesty had no sooner made that Resolution, when the Wind, as conducted by an invisible Power from above, presently chang'd about, and blew the Smoke and Cinders directly on his new Lodgings, mak-

ing them in a Moment as untenable as the other. Upon this, his Majesty being put to a new Shift, and not finding the like Convenience elsewhere, immediately declar'd he would speedily return to *Whitehall*; as he did: Which happening to be several Days before the Affairs expected him, or their Preparations for the Eye were in readiness, it may justly give occasion to all the World to acknowledge, what one of the very Conspirators could not but do; *That it was a providential Fire.*

(g) According to *Josiah Keyling's* first Deposition, this Discourse was before the King's Return; and did not arise from the Disappointment of the Design; but from a Cabal, to put it in execution: And whereas *Well* swears, that he made use of this Case to correct *Keyling's* Indiscretion, *Keyling* swears, that when *Well* first made use of it, he did not understand it, and demand'd an Explanation.

(h) In the Paragraph immediately preceding, another Cause is assign'd; and the two *Keyling's* swear, that *Godenough* acknowledg'd, Arms were actually provided for the *Rye* Affairs; whereas the contrary is here maintain'd.

(m) *Rumsey* said but Four; and *Keyling*, Five.



A. D. 1683. *throp* having call'd *Keyling* by the Name of *Gulick*, who had lately headed certain Tumults at *Cologne*, *Keyling* reply'd, "What think you, for all your Jestings, if I and some few more of my Friends should save the City-Charter and the Nation?" or Words to that Effect. And he, the said Examinant, enquiring, By what Means? the said *Keyling* reply'd, (1) *That nobody should know it, till it was done, but he'd be should not be hang'd for it*: Upon which Words the said Examinant, suspecting the said *Keyling* would rush into some Extravagance, bid him take care not to do a foolish thing and ruin the Protestants. 14. That certain Discourses had been held about *Eastler* last concerning some Attempt on the King and Duke, between *Windsor* and *Hampton-Court*, but no Resolution was taken thereon to this Examinant's Knowledge or Remembrance. And, 15. That it had been lately had in Consideration how to make an Estimate of the Strength of the Protestant Cause, in case they should be put on THEIR OWN DEFENCE; when it was agreed, that the City and Suburbs should be divided into twenty Parts, and that some Person, well acquainted in each Division, should enquire into, and make a Return of, the Number he should find; which Returns were not yet made to his the said Examinant's Knowledge."

[Examen,  
p. 380.]

[F. l. p. 545.]

This Gentleman deliver'd in no less than thirteen other Informations at so many several Times, which the Lord Keeper *North* accounts for, by saying, in Effect, That not being sure of his Pardon, he put his Memory to the Rack to deserve it: And, tho' *Bishop Burnet* is pleas'd to say, by way of authenticating his History, that he had seen all *Woff's Narratives*, by the Means of a Friend of his, who had borrow'd it of Lord *Rochester*, in whose Hands it was lodg'd; and that they were so wise at Court, as not to suffer it to be printed, all these several Informations are to be found in *Bishop Sprat's Appendix*, which, we are to understand, he was above consulting.

That which we have already given the Heads of, was the first: The second was deliver'd in the next Day, and consisted chiefly of Scraps of Conversation. In particular, it set forth, that he, the Examinant, once asking *Ferguson*, What Care was taken to justify the Attempt on the King, in case it took effect? and alleging, that without proper Precautions, the other Party might, in Revenge, shed a great deal of Blood, and immediately proclaim the Prince of *Orange*, which would overthrow the whole Design; the said *Ferguson* reply'd, "That Care would be taken about it: That the Lord Mayor, Sheriffs, and most of the Lieutenancy would be secur'd; and that if *London* was theirs, all *England* would fall in." That, pursuing his first Point, the said Examinant further enquir'd whether any Declara-

tion was prepar'd to be publish'd upon such Occasion? And the said *Ferguson* in answer, affirm'd, "That it had been consider'd of, and was ready, and would be printed ready to be dispers'd." That the said *Ferguson* had about three Weeks or a Month ago, paid him ninety-three Guineas for the Arms he had bespoke, being Part of the 5 or 6000, which he said he had at Command: That the said *Ferguson* inform'd him the *Scots* intended to make some Insurrection, this Summer with the Assistance of 10,000, which he had Hopes of getting for them: That he *hop'd*, also, they would be seconded by a Party in *England*, both in *London* and the *North* and *Western* Parts: And that when this Examinant yet farther ask'd, What Persons of Note would engage in it, and what Method they would use? He answer'd, "First let us found our Strength; and if there be Encouragement from that, you will not want Men of Quality to take their Part; but you must excuse me from naming them till there be Occasion."

It would be an almost endless Labour to descend to all the Minuteneffes that fill these various Informations; for which Reason we shall content ourselves with selecting such Particulars, as seem to be of the most Importance.

In his *Third*, he says, he was refer'd, by *Ferguson*, to Major *Wildman* for the Money to pay for the Arms, but did not apply for it till the said Major was gone out of Town. In his *Fourth*, he recites a Project communicated to him by Lord *Howard of Effersick*, for making an Insurrection; which, it seems, had not the Honour of his Approbation. In his *Fifth*, which is of an immoderate Length, he gives a Recital of those vague Conferences held at different Times and Places, by himself, *Ferguson*, *Ramsfey*, *Goodenough*, &c. In which those Terms of Art were propos'd and adopted, which make such a Figure in our History, and which the whole Party have been so unmercifully loaded with, *viz.* The *Lopping Point* for the *Assassination*, and the *General Point* for the *Insurrection*; as also, for Variety's sake, *The executing a Bargain and Sale, and Lease and Release*: Says, That *Ferguson* was sent for home, by the joint Invitation of himself, *Ramsfey*, *Walest*, and *Rumbald*: That they consulted on a Model of Government: That *Ramsfey*, *Wade*, and himself, drew up some few Fundamentals, which were presented to Lord *Ruffel*, to be by him presented to the Duke of *Monmouth* and his Coadjutors, by whom they were rejected: That *Ferguson* had told him, that Colonel *Sydney* and Major *Wildman* had us'd the *Scots* ill and broken with them, after having made them attend two Months: That it had been propos'd to make an Attempt on the Persons of the King and Duke in their Return from the Duke's Playhouse, in the narrow Part of the Street; but the same

A. D. 1683.

(1) *Keyling's* own Account, as the Reader will recollect, is very different from this: According to him, they consider'd him as the Head of the *Wappingers*; and he answer'd as in that Character, concluding they were priory to the Design: And, to draw no Inference from the Contradiction, it

seems exceeding strange, that Persons who had talk'd so freely together, of *Blunderbuss*, &c. to be employ'd in the *Eye* Affair, should now seem so little acquainted with, and entertain such a Distrust of, each other.

A. D. 1683.

fame was *volubly rejected*, as were also several other Projects of the like nature, by him enumerated: And that about five Weeks since, after the said Treaty with the Scots seem'd to be broken off, he, this Examinant, *Rumsey, Walcot, Wade, Norton, Goodenough, and Holloway*, met at the *Devil-Tavern*, where it was agreed to divide the City, as before mention'd; and if three thousand Men could be rais'd for the first Onset, it was thought sufficient Encouragement to venture upon an Insurrection: But no particular Method, as the said Examinant remember'd, was concluded upon to use these Men. In his Sixth, &c. after another long Account of abortive Proposals, he declares, that, to the best of his Remembrance, the *Fundamentals*, just mention'd, were as follow:

1. That the People should annually meet at a certain time to chuse Members of Parliament, without any Writ or particular Direction to do so.

2. That the Parliament should meet at, and sit for, a stated time, and not be dissolved, prorogued or adjourned, but by their own Consent; and that no Prorogation or Adjournment should hinder their Meeting before the Day, to which they were prorogued or adjourn'd, if there were Occasion.

3. That the Parliament should consist of a House of Lords, and a House of Commons, but the exact Number of both or either of them, this Examinant doth not remember.

4. That only such Nobility should be hereditary as were assisting in this Design; the rest should be only for Life; and upon their Death, the House of Lords be supply'd from time to time with new ones out of the House of Commons; but whether by the Election of the Lords, or of the Prince, this Examinant doth not remember.

5. The Militia should be in the Parliament, and the Parliament have the Nomination, if not the Election of all Judges, Sheriffs, Justices of the Peace, and other greater or lesser Officers, civil or military.

6. That what Acts passed both Houses should be a Law for one Year without the Prince's Consent, and what Acts passed both Houses in two several Parliaments should be a perpetual Law without his Consent.

7. That a Council to the Prince should be elected out of the Parliament; a certain Number of the Lords to be elected by the Commons; and a certain Number of the Commons to be elected by the Lords; but the Number of the Council, or of either Lords or Commons to be of it, this Examinant doth not remember.

He then proceeds in the following remarkable manner:

"And this Examinant further saith, That before the said *Ferguson* went for *Holland*, this Examinant pressing him to know, whether the Duke of *Monmouth* were acquainted with the Design against the King and Duke,

and would not hang all Persons concern'd in it if it succeeded; the said *Ferguson*, said, *What if I get it under his Hand that be shall not?* To which this Examinant answer'd, *It would be sufficient Satisfaction.* But when the said *Ferguson* return'd from *Holland*, and this Examinant press'd him again, to have Security fit to be rely'd on; he aik'd this Examinant, *Whether that were fit to be propos'd to the Duke?* And this Examinant saying, *If be durst not propose it, be thought aber Men ought not to venture upon it.* Whereupon the said *Ferguson* said, *That he had mention'd something concerning the King, to the Duke of Monmouth, but not assuaging him.* To which the Duke answer'd somewhat sternly, *You must look upon me in the Capacity of a Son.* Which Answer for some time damp't the Design, and always clogg'd it: But at length it was resolv'd, that if the Duke did prosecute the Actors in it, that the Duke himself should be kill'd, if it could be done.

And yet in this very same Paper he also says, "That about a Fortnight before the King's Return from *Newmarket*, when the Attempt was resolv'd on to be made, (these are his Words) *Ferguson* told him, that the Duke of *Monmouth*, and several Lords, should be invited into the City to a Dinner, the same Day that the King was to return; so that they might be ready to appear upon the Arrival of the News." And again, (notwithstanding all these desperate Resolutions) "That *Goodenough* reported, That he found most Persons insist upon Terms; and required to know, what Ease and Advantage they should have in Matters of Religion, their Liberties and Properties; and what Assurance they should have of their being perform'd, before they would actually engage in Arms: For they would not fight to change Persons only, but THINGS." And yet once more, "That the Examinant himself, perceiving that little or no Preparations were made for the *Newmarket* Attempt, made his Remonstrances thereon to *Ferguson*; who answer'd, *That he should have a Sum of Money for it, when Things were fixt, but not else.*" And it is notorious, by *West's* own Confession, that he did not receive the 100 l. for Arms, till within three Weeks or a Month before *Keyling's* Discovery.

In his *Seventh*, he enlarges on the different Proposals for conveying the Arms that were not yet purchas'd to the *Rye*; and confesses, no particular Way was resolv'd on; and for seizing the *Tower*, but concludes, that no Resolution was taken.

In his *Eighth* he deposes, that *Ferguson* inform'd him, That certain (e) Nonconforming Ministers had told the said *Ferguson*, "They suspected he was driving on a Design to assassinate the King and Duke; and begg'd of him to desist; for that it would bring a Reproach on the Protestant Religion, whatsoever the Event might be." And that

*Ferguson*

(e) Notwithstanding which, in his Fourteenth Information, he says, that the same *Ferguson* told him, that *Osborn, Collins, and Mead*, all Nonconformist Ministers, were in the Secret: That the two first had declared the Assassination to

be both lawful and necessary: And that the Last was zealous in the Business of the Insurrection. He also brings a like Charge against one *Lobb*, in his Fourteenth.

A. D. 1683. *Ferguson* was forc'd to assure them, there was no such thing intended: As also, that the said *Ferguson*, in confidence, proceeded to say to him, "Alas! they are weak, silly Men, and not fit for these things, who cannot distinguish between destroying a Prince merely for his Opinion in Religion, and destroying Tyrants, who design to overthrow the Laws, Religion, and all civil Rights. It is a pious, glorious Action; and such as will teach all Princes to use their Subjects kindly."

In his *Tenth* and *Eleventh* he charges his Associates with a thousand intended Cruelties: As that *Moor* and *Pritchard*, the present and late Lord-Mayors, and *North* and *Rich*, the present Sheriffs, should be kill'd: That the Skin of the First should be stuff'd, and hung up in *Guilddall*: That if *Clayton* and *Ward*, who had behav'd themselves like *Trimmers* in their Mayoralty, did not make a public Submission, they should be knock'd o'the Head: That *Gold* or *Cornish* should be appointed Lord-Mayor; and if they refus'd to serve, they should be knock'd o'the Head: That most of the Judges should be kill'd, and their Skins stuff'd, and hung up in *Westminster-hall*: That some of the principal reputed *Pensioners* should be put to death, and their Skins stuff'd, and hung up in the Parliament-house: That some of the principal *Addressers* and *Abhorers* should be taken off; as also the Lords *Hallifax* and *Rocheſter*: And that *Goodenough* was for hanging the Lord-Keeper on the same Post on which *College* was hang'd. In his *Tenth* he also says, That he believes he acquainted Mr. *Carleton Whitlock*, and Mr. (p) *Edmund Waller*, of the intended Assassination and Insurrection, in *November*; but not till the time of Execution was past. And, in *Bishop Sprat's Appendix*, we find two Papers in the Names of those two Gentlemen; one of which is call'd, *The Information of Carleton Whitlock*; and the other, *Mr. Edmund Waller's Confession*: The first of which imported, That *West* had, in *Easter-Term* last, told him, That some desperate Fellows had design'd to have kill'd the King, or would have kill'd the King, as he came last from *Newmarket*, if they had not been afraid the Duke of *Monmouth* would have hang'd them: And afterwards, That there was a Design of raising a considerable Sum of Money to buy Arms, as he remember'd, in *Holland*, &c. And as to Mr. *Waller's Confession*, it was to this Effect, That being once in Company with the said *West*, *West* rail'd so much at those he call'd *Protestant Lords*, that he, *Waller*, ask'd him, Whether he would have them to be Rebels? adding, That such Men as he, and nothing else, could ruin the Kingdom. And that, another time, walking with him in the *Temple Cloisters*, the said *West* told him, That some People, not naming himself as one, had had a Design to set upon the King; but it was over: And that he, *Waller*, reply'd, "I don't believe it.— These

things will hang you, and undo a great many other People."

And, lastly, the *Fourteenth* Paper of the said *West* concludes with the following remarkable Paragraph:

"And this *Examinant* further saith, that Colonel *Rumsfy*, discoursing with this *Examinant* further, concerning the Duke of *Monmouth*, told this *Examinant*, the Duke was inclinable to answer the People's Expectations, and submit to be little more than a Duke of *Venice*; but the Lords about him, and *Armstrong*, design great Offices to themselves, and will not endure to hear of Terms, but cry, all shall be left to a Parliament: Whereupon this *Examinant* saying to him, *It were but just to discover all their Intrigues; but the being an Informer is an ugly thing*, Colonel *Rumsfy* reply'd, *It is true our People are not worth venturing for, and the other People are not worth saving*; besides it would give a great Blow to the *Protestant Interest* all the World over."

Concerning these two Persons, *Rumsfy* and *West*, *Bishop Burnet* writes as follows: [P. i. p. 549.]

"*Rumsfy* and *West* were at this time perpetually together: And apprehending that they had trusted themselves to too many Persons, who might discover them, they laid a Story, in which they resolv'd to agree so well together, that they should not contradict one another." And the Lord-Keeper *North* also suggests, That, "upon *West's* Example, *Rumsfy* render'd himself, who was thought a Man of that Circumspection, continue his Lordship, that he would not venture in such a Design, without very considerable Persons, and great Probability of Success." *Rumsfy* was an old Soldier, and had so distinguish'd himself in *Portugal*, under Count *Schemberg*, that he return'd with a high Character for Valour; on which account he had been thought worthy of Royal-Favour: And, according to Mr. *Carte*, it was rather from a Sense of that Favour, and a Dread of being held infamous for his Ingratitude, than any Concern for his Life, that he was induc'd to give in his Evidence. The same Author also intimates, that he reserv'd his Discoveries for the King's own Ear; and that his Majesty came to Town from *Windſor*, June 26, on purpose to receive them. And the Lord-Keeper *North* yet more particularly says, "That he at first propos'd to yield himself to my Lord *Hanslow*, but my Lord being a *Papist*, it was not thought fit; and it was wonder'd he should chuse him. He then made Overtures to the Duke of *Albemarle*, to yield himself to him; but would have Assurance of his Pardon. It was plainly told, that, for that, he must rely on the King's Pleasure, who would do as he should deserve. He, thereupon, yielded himself; and desir'd he might first be admitted to speak with the King and the Duke: And this the King was pleas'd to condescend to, after he had been search'd.— It was thought his desiring to speak with the King and the Duke was

A. D. 1683.

Ramsey's De-  
positions.

was to draw from them Assurances of Pardon; or to find whether the King was willing the Duke of *Monmouth* should be accus'd." But, unfortunately, in Bishop *Sprat's* Appendix, p. 12, we find a Copy of Colonel *Ramsay's* first Examination, dated June 25: And also a Signification that it was taken by the Duke of *Albemarle* and Mr. Secretary *Jenkins*. So that he was brought to Confession, it seems, before his Majesty condescended to see him. He set out with acknowledging, that Lord *Shaftsbury* had projected an Insurrection in *October* or *November* last; and had assign'd *Bristol* for his Post. And being ask'd, What Persons of *Quality* or *Capacity* were to have the Command? he answer'd, That he had heard my Lord *Ruffel* nam'd, and complain'd of; as also Mr. *Trenchard*. He then went on to repeat what he had also heard from one *Roe*, the Sword-bearer of *Bristol*; and from *West*: Said, that he came acquainted with *West* towards the End of the last Year: That at his, *West's* Instance, he had a Meeting with *Goodenough*, and others, in *West's* Chambers, about *February* last, to concert the Means of assassinating the King, in his Way from *Newmarket*: That *Goodenough* and *West* brought him and the said *Rumbald* together, as the Man who would undertake to command the Party who were to make the said Attempt: That *Rumbald* acquainted him how the Ground lay, and would have had him gone down to see it; which he declin'd: That they had afterwards several Meetings, to try if they could make up the Number of forty or fifty Men for that Purpose; under which Number, *Rumbald* would not undertake it: That, at their next Meeting, two or three Days before or after the King's coming from *Newmarket*, in *March* last, they did resolve that Arms should be bought against the next Journey in Autumn, or any other Opportunity: That *West* undertook this Service: And though, according to *West* and *Keyling*, the Disposition for the Attack was made before the King's Return, and when it was actually resolv'd to make the said Attack, when his Majesty should be on his Return, this noble Colonel treats of that Disposition, in almost the same Words, as agreed upon at the very Meeting, when the Arms were ordered to be purchas'd for the next Opportunity. He then proceeds to mention *Rumbald's* Account of the King's passing by his House with so thin a Guard; and adds, That *Walcut* was then present: That about three Weeks or a Month since, there was a Meeting at *West's* Chambers, of *Goodenough*, *West*, *Walcut*, *Norton*, *Wade*, and *Holloway*, when it was resolv'd to try what Men could be rais'd in *London* and the Liberties: That then the Division of the City into twenty Parts was made: That for the first Fortnight little was done: That then *Goodenough* brought in an Account of seven Divisions, which amounted to three thousand nine hundred Men, or thereabouts; and that it was further resolv'd, That the Design in Hand should be kept secret until such time as the Return of all the Divisions should be brought in. Being then ask'd whe-

ther he did hear any Commanders or Commission-Officers nam'd to command these Forces, he said, That he had heard no particular Names, but in general, that there were an hundred old Officers about the Town: That, after they had completed the Levies, it was resolv'd that the Examinant should make an Offer of the Command of the Duke of *Monmouth*; but the said Levies never having been completed, he had said nothing to his Grace: That the Pretences for their rising were to assert Religion and Liberty: That a DECLARATION was to be publish'd when these Forces were up, but he never saw or heard it: And, to wind up his Bottom, he mention'd the Incident of *Keyling's* being call'd *Gulick* at the *Salutation-Tavern*; but speaks of him as an utter Stranger to himself; and ascribes that saying to *West*; whereas *West* ascribes it to *Nellthrop*; and whereas *West* swears, June the 23d, that the Meeting at the said Tavern was about three Weeks or a Month past. *Ramsay* fixes it to the best of his Remembrance, on the Tuesday Se'nnight before his Examination; and *Keyling*, himself, on the Thursday before his, which was on the 12th of June, and his own, as we have seen, was on the 25th.

We have here a Discourse which relates to the whole Time, from Lord *Shaftsbury's* first Undertakings, to *Keyling's* Discovery; and consequently one would imagine the Colonel had told all he knew: But it seems he, as well as *West*, had his Recollections and Amplifications to make; and these, we are to suppose, are the Matters which he kept in Reserve for the King's own Ear, and which we also find in Bishop *Sprat's* Appendix, under the the Head of, *Further Informations* of Colonel *Ramsay*; but, except one, without any Dates or Intimations to whom they were made. In the first of these, we are told, that when *Ferguson* and others did, in several Meetings, since the Beginning of *February*, press for the getting ready the Men who were to dispatch the two Brothers, and it was urg'd in answer, That several of them were poor, and could not furnish themselves with Horses or Arms, the said *Ferguson* undertook to provide the Money; and in two Meetings afterwards, said, he had 600*l.* in Gold ready: That when *Rumbald*, &c. ask'd him at the first Meeting, whether he thought the Duke of *Monmouth* would not avenge the King's Death, he, *Ferguson*, undertook to have it under his Grace's Hand, That he would not, against the next Meeting: But when that time came, told his Associates, *There was no saying any such thing to the Duke*; but added, *We must all be ruin'd if it is not done*. And being farther ask'd, If the Duke would appear when it was? he made answer, That a Person would be there; but he must be excus'd from naming Names, and desir'd not to be press'd: That he, the Examinant, had always given it as his Opinion, That no Trust was to be put in what *Ferguson* said, because he would say any thing to promote the most barbarous Murder: That others made no Scruple to say, That when their Swords were in their Hands, if he, the Duke, would

A. D. 1683.

A. D. 1685. would not protect them, he should be cut off too: That when the News of the firing of *Newmarket* came to Town, *Ferguson* sent for most of the Conspirators, and was earnest with *Rumbald* and *Godemough* to make the Attempt with what Men they had; saying, he himself could help them to six; but that it was given over for that time, because neither Arms nor Horses were ready: That *Ferguson* then promis'd, he would immediately get the 600*l.* into his own Hands to provide all things in a Readiness against the first Opportunity: That about fourteen Days since, the said *Ferguson* had told the Examinant and *Woff*, That 3000*l.* was ready to buy Horses and to maintain them and the Men in a Readiness; but did not say from whom he was to have the Money.—Here our Examinant breaks off again, and goes back to *January*, not to add any thing new of his own Knowledge, but what he had heard from others in relation to the Treaty with the *Scotts*, &c. and concludes with saying, That to the best of his Memory, he hath here set down every thing that was said or transacted in the Debates when he was there.

And yet this was so far from being every thing he had to say, that in a third Information, he proceeded to depose as follows.

[Sprat's Appendix, p. 17.]

“That being sent by the Earl of *Shaftsbury* about the Beginning of *November* last to Mr. *Shepherd's* a Merchant near *Lombard-street*, where was the Duke of *Monmouth*, *Lord Russell*, Lord *Grey*, Sir *Thomas Armstrong*, and Mr. *Ferguson*; this Examinant told them, my Lord *Shaftsbury* had sent him to tell them it was high time to come to some Resolution about the Raising, they made him this Answer by Mr. *Ferguson* (and afterwards my Lord *Grey* said Words to the same effect) that Mr. *John Frenchard* had promised and assured them, at his first coming to Town that Term, That he could in four Hours time have a thousand Foot, and two or three hundred Horses; but now they had sent to him to know the Certainty, he had return'd to them this following Answer: “That Men would not be got from home on two or three Days Warning, but that when such a thing as a Raising should be, he must know it sooner, that he might acquaint Men to make Provision of Settlements for their Families; so they could not go on at this time any further: And for this Reason, and that they heard Sir *William Courtney* would not stir, my Lord must be contented.” This Message I return'd to my Lord. On this my Lord resolv'd to leave *England*.”

This Third Information contains also several Particulars relating to the Proceedings of the Under-Cabal, which had been told him by others; and which, for that Reason, scarce deserve Notice. There are, moreover, two Letters of his in the Bishop's Ap-

pendix, to the Earl of *Rocheſter*: The first A. D. 1685. specifying, That *Ferguson* had said, he could promise for three hundred *Scots*, who were in this Town, and who would be ready at a Day's Warning; (and yet, when he was pressing to set *Rumbald* on the Assassination, he could furnish but six Men towards his Corps) That there were in *England* twelve hundred, who could be depended on; some of whom were Gentlemen's Sons, tho' now transform'd to Pedlars, for a Subſtitance; and all of them had been at *Batſwell-Bridge*: And the second, that *Roe*, the *Bristol* Sword-Bearer, had told the Examinant, that *Gibbons*, the Duke of *Monmouth's* Footman, had told him, that nothing but taking off the two Brothers would do the Business; and that, if he would go with him, he would shew him the Place to effect it; which was from a Mount in the Earl of *Beſford's* (y) Garden, looking into *Covent-garden*: That the said *Gibbons* had communicated this Project to Sir *Thomas Armstrong*, in the Name of *Roe*; that Sir *Thomas* had thereupon come to the Examinant in a great Passion, and enjoind him to warn the said *Roe* from (r) talking of any such thing; and that when the said Examinant did accordingly speak to the said *Roe*, he confess'd the thing, but insisted that the Motion came from *Gibbons*. Mention is also made of this Circumſtance again, in yet another Information of the Colonel's, (dated, by Miſtake, June 11, 1684, for July 11, 1683) which is levelled wholly at *Armstrong* and *Monmouth*, and which we shall have occasion to cite again hereafter: But therein he acknowledges, that Sir *Thomas* had made use of other Terms, than those then us'd by him, which he had forgot. And in the Conclusion of this second Letter, he uses these Words: “This was to be done as the King came from the Play. I cannot recollect whether I was twice at Mr. *Shepherd's* with the Duke of *Monmouth*, &c. or but once; but if I was but once, then I heard Mr. *Ferguson* relate to my Lord of *Shaftsbury* some Part of their Debates at another time; as that they had resolv'd on the 19th of *November* for the Raising, and some Heads of a Declaration. Whether I heard this Debate at Mr. *Shepherd's*, or at my Lord *Shaftsbury's* Lodging, I cannot be positive in, but Mr. *Shepherd*, I believe, may remember.”

Now the Lord Keeper *North* affirms, that he presently declar'd the Meeting at *Shepherd's*; [Examen, p. 390.] But we have seen that the Fact was otherwise: And if his Lordship had not also affirm'd, “That in all these Examinations there never was a leading Question made, but such as naturally arose from the Matter confess'd, it might have been furmish'd, that the Colonel was led to this Point, as the only way to deserve his Pardon. It is certainly strange, that he should first deliberately declare, that he had recollected every thing that had been said

(y) Where *Tavistock-street*, &c. now stand.

(r) This is no doubt infer'd by *Rensſe* as a blackening Circumſtance: But if we consider it in another Light, that Sir *Thomas's* Anger arose from his Abhorrence of any such Proposal; and that his Intention was not only to discourage

the Talk, but the very Imagination of any such thing; it will then take a different Turn, and serve to shew, that the Designs of the Party were not so wicked as they have been represented.

A. D. 1685.

Shepherd's  
Information.

said or transacted when he, himself, was present, and that he should soon afterwards recollect so much more: And it is as strange, that he should believe *Shepherd* would remember more of his own Conversations than himself. *Shepherd*, however, prov'd a notable Support to his crazy Testimony: For being brought before the King in Council, June 27th, he depos'd, "That, sometime before Lord *Shaftsbury* went for *Holland*, the Duke of *Monmouth*, Lord *Grey*, Lord *Ruffel*, Sir *Thomas Armstrong*, Colonel *Rumsey*, and *Ferguson* met at his House; where the Subject of the Discourse was, how to secure his Majesty's Guards; and that, in order thereto, as he was afterwards inform'd at their next Meeting, the Duke, Lord *Grey*, and Sir *Thomas Armstrong*, walk'd about that End of the Town one Night; and gave an Account, that they found them very remiss in their Places, not like Soldiers; as also, that the thing, provided they could have a sufficient Strength, was feasible enough: But that finding such sufficient Strength was not to be had, the Project was wholly laid aside, so far as he knew." He added also many other Particulars relating to *Ferguson*, *Bailey*, and the *Scottish* Negotiation, which it is needless to repeat. The Merit of his Evidence consisted in the first Paragraph; which was so express against the Grandees of the Party: And tho' he swore *Rumsey* was present at this Conference concerning seizing the Guards, which the said *Rumsey* had, as yet made no Mention of, and *Rumsey* swore that his Business there was an Errand from Lord *Shaftsbury*, which *Shepherd* had made no mention of, this Disagreement was overlook'd; and a Proclamation was issued the next Day for the apprehending *Monmouth*, *Grey*, *Ruffel*, &c. *Monmouth* immediately absconded, but *Grey* and *Ruffel* were taken: With regard to the latter, Bishop *Burnet* intimates, That a Messenger was planted at his Door, the Day before the King came to Town, to have stop'd him if he had offer'd to go out: But his Back-door was not watch'd: Whence it was infer'd, that this was done to fright him away: But not having trusted *Rumsey*, and having forgot the Discourse at *Shepherd's*, he did not care to think himself in Danger, or that he ought to give the Courtiers an Opportunity to urge, That his Flight was a Confession of his Guilt. Thus he was induc'd to stand his Ground; and when the Messenger, for but one was employ'd on this Errand, arrested him in his own House, he made no Effort of any kind to escape, but obey'd the Warrant as implicitly, as if it had been back'd by an Army. As to his Behaviour before the King and Council, the Lord Keeper *North* pronounces, that he appear'd in very great Confusion; Mr. *Corte*, that it was very foolish; and in Bishop *Spreal's* Appendix, p. 131, we have certain Minutes of the Questions put to him, and his Answers; which are in Substance as follows: Being

[Examen.  
p. 380.]  
[Life of the  
Duke of Or-  
mond, vol. II.  
p. 528.]

A. D. 1685.

Lord Ruffel  
examined before  
the King  
and Council.

ask'd, whether he knew of any Consultations tending towards an Inturrection or to surprize the Guards; and if so, by whom? He reply'd, He knew of no such Consultations. Q. Whether he had ever been at *Shepherd's*? how often? and when last? A. (r) Frequently; but I cannot set down when I was there last. Q. Whether any Lords were in his Company, and who? Whether *Monmouth*, &c. A. I went thither with the Duke of *Monmouth*; but as to the rest of the Persons then present, as I conceive, I ought not to answer, ill Constructions having been put on that Meeting: Nor can I positively (for precisely) remember. Q. Was there any Discourse concerning a Rising in the *West*, or any Parts of the *West*, or at *Taunton*? What was that Discourse, and with whom? A. There was no Discourse, as I remember, concerning any Rising in the *West*, or any Part of the *West*, or at *Taunton*; nor particularly of Mr. *John Trenchard's* Undertaking; nor about Mr. *John Trenchard*, as I remember. Q. Was there any Discourse concerning the surprizing the King's Guards at any time? Did the Duke of *Monmouth*, the Lord *Grey*, and Sir *Thomas Armstrong* undertake to view the Guards, to see if it might be done, and in what Posture they were? And did they afterwards make any Report on that Head? A. There was no such Discourse; nor did those Persons undertake to make any such View; nor did they make any such Report; nor was there any such Undertaking elsewhere that I know of. Q. Was *Ferguson* at any of those Meetings? and by whom was he directed? A. I cannot tell by whom he was directed at any of those Meetings; nor do I know he was there. Q. Do you know of any Design for a Rising in *Scotland*? Did you ever assist at any Consultation for that End, and with whom? What Money did the *Scotts* demand at first? Did they consent to take 10,000 l.? By whom, or how, was that Sum, or any Part of it, to be rais'd? A. I have heard general Discourses of many distressed People, Ministers and others of the *Scottish* Nation; and that it would be great Charity to relieve them.

Nothing is more amazing, than that any Man, who knows himself to be obnoxious to the Government, and who is determin'd not to throw himself upon the Mercy of it, should submit to these dangerous Parleys. Every one of these Questions was a Snare; and the Folly to be imputed to this unfortunate Nobleman on this Occasion, seems rather to arise from his answering at all, than from his answering in such a manner as oblig'd the Court: And as to his Confusion, it was but the natural Consequence of his Indiscretion. It is, however, apparent, that he was not even suspected of being privy to the Assassination-Conferences: And Bishop *Burnet* affirms, that the King, himself, expressly declar'd, That nobody suspected him of any Design against his Person. Upon the Issue he

[p. 547]

was

(r) His Lordship alter'd this Word to *divers times* with his own Hand, so we are told by Bishop *Spreal*.

A. D. 1683.

and committed  
to the Tower.  
Lord Grey ex-  
amin'd.  
[Examen,  
p. 381.]

was sent to the Tower; and Lord Grey was brought under Examination next; who, says our Lord Keeper, "Did not at all decline answering, but, with the greatest Clearness in the World, made Professions of Loyalty, and deny'd all Practice against the King: But when *Ramsfey* was produc'd Face to Face, he was dash'd, but presently recollecting his Spirits said, He knew well enough he must be committed, as the Testimony against him was upon Oath, tho' never so false; and desir'd he might be permitted to lye in his own Lodgings, instead of being sent to Prison so late: And tho' this was refus'd, he was so far gratify'd, as to be permitted to lye in the (r) Serjeant's Houfe. This Liberty, continues our noble Author, he made use of so, that he confer'd with his Friends; and, it is likely, provid'd for his Escape: For the Serjeant was made drunk, or pretended to be so: And just as he should have enter'd into the Tower, he left the Serjeant asleep, and walk'd away, took Boat, and cross'd the Thames, and from thence escap'd to his own Houfe at *Hastings*, and afterwards found a Vessel that carry'd him into *Holland*; and the Serjeant was committed to the Tower in his stead."

and makes his  
Escape.

[Examen,  
p. 381.]

His Lordship soon after taking occasion to speak of *Ramsfey* and *West*, proceeds as follows: "*West* and *Ramsfey* having render'd themselves without Assurance of Pardon, but as the Discoverer they made should deserve it: And *Ramsfey* having been sworn in order to the issuing out Proclamations against *Monmouth*, &c. his Testimony shew'd he was not to be prosecuted: But *West*, as he said himself, knew too much to plead, *Not guilty*, and too little to deserve his Pardon; and some of the Council were averfe to Mercy towards him, because he had not only been earnest to press others to this Villany, but had bought the Arms wherewith the Assassination was to be perform'd; the King, whose Nature always inclin'd to Mercy, said, *That if the Lords were satisfy'd that West had told all he knew, there was no Reason to hang him because he knew no more: And if Men were to be sav'd for the Weight of their Discoverer, and not for the Ingenuity of it, it might be a Means to make a Man invent false Accusations, which would be mischievous and wicked.* Whereupon *West* was to be us'd as a Witness, tho' there was little need of his Testimony. One Accident contributed to the saving of *West*, viz. the taking of *Walcot*, who wrote a Letter to Secretary *Jenkins*, and appointed a Place; but his Heart fail'd and he was taken in his Lodgings."

Walcot takes;

This Letter of *Walcot's* is inserted in Bishop *Sprent's* Appendix, and contains an Offer to discover all he knew; which he presum'd by his Intimacy with a *Scottish* Minister, thro' whose Hands much of the Busi-

ness went, might be something more than the Original Discoverer was able to acquaint his Majesty with, as also to follow the Lords and Gentlemen, who were fled into *Holland*, and to act the Part of a Spy upon them; in which Capacity, from the Confidence they plac'd in him, he thought himself ten times able to serve his Majesty, than *Freeman* or *Carr*, whom he said, they would never trust: And that the Court might be the easier induced to admit him into this Employment, he further said, *That the Business was laid very broad, or he was misinform'd.* On such ignominious Terms was this once gallant Man desirous to accept of Life! And yet, after he had furnish'd this Piece of Evidence against himself, in case he was taken, and against his Party, in case he made his Escape, so little was he acquainted with his own Heart, that he again shifted his Sails, as we have seen, and thereby show'd himself wholly unfit to go thro' with any great Design, whether Good or Evil. And, as if to shew the whole Effects of Infatuation, he, after all this, trusted the Secret of his Lodging to *Sleep*;

A. D. 1683.

*herd*; who, as the Lord Keeper *North* gives us to understand, had likewise offer'd his Service as a Spy, and who to shew how much in earnest he was to make himself useful, immediately betray'd it. Being brought before the King, *July* the 8th, and call'd upon to confess the great things which he had before propos'd to make such a Merit of, He set out with the Rising, projected by Lord *Shaftsbury*, but neither nam'd Place, Time, nor Persons, from whom, when, or where, he receiv'd his Information; said, that Lord *Shaftsbury* was to have had the Command in *London*, Lord *Ruffel* in *Devonshire*, Lord *Branden* in *Cheshire*, and the Duke of *Monmouth* in *Taunton* and *Bristol*: That as to the last Business, he had no Conference about it with any Lord; but Lord *Howard* of *Essex*: That *Ferguson* had oblig'd him to bring him, the said *Ferguson*, and Lord *Howard* together: At which Interview, they had discours'd of the Ways and Means to surprize the Tower: That the said Lord was concern'd in the grand Consultation, and that *Ferguson* had told him about a Quarter of a Year before, that the Earl of *Essex* was in this Affair.

It was now recollected, that Lord *Howard* had been peremptorily charg'd by *West*; *Walcot* was another positive Witness against him; And *Ramsfey* had intimat'd, that his Lordship had been left out of the Consultations, because he had discover'd the Subject-matter of them to the said *Walcot* and *West*; so that nothing could be clearer than that his Life was at the King's Mercy; and no doubt was made, but, that worthless as it was, he would do any thing to save it. He had all this while, says Bishop *Burnet*, gone

[Hist. p. 383.]

[P. l. p. 350.] about

(1) This Story is thus told by Bishop *Burnet*, vol. 1. p. 343. "He, Lord Grey, was sent to the Tower; but the Gates were shut: So he laid in the Messenger's Hands all Night, whence he turn'd to liberally with Wine, that he was dead drunk." Next Morning he went with him to the Tower-gate, the Messenger being again fast asleep. He him-

self call'd at the Tower-gate, to bring the Lieutenant of the Tower to receive a Prisoner. But he began to think he might be in danger: He found *Ramsfey* was one Witness; and if another should come in, he was gone: So he call'd for a Pair of Oars, and went away, leaving the drunken Messenger fast asleep."



A. D. 1681.] about protesting to every body, that there was no Plot, and that he knew of none; but he always appear'd in Agonies, when it was nam'd; and tho' advis'd by Hampden to go out of the way, if he knew there was any thing against him, or if he had not Strength of Mind to suffer any thing that might happen to him, he yet continu'd to stand his Ground: The Consequence of which was, that the very next Day after *Walcot* had been examin'd, the Sergeant at Arms, accompany'd by a Party of Horie, was sent to his House at *Knightsbridge* to apprehend him; and apprehended he was accordingly; tho' not till after a long and curious Search; for he had hid himself in a Chimney, which was cover'd from the Eye by a tall Cupboard or Press, which stood before it; and probably he had not been found at all, if the Warmth of his Bed, and all his wearing Clothes round about it, had not made it evident, that the Place of his Concealment was not far off. He was taken in his Shirt, and *Bishop Burnet* says, *that he fell a-crying*. When brought before the King, he at first declin'd answering; but being shewn, perhaps, the Desperateness of his own Condition, he desir'd to speak with his Majesty and his Royal Highness, and to them pour'd out all he knew; the Amount of which the Reader has already before him in the (1) Depositions, said to have been made by one of Lord *Shaftsbury's* principal Co-adjutors.

[Examens, p. 182.]  
[A. D. 1681.]  
[His third Deposition.]  
[F. i. p. 549.]  
[Spart's Appendix, p. 72.]  
There is, however, a supplemental Deposition of this noble Lord's, for which we are oblig'd, it seems, to his Recollection, that has not yet been touch'd upon; and that deserves to much the more Notice, because *Bishop Burnet* says, "His Majesty told them (viz. the several Witnesses) that he would not have a growing Evidence: And so he charg'd them to tell out at once all that they knew." And because there seems to have been a strong Disposition, at this time, in whom it is hard to say, to involve the Duke of *Monmouth*, either mediately, or immediately, in the blackest Part of the Conspiracy.

These Recollections of his Lordship's are as follow, viz. 1. That the Earl of *Shaftsbury* had complain'd to him, that one Mr. *Carleton* who had promis'd, and was able, to bring in great Assistance, had fallen off from him, and gone wholly over to the Duke of *Monmouth* and Lord *Russel*. 2. That the said Earl had told him, that Major *Wildman* was very forward and active in the Work; and that when he, the Deponent, once said, that great Guns would be one of their greatest Wants in it, the said Earl reply'd, That a Friend of his had undertaken to furnish him with two *Drakes*; which two *Drakes*

the said Deponent since thought might be the two small Pieces (u) found with Major *Wildman*. 3. That Mr. *John Ayliffe* having offer'd to kill the Duke with his own Hands, the said Earl reply'd, *No Jack, thou shalt not kill him, till we have an arm'd Force to justify it*. 4. That about the 10th or 12th of *October* (these are his Lordship's own Words) after a stop put to the then intended Insurrection, the Duke of *Monmouth* told me, that he had seriously thought of it (meaning the Insurrection) and that after divers ways propos'd, and seriously consider'd of, he was clearly of Opinion, that there was nothing so easy to be accomplish'd, nor so probable to do the Work effectually as to fall in upon the King at *Newmarket* with a small Party of Horie of about forty or fifty; which he said he could soon have in Readiness. To which I answer'd, That I was of the same Opinion; but whether or not it would be decent for him to appear in Person in an Attack to be made when the King was in Person, deserv'd his Consideration. Two Days after I spoke to him of it again, and ask'd him what Thought he had of it? he answer'd me, *That it could not be brought about soon enough*. After which I never discour'd more with him about it; but, upon *Reflection*, I am apt to think, that from this time, and not before, the Design of way-laying the King, in his Return to *London*, was first meditated; and I am the more confirm'd in this Opinion from the Consideration of the Behaviour of the Duke of *Monmouth* and Lord *Grey* who seem'd to be very big of Expectation of some great thing to be attempt'd upon the Day of the King's coming from *Newmarket*: Upon which Day Sir *Thomas Armstrong* was not to be found till the King's Coaches were come into Town; and I do verily believe he was to have headed the Party. To this also may be added, That the Duke of *Monmouth* within few Days after, told me, that he had that Day given Orders to have his Horie carry'd into *London* to have been in a Readiness to have mounted, upon any Emergency.

It is to be regretted, that this remarkable Paper is without Date; but the very next after it is that farther Recollection of Colonel *Rumsey's*, mention'd above, and which, besides two other Items relating to Sir *Tho. Armstrong*, contains the following Article:

"Sir *Thomas Armstrong* did come to me [Ibid. p. 74.] the Sunday Night after the Fire at *Newmarket*, and told me, that he just came from *Ferguson*, and that, notwithstanding THEY return'd so soon, *Ferguson* did not doubt to have Men ready by that time to do the *Business*, and desir'd me to go with him to *Ferguson's*

(1) In Page 720, 731, 732.

(2) Concerning *Wildman*, and his Artillery, *Bishop Burnet* writes as follows:

"Among those clap up *Wildman* was one, who had been an *Artillery* in *General's* Army, and had oppos'd his Protection. After the Restoration, he being look'd on as a high *Republican*, was kept long in Prison; where he had study'd Law and Physics, so much, that he pass'd as a Man very knowing in these Matters. He had a Way of creating in others a great Opinion of his Sagacity; and had great Credit with the Duke of *Buckingham*; and was now very

active under *Spaul's* Conduct. He was seiz'd on, and his House was search'd: In his Cellars there happen'd to be two small Field-pieces, that belong'd to the Duke of *Buckingham*, and that by in *York-shire*, when that was sold, and was to be pull'd down. *Wildman* carry'd these two Pieces, which were finely wrought, but of little Use, into his Cellars; where they were laid on ordinary wooden Carriages, and so very fit for any Service: Yet these were carry'd to *Whitehall*, and expos'd to view, as an undeniable Proof of a Rebellion design'd, since here was their Cannon."

A. D. 1685.

*Ferguson's Lodgings in his Coach, which I did. When I came there Ferguson told me the same, but that they wanted Money (which is exceeding strange, if he had 600*l.* in Hand, as the Colonel had already sav'd) Mr. Carleton not being to be found; upon which Sir Thomas desir'd me to lend some, and he would see me repaid; and said, if he had been in Stock he would have done it himself. Upon their Persuasion I went to my House, I think, in Sir Thomas's Coach, and brought forty Guineas. He again repeated, that he would see me repaid. Several times after he told me, Ferguson had my Money, and wonder'd I would not go to him to receive it.'*

Now that these two Persons, without any Concert with each other, or Direction from any other Quarter, should, about the same time, make it their joint Study to recollect such things as should affect Sir Thomas Armstrong and the Duke of Monmouth in so capital a Manner, is scarce reasonable to suppose; and, therefore the strong Disposition, just spoken of, to ruin those two Persons every way, may without Breach of Charity be insisted on.

The Earl of Essex, Sydney, and Hampden, apprehended, and committed to the Tower.

The immediate, visible Consequence of Lord Howard's Discoveries, was an Order of Council for apprehending the Earl of Essex, Mr. Hampden, and, as it may be present'd, Colonel Algernon Sydney, since there was no direct Evidence against the Colonel, till that Lord turned Informer: But Bishop Burnet is positive, that he was taken into Custody, before there was any sort of Evidence against him; which, however, is not true, because he had been several times mention'd in the Course of the Examinations; tho', indeed, never but on Hearsay only. As to his Behaviour, when question'd by the Council, it was worthy of his heroic Character and exalted Sentiments: He said, he must make the best Defence he could, if they had any Evidence against him; but he would not give them an Opportunity to fortify that Evidence by any Inadvertency of his own. The more Firmness he shew'd, the more dangerous he appear'd: And because he was a Lion, it was resolv'd he should be chain'd. In a Word, he was sent to the Tower; and, however his Commitment might be justify'd by Reasons of State, it was undeniably, as Bishop Burnet remarks, against Law.

The Statesman, Essex, was far from keeping up to this noble Example set him by the Patriot Sydney. He had, all this while, kept at his Country-Seat; and when solicited by his Lady to provide for his Security by absconding, refus'd it, out of Tenderness to Lord Russell, as we are told by the Prelate, last quoted, left the Jury should be more dispos'd to credit the Evidence against the one, from the Flight of the other. A Party of Horse being sent to apprehend him, accompany'd by a Serjeant at Arms, and Sir Philip Lloyd a Clerk of the Council, to seize his Papers, he appear'd in some Confusion, and chang'd his Mind twice or thrice; one while saying, he would go on Horseback; and another while, that he would go in his Coach.

[Examen, p. 382.]

A. D. 1685.

When before the Council, his Enemies had also the Pleasure to see he was much dejected; and tho' he made no Confessions, but on the contrary seem'd to wonder that any Man should swear falsely against him, his whole Deportment bore witness against him. It was plain he was not at peace within; and that he was not enough prepar'd for an Event, which all Conspirators should first prepare for, the bursting of their own Mine upon themselves. Bishop Burnet farther says, That when he was sent to the Tower he fell under a great Depression of Spirit: That he could not sleep at all: That having twice before fallen under great Fits of the Spleen, the same Disorder now return'd upon him with more Violence than ever: That he sent a very melancholy Message to his Lady, signifying, *That what he was charged with was true*: That he was sorry he had ruin'd her and her Children; and that he had sent for the Earl of Clarendon, to talk freely with him (meaning no doubt to make his Confession): But that she prevented it, by desiring him to keep his own Secret, till she saw him: And that taking heart from this gallant Behaviour on her side, when Lord Clarendon came to him, he made that Nobleman believe, that he had sent for him only to rectify certain Mistakes he had fallen into before the Council.

As to Mr. Hampden, he trod in the Paths of Sydney; and refusing to answer, like him, was sent to bear him company in the Tower.

The Discovery of this twofold Conspiracy, and the several Commitments which follow'd it, had no sooner taken air, than every Corner of the Kingdom rang with the News: The Whigs, as the dapsr'd Party, were now familiarly call'd, seem'd to sink under the Disgrace of those busy Men who had taken upon them to be their Leaders; and while the Assassination was set before their Eyes in such odious Colours, durst not breathe a Syllable in Extenuation of the intended Rising: And the Tories, taking Advantage of their Silence and Dejection, with all the Insolence and Injustice which are inseparable from Faction when back'd by Power and clate with Success, made no Conscience to impute the Sins of those few, as usual, to the whole Party. A new Round of Addresses was immediately set on foot; the City of London had the Honour to lead the way; and almost every Corporation in the Kingdom took their Turn to manifest the Extravagance of their Loyalty, by an unreserv'd Tender of all they held dear; Fortune, Life and Liberty; and by loading their Adversaries with all the Reproaches that their Imaginations could furnish them with. *Known dissenting Conventicles, atheistical Persons, factious, tumultuous, rebellious Spirits, seditious Dissenters, infamous Miscreants, Monsters, worth of Men, &c. &c. &c.* were the Flowers that perpetually garnish'd these Court-Offerings, as the authentic Gazette bears witness to this Day; (Num. 1541.) and in particular, the Middlesex Justices of those times laid hold on this Opportunity, not only to inform his Majesty, 'That his Life was worth a hundred Million of theirs,

A new Round of Addresses.

(Num. 1541.)

but

A. D. 1683.

but that he might now see out of what Quiver these venomous shafts were drawn," as also to signify their humble Opinion, "That those dangerous Meetings, the *Conventicles*, were not to be suffer'd, nor the Persons who frequented them, to be trusted either with Employments or Arms, by which they might disturb the Peace: And, yet farther, to caution him to have a care of his sacred Person, and to permit his Wisdom to controul his Mercy, that Justice might take Place, and bring those most execrable Villains and Traitors to condign Punishment."

Walcot's Trial.

And indeed their Worthips were not suffer'd to languish long in Expectation of the Severities which they deem'd so necessary. July the 12th, *Walcot* was brought on his Trial at the Sessions House in the *Old-Bailey*; possibly, that the Assassination being first prov'd, the Horror arising from the Conspiracy might make the deeper Impression; that the undistinguishing Herd might be the more easily led to confound the two Designs; and consequently that when those of higher Rank and Character should be put on the Justice of their Country, they might find the less Compassion. The Indictment was in the usual Forms, and enforc'd after the usual manner by the King's Council and the Attorney General. The Witnesses against the Prisoner, were *Runsey*, *Keyling*, *Bourn* the Brewer, and *Wesl*. *Runsey* was call'd upon first, and clear'd the way by giving the Court a Detail of the Plot in general; in the Course of which, he acknowledg'd, That the Assassination Project was form'd while the Prisoner was abroad; and that the Conspirators met two, or three, or four times without him: But then he came, and was resolv'd, said he, to join in the Matter, with this Distinction, that he would not have a Hand in attacking the *Coach*, but would command a Party that should charge the Guards. Here he was call'd upon by the Court to explain the whole Design; which he did, agreeable to the Account given by him in his first Information: But being ask'd when this Design was reduc'd into Form, he not only fix'd upon *Ash-Wednesday*, in the preceding *February*, but adds, it was the first time the Prisoner had assist'd: Whereas in the said Information, he fixes the said Adjustment at the Meeting held two or three Days BEFORE AFTER the King's Return, which was on *March*

the 26th: Adding, that, at the next Meeting, *Rumbald* told his Story of the King's Manner of passing by his House; and that at this last Meeting, Captain *Walcot* was present; which implies, that he had never been present before; and if so, it is plain the Colonel was, in this Instance, forsworn: And that he actually was so, is so much the more probable, forasmuch, as, in all the Meetings previous to this last, when he, in so remarkable a Manner, specifies, that *Walcot* was present, he mentions none but *Wesl*, *Good-enough*, and *Rumbald*: And whereas in Court he swore, that *Walcot* was present, when the said *Rumbald* and *Good-enough* brought in their Notes of Names (of such as were to assist), and moreover undertook to go down to *Rumbald's* House (to see how the Ground lay, must be understood) in the said Information, he speaks of *Rumbald* as making the same Motion to himself; which he refus'd to comply with, and never once mentions *Walcot* on the Occasion. It is yet farther observable, that, whereas in Court he moreover swore, that *Walcot* was present, when it was resolv'd to buy Arms against the next Opportunity, in his said Information he treats of that Meeting as prior to the other, in which he so particularly certifies, that *Walcot* was present. So that if Want of Consistency is to be held a Proof that Truth is wanting, *Runsey's* Evidence will find little Credit with Posterity. In a Word, as to what regards *Walcot's* Case, his Depositions in Court agree with his Depositions before the Duke of *Albemarle*, and Mr. Secretary *Jenkins*, only in the Particulars of the Meeting at the *Salutation-Tavern*, when *Keyling* was call'd *Gulick*, and when the *Buffets*, as he affirm'd, on both Occasions, was to know what Progress had been made in the other thirteen Divisions of the City.

*Keyling*, tho' the first Discoverer, was the second Evidence; and, after going thro' the Generals of the Plot, as *Runsey* had done before him, summ'd up all he had to say, in particular, against the Prisoner, by alleging, That he, *Walcot*, was in Company at the said Tavern, when *Wesl* call'd him *Gulick*. And as to the Discourse at the same Place concerning the thirteen Divisions, he was wholly silent.

(w) *Bourn* was set up next, who depos'd, that he was at a Meeting at the *Green Dragon Tavern*

(w) Concerning this Man, the Lord-Keeper *North* writes as follows:

"The King was so gracious, that he deny'd Mercy to no Man that appear'd ingenuously, and told his whole Knowledge; which appear'd in the Case of *Bourn*, who was a young Man, a Brewer, at whose House *Ferguson* lodg'd; and, there being no great a Resort to *Ferguson*, it was necessary to make him privy to that Part of the Design, and they being almost ready for the Execution about *London*, he was to be engag'd, and met the Conspirators in several Places. Upon the Discovery he fled, and was about to take a Boat in *St. Dunstons*, to go with *Neal* and some *Swissers* into *Holland*, but was taken upon the Coast. And when he was brought before the King, and admonish'd to tell truth, he fell down upon his Knees, and desired the King's Pardon, and would tell all he knew. The King bid him speak, and he made a plain Narrative how at first he was engag'd, and what Transactions he was privy to; which agreed so perfectly with the Testimony of others, that the King declared he thought him

at first the most ingenuous of all that had come in. It was remarkable in Mr. *Bourn*, that he spoke with a clear and constant Countenance, and smiling, as if he was not concern'd: Whether it was his Manner, or that his Resolution to be clear gave him Assurance; but it was a Wonder to me, that the Remembrance of such a Design should not create as Horror in him." *Examen*, p. 382, 383.

And yet as perfectly as the Narrative of this very ingenuous Creature is said to agree with the Testimony of others, there is not one Syllable in it relating to the *Newmarket Affair*, but what is contain'd in the following Passage: "Another time meeting *Row*, after the Fire at *Newmarket*, a great while, he began to talk of the Design at *Newmarket*, which he declin'd, when he found I was privous of it; but by him and others I understood afterwards, that there was a Consult several times, at *Wesl's* Chamber, against the Life of his Majesty."

On the contrary, the whole Piece turns on the *Infernettes*; and, concerning that, he even out-does all his Fellow-Discoverers,

A. D. 1683.

Tavern at *Snow-Hill* (when, or how often, is not specify'd) with *Walcot* and several others; where the Business in Agitation was, a Design to raise Men and divide the City into twenty Parts, in order to the SECURING his Majesty and the Duke of *York*, and setting up the Duke of *Monmouth*. Killing them, as he thought, was never mention'd at these Meetings: That, as he thought, *Walcot* was there every time: That he was also once at the *Salutation* Tavern with him and others, when it was press'd, that all Expedition should be us'd for the raising Men out of the twenty Divisions, but that the *Agitators* were not to disclose the Business, but only to pretend, that it was to know their Strength, if there should be Occasion, or if the *Papists* should rise: He moreover depos'd, that *Goodenough* brought an Account of between three and four thousand Men out of those Divisions he had in Charge: And that after the Discovery, there was a Meeting at one Colonel or Captain *Tracy's*, where the Prisoner lodg'd,

of himself, *Walcot*, *Goodenough*, *Woff*, *Norton*, *Rumsey* and one *Pottle*; and that he left them debating about killing *Keyling*, because he had turn'd Informer: Adding, that there was also some Discourse of its being more advisable to stand to it with their Swords in their Hands, than to be hang'd. Here he clos'd his Evidence. And being ask'd by the Prisoner, whether he had ever heard him utter a Syllable concerning the assassinating the King? he reply'd, He never had: But that while he was present the *securing the King* was discours'd of: That, at several Meetings it had been said, *There was no way like toppling*, by which was understood the taking off the two Brothers: That it was the usual Phrase, and that he suppos'd the Prisoner heard it.

Mr. *Woff* set out with a Detail of many Designs against the King and Duke, under the Direction of Lord *Shaftsbury*, which had been communicated to him by the Prisoner, but withal acknowledg'd, that he had express'd

A. D. 1685.

ers, as may be gather'd from the following Passages: which are taken from it word for word:

"That *Fragosus* told him, there was not a County in *England*, but had prepar'd for the Business, less or more, but especially in the *North* and *West*; and that they were sure of most Places of Strength throughout the Kingdom; but especially *Bristol* and *Newcastle*: And that they were then considering how to secure *Parliament*; but were afraid they should not, the Garrison was to be remov'd.

And that the *Army* were to rise at the same time we were; and that we were to lend them 10,000*l.* to be remitted into *Holland* to buy Arms for them; and that he was to go over with the Bills of Exchange: That he found out a Person who could deposit the Money, upon good Security; which the Lords had promised should be given: That there was a *Dutch* Merchant or two, that he had got to provide the Arms; for the *English* could not do it without Suspicion.

Then I ask'd him, who the Lords were? He told me, there was the Duke of *Monmouth*, Lord *Grey*, Lord *Ruffel*, and Major *Widdow*, and Colonel *Sydney*. I told him, I wonder'd the Duke would be persuaded to take up Arms against his Father: for my part, I should be very unwilling to trust him. He answer'd me, that he had the greatest Assurance in the World of him; and that I need no more be afraid of the Duke, than of him.

He told me, the Lord *Argyle*, who was to command the  *Scots*, was of my Opinion too; for he had, a few Days before, sent a Letter to him, to be well satisfy'd in the Point; and that he had sent him such an Answer, as he did not doubt would satisfy him.

He told me, the Duke of *York* had 14,000 Men in Half-pay about the Town; and, for his part, he thought we ought to defend ourselves; for we could not sell, but our Throats might be cut every Night. I ask'd him, how he could tell all this? He told me, that they had a great deal of Intelligence from the *York* Party, for there were some, that were willing to play a safe Game, and to keep in with both Sides.

That on *Friday*, being the 8th of *June*, towards Evening, *Wade* came and fetch'd me out, and carry'd me to the *Dragon* Tavern on *St. Dunstons*; where I met Colonel *Rumsey*, Mr. *Robert Woff*, Captain *Walker*, Mr. *Norton*, Mr. *Wade*, *Richard* and *Francis Goodenough*. Then I was ask'd, if I could not do what Mr. *Goodenough* had spoken to me about? and was desired not to say any thing about the Business in private, in direct Terms, but especially to any of the Ministers; for *Woff* said, they were a Parcel of Rogues, that had ruin'd the People ever since *Cromwell's*. I told them, I thought Mr. *Beard* and Mr. *Lobb* might be trull'd; and that they were, if they would, capable of serving them very much. But they would not hear it then; but the next Meeting, which was on *Monday* the 11th *Inst.*, at the *Salutation* in *Lambard* street, he did think it was necessary Mr. *Lobb* should be spoke to, but not directly; which I did: For the next Day I went to him, and, talking of the Business of the Times, I said, there was but one Way to help ourselves, and that was by Arms; and if we should have occasion to do so, I ask'd him, where he could find a good Parcel amongst his People, that he thought would rise? He told me, that the Spirit of the People were low; but he did believe there was a pretty many of them that would make use of an Opportunity, if it was put into their Hands: But he could see no Hopes of such an Opportunity as yet; we were too great

Cowards. But I bid him not be out of Hopes: And so our Discourse ended; for his Wife came in.

The next Meeting, which was on *Thursday* the 14th *Inst.*, at the *Dragon* on *Snow-hill*, *Richard Goodenough* brought in an Account of the Divisions he was concern'd in: which was all the Town almost, but where I was; and at *Woff's*, where Mr. *Grange*, a *Brewer*, was concern'd; but he us'd me with us; but *Goodenough* said, he promis'd two hundred Men, and would be free of his Party. At this Meeting they resolv'd on *This*, which had been consider'd before, (for now they began to be sure of the Design; for they had a Probability of eight or nine thousand Men, from the Account *Goodenough* gave in, and others) That *Whitehall* should be secured, and the Manner thus: That the Men in *Whitehall* should be ready to make an Attack on that Side; that they would get about a hundred Seamen that should come up in *Long-Boats* with *Hand-grenades*, and should attack that Part next the Water; and that a Party of about five hundred should come down by *Charing-cross*, Part of which should secure the *Mint*, and the rest march down and surprise the Guards in their Sleep (for it was to have been about one or two in the Morning); and that all the chief Ministers of State were to be secured, the Lord Mayor and the Sheriffs, and some of the Aldermen; another Party to secure the *Seignior* and *Successors*; and that in *Convent garden* and *Lincoln's-Inn* were to be Bolins of Men to be ready to give assistance, if need were: And that all the Expedition imaginable was to be made; for now it was put into the Hands of a great many, and there was danger of a Discovery. Mr. *Goodenough* told us that Day, that he had met with an Engageer that would do strange things about taking the *Tower*; and that he had six or seven Mortar-guns that belong'd to the *Towers*; and that he would take care to keep them this Month or six Weeks. At that time Mr. *Woff* said, he thought I must secure my Neighbour, meaning the Lord *Keyser*; but I told him, I would do no such thing as to fall on a Neighbour: Truly, he said, he should be very willing to come to Account with him; and, if he did, he should put him in mind of *College*. At this time *Goodenough* said, the People that he had spoke of the Matters to desired they might know what they must trust to; for if the Design was only to change Persons, they had as good have the Father as the Son; and therefore desired some Heads might be thought on and carried to the Duke to be sign'd by him the Night before the Design began; and these five things were resolv'd on:

1. That the Militia should be in the Hands of the People.
2. That they should chuse their own Sheriffs in every County.
3. That we should have a Parliament once a Year; and that they should sit as long as they had any thing to do.
4. That they should have Liberty of Conscience.
5. That all the Nobility of *England*, that had acted contrary to the Interest of the People, should be degraded.

Mr. *Wade* was to put these in Writing, and to carry them the next Morning to Colonel *Rumsey*, who was to go to the Duke with them; which he did; and on *Saturday* the 15th *Inst.*, at the *George and Fishers* on *Long-street*, he brought us this Account, That he was to wait on the Duke twice before he could speak with him, but at last did; that the Duke's Answer was, That all of them were Things of Moment, and that they could not be done without a Parliament, but must be left to them; that he would do what lay in his Power towards the obtaining them.

A. D. 1693.

preſ'd his Abhorrence of them as ungenerous; and that he had declar'd he would only be concern'd in a general Inſurrection. He alſo ſpoke of ſeveral Meetings preparatory to the Aſſaſſination, without any Mention of *Walcot*, as *Rumſey* at firſt had done when examin'd by the Duke of *Albemarle* and Sir *Leoline Jenkins*; and when he does mention him, it is in the miſt of things, when the Cabal ſat on the Manner of putting the Deſign in Execution: On which Occaſion the Priſoner, it ſeems, forgetting the Abhorrence he had formerly expreſs'd of ſuch ungenerous Deſigns, undertook to command the Party that were to attack the Guards, and were to lye perdue at *Rumbald's* Houſe till the King came down juſt upon them: And farther propos'd, inſtead of making their Eſcapes acroſs the Meadows towards *Hackney Marſh*, as *Rumbald* advis'd, that they ſhould retire within the Wall of the Houſe, and there keep cloſe till Night; as being a Place that was tenable for a Day againſt any Force: And this Cabal was held, and this Reſolution was taken, he, *Weſt*, inſiſted, at his own Chambers; at what time, he forgot to expreſs, and *Walcot* to enquire. He alſo, upon Recollection, inform'd the Court, That in his firſt Diſcourſe with the Priſoner, he, the Priſoner, told him, that the Lord *Shaftsbury* was preparing a Declaration to be publiſh'd in caſe either of an Aſſaſſination or an Inſurrection: That, nevertheleſs, he not only apply'd to him to draw up a Piece of the ſame nature, but actually offer'd him certain Helps towards it; being a Collection of all the Paſſages in the Reigns of *James, Charles I.* and the preſent King, which he call'd, *Attempts to introduce Popery and Arbitrary Government*: Charging theſe Princes alſo with their perſonal Vices, and concluding with this bold Aſſertion, *That the Government was diſſolv'd, and that the People were free to ſettle another*: And that he, *Weſt*, declining the Talk, becauſe it requir'd an exact Knowledge of Hiſtory, the Priſoner deſir'd him to burn the Paper, which he did.— He alſo urg'd, that the Priſoner was preſent at the Meeting, when it was reſolv'd to have Arms in Readineſs for any Occaſion; tho' in his Information (Numb. 1.) he names only himſelf, *Ferriſon*, *Rumbald* and *Goodenough*.— Proceeding to enumerate the intended Cruelties of the Party, before ſpoke of, and being aſk'd by the Court, whether the Priſoner was preſent at thoſe ſhocking Diſcourſes? he answer'd, that, tho' he was not at his Chambers ſo often as the reſt, he was preſent at ſome of them: Adding, that upon the News of the Fire at *Newmarket*, he, the Priſoner, ſaid, That he believ'd *God* ſhew'd his Diſapprobation of the thing. *Weſt*, after this, rambled into many other Particulars, which ſerv'd to enſnare the Court; but which no otherwiſe concern'd the Priſoner: And at laſt reſuming the immediate Buſineſs of his Evidence, charg'd *Walcot* with being preſent at the *Devil Tavern*, when *Holloway* of *Briſtol* propos'd, That ſince the *Scottiſh* Buſineſs was broken off, they ſhould try what Forces they could raiſe here; which gave Occaſion to the

A. D. 1693.

Project of dividing the City, already ſo well underſtood; and alſo at ſeveral other Meetings on the ſame Subject; that in all, he ſhew'd himſelf ready to act his Part: And that when they met for the laſt time, after *Keyling's* Diſcovery, he ſaid, *That he was ſatisfy'd, God would deliver the Nation, tho' he did not approve of the preſent Inſtruments*.

Here the Priſoner was admitted to enter upon his Defence; and, over and above what he had before ſugg'eſted, in answer to *Rumſey's* Evidence, viz. That he had never been at *Weſt's* Chambers till after the King's Return from *Newmarket*, inſiſted, that he had never been at *Rumbald's* but once, as he travell'd from *Turk* by *Norwich*, in his way to *London*: That he lay ſick of the Gout all the time his Majesty was at *Newmarket*: That *Weſt* ſaw him often, while he lay in that Condition, and that he never was out but once all the while, which was to dip his Foot in the Wells at *Stepney*. Theſe were Circumſtances, that if prov'd, would go near to ſhake the moſt material Part of the Evidence. Two new Proofs of his Guilt were therefore produc'd to prevent it; the firſt his own weak Letter to Mr. Secretary *Jenkins*, before mention'd; and the other a Note, which he had prepar'd to ſend by his Son, to his Landlord, *Tracy*; requeſting him to ſolicit *Rumſey* to be tender of him; he having Ground enough to ſerve the King upon others; and alſo to apply to Mrs. *Weſt* to make the ſame Application to her Huſband; with a broken Hint, that it might be of Service to her Children.

Tho' it was eaſy to foreſee, that theſe Papers, almoſt alone, would be fatal to him, the Priſoner did not throw up his Cauſe; on the contrary, he proceeded in his Defence with an equal Mixture of Spirit and Ingenuity: For he urg'd with great Propriety, that many of the things which the Witneſſes had teſtify'd, concluded very ſtrongly againſt themſelves, but not at all againſt him: That to wipe out their own Stains, they endeavoured to ſwear him out of his Life: That it was not prov'd, that he was preſent, when *Goodenough* produc'd the Notes of his Leſives, or that he had any Concern in the Matter: That he was not ſuch a Fool as not to know there was no Difference between attacking his Majesty's Guards, and attacking his Perſon; and that he never once entertain'd a Thought of being concern'd in ſo baſe an Action: That as to the Meeting or Meetings at his Lodgings, they were made by *Rumſey's* Appointment, not his: That he came amongſt them ſometimes, only to hear News; and that no Diſcourſe was ever held there, that he knew of, either of killing the King, or levying War: But then he acknowledg'd, that he had heard of a Deſign carrying on by a great many Lords, Gentlemen, and others, for aſſerting their Liberties and Properties, under theſe Reſtrictions, however, that he never was in any Conſultation with them, nor had receiv'd any Meſſage from them; and that he had never ſeen the Face of any of the Lords to be concern'd: Whence he infer'd, that it was utterly improbable, that

A. D. 1685

that he should be so deeply engag'd as the Witnesses had represented; and, that the Extent of his Crime was but *Misprision of Treason*.

Here the Lord Chief-Justice interpos'd, to rectify this Mistake of the Prisoner in point of Law, by observing, "That tho' to hear Treason accidentally, and to conceal it, was but Misprision; yet if a Man would assist at several treasonable Meetings, as the Prisoner, even by his own Confession, had done, he became guilty of Treason."

The Jury then desiring he might be ask'd, what he had to say to his Letter, his Answer was, That what he promis'd, he undertook on the Strength of his Intimacy with *Ferguson*, the *Scotch* Minister, therein refer'd to; by whose Means he believ'd he should have an Interest with the rest: That he had, according to his Promise, given an Account of what he had heard; but his Majesty was not satisfy'd with it, because he had not descended to Particulars, which it was not in his Power to do, in regard he had never been in their Secrets, nor knew any thing but by Hearsay, from a private Hand.

In the last Place, he produc'd one Witness to prove, when he fell ill of the Gout, and how long the Fit continu'd, who did, indeed, confirm the Matter of Fact, and alledg'd, that he believ'd it lasted about three Months, but would not undertake precisely to adjust the time. The Chief Justice then deliver'd his Charge, and the Jury, after a few Minutes Deliberation, brought in their Verdict, Guilty.

Hone's Trial.

On the same Day, *Hone* the Joiner was arraign'd, and on the next was brought upon his Trial; when he would have sav'd the Court any farther Trouble, by pleading guilty; but being charg'd in the Indictment with conspiring the Death of the King, and providing Arms in order to effect it, he could not be brought to plead guilty to the Whole; but tho' he acknowledg'd he had been retain'd by *Goodenough*, as he understood, to kill the King and Duke of *York*, utterly deny'd that he had ever provided any Arms. He was indeed so wretched a thing, that the very Idea of a Plot becomes ridiculous, when it is suppos'd that such as he had any Concern in it. *Keyling* and *West* were the Witnesses against him; but did not wholly agree in their Evidence; for whereas the first swore, that he, the Prisoner, was present at the *Dolphin Tavern*, during the whole Conversation there, when the Arms were talk'd over under the Cant Name of *Quills* of all sorts; *West*, on the contrary, was express, that he did not come in till that Discourse was over; and that he was sure he never spoke any thing of that Nature before *Hone* in his Life: *Keyling* moreover swore, that

A. D. 1685

the Prisoner had acknowledg'd to him, that he was to be one of the Assassins; and that it would never be well till the *Black-bird* and *Goldfinch*, meaning the King and Duke of *York*, were knock'd o' th' head: And *West*, that *Goodenough* had undertaken to provide the Man; and said, he would try him, whether he would make an Attempt on the Duke, without the King: That he, *West*, afterwards ask'd the Prisoner, whether he had seen *Goodenough*? who answer'd, that he had, and that he had spoken to him about a little *Jobb* for the Duke. He also enlarg'd on other idle Talk, which had pass'd between him and the Prisoner at his Chambers, as that, he thought, he said, "If the Duke of *Monmouth* would be true, and appear, he would bring fifty or sixty honest Men of the other side of the Water, who would do the *Business*?" And *West* asking, what *Business*? the Prisoner reply'd, either a *brisk Pass*, or the *two Brothers*.

Now if the Prisoner had not stupidly thrown away his Life, by his own absurd Confessions, it is scarce supposable that any Jury whatever would have pronounc'd him guilty, when such an irreconcilable Difference star'd them in the Face, in the only Point of Evidence to which both the Witnesses spoke: And it appears, that even *West* himself was struck with so much Compassion for him, that he could not help extenuating his Fault, in so remarkable a Manner, as drew upon him the Displeasure of the Court.

But tho' the Man was Fool enough to confess away his Life, as in the first Instance with respect to the Indictment; so, in the Course of the Trial, he would not confess more than was true. Thus he confess'd, that he had us'd such Words as *Keyling* depos'd, with regard to the *Black-bird*; but then he declar'd, "That as to the *Goldfinch*, he had never heard a Word till then." And when one (x) *Sir Nicholas Butler* charg'd him with having been always engag'd in Plots and Contrivances; and, in particular, with having reveal'd to him, that when the King and Duke stood in a Balcony opposite to *Bow Church*, to see the Lord-Mayor's Shew, in *Chaplain's* Mayoralty, six Men with Cross-bows were to have kill'd them from the Steeple; he declar'd, that he had been told of such a Design, but was never engag'd in it: When also *Richardson*, the Keeper of *Newgate*, swore, that he accompany'd *Sir Nicholas* when he examin'd the Prisoner concerning the *Cross-bow Plot*; and that he heard him then moreover confess, that *Goodenough* came to him and told him, he wanted *Labourers*; which he explain'd to be Persons to (y) KILL the King and Duke; that he, the Prisoner undertook to be one of those Persons;

[x] This *Sir Nicholas Butler* had been an Anabaptist, was a Professor of Physic, and a Court-spy; and afterwards, on the Credit of his Services in the last Capacity, became a Privy-Counsellor. In his Evidence he farther gave the Court to understand, that he had impair'd *Hone's* Intelligence to the King; and that one *Harvil* (*Oldmixon* says *Sir Robert Southwell*) was appointed to watch the Place where these bold

*Persons* were to take their Stand: But it seems so such Persons appear'd. Witness it may be infer'd, that the Plot was laid only to fathom the Depth of *Sir Nicholas's* Attachment to the Party; and that *Hone* was made use of only to draw him into the Snare.

[y] The very Words of *Hone's* Confession to Alderman *Turner*, in relation to this Matter, are as follow: "This

A. D. 1683. fons; and that he was to have twenty Pounds to furnish him with Horfe and Arms; and that he also confes'd the Business of the Rye; he acknowledg'd he had been drawn in by *Godenough*, as above; but persisted in denying, that he either knew where or when he was to do the Business requir'd of him.

But neither his Firmness on one hand, nor his Stupidity on the other, had any Weight with the Jury; who made no difficulty to pronounce him guilty, without stirring from the Bar.

*Rouse's Trial.* *Rouse* follow'd next; and against him appear'd *Thomas Lee* the Dyer; who swore, That the Prisoner had carry'd him to a Club of Conspirators at the King's-Head Tavern in *Swithin's-Alley*; but that *Godenough* had previously made him acquainted with the Affair in hand: viz. That the Rights of the People were invaded; that Popery and Slavery were to be establish'd; that it was time to look to themselves; and that he finally put the Question, Whether he would engage to prevent it? That, in consequence of this Discourse, he (the Witness) undertook to make a Party: That he communicated their Names to *Rouse* and *Godenough*: That the Latter told him, the Design was to kill the King and Duke: That he acquainted *Rouse* with this Business; but found he was in the Secret before: That the said *Rouse* told him, he could raise Arms for a hundred Men; but that nothing was to be done, unless the King were seiz'd upon: Adding, "We remember *Forty-one*, when the late King set up his Standard; we must therefore seize the present, that he may not do the Like; but in order to secure him only, not shed his Blood." That the Prisoner moreover told him, it would be a convenient thing to have a gilded Ball play'd for upon *Black-beat*: To which End some Sea-Captains should be spoke to: That he would engage ten, who should have the Management of the Affair: That he who won the Ball should have it: That when the Play was over, every Captain should take his Party, and tell them they had other Work; and then go with *Long-boats* and *Arms*, and seize the *Tower*: That the Prisoner had us'd several such Discourses to several Persons at the King's-Head Tavern in his Hearing: That he had several times gone to view the *Tower*, and had taken him and *William Leigh* the Mate along with him: That the said *Leigh*

saying, "He would undertake to attack the *Tower* at *Traitor's Bridge* with an hundred Grenadiers;" *Rouse* reply'd, "He had been at *Wapping*, and had spoke with some Sea-Captains, who were ready to do the Work." Thus, it seems, *Rouse* had a (2) Plot of his own; but not to lose Sight wholly of the general one, this *Dyer* also swore, That they never agreed on any Method of killing the King; but that he was told, They had a thousand Horse ready in the Country, and five hundred in the City: That the King was to be kill'd coming from *Windsor*: That they were contriving to send Arms in Trunks to private Houses, which they were to resort to in the Night-time: That some brave Men were to be sent to *Windsor* to know when the King came, and to give Information, that he might be attack'd in some convenient Place: That both the King and the Duke were to be taken off; and that the Prisoner, in particular, whom he had before represented as so averse to the shedding of Blood, should say, *Take them off, and then no Man can have a Commission to fight for them.*

The Prisoner, after this, demanding, Whether he had ever spoke to the Witness of a Design against the King and Government, and at what Place: And whether the Witness did not begin the Discourse with him first? The said Witness answer'd, He could not be positive whether *Rouse* came to him, or whether he went to *Rouse*: But which ever it was, when the Business was discuss'd, the Prisoner was very zealous to get ten Captains, that the Ball might be play'd for, and the *Tower* seiz'd: And, moreover, ask'd *Godenough*, what Money was provided? and, when he answer'd 4000*l.* added, The Seamen would swallow up that presently.

*William Leigh*, the Mate, was the other Witness, who, instead of confirming what the *Dyer* swore had pass'd between all three of them when reconnoitring the *Tower*, which, it was reasonable to expect, he would not fail to do, depos'd, That the Prisoner had, several times, enquir'd of him, Whether he could not procure some Seamen who were fit to be Commanders of Ships? And that, when he, in Reply, had ask'd, Where he would procure the Ships which they were to command? he answer'd, He would have some of the King's Men of War, which lay at

" This Examinant saith, That about the Fire-time at *Newmarket*, Mr. *Richard Godenough* came to him to *Clifford's Inn*, where he was at work at one Mr. *Clark's* Chamber, and ask'd him to go along with him, and told him, he wanted some *Lubbers*: This Examinant then ask'd him, if they were honest? Upon which Mr. *Godenough* clucht his Fists, and brack in towards his fourth twice or thrice, and told him, it was to raise the King and the Duke; and that there would be 20*l.* apiece to buy Horfe and Arms. This Examinant then told him, he was well settled in his Trade, and did not care to trouble himself."

(e) And yet, in this Man's Confession before the Council, all he says of *Rouse* is as follows:

" I told him (*Godenough*) that I had spoken with Mr. *Rouse*, and that he could help them to Arms for a hundred Men; and that a Way was providen how to raise a thousand Seamen, if they would be at the Charge of a golden Ball to be play'd upon *Black-beat*. He ask'd me what the Ball would cost? I told him, I was inform'd about 12*l.* He

said, if it were forty, they would be at the Charge of it. Then he desired to speak with Mr. *Rouse*, and appointed to meet him at the King's-head Tavern in *Swithin's-Alley*; and they met, and went into a Room apart; and afterwards we went to *Jessop's* Coffee-house in *Exchange-Alley*, and Mr. *Rouse* told me, that he would see and get ten Sea-Captains to manage that Affair. The next Day I met with Mr. *Rouse*, at the *Amsterdam* Coffee-house; there he spoke with two Captains, as he told me; and from thence he went with them to the *Angel* and *Crown* Taverns in *Threadneedle-Street*; but I did not go with them. I saw him afterwards at the King's-head, and he told me, he must have Mr. *Godenough* go with him to *Wapping*. I acquainted Mr. *Godenough* with it, and he told me, that those Houses of the *Tower* was left to some Men, that understood those Affairs better than himself; and that they must be in a readiness to do all together: I ask'd him what that was? He told me, they must seize the *Tower*, and take the City, and secure the *Sovey* and *Whitehall*, and the King and the Duke."

A. D. 1653.

at *Defford* and *Woolwich*: Adding, We must secure both the *Tower* and *Whitehall*, or we shall do nothing." That upon this, the Witnesses asking, Where was his Oath of Allegiance? the Prisoner reply'd, *We will secure the King, that he come to no Damage; and he shall remain King still.* And, contrary to the *Dyer's* Testimony, the said *Mate*, in his first (a) Information to the Council, expressly says, That *Rouse* and his *Wapping* Friends had a Meeting; and that not liking his Ways, they parted.

There was also a third Person who appear'd against him, impertinently enough; since all he had to swear, was to the Words which the Prisoner had been formerly indicted for, which had no Relation to the present Indictment, and which could only serve to put the Jury in mind, that by the help of *Ignoramus*, he had slipped thro' the Hands of the Court before.

As to the Prisoner's Defence, it did not consist in detecting and exposing the want of Agreement in the two Witnesses; nor the manifest Inconsistency of his being at one time against shedding of Blood, at another, for taking off both the King and his Brother; and again at another, for raising an Insurrection, without any Purpose of even depriving the King of his Crown, &c. but in urging, in the Presence of *God*, before whom he stood, that the Designs charg'd upon him, had never enter'd into his Heart; and that the Discourses he had held with the *Mate* and *Dyer* had been only to get at the Bottom of their Practices, in order to discover them. But of this the King's Council took the Advantage to insist, That his own Confessions were sufficient to hang him. And the Court being in no Disposition to shew him Mercy, the Jury, as before in the Case of *Hone*, pronounc'd him Guilty, without removing from the Bar.

*Blague*, one of *Rouse's* suppos'd Captains, was the next Person whose Life was brought into question, for being concern'd in this *Presbyterian Plot*: And, as the very same Persons appear'd as Witnesses against him, whose Testimony had been fatal to *Rouse*, it was not only reasonable to think, that his Destiny would have been the same, but that the additional Proofs, arising from this Trial, would have stamp'd an additional Authority on the last.

The Captain, however, was either so in-

ferable of his Danger, or so fortify'd in his Innocence, that he submitted his Cause to the same Jury, without troubling the Court with a single Challenge. The Indictment was for compassing the Death of the King, seizing the *Tower*, providing Arms, &c. *Lee* the *Dyer* led the Way, as first Evidence, and swore, That the Prisoner being in discourse with him and *Goodenough*, at the *King's-head Tavern* in *Chancery-lane*, on the Means of seizing the *Tower*, declar'd, that the only Way was to do it with Mortar-pieces: That he would venture his own Ship: That he would make up the fourteen Guns he had already, twenty-four; and that he would provide two hundred men. Then *Leigh*, who was the Captain's own Mate, added, That being with the Captain in a Coach, he said, *One of these Days we shall have a Ball to toss*; which he, afterwards understood by *Rouse*; and *Lee* the *Dyer* was the Ball to be toss'd on *Black-beat*: And, farther, that the Prisoner and he one time walking about the *Tower*, and discoursing of seizing it, he, the Witness, gave it as his Opinion, that the best way would be to scale it, but that the Prisoner was for making use of *Mortar-Pieces* from the *Soutb-wark Side*; but as to any use he was to make of his Ship, he said, he could say nothing.

On the other Side, the Captain's Defence consisted in these Particulars: That all his Business with *Rouse*, was to negotiate a Sum of Money, *Rouse* being a Broker: That while he was in this Pursuit, he sometimes fell into *Goodenough's* Company; but that if he ever discours'd with him about public Affairs, or any thing tending to the Disturbance of the Public, he was no *Christian*: That as to his Discourse concerning the *Tower*, it was purely accidental, being held with the *Waterman* who row'd him by it from his Ship, and arose from an Observation, that the Place was ill fortify'd, and that the Side next the Water was even more expos'd than any other Part, &c. That as to Arms, he had none but such as he bought with his Ship, for his Defence at Sea: That he never so much as talk'd of a Bank of Money: That in the Matter of the *Ball*, he was, to that Moment, as ignorant as one who had never seen a *Ball*; and that he was not even in Possession of his Ship, at the time when it was said, he would venture her in such warm Work as an Attack upon the

*Tower* :

*Blague's*  
Trial.

(a) Which, as far as it related to *Rouse*, was as follows: " I do declare, that my first Acquaintance with Mr. *Rouse* and Mr. *Lee* was by reason of Captain *Blague*, and his Intreat to go his Mate; and the first time that ever Mr. *Rouse* spoke any thing to me, about the Plot, was one Day I met him by the *Exchange*: He told me he had something to say to me; and, to the best of my Remembrance, he said, I do presently after, if I did know of any Schemes that were fitting to make Captains, in *Wapping*? I told him, No; but I would like what I could do: And he promis'd, he and Mr. *Lee* to come to the *Blue-masher* by *Wapping-dock*, next Morning about Ten o' Clock; but came not. Another Day, he and Mr. *Lee* came down, and discours'd with some of Mr. *Rouse's* Friends that he met; but they did not like his Way, and so parted."

He also took upon him to answer for the Truth of what the *Dyer* had the same Day depos'd; and, upon farther Recollection, sent in a Supplement, from whence he drew his Evidence, as follows:

" Shall I please your Majesty. " Since I sent in my Paper, I have sent something more, which came in my Mind since: That is, about getting some Schemes, that might be fit to go Commissioners or Captains of Ships; And as he said, if I could get two or three, some time afterwards I did enquire what he would do with them? He told me, to make Masters of Ships. I ask'd, for what End? He told me, to put in Ships in *Defford* or *Woolwich*; that is, Men of War, to make Guard-ships, to stop all going and coming. I did ask him, what he would do with them, when there was no Gun, nor Powder, nor Shot on board? but I told him, if he had the *Tower*, even he might do something. But his Answer was, if not then, some time after that, says he, Mr. *Rouse* by Name, we must secure the *Tower* and *Whitehall* both together, or else there could be nothing done: For, says he, we must take the King, and then our Work is done, to the best of my Remembrance. I asked, what was then his Oath of Allegiance? He told me, if they had the King, he should be King still, but he might under his Commission. I do shew Mr. *Lee* was there present."



A. D. 1683. *Tower*: And finally, he call'd three Witnesses to prove, that his Ship was not fit for Service on the Water three Weeks before, &c. So that the Charge appearing so weak, and the Defence so strong, the same Jury who condemn'd *Rouse*, on the Evidence of the same Persons, by the very Direction of the Court, acquitted him: And as no Trial of this nature is ever brought on without a thorough Examination of the Allegations which are to support the Indictment, it can no otherwise be accounted for, that the King's learn'd Council should suffer the Course of their Prosecutions to be damp'd by this Acquittal, than by supposing, that *Blague* would have been a material Witness in the Behalf of *Rouse*; and that there was no way so effectual to silence him, as to treat him as an Accessary.

From these *Plebeians*, who were made use of to cure the Itch of *Patriotism* in the People, we are now to ascend to those of *Patrician Race*; who, tho' not charg'd with being concern'd in the Assassination, were to partake of the Ignominy of it, and to suffer in the same List as if involv'd in the same Crime. And why of all the four in the *Tower*, Lord *Ruffel* was pitch'd upon to be the first Sacrifice, may furnish Matter for Enquiry, without producing any satisfactory Conclusion. It may be urg'd by some, that of the whole Faction, this Lord was the most eminent for the Simplicity of his Manners, and the Purity of his Life: That he had distinguish'd himself most by his Zeal against Popery, and for the Exclusion of a Popish Heir; and that he was the most formidable both on Account of the vast Property he possess'd and was Heir to, and the Interest he had among the People: And by others, that the Court were most fortify'd with Matters of Fact against him, and Witness to justify them; and that therefore they made their Attack where the Breach was widest.

Possibly all these Considerations had their Weight: And certain it is, that after *Walcot* and *Howe* were dispatch'd, his Lordship was brought to the Bar, and in Compliment to his Quality, had the Privilege to be plac'd within it. The Indictment was in Substance, for conspiring the Death of the King, intending to levy War; and in order thereto to seize the *Guard*; for so the last Period of the said Indictment suggests, in the following Words: "And the Guards, for the Preservation of the Person of our said Lord the King, to seize and destroy against the Duty of his Allegiance, against the Peace, &c. and also against the Forms of the Statutes, &c."

To this his Lordship pleaded, *Not Guilty*; and mov'd, first, That his Trial might be put off for *one Day*, and then till the *Afternoon*, that one of his Witnesses, who he believ'd was on his way to Town, might have so much more time to come in; which Request (*b*) (*Pemberton*) the Lord Chief Justice, thought to be reasonable, that he was

for complying with it, in case the Attorney-General would have given *Leave*: But the Attorney would admit of no Delay: And in Consequence his Lordship was oblig'd to join Issue immediately. He had, however, another previous Point to litigate, which related to the Jury; who, as Bishop *Burnet* asserts, "were pick'd out with great Care, being Men of fair Reputation in other Respects, but so engag'd in the Party for the Court, that they were easy to believe any thing on that Side." This, no doubt, was the true Objection to them, but this could not be urg'd; and his Lordship came ready furnish'd with another, and with Council at hand to support it, viz. That they were no *Freeholders*; in Support of which he cited the Statute of the 2d of *Henry V.* Where it is provided, That no Man should be try'd for his Life, except by such as had forty Shillings a Year. But tho' the Law was express, the Attorney-General would not allow it to have any Force: And the Prisoner insisting on the Benefit of it, the Lawyers were call'd in, and the Matter was learnedly debated: But in the End, the Prisoner's Objection was over-ruled by the unanimous Voice of the whole Bench, "Because, That at Common-Law the want of Freehold was no Exception in a City: And the Statute of 1 *Mary* declar'd, That all Trials for Treason should be according to Common-Law: And because want of Freehold had never been allow'd as a sufficient Challenge in the City." And yet in *Fitzbarri's* Case, when the same Challenge was made in the King's Behalf, it was admitted without any Difficulty, such a *Prætextus* is Authority!

All Demurrers being thus set aside, after the Prisoner had made his Challenges, which were peremptory to 31, the Jury were sworn, and *Rumley* enter'd upon his Evidence; which he open'd with an Account of his Message from Lord *Shaftsbury* to the Duke of *Monmouth*, Lord *Ruffel*, &c. at *Shepherd's*, and their Answer: In the Course of which, he deviated into some Variation both of Phrase and Circumstance from his former Depositions: For whereas, in his Information, N<sup>o</sup>. 3, the Words he made use of are general to the *Rising*, in his Evidence he grew more particular, and call'd it the *Rising at Taunton*: He also took care to add, that *Shepherd* introduced him to those Lords: And when the Chief-Justice demanded, Who gave him that Answer? he did not adhere to the Sense of the remarkable Parenthesis in the said Information, viz. That the Answer was made by *Ferguson*, and that, afterwards, the Lord *Grey* said Words to the same Effect; but, on the contrary, express'd himself thus: That *Ferguson* spoke most of it; and that, he thought, or to the best of his Remembrance, Lord *Grey* said something to the same Purpose; the Duke of *Monmouth* and Lord *Ruffel* being present: But then he was no more certain now than when he gave in his last Information, quoted, p. 732, Whether he was at

Lord Ruffel's Trial.

A. D. 1683.

[P. 1. p. 552.]

[Hawles's Remarks, p. 10.]

Rumley's Evidence.

Words different from his Information.

(b) Mr. *Calmes*, and *Withers*, erroneously suppose, that *Pemberton* presided on this Occasion; but the contrary is true:

And *Barnet* even supposes, that *Pemberton* had his *Equities* soon after, for showing no more Violence against the Prisoner.

A. D. 1683.

one Meeting at *Shepherd's*, or two? or whether he then heard the Heads of a Declaration read? or whether he heard them reported afterwards? And, though he had *fresh Matter* to depose, the Fruits of further Recollection, and *Shepherd's* more forward Testimony, of so capricious a Nature was his Memory, that he could not recur to it, till prompted by the King's Council: And even the Questions put to him for that End serv'd rather to (e) disgrace than to authenticate his Testimony. When also he was ask'd, How long he was at *Shepherd's*? he answer'd, About a Quarter of an Hour: In which short Space, we are to understand, the important Commission he was charg'd with was fully dispatch'd; and another Resolution, as important, was taken: For, in the midst of all this Uncertainty as to Times and Seasons, Knowledge or Report, he proceeds to depose farther, That, while he was at *Shepherd's*, there was some Discourse about seeing in what Posture the Guards at the *Survey* and *Meuse* were, in order to know how to surprize them, in case the Rising had gone on; which Discourse was begun by *Armstrong* and *Ferguson*, and carry'd on by all the Company: That he thought the Duke of *Monmouth*, Lord *Grey*, and *Armstrong*, undertook to view them: That the Prisoner was present when they did so undertake it: And being farther ask'd, not whether the Prisoner gave his Consent to this Undertaking, but to the Rising? he answer'd, *He did*.

Having thus finish'd both the Rising and the Design to seize the Guards on the Prisoner, as they would have it believ'd, the Court indulg'd him in saying what he thought proper to the Witnesses before him: On which Occasion, his Lordship seem'd to admit, that there had been such a Meeting at *Shepherd's*, and that *Ramsay* came on such a Message; but said, he was there by accident; that when he found himself in such Company, he was immediately for withdrawing; and appeal'd to the Witnesses himself, whether he had given any Answer to this Message? who, instead of replying somewhat directly, as he ought to have done, said, that he had discours'd of the Rising at *Tannton*: But when the Lord Chief-Justice recur'd to the Question, "Whether the Prisoner had given his Consent to the Rising?" the Colonel grew positive again, and affirm'd, most explicitly, *That he had*.

Shepherd's Evidence.

This Answer, which was held decisive, made way for *Shepherd* to appear, who was also more particular in his Testimony, than he had been in his Information: For he now depos'd, that the Conveniency of his House was previously bespoke by *Ferguson*: That when this Company met, he was desir'd to wait upon them in Person, that they might not be observ'd by his Servants: And that the Substance of their Discourse was, How to surprize the Guards. He did not, however, depose, that any Resolution was then taken thereon: But pro-

A. D. 1683.

ceeds to say, That, as he remember'd, the Duke of *Monmouth*, Lord *Grey*, and Sir *Thomas Armstrong*, did go one Night to the *Meuse*, or thereabouts, to view them; and that when they met next at his House, he heard Sir *Thomas Armstrong* say, They were remis, &c. that he remember'd but two Meetings; and being ask'd, Whether the Prisoner attended both? he answer'd, Yes, to the best of his Remembrance: But he did not remember that Lord *Ruffel* had any Business with himself, or that there pass'd any thing in private between *Ramsay* and his Lordship, or that there was any farther Discourse, or any Writings or Papers read: Only, at last, he recollected one Paper, which had been read by *Ferguson*, of the Nature of a Declaration, setting forth the Grievances of the People: Particulars he had forgot; He suppos'd it was produc'd for Approbation; was positive, that no Time was discours'd of, when it was to be set forth; and that it was first shew'd by *Armstrong*: Said, that, as he remember'd, the Duke of *Monmouth* was present at the Reading of his Paper; and, he believ'd, Colonel *Ramsay*—(Here the Colonel's Memory return'd all at once, and he declar'd positively, he was not present, tho' he had been so uncertain as to this Matter till now.) That he could not say Lord *Ruffel* was: Peristed in affirming, that he was there, when the Discourse was held in relation to the Guards: Could not, however, be precise in setting the Time when these Meetings were held; nor be positive, whether the Prisoner assist'd at Both, or not: He thought he was at Both; he was sure he was at One.

And now came forward the Person, who, in all but the Nobility of his Birth, was the reverse of the unhappy Prisoner; a Man of *Outfide* only, who made the best Practices subservient to the worst Purposes: who was distinguish'd by high Rank, quick Parts, and happy Address, only to be the more emphatically despis'd; and whose whole Life was so thoroughly profligate, that his turning Evidence against his best Friends, has been represented by some, as the least exceptionable Part of it. After saying thus much, every Man conversant in the Story of this Reign will think of Lord *Howard*; who now appear'd as a Witness in that Court, where he, of all others, most deserv'd to have been prosecuted as a Criminal; and who ran over again the Contents of his first Narrative, above cited, by way of Introduction to his second; tho' not without many Additions and Embellishments: In particular, instead of speaking dubiously of the Number of Persons suppos'd by Lord *Shaftsbury* to be ready to rise when he, *Shaftsbury*, held up his Finger, as he had done before, we now find him speaking positively of ten thousand *British Boys*, who were ready to obey that Motion: And what is yet more extraordinary, we find him also relating a Conversation between himself and the Duke of *Monmouth*, of which he had not utter'd

[Spart's True Account, p. 21.]

(e) Which Mr. *Salmon*, in his *Critical Review of the State Trials*, has, thro' Inadvertence, it may be presum'd, omitted to point out to his Readers.

A. D. 1683.

ter'd one Syllable in his said Narrative; namely, That his Grace told him, "That Lord Russell had been with Lord Shaftsbury, and had prevail'd with him to put off the Day of Rendezvous, upon Condition, that the Lords and others of the Party should be in a Readiness to raise the Country within a Fort-night after." And yet farther, that the Duke added, "He had been at *Wapping* all Night, and never saw a Company of bricker, bolder Fellows in his Life; and that he had also view'd the Avenues of the *Tower*, and did not think it difficult to possess themselves of it." And, tho' in his *supplemental Deposition*, inserted in p. 735, he takes so much Pains to involve the Duke and his Favourite, *Armsstrong*, in the Odium of *way-laying* the King, in his Return from *Newmarket*, he now tack'd about again, and endeavour'd as much to acquit his Grace of all Concern in the Assassination, at the same time that he plung'd him deeper than ever in the Insurrection: To this End, telling a Story, "That about the 17th or 18th of *October* last, *Walcot* told him, They were positively resolv'd to rise; and believ'd, that a smart Party might meet some great Men: That he reported the same to the Duke with his Opinion, that it contain'd a dark Intimation of an Attempt on the King's Person: That his Grace thereupon with great Emotion struck his Breast, and cry'd out, *Gods! Kill the King? I will never suffer them*: That Lord *Grey*, with an Oath, also observ'd upon it, *That if they made such an Attempt, they could not fail*; and that they remain'd in great Anxiety till they heard the King's Coach was come in."

In the Course of this dangerous Rhapsody, the noble Prisoner could not forbear interposing with a Complaint, that his Life should be thus expos'd to *Hear-say* Evidence, which he call'd very *hard Measure*. But tho' the Lord Chief Justice thereupon took notice to the Jury, that nothing of that Nature could affect his Lordship at the Bar, the Attorney General gave the Hint to Lord *Howard* to proceed in *Order of Time*; or in other Words to tell his own Story his own way. His Lordship accordingly rambled on as before, and omitted nothing that might pass at Court for good Service.

At last, however, he came down to the Establishment of the Council of Six; and the Detail of what pass'd at the two Conferences held by them at *Hampden's* and Lord *Russell's*; and was yet more particular in his Testimony, than before in his Narrative; for whereas in his Account of the *first* of those Conferences, he barely ran over the Points in Debate, he now enlarg'd on the Duke of *Monmouth's* particular Share in it; and intimated, that, in Defence to his Arguments founded on the *Impossibility* of a Rabble's making head against a disciplin'd Force, it was thought most advisable to begin the Raising in the Country first. In his Account of the *second*, which, turn'd on the opening a Correspondence with Lord *Argyle*, and inviting a Deputation from the discontented *Scots*, he had also a Supplement to add; which was, that

NUMB. LXIII.

the Management of this Affair was left to Colonel *Sydney*, who, afterwards told him, that he had sent *Aaron Smith* to *Scotland*, and given him 60 Guineas for his Journey.

As in these last Particulars consisted the Strength of his Evidence, Care was taken to ask him such Questions as should bring it to bear as hard as possible against the Prisoner, *viz.* Was Lord *Russell* at these Meetings? Did he sit like a Cypher among them? Did he give his Assent to what pass'd? To which his Lordship, the Evidence, answer'd, "That he with'd he could say he was not there: That every one knew that Lord *Russell* was a Person of very great Judgment, and not over lavish in Discourse; and that there was no formal Question put; but then there was no Contradiction; and, as he *took it*, all gave their Consent."

The Prisoner having now Leave to make his Objections to what had been said by Lord *Howard*, seem'd to admit the *Meetings*, as he had before done the *Messengers*; but insisted, that the Company met on no *form'd Design*, but only to talk of *News* and *things in general*. He also insisted, that Lord *Howard's* Evidence consisted chiefly of *Hear-say*; which drew from the Bench a Recapitulation of such things as he had advanc'd on his own Knowledge: And to give the greater Weight, the Attorney General call'd upon the Messenger, who had some of the *Scottish* Gentlemen in his Custody, to prove, that the Matter of Fact so far corresponded with the Depositions: He also call'd upon *Wool* to satisfy the Court whether he and his Associates in the Project of a *Rising*, look'd upon any of the Lords, &c. of the Cabal, as concern'd in the same Design? who made no Difficulty to answer, That they always said, Lord *Russell* was the Man they most depended on, because of his great Sobriety. And here the Counsel for the King left the Prisoner to proceed with the Residue of his Defence, which his Lordship accordingly enter'd upon: First modestly touching on the Hardships he labour'd under, and his own Incapacity to make a proper Defence, and appealing to the Justice of the Bench and the Conscience of the Jury. Then alledging, that tho' the Persons who testify'd against him might be accounted legal, they were not credible, Witnesses, because they swore against him to save their own Lives: And demanding to know on what Statute he was indicted; For, if it was on the 13th of the King, the time prescrib'd by it for Prosecution was elaps'd, which destroy'd *Ramsay's* Evidence: And if on the 25th of *Edward III.* a Design to levy War would not amount to Treason, unless that Design was render'd manifest by some Overt-Act.

The Attorney-General reply'd, That he was indicted on the latter; adding, according to the Rules of Law-Logic, "That to prepare Forces to fight against the King, was a Design to kill the King within that Statute: That a Design to depose the King, to imprison him, or raise his Subjects against him, were within that Statute, and Evidences of a Design to kill the King."

9 D

The

A. D. 1683.

A. D. 1683.

The Prisoner then, presuming on the Letter of the Law, which it seems is what is least regarded on these Occasions, ventur'd to urge, That he did not hear *Rumsey's* Message: That *Rumsey* himself had not testify'd, that he had given any Answer: That *Shepherd* knew nothing of the Matter: That consequently here was but one Witness against him; whereas the Statute requir'd two; and that, besides, the Overt-Act was wanting which constituted the Treason; for a Consultation could not be call'd an Act; and this being Matter of Law, he pray'd the Benefit of Counsel to argue it.

The Chief Justice here declar'd, "That it had been resolv'd, that there need not be two Witnesses to the same individual Act; and that if there were several Acts manifesting the same Treason, and one Witness to each of them, they were two Witnesses within the Statute of *Edward VI.* And as to the other Point, whether Consultation or Conspiracy was Treason, the Fact must be admitted, before Counsel could be admitted to argue it."

But this was an Experiment which no Man in his Senfes would make. The Force of the Law lies in the Interpretation: And in Cases of this nature, it is never to be suppos'd, that the Decision of the Bench will be directed by the Pleadings at the Bar. Instead, therefore, of exposing his Life to be wrangled away, his Lordship chose rather to leave it in the Hands of his Jury, and to bespeak a favourable Verdict by shewing the Weakness and Uncertainty of the Evidence which was brought against him: In particular, he again demand'd of *Rumsey*, whether he could swear positively, That he heard the Message, or gave any Answer? And *Rumsey* could only reply by Circumstance, viz. "That when he came in, they were standing by the Fire-side; but they all came from the Fire-side to hear what he said." On the other Side Lord *Ruffel* averr'd, That he came in with the Duke of *Monmouth*, and found *Rumsey* there before him; which *Rumsey* again deny'd, with this additional Correction, That indeed the Duke and his Lordship went away together.

His Lordship's next Endeavour was to blast the Credit of Lord *Howard*, and establish his own; and in order thereto, he brought forward several Persons of the highest Rank, and the most unexceptionable Characters. The old Earl of *Anglesey* inform'd the Court, that, being on a Visit to the Earl of *Belford* (the Prisoner's Father) Lord *Howard* came in, and took Occasion to say, That it was impossible Lord *Ruffel* should be in such a Plot; that he ought not to be suspected of it; and that he knew nothing either against his Lordship or any body else relating to so barbarous a Design. The Earl would have proceeded also to recite what he had heard from one Lady *Charworth*; but was cut short by the King's Council, who insist'd, that the

Prisoner should not have the Benefit of *Hearsay-Evidence*, after it had been over-ruled on the Behalf of his Majesty. And the Prisoner gave way to the Interruption, forgetting that, tho' the Chief Justice had appiz'd the Jury, that *Howard* was no Evidence, the Attorney-General had, nevertheless, directed his Witnesses to proceed as before; which Direction the said Witnesses punctually obey'd.

Mr. *Howard* then depos'd, that, in his Hearing, the Lord *Howard*, upon his Honour, his Faith, and with as much Solemnity as if had taken an Oath before a Magistrate, deny'd he knew of any Man concern'd in the Plot; and particularly of Lord *Ruffel*, whom he took pains to vindicate, saying, That he did not only suffer unjustly, but that he thought him the worthiest Person in the World.

Dr. *Barnet* the Historian declar'd, That Lord *Howard* had been with him the Night after the Plot broke out, and, with his Eyes and Hands lifted up to Heaven, said, That he knew nothing of any Plot, nor believ'd any, and treated it with great Contempt.

Lord *Cowenish* inform'd the Court, That he had heard Lord *Ruffel* express his ill an Opinion of *Rumsey*, that it was not likely he should trust him in such a Secret.

Dr. *Tillotson* spoke highly in the Prisoner's Praise. Dr. *Barnet*, again, and Dr. *(J)* Cox, said, that they had heard him declare against all Insurrections. And the Duke of *Somerset*, That in the Course of two Years Conversation, he had never heard any thing from him but what was just, honourable, and loyal.

Here, at the Instance of the Jury, the Court call'd upon Lord *Howard* to account for the Difference between his Discourse in the Presence of the Earl of *Anglesey*, and his Depositions now: Upon which his Lordship had recourse to such a Subterfuge, as shew'd Fortune had made a grievous Mistake in placing him among the Nobility, when Nature had design'd him to be the lowest Quibbler at the Bar; and as also laid him under a strong Suspicion that he did not become a Witness by chance: For, in the first place, he confess'd he had us'd such Expressions as the Court had heard; but then it was at a Time when he was to out-face the Thing, both for himself and his Party; and when he did not intend to appear in that Place, or act such a Part. He further said, That he did not think the Religion of an Oath was derived from the Form, but from the Appeal to God; and that if he call'd God and his Angels to witness to a Falshood, he ought not to find Belief: And then proceed'd in these Words: "Your Lordship knows, that every Man that was committed, was committed for a Design of murdering the King. Now I laid hold on that Part; for I was to carry my Knife close between the Parting and the Apple: And I did say, that if I were an Enemy

A. D. 1683.

(J) This Gentleman also depos'd, that he had heard his Lordship speak of Lord *Howard* as a Man of eminent Parts, but not trusted by any Party; and of *Rumsey*, as one he

knew but little of, and with whom he had nothing to do unless in Lord *Howard's* Business.

A. D. 1681.

to my Lord *Ruffel*, and to the Duke of *Monmouth*, and were call'd to be a Witness, I must have declar'd, in the Presence of God and Man, that I did not believe either of them had any Design to murder the King?

(Case of Lord Ruffel, by Lord Delamere, Folio, p. 3.)

But as Lord *Delamere* judiciously observes, what he said to the Earl of *Bedford* related to the Plot in general; or, if to any particular Part of it, it must have related to the Infurrection only; which, according to his own Evidence, was to be Lord *Ruffel's* Province. He moreover knew, that all the several Warrants of Commitment ran as well for levying War, as for conspiring the King's Death: Whence it follow'd, notwithstanding all his Subtlety, that he solemnly said one thing, and swore another.

Having however thus patch'd up his Credit with the Jury, which was all his Lordship aim'd at, the noble Prisoner proceeded to call yet other Persons of Distinction to bear witness to the Uprightness of his Life and Conversation; as the Lord *Clifford*, Mr. *Levesin Gower*, Mr. *Spanner*, and Dr. *Fitzwilliams*; who all spoke of him as one of the most amiable and inoffensive of Men.

His Lordship then undertook to say something for himself; but not to sum up the Evidence against him, or what had been urg'd to confute it: On the contrary, he contented himself with speaking to this Effect: "That his Heart had been ever sincerely loyal and affectionate to the King and Government, which he thought the best Government in the World: That he pray'd as sincerely for his Majesty's long and happy Life, as any Man alive: That therefore there was no Likelihood that he should go about to raise a Rebellion, which he look'd upon as both wicked and impracticable: That he had never desir'd any thing to be redress'd, but in a parliamentary and legal Way: That he had always been against Innovations, and all Irregularities whatsoever; and should be, as long as he liv'd, whether his Life was to be long or short." Then addressing himself to the Jury, he made use of these warm and affecting Expressions: "Gentlemen, I am now in your Hands; eternally; my Honour, my Life, and all, and I hope the Heats and Animodities that are among you will not so bias you, as to make you in the least incline to find an innocent Man guilty. I call Heaven and Earth to witness, that I never had a Design against the King's Life. I am in your Hands; so God direct you."

It is, it seems, the Privilege of the King's Council to have the last Word against the Prisoner, that the Impressions they are to make on the Jury may remain in their full Force: Thus the Solicitor-General *Binch*, and Serjeant *Jessrey*, made each their Harangue; and the Solicitor, in particular, took care to urge, "That nothing was more common than to indict a Man for conspiring the Death of the King, and to assign a Consultation for levying War against him, as an Overt-Act or Evidence of such a Design; and also, that a Design to bring the King into their Power, till he had consented to such things as should be mov'd for in Par-

liament, was equally Treason, as if they had agreed to assassinate him."

It must be presum'd, that the Last of these Propositions was thrown into the Jury's Way, for fear they should not concede to the First; which is too much, and too violently, strain'd, to square with any Man's Understanding, which has not been distorted by the Study and Practice of the Law; and to bar up every Passage by which the Prisoner might escape: But the Propositions are diffus'd; and surely the Prisoner was not liable to the Edge of Both: If he had entertain'd Designs on the King's Life, he had no Intentions to confine his Person, in order to make use of his Name and Authority: And if his Purpose was to make such use of his Name and Authority, it was plain he had no Designs on his Life. Reason delights in Certainty: The Facts assign'd in Evidence, if clearly stated, never fail to lead to that Certainty: And if it was equally treasonable to practise on the Life or Liberty of the Sovereign, and Equity was consulted in this Case as well as Law, why was not the Colour of it precisely specify'd? And why was the Object plac'd between two opposite Lights, that serv'd rather to dazzle, than to convince those who were upon their Oaths to represent it as it appear'd?

The Chief-Justice, indeed (tho' somewhat awkwardly and uncouthly) recurs to the Basis of the Indictment, *viz.* a Conspiracy to kill the King, and makes it the Basis of his Charge to the Jury, by saying, "The Question before you will be, Whether, upon the whole Matter, the Lord *Ruffel* had any Design on the King's Life; to destroy the King, or take away his Life?— For that is the material Part here. Thus'd, and given you, (proceeds his Lordship) by the King's Council, as an Evidence of this, that he did conspire to raise an Infurrection, and to cause a Rising of the People, to make, as it were, a Rebellion within the Nation, and to surprize the King's Guards; which, say they, can have no other End than to seize and destroy the King. And it is a great Evidence (if my Lord *Ruffel* did design to seize the King's Guards, and make an Infurrection in the Kingdom) of a Design to surprize the King's Person. It must be left to you upon the whole Matter: You have no Evidence in this Case, as there was Yesterday against the Conspirators to kill the King at the *Rye*. There was direct Evidence of a Consult to kill the King; that is not given you in this Case. This is an Act of contriving Rebellion, and an Infurrection within the Kingdom, and to seize his Guards; which is urg'd as an Evidence; and surely it is in itself an Evidence, to seize and destroy the King. Upon the whole Matter, if you believe the Prisoner at the Bar to have conspir'd the DEATH OF THE KING; and, in order to THAT, to have held these Consults that the Witness speaks of; you must find him guilty of this Treason that is laid to his Charge."

There is manifestly a wide Difference in the Tendency of this State of the Case, im-

The Chief Justice's Charge to the Jury.

perfect

A. D. 1683.

They bring in  
their Verdict  
Guiltily.Remarks on  
the *Whigs*.

perfect as it is, and that of the two Propositions laid down by the Solicitor-General. All is here fairly and candidly left to the Jury; who are requir'd to compare the Evidence with the Charge; and to pronounce, as it appear'd to them that the one tally'd with the other. Whether they as fairly and candidly follow'd his Direction, we shall forbear to decide: Party-men see with the Eyes of their Party, not their own; and are too much prepossess'd to make the Discriminations necessary in so nice a Case as this: When, therefore, they do wrong, they often mean right; and all Men are within the Reach of Charity, who act according to the best of their Judgment. The Court adjourn'd till Four o'Clock in the Afternoon; and then they brought in their Verdict, *Guiltily*.

A few Remarks, partly by way of Recapitulation, perhaps may still be of use, for the thorough understanding of this important Case: And first, of the Indictment. To kill the King, and subvert the Government, were, in two Words, the Charge: And for Proof, it was alleg'd, That the Prisoner had, with divers other Persons, conspired to raise a Rebellion, and to seize and destroy the Guards. Three Witnesses presented themselves to make this apparent; who were held the better qualify'd to testify, because they had been deeply concern'd in the same Treason: And against whom no Objections were permitted to lye, tho' they were still unparдон'd; and it might be presum'd they would shew more Respect to their Lives than their Oaths. As to the Matter testify'd, it was part clear and positive; part *dark*, *perplex'd*, and *inconclusive*, at least in Behalf of the Indictment: Part was admitted by the Prisoner; and part was to his last Breath deny'd. According to the Letter of this Testimony, it was the Juryman's Duty to decide; nor was he to infer one Tittle more than the fair Construction of that Letter would warrant. The positive Part of the Evidence was this: *Ramsley* swore, that he brought a Message from Lord *Staffbury* to Lord *Russel* and others, assembled at *Shepherd's*, relative to a Rising; and received thereto an Answer, importing, That for certain Reasons the said Rising was put off. *Shepherd* swore, that, at the same Meeting, he heard the said Person *discourse* on teizing the Guards. Lord *Howard* swore, That the Prisoner and himself were Two of a Cabal of Six who undertook to manage Matters after Lord *Staffbury's* Departure: That they met twice; That they discuss'd of many Particulars relative to a Rising; but came only to one Conclusion, which was, to send a Person into *Scotland*, to invite certain of the *Scottish* Malcontents (by him specify'd) hither, in order to know the exact Circumstances of that Kingdom, &c. Of all these, the Particulars admitted by the Prisoner were, the Meeting at *Shepherd's*, and those of the Council of the Six. The *dark*, *perplex'd*, and *inconclusive* Part was that which was of most Consequence to bring the whole Charge home to the Prisoner. *Ramsley* did not know whether he had been once or twice at *Shepherd's*; whether he had heard with his own Ears the

Heads of a Declaration, or whether *Ferguson* had repeated them; yet afterwards became positive, that the said Declaration was read before he came in. Before he could recollect the Discourse concerning the Guards, he declar'd that the Message and the Answer was all that pass'd at the Meeting; as he remember'd; nor did he speak to the Matter of the Guards at all, till question'd as to the Drift and Purport of the said Declaration; and then evasively pass'd on to this fresh Piece of Evidence, when it was his immediate Business to clear up the former. When first ask'd, Whether Lord *Russel* had spoken in answer to the Message, and what? he answer'd, still fallaciouly, that his Lordship spoke concerning the Rising at *Yaunton*, without specifying wherefore, or to what End; and yet, when he gave the Denial of the Message and Answer, he said most explicitly, that the Letter was given by *Ferguson*, assist'd, as he thought or remember'd, by Lord *Grey*: Nor when push'd by Lord *Russel* with Interrogatories to this Effect, Whether he could positively swear, that he gave any Answer to, or even heard, the Message? he could only recollect then, by Circumstance, as before observ'd, that the whole Company came from the Fire-side to hear it. *Shepherd* said, he remember'd two Meetings at his House: But when press'd by the Prisoner, could be positive but to one: And as to the Discourse concerning the Guards; he does not to much as hint, that the Company came to any Resolution upon it: And whereas he says, that *Armstrong*, at their next Meeting, made a Report of his having taken a View of them, &c. if he was not certain that there was a next Meeting, he could not be certain of any thing transacted at it: And if this Report was made at the same time that the Discourse was held, then *Ramsley's* Memory also fail'd him, when he swore, that, as he thought, the Duke of *Albany*, Lord *Grey*, and *Armstrong*, undertook to take this View: Besides this, *Shepherd* could not fix the Time, even when this one Meeting was held; and acknowledg'd besides, that, while the Company staid, he left them several times, to fetch Wine, Sugar, and Nutmeg; which render'd it impossible for him to give a consistent Account of the Business which occasion'd it; as is further demonstrable from his not saying one Word concerning Lord *Staffbury's* Message, or the Answer to it. The like Inconclusiveness is to be trac'd onwards into Lord *Howard's* Evidence; for, however particular he is in enumerating the several Topics which were discuss'd of in the two Meetings of the Council of Six, he speaks but of one Resolution, *viz.* The sending a Messenger to *Scotland*: And could no otherwise make out, that even That was executed, than by a Supplement of what he had been told by Colonel *Spikey*.

There is, moreover, something incongruous in the Story, whether we consider it in Parts or in the whole. The Answer to Lord *Staffbury's* Message, as recited by *Ramsley*, himself, argues, That all Thoughts of a Rising were for the present given over: And it is



A. D. 1682.

ment and Conclusion actually: to seize the King's Guards, and to raise a Rebellion, are a natural and genuine Declaration, that the Person who did so *confess, agree and conclude*, did compass and imagine the Death of the King, either in his natural or civil Capacity (and Both, the Lawyer's Glossary pronounces, are equally comprehended in the great Law of Treasons of Edward III.) and, fully constitute the Overt-Act, requir'd by the said famous Law. And that all those who are Advocates for the Prisoner, on the contrary say, "That a Conspiracy to levy War is not an Overt-Act of imagining the Death of the King: That there is no Statute, which, in express Terms, declares any such thing: That Treason by Construction or Implication is what the Law abhors: That Treasons not reducible to the very Letter of any Statute or Statutes are refer'd to the Judgment of Parliament, and can be try'd in no other Court: That compassing the Death of the King, and levying of War, are two distinct Species of Treason, requiring different Modes of Proof: That the King may be murder'd, and no War levy'd nor

design'd: That War may be levy'd without any Intention to destroy or injure the King: And lastly, that if the Overt-Act assign'd in the Indictment against Lord Russell, viz. That he *confess'd, agreed, and concluded* to seize and destroy the Guards, had been ever so demonstrably prov'd, he could not have been legally prov'd guilty of Treason within the Statute he was prosecuted upon; because in those times the Kings of England had no (f) Guards: Because the Law could no more presume, that an arm'd Force was necessary for the King's Prelevation, than for the Redress of the Subject's Grievances; and because that down to that very Hour they had never been consider'd but as useless, burdensome, and grievous."

Thus especially was the Matter handled on both Sides: But sometimes good Archers shoot beyond the Mark. If it appear'd there was no such *Confession, or Agreement, or Conclusion*, as is express'd in the said Indictment, there was no Occasion for all these Subtilties and Refinements. And it has been already prov'd, that the Meeting at *Stow-berd's* parlour, in no one Circumstance, of the

A. D. 1682.

raising a Rebellion within the Kingdom, and no other Overt-act in the Indictment, but several Meetings, Consultations, and Agreements between the Conspirators, to raise a Rebellion for the Purposes aforesaid.

The Lord Grey was try'd by his Peers, and had Judgment to be drawn, hang'd and quarter'd.

In Sir Henry Vane's Case, Meeting and Consulting about Treason were held full Overt-acts.

In *Florent's* Case, lately in the King's Bench, the Indictment was for High-Treason, in compassing the Death of the King; the Overt-acts alledged against him were compassing to raise an Insurrection in *Ireland*, and bringing of the French into *Ireland*, and collecting Money in *Ireland*, and holding Correspondence in *France* for that Purpose. There was no Proof of any Design upon the King's natural Person, which was in England; yet he was attainted, and executed for High-Treason, tho' no Insurrection or Invasion followed: So that there can be no Question at this time of day, but that Meeting and Consulting to raise a Rebellion, tho' it be not an actual Levying of War within another Branch of the Statute of 25 *Edw. III.* yet they are Overt-acts of Compassing the King's Death, under the 5th Branch of that Statute (*Antiquary's* *History*, p. 6. c. 2.)

On the other hand, says the Lord *Deane*, in his Case of the Lord *Rush*, p. 17. Mr. Solicitor *Finch* testified on two of three important Precedents, viz. that of my Lord *Colton*, Dr. *Stow*, and *Phalet*. These, as they are not altogether to the Purpose, in they are very modern, that no such Record is to be had to them: And they either prove the Ignorance or Boldness of those Judges, that that a Conspiracy to levy War is an Overt-act of compassing the King's Death. Beside the Statute of 25 *Edw. III.* he provided, that any such like Treasons were to be proved, by the King, and any witness going in Judgment, till the Case be shewn before the King and his Parliament. And therefore, for some Judges to take upon them to judge upon that which was doubtful, and not literally say, expressly a Treason, was to violate the Part which the King and Parliament had reserved to themselves. And therefore, upon what has been said, this Conclusion will follow, that no Man can (before the Judge) be convicted of Treason, unless the Fact be expressly and literally Treason within some Statute; and he be thereto expressly attainted by some Overt-act and Overt-act, a Conspiracy to levy War is, not an Overt-Act of compassing the King's Death, but a Treason, or high-Misdemeanour: And therefore the Judgment against my Lord *Rush* was manifestly unjust, and in of course it ought to be reversed.

(f) On this Subject Lord *Deane* enlarges as follows: "If a Conspiracy to levy War were Treason of itself, or an Overt-act of imagining the King's Death, yet my Lord *Rush* was not guilty of High-Treason within the Statute of 25 *Edw. III.* because the Overt-act assign'd against him was, his being of a Council of War, to manage an Insurrection; and, in order to it, to seize the Guards: For had he actually seiz'd the Guards, yet it could not be Treason within the Statute of 25 *Edw. III.*

(g) For, because the Guards are not settled by Act of Par-

liament; and, consequently, they are no legal Force: For the Law has pronounced, that all standing Hosts, more than the Militia, is *contra jus, illegal*, and a Grievance. And the Reason of it is clear, because the Law does never protect or countenance any thing that is, or may be, burdensome, or that is useless. And it is so evident, that in the *Parliamentary Proceedings*, this Vote was'd in the House of Commons, *namis, vestratibus*, That all standing Hosts, other than the Militia, is *illegal*, and a Grievance. And tho' they have the King's Commission, as may be objected, yet his Commission cannot make that lawful that is illegal, no more than he can tolerate a Riot, or pardon a common Nuisance. For if several Persons were try'd for a Riot, and it manifestly appear upon the Evidence to be such, would their producing the King's Commission keep them out of the Compass of the Law? or should those that did assemble together to suppress them be guilty of Treason, because those other Persons had the King's Commission? Therefore if my Lord *Rush* had attended a *Private* Meeting to raise the Guards, and that could have been made out if it was, to be done within the Statute of 25 *Edw. III.* which makes it a Treason. And this being duly compar'd with the Precedents say'd by Mr. *Annesley*, and Mr. Solicitor, will restore them to my satisfaction.

(h) It could not be Treason within the Statute of 25 *Edw. III.* because, at the Time of making that Statute, there was no such thing as the Guards: For the first thing of that kind was the Band of Penitents, which Henry VII. upon institution of what he had first seen and learnt of France. For in Edward III's Time, tho' he was the Third that without Interruption had succeeded to the Crown, yet Succession had not then obtain'd by Inheritance, as hath since been the custom of the People to appoint him to the Throne. And therefore the King were then too wise to do any thing that would be so apparent a dishonouring of the People, as to call in Guards to their Aid. And besides, the custom was, either with *Force* or *Sustenance* made them stand continually in need of the People's Supplies; and therefore they could be sure cautiously to avoid all things that might give any Nuisance occasion of Offence: And nothing could be more dishonouring to the People, than to be assist'd by a standing Force, which the Law had designed to be *illegal*, and a Grievance. And therefore, as there was no such thing as Guards, at the making of that Statute of 25 *Edw. III.* so that Statute cannot be supposed to take notice of them.

(i) Surely, if the Guards were established by Act of Parliament, yet if they were so established since the year of 25 *Edw. III.* the said Statute was not within that Statute, because it presuppos'd the standing host, which was not only in being at the Time when it was made: So that, if it were an Objection, to hold the Guards by Lord *Rush* guilty to have been indicted upon that Statute which did not make it an Overt-act of Treason if a Prisoner is indicted upon a wrong Statute, and the Evidence proves nothing of that Statute on which he is indicted, but some very near, and near to him, so as Statute on which he might be tried and just, he may plead specially to it, and the Court must discharge the Jury in being him in *Not Guilty*.



A. D. 1687.

the nature of a Consultation; and that one Part of the Evidence, to all Intents and Purposes, destroy'd the other. In strictness therefore, the Question did not occur, whether a Consultation, Agreement, and Conclusion, to seize the Guards, was such an *Overt-Act* as the Statute requir'd: For as to the other Consultations given in deuil by Lord Howard, and wherein, according to *Leffrange*, the Pinch of the Charge lay, neither Ramsey nor Shepherd pretended to know any thing of them; and of a single Testimony, the Law takes no Cognizance.

It may be objected that the Interpreters of the Law have had the Ingenuity to find out that if the same *Treason* is prov'd in two Branches by two Witnesses to each, the Law is satisfy'd; and that we have already seen it urg'd in this very Trial: But if as above hinted it be true, that the Meaning of *Shepherd's* was the last Scene of one Conspiracy; and the Consultations, at *Hampton* and *Ruffel's*, were the first Scenes of another, then that Rule, artificial as it is, loses its Force in this Instance; and the Proof of one, if one was prov'd, could lend no Credit nor Support to the other.

Upon the whole, the great Question before the Jury was, whether the Prisoner being present at and within the Hearing of Ramsey's Message, and Ferguson's and Leed Grey's Answer, as Ramsey, alone, swore; and when such a *Discharge* was held concerning the Guards, as Ramsey thought he heard, and Shepherd actually swore he did hear, tho' unaccompany'd with any Agreement or

Resolution therein; and his assisting at such Consultations as Lord Howard bore witness to, amounted to legal, positive Proof (all the Variety of Circumstances which weaken'd, disjointed, and discredited the Evidence consider'd) that the said Prisoner was guilty of the Matters alleg'd in the Indictment, namely, that he had conspired, agreed, and concluded to seize and destroy the Guards in order to kill the King and subvert the Government, within the Statute, upon which the said Indictment was laid to be founded.

The Lawyers are to be sensible of the many apparent Flaws in this Proceeding, notwithstanding all the Art us'd to hide them, (more especially in the Violence put upon the said Statute, by making it an Instrument to involve a Man in the Guilt of Capital Treason, for a Design upon the Guards, when for so long a time after, there was no such Establishment in the Kingdom, and at the very time of Trial, it was altogether unknown to our Laws) that they are confin'd to appeal to (g) *Common Sense*, which is ever the last thing they do, whether the Death of the King was not imply'd in such an Attempt; whereas the Jury have nothing to do with Implication; and nothing can be more irreconcilable to *common Sense*, than to suppose, that a Law enacted purposely to restrain and limit the Interpretation of Treasons, as that notoriouly was, should authorise any Attempt of any kind, out of Parliament, to enlarge and multiply them.

And now, tho' (h) it might be the Obvious Interest of venal Councils, *bona-fide* Judges,

(g) This is a Paraphrase call'd, *The Majesty and Government of England unviolated*, we find the following Particulars:

"The great Objection he seems to rely on, is, That the Law takes no notice of them (the Guards); for once I will suppose that it doth not, and then let us observe if any Arguments can be drawn from thence? Perhaps the thing was not said or known when the 25th Edward III. was made. Can nothing be said? If the Proc laid, so accomplish'd it by conveying a design not in act, at the time of the Statute? Certainly it may. If several Malcontents should conspire, and agree, and purpose in order to an Intention to seize the Tower, *Parliament Hall*, and *Whitehall*, would not this be an *Overt-Act* of Treason? and yet our Law takes no Notice of any Garrison there or any where else; they have no Relation to the Militia, nor were there any Arms in their Power at Edward III. his time, then we read of in our Law Books. If this be otherwise, why did not the Author find Fault with *Rowe's* Indictment, which was tried much at the same time with this in question. Suppose all the Gentlemen, Pages, Grooms of the Stole, Gentlemen of the Bed-chamber, and the like, kill'd in the Night, and the Doors of *Whitehall* broken up, and all the Swords, Muskets and Pistols there taken away; and yet it happened that the King's Person was left untouched, would this be a kind of Rape, and Murder only? We have no Law Books that take notice of Arms at *Whitehall*, or such Names as those Services go by. And suppose, at the same time, upon the Conflict, that the Confederates did move, dislocate, detain, and conclude of an Intention, would it not then be Treason? If not, nothing can be to save the King's Person by murder or his'd; and the Subjects should not have said, conspire or conspire, but seize and kill, &c. It is said also, that the Guards are, in *stricto Verborum*, known to be wind and employ'd for the Attendance upon, and Preservation of, his Person. If *consensu Regis et Regiarum* Judges, no Man can think but that he was intended to move an Intention and seize the Guards, had a further Design upon the King's Person; and then to Treason: If otherwise, what of *England* is it a worse Condition than the worst and manner of his Subjects for a King shall not, cannot, nor by our Law, shall, seize, strike, or imprison in Prison, and consequently cannot defend himself; and shall see in Servants, Guards, and Attendance, which

A. D. 1687.

are all of the same Nature, was a *Swind* or *vary* *Mal-quot* before him? If they do so, it is not then enough that they do not; it is commonly known to us, that not but that there will destroy those Attendants, and so, that the King's Person? And if that be so, the Intention is only: It can never be, it will never be allow'd for Law, that a taking all the King's Guards is only a Breach of the Peace, unless we renounce the Law, and will judge more by Inclination and Bias, than by Reason and Equity. And as to the Distinction between a design taking them, and a Confess and Agreement to seize them, when I have urg'd before notwithstanding it's said what the Author says, but maintain it, for both have a Tendency to the Execution of the Treason intended.

(h) Lord *Deane* further observ'd upon this Indictment, that it concluded more fully than it had ever been heard of; First, containing the Loading, it says, *for the Guards for the Preservation of the Person of our said Lord the King, at that and before against the Duty of his Allegiance, against the Peace, and also against the Peace of the Kingdom*. This Conclusion contains in it four Parts, and none of them is true. First, that the Guards are for Preservation of the King's Person. It will be an easier Matter to send a Word in the Moon, than that the Law has made the Guards a *Mortal Force*, or any Feature that has established any Force, particularly for the Guard of the King's Person. And tho' the Law had establish'd any such Force, yet it was not done by the 25th Edward III. and therefore in this the Indictment concluded fully.

The Second is this, *That to seize and detain the Guards was against the Duty of his Allegiance*. To plead fully to the Nature of *allegiance*, would require a long Discourse. But if we will try this upon its Face. It cannot be deny'd, that *allegiance* of the Law did nothing in this. And if so, can it be imagin'd that the Law would establish such a Thing as the Guards, which had made it much a better Protection for the Preservation of the King's Person, even the Duty and Interest of every one of his Subjects? In the next Place, *Subjective and Possessive* are convertible Terms, and therefore if the Subjects do not receive Protection by the Guards, it is not against their *allegiance* to force and destroy them; whereas to force *allegiance* is against their *allegiance*. Therefore they have *Prescriptive* by them. Hence, no Man but a venal Council, all the Law has been pass'd by, &c.



sure, yet he forgave all concern'd in it from the highest to the lowest, and concluding with a Hope, That his Majesty's Displeasure would cease, when he himself ceased to live, and that no Part of it would fall on his Wife and Children.

His Lordship was also in this melancholy Interval attended by Dr. Tillotson, then Dean of *Canterbury*; which is intimated in several Places by the Historian just quoted, but most particularly in that which follows: "*Tillotson* was sit with him that last Week: We thought the Party had gone too quick in their Consultations, and too far: And that Resistance, in the Condition we were then in, was not lawful. He (Lord Russell) said he had not Leisure to enter into Discourses of Politics, but he thought a Government, limited by Law, was only a Name, if the Subjects might not maintain those Limitations by Force; otherwise all was at the Discretion of the Prince: That was contrary to all the Notions he had liv'd in of our Government:

But he said there was nothing among them but the Embrion of things, that were never like to have any Effect, and that were now quite dissolv'd."

Thus we are to conclude, that the two Divines drew together; and that the Scope of their joint Endeavours was only to convince Lord Russell, that he and his Party had only been too haughty and violent in their Resolutions: But *Locke*, in his Answer to the Paper deliver'd by his Lordship on the Scaffold, has taken some Pains to (k) shew, that the Doctor declar'd himself against the Doctrine of Resistance, without any Reserve at all (whereas those Words, *In the Condition we were then in*, imply the Contrary) and has subjoin'd a Letter of the said Dean to his Lordship, which our Right Reverend Historian never once mentions, and which is express'd to that Purpose.

Mr. *Bechard*, also, gives his Readers to understand, That he had obtain'd a (k) Narrative from some great Man, which had been taken

(l) As follows, viz. "Upon the Monday after my Lord's Commendation, the Reverend Dean of *Canterbury*, Dr. Tillotson, gave his Lordship a pious and friendly Visit: expressing the extreme Affliction, as well as Compassion, that he had for his present Condition; and not without great Admiration at my Lord's being engag'd in a Meditation of that Quality. But after a little Discourse upon that Subject, the Doctor was much more troubled to find, that my Lord was not only engag'd in that pernicious and wicked Design, but possid'd with the Principle of his Chaplain, (S. Julian, Author of *Tulien the Apostle*, which was published that very Year) and, that Resistance was lawful, (i.e. reasonable or allowable) in the case of Religion, Liberty and Property being invaded. Whomupon the Doctor apply'd himself, by Argument and Counsel, in the setting of his Lordship right in that Particular, with all the Freedom, Tenderness, and Respect imaginable; and not without flattering himself at last, that he had gain'd his Point upon my Lord's Judgment; who promis'd the Doctor at parting, to shew himself freely of what he had said.

The next Day Dr. *Barrow* tells the Dean, that his Discourse had wrought a very good Effect upon my Lord; and that he was resolv'd to do all that might become a Man under his Circumstances, and to discharge his Conscience, both towards God and Man. Hereupon the Dean apply'd himself forthwith to a Person of great Honour with the Account of his success, desiring that the Matter might be represented to his Majesty, which was done accordingly; (and the Dean writes, in such a Case, the Doctor could stand to his Lordship.)

Upon *Wednesday*, the Dean gave my Lord another Visit, when, being for granted, that his Lordship continued in his late Resolution, he entertain'd him only with Presumptory Discourses toward the setting of him for a better Life.

Upon *Friday* Morning, the Dean advis'd to my Lord the Holy Sacrament, having previously received such Satisfaction from him, as the Occasion and the Duty required. But afterwards, Mr. Dean finding him unwilling, went his way. About about five or six in the Evening brought him a Letter which was expressly well accommodated, and very pertinently apply'd to the point in question. The Dean deliver'd the Letter to my Lord, and discours'd at large upon it, earnestly beseeching him to rethink himself, how much it concern'd him not to leave the World under so dangerous a Mistake; but my Lord seem'd much otherwise, than before, the Dean however pressing him to enter into a full and free Examination of himself, and so he deserv'd, leaving the Letter in his Lordship's Hand.

The next Morning (being the Day of his Execution) the Dean waited upon my Lord again, when he found him very cooler, and earnestly desiring any Occasion of farther Discourse upon the said Matter. Upon this, the Dean desisted, and attended him afterwards, and pray'd with him on the Scaffold: Discharging himself, from first to last, in all the Parts of a Churchman, and of a Friend. A true Copy of the Letter here follows:

My Lord, July 20, 1683.  
I was heartily glad to see your Lordship this Morning, in that calm and devout Temper at receiving the Sacrament; but Peace of Mind, which it is well-grounded, will avoid fits, and because transient Discourses, many times, both

little Effect, for want of Time to weigh and consider it, therefore, in tender Compassion of your Lordship's Case, and from all the good Will that one Man can bear to another, I do humbly offer to your Lordship's deliberate Thoughts, these following Considerations, concerning the Point of Resistance, if our Religion and Rights should be invaded, as your Lordship puts the Case concerning which I understand, by Dr. *Power*, that your Lordship had once received Satisfaction, and can yet to find a Change.

First, That the Christian Religion doth plainly forbid the Resistance of Authority.

Secondly, That though our Religion be established by Law, (which your Lordship argues, in Difference between our Case, and that of the *Yankees* Colonies) you in this sense Law which establishes our Religion, it is declared, That it is not lawful, upon any Pretence whatsoever, to take up Arms, &c. Besides, That there is a particular Law declaring the Power of the Militia to be solely in the King. And this is the *Hand of Subjects*, though the Law of Nature, and the general Rules of Scripture, had left us at liberty, which, I believe, they do not, because the Government and Peace of human Society could not well subsist upon these Terms.

Thirdly, Your Lordship's Opinion is contrary to the declared Doctrine of all Protestant Churches; and though some particular Persons have taught otherwise, yet they have been contradicted, rebell'd, and condemn'd for it, by the generality of Protestants; and I beg of your Lordship to consider how it will agree with an avowed asserting of the Protestant Religion, to go contrary to the general Doctrine of the Protestants. My field is this, to convince your Lordship that you are in a very great and dangerous Mistake; and being so convinced, that, which before was a Sin of Ignorance, will appear of a much more heinous Nature, as in Truth it is, and call for a very particular and deep Repentance; which if your Lordship sincerely exercise upon the Night of your Sleep, by a penitent Acknowledgment of it to God and Man, you will not only obtain Forgiveness of it, but prevent a mighty Scandal to the Reformed Religion. I am very loth to give your Lordship any Disquiet in the Dispute you are in, which I communicate from my Heart; but am much more concern'd, that you do not leave the World in a Delusion and false Peace, to the Hindrance of your eternal Happiness. I heartily pray for you, and beseech your Lordship to believe, that I am, with the greatest Sincerity and Compassion in the World,

Your Lordship's  
well wish'd and affeeted Servant,  
JOHN TILLOTSON.

[4] Which, as far as relates to this Controversy, was as follows:

viz. "That about two Days before *Ed. Ruffe's* Death, Dr. Tillotson, upon an arrival upon that unfortunate Lord, was suddenly stopp'd by Dr. *Barrow* in the Street, who told him that he had not some good Hope of saving his Lordship's Life. The quite Impulse of which being his avowed Principle, That Resistance was, in your Case, lawful, he had convinc'd that Lord of his Mistake, and that he was ready to own he Erro'd in it. Therefore he desired Dr. Tillotson to go immediately to the Lord Russell, and separate

A. D. 1685. taken from the Dean's own Mouth, importing among other Particulars, that the said Dean having been persuaded by Dr. Burnet into a Belief, that Lord Russell was now become an Object of the King's Mercy, by departing from his hitherto avow'd Principle, *That Resistance in some Cases was lawful*, and finding himself deceiv'd, thought it of some Importance to himself to undertake his Conversion: That this gave rise to the Letter above mention'd; but that instead of making a Profelyte of his Lordship, his Lordship made a Profelyte of him; at least the Story infimates as much; for when the Dean was question'd concerning the Controversy before the Cabinet-Council, and the King himself discours'd of his Letter as unanswerable, it farther specifies, That he, the Dean, could not forbear intimating, That he, himself, was now of Lord Russell's Opinion, tho' he had before written so warmly against it.

He prepares for Death.

To draw toward the Catastrophe of this real Tragedy, no sooner was it understood that Money would not purchase Mercy, than it was also understood, that none was to be expected, nor would be (\*) found; and the Prisoner seriously endeavour'd to reconcile himself to his Destiny. From the Historian of his own Times we learn, that he gave himself up to Devotion, and the composing his last Speech: That in taking leave of his Children, who were very young, he maintain'd his Constancy of Temper, tho' he was a very fond Father: And that tho' he lov'd and esteem'd his Lady beyond Expression, he parted from her with a compos'd Silence: What he felt during this dreadful Moment, may, however, be gather'd from what he said immediately after, *viz. The Bitterness of Death is pass'd*. And as to her, she bore the Shock with the same Magnanimity which

[P. L. p. 555. 560.]

she had shewn at his Trial, when in open Court, attending at her Lord's Side, she took Notes, and made Observations on all that pass'd in his Behalf: When prostrate at the King's Feet, and pleading with his Majesty in Remembrance of her dead (†) Father's Services, to save her Husband, she was an Object of the most lively Compassion; but now, when without a Sigh and Tear she took her last Farewell of him, of the highest Admiration.

The same Historian tells us, that Lord Russell, with whom Lord Russell had liv'd in a close Friendship, made him a gallant Offer to manage his Escape, by changing Clothes with him, and staying in Prison in his stead; but he nobly refus'd it: And, as he had submitted his Case to the Decision of the Laws, resolv'd to abide the Penalty: And when the Duke of Monmouth, by Messengers, offer'd also to surrender himself, if he thought it would any way contribute to his Service, he answer'd, *It would be no Advantage to him to have his Friends dye with him*.

Russell to make his Escape.

These Instances serve to shew, how many happy Ingredients made up the Composition of this unblest Man, and how natural it was for his Party to make use of his idoliz'd Name, to give a Sanction to their Cause: But then it ought also to be remember'd, tho' with Regret and Concern, that the Rage of that Party had once so far got the better of his own excellent Nature, that he appear'd against the unhappy Lord Stafford with as much Eagerness as his own Persecutors had shewn against him; having even countenanc'd that savage Paper of the then Sheriffs of London, which made it a Question, whether the King, by his Prerogative, could alter the Sentence of the Law, as to the Manner of Execution. This was recollect'd in Council,

\* acceptor him with it, who would themselves go again to the King, and use his usual Endeavours to obtain his Pardon. This being perfus'd with some Warmth and Vehemence, Dr. Tillotson went accordingly, and deliver'd his Message to the Lord Halifax. But calling upon the Lord Russell in Negate upon his Return, he was very much surpris'd and troubled to find that his Lordship was under no such Conviction, as Dr. Burnet had hastily believed, and reported him to be.

Dr. Tillotson, vexed and uneasy at what he had done, and willing to clear himself of it after the best manner, refused the next Day to try what he could do to bring his Lordship to some Change in his Opinion. But it being the last Day before his appointed Execution, and not knowing whether he should be able to see him alone, he wrote the Letter, which was sent after prison, and took it in his Pocket; resolving if he could not discourse with him, to desire him to read, and consider the Letter he should give to him.

He found his Lordship alone, told him when he had done, and gave the Letter to him, who read it with great Deliberation, and acknowledged to him, *That he had therein offer'd more to convince him, than he had ever met with before. That he was now fully resolv'd, and a Copy of a very extraordinary Nature, could justify subjects in taking up Arms against their Prince: That he was full of Opinions on such Cases, had been given by the King, to justify any such Attempts against him. But still he thought such Circumstances that might be, in which it would be lawful for them to resist.* Being asked by the Doctor if he thought more, he answer'd, *He had not consider'd the Matter so far and fully, and he had after Things more proper to be thought on at that Time.*

On that same Evening Dean Tillotson waited again upon the Lord Halifax, to account to him what Mistake he had been led into, and what he had done upon it: And the latter to justify himself, shew'd him the very Letter he had written to the Lord Russell. While that Lord was reading it, Sir Thomas Clarges came in; and after a little Time the

Dean took leave, my Lord Halifax putting the Letter in to his Pocket, and promising to be answerable for it. But in the mean Time Sir Thomas not only found Opportunity to read it, but to take a Copy of it, and from that Copy, and I think by his Means, it was very soon after printed.

On the Evening of the next Day, when the Lord Russell was executed, Dean Tillotson was sent for to the Cabinet Council, and carefully examined touching that Lord's Behaviour before and at his Death. The King particularly commended the Dean's Letter, and wonder'd *What could he have said to it*. He told his Majesty the Lord's Opinion, *That such Circumstances there might be, in which it would be lawful to resist*; and further intimated as tho' it was his own, *That it was not impossible to find out a Case of Exception, tho' he would not profess himself to justify it*. The Duke of York, who was sitting in his Chamber there, was sent, with some Warmth, urg'd him to name the Case. And not being fully satisfy'd, the King more mildly said, *Whether, he did speak like an honest Man, or not, he was not to consider*.

(\*) According to Bishop Burnet, who quotes the Authority of the Earl of Rochester, the King would not bear the Disgrace of shewing any Favour to Lord Russell; and the Duke of York would bear the Disgrace, tho' he was resolv'd against the thing. But, according to Dr. Williams, his Majesty was not only inclin'd to pardon him, but offer'd some Words to excuse, on the very Day he was executed, as sufficiently shew'd his Intimation in that Matter. And the same Author has given us the following Passage, among several others, which he says were extract'd out of the Duke of Monmouth's Pocket book, found upon him when he was taken Prisoner in the Well: "29 (The Cypher which stood for the King) took me aside, and falling upon the Bows of L. R. (Lord Russell) said, He inclin'd to have sav'd him, but he was forc'd to it; otherwise he might have broken with you, the Duke of York."

(†) The Earl of Southampton.

(\*) Afterwards Earl and Duke of Devonshire.

A. D. 1683.

Council, when his own Death-Warrant was to be sign'd: And his Majesty took Occasion to say, That Lord *Ruffel* should see he had Power to miske the Alteration he then dilput.

This was all the Favour that was shew'd him; and this was considerably abated by making Choice of *Lincoln's-Inn-Fields* to be the Place of Suffering; for which no better Reason could be assign'd, than a Purpose to expose him in all the principal Streets of *London*, and to mortify the Faction by this signal Triumph over one of their most popular Leaders.

It does not, however, appear, that he was at all affected by it: And when some of the Populace had the shocking Barbarity to insult him in his Passage, and others could not restrain their Tears, he seem'd touch'd with the Tenderness shewn by the Latter, without expressing any Indignation against the Former. The two Divines, before mention'd, accompany'd him in his Coach to the Scaffold, the one, it may be presum'd, to assist him in his Devotions, and the other to do Justice to his Memory; for so they divided their last Duties to their common Friend. *Tillotson* pray'd, and *Burnet* held the Pen. As to his Lordship, having several times walk'd round the Scaffold, he address'd himself in few Words to the Sheriff (*Rich*, who had once been an Anti-Courtier, and had voted with him for the *Exclusion-Bill*) importing, That because he had never lov'd much speaking, nor expected now to be well heard, he had, set down in the Paper he then deliver'd to him, what he had thought proper to leave behind him, adding, "God knows how far I was always from Designs against the King's Person, or of altering the Government; and I still pray for the Preservation of both, and of the Protestant Religion." And again: "In the Words of a dying Man, I profess I know of no Plot either against the King's Life, or the Government.—But I have now done with this World, and am going to a better. I forgive all the World. I thank God, I dye in Charity with all Men; and I wish all sincere Protestants may love one another, and not make way for Popery by their Animosities."

His Execution.

Having made this general Preface to his Paper, he spent some time in his Devotions; after which, having undress'd himself, and embrac'd the two Divines, without any Change of Countenance, he laid himself down, and fitted his Neck to the Block; and with two Strokes the Executioner perform'd his Office. And now it became again observable, as before in the Case of Lord *Stafford*, that tho' the People of *England* crowd to these horrid Spectacles, it is rather to gratify their Curiosity than their Cruelty: For now, as then, when the bleeding Head was expos'd with the usual Proclamation, no Shout of Applause ensu'd; on the contrary a general Groan went round the Scaffold; and in every Face was to be read the Anguish which had taken Possession of every Heart.

The Execution was scarce over, but every

Corner of the Town rung with the dead Lord's last Paper, which he had deliver'd to the Sheriff, and which had a wonderful Effect on the Minds of the People, already soft'n'd with the Tragedy of the Day. It is too long to be given entire; but some Parts of it are so essential to our History, and open such a Sluice of Controversy, that they ought to be insert'd *verbatim, viz.*

"I have lived, and now die of the Reformed Religion, a true and sincere Protestant, and in the Communion of the Church of *England*, tho' I could never yet comply with, or rise up to all the Heights of many People.

For Popery, I look upon it as an idolatrous and bloody Religion; and therefore thought myself bound, in my Station, to do all I could against it. And by that I foresaw I should procure such great Enemies to myself, and so powerful ones, that I have been now for some time expecting the worst. And blessed be God, I fall by the Ax, and not by the fiery Trial. Yet, whatever Apprehensions I had of Popery, and of my own severe and heavy Share I was like to have under it, when it should prevail, I never had a Thought of doing any thing against it basely, or inhumanly, but what could well consist with the Christian Religion, and the Laws and Liberties of this Kingdom. And I thank God, I have examin'd all my Actions in that Matter, with so great Care, that I can appeal to God Almighty, who knows my Heart, that I went on patiently, without being mov'd, either by Passion, By-End, or ill Design. I have always lov'd my Country much more than my Life; and never had any Design of changing the Government, which I value, and look upon as one of the best Governments in the World, and would always have been ready to venture my Life for the Preserving of it; and would have suffer'd any Extremity, rather than have consented to any Design to take away the King's Life: Neither had ever any Man the Impudence to propose so base and barbarous a thing to me. And I look on it as a very unhappy and uneasy Part of my present Condition, That in my Indictment there should be so much as Mention of so vile a Fact; tho' nothing in the least was said to prove any such Matter; but the contrary, by the Lord *Howard*. Neither does any body, I am confident, believe the least of it: So that I need not, I think, say more.

For the King, I do sincerely pray for him and wish well to him and to the Nation, that they may be happy in one-another; that he may be indeed the Defender of the Faith.

As for the Share I had in the Prosecution of the Popish Plot, I take God to witness, that I proceed in it in the Sincerity of my Heart; being then really convinc'd (as I am still) that there was a Conspiracy against the King, the Nation, and the Protestant Religion: And I likewise profess, that I never knew any thing, either directly or indirectly, of any Practice with the Witnesses; which I look upon as so horrid a thing, that I could never have endur'd it. For, I thank God, Fal-

hood

A. D. 1683.

hood and Cruelty were never in my Nature, but always the farthest from it imaginable. I did believe, and do still, that Popery is breaking in upon the Nation; and that those who advance it, will stop at nothing to carry on their Design. I am heartily sorry that so many Protestants give their helping Hand to it: But I hope God will preserve the Protestant Religion, and this Nation; tho' I am afraid it will fall under very great Trials, and very sharp Sufferings.

But to look back a little, I cannot but give some Touch about the *Bill of Exclusion*, and shew the Reasons of my appearing in that Business; which in short is this, That I thought the Nation was in such danger of Popery, and that the Expectation of a *Papish Successor* (as I have said in Parliament) put the King's Life likewise in such danger, that I saw no way so effectual to secure both, as such a Bill. As to the Limitations which were propos'd, if they were sincerely offer'd, and had pass'd into a Law, the Duke then would have been excluded from the Power of a King, and the Government quite alter'd, and little more than the Name of a King left. So I could not see either Sin or Fault in the one, when all People were willing to admit of the other; but thought it better to have a King with his Prerogative, and the Nation easy and safe under him, than a King without it; which must have bred perpetual Jealousies and a continual Struggle. All this I say only to justify myself, and not to enflame others: This I cannot but think my Earnestness in that Matter has had no *small Influence* in my present Sufferings.

And as to the conspiring to seize the *Guards*, which is the Crime for which I am condemn'd, and which was made a constructive Treason for taking away the King's Life, to bring it within the Statute of *Edw. III.* I shall give this true and clear Account: I never was at Mr. *Shepherd's* with that Company but once, and there was no *Undertaking* then of securing or seizing the Guards, nor none appointed to view or examine them; *Some Discourse there was of the Feasibility of it*; and several times by accident, in general Discourse elsewhere, I have heard it mention'd, as a thing might easily be done; but never consented to, as fit to be done. And I remember particularly, at my Lord *Stafford's*, there being some general Discourse of this kind, I immediately shew'd out, and exclaim'd against it, and ask'd, If the thing succeeded, what must be done next, but massacring the Guards, and killing them in cold Blood? Which I look'd upon as so detestable a thing, and so like a popish Practice, that I could not but abhor it. And at the same time the Duke of *Monmouth* took me by the Hand, and told me very kindly, My Lord, I see you and I are of a Temper: Did you ever hear of so horrid a thing? And I must needs do him that Justice to declare, that I never observ'd in him but an Abhorrence to all base things.

As to my going to Mr. *Shepherd's*, I went with an Intention to taste *Serry*; for he had promis'd me to reserve for me the next very

good Piece he met with, when I went out of *Town*; and if he recollects he may remember I ask'd him about it, and he went and fetch'd a Bottle; but when I tasted it, I said 'twas hot in the Mouth, and desired, that whenever he met with a choice Piece, he would keep it for me; Which he promised. I enlarge the more upon this, because Sir *Geo. Jeffreys* insinuated to the Jury, as if I had made a Story about going thither; but I never said, that was the only Reason: And I will now truly and plainly add the rest.

I was, the Day before this Meeting, come to *Town* for two or three Days, as I had done once or twice before; having a very near and dear Relation lying in a very languishing and desperate Condition: And the Duke of *Monmouth* came to me, and told me, he was extremely glad I was come to *Town*; for my Lord *Stafford*, and some hot Men, would undo us all. How so, my Lord, I said? Why, answer'd he, they'll certainly do some disorderly thing or other, if great Care be not taken; and therefore, for God's sake, use your Endeavours with your Friends to prevent any thing of this kind. He told me these would be Company at Mr. *Shepherd's* that Night, and desired me to be at home in the Evening, and he would call me; which he did: And when I came into the Room, I saw Mr. *Rumsey* by the Chimney; tho' he swears he came in after; and there were things said by some with much more Heat than Judgment; which I did sufficiently disapprove: And yet for these things I stand condemn'd. But I thank God, my Part was sincere, and well meant. It is I know infer'd from hence, and was pres'd to me, that I was acquainted with these Heats and ill Designs, and did not discover them. But this is but *Misprision of Treason* at most. So I dye innocent of the Crime I stand condemn'd for, and I hope no-body will imagine that to mean a Thought could enter into me, as to go about to save myself, by accusing others. The Part that some have acted lately of that kind, has not been such as to invite me to love Life at such a rate.

As for the Sentence of Death pass'd upon me, I cannot but think it a very hard one. For nothing was sworn against me (whether true or false, I will not now examine) but some *Discourses* about making some Stir. And this is not *levying War* against the King, which is Treason by the Statute of *Edward III.* and not the *consulting and discoursing* about it, which was all that was witness'd against me. But, by a *strange Fetch*, the Design of seizing the Guards, was construed a Design of killing the King; and so I was in that call.

And now I have truly and sincerely told what my Part was in that, which cannot be more than a bare *Misprision*; and yet I am condemn'd as guilty of a Design of killing the King. I pray God lay not this to the charge, neither of the King's Council, nor Judges, nor Sheriffs, nor Jury: And for the Witnesses, I pity them, and wish them well. I shall not reckon up the Particulars wherein they did me wrong; I had rather their own

Confidences

A. D. 1683

Conscience should do that, to which, and the Mercies of God, I leave them. Only I still aver, that what I said of my not hearing Colonel *Rumsey* deliver any Message from my Lord *Shaftsbury*, was true; for I always detested lying, tho' never so much to my Advantage. And I hope none will be so unjust and uncharitable, as to think I would venture on it in these my last Words, for which I am so soon to give an Account to the Great God, the Searcher of Hearts, and Judge of all things.

From the time of choosing Sheriffs, I concluded the Heats in that Matter would produce something of this kind; and I am not much surpris'd to find it fall upon me. And I wish what is done to me, may put a Stop, and satiate some Peoples Revenge, and that no more innocent Blood be shed; for I must, and do still look upon mine as such, since I know I was guilty of no Treason; and therefore I would not betray my Innocence by Flight; of which I do not, I thank God, yet repent (tho' much press'd to it) how fatal soever it may have seem'd to have prov'd to me; for I look upon my Death in this manner, I thank God, with other Eyes than the World does. I know I said but little at the Trial, and I suppose it looks more like Innocence than Guilt. I was also advis'd not to confess Matter of Fact plainly, since that must certainly have brought me within the Guilt of Misprision. And being thus restrain'd from dealing frankly and openly, I chose rather to say little, than to depart from that Ingenuity, that, by the Grace of God, I had carried along with me in the former Parts of my Life, and so could easier be silent, and leave the whole Matter to the Conscience of the Jury, than to make the last and solemnest Part of my Life so different from the Course of it, as the using little Tricks and Evasions must have been.

It has been already observ'd, that this Paper had a wonderful Effect on the People; and it is now to be observ'd, That it equally exasperated the Court. This we learn from [P. 5. p. 561] Bishop *Burnet*, who adds, with his usual Elegance of Expression: "So *Tillotson* and I were appointed to appear before the Cabinet-Council. *Tillotson* had (as) little to say, but only that Lord *Ruffel* had shewn him his Speech the Day before he suffer'd; and that he spoke to him what he thought was incumbent on him, upon some Parts of it, but he was not dispos'd to alter it." The Bishop proceeds to say, in substance, That he was longer under Examination: That they apprehended he had

pen'd it: That, however, he offer'd to take his Oath, that it was (a) pen'd by Lord *Ruffel* himself, and not by him: That he receiv'd the Journal which he had compos'd of every Passage, great and small, which had happen'd during his Attendance on that Nobleman to his Majesty: That they were all astonish'd at the many extraordinary things contain'd in it: That the Lord Keeper seeing the King silent, added, *You are not to think the King is pleas'd with this because he says nothing*; and that the Duke was highly offended at his reading the said Journal, which he took to be a study'd Panegyric on Lord *Ruffel*'s Memory.

But tho' nothing satisfactory relative to this obnoxious Piece was drawn from these Examinations, *Leffrange*, and others, were both employ'd to answer it, and to lay the Composition at the Door of our Historian: Not in the Course of this Week did they spare any of those Poignancies, which make controversial Papers to entertaining to the Reader.

*Leffrange*, in particular, makes no Difficulty to pronounce it, "A Approach in the Form of a Vindication; the Panegyric of a Pedant, instead of the Confession of a Penitent; the last Prayer and Agony of a dying Christian dissolv'd into a Flood of Calumny and Bitterness against the Church and State, &c." And all in general remark, That under the Appearance of Ingenuity, it abounds with Reserves and Fallacies. It is indeed obvious, That his Lordship's Extenuations are confin'd to that Part of the Indictment which charg'd him with conspiring the Death of the King, and altering the Government: That as to his Concern in the intended *Rising*, he is wholly silent; and that even his own Confessions very sufficiently shew, that there was rather a Deficiency of legal Evidence, than of legal Matter against him: But then his Adversaries shift their Ground in their Reply to them: For, whereas upon his Trial, they chose to put the Issue on the joint Evidence of *Rumsey* and *Shepherd*, with respect to the *Discourse*, concerning the *Guards*, and to shew from thence, that the Indictment was in every Part fairly prov'd, they, upon this latter Occasion, dwell upon the *Rising* chiefly, which was supported only by the Testimony of Lord *Howard*; and consequently if the *Pinch of the Charge lay there*, it must be allow'd his Lordship had *hard Measure*, in being condemn'd on the Credit of one Witness.

Upon the whole of the Case, as it has been over and over again observ'd in the Course

A. D. 1683

[Castlereign on a printed Sheet, p. 45]

[Conclusion upon the whole Case.]

(a) The Refuse of Mr. *Edward*'s Narrative, already quoted, and said to be taken from Dr. *Tillotson*'s own Mouth, is as follows:

"After which, he told his Majesty, that the Lord *Ruffel* had declar'd to him, That he was perswaded the King had never done any thing to justify any one in rebelling against him: That he had never any such Thoughts himself, and kept company with such wicked Men, only to preserve the Duke of Monmouth from being led into any right Consideration by them, and more particularly the Earl of Shaftsbury. Being then ask'd, Why the Lord *Ruffel* did not discover their Design to his King? His Answer was, that That Lord had said, He could not betray his Friends, nor turn Informer

against them, while he saw there was the Danger: But if things had come to a Crisis, he would have contriv'd some Notice to have been given the King of it; and, in case of Violence, would himself have been ready to oppose them with his Sword in his Hand.

The King himself (afterward) confirm'd the Truth of the greatest Part of this Account, and in conclusion said *JAMES*, (meaning the Duke of Monmouth) has told me the same thing." *Edward*, p. 1037.

(b) "And because he had not been accus'd to draw such Papers (saith the Bishop, p. 568) he declar'd me to give him a Scheme of the Heats as to be broken to, and of the Order in which they should be laid; which I did."

A. D. 1683.

Course of this Work, the Laws now in force have made no Provision for the Indemnification of Patriots who have recourse to Arms, nor will admit any Subject to be held innocent who breaks in upon his Allegiance. Whoever, therefore, in Imitation of *Curtius*, leaps into the Gulph, must not complain if it closes over him. But then, on the other hand, a Crisis may happen agreeable to Lord *Ruffel's* Supposition, when the Rod of Power may be turn'd into a Serpent, when the Laws themselves may lose their Authority, by losing their Virtue, and when the whole Business of Government may be, to exhaust all the Ways and Means of Oppression, in order to fatten on the Spoil; in which Case it would be a vain thing to urge the Obligations of the Subject, for all Obligations would be vacated; and he who ventur'd most and farthest for the Redemption of his Country, tho' a nominal Transgressor, would to the End of the World be number'd among the best and bravest of Mankind.

The Execution  
of *Walcot*,  
*Route*, and  
*Hone*.

The Day before the Execution of Lord *Ruffel*, *Walcot*, *Rouse*, and *Hone* suffer'd at *Tyburn*. A few Words ought to be said of each. *Walcot* made a long Speech, in which he said he neither blam'd the Judges, Jury, nor King's Counsel, but only the Witnesses, who had drawn him into their Cabals, under the Notion of asserting their Liberties and Properties, and then made his Blood the Price of theirs. He was particularly severe on *West* and *Shepherd*, the first of whom he accus'd of frequently discoursing of *tepping the two Sparks*, in his hearing; but never with his Approbation; and the latter for betraying him, after he had promis'd and undertaken to carry him into *Holland*. He desir'd it might be observ'd, whether their End was Peace. He advis'd his Friends neither to speak themselves, nor hear others speak what they would not have repeated; for there was no such thing as Faith in Man to Man, whatever there was in Man to God. He added, That when God had a Work to do, he would not want Instruments: That he pray'd the Almighty to stanch the Issue of Blood then open'd, and to incline the King's Heart to Mercy: "For said he, Acts of Indulgence would make him sit much easier in his Government, and his People sit much easier under it.—What hath happen'd, and what hath been the Occasion of our present Calamity, I suppose every Man knows. What Provocations have been on the one hand; Fears, Necessities, Jealousies and Sufferings on the other, I will not intermeddle with,— resolving to use my utmost Endeavours to make that Peace and Reconciliation with my God, which it is impossible to make with Man.— With these and the like healing Expressions, he clos'd his Speech. And when afterwards drawn into a Controversy by Dr. *Curtwright*, Dean of *Rippon*, who, bluntly enough, took upon him to justify the Witnesses, he sustain'd his Part with much Address, Temper, Presence of Mind, Sense, and Ingenuity; insisting, at one time, that he did not know that the King's Death was agreed on: That he was to have no hand in it: That

A. D. 1683.

the Meetings he was concern'd in were for asserting their Liberties and Properties: At another, declaring, That he did not come there to dispute of Religion, but to dye religiously: At a third, confessing, That his Life was justly forfeited to the Law; and finally, so far conceding to the Dean, as to pray for the Forgiveness of those very Persons he had before condemn'd.

The Dean then address'd himself to *Hone*; who, as stupidly as before, continu'd to confess himself guilty of the Crime for which he was condemn'd; and that once, in Discourse with *Keyling*, he had said he was for killing the King and letting the Duke escape, because the latter did not differble his Religion, but withal declar'd, That he was drawn in: That he was never at their Meetings but in a public Coffee-House or Tavern: That he knew as little of the Design, as any poor silly Man in the World: That he was fain to gather it, &c. As to *Rouse*, he made a long Discourse, but in so broken and confus'd a manner, that it is scarce intelligible: In general he confess'd, that he was acquaint'd with a Duke to seize the King, to set aside the Duke of *York*, and to advance the Duke of *Monmouth* in his stead: That he endeavour'd to make himself acquainted with the Particulars, to be the better able to make a true and faithful Discourse, that he might not go to *Whitehall* or a Justice of Peace with an *Idle Story* or a *Sham*: That *Lee* the Dyer had charg'd him with uttering the very Words he had us'd himself: That he was never at any Consultation, nor knew aught of the Design but from him: That in truth he had propos'd to the said *Lee* the throwing up a Silver Ball, as a Means to draw the People together, but still with an Intent to make himself a Discoverer, not to facilitate a Rising: And that as to the taking of the *Tower*, which was to particularly charg'd upon him, he never entertain'd any such Thought; and that the only discourse he ever heard on that Subject was open'd by *Lee*, himself, in the Company of Captain *Blague*; who, in a jocular way, said, He would engage to take it with six Ships, and two or three hundred Men; but without the least Purpose to put any such Attempt in Practice.

After these several Speeches and Confessions, they all Three in turn pray'd aloud, (*Walcot*, in particular, with equal Fervor and Elevation both of Thought and Expression) and having taken their last Leave of the World, were dismiss'd by the Hand of the Executioner.

What we are next to treat of is, the deplorable End of the Earl of *Essex*: And how ever painful and wearisome the Pursuit, we are still under the necessity of following Truth thro' the Heirs of Controversy: 'Tis the Way she has been forc'd to wander in; and if we grow impatient of the Fatigue, we shall never overtake her.

On the very Day that Lord *Ruffel* was on his Trial, the King and Duke took a Fancy to visit the *Tower*, (where, it is said, they had not been for several Years before;) and

The Death  
of the Earl of  
Essex.



A. D. 1685.  
[Echard, p. 722.] as they were going back to their Barge, the Cry follow'd them, *That Lord Essex had kill'd himself*: It also found an immediate Passage to the *Old-Bailey*. Mr. Echard says, "The News was brought to the *Old-Bailey*." Bishop Kennet's Expression is, that "Particular Care was taken to give immediate Notice of it to the Court at the *Old-Bailey*:"

[Kenset, vol. 11. p. 400.] Adding, "And the King's Council made a direct Use of it to confirm the Plot, and to condemn Lord Ruffel as the more apparently guilty of it."

[P. 63.] Sir John Hawkes also, in his Remarks on that Nobleman's Trial, has these Words: "All Persons agreed, there was some extraordinary Reason for not respiting the Trial the next Day: And, before the Trial was over, the Riddle was out; my Lord Essex was kill'd, or to be kill'd, that Morning— They were sensible the Evidence against my Lord Ruffel was very defective, and this Accident was to help it out." But then, he says, the Fact, and Reason of it, were only *slily insinuated*. Where-

[P. 102.] as Mr. Echard more at large declares, "The Fact was twice mention'd and insinuated by the King's Council, for no other End that appear'd, but to exasperate the Jury, now susceptible of any Impression: And it is (p) reported, that some of them said, *That it went farther with them, than all the Evidence of the Witnesses produced*." But, in contradiction to all this, Mr. North is express as to

[Examen, p. 401, 402.] the Manner in which the News was brought into Court: "That it came in, as Air, at the Doors: That the next Man had it first: That it spread all Ways at once, as People told it each other: That the Council, who sat below, heard it before the Bench: That it made the most Haite towards the Prisoner: That the Judges, observing some Disorder in the Company, stood up to know what was the Matter; and, upon Enquiring, the Attorney-General *slily* told it the Chief-Justice: That, during this Interval, there was a stop to all Business: That neither direct nor insinuated Use was made of the Accident, so as to affect the Prisoner at the Bar: And that the only public Notice that was taken of it was by the Lord Howard, who prefac'd his Evidence with certain Crocodile-Tears, to express his Sorrow for a departed Relation."

And yet, in justification of Echard, Hawkes, and Kennet, and to the utter Confusion of North, we find the two following Passages still upon Record, in Lord Ruffel's Trial, viz. in p. 8, the Attorney-General, in his prefatory Harangue to the opening of the Evidence, says, "That my Lord Ruffel was one of the Council for carrying on the Plot, with the Earl of Essex, who had, that Morning, prevented the Hand of Justice, upon himself." And again, that the Jury might be kept warm, Sir George Jeffreys, in summing up the Evidence, express'd himself in these Words, "Who should think that the Earl of Essex, who had been advanc'd so much

A. D. 1685. in his Estate and Honour, should be guilty of such desperate Things; which, had he not been conscious of, he would scarce have brought himself to that untimely End, to avoid the Methods of public Justice?"

Thus it becomes undeniable, that a very indecent and unjustifiable Use was made of this tragic Incident: And possibly to unfair a Procedure, on one side, made way for that Reprisal on the other, which has not only been so loudly complain'd of, but so severely punish'd.

Clos'd upon the Heck of the first Report concerning the Earl's Death, another took place, and by degrees gain'd ground, till it became the Discourse of the whole Kingdom; namely, *That the Earl was murder'd*: Whence Inferences were immediately drawn, and propagated as fact, which reflected grievously on the two Royal Brothers; and, of course, contributed as much to shake the Credit of the Plot among the People, as the Former had to establish it with Lord Ruffel's Jury.

It cannot be positively pronounc'd, that, to encounter this dangerous Impression, the Depositions of the Earl's Servant Bomeny, and of the Warder Ruffel, who was posted at his Chamber-door, as also the Coroner's Verdict, were made public (q) by Authority; because the Date of the Publication is not prefix'd to those Papers: But 'tis reasonable to think so; for, tho' the Gazette takes notice of the Sentence pass'd on Lord Ruffel, Walcot, &c. and takes care to state the Matter so, as that it may be believ'd, that they were all alike concern'd in the same Treasons; not one Line is bestow'd on the Earl of Essex; as if his Death was either of too tender or too insignificant a Nature, to deserve Notice.

The first of these Depositions is Bomeny's; who saith, That when his Lord came first to Captain Howley's House in the Tower, where he was to lodge, and which was July the 11th, he ask'd for a Penknife to pare his Nails: That he the Deponent, not having one at hand, said he would send for one: That he accordingly sent his Lordship's Footman with a Note to the Steward, for such things as were wanting, and among the rest a Penknife: That he nevertheless return'd without one, the Steward saying he would get one the next Day: That accordingly, on the next Day, the TWELFTH, as soon as my Lord was up, the Footman was again dispatch'd for it: "And when the Footman was gone (these are the very Words of the Deposition) about, or a little after, EIGHT o'Clock, my Lord sent one Mr. Ruffel, his Warder, to this Informant, who came, and then he ask'd him, If the Penknife was come? This Informant said, no, my Lord, but I shall have it by-and-by; to which my Lord said, *That he should bring him one of his Razors, it would do as well*: And THEN this Informant went and fetch'd one, and gave it

(p) Sir John Hawkes, in his Remarks, p. 63. mentions also the same Report, in the same Words, and both on the Credit of an anonymous Quarto Pamphlet, call'd, *As Essex*

*entry sets, and Direction of, the barbarous Murder of the late Earl of Essex.*

(q) Under the Title of *An Account how the Earl of Essex kill'd himself in the Tower, &c.*

A. D. 1683.

it my Lord; who THEN went to pare his Nails; and THEN this Informant went out of the Room into the Passage by the Door, on FRIDAY the THIRTEENTH Instant, and began to talk with the Warder, and a little while after he went down stairs; and soon after came the Footman with the Provisions, and brought also a Penknife, which this Informant put upon his Bed, and thought my Lord had no more need of it, because he thought he had par'd his Nails; and THEN this Informant came up to my Lord's Chamber, about EIGHT or NINE in the Forenoon, on FRIDAY the THIRTEENTH Instant, with a little Note from the Steward; but not finding his Lordship in the Chamber, went to the Closet-door-Closet-door, and found it shut; and he, thinking his Lord was busy there, went down, and laid a little, and came up again, thinking his Lord had been come out of the Closet, and finding him not in the Chamber, he knock'd at the Door with his Finger thrice, and said, my Lord! but no body answering, he took up the Hanging, and, looking thro' the Chink, he saw BLOOD, and a Part of the RASOR, whereupon he call'd the Warder *Ruffel*, and went down to call for Help; and the said *Ruffel* pull'd the Door open, and there they saw my Lord of *Effex* all along the Floor, without a Perriwig, and all full of Blood, and the *Rasor* by him.

The second Deposition was *Ruffel's*, the Warder, who said, "That, on FRIDAY the THIRTEENTH Instant, about Eight or Nine o'Clock in the Forenoon, he was present, when he did hear the Lord of *Effex* call to his Man *Mr. Bomony* for a *Penknife* to pare his Nails, and THEN for a *Rasor*, which *Mr. Bomony* brought him, and THEN my Lord walk'd up and down the Room scraping his Nails with the *Rasor*, and shut the outside Door: That *Bomony*, half a Quarter of an Hour afterwards, not finding my Lord in his Bed-chamber, went down stairs again, believing that my Lord was then private in his Closet: That, about a Quarter of an Hour afterwards, he came up again, and knock'd at the Door, then call'd, my Lord! three times, and he not answering, peep'd thro' a Chink of the Door, and saw the EARL lying on the Ground in the Closet; whereupon he cried out, That my Lord was fallen down sick; and that then this Informant went to the Closet Door and open'd it, the Key being on the outside, and saw my Lord lying on the Ground in his Blood, his Throat being cut."

Two Surgeons depos'd farther, that the (*r*) *Apera Arteria*, or Wind-pipe, Gullet and Jugular Arteries were all divided, even to the *Vertebrae* of the Neck: And then follow'd the Coroner's Verdict, pronouncing the Earl *Felo de se*.

(*r*) Notwithstanding which, *Bishop Burnet* asserts, vol. 1. p. 553. The Wound was above the *Apera Arteria*. And again in the same Page he proceeds that: "When his Body was brought home to his own House, and the Wound was examin'd by his own Surgeon, he said to me, it was impossible the Wound could be as it was, if given by any Hand but his own: For except he had cut his Head back, and stretch'd up his Neck all that he could, the *Apera Arteria* could have been cut."

A. D. 1683.

These are all the Depositions that were publish'd; and if there are all that were taken, it is apparent they are not all that should have been taken; for it is acknowledg'd in *Bomony's* Paper, that the *Foot-man* (*Samuel Peck*) who had been sent to the Steward for the *Pen-knife*, &c. was return'd with it, before the Discovery of his Lord's Body was made: And when the Out-cry which follow'd that Discovery broke out, it is not to be imagin'd, but that he rush'd in among the rest to gaze on that horrid Spectacle; and, of course had something to depose, in relation to the Manner in which the Body was found, which, it must be presum'd, would have help'd either to confirm or strengthen what *Bomony* and *Ruffel* had before sworn; and if so, to set the Fact out of the Reach of Misrepresentation: And as this was the sole End of publishing those Papers, it furnishes Matter of Wonder, at least, that any one Circumstance was omitted, which would have contributed thereto. There was also another Warder, *Munday* by Name, who kept Guard at the Stair-Foot, one *Lloyd* a Centinel who was upon Duty at the Door of the Houle, one *Mary Johnson* a Servant in *Hensley's* Houle, who, together with one *Whiffler*, the Bailiff to the *Tower-Library*, help'd to strip and wash the Body, &c. All of whom should have been heard previous to the Verdict; and from the whole joint Evidence, the Truth should have been made manifest.

It is farther to be regretted, 1. That, when the violent Death of so eminent a Person, while the King's Prisoner, at so extraordinary a Crisis, was to be enquir'd into, not only for the Satisfaction of the Laws, but to close up the Mouth of Slander and Obloquy in eternal Silence, the Body was not left exactly as it was found, the *Rasor* as it had dropt from his dying Grasp, and every other Circumstance, unalter'd and unremov'd, that might have either serv'd as positive Evidence, or have furnish'd out those Suggestions that would have prov'd in the next Degree satisfactory. 2. That the Coroner and his Jury were not immediately directed to sit upon the Body; as also, that any Colour should be given to urge, that they were aw'd, or hurry'd, or had given a precipitate Verdict. 3. That *Bomony* and *Ruffel* should omit one material Allegation in their Depositions, which *Both* afterwards recollected, and swore to, almost in the same Words. 4. That the said Depositions should not only be deficient in themselves, but inconsistent with each other. And, 5. That free Scope was not given to any subsequent Enquiries, which would have disarm'd Malice itself, and demonstrated to late Posterity, that the Court had nothing to apprehend from them.

Now,

On the other Hand, in the Pamphlet call'd, *An Enquiry*, &c. p. 44. it is said, "That a certain Gentleman, who had been an Eye Witness of the Wound, affirm'd, That it began at the Side of the Neck-bone, behind the left Jugular, and extended to the Bone of the Neck, beyond the Right, being between eight and nine Inches in Dimension from one Side to the other; and that it so nearly approach'd and pierc'd into the *Vertebrae*, that had it light on a joint, it would have cut off his Head, instead of merely cutting his Throat."

A. D. 1684.

Now, in regard to the *first* of these Points, That all things should have remain'd as they were, till the Inquest had been made, as Custom and common Sense requir'd; the direct contrary, as we are told, was put in practice: For the Body was remov'd, stript, and wash'd, and both the Closet and Chamber were clean'd.

[Enquiry and  
Doubts of the  
Honor of the  
Earl of Essex,  
4th p. 53, 54.]

As to the *second*, We see by the Date of the Verdict, that the Jury did not sit on the Body till the next Day: And that they neglected to take the Depositions of those other Persons just nam'd, sufficiently proves, that they did not proceed in the Manner that their known Duty, and the peculiar Importance of the Case, requir'd: In consequence of which Misconduct, the Evidence, real or pretended, of those Persons, was afterwards made use of to blurt that of *Ruffel* and *Bonemy*, as will be speedily explain'd. We are also told, that when one of the Jury demand'd to see the Clothes of the Deceas'd, answer was made by the *Coroner*, by Direction from certain Persons waiting without, tho' within Hearing of all that pass, "That they were call'd to sit on the Body, not the Clothes; and that it was sufficient for them, that they had seen the said Body, and receiv'd an Account upon Oath of the manner in which it was found." From whence Occasion was taken to assert in the Name, and on the Credit of the Earl's Footman, That the Print of a bloody Foot was visible on one of his Stockings: And also in the Name, and on the Credit of *Mary Johnson*, That his Cravat, which was three times round his Neck, was cut thro' every Fold. And yet again, as to the precipitate Verdict, That the Jury were scarce met before a Message was sent them to make haste in their Inquisition, because one waited to carry it to the King, who had declar'd he would not rise from the Council-Board till he had Notice of the Issue.

[Ibid. p. 56.]

To the *third*, that *Ruffel* and *Bonemy* made a capital Omission; it consisted in this, That when, upon *Bonemy's* Outcry, *Ruffel* came up and open'd the Door, he could not push it quite open, said one; he could not open it far, said the other; because my Lord's Feet were against it, said both. And Mention is made of another Deposition by *Munday*, which says, That the Earl's Body lay so close and strong against the Closet Door, that neither *Ruffel* nor *Bonemy* could open it; but that *Munday*, being stronger than either, put his Shoulder and forc'd it open. Thus we have either Omission upon Omission, or Improvement upon Improvement. And in opposition to all, the Footman is said to have testify'd, that when he ran up, he found Part of his Lord's Legs without the Door; which again is utterly irreconcilable with what *Mary Johnson* aver'd, namely, That the Earl was found on his Knees, leaning against the Wall: And that the Body was then stiff and cold. A Circumstance wholly incredible, if it be true that the Fact was committed in less than Half an Hour before.

[Monday will  
not, is see  
Paragraph by  
Braddon, p. 3.][Enquiry and  
Doubts, p.  
54.]

[Ibid. p. 59.]

To the *fourth*, concerning the *Incon-*

ency of *Ruffel's* and *Bonemy's* Depositions; *Bonemy* deposes, it was upon the *Tuesday*, that the said *Bonemy* sent the Footman for the Penknife before his Lord was up; and about, or a little after, eight o' Clock, whilst the Footman was gone, that the Earl sent *Ruffel*, the Warder, for *Bonemy*, to ask if it was come; whose Answer was, *No, But I shall have it by and by*: And the very Words of the said Deposition, before quoted, and all the several *Turns* so often repeated in it, as well as the whole Train of Circumstances to which they relate, imply and declare, that the Earl's Demand of the *Razor*, *Bonemy's* giving it him, the Earl's proceeding to pare his Nails, *Bonemy's* going out into the Passage, and the Return of the Footman with the Penknife, &c. were all the Transactions of that same Morning, and not on *Friday* the *Thirteenth*; tho' we find those Words so impertinently and absurdly, crowded in: Whereas *Ruffel*, on the contrary, without taking any notice, that he had been sent by the Earl for *Bonemy*, faltens on the said *Friday* at his Outlet; and is express, that the two main Occurrences happen'd that Morning, which *Bonemy* to circumstantially ascribes to the precedent: From which manifest Disagreement, occasion has been taken to assert, That the said impertinent Words were suffic- [Munday will ed into *Bonemy's* Deposition at *Whitehall*, in defiance of Grammar or Construction, to make the whole Evidence seem to be of a piece.

A. D. 1685.

As to the *fifth*, That free Scope was not given to Enquiries, appears from the Story of *Braddon*; which was in substance this: *Braddon* discourses with a Friend of the Particular which closes *Bonemy's* Deposition, viz. That the *Razor* was found lock'd up in the Closet with the Body; was told by his said Friend, That the Fact was otherwise; for one *Edward*, a Boy of about thirteen or fourteen, had been a bloody *Razor* thrown out of the Earl's Window, before it was known he was dead. *Braddon*, hereupon, suspecting foul Play, and growing eager to detect it, officiously goes in quest of *Edward*; learns from his Mother and Sister, that he had told this Tale as soon as he came home, the very Morning of the Earl's Death; takes down Notes of what they and he depos'd; which Notes he first cury'd to a Magistrate, and then to Lord *Sunderland*, as Secretary of State, who order'd him to attend the Council the next Day, together with the Boy, &c. He did so, was immediately taken into Custody, before any one of them had been examin'd, and oblig'd to give 2000*l.* Bail before he could procure his Discharge; the Boy having unaid, before his Majesty, all he had said at home. *Braddon*, however, persevering in his Enquiries, found out a Girl of about the same Age with the Boy, who told a Story of the same kind; took her Deposition also; and having been further inform'd, that it had been discours'd, above a hundred Miles from *London*, that the Earl had cut his Throat in the *Tower*, on the very Day that his Death had actually taken place, set out in quest of the Proof, having in his Pocket the two Papers sign'd by the

[Munday will  
ed into  
nt, p. 4.][Ibid. p. 6.]  
*Braddon's*  
*Capt.*

two Children, a Letter of Recommendation from one Mr. Speke to Sir Robert Atkins, and another from one Burgess of Marlborough to the Post-master of France, requesting him to assist in the said Enquiries: But *Braddon's* Motions were now to closely watch'd, that he was overtaken at *Fifflerton* in *Wiltshire*, by a Messenger, and carry'd before a proper Justice of Peace, who without Remorse, committed him to the County Goal, for being a dangerous and ill affected Person to the Government; and in his Warrant to the Goaler, requir'd, "That he the said *Laurence Braddon* would safely keep, till he should receive farther Order from the King and Council." Hence he, however, made a Shift to get himself remov'd to *London* by a *Habean Corpus*; and all the Judges being out of *Town*, he had the ill Luck to be oblig'd to apply to the Lord Keeper for his Redemption; who, instead of proceeding by his own Authority as the Statute requir'd, postpon'd the Prisoner's Suit till the next Day, when he was again brought before a Committee of the Council, consisting of the Lord Keeper, Lord Privy-Seal, Duke of *Ormond*, and Secretary *Jenkins*; and after many bitter Reproaches, requir'd to give 12000*l.* Security for his Appearance; and also Security for his good Behaviour. This was, in Effect, denying him his Liberty, as became yet more apparent, when one half of that Sum was offer'd and refus'd. Thus he stood committed to the Custody of a Messenger, as before, at so great an Expence, that he made it his Petition to be remov'd into the *King's Bench*, as a sort of Deliverance. This was, at last, comply'd with: But, after he had given 10,000*l.* Security to be a true Prisoner, within the *Rules*, he was deny'd that Liberty, tho' he had thus dearly purchas'd it. Thus he remain'd in close Confinement during the whole Vacation. On the fifth Day of the next Term, he was once more set at (1) Liberty on the giving 2000*l.* Bail: And in the *Hilary Term* following he was try'd for a (2) Misdemeanour at the *King's Bench* Bar, together with *Speke*, in maliciously conspiring to make his Majesty's Subjects believe, that the Coroner's Inquest in the Case of the Earl of *Essex* was unduly taken; and that the said Earl did not murder himself, but was murder'd by those who had him in Custody; and in procuring false Witnesses to attest the same, to the great Scandal of the Government.

It was upon this public Occasion, that the Court not only undertook to punish this forward Busy-body, but to prove, by a Cloud of Witnesses (for the Attorney-General expresses himself) that the Earl was his own Murderer. In order to which, an Attempt was first made to raise a Belief, that *Edwards*, the Father of the Boy, tho' a Custom-house Of-

ficer, whose Bread depended on the Court, had forg'd the Story, which his Son had told: One *Evans* charging him with saying to him, about eleven o'Clock, on the Morning the Fact was committed, that he had heard it from home; and that in the Afternoon, he came to him again, and told him farther, that he had now been home, and the Boy had confirm'd it to him. But *Edwards*, himself, insisted he had his Intelligence at home from his own Family at ten the same Morning: That on examining the Boy, he confirm'd it; and that he, the Boy, had never deny'd it, till *Braddon* had been at his House to enquire into the Truth of it: And then, in his (the Father's) Absence, some of his Family talk'd to him at such a rate, that he began to retract what he had said before: That nevertheless, in Half an Hour's time he own'd it again, and again relaps'd; and so continu'd affirming and denying, till he was carry'd before the Council; since which time he had been steadfast in the Negative; but whether he would now be so, he could not say. Here being ask'd by the Court, whether he had not inform'd *Braddon*, that his Son was a lying Boy, he answer'd, He had; and farther that he would not undertake for the Truth of the Story. He was then re-examin'd on the Point of his having been first at home before he mention'd it to *Evans*; and insisted, that he had; as also that as soon as he came within the Door his Family had made him acquainted with the News the Boy had brought in; adding, That he could not have dispos'd of it before, unless he had been the Contriver of the Story. To which the Attorney-General was pleas'd to reply, It is like enough you were, *Evans* was, after this, produc'd to confront him; but only said, He thought *Edwards* had the Story from home, and did not go home; whereas *Edwards* continued positive, That he went home first. The Boy, himself, being now call'd upon, and the Father charging him to speak the Truth and nothing but the Truth; the Chief-Justice was pleas'd to direct the Boy to give the same Charge to his Father. The Boy, however, made no Scruple to acknowledge, that he had told such a Story to his Father, before he had seen *Braddon*, and again to *Braddon* afterwards; and that he did not deny the Truth of it to *Braddon*. One *Hawkins*, another Lad, like himself, the Son of the Doctor who took *Vitabarris's* Confession, was then call'd, and swore, That, after the News was brought to his Father, that the Earl of *Essex* had kill'd himself, he follow'd his Father out; and after a little time was join'd by young *Edwards*; that they stood together for an Hour or two at least, looking up at the Earl's Window; and that during that time, no Rascal was thrown out; and that they went away together out of the

Tower-

(1) Having once more got my Liberty (says *Braddon* himself, in his Pamphlet call'd *A border will use*, p. 7.) I resolv'd my Prosecution, &c. but, as a design'd Prevention thereof, I was, about November 1681, again taken up on an illegal Warrant at the former: For having no Crime was specify'd; but it was granted against me for being supposed to be defamed in the Government.—The Design of this was to charge me with helping 500 Protestant Exiles, for the Detraction

of the loyal Party. But, upon full Examination, in this Accusation there appear'd such Falshood, and inconsistent Mixture, that I was order'd forthwith to send home.

(2) The Duke of *Tork* is charg'd by the Author of the *Exposé* and *Deliver* with having said, That *Edwards* was revelling with such a Bawling: But what he must give it to run like if all the Lords of England would do so. *Enquiry and Detection*, p. 21.

*Tower-Gate*; and that young *Edward* mention'd no such thing to him. Young *Edward* was also ask'd, if he ever told any body he had been at the *Lord Brandon Gerard's* Lodging in the *Tower*; and answering, *Never in his Life*, the Information taken by *Braddon* was read; in which it was said, That as he, *Edward*, was standing between the Lodgings of the *Lord Brandon Gerard*, and those of the *Earl of Essex*, he saw a Hand cast out a bloody Razor: That as he was going to take it up, a Maid, ran out of *Captain Hensley's*, and prevented him, by taking it up first. *Spike's* Letter by *Braddon* to *Sir Robert Atkins* was also read to prove his Concern in the Business, as also the Letter to the Post-master at *Freme*; and then the *Girl's* Information, before spoken of, and which, together with these two Letters, was found upon *Braddon*, when apprehended at *Fiberton*.

Thus stood the Case on the King's Side, and from hence it appear'd plain enough that *Braddon* had busy'd himself in gleaning up Matters tending to prove, that the *Earl* was not his own Murderer: But then the *Malice* of his Proceeding, and the Drift of it to scandalize the Government were as yet in no one Circumstance demonstrat'd, unless the Suggestions of the King's Council, and the Ravings of the Bench were to pass for Evidence.

On the other hand, *Braddon* prov'd by the corresponding Evidence of the *Boy's* Father, *Mother*, *Sister*, and one *Mrs. Burt*, that the *Boy* had often repeated and overr'd the Story of the Razor; whence it follow'd that he, *Braddon*, was not the Forger of it: And as to the *Boy's* denying it afterwards, he endeavour'd to account for it, by allying the *Sister*, *Who he had ran to his Mother*, crying *he should be hang'd!* To which the reply'd, in effect, That the Child had entertain'd that Conceit, *the fopp'd*, from a Conviction that he had told a Lye. But *Mr. Wallop*, Council for the Defendants, did not suffer the Issue to rest here, but proceeded to ask, Whether they did not tell the *Boy*, his Father would lose his Place? Upon which, she who was for good at Supposition before, thought fit to confess, *That they did*. But when the same Council would have further ask'd, "Whether she had not told her Brother, that the King would hang his Father, if he did not deny what he had so often affirm'd?" The *Lord Chief-Justice* interpos'd in a vio-

lent Fury, and threaten'd him with the Animadversion and Correction of the Court for stirring a Question that was so dishonourable to his Majesty and the Government. When this Storm was over, *Jane Ledden* the *Girl*, was brought forward; concerning whom we are expressly told, That she had no Acquaintance with, nor Knowledge of, the *Boy*; and consequently there could be no Concert between them to relate and agree in all the main Circumstances of the same Story: And she depos'd; firmly, in the Face of the Court, "That she saw a Razor thrown out of a Window; which the People told her were the *Earl of Essex's* Lodgings; that she heard *Shrieks* and *Cries*, that the Razor fell within the Pales; that she saw a Woman in a white Head come out; but whether she took up the Razor or not, she could not tell; that she saw it only as it was flying; that it was open and very bloody; and that she was sure it was a Razor, and not a Knife." And these several Circumstances she had recounted at ten o' Clock the same Morning the Fact was committed, as her Aunt and others; only she had then happen'd to lay, as one *Glassbrook* testify'd, "That she was sure the *Earl of Essex* had cut his Throat, because she had seen him throw the Razor out of the Window." Of this Slip the Court took the Advantage; and from it endeavour'd to shew, that her Evidence, positive as it was, did not deserve any Regard, 1. Because it was not possible that the *Earl*, himself, should be able to throw the Razor out of the Window, 2. If it was possible, he must have thrown it out of his Closet Window where he dy'd. In which Case, the *Girl's* Evidence would have disagreed with the *Boy's*, who said the Razor was thrown out of the Chamber Window. But if all the *Boy* told was a Fiction of his own, how can it be held of any Authority to destroy the *Girl's* Depositions? Or, if it should be urg'd, that the *Girl's* was Fiction too, is it not more wonderful that the Fictions of two different Persons should tally so well, than that they were in any respect irreconcilable? Besides, the *Girl* specified in her Evidence, that she stood in that Part of the *Tower* call'd the *Mans*, which look'd towards the Chamber Window, and that there was a Coach at the Door; whence it was manifest, she meant the Chamber Window; and, in the (2) main, she stands answerable only for having said, That she saw the *Earl*,

1. The Court were, however, to enquire to what use this Discovery, and an exact of publick Life of them, that they fell into the Hands of the Court, which we find thus observ'd by the Author of the History and Detraction, p. 60.

2. And whereas *Mr. Justice Holt* was pleas'd to except against the Deposition of the *Girl* in another particular, namely, that while she stood in the Place she said she was in, she had said that it fell within them; I do return this Answer of mine to it: First, That the Reports of the young Children are much more truly to be receiv'd, than the Observations of *Mr. Justice Holt*; upon this Point it to be remember'd with that of my *Ld. C. J.* concerning the same Case, where *Justice Holt* would have the Contradiction between his Information of the Children do lie in this, That the *Girl* said the Razor fell within the Pales, and the *Boy* said it fell without; the *Lord Chief-Justice* will have it to be as the *Boy* is saying the Razor was thrown on the outside, while the *Boy* said it was thrown on the in-

side. I am sure one of these two Judges shall be mistaken, since it is impossible that two Accounts of the same thing, so directly contradictory the one to the other, can be true. And indeed the *Middle* lies with my *Lord Chief-Justice* \* \* \* (whose Passion had transported to that degree, that he neither durst mislead what himself or others said) in affirming that the *Girl* should say, the Razor was thrown on the outside the Pales, when she had expressly sworn that it was thrown on the inside of them. But then, secondly, as to the Inconsistency between what the *Boy* inform'd, and that which the *Girl* depos'd, I say, that young *Edward* had, both in Words, and by assisting the Father and Motion of the Hand, got of which the Razor fell, frequently declar'd, that it was call'd on the inside of the Pales. His Father, Mother, and several others, are ready to depose, that when he first told the Story of the Razor, he express'd it by saying, that it drops out of a Hand from the *Earl's* Window; which did plainly signify, that he meant it fell on the inside of the Pales. And whatsoever he said to justify the Motion of the Hand from

A. D. 1681.

History and Detraction, p. 60.

A. D. 1684. Earl, &c. (which we find resolv'd by the Author of the *Enquiry and Detection* into childlike Simplicity) and that in her Information she had said, she heard a Soldier at the Door, call to those within to come and take up the *Rasor*, whereas in Court she could recollect no such Circumstance.

Yet farther; to prove that *Braddon's* Journey into *Wiltshire* was not to make or furnish Evidence, but to trace it where it lay, one *Mrs. Max* was produc'd at the Trial, and offer'd to depose, that, being in a Coach on a Journey with her Daughter into *Berkshire*, on *Thursday, July 28*, being the Day before *Ld. Effes's* Death, her said (7) Daughter then told her she had heard a Report, "That one of the Lords committed for the late Plot had cut his *Throat in the Tower*:" But the Chief Justice would not permit her to be examin'd, on the Maxim, That *Hearsay* was no Evidence; tho' it was urg'd by *Mr. Wallis*, that in this Case it was; since it prov'd, that there had been such Talk. But one *Fisher*, a Shop-keeper of *Andover*, swore positively, That the Earl of *Effes's* Suicide was so commonly discours'd of in that Place, from the *Wednesday* Night, which was the eleventh, to *Friday* Noon the thirteenth, that he depended on seeing it confirm'd by the Post of that Day; which only bringing a Confirmation of his Commitment, he could not help wondering how such a Report came to be rais'd; and much more afterwards, when he found it was the Fore-runner of the Truth. One *Lewis of Marlborough*, also depose'd, that being on the Road within three or four Miles of *Andover*, on the said *Friday*, he fell in with a Person who told him the said Earl had cut his *Throat*; and one *Bergez* of the same Place, That he heard the same at *Frome* the same Day.

And tho' all these several Depositions were, at least, sufficient to justify *Braddon* in his Endeavours to bring the Truth to light, more especially, as he offer'd to put all his Vouchers into the Hands of the Government, and of course to leave the Prosecution to themselves, the Lord Chief-Justice was pleas'd to treat the whole Matter as a *Contrivance* to deceive the King's Subjects, and to sit toge-

ther by the Ears; calling it, most eloquently, as he thought, *Stuff raked out of Dung-hills, and picked up on purpose to make a Fire, and set us all in a Flame*; and discharging the Witnesses all the *Rancour* and *Bitterness*, his own corrupt Heart overflow'd with.

The *Attorney-General* then undertook to shew, that it was impossible for any Man, unless the most malicious and villainously inclin'd against the Peace and Government of the Kingdom to spread such a Report. In order to which, he proceeded to call the *Cloud of Witnesses*, before spoken, viz: 1. *Bennet*, whose Deposition was agreeable to that already cited, except that he now for the first time recollected, that the said Earl's Feet bore so hard against the Door, that they could not open it; and that it does not appear, he fell into that obvious Inconsistency, above-mention'd, relating to the Dates of delivering the *Rasor*, and his *Rasor's* applying it to so fatal a Purpose. 2. *Ruffel* the *Warder*, who kept to his former Story, so minutely, that he again swore, *Bennet*, on lifting up the Hangings, saw his *Lord* lying in his Blood, tho' *Bennet*, himself, only swore, that he saw *Blood* and *Part of the Rasor*. And the Court demanding, If any Person had been with the Earl from the time *Bennet* went down, to the time of his Return? he answer'd, No. 3. *Lloyd*, the *Centinel*, who swore, that he saw the Earl at his Window when *Lord Ruffel* went by to his Trial: That about Half an Hour after, a Cry was made, That the Earl had kill'd himself: That there was no *Rasor* thrown out of the Window: That no Maid came out of the House; nor did he call one: That no Soldier was at the Door but himself, and that no body went into the House that Morning while he stood there; which is most strange, if the Earl's Footman return'd within that very Half Hour, as *Bennet* had sworn, with the *Penknife*. 4. *Captain Howley*, himself, at whose House the Earl was confin'd, depose'd, That he, standing at the *Tower Gate* that Morning, receiv'd Intelligence of the said Earl's Death by a *Warder*, whose Name he does not specify: That betwixen he went up Stairs to the *Gloiet*,

which the *Rasor* fell, he did put it into such a downy Pad, as that all who observ'd him, including what he saw done, concluded, that the *Rasor* fell on the inside of the *Palet*. Now was he ever heard to say, that it fell on the outside of the *Palet*, but only that time that *Mr. Francis* took his Information in *Wiltshire*, when his *Sister*, by understanding to threaten him into a *Deal* of the whole *Story* for love, and put him into such a *Fright*, that either he could not remember, or did not mind every little Circumstance of what he as well saw, as he often repeated before. And it is remarkable, that *Francis* himself, at *Mr. Douglas's* Trial, where he repeated and acknowledged what he had formerly reported, nor any other *Witness*, who appear'd at the said Trial in *Wiltshire*, when they had heard his *Story*, did in the least mention his having always said, that the *Rasor* fell on the outside of the *Palet*; but, on the contrary, his *Mother* does to avoid her *Deposition*, as she was to prove, that she believ'd he always meant the inside of the *Palet*; for he swore, "That he did see a Hand out of a Window, and a *Rasor* fall down." And in the whole *Story* of a *Rasor's* being thrown, or let fall, out of the *Earl of Effes's* Window, immediately before the *Notis* of his Death, will be stretch'd by several other Persons, when there is occasion; to the *Centinel* *Maid*, whom we have formerly mention'd, not only reported it to several Persons, both that Morning my *Lord* was kill'd, and afterwards, but he added two or three remark-

able Circumstances, since whereas the *Boy* had not taken notice of, nor the *Girl* above; either. That which *Maid* then declar'd to three Persons, the very Day my *Lord* was kill'd, and which they are ready to swear when call'd thereunto, is, "That, just before the Earl's Death was publicly known, there was a bloody *Rasor* thrown out of his Chamber Window, which was seen by some of the *Soldiers*, as well as by others; and whilst a little *Boy*, who had been the *Rasor* thrown out, ran towards it to take it up, a *Maid*, or *Woman*, that came out of the House where the *Earl of Effes* lay'd, was too quick for the *Boy*, and catch'd up the *Rasor*, and having run in with it to a House, a *Maid* was soon after cry'd out! That we have not only a Confirmation from a third Person, that there was a *Rasor* thrown out of the *Earl of Effes's* Window, before any Tidings of his Death, and that a *Boy* went to take it up, but was prevented by a *Ward* Woman from *Captain Howley's* House, who took it up, and run in with it (the last Passage of which the *Girl* had not observ'd); but we have also a *Particular* of a *Palage* for *Gov*, which the *Boy* gave me Account of, whereby, that they were divers other Persons standing by, who saw the bloody *Rasor* thrown out of my *Lord of Effes's* Chamber Window.

(7) Was, we are told, would have depose'd the same in Person; but that being big with Child, and at the End of her Recollection, she durst not venture abroad.

A. D. 1681.

Closet, where the Body lay: That not being able to open the Door far, look'd in, and saw the *Rasor*, bloody, and my Lord lying on his Arm: And that a *Confable* was call'd to examine the Servants. And here occurs fresh Matter of Wonder and Regret, *viz.* That this *Confable* was not examin'd by the Coroner and his Jury, and his Depositions publish'd, together with those of *Ruffel* and *Bemery*; as also, that he was not on this Occasion subpoena'd into Court, to relate what he had seen and heard; since it is reasonable to suppose, that his Evidence would have had more Weight with the Public than that of *Bemery*, because of its flagrant Inconsistency; or of the rest, because of their manifest Dependence on the Pleasure of their Superiors; to say nothing of the Presumption against them, that, in case there was any foul Play, these very Comparators must have been either Principals or Accessories in it.

Upon the whole, tho' in the famous Case of *Sir Thomas Overbury*, who was murder'd in the *Tower* in the Reign of *James I.* and upon whom the *Coroner* pronounc'd, That he dy'd a natural Death, it was held no Dishonour to the Government to make a more thorough Disquisition into this dark Affair, and tho' in consequence of that Disquisition, the Murder was discover'd, and all the Parties concern'd in it were brought within the Reach of Justice, and tho' *Braddon* himself took notice, that it had not been prov'd he had us'd any ill Arts to persuade the Witnesses to testify what was false, and that he had proceeded with all the Caution and Candour imaginable, such was the Violence of the Bench, and such the Ductility of the Jury, That they brought in both the Defendants guilty: Which Verdict was follow'd by as severe a Sentence, *Speke* being fin'd 1000*l.* and *Braddon* 2000*l.* which was far more than he was worth. Nor was this all, for both were to remain in Prison till they had paid those unconscionable Fines, and to

find Security for their good Behaviour during Life.

All that now remains for the thorough understanding of the Pretensions of either Party, with respect to this calamitous Case, is to give a brief State of the Assertions maintain'd by both; most of which our Historians have too incuriously paid'd by; possibly in Tenderness to the Infirmary of their Readers; who, too often, desire rather to be amus'd than inform'd; or to be flatter'd in their Prejudices, rather than to have those Prejudices remov'd.

And first, the Advocates for the then Government, who, one and all, most strenuously abide by the *Coroner's* Verdict, That the Earl of *Essex* was *Fel de se*, ground their Opinion, not more on the Depositions set forth by Authority, and the Testimony which was given in Court at *Braddon's* Trial, than on the Earl's avow'd Principle, That Self-murder was lawful; which we are told, he had often taken occasion to declare, when discourting of his Lady's Grand-Father, the Earl of *Northumberland*, who, "being imprison'd for Treason in Queen *Elizabeth's* time, pistol'd himself in the *Tower*," says *Mr. Carte*, and left a Note on the Table expressing, *That the Where should never base his Honour and Estate.*" The Lord Keeper *North*, in his Memorials left with his Brother, not only alludes to this Case of the Earl of *Northumberland* and Lord *Essex's* usual Comment thereon, but, in relating what pass'd at the (x) Conference between the Earl and his Brother-in-law the Earl of *Clarendon*, before spoken of, gives us to understand by Circumstance, that the Earl was confin'd in those very Lodgings where his Father, the Lord *Capel*, had been confin'd, and where he receiv'd his last Advice, to be loyal to the Death, when he was led to Execution under the Dominion of the Commonwealth: And *Mr. North*, in treating of this Accident (y) adopts the Opinion of

A. D. 1683.

Historical  
Review and  
Remarks  
on the  
Earl of Essex's  
Case.

(Life of the  
Duke of Or-  
mond, vol. ii.  
p. 523.)

Braddon and  
Speke jointly  
fin'd.

(x) "After he had been a little while in the *Tower*, he sent to desire the Earl of *Clarendon* might come and speak with him; the Earl (having whom I have said, sent, at his first coming to him, he said, *Brother, you may imagine I am acquainted with this Lodging, for I have been sixteen Months with my Father, when he was a Prisoner, The Earl of *Clarendon* reply'd, Brother, that was a glorious Occasion, I am fain to sit in here upon a different Account. The Earl of *Essex* then told him, he had a Desire to speak with him; he said something by upon his Spirit, that the King had to him, which had been to great a Trouble to him, that he had not time to see his Night, and he had a great Desire to testify his Friends upon it: It was, that the King, upon his Examination, said, my Lord, you had said before of my Wapping Prison, and concluded from thence that the King believ'd him engag'd with them in the Assassination. This was a great Trouble to him, and he desired the Earl of *Clarendon* to go to his Majesty, and likewise the Lords of the Council, that would his Acquaintance, and clear him in this Matter; and to advise them, that he was at clear of any Design against the King's Person, as any Man whatsoever. That the Earl of *Clarendon* told to one of the Lords, to whom himself of his Friends, concerning him one of the Friends the Earl of *Essex*, answer'd, *Brother's* Examination p. 385, 386.*

(y) In these Words:

"I should have never dropt this remarkable Case of the Earl of *Essex*, had there been any other, my blood a falling, related to me by a very venerable Person, which ought to be made known to I know, early or late, it will be commended to the Public by some, who, I do not think, he proceeded, or said, I shall endeavour to do, so far as I can, by relating what he told me, which it may not be amiss to do."

support the justifiable Course of a controversial Style, in which I am engag'd, with an Account of a most remarkable Incident. The good Lord *Capel*, Father of this Earl of *Essex*, who suffered Death for his Loyalty to King *Charles I.* when he was taken by the Rebels and was Prisoner in the *Tower*, was hold'd in the same Rooms that receiv'd this noble Earl when he was committed, and where the Earl of *Clarendon* follow'd him with that unshaky Resolution, concerning the Summits of the Lodgings, pushed between. When the time of the Lord *Capel's* Execution was at hand, he had his Lady, the Earl's Mother, and this Earl himself, being then young, with him in the Lodgings: And having resolv'd for a while to be kind to his Death, he returned to comfort his Wife, and leave a Blessing with his young Son, and to take his former Leave of both. The Lady could not bear his Condition, but, upon her Lord's Approach, fell down in a swoon. With some help she recover'd a little, but, on the like Approach, she fell, and the Lord, who is the next Part of my Execution, but I was not contented, so he resolv'd to stir up his Lady on a mat, but took up his young Son in his Arms, and, kissing him in a most tender Manner, gave him his Blessing, and, with all the Ceremony of a dying Father's Authority, charg'd him that, whatever Accusation or Charge he should receive for a Treason in his King, Add to be his the Reason, and received the Stroke. It may be an insupportable Soul indeed, that does not imagine what a Confirmation of Mind it was to this noble Earl, to be brought in, a Prisoner for High Treason, to that very Lodging, where the confusions Walls must needs serve in him the Image of his dying Father's solemn Charge, as if Providence had dispos'd it so on purpose to impress the Remembrance of his parents Blessing, in breaking it as he had done. I have not added, the Some of Insults of the same, Loss of Honour in his Father's

A. D. 1681

Morley, Bishop of Winchester, who, according to Mr. Eckard, made *foisonable Remarks* on the Earl's dying, by his own Hand; "As if the Sight of that Room had rais'd such a Conscience of Guilt, as threw him into an unconquerable Fit of Despair." But then the same Gentleman, Mr. North (as also Mr. Corie and others) countenance another Opinion, "That the Sight of Lord Russell passing by under his Window to his Trial, rais'd in him those agonizing Reflections, which drovohim so violently on his Fate; For, say they, it was at the Earl's Influence, that Lord Russell had given way to the Admission of Lord Howard into their Councils; against whom he had entertain'd an insuperable Aversion. If then the latter was the Cause of his Despair, it could not be the Former: If the Former, it could not be the latter; and if one was false, it is possible the other was not true: If the Memory of his Father's dying Charge weigh'd most with him, it is reasonable to think, the Moment of his Entrance into that fatal Chamber would have been the Moment of Despair; and the *Reser* would have been immediately call'd for, in lieu of the *Penknife*: But, instead of that, *Bontey*, himself, testify'd at *Bradden's* Trial, that they had no reason from his Department to suspect any thing more than ordinary: Besides, the Manner of his Lordship's recollecting and mentioning that Circumstance, rather shews that he quoted it in his own Favour: It is also plain from Lord *Clarendon's* Answer, that he understood him so. And if the Consideration of Lord Russell's Case stuck so close to his Heart, why should he not have held his Hand till the Trial was over, till his Doom was seal'd, till he knew the Door of Mercy was shut against him, and till he found no Endeavours of his own could contribute to his Preservation? And why are his repeated Importunities for the *Penknife*, long before Lord Russell came in Sight, made use of as an Argument, that he had from the Beginning taken a Resolution to destroy himself?

Yet farther, whereas even Bishop *Burnet* admits, that he us'd to have very black Fits of the Spleen: That he had strange Principles; in particular, that he thought a Man was Master of his own Life; and that he fear'd to approve the Earl of *Northernham's* Self-murder: The Author of the *Enquiry and Detestation* affirms, in express Words, That, upon Application made to his *Lady* concerning the Truth of the Report, That the Earl had occasionally declar'd himself in favour of Suicide, she had, with all the Solemnity requisite in a Matter of that Importance, deny'd it, laying, on the contrary, That he us'd to speak against it with an Emotion

beyond what was customary to him. He also affirms, that the very Day before his Death, he had order'd a large Quantity of useful Plate to be brought up from *Cashbury*, for his use in the *Tower*; and also of the best Sorts of Wines to be laid in for his drinking; which gave Occasion to *Ruffell*, and others of the Warders, to tell his Servant, "That tho' the Wines came too late for his Lordship's drinking, they came very seasonably for his Funeral."

The Use made of these two Particulars is to shew, that the Earl was so far from entertaining any Design to destroy himself, that he took all imaginable Precautions, that he might not be destroy'd by others: And that he actually was destroy'd by others, the same Writer not only undertook to prove, in case his then Majesty would grant an Indemnity to three or four Persons, but also to fasten the Murder on some of the principal Persons of his Court. This, however, is rather to be look'd on as the Rage of intemperate Zeal, than the Effect of sober and rational Conviction: For tho' he has taken Abundance of Pains to collect and set forth every Circumstance of every kind, probable, or improbable, that could ever to remotely countenance to hold a Challenge, all that can be deriv'd from the whole is Matter of Suspicion, none of Evidence.

Thus he tells us, that the Gate at the End of those Apartments in the *Tower* where the Earl, and the rest of the Protestant Prisoners were lodg'd, and which us'd to stand open from Morning to Evening, was that Morning kept close shut, till after the Earl was dead, except when Lord Russell was let out to his Trial: That when one of those Prisoners enquir'd of his *Warder* the Cause, he receiv'd for Answer, There was *special Order* given for it: That the Sentinels, who us'd to be reliev'd every two Hours, were that Morning continued on their Posts from *Four* till about half an Hour after *Nine*: That the King and Duke having been at the Lieutenant's House, which we are told was about the middle of the Alley where the Earl, &c. were imprison'd, and having stood in a Balcony to see Lord Russell pass by, the Duke, soon after, withdrew from the King, and dispatch'd several Persons from his Side towards the Earl's Lodging, who did not return till they brought News of his Death: That the Sentinels, just mention'd, and other Soldiers, were call'd together on the next Morning, and charg'd by a certain military Officer, on pain of incurring the severest Penalties, not to divulge any one Title of any thing that had been transacted in the *Tower* the Day before: That this was testify'd by several

ally, Injury to his Friends, and the Decadence of all the Good he had done, or could hope for, in the World, and also other Design of a *clear Recovery* of those irreparable Losses, all together, may make, without a World of religious Fortunes, redemption visible to live. And it becomes no Wonder at all, that no Hope, any Assurance of Pardon, as he might have had, or of any Good in the World, as to him, could ever be in his Mind out of this miserable Dejection which drove him to see his Life, though that Violence as he countenanc'd upon himself. *Lawson*, p. 495, 496.

I cannot take any leave of what is said of the Matter, in

the *Excess*, without observing, That all the Mentions made by the Lord Keeper of the *Great Evidence*, tho' he expatiates on the *Story*, is contain'd in the following *Letter*: "Nevertheless *Bontey* went to work afresh, and took a Journey into the Country, with Copies of these intended Depositions of an idle, but more subtle, *Girl*, of the same Age. And that Mr. North makes no mention of the *Girl* at all."

(2) Which might be as well to the King's coming thither at that time when of the they should have been reliev'd; and the *Hurry* of the arising from such an Incident.



A. D. 1681. of the said Soldiers to their Friends; and in particular by one Robert Monk: That the said Monk was afterwards murder'd, and thrown into the Tower-Ditch: That one Hawley (not the Captain, before-mentioned, but one of the Warders) having given his Tongue some Loric on the Manner of the Earl's Death, he also was way-laid and murder'd: That one Glosser, another of the Warders, being in discourse concerning the Earl and Braddon, said, with more than ordinary Emotion, (a) "That Hawley also had

Bid. p. 40.

Ibid. p. 44.

45. "That the Razor, which Bonney swore was the same wherewith the Earl dispatch'd himself, was a small French Razor, of about four Inches and a half long at most, without any Spill or Tongue at the End of the Blade, to keep it steady, which all the English Razors have; that no Proposition in England was more demonstrable, than that such a Razor could not be employ'd to such a Use, unless the Hand and Fingers were grasp'd on full two Inches of the Blade, that, consequently, it was utterly unimaginal, how, with the other two Inches and a half, a Man should inflict on himself, with one Stroke, a Gash or Wound of Four Inches in Depth, and Eight in Length: That the very Razor itself confirm'd the Evidence of the Boy and Girl, in relation to its being thrown out at Window; for at the Point, there was one Gap so large, that it would almost admit the End of a Man's little Finger; from whence, for somewhat more than two Inches, it retain'd its Edge; and the Remainder, to the Handle, was so remarkably notch'd, that some of the Coroners Jury call'd upon the Surgeons to account for it; which one of them undertook to do, by ascribing it to the French-fashion which was in the Hand, by that

Ibid. p. 71.

Ibid. p. 22.

time it came to the Neck-bone: That old Edwards actually did lose his Place, after Thirty-nine Years of Service in it, for having appear'd in Braddon's Bohell: And that Bonney, who was immediately discharg'd out of the Family by Lady Essex, was admitted into one of the Troops of Horse-guards.

P. 1033.

On the other hand, in confirmation of all this, Mr. Ecard cites a Letter from one whom he calls a Person of full Credit and Worth, who had the trust Honour and Respect for that noble Lord; in which are the following Expressions: "There were two or three Pamphlets publish'd, especially one large one by Speke and Braddon, to prove that he was murder'd in the Tower; but I do believe, and I think, I am as sure as I can be of a thing I did not see, that the Earl, in a sudden Transport of Passion, was the Author of his own Death. As soon as his Lady the Countess heard there was a Report of his being murder'd, (for none of the Pamphlets were then publish'd) about four Days after his Death, she sent Mr. with Letters to the Earl of Clarendon, who marry'd the Earl of Essex's Sister, to Sir Henry Capel, afterwards

Lord Capel, the Earl's only Brother, and to Dr. Walter Nertham, their Physician and Friend, and desir'd and improv'd us Four to take all Care we could, and to spare no Charge, to enquire fully into that Matter. Accordingly we Four met at Essex-house in St. James's-square, and sent for the Coroners, and several of the Jury, and I myself went to the Tower, to see the Room, and to consider how what they said corresponded; and I must truly say, that every one of us was fully satisfy'd, That it could be done by no body but by himself. And so I dare say was the Countess satisfy'd, and so was Dr. Burnet, tho' he was the Person who gave the Countess the first Notice of the Report of his being murder'd, which gave Beginning to the Enquiry. — We all lov'd and honour'd him so entirely, that if we had found any just Ground of thinking otherwise, we should not have conceal'd it."

A. D. 1683.

Dr. Burnet himself has also yet farther authoriz'd this Letter, by saying in his History, "That as soon as Lady Essex heard of what the Boy and Girl had reported, the order'd a strict Enquiry to be made about it, and sent what she found to me. — When I perus'd all, I thought there was not a Colour to found a Prosecution on; which the world have done with all possible Zeal, if she had found any Appearances of Truth in the Matter."

P. 569.

And Mr. North even proceeds to say, Examen, p. 400. "That the Circumstance of the Earl's falling against the Door of the Closet, and a View of the Closet on the Inside, so far satisfy'd the Committee appointed, after the Revolution, purposely to scrutinize into all the Particulars of the Fact, that they gave over their Enquiry."

These are strong things, and by most Men they will be held satisfactory: But to do Justice to the Subject before us, it ought to be observ'd, as before, in answer to the Letter, that an Examination of the Coroner and his Jury only would neither come up to, nor answer the end of, a strict Enquiry; for it was scarce to be suppos'd, that they would suffer any thing to escape to falsify their own Verdict: That as to Dr. Burnet, he is generally inaccurate as a Writer; and, as a Man, was most easy to be improv'd upon: How widely his Description of the Wound differs from that given by the two Surgeons to the Coroner and his Jury, and by their reported in their Verdict, has been already remark'd in a Note: And even in this very Passage now under Examination, when his Purpose is to make the Earl himself answerable for his own Fate, he most inconsistently endeavours to obtain some Degree of Credit to the Evidence of the Children, by saying, *the Girl stood firmly to her Story*; and by accounting for the Boy's Tergiversation thus: "But his Father had an Office in the Custom-house; so it was thought he prevail'd with him to deny it in open Court." Whereas the Fact was, "That the Father was earnest to keep

the

(10) Which might well be true, than that he had got out of the city, to avoid the Consequences of his own or Country's unjust Reflections.

L. D. 1683. the Boy to his first Story; and was not only reprimanded for it in open Court, but actually depriv'd of that very Place; which the Bishop thought he had preserv'd, at the Expence of his Innocence.

But as to what Mr. North advances, with respect to the Lords Committee, Braddon himself says, That they sat, for the most part, twice a Week, from the Beginning of February, 1688-9, to the Middle of May: That, on the 22d of this Month, many Depositions and Examinations taken by the said Committee were read to the House: That (6) three of the four Lords, who compos'd the Committee, being then gone out of Town in his Majesty's Service, the said Papers were order'd to be seal'd up, and left in the Custody of the Clerk: That, on the 26th of October following, the said Committee was re-visit'd: That they again sat for a considerable time twice a Week; and that, before they had digested the great Variety of Matter before them into such a Method as it was thought proper to report it unto the House, a Prorogation took place, and put a final Stop to all Proceedings.

This is, in effect, acknowledging, that those Lords either could not or would not countenance his Proceedings; and it is plain he made it his Business to have the latter believ'd; for he not only publish'd yet other Papers, recapitulating all he had publish'd before, but insinuated, that fresh Proofs had actually arisen to that very Committee: That, in particular, one D. S. Servant to one Holmes, had twice over-heard the Murder of Lord Essex discover'd of by her Mailer and others, before it was committed: That in these Discourses the manner in which it was to be done, the Colour that was to be given it when done, and the Person who directed it, were distinctly specified: That the said Holmes, some time after, abusing his Wife, she not only call'd him a *murderous Rogue*, but said, *she could hang him when she pleas'd*, &c. That Lloyd, the *Sentinel*, having been seiz'd and brought before the Lords Committee, confess'd (in direct contradiction to what he had sworn at Braddon's Trial) that he had, the Morning of the Earl's Death, suffer'd three Men, of whom Webster the Tower Bailiff was one, to go into the said Earl's Lodgings, by the Direction either of Mandary the Warder, or Major Howley: That the said Webster, who was before miserably poor, after this, to overflow'd with Money, that in the Course of one Year, it was computed, that he lost at Play no less than *gold*, and that his Wife, also, in a Quarrel between them, took occasion to tell him: "He was a Fool, as well as a Rogue, to treat her so, considering he knew it was within her Power to hang him, and one in the Tower." And that one Sir C——, who had first been dispatch'd by the King to take Examinations at the Tower, receiv'd repeated Orders to desist, and to give Notice of the Fact to the Court then sitting at the Old-Bailey on Lord Russell.

Having thus laid all that is material on both Sides fairly and candidly before the Reader, it seems reasonable to conclude from the Whole, as before-hinted, That there were sufficient Grounds to justify Suspicions, and to set on foot Enquiries; but not sufficient Evidence to blast a Government with the Guilt of so horrid a Murder: But then, whereas our Historians tell us, that the King was pleas'd to say with a Sigh, when first arriv'd of the Earl's Death, *My Lord of Essex needed not to have despair'd of Mercy; for I lov'd him a Life*; *Account, p. 147* And again, more solemnly in Print, "That there was no Man in his Dominions more deeply afflicted with the deplorable End of the said Earl than himself, his Majesty having been thereby depriv'd of an extraordinary Opportunity to exercise his Royal Clemency, and to testify to all his loyal Subjects and old Friends, how highly he valued the Memory and Sufferings of the Lord Capel;" nothing is more clear and self-evident, than that the Earl was not within the Reach of Justice, and consequently did not stand in need of Mercy: If all was true that Lord Howard swore against him, Lord Howard was but a single Evidence; and it has never been insinuated, that the Court had any other in reserve: So that all this seeming Gratitude to one dead Man, and Clemency to another, was no more than Parade: And it may be decently question'd, whether the Heir of Lord Capel would have been shewn more Favour, had his Life been forfeited to the Law, than the Heir of the Earl of Southampton, in the Perion of her Husband the Lord Russell.

And now the good Effects of the King's former Declaration in Defence of the sudden Dissolution of the Oxford Parliament being recollected, it was resolv'd to try the same Expedient again, in the Assurance of yet better Success: For Sir William Jones was dead, who put in so thrust a Reply to the last, and the whole Faction lay, without Head or Heart, under the Disgrace of that Treason charg'd upon their Leaders, and the Terror of being involv'd in their Punishment. Such a Paper was accordingly prepar'd, it may be presum'd, by the same Hand who prepar'd the other; and having receiv'd the Sanction of the Cabinet and Privy-Council, was order'd, July the 27th to be made public, not only by the Preis, but by all the Parish Clergy in the Kingdom; who had been found by Experience to be as prompt in their Obedience as a Standing Army. Mr. North speaking of this Paper, says, "It is complete and authentic, having no Syllable express'd, whereof the Sense is not vouch'd by *incalculable Proof*." But tho' it must be own'd, that it has Truth for its Foundation, it is easy to shew, that a mighty Mass of Fallacies, of every sort, is the Building rais'd upon it. Thus, that a malevolent Party had, by all imaginable Artifices, for a long while together, endeavour'd to make the Government appear as the Preamble of it to forth: That

A. D. 1683.

*Spain's true despair'd of Mercy; for I lov'd him a Life; Account, p. 147*

*The King sets forth a Declaration, and appoints a Day of Thanksgiving*

*Examen, p. 373-4*

A. D. 1683. had not only engag'd, but proclaim'd an Impunity to their Adherents: That they had practis'd with such Success on the Affections of the People, that, for a while, the Majority were at their Devotion: That the Over-violence of their Proceedings revers'd the Charm, and once more carry'd over the Majority to the other Side: And that, when dispossest of the Magistracy of London, they meditated to carry their Point by Force of Arms; first, by concerting a general Rising in England, and then in both Kingdoms, in Concurrence with the Earl of Argyle, and other discontented Sects, were Points, that would not admit of Controversy. But then many of the other Particulars grafted upon these, and made the Subject Matter of the same Declaration, threw more of an Inclination to blacken one Part of the People, and to deceive the rest, than to speak the Words of Truth and Sobriety: For the Author of it adopts and authorizes all the horrid things advanc'd by *Woff*, to merit his Pardon, tho' taken at the Rebound by him, and depos'd but as *Hearsay*: Such as the Invitation of several Lords to dine in the City, in order to countenance the *Assassination*, when the News of it should arrive there: The Declaration said to have been prepar'd by *Ferguson*: The Resolution taken to follow their Blow by a *Massacre* of all the obnoxious Magistrates of London, and Ministers of State: The several Projects to take off the King and Duke, discourses'd of after that of the *Rye* had fail'd; which are severally enumerated, even down to that recommended by *Gibbons*, the Duke of *Monmouth's* Footman, to be executed from the Earl of *Bedford's* Garden-Wall; and that founded on the Imagination, that the two Brothers would assist at a *Bull-feast* in *Red-lion* Fields. He also, by Craft, fastens the Guilt and Scandal of all these desperate Projects on the Malcontent Lords (who are chargeable with the Rising only) in these Words (c): "During all this time, the principal Conspirators were managing their other Design for a general Insurrection in both Kingdoms." And again in the general List of Conspirators, which we find crowded into the same Piece; the Names of *Goodenough*, *Rumbald*, &c. follow in Train after that of the Duke of *Monmouth*, that the negligent Reader may be farther induc'd to believe, that all were alike engag'd in the same wicked Designs: And even that the more circumspect might be perplex'd, at least, in their Conclusions, *Ferguson* is plac'd between the Assassins on one hand, and the *English* and *Scottish* Lords and Gentlemen on the other, as the common Hinge on which the several Conspiracies turn'd.

At the same time, also, with this Declaration, a new Form of Prayer was compos'd, and appointed to be read in all Churches; that Religion, itself, as well as the Teachers

of it, might be made an Implement of State; and that in their most solemn Acts of Devotion to the Lord and Father of the World, Men might be sharpen'd and embitter'd against one-another; for such is the Tendency of the Thanksgiving Clauses contain'd in it; as may be seen from that which follows: "We yield unto thee, from the very Bottom of our Hearts, unfeign'd Thanks and Praise for the late signal and wonderful Deliverance of our most gracious Sovereign, his Royal Brother, and loyal Subjects of all Orders and Degrees by the FANATIC Rage and Treachery of wicked and ungodly Men, appointed as *Sheep to the Slaughter*, in a most barbarous and savage manner."

To close on this Head, the Declaration was appointed to be read twice in the Churches, that it might make the deeper Impression, viz. on Sunday, September the 2d, and the Sunday following, which was the Day appointed for the Thanksgiving; and which, we are told by *Mr. Ecard*, was celebrated in so extraordinary a manner, and with such mighty Pomp and Magnificence, that there was hardly a little Parish in England, that was not at considerable Expence to testify their great Joy and Satisfaction.

The same Author also acknowledges, That the ill Success of the Whig Party, and the general Belief of the new Conspiracy, made the Tories ride in Triumph this Year, and occasion'd the *Straining*, and, perhaps, not sufficiently explaining the Points of Prerogative and Subjection. They now alleg'd, 'That the Discovery of the Plot had decid'd the Argument, and had shewn the Necessity of Passive Obedience.' And accordingly it seem'd equally espous'd by the Court, the Pulpit, the Bench, and the Bar. And, besides the Arguments brought from the Laws of God, and those of the Land, the Humour of the People carry'd it to that Height, that it was dangerous, or at least unfashionable, to oppose it. Under the Impulse of this increasing Zeal, the University of Oxford made a solemn Decree, which pass'd in the Convocation there, on the same Day of the Execution of the Lord *Russel*, and presented it to the King under this Title: *The Judgment and Decree of the University of Oxford, pass'd in their Convocation, on July 21, 1683, against certain pernicious Books, and damnable Doctrines, destructive to the Sacred Persons of Princes, their State and Government, and of all Human Society.* In which Decree they formally condemn'd twenty-seven Propositions, collected out of several modern Authors, as *Bucanan*, *Bellarmino*, *Milton*, *Dolman*, *Hobbs*, *Goodwin*, *Owen*, *Baxter*, *Jenkins*, *Goodman*, *Julian*, *Protestant Reconciler*, &c. Which Propositions they declar'd to be, 'False, seditious, and impious; and most of them heretical and blasphemous, infamous

A. D. 1683.

[P. 1036.]

The Oxford Decree.

to

An unchristian and unsafe Passage in the Form of Prayer on that occasion.

(c) There is another Passage in this Piece, which begins thus: "While the Design was forming (of the Rising) *James* were likewise carrying on that horrid and execrable Plot of assassination." &c. This *Mr. North*, it seems, did

not think sufficiently pointed, and therefore, in his Epitome of it, he gives it the following Turn: "Whilst this depended, *another Pack of Filibusters* apply'd to that execrable Design." &c. *Examen*, p. 376.

A. D. 1683. to Christian Religion, and destructive of all Government both in Church and State. And the Books from whence they were taken were at the same time order'd to be burnt in the public Court of the Schools. It ought to be added, That the Propositions thus solemnly condemn'd by that learn'd Body, were of various kinds; some being the Work of Politicians, and some of Enthusiasts: That as to what regards the Latter, viz. That Dominion is founded in Grace: That the Powers of this World are Usurpations upon the Prerogative of *Christ*: That the Presbyterian Government is the Stepter of *Christ's* Kingdom; to which Kings, as well as others, are bound to submit, &c. the Decree will justify itself: And that as to what regards the Former, viz. That all Civil Authority is deriv'd from the People: That if lawful Governors become Tyrants, they forfeit their Right of governing: That the King of *England* has but a co-ordinate Power with the other two Estates: That Birth-right and Proximity of Blood give no Title to rule: That there lies no Obligation on *Christians* to Passive-Obedience, &c. we shall find that learn'd Body stand self-condemn'd upon their own Decree, by their own subsequent Actions.

The King regulates the Government of the City.

Thus countenanc'd, flatter'd, and supported by the Lawyers on one Side, and the Divines on the other; and not only declar'd, but become absolute Master of the Liberties of his People, in consequence of the late rash Efforts which had been made for their Defence, it is not to be wonder'd at, that the King continu'd to insist, That the Citizens of *London* should not only submit to his new Regulations, but actually sign their Submission. And, on the other hand, it is scarce to be wonder'd at enough, considering the Turn which the Humour of the People had taken, and the Terror which now accompany'd the Commands of the Crown, that the Majority of them should still have Firmness enough remaining to persist in their Refusal; and that they should rather chuse to leave the City at the Will and Pleasure of his Majesty, as the Law had deliver'd it up, than warrant the Surrender by their own Act and Deed. The Liveries, however, at least such as attended, confirm'd the Lord-Mayor's Sheriff, as they were requir'd, and chose another of the same Stamp for his Colleague; not indeed at the usual Time, nor in the usual Way; for instead of the 24th of *June*, the Choice was now made on the 5th of *September*, and that without any Opposition; or, as Mr. *Echard* chuses to express himself, with the ancient Gravity and Moderation; not such riotous and factious Heats and Animosities as of late Years: And whereas the Right of electing their Mayor was now no longer in the Citizens, the King, perhaps, for the more ample Manifestation of his Power, suffer'd *Mischmet-Day*, on which the Election us'd to be made, to elapse; and on the 4th of *October* following, having order'd the Attendance of *Sir William Pritchard*, who had almost completed his Year, and the two new Sheriffs at the Council-Board, the Former

there receiv'd his Majesty's Commission in Form, to continue in the City-Chair during Pleasure; and the two Latter, the like, to act as Sheriffs, in confirmation of the Suffrages of the People. His Majesty, also yet farther exerted his new Authority, by displacing *Treby* the Recorder, and substituting one *Jennour* in his Room, whom he, at the same time, knighted; that in State and Title, at least, he might not be inferior to his Predecessor: And, to complete the Reform of the City, sixteen of the old Aldermen, who were after the King's own Heart (having been first depriv'd of the Honours they had receiv'd from their Fellow-Citizens, and perhaps, oblig'd to attend the Lord Mayor at his Chapel, on the *Sunday* following, in their common Clothes, as if on purpose to denote their Severity and Dependency, while his Lordship and the two Sheriffs, on the Strength of the King's Commission, appear'd in Fur and Scarlet, as the sole Magistrates of the City) were dubb'd Justices of the Peace by one Commission, and Aldermen by another; together with eight other loyal Worthies to perfect the Set, who had the Honour to be inducted into the Seats of *Allen, Frederick, Lawrence, Clayton, Ward, Sbrter, Gold, and Cornish*, who were all turn'd out for lying under the horrid Suspicion of loving their Country better than their King.

While the King was thus at the Height of his real Power and imagin'd Glory, the Nation was amus'd with the Marriage of the Lady *Anne*, the Duke's second Daughter by his former Duchess, to the Brother of the King of *Denmark*; which, according to Mr. *Echard*, was the King's own Act, against the Inclination, Design, and Interest of his Royal Highness; and also, that it was highly acceptable to his Subjects: Whereas *Bishop Burnet*, [Vol. I. 562.] on the contrary, affirms, "That it did not at all please the Nation; for it was known the Proposition came from *France*, and apprehended that both Courts were sure he would change his Religion." As to the Sentiments of the Public on this Occasion, it is reasonable to think the former of these reverend Authors was most in the right: For the People were now in a Disposition to like any thing the King lik'd: And that she was not married to an actual Papiſt, could not fail to be represented and allow'd as a new Proof of his Majesty's cordial Attachment to the Religion of his Country: But then, if the Motion of this Marriage came from *France*, no Doubt can be made but that the Duke was in the Secret, and had his Reasons for approving it. Possibly his Royal Highness had already plac'd his Hopes on the Fruits of his second Marriage, and therefore was become the more indifferent as to the Disposal of those of his first: And, possibly, this other Protestant Alliance was given way to, that the People might grow into a more full and firm Persuasion, That they had nothing to apprehend from a Popish Successor. It may be collected yet farther, that this Lady had been all along destin'd to a Protestant Prince, and that the Court of *France* had consented to it, with the Proviso, that they might have

A. D. 1683.

the naming the Person. It was on this Errand the Prince of *Hanover* had come over some time before: And tho' *Bishop Burnet* intimates, that he was recall'd by his Father for the sake of marrying him to the Princess of *Zell*, his first Cousin, it is elsewhere insinuated, that the Lady had not the good Fortune to please him; and that, like other great Ladies, she never forgot or forgave the Affront to her dying Day.

We are now to proceed with the Prosecution of the Plot, which, in a manner, slept from the End of *July* to the Beginning of *November*: And in that Interval, *Sir Francis Pemberton* had his *Quietus*, as the *Gazette* bears witness. And *Sir George Jeffreys*, who had shewn such an outrageous Zeal against the Conspirators, was made Lord Chief Justice of the King's-Bench in his stead. And how well qualify'd he was for the Post at this particular Crisis, let the Reader judge by the Character given of him by his Contemporaries, as well as his own brutal Deemeanour, of which we have already had a

*Jeffreys made  
Lord Chief-  
Justice.*

[*l. p. 567.*] Specimen in the Case of *Braddon*. Says *Bishop Burnet*, "All People were apprehensive of very black Designs when they saw *Jeffreys* made Lord-Chief Justice, who was scandalously vicious, and was drunk every Day; besides, a Drunkenness of Fury in his Temper that look'd like Enthusiasm. He did not consider the Decencies of his Post; nor did he so much as affect to seem impartial, as became a Judge; but run out, upon all Occasions, into Declamations that did not become the Bar, much less the Bench. He was not learn'd in his Profession; and his Eloquence, tho' viciously copious, was neither correct nor agreeable." And even *Mr. North*, with whom implicit Loyalty and flaming Zeal ought ever to have pass'd for Righteousness, hath given Posterity his Portrait in the following glowing Colours: "His Friendship and Conversation lay much among the Good Fellows and Humourists; and his Delights were all the Extravagancies of the Bottle.--- No Friendship or Dearness could be so great in private, that he would not use (*d*) ill, and to an extravagant Degree in Public.--- Those above, or that could hurt or benefit him, and none else, might depend on fair Quarter at his Hands.--- His Weakness was, that he could not reprehend without scolding, and in such (*e*) *Billingsgate* Language as should not come out of the Mouth of any Man. He call'd it, giving a Lick with the rough Side of his Tongue.--- He seem'd to lay nothing of his Business to Heart, nor care what he did or left undone." But then the same Writer also says, "When he was in Temper, and Matters indifferent came before him, he became his Seat of Jus-

[*Life of Lord  
Keeper North,  
p. 219.*]

tice better than any other I ever saw in his Place. He took a Pleasure in mortifying fraudulent Attornies, and would deal forth his Severities with a sort of Majesty. He had extraordinary natural Abilities, but little acquir'd beyond what Practice in Affairs had supply'd."

These are, however, the mildest Features of this thorough-pac'd Inquisitor, who was, in truth, rather a Fury than a Judge; and fitter to let loose military Execution, than to give Authority to the Laws. The Rage and Violence he had shewn in the late Prosecutions, were apparently the Grounds of his Preference. It was from thence concluded, that he would stick at nothing; and whoever had any Remains of Conscience, or Decency, would have been held, for that Reason, unqualify'd. It is therefore so much the more strange, to find a profess'd Historian treating of his Promotion to the King's-Bench, as a mere chance-medley Affair. "Before the chief and oldest of the State-Prisoners, (says *Mr. Echard*) Colonel *Sydney*, was brought to his Trial, there happen'd a considerable Change in *Westminster-hall*; the celebrated *Sir George Jeffreys* was made Lord-Chief-Justice, &c." The Matter of Fact, in brief, is this: There was much dirty Work to be done, and he offer'd his Service. *Pemberton* had neither the Grace to keep strictly to what was right, nor the Resolution to go all Lengths in what was wrong. *Jeffreys* had no Scruples but such as rose from his Concern for himself; and provided he kept himself on Horseback, car'd not who he rid over.

His first Expedient was try'd on the noble Colonel *Sydney*, who had been kept in the Tower ever since the middle of *July*, not from any merciful Consideration, but for want of Methods and (*f*) Instruments to take him off. And both being now found, he was brought up to the Bar of the King's Bench, *November* the 7th, and indicted, "for contriving to stir up War and Rebellion against the King, in order to subvert the Government, depose his Majesty, and put him to Death; to which Ends he had assisted at several Consultations, &c. had sent one *Aaron Smith* into Scotland to invite thither several evil-dispos'd Subjects of that Kingdom to assist also at the said Consultations; and had compos'd a traitorous Libel, in which is contain'd as followeth in these English Words, viz, "The Power originally in the People of England is delegated to the Parliament, He (the most Serene Lord, *Charles* the Second, now King of England, MEANING) is subject to the Law of God, as He is a Man to the People, that makes him a King, inasmuch as He is a King, &c." In this manner,

A. D. 1683.

[*p. 1036.*]

*The Trial of  
Colonel Syd-  
ney.*

(*d*) Thus we are told, that when he was Chancellor, a Pension coming before him against a certain City-Attorney who had been greatly instrumental in bringing him into Business; in which Affidavit was made, That when the said Attorney was haizen'd with being brought to answer for his Conduct before the Lord-Chancellor; and that in a sort of Contempt he reply'd, My Lord Chancellor! If by I made him; he cry'd out immediately, This will I lay my Maker by the Heels; and committed the Man without Mercy.

(*e*) It was ordinary to hear him say, says the same Author, Go, you are a filthy, lazy, stinking Rascal.

(*f*) *Bishop Burnet* affirms, (*vol. i. p. 567.*) That great Pains were taken to find out more Witnesses: That Pardons and Rewards were offer'd very freely; but that none came in; which made it evident, that nothing was so well laid, or brought to near Execution, as the Witnesses had depos'd, or that, otherwise, People would have been crowding for their Pardons.

A. D. 1683. in these very Words, with this very Pointing, with this unfair *Intendo*, is this traitorous Passage, as 'tis call'd, quoted in the Indictment; at least, so it stands in the first Edition of the printed Trial, from whence we derive our Authority.

The whole of it was long, confused, verbose, and overflowing with Invective; and he that was least fond of living, would grudge to dye by so vile a Tool. The Colonel, instead of pleading, offer'd to shew, that it was impossible to plead sensibly to such a Jumble of Things, distinct both in Nature and in Law: And, moreover, made a Tender of a special Plea; but withdrew it on being told by the Court, That he must either plead or demur; and that his Life depended on the Validity of his Plea, or rather on the Sentence that should be pass'd upon it. Mr. Williams, 'his Council, however, prompted him to rely upon it; which being complain'd of by the Attorney-General, he was reprimand'd by the Lord Chief-Justice for his Pains. In this Distraction, and with a sort of Protest against the Constraint put upon him, he pleaded, Not guilty: After which he desir'd a Fortnight's time to prepare himself for his Trial; which was granted. He also contended strongly for a Copy of his Indictment, and the Benefit of Council; but both were refus'd; not as the arbitrary Decree of the Court, but the Dictate of the Law.

Nevertheless on the 21st, when the Prisoner was again brought up, in order to his Trial, in Justification of his Demand of a Copy of the Indictment, he produc'd the Statute of the 46 Edw. III. wherein is express'd, that *tout Parties, & tout Gentes*, that is, all People should have a Copy of every Record, as well against the King as others: In answer to which, the Lord Chief-Justice quoted the Rule of Court in Sir Henry Vane's Case, and also that of Lord Ruffel; in both which it was the Voice of all the Bench. That no Copy of the Indictment, or any Part of it, should be granted, except Matter of Law was shewn; Colonel Sydney reply'd with a Question, *Is this a good Law, my Lord?* and was silenc'd with a *Rule of Court*, and a thundering Command to arraign him on the Indictment, accompany'd with this Remonstrance, *We must not spend time in Discourses to captivate the People.*

The Names of the Jury being then call'd over, the Prisoner excepted to several for not being Freeholders: But his Exception was over-ruled; it must be presum'd arbitrarily; for this Trial was in *Middlesex*, and therefore it could not be alleg'd, as in Lord Ruffel's Case, That want of Freehold in a City was no Challenge.

To pass over the Harangues of the King's Council, as so much envenom'd Air, *West* being call'd upon by Mr. North (the Examiner) to open the Evidence with an Account of what he knew concerning a general Insurrection, the Colonel interpos'd with these significant Words, *What he knows concerning ME*; which made way for such a Recrimination, from the Bench, as ought to have deter'd all

Parties from setting ill Precedents for the future, for fear of setting a Snare for themselves: For the Lord Chief-Justice, tho' he declar'd, in the same Breath, that no Evidence should be given but what ought to be given; and afterwards, if such were given, it should not affect the Prisoner, immediately refer'd to the Authority of Sir William Jones, and his manner of conducting the several Prosecutions of the *Papist* Plotters, which had ever been by leading the Court into the Business, by such a Summary of the general Charge as was now requir'd. Possibly the Colonel, himself, was shock'd at this Recollection, for he made no Reply: And Mr. North, taking Advantage of his Silence, renew'd his Question: *West* began his Narrative, and proceeded smoothly on with it, till he came to mention what *Nelbrop* had told him concerning the Prisoner at the Bar. On which Occasion, the Colonel rous'd himself again, and would have interrupted him, but was not permitted. So *West* went on with his *Hearsay*, which was, "That the said *Nelbrop* had told him, that Mr. Sydney had sent *Smith* to *Scotland* with Letters to invite certain *Scottish* Gentlemen to Town, under a Pretence of making a Settlement in *Carolina*: That *Smith* afterwards return'd, together with the said Gentlemen: That *Ferguson* told him what pass'd at the Negotiation; which, however, came to nothing, because the Money demanded by the *Scots* could not be comply'd with, because the Prisoner at the Bar and Major *Wildman* insisted on declaring for a Commonwealth; which the *Scots* said their Nobility would not, for the present, agree to, tho' in time they possibly might; and that as to the Prisoner, in particular, he knew nothing.

*Ramsay* follow'd *West*; and the Amount of what he had to say was, That the said *West* and *Goodenough* had told him, that there was a Council of Six, of whom Col. Sydney was one, who were busy in promoting an Insurrection, in concert with the *Scots*: And it is remarkable; that, being chid by the Court for not delivering what he had to say in such home Expressions as they expected from him, he defended himself by saying, that *West*, who had heard this from Lord *Howard*, and who had retail'd it to him, was fitter to tell his own Story than he; whereas *West* himself speaks after *Nelbrop*, and never mentions Lord *Howard* at all.

*Keyling* made his Entrance next; who, after a slight Mention of the three Papers he had receiv'd from *Goodenough*, and of some Discourse with him on the Use he was to make of them, in raising Men, depos'd, That he had heard the said *Goodenough* say, that Colonel Sydney was to have a considerable Part in the Management of that Affair.

All this, it seems, was mere Preface and Introduction; even the very Bench had the Grace to acknowledge as much: But then, as Colonel Sydney complain'd, it prepos'd the Jury notwithstanding; and, for that reason, had the Trial been any thing more than mere Matter of Form, so unfair a Proceeding would never have been allow'd.

But

*Hearsay Evidence against him by West.*

A. D. 1685.

Lord How-  
ard's Evidence.

But now the Arrow was drawn to the Head, and level'd directly at the Mark; for to the Attorney-General intimated, when Lord Howard was call'd upon, to declare his Knowledge of the Prisoner's Concern in the Affair of a general Rising; who, after a solemn Profanation of the sacred Name of Truth, by way of bespeaking a due Regard to what he had to say, enter'd on his Detail of the Establishment of a Council of Six, &c. but with several Additions, Improvements, and Embellishments: As, in particular, that the Duke of Monmouth, Colonel Sydney and himself, were the first Contrivers of that Establishment: That the Duke undertook for the Lord Russell and the Earl of Salisbury, and the Colonel for the Earl of Essex and Mr. Hampden: That Mr. Hampden open'd the first Session, which was held at his House between the Middle and the latter End of January, with a set Speech; That it was impossible to be exact in reciting every Particular advanc'd by every Person; but that, in the general, Magazines were discours'd of, and Money to procure them: That the Duke of Monmouth urg'd, that 25,000, or 30,000l. would be necessary for that Purpose: That, at the second Meeting held at Lord Russell's, about a (g) Fortnight or three Weeks after, Mr. Hampden somewhat disconcerted the Company (who, he insinuated, were not all bound for the same Part, tho' embark'd in the same Bottom) by another Speech, in which he endeavour'd to shew the Expediency of laying down the Principles on which their Design was founded, and the Ends they had in View; which, it seems, he was of opinion ought to be submitted to the Authority of Parliament; and that, tho' this founded a little harshly to some that were present, (meaning, it must be presum'd, the Duke of Monmouth) it was confuted to. About these new Discoveries, his Lordship fell into his old Track again, and depos'd, as before, that the great Question of the Day turn'd on sending a special Messenger to the discontented Scots (some of whom he casually nam'd; as the Lord Melvin, Sir John Cockran, Commisary Mears, and two Campbells) and that the Prisoner was the Man who recommended Smith to be that special Messenger. Here his Lordship came to a full Stop, saying, "This is ALL that occurs to me, that was (done) at the second Meeting, and they are the only Consults I was at." And this ALL made up wretched a Figure after so pompous an Introduction, that the Attorney-General found it necessary to use his utmost Dexterity in prompting, under the Guise of asking Questions: Accordingly he first ask'd, What Smith was to do (in Scotland must be understood)? And receiv'd for Answer, Nothing but to carry a Letter, which he suppos'd was writ by Lord Russell; and in which, the Business of Carolina was the only thing mention'd. This made bad worse. The bare Recommending a Person to carry a Letter, which appear'd

to be no more than a common Letter of Business, which another Person had wrote, and with which that other Person had never been charg'd, tho' a Martyr in the said Cause, fell to those of the dreadful Matters laid in the Indictment, that the Attorney-General found it yet farther necessary to ask, "To what Purpose these *Sectis* Gentlemen were to come up?" And his Lordship, the Evidence, now sensible of the Error he had committed, and the Reparation expected from him, return'd for answer, "That it was to found the Temper of the Scots: And what Opportunities there were, or might be, of putting them into a Commotion; to learn how Men might be rais'd; what Use might be made of *Argyle*; and so to adjust things, that the two Parties might, in all things, draw together. He also threw in, That he was with Colonel Sydney when he took out several Guineas, he suppos'd about sixty, which he, Sydney, said were to give Smith. Whether he gave them to him or no, continu'd he, I don't know; but after that he was sent." Who told you so? again interpos'd the Attorney: Colonel Sydney, reply'd the noble Evidence: And here the Solicitor-General, thinking to skrew the Instrument yet one Note higher, ask'd, Whether he knew that Smith did go? But the Experiment did not answer; for his Lordship most untowardly reply'd, That he knew nothing but by Hearsay from Colonel Sydney: Whereupon the very Bench thought it of Consequence to lend a helping Hand; the Lord Chief-Justice, himself, asking, Whether he, Howard, understood by the Discourse after Smith was gone, that he went in pursuance of that Debate? And Mr. Justice Withins (the *Abborrer*) Whether Colonel Sydney was the Person who undertook to send him? To both which Questions, his Lordship, the Evidence, answer'd like a Man who was resolv'd to deserve his Pardon. Here therefore the Matter was brought to a due Bearing; and here, for that Reason, it was suffer'd to rest; the Lord Chief-Justice indicating to the King's Council, that they could not stop in a better time, by demanding of the Prisoner, Whether he would ask Lord Howard any Questions? Which is never done till an Evidence is clos'd. As to the Colonel's Reply to this Demand, it was in these Words: "I have no Questions to ask him." And this the Attorney was pleas'd to interpret into a Confession of Guilt, by saying, Silence, — you know the Proverb: Whereas, in Truth, it was rather a strong Expression of Disdain and Contempt for the Man, whom he held to be too infamous to be parley'd with.

Sir Andrew Foster, and Atterbury the Messenger, being then sworn, the Former depos'd, that all the *Sectis* Gentlemen nam'd by Lord Howard, except Lord Melvin, actually did come to Town under the Carolina-Pretext: And that, on the Rumour of a Discovery, all but *Mears* absconded: And the Latter, that he

[g] Upon Lord Russell's Trial he said, *see Days*.

A. D. 1685.

he was sent for into the City to seize *Campbell* and *Cockran*; and that the Common Serjeant had taken them, before he got thither, as they were endeavouring to make their Escape in a Boat.

The Libel found in his Study.

This was all the Evidence against the Prisoner, as to the *Conspiracy*: And to make up Weight, the Attorney spake as follows: "Now to shew that *Wright* this *Emilia* (*Smith*) was in *Scotland*, at the SAME TIME the Colonel (which will be another Overt-Act of Treason)

son) was WRITING a treasonable Pamphlet." He then call'd Sir *Philip Lloyd*, the Clerk of the Council, to prove, that he, being sent with a Warrant to seize Mr. *Sydney's* Papers, found the said Pamphlet lying on his Table. After which, three Persons testify'd, That they believ'd it to be of the Colonel's own Hand-writing: And, finally, to shew it was a treasonable Pamphlet, that Section was read in Court at full (b) length; which was to partially and corruptly insinuate in the Indict-

A. D. 1685.

(b) And it is proper to do the same here, (as well as a vicious Copy will give leave) not only for the better understanding Mr. *Sydney's* Case, but because it is no Part of that Book of his own Government, which hath since been publish'd, as some have inconsiderately thought:

"Secondly, There was no Absurdity in this, tho' it was their own Case; but the contrary, because it was their own Case; that is, concerning themselves only, and they had no Superior: They only were the competent Judges: They decid'd their Controversies, as every Man in an own Family doth, such as arise between him, and his Children, and his Servants. This Power hath no other Restriction, than what is put upon it by the municipal Law of the Country, where that hath no other Force over any Man, than as he is understood to have consented unto it. Thus in *England* every Man (as a *Magistrate*) hath a Right of chastising them, and in many Places (even by the Law of *God*) the *Magistrate* hath a Power of Life and Death over his Subjects. It is not a fault abroad to say, that a Man might be put away, or, in some Places, kill an adulterous Wife, a disobedient Son, or an insubordinate Servant, because he is a Party and Judge for the Cause death of another, unless he had abrogated his own Right, by coming into a Society, whose other Rules are agreed upon, and a superior Judge constituted, there to be sole Judge between King and People. The People must needs be the Judge of Things happening between them and him, whom they did not constitute, that he might be more glorious, and rich; but that he might judge them, and fight their Battles; or otherwise do good unto them, as they should direct. In this Sense, he that is *Magistrate* ought to be obey'd by every Man, in his just and lawful Commands, tending to the public Good; but must be forc'd to do nothing against it, nor in any respect more than the Law doth allow.

For this Reason *Brutus* saith, that the King hath three Superiors, he wit, *Deus*, *Ages*, *et* *parlamentum*; that is, the Power originally in the People of *England* is delegated unto the Parliament. He is subject unto the Law of *God*, as he is a Man; and to the People that makes him a King, in so much as he is a King; the Law sets a Measure unto that Subjection, and the Parliament judges of the particular Causes thereupon arising; he is not more content to submit his Interest unto them, than he is more than any man of them, in any other respect than that he is, by the Consent of all, raised above any other.

If he doth not rise to this Condition, he may renounce the Crown; but if he receive it upon that Condition, (as all *Magistrates* do the Power they receive) and swear to perform it, he must expect that the Performance will be exacted, or Revenge taken by those that he hath betray'd.

If this be not so, I desire to know of our Author, how one or more Men can come to be guilty of Treason against the King, as *Lucifer* saith to *Belzebub*. No Man can owe more unto him, than unto any other, or be answerable other Men, by any Rule, but the Law; and if he meet our be Judge in his own Case, neither he, nor any other, by Power received from him, would ever try any Man for an Offence against him, or the Law.

If the King, or such as he appoints, cannot judge him, he cannot be the *Jury* to condemn the Master, and, if he or other, by Authority from him, may judge, he is Judge in his own Case, and we fall under that which he accuses the utmost of all Absurdities. If a Remedy be found for this, he must say, that the King in his own Case may judge the People, but the People must not judge the King, because it is shewn that it is to try, the Servants, entrusted by the Master, not more than that the Master must not judge the Servant, whose task is only for his own Life. The *Magistrate* is bound by no Oath of Obedience to the People that created him; but the People is bound to its own Creator, the *Magistrate*.

This means to be the Ground of all our Author's Follies; he cannot comprehend, that *Magistrates* are for or by the People; that makes him conclude, as if Nations were created by one for the Glory or Pleasure of *Magistrates*; and, affected by such a Piece of Nonsense, it ought not to be thought strange, if he represent as an absurd thing, that the *Magistrate* may make off the Yoke when they please. But I would know, how the *Magistrate* comes under the

Yoke, that is, a *Bridge of Slavery*? He says, that the Power of Kings is for the Persecution of Liberty and Property. We may therefore charge or take away Kings, without breaking any Yoke; or that made a Yoke, which ought not to be one: The Injury is therefore in making or imposing, and there can be none in breaking it.

[That if there be not an Injury, there may perhaps be an Inconvenience, if the headless Multitude may break off the Yoke.] I know not why the Multitude should be considered to be insensible: it was not always so. *Melchior* was Head of the Multitude that went out of *England*; *Oliver* led them against the King of *Spain*; and the Conduct of *Edward* they oblied a *Viceroy* against the *Maldives*; they had the like Success under *Shangor*, *Beloe*, *Gilboa*, *Japhtha*, *Samson*, *Tamath*, and others, against *Assurians*, *Mediterrans*, *Phoenicians*, and others; the Multitude that opposed *Raul* and *Abraham* had David for its Head; and the ten's ribes, that revolted from *David*, made themselves *Jeroboam*; the Absolution, if they against the *Shir* *Pharao*, had *Moses* for their chief Guide; — from *David* were conducted by *Abigail*; when the *Romans* drove out the *Tarpens*, they chose *Brutus* and *Publius*; and they drove out the *Danones* under *Horatius* and *Fabius*. All the Multitudes that afterwards revolted from them under *Mauritius*, *Tiberius*, *Spertax*, and others, were not headed; and we know of some that were, but all others found Heads to make them. The *Greeks* led up *Demetrius*; the *Britains* and others, in like Times, — — — the *English*; that rebel against *James* the cruel, and the Lord of *Arden* more.

The People, when they grew weary of the corrupted Races of *Pharao* and *Pope*, and the same *Pope* and *King* *Charles* — the *Scots*, when they flew *James* III, had his Son to be their Head; and when they depos'd and imprison'd *Queen Mary*, the Earl of *Morey*, and others supply'd the Want of a Head that was in her Son. And in all the Revolutions we have had in *England*, the People have been headed by the Parliament, or the Nobility and Gentry, that came in; and when the Kings fell off their Duties, by their own Authority call'd in. The Multitude therefore is not ever headless, but doth either add or create Heads unto itself, as occasion doth require; and whether it be one Man, or a few, or more, for a short or a longer time, we see nothing more than what is *Abraham*. But they may say, that our Author, broke off the Yoke. And why may they not, if it prove uneasy, or hurtful unto them? Why should not the *Magistrate* break off the Yoke of *Pharao*, *Ages*, and others that oppressed them?

When *Pharao* had changed *Nehemias* into a Beast, what should he do, but drive him out amongst Beasts, until *God* had restored unto him the Heart of a Man? When *Yan* had had turn'd the legal Authority of *Rome* into a most detestable Tyranny, why should they not abolish it? And when the Pretensions of the *Law* *Contract* were so grievously oppos'd by the Power of *Spain*, under the proud, cruel, and savage Cardinal of the Duke of *Alva*, why should they not make use of all the Means that *God* had put into their Hands for their Deliverance? Let any Man who sees the present State of the Pretensions that thus oppress themselves, judge, whether it is better for them to be as they are, or in the Condition men which the *Party* of *God* has reduced them, unless they had to thank him, renounced *God* and their Religion. Our Author may say, they ought to have suffer'd. The King of *Spain* by their Resistance had ruin'd their Country; and that they ought not to have been Judges in their own Case. To which I answer, That by refusing, they laid the Foundation of many Churches, that have sustained Millions of Souls, and many of *God's* Grace; and establish'd a most glorious and happy Commonwealth, that hath been since the beginning, the strongest Pillar of the Protestant Cause now in the World; and a Place of Refuge unto those who in all Parts of *Turkey* have been oppress'd for the Name of *Christ*: Whereas they had finally, and, I think I may say, wickedly as well as foolishly, renounced themselves to be *Slaves*; if they had left those happy Protestants under the Power of *Armadilla*, where the Name of *God* is so otherwise known than to be blasphemed.

If the King of *Spain* desired to keep his Subjects, he should have govern'd them with more Justice and Mercy; when, contrary unto all Laws both human and divine, he seeks to destroy

The People have been so often oppress'd, that it is probably a Question from *Pharao*, though not to be answered.



A. D. 1685.

Indictment: By which it appear'd that the whole Book was so far from being calculated to answer any present End, that it was only a controversial Discourse, in answer to *Falmer*, containing Matters merely hypothetical, and no more applicable to the particular Reign of *Charles the Second*, except by the Torture of Innuendoes, than that of *Henry the Eighth*. And as to the Passage so inhumanly mangled, and vilely prostituted in the said Indictment, when fairly pointed and restor'd to its original Sense, it is no more than an innocent Comment on the Words of the old Lawyer *Braithem*, and sounds simply thus: "The People must needs be Judge of things happening between them and him (their King) whom they did not constitute, that he might be great, glorious, and rich, but that he might judge them, and fight their Battles; or, otherwise, do good to them, as they should direct. In this Sense, he that is *Singulis Major*, ought to be obey'd by every Man in his just and lawful Commands, tending to the Public Good; but must be suffer'd to do nothing against it, nor in any respect more than the Law doth allow. For this Reason *Braithem* says, That the King hath three Superiors, to wit, *Deum, Legem, & Parliamentum*; that is, the Power originally in the People of *England* is delegated to the (\*) *Parliament*. He is subject to the Law of *God* as he is a Man; to the People that makes him a King, inasmuch as he is a King. The Law sets a Measure to that Subjection, and the *Parliament* judges of the particular Cases thereupon arising. He must be content to submit his Interest to theirs, since he is no more than any one of them, in any other respect, than that he is, by the Consent of all, rais'd above any other. If he doth not like this Condition, he may renounce the Crown: But if he receive it upon that Condition (as all Magistrates do the Power they receive) and swear to perform it, he must expect that the Performance will be exacted, or Revenge taken by those that he hath betray'd."

The Reading being dispatch'd, the Sheets were handed to the Prisoner, under the Presence of Favour, that he also might select such Passages as he thought of force to explain away the imputed Maliginity of those refer'd to by the Attorney; but, in Reality, that he might say or do something that would prove him to be the Author of them in the Face of the Court: The Chief-Justice, unfairly and ungenerously, saying, I perceive you have dispos'd them under certain Heads; so what Heads will you have read? But the Colonel discern'd the Snare, and prudently avoided it by replying, *Let him give an account*

of it that did it. Finding, therefore, that the Stratagem did not take effect, the Attorney clos'd his Evidence with the Record of Lord *Ruffel's* Conviction; which, as Sir *John Hawker* well observes, was of no more Authority against Mr. *Sydney*, than the Story of Lord *Essex's* Death against Lord *Ruffel*.

The Colonel was now left to his Defence, and having been told, that he was indicted on that Branch of the old Statute of 25 *Edw.* III. which related to the conspiring and compassing the Death of the King, all'd, with a good deal of Scorn and Derision, Whether a Paper, found in his Study, of *Ness* and *Carligula*, was a Proof that he had conspir'd and compass'd the Death of the King? After which, descending to Particulars, tho' in a rhapsodical way, as Matters occur'd to his Memory, or as Indignation inspir'd him, he insinuat'd, That the conspiring to levy War, and to compass the Death of the King, were two distinct things: That the latter only was Treason: That in either Case two Witnesses were necessary: That of a Conspiracy to kill the King, nothing had been said: That as to the Point of conspiring to levy War, it was attested only by Lord *Howard*, against whose Credibility he had much to say: That it appear'd the Select Council he talk'd of were selected by no Man in the World: That these Six were Strangers to each other: That, for his own Part, he had never spoke to the Duke of *Monmouth* above three times in his Life: That one of those times was when Lord *Howard*, himself, had brought the said Duke to his House, having cozen'd them both, by telling the Duke, that he, the Colonel, had invited him; and by telling the Colonel, his Grace had invited himself: That it was utterly improbable, that Men scarce knowing one-another, should enter at once into such Consultations as were laid to their Charge, unless they were mad: That Lord *Howard's* Depositions now did not agree with what he had depos'd against Lord *Ruffel*: That he had alter'd Dates and Circumstances: That he had made several Additions: That he had accus'd himself of divers Treasons: That he had not receiv'd his Pardon for any: That he was under the Terror of those Treasons and the Punishment of them: That he had shewn himself to be under those Terrors by saying, That he could not get his Pardon, till he had done some other Jobs, and till the Drudgery of swearing was over: Meaning, That he was to earn his Indemnity by destroying others: That, according to the Law of *God* and Man, this ought to destroy his Testimony: That he was, besides, his Debtor for a considerable Sum: That his Mortgage was forfeited: That when he,

A. D. 1691.

The Colonel's Defence.

deliver those he ought to have preserv'd, he can blame none but himself, if they deliver themselves from his Tyranny: And when the Matter is brought to that, That he shall not reign, or they over whom he would reign must perish, the Matter is already decided, as if the Question had been ask'd, in the time of *Nero* or *Domitian*, Whether they should be left at liberty to destroy the best Part of the World, as they endeavour'd to do, or it should be refus'd by their Destruction? And as for the People's being Judges in their own Case; it is plain, they ought to be the only Judges, because it is their own, and only concerns themselves.

Mr. *Att. Gen.* The latter End, the last Sheet of all, § 55. l. c. 7. The Argument runs through the Book, being the Power in the People.

Cl. of the Cc. The general Revolt of a Nation from its own Magistrates can never be called Rebellion.

Mr. *Att. Gen.* § 57.

Cl. of Cc. The Power of calling and dissolving Parliaments is not in the King.

(\*) This is the Word in the Text: But according to the Sense of the Passage it should be King.

A. D. 1683.

he, the Prisoner, should have taken the advantage the Law gave him, the Evidence found out a Way to have him laid up in the Tower: That his Lordship was a very subtil Man; for as at Lord *Railiff's* Trial he said, he was to carry his Knife between the Faring and the Apple, so in this he had so manag'd, as to get his Pardon, and save his Estate: That he came to his (*Sydney's*) House, soon after he was made a Prisoner, and swore to his Servant, in the Presence of God, that he did not believe there was any Plot; as also, that he was confident, if the Colonel had known of any such thing, he would have communicated it to him; and that, however, for fear of the worst, it would be well to remove his Plate, and other Valuables, to his Lordship's House, for the more Security: That as to what he had sworn concerning *Jaren Sauts*, and the two Consults, all rested upon his single Evidence, and therefore had no Force in Law against him: That besides, the thing itself was unlikely; for how could Men without Followers think of so vast a Design, or hope to put it in Execution, without Officers, Soldiers, Place, Time, or Money? That as to the Papers, he thought, in the first place, the King's Officer, Sir *Philip Lloyd*, was not in a Capacity to be the King's Witness: That, even in France, when a Minister of State had his Papers seiz'd, and abundance of them contain'd Matter of Treason, it was held; no Use could be made of them, because they had not been inventory'd in his Presence, nor in the Presence of any deputed by him: That whether these Papers were his or not, they abhor'd any such Design (as conspiring and compassing the King's

Death): That the Ink was visibly so old, that it might be presum'd they had been written these Twenty Years: That they seem'd to contain a polemical Discourse in answer to *Filmor*, which was not calculated for any particular Government in the World: That, among other things, the said *Filmor's* Book contain'd the following desperate Principle, *That Possession was the only Right to Power*; and that he could see no hurt in any Man's endeavouring to explode it. Here he ask'd the Attorney, how many Years ago that Book (of *Filmor's*) had been written? and, by way of Answer, was told by the Chief-Justice, That they had nothing to do with *Filmor's* Book; nor to waste their Time on a Subject that serv'd only to gratify a *luxuriant Way of talking* he had. Answer, proceeded his Lordship, to the Matter you are indited for. Do you own that Paper? The Colonel reply'd, No. The Judge add'd, Go on then? Which he began to do in these Words: "I say, first, 'tis not prov'd upon me: And, secondly, 'tis not a Crime, if it be prov'd."— Nothing was ever said more pertinently than this, and every Man of common Sense must perceive, that if he had kept to these two Propositions, he must have had the bell of the Argument: But the shrewd Chief-Justice, who saw the Opening, and dreaded the Consequence, with as much Wickedness as Artifice, put him immediately on another Sent, namely, to take off the Credibility of Lord *Howard's* Evidence; and thereby (7) bewilder'd him, under the pretence of shewing him a nearer Way.

A. D. 1683.

The Colonel, with all his Circumspection, was

(1) There is no explaining the Chicanery and Perfidy manifest on this Occasion, without having recourse to the Passions themselves, which cannot be read by an honest unprejudic'd Man without the highest Indignation.

Col. *Sydney*. *I say, first, 'Tis not prov'd upon me: And, secondly, 'Tis not a Crime if it be prov'd.*

L. Ch. *Just.* You began very materially in one thing: It is material for you to supply yourself to take off the Credibility of my Lord *Howard*, that is a Witness; call your Witnesses to that purpose, or if you have any other Point to take away the Credibility of any other Witness.

Col. *Sydney*. My Lord, I have seven or eight Points of Law.

L. Ch. *Just.* I hear not one yet.

Col. *Sydney*. Why, my Lord, Conspiring to levy War is not Treason, and I desire to have Council upon that.

L. Ch. *Just.* 'Tis not a Question. You had a good ask me, whether the first Chapter in *Lititum* be Law?

Col. *Sydney*. My Lord, I have neither made War, nor conspir'd to levy War.

L. Ch. *Just.* You are fill in a Mistake. You shall not think that we intend to dialogue with you, so let you know how far the Proof hath been given, or not given; but when we come to direct the Jury, they will shall deliver how far the Law requires there should be two Witnesses. But whether there be such a Proof, that must be left to the Jury.

Mr. *Jud. Wilkin*. If you agree the Conspiracy, I will tell you my Mind of it; I cannot give you any Opinion in Law, till the Fact be proved.

L. Ch. *Just.* The Law always arises upon a Point of Fact; there can be no Doubt in point of Law, till there be a judgement in point of Fact.

Mr. *Jud. Hillhouse*. My Lord has put you in a right Way; the Conspiracy is prov'd but by one Witness; if you have any thing to take off his Credibility, 'tis to the Purpose.

Col. *Sydney*. Truly, my Lord, I do so little intend to dispute my own Spirit, and your Wit, as ever any Men when they stand upon you, Now, my Lord, if you will make a Concession of one thing, a *Supposition upon Supposition*, I would take all this matter, and show, if more of these

things are any thing in themselves, they can be nothing join'd together.

L. Ch. *Just.* Take your own Method, Mr. *Sydney*; but I say, if you are a Man of low Spirit and weak Body, 'tis a Duty incumbent upon the Court to exhort you, not to spend your Time upon Things that are not material.

Col. *Sydney*. My Lord, I think 'tis very material, that a whimsical Imagination of a Conspiracy should not pass for a real Conspiracy of the Death of the King; Besides, if these Papers were found in my House, 'tis a Crime created since my Imprisonment; and that cannot come in, for they were found since. My Lord, if these Papers are right, it mentions two hundred and odd Sheets, and these few neither Beginning nor Ending; and will you, my Lord, send a Man for Treason for Scraps of Paper found in his House, relating to an ancient Paper, intended so innocently as any thing in the World, and pleas and patch this to my Lord *Howard's* Discourse, to make this a Conspiracy to kill the King? Then, my Lord, I think 'tis a Right of Mankind, and 'tis exercised by all sensible Men, that they write in their own Closets what they please for their own Memory; and no Man can be answerable for it, unless they publish it.

L. Ch. *Just.* They don't go away with that Right of Mankind, that it is lawful for me to write what I will in my own Closets, unless I publish it; I have been told, Care not for the King, nor in thy Thoughts, nor in thy Backslider, the Birds of the Air will carry it. I think it to be the Duty of Mankind to observe that.

Col. *Sydney*. I have liv'd under the Inquisition—

L. Ch. *Just.* God be thanked, we are govern'd by Law.

Col. *Sydney*. I have liv'd under the Inquisition, and there is no Man in Spain can be try'd for Heresy.

Mr. *Jud. Wilkin*. Draw no Precedents from the Inquisition, here, I beseech you, Sir.

L. Ch. *Just.* We must not exhort Men to talk, that, by the Right of Nature, every Man may contrive Mischief in his own Chamber, and he is not to be punished, till he thinks it to be criminal to do so.

Col. *Sydney*. My Lord, if you will take Scripture by Parts, you will make all the Princes of the Scripture Impious; and you may easily detect of lying, There is no God; and so on.

A. D. 1683. was now over-reach'd: It flatter'd his Passions to expose Lord Howard, and it also seem'd favourable to his Cause: And tho' he did not immediately forego that Part of his Defence which depended on Reason and Argument, he was at last wrangled out of his Method, and, by being in a manner compelled to call his Witnesses prematurely, lost the great Benefit of the many plain, strong, and clear Inferences, that naturally and necessarily must have arisen from it.

These Witnesses were the Earls of *Anglesey* and *Clare*, the Lord *Paget*, two of Lord Howard's own Kintmen, Dr. *Burnet*, one Mr. *Ducast* a *Frenchman*, one Mr. *Blake*, and two of the Colonel's own Servants. The Earl of *Anglesey* and Dr. *Burnet* repeated the same Evidence they had given at Lord *Ruffel's* Trial. The Earl of *Clare*, with great Spirit, depos'd, that Lord Howard, speaking of the Times, had said to him, That if ever he was question'd again, he would never plead: That the quickest Dispatch was the best: That he was sure they would have his Life, tho' he was never so innocent: That he believ'd the Persecution foretold by Bishop *Usher* was begun: That he also believ'd it would be very sharp, and hop'd it would be (A) short: That of Colonel *Sydney* he did with great Assurances assert, that he was as innocent as any Man breathing: That he us'd great Encomiums in his Praise: That he seem'd to bemoan his Misfortune: That he (the Witness) did believe his Concern to be real; for never was any Man more engag'd to another, than he was to Colonel *Sydney*: And that, when he (the said Witness) told him the Colonel's Papers were seiz'd, he (Lord Howard) reply'd, *I am sure they can make nothing of any Papers of his.*

Mr. *Philip Howard* depos'd, That discovering with Lord Howard on the Discovery of the Plot, and the Confessions of those concern'd in it, his Lordship affirm'd, that it was impossible such a thing could be: That in all Countries there were disaffected Persons; but none of Honour, Interest, or Estate in this, who would engage in such a Design: That he (Mr. Howard) ask'd his Lordship, if he knew any of the Persons concern'd in this? He answer'd, none but *Rainbold*, whom he had seen at Lord *Staffbury's*: That he even agreed, at the Instance of the Witnesses, to join in an Address of Ab-

horrence: That, meeting him again, after Lord *Ruffel's* Commitment, and telling him of it, he said, 'Then are we all undone.' Pray, go to my Lord *Privy-Seal*, and see whether I am to be taken up.— I doubt 'tis a sham Plot. If it was a true Plot, I should have nothing to fear; but if it is a Plot made upon us, no Man is free.' That seeing him again a third time, when Colonel *Sydney* was taken, he seem'd extremely melancholy, and gave it for a Reason, that he had receiv'd such Obligations from Colonel *Sydney*, as no Man had from another.

Dr. *Burnet* depos'd, That meeting Lord Howard at Colonel *Sydney's* House, after the Colonel was committed, his Lordship said, 'God knows, I know nothing of this; and I am sure if Colonel *Sydney* was concern'd, he would have made no Secret of it to me.' And that when he, the said *Ducast*, advis'd him to withdraw, saying, There was more Danger in that House than any other; his Lordship reply'd, 'I have been a Prisoner already, and I had rather do any thing in the World than be a Prisoner again.'

Lord *Paget* said, Lord Howard was with him presently after the breaking out of this Plot, and before he appear'd in that Part which he then *asked*, (these are the very Words of the Evidence) upon which Occasion he declar'd, That he knew nothing (relating to it) either of himself, or any body else.

Mr. *Edward Howard* depos'd, That he had liv'd in the greatest Intimacy with Lord Howard: That, when the Plot broke out, his Lordship had express'd to him the highest Detestation of it, affirming, under very great Assurances, that he could never accuse himself, nor any Many living: That he moreover manifest'd much Concern for these Persons of Quality who were imprison'd, or so much as reflected upon, as Parties in it: That he, the Deponent, believ'd in his Conscience, he said all this without any Equivocation, or mental Reservation, because he had no Occasion to make use of any to him: That, from the Knowledge he had of his Lordship, it was his Opinion, that if he had been in any such Secret, he would not have said to be taken, or have made his Application to the King, in a Manner so unimpeachable to his Quality.— Here the *Ld. Chief Justice* interposing, with these Words, *No Reflections*

with the Evangelist of being Christ was a blasphemy and a blasphemy, and the Apostles that they were deists.

*L. Ch. Jus.* Look you, Mr. *Sydney*, if there be any Part of it that explains the sense of it, you shall have it read: indeed we are misled with a line. 'It is true, in Scripture, it is said, There is no God; and you must not take that alone, but you must say, The Fool hath said in his Heart, there is no God.' Now here is a thing ascribed to you in the Label; if you can say there is any Part that is an excuse of it, call for it. As for the Purge, whoever does publish, that the King may be put in Chains, or deposed, is a Traitor; but whoever says, that some bad Traytors would put the King in Chains, or depose him, is an honest Man; therefore say of them, but don't let in some Excusations.

*Col. Sydney* If they will produce the *Writ*, my Lord, then I can be waighter and put ourselves together.

*L. Ch. Jus.* Well, if you have any Witnesses, call them.

*Col. Sydney* The Earl of *Anglesey*.

*L. Ch. Jus.* Ay, in God's Name, say till to-morrow in things that are pertinent.

(I) It could not be to be forgotten, that the Earl of *Clare* was one of the *perjuring* and *persecuting* Lords: And, possibly, it was for this Reason that the Attorney-General had two Statutes for him, in the Course of his Evidence; both which he nevertheless broke thro'. His Lordship, in respecting what Lord Howard had said of *Usher's* Prophecy, and his hoping the Persecution would be short, if sharp, said these Words, and I *protest* by *St. Ives*. Upon which the Attorney immediately interpos'd with this infinite Question, *What Answer did your Lordship give to it?* and the Earl reply'd, *I have said you what I have: My Lord is the full of Discretion for me to answer all he says.* Again, having cho'd what he had to say, the Attorney betes him thus: 'I would ask you, my Lord, upon your Honour, would not any Man have said as much, that had been in the Plot?' To which the Earl return'd this *Spanish Answer*, *I can't tell: I know of no Plot.*

A.D. 1685.

*Reflections upon any body*: possibly in a menacing Tone, it not only put Mr. Howard (who had been disconcerted by the like Usage from the Court in Lord Russell's Trial) on his Mettle; but had a good Effect on his Memory; for, said he, "Since your Lordship has given me this Occasion, I will speak now what I omitted then:" Which was, That Lord Howard had told him, that even to his Knowledge, it was a thum Plot, forg'd in the dark by Priests and Jesuits; and that he himself went to Lord Halifax, in Lord Howard's Name, and by his Authority, to assure that Minister, that he, Lord Howard, was willing to express his Detestation under his Hand; and to declare there was no such thing to his Knowledge. And after all this Mr. Howard concluded his Evidence in these remarkable (1) Words: "I must needs add, from my Conscience; and from my Heart, before God and Man, that if my Lord had spoken before the King sitting on his Throne, abating for the Solemnity of the Presence, I could not have more believ'd him, from that Assurance he had in me; And I am sure, from what I have said, if I had the Honour to be of this Gentleman's Jury, I would not believe him."

Mr. Sydney would have then brought the Proof of his Mortgage on Lord Howard's Estate; but his Lordship confests it: And so he pass'd on to shew, "That he swore with a Halter about his Neck, and durst only say what would help to remove it; by the way quoting the Words of his Lordship's own Son, viz. "That he was sorry his Father could not get his Pardon, unless he did swear against some others."

Under this Head Mr. Blake was call'd, who, after a decent Profession, that he did not know how he came to be thus oblig'd to give a public Account of a private Conversation, proceeded to depose, That it was to him Lord Howard had said, That he was not to have his Pardon till the Drudgery of swearing was over. The Colonel then call'd two other Persons, who not appearing, he complain'd somewhat warmly of their Neglect; and added, "One of them was to have prov'd, That Lord Howard said he could not have his Pardon till he had done some other Jobs." Finally, the Colonel's two Servants depos'd, That his Lordship, the Evidence, had taken God to witness, that he was sure the said Colonel knew nothing of a Plot; and that he desir'd his Goods and Plate might be sent to his House as to a Place of Security. And one Mr. Wharton, to shew, that a Man's Life ought not to be drawn into question for a Similitude of Hands, undertook, in a very little time, to imitate that of the Label, so as the Court should not be able to distinguish the one from the other.

All that now remain'd, was for the Colonel to sum up the Force of his Defence by way of Direction to the Jury; which he did by saying, in Substance, That by conspiring

to kill the King, must be understood a Purpose to kill the Person of the King; for in his politic Capacity, the King could never dye: But nothing of this nature was so much as suggested in support of the Indictment, consequently the whole fell to the Ground: That if it should be arg'd that the Death of the King was imply'd in a Design to levy War against him, no such Implication ought to be allow'd; for none ought to be allow'd but what was natural or necessary; and this was neither, as was evident both from Law and History. History shew'd, that many Wars had been made, nay, that many Kings had been taken Prisoners; yet they had not been put to Death: And if it was allow'd that the Death of a King might fall out by the Chance of War, it would not follow, that the War was levy'd for that End. Then as to the Law, the very Statute on which the Indictment was founded, makes the conspiring the Death of the King to be one Species of Treason, and the levying of War another. And it is a Maxim of Lord Coke's, That to confound *Membris Dividentia*, is the Overthrow of all Justice: That, indeed, levying of War was Treason, when prov'd by Overt-Act: But there was no Overt-Act to prove the levying of War in this Case; nor was any even pretended: And if the War was not levy'd, it was not within the Act, for conspiring to levy War was not comprehended in it. But even this very Conspiracy was not prov'd: Lord Howard was the only Person who said any thing concerning it; and all he said, if all were admitted, and he had been a credible Witness, amounted to nothing more than a Discourse at large of what might, or might not be, without coming to any one Resolution: That it was even ridiculous to imagine, that a War should be made by five or six Men, not knowing one-another, or trusting one-another. Then as to the Business of Swear, it was so imperfectly told, was so merely conjectural, and was in every respect so inconclusive, that wanting Authority itself, it could give none to any thing else. The very Letter he was said to carry, was not imputed to him (the Prisoner.) The Contents of it were unknown; the Delivery of it unprov'd: And if certain Scottish Gentlemen did afterwards come up to London, nothing had been prov'd of what they had transacted there: For his part, he had not seen any one of them: If it could be prov'd he had, he would be content to suffer: Nor had he ever sent or writ a Letter to Scotland since the Year 59; nor did he know any one Man in Scotland to whom to writ. Again, as to the Papers, admitting they were found in his Custody, no fair Judgment could be made of their End and Use without producing the whole; which had not been done: Nor was it reasonable to call upon him (as the Court had done) to chuse in his Turn what Passage he would have read, since it was not in his Power to

A.D. 1685.

The Prisoner's  
further De-  
fence.

(1) At which the Court were so offended, that the Attorney said, he ought to be bound over to his good Behaviour for them.

A.D. 1685.

do any such thing, if he was an utter Stranger to them; and if he was not, in selecting such Passages as were necessary to prove the Innocence of the whole Book, he acknowledg'd his Acquaintance with it, and so far Good fell-condemn'd. There was, besides, no Connection between the Papers and the Depositions made by Lord Howard: For tho' the Attorney was pleas'd to alledge, that he was composing this Libel at the very time that Smith was on his Errand to Scotland; and would thereby intimate such a Connection, the very Papers themselves demonstrated the contrary: For, over and above the Circumstances, before-mention'd of the apparent Age of the Ink, it's being an Answer to Fisher shew'd, that it was not the Growth of that Crisis, nor indeed could be, for the very Notes would furnish out Work enough for four or five Years, to make out what was contain'd in those Scraps of Paper. The two Matters thus standing separate, and not one Circumstance relative to killing the King appearing in either, if each was ever to fall-evidently prov'd, or by ever such unquestionable Witnesses, neither came up to the Charge in the Indictment, or within the Statute on which it was founded: And if neither, separately, was Treason, under the Description of the Law, both together could not be made such, for that would be setting up *constructive Treason* again, which that very Statute was calculated to prevent, and which is thereby, as also by several other Statutes, expressly reserv'd for the Judgment of Parliament. And, finally, the Papers in question had never been (*m*) publish'd or shew'd to any body, nor even to Lord Howard, himself, tho' so dangerously intimate with the Colonel, consequently they were neither directly nor indirectly any Part of the Conspiracy, nor any way an Offence either against Prince or People.

With this, and a *Proviso* that the Benefit of Law might be reserv'd to him, the Colonel came to a Period. And the Solicitor-General, according to the Duty of his Office, took upon him to reply to the King: And was so extremely careful to acquit himself as a good Advocate, that he forgot all the Duties of a Christian, a Fellow-Subject, and a Fellow-Creature. He said the Prisoner was mistaken in his Law: That an Act which

fell under one Branch of the Statute (25 Ed. III.) might be an Overt-Act to prove a Man guilty under the other (that is to say, that to levy War, is to conspire the Death of the King) which except in Law-Matters, would be held the highest Affront that could be offer'd to Common Sense: That this had been adjudg'd in the Case of Sir Henry Vane, as also in the recent Case of Lord Russell: That there needed not two Witnesses to every particular Fact: That one Witness to one Fact, and another Witness to another Fact, were two Witnesses. Having advanc'd thus far, he sum'd up all that had been depos'd by *Wiff, Rumsley, and Keyling*, tho' declar'd no Evidence against the Prisoner, under this Salvo. That if it had *stood alone*, it would not have affected him. Hence he proceeded to the Depositions of *Ld. Howard, Foster, and Atterbury*, which he artfully interwove into one Story, against which he most immodestly said, *no Objection had been made*. With the like Immodesty he also affirm'd, that the Testimony of the several Persons who appear'd in behalf of the Prisoner, had not impeach'd the Credit of Lord Howard in the least; but, on the contrary, had contributed greatly to establish it: That it was but natural he should talk as he did: That the Words us'd by him to Mr. *Phillip Howard*, when told of Lord Russell's Commitment, *viz. We are all undone*, argu'd he had a Guilt upon him: That his saying afterwards, *he believ'd it was a Sham-Plot*, was but a *trivial Put-off*: That the Words spok'd by Lord Howard to Blake relating to his Pardon, were but his Lord Howard's own Conjecture; and did not imply, that the Promise he had receiv'd was (*n*) conditional: That as to the Papers, they were prov'd to be found on the Prisoner's Table, and writ in his Hand: That as to the Objection made by the Prisoner, that but Part of them was read; and that no Judgment could be pass'd on them without the whole, what was read contain'd a whole Series of Argument, which, together with the other Evidence, was sufficient to prove his compassing the Death of the King: That he had, in particular, taught, that when Kings broke their Trust, they might be call'd to Account by their People, and that the calling and dissolving of Parliaments was not in the King's Power: That in this he did, as good as affirm the King (then reigning) had broke his

A.D. 1685.

The Solicitor-General's Reply.

(m) *Smith Sir John Heveler, in his Remarks, p. 72.* The Indictments ought to have express'd, that he publish'd it, which the Indictment in this Case did not; and upon good Reason, which was, That the *Jury* might not be put in mind, that Publish'd by it was necessary to make it known; whereas they very well knew, that the Evidence would not, nor did, come up to it. This was in the first Indictment of High Treason, upon which my Man told his Life, for writing any thing without publishing it: for in *Fisher's* Indictment, he was charg'd with publishing his Libel; and so in all other Indictments for writing, and upon good Reason; for this being made an Overt-act of Treason, it must be an Evidence of a Design to kill or depose the King, or his like; and in the Consequence of what was in the Writing contain'd, which was, that the Power was in the People, &c. being in its Nature no crime, nor argu'd by the King's Council in any other Intent, than to corrupt the Subject's Mind, could not be Evidence of such Matter, unless prov'd he had written and publish'd it; whereof the last was not pretended to be prov'd.

That it was necessary to be express'd in the Indictment, and prov'd at the Trial, appears by the Resolutions of all the Judges of England, in *High-Fin's* Case, reported in *Cr.*

*Cr.* 89. at a time when Prerogative run pretty high; where-in, besides the Resolutions, that no Words charging the King with any personal Vice is Treason. There is the Case of one *Prockman*, in the 33d of *Henry VIII.* cited, who was indicted for Treason, for transcribing Passages in a Sermon, never preach'd, nor intended to be preach'd; but found in Writing in his Study; he was found guilty, but never executed, for many Judges at that time were of Opinion it was not Treason, in the Book says, which I think, according to the Evidence here given, was the express Case of Colonel *Johnes*, admitting he wrote the Book propos'd, and that the Passages in it were treasonable.

(n) *Smith's* Words are these, "I went, and we talk'd of Newgate. I told him, I had no body had their Pardon, but in that his discovery of the Plot: He told me, No. But he had his Warrant for it. And, says he, I have their Word and Honour for it: But, says he, I will do nothing in it, till I have further Order: And, says he, I have nothing of it, and I can ascribe it to no other Reason, but that I must not have any Pardon, till the Drudgery of Swearing is over. These Words my Lord said: I believe my Lord would say so."

A. D. 1683.

his Trust: For every body knew the King had dissolv'd Parliaments; and, consider'd with this Circumstance, what was *there* Matter of Argument became Affirmation: That tho' this Book was not debated by the Council of Six, it was more than two Witnesses against the Prisoner: For if a Man tell one Person that it is lawful to rise in Arms against the King, if he breaks his Trust, and another, That he hath broke his Trust, and it was necessary to persuade the People to rise, they were two Witnesses: And in the present Case, Lord *Howard* was one of these Witnesses, and the Prisoner's Book (tho' never publish'd nor communicated) was another: That hence arose sufficient Demonstration, that the Imagination of this Man's Heart was nothing but the Destruction of the King and Government, and indeed of all Governments: And that he was to be look'd upon as the most dangerous of all Conspirators, because he acted upon Principle, and not Passion; which was the Motive that usually actuated other Men.

[Salmon's Critical Review of the State Trials, p. 481.]

A modern Writer has had the Courage to say, that this Reply seem'd to him to be *unanswerable*: But Mr. *Sydney* was of a very different Opinion, and very probably would have demonstrated, that he had Reason on his Side, if the Court would have given him a Hearing: For having desir'd Leave to speak a very few Words, and having premis'd, that he desir'd Mr. Solicitor would not think it his Duty to take away Mens Lives any how, he proceeded to say, That the Matter of Sir *Henry Vane* was utterly misrepresented: That both *Coke* and *Hales* were of Opinion, that the Overt-Act of one Treason was not the Overt-Act of another: And to read out of the latter, That compassing by *bare Words* was not Treason: That conspiring to levy War was no Overt-Act: And Mr. Solicitor, himself, appear'd so sensible of the Weight of this, and the like Authorities, and the Inferences naturally flowing from them, that with an affected Ingenuity, he broke in upon the Prisoner, and (c) submitted all the Mistakes he had made, both in Matter of Law and Fact, to the Correction of the Court, as well knowing, that if he could any way silence the Prisoner, he was sure of the Cause.

[The L. C. Justice's Charge to the Jury.]

And now the Lord Chief-Justice, himself, was to play his Part; which he did with such a Lawyer-like Dexterity, that it may be truly said, that none but (p) King *Alfred* could have properly rewarded him for it. He first bespoke the Favour of his Audience by declaring, That neither the King nor any of his Judges desir'd to take away the Life of any Man, which by Law ought not to be taken away: And that, for his part, he had rather *many Guilty Men should escape, than that one Innocent Man should suffer*. He told the Jury they were to regard nothing advanced on either Side, not warranted by Proof; but that

it was both the Custom and Duty of the King's Council to enforce whatever appear'd against the Prisoner, and *to endeavour* to answer all Objections. He then gave such a Sketch of the Law, with respect to Treasons, as would best answer the present Purpose; and, what was yet more material, of the Law, or rather Rule, of Evidence, saying, That, if two Witnesses prov'd two several Facts, which had a Tendency to the same Treason, such two Witnesses were sufficient to convict a Man of Treason: And that tho' some Judges had been of Opinion, that *Words* of themselves were not an Overt-Act, neither *Hales* nor *Coke*, nor any other of the Sages of the Law, ever question'd but that a *Letter* was a sufficient Overt-Act: For, continu'd his Lordship, *forbere* of *agere*. His Lordship's next Topic was to shew, That the compassing the Death of the King in his natural Capacity, and the levying War, were not the only Treasons comprehended in the great Statute 25 *Edw. III.* For it had been adjudg'd, That to compass to imprison the King, or to lay him under any Compulsion otherwise than by Law, was Treason within the said Statute: He also asserted, That, notwithstanding it was provided, under the Branch of *levying War*, that War should be *actually* levy'd, yet in this Case, where the Indictment was laid for compassing the Death of the King, the *levying War* might be given in Evidence, that the King's Death was to compass'd.

Thus, tho' it was acknowledg'd, that to levy War, and to compass the King's Death were two distinct Species of Treason; and that a Man could not be sentenced capitally for only conspiring to levy War, which was the work of Mr. *Sydney's* Case, it was only to indict him for compassing the King's Death, and allege, that the conspiring to levy War, which was not Treason, was the Overt-act to what was, and his Business was done: And from hence we are farther to understand, that a Capacity to make these happy Refinements, and a Disposition to improve them, seasonably and properly, are the Ingredients which constitute an able Lawyer.

His Lordship, the Chief-Justice, having thus laid down the Law, gave the Jury farther to understand, that they were *bound* to be directed by it: And tho' he took care to distinguish between hearsay and positive Evidence, he also took care to remember, that what was practis'd in this Case had been authoriz'd by the Practice in Lord *Stafford's* Case, and that tho' *Hentley* did not affect the Prisoner, it supported the Credibility of the Witness, and also of the Plot in general, which he was sorry to find any Man made a doubt of. He, moreover, took upon him to speak of this Plot, not like an equal Judge between Sovereign and Subject, but as if he was fill

(a) In these Words: "I desire but one Word more for my own sake, as well as the Prisoner's; and that is, that if I have said any thing that is not Law, or misrepresnted, or misapply'd the Evidence which hath been given, I do make it my humble Request to your Lordship to rectify those Mis-

takes, as well in point of Fact as Point of Law. The God forbid the Prisoner should suffer by any Mistake."  
(p) The exemplary Justice of that King to his Judges is reckon'd amongst the most glorious of his Actions.

A. D. 1683.

of the King's Council, at the Foot of the Bench he sat on: For said he, "It was, that there might be a general Insurrection, not only to destroy the King and the Duke, but to destroy ALL the King's loyal Subjects; and in taking away their Lives, to take away the Life of Monarchy itself, and to subvert the Religion establish'd by Law." In summing up the Evidence, he still acted in the same Character; gave an Edge to all that had been advanc'd on *Hassay*, as well as what had been depos'd by Lord *Howard*, on his own Knowledge; and, coming to the Papers again, recur'd to his former Distinction, namely, That if one Witness prov'd a *direct* Treason, and another a *Circumstance* which contributed to that Treason, they were two sufficient Witnesses.

Men often contribute to their own Destruction thro' human Frailty, for want of Apprehension, Memory, or Presence of Mind. There is some Reason to believe, that this very Maxim of the Lawyers is an Injury to the Law: But, allowing it to have Authority from Practice, it is here put to the Torture: For in the solemn Decision of the Question put by Lord *Stafford*, Whether the Law requir'd two Witnesses to every Overt-Act, Ten of the twelve Judges, with the Lord Chief-Justice *North* at their Head, (g) answer'd, before the whole House of Lords sitting in Judgment on that unfortunate Peer, That if there was one Witness to one Overt-Act, and another Witness to another Overt-Act, both those Acts being Evidences of the SAME MEASURE, the Law was satisfy'd. There is nothing of *Circumstance* or *Tendency* in this Sentence, which are the qualifying Terms insiduously made use of by the Lord Chief-Justice in the Case before us, to draw it within the Vortex of the Law. The Words are as simple and express as possible, and treat distinctly of two several corresponding Overt-Acts in the *same* Treason; whereas, nothing can be more notorious, than that an Answer to *Ellmer*, never communicated to any single Person, could never be a Part of the *same* Treason meditated by the Council of Six, in concert with the *Scots*: Besides, the *conspiring* to levy War, unless War was actually lev'd, as before shewn, was not a *direct* Treason: So that the very Building which these Papers were made a Buttress to support, was without any legal Foundation.

The Lord Chief-Justice, indeed, seem'd to be so conscious of the many Fallacies contain'd in those few Words, that he made haste to shelter himself and them under an Authority superior to his own, as follows: "Not long ago all the Judges of England were commanded to meet together; and one that is the *Senior* of the King's Council was pleas'd to put this Case: If I buy a Knife of *J. S.* to kill the King, and it be prov'd by one Witness, I bought a Knife for this Purpose, and another comes and proves I bought such a Knife of *J. S.* they are two Witnesses sufficient to prove a Man guilty of High

A. D. 1685.

Treason: And so it was held by all the Judges of England then present, in the Presence of all the King's Counsel."

It is as plain to every Eye for what End this Case was put, as for what End it was now recited. But instead of authorising the Procedure against the Prisoner, it rather serves to shew with what Eagerness the Blood-Hounds of the Law were let loose upon him, and how premeditatedly he was ran down. If there is any Force in this pernicious Instance, any two confederate Villains have it in their Power to take away any Man's Life that either buys or wears a Sword. And yet even in this fictitious Case, manifestly fram'd on purpose to bring Mr. *Sydney* to his End, that *Sameness of Act* is preserv'd, which is requir'd in the Decision given by the Judges at the Command of the Lords; and of which not the least Similitude is to be trac'd in the real one of the Prisoner at the Bar.

That these terrible Papers might, however, stand in the stead of another *living* Witness, which is what the Law requires, and might be mistaken for a Vein of the *same* Treason open'd by Lord *Howard*, his Lordship the Chief-Justice, after enlarging on the Evidence that they were really the Composition of Mr. *Sydney*, took upon him not only to say, That they contain'd all the Malice, Revenge, and Treason, that Mankind could be guilty of; but that in these the Prisoner carry'd on the *Design* still (of the Conspiracy must be understood) and that the Doctrines in the one *justed* with the Debates in the other: That a general Insurrection was discours'd of in both: That the late Rebellion was begun by such kind of Principles: And from the whole he infer'd to the Jury (how fairly let the Reader judge) That, if the Prisoner had design'd to depose or remove the King, if, in Order thereto he had been guilty of conspiring to levy War, or was privy to the Letter sent by Lord *Ruffel*, or if they believ'd those Papers were written by him, why then, truly, those Papers would be Evidences against him; and instead of *two*, would have the Weight of *twenty-two* against him; and, consequently Lord *Ruffel* had been indicted, condemn'd, and executed on a LESS TESTIMONY.

His Lordship, in the next Place, proceed'd to sum up the Prisoner's Defence; but then it was only in order to disgrace and explode it: And this he did with such flagrant Partiality, that in speaking of the Mortgage which the Colonel had upon Lord *Howard*'s Estate, he said, the Fact no otherwise appear'd than by the Prisoner's Allegation: Nor when the Prisoner remonstrated the contrary, by saying, Lord *Howard*, himself, had confess'd it in open Court, and he was forc'd to admit it, did he seem abash'd, but had immediate recourse to another Extentive by suggesting, that in case the Colonel should be convicted, the Debt would accrue to the King; and consequently his Lordship, the

Evidence,

(g) *Id.* Page 533.

A. D. 1683.

Evidence, would not be a Farthing the better for it. Again, in speaking of the other Depositions which had been given to shew, that Lord *Houcard* was no credible Witness, he urg'd, that his several Disavowals of the Plot were so many Proofs of his Concern in it; and that what he had said in relation to the *Drudgery of Swearing*, only prov'd he was an unwilling Witness, which made for his Credit, instead of destroying it. Finally, as to the *Papers*, he barely mention'd the Circumstance of the *slowness* of the Hand, without allowing it any weight, or attempting to give it any Answer. The material Inference drawn from it by the Colonel, That these Papers could not have been written during the time that *Smith* was on the Message to *Scotland*, as the Attorney had alledg'd, he never mention'd at all; nor that other yet more material one, That the Book was apparently an Answer to *Filmer*; and yet in these Particulars, the main Defence of the Prisoner, as to this Part of the Charge, consisted. His Lordship, indeed, intimated, "That he had recapitulated the Matters given in Evidence, according to his Memory." But if his Memory was bad, he was not qualify'd to be a Judge; for one Man's Defects are not become another Man's Ruin: And it is besides notorious, that the same Degree of Retention which had serv'd him so well on the King's Behalf, in case his Lordship's Heart had been as good as his Head, would have been equally serviceable to the Prisoner.

The Jury pronounce him Guilty.

The Issue being now left to the Jury, it appear'd, that either those good Men and true were such perfect Masters in the Art of judging, or had so greatly profited under the sage Directions of the Lord Chief-Justice, that in Half an Hour's Time, they had got the better of all Difficulties and Scruples, and pronounce'd the Prisoner guilty.

It may be thought by Some superfluous to be thus particular in giving the Summary of Proceedings of this nature; but in such Works as these, the Judgment ought more to be consulted than the Palate; and more Regard ought to be paid to Use than Ornament. Now there is no Scene in History in which the People are so much concern'd as in Trials of this nature; nor has any Branch in the Administration of Government been more abus'd than that of Justice. It is fit, therefore, that the Censures of Posterity should be directed to fall in the right Place; and that those who value themselves so highly and justly on the Excellency of their Laws, should be thoroughly appriz'd how liable they are to Perversion, and how little able, in many Instances, either to defend the Innocent or punish the Guilty.

Passages between him and the Lord Chief-Justice, previous to his Sentence.

Sentence was still to be pass'd on this noble Prisoner; and whereas that Ceremonial had been usually left, as in Lord *Ruffel's* Case, to any Understrapper of the Bench, the Lord Chief-Justice now attended in Per-

A. D. 1683.

son; and with good Reason; for it was known Mr. *Sydney* had many things to urge why Sentence should not pass upon him; and that he would not fail to enforce them with all the Spirit that became a Man, who knew he was to die, and resolv'd to make his Death exemplary.

Accordingly, when summon'd to speak on that Occasion, by the Clerk of the Court, he first declar'd, "That, as he conceiv'd, he had had no Trial, for some of his Jury were not Freeholders; and no Precedent could be shewn, of any Man's having been so try'd before, when the Indictment was laid in a County." The Lord Chief-Justice reply'd, That he had receiv'd the unanimous Opinion of the Court on that Point already; for all the Judges of England had declar'd, in Lord *Ruffel's* Case, tho' a Case of Corporations, That by the Statute of Queen *Mary*, the Trial of Treason was put as it was at Common-law; and that there was no such Challenge at Common-law. The Prisoner then requested, that a Day of Hearing might be appointed, and Council assign'd to argue it: And this being refus'd, as not in the Power of the Court to grant it, he shew'd, in the next place, that there was a material Defect in the Indictment, which made it absolutely void; for the King was depriv'd of Title, which was Treason by Law, the Words *Defensor Fidei* being left out. This fir'd the Chief-Justice, who, brutally and absurdly enough, said, *In that you would deprive the King of his Life, that is in very full, I think: And, the Prisoner rejoining, "That, in a Case of Life, such things as these were not to be over-ru'd so easily:"* Added, in the same Tone, "Mr. *Sydney*, we very well understand our Duty; we don't need to be told by you what our Duty is: We tell you nothing but what is *Law*; and if you make Objections that are immaterial, we must over-rule them.— *The Treason is sufficiently laid.*" But not sufficiently prov'd, was a natural and obvious Answer. The Colonel, however, did not make it in so many Words; but contented himself with saying, "That the Papers had no otherwise been prov'd upon him, than by a Similitude of Hand; which, in a criminal Case, ought not to have been admitted: That, however, there was no Treason in them: That he desir'd the Nature of the thing might be examin'd; and that he was willing to put his Life on the Issue. But the Chief-Justice was for no new Experiments; he had got the better once, and was for keeping it, right or wrong: In order to which, he insisted, "That there was scarce a Line in the Book, but what was Treason; That his Incredulity on that Head was the worst Part of his Case; and that when Men entertain'd and justify'd such Doctrines, it was high time to call them to an account. The Prisoner again defended himself by urging, That all which was thus condemn'd was grounded on the (r) first Speech

(r) In which are the following Passages: "That the Difference between a rightful King, and an usurping Tyrant, was this: That the latter thought his Kingdom and People

were ordain'd for the Satisfaction of his Desires, and unreasonable Appetites; while the Former, on the contrary, acknowledg'd himself to be ordain'd for procuring the Wealth and



A. D. 1683. Speech of King James to his first Parliament; and also by reminding the Court, That they had never been publish'd, (unless by the Court; who thereby propagated the very Mischiefs they complain'd of, and shar'd in the Guilt they undertook to punish;) And that the Attorney press'd them into the Service, only to supply the Deficiency of other Evidence. He moreover added the following remarkable Passage, "My Lord, there is one Person I did not know where to find then, but every body knows where to find him (s) now, that is, the Duke of Monmouth: If there had been any thing in Consultation, by his means to bring any thing about, he must have known it, for it must be taken to be in prosecution of those Designs of his; and if he will say, there ever was any such thing, or that he knew any thing of it, I will acknowledge whatever you please." His Lordship's Reply was, "That is over; you were try'd for this Fact; we must not send for the Duke of Monmouth." The Colonel then desir'd, that his Reasons might be heard, why he ought to have a new Trial; but was told, *That could not be*; and continuing to insist upon it, the Clerk of the Court, by the Direction of the Bench it must be presum'd, called upon the Cryer to make an Oyes; and Mr. Sydney thereupon exclaiming with Warmth, *Can't I be heard, my Lord?* his Lordship as warmly reply'd, "Yes, when you speak who is *proper*: But if you arraign the Justice of the Nation, it concerns the Justice of the Nation to prevent you." This driving the Prisoner from Expostulations back to Facts, he urg'd further, "That he was brought up to be arraign'd on the 7th, by *Habeas Corpus* granted the Day before, when no Bill was exhibited against him, and when his Prosecutors could not know it would be found, unless they had a Correspondence with the Grand-Jury, which was not allowable." To this his Lordship insolently reply'd, "We know nothing of it: You had as good tell us of somebody's Ghost, as you did at the Trial." After some farther Altercation concerning the Plea, which the Court had deterr'd the Prisoner from putting in, he spoke of the Hardship of being refus'd a Copy of the Indictment, which, by an express Statute, was allow'd to all Men, in all Cafes: And then proceeded to say, "That the Jury was not summon'd as it ought to have been, by the ordinary Bailiff; but consisted of such only, as had been selected by *Burton and Graham*, and made his Appeal to the Court, *Whether they were a good Jury?* The Answer was, "We can take notice of nothing but what is upon the Record. Here is a Return made by the Sheriff; if by indirect Means, you should have mention'd it before they were sworn.--- The Time is past." Thus driv'n from this, he touch'd again on the Hardships he had suffer'd in the Matter of the Papers: And proceeding

yet farther in these Words, "When I alleg'd, that, in criminal Cafes, Similitude of Hands could not be taken for Evidence, propos'd my Points of Law, concerning constructive Treason, &c. said, that I did conceive, that no Court under the Parliament could be Judges of it; and did desire, that the Statute that did so enact it might be read; it could not be obtain'd; and I cited many Judgments in Parliament;--- the Lord Chief-Justice cut him short with another Reprimand, for arraigning the Justice of the Court: And as to the Point of *constructive Treasons*, with Assurance inexpressible, affirm'd, The Crime in question was not *constructive*, but *plain Treason*, within the Act on which the Indictment was grounded: And the Prisoner demanding whether *Writing was an Act*, with the like Assurance reply'd, Yes, tis *AGREE*. Here one Mr. *Bampheld* with great Modesty interpos'd as *amicus curiae*, and under that Umbrage humbly hop'd his Lordship would not proceed to Judgment when there was so material a Defect in the Indictment as that before mention'd by the Prisoner. But Justice, it seems, was now deaf as well as blind; and the Obstacles thrown in his Lordship's Way, serv'd only to make him more eager to surmount them. "There remains nothing for the Court to do, said he, but to discharge their Duty in pronouncing that Judgment the Law requires to be pronounc'd.--- And I must tell you, that tho' you seem to arraign the Justice of the Court and the Proceeding.--- He was going on thus when the Prisoner threw in this his last Remonstrance: "I must appeal to God and the World, I am not heard." Which so incens'd his Lordship, that he first impiously said, *Appeal to whom you will!* And then absurdly added, "I could wish with all my Heart, that instead of appealing to the World, as tho' you had receiv'd something extreme hard in your Case, that you would appeal to the great God of Heaven (which he had already done) and consider the Guilt you have contracted by the great Offence you have committed." He also reproach'd the Prisoner with the Grace he had receiv'd from the King, the *general Pardon*, and also with lying under *particular Obligations* to his Bounty and Mercy. After which, and some additional Censures on his Book, his Lordship soften'd his Tone a little, and with an Affectation of Tenderness and Charity, pronounc'd Sentence; which he had no sooner finish'd, than the Prisoner, with a loud and firm Voice, express'd himself as follows: "Then, O God! O God! I beseech thee to sanctify these Sufferings unto me, and impure not my Blood to the Country, nor the City thro' which I am to be drawn. Let no Inquisition be made for it; but if any say the shedding of Blood that is innocent, must be reveng'd, let the Weight of it fall only upon those

Judgment  
pronounc'd.

The Prisoner's  
solemn Address  
to God thereon.

and Prosperity of his People; and that in these consisted his principal worldly Felicity." And, a little after, he said, "That as the Head is ordain'd for the Body, and not the

Body for the Head; so must a righteous King know himself to be ordain'd for his People, and not his People for him."

(c) Which will be explain'd in its proper Place

A. D. 1683

those that maliciously persecute me for Right-cousness sake." No doubt, this had a wonderful Effect on the Audience, and for that Reason, possibly, the Chief-Justice, half enrag'd, and half confounded, thought himself oblig'd to put up his Prayer also, which he did in these Words: "I pray God work in you a Temper fit to go into the other World, for I see you are not fit for this." Upon this the Prisoner with a philosophical Gallantry, which the modern World has very rarely seen an Instance of, held out his Hand, and spoke as follows: "My Lord, feel my Pulse, and see if I am disorder'd: I bless God, I never was in a better Temper than I am now."

This ended this extraordinary Scene; in the Course of which, as we are told by Bishop Burnet, Judge Withins gave Mr. Sydney the Lye in open Court; but no such Circumstance is mention'd in the printed Trial: which, indeed, does not seem to be given with the Candour and Impartiality which are essential to a Record. It was, however, but natural that the Prejudices of the Court should be propagated by the Press; and we are to wonder that any Justice was done to the Prisoner's Plea in the Report, when so little was done to the same Plea in the Trial and Sentence. When Power is at the full, Truth is in the wane; but as Power fades, Truth brightens: And tho' the Eye is at first overpower'd with Splendor so unusual, it gathers Strength by Degrees, and delights in the Radiance which before it could not endure to look on. It is thus in the Case before us: For, tho' the Lord Chief-Justice was pleas'd to say, "That Mr. Sydney had as much Favour shewn him, as ever any Prisoner had; and that if they had shewn him less, they had fulfill'd their Duty more; tho' Mr. North, who had his Share in the

Job, has left a posthumous (t) Defence of it; tho' yet other Writers, as well as he, have quoted Instances since the Revolution to shew, that the Practices of Lawyers and Courtiers have been in all Reigns alike; and tho' a Party-Creed has been form'd on these several Misrepresentations, it is now the general Voice of all sensible Men, That Forms and Ceremonies were scarce ever more wickedly abus'd than when Jeffrey was the Priest, and Sydney the Sacrifice.

It may almost be presum'd, that even in those over-loyal Times, when it was apprehended, that every Breath which seem'd to murmur Resistance, would create a Storm of Rebellion, the apparent Partiality of the Court, was very clearly discern'd; and that the intrepid Deportment of the Prisoner did not fail to excite a due Degree of Admiration; for neither when the Verdict was brought in, nor when the Sentence was pronounc'd, does it appear that he was insulted with any of those barbarous Shouts, which upon the like Occasion have been taken notice of, in order to expose that desperate Spirit of Animosity that turns Men into Furies.

As to the last Scenes of this great Man's Life, they partook of the same Magnanimity which had so eminently distinguish'd him on his Trial, and which had indeed distinguish'd him always, as one that did Honour not only to his own illustrious Family, but to his Country and even to his Kind. Instead of petitioning the Throne for Mercy, at the Expence either of Truth or Honour, he petition'd only for Justice. In a Paper which he sent to the King by Lord Halifax, who was his Nephew by Marriage, he gave a Brief of his Trial, and the many Hardships inflict'd on him by the Tyranny of the Court in the Course of it; the most material of which have been already enumerated; and concluded

*His Petition to the King.*

(t) In Substance as follows:

"Mr. Sydney was indicted for conspiring and imagining the Death of the King, which is the first Article in the Statute of Edw. III. and by CONSPIRATORS or LAW thereupon. It is understood that, not only the Life of the King, but his Liberty and Power to exercise his Government, are equally under the Guard of this Article. So that if the Evidence be of an Intent to seize or imprison the King, or to smother his Forces that guard his Person, [But in this Case, no such Evidence appear'd] tho' it appear not that the Intention was directly to bring the King to Death, yet it is High-Treason within that Article. For it is by Experience, that, in the Case of Kings, Lots of Life is the Consequence of Loss of Liberty [the contrary of which was shown by Mr. Sydney in his Trial]. And to the Law stands declar'd in divers Instances, about the Time of Oates's Plot, pursuant to former Resolutions; and the Lord Russell's Case was determin'd upon the same Law. But since this Article charges the Intent, which is the Act of the Mind, it is added, that such Intent is to be made appear by Overt-facts: Which creates a Distinction, upon the common Notion of High-Treason, between Facts that are the Treason, and Facts that are only the overt Evidence of it; which latter may be in themselves innocent, but, as they declare a secret Intent, are vulgarly, but inadequately, called the Treason. Then the same Law hath provided, that, for Treason, there shall be two lawful Accusers, that is, Witnesses; which, by Judgment of Law, goes to the Treason in the Indictment, and the Intention, but not to every Overt-fact brought to evidence that Intention: For if there were two Overt-facts (of the same Treason, for the best Advantage prefer us) and each prov'd only by one Witness, that is two lawful Accusers of the Treason charged. And to the Law is left indubitably settled in 46th Cases, whenever any libelling Lawyer hath pretended, or shall pretend, to the contrary.

In Mr. Sydney's Case, the Overt-facts charged were first, the being of a Council of Six, that met for managing the

Infurrection, where it was resolv'd to call in the Scots; and he particularly undertook that Province, [which is false] for, according to Lord Howard's Evidence, which was the sole Evidence, the Letter sent by Smith was written by Lord Russell; employ'd James Smith, and paid his Charges.

And secondly, A Book which he had some time before wrote, upon the Subject of a Commonwealth, against Monarchy. In which he set up Principles and Positions directly inconsistent with the English Government, as are specify'd in the Indictment. It appear'd in the Evidence, that, at the very time when he was taken, and his Papers seiz'd, the Book was brought forth, and lay upon his Desk, with Corrections evident upon it [but not recent, should have been added]; and in that Posture it was found at the Discovery of the Book's Conspiracy, intended, as was understood [without the least Shadow of Proof] to be engrav'd; and the whole Drift of it being to show it was lawful, commendable, and necessary, to do what he was above, that is, to take up Arms against the King, and to depose him [which is false] for the main Drift of it was to advise Filium: Nor was there any such Application of the Doctrine of Resistance, in the Title, as is here most deplorably insinuated: And it is equally dangerous not to mention any of the Testimonies in it, there is only mention'd to be the Rights of the Subject to have recourse to Arms. This being join'd with the other Circumstances in the Case, and upon a full Proof by divers Witnesses, and Compulsion of Hand-writing, that the Book was wrote and corrected with his own Hand; the Court took the Book as another Overt-act of the Treason within the Indictment. It is to be remembered, that it importeth not whether the Book itself was Treason for an innocent Fact, as whening a Knife, or the like, join'd with Circumstances, that constitute it done with an Intent to compass the King's Death, is an Overt-act. Nor is it material, whether the Book alone, without the express Treason proved, had made good the Indictment, or not; for here they were both together. Examen, p. 408, 409.

A. D. 1683.

concluded with these Words, "Now, forasmuch as no Man that is oppress'd in England can have Relief, unless it be from your Majesty, your Petitioner humbly prays, that the Premises consider'd, your Majesty would be pleas'd to admit him into your Presence; and if he does not shew, that tis for your Majesty's Interest and Honour to preserve him from the said Oppression, he will not complain, tho' he be left to be destroyed."

[Feb. 572.]

Bishop Burnet affirms, that upon this, *Jeffreys* in his furious way said, *That either Sydney must die, or he must die.* In which Case it was easy to foresee on whom the Lot would fall. Accordingly, after some Demur, it was thought more advisable to countenance the Sentence, however unjust, by putting it in Execution, than to acknowledge the Injustice of it by any Act of Reparation. Our Bishop further observes, That when the Colonel was shewn the fatal Warrant, he gave way to no Bitterness, nor express'd any Repentment: And, tho' he expostulated with the Sheriffs who brought it, on the unfair Return they had made of the Jury, by the Directions of the Solicitor-General, and intimated, that they were thereby answerable for his Blood, he add'd at the same time, that he did not say this for his own sake, for the World was now nothing to him, but for theirs. With which one of the Sheriffs, *Rich*, it must be presum'd (for the Family of the *Norths* were not over apt to melt on these Occasions) was so affected by it, that he burst into Tears. But tho' Remorse and Pity found their way into Prison, they could have no Admission at Court: The Decree was gone forth irrevocably, and Death, the Avenger, had it in Charge. The 8th of December was appointed to be the Day of Blood; and *Tower Hill* the Scene: For tho' those in Power were at War with his Virtues and Accomplishments, the Nobility of his Birth was so far consider'd, that he was privileg'd to dye by the Axe, instead of the Halter. The Ceremonial was soon over. He mounted the Scaffold with the Air of one who came to conquer, not to suffer; or as one who was in haste to leave a Place he had reason to loathe. His parting Words were few; his Prayer was short; and having given a Paper to the Sheriff, as his last Legacy to the World, he repos'd his Head on the

Block; and the Executioner took it off at a Blow. All was dispatch'd in a few Minutes: And that Head was expos'd as a Traitor's, which in *Rome*, or *Athens*, had been almost ador'd. So dyed one of the best and bravest Men who ever did Honour to the *English* Name: A Patriot indeed, however mistaken (for so he certainly was) in hoping and endeavouring to graft the Virtues of Antiquity on the rotten Stock of modern Depravity. May his Ashes rest in Peace! May his Name be ever dear to Remembrance! May his Virtues be imitated by latest Posterity! When his Failings are recollected, may it be recollected also that he was a Man! And when the Liberties of a free People are openly and avowedly invaded, may they never want a *Sydney* to lay down his Life in their Defence!

There are those, it ought, however, to be confess'd, who set him out in very different Colours, who tread in the Steps of inhuman *Jeffreys*, by making those very Principles a Reproach to him, which misled him to try Practices on the Constitution; and for the sake of the Public to endanger the public Peace; who more particularly condemn him for conspiring to disturb the King's Government after he had accepted the King's Pardon, and who accuse him of having been uniformly a Republican from his Youth upwards: But surely he that acts up to his Principles, however erroneous those Principles may be, is a more worthy Being than he who has no Principles at all. And if Mr. *Sydney* himself is to be credited, he had once sav'd the King's Life (how is not explain'd) and consequently his Pardon was to be look'd upon rather as a Debt, than a mere Act of Grace.

Upon the whole then, tho' we may see Cause to charge him with some Mistakes in point of Judgment, we cannot impeach him of wilful Crimes. He was born in an Age when Liberty began to use her Wings. He had, himself, assist'd in teaching her to soar. He had seen her in her highest Exaltation. He had seen her insidiously lim'd and cap'd again; and he was too fondly and rashly bent to set her free. He had all her Heroes ever before his Eyes; and thought that true Patriotism included all Virtues and all Honours. But let his last Speech (a) bear witness for him; *his last Paper* in

(a) Which Bishop Burnet tells us was not publish'd till a Fortnight after his Death; nor till the Government understood that it was circulated in Manuscript; and (he might have add'd) not all they were provided with Answers to it. The Paper itself was as follows:

"*Men, Brethren, and Fellowes, Friends, Countrymen, and Strangers,*

It may be expected, that I should now say some great Matters unto you; but the Rigour of the Season, and the Infirmities of my Age, enclosed by a close Imprisonment of above five Months, doth not permit me.

Moreover, we live in an Age that maketh Truth pass for Treason: I dare not say any thing contrary unto it, and the Fears of those that are about me will probably be found too tender to bear it. My Trial and Condemnation doth sufficiently evince this.

*W. B. Rantley*, and *Killing*, who were brought to prove the Plot, had no more of me, than that they knew me not; and some others, equally unknown to me, had used my Name, and that of some others, to give a little Reputation

unto their Designs. The Lord *Howard* is too infamous by his Life, and the many Perjuries not to be deny'd, or rather feign'd by himself, to deserve mention; and being a single Witness would be of no Value, though he had been of unblemish'd Credit, or had not fear and confus'd that the Crimes committed by him would be pardon'd only for committing more; and even the Pardon promised could not be obtain'd, till the Drudgery of Swearing was over.

This being laid aside, the whole Matter is reduced to the Papers said to be found in my Closet by the King's Officers, without any other Proof of their being written by me, than what is taken from Suppositions upon the Similitude of an Hand that is easily counterfeited, and which hath been lately declar'd, in the *Lady Carr's* Case, to be no Lawful Evidence in criminal Causes.

But if I had been seen to write them, the Matter would not be much alter'd. They plainly appear to relate unto a large Treatise written long since in answer to *Filmer's* Book; which by all intelligent Men is thought to be grounded upon wicked Principles, equally pernicious unto Magistrates and People.

A. D. 1683.

in which he diffains alike to assert a Falshood or deny a Truth: For he did not deny the two Meetings at Mr. Hampden's and Lord Russell's: And in the Cloſe of the Paper he made it his Glory, that he dy'd for the Old CAUSE in which he had been from his Youth engag'd.

It is now time to explain the Reference which had been made by Mr. Sydney to the Duke of Monmouth, when he was brought up to receive Sentence; as far, at least, as the Minutes which have been left us of the Transactions of those Times will give leave.

His Grace of Monmouth absconding in July, and the Proclamation against him producing no Effect, the Attorney-General had Orders to prosecute him to an Outlawry. But thro' the King's Name was of Necessity to be made use of in such Proceedings, his Heart did not go along with it: For it appears by the Extracts out of the Duke's

The King corresponded privately with the Duke of Monmouth.

Pocket Book given us by Dr. Hildesheim, during that very Interval, his Majesty kept up a secret Correspondence with him; and it is to be told, that he could never be brought to believe, that he knew any thing of that Part of the Plot which concern'd the *Roy-Head*; but that, as things were, he was oblig'd to behave as if he did believe it; encourag'd him to write to him; advis'd him to keep himself conceal'd till he had an Opportunity to interpose in his Behalf; admitted him to a private Interview, *October 23*; receiv'd him *pretty well*; (these are the Duke's own Words) and went away in a good Humour.

Who was the Confidant on this delicate Confession is no otherwise denoted than by the Letter L, in his Grace's Diary; But by the concurrent Testimony of Bishop Burnet and Sir John Reresby, it is reasonable to think, that Letter stands for the Marquis of Halifax.

According

If he might publish into the World his Opinions, That all Men are born under a Necessity deriv'd from the Laws of God and Nature, to submit unto an absolute, kingly Government, which could be resist'd by no Law or Oath; and that he that hath the Power, whether he came unto it by Creation, Election, Inheritance, Usurpation, or any other way, had the Right, and made most speedy his Will, but the Person and Estates of his Subjects must indifferently submit unto it; I know not why, I might not have publish'd my Opinion to the contrary, without the Breach of any Law I have yet known.

I might, as freely as he, publicly have declar'd my Thoughts and the Reasons upon which they were ground'd, and I perswaded to believe, That God will best Nations unto the Liberty of setting up such Governments as best please themselves.

That Magistrates were set up for the Good of Nations, not Nations for the Honour or Glory of Magistrates.

That the Right and Power of Magistrates, in every Country, was that which the Laws of that Country made it to be.

That those Laws were to be observ'd, and the Oaths taken by them, having the Force of a Contract between Magistrate and People, could not be violated, without Danger of forfeiting the whole Franchise.

That Usurpation could give no Right, and the most dangerous of all Enemies unto Kings were they, who raising their Power to an arbitrary Height, allowed unto Usurpers all the Rights belonging to Kings.

That such Usurpers might be slain without committing the slaughter of the reigning Person or Family, the word of all Villages was cheerfully rewarded with the most glorious Privileges.

That if such Doctrines were receiv'd, they would stir up Men to the Detestation of Princes with more Violence than all the Passions that have hitherto rag'd in the Hearts of the most Unhappy.

That none could be safe, if such a Reward were propos'd unto any that could deny them.

That few would be so gentle as to spare even the King, if by their Detestation a wild Usurper could become God's Anointed; and, by the most execrable Wickedness, invest himself with that divine Character.

This is the scope of the whole Treatise: The Writer gives such Reasons as at present did occur unto him to prove it. This seems to agree with the Doctrines of the most revereud Authors of all Times, Nations, and Religions. The best and wisest of Kings have ever acknowledg'd it. The protest King of France hath declar'd, that Kings have that happy Want of Power, that they can do nothing contrary unto the Laws of their Country; and grants his Quarrel with the King of Spain, *June 1682*, upon that Principle. King James, in his Speech to the Parliament, *June 1602*, doth in the blessed degree assert it. The Scripture seems to declare it. If ever the King the Wizard was mistaken, he might have been refer'd to Job, Balaam, and Serpentine; and so Men, for such Matters, may ever otherwise punish, than by being made to see his Error; and it hath not (as I think) been excus'd, that they had been refer'd to the Judgment of a Jury, composed of Men strictly unable in conscience to do it.

But there was little of this in my Case; the Extravagance of my Pretensions was such, that I do above-mention'd Tyranny was never fail'd, nor could be in many Years, and most probably would never have been. So much as it is of it was written long since, never review'd nor shew'd unto any Man;

and the English Part of it was not produc'd, and not the Tenth of that offer'd to be read. That which was never known unto those who are said to have conspired with me, was said to be intended to stir up the People in prosecution of the Design of those Conspirators.

When making of particular Applications upon Time, Place, or Person, could be found out, it is hard to say how close by those who intend'd to raise Insurrections all was apply'd by Insinuation.

Whatever is said of the Expulsion of *Turkey*, the Infurrection against *Novy*, the Slaves of *Calicut*, the Disturbance of the Translation of the Crown of *France from Henry's* Race unto *Pope's*, and from his Descendants unto *Hugh Capet*, and the like, is apply'd by Insinuation to the King. Every have not consider'd, that, if such *Acts of State* be not good, there is not a King in the World, that has any Title to the Crown he bears; nor can have any, which he could deduce his Pedigree from the eldest Son of *Noah*, and hence, that the Sacrament had still continued in the child of the eldest Line, and born so deduc'd to him.

Every one may see what Advantages this would be to all the Kings of the World; and whether, this falling, it were not better for them to acknowledge they are not Kings, than to be Crown'd by the Consent of wicked Nations; or to have no better Title unto them than *Usurpation and Violence*, which by the same Ways may be taken from them.

But I was long since told, that I must die, the Plot must fail.

Let the Means of the best Protection in England should fall, the Breach must be fill'd with such as had been Enemies to the line.

None but such as this would have arriv'd with the King's Counsel of the Means of bringing a Man to Death; I stir'd a Jury to be pick'd by the King's solicitors, and the Under-sheriff's choice of Jurymen who are not Freeholders; I receiv'd such Evidence as above-mention'd, I receiv'd a Copy of an Indictment, or to refer the Sentence of *Edw. III.* to be read, that doth expressly enact, It should be so safe to be pleas'd unto any Man, upon any occasion whatsoever; over-rule the most important Point of Law, without charging. And whereas the Statute of *Edw. III.* upon which they said I should be try'd, doth referre unto the Parliament all Contradictions to be made in Points of Tradition, they could silence unto themselves not only a Prince in such Contradictions, but his Counsellors as neither agree with Law, Religion, or Common-Sense.

By this means I am brought to this Place. *The Lord* forgave their Professions, and sett that by'd that detest the Nation from them. *The Lord* forgave their sufferings unto me; and, tho' I fall as a Sacrifice unto *God*, yet my Liberty to be establish'd in this Land. But my People, and I love them. Defend thy own Country, but defend those that defend it. Set up such as are best; I wish those that are willing a sword to draw that sword; give *William* and *Henry* upon all. Under all things to be as good yet judg'd unto some own Glory. Grant that I may die glorifying thee for all thy Mercies; and that as the last time has permitted me to be suppl'd out as a Witness of thy Truth; and even by the Commission of my Opposers, for that this Cause, in which I was from my Youth engag'd, for which I have had often and wonderfully declar'd thy Will.

This last day Mr. *Felovd*, who thought he understood and thought, that his Death was meant but to give it and moved that of *Lord Russell*; tho' the *Highness* he mixt words were look'd upon to be greater than any before him.

According to the Bishop, "The Lord *Hallifax* seeing things run so much farther than he apprehended, thought that nothing could stop that so effectually, as the bringing the Duke of *Monmouth* again into Favour." And, according to *Sir John*, the Marquis own'd to him, that he had been chiefly instrumental in restoring his Grace to the King's Favour: "For which, says he, his Lordship gave me several Reasons, both public and private, tho' not proper to be here enumerated." What these public Reasons were, may be gather'd from the Right Reverend Prelate, just quoted: And those who reflect, that Lord *Rochester* and his Cabal had the sole Possession of his Royal Highness, and were ever at work in the dark to undermine the Marquis, will be at no loss to guess at the private.

But if the King in this Affair acted by the Marquis's Advice, it is evident he was directed in it as much by Inclination as Policy: For, at a second Interview, upon *November* the 4th, the Diary farther tells us, he became very kind, gave the Duke Directions how to manage his Business, prescribed the very Words he was to say to his Royal Highness, and appointed a Person to come to him every Night with such farther Instructions as in the Progress of the Affair should become requisite. Thus it appears

his Peace was already made with the King: And all that remain'd to be done, was the Adjustment of such Forms as should prove satisfactory to the Duke of *York*. This it seems, was carry'd on entirely by the Mediation of Lord *Hallifax*, who at his next Visit, gave his Grace to understand, That the (w) Queen was his Friend, and had succeeded for him with the Duke and Duchefs, which his Majesty had taken so particularly kind of her, that he had even made her his particular Acknowledgments; and that nothing would be requir'd of him but what was just and honourable; only something was to be done to blind the Duke of *York*. After this artful Preparative, the Marquis came again with the Copy of a Letter, which he requir'd his Grace to sign, to please his Royal Highness. These are the very Expressions of the Diary. And when his Grace insisted, that in case he did sign it, it should be deposited in no Hands but the King's, the Marquis agreed to it, but added, That if the Duke demanded a Copy, it could not well be refus'd: And upon this Head, his Grace refer'd himself entirely to his Majesty's Pleasure.

Notice has been already taken, that he had once before writ to the King, at the Marquis's Instance; and (x) both Letters (for both were in the same Strain; all Acknowledgment,

(w) See to the Letter Q, in the Diary seems to indicate (x) which were pen'd by *Sir Bishop Burnet*, by Lord *Hallifax* with extraordinary Force, and which were as follow:

THE FIRST LETTER.

"If I could have writ to your Majesty sooner, with any Safety to myself, I would have done so, to have told you, That there is nothing but struck me so to the Heart, as to be put into a Predication for an Instance of murdering of you, Sir, and the Duke. I do not feel Almighty so unwilling, and I wish it may end this Moment I am writing, if ever I entered into my Head, or ever felt the least thing to my body, that could make me think I could with such a thing: I am far from either: But I will not upon Heretics say I ever did. But I am so innocent to this Point, that I will try to ease of it, for I know God Almighty is just, and I do not doubt his he will put it into your Heart that I am clear of this most heinous and black Obstruction. But, Sir, the chief Injury of this Letter is to beg Pardon both of you, Sir, and the Duke, for the many things I have done that have made you both angry with me: But more especially of the Duke, who I might have some Justification for myself, that many People may be believe he intended to destroy me: for to you, Sir, I will never be less than God Almighty, and I wish I may never profess more, than all I have done was only to save you, as I had continued your Majesty, if ever I am to live as to speak to you, and I hope you will let me do it, before it be long for I have that to say to you, Sir, that will for ever I hope settle you quiet in your Kingdom, and the Duke after you, whom I intend to serve in the utmost of my Power: and, Sir, to convince him that I will do so, if your Majesty will give me your Pardon, I will deliver myself up into his Hands, that the Duke may bring me to your Majesty, Sir, I should be glad to have him by when I speak to you, but to body else: and by this kindness of the Duke, if ever I should by any thing afterwards against him, I shall be thought the ungratefullest Man living. What good can it do you, Sir, to take your own Child's Life away, that only serves, and repays but *£2000* in five years? And indeed, Sir, I am sure I can be serviceable to you, and, if I may say so, make the rest of your Life happy, or at least continue a great deal towards it. You may believe me, Sir, for I do not tell you this out of Fear, but because I do think myself sure of it. I do beg of you, Sir, if you have any Thoughts of Mercy on me, that you will let me know it soon, for the sooner I speak to you the better. And now, Sir, I do swear to you, that from that time I never will dispute you as to any thing, but the whole Study of my Life shall be to show how truly content I am for being done it, and how well I will deserve the Life you give me. And for the Duke, that he may have a more firm

Confidence of the Service I intend to do him, I do here declare to your Majesty, that I will never ask to see your Face more, if ever I do any thing against him, which is the greatest Curse I can lay upon myself.

SECOND LETTER.

"You must allow me, Sir, till to importune you, not without Hopes of prevailing at last upon your Generosity, to as it may get the better of your Anger to me. I am half-oblinded, Sir, with the Thought of having offended you, and the Consent it gives me to perhaps rather than your forgiving Nature would know how to inflict upon the most criminal Offenders. The Character I be under is too heavy for me to bear: even Death itself would be a Relief to me, could I have it without the Aggravation of leaving the World under your Displeasure. I must therefore throw myself upon your Compassion, which being a Virtue so accessible to your Nature, I hope your Child, Sir, will not be an absolute Instance of your denying it, when its Impiety, if I may say so, I have here to fault, with, and is sensibly engaged in Things of which the Conscience was not enough understood by me. Yet I can say, I never had a *revolting* thought towards your Majesty, not pretending by my Judgment, and, by doing what is a saving Light, to try me into any fatal Mistake: But now that I have had Time to recollect myself, every thing like a *Penitence* towards your Majesty appears to me in such a reproaching, terrifying Shape, that I have a Remorse for it, which could it be seen, I assure myself it would move your Compassion to me. I humbly beg, Sir, to be admitted to your Face, and to be disposed of as you direct, not only now, but for the Remainder of my Life: And tho' my Repentance is too full to admit any Reserve, your Majesty will permit me to take to you, whether you will let put any thing as a Penalty upon me, which may by a State upon my innocent Children? Whether you will make me undergo the Ignominy of a Trial, before you give me your Pardon? And of what Use or Satisfaction can it be to you to forgive me, and yet give me the cruel Punishment of being myself arraign'd for Treason against such a King and such a Father? And whether my being carry'd to the Tower, in case you be pleas'd to execute my Trial, will have any Effect but an unnecessary Mortification of one, who, God knowing, is already enough afflicted, and whose kind of Death is too to my Family, as well as an utter Destruction of your Majesty's Mercy? Sir, I say these things before you in the most submissive Manner that is possible, with an entire Relinquish to what you shall determine. Neither do I imagine to resolve your Pardon any otherwise than

A. D. 1683.] knowledge, Submission, Penitence, and Promises of Amendment) were made use of to mollify his Royal Highness: And they had the desired Effect, or his Royal Highness dissimul'd also on his Side, on a Persuasion that he should derive more Advantage from his Adversary's own Confessions on this Occasion, than even from his Punishment. However this may be, the Marquis came again from the King with an (y) Order for him to surrender himself the next Day; (October the 24th) accompany'd with a Caution, That he would play his Part well; that he would avoid Questions as much as possible; that he would seem absolutely convert'd to the Duke's Interest; and that he would bear with some Words that might seem harsh. Accordingly, on the next Day he surrender'd himself to Sir *Leslie Jenkins*, and, as had been preconcerted, was left alone with the King and Duke, that none but they, themselves, might be Witnesses of the Mortification his proud Spirit was now to undergo.

[Mem. p. 171.] Thus far we have the Authority of the Diary, which *Whedon* says he copy'd from the Original in the Duke of *Monmouth's* own Hand: And thus far we have the Image of a relenting, fond Father, without the Inter-mixture of any one Feature of the offended King. But then it is fit the Reader should know, that the same Story is told differently elsewhere; as, "That the King at last seeing his Patience abus'd, and resolving to be trisled with no longer, caus'd the Duke of *Monmouth* to be ARRESTED." Which indicates nothing but Indignation and Violence on the King's Part, and nothing of Resignation on the Duke's. His Royal Highness, himself, however, bears witness, That the Duke did not stay to be arrested, but came in voluntarily. These are his own Words, as inserted by his own Command in the Appendix to *Bishop Sprat's True Account*, p. 136.

[Life of the Duke of Ormond, vol. ii. p. 531.]

"November the 25th, 1683, Yesterday the Duke of *Monmouth* came and surrender'd himself to Mr. Secretary *Jenkins*, and desir'd to speak alone with the King and Duke, which was granted him. First he threw himself at his Majesty's Feet, acknowledging his Guilt, and the *Share* he had in the Conspiracy, and ask'd his Pardon; then confess'd himself faulty to the Duke, ask'd his Pardon also; assur'd him if he should survive his Majesty, that he would pay him all the Duty that became a loyal Subject, and be the first should draw his Sword for him, should there be Occasion. He then desir'd his Majesty would not oblige him to be a Witness, and then gave an Account of the whole Conspiracy, naming all those con-

cern'd in it; which were more than those had already been mention'd by the several Witnesses. He deny'd any Knowledge of the Assassination. When he had made an end of his Confession, his Majesty order'd him to be put into the Custody of a Sergeant at Arms. This Day admitted him to his Presence, and order'd a Stop to be put to the Outlawry, and pardon'd him his Pardon. He further added, That *Dr. Owen*, *Mead*, *Griffin*, and all the considerable non-conformist Ministers knew of the Conspiracy."

A. D. 1683.] Whether this is a true State of the Fact, must be consider'd hereafter; but from hence it appears undeniable, that the Duke's Confession was made before he was taken into Custody. And it further appears, that his being so deliver'd over to the Sergeant at Arms, was rather for Form's sake, and as a Part of the Compromise, than as any Mark of the King's Displeasure: For *Bishop Burnet* asserts, That when his Royal Highness's (l. 3. p. 574.) Creatures in the Cabinet, mov'd for his being committed to the Tower, the King, himself, over-ruled it. And *Sir John Kersey* says, "That he was suffer'd to go to his own Lodgings at the Cockpit, attended by his own Servants, and under no other Restraint than that of a Sergeant at Arms." The same Gentleman further asserts, "That the King could not refrain from the most open and public Expressions of his paternal Affection for his Grace." The Bishop again has also these Words, "The King receiv'd him with a Fondness that confounded all the Duke's Party: He us'd him more tenderly than he had done formerly." And what is above all, the Duke himself in his own Diary, says, "That the King could not dissimble his Satisfaction; and that, in particular, he press'd his Hand, which he did not remember he had ever done before, except when he return'd from the *French Service*."

[Mem. p. 168. 169.] But if nothing could be more gracious than the personal Department of the King to his reclaim'd Son, he certainly gave way to every Measure that had a Face of strengthening the Government at his Grace's Expense: Thus, tho' he had promis'd, by *Lord Halifax*, that nothing should be requir'd of him but what was safe and honourable, tho' he had caus'd him to be told, that whatever was requir'd of him was only to please and blind the Duke of *Toré*; tho' he had, in particular, exempted him from the Ignominy of becoming an Evidence against his own Partisans; and lastly, tho' he had suffer'd his Grace to batter himself, from the Privacy of the Manner in which his Submissions and Confessions had been taken, that no other

Use

than by the Intercession of the Duke, whom I acknowledge to have offend'd, and am prepar'd to submit myself in the humblest Manner; and therefore beg your Majesty would direct how I am to apply myself to him; and I shall do it, not as an outward Pious, but with all the Sincerity in the World. If what I have said can move you to forget my past Faults, it will be Grace I shall endeavour to deserve by all the Actions of my Life: And I am to desire how ill a Guide my own Will hath been to me, that I am resolv'd for the future to put it entirely into your Majesty's Hands, that I may by that means

never commit a Fault but for want of your Direction or your Commands. Dear Sir, be pleas'd to reply, by a kind Answer, the most moderate, and constant Custom now being,

[7.] This Order (if it may be so call'd) was the Result of an extraordinary Council held that Day, and was contain'd in these Words: "If the Duke of *Monmouth* desire to make himself capable of my Mercy, he must render himself to the Secretary, and resolve to tell me all he knows, resigning himself to my Mercy."

A. D. 1683.

Use would be made of them, than to make his Peace with the Duke of York, an extraordinary Council was held the very next Day after his Surrender, in which his Majesty was not only pleas'd to declare, That the Duke of Monmouth had shewn himself very sensible of his Crime in the late Conspiracy, had made a full Declaration of it, had express'd extraordinary Penitence, had made a particular Submission to his Royal Highness, and that, at his Royal Highness's Desire and Intreaty, he had granted him his Pardon; but to give leave that a Paragraph to this effect should be publish'd in the next Gazette. Mr. Carte intimates, that his Majesty even took the Pains to revise and correct this Paragraph himself: And yet farther, that he had a Parley with the Duke of Monmouth upon it: That he would admit of no Extenuations, and that he (the King) thought his Grace acquiesc'd in it: But then the same Gentleman, in the very same Passage, uses these Words, "That Print gave great Offence to Monmouth's Party, which made him complain of it to the King and to others, as highly injurious to himself. The King told him, it was not so, and so must be publish'd or nothing at all." Now his Majesty's Answer implies, that the Paragraph was not then publish'd, and the Duke's Complaint, that it was; and where Certainty is destroy'd by so glaring an Inconsistency, we must be govern'd by Probability: Thus, tho' the Duke's Safety was unquestionably consult'd on this Occasion, his Honour as unquestionably was the Price of it, and, under this latter Head, the Duke had so much Reason to expostulate, that it is reasonable to conclude, it was never imparted to his Grace; that his Pardon not being pass'd in form, it was thought he would be oblig'd to acquiesce in it, that, if he did express any Uneasiness after it was over, it would be without Consequence; and that the Enlargement of his Friends, upon Bail, would make him sufficient Reparation.

The Right Reverend Historian of his own Times is moreover express, That the King had promis'd the Duke of Monmouth, that no Use should be made of his Confession: He also adds, "That Lord Halifax press'd him earnestly, upon his first Appearance, to be silent, and for a while to bear the Censures of the Town: That the last Day of the Term was very near, in which all the Prisoners were to be discharge'd, according to the Habeas Corpus Act: That this would shew he had discover'd nothing to their Prejudice; so that all Discourses concerning his Confession and Discoveries would vanish in a few Days." And again: "The King said, next Day, (after the Duke had surrender'd himself) that James had confirm'd all that Howard had sworn." This was carry'd to the Duke of Monmouth, who deny'd he had ever said any such thing: Adding, that Lord Howard was a Liar and a Rogue; and this was set round the Town by his Creatures, who ran with it from Coffee-house to Coffee-house. The next Gazette mention'd, that the King had pardon'd him, on confes-

sing the late Plot. Lord Halifax press'd the Duke of Monmouth to pass that over, and to impute it to the Impertinency of his Enemies, and to the King's Easiness. But he could not prevail: Yet he said little, till his Pardon was pass'd; but then he openly deny'd that he had confess'd the Plot."

Thus the Bishop: And if any Regard is due to his Authority, we are yet farther warranted to abide by our former Conclusion, That the Article in the Gazette was a Matter of Surprise upon him, and indeed a Treason on the Promises which had induced him to come in. What his Confessions amounted to is a new Question: In his own two Letters he pleads Provocations, real or imaginary, in alleviation of what he had done; purges himself from a criminal Thought against the King; asserts it was even to save his Majesty's Life he ventur'd his own; and reduces his whole Acknowledgment to Offences against the Duke; whereas it was for Offences against his Majesty, that Russell and Sydney dy'd; and the Plot was never call'd a Plot against the Duke, but against the King. With these Acknowledgments his Majesty was satisfy'd, and requir'd nothing farther of him, but to say what would please and bind the Duke; nay caution'd him to avoid Questions as much as possible. Whether therefore it is supposable that his Grace, who had express'd such a Diffidence of his Royal Highness, as to stipulate, that he should not even be trusted with his Letter, would voluntarily enter into a dangerous Detail, and even descend to mention Particulars, and name Persons, never nam'd or mention'd before, let the candid and discerning Reader judge: For as to his own Diary, he only says in it, that they all play'd their Parts well, and he in particular; which was the utmost the King had recommended to him.

Those, however, who put an implicit Confidence in the before-quoted Account of his Royal Highness affirm in the following broad Terms: "That the King was incens'd at the Report of a Matter so false and impudent, (viz. That the Duke of Monmouth had deny'd the Conspiracy, which he was said in the Gazette to own, &c.) and, for Correction thereof, propos'd, that his Grace might come to the Council, and make some Declaration, which might be there enter'd, and afterwards publish'd: But (says his Majesty) he is such a BLOCKHEAD, that there will be Mistakes, and he will not speak as he ought. Upon this the Duke of Ormond propos'd somewhat to be put by the Duke of Monmouth into Writing, to prevent Mistakes on all Sides; the King lik'd the Method, and said he would order it accordingly."

Thus the King is uniformly represented in these Accounts, as indissolubly attach'd to his Brother; and not the least Insinuation is any where dropt, that he had all his Managements to preserve with his Son: But the Truth is, that he scarce enter'd the Stage in one Character, but he re-quer'd in another: For the Duke's Diary bears witness, that, on the very Day the said Gazette was publish'd, namely November 26, his Majesty made use

A. D. 1683.

[Life of the Duke of Ormond, vol. ii. p. 531.]

[Life of the Duke of Ormond, vol. ii. p. 531.]

The Duke of Ormond proposes, that the Duke of Monmouth may sign a Declaration of the Plot.

A. D. 1683.

of those relenting Expressions with respect to Lord *Ruffel*, before-quoted: And that Lord *Hallifax*, that very Night, told his Grace, The Duke began to *smell out* the King's Carriage, and had in the Morning been told by one of his Creatures, *That all that was done was but sham*. In treating therefore of the King's Earnestness to bring the Duke to a more explicit Confession of the Plot, we may fairly and candidly ascribe a great Part of it to his Desire to get the better of his Brother's Suspicions, which, if suffer'd to continue, would expose him to continual Uneasiness.

Thus, tho' his Majesty gave into the Duke of *Ormond's* Proposal, he undertook for the Execution of it himself; and, concurring with this very Account, we find, by Bishop *Barnet*, the Marquis of *Hallifax*, who had been in the Secret all along, was the Person employ'd by him to persuade the Duke to swallow this bitter Pill, for Persuasion was all that could be made use of: His Pardon was already seal'd; and there was no compelling him to give that under his own Hand, which he had before complain'd of as an Injury to him, when set forth by the Authority of King and Council. Hence, however, it appear'd, that his Royal Highness, and his Friends, were no bad Politicians; for in prevailing with the King to urge this Point, one of these Consequences was sure to follow: If the Duke of *Monmouth* refus'd to gratify his Majesty, his Disgrace would be unavoidable: And, if he did, he must break with his Party for good and all; for not a Man would ever confide in him any more.

His Grace, it must be own'd, was far from being a first-rate Genius; but then, on the other hand, he was as far from being the *Blockhead* which we find him so coarsely represented to be: He had surrender'd himself to a Father as well as a King; he had been assur'd, that nothing but what was both safe and honourable should be exacted from him; and that all he had to do was, to say such things as would pacify his Royal Highness: The things he had said had been held sufficient for that purpose; and in virtue thereof, he had receiv'd his Pardon. Thus far, therefore, it appears, that he had made no bad Negotiation of it; and as to this new Difficulty that he was fallen into, it was unexpected, unforeseen, and, in fact, he had apparently more Reason to complain of, than to comply with it; since it was entirely foreign to, and inconsistent with, the Terms on which he had made his Submissions to his R. Highness. It requir'd, therefore, all the Skill and Address that even Lord *Hallifax* was Master of, to superintend this new Condition on a Treaty already perfected; and to prevail with his Grace to do that after he was pardon'd, which had not been requir'd of him before. "He press'd him, says Bishop *Barnet*, to write a Letter to the King, acknowledging he had confess'd the Plot. Plot was a general Word, that might signify as much or as little as a Man pleas'd: They had certainly dangerous Consultations among them, which might be well call'd *Plots*. He said, the Service he might do his Friends by

such a general Letter, and by his gaining the King's Heart upon it, would quickly balance the seeming Prejudice that such a general Acknowledgment would bring them under, which could do them no Hurt." By these and the like Arguments, it seems, the Duke was prevail'd upon to pleasure the King with the Concession requir'd: And we find elsewhere, "That he presented the Paper with his own Hand to his Majesty; and that before it was read in this Committee, which was held at the Duchies of *Portsmouth's* Lodgings, he made, before all the Company there present, a like Declaration, calling himself *Blockhead* for being so long in all Company, that were a Parcel of *Wish*, &c. When the Paper came to be consider'd in the Committee, it was found to be *finely worded*, full of Sorrow for displeasing the King, and of Acknowledgment of his *Folly*. The Duke of *Ormond* seeing this to be the Substance of it, said, 'that it look'd rather like a Justification of the Plot, and to make them guilty who had assist'd in all the Prosecution; that it was a great Contempt of his Majesty's Understanding, to think to impose upon him in such a manner; for there was no plain Confession of any Conspiracy; and he that drew it up had Wit enough to know it was ineffectual, and would do ten times more hurt than good.'

The King propos'd to the Committee (proceeds our Author) to draw another Paper, which was done; some things struck out, others put in; and his Majesty correct'd it *materially* with his own Hand; his View being to have a plain Confession of the Conspiracy, and a disowning of the Duke's being concern'd in the intended Murder. When the Paper was settled, the King took it with him for the Duke of *Monmouth* to sign. The Duke made Exceptions to several things, but the King telling him, *it must be that or nothing*, he went away and brought it wrote in his own hand; yet still repeated his Exceptions, whereof one being, that it would hang young *Hampden*, his Majesty told him, 'It would not, nor should it ever be produced to such a Purpose: But that a better Man than he (*Gilbert* Duke of *Orleans*, Brother to *Lewis XIII.* King of *France*) could not otherwise make his Peace, and had been forc'd to hang his Comrades, as he, if rightly serv'd, should have been oblig'd to do.' *Monmouth* supp'd at Night with old *Hampden* and Mr. *Frenchard*, and waiting on the King next Morning, desir'd back the Paper, and said, *That he would not appear in Council to make the Declaration he had signed, nor consent that it should be published*; alleging, that he had said enough in public on the *Tuesday* before at the Duchies of *Portsmouth's*. "Yes, said the King, you were there, with much ado, forc'd to say something, and did it like a *Blockhead*." He then added, that he should consider what he was doing, that nothing less than his appearing and making the Declaration in Council, could either save his own Honour, and the Truth of what he had before him and his Brother declared, or justify the Government.

[*Life of the D. of Ormond, vo. ii. p. 551.*][*He signs one, which is judg'd ineffectual.*][*He signs another.*]



A.D. 1683.

In arguing this Matter, the King told the Duke, "That tho' he fancy'd there was no Harm in his Share of the Plot; yet it was plain he had been with others to visit the Guards; And what did that mean, but to secure his Person, and knock him, as well as his Brother, on the Head?" In fine, *Monmouth* was so importunate to have back the Paper, that the King said, since he was such a *Beast* and *disobedient Fellow* to behave himself at that rate, he should have it; but should restore the original Paper from whence it was wrote. The Duke said at first he had burnt it; but his Majesty insisting on it, and his Grace seeing it was the only way to get back that which he had signed, he went and fetch'd it, and the Papers were exchange'd. So pass'd this Affair, upon which the Vice-Chamberlain was sent to forbid *Monmouth* the Court. And this is the Account which the Duke of *Ormond* gave of it at this time to Sir *Robert Southwell*, who immediately committed it to Writing, and which agrees with the Account Sir *Leoline Jenkins* gives of it in a Letter of Dec. 15, 1683, to the Lord Deputy of *Ireland*.

This Account is inserted at length, in respect to the Author of it, and the great Authorities on which it is founded: But, after this Acknowledgment has been made, Truth requires that some Animadversions should be made upon it. And, 1. (to over-look the potherly and contemptuous Language here delivered out of the Mouth of a Prince, famous for his Wit and Politeness, when speaking of a darling Son) It does not appear, that the King made any Objection to the first Paper, or the Declaration founded upon it, however calculated to impose on his *Understanding*: On the contrary it is reasonable to suppose, that his Majesty was, himself, a Party to that very Paper; and that the Lord *Hallifax* was the Person who had the *Wit* to draw it up in that *ineffectual manner*. 2. As to the material Corrections made in the second Paper, with the King's own Hand, it appears by Bishop *Sprat's True Account*, that they were rather of a palliative, than an aggravating Nature: "For, says that Prelate, the Duke of *Monmouth* seeming willing to comply with his Majesty's most gracious Desires, all that his Majesty oblig'd him to do was to write over and subscribe a Letter, which his Majesty, himself, was pleas'd so to word, as not only to consult the Duke of *Monmouth's* Safety, but also his Credit, as much as could possibly stand with his Majesty's own Safety or Credit." Indeed, the Instance he is pleas'd to give of his Majesty's Tenderness on this Occasion is invidious enough; for he would have it to consist in his permitting him to purge himself from any Concern in the Assassination: But that had never been laid to his Grace's Charge: And he immediately recurs to his first Thought, by appealing to the whole World in his Majesty's Name (the Duke of *York* then King) whether King *Charles* had not in this Letter express'd the Duke of *Monmouth's* Guilt, far more tenderly than the Duke had done in his own. 3. To manifest that the King was

driven to exact this severe Instance of Obedience, and that his own Importunity on that Head, arose merely from those of the Duke of *York*, we are told by Bishop *Burnet*, that, among other Persuatives, us'd by him to his Grace of *Monmouth*, he said, *If you do not yield in this you will ruin me*. 4. It is scarce reconcilable to common Sense, that the King should seemingly admit there was no Harm in *Monmouth's* Share of the Plot; and yet, at the same time, should take it for granted, that he had visited his Guards, and so far contributed to the Design on his Life.

5. It is not unworthy Notice, that, whereas in the above Account the Duke of *Monmouth* is represented as to the last Degree *unwilling* to sign the Acknowledgment requir'd of him, Bishop *Sprat*, on the contrary, avers, *That he readily subscrib'd it*; but then it is a Matter of much Admiration, that the King should be so resolute to have the Plot plainly and publicly confess'd, and so incens'd against his Grace for refusing to contribute his Confession towards it, as we are told he was, and yet having at last procur'd that Confession under the Duke's own Hand, should neither make it the Instrument of Justice to himself, or Vengeance on his Grace; but should restore it again at his Son's Instance; as if he valu'd his Peace of Mind above all things. 6. It is in vain to say, after Bishop *Sprat*, That his Majesty did this from an Excess of Delicacy, because the Duke should not have the least Occasion to say he was forc'd to do what he had done: For in the first Place, it is plain his Grace was under all the Force that the King, without the Law, could lay upon him: And secondly, as soon as his Majesty had put it out of the Power of his Grace's Enemies to make a worse Use of that Paper than he design'd they should, he did press it into the Service, as we shall see presently. And, 7. When his Majesty, for Peace sake, was induc'd to lay the Transaction before his Council, there is Reason to think he did not recount it simply, as it took place; for we find him, in *December*, declaring, that the Duke having sign'd the Paper requir'd of him, had got it away again, under Pretence of mending; whereas we have been told above, that tho' his Grace made Exceptions, they were not allow'd: That he was requir'd to sign what was offer'd to him, or nothing: That when he importun'd the King to return the said Paper, it was without any such Pretence; and that it was restor'd without any such Condition.

And now we come to the Use which, after so much Controversy, was made of this important Paper; and which was possibly conniv'd at even by the Duke of *Monmouth*, himself, that he might have the Merit of contributing to the Re-establishment of the King's Repose, without incurring the Reproach of being accessory to the Ruin of his Friends. The next Day after the King had made the Declaration, just mention'd, to his Council, he farther acquainted them with the Duke of *Monmouth's* Resolution not to comply with what had been demanded of him, and order'd an Entry to be made in the Council-

A. D. 1683.

Council-Books of the Letter in question, with the following Preamble; in which the Reader will observe, that, instead of reciting that the Duke had withdrawn the said Letter, after he had sign'd it, it is said, That he had refus'd to sign it; which is a new Proof, that his Majesty did not care to let his Council into the whole Secret; and that in the midst of his Concessions to his Brother, he did not wholly forget his Son.

The Entry made in the Council book, on that Occasion.

“His Majesty was pleas'd this Day to acquaint the Lords of the Council, that since he had receiv'd the Duke of Monmouth unto his Mercy, having heard several Reports, that the said Duke's Servants, and others from him, endeavour'd to make it believ'd, that he had not made a Confession to his Majesty of the late Conspiracy, nor owned the Share he himself had in it, his Majesty had thought fit, for the Vindication of the Truth of what the said Duke had declar'd to himself (his Royal Highness being present) to require from him in writing, by way of Letter under his own Hand, to acknowledge the same. Which the said Duke having refus'd to do in the Terms that it was commanded him, his Majesty was so much offended therewith, that he had forbidden him his Presence, and had commanded him to depart the Court.” The Paper itself was as follows:

The Paper the Duke was receiv'd in.

“I have heard of some Reports of me, as if I should have lessened the late Plot, and gone about to discredit the Evidence given against those that have died by Justice. Your Majesty and the Duke know how ingenuously I have owned the late Conspiracy; and though I was not conscious of a Design against your Majesty's Life; yet I lament the having had so great a Share in the other Part of the said Conspiracy.

Sir, I have taken the Liberty to put this in Writing for my own Vindication; and I beseech you to look forward, and endeavour to forget the Fault you have forgiven me. I will take care never to commit any more against you, or come within the Danger of being again misled from my Duty, but will make it the Business of my whole Life to deserve the Pardon your Majesty hath granted to

Your dutiful

MONMOUTH.”

Remarks on his Grace's Behaviour.

Now if 'tis consider'd how very lately Mr. Sydney's Book, which had no visible Connection with the Plot, was admitted to hold the Place of a second Evidence against that Gentleman, it is not at all to be wonder'd that the Duke was apprehensive this Acknowledgment of his would be fatal to Mr. Hampden: For tho' he had been enlarg'd, together with the

Lord Brandon, Willman, Booth, Charlton and Trenchard, he had given in fifteen thousand Pound bail; which was then held a very sufficient Security: And as to the King's Promise, that it should not be made use of, it appears plainly enough, that if the King was so far Master, as to be in a Condition to keep it, which is Matter of Doubt; and that if no direct Use was to be made of it in the Courts, it was to have been made public in the Gazette: And the Jurymen, who had receiv'd his Information without Doors, would scarce have thought himself bound in Conscience not to be directed by that Information within: Besides the Duke of Monmouth himself, in his own Diary, takes notice, so early as the 27th of October, which was the third Day after his Surrender, “That several had told him of the Storm that was brewing; and that Rumour had been with the Duke (of York) and had been seen to come out crying, *That he must accuse a Man he lov'd.*” And even the Lord Halifax acknowledg'd to his Friend, Sir John Reresby, That the manner in which this Confession was extorted from the Duke of Monmouth was something hard; tho' he insisted at the same time, that his Grace ought to have submitted himself entirely to the King's Pleasure. But tho' it cannot be deny'd, that the Duke had great Obligations to his Majesty, he had yet greater to his Honour: And if he had contributed ever so remotely to strengthen the Evidence against those who had run such Risks either as his Associates or Followers, he must have been contented to have rank'd with that very Lord Howard, whom he had so publicly branded as a Rogue, a Liar, &c.

But those who inveigh against him for having refus'd to sign this Paper will not allow him the Credit even of persisting in this Refusal. Thus, in the Life of the Duke of Ormond, we find the following Passage:

“The Duke of Monmouth had no Judgment, (P. ii. p. 255.)

and consequently no Steadiness in his Conduct. When he was forbid the Court, he retir'd to Moore-park; where a Day's Conversation with his Lady made him repent of his Conduct, and willing to sign any Paper of the same Nature with that which he had sign'd before, and had got back in the Manner related. But as he was too desultory to be depended on, and his Confessions and Retractions had render'd his Testimony in an ordinary Way to be of little Weight, the King resolv'd to proceed with him in another Manner, and to force him to declare the whole Truth before a Court of Judicature. Accordingly (as I find it mention'd in the Duke of Ormond's) Letter to Lord

(\*) Mr. Carte has also connected another Letter of the same Duke with this Account, which I shall take leave to insert; first, because, it clearly shews that his Grace, almost in spite of his Teeth, is oblig'd to acquit the Lords of any Concern in the Affiliation; and, secondly, because of the Mention it makes of Mr. Sydney; from which it may be more than conjectur'd that he dy'd for Reasons of State:

“Though there have happen'd great and unintelligible Turns at Court, upon the account of the Duke of Monmouth; yet, because I do not love to write Conjectures in Matters of that Nature, but had rather stay till Time expounds them,

I have scarce written unto you at all since that Lord's Apparition, and his Remove from amongst us. Of both which the King was pleas'd Yesterday to give his Council such an Account and Declaration, as you will shortly see, as it will be enter'd in the Council-book, to remain as a Record of the Indulgence of a Father, and the Reintment of a King. Upon the first whereof it seems the young Man to much depend, that he thought himself secure against the latter. For it is evident, (and he made it too soon for) that he thought he had Skill enough to recover his Interest with the King, and retain his Credit with his Party; a Design that required

Steege

A. D. 1683.

Lord Arran of Jan. 26, 1682-3) a *Subpœna* was issued out to bring up the Duke of Monmouth to give his Testimony at Mr. Hampden's Trial."

Now it is obvious, that, as to the *Subpœna*, his Grace was very unfairly dealt with; for his refusing to sign the Paper did not vacate the Promise he had receiv'd, that no Advantage should be taken of his Confessions, of what kind soever they were; because it was not made on any such Condition. But the other Fact is scarce credible; for the same Objection with regard to young Hampden still stur'd him in the Face: And we learn out of the same Author, that, rather than obey the *Subpœna* (by appearing as Evidence against his Friend) he chose to fly his Country (which our said Author calls *deserting* his Friend) and retire into *Flanders*, from whence he soon remov'd into *Holland*: And hence it must be concluded, that his Scruples stuck to him to the last; that whatever Offers he afterwards made, they did not come up to what had been requir'd of him in that Paper, and that they were drawn from him by the continued Importunity of his Majesty and Lord *Hallifax*, who, by his Share in this Transaction, had so embroil'd himself with the Duke, that he foresaw his Royal Highness would never forgive him. Nor, indeed, is it to be conceiv'd, that the King was so respect'd, as is above represented, to force him to become an Evidence: For, not to insist on what Bishop *Kermet* says, That he had secret Instructions from his Majesty to withdraw for his own Safety, *Wellwood* has extracted a Passage out of his Grace's *Diary*, which takes notice of a Letter he had receiv'd, December 10, from the King, directing him not to let out till he heard farther from him; which argues, that his Majesty continu'd to under-plot with him against his Brother, tho' he was constrain'd, in the Cabinet, to put a Force upon his Inclinations, by seeming to join in the Persecution against him. *Wellwood* moreover says, it may be on the same Authority, that the King continued to express his Kindness to him even in his Absence, by remitting him Money, sending him Messages, and sometimes writing to him with

He retires to Flanders.

[Pol. ill. p. 407.]

[Mem. 167.]

his own Hand; which it is scarce to be presum'd he would have done, if the Duke had been so wholly lost in his good Opinion, as we have been taught by some to believe. *Wellwood* yet farther adds, He could not bear any hard thing to be said of him in his Absence; and that some officious Courtiers found to their Cost, that it was not the Way to make their Fortunes to aggravate *Monmouth's* Crimes.

It is true we find, by a manuscript Letter from *Bullstrode*, the King's Resident at *Brussels*, to the Duke of *Ormond*, that he had receiv'd his Majesty's Orders to enjoin the *English* Officers in the *Spanish* Service, not to pay their Court to his Grace, on his Arrival at that Place: But then we learn, from the same Authority, that he was highly respect'd by the *Marquis de Gramma*, Governor of the *Netherlands*; and all the General Officers under him: Which is a shrewd Indication, that his Excellency was sure, that, in shewing so much Respect to the Son, he should not give any Offence to the Father. And, finally, Bishop *Burnet* takes occasion to inform his Readers, "That when the Prince of *Orange* was last in *England*, the King shew'd him one of his Seals, and told him, that whatever he might write to him, if the Letter was not seal'd with that Seal, he was to look upon it as only drawn from him by Importunity. The Reason for which I mention that in this Place (proceeds his Lordship) is, because tho' the King wrote some terrible Letters to the Prince, against the Countenance he gave to the Duke of *Monmouth*, after his Retreat to *Holland*, yet they were not seal'd with that Seal: From which the Prince infer'd, that the King had a mind that he should keep him about him, and use him well." But then the same Prelate also adds another Circumstance, which seems to be wholly irreconcilable with the Fact above-speak'd of, viz. "And the King gave Orders, that, in all the Entries that were made in the Council-books, of this whole Business, nothing should be left on Record that could blench him."

But tho' his Majesty had certainly an inexhaustible Fund of Tenderness for his Son,

A. D. 1683.

And is highly respect'd by the Marquis de Gramma.

[P. 1. p. 575.]

fronger Parts and more Temper than he or they (Thanks be to God) have endur'd with. For the unseasonable Expressions of Joy by all the Faction, amounting to a Triumph, as upon a Victory gain'd, wrought such a Consideration, and so vile and universal a Detraction, in the Well-sifted, that it became necessary to mortify the one, and settle the Spirits of the other. This happen'd in a conjuncture perhaps fatal to Mr. *Sturges-Bury*, whose Life could not then have been fear'd, but that the Mice would have been interpreted to proceed from the Satisfaction the Duke of *Monmouth* had given the King, that there was no real Conspiracy to trouble, at least not so change the Government, among those he had join'd and consulted with, whatever they might intend who had (to us are to believe) a separate Conspiracy against the King, and the King's Lives.

I confess it is hard to believe that my Lord *Ruffin*, the Earl of *Saunderland* and *Essex*, and the Lord *Grey*, could have any Part in the Assassination; but it is horrible to imagine the Duke of *Monmouth* (if he believes himself to be the King's Son) should have the least Suspicion of it, and not immediately, and before he had set upon it, quit the whole Party, and run himself out of breath, to tell the King his Fears, and his Majesty's Danger. Yet, without the assisting Part, the other of raising Force to seize the King's Guards and Per-

son, was but a crude Project; tho' with it a very probable design. And it is plain, that the same hands, or the like, who were to set the one, were to be made use of in the other. I will not infer from hence, that any of the Lords, much less the Duke of *Monmouth*, had any Suspicion that the King and Duke were to be murder'd, and that by some of those who cry'd them up for the chief Patron for the Liberty of their Country and Nation, and the heroic Champion for the Protestant Religion. But if they had no Inking of that impious Treason, they were very negligent, or ill-befriended in their own Party; and it should be for ever a Warning to all who desert such a Participle, how they enter into Conspiracies to reform the Government by Force, when such Under-plots may be carry'd on against their Mind, and without their Knowledge. At the Instant I write, I know not how to describe the Figure the Duke of *Monmouth* makes, nor fancy what Course of Life he can propose to himself. It must be left to Time, Chance, or his wiser Advisers, to discover. And so ends my Letter, which is become so much longer than I first intended it upon this Subject, that I will for this time fall upon no other; and till I hear again from you, I know little I have to say of the Education of *Ireland*."

A. D. 1685.

Sir S. Bernardiston's  
Case.

he continued as much embitter'd as ever against his Party. Thus when certain private Letters of Sir Samuel Bernardiston's to Sir Philip Shippen (whether stop'd at the Post, or betray'd, is not signify'd) fell into the Hands of the Ministers, which express'd an overflowing Joy for his Grace's Return to Court, the very affectionate Reception he had met with from the King, the Mortification visible in the Duke's Party thereon, &c. he suffer'd the said Duke and his Party to take their own Revenge, which, according to Custom, was in form of Law. The Attorney-General proceeded against Sir Samuel (who was before obnoxious for having been the Foreman of Lord Shaftsbury's Ignoramus Jury) by Information, in which he was set forth as a Person of a turbulent and unquiet Spirit, and the Letters were said to be written in order to scandalize and vilify the Evidence in the late Conspiracy. In short, these Letters from one Friend to another were deem'd a Libel, and the Chief-Justice, while declaiming against Libelling, was pleas'd to authorize it from the Bench by his own Example; for, not confining himself to the Treasons before the Court, he discharg'd his whole Stock of Virulence against the Man, saying, "That though he pretended to gild over his Practices with a Zeal for the Protestant Religion, his Infide was rotten: He was factious and seditious at the Bottom, and full of Malice against the King and Government, against both Church and State, and against every Man who had not a Share in the late bloody Conspiracy." &c. After which returning to the Letters, he said, They were as factious and seditious as could be written, and, in his Opinion, border'd on High-Treason: To which he was pleas'd to add, in contempt of the Act of Oblivion, That they contain'd the same Language as had given rise to the late Rebellion, which ended in the Destruction of the best of Kings and the best of Governments. With these inflammatory Expressions the Matter was left to one of those thorough-pac'd Juries, who were no better than the Puppets of Burton and Crabbe, and who, without going out of Court, pronounc'd the Defendant Guilty. As to the Penalty, it lay in the Breast of the Court; and, as Mercy was at that time wholly out of Fashion, they sentenc'd Sir Samuel to pay a Fine of 10,000*l.* and to give Security for his good Behaviour during Life.

That of young  
Hampden.

The Court-Thunder fell next on young Hampden, who, notwithstanding his being admitted to Bail, was brought on his Trial in the next following Term: But, instead of being indicted for High-Treason in compassing the King's Death, as his two Associates in the Council of Six had been, he was indicted only for a Misdemeanour, in consulting to raise a Rebellion; which, to Men unpractis'd in the Law, seems not a little extraordinary: For, according to common Sense, the same

Offence cannot fall under two several Descriptions, nor be liable to two several Punishments. But, to obviate this Objection, the Attorney-general plausibly alledg'd, that the King had chosen this milder Way of proceeding against the Defendant, that he might have all Opportunities to clear his Innocence, viz. by the Assistance of Council, and the admitting his Witnesses to give in their Depositions upon Oath; And in order to silence the Clamours of the Faction, who had accus'd the Government of laying his Accomplices under great Hardships, for the want of these Advantages. The very Truth, however, is, that there was but one Witness against Mr. Hampden, namely, the Lord Howard (for tho' the Duke of Monmouth was indeed suborn'd to appear for the King, it was known he would not yield Obedience); nor had any supplemental Papers been found in his Study, as in Mr. Sydney's; nor had he kept company with either *Woff, Shepherd, or Ramsey*: So that, in effect, this singular *Milnash* was singular Cruelty; for it utterly depriv'd him of the Benefit of the Law, which would have absolv'd him for want of Evidence; and expos'd him to the Rigor of an unmerciful Court. There is no need to run thro' the Detail of the Trial; since all that could be prov'd against the Defendant has been already specify'd in those already before the Reader: Only it deserves notice, 1. That Whereas *Ld. Howard* had made two Speeches for Mr. Hampden, in his Evidence against his FRIEND Mr. Sydney, he was not able now to recollect one Word of either, though the King's Council made use of all their Arts to put him in mind of them. 2. That when the Council for the Defendant would have produced a Witness to depose, that the Earl of Essex had in mean an Opinion of Lord Howard, that it was not likely he should ever mix with him in Consultations of so delicate a Nature, the Chief-Justice not only refus'd to admit the Evidence of a third Person, but added, most savagely, that it seem'd the Earl had such an Opinion of Lord Howard's Evidence, that he cut his Throat upon it. And, 3. That when the Jury had found for the King, the Court set a Fine on the Defendant of no less than 20,000*l.* for the Misdemeanour, though he had given in but 15,000*l.* Bail for the Treason; and moreover order'd him to be (a) committed till it was paid, and to find Sureties for his Behaviour during Life.

About this time also, all the Terrors of *de iure* of the Law were let loose against all such as <sup>Johnson</sup> presum'd to take the least Liberty with their Superiors, either in Writing or Conversation. Thus Mr. Johnson, who had been Chaplain to the late Lord Russell, having set forth a Book, call'd *Julian the Apostate*, tending to prove, that the Doctrine of Non-resistance was neither practis'd nor taught by the primitive Christians, the King's Council (b) declar'd,

(a) Which was done in soon as the Trial was over, he surrendering himself into Court in discharge of his Bail.

(b) We are told by the Writer of his Life, that one of

his Brother Clergymen selected the Passages out of his Book for which he was prosecuted; one of which was as follows: "And, therefore, I much wonder at those Men who trouble

ward, Twelve good Men and true found it, to be *scandalous and seditious*; and the Sentence of the Bench was, That the Author should be fin'd 500 Marks, and suffer Imprisonment till the Money was paid. On the very same Day, the Printer of Lord *Ruffel's* last Speech, which was also pronounced to be *scandalous and seditious*, was try'd and found guilty; but throwing himself on the Clemency of the Court, was us'd with more Mercy. Two other obnoxious Persons, *viz.* Sir *Trevor Williams*, and (c) *John Araskil*, Esq; having taken unwarrantable Liberties with the Duke of *Beaufort*, his Grace had not only the Privilege of his Peerage on the Statute de *scandalis magnatum*, but also of his own Loyalty against their suppos'd Disaffection: On the Strength of which several Considerations, he was favour'd, if not with a Verdict, at least with 10,000 l. Damages against each of the said Offenders. And yet again, *Titus Oates*, and *John Dutton Cole*, Esq; having been severally accus'd of uttering many insolent and menacing Speeches against his Royal Highness; and the Charge having been made good, to the Satisfaction of a Jury, who, it must be presum'd, were no Idolaters of *Magna Charta*, they assign'd on each Verdict no less than one hundred thousand Pounds Damages.

Having just touch'd on these Passages in our way, we are next to proceed to the Cases of *Holloway* and *Armstrong*, who were the last that suffer'd in England on account of the Plot in this Reign.

Holloway,

*Holloway* was a Merchant Linnen-Draper of *Bristol*, who had engag'd in a very laudable Design of establishing a (a) Linnen Manufactory in England, and had proceeded in it with some Success; but finding the Prohibition of *French* Linnens was but nominal, and that greater Quantities were imported and sold cheaper than ever, was oblig'd to give it over, after some *Lots*: And it was in the Pursuit of an Act of Parliament to support him in this Undertaking, that he became a Politician, and an Adventurer for the Liberties of his Country. He had been twice taken after *Kings*'s Discovery, and had as often made his Escape; and after having been outlaw'd, was finally discover'd and seiz'd in the *West Indies*, whither he had sail'd on a Trading-Voyage, thro' the Treachery of his own Factor, and by *Sir William Stapleton*, remitted a Prisoner to England. In which

Condition, either a Sense of Duty, Love of Life, or Dread of Punishment, induc'd him to seek Mercy by a voluntary Confession of all he knew, which he address'd in his own Hand-Writing to Mr. Secretary *Jenkins*; but without the desir'd Effect: For, according to a Maxim scrib'd to the Lord Keeper *North*, he was to be hang'd, that it might not be suppos'd, that he had barter'd a Confession for a Pardon; nor indeed was what he said thought worth one: For tho' he said all he could to demonstrate the Reality of a Plot, the King in his Declaration, the Clergy in their Prayers, and the Judges from the Bench had gone so far beyond him, that his Acknowledgments rather tended to lessen the public Horror on that Occasion, than increase it. For Instance: Tho' he acknowledg'd he had heard of a Project for a Raising in the Year 1682, under the Direction of the Lords *Shaftsbury* and *Howard*, he acknowledg'd also, that for nine Months together it had been only talk'd of. Then as to the Matter of the *Assassination*, he declar'd, That he had the first Intimation of it from *Wesl* and *Ramsley*, who were both eagerly set upon it: That he, himself, express'd his Detestation of it in the strongest Terms: That (e) asking *Wesl*, who were to act in it, he could or would name but two Men, who were *Rumbold* and his Brother. And again demanding who were for it, he nam'd only himself, *Ramsley*, and *Richard Goddenough*, and no more, as far as he could remember: And that it was carry'd on without the Approbation or Knowledge of those who carry'd on the general Design. He moreover signify'd, that when that general Design came under a new Direction, *viz.* of the Lords *Effix*, &c. it still hung so long under *Dissemble*, and made so little Progress towards *Action*, that those who waited in Expectation of the Word of (f) Command, thought it of the utmost Consequence to undertake for themselves: That this gave rise to the Project of dividing *London* into twenty Parts, which was founded on that before agreed upon by himself and *Wade* for the Division of *Bristol*: And that it was resolv'd not to communicate what they were about, to the chief Managers, till it appear'd from this Experiment what real Strength they had to depend upon.

This was the Sum of his Confession, and upon it was grafted one of the most solemn Mockeries

ble the Nation at this time of day with the unreasonable Prescription of Prayers and Tears, and the passive Obedience of the *Thirteen* Legions, and such like tall Remedies, which are proper only at such a time as the Laws of our Country are arm'd against our Religion.

(c) The Time Person who was assassinated in *Bell-gate* in the Year 1680.

(d) Which, as he said himself, would have advanced the Revenue 200,000 l. a Year, have employ'd 800,000 poor People, and about 40,000 Acres of Land.

(e) *Holloway's* own Words are as follow:

"Then we ask'd, Who was to have acted in it? To which he, *Wesl*, could give but a slender Answer, and could or would name but two Men, who were *Rumbold* and his Brother, saying, if they could have rais'd us or eight hundred Pounds to have bought *Horses*, and something to encourage Men, they should have had Men enough: so that we found they had few Men, if more than two, and no *Horses*, only a Parcel of Arms, which afterwards he show'd us at a Gunsmith's House in a little Lane near *Temple-Bar*. Then we ask'd him, What

they design'd, if it had taken effect? To which he answer'd, that the Men should have come up with all Speed to *London*, and surpris'd themselves immediately, declaring for the Duke of *Monmouth*; and that the King and Duke being dead, no Opposition could be made. Then we ask'd, Who were for this Design? He nam'd Colonel *Ramsley* and *Richard Goddenough*, and, as far as I can remember, no more: So we found it was carry'd on by them contrary to the Knowledge or Approbation of those who managed the general Design. Then we declar'd our great Disslike of it, telling him, it was a base, dishonourable, and cowardly Action, and would prove odious to all the World, that any pretending themselves Protestants, should be concern'd in such a bloody Action: and that we thought it was his Conscience put him upon it: To which he said, that he could not fight, but would be as forward with his Money, as any of his Capacity." *Syrat's Apology*, p. 70.

(f) *Ramsley, Wesl, Norton, Walker, the two Goddenoughs, Wade, and Holloway.*

A. D. 1683.

Mockeries that ever disgrac'd the Name of Mercy: For the Prisoner being soon after brought into Court, he was first told by the Lord Chief-Justice, That nothing remain'd, but to make a Rule for his Execution; and then the Attorney-general gave him to understand, that, as a Matter of Grace, the King was willing to wave his Outlawry, and to admit him to a Trial: To which he reply'd, "My Lord, I cannot undertake to defend myself; for I have confess'd before his Majesty many things contain'd in the Indictment; and I throw myself on the King's Mercy." And now the Secret of this gracious Offer was made manifest; for Mr. Justice *Withins* called upon every body present to take notice of his open Confession: Adding, "Surely, there are none but will believe this Conspiracy now, after what this Man hath own'd." The Lord Chief-Justice had also his Share in the Interlude; and between him and his Brother *Withins* it was agreed, that whereas Sir *Samuel Bernardisen* had, in his Letters, call'd it a *swam Plot*, and had said, it was lost, unless it should be found among the *Abhorers and Addressers*, he might now let his Correspondents know, "It was found among the Reformers of Government and Religion, that could swallow all things, that could kill Kings, levy War, and do the worst of Villanies to promote Religion and Reformation." After which the Scene was clos'd with appointing the *Wednesday* se'night for the Prisoner's Execution. It seems, however, that he did not yet despair of Mercy; for he apply'd to his Majesty by Petition; but as vainly as before: And there are some Passages even in his last Paper, which he deliver'd to the Keeper of *Newgate*, before he was carry'd to Execution, which seem to indicate, that he was permitted to hope almost as long as he was permitted to live. Thus he says, "I am fatisy'd, that all Means that could be thought of had been us'd to get as much out of me as possible." And again: "Besides I had some other Reasons why I did not plead, which, at present, I conceal, and also why I did not speak what I intended. More I may say at the Place of Execution, before I leave the World; which will be according as I find Things." He also insinuates, that he had Reason to think, Suspicions were entertain'd, that he had not confess'd all he knew; in particular, that he had not discover'd all his Accomplices: And it was to obviate these Suspicions, that this Paper was apparently calculated; and that there might be a Possibility, at least, of its operating in his Favour, it was left with the Keeper, instead of being deliver'd to the Sheriff: But neither did this new Device answer: It was still believ'd he had his Reserves; and possibly, that he might be induc'd to give them up, he was told in the Conference between him and the Sheriffs, under the Gallows, That he had Liberty to say what he pleas'd: But he did not make use of it, as was expedient: On the contrary, having profess'd, that he had already made all the Discoveries in his Power; and that he was heartily sorry for his having had any thought of re-

His Discourse  
with the Sheriffs  
at the Place of Execution.

A. D. 1683.

curring to Arms, he solemnly affirm'd, That the Plot he was acquainted with, was nothing against the KING'S LIFE: That the said Plot consisted in a Design to TAKE them that were guilty of the Popish Plot, and were Enemies to the Privileges and Liberties of the Subject. (These are his own Words.) That many things having been done contrary to the King's Knowledge, it was presum'd, that, on better Information, his Majesty would have alter'd his Measures, and given up those Offenders to Justice. And Sheriff *Daniel* here suggesting, That the seizing and detaining the King till he consented to these things, was to be infer'd from these Words. He reply'd, *Ye may interpret it how you please, Sir*: Adding, "It was, that all such Differences among the King's Subjects might be prevented for the future; for I believe there never were greater Differences in the Spirits of Men; tho' some think the Times were never better than now; because all things go according to their own Humour. But I suppose many in the Nation are fatisy'd, that many things have been done contrary to Law." Here the same Sheriff ask'd, Whether it was fit for him to set up for a Politician, or a Statesman? And farther put him in mind, that he had not given in the Names of the Persons he had before spoken of; meaning when he had given it as his humble Opinion, that the King could do nothing that would contribute more to his own Safety, and the Safety of the Nation, than to pass an Act of Oblivion; for, said he, *I believe many are concern'd*: But, it seems, he spoke of such as were *Well-wishers* only; and so explain'd himself, by adding, "If we should name every one that we thought would be concern'd, I believe we might name Three Parts of London." Here he again distinguish'd between the Design he was engag'd in, and that of *Wyll and Ranssey*, the two Evidences; over and over again affirm'd, that they never had any against the King's Person or Interest: Talk'd of Mis-government, of notorious Partialities to Papists, and Impositions on Protestants: Said, that the Stiling of the Popish Plot was the Occasion of the present: And observ'd, that tho' the *Irish* Witnesses could not find Credit when they appear'd against Papists, they no sooner turn'd upon the Protestants, than their Testimony was deem'd unexceptionable. Here Mr. Sheriff *Dalwood* saying, "I pray God all Mens Eyes may be open'd to see what is done," *Hellonay* reply'd, "I wish the King's Eyes may be open'd, that he may see his Enemies from his Friends; and I think he hath Cause to look for them near his Home." And being then ask'd, if he had any Papers to deliver; he answer'd in the Negative: Adding, "That he had written a Paper to give some Satisfaction to the Minds of People touching what he knew, that all Errors might be rectify'd; which Paper the Council had, and, it seem'd, took it very humbly, that he should presume to write such a thing." And again afterwards, "I thought, that if any God had been design'd for England, I had done enough to merit Pardon, having writ so much of Truth, and having

A. D. 1683. having been so fair and plain in it.—If I could have discover'd more for the King and Kingdom's Interest I would have done it.—I hope it will be a Satisfaction, that there was such a Plot.—It was fear'd, that arbitrary Government and Popery were design'd; and truly I think, at this present time, by what I can understand, there is little better design'd.—Here he was again interrupted, and told; That he was not to reflect on the Government: In particular, Mr. Sheriff *Daniel* said, *They had neither a Reprieve nor a Pardon for him.* And soon after *Richardson* demanded, If he had any thing to say that more nearly concern'd himself? And it appearing he had not, *Daniel* signify'd, They were at the End of their Commission, by directing him to fit himself for Death, and declaring, he had not long to live. He then address'd himself to his Devotions; and finally underwent the Sentence of the Law: Having thro' the whole of this preparatory Scene, manifest'd so much Sense, Firmness, and Ingenuity, as indicated, That he deserv'd a much better Fate.

and Execution.

Sir Thomas  
Armstrong  
sent d in Hol-  
land.

Sir *Thomas Armstrong's* Turn was next: He also had been out-law'd, and had taken Sanctuary at *Leiden*: But, as we learn from Bishop *Burnet*, *Chadleigh* the English Resident in *Holland*, by virtue of a Warrant from the States for seizing such as fled out of *England* on Account of the Plot, and a Bribe of 2000 Guilders to the Bailiff of the Town, caus'd him to be apprehended there, and sent him instantly over to *London*, in one of the King's *Talets*, where it was pre-determin'd to make him feel the utmost Severity of the Law. For whereas in *Holloway's* Case, against whom his own Confession was sufficient Evidence, a Trial was offer'd as an Act of Grace, in this, no such Grace could be obtain'd; which seem'd to argue a Consciousness, that Proof was wanting, and that the Outlawry was to supply all Defects. Possible, having been in the Duke of *Monmouth's* Secrets, and being thought a worse Man than he prov'd, he was brought before the Privy Council, with a View to draw a Confession also from him; for if he was from the Beginning look'd upon as a Forfeit to the Law, why was he put to the Torture of an Examination? But if any such Expectations were built on that Experiment, the Event did not answer. Sir *Thomas* had either no Confession to make, or could not be induc'd to furnish Evidence either against himself or his Friends. He said that he knew of no Plot but the *Pope's* Plot, and that he desir'd only a fair Trial for his Life: And if the Evidence against Lord *Ruffel* was full and clear as had been represented, it is strange his Suit was not granted. Lord *Ruffel* had

Examined by  
the Privy  
Council.

A. D. 1683. been charg'd with only being present when the Discourse was held at *Sieghard's*, concerning seizing the Guards: But *Armstrong* was said to be one of the Persons who had undertaken to view them, &c. and both *Runsey* and Lord *Howard*, as it may be recollected, had gone far in their Endeavours to make him a Principal in the Assassination. Had, therefore the Court consult'd the Credit of their Proceedings, they should have made it their Choice to join Issue with Sir *Thomas*, and leave him to his Country. But from whatever Motives, this is certain, They chose the most compendious way of dispatching him; which was by turning him over to Inquisitor *Jeffress*, before whom he was brought on the fourth Day after his being set on Shore, and by whom he was treated, as if the Life of a Subject was of no more Consideration in the Eye of the Law, than in the Front of the Battle, when Murder is the Business of the Day: For, having claimed the Benefit of the Statute (th *Edw. VI.* which (g) provided, That if any Out-Law yielded himself to the Chief Justice within one Year, he should be discharged of the Outlawry, and entitled to a Jury, having urg'd, that the Year was not yet expir'd, and that he then yielded himself; and having also demand'd a Trial, according to the Letter of the said Statute, and Counsel to prove it was his Right, his Lordship very cavalierly over-ru'd all, by alleging, That the Statute extended only to such as came in of their own accord; not to such as were apprehended, as he had been: Whereas the Law makes no such Distinction: And it is obvious to common Sense, that if it was to be allow'd, the Privilege might be frustrated, at the very Instant that the Party was proceeding to qualify himself as directed: Then as to the Demand of Council, he said, that there was no need of any; for there was no doubt in the Case, which was thought, says *Burnet*, a very impudent Piece of Injustice. And when Sir *Thomas* again insisted, That the Statute was plain, his Lordship, with a Pleasantry that would have become none but a *Care-Demon*, reply'd in these Words: "So it is very plain, that you can have no Advantage by it. Capt. *Richardson*, you shall have a Rule for Execution on Friday next." Sir *Thomas* hereupon refer'd to the Offer that had been so lately made to *Holloway*, saying further, "I thank God my Case is quite another thing than his: I know my own Innocence; and I desire to make it appear by Trial." But still his Hold was cut off as before. "That which was done to him you speak of, reply'd his Lordship, was the Grace and Mercy of the King; and he may, if he please, extend the same Grace and Favour to you. But that is not our Business: Executed d in  
We an Out-law.

(g) In these Words: "Envi'd away, and he it executed by the Authority aforesaid, That if the Party so hereafter to be outlaw'd shall, within one Year next after the said Outlawry pronounced, or Judgment given upon the said Outlawry, yield himself unto the Chief Justice of *England* for the time being, and offer to satisfy the Indictment or Appeal whereunto the said Outlawry shall be pronounced as is aforesaid: That then he shall be received to the said Tri-

vers; and being thereupon found Not-guilty, by the Verdict of Twelve Men, he shall be clearly acquitted and discharged of the said Outlawry, and of all Penalties and Forfeitures by reason of the same, in as large and ample Manner and Form as though no such Outlawry had been made; any Thing herein contained to the contrary in any writ notwithstanding.

A. D. 1683.

We are satisfi'd that, according to Law, we must award Execution upon this Outlawry." Here a Daughter of the Prisoner's, who was present in Court, broke out into these passionate Expressions: *My Lord, I hope you will not murder my Father! This is murdering a Man.* And the Chief Justice, in a Rage, ordering her to be committed, with the like Transport the added, *God Almighty's Vengeance light upon you!* Sir Thomas had now the additional Mortification to see his Daughter carry'd off by the *Marshals*: And *Jeffreys* having taken Occasion from the Incident, and the Ruffie it caus'd, to thank God, *That he was Clamour-proof*, the Attorney-General took the Lead, and said, "That the King, perhaps, had *some Reason* for having indulg'd *Holloway* with the Offer of a Trial: But the Prisoner truly (so he express'd himself) deserv'd no sort of Indulgence or Mercy: For there was full and clear Evidence, that he was one of those who actually undertook, on the King's hally Return from *Newmarket*, to cut him off by the way.— That over and above all this, when he was taken beyond Sea, Letters of Communication with Foreign Ministers and others were found upon him.—The Attorney was running on in this Manner, without once mentioning the Discourse at *Shepherd's* at all, when the Lord Chief-Justice craftily cut him short, by intimating that the *Outlawry*, and not the Evidence, was now before the Court; and by recurring to his first Decision, namely, *That yielding upon Force was not yielding within the Statute.* Sir Thomas then gave the Court to understand, that the Lords of the Council allow'd him to have the Advice of Council; but that the Order had been of no Use to him; for, having been robb'd of all the Money he had by those who took him, it was not in his Power to see a Lawyer; and it was not their Custom to impart their Assistance for nothing. This gall'd the Lord Chief-Justice; and with the following rough Dialogue, the Scene clos'd:

*L. Ch. Just.* Sir Thomas *Armstrong*, you take the Liberty of saying what you please; you talk of being robb'd; no body has robb'd you that I know of.

*Sir T. Armst.* No body says you do know of it; but so it is.

*L. Ch. Just.* Nay, be as angry as you will, Sir Thomas, we are not concern'd at your Anger: We will undoubtedly do our Duty.

*Sir T. Armst.* I ought to have the Benefit of the Law, and I demand no more.

*L. Ch. Just.* That you shall have by the Grace of God. See that Execution be done on Friday next according to Law. You shall have the full Benefit of the Law."

Every body knows, that Authors almost without number have been found to vouch for almost every Measure of this Reign; and to declame with all the Rage of Invective against every Man who has presum'd to treat any Part of it with any Degree of Bitterness. With them *Charles*, as well as *David*, is a King after God's own Heart; even *Jeffreys* himself is a very *Daniel* for Uprightness; and

it is superlative Merit to be so attached to the Majesty as to have no Feeling for the Misery and Sufferings of a Fellow-Subject. But surely such Passages as these can, at this time of Day, find no Advocate; and no *Englishman* can reflect on such Language out of the Mouth of a Lord Chief-Justice of England without Horror. Even *Bishop Sprat*, a *Panegyrist* profess'd, has no better Apology to make for this Proceeding than to ground it on the two infamous Depositions of *Howard* and *Rumsey*, before quoted in Page 735, and to accompany them, with the following *Bimley* Comment: "After this the King could not think himself, in the least, bound to go out of the way of the Law for shewing any distinguishing Act of Grace to Sir Thomas *Armstrong*, especially when it is manifest there was scarce a Man living, who had more personal Obligations to his Majesty than he had; and yet no Man had made more ungrateful Returns for them than he had done: Nor could his Majesty forget how many other Persons, and some very near his Majesty, Sir Thomas *Armstrong* had been the chief Instrument of perverting. Upon which Account his Majesty had Reason to look on him as the Author of many more Treasons besides his own."

Here is accumulated Treason with a vengeance! And another Right Reverend Prelate, *Barnet*, has inform'd us, that there was yet another Imputation fasten'd on *Armstrong*, which surpass'd all the rest. "The King, [Vol. 1, p. 579] said he, had publish'd a Story all about the Court, and had told it to the Foreign Ministers, as the Reason of this extreme Severity against *Armstrong*: He said, that he was sent over by *Cromwell* to murder him beyond Sea; and that he was warn'd of it, and challeng'd him on it, and that, upon his confessing it, he had promis'd never to speak of it any more as long as he liv'd. So the King, counting him now dead in Law, thought he was free from that Promise. *Armstrong* took this heavily; and in one Paper which I saw writ in his own Hand, the Remembrances upon it were sharper than I thought became a dying Penitent. So when that was represented to him, he chang'd it: And in the Paper he gave the Sheriffs, he had soften'd it much." But tho' he might have been induc'd to soften his Rementment, there was no Necessity for his giving a different Colour to the Provocation: And if the Paper was fairly publish'd, it does not authorize us to conclude, that so horrid a Charge had either been laid against *Cromwell* or him. Sir Thomas only says, "I was told, a very great Person says I was a Spy of *Cromwell's*." And then proceeds thus: "I have been sent from England by the best and most considerable Friends the King had then, with Bills of Exchange for his Majesty's Use, and Letters of very great Importance to his Majesty then at *Brussels*. I appeal to his Majesty, if I deliver'd them not safe to him, and his Answers too when I return'd; which I had not been above six Days, but I was clapt up ten Weeks a close Prisoner in the *Gate-house*, and in no small Hazard of my Life for that Journey.

*Bishop Sprat's Apology for the former Proceeding.*

[True Account, p. 144.]

*Armstrong submitted by the King.*



Journey. Before this time I had been a whole Year, at least, in *Lambeth-houfe*, a Prisoner; and after both these times a Prisoner in the *Tower*, when the Usurper dy'd, and near starving in every one of them. Very ill-Treatments for a Spy and a Penfioner. My Lord of *Oxford*, and many other Persons of Quality will, I think, testify my Innocency in this Point. I protest before God I was never a Spy to *Cromwell*, or any other Man.

Thus it appears, that the personal Obligations conferr'd by his Majesty on Sir *Thomas* were not underv'd: And if he made ungrateful Returns, sufficient Care was taken to balance the Account. The Historian of his own Times is express, "That he was loaded with Irons; tho' that was not ordinary for a Man who had serv'd in such Posts as to be Lieutenant (Colonel he should have

[Hist. p. 578.]

laid) of the First Troop of Guards, and Gentleman of the Horse to the King." But Sir *Thomas* had a much better Title than he deriv'd from his Rank, to be exempt from such rigorous Treatment: He had had the Honour of being a Sharer in the King's familiar Hours; and, in tenderness to an old Acquaintance, his Majesty might have excus'd him from the Pain and Ignominy of Fetters, without going out of the way to the Law.

His Execution.

But the whole of the Proceeding against him partook of the same Severity; and it was resolv'd that the whole of his Sentence should be executed upon him without the least Abatement. He had but Six Days allow'd him to prepare for Death. He was drawn on a Sledge from *Newgate* to *Tyburn*, surrounded with a numerous Detachment of the Guards he had once commanded; and, after the Executioner had done his Office, his Bowels were taken out and burnt, his Body was divided, and his Quarters were hung up in *terror*.

Even those who have treated his Memory with the most Bitterness are forced to acknowledge, that he bore the Ignominy of being made a public Spectacle without being decompos'd; and that he fac'd the King of Terrors without being terrify'd. As to the Scene that pass'd between him and the

Sheriff, under the Gallows, it was just the reverse of *Holloway's*; for whereas that ran into a Length of Question and Answer: In this the Sheriff signify'd his Purpose not to ask any Questions, and the Prisoner his Desire, that no body else would: And whereas the Sheriff farther told him, he had Leave to say what he pleas'd, *provid'd he did not upbraid the Government*, he declin'd speaking to the People at all; and said his Mind was contain'd in the (b) Paper which he then deliver'd. After these few Words had been exchanging, Dr. *Tenison* pray'd with him: He also pray'd by himself; and having thank'd the Doctor for his Christian Offices, and sent his last Farewell to his Wife and Children, reugg'd his Body into the Hands of the Executioner, and his Soul to him that gave it.

There were no Remarks made upon his Speech; which Dr. *Burnet* intimates was owing to the Passage in it, which contain'd an Answer to the Calumny rais'd upon him by the King; and also, "because they saw how much Ground they had lost by this Stretch of Law, and how little they had gain'd by his Death."

[P. 579.]

But surely this latter Consideration had little Weight; for in the very next *Michaelmas* Term following, when *Armstrong's* Story was yet fresh in every one's Memory, one Mr. *Joseph Hayes*, an eminent Citizen of *London*, was indicted for High-Treason, and put on his Country for his Life; for that he had traitorously reliev'd the said *Armstrong*, by affigning or paying to him, or for his Use, 150 l. contrary to the Duty of his Allegiance, &c. which Indictment was supported by the following Evidence, viz. 1. One *Everis* swore, That Sir *Thomas Armstrong*, at *Cleve*, shew'd him a Bill of Exchange for 160 l. odd Money, which was sign'd *Joseph Hayes*, and drawn upon *Israel Hayes*, his Brother, of *Amsterdam*; and also a Letter of Advice from the said *Israel Hayes*, that he had remitted the said Sum to *Cleve*. 2. Three Letters were produc'd in Court, which *Chudleigh's* Secretary swore were the Letters found upon Sir *Thomas Armstrong*, when taken at *Leyden*, and which

Hayes a Merchant indic'd for High Treason, for remitting Money to him traitorously.

(b) The Residue of which was as follows:

"On *Saturday* last I was brought to the King's Bench Bar on an Outlawry of High-Treason; I was ask'd, What I had to say for myself that Judgment of Death should not pass? I was beyond seas when the Outlawry came out; I thought a Writ of *Error* to reverse it the Law allow'd; I pray'd I might be allow'd a Trial for my Life, according to the Laws of the Land; I was deny'd the Senate of *Edward VI.* which was express'd for it, it being within the Twelve Months allow'd by that Statute. If signify'd nothing, I was with an anonymous *Resolutions* condemn'd, and made a Precedent, tho' Mr. *Hobbes* says the little before, had it offer'd him: I cannot but think all the World will conclude my Case very different, else why refer'd to me?"

Mr. *Attorney* said I was accus'd for being one of those that was to kill the King as he came from *Newmarket*, after the Fact: I take God to witness I never had any Design, nor ever had such a Thought, to take away the King's Life; neither ever had any Man the Impudence to propose to barbarous and such a thing to me; neither was I ever in any Design to alter the Government of *England*. What I am accus'd of more, I know to otherwise than by Reports and Rumour, which I take to be uncertain: So that it cannot reasonably be expected I should make particular Answers. If I had never try'd, I could have prov'd my Lord *Henners's* late Reflections on me to be a notorious Falshood: For I know there is at least Ten Gentlemen, besides all the Ser-

vants of the House, can testify I din'd there that day.

I have liv'd, and now die, of the Reformed Religion, a true and sincere Protestant, and in the Communion of the Church of *England*; and I heartily wish I had more strictly liv'd up to the Religion which I believ'd; and I have found the great Comfort of the Love and Mercy of God, in and through my blessed Redeemer, in whom I only trust; and I do verily hope, that I am going to partake of that Fulness of Joy, which is in his Presence, the Hope whereof doth infinitely please me.

I thank God I have no Repining at my Heart, for the Condition my Sins have most deservedly brought upon me; I have deserv'd much worse at the Hands of God; so that I cheerfully submit to this Punishment, as being taken off but a small time sooner.

I do freely forgive all the World, even those concern'd in taking away my Life. As for the Sentence of Death pass'd upon me, I cannot but think a very hard one, being, I think, deny'd the Laws of the Land.

To conclude, as I never had any Design against the King's Life, or the Life of any Man; so I never was in a Design to alter the Ministry.

I die in Charity with all the World; and therefore I heartily pray God to bless the Church of *Christ* every where, these poor Nations, the King's Majesty; and I heartily commend my Soul to God's infinite Mercy, through my blessed Saviour *Jesus Christ*.

A. D. 1683.

which had been refer'd to, as we have seen by the Attorney-General. 3. One *Devis* depos'd, That he had seen *Sir Thomas*, alias *Henry Laurence*, and *Israel Hayes*, together at *Amsterdam*: And that he had heard the King several times abus'd by the English Fugitives at that Place. 4. One of the said Letters, directed to *Henry Laurence*, and subscrib'd *Joseph Hayes*, was read, importing, that at his Desire he had sent him a Bill, &c. 5. One *Wolpole*, who had been a Servant to the Prisoner, swore, that he believ'd the Letter was his Master's Hand. 6. The *East-India Company's* Books, in which was a Contract sign'd by the Prisoner, were produc'd, and on a Comparison of the Hand there with that of the Letter, they were pronounced to be the same. 7. The like Comparison was made between the said Letter and a Note of the Prisoner produced by one Captain *Poirdecause*; and the like Decision was pass'd upon it. 8. Another of the Letters found in *Sir Thomas's* Pocket, address'd to him, and sign'd *Joseph Hayes*, was read. 9. *Atterbury*, the Messenger, who had taken the Prisoner, and who had, most unfairly, been permitted to be present at his Examination, that he might be qualify'd for an Evidence, depos'd, That when the Letter was shewn to the Prisoner before the Council, and the King and the Lord Keeper press'd him to declare whether it was his Hand or not, he, the Prisoner answer'd, *He should say nothing to it: If they could prove it upon him, well and good.* Lastly, the Lord Chief-Justice himself was pleas'd to say, in what Capacity it is hard to ascertain, "That this was true: The Prisoner had not absolutely deny'd the Letter; but said, he was not bound to accuse himself; only he had indubitably deny'd that he knew either *Laurence* or *Armstrong*."

From this Sketch of the Evidence, and in truth from the very Face of the Indictment, it is apparent, that whatever Game the Court started, the Lawyers undertook to run it down; and that they had shook hands with Shame, as well as Virtue. It happen'd however that the Prisoner was a Man of Sense and Spirit; whom the Fury of the Bench could not daunt, nor the Craft of the Bar bewilder. Thus, at the very Opening of the Trial, he shew'd what Metal he was made of, and how hard a Task they would have either to bend or break him; for he made no less than Thirty-five peremptory Challenges, that he might have the better Chance at least for an upright Jury, which he was sensible was the single Thread on which his Life depended.

When he enter'd on his Defence, he undertook to shew, that *Wolpole* was govern'd by Malice, or some corrupt Motive, to appear against him: He alleg'd, that instead of having two Witnesses against him, as the Law requir'd, only a Letter was produc'd, which it was not even pretended that *Everis* the first Witness had ever seen, and whose Testimony, as to the Payment of the Money, was only *Hearsay*: That there was a flagrant Inconsistency in the Indictment, and

A. D. 1683.

the Proof brought in support of it; for, according to the first, the Money was paid in *London*; and, according to the last, it was paid beyond-sea. He also started several Points of Law, on which he demanded the Assistance of Council: As, Whether the *Proclamation* and *Outlawry* were to be deem'd a sufficient Proof that he knew *Armstrong* was guilty of High-Treason; without which it was no Crime to hold Correspondence with him. 2. Whether Similitude of Hands was Evidence in High-Treason. And, 3. Whether he could be try'd for a Fact said to be done beyond-sea, any otherwise than by a special Commission. &c. as prescrib'd by the Statute 35 Hen. VIII. c. 2. But he was over-ruled in all. He then call'd one Mr. *Sturdevant*, who had dealt with him for several thousand Pounds; who being shewn the Letter concerning the Bill, declar'd that he did not believe it to be the Prisoner's Hand. He also happen'd to say, that he was not a Person of that Quality to give *Sir Thomas Armstrong* 150 Guineas (for that was the Sum spoken of by *Everis*, tho' 150 l. was specify'd in the Indictment) which gave his Lordship occasion to say, in his humane, impartial, well-bred Manner, "That they all knew he had been a very active, busy Fellow about the City; as forward a Spark as any he knew. He did not know his Quality indeed, but he knew his Qualifications, that he had always been factious and turbulent against the King and Government." Having clear'd his Way thro' these malignant Aspersions, the Prisoner proceeded to observe, That the Common-Sergeant had had his Books several Days, in which there was an Account of 20,000 l. between him and his Brother, but not a Minute of the Name of *Laurence*, or any such Sum paid; though there was an Account of divers Parcels of Money disburs'd in little Sums, amounting to the Whole to the Sum in the Indictment. But then he also observ'd, (and appeal'd upon it to any Merchant) that Bills of Exchange were never paid piecemeal. He then call'd forth of his Fellow-Citizens to his Character, one of them an Alderman, who all of them acknowledg'd he was a fair Dealer.— Here his Lordship took fire again, and ask'd, "Whether they had been how active he had been when *Cornish* and *Bishop*, and such-like Men were chosen Sheriffs?" Upon which the Prisoner, with a proper Disdain, took the Cause out of his Hands, and address'd himself wholly to the Jury, conjuring them to regard only the Evidence before them; observing, that the Witnesses did not swear positively, but only according to their Belief: That no Two of them swore to the same Point: That *Cauldleigh's* Secretary alone had sworn the Letter was found in *Sir Thomas's* Papers: And that *Everis* alone had sworn, that he had seen such a Bill, but did not know the Hand: Protesting, in the Presence of God, Angels, and Men, that he had never given, sent, lent, paid, or order'd to be paid, any Money, directly or indirectly, to *Sir Thomas Armstrong*, or *Henry Laurence*, or by any other.

His admirable Defence.

A. D. 1682.

other Name, or for his Use: And this, said he, *Speak without Counterfitting or Equivocation*.— He farther alledg'd, That Overtures of Life had been made him, on certain Terms; and ask'd, Whether they could think he would have ris'd his Life, if he might have secur'd it by declaring the Truth? This gave his Lordship an Opportunity to let loose another Storm; but fall to no Effect: The Prisoner justify'd what he had said, by adding, "That he had been told, *the Way to save his Life was to confess*: And that one Mr. Foster was the Man who had told him so." To which the Chief-Justice reply'd, whether as Party, or Witness, is again uncertain, "That he also could tell him of (7) four or five thousand Pounds offer'd for his Escape." And thus Recrimination was to hold the Place of Argument. But the Prisoner was still above him, and deserves to be pointed out as worthy the Admiration of Posterity, for having clos'd his Defence in the following earnest, affecting, and sensible Manner: "Gentlemen, I have declar'd to you the whole Truth, with all the Solemnity that becomes an innocent Man; and you have heard the Evidence: It is nothing but Circumstance and Hearsay: And shall a Man's Life be taken away for *I believe*,— *I think*,— or, *I have heard*? Gentlemen, you are my Fellow-Citizens and Fellow-Christians; of the same Reformed Religion that I am; and I hope you are Tworn into this Service without any Prejudice against me, but with an impartial Resolution to do Justice: And therefore I cheerfully leave the Matter to you. I am sure, that if God help me, and deliver me in this Exigency, it is you that, under him, must preserve my Life. Gentlemen, the great Uncertainties, Improbabilities, and Consequences in this Case, I hope will be weigh'd by you. We must all die; and I am sure it will be no Grief to you, when you come to die, that you have acquitted an innocent Man. I leave it with you. The Lord direct you."

The Effect of this warm, courageous, and pathetic Address was no doubt visible to the Bench; and to throw a Dump upon it, the Lord Chief-Justice, in his Charge, employ'd all his Powers and Faculties to make his Protestations pass for a Strain of the same Hypocrisy, which, according to him, was the distinguishing Characteristic of the whole Party. But for this once he lost his Labour. There happen'd to be a Sprinkling of Men of Conscience among this Jury, who refus'd to go thro' the infamous Drudgery expected from them: And hence it happen'd, that, after a Debate of two Hours, they brought in their Verdict NOT GUILTY. Whereupon the

Prisoner was discharg'd; tho' the King's Attorney had the Modesty to move, That, in consideration of the *strong Evidence* against him, he might be first oblig'd to give Security for his good Behaviour during Life.

The Prosecution of the *Scottish* Part of this Protestant Plot remains still to be discours'd of: But as it may be reasonably enough presum'd, that the Subject grows stale upon our Hands, and the Subject-matter of the Treaty between the Malecontents of both Nations has already been touch'd upon, we shall reduce what we have farther to add to the narrowest Bounds possible.

The first Notice the Court receiv'd that the *Scottish* Gentlemen, who were come up to London under the Pretence of a Deputation from the *Caroline* Company, had any other Design on foot, came from *Shepherd*: But his Evidence was only Hearsay, from *Ferguson* and *Baillie* of *Jerviswood*, and encl'ed besides in a Signification, that the Money they demand'd could not be rais'd, and so the Project became abortive. Major *Hobbes*, a Friend and Agent of the Earl of *Argyll's*, made the next Discovery; and all he had to depose was, That *Ferguson* was carrying on a Money-Treaty with certain great Persons, to enable the said Earl to raise a Rebellion in Scotland: That they had offer'd him demanded 30,000*l.* That they had offer'd but 10,000*l.* which he did not know whether the Earl had accepted of or not: And that he had heard these great Men were the Duke of *Monmouth*, and the Lords *Russell* and *Grey*; but that he had never convers'd with any of them himself. Thus far his Evidence was as inconclusive as the other: But then certain Letters were found upon him in *Cypher*, to and from the said Earl and his Lady; and he acknowledg'd that one *Carstairs*, a zealous Field-preacher, was concern'd in carrying on the said Correspondence; and that one *Spence* was in the Secret of the *Cypher*: Both of whom were immediately apprehended; as were *Baillie*, and several more of the Gentlemen employ'd in the *Caroline* Business; and also *Alexander Gordon*, Laird of *Earlston*, who, says *Bishop Sprat*, had a formal Commission to raise Contributions for the Fugitives of the Party.

Still here was nothing but Matter of Alarm and Suspicion, nothing of Proof. It was therefore necessary to enlarge the Evidence, by drawing out Confessions, if possible. But neither would that Experiment answer; in England at least: For when the several Parties were brought before the Council here, they either refus'd to be examin'd, or to give such Answers as were expected from them. An Order was, therefore, made for the

A. D. 1683.

Prosecution of the Scottish Conspirators.

[True Account, p. 74.]

He is acquitted and discharg'd.

(7) It is remarkable, that the Lord Keeper North, between whom and *Jessop*, after his Elevation to the King's Bench, there were continual Strife, gave himself the Trouble to take Minutes of his Discourses: Among them is the Account of this Mr. *Byers* upon which Mr. North comments as follows:

"This was a Circumstance, that he *Jessop* could not be prosecuted for High Treason, and then at the Trial apparently help'd him out with the Jury [tho' as fact thing it appears

as the Trial] Which, it may be, was not without Reason: yet Evidence, as fact Trial, ought to be shown all Exceptions [in Maxim which was never thought of in the Case of your College]. But since nothing new being at the Trial, which was not first before, it was pleasant for a Man hunted into the Tally, and then let go. So luckily many Enemies become Friends! Upon what Terms who knows? Life of Lord Keeper North, p. 214.

A. D. 1653.  
[Hist. p. 85.]

Spence and  
Carstares put  
to the Torture.

[Burnet, c. 1.  
p. 583.]

the removing them to Scotland: And there it seems Spence, in the first place, and afterwards Carstares, Gordon, &c. were brought to discover the whole Intrigue: By what Means the Right Reverend Author, who makes Use of these tender Words, doth not think proper to specify: But that Deficiency is amply supply'd by another Right Reverend Historian in the following Words:

"One Spence, who was a Servant of Lord Argyle's, and was taken up at London, only upon Suspicion, and sent down to Scotland, was requir'd to take an Oath to answer all the Questions that should be put to him. This was done in a direct Contradiction to an express Law against obliging Men to swear, that they will answer *super inquirendis*. Spence likewise said, that he, himself, might be concern'd in what he might know: And it was against a very universal Law, that excus'd all Men from swearing against themselves, to force him to take such an Oath. So he was struck in the Boots, and continu'd firm in his Refusal. Then a new Species of Torture was invented: He was kept from Sleep eight or nine Nights. They grew weary of managing this: So a third Species was invented. Little Screws of Steel were made use of, that screw'd the Thumbs with so exquisite a Torment, that he sunk under this; for Lord Perib told him, they would screw every Joint of his whole Body, one after another, till he took the Oath. Yet such was the Firmness and Fidelity of this poor Man, that even in that Extremity, he capitulated, that no new Questions should be put to him, but those already agreed on; and that he should not be oblig'd to be a Witness against any Person, and that he, himself, should be pardon'd. So all he could tell them was, who were Lord Argyle's Correspondents. The chief of them was Holmes at London, to whom Lord Argyle wrote in a Cypher, that had a peculiar Curiosity in it. A double Key was necessary. The one was, to shew the way of placing the Words or Cypher, in an Order very different from that in which they lay in the Paper: The other was, the Key of the Cyphers themselves,

which was found among Holmes's Papers, when he absconded. Spence knew only the first of these: But he putting all in its true Order, then by the other Key they were deciphered. In these it appeared, what Spence had demanded, and what he undertook to do upon the granting his Demands: But none of his Letters spoke any thing of any Agreement then made.

When the Torture had this Effect on Spence, they offer'd the same Oath to Carstares. And, upon his refusing to take it, they put his Thumbs in the Screws; and drew them so hard, that as they put him to extreme Torture, so they could not unfix them, till the Smith that made them was brought with his Tools to take them off. So he confess'd all he knew, which amounted to little more than some Discourses of taking off the Duke; to which he said, that he answer'd, His Principles could not come up to that."

The very Words of Carstares, as to this Matter are as follow: "This Mr. Ferguson had in October or November before, as the Deponent remembers, in a Conversation with the Deponent in Chappide, or the Streets somewhere thereabout, said, that for the saving of innocent Blood, it would be necessary to cut off a few, insinuating the King and the Duke, but cannot be positive whether he nam'd them or not. To which the Deponent said, That's Work for our wild People in Scotland; my Conscience does not serve me for such things." Of all Confessions, those extorted by the Rack, deserve the least Credit; for if a Man to be reliev'd from Pain intolerable, may be induc'd to reveal a Truth, he may also by the same Means be induc'd to father a Falshood: But if it should be allow'd that every Syllable depos'd by Carstares was self-evident Truth, it did not authorize the many Engine things said of the Plot: For, as before hinted, he speaks of as great a Diversity of Opinions, almost, as of Persons; and is express that no particular Method of Proceeding was agreed upon; which is yet farther confirm'd by the said Earl Argyle's own (j) Letter; wherein he expostulates

(j) Which is here infered entire, for the Reader's better Information, as 'tis given by Bishop Spear:

"That he knew not the Grounds their Friends had gone upon, to offer so little Money; nor did he understand what Assistance they would give: That all he knew both, and heard what Carstares, or any other they should send over, had to say, he purpos'd neither to cease his Service, nor object against any thing resolv'd here.

However, that the said Earl had truly mention'd, in his Propositions formerly made, the very least Sum he thought could do the Business essentially; which was not half of what had been requisite in another Juncture of Affairs: That what Money he propos'd to be rais'd was so much within the Power of the British concern'd, that if a little less could do the Business, he had thought it would not be flood upon: That the said Earl reckon'd the Assistance of the Horse absolutely necessary for the first Brunt: That as to the precise Number nam'd, he would not be presumptuous, but he believ'd these would need that essential Number: That a thousand might be as easily rais'd as five or six hundred; and it were hard if it were at the Oath.

That they should consider, whether all ought to be hazarded upon so small a Difference as to the Money: That tho' 'tis true what was propos'd is more by half than is requisite for the first Week's Work, yet, soon after, all or

more will be necessary; and then Arms cannot be sent like Money by Bills.

That there are above twelve hundred Horse and Dragoons, and two thousand Foot at least, in Scotland; all well appointed, and tolerably well command'd: That it were hard to expect Country people on foot, without Horse, should beat them up the Number: That if Multitudes could be got together, they would still need more Arms and more Provisions.

That if ever considerable thing be not suddenly done at the first appearing, it may fright a little, but will do no good.

That the Standing forces will take up some Estates; probably at twenty; That they will have for Aid not only the Militia of twenty thousand Foot and two thousand Horse, but all the Heritors, to the Number it may be of fifty thousand Men: That tho' many should be unwilling to fight for the Standing forces; yet most will once join, and many will be as concern'd for them, as any can be against them.

That tho' the said Earl's Party should have at first all the Success imaginable, yet it is impossible but some will keep together, and have Assistance from all the three Kingdoms; then it will not be time to call for more Arms, but for more Money to buy them; and they should then prove like the foolish Virgins.

That

on the Smallness of the Sum offer'd, and wishes that, before the Design be given out, he might either come privately in Person to confer with those of London, or that they would appoint somebody to confer with him in Holland.

But the more imperfect these Discoveries were, the more necessary it was held to procure farther Information: And to add the more Terror to the Inquisition, a secret Committee was appointed to search to the Bottom of the Business; who issu'd out Warrants for apprehending the Earl of *Tarras*, Brother-in-law to the Duke of *Monmouth*, Sir *Patrick Hume*, Laird of *Polwart*, *Pringle*, Laird of *Torwooddie*, *Murray*, Laird of *Philipsburgh*, and *Scott*, Laird of *Gallowburgh*; all of them Adherents of the Earl of *Argyle* in the Affair of the Test; and, as we are told, having been nam'd by *Carshares* and others as Accomplices in the Plot: Whereas *Carshares* in his Depositions, names only the Lairds of *Polwart* and *Torwooddie*, both of whom made their Escapes, as the Lord *Mehil*, Sir *John Cockran*, and *Fergusson* had done before. The Earl of *Tarras*, *Murray*, and *Scott* were taken: And tho' it does not appear that any special Matters were laid to their Charge, we are told by Bishop *Sprat*, that they freely made their Confession upon Oath; and the Earl of *Tarras*, in particular, without either *erasing* or *receiving* any Security for himself. But our other Bishop, on the contrary, insinuates, That the great Object of the *Scotch* Ministry's Attention at this time, was the Destruction of *Baillie*, already at Death's-Door, thro' the barbarous Usage he had undergone in his Confinement: That they try'd what could be drawn from these Gentlemen against him; and that they prosecuted him after a Method wholly unprecedented. "An Accusation, says his Lordship, was sent him, not in the Form of an Indictment, nor grounded on any Law, but on a Letter of the King's, in which he charg'd him not only for a Conspiracy to raise Rebellion, but for being engag'd in the *Rye Plot*; of all which he was now required to purge himself by Oath, otherwise the Council would hold him guilty of it, and proceed accordingly. He was not, as

they said, now in a criminal Court upon his Life, but before the Council, who did only fine and imprison. It was to no Purpose for him to say, that by no Law, unless it was in a Court of Inquisition, a Man could be requir'd to swear against himself; the Temptation to Perjury being so strong when Self-preservation was in the Case, that it seem'd against all Law and Religion to lay such a Snare in a Man's way. But to answer all this, it was pretended he was not now on his Life, and that whatsoever he confess'd, was not to be made use of against his Life; as if the Ruin of his Family, which consisted of nine Children, and perpetual Imprisonment, were not more terrible, especially to one so near his End as he was, than Death itself. But he had to do with inexorable Men. So he was requir'd to take this Oath within two Days. And by that time, he not being able to appear before the Council, a Committee of Council was sent to tender him the Oath, and to take his Examination. He told them, he was not able to speak by reason of the low State of his Health, which appear'd very evidently to them: For he had almost died while they were with him. He in general protested his Innocence, and his Abhorrence of all Designs against the King, or the Duke's Life: For the other Interrogatories, he desir'd they might be left with him, and he would consider them. They persister'd to require him to take his Oath: But he as firmly refus'd it. So, upon their Report, the Council confirm'd this Refusal to be a Confession; and fin'd him 6000 *l.* and order'd him to be still in Prison till it was paid. After this it was thought that this Matter was at an End, and that this was a final Sentence: But he was still kept shut up, and deny'd all Attendance or Assisstance. He seem'd all the while to compos'd, and even to cheerful, that his Behaviour look'd like the Reviving of the Spirit of the noblest of the old *Greeks* or *Romans*, or rather of the primitive *Christians*, and first Martyrs in their best Days of the Church. But the Duke was not satisfy'd with all this. So the Ministry apply'd their Arts to *Tarras*, and the other Prisoners, threatening them with all the Extremities of Misery, if they

A. D. 1685.

[Sprat's true Account, p. 90.]  
Earl of *Tarras*, &c., as prohibited.

[Barneet, v. 1. 585, 586.]

*Baillie's* Self-  
serving.

That it is next to be consider'd how the discontented *English* Lords could employ so much Money, and so many Horles, better for their own Interest, tho' the Protocols Case were not concern'd; this being a little Sum, and small Funds, to raise so many Men, and, by God's Blessing, to repulse the whole Power of *Scotland*.

That the Horle to be sent from *England* need buy a little while to do a Jobb, when future Events would make *Scotland* the Best of the *West*; which would be yet more to the Advantage of *England*.

That by the best husbanding the Total of the Money propos'd, it cannot purchase Arms and absolute Necessaries for one time, for an Army of the Number they were to deal with: That nothing out of the Whole is design'd to be bestow'd on many things useful, and some necessary, as Tent, Waggon, Cloath, shoes, Horle, Horle-shoes, &c. All which are not only once to be had, but duly recanted: Much less was any of it appointed to provide for Meat or Drink, Intelligence, or other incident Charges.

That some honest, well-meaning, good People, may undertake for little, because they can do little, and know little what it is to be done.

That the said Earl had made the Reckoning as low as if he had been to pay it all out of his own Purse: That he was

resolv'd never to touch the Money; only to have it lias'd out according to Order: That he freely submits to any knowing Soldier for the Lists, and to any skillful Merchant for the Price he had calculated.

That it will be a great Encouragement for Persons of Estates and Consideration to venture, when they shall know there is a Project and Prospect of the whole Affair, and Necessaries provided for such an Attempt.

That if after the said Earl shall have spoken with *Cardenas*, he find he is able to do any Service, he will be very willing; if he be not able, he will pray God some other may.

That before it be given over, he wishes he might have such a Conference as he had mention'd in another Letter a Week before; wherein he had offer'd either to come over privately in person, or to meet any to be sent from hence.

That he expected not all the Horle from the discontented Lords, but some considerable Part might be rais'd by particular Friends.

That he had yet more to add, to inform all he had said, but it could not be express'd as that Distance: That something more was to be done to prevent the Design of the *Enemies*, which he there not now mention, but it should put them on their Guard: That he has a considerable Discretion in his Head, but all is in God's Hand.

A. D. 1683. they would not witness treasonable Matter against *Baillie*. They also praecified on their Wives, and frightening them set them on their Husbands. In Conclusion, they gain'd what had been so much labour'd."

Thus far the Historian of his own Times: And it must be acknowledg'd, that his Narrative deserves some Credit even from the very Depositions of Lord *Tarras* and Commissary *Murray*, (who was also inclin'd to turn Evidence); which, even as they are given by Dr. *Sprat*, contain rather an Impeachment of *Baillie*, than a Confession of the Plot in general. But then it must be acknowledg'd also, that *Murray* speaks abundantly more to the Business than to the Man; and thence it became plain, that whatever were the Views of these doughty Conspirators with respect to their Adversaries, they were very far from having establish'd a proper Concert among themselves. In *Carstairs's* first Deposition, it is said, "That one *Martin*, late Clerk of the Justice Court in *Edinburgh*, was sent from the *Scottish* Gentlemen in *England* to the Lords of *Polwart* and *Torwoodlie*, to desire their Friends to hinder the Country from rising, or taking rash Resolutions (i) *in Account of the Council*, till they should see how Matters went in *England*." And it appears that *Martin* actually was sent to the said Lords, by those Gentlemen: But then the whole of his Errand, and the whole of what ensued in *Scotland* thereon, is only to be found in the Depositions of the said *Murray*, as follows, viz. "That in May 1683, the said Deponent, coming to *Torwoodlie's* House, at his Invitation, found *Martin* there, and was told by the said *Torwoodlie*, That great Matters were in Agitation at *London*; That *Martin* was come down with a Commission to their Friends here; but he was to communicate his Instructions only to *Polwart* and himself, who were to pitch on such Persons as they thought fit to intrust with the Affair: That he had great Confidence in the Deponent, and therefore had sent to acquaint him, that things were now come to

a Crisis: That he had reason to think *England* would shortly be in Arms; That it was no Project of an inconsiderable Party, but a Design through the Kingdom; That many of the best Men, and of greatest Integrity and Credit were engag'd in it there, and had agreed for the advancing Money to furnish Arms here: That *Polwart* would be at *Glasgow* that Night; and it would be necessary the Earl of *Tarras* and the Deponent should confer with him fully on the Business.

That about this time the Earl of *Tarras* came, who retir'd a little to discourse with *Martin*.

That then *Torwoodlie* told the Deponent; that altho' *Martin* would not commune with them upon his Commission directly, yet it would be fit they conferr'd; and, without taking notice of his Commission, discourse of things as their own private Notions, abstracted from any Prospect of a present Design.

That accordingly after Dinner they four retir'd to a Chamber, and after some general Talk of the Discontents of both Kingdoms, their Suppositions following were discuss'd of; *Martin* starting all, or most of them.

1. If the Country Party in *England* should have thoughts of going into Arms what could be expected here in such a Case?
2. Would it not be expedient to have a settled Correspondence between that Party there, and here?
3. Might it not be so adjust'd, that both Kingdoms should draw out in one Day?
4. Might not as many be expected in these Shires, and about *Edinburgh*, as would surprize the Rulers, and some to join with the *English* on the Borders, and seize on *Berwick*, others to attempt *Stirling-Castle*?
5. If *Argyle* should at the same time land in the *West*, and raise that County, would not these Measures contribute much to the Advancement and Interest of the Party? encourage all that had an Inclination to them, and scare many others from acting against them?

(i) What is meant by these Words may be gather'd from the Passage here addid from Dr. *Sprat*:

"A great Breach was form'd, and appear'd on all Occasions, between the Earl of *Arden* and *Queensberry*. The latter was very easy in his Opinions, both of the Soldiers and of the Peasants; so his Party became the strongest. Lord *Arden's* Method was this. He writ up Letters to the Duke of all Affairs, and offer'd Expedients, which he preceid were concern'd at *Edinburgh*; and sent with them the Draughts of such Letters as he desir'd should be sent down from the King. But these Expedients were not concern'd, as he said: They were only his own Opinions. Lord *Queensberry*, offended with this, let the Duke understand how he had been deceiv'd. So an Order was sent down, that all Expedients should be concern'd by a Junta, consisting of Lord *Queensberry's* Creatures. Lord *Arden* saw that by this he came to signify little: And seeing he was losing Ground at Court, he intended to recover himself a little with the People. So he resolv'd for the future to keep to the Law, and not to go beyond it. And such was the Fate of this Time, that the weak Moderation and Popularity. The Churches were now all well kept by the Men; but their Wives not being so in the Act of Parliament, none of them went to Church. The Mixture was laid before the Council: And a Debate arose upon it, whether, Man and Wife making one Person in Law, Husbands should not be fin'd for their Wives Offence, as well as for their own. Lord *Arden* oppos'd upon this, that the Act did not mention the Wives: It did indeed make the Husbands liable to a Fine, if their Wives went to

Conventicles; for they had it in their Power to restrain them: And since the Law provided in the one Case, that the Husband should suffer for his Wife's Fault, but had made no Provision in the other, Case, as to their going to Church, he thought the fitting thing on that account could not be legally done. Lord *Queensberry* was for every thing, that would bring Money into the Treasury; so, since in these Parts the Ladies had for many Years withdrawn wholly from the Church, he propos'd the fitting Taxes on their Husbands to the Rigour would recal the Estates of the Country to the Point to the King: And Lord *Arden* came up to have his Resolution upon it. The King determin'd against the latter; which was thought very improper; for, in almost every Case, the Noblemen of a Prince's Temper should direct him to the most solid Side. This was the last expression from the King, who had all his Lifetime express'd as great a Neglect of Women's Conscience, as a Illusion for their Persons.

But, as by his right, he was determin'd to do by the Duke; who, from the breaking out of the Plot, had got the whole Management of Affairs, *Argyle* as well as *Queensberry*, into his Hands.

A. D. 1686. them? And so they might have leisure to join from all Places. And then might it not be expected there would be as many in this Kingdom, as would be able to deal with the Forces here, at least divert them from troubling England?

These Queries being propos'd, it was answer'd, That as to settling a Correspondence, it was very convenient for those of a common Interest, but none could be found here fit to manage it that would undertake it.

That as to *trifling*, that is to say, rising at the same time, that could not be done without divulging the Design to all Ranks of People, which none would consent to, except those already in desperate Circumstances, and they would not generally have much Influence.

That the thing was not at all advisable for Scotland, because if those in England, especially in London, the Spring of their Motions, should happen to have an Interruption near the time appointed, then the Scots not having timely Notice, might rise alone, and be expos'd as a Prey.

That *Argyle's* coming was not much to be rely'd on, by reason of the Uncertainty of Sea-Voyages: That he might, himself, be suspected of private Designs: That Despair might blind his usual Prudence, and prompt him to indigested Methods; so it was expected few of the Gentry, but such as were under very hard Circumstances, would embark with him. That as to the surprizing their Rulers, it was inveigh'd against, as an Action not to be thought of amongst Protestants.

That then *Martin* told the Company, if any had a mind for a Suit of Armour, he could provide as many as pleas'd, of a new Fashion, very light, and of an easy Rate, from one who had made a great many lately for honest Men in London.

That then all the Company, except *Martin*, went to *Gallowghie's* House, where they met him and *Pelwairt*.

That after Supper, having given and receiv'd mutual Assurance that they were free to commune with *Gallowghie's*, and he with them, touching Matters of great Secrecy and Importance, they sat close together, *Pelwairt* beginning the Discourse.

And signifying to them, he was credibly inform'd, that the Country Party in England would draw into the Fields shortly, and as he heard, before *Lammas*: That *Gallowghie's* seem'd visibly surpriz'd at it, saying, he lov'd better to be walking in his own Parks than to be meddling in such Matters: However assuring them, if there came any troublesome Work, he would join with them firmly.

That the Earl of *Tarras* also disapprov'd of doing any thing during the King's Life; because that might strengthen the Duke's Interest: That therefore he suspected it was a Project of the Common-wealth's men, with whom he believ'd few Scotch Gentlemen would join; and that he was almost persuad'd the Duke of *Monmouth* would not concur in any Rising during the King's Life.

That to all this *Pelwairt* answer'd, he heard

NEMB. LXVIII.

A. D. 1687. the English had once agreed on that Principle, but it seem'd they found they must either do their Business now, or lay aside all Hopes of doing it hereafter. For if the Charter of *London* were let fall, they should not only lose all safe Opportunities of digesting Matters, but also a great Part of their Strength: Adding, that he heard all things were concerted mutually between *Monmouth's* Friends, and the Heads of the Common-wealth Party; and tho' *Monmouth* was shy on that Account, yet he hop'd he would engage, or he would be deserted by that Party.

That then *Pelwairt* mention'd the former Queries, as Overtures agreed on between other Friends in London, and the principal Men of that Party there.

That the Earl of *Tarras* and the Deponent repeated their former Answers, *Gallowghie's* joining forwardly with them.

That *Pelwairt* reply'd, He was fully of their Opinion, if things were entire, but refer'd it to be consider'd, whether it were not better to comply with some of these Methods, tho' not so justifiable as could be with'd, rather than disappoint the Business totally.

That there was another Argument urg'd against rising with the English, because it was talk'd there had been a Day appointed in England in *Shoffsbury's* time, which did not hold; so they were not to be rely'd on.

That then it was propos'd to be deliberated what Methods were most proper in the Company's Opinion for Scotland to follow, in case of England's rising first.

That it was said, All that could be expected or desir'd from Scotland was, that upon certain News of England's being in the Field, those of the Southern Shires could presently rise, and as soon as so many should convene, as would be able to deal with straggling Parties, march to join the English on the Borders, that then it would be seasonable for *Argyle* to land in the West; and these Parties on the Borders might divert the Forces, till he had time to put himself into a Posture.

That it was left to *Pelwairt* to commune with others to this Purpose.

That all the Company seem'd to agree, they should move nothing in the Affair, till they had a certain Account what England propos'd, and who were to be their Heads: That if they design'd any thing against the King's Person, or for overturning *Monarchy*, they should not be clear to join.

The Earl of *Tarras* and *Gallowghie's* also, make the actual Rising of the English the Condition,  *sine qua non*, of the Scots doing the same: And thus it becomes more and more apparent, that after all these Consultations and Negotiations, the Shell was more likely to burst in the Hands of those who held it, than upon the Heads of those against whom it was aim'd. And we shall now find, that if it was not expressly agreed, it was sufficiently understood, that *Baillie* was to be the only Sacrifice: For having procur'd this Evidence against him, dying as he was, he was brought upon his Tryal for capital Treasons: And tho' his Council objected, that he ought to have had fifteen Days notice of

9 T

Triall,

*A. D. 1685.* Trial, that had been (\*) prosecuted before, and severely fin'd for the same Offence; and that in Cases of Treason, Accomplices were not legal Witnesses, all was over-ru'd. The Earl of *Tarras*, Comissary *Montro*, and *Carstairs*, in (1) Person, appear'd against him: And by way of Auxiliary, the Depositions of *Shepherd* and *Bourne*, in *London*, consisting of what they had severally heard from *Ferguson* concerning the Prisoner's Transactions there were read. *Bishop Burnet* says, that though the Witnesses exceeded the Truth, all they depos'd did not amount to full Proof; with what Reason those alone who are acquainted with the Laws of *Scotland* can determine. But the Earl of *Tarras* depos'd, That he went to *London* to negotiate a Sum of Money to enable *Argyle* to invade *Scotland*; and that he writ him word by *Martin*, that 10,000*l.* was to be rais'd for that Purpose. *Montro*, That *Baillie* had spok'd to him more than once of getting Money from the *English* for *Argyle*, to promote an Insurrection; and that *Martin* receiv'd his Commission, above specify'd, in *Baillie's* Chamber, from all the Persons present; namely, the Prisoner, the Deponent, *Carstairs*, &c. And this last Particular was not only confirm'd by the said *Carstairs*, but he likewise swore, That he met the Prisoner at *Shepherd's* in Company with Lord *Russel*; at which time, he, the Deponent, made the Earl of *Argyle's* Proposal to his Lordship for raising 30,000*l.* That his Lordship reply'd, 'So much could not be rais'd at that time; but that if they had 10,000*l.* to begin with, that would draw People in: And yet further (a) officiously and impertinently, if not falsely, That he had heard of the Design of killing the King and the Duke from *Shepherd*, who said, that some were fall of it; and that he, himself, had communicated the Design to *Quon Crisfith*, and *Mede*, Dissenting Preacher, who all concurr'd in it. This was the Sum of the Evidence: And nothing the Prisoner could urge in his Defence making an equal Impression on the Jury (who, according to the Custom of *Scotland*, consisted of twelve Gentlemen, one Knight, and two Peers) they unanimously pronounc'd him, Guilty. And to afraid were

those in Power, says *Dr. Burnet*, lest Death should be too quick for them, that he was condemn'd by the Bench to be executed the same Day.

"He was very little disturb'd at all; he proceeds this Bishop: His languishing in a solitary manner made Death a very agreeable Deliverance to him. He, in his last Speech shew'd, that in several Particulars the Witnesses had wrong'd him. He still deny'd all Knowledge of any Design against the King's Life, or the Duke's; and deny'd any Plot against the Government. He thought it was lawful for Subjects, being under such Pressures, to try how they might be reliev'd from them. And their Design never went further. But he would enter into no Particulars. Thus a learn'd, and a worthy Gentleman, after twenty Months hard Usage, was brought to such a Death, in a way to fill in all the Steps of it of the Spirit and Practice of the Courts of Inquisition, that one is tempted to think that the Methods taken in it were suggest'd by one well study'd, if not practis'd in them. The only Excuse that was ever pretended for this infamous Prosecution was, that they were sure he was guilty; and that the whole Secret of the Negotiation between the two Kingdoms was trust'd to him; and that since he would not discover it, all Methods might be taken to destroy him; not considering what a Precedent they made on this Occasion; by which, if Men were once possess'd of an ill Opinion of a Man, they were to spare neither Artifice nor Violence, but to hunt him down by any Means."

Thus we are, at last, come to the End of *General Reflections on the Plot*. this intricate Tragedy; for with *Baillie's* Death the Curtain was let fall. And upon the whole, what Reflections shall we make? What Judgment shall we pronounce? As to the mere Matter of Fact, it is out of all Doubt there was neither so much Guilt in it as one Side pretended, nor so much Innocence as the other. It cannot be deny'd, but that the assassinating the two Brothers had been talk'd of by some, but then it had been talk'd of only, and that chiefly if not solely by those who became Witnesses for the King, and who

(\*) "He was carry'd to Newgate in the Morning that Lord *Russel* was try'd, so that if he could be persuaded to be a Witness against him. Every thing that could work on him was made use of; but all in vain: so they were oblig'd to let him go." *Burnet*, vol. 1. p. 454.

(1) *John Burnet* says, "The Ministers, being afraid that a Jury might not be so easily as they expected, order'd *Carstairs's* Confession to be read in Court, not as an Evidence, (for that had been promis'd him should not be done) but as that which would fully satisfy the Jury, and dispose them to believe the Witnesses." Which implies, that *Carstairs* was not of the Number: But the contrary is true.

(a) "The Whole of *Carstairs's* Depositions are to be found in *Spence's History*; and in the very manner these, that they were extract'd from him by Force and Violence. If they had show'd freely, it is scarce to be imagin'd but that, when he mention'd that transact'd with *Ferguson* concerning the Expediency of cutting off some few, animating the King and Duke, he would also have mention'd what he had heard more plainly on the same Subject from *Shepherd*: Whereas it does not occur till almost the Close of the Deposition; and there without any previous Circumstance to lead him to such a Recollection: Nor does *Shepherd* himself, tho' a remarkably forward Witness, any where take notice that he ever communicated that Particular to *Carstairs*."

at all; nor that *Carstairs* ever saw his Name. Nay he does not so much as mention his Name. That is so the Particular of the Dissenting Ministers, he does not breathe a Syllable concerning them, till his second Deposition, which was taken ten Days after his first. And tho', by the regular Manner of placing his Evidence concerning it, the Reader is oblig'd to conclude, that it was the Assassination he communicated to them, and they conceal'd in it; in his first second Deposition it appears, that he communicated no more to them, than regarding the Proceedings with his malcontent Countrymen: And *Dr. Spence*, in his *First Account*, p. 21, 22, makes it Matter of Reproach to two of them, namely *Blond* and *Deves*, That the first should depose before his trial, in substance, that it was the Assassination he communicated to them; but that, on the contrary, he himself had once absolv'd *Argyle*, upon Discharge of some Libel of his, then newly made public, that it was not their Part to do such things: And that the last, whom he calls in Derision the great Oracle of the Dissenters, being examin'd upon Oath, before the Lord Chief Justice *Town*, and being ask'd, Whether he had not heard of a bond not against the Life of the King, did, not long before his Death, take God to witness, and fabricate it with an dying Head. "This indeed he had heard of such a Plot, by the means of the King's Prothoman; but so otherwise."



who were never able to bring the rest of their Associates even to countenance so wicked a Proposal. It cannot also be deny'd but that a Design to seize and detain the King till he had made the Concessions the Party requir'd of him, had been propos'd by many more; and that an Insurrection of some sort or another was the general Pursuit of all: But then nothing can be more unjust or cruel than to couple, as some have done, the Insurrection with the Assassination; the Schemes of *Monmouth* and *Sydney* with the Phrenzies of *Woff*, *Ramsay*, and *Goodenough*; or to formalize, that because Men had recourse to violent Methods on the Principles of Self-preservation, they therefore meant nothing less than a general Massacre, and the total Subversion of the Constitution.

The plain Truth is, that, instead of being a desperate Band of Plotters, they scarce deserv'd the Name of a Party. But a Handful out of the Legions who stood up to obstinately for the Exclusion-Bill, appear to have had any Knowledge of the Matter. Of all the City Patriots who had to fiercely and openly oppos'd the Court, not one considerable Man appear'd on their List. Among the few Persons who did throw themselves into the Breach, it is manifest, there were no solid Principles of Confidence and Union: *Sydney* distrust'd *Argyle*, *Ferguson* complain'd of *Sydney*: Some of the *English* were out of Love with Royalty, and the *Scots* would not bear the Name of a Republic again: The *Scots* would not believe the *English* were in earnest till they saw them in the Field: Nor could the *English* be induced to part with their Money till they could be secur'd that it would be laid out in their Service. Not so much as a regular Scheme had been form'd of what they wish'd to have done; or of the Means by which it was to be effected. Day after Day slid from under their Feet, and produc'd nothing but Danger to themselves without any good to their Cause. And thus when the Discovery took place, it appear'd they had just ventur'd far enough to undo themselves, without having taken one effectual Step for the Service of their Country.

Can therefore any rational Pretence be assign'd for countenancing the Fanaticisms of those over-heated Loyallists, who so confidently assert, that nothing but the immediate Interposition of Heaven, by the means of so profligate a Tool as *Keyling*, could have sav'd the invaluable Lives of the King and Duke, on which the very Being of Church and State depend'd? Or can we imagine, that such a mighty *Cobolus* as any Government is that has the Laws for its Pedestal, could, like the Image in *Nebuchadnezzar's* Dream, be destroy'd, by a Stone without Hands?

There is no Machine in the whole Compass of human Action that requires greater Abilities to frame and conduct it, than a Conspiracy: And, tho' a Fireship in a Fleet is not a more dreadful Pest, when it takes effect, common Vigilance is all that is requisite to disable it before it fastens, and even to destroy the Managers, in the midst of their

own Combustibles: Unless the Pilot, Officers, and Mariners, have all one Heart, one Will, and direct all their Powers and Faculties to one End, they have no Chance for Success, and only rush upon their own Ruin. Had this, therefore, which was to form an Embrio, as we have seen, that the very Model was not agreed upon, been allow'd Time enough to attain Maturity, it must, in all Probability, have slid into Form, by a mere Co-incidence of lucky Events; and from thence have deriv'd Virtue, Motion, Vigor, and Efficacy; which had been a Series of Miracles indeed: And as to the Condition in which it lay when *Keyling* came forward with his Dark-lantern-discoveries, it only serv'd to disgrace all Conspiracies; to rivet that sordid Selfishness in human Nature, which leads Men to betray and sacrifice one another; and at the same time that it serves to extenuate the Guilt of the Undertakers in the Eye of the Law, leaves an indelible Stain on their Understandings.

Having trespass'd on the Order of Time, for the sake of throwing the Whole of this domestic Occurrence together, we are now to resume the Thread of our foreign Affairs, and endeavour to shew, as far as the imperfect Traces left us of those Matters will give leave, the Influence they may be supposed to have had on our Management at home.

We left the Marquis de *Grana*, an irreconcilable Enemy to the *French* Power and Interest, in possession of the *Austrian Netherlands*, where he immediately apply'd himself with all his Powers and Faculties, to establish such Regulations in those Provinces, as should contribute to the more effectual Preservation of them from the Inroads of *France*, for the future: We left that insidious Power in prosecution of new Claims of such Places and Districts as were convenient for her; and holding *Luxemburg* in Blockade till they were satisfy'd: We left *Spain* in a Resolution to enter into a new War, rather than comply with them: We left *England* in a Disposition to connive at whatever *France* should please to undertake: We left the Republic of *Holland* endeavouring with all their Address to bring these Disputes to a Compromise: We left the Emperor and Prince of *Orange* with quite opposite Views, eager to have the War declar'd, and making use of all their Efforts to that End; And all this time the Powers at Variance had their Commissaries at *Courtray*, and held perpetual Conferences on the Subject-matter of Difference, on the Side of *France*, only to amuse; on that of *Spain*, with a vain Hope that they should derive those Advantages from the Justice of their Cause, which they had no Reason to expect from the Sword.

During this Situation of Things, the arbitrary and wicked Government of the Emperor in *Hungary* had provok'd a great Body of the Oppress'd to solicit the Protection of the *Turk*, and, at length, to appear in open Arms against their Oppressors: And, not long after, mighty Preparations were made at the *Port*, to wage War upon his Imperial Majesty in form.

A. D. 1687.

Foreign Affairs.

France fights up the Rhine against the Malcontents and the Turks against the Emperor.

A. D. 1683.  
(F. i. p. 565.)

The Blockade  
of Luxembourg  
rais'd.

His most Chri-  
stian Majesty  
offers to sub-  
mit his Claims  
to the Arbi-  
tration of  
England.

King Charles  
still in the  
Interest of  
France.

Bishop Burnet is express, that France was deep in both these Intrigues; and indeed it is scarce supposable that she was not: But that no such Surmise might be entertain'd on this Side of Europe, she not only rais'd the Blockade of Luxembourg, but caus'd her Commissaries at Courtray to declare, that it was done that there might be no Cause of Jealousy or Suspicion to hinder the Christian Princes from opposing the common Enemy. That however she might find her immediate Account in this affected Moderation, the said Commissaries at the same time declar'd, That the King their Master would no longer suffer his Pretensions to be litigated there; but that he should refer them to the Arbitration of the King of Great Britain: Which was declaring, in effect, that he would submit to no Decision but what was dictated by himself: It was in vain that the Spanish Commissaries objected, That they were not instructed on any such Head, and consequently could not accept of the said Arbitration: They were told by *Messieurs de France*, That their Commission was at an end, and that they could not accept of one Paper more. The Court of Spain was still too high-minded to be prescrib'd to, but withal too weak to defend herself from it: In order therefore to qualify as much as possible the Force put upon her, and to avoid alike the ill Consequences of accepting or refusing it, she recurr'd to the Principle which gave rise to the Treaty of Nimwegen; and offer'd to accept of the Mediation of England, tho' she could not submit to the Arbitration. But France would hear of no Medium; and insisted on having her own Will, or of appealing to the Sword.

True Politicians never make a Motion before they have consider'd all Consequences: And those of France must have laid down this Law on one or other of these Considerations, *viz.* Either that, in case it was submitted to, the King of England would have acted up to the full of all that was requir'd of him by his Brother of France; or that, in case it was refus'd, his most Christian Majesty might be furnish'd with something like a Pretence for having recourse to Arms. As to Proofs of the thorough Union between the two Kings, or rather, the Subserviency of the one to the Views and Designs of the other, drawn from Instructions, Letters, and Negotiations, they seldom fall in our Way: But by Circumstance or Inference, they arise at almost every Step we take. Thus it must be presum'd, that while it appear'd there was a Division of Interests and Parties in the Cabinet or the State, the Agents of all the several Powers who were apprehensive of the Encroachments or Menaces of France, left no Expedient untry'd to strengthen the Endeavours of those who were for putting an end to that Subserviency, dissolving that Union; and enabling his Majesty, by the Assistance of his Parliament, to turn the Scales of Europe: And that all those Expedients were ineffectual, is a Truth too notorious to admit of Controversy. Some indeed will have it, that they ow'd their ill Success,

not to the Ascendancy of France, but to a Fear of the Malcontents; who in Parliament were in the Center of their Web, and were thereby empower'd to be more extensively mischievous. Thus we are assur'd, that tho' their Leaders, before they had recourse to Plotting, had made very large Propositions to the Ministry of granting what Money the King should desire, without either meddling with the Duke of York, or any of the Ministers, in case the King should think fit, according to their humble Advice, to call a Parliament, and pass a general Act of Indemnity, those Propositions were rejected, because the King knew not how to trust them, who had disappointed him so often.

But, on the other hand, we have already seen, that the Motion for a Parliament had been propos'd by Lord Halifax himself; and that not for the sake of gratifying the Malcontents merely, but for the sake of putting some stop to the arising Projects of France: And that it was over-ru'd by the Influence of his Royal Highness, who was known to act in all things, as if the Interest of his most Christian Majesty was his own. Besides, the same Minister made the Motion, after *Keyling's* Discovery; and was supported in it even by the Lord-Keeper North, tho', perhaps, not altogether on the same Grounds. The Marquis of Halifax was a Politician profess'd, who took the whole Circuit of the Cabinet for his Sphere, and who held himself equally qualify'd to preside both in foreign and domestic Affairs. The Lord Keeper, on the contrary, as we are told by Mr. North, never car'd to attend the Committee of foreign Affairs, professing himself, for want of a fit Education and Study, incompetent to judge at all of those Matters: In advising the King therefore to call a Parliament, we may be sure he made use of no foreign Considerations; on the contrary, we learn from his own Minutes, and his Brother's Comments thereon, that his Advice was founded purely and simply on the Equity and Expediency of the Measure, and the Right of the People to claim the Benefit of it. The King had given his Royal Word in Print, that he would govern according to Law: And even as the Law then stood, Parliaments were not to be discontinued above Three Years. According to him, therefore, in dispensing with that Law, he would falsify his own Declaration; and, in consequence, would furnish the Faction with such reasonable Matter of Complaint against him, as would enable them once more to deprive him of the Hearts of his People; which his Lordship very rightly held to be the greatest Misfortune that could befall him: *The Torrent of the People, says he, is irresistible; neither Laws nor Arms can prevail against it.* The Lord Privy-Seal, on the other hand, back'd his Opinion with Arguments deriv'd from Policy as well as Equity: According to him, This was the Time for the King to put himself out of the Necessity of depending on France, and to make himself more consider'd by his Opposition, than he had ever been by his Services: The Faction, which had

A. D. 1683.

[Life of the D.  
of Ormond,  
p. ii. p. 566.]

[Disputes in the  
Cabinet, in  
relation to a  
Parliament.

[Life of Lord  
Keeper North,  
p. 251.]

A. D. 1683. had carry'd all things with so high a Hand in former Parliaments, lay now gasping at his Feet: The Body of the People were at his Devotion: The Discovery of the Plot, and the Use which had been made of it, had so alter'd the Disposition of Things, that he might depend on having such a Majority, as would make him easy for the rest of his Life, &c. And it must be own'd, that the Advice was so sound, so honest, and so reasonable, that, except by the Ascendancy of the Duke of York, and the Money of France, there is no way to account for its not being taken: And that it was not only absolutely rejected, but that a contrary Scheme was actually form'd, to preserve his Majesty from ever being under any Necessity to yield to it, appears from the Resolution that was soon after taken to send Lord Dartmouth with a Squadron of Men of War to Tangier, (which it is reasonable to think the French were at the Expence of) with a Commission to blow (n) up the Works, which had cost such mighty Sums, and to bring home the Garrison: By which a very considerable Saving was made to the Revenue, and a very considerable Access to the standing Forces of the Crown.

Lord Dartmouth sent to demolish Tangier, and bring home the Garrison.

Remarkable Conformity in the Motions of France and England.

The most Christian King renounces his Pretensions upon Alost.

M. de Grana's Answer.

It is moreover observable, that there was a remarkable Conformity in the Measures and Motions of the two Courts at this time; for, whereas Lord Dartmouth sail'd first from Spithead August 22, on the 23<sup>rd</sup> of the same Month the Marquis de Grana receiv'd a Message from the Marshal d'Humieres, signifying, that his most Christian Majesty, having for two Years together, vainly expected Satisfaction for his Pretensions on Alost, &c. had commanded him to assemble his Forces, and to take possession thereof. Whence it became manifest to every Man conversant in public Affairs, that the Crisis was such, that France was sure of carrying her Point: That is to say, that the Emperor had already Business enough upon his Hands (the Grand Vizier, with a vast Army, having then lain fifty Days before Vienna): That she had made sure of a sufficient Party among the German Princes: That she had Interest enough among the States to traverse the Efforts of the Prince of Orange: And that she had nothing to apprehend from England.

But, however legible these Characters were, both the Marquis de Grana and the Court he serv'd were in no Disposition to take their Measures either from their own Weakness, or the Strength of their Adversary: And, accordingly, his Excellency's Answer to this peremptory Message suited better with the Justice of his Cause, than his Capacity to make it good: "Tell the Marshal who sent you, said he to the Officer, or

rather Herald, who brought the Message, that his Commission strangely surprizes us: Tell him, that we thought ourselves in the midst of a profound Peace: That the Treaty of Nimwegen had so fully and distinctly specify'd in what manner all Claims and Differences should be decided, that no Man could have expected, especially the present State of Christendom consider'd, that any Alterations would have been propounded so contrary both to the Spirit and Letter of the said Treaty: That his Catholic Majesty had a Minister at Paris; that the most Christian King had one at Madrid; and that Demands of this kind should have been made at those Places; not to me, for my Business is to defend the Provinces committed to my Charge, not to surrender any Part of them."

A. D. 1683.

Having given this firm Answer to the Marshal's Demand, and having follow'd it with as bold a Complaint of that General's Conduct, which he sent express by one Mr. del Val to the most Christian King, his Excellency proceeded, with all imaginable Diligence, to make his Actions answer his Words, by soliciting Aids of the States of Flanders, and dispatching Advices of what had happen'd to Spain, Germany, England, and Holland, accompany'd with the most lively Remonstrances of the Danger at hand, and the apparent Necessity of immediate Assistance: With the Prince of Orange he conferr'd in Person: And the Result of all was, that the States of Flanders granted him a large Benevolence; Spain sent him Remittances of Money; Germany and England fair Words; Holland the eight thousand Auxiliaries they were oblig'd by Treaty to furnish; and as to the Prince of Orange, he took the Alarm, as if the Frontier of the Republic had been invaded; he caus'd the States to be extraordinarily assembled, and, in concert with the Pensionary Fagel, the Spanish Resident, and the whole Council of State, left no Expedient untry'd to engage them in a new Levy of sixteen thousand Men: But, notwithstanding all the Instances they or he could make, their High and Mighty Lordships separated, without coming to any Resolution, under the Pretence of consulting their Principals upon it; which, however plausible in Appearance, was no better than a Trick of the French Faction to gain Time for the starting such Objections, and raising such an Opposition, as should end in the utter Disappointment of his Highness. And no sooner did the States re-assemble, but this became apparent: Several of the Deputies, particularly those of Amsterdam, came instructed to give their Negative to the Motion; and after warm and violent Debates, which lasted for eight Hours together, the Prince being present,

The Prince of Orange moves for a new Levy of 16,000 Men.

And is oppos'd by the French Faction.

(\*) Concerning which Circumstance, Illioph Ewert writes as follows:

"The King, when he communicated this to the Cabinet Council, charg'd them to be secret. But it was believ'd, that he himself spoil'd it to the Lord Arlington, and that Lord Arlington told it to the French Ambassador: For the Ambassador took fire upon it, and said, that, if the King was weary of keeping it, he would restore it to his Master:

And he undertook to pay a great Sum for the Change the King had been at, all these Years that he had it. But the King believ'd, that, as the Money would never be paid, so the King of Portugal would not be able to maintain that Piece against the Seas: So that it would fall in their Hands, and by that means prove too important to command the Straits. This thing was boldly deny'd by the Ministers, when press'd by the Ambassador upon the Subject."

A. D. 1685.

sent, they separated again without coming to any Decision.

All this while the Marshal *d'Humieres* had sent out his Parties on every side, and had laid the open Country under heavy Contribution: And M. *del Val* taking the Liberty to treat this unjust Method of proceeding with all the Bitterness it deserv'd, he was not only order'd to leave *Paris* immediately, but was conducted under a Guard back to *Flanders*; whence he was dispatch'd by M. *de Gramé* to the *Hague*, to give an Account to his Highness of *Orange* and the States, of the Treatment he had receiv'd, and what was farther to be dreaded from the Omnipotence of his most Christian Majesty: No doubt with an Expectation that the Story he had to tell, and the Inferences to be drawn from it, might possibly facilitate the new Levy, and even silence the Faction who oppos'd it. But if any Considerations from without could have got the better of the Perverseness within, the Progress of the Marshal *d'Humieres* would alone have effected it: He had already seiz'd the Cities and Towns of *Leffines*, *Beaumont*, *Chinay*, *Walcourt*, *Borsigni*, &c. And while M. *del Val* was yet at the *Hague*, made himself Matter of *Courtray* and *Dismynde*: Notwithstanding all which, those who at first oppos'd the Levies continued still to oppose them: For as, on the one hand, they dreaded the *Stadtbolder* and his military Humour more than the Power of *France*; so, on the other, it may be reasonably presum'd, that the Count *d'Armaux* had engag'd them in his Master's Interest by such Motives and Inducements, as Persuasions and Arguments have been seldom known to counterbalance.

Grand Deputation from the States to the City of Amsterdam

At the Head of this refractory Party were the Lords of *Amsterdam*; who were too great to be frighted, and too well practis'd in Business to be easi'd, out of their Sentiments. No other Expedient therefore remain'd, but to make a solemn Appeal to

their Principals, in the Name of the whole Republic; for this was one of the Cases in which the Consent of every City was necessary, according to the Fundamentals of the *Dutch* Constitution. Accordingly, a solemn Deputation was sent from the States to the Magistracy of that City, at the Head of which the Prince of *Orange* descended to be plac'd; and after him, by way of Spokesman, the Grand-Pensionary *Fagel*: But notwithstanding all this Parade, his Highness, except in the Ceremonial, had no Reason to be satisfi'd with his Mission: He was indeed receiv'd with much outward Pomp, but with little inward Respect; for the Men of Power and Interest looking upon this splendid Embassy as an Attempt to dazzle the People on one side, and to exasperate them on the other, took timely Care to bespeak such a Disposition as should render his whole Project abortive. Thus, tho' the Pensionary exhorted the whole Force of his Eloquence and Authority, in a long Harangue to the Magistracy and Council, and also left them a Copy of it in Writing, for their more mature Consideration, it was the next Day resolv'd by the Voice of the City, not to agree to the said Levy: And with this Answer his Highness immediately left the Place, not only disappoint'd, but enrag'd to find, that *France* had a better Interest in the first City of the Seven Provinces, than he.

At or about the same time that the Marshal *d'Humieres* began to draw his Forces together on the Frontier, the French Court had caus'd a Paper to be communicated both to the Dyet at *Ratisbon*, and to their High Mighinesses at the *Hoyac*; importing, on what (a) Terms his most Christian Majesty would continue to keep the Peace, that is to say, till he had found out new Pretences, and new Opportunities to break it: And it was under the Umbra of this Paper, that the French Party at each of those Places took shelter, when press'd to enter into any Measure

Proposal of France for the Re-establishment of the Peace.

(\*) *Viz.* The Equivalent, which can most speedily put an end to the Differences which the most Christian King hath with *Spain*, is the Delivery up of the City of *Loosburg*, in its present Condition, or even demolish'd; with the few Villages and Hamlets depending upon it, which are not above fourteen or fifteen.

But, if the *Spaniards* persist still in refusing this Proposal, the second Equivalent wherewith his most Christian Majesty can content, will be *Dismysd and Courtray*, with their Dependencies; of which however the Town of *Hainaut* in Dependence (tho' one of the Districts which compose the Chancellerie of *Courtray*) shall remain to *Spain*: The Fortifications of *Dismysd* and *Courtray* to be demolish'd, as also the Citadel of *Courtray*, in such manner as only to leave a Wall to inclose them, for the Security of the Manufactures and Commerce of those two Cities.

Further, the Villages belonging to the Chancellerie of *Arth*, which, having been annex'd to the Government of *Tourain*, have been by the most Christian King's Consent dimiss'd by the Treaty of *Nimegue*, just there might be no Delay to the re-establishing of a Peace. *Beaumont* and *Buzancy*, with the Villages and Places which depend on them, of which there remain not above four or five whereof the most Christian King hath not already taken possession. Lastly, *Cromoy*, with its Dependence.

And as by means of this Accommodation there will remain for the future no Cause of a rupture, besides all the Pretensions on both sides will be reduc'd solely to what each Party hath been in possession of for above a Year, without any other Change than what this Equivalent is to contain, there will be no Difficulty to maintain that Tranquillity in the *Low Countries*, which the neighbouring Princes and States desire.

But if the *Catholic* King desires rather to give an Equivalent in *Catalonia*, or in *Navarre*, his most Christian Majesty will be content, as to the first Crown, with that Part of the County of *Cordeux* which the King of *Spain* now has, wherof *Peperin*, now entirely demolish'd, is a Part; with the town of *Urgell* of *Compedes*, and with *Castellillo*, and those Dependencies. Or else with *Riba*, *Girona*, and *Cap de Saver*.

And as to the Frontier of *Navarre*, with *Espelette* and *Espelette*, and their Dependencies.

There is no Condition upon which a good and firm Peace may be again establish'd before the End of the Year: And that no Cause may remain to disturb it, the Emperor, his most Christian Majesty declares, That, provided the Emperor and the Dyet at *Ratisbon* accept, within the same Term, the Terms that hath been offer'd, either for thirty, twenty, five, or even twenty Years, his most Christian Majesty will again support the said Paper to establish it; and will confirm, that all the Princes and States who are Guarantors of both Treaties.

But if some of these Proposals, the Emperor is oblig'd to refer to the *Catholic* King, he not accepted before the End of this Year, and the *Parliament* deliver'd up, on the most Christian King of those Places which he offers to take for an Equivalent, his most Christian Majesty not only stands to be no longer oblig'd to stand to these Conditions, but even thinks he shall have great Reason to procure himself Satisfaction for those extraordinary Expenses he shall be forc'd to be at in taking possession of what belongs to him; and that all the Mischiefs of a War begun by *Spain*, after they had retir'd all Means of an Accommodation, can be imputed to none but them, and the Support given them by their Allies.

A. D. 1687

ture which tended to encourage Spain to rush into a new War.

When therefore the Court of Spain saw itself so wholly abandon'd by England, to little regarded by the Princes of the Empire, and in danger of being depriv'd even of the Countenance of Holland, by the Obstinacy or Corruption of the City of Amsterdam; to put an end to all further Importunities, and to extinguish all Hopes of their being ever induc'd to humble themselves yet further under the Rod of France, they all at once set forth a formal Declaration of War against that domineering Power, in hope that their own apparent Inability to defend the Residue of these Provinces, which France so greedily covet'd to possess, would oblige their Allies to come in to their Assistance, when the Obligation of Treaties, and the Call of Justice, had prov'd ineffectual.

But if this Measure was, in the main, the Effect of Rage and Desperation, it was at least taken at a time when the Emperor was in a fairer Way to co-operate than he had been since the Commencement of the Turkish War; for, having been seasonably, bravely, and fortunately assisted by the King of Poland, in Person, at the Head of a gallant Army, the Duke of Lorraine his General, in concert with his Polish Majesty, had obtain'd a complete Victory over the Turks; had thereby rais'd the Siege of Vienna, which, after a Nine Week's Defence, was on the point of opening its Gates to the Enemy; had put them to the Rout a second time, at *Barhan*; and, after the Reduction of many important Places, had clos'd his triumphant Campaign.

To proceed: No sooner was it known at the Hague, that War with France had been declar'd at Madrid, than the States resum'd their Deliberations on the grand Affair of the new Levies, and the Negative put upon them by the City of Amsterdam; but tho' the Debates continued for several Days, and, during that time, the Marshal *d'Humieres* not only gave Orders for the burning of all such Farms, Villages, and Towns, as were deserted by the Inhabitants to avoid paying the Contributions impos'd upon them, but actually advanced into the County of *Waes*, while the Marshal *de Crequi* bombard'd *Luxembourg*, they again separated without coming to any Resolution. What was still worse, the Towns of *Delft*, *Schiedam*, the *Brell*, and *Leyden*, were prevail'd on by the Deputies of Amsterdam to join in the said Negative, to declare that the French Conditions of Peace ought to be embrac'd, and to inveigh against the Proposal in question, as more calculated to favour the Ambition and Resentment of the Prince of Orange, than to advance the Interest of the Republic: And yet farther to augment the Confusion which arose from this obnoxious Struggle, the Count *d'Araxes* presented a Memorial at this (p) Crisis to the States, importing, "That the King his Master, having been inform'd that the last

Offers he had made for the Re-establishment of the Peace were, by most of the Princes and States of the Empire, held to be just and reasonable; believing also the said Princes and States would make the best Use in their Power of the time he should farther allow to dispose the Powers concern'd to embrace the said Offers; and being no less persuaded of the good Intentions of the States to further the same Ends, had authoriz'd him to declare to their Lordships, That he would yet oblige himself to abide by those Offers till the End of the next ensuing January; and that he would not undertake any Siege in the mean time."

But tho' the Lords of Amsterdam and their new Proclayves to the Views of France were hence furnish'd with fresh Arguments against the Augmentation, and to set forth the Expediency of obliging Spain to accept of the Peace on the Terms she had hitherto rejected, so great was the Authority of the Prince of Orange with the States, and so strongly was he supported by the grand Pensionary, that the most pressing Influences of the Partizans of France could not prevail with their Lordships even to take it into Consideration.

Thus the two Factions, like two Tides, meeting always in full Opposition, the Commonwealth, in a manner, rec'd with the Shock; and the whole Current of publick Business was at a stand; for neither could these precipitate the State into a dangerous War, nor could those induce it to rest satisfi'd with a precarious Peace.

In the mean while, the Prince who had, above all things, the War at Heart, and who more than suspected to what Inauspice his Republic at Amsterdam was owing, enter'd into such a Concert with the Marquis de Grana, as he had reason to think would help him in a good degree to be reveng'd both on the Deputies of that City, and the Monarch they had undertaken to serve: For as an Express from Mr. *Araxes* was passing by *Mastricht* in his way to *Paris* he was set upon by certain Soldiers, who robb'd him of his Packets, in one of which was a long Letter from that Minister to the King his Master, containing a Detail of the Measures he had taken, in concert with the Lords of Amsterdam, to disappoint the Prince of Orange of his new Levies, and to compel Spain to submit to the Prescriptions of his most Christian Majesty. This Letter and three more of a like Tendency from other Persons, fell into the Hands of the M. de Grana, who very punctually forwarded them to the Hague, where they were laid carefully by, in order to be produc'd when the Ferment of the State should be at the height; and it might be presum'd they would operate with the greatest Force.

The Hague now seem'd to be the Center of all the Business of Europe. Prince Waldeck came thither with a special Commission from the Emperor, and, together with the Ministers

A. D. 1687

The Siege of Vienna rais'd.

Luxembourg bombard'd.

Several of the Dutch Towns declare against the new Levies.

Memorial of M. d'Araxes to the States.

1687-4. French Letter intercepted by the Marquis de Grana.

A.D. 1693.

Ministers of every other Power who was desirous to embark in the same Cause, held almost perpetual Conferences with the Prince of Orange, who labour'd Night and Day to traverse the Views of France; and in order thereto, to force the Republic, at any Hazard, upon the War.

The Dutch  
Cepitulation  
incited by  
the Prince of  
Orange.

His Zeal upon this Occasion, was, indeed, so over-violent, that rather than lose his Point, he took a Resolution to make the very Fundamentals of the State give way to it: For, whereas the Affair of the Levies was one of those Points which, as before observ'd, could not be carry'd without the Consent of every City, he sentur'd upon this Occasion, to *dispenſe* with that Corner-stone of the Union, and to solve all Difficulties by a *Plurality of Votes*. And now the Lords of *Amsterdam* appear'd against him with more Warmth and Animosity than ever. They had now the Patriot Side of the Question; and, grafting their Opposition upon their public Spirit, endeavour'd to make it appear, 1. That upon no Emergency, they ought to give up the Constitution of their Country: And, 2. That by rushing into the War, they should plunge themselves into far greater Calamities than they pretended to remove. To prove which, they alleg'd, That the French Minister had already offer'd a Plan of Peace, which *Spain* might be oblig'd to accept of, as not being in a Condition to carry on the War alone, nor even with the Assistance of the Republic singly. That there was little Prospect of the Concurrence of any other Power: That if there was, *France* would still be an Overmatch, and consequently no better Conditions were to be expected at the End of a War, than were now offer'd to prevent one: That as to the Princes of *Germany*, they were not to be depended on: That *Spain* had even no Call on the Electors of *Bavaria* and *Saxony*, because they had never engag'd themselves in the Guaranty: That many of the rest had actually espous'd the Pretensions of *France*: That the Princes of the House of *Branſwic* had excus'd themselves from sending their Troops into the *Netherlands*, tho' they had receiv'd Subsidies from *Spain* for that very Service: That his Imperial Majesty had still the *Turk* upon his Hands, in Concert with the Malcontents of *Hungary*: That the *Sweedes* had hitherto declin'd taking any Part in the Affair: That *England*, instead of fulfilling its Engagements, acted injuriously both towards the Republic and *Spain*: That his Catholic Majesty, himself, was more con-

cern'd for the Preservation of his *Italian* Dominions, than the *Netherlands*: And that, upon the whole, it was more advisable to take the Offers of *France* into Consideration, than to widen the Breach, which the making new Levies would not fail to do.

But his Highness was no more to be mov'd by this notable Plea, than the Deputies who made it, by the Efforts of his Highness: And in Contempt of all they had to urge, it was insisted and carry'd, That Plurality of Voices should, in this Instance, be held of equal Authority with the Unanimity requir'd by the Constitution. This was certainly a very daring Trespass on the Rights of the Minority; and, as such, threw the whole Country into a Flame. The Count *d'Arnaux* on the one hand, taking care to heap on additional Fuel, and the Prince on the other pushing on thro' the middle of it, as if he could not how soon his Country was in Ashes.

As in the Province of *Holland* there were several dissenting Cities, so of the whole seven three stood out, namely, *Zeland*, *Friesland*, and *Groningen*: And tho' *Zeland* was, after some time, induc'd (by Plurality of Voices at least) to come into the Stadtholder's Measures, the other two continu'd immovable to the last; nor would even admit of a Deputation from the States, to lay before them such Considerations as might help to convince them, that they ought to give into the Sense of the Majority: And as to the City of *Amsterdam*, they carry'd their Refusments so far, as not only to enter a Protest against the Resolution for making the Levy in question, but to declare therein, That they could not look upon the said Resolution as an Act of the States of *Holland*, seeing, that by the very Fundamentals of the Government, it should have been authoriz'd by the unanimous Consent of all their Members; and that they did not intend to contribute any thing to the Charge thereof.

In the midst of this terrible Broll, the Spanish Envoy presented a Memorial to the States, in the Name of the King his Master, in which he press'd them to declare against *France*; and in the mean time to assist him with all their Forces both by Sea and Land. And as an Expedient that bid the fairest of any to moderate the Violence of all Parties, their Lordships sent a Deputation to Mr. *d'Arnaux* to propose a Suspension of Arms for four, or even for two Months: But this not taking immediate effect, the Prince of Orange, as well to quicken the Motions of *France*, as to humble his *Amsterdam* Opponents, produc'd the (9) Letters intercepted by the States by the Prince of Orange.

Spain calls  
upon the States  
to join in the  
War.

The French  
Letters com-  
municated to  
the States by  
the Prince of  
Orange.

(9) The most material Passages of which were as follow:  
" They (the Lords of *Amsterdam*) also declar'd to me, that they could wish that I would present a Memorial, though it were only to make public the good Inclinations of your Majesty to the Republic: I alighting, that the Knowledge of what has been already done has had so considerable Effects, that it is to be hop'd they will have more when it comes to be spread abroad. They also intreated to me, that a Memorial might be form'd, so that the Proposals might seem no otherwise intencion'd but to the Advantage of the States General: As for Example,  
" I hat I having observ'd, from several Discourses from the Members of this Government, the Apprehensions they have of the Arms of your Majesty, in case the Spaniards should

not come to an Accommodation before the End of *January*, of which having the Honour to give an Account to your Majesty, and that your Majesty had given me Order to declare to the States General, that in case they remain'd as they were, and that they would send Orders to those Troops that were sent to assist the Spaniards, not to act otherwise than for the Defence of the Spanish Garrison; that then your Majesty, for the quieting of the Apprehensions of the States General, will promise to allow them to defend from further Attacks, and turn your Arms elsewhere; and that it would be contented only with quartering of Troops, and raising of Contributions.

As to what concerns the Affairs which your Majesty expects from them, that they will not begin any new Levy: that

A.D. 1683-4. the Marquis de Grana, before spoken of, in the Assembly of the States; the Pensionary Fogel first directing the Doors to be shut, and his Highness in Person moving, that two of the Deputies of that City might be directed to withdraw while they were read, as being particularly concern'd therein; and declaring, that they contain'd a circumstantial Account of a clandestine Correspondency between the French Ambassador and that City, which was not consistent with the Welfare of the State. The said Letters were then read, and had such an Effect on the Assembly, that they order'd Copies of them to be sent to all the Cities of the Republic; and also, that all the Papers belonging to the whole Deputation should be immediately seal'd up, till the Sense of the States-General was known on the whole Affair.

Mr. d'Avaux makes new Offers towards an Accommodation.

The Tide running thus violently against them, the Lords of Amsterdam withdrew from the Assembly; and at Twelve o' Clock that Night return'd from the *Flague*, to give their Principals an Account of what had happen'd; having first, as it may be suppos'd, enter'd into such a Concert as the Exigence requir'd with their good Friend M. d'Avaux: For on the very next Day, (February 27.) his Excellency presented a Memorial, in his Master's Name, to the States, renewing the

Offers formerly made, and declaring, That, if their Lordships would engage that Spain should accept of one of the Equivalents contain'd in the said Offers, or a Truce of twenty Years, within three Months, his Majesty would cause all Hostilities against that Crown to cease: That in case Spain should not accept of either of those Proposals before the Expiration of that Term, yet, if the States would agree that their Troops in the Spanish Service should be employ'd only for the Defence of such Places as were still in the possession of his Catholic Majesty, without interposing any farther in the Quarrel, his Majesty would oblige himself not to reduce or attack any other Place in the Spanish Netherlands: That his Majesty would also forbear Hostilities in the open Country, if the Spaniards would do the same: And, finally, That his Majesty would consent to a Suspension of Arms in Flanders, as long as the War should last, on the above Condition, viz. That the Dutch Forces in the Service of Spain should act on the Defensive only.

But whatever Tendency this Paper had to justify the Lords of Amsterdam, for having enter'd into so close a Correspondence with the Minister of France, it appears to have had but little Effect on the States-General. The Prince, the Pensionary, and the Council

Which are slighted.

that is an Affair that must be discuss'd by Word of Mouth, and not by Memorial; for that would look like meddling with their Government; But it will be enough to lay before them, that they continue in the Condition in which they are, and such other Matters as may be convenient; and then they will sooner think of the cashiering of Troops, than raising more. The Lords of Amsterdam have extremely press'd me to obtain this Permission from your Majesty, assuring me, that they will not be wanting that it shall obtain its End: They have also assur'd me, there is hardly a Day pass'd, but they gain some of the Cities of Holland to their Sentiments; and that they have just now obtain'd the like from one of the Principal; and that they are using all Endeavours to bring the Spaniards to an Accommodation; which if they cannot obtain, that then such Methods should be us'd as were proposed for the Peace and Security of the Netherlands; and that they hop'd that the Provinces of Friesland and Groningen will come over to their Sentiments; and therefore desir'd me to discourse with some of their Deputies, that they may continue herein.

Sir, I can assure your Majesty, that the Lords of Amsterdam have been wanting in nothing on their Part; and that they are not wanting in their Endeavours with other Cities: But, Sir, I must not forget to lay before your Majesty, that some of the Members of this State have made a difficulty to allow your Majesty to come with military Expedition upon the open Country of the Spanish Netherlands; for that being done, it will be impossible for those Provinces to maintain themselves, they being depriv'd of Subsilience; and that it will tend immediately to the taking away of the Barrier.

In case the Ways through Flanders had been secure, I should not have taken the Freedom to have sent this Paper by a Courier; but because I could not have written till *Tuesday* by the way of *Lige*, I thought it a Matter of greater Importance, than to defer it till that Day from giving your Majesty Account of Affairs in this Country; for that it appears to me to be a Matter of so great Concern that your Majesty be exactly inform'd thereof.

In case the Dispositions which I perceive in the Minds of People do not suddenly change, this Affair in a few Days will come to a great Extremity. Your Majesty well know, that in the Beginning, the Prince of Orange endeavour'd to win those of Amsterdam to consent to the Levies; but not obtaining his End, he would resolve it in the Assembly of the Lords of Holland, notwithstanding the Opposition of the Lords of Amsterdam: There was in the Beginning but one City that declar'd they could not consent that a Matter of so great Importance should be brought to a Resolution without a general Consent: The Prince of Orange flatter'd himself that he could bring that City to agree with the rest; and so have concluded that Matter. But the Lords of Amsterdam,

being animated by the Goodness of your Majesty declared towards them, and being strengthen'd by those Methods laid before them, were not contented only to refuse their Levies, but inveigh'd severely against them; and have made so great an Interest in many of the Cities, that several of them are come over to their Sentiments.

And thus your Majesty may see how this Matter continued for some time; the Prince of Orange not being able to bear the Affairs any longer, after four Days entered upon a desperate Resolution: For, considering that there were more Cities in Holland that gave their Consent for the Levies, notwithstanding the Opposition of Amsterdam, than those against it, he took a Resolution to cause all the Cities to give their Voices; and tho' there might be six or seven that might agree with Amsterdam in the same Sentiment, yet he intend'd to conclude the Levies by Plurality of Voices.

But 'tis believ'd his principal Design was to save his Reputation abroad, by causing the said Levies to be resolv'd on, against the Consent of Amsterdam; it being well known in this Country, that Pensionary Fogel can come to what Conclusion he pleases, tho' against the Constitution of the Republic, when assist'd by the Power of the Prince of Orange; and it is so well known, that he can have no great Advantage by this Resolution, for that no Man will venture to lend Money to the Solicitors for the advancing of these Levies. And this is the Sentiment of the Prince of Orange, which he declar'd to the Heer van Haren; whom he also told, that he would come to this Resolution the next Week: But tho' this Resolution may be of little Profit to the Prince of Orange, yet in other respects it may be of great Advantage to him; either by reason of those great Divisions that will be made in the State, or by pleasing the Marquis de Grana, thereby to make Spain believe that the Hollanders will send great Supplies to them, and that the Amsterdamers use Endeavours to prevent it.

Sir, as for me, I hope that for the same Reason that makes me fear the Lords of Amsterdam will not be able to obtain any thing against the Will of the Prince of Orange, that the States-General will not have Cause to complain of your Majesty concerning the Alliance desired of them, that the Prince of Orange should not be able to gain his End, in raising the Levies against the Will of Amsterdam; and in case he pursues his Resolution, it will soon appear that it will be of little Purpose; for that it will be enter'd both for one and the other Side to traverse each other in their Sentiments, and thus cause them to take effect.

I must say this farther to your Majesty, That Monsieur Fari, and others of the same Sentiment, have reassum'd Courage, and told their Friends, that they had not hither-to been in acquainting them with what your Majesty had done in Flanders, of Good 186, and yet he.

A. D. 1683-4.

cil of State, continued to stickle for the new Levy as vehemently as ever, and left no Practice untry'd to procure the same Submission to the Act of the Majority, as was due to an Act of the State.

The City of Amsterdam justify their Deputies.

On the other hand, the City of *Amsterdam* receiv'd their Deputies with open Arms, espous'd their Quarrel, and sent a solemn Letter to the States in their Justification; alleging, That they had done nothing but by their Orders: That the Letters which were brought in Evidence against them being partly in Cypher, were both misunderstood and misinterpreted: And that the utmost of the Charge against them was no more than this, *viz.* That they had done their Endeavour to bring the Proposals of *France* to a Hearing, that the State might be preserv'd from the Expence and Hazard of a new War; and that the *Spaniards* might be made sensible of the Necessity of submitting to a Peace. This Letter was accompany'd with a Demand of their Papers, and those of their Pensionary, which had been seiz'd; as also, of Security for their Deputies to attend the Service of the Public. At the same time also they sent circular Letters to all the Cities in the Union, complaining of the Treatment their Deputies had receiv'd, and endeavouring to stir up a general Resentment: And to raise the Storm as high as possible, *M. d'Acvaux*, in two several Memorials, insisted on the Restitution of his Letters: And, in a third, remonstrated, that the Contents had been falsify'd; and, consequently, as they lay before their Lordships, no true Judgment could be made of them.

The Violence of the Prince of Orange.

All this was as Oil to the Fire: The Prince of *Orange* stuck to his Charge, with more Firmness than ever: And, instead of restoring the Papers, several Motions were made to bring them under Examination: But this being a Matter of Privilege, in which all the Deputies were equally concern'd, it was dropt as often as mention'd, under the Pretence, that they had not receiv'd Instructions from their Principals how to proceed on that Occasion. In the same Interval also, his Highness pursued the grand Point of the War with the same Ardour, and seemingly yet more Success; for he procur'd a further Supply of Horse and Foot to be granted by the States, his own Guards being of the Number, for the Service of his *Catholic* Majesty; issued his Orders for their immediate March, which were accordingly obey'd; as also for preparing a Train of Artillery; and gave out, that he would in Person take the Field. It happen'd however, that when this Aid was resolv'd upon, the Deputies of *Friesland* and *Groningen* were absent; whence it follow'd, that the passing any such Vote, without their Knowledge and Consent, was a new Infraction of the Union; and of this advantage was taken by the States of those Provinces severally assembled, not only to enter their Protest against it, but to order their Deputies to insist strenuously on the recalling of the said Forces: As also to resolve, That all possible Means ought to be us'd to dispose the King of *Spain* to agree to the Offers of *France*; since thereby a dangerous War

would be prevented; and the Barrier of *Flanders*, which so much concern'd the Security of the State, would be sufficiently preserv'd.

While their *High and Mighty Lordships*, their *Pensionary*, and *Stadtholder*, were thus held in check by the Artifices of *France*, the *Spanish* *Netherlands* felt the Fury of her Arms; and that by a Method which had rarely, if ever, been practis'd before: For, after they had taken possession of the Towns abovemention'd, Contributions, and not Conquests, seem'd to be the sole Object of their Endeavours. Wherever they took their Course, these were their first Demands; and, in case of Refusal, what they did not aim to possess, they immediately apply'd themselves to destroy. Thus the *Martial d'Humieres* having previously erected a Battery of Thirty-two Mortars, and several Pieces of Cannon, on an Eminence which commanded the Town of *Audenarde*, sent a Summons to the Magistrates to remit him 60,000 Florins to exempt that Place from a Bombardment; and his Message not being comply'd with, he the next Morning caus'd a general Discharge to be made on the Town; which was repeated, till of 600 Houses scarce one Third were left in a Condition to shelter the miserable Inhabitants: And terrify'd by this severe Example, *Ghent*, *Bruges*, *Aeth*, and *Mont*, redem'd themselves from the like Treatment, by answering his Demands at the first Summons.

Finding however at last, that neither the Disensions in *Holland*, nor the Distresses of *Flanders*, produced the Fruits expected from them, the *French* Court resolv'd to make such an effectual Use of their superior Force, as should put their Pretensions out of dispute. Accordingly, the new Conquests were fill'd with Troops; and such Preparations of every kind were made, as were sufficient to convince all *Europe* that they were now in earnest, and that nothing but the highest Degree of Vanity and Desperation in the Prince of *Orange*, and the *Marquis de Grana*, could prompt them to think of holding out any longer. That the Experiment might however cost them as little Trouble as possible, *M. d'Acvaux* had Orders to try the Force of another Memorial, to open the Eyes of the States, and induce them, from Considerations of their own Repose and Safety, to leave these two Heroes to fight it out, if they thought it proper, by themselves. To this purpose, *April* 22, he gave their Lordships to understand, That the King his Master, having in vain expected the good Effects of his last Proposals to them, in which he had been so careful to remove all Cause of Disquiet with respect to the Barrier; and on the contrary, having found that their Lordships were come to a Resolution to assist the King of *Spain* with all their Forces, was now on the point of putting himself at the Head of his Forces, in order to open by the Force of his Arms the Way to a Peace: That tho' his Majesty was now disengaged from all his former Offers, by the Expiration of the Time prefix'd for their Acceptance; and though he might attack Places easier to be carry'd, and

A. D. 1683-4.

Audenarde bombard'd by M. d'Humieres.

Memoir Memorial of M. d'Acvaux. 1684.

more



A.D. 1683-4

more advantageous to the Possessor, than *Luxemburg*, he had nevertheless chosen to direct his Arms against that Place; as well because it was no Part of the Barrier, as that the Reduction of it would most of all facilitate a Peace; as likewise, because it was of more Consequence for the Security of his own Subjects, than to prejudice those of the *Catholic* King, to whom this Place could no longer be of use, seeing his Majesty was Master of all the Country round about it. That his Majesty, in the mean time, farther declar'd, that, if before the 20th of *May* next, the said City with the 14 or 15 Villages belonging to it were surrender'd to him by the Governor of the *Spanish* Netherlands, he would not only restore *Courtray* and *Dixmude* (dismantled) together with their Dependencies, but recede from the Demand he had made of the forty Villages, which, by the Treaty of *Nimwegen* were taken from the Government of *Tournoy*, and reunited to the District of *Arth*: And, moreover, that of all the Places he had taken Possession of since the 20th of *August* last, he would only keep *Beaumont* with three or four Villages which remain'd of its Dependencies, *Bouvines* which had none, and *Chimay* with 12 or 15 Villages thereunto belonging: That by this reciprocal Session or Renunciation a Peace might yet be establish'd, and all Occasion of Difference for the future be taken away: That his Majesty had Cause to believe, that, if the *States* had no other Aim than the Re-establishment of the Peace, with the Preservation of the Barrier, they would either immediately oblige the King of *Spain* to accept these his last Offers, or else take such Measures as should hinder their Troops from committing Hostilities against those of his Majesty's: That, in case they should neglect the Means thus put into their Hands, of restoring the Peace, his Majesty would be oblig'd, on the very first Act of Violence committed by their Troops, not being in the fortify'd Towns belonging to the *Catholic* King, to issue immediate Orders for the seizing all the Ships, Merchandizes and Effects belonging to the Subjects of this State, and to treat them as Enemies: That his Majesty had order'd him, the said Ambassador, to demand a positive Answer to this Representation within fifteen Days, to be presented to him at the Head of his Army: And that after that time, his Majesty would not be ty'd up either to these or any of his former Propositions.

It strikes a Pannic into the States.

At the time of the Delivery of this thundering Memorial, every Measure at the Hague had more the Aspect of War than of Peace. The Reinforcement actually sent to the Marquis de *Grana* amounted to 14,000 Men. The *States*, in answer to the Remonstrances of *Friesland* and *Groningen* had signify'd, They could not recall that Reinforcement: And when those Provinces had thereupon declar'd, they would no longer contribute to the Payment of Forces over whom they had no Command; neither had that Remonstrance any Effect: The last Detachments of the Prince's Life-Guards were on their way to *Flanders*; as was also his Highness's

Field-Equipage; and he, himself, had nam'd the very Day of his Departure to co-operate with the Marquis de *Grana*, in the Conduct of the Campaign. But no sooner were the Purposes of *France* made manifest in this menacing Tone, than all this Ardour was visibly damp'd: Neither the Prince nor Pensionary could hinder the Memorial from being taken into Consideration, and at the very Entrance of the Debates upon it, it became sufficiently manifest, that Interest and Terror in Conjunction, would, in the End, become irresistible.

To make some Head, however, against this sudden Revulsion of Humours, the *Spanish* Envoy came Post from *Brussels*, whither he had been to confer with the Marquis de *Grana*; and deliver'd in a Counter-memorial to their Lordships, importing, That the King his Master was resolv'd not to give ear to any impracticable or artificial Propositions from the *French* Court, nor to enter into any Negotiation with them, but upon such Terms as became the Dignity of Sovereigns of equal Rank; nor to countenance any Project of Accommodation that was not equitable with respect to themselves, nor general, so as to comprehend all their Allies: That on these Principles his Majesty was determin'd to hazard the rest of the *Low Countries*; and never to submit to the Prescription of *France* till he could no longer withstand them. That the Propositions now made to their Lordships were more arrogant and unreasonable than any of the former: That all were alike illusory, and calculated only to lull them into a false Security, while they (the *French*) gradually enlarg'd their Borders, and put themselves into a Condition to give the Law to the Republic, as well as the Crown of *Spain*; and that, therefore, their own Interest, as well as the Faith of Treaties, oblig'd them to make the War a Common Cause with his *Catholic* Majesty, and to assist him with all their Forces either to prevent or repair the Loss of *Luxemburg*; the Resolutions of his Majesty being unalterable at all Adventures, because founded not only on Interest, but Conscience and Honour.

But all this Shew of Magnanimity and Resolution on the Part of *Spain*, as it was unsupported with suitable Power, had none of the Effect desir'd. Such a Pannic had now taken hold of their Lordships, as no Words were able to dissipate: And they came, without Delay, to a Resolution to treat with Mr. d' *Acoux* on the Proposals offer'd by him, the Day after the Correspondence between him and the Lords of *Amsterdam* had been laid open to the *States* by the Prince of *Orange*; and which they had then so negligently overlook'd. But in answer to their Deputation on this Head, his Excellency, by another Memorial, gave them to understand, That those Conditions were no longer before them: That they had suffer'd the Time to elapse in which they were of Force: That they had thereby necessitated his Majesty to have recourse to new Measures: That he had now actually open'd the Siege of *Luxemburg*: That, consequently,

A.D. 1683-4

Counter-Memorial of Spain.

The States were in the Terms formerly offer'd.

Which are refused; and which are insisted on.

quently, there was no Reason to expect, that he would treat on the same Conditions which they had before so long neglected: That, on the contrary, his Majesty had since imparted others, which were then declar'd to be his *Ultimatum*, and which were limited expressly to a *Peace*, without any Mention of a *Truce*; of which they had the Choice in the Former: That, nevertheless, he the said Ambassador, knowing the State was more inclin'd to the one than the other, and being willing to contribute all in his Power, as well to their particular Satisfaction, as to the Re-establishment of the public Peace, had, by Express, desir'd a further Explanation of the King his Master's Pleasure thereon, who had graciously empower'd him to give their Lordships their Choice of *either*, on the Conditions express'd in his last Memorial; but that withal, he had it in Charge to assure their Lordships, That no farther Moderation, Mitigation, or Mutation, would be admitted: And that he made it his own earnest Request, that they would make a good Use of the remaining Term, by giving in a speedy and precise Answer, which was what his Majesty expected and requir'd.

On the very Day this Memorial was presented, the States, by their Deputies, communicated it to the Ministers of their Allies, who appear'd to be greatly irritated at it; and so much the more, as their Lordships undertook to shew the Necessity of complying with it. The Spanish Envoy, in particular, took Fire on this Occasion; and not only made use of many severe Expressions during the Debate, but the same Day reduc'd them to Writing, and gave them in to the States General, in the Form of a Memorial, setting forth in very lively Colours the Indignities offer'd by his most Christian Majesty to the State and Royalty of the King his Master, in leaving it to the States to decide in what Form he should be strip of his Dominions, as if the Fate of him and his Subjects were to be dispos'd of according to their good Pleasure. Does *Luxemburg*, said the exasperated Envoy, and the several Towns in question, belong to your Lordships? Have you receiv'd full Powers from his Catholic Majesty, to make what Bargains for him you think proper? Have you receiv'd any Assurances that he will abide by your Determination? On the contrary, it hath been often declar'd, and it is now again repeated: That he will never consent to any such Demands: Should your Lordships, therefore, continue to espouse them, it will be to no Purpose: And without his Majesty's Consent, how can your Lordships take upon you to dispose of what is none of your own? His Catholic Majesty is your Friend, Ally, and Confederate, but not your Pupil: And your Lordships would do well to consider, that if you proceed to treat your other Confederates as you are treating him, you may, possibly, have none left, when you need them most. In contributing to injure him, you contri-

bute to ruin yourselves: Nor could his Majesty more severely resent the Measures you are pursuing, than by complying with them. But his Majesty is still desirous to be instrumental to your Preservation, and to risk the Residue of his Dominions in your Service. The Ministers of the High Allies have sufficiently manifested to your Lordships the Importance of *Luxemburg*, both to the Republic and the Empire; and what destructive Consequences might follow to both, if it be suffer'd to be lost, as also the Readiness wherewith they are dispos'd to co-operate for its Succour: Since, therefore, we are morally assur'd, that it will make as vigorous a Defence as *Vienna* has done: Since the Numbers that assail it are not equal to those which assail'd *Vienna*: Since those who may relieve it are not so remote as those who reliev'd *Vienna*: Since the Conservation of it as much imports the Welfare of *Ceribundum*, as that of *Vienna* did; since there is the same Justice in the Cause, and the same God to confide in: Let us in the Name of that God, make the same Efforts for its Deliverance, and trust in him for the same Success.

It is not to be presum'd, that this Remonstrance, however vehement, had any great Weight; States take their Direction from Things, and not from Words: But then it was supported with all the Interest and Authority of the P. of *Orange*, and of the Pensionary. At the same time also Prince *Waldeck*, in Behalf of the Emperor, and every other Minister of every (r) other German Power, who expected to find their Account in the War, made their utmost Efforts to keep up the Spirit of the States, and to persuade them, that an Army might be drawn together strong enough, and soon enough to save *Luxemburg*, and frustrate the Menaces of *France*: And as if in Fear that the time of Action would be but short, his Highness actually left the *Legue*, and put himself at the Head of the Allied-Army, that if any Opportunity of snatching an Advantage offer'd, he might be ready to make the most of it: Hence their Lordships grew irresolute again; and thus fluctuating between the two Parties, the fifteen Days, prescrib'd by *France*, claps'd, and yet five more, which, as a Matter of Grace, were thrown in: All this while they were, moreover, ply'd with Memorials on all Sides from without, and with the Remonstrances of their own turbulent Members within, Day after Day the States were assembled, and Conferences were held with the foreign Ministers, without producing any Resolution of any kind. Scarce ever was the Republic beset with more Difficulties, or shew'd less Ability to surmount them: And yet our Historians, one and all, pass over this important Scene, as not worth Notice or Remembrance.

The Province of *Groningh* and the City *Groningh*, of *Amsterdam*, in the mean time, did not fail to lend all the Aid and Assistance in their Power to their good Friends of *France*: The

*Amsterdam, and the Elector of Brandenburg, cooperate with the former of Vienna of France.*

Which the States incline to submit to.

Warm Expostulations of the Spanish Envoy.

The States vigorously engaged.

A. D. 1684.

Former acquainting the *States General* by Deputation; That seeing their Troops were detain'd in *Flanders*, contrary to their repeated Instances to have them recall'd, they had resolv'd to disband them; That they did, accordingly, look upon them as disbanded; and, that they would proceed to raise others in their stead, for the Security of the Province at this Conjunction; and the latter coming to an express Resolution, That they would not contribute a Silver to the ordinary or extraordinary Charge of the Year, if the *States General* proceeded to embark the Republic in a War, and did not cause their Papers to be restor'd: Besides which, the Elector of *Brandenburg* was press'd into the same Service, and by his Minister at the *Hague*, interpos'd in the most earnest manner to embrace the Offers of *France*, and thereby re-establish the Peace; urging, That Affairs were never so intricate or desperate as now: That nothing but a speedy Accommodation could prevent the total Ruin of the Republic: That there was no Time left to be over-scrupulous about the Terms: That every Delay would render them more and more disadvantageous, as they had already found by embracing too late what was no more to be obtain'd: That all imaginable Care was to be taken to prevent the Fire which consum'd *Flanders* from spreading to *Germany*: That whatever was pretended, no solid Assistance was to be expected from thence: And that it was the indisputable Duty of their High and Mighty Lordships to extinguish the Flame before it caught hold of themselves.

Mr. d'Avaux  
apprizes the  
States of the  
Surrender of  
Luxemburg.

But all was ineffectual: Their Lordships, it seems, labour'd under so strange an Infatuation, that they had not the heart either to make Peace or War. And in this distracted Condition they continu'd till May 27, O. S. when Mr. d'Avaux gave them to understand, that *Luxemburg* was fallen into his Master's Hands; whereby he was in a Condition to enlarge his Pretensions, or make farther Conquests, as he thought proper; his Proposals of April 17, being no longer in force: But that such was his Moderation, and his sincere Disposition to restore the Peace, that he would allow them twelve Days longer to deliberate on the said Proposals; hoping they would, at last, make a right Use of his Forbearance, and either by themselves, or jointly with the *Spaniards*, accept of an Accommodation: For that their Lordships might be assur'd, that if they suffer'd this Term to elapse, like the former, without returning a positive Answer, his Majesty would, for the future, regulate his Demands, according to the Success it should please God to give to the Justice of his Arms.

Upon which  
the States give  
rise to an  
consultation.

And now it began to appear, that the *Orange Faction* would not be able to withstand the Instances of the *French*: For the said Memorial being instantly taken into

Consideration, it was resolv'd that Conferences should be open'd with his Excellency thereupon without Delay. It is true, these Conferences were open'd with Objections on the Side of the *States*, viz. 1. That the Time preferri'd by the King was so short, that it would not permit their Lordships to pay a due regard to the Forms of the Republic, much less to take the necessary Measures with the Ministers of *Spain* and their Allies. And, 2. That no Provision was made that the Peace or Truce might be general, which they expected, and desir'd it should: But then these Objections were so easy to be remov'd, that it was obvious they were made almost for no other End. Accordingly Mr. d'Avaux to the first reply'd, That in ten or twelve Days the Sense of all the Provinces might be both known and taken, that as the Advice of the Surrender of *Luxemburg* was (1) premature by three Days, they would have those three Days Advantage: That if the Province of *Holland* and those nearest, should, within that time, notify their Acceptance of the Conditions propos'd, his Majesty would indulge the rest with a Day or two longer: And that in case the *States* did execute the Treaty as requir'd, the *Spaniards* should be allow'd a Month, or six Weeks longer, to be reckon'd from the Day of signing, to ratify the same; and the Diet of *Ratisbon* a Month; which was his Excellency's Answer to the second: All which several Concessions, their Lordships were farther requir'd to consider as so many new Proofs of his Majesty's sincere Dispositions towards the Peace.

But tho' the *States* were in this relenting Mood, the Minister of *Spain* appear'd as determin'd as ever. He put in another Protest against the whole Proceeding; declar'd, in the strongest Terms, his Master would never accept of the Terms propos'd, and threw out Menaces, that his Majesty would sooner give up the Residue of *Flanders* to the *French*, in exchange for some Addition to his Frontier on the other Side; which was also the Language made use of by the *Marquis de Grana* at *Brussels*. At the same time, also, the Prince of *Orange* drew together the ally'd Army, consisting of 16 Battalions, and 31 Squadrons, between *Vicoz* and *Louvain*; and it was given out, that the Troops of *Bavaria*, and those commanded by Prince *Walldeck*, were in full March towards the *Rhine*. Finding, however, that neither Remonstrances nor Menaces, nor any other Device of any other kind could prevail with their Lordships to break off the Treaty, his Excellency (the said *Spanish* Minister) condescended so far to abate his Stiffness, as to signify, that his Master would accept of neither Truce nor Peace with *Spain*, in which the *Gens de* were not comprehended. And this led us to another Scene of this complicated Brouil.

Tho'

(1) The Governor had beat a Parley May 22, O. S. at the instance both of the Burgers and Soldiers: But the Term not being accepted, the Attack was renew'd next day.

was till the third Day following, when the Capitulation was sign'd.

A. D. 1684.

Tho' the War had been kindled in *Flanders*, it spread on all Sides: For at the same time that *Mr. de Crequi* carry'd on the Siege of *Luxemburg*, *Mr. de Belfonds* invaded *Catalonia*, and fat down before (*t*) *Gironne*. The City of *Triers* in *Germany* was also oblig'd to receive a *French* Garrison, who immediately apply'd themselves to demolish the Fortifications. And, during this Interval, the *Spaniards*, fearful that the like Endeavours would be us'd by the *French* to make an Impression on their Dominions in *Italy*, enter'd into some precautionary Engagements with the *Genoese*, which so highly incens'd his most Christian Majesty, that he sent a Fleet of 14 Men of War, twenty Gallies, ten Gallies or Bomb Vessels, eight Fly-boats, twenty-four *Tartans*, &c. to convince that Republic of their Error, and oblige them to make such Acknowledgments, as were held fuitable to the Greatness of the Offence. May 27, this Fleet came before *Genoa*, and was twice saluted by the Fort, and as often return'd the Compliment. The next Morning six of the Senate waited on *Mr. Sangusley*, the Commanding-Officer, in the Name of the Republic, to know the Cause of his Visit: who gave them to understand, "That the King was very much dissatisfy'd with their late Conduct, and that his Majesty requir'd of them to quit the Protection of *Spain*, to join the four Gallies they had lately built, with those of *France*, to permit the *French* to have a Magazine of Salt at *Savona*; and to send four Senators on board his Ship, to beg his Majesty's Pardon in the Name of the Republic." The Senate were now provok'd in their Turn, and disdaining to submit to such ignominious Terms, caus'd *Mr. de Sangusley* to be inform'd, "That if he did not withdraw out of the Reach of their Guns, they should treat him as an Enemy." And yet further to convince him they were in earnest, they first gave him a Discharge from their Guns with Powder only, and then with Shot. Upon which the ten Bomb-Vessels began immediately to fire upon the City, to the infinite Terror of the poor Inhabitants, who till they felt the dreadful Effects, seem'd to have been utterly ignorant of the Nature of a Bombardment. Having continu'd this new Method of Negotiation from the 18th to the 22d, they sent a Message to the Doge and Senate, importing, "That being sorry to ruin so fine a City, they would yet give them 24 Hours to deliberate on the King's Demands." This was taken into Consideration by the Great Council, early the next Morning; and upon the Issue of the Debate, it was resolv'd to abide all Extremities rather than submit to any thing so unworthy of the Majesty of a free State; which was declar'd to the Enemy from the Mole-Head, in the midst of the Acclamations of the People, who on this Occasion, seem'd more concern'd for their Honour than their Safety. Immediately the Firing on both Sides was renew'd, and continu'd all that Day; and the next, towards the Close of

which, the *French* not only drew up closer, but landed two Parties of Men, one of 1860, and the other of 2000, to the eastward and westward of the City; according to *Bishop Burnet*, with a Design of reducing the State; but in both Places were repuls'd, by the Assistance of 2000 *Spaniards* from *Milan*, having lost about 200 Men in the Experiment. For ten Days together the City bore this severe Visitation, with a Firmness that cannot be too highly applauded. In which Interval, upwards of 10,000 Bombs were discharg'd, to the utter Ruin of the Doge's Palace, the public Treasury, several Churches and Monasteries; and, according to the *French* Account, 3000 private Houses. Finding, however, that they only wasted their Ammunition with regard to the main End of humbling the Senate, on the 11th, they set Sail, less satisfi'd with having done so much Mischief, than the People with having sav'd themselves from so much Ignominy.

*Genoa* having thus severely suffer'd for its Attachment to the *Spanish* Cause, it was but reasonable to make an Effort to provide for its farther Preservation in the general Peace. But, unfortunately, *Spain* was not able to protect its own Interests, and consequently could not extend Protection to theirs. The States Deputies not only in Contempt and Defiance of the *Spanish* Envoy's Remonstrances, proceeded in their Conferences with *Mr. de Ayaux*, but the Provincial States of *Holland*, after long and warm Debates, resolv'd to accept of a Truce for twenty Years, on the Conditions last propos'd, and went in a Body to communicate that Resolution to the States General, tho' all the Nobles, and two of the Eighteen Towns, *viz. Rotterdam* and *Medemblick*, dissent: The Provinces of *Friesland*, *Groningen*, and *Overyssel*, soon follow'd the Example of *Holland*: And when *Zealand* and *Guelderland* could not be prevail'd on to do the like, the *French* Faction made no Difficulty to avail themselves of the Precedent lately set of deciding the Question by a Plurality of Voices: On the Strength of which, six of the States Deputies waited on *Mr. de Ayaux* to notify their Accession to the King his Master's Demands; and at the same time, as if those Demands, and those of the City of *Amsterdam* turn'd on the same Hinge, the Papers of their Deputies which had been seiz'd, were restor'd; and an Order was made, that every Entry relative to that Affair which had been made in the Journal-Books of the States, were ruz'd, on one hand, and on the other, the Magistrates of that City, open'd their public Cash, and made a considerable Payment to the Receiver-General of the Provinces, for the public Service.

At the time this Notification was made by the Deputies to the *French* Ambassador, the Prince of *Orange* was with the Army in *Flanders*; and their High and Mighty Lordships, not without Reason, dreading that he would again venture upon some such daring Action,

A. D. 1684.

[P. 1. p. 192.]

The French  
Fleet came before  
Genoa.

And made Demands on the Republic, which they refuse to submit to.

They bombard the Town.

The States accept of a Truce by a Plurality of Voices.

(t) But was repuls'd with the Loss of between 3 and 4000 Men.

A. D. 1684. Action, as that of *Mons.* after the signing the Treaty of *Nimwegen*, sent three of their Members expressly to acquaint his Highness with the Measure they had taken, and to desire him to take care, that no Hostilities might be committed by their Troops. Mr. *d'Arvans* also dispatch'd a Courier on his Side to Mr. *de Schomberg* (who on Mr. *de Crequi's* marching into *Germany*, had the command of the French Forces in *Flanders*) with the like Intelligence; that his Highness might not be furnish'd with any Pretence to open the Wound afresh.

These Precautions having been taken on both Sides, *June 11*, the Minister of *France*, and the Deputies of the Republic reciprocally sign'd the Truce, on the Plan before-specified: *Luxemburg* being left to *France*, for the time of the Truce: The King of *Great Britain* to be Arbitrator in case any Disputes should arise between the contracting Parties; as also Guarantee; Contributions to be continued on both Sides, till the Day of the Exchange of the Ratifications: All Arrears then due to be paid within three Months: All Hostilities to cease: The States to withdraw their Troops out of his Catholic Majesty's Service, in case he should not accept the Truce within the Term prefix'd, and not to give him any Assistance in the further Prosecution of the War: The most Christian King not to make any new Conquests in *Flanders*, or to accept any Equivalent there, for the Conquests he should make elsewhere.

The Ratifications exchanged.

As this was such a Bargain as *France* was contented with, and the States could not refuse, the Exchange of the Ratifications follow'd of course; to which, as to the Convention itself, the Provinces of *Zealand*, *Guisderland*, and *Utrecht*, declin'd giving their Consent. Notwithstanding which Fundamental Defect in point of Form, Mr. *d'Arvans* was so compliant, as to start no Objections, and to accept of the said Exchange as the Act of the Republic.

It was now a vain thing for the Emperor, Spain, &c. to formalize any longer: The latter could make no Defence without the Assistance of the States, and the former was still involv'd in a cruel War with the *Turks*, which exhausted all his own Wealth and Strength; and all that the Zeal and Piety of his Holiness could supply him with. Notwithstanding which, both these Powers held out till the very last Day of the Limitation; and then (*u*) submitted as to the least Evil; having first made a Shift to graft upon the *League* Convention the following unmeaning Article in favour of the poor Republic of *Genoa*, viz. "It is further agreed, That all the Princes and States of *Italy* shall be included in this Treaty, and particularly the Republic of *Genoa*; yet so, as that the most Christian King, tho' he promises not to besiege nor take the City of *Genoa*, nor any other Place belonging to the Republic; reserves to himself the Liberty to

The Emperor and Spain accept it.

procure the Satisfaction he pretends to of the said Republic."

A. D. 1684.

Genoa the Sacrifice.

As the *Genoise* had before shewn they did not want Courage, so they now shew'd they did not want Penetration; for they saw clearly enough, notwithstanding this pretended stipulation in their favour, that they were to be sacrific'd; and that tho' their City was protected from a Siege, it still lay open to a Bombardment, unless they made their Peace on worse Terms than they had before refus'd. Instead, therefore, of being thankful for this imaginary Favour, they resented it as an Insult to their Understanding, and continu'd as averse as ever to the Humiliation requir'd of them, at the Footstool of *France*.

Enrag'd to find such Fumblers in the midst of such apparent Weakness, his most Christian Majesty caus'd his Fleet, consisting of eleven Men of War, and thirty Gallies to make them a second Visit, the latter of which came within half Gun-shot of their Castles, in hope, that either they would be terrify'd into a Compliance, or rush into the opposite Extreme, and by committing some Hostility, authorize him to break thro' the flimsy Article above mention'd, and to lay the City in *Ashes*. But they did neither. They again accepted of 2000 Spanish Auxiliaries from *Milan*: And having made the best Disposition they could for a vigorous Defence, rested upon their Arms, expecting the *French* to strike the first Blow; who, finding themselves every way disappointed, put to Sea again, without committing any Act of Hostility.

Unwilling, however, to live under perpetual Terrors, they apply'd to the Pope to interpose with his most Christian Majesty in their favour; who did, accordingly, by his Nuncio at *Paris*, endeavour to procure their Peace on more moderate Terms. But all in vain: His most Christian Majesty like all other Oppressors, was at open War with all the Virtues when level'd against himself: And instead of abating, rais'd his Demands higher than ever, and insisted on having them comply'd with, in such Terms, as manifested, that the Continuance of the Dispute would, in the long Run, be the Ruin of the Republic; namely, 1. That if they did not, within one Month, yield to his Demands, he should think himself no longer bound by the separate Article above specify'd. And again, upon granting them one Month longer, at the Intercession of his Holiness, That in case they suffer'd that Term also to elapse, without giving him Satisfaction, he should insist on being paid 100,000 Crowns a Month for the extraordinary Charges they should put him to, till they did comply. This being made known to the Doge and Senate, they at last submitted to pass under the Yoke, and in their own Persons to sustain the Vengeance which was vow'd against their Country.

What was now requir'd of them, was, That the Doge, and four of the Senate, should

The Doge and four Senators oblig'd to make their Submiss.

(10) France surrendering to the Empire all the Acquisitions she had made since this last Treaty, and reserving all the rest, in which was included the important City of *Strasbourg*.

A. D. 1684  
 as to the most  
 Christian King  
 in Person.

should, in Person, repair to France, by a certain time, and proceed to the Place where the King should then be; and being admitted to an Audience, in their Robes of Ceremony, should, in the Name of the Republic, declare their Sorrow for having displeas'd his Majesty; and use such other Expressions of Respect and Submission, as should demonstrate the sincere Desire of the Republic to deserve his Majesty's Kindness for the future: That the Place of the Doge should not be supply'd during his Absence: That he should resume the Exercise of his Function at his Return: That the Republic should dismiss the Spanish Forces in her Service: Renounce all Leagues since the 1st of January, 1683: Reduce their Gallies to the same Number they were three Years before: Give such a Sum of Money as the Pope should think fit towards the Reparation of the Churches and Monasteries damnify'd by the Bombs; and pay 100,000 Crowns to the Count de Fiesque, &c.

Vanity, Injustice, and Inhumanity, are the Ingredients of this shocking Composition; and it is hard to say which is the most prevalent: But, however nauseous the Draught was, these illustrious Patriots were oblig'd to swallow it: And it ought to be acknowledg'd, that in submitting to do so, they shew'd themselves more worthy of this sublime Character, than even he who dies in his Country's Cause; for Shame is harder to be borne than Death itself. But neither in the very Article of Suffering, did their Fortitude and Gallantry desert them; on the contrary, when the Splendor of that Idol of Majesty, before which they were compell'd to bow, was set forth as if on full Purpose to dazzle them, they so demean'd themselves, as manifested that they had in their Bosoms a Reserve of true Greatness, which was superior to all, and which supported them under all the Endeavours that were us'd to make them feel their Disgrace; as is more particularly exemplify'd by the Saying of the Doge (remember'd by Burnet) at Versailles, That the most extraordinary thing he saw, was to see himself there.

But the Genoese were not the only Sufferers under the Indignation of his most Christian Majesty. The Prince of Orange had a thousand times, and a thousand ways offend'd the same vindictive Power: And tho' it was scarce possible to bring him on his Knees at Versailles to render the Triumph of that mighty Monarch complete, the time was now come when he was to undergo all that the Retentment of so unequal an Adversary could lay upon him.

While the Negotiation with Mr. d'Armaux was yet in Suppence, the Wrongs, Damages, and Oppressions which his Highness had sustain'd either by the Connivance or immediate Authority of the most Christian King, were often recommended by his Partizans to

the Consideration of their High and Mighty Lordships; and Motions were made to procure an express Article in his Favour, in the ensuing Truce: But care was taken as often to set them aside by urging, that his Pretensions requir'd more time to discuss, than was allow'd for the Conclusion of the Treaty: And that, therefore, it would be more advisable to reserve them for a separate Negotiation. But those who pleaded his Highness's Cause, very clearly foreseeing, that if it was disjoin'd from that of the States, it would never meet with the Attention which it deserv'd, would not hear of any such Disjunction; but continu'd to press, as before, that the obtaining Satisfaction for him might be inclin'd on, as one of the Conditions of the Truce. Nor did they fail to enumerate the many Outrages he had sustain'd; as, 1. The obliging the Magistracy of Orange to expel all the French Scholars out of their College, and all the French Artizans out of their City. 2. The sending a Regiment of Dragoons to quarter among the Inhabitants at Discretion, till they had levell'd a Wall, which they had erected only to screen themselves from the Midnight Incurions and Depredations of bad Neighbours. 3. The spurring up the Prince of Condé to put in a Claim to the whole Principality in quality of Administrator to the Duke of Longueville. 4. The citing his Highness to appear before the French Privy Council, by the Title of *Messire Guillaume, Comte de Nassau, demeurant à la Haye, en Hollande*, to answer the said Clause. And, 5. The authorising the Prince, d'Orange to seize his Lands in Brabant, Dauphiné, and the Duchy of Luxemburg; his Customs on the Rhine, and in the Principality of Orange; his Lordships in Burgundy; and to expose to public Sale the Counties and Demains of *Warneffin, Wanden, Duesburg, Budgebuch, St. Vith, &c.* The Provinces of *Zeland, Guichterland, and Virecht*, appear'd with one Voice for his Highness on this Occasion: And he had, besides, a Party in that of *Holland*: But their united Remonstrances had no Effect: His Interest and Credit which had been so long in the wane, were now in a manner extinct; and whatever contributed to depress him, equally tally'd with the Views of his Opponents in the Republic, and of his grand Adversary of France. Mr. *Heinsius*, indeed, was sent to be his Solicitor at Paris; but after a whole Year's Trial, found all manner of Applications fruitless. And as to the King his Uncle, and the Duke his Father-in-Law, it appears they were so closely connected with his most Christian Majesty, that instead of interceding in his Behalf, they cooperated in heaping Mortifications upon him. According to Bishop *Burnet*, *Chadleigh*, the English Envoy had join'd with Mr. d'Armaux in widening the Breach between the Prince and the Town of *Amsterdam*: And what was still worse, had pretum'd to offer (\*) personal

The Prince of  
 Orange's  
 estate.

(\*) The little Principality of Orange is situated in the north of France.

(\*) It is reasonable to think these personal affronts were not given in the Course of this Affair. The Duke of Anjou was now at the Hague; and *Chadleigh*, by Order,

commanded the British Troops in the Dutch Service not to salute his Grace when they saw him: Which interest'd with the Commanders they had receiv'd from their General the Prince of Orange; which his Highness returned to warmly, that the Envoy receiv'd Instructions to visit him no more.

A. D. 1684.

sonal Affronts to his Highness. Notwithstanding which, so little was he consider'd at the *English* Court, that he could not get *Chudleigh* recall'd upon it. But then his Lordship does not remember, that in the Heat of his Resentment, the Prince list'd up his Hand against *Chudleigh*, which rather more than balanc'd the Account.

Still it was thought his Highness was not sufficiently humbled: As soon, therefore, as the Truce had pass'd thro' all its Forms, the *States* came to a Resolution to disband all the Forces which had been rais'd in the Year 82, consisting of 1446 Horse, and 9642 Foot: And such Use was made of the peculiar Animosity which reign'd among the Magistrates of *Amsterdam* against his Highness, that they were induc'd to invite thither Prince *Casimir* of *Nassau*, who was Stadtholder of *Friesland* and *Groningen*, and his Court, with a View to make him their Stadtholder, also in the Room of his Kinsman the Prince of *Orange*. But after he had been nobly entertain'd by them for near a Month, and receiv'd a Present of Gold-Plate, he took his Leave: And soon after, the two Princes came to so good Understanding with each other, that the Project came to nothing. Resolving, however, to continue their Opposition, they intrusted their Deputies to propose in the Assembly of the *States*, That the Condition of the Fleet might be enquir'd into: That more Ships might be built: That the Land-Forces might be yet farther reduc'd: That the Pay of both Officers and Soldiers might be diminished; and that the Moneys allow'd for Fortifications and secret Services might be more carefully and frugally manag'd. All these several Points were level'd at the Power and Prerogative of his Highness; but withal affect'd the Interest of so many other Persons, that, after many Attempts, and as many Disappointments, their Lordships of *Amsterdam* found that his Highness, on this Ground, was mightier than they: All the Nobles, and twelve of the Towns being against this new Reform, and only six for it.

Caution of our foreign and domestic Affairs.

Thus *France* continu'd to be still almighty and irresistible; and *England* had still the Honour either to smooch her way, or hold up her Train: For when *Courtray* and *Dinwyde* fell into her Hands, and she appear'd determin'd to make good her Pretensions by the Superiority of her Arms, all the Powers

who were led by their Hopes and Fears to unite against her, call'd upon the King to take Part in the League, and to co-operate in the Preservation of *Europe*. But, however apparently they were directed by their own Interest in making these Applications, it was understood, or at least it was represented, that they were inflat'd to do so by the Malcontents; not that those Powers (w) might be help'd by his Majesty out of their Distresses; but that his Majesty might be under a Necessity to have recurr'd to a Parliament, and that the Malcontents might from thence derive Opportunities to grow once more considerable, by opposing his Measures, and taking Advantage of the very Difficulties they themselves would make it their Business to plunge him in. And that the King did not lend an Ear to these Importunities, we are further taught to believe was owing to his being vers'd in the Artifices of that Faction, and not to any secret Engagements he had contracted with, or Advantages he deriv'd from, the Court of *France*.

These are the Colourings on one Side; and if we consult the other, we shall be told, that the Embassadors of those Powers, acted purely and simply, by the Instructions of their Principals, without any Intercourse with them; and that they espous'd their Memorials and Remonstrances, from no other Motive than a Zeal for the Honour of their Country, and the Liberty of *Europe*. The Truth, however is, that if there had been no such malignant Faction in *England*; as is above suppos'd to have been the Promoters of these Foreign Ministers, they would, nevertheless, have solicited his Majesty's Assistance: And that, if those who affect'd to be thus tenderly interested in the Cause of *Europe*, had not also found it to be, for some way or other, connected with their own; they would scarce have gone such Lengths to make his Majesty a Party whether he would or no.

Then, as to the King's Engagements with *France* (over and above what has been already said on that Subject) it is not to be imagin'd, that his Majesty would have violated his Defensive Alliance with *Spain*, by refusing to send a single Man to her Assistance; or that *France* would have left her Pretensions to his Arbitration; or that *Spain* would have refus'd that Arbitration, tho' under the Terror of an immediate Rupture; or that his most Christian Majesty would have persecuted

[w] Seen by the Duke of *Ormond*, himself, in a Letter to the Earl of *Arden*, viz. "The public Affairs here go on so prosperously, that the last Game the Dissaffected seem to have to play is, to urge the Ministers of the Emperor, *Spain* and *Holland* to call upon the King to perform his Engagement by Treaty upon the Intraction of public Faith and Treaties by *France*. This they suppose will force the King to call a Parliament, or expose him afresh to the Inconvenience, that he is govern'd by French Councils, and intends to introduce a French Model of Government, and consequently Popery. The Memos are given in lately by those Ministers, thro' that he is Design'd, since there are none of them but must know the Inability the King is in to bear any considerable Part in giving a Stop to the Progress of *France*, without the Assistance of a Parliament. And possibly they may be made believe, that a Parliament would now give that Assistance upon more moderate Terms than heretofore. But I doubt it is too early and too dangerous to make the Expe-

riiment. For though the King may dissolve a Parliament when he finds it useless, or rather intolerable, yet the Fear is, that the Dissatisfied having found how much Ground they have lost by their extravagant Violence, may more effectually compass their Ends in a smoother way. They may offer Money to draw the King into a War, but so little, that he must necessarily come to them for more; and then it is that they will run into their former Lengths. And if the Money, tho' too little to carry on the War for any reasonable time, shall be refus'd (being accompany'd with Popery, but insignificant Promises of assisting by his Majesty to the End) it will then be thought manifest, that the King is really partial to *France*, and will at no hand break with it. Much of this, no doubt, will be said, as well if the King refuse to call a Parliament, as if he refuse the Money it shall offer, when it is call'd. The Difficulties are great on all Sides. God direct the King to the best. *Life of the Duke of Ormond*, vol. II. p. 226.

A. D. 1684.

[Mem. p. 180.  
181, 182,  
184.]

persecuted a Nephew of England in so violent a manner, if such a Friendship was not subsisting between the two Monarchs, as was superior to every other Consideration.

Sir John Revelly, a profess'd Admirer of his Majesty, after acknowledging, That the Conditions of the Peace or Truce offer'd to the Allies by France, were very hard, is, moreover, express'd, That they were recommended by him as reasonable. In another Place he also says, That when the News came, that the French had possess'd themselves of Luxembourg (which some of the King's best Friends were extremely sorry for, because that Place was reckon'd to be the Key of Germany, Holland, and Flanders) our Court seem'd to be not at all (s) displeas'd at it. Again, in a third, he gives it as Lord Danby's Opinion, That there was a very strict Conjunction between us and France. And yet again in a fourth, that, making a Visit to the Duke of Newcastle, his Grace gave him to understand, That he had lately been honour'd with the Company of the Duke of Buckingham, who had enter'd into a long Detail of the public Affairs, purposely to insinuate, That the French Interest was still uppermost at Court; and that there was no other way to Favour, than thro' the Postern in their Keeping: For he express'd much Displeasure that the Marquis of Halifax refus'd to admit of a private Conference with the French Ambassador, when he (Buckingham) would have brought them together; adding, That his Lordship's Poëtry would never be considerable while he continu'd access to that Interest.

Those who are accusom'd to make deep Researches into the Conduct of Princes, will not need the Assistance of this Clue to come at the Secret of King Charles's Cabinet. To them the Action reveals the Principle; and when they have the Object before them, they are at no loss to give it a proper Colour: And on the other hand, it must be expected, that the Willfully-perverse, will only quarrel with the Guide that shews them the way; and rather chuse to wander on in a Perfusion that they are right, than be forc'd to acknowledge they had till then been astray.

If then it must be admitted, upon the whole Matter, that his Majesty was contented to have his Steerage directed by the Rudder of France, it will follow, that the Violation of the last Triennial Bill, by which it was provided, That Parliaments should not be intermitted above three Years; and of his Majesty's solemn Declaration, That he would make the Laws the Measure of his Government, was not so much owing to the Apprehensions of our own Court, with regard to the Malcontents, as to those of the French for themselves: By which it was clearly foreseen, that no sooner should there be a thoro' Union between the King and his Subjects, and the Power of the Crown should become

A. D. 1684.

invigorated by the Wealth of the People, than his Majesty would not only find himself above those Wants and Difficulties, which had in a manner oblig'd him to become a Seditary to them, but in a Condition to enter the Lists against them, and from that great Moment act as Arbitrator of Europe.

No Parliament, was, however, most undeniably the Word at Court; and from thence was echo'd most industriously to every Corner of the Kingdom: And as, on the one hand, *Tonger* was demolish'd in Ease of the Revenue, so, on the other, whatever had a Tendency to make Matters desperate between the King and his People, was carefully kept in Practice. Thus all manner of Prosecutions against the Messengers, and other Servants of the late House of Commons, were manifestly encourag'd; and even *William's* their Speaker was sued to the utmost Extremity, for the Votes he had sign'd, and the Warrants he had issued, in Obedience to the Orders of the House: A Proceeding which even Mr. *North* himself makes no Scruple to condemn; and concerning which, Bishop *Burnet* writes as follows: "This was driven on Purpoise by the Duke's Party to cut off the Thoughts of another Parliament; since it was not to be suppos'd, That the House of Commons could bear the punishing the Speaker for obeying their Orders."

At the same time also that the Servants of the House were prosecuted as Criminals, for doing what their Duty requir'd, it was resolv'd that the Lords in the *Tower* who had been impeach'd by one House, and committed by the other, should be enlarg'd. A Matter highly reasonable and equitable in itself, it must be allow'd, but without Precedent in point of Practice. It may be remember'd, that when Lord *Shaftsbury* made his Appeal to the King's Bench, *but* under Commitment only for a Contempt, he was told, he could have no Redress but from his Peers, whom he had offended: And Lord *Danby*, had in particular, given way to many threatening Expressions against him, for having been guilty of so famous a Breach of Privilege. His Lordship, however, was forc'd to try, and even to repeat, the same Experiment; and to his no small Mortification, in vain. The several Lords Justices of the King's Bench, down to *Jeffries*, and with them the Lord Keeper *North*, were of Opinion, That that Court being inferior in Jurisdiction to the House of Lords, could not bail their Prisoner after he had been charg'd with special Articles. For they had no Means to bring down the Record whereby to determine any thing of the Cause of his Commitment; and for aught they could judicially know, he might be attainted of the Treason. But *Jeffries*, we are told, had condition'd for the Jobb, at his Elevation, and the Crisis was extremely favourable; for, over and above, the grand Motive, of rendering the Breach between the King and

*William's* the late Speaker imprisoned for the Treason and Order of the House. [List of Lord Keeper North, p. 212. p. 592.]

(a) Bishop *Burnet*, p. 563, yet more roundly asserts, That the King had consented to let Luxembourg fall into their Hands.



A. D. 1684.

and Parliaments as wide as possible, both the Court Factions had their peculiar Ends to serve by this extraordinary Goal-Delivery: For the Lord Privy-Seal, finding he had lost Ground, by bringing the Duke of *Monmouth* to Court, without being able to keep him there, look'd round for one who might serve, upon Occasion, as his Co-adjutor, and came to a Conclusion, that none was every way so well qualify'd as Lord *Danby*, who like himself was an irreconcilable Enemy to the *French* Interest; and who, after so long an Exile from Court, would be contented, it might be presum'd, with a second Place in the King's Confidence and Favour: And, on the other hand, to complete the Triumph of his Royal Highness over those who had so eagerly endeavour'd to expunge him out of the Line of Succession, it was thought necessary, that, while the Voice of the Law pronounc'd one Set of Plotters, guilty, the Voice of the Bench should go as far as possible in pronouncing the other, innocent.

Under all these auspicious Circumstances, the Earl of *Danby* was first brought up by Rule of Court to the *King's-Bench*, February the 4th, 1683-4, and his Council, having expatiated on the Hardship and Length of his Imprisonment, which had now continu'd for five Years; having also urg'd, That in the Intervals of Parliament the *King's-Bench* was the supreme Court to which the Subject could have Recourse for his Liberty, That the Law did not mean to have any

Subject under an indefinite Confinement without any Remedy, And that the Earl had also obtain'd his Majesty's most gracious Pardon, concluded with a Prayer, That his Lordship might be admitted to Bail. The Pardon was then read in Court. But whether their Lordships were not provided with such Expedients as were thought necessary to qualify the Proceeding, or had been (y) instructed to demur, or held that a seeming Difficulty would add the more Weight to their Opinions, some of them desir'd time till the next Term to consider his Lordship's Case; which they said was wholly new to them: But the Earl, himself, objecting against so long a Delay, and making it his earnest Request that they would come to a Decision by the latter End of the present, they allow'd him to apply by his Council to know their Pleasure accordingly; and in the mean time remanded him to the *Tower*.

This solemn Farce having been thus play'd over, on the last Day of the Term, the Earl was again brought up, and their Lordships severally declar'd, That he ought to be admitted to bail: But then it was with this Salvo, That he should appear in the House of Lords the next Sessions of Parliament, and not depart without leave of the Court. The Ice being thus broke in favour of a Protestant Lord, the three Roman Catholics, viz. The Earl of *Poussin*, and the Lords *Arundel*, and *Bellasis* (*Petre* was dead, and had (z) deny'd the *Papish Plot* with his last Breath) as also the Earl of *Tyrone* were severally brought

A. D. 1684.

Lord Danby and the People Lords bail'd.

(y) In Sir *John Rooley's* Memoirs, p. 177, 178, 179, we find the following Passage relative to this Affair:

"What is very strange, the Earl of *Danby* was on the point of stepping out of the *Tower*, tho' against his Highness's Consent. My Lord Privy-Seal assur'd me his Enlargement was at hand; that he, himself, had been his Lordship's chief Friend, and that the King had made both the Duke and Lord *Rochebiter* seemingly set their Hands to it. The Duke, indeed, appear'd to be heavy in it, and that the King was so, there could be no Doubt; but *Rochebiter* and *Sealand* did understand otherwise it with might and main, and so contriv'd that the Judges delay'd to bail out his Lordship till the very last Day of the Term; those two Lords agreeing, That *Danby* might join with *Hallifax* to weaken their Interest.

Lord *Danby* came the same Day to kiss his Majesty's Hand in the Bedchamber, where I happen'd to be present. The King receiv'd him very kindly; and when the Earl complain'd of his long Imprisonment, his Majesty told him, he knew it was against his Consent, which his Lordship thankfully acknowledg'd; but they had no manner of private Discourse together. My Lord Privy-Seal came into the Presence presently after, and the two Lords saluted each other; but it was very slightly done on both Sides. The next Day, however, I went from the Lord Privy-Seal, to wait upon the Earl, when his Lordship desir'd me to profess his Service to him, and to tell him, that he should have taken a more particular Notice of him, but that he thought it would not prove so much for his Service: And the Earl said, it was for the very self-same Reason he had behav'd so indifferently towards his Lordship, for there was at that time great jealousy of a Friendship between them. Lord *Danby* told me, he would retire to his House out of Town, nor concern himself with Business, tho' he doubted not but he might if he would, but not upon the national Foundation he desir'd, and therefore would have nothing to do with it, declaring his Aversion to a *French* or a *Papish* Interest. He told me also, the Substance of what had pass'd between the Duke and him, at the *Vill*; he made no mention of his Highness, after he had been with the King, and I thereby understood his Lordship was upon a very affectionate Terms with that Prince. He said his Highness told him, he had heard he had poison'd *Boothby* of him, and that he answer'd, it was true he had often been so unfortunate as to differ with him in Opinion, and could not help saying, That he had never

yet found any Cause to repent him of it; but that for expressing himself any bow against his Person, it he heard so, they were Whispers and Lies; and desir'd to know who were his Informers; but the Duke evaded that. In short, I found by my Lord Privy-Seal, that he and the Earl of *Danby* had a good Understanding together."

(z) As we learn from a Death-bed Letter of his Lordship's to the King in these Words:

"May it please your Majesty,  
"I give myself the Hopes that your Majesty will pardon this Proposition of a dying but dutiful Subject, in giving you the Trouble of this short Account and Declaration of myself, by which, in the first place, I offer to my God my hearty Prayers for your Majesty's long Life and happy Reign, with all the Blessings of this Life, and eternal Happiness of the next.

I having been now above five Years in Prison, and what is more grievous to me, laid so long under a false and injurious Calumny of an horrid Plot and Design against your Majesty's Person and Government; and I am now, by the Disposition of God's Providence, call'd into another World, before I could by a public Trial make my Innocence appear. I receiv'd it necessary for me, as an incumbent Duty & owe to Truth, and my own Innocence, to make this ensuing Protestation to your Majesty and the whole World, That whereas one *Jean Oates* hath maliciously and falsely sworn, That he saw me receive a Commission directed to me by *Johannes Paulus de Oliva*, confiding me Lieutenant General of an Army, which he pretended was to come into *England*; I declare in the Presence of the All-seeing God, before whose just Tribunal I am shortly to appear, that I never saw any such Commission directed to me, or any other Person whatsoever; and do firmly believe, there never was any such.

But of the Folly as well as the Foolishness of the Information, the most Part of Mankind, as, as I conceive, sufficiently are this convinced.

And as to those Aspersions which the Ignorant and Malicious have thrown upon the *Roman Catholic Church* (of which I am, and by the Grace of God, do dye a Member) as if murdering of Kings, and taking up Arms against our Sovereign, were an authorized Principle of that Religion, I do knowingly affirm, there is nothing with more Horror detested by the Catholic Church, as being expressly contrary to the

A. D. 1684. brought up, and under the like happy Salvo, obtain'd their (a) Liberty.

[Mem. p. 175.] Thus it appears from every Circumstance, that, for this Reign at least, Parliaments were at an end; and that the monarchical Part of the Constitution had master'd both the others. *Reresby* is explicit, *That there were some near the King who advis'd him to another way of ruling the Kingdom: And what this way was, every Step we take, will more and more demonstrate.*

Godolphin  
made Secretary of State.

*Sir Leslie Jenkins* was still in the Secretary's Office; but, whether, presuming on his long and faithful Services, he ventur'd occasionally to object to the (b) violent Measures now pursuing, and so was look'd upon as of the Party of the Lord Privy-Seal, or whether, as pretended, he was really worn out with the incessant Fatigues of his Office, which no body was ever more devoted to than he, in the Beginning of this Year he was induc'd to quit, for a valuable Consideration, to Mr. *Godolphin*. According to the

[Ibid. p. 181.]

Author last quoted, Lord *Rochester* was the principal Engine in this *Remove*. The Dukes of *Portsmouth* had also her Share in it, and both, together with his Royal Highness, made it their joint Endeavours to undermine Lord *Hallifax*. And Mr. *North* makes no Scruple to say, "It was notorious, that, after this Secretary retir'd, the King's Affairs went backward, Wheels within Wheels took place; the Ministers turn'd Formalisers, and the Court, mysterious; And no wonder, when the two then Secretaries, profess'd Gamblers and Court-Artists, supply'd the more retir'd Cabals; and, being habituated in Artifice, esteem'd the honest plain Dealers, under whose Ministry the King's Affairs were so well recover'd, to be no better than Beasts of Burden."

The Duke of  
York retir'd  
in his Office of  
Lord High Ad-  
miral, and in  
his Place at  
the Council.

The next remarkable Change that alarm'd the Public, was the dissolving the Commission of the Admiralty, and the investing the Duke once more with the Title of Lord High-Admiral, and with all the Powers and Profits belonging to that grand Employment; but not by Patent after the usual Form; for as His Highness could not qualify himself by taking the Test prescrib'd by the Laws; so the Lord Keeper was too wary to prostitute the Great Seal to any Purpose, or in any Service, that he could not legally justify. Nor was this all; for, a few Days after, he was

also restor'd to his Place at the Council-board, without taking the Oaths, as in the former Instance; and of both these surprising Turns public Notice was given in the *Gazette*, as if the King had not only forgotten his solemn Promise to govern by the Laws, but the People had forgotten it too; or as if their Resentments were now no longer of any Consequence. Tho' over-aw'd, they were not however insensible: It became the Subject of much Talk, says *Reresby*, as being deem'd a Breach of one of the most solemn and most explicit Acts of Parliament: And many a melancholy Preface was drawn from it, which the Sequel but too fatally made good.

While the Court in this manner took what Ply his Royal Highness thought fit to give it, the Lord Chief-Justice *Jeffreys* was made the chosen Instrument to complete the Reduction of the Nation: And after what Manner it was done, and what farther Projects were gratified upon it, no Words are so proper, for many obvious Reasons, as those of Mr. *North* himself, to let forth, viz.

"When this Chief-Justice had chosen the Northern Circuit for his Expedition, it was to contriv'd, that, on a Sunday Morning, when the Court was full, the King should take notice of his good Services, and, in token of his Majesty's gracious Acceptance of them, give him a (c) Ring from his Royal Finger. This was certainly so done, by way of Engine to rear up a mighty Machine of Authority; and the printed News informed the whole Nation of it. Whereupon the Lord Chief-Justice was commonly reputed a Favourite, and next door to premier Minister, sure enough to eclipse any thing of the Law that stood near him. It is to be remember'd that, at this time, the Trade of procuring Charters to be surrender'd, was grown into a great Abuse; and nothing was accounted at Court so meritorious as the procuring of Charters, as the Language then was. Therefore as it was intended that the Chief-Justice should be ingratiated into his Majesty's good Opinion and Favour, as much as was possible; this Care was taken that, through the Fame of his great Honour, he should have appear'd to the Country, and, in consequence of that, wherever he went, all Charters must needs fall down before him; and, for that Reason, the Towns were to be prepared by (d) *200 Warrants* sent down. This

A. D. 1684.

The King gave  
*Jeffreys* a  
Ring.

the Command of our Saviour, and Christian Doctrine; and as such I renounce and detest it, as I do all Plots and Conspiracies against your Sacred Person.

Having thus briefly, and with all Sincerity of a dying Man, discharged my Conscience; I shall end where I began, and with my last Breath beg of God to defend your Majesty from all your Enemies, and to forgive those who by their Perjuries have endeavour'd to make me appear to be one: Who am living and dying (as in Duty bound, &c.)

(c) And yet we find Mr. *North*, who was of the King's Council, writing of this Fact as follows: "It is certain that the Lord *Jeffreys*, then Chief Justice in Court, refus'd it (submitting the Lords to Bull) and yet he was a great Stirrer up of the Point, in order to gain the other Judges to countenance his then sodal'd Opinion for the Ring, which was taken ill: So the Lords were not bull'd at that time; but in the Reign of King *James* they were let free." *Life of the Lord Keeper North*, p. 164.

(d) It appears by a Paper of his, inserted in his *Life*, that

he thought Popery the worst Evil that could befall us, a Breach in the Succession the next, and a Commonwealth the least of the Three.

(c) *Dillop Burett* says, vol. 1. p. 280. It was called his Blood-Sword: And adds, that when *Jeffreys* took his Leave of the King, his Majesty told him, It was a hot Summer, and, as he was going the Circuit, advis'd him not to drink too much.

(d) And on what frivolous Pretences they were found, may be gather'd from the following Passage taken out of *Sir John Reresby*:

"The King had now conceived a Displeasure against the City of *York*, and coming from the Dukes of *Portsmouth*'s he ask'd me, leaning upon my Arm, If I knew sufficient Matter for bringing a *200 Warrants* against their Charter? I told his Majesty, I did not, but would endeavour to inform myself, but fear'd I could not so well do it as such a Dilator, as if I was upon the Spot: To which his Majesty reply'd, I only recommend it to you. The Lord Mayor it seems had refus'd

A. D. 1684. This affords an useful Speculation how mean Persons derive to themselves Merit from the Power of great ones, who shall ascribe to their Inferiors those very Events which flow really from their own Power. Here the Chief-Justice is made to seem powerful by the King, with whose Authority he is grac'd; and that makes the frighted *Town*, at his Instigation, surrender. This must be argu'd to demonstrate to the King that the Chief-Justice had a mighty Influence upon the Country, having done greater things, in his Majesty's Service, than any Judge had ever done before; when, in truth, it was not his own proper Influence, but the King's Power, though him, that had such Virtue in the Country. It was for a like respect to the City of *London*; over which the Chief-Justice exercis'd a sort of violent Authority. That he had a great Influence there was true, but it was because the Citizens thought him a great Man at Court; and he obtain'd Favour at Court, because he was thought to have a great Influence in the City. Thus the Court conferred their own Influences, and took them back by rebound, so to much Merit reflected from the Person that manag'd them. Then it is also to be remember'd, that the North of *England* is the Seat of the Roman Catholic Interest; and some things were to be manag'd by this Chief-Justice, with respect to them, which no other of the twelve Judges would have done, and I am about to relate.

In the Course of this Northern Voyage, which was carry'd with more *Leffiness* and *Authority*, than had been known at any Ages before, the Charters (as was to be expected) tumbled down, and the Chief-Justice order'd all the under-Sheriffs and Bailiffs to give him perfect Lists of all Persons, who, upon Account of Recusancy, lay under Commitment. When he return'd to *London*, and his (s) great Services, which argu'd no less Abilities to serve the King, were display'd, the next Step, was his being appointed to attend his Majesty, at the *Cabinet*. The Lord Keeper, who was but an Observer of these Motions, did imagine that somewhat extraordinary was to come forth at the next Meeting, the rather, because, on *Sunday* Morning (the Meetings were usually on *Sunday* Evenings) the Duke of *York* spoke to his Lordship to be *Affiliant* to a *Business*, which, that Evening, would be mov'd to his Majesty; and that Morning, his Lordship observ'd a more than ordinary Shyness in the Countenances of the great Men, whose remarkable

Gravity satisfi'd him that they were upon their Guard. But what the Matter was, his Lordship did not discover till he came to the Cabinet; where, after the King was come, and they were sat, my Lord Chief-Justice *Jessop* stood up, and with the Rolls of Recusants before him, Sir, said he, *I have a Business to lay before your Majesty, which I took notice of in the North, and which will deserve your Majesty's Royal Consideration. It is the Case of numberless Numbers of your good Subjects that are imprison'd for Recusancy. I have the List of them here, to justify what I say. They are so many that the great Gods cannot hold them without their lying one upon another. And then he let fly his Tropes and Figures about rotting and sinking in Prisons, concluding with a Motion to his Majesty, that he would, by his Royal Pardon, discharge all the Convictions for Recusancy, and thereby restore Liberty and Air to these poor Men. This Motion, at that time, was indeed a *Sauger*; for, in Consequence, the Execution of it, by such a Pardon of all Convictions, had lost the King irrecoverably, spoil'd all future Parliaments, set up the Fanatic Interest, his Majesty's declar'd Enemies, and disabled his Friends from appearing, with any Countenance, for him. The Language had been *Now it is plain— you would not believe us. What is Popery, if this be not? What signify the Laws? Will you not expect some better Security?* and the like.*

His Lordship was not to learn such Consequences as these. But there was yet more, and what directly concern'd himself in the Duty of his Office. He could turn his Thoughts no way clear of Precipices, which, to him, were fatal, though others made Account to leap over them. It must needs occur that such a Pardon must pass the great Seal, of which he was the Keeper, whose Office it was to affix it: And altho', in Strictness, he could not disobey the King's express Command in that, or any thing else that might be called an Act of Grace, nor be render'd criminal for so doing; yet all the loyal Party of *England* who were his sure Friends, would have expected from him such strong and plain Advice to the King, as might have averted him from such a pernicious Step, whatever the Consequence was to himself, who ought, as many would have said, to have quitted the Seal rather than held them on such Terms; and, for certain, the next Parliament had retented it in all Extremity. Now let us see with what Tem-

A. D. 1684.

Jessop moved for a general Pardon of all Recusants.



per'd to let a Mountebank erect his Stage in that City, tho' he was furnish'd with the King's Recommendation, which the Mass complaining of, his Majesty thought himself thereby Righted, or injured.

The Lord Mayor of *York* being arriv'd, came, in desire to make use of my Name before the Council, to sit as to fly; The Governor knew how ready he was with his Assistance upon occasion of the late Plot; to which I gave my Consent. I will leave that the Duke of *York*, who thought him necessary to his once all Reception in that City, wou'd in his Heart, the Man might be punish'd; but I imagin'd I could not but in Justice face by him in what was right, and that I could not do amiss in carrying him to my Lord Privy-

Seal, who gave him his Promise to assist him at the Board. I knew there was Pique and Malice in the Complaint against him, and was in hopes it might be a Means of making him a thorough Convert, if he was but mercifully handled in this troublesome Matter.

(s) Bishop *Keest* says, vol. III. p. 215. "That having made it his great Business to terrify the People into a Compliance, at his Return he wai'd on his Majesty at *Windsor*, and deliver'd up to him the Charters of the City of *London*, and of several other Corporations, within his Circuit, as an Obligation of his own Loyalty, and a Triumph over the People's Liberties."

A. D. 1684.] per, Prudence, and Courage, his Lordship comported under this sudden and desperate Trial. After the Lord Chief-Justice *Jeffreys* had done, and compos'd his Rolls and Papers upon the Table (which none there cared to inspect) his Lordship, the Lord Keeper, sat a while silent, as the rest, expecting some of the Lords, eminently in the Protestant Interest, as *Hollis*, *Rochester*, &c. should begin to speak; but finding no Probability of their saying any thing, but rather a Disposition on their Parts, at that time, to let the thing pass, he apply'd himself to the King, and Sir, said he, *I humbly intreat your Majesty that my Lord Chief-Justice may declare whether all the Persons, nam'd in these Rolls, were actually in Prison, nam'd in these Rolls, were actually in Prison or not.* The Lord Chief-Justice hastily interpos'd, saying, he did not justly imagine any one could suspect his Meaning to be that all these were actual Prisoners; for all the Gaols in England would not hold them. But if they were not in Prison, their Case was little better, for they lay under Sentence of Commitment, and were obnoxious to be taken up by every peevish Sheriff, or Magistrate, and were made to redeem the Liberty they had with gross Fees, which was a cruel Oppression to them and their Families. Then the Lord Keeper turn'd to the King, and Sir, said he, *I beg your Majesty will consider what little Reason there is to grant such a general Pardon, at this time, at this time.* For they are not all Roman Catholics that lie under Sentence of Recusancy, but SECTARIES of all Kind and Denominations; perhaps as many or more, who are all professed Enemies to your Majesty and your Government in Church and State. They are a turbulent People, and always stirring up Seditions, and if they do so much when they lie obnoxious to the Law, which your Majesty may insist upon them at your Pleasures what will they not do, if your Majesty gives them all a Discharge at once? That would be to quit the greatest Advantage you have of securing the Peace of the Nation. Is it not better that your Enemies should lie under such Disadvantages, and be obnoxious to your Majesty's Pleasure, who may, if they are turbulent and troublesome, insist the Penalties of the Law upon them? And as to the Roman Catholics, if there be any Persons to whom your Majesty would extend the Favour of a Pardon, let it be particular and express, and not universally, to let your ENEMIES, as well as FRIENDS of Ease. And, after all, the Disadvantage they lie under is but the Payment of some Fees to Officers, which is compensated by the Exemptions they have from serving in chargeable Offices, which other conformable Persons sustain. But, in a general Review of the ill Usses that would be made of such a Step, in the Nation at large, is the Prejudice of your Majesty's Interest and Affairs, both in and out of Parliament, as they were obvious, is the Extent of them it beyond my Power, and, as I think, here no Ends, or to this Effect. The King gave great Attention, and the other Lords wondered; but no farther Word was made of the Matter; and they proceeded to other Business. That Night

But is defended by the Lord Keeper.

his Lordship came home full of Melancholy, and it was some time before any Person near him knew the Occasion of it. But he would sometimes break out in Exclamations, as, *What can be the Meaning! Are they all stark mad!* and the like. That very Night he took his Pocket-Almanac, and, against the Day, wrote

" Motion, cui solus obstitit.  
Mortem, which I alone opposed.

For he accounted this Action of his the most memorable that he had ever done."

*Jeffreys*, it seems, had before this set himself in opposition to the Lord Keeper: In particular, when *flaming drunk*, says Mr. North, he had made a furious Harangue against *Trimmers*, at the Council-board, with an Intention to render him obnoxious for his Moderation: And in fact were his Endeavours crown'd with Success, that, upon his Arrival from this Northern Expedition, he was admitted into the Cabinet, on purpose to crowd him out of his Place, which, we are told, it was resolv'd by the rising Party he should; He had indeed shewn himself, by what he had already done, to be every way qualify'd to go thro' with what was farther expected from him: He had shewn a Conscience that disdain'd Scruples; he had shewn a Heart incapable of Remorse; and he had shewn a Disposition equally prone to submit to any Balances on one hand, or combat any Outrage on the other.

Other Conflicts between these Lawyers.

Thus he had scarce set his Foot in the Cabinet, before he rush'd into a Contest with the Lord Keeper; and was not only countenanced in it, but enabled to get the better of it; and that in favour of a Man, who, instead of deriving Honour to himself from Preferment, disgraced whatever Preferment he receiv'd: This Man was one *Serjeant Wright*, whose Extravagances had reduced him to great Necessities; and whose Necessities made him aspire to be a Judge: But then he was so poor a Lawyer, says our Author, that he could not give an Opinion on a written Case: and withal so bad a Man, that he mortgag'd his Estate twice over; having the last time made affidavit, *That it was clear from all Incumbrances.* The Lord Keeper, while at the Bar, had furnish'd him both with Law and Money: It was he who had the first Mortgage of his Estate; and he had discover'd the Wickedness of the Last: When therefore he apply'd to his Lordship with Tears as well as Invitations, to forward his Suit, saying, *he was utterly ruin'd if he said him now*, his Lordship remain'd inflexible, nor would, for any Consideration, give his Sanction to what he could not approve. But, luckily for *Wright*, what ruin'd him with Lord North recommend'd him to *Jeffreys*: He knew, that the Court had no Employment for Integrity or Capacity; and that he alone who would do any thing was fit for any thing; he therefore not only receiv'd him with open Arms, but procur'd him the Patronage of the Faction he serv'd; and, thro' them, of the King himself; who was prevail'd

(Life of Lord Keeper North, p. 245.)

A.D. 1684.

prevall'd upon to name him to the Lord Keeper; and when inform'd by him, that he was to his Knowledge the most unjust Person in England to be made a Judge, to renew his Influences notwithstanding, and even grew importunate to have them comply'd with. This oblig'd his Lordship to open the whole Man to his Majesty, which he did circumstantially; and then to make the Appeal to his own breast, Whether such a Man ought to be made a Judge? But though the King thank'd him for his Plain-dealing, he acted upon it, as if all he had said had been Matter of Recommendation; and *Wright* was made a Judge accordingly.

The Letter previous to the Infamous Creature of his made a Judge.

By the driving of these several Points in this manner, one would imagine, that the Duke was now absolute Lord of the Ascendant; and that the King had reserv'd to himself only the Name of Power and Superiority: But, in this same Interval, yet other Incidents took place, which serve to shew, that the Court-Cabals had each their Day; and that his Majesty's Policy consisted, in so dividing his Favours between them, that both might have Reason to be satisfy'd with him, however dissatisfy'd they might be with one another.

We have been already apprisd of the Feuds which had arose between the Lords *Hallifax* and *Rocheſter*, in relation to the Administration of the Treasury, under the Direction of the Latter. Those Feuds still continued: Lord *Hallifax* was ever in quest of Abuses; and Lord *Rocheſter* thought himself injur'd by every Step which had a Tendency either to control his Power, or to perſe his Conduct. Hence he was led to aspire continually to be sole in the Commission, with the splendid Title of Lord Treasurer; and, to his infinite Mortification, not only found his Antagonist labouring as vigilantly and industriously to prevent him, but that he labour'd also with Success: For about the time that *Godolphin* was remov'd from the Treasury-board to the Secretary's Office, *Deering*, another of the Commissioners, dy'd, and by his Interest, and that of the Lord Keeper, conjointly, Sir *Dudley North*, the famous Sheriff, and another, fill'd up those Vacancies: And what was worse, being Men of Business, made him too uneasy with their Inspections, Examinations, and Proposals for the better Management of the Revenue, that he grew to weary of his Post, that, according to *Bishop Burnet*, he chose to resign: But according to *Rochester*, there was little of Choice in the Case: And as he produces Part of a Letter from Lord *Hallifax* to himself, which seems to indicate the same thing, more Credit is due to him, than to that Right Reverend Historian: His Words are these: "Lord *Rocheſter* had been remov'd from the Head of the Treasury-board to that of the Council; in which, tho' he was advanced in Honour, he was put backward in Profit and Power: It was therefore most evidently what he never sought for, and as plain, that Lord *Hallifax* had brought it to pass: Thus it was that Lord *Danby*, now in the Country, conjectur'd; and it was soon

Lord Rocheſter made Secretary of the Council.

A.D. 1684.

confirm'd to me, by a Letter from my Lord *Mansfield* himself, wherein he made use of these Words: "You may believe I am not at all displeas'd to see such an Adversary remov'd from the only Place that could give him Power and Advantage; and he bears it with so little Philosophy, that, if I had Nature enough, he gives me sufficient Occasion to triumph. You see I cannot hinder myself from imparting my Satisfaction to so good a Friend. But the Wonder was, how the Finger of my Lord *Privy-Seal* was able to effect this against the Shoulder of the Duke of *York*, who still continued a Friend to *Rocheſter* as much as ever."

But whatever Lord *Rocheſter*, in his own Particular, felt by this Exchange, his great Patron the Duke, may be suppos'd to have been a Gainer; for the Earl of *Rochester* was remov'd to make Room for Lord *Rocheſter* at the Head of the Council Board, *Godolphin* (who, in these Days, was another of his Creatures, and who was now also advanc'd to the Peerage) was made first Commissioner of the Treasury; and the Earl of *Middleton*, a Secy, Secretary of State.

*Godolphin* first Comptroller of the Treasury, and the Earl of *Middleton* Secretary.

It will not, perhaps, be an Over-refinement to suppose, that, almost as soon as the Lord *Rocheſter* underwent this Mortification, a Scheme was form'd, tho' without his Privy, for keeping him effectually in Countenance: For we shall find more Cause to wonder, that it should be laid at the Expence of so illustrious and deserving a Subject as the Duke of *Ormond*, and in favour of the most secret Views of the *Roman Catholics*, than to question the Truth of the Fact.

The latter End of *April* the Alterations had been made at the Treasury-Board. In June his Grace receiv'd sudden and unexpected Orders to return to his Government, tho' in the midst of a dead Calm, when not only *Ireland* was all Loyalty and Submission, but *England* too. In *August* he set out accordingly. Toward the latter End of this Month Lord *Rocheſter* was driven to the upper End of the Council-Board. About the same time, Sir *Robert Southwell* sent the Duke word, That his Removal was absolutely resolv'd on. And in *October* following he receiv'd Notice of it in Form from the King (who had formerly declar'd to him, that he never should be remov'd as long as he liv'd) the Duke, and Lord *Rocheſter* himself.

The Lord *Rocheſter* appointed Lord *Lindsay* of *Rothesay* in the room of the Duke of *Ormond*.

The Reasons assign'd in his Majesty's Letter for this Measure are, 1. That he found it absolutely necessary for his Service, That very many, and almost general, Alterations, should be made in *Ireland*, both in the Civil and Military Part of the Government. 2. That several Persons who had been recommended and plac'd by his Grace, and who were fit to be so at that time, must now be remov'd. 3. That he thought it would be a Hardship to impose this Talk on him; And 4. That for that Reason he had appointed Lord *Rocheſter* to be his Successor.

Letters in that Opinion.

The Duke's Letter contain'd little more than Expressions of Esteem and Friendship; and

A. D. 1684.

and that of the Earl's was chiefly an Attempt to purge himself from any Suspicion of being concern'd in supplanting so noble a Friend and so near an Ally: For therein he affirm'd in particular, upon his Word, that tho' he had suspected something of this kind was coming on almost ever since his Grace's Departure, he had done all he could, first to hinder it, then to delay it; and professes, that he would still contribute any thing in his Power to keep things as they were. All these several (J) Letters his Grace answer'd in such Terms as shew'd the utmost Relinquishment to his Majesty's Pleasure: And from what he writes to his great Friend Sir Robert Southwell, it further appears, that he was more surpris'd and out of Countenance, than sorry for what had happen'd. He cannot help, however, in a Letter to the Earl of Arran, to make a sort of Comparison between the Treatment he had receiv'd from the King during the Height of the *Papish Plot*, and that which he met with upon this Occasion. "My Defects and Failings, said his Grace, were then courted, but now they are conspicuous and muster'd up. My Age, my Sloth, my Aversion to *Roman Catholics*, my Negligence in the Choice of such as I have recommended to, or plac'd in, the King's Service."— And again in another Letter to the Earl of Rochester, he expresses himself with unusual Warmth, of the intended Alterations which had been touch'd upon in the King's Letter, in the following Words:—"I have been so long suffer'd to mistake what was, or what was not, for the King's Service, or what he thought was, or was not, that I wonder how the Impertinence of the things I still propos'd was so long borne with: And I confess I am at this time confounded in my Notions more than ever I was; not only from the Reports we have of almost a total Change in all the changeable Part of the Government of this Kingdom, but from what the King himself was pleas'd to intimate to me, to the same Purpose; for which Alteration I must say (let the Consequence of saying it be what it will to me) there neither is, nor can be, any Necessity or good Reason at this time; and this upon enquiring into Particulars, might manifestly appear: And, therefore, for the Honour of the King's Justice, and for his Service, I hope that Intention will at least again be consider'd before it be put in Execution. I take the Liberty to interress the King's Justice in this Case; not but that I know his Majesty may justly change his Servants and give no Reason for it: But if he gives any, that Reason should be well grounded, especially if it be such as fixes a Mark of Incapacity or Infidelity." He adds, That if he himself had not been quite out of the question, by his Majesty's very explicit Declarations in his Favour, he had not said so much; and then complains, that the Darkness he was in, as to what was really intended, disabled him from communicating any useful Thoughts

A. D. 1684.

to his Lordship, in Conformity to his Request. That so great, so able, so faithful, and so try'd a Servant as his Grace, should be thus, all at once, left out of the whole System of the very Government he had so long, and so honourably, fill'd, may be justly thought somewhat strange: But that his Successor, who was to be the Instrument employ'd in these new Regulations, should till the Middle of *December* be kept almost as much in the Dark, as he, can never enough be wonder'd at. And yet these are the very Words of his Lordship's Reply: "I confess what your Grace says as to the Darkness you are in, which makes you incapable of communicating such useful Thoughts to me, as would be extreme necessary and desirable, is without Reply, even in my own Judgment. And if I should tell your Grace, that I who am going, am *not much more* in the Light, it might be some Matter of greater Wonder to you: I say *not much more*, for I have not yet the Honour to be trusted with the *Secrets*, upon my Word. I have waited on the King three or four times, with other Company, to discourse, and receive his Majesty's Instructions in relation to *Ireland*; but it hath never gone farther yet than Discourse in general, that several Officers in the Army must be remov'd, that the Council must be chang'd, and that some of the Powers of the Lieutenant, himself, must be restrain'd."

Thus it appear'd, that even the Earl of Rochester himself, who had gone such Lengths in the Service, and seem'd to be so deep in the Confidence of his Royal Highness, was not his only or chief Favourite; and that there was behind the Curtain some one, who was yet deeper in that Confidence than he. If it be true, as Bishop *Burnet* asserts, that the intended Innovations in the Government of *Ireland* were projected by the Earl of *Sunderland* to keep that Kingdom in Dependence on himself, it follows, that he was the Man who had thus got the start in the Race of Favour, and kept his Rivals at what Distance he pleas'd. But it appears the King was as forward to co-operate in this Project as the Duke: And thence it may be presum'd, that Lord *Hallifax* was of the Concert; at least so far as the setting Limits to the Power of the new Lieutenant, in whole Mortification, as we have seen, he took such a peculiar Pleasure.

As to the Project itself, it was, in the first place, to separate the Power of the Lieutenant from that of the Army, which was for the future to be under the sole Command of a Lieutenant-General, with such an absolute Exclusion to the Influence of the Civil Governor, that he was not to have the naming of the lowest Commission'd-officer in it: And, in the second, That a Door might be immediately open'd for the Admission of *Roman Catholics*; which it was known his Grace of *Ormond* would never have consented to, and which even his Successor, perhaps, would not have car'd to answer for.

Our

(J) The Whole of this epistolary Correspondence is to be found in Mr. *Curtis's* Life of the Duke of *Ormond*.

A. D. 1684.

Our Right Reverend Historian of his own Times relates two Facts, which have a very intimate Relation to each other, and which serve to illustrate the present Crisis yet farther, in these Words:

"The Earl of *Clancarty* in *Ireland*, when he dy'd, had left his Lady the Guardian of his Children. It was one of the noblest and richest Families of the *Irish* Nation, which had always been Papists. But the Lady was a Protestant. And she, being afraid to trust the Education of her Son to *Ireland*, tho' in Protestant Hands, considering the Danger he might be in from his Kindred of that Religion, brought him over to *Oxford*, and put him in *Fell's* Hands, who was both Bishop of *Oxford* and Dean of *Christ-Church*, where the reckon'd he would be safe. Lord *Clancarty* had an Uncle, Colonel *Maccarty*, who was in most things, where his Religion was not concern'd, a Man of Honour. So he, both to pervert his Nephew, and to make his own Court, got the King to write to the Bishop of *Oxford* to let the young Lord come up, and see the Diversions of the Town in the *Christmas* Time; to which the Bishop did too easily consent. When he came to Town, he, being then at the Age of Consent, was marry'd to one of the Lord *Sunderland's* Daughters. And so he broke through all his Education, and soon after turn'd Papist. Thus the King suffer'd himself to be made an Instrument in one of the greatest Crimes, the taking an Infant out of the Hand of a Guardian, and marrying him secretly; against which the Laws of all Nations have taken care to provide very effectually."

This was the first; and the (g) second was as follows:

"The first Instance, in which the King intended to begin the immediate Dependence of the *Irish* Army on himself, was not to well chosen, as to make it generally acceptable: For it was, that Colonel *Maccarty* was to have a Regiment there. He had a Regiment in the *French* Service for several Years, and was call'd home upon that Appearance that we had put on of engaging with the Allies in a War with *France* in the Year 1678. The Popish Plot had kept the King from employing him for some Years, in which the Court was in some Management with the Nation. But now that being at an End, the King intended to employ him upon this acceptable Service he had done with relation

to his Nephew. The King spoke of it to Lord *Hallifax*; and he, as he told me, ask'd the King, if he thought that was to govern according to Law. The King answer'd, he was not ty'd up by the Laws of *Ireland*, as he was by the Laws of *England*. Lord *Hallifax* offer'd to argue that Point with any Person that assert'd it before him: He said, that Army was rais'd by a Protestant Parliament, to secure the Protestant Interest: And would the King give Occasion to any to say, that where his Hands were not bound up, he would shew all the Favour he could to the Papists? The King answer'd, He did not trouble himself with what People said, or would say. Lord *Hallifax* reply'd to this, that it was a just Piece of Greatness in the King not to mind what his Enemies said; but he hop'd he would never despise what his Friends said, especially when they seem'd to have Reason on their Side: And he wish'd the King would chuse rather to make up *Maccarty's* Losses for his Service in Pensions, and other Favours, than in a way that would raise so much Clamour and Jealousy. In all this Lord *Hallifax* only offer'd his Advice to the King, upon the King's beginning the Discourse with him. Yet the King told it all to *Maccarty*; who came and expostulated the Matter with that Lord. So he saw by that how little safe a Man was, who spoke freely to the King, when he cross'd the King's own Inclination."

Thus all things seem'd to indicate, that the Catholic Kingdom was already at hand: And that Men of all Professions might be dispos'd to yield an unreserv'd Obedience, *Jeffreys* with the Return of the Term took care to open the Terrors of *Westminster-hall*: Every other Process of every other kind was also let loose, which could help to convince the whole Community, by the Sufferings of Individuals, that they were effectually subdued; and that it would be more advisable to kiss the Rod, than to shew any Repentment of the Smart. It was now that *Poillon* (*Dubois* was dead) was brought to account for the Infult offer'd to the Magistracy of *London*, by the Arrest of the Lord Mayor, at their Suits: In the Course of which Trial, *Cornish* (one of the discarded Aldermen) appearing as a Witness in Behalf of the Defendant, *Jeffreys* took occasion to disgrace the Bench with the following outrageous Invectives: "I know these things very

Proceedings in Westminster-hall.

(g) And there is yet a Third, told by the same Author, which is yet less for his Majesty's Honour, than either of the former, viz.

"A Trial in a Matter of Blood came on after this. A Gentleman of a noble Family (according to *Oldmixon*, the Son of an infamous late King of a *Slavy* being at a public Supper with much Company, some hot Words pass'd between him and another Gentleman, which rais'd a sudden Quarrel, soon but three Persons being engag'd in it. Swords were drawn, and one was kill'd outright: But it was not certain by whose Hand he was kill'd: So the other two were both indicted upon it. The Proof did not carry it beyond Man-Slaughter, so Marks of any precedent Malice appearing; yet the young Gentleman was prevail'd on to confess the Indictment, and to let Sentence pass on him for Murder: a Father being promis'd him if he should do so, and he being threaten'd with the utmost Rigor of the Law, if he stood

upon his Defence. After the Sentence had pass'd, it appear'd on what Design he had been promis'd on. It was a rich Family, and not well affected to the Court: So he was told, that he must pay well for his Pardon: And it cost him sixteen thousand Pounds of which the King had the one half, the other half being divided between two Ladies that were in great Favour. It is a very ill thing for Princes to suffer themselves to be prevail'd on by Importunities to pardon Blood, which cries for Vengeance. Yet an Excess to Impiety is a Feelsense of God-nature, and so is in itself less criminal. But it is a monstrous perverting of Justice, and a destroying the chief End of Government, which is the Preservation of the People, when their Blood is let to flow; and that not as a Compensation to the Family of the Person murder'd, but to let the Prince himself, and to some who are in Favour with him upon unworthy Account: And it was Robbery, if the Gentleman was innocent."

A. D. 1684. very well without their Assistance, and only ask these Questions to let the World know what sort of Men these are that pretend to Saintship. You see we can hardly get one Word of Truth out of them; neither *Behel*, nor that *FELLOW, Cornish*, would take the Oaths and Sacrament, according to Law, till they found it would contribute to their Design of subverting the Government: Then these *RASCALS* could qualify themselves for an Office, only to put the Kingdom in a Flame.

It was now also, that one *Best* was sentenc'd to pay a Fine of a thousand Pounds; to stand in the Pillory three times; to find Sureties for his Behaviour during Life; and to remain in Prison till all was comply'd with; for speaking very scandalous and seditious Words, as we find it express'd in the

[Nov. 198.] *Gazette*: And that one *Mr. Butler of Northamptonshire* was also sentenc'd to pay a fine of 500 Marks, to give Security for his good Behaviour during Life, and to be committed till he had done both; for having presented a *Jacobin and seditious Paper*, in the Name of the *Freeholders*, to the Knights of that Shire, at the last general Election. And it was now that *Mr. Roswell*, a Dissenting Minister, was most ridiculously, as well as cruelly, indicted for compassing and imagining the Death of the King, and to raise a Rebellion, by uttering in a certain unlawful Assembly (*i. e.* an Assembly of Nonconformists) the following Words, *viz.* "That the People made a flocking to the King, upon Pretence of healing the King's Evil, which he could not do; but that they (meaning himself and other traitorous Persons, the King's Subjects) were the Persons they ought to flock to, because they were Priests and Prophets, who, by their Prayers, could heal the Dolours and Griels of the People: That they had had two wicked Kings together (meaning *Charles I.* and *Charles II.*) who had permitted Popery to enter in under their Noies, and whom they could resemble to no other Person than to the most wicked *Jeroboam*: And that if they (meaning the said evil-dispos'd Persons, unlawfully assembled) would stand to their Principles, he did not fear but they would overcome their Enemies (meaning the King and his Subjects) as in former Times, with *Rams Horns, broken Pitchers, and a Stone in a Sling*." The Witnesses to support these senseless Allegations, were three Women, who were all of the Preacher's Flock that Day, and who were all positive to the very same Words. *Roswell* on the other hand, after some notable Exceptions to the Indictment, produc'd two sensible Witnesses, who depos'd, That he had no otherwise mention'd the *King's Best*, than in Reference to the Case of *Jeroboam's wither'd Arm*, which had been restor'd by the Prophet's Prayer: That the *Rams Horns, broken Pitchers, &c.* had allusion only to the Power of God, which even by such inconsiderable Instruments in the Hands of *Grison* and *Josiah*, had produc'd such wonderful Effects; and that except in his Prayers, he had never once mention'd any King of England in his whole Exercise. He then call'd several Per-

A. D. 1684. sons of Reputation to shew that the Witnesses had none; as also to prove his own Loyalty: And then taking the Matter of his Defence into his own Hands, shew'd, That tho' the Witnesses had such incredible Memories as to give in the very same Passages in the very same Words, as Matter of Evidence against him, they vary'd essentially in naming his Text, as also in specifying the Place where they swore the Words were deliver'd: And farther, that whereas, according to them, those Words were deliver'd in the Forenoon, his Witnesses prov'd that the Discourse they had so perverted, was deliver'd in the Afternoon: That the Charge against him, if true, rather made it appear, that he was a Fool or a Madman than a Traitor: That he had the Sirets of his Defence not on the Incredibility or Improbability, but the Impossibility of the Truth of the Evidence against him, &c. In short, his Defence very sufficiently manifest his own Innocence, and the amazing Wickedness of the Prosecution against him: Neither the Attorney or Solicitor made any Reply as usual on the like Occasion: And even the Chief Justice, himself, in his Charge to the Jury, did little more than inveigh against Conventicles in general, laying against the Author of *Hudibras*, That, perhaps, as many Rebels were rais'd against the late King, by the beating of the Cud-dion in the Pulpit, as by the beating of the Drum in the Street. And upon the whole, directing them to consider whether the three Witnesses produc'd against the Prisoner, had sworn to the Truth, or were guilty of Perjury. But all this unusual Moderation on the Side of the Court, had no Effect on the Jury: They had been to us to condemn, that they knew not how to acquit; and, accordingly, in Defiance of Shame and Confidence, they gave in their Verdict, *Guilty*.

*Mr. Roswell* did not, however, throw up his Cause; but, on the contrary, when brought up to receive Sentence, alledg'd, That there was not sufficient Matter even in the Indictment itself, to justify the Verdict against him: That *Inventures* had supply'd the Place of Facts: That the Words were repugnant and insensible: And, upon the whole, demanded, that Judgment might be arretted, and that he might have the Benefit of Council to argue his Exceptions. All was granted that he ask'd. *Mr. Wallop* and *Mr. Pollexfen* had the Management of his Cause; the Meets of which were solemnly argu'd three Days after, and that with so much Advantage to the Prisoner, that even the Lord Chief Justice, himself, as well as his two Assistants, *Wilmot* and *Walcot*, declar'd the Indictment to be erroneous, nor would allow there was any Force in the Arguments brought by the King's Council in Support of it: But, as it was impossible that *Jessu* should ever act uprightly, without some corrupt Motive, we find his Behaviour in this Case number'd among his Enormities, both in the Minutes of the Lord Keeper *North*, and also in his Brother's Comments upon them. However this may be, we find the Prisoner was neither to have the Benefit

[List of Lord Keeper North, p. 214.]





A. D. 1684. now at the Height of his Power, and, therefore, of his Glory. *Most Men*, says Mr. *Richard*, were ready to fall down and worship him, and even his very Image, likewise, as the same Author would almost persuade us to believe; For immediately after he has thus express'd himself of his Majesty, he makes a Transition to the Statute set up, about this time, to his Honour in the Area of the *Royal Exchange*, by the *Hamburg Merchants*; and talks of it as the Wonder of the Times.

But whatever Additions his Majesty had made to the Grandeur, Independency, and Power of the Crown, it appears he had made none to his own Happiness. Authors of all Parties agree, that in this exalted Condition, he never seem'd less at ease in himself, or less satisfy'd with the Situation of his Affairs. Bishop *Burnet's* Words are, *That the King grew more than ordinary jealous*: Mr. *North's*,

[*Polity*, 605.] "That the King having had some squall Attacks, appear'd to be more confederative, and grew more sensible of the Niceties of State-Government, than he had been before, especially relating to the Treasury." And again, "The King grew weary of his *Sunderland's*, *Jeffreys*, and other more latent Operators of the new Model; and had he liv'd

[*Life of Lord Keeper North*, p. 251.] six Months longer, would probably have remov'd them; for he found his Affairs move untowardly, and Faction, in fresh Hopes of a new Game, began to be busy.—According to *Wetwood*,

[*ib. p. 243*.] "The Shame of seeing himself impos'd upon by others far short of him in Parts, and that the Court was anticipating his Death by their Addresses to his Brother, as if he had been already King, did help to awaken him out of his Slumber." The same Author further says, "That his Majesty being in Company where the present Posture of Affairs was discours'd of, there escap'd him some warm Expressions about the uneasy Circumstances he was plung'd into, and the ill Measures that had been given him: And how, in a certain particular Affair he was pleas'd to mention, he had been abus'd: Adding, in some Passion, *That if he liv'd but a Month longer, he would find a Way to make himself easy for the rest of his Life*." Then, as to the Necessity of a Change of Measures, we find it thus insist'd

[*Well. Mem.* p. 189.] on by Mr. *North*, in the last Chapter of his *Examen*: "Some unlucky Steps taken at Court, (by the Persons above-named) and the like or worse expected to follow, had infallibly spoil'd the next Parliament, unless the King, by some gross Change of his new Measures, should not prevent or avert the Consequences."

But if all Authors are agreed as to the Alteration in the King's Temper, and his Purpose to make as great an Alteration in his Court; there is not the same Agreement in their Hints of what this Alteration was to be; and each tells his Story in so broken a Manner, that nothing positive results, for the Information of Posterity. Thus Mr. *North* seems persuas'd that *Sunderland* and *Jeffreys* were the Persons the King first design'd to get rid of: And, on the other hand, Bishop *Burnet*, after declaring, That

[*ib. p. 142*.] the new Scheme was so great a Secret, that he could never penetrate into it, proceeds to say, in a desultory Manner, That it was hid at Lady *Portland's*: That Monsieur *Barrillon* and Lord *Sunderland* were the chief Managers of it: That Lord *Godolphin* was also in it: That Lord *Hallifax* was not in any Part of it: That Mr. *Mas*, of the Privy Purse, who, tho' deep in the King's Amours, was equally averse to Popery, the French Interest, and arbitrary Government, had told him, that he had been told, there was a Design to break out, with which he (*Mas*) himself would be well pleas'd: That when it was ripe, he was to be call'd in to come and manage the King's Temper, which no Man understood better than himself: That the thing they were to begin with, was the sending the Duke to *Scotland*: That it was generally believ'd if the two Brothers were once parted, they would never meet again: That the King had spoke to the Duke concerning his going to *Scotland* (the Pretence, according to Mr. *Carte*, being to hold a Parliament there, which was to be open'd, *March 10*) And his Highness answering, There was no Occasion for it, his Majesty had reply'd, *Either you must go, or I*: And that it was observ'd he treated him with more Coldness and Reserve than ordinary.

Now it is impossible that *Sunderland* should be the first Mover of a Scheme for his own Ruin; and, of course, either Mr. *North* was mistaken in his Supposition, that the King was preparing to remove that Minister, or the Bishop, in his Information, That he was at the Bottom of the intended Alteration. Then, how can it be conceiv'd, that he should co-operate in the Schemes of *France*, devoted as he was to the Interest of the Prince of *Orange*? Again, Why should the *French Agents* sollicit the Disgrace of a Prince, with whom his most Christian Majesty had been so long and so intimately ally'd, and with whom he afterwards continued to maintain so close a Correspondence? That Lord *Hallifax* should decline having a Concern in a *French Cabal*, we have Reason sufficient to believe; but that the Duke of *Monmouth* should come over without his Concurrence and Participation, is utterly incredible: For it appears, by the Duke of *Monmouth's* Diary before-quoted, that the private Inter-course between his Grace and the King was carry'd on by the Interposition of the Lord *Privy-Seal*; and that the Concert for his Return to *England* was directed by the same Hand. As to the Matter of Fact, that the Duke did come over, Mr. *Carte* asserts it as well as the Bishop of *Salisbury*, with this further Circumstance, That he was actually admitted to a private Interview with his Majesty. But surely his Grace's Diary would not have pass'd over so memorable an Incident; and yet that only takes notice of the preparatory Motions towards it; the time when it might probably take place. &c. In short, the very Words of his Grace's Minutes are these, viz. *January 8*, I receiv'd a Letter from Lord (*Hallifax*) mark'd by 29 (the King) in the Margin, to trust entirely

[*Life of the D. of Ormond*, vol. ii. p. 359.] to

A. D. 1684.

by recalling *Monmouth's*, joining the Duke to *Scotland*, &c.

in the former Abstract of this Matter.

in the former Abstract of this Matter.

in the former Abstract of this Matter.

in the former Abstract of this Matter.

in the former Abstract of this Matter.

in the former Abstract of this Matter.

in the former Abstract of this Matter.

in the former Abstract of this Matter.

in the former Abstract of this Matter.

A. D. 1684.5 to 10: And that in February, I should certainly have leave to return: That Matters were concerting towards it: And that, 29 (the Duke) had no Suspicion, notwithstanding of my Reception here. February 3. A Letter from L. that my Business was almost as well as done; but must be so sudden as not to leave Room for 39's Party to counterplot: That it is probable, he would chuse *Scotland* rather than *Flanders* or this Country, which was all one to 29.<sup>1</sup>

Thus it is manifest, that tho' the Duke had the promis'd Land in sight, he had not as yet set his Foot upon it: That the Lord Privy Seal was so far at least in the Secret, as regarded his Grace's Return and the intended Removal of his Royal Highness; which, even according to Bishop *Burnet's* Account, was one of the greatest Points in View: And how very near the whole was to take effect, may be yet farther collected from another Passage of *Welwood's*, in these Words:

[Mem. p. 147. 143.]

"Indeed all things were making ready to put the latter (meaning the Duke of York's Departure) in Execution; and there is Reason to believe the King had intimated as much to the Duke himself; for some of his richest Furniture was put up, and his chief Servants order'd to be in a Readiness to attend their Master upon an Hour's Warning; and Yachts were waiting to transport some Person of Quality without mentioning who it was, or whether bound. The *Ramish* Party who manag'd about Court, were observ'd to be more than ordinary diligent and busy up and down *Whitehall* and *St. James's*, as if some very important Affair was in Agitation: And a new and unusual Concern was to be seen on their Countenances. Nor was it any wonder; for, in this suspected Change, they were like to be the only Losers, and all their teeming Hopes were in a fair way to be disappointed."

These are all the Particulars (except one, which will be mention'd in the Sequel) that have hitherto transpir'd with respect to this momentous Affair: For it does not appear that Lord *Hallifax* ever let Sir *John Reresby* into any Part of it; or that the Lord Keeper was himself in the Secret: Which accounts for the little Satisfaction to be deriv'd from Mr. *North*. Bishop *Burnet* indeed moreover says, That Lord *Hallifax* had prevail'd with the King to appoint Monday February 2, to inspect the Treasury Books; and to be convinced by his own Eyes, of the Mismanagements which his Lordship had from time to time complain'd of: That Mr. *Mary* was desir'd to be at hand; and that it was expected it would be a critical Day. But the Reform of the Treasury was apparently but an Underpart in the present Design: Lord *Rochester* was already remov'd; and Statesmen generally set with more Zeal against the Offender than the Offence. We learn also from that other Particular above allud'd to, and which is communicated by the same Prelate, that the *Tuesday* was to have been the Day of Trial; and

if so, this Affair of the Treasury may be reckon'd but a Prelude to the other.

A. D. 1684.5.

From all these Circumstances it is however sufficiently manifest, that as the Duke of York, and his Partisans, had never so much to lose as then, so they had never so much to apprehend from the Disposition of the King towards them: Tho' he had gone greater Lengths to serve and oblige them, than was consistent, either with his own Interest or that of his Subjects, still they were unsatisfy'd; still they were pushing him on Expedients yet more dangerous and desperate; and possibly he was induc'd to resume the Reins of Government into his own Hands, rather from a Dread of his Brother's Rashness, than a Jealousy of his Greatness.

However this may be, in the midst of this Ferment, this Uncertainty, this Expectation, the King, who had for the most part of his Life been one of the healthiest of Men, and who had been careful to preserve that excellent Habit by continual Exercise, fell suddenly ill, on the very Monday that the new Scene was to have been open'd: He had indeed rested but indifferently the Night before, and had dropt some Complaints of an Oppression at his Stomach, and of a Pain at his Heart; but, as no body thought of Danger, no body thought of Prevention. The same Pains return'd in the Morning: His Face was observ'd to be pale and ghastly: He could not sit upright, as usual; and kept his Hand continually on his Stomach, as an Indication of continual Pain in that Part: And while in this Posture, he all at once cry'd out, fell back in his Chair, and lay as one dead. According to Mr. *North*, this happen'd at his Levee, when the Room was full: He also affirms, that his Majesty was blest by his Physician in waiting: But Bishop *Burnet* lays the Scene in the Bed-chamber; and leaves us to presume, that Dr. *King*, an eminent Chemist, as well as Physician, who waited on the King by a particular Order that Day, was the only Person present at the first Appearance of his Majesty's Disorder, by saying, That he went out, and meeting the Earl of *Peterborough*, told him, That the King was in a strange Humour, for he did not speak one Word of Sense; that the Earl persuading him to return, they had scarce enter'd the Chamber before his Majesty fell down, &c. That the Doctor then resolv'd to bleed him at all Hazards; and did so: That the King came to himself: That his Physicians afterwards approv'd what had been done; and that the Privy Council order'd the Doctor a thousand Pounds for his good Service; which was never paid.

[P. 1. p. 606.]

That the King fell into such a Fit as hath been describ'd, that he recover'd upon Bleeding, and that his Disease was then held to be an Apoplexy, all agree: It appears further, that the Moment the Report of his Illness took air, it threw the Public into a strange Ferment, which, according to the Interpretation of his Majesty's (B.) Idolaters, was purely and simply the Effect of their Love

to

(2) Mr. *North*, with all due Qualities, is pleas'd to say, That the very Remembrance of this Incident makes the last Part, and more after it, than the First.

A.D. 1684.

An Article in the Gazette, that begins on the Recovery.

[Life of Lord Keeper North, p. 252, 253.]

[Examen, p. 656.]

Relapſe into a Second Fit.

to his Perſon, and Concern for his Welfare: But tho' it muſt be admitted, that few Princes were ever ſo perſonally dear to their People as he, it is reaſonable to think, that their Dread of his Succeſſor did not a little contribute to ſwell their Sorrow: And poſſibly it was more for the ſake of keeping the Peace, than to adminiſter Conſolation to the Afflicted, that the Lords of the Council ſet forth an Article in the Gazette, on the third Day of the King's Indiſpoſition, importing, That his Phyſicians conceiv'd him now to be in a State of Safety, and that in a few Days he would be freed from his Diſtemper.— Mr. North is explicit, on the Authority of the Lord Keeper, That the Doctors could not for ſome time be prevail'd upon to ſay any thing decisive of his Caſe; all lay in Hope: And when they did venture to pronounce, That all was like to be well, it was becauſe they had diſcover'd the King had a Fever, and now they knew what to do, which was to give him the Cortex.

But their Art prov'd as vain as their Divinations. On *Thursday* he fell into a ſecond Fit, and then the Phyſicians conſign'd him over to the Fathers of the Church: His Lordſhip of *Sarum* ſays he was attended by the Archbiſhop of *Canterbury*, *Sancroft*; the Biſhop of *London*, *Compton*; and the Biſhop of *Bath and Wells*, *Ken*: That *Compton* advis'd him to prepare for the worſt: And that *Sancroft* made a very weighty Exhortation to him, in which he us'd a good degree of Freedom, becauſe he was going to be judg'd

by one who was no Reſpecter of Perſons: A.D. 1684. But then he tells us, the King gave no Answer to any of them: Nor does it appear, that he ever diſcover'd to any body why he behav'd either with ſo much Reſerve or Contempt. Out of their Hands, his Royal Highneſs, as we learn from the ſame Author, transfer'd him to the Fathers of his own Church, and in particular to *Huddellſton*, who, having been greatly instrumental in ſaving his Majeſty after the Battle of *Worceſter*, had been exempted out of every Act of Parliament againſt *Romiſh Priests*: And as the King was ſilent before, ſo he choſe to be private now. The Room was clear'd by his Majeſty's Order of all but the Duke, and the Earls of *Bath* and *Ferriſbam*, who were of the ſame Faith: After which the Door was doubly lock'd; and ſo continu'd for half an Hour, except that Lord *Ferriſbam* once open'd it for a Glaſs of Water. But notwithstanding all theſe Precautions, there was ſo little Intention to keep the Secret, that we learn not only from *Biſhop Burnet*, but from an Account publiſh'd by *Father Huddellſton*, himſelf, that his Buſineſs was to receive the King's Confeſſion, as alſo to ſeal his Pardon after the Form of the *Romiſh Church*: And that Ceremonial having been diſpatch'd, thoſe without were again admitted; and the King, by manifeſting an extraordinary Compoſure, manifeſted alſo how great a Stress he laid upon the Operation.

The Biſhop's (\*) Account is, however, in

(\*) The two Accounts are as follow.

The Duke immediately order'd *Huddellſton*, the Prieſt that had a great Hand in ſaving the King at *Worceſter Fight*, (for which he was exempted out of all ſevere Acts that were made againſt Prieſts) to be brought to the Lodgings under the Bed-chamber. And when he was told what was to be done, he was in great Confuſion, for he had no Holie about him. But he went to another Prieſt, that lived in the Court, who gave him the Fix with an Holie in it. But that poor Priest was ſo frighted, that he ran out of *Blackfriars* in ſuch Haſte, that he truck againſt a Poſt, and ſeem'd to be in a Fit of Madneſs with Fear. As ſoon as *Huddellſton* had prepar'd every thing that was neceſſary, the Duke whiſper'd the King in the Ear. Upon that the King order'd, that all who were in the Bed-chamber ſhould withdraw, except the Earls of *Bath* and *Ferriſbam*: And the Door was double lock'd. The Company was kept out half an Hour: Only Lord *Ferriſbam* open'd the Door once, and call'd for a Glaſs of Water. Cardinal *Harwood* told me at *Rome*, that *Huddellſton*, according to the Relation that he ſent thither, made the King go thro' ſome Acts of Contrition, and, after ſuch a Confeſſion as he could then make, he gave him Abſolution, and the other Sacraments. The Holie ſtick in his Throat: And that was the Confeſſion of ſinners, for a Glaſs of Water. He alſo gave him ſome Uncious. All muſt have been perform'd with extreme ſilence, ſince it was ſo ſoon ended. But the King ſeem'd to be at great Eaſe upon it. It was given out, that the King ſaid to *Huddellſton*, that he had ſiv'd him twice, firſt his Body, and now his Soul; and that he ſaid'd him, if he would have him deſire himſelf to be of their Church. But it ſeems he was prepar'd for this, and to deliver the King from it; and ſaid, he had it upon him to ſignify the World in that Particular. But tho' by the Principles of all Religions whatſoever he ought to have oblig'd him to make open Profeſſion of his Religion, yet, it ſeems, the Conſequence of that was apprehended; for without doubt that poor Prieſt ſaid by the Directors that were given him. Fel. i. p. 607, 608.

On *Tueſday* the Fifth of *February* 1684, between Seven and eight o' Clock in the Evening, I was ſent for by the Queen's Bed-chamber at *Whitehall*, and deſired to bring with me all things neceſſary for a dying Perſon. Accordingly I came, and was order'd not to ſtir from thence till further Notice. Being thus oblig'd to wait, and not having had Time to bring along with me the moſt Holy Sa-

crament of the Altar, I was in ſome Anxiety how to procure it. In this Conſultation (the Divine Providence diſpoſing) *Father Berns de Lema a Præſent*, came thither, and underſtanding the Circumſtance I was in, readily proffer'd himſelf to go to *St. James's*, and bring the moſt Holy Sacrament along with him.

Soon after his Departure I was call'd into the King's Bed-chamber, where approaching to the Bed ſide, and kneeling down, I firſt pronounced his Majeſty with what Sacrifice I could perform, for God's Honour and the Happineſs of his Soul, at this laſt Moment, on which Eternity depends. The King then declar'd himſelf, that he deſir'd to die in the Faith and Communion of the holy *Roman Catholick Church*, that he was moſt heartily ſorry for all the Sins of his Life paſt, and particularly for that he had deſer'd his Reconciliation to long a ſeat, though the Merits of *Chriſt's* Paſſion, he lov'd for Satisfaction; that he was in Charity with all the World; that with all his Heart he pardon'd his Enemies, and deſir'd Pardon of all thoſe whom he had my ſelf offended; and that if he pleas'd God to spare him longer Life, he would amend it, detaching all Sin.

I then adverted his Majeſty of the Benefit and Neceſſity of the Sacrament of Penance, which Adverſaries to the King muſt willingly confeſs, and: an exact Condition of his whole Life, with extreme Compoſure and a ſerious, of Heart. Which ended, I deſir'd him, in ſign of Repentance, and true Sorrow for his Sins, to ſay with me this little Short Act of Contrition.

O my Lord God, with my whole Heart and Soul I deſire all the Sins of my Life paſt for the Love of Thee, whom I love above all things, and I ſolely truſt, by thy holy Grace never to offend thee more. Amen, Sweet Jeſus, I ſwear, into thy Hands, ſweet Jeſus, I commend my Soul; Mercy, ſweet Jeſus, Mercy. The King pronounced with a clear and audible Voice, which done, and his ſacramental Penance admitted, I gave him Abſolution.

After ſome Time thus ſpent, I ſaid, his Majeſty, if he did not ſtill deſire to have the other Sacraments of the Holy Church adminiſter'd unto him? He reply'd, by no means, I deſire to be Partaker of all the Helps and Succours neceſſary and expedient for a Catholick Chriſtian in my Condition. I added, And ſhall not your Majeſty alſo deſire to receive the precious Body and Blood of our dear Saviour Jeſus Chriſt in the moſt Holy Sacrament of the Eaſtward? The Answer was this: If I am worthy, pray ſend not to let me have it. I then

D. 1584-5. in one main Point utterly irreconcilable with that of *Huddleston*: For whereas he says, *Huddleston* refus'd to accept the King's Offer to declare himself of the *Romish* Church; *Huddleston* is explicit, that the King did make such a Declaration. His Lordship, moreover, places the Scene between the dying Monarch and Bishop *Ken*, after this; whereas, Mr. (A) *North*, on the contrary, will have it, that the said Bishop continu'd in his Duty about his Majesty, as long as there was any Appearance of his Attention to any thing; and intimates, that what was done AFTERWARDS, was rather an Imposition on his Weakness, than the Result of his own Will and Understanding. But even he, tho' more solicitous than any other Writer to establish a Belief, that the King was really of the Church he was by Law the Head of, has no one Circumstance or Syllable to alledge in Proof, that his Majesty thought it worth his while to be thought a Protestant. On the other hand, the Bishop is positive, That *Ken* apply'd himself much to the awaking the King's Conscience: That he spoke with great Elevation both of Thought and Expression, like a Man inspir'd: That he refus'd the Matter often: That he pronounc'd many short Ejaculations and Prayers, which affected all but him that was most concern'd, who seem'd to take no notice of him, and made no Answers to him: That he press'd his Majesty six or seven times to receive the Sacrament, which he always declin'd: That when he would have compounded with a Declaration, That he desir'd it, and that he dy'd in the Communion of the Church of *England*, he could procure no Answer; and that the only Concession he could extort from him, was, to accept the Absolution of that Church he refus'd to acknowledge.

But tho' this Account is not contradicted by Mr. *North*, who, it must be presum'd, must have been acquainted with it; because we find his Name in the List of Subscribers

to the Bishop of *Salisbury's* History, it ought not to be forgot, that Mr. *Echard* testifies this latter Circumstance with respect to the Sacrament, by saying, It was not absolutely rejected, but only delay'd from time to time, till by some new Authority the Bishop and others were remov'd from his Presence; which in part coincides with Mr. *North's* Minutes, That *Ken* took his leave before *Huddleston* appear'd.

The Chemit has scarce a harder Task to fix Mercury, than the Historian Certainty. The Bishop and the *Archdeacon* differ as widely in some other Particulars of this Death-Bed Scene, as the same Bishop and *North*, or *Huddleston*. For, according to [P. i. p. 607.] his Lordship, while the Bishops were employ'd in their Exhortations, Lady *Portsmouth* sat in the Bed, taking care of him (the King) as a Wife of a Husband; and *Ken* presented the Duke of *Richmond*, the Duchess of *Portsmouth's* Son, to be blessed by his Majesty: While the *Archdeacon* on the contrary, says, That the favourite Mistress, the Duchess of *Portsmouth*, coming into the Room, the Bishop prevail'd with his Majesty to have her remov'd. The Bishop again asserts, That the King, in his last Words, to the Duke, recommended the same Lady over and over again to him in the most melting Words he could fetch out, as also his other Children, and Mrs. *Grey*. But, continues his Lordship, he said nothing of his Queen, nor any one Word of his People or his Servants: Nor did he speak one Word of Religion, or concerning the Payment of his Debts, tho' he had left behind him about 90,000 Guineas, which he had gather'd, either out of the Privy Purse, or out of the Money which was sent him from *France*, or by other Methods; and which he had kept so secretly, that no body whatsoever knew any thing of it. While the *Archdeacon*, on the other hand, assures us, that Bishop *Ken*, taking the Hint from the Sight of the Duchess of *Port-* [P. 1046.]  
mouth,

then told him, it would be brought to him very speedily, and desired his Majesty, that in the Interim he would give me leave to proceed to the Sacrament of *Extreme Unction*: He reply'd, With all my Heart. I then pointed him, which as soon as persons'd it was call'd to the Door, whether the blessed Sacrament was now brought and deliver'd to me.

Then returning to the King, I entreated his Majesty that he would prepare and dispose himself to receive. At which the King, smiling up himself, said, Let me not so loosely look in a better Place than in my Bed. But I humbly begg'd his Majesty to repeat himself; God Almighty, who lov'd his Heart, would accept of his good Intention. The King then having again receiv'd the sacramental Act of Contrition with me, he receiv'd the most holy Sacrament for his Penance, with all the Symptom's of Devotion imaginable. The Communion being ended, I read the usual Prayers, term'd *The Remembrance of the Soul*, appointed by the Church for Catholics in his Condition. After which the King desir'd the Act of Contrition, O my Lord God, &c. to be repeated: This done, for his last spiritual Encouragement I said,

Your Majesty hath now receiv'd the Comfort and Benefit of all the Sacraments, that a good Christian (ready to depart out of this World) can have or desire. Now it rest only, that you think upon the Death and Passion of our dear Saviour Jesus Christ, of which I permit unto you this Verse (showing him a Crucifix) I lift up therefore the Eye of your Soul, and represent to yourself your sweet Saviour Jesus crucify'd: Bowing down his Head to kiss you: His Arms stretcht out to embrace you: His Body and Members all bloody and pale with Death to comfort you: And as you see him dead, and fixed upon the Cross, for your

Redemption; so have his Remembrance fixed and fresh in your Heart: Behold him, with all Humility, with his most precious Blood not to be shed in vain for you: And that it will please him, by the Merit of his bitter Death and Passion, to pardon and forgive you all your Offences, and finally to receive your Soul into his blessed Hand; and when it shall please him to take it out of this transitory World, to grant you a joyful Resurrection, and a eternal Crown of Glory in the next. In the Name of the Father, and of the Son, and of the Holy Ghost: Amen.

So recommending his Majesty, on my Knees, with all the Transport of Devotion I was able, to the Divine Mercy and Protection, I withdrew out of the Chamber.

In testimony of all which, I have herewith subscribed my Name.

Jo. HUPPESBROS.

[*Hudley's Secret Testis*, p. 280. 281.

\*) To see, the Case fell into the Hands of the respectable Clergy, that took their Turns in the Room with the Physicians, and particularly Dr. *Ken*, who perform'd the Office of the Visitation Prayers, and Ejaculations, so were most fit on so solemn an Occasion, as long as there was any Appearance of the King's Attention to any thing. And, as for what might be said afterwards, it may be conceiv'd, by all that have heard of the Methods, and by *Ross's* Predicts to dying Persons in their Power, who take the Chance of greater Consequence (religious Prediction) from Persons that have less Capacity to judge, which forces the Turn of Publication abroad in what is the best; and that it more regarded by them than what it does within doors, which they cannot but know, it really, must be of no Signification, but only for a Pretence. *Examen*, p. 650.

A. D. 1684-5. *month*, represented the great Injuries and Injustice done to his Queen by her and others; which he did, says he, so effectually, that his Majesty was induc'd to send for the Queen; and, asking Pardon of her, he had the Satisfaction of her particular Forgiveness at this time. And yet again, as to the Article of Religion, Puffendorf writes, "That when the King gave the Key of his strong Box to his Successor, he advis'd him not to think of introducing the Romish Religion into England, it being a thing dangerous and impracticable."

These are the several Representations of the same Fact: And as we are not furnish'd with any decisive Authority, it is fit the Reader should be left to make his own Conclusions. It is, however, worthy of Remark, that in the five Days of the King's Illness, it does not appear, that he utter'd one Syllable concerning his darling Son the Duke of Monmouth, tho' so lately in his Thoughts, and in so fair a way to be restor'd to his Favour; nor that his Grace had any Friend at Court to plead his Cause, or prevail with his Majesty even to interpose with his Brother for his Pardon: And it is almost as remarkable, that not one of our Writers has bestow'd a Line on this Omission.

*His Death.* Friday, February 6, was the last Day of King Charles's Life: He had complain'd

[F. 1. p. 608.] often, says Dr. Burnet, but with great Decency, That he was burnt up within; and,

[Mem. p. 141.] says *Wetwood*, of a racking Pain in his Stomach (but of no Indispositions any where else) which became so violent, that when all Hopes were gone, the Physicians were desir'd to use all their Art to procure him an easy Death, which he obtain'd at eleven o' Clock in the Forenoon, on the Day above-mention'd, in the Fifty-fourth Year of his Age, and the Twenty-fifth of his actual Reign.

But still we are not deliver'd from Controversy. It has been Matter of question whether his Majesty dropt into the Grave like Fruit, by its own Maturity, or whether he was shook by Violence, from the Tree; and what is said on each Side of the Question, serves rather to perplex the Truth than reveal it. Thus it is said, "That he had no sooner heard, that Lord *Allington*, Lieutenant of the Tower (with whom it is also said, he had drank Chocolate some Days before, and concerted Measures to secure the Duke of York) was dead after a very strange manner; but he began to be afraid of his own Life."

[Mem. p. 147.] And yet it is agreed on all Hands, says *Wetwood*, That King Charles express'd no Suspicion of his being poison'd, during all the time of his Sickness. But, withal, he adds, "That, during the Fits, he could not speak, and that he shew'd an Aversion to speaking during the Intervals. Our Historians of his own Times, is express'd, "That there were many very apparent Suspicions of his being poison'd: FOR tho' the first Access

[F. 1. p. 609.]

look'd like an Apoplexy, yet it was plain in the Progress of it, that it was no Apoplexy."

But Dr. *Wetwood* takes some Pains to prove, That the Symptoms in his Majesty's Case had but little Relation to an Apoplexy: For according to him, tho' that Disease seizes all the vital Faculties at once, it generally gives some short Warnings of its Approach, by unusual Obstructions of the Head; and many times is to be accounted for by some evident preceding Cause: Whereas, in King Charles's Case, there appear'd no visible Cause either near or remote, to which, with any Certainty of Reason, his Disease could be ascrib'd; And the Forerunners of it were rather to be found in the *Stomach* and the *Bowels*, than in the Head. Notwithstanding which, the same Author intimates, That

[F. p. 144.] when his Body was open'd, there was not sufficient time given for taking an exact Observation of those Parts: And that when one of the Physicians seem'd to be more inquisitive than ordinary as to that Matter, he was taken aside and reprovd' for his needlesi Curiosity. Bishop *Burnet* tells us, that this Physician was *Needham*; adding, "That he call'd twice to have the Stomach open'd: That the Surgeons seem'd not to hear him: That when he mov'd it the second time, he heard *Lower* and another of the King's Physicians, say to one who stood next him, *Needham will undo us:—He may see they will not do it: That he learn't this from Needham*, himself, as also that his Reason for this Motion, was, the Appearance of certain blew Spots on the Outside of the Stomach; which *Lower* had also observ'd as well as he: That having been diverted to look on something else, when they return'd to look on the Stomach, it was carry'd away: And that *Le Fevre*, another of the Inquest upon this Occasion, discerning a Blackness in one of the Shoulders, caus'd it to be open'd, and found it was mortify'd." *Wetwood* again pronounces, That his Body sunk so extremely within a few Hours after his Death, notwithstanding the Coldness of the Season, that his Attendants were extremely amoy'd with the Smell; which he specifies as a very extraordinary thing in one of his strong and healthful Constitution, and no proper Consequence of a mere Apoplethical Case.

But notwithstanding all that appear'd, and all that was conceal'd, these worthy (I) Gentlemen of the Faculty; and who, in their Way, had been the Life-guard of the King, gavé it under their Hands, That he dy'd of an Apoplexy.

But however unanimous they were at the Time of giving in this Verdict, it seems they did not long continue so: Sir *Edmund King*, as we are told, wrote another Paper afterwards, declaring, That the King had been poison'd, and would have persuaded *Lower* to sign it with him; which he declin'd, because he had given in another Opinion before. We are farther told, that *Short*, who was

A. D. 1683.

[Mem. p. 149, 151.]

[Life of King William III. c. 1. p. 255.]

(1) Sir Thomas Millington, Sir Thomas Wilmot, Sir Charles Scarborough, Sir Edmund King, Bertouch, Cordes, Lower, Short, and Le Fevre.

A. D. 1684-5. was a Papist, made no Scruple to declare to some of his intimate Friends, that he believ'd King Charles had *faul Play* done him: These are *Walswood's* Expressions. Bishop *Burnet's* are, That *Short* did very much suspect *faul Dealing*. And both these Authors agree, That when he (*Short*) came to die himself, he discover'd some Suspicions (to *Lewer* and *Millington*, says the latter, to *Le Fevre*, who afterwards deny'd it, says another Writer)

[*ibid* p. 138.] That he had met with the same Treatment, for opening his Mind too freely concerning the King's Death. And the Duke of *Bucks* (*Shrewsbury*) in his Character of this Prince, so far countenances these Expressions as to say,

[*Sheffield's Works*, vol. II. p. 82.]

"I am oblig'd to observe, that the most knowing and most deserving of all his Physicians did not only believe him poison'd, but thought himself so, not long after, for having declar'd his Opinion a little too boldly."

Now there is no body who can admit Dr. *Burnet's* Reasoning, That because the King's Case was not apoplectic, therefore there were apparent Suspicions of Poison: But Mr. *North* makes no Difficulty to pronounce all that is said in relation to Dr. *Short* to be a *shallow Story*. According to him, the Words us'd by that Doctor, *viz. faul Play, or faul Dealing*, meant no more, than that Dr. *King* had mistaken the Cause: That Bleeding was fatal in it; and that every Method they afterwards pursued did him more Hurt than Good. And he farther says, that this was agreeable to the Opinion of one Dr. *Stokes*, an eminent Physician in *Convent-garden*, who had declar'd to him, that the King's Case was *epileptic*, not *apoplectic*; and that, consequently, all that was done was diametrically wrong. And yet Dr. *Short* was not only of the Consultation, but probably presid'd in it, and gave his own Bias to the whole Proceedings, as we shall find reasonable to conclude even from certain Passages of Mr. *North's* own Book; and from whence it follows, that the Words *faul Play, or faul Dealing*, must relate to the Cause of the Malady, and not to the Manner of treating it. One of these Passages has been already cited, namely, that wherein it is said, That the King had a Fever, and his Physicians had order'd him the *Cortex*: And the second is as follows: "But his Case (*Short's* own Case, that is to say) was known: He was attended by all the eminent Physicians in Town; and which of them says he was poison'd? But it is well known they all said, that he made an end of himself by his own bold Methods in using the *Cortex*." Thus

[*Examen*, p. 648.]

it appears, that *Short* was the Patron of that Medicine in those Times, and pres'd it almost into every Service; which, according to the present Practice, not only does Honour to his Judgment, but justifies what has been already insinuated, that he himself had the Lead in the King's Case; and, consequently, could not be understood to condemn his own Prescription.

But Mr. *North* is tenacious of his Opinion; insinuates, that scarce any Man can be said to have *faul Play* for his Life, who labours under Ten Physicians, as the King did; observes, that, in Plot-work, obscure Hints go farther than clear Speech; and that the Propriety of the Mind is ever to the malevolent Side, which he exemplifies by another Instance to the Point before us, in these Words: "I heard a Gentleman of Value in the Law say, he ask'd a Man (he thought could tell) if the King were poison'd, or no? And his Answer was, *That he was not to reveal what he knew of that Matter*. Who now, after this, takes not the worst Sense? Whereas all that can be justly taken is, that the Man was willing you should believe it, but would neither lye to convince you, nor speak plain to undeceive you."

*Walswood* is also candid enough to lay before his Readers several Considerations tending to prove, that his Majesty dy'd after the ordinary Course of Nature: As, 1. That he had liv'd so fat, as might enervate, in a great measure, the natural Force of his Constitution, exhaust his animal Spirits, and thereby render him the more subject to an Apoplexy; which, says he, is a Disease that weakens and locks up those Spirits from performing their Functions. 2. That he had once or twice before been attack'd by (*m*) Fits, that much resembled those of which he afterwards dy'd: But then he will not allow those Fits to have been of the apoplectic kind; but rather convulsive, as was evident by the violent Distortions of his Face, and of his whole Body, while they were upon him. And, 3. He relates, that, for some time before his Majesty dy'd, he had had an Issue in his Leg, which had produced a very great Discharge, and consequently must have produced as great a Revulsion from his Head; and that, tho' it was probably made for that End, and his Physicians remonstrated the ill Effects of discontinuing it, he suffer'd it to be dry'd up a few Weeks before he dy'd.

On the other hand again, he tells us, (*ibid* p. 144) "There was some Weight laid upon an Accident, which had fallen out at *Windfor*, some Years before his Majesty's Death; where

A. D. 1684-5.

[*ibid* p. 145; 146.]

[m] Of which he gives the following Instance: "During the Heat of the Popish Plot, King Charles had some secret Matters to manage by the means of a *French Priest* then beyond Sea, whom he order'd to be privately sent for: And the Gentleman employ'd between the King and him (from whom I had the Story) was directed to bring him in Disguise to *Whitehall*. The King and the Priest were a considerable Time together alone in the Closet, and the Gentleman attended in the next Room: As his Majesty came out, with all the Marks of Fright and Abhorrence in his Face, and having receiv'd himself a Joke, he told the Gentleman, That he had seen the greatest Kibbe ever Man did; for

while he was with the King, his Majesty was suddenly surpriz'd with a Fit, accompany'd with violent Convulsions of his Body, and Contortions of his Face, which lasted for some Moments; and when he was going to call out for Help, the King held him by Force, till it was over; and then bid him not be afraid, for he had been troubled with the like before: The Priest adding, what a Condition he should have been in, considering his Religion, and the present Juncture of Affairs, if the King had dy'd of that Fit, and no body in the Room with him besides himself. *Walswood*, p. 140, 147.

A. D. 1685; where the King, after the Fatigue of Riding, having drank more liberally than usual, retir'd to the next Room, and, wrapping himself up in his Cloak, fell asleep upon a Couch. Having thus taken some Repose, he return'd to his Company; and a Servant of one of them, wrapping himself up in the same Cloak, lay down in his Place; which he had scarce done, before he was stab'd to the Heart with a Poinard; and in that Condition was found dead. He adds, That it was never known how it happen'd: And what is stranger, that the Matter was hush'd up, and that no Enquiry was made about it.

Probably, those who delight in the Marvellous would have complain'd if this Anecdote had been omitted: But if any Weight was ever laid upon it, the Story could very ill support it. For if there was any Room to suppose that the Blow was aim'd at the King, it is not to be suppos'd that the Matter would have been hush'd up, without an Enquiry: And if the poor Fellow was kill'd in a Fit of barbarous Resentment, that he should have the Infolence to make to free with his Majesty's Place, as (if there is any (n) Truth in the Tale) it is probable he was, then it has no Relation to this controverted but real Death of his Majesty: Concerning which, we find the Lord *Delamere* expressing himself to the Grand-Jury of *Cheshire*, in these very Words:

[Lord Delamere's Words, p. 622.]

"Whether he dy'd a natural Death, or had FOUL PLAY, I will leave to be determin'd by every Man in his own Thoughts: Only thus much I must observe, That manifest Symptoms of Poison appear'd on his Body, and Matters were then so laid, that it was necessary to have a popish Prince on the Throne." Thus we have the Crisis urg'd as a Presumptive of the Fact; but there would be more Justice and Impartiality in urging it as the Cause that the Suspicion was so greedily entertain'd, and so readily believ'd: To this purpose the Bishop of *Salisbury* has the Grace to say, "But his dying so critically, as it were in the Minute in which he seem'd to begin a Turn of Affairs, made it to be generally the more believ'd, and that the *Papists* had done it, either by the means of some of the Lady *Portsmouth's* Servants, (he had before told us, that the King had drank a little Soup at her Grace's Lodgings, the Night before he was taken ill) or, as some fancy'd, by poison'd Snauff; for so many of the small Veins were burst, that the Brain was in great Disorder, and no Judgment could be made concerning it." Too much Regard cannot be paid to the former Part of this Passage: But as to the Latter, it only serves to shew, on how very imperfect Evidence this Notion of Poison was founded: For if the Stomach was the Part affected by the Dose, as we are to conclude from the Story of *Natalium* and *Lover*, then no Conclusions are to be drawn from the State of the Brain: If the Brain was the Part most remarkably disorder'd, then no Conclusions

are to be drawn from that Circumstance relating to the Stomach: If either may be false, it follows, neither may be true: And where the Premises are so uncertain, Reason cannot, and Integrity will not, make any certain Inference. But then the same Prelate, in the same Place, throws in by way of Supplement, what he calls a very surprizing Story, on the Authority of Mr. *Henry of Hampshire*, as follows:

A. D. 1680.

"He told me, that, when the Duchess of *Portsmouth* came over to England in the Year 1699, he heard, that she had talk'd as if King *Charles* had been poison'd; which he desiring to have from her own Mouth, she gave him this Account of it: She was always pressing the King to make both himself and his People easy, and to come to a full Agreement with his Parliament: And he was come to a final Resolution of sending away his Brother, and of calling a Parliament; which was to be executed the next Day after he fell into that Fit of which he dy'd. She was put upon the Secret, and spoke of it to no Person alive, but to her Confessor: But the Confessor, she believ'd, told it to some, who, seeing what was to follow, took that wicked Course to prevent it. Having this from so worthy a Person, as I have set it down, without adding the least Circumstance to it, I thought it too important not to be mention'd in this History. It discovers both the Knavery of Confessors, and the Practices of Papists to evidently, that there is no need of making any further Reflections on it."

Who these some were, is left to Conjecture: But then his Lordship, with much Ingenuity, declares, That he never heard that the Suspicions of those Times were ever fasten'd on the Prince who succeeded to the Throne: And his Grace of *Bucks* winds up his Character of King *Charles* with the following remarkable Paragraph: "But here I must needs take notice of an unusual Piece of Justice, which yet all the World has unanimously agreed in, I mean, in supplanting his Successor of the least Contrivance in so horrid a Villany: And perhaps there was never a more remarkable Instance of the wonderful Power of Truth and Innocence. For 'tis next to a Miracle, that so unfortunate a Prince, in the midst of all those Disadvantages he (s) lies under, should be yet clear'd of this, even by his greatest Enemies, notwithstanding all those Circumstances that use to give a suspicion, and that extreme Malice which has, of late, attended him in all his other Actions." That unfortunate Prince has not, however, escap'd wholly free from Calumny, on this Occasion; for, in defence of both their Authorities, a Modern Writer has been hastily enough to express himself as follows: "It is said that the King, being one Day importun'd by the Duke to undertake things which he thought very dangerous, told him, *Brother, I am resolv'd never to sword again, you may do so if*

[Sheffield's Hist. Works, vol. ii. p. 82, 83.]

[Gosling's Life of the D. of Marlborough, vol. i. p. 47.]

(n) Which is very dubious; not only because it is never mention'd but on *Walsingham's* Authority; but because an Incident of the like Nature is told by the Author of the *Tales*.

(s) *Scy*, as having happen'd in the Court of France.

(t) He was living, when this Character was written.



*A.D. 1684-5.* you please. And it might, perhaps, not be difficult to prove, that some warm Speeches had pass'd between them. After which King Charles was heard to say, That he had been abus'd, and that if he liv'd a Month longer, &c. (as before recited). This being carry'd to the Duke of York (as there ever were, and, probably, ever will be Carriers among Courtiers, as well as Pigeons) he, in his natural way, reply'd, (p.) *That then it was time to take Care of himself.* The Oracles of *Delphos* were always ambiguous, and so was he in his Manner of expressing himself."

This is the whole of the Evidence that has yet appear'd in this dubious Case; and possibly from the very Nature of that Case, no more is ever likely to arise; for which Reason all Decision must, and ought to be postpon'd to the general Audit.

The Character of this Prince, and the Profit and Loss of his Reign, remain still to be discours'd of.

As to the first, it has been so often drawn, and is at present so familiar to every Man's Memory, that it seems a superfluous Talk to touch upon it any farther: But in Process of time these traditional Ideas will be worn out, and then Posterity will vainly endeavour to retrieve what their Ancestors have forgot. Besides, the Draughts which have been hitherto taken, are, in many Respects, so unlike each other, that it is scarce supposable they were taken from the same Face. According to some, his Complexion is fair and spotless: According to others, no *Etiashop* is blacker or more deform'd: And this Contrariety of Colours, made use of in painting the same Object, arises from the different Lights in which it is shewn; or rather, from the different Mediums thro' which it is beheld.

With regard to Generals, the Papists praise him no farther than he made Approaches to their Religion and their Interest: For endeavouring to procure them a Toleration: For being to firm in maintaining the Succession; and, thereby, providing them a King after their own Hearts: And lastly, for dying in the Bottom of the Church. But then they censure him for putting his Hand to the Plough, and then looking back; for departing from his Declaration of Indulgence, and for dissenting with God and the World in the Article of his Religion.

The Protestant *Nonconformists*, more particularly the *Presbyterians*, reproach him with the highest Ingratitude to them; to whom he stood so highly oblig'd for the Recovery of his Throne: In particular; for setting on foot Projects of Reconciliation and Comprehension, only for a Snare to justify the Breach of his Engagements, and to give them up as a Prey to their Enemies; and for so readily and cheerfully giving his Assent to

those severe Laws against them, under the Weight of which they groan'd all the rest of his Reign.

In the Charge of Ingratitude, join the Remnant of the old suffering Cavaliers, who liv'd to see the Restoration, and to be sadly sensible they were like to receive no Benefit from it; being first thrown by him on the Charity of the Parliament (which they had once drawn their Swords against and had vow'd to extirpate) and afterwards author'd by (q) Patent to prey on their Fellow Subjects for a Subsistence.

On the other hand, in the Writings of the Champions for the establish'd Church, he is ever represented as a *most Religious and Gracious Prince*; and as such even recommended to the Divine Protection, in their very Prayers. And they had much Reason for this Partiality in his Favour; for by him, they were restor'd to their Possessions and Dignities, and enabled to lord it once more over the Bodies and Estates of their Fellow-Subjects; and Men are most apt to overflow in their Acknowledgments for those Benefits which they covet most.

Then as to the Portraits of his Majesty, *And by particular Persons.* which have been left us by particular Hands, they also have partook of the Leaven of Passion and Prejudice, either thro' personal Disgust or Obligation, or the more general Inflection of Parties.

Thus Mr. North, towards the Close of his *Examen*, in a Transport of Zeal and Veneration, expresses himself as follows:

"And I must say for King Charles II. that, bating his being addicted to his Pleasures, chiefly of Women, and the Consequences, he had as many Virtues, and as few Faults as may readily be found in any one Man. *He never did learn to any living thing willingly.* He was affable and courteous, and would frequently lay aside Kingship to enjoy himself in Company; which made him be term'd a *very honest Gentleman*. And, as he was very witty himself, he lov'd it immoderately in others, and would bear to be jest'd with: And indeed, generally, he bore ill Usage like an Hermit, and forgave like a Saint. The King had also a great Judgment to discern Truth and Right. I heard one of his ablest Counsellors say, *He never knew a Cause heard at the Council publicly, but he determin'd the right Way.* He was honest, and did Justice to all, unless his Affairs constrain'd him to fail; and of this the Bankers Case, is an eminent Instance: But some were Sufferers by postpon'd Debts, for which his Ministers had more to answer for than he had. They were contracted by the unadvise'd War; and the Parliament not paying them, he could not compass to do it; but, if he had liv'd longer, it is probable he would have compass'd all his Debts.

The

(p) On whose Authority this Answer is founded, I am not able to ascertain. But what precedes it is partly taken from *Walsley*, and partly from *Oldmixon*, who says, that *Cromwell* the Peer, as he himself told the Story, being in waiting at the Cabinet Door, with four Scenes of his Comedy of *Sir Courty Nite*, (which he was writing by the King's Command, on the Plan of two Spanish Plays) overheard those

Words of his Majesty to his Brother: And that they were no sooner utter'd, than the Door open'd, and his Royal Highness pass'd hastily by him, as in a Passion. See *Oldmixon*, vol. i. p. 690.

(q) The *Royal Oak Lottery*, granted for the Support of Indigent Cavaliers.

A.D. 1684-5.

The greatest Blame, that, in common Talk, fell upon the King, was his falling of his Word and Promise, with which most of his Minions, as well as Enemies, reproach'd him. But that Matter is not well understood; for he seldom or never fail'd of his Word in a Matter reasonable or just, wherein he was not surpris'd or ill us'd. But he was averfe to Study and Thinking, and, for that Reason, too much resign'd to his Ministers; yielding almost to every thing they presented to him, because he trusted them, and would not break his own Head with Business. Thus he found himself intangled by *Shaftsbury*, to engage in Words and Actions, which, pursu'd, had been his Ruin, so he broke with him, and was, for that, accus'd of being fickle, and not standing to his Word. So among his Minions, they would take Advantage, through the *mollis tempera fandi*, to get Promises of unreasonable things, which, coming afterwards to understand rightly, he found he could not well comply with. Then did those Men rail at him in Prose and Verse, because their unreasonable Surprises had not Effect. But often (*r*) Importunity got the better of his Nature, and made him do unkind things to his Friends.

Barnet,

On the other hand, *Bishop Barnet*, with all the Bitterness he is Master of, assures us, That he had been oblig'd to so many, who had been faithful to him, and careful of him, that he seem'd afterwards to resolve to make an equal Return to them all. And finding it not easy to reward them all as they deserv'd, he forgot them all alike. Most Princes seem to have this pretty deep in them; and to think that they ought never to remember past Services, but that their Acceptance of them is a full Reward. He, of all in our Age, exerted this Piece of Prerogative in the simplest manner: For he never seem'd to charge his Memory, or to trouble his Thoughts with the Sense of any of the Services that had been done him. While he was abroad at *Paris*, *Calen*, or *Brussels*, he never seem'd to lay any thing to Heart. He pursu'd all his Diversions, and irregular Pleasures, in a free Carrier, and seem'd to be as serene under the Loss of a Crown, as the greatest Philosopher could have been. Not did he willingly hearken to any of those Projects, with which he often complain'd that his Chancellor persecuted him. That in which he seem'd most concern'd was, to find Money for supporting his Expence. And it was often said, that, if *Cromwell* would have com-

pounded the Matter, and have given him a good round Pension, that he might have been induc'd to resign his Title to him. During his Exile he deliver'd himself to entirely to his Pleasures, that he became incapable of Application. He spent little of his time in reading or Study, and yet less in thinking. And, in the State his Affairs were then, he accusom'd himself to say to every Person, and upon all Occasions, that which he thought would please most: So that Words or Promises went very easily from him. And he had so ill an Opinion of Mankind, that he thought the great Art of living and governing was, to manage all things and all Persons with a Depth of Craft and Dissimulation. And in that few Men in the World could put on the Appearances of Sincerity better than he could: Under which so much Artifice was usually hid, that in Conclusion he could deceive none, for all were become mistrustful of him. He had great Vices, but scarce any Virtues to correct them: He had in him some Vices that were less hurtful, which corrected his more hurtful ones. He was, during the active Part of his Life, given up to Sloth and Lewdness to such a Degree, that he hated Business, and could not bear the engaging in any thing that gave him much Trouble, or put him under any Constraint. And, tho' he desir'd to become absolute, and to overturn both our Religion and our Laws, yet he would neither run the Risque, nor give himself the Trouble which so great a Design requir'd. He had an Appearance of Gentleness in his outward Deportment: But he seem'd to have no Bowels nor Tenderness in his Nature: And in the End of his Life he became cruel. He was apt to forgive all Crimes, even Blood it self: Yet he never forgave any thing that was done against himself, after his first and general Act of Indemnity, which was to be reckon'd as done rather upon Maxims of State, than Inclinations of Mercy. He deliver'd himself up to a most enormous Course of Vice, without any sort of Restraint, even from the Consideration of the nearest Relations. The most study'd Extravagancies that way seem'd, to the very last, to be much delighted in, and pursu'd by him. He had the Art of making all People grow fond of him at first, by a Softness in his whole way of Conversation, as he was certainly the best bred Man of the Age. But when it appear'd how little could

A.D. 1684-5.

bo

(r) Of this sort (contains the same Author) one Instance was this: *Sir Joh. Cholmon* was Chief Justice of *Chesler*, a very reverend, deserving Gentleman, and of the old Cavalier Party. This Place suited with his Way of living, for he had a good Estate not far off, and was of a retired Humour. But *Sir George Jefferys* coming upon the *High Court Intervi*, and being a *Whigman*, through his Title to that Place failed, and, upon instance of *City Merch*, with Interest, and testifying, prevailed to have the King make *Sir Joh. Cholmon* a Judge of the Common Pleas, that the other Place might devolve to himself. This was like taking out the Eyes of the good old Gentleman, who, after he found that against this Remove he could prevail nothing by Friends, sought to speak to the King in Person; and, for that end had planted himself in a Window, as the King was to pass by: the King came, and seeing him at a distance, could not find the Means, but

turn'd off another Way. After that, *Sir Joh* almost plied the King, and never tired more, but sat in his Justice-seat in the Common Pleas, till, laden with Years, and not without the Esteem and good Report of all Men, he parted with his Life and Trail together. To balance this Story, I will join another short one, which is, that when the Judges were under Question in Parliament, the King, observing in the House of Lords, one of them (*Sir Francis North*) sit serene upon the Wood-stock, went and clapped down close to him, and, in good Company, said he, *I could never forgive my Friends, as my Father did*, and immediately rose up and went away. He never pretended to justify his Servants, if they were regularly question'd for what they had done, but would see none of them oppress'd; and his Protection of *Queen*, in her Innocence, was a glorious Act of his Justice.

A.D. 1684-5

be built on his Promise, they were cur'd of the Fondness that he was apt to raise in them. When he saw young Men of Quality, who had something more than ordinary in them, he drew them about him, and set himself to corrupt them both in Religion and Morality; in which he prov'd so unhappily successful, that he left *England* much chang'd at his Death from what he had found it at his Restoration.

We have here the Image of a Royal Fury, and a Guardian Scraph, in the same Person; and these different Representations have help'd to divide the Affections and confound the Understandings of the People: Those who adhere to the one approach it with a Reverence next to Idolatry; and those who adopt the other reflect on the Original with Detestation and Horror: But neither is wholly or strictly copy'd from the Life, as we shall in part find, from two other Sketches, which are at least more dispassionate, and therefore it may be presum'd more exact than the two former. These are the Workmanship of *Sheffield Duke of Bucks*, and *Dr. Wotton*; and in some respects they tally so precisely, that one cannot help supposing, that the Doctor stood oblig'd for his Out-lines to the Duke. According to his Grace, the King's Religion was that which is vulgarly, but unjustly, counted *none at all, Deism*; which he fell into thro' Carelessness, and retain'd thro' Laziness: And the Doctor, in other Words, affirms the same: Both, however, acknowledge his Bias to the *Roman Catholic* Mode of Worship, (which *Mr. North* will by no means allow of, because he attended his own Chapel-Service only, and comply'd with the whole Ceremonial of the Church of *England*) and which they impute to his Complaisance, during his Exile; and, towards the latter End of his Life, to Habit, and political Considerations. Both agree, that he hated Business, and lov'd Quiet above all things; but, withal, that he sometimes out-dudged his Ministers in Business, and other times, that he was more a Master of it than any of them: That Jealousy, either in Love or Dominion, made up no Part of his Composition; and that it was owing to this kind of Incontinency, that he could not be brought to repine at the growing Greatness of *France*, or at the mighty Share of his own immediate Power, which his Brother engros'd even in his Life-time: That, in some Instances, he was not only liberal, but prodigal; and yet, in others, not only frugal, but niggardly: That his Prodigality threw him into Necessity, which forced him into a Dependence on his great Neighbour of *France*; who play'd the Broker with him sufficiently, in all those Times of Extremity: That he was so much an Enemy to Formality of every sort, that he even departed from his Dignity; upon all Occasions, tho' ever so public, descending from the Stately to the Familiar, and with all Persons conversing almost upon the Level: That no Man ever practis'd Diffimulation more, or with more Dexterity, and yet, that no Man was more easily or more grossly impos'd upon.

NUMB. LXXI.

on: That he abounded in Wit and Pleasantry, which he let fly at random at any Game that rose: That he was inclin'd to be just, as appear'd by his Resolution to run all Hazards, rather than injure his Brother in the Succession; and that possibly his giving way, in such a Variety of Cases, to all the Rigours of the Law, which has drawn his Clemency into question, arose from the same Principle: That the Study he principally delighted in, was Ship-building, and maritime Affairs; whence he was, both by Nature and Habit, the best qualify'd of all our Princes to advance the true Interest of his Country: But that in applying those Talents to the Service of *France*, as well as his own Kingdom, he undid with one Hand what he did with the other. Thus far our two Authors keep pace with one-another: But for what follows, the Doctor is answerable only. "If he had any one fix'd Maxim of Government, says he, it was to play one Party against another, to be thereby the more Master of both: And no Prince understand better how to shift Hands upon every Change of the Scene. To sum up his Character, he was dextrous in all the Arts of Intimation, and had acquir'd to great an Ascendant over the Affections of his People, in spite of all the unhappy Measures he had taken, that it may, in some Sense, be said, he dy'd opportunely for *England*; since, if he had liv'd, it is probable we might, in Compliance with him, have complimented ourselves out of all the Remains of Liberty, if he had had but a Mind to be Master of them, which it is but Charity to believe he had not, at least immediately before his Death. Thus reign'd, and thus dy'd, he also says, King *Charles* the Second, a Prince endow'd with all the Qualities that might justly have render'd him the *Delight of Mankind*; and entitl'd him to the Character of one of the greatest Geniuses that ever sat upon a Throne, if he had not fully d'rob'd those excellent Parts with the soft Pleasures of Ease, and had not entertain'd a fatal Friendship, that was incompatible with the Interest of *England*."

These are the historical Features of King *Charles*, as they have been transmitted to us by these several Hands; and after all, perhaps, they will be found insufficient to give the critical Reader Satisfaction: For in each the King is mingled with the Man, his private with his public Life; and such Colours are hid on as the Transiptions of his Reign will scarce verify. Where, for Example, can we find any Trace of that sublime Understanding, and that enlarg'd Heart which constitute a great and royal Genius? And if he was so constituted as to be the *Delight of Mankind*, how grievously must he have abus'd and perverted that happy Constitution, by giving into such fatal Measures, as have furnish'd his Adversaries with Pretences to compare him to the worst, instead of the best of the *Roman* Tyrants? Could the meanest of Men have behav'd with less Spirit than he did, when appriz'd of the tragical Death of his beloved Sister the *Duchess of Orleans*? Then how can *Mr. North* be justify'd for affirming he never did Hurt to any living

10 E

Creatures

A.D. 1684-5

A.D. 1647. Creature willingly? Was not the very Entrance of his Reign polluted with the Violation of *Palmer's Bed*? Can it be suppos'd that his *Will* was not concern'd in the premeditated Barbarity inflicted by his Command on Sir *John Coventry*, for a Freedom taken with his Pleasures in the House of Commons? Can we reflect on the many savage Executions that sadden'd his Reign, without being tempted to think they were pleasing to him? Or if he adopted the Cruelties of others, and did a Violence to himself in giving way to them, does it not argue, that his Virtues sunk under his Frailties? At which ought we to wonder most, that he pardon'd *Blood*, for stealing the Crown and endeavouring to destroy his old and faithful Servant the Duke of *Ormond*, or for his ordering *Sydney* to be executed? It must be allow'd there is much Modesty in that Expression of his Grace of *Bucks*, That he was inclin'd to *Justice*. But then the single Instance which he draws from his unalterable Attachment to his Brother, is rather to be consider'd as a Matter of Policy. And it is, besides, notorious, that in all public Cases he ever prefer'd what was convenient to what was just: Witness, in general, his two *Dutch Wars*, and the Methods he took to support them; the Non-observance of his defensive League with *Spain*, and the notorious Breach of so many solemn Declarations. But then, on the other Side, if he had great Weaknesses or Vices, it is hard to say, that he had few or no Virtues to balance them. What the Duke of *Bucks* declares, the common Voice of the World confirms, viz. That he was an easy, generous, Lover; a very obliging Husband; a friendly Brother; an indulgent Father; a good natur'd Matter; and an excellent Companion; which no Man can be, without a Gentleness of Disposition, without a Tenderness of Heart, and all those other captivating Ingredients, which are only to be found in the most humane and most accomplish'd of the Species. It is true, these were the Graces and Ornaments of his private Life: And that in his Public, they no otherwise appear'd, than in that enchanting Affability and Condescension, which, as *Wells* observes, riveted the Affections of his Subjects to him, after he had done all he could to forfeit their Esteem, Confidence, and Veneration. Thus the Equity appears of distinguishing between the Man and the King; and of making separate Articles of his Life and his Reign. And, upon the whole, it must be acknowledg'd, That his Majesty was a Voluptuary of the most exalted Class, as well as the highest Rank; that he made his Power and his Parts alike subservient to his Ease and Pleasure; that when he shifted Sides, it was only like *Solomon's* Sluggard, to favour his Repose, that, when good and evil Measures were set before him, his own peculiar Interests ever govern'd his Choice; that having an ill Opinion of human Nature, he thought himself authoris'd to do so; that, in particular, believing all the Leaders of Parties were ever designing upon him, as well as those they led, he

A.D. 1647. thought it was but Self-defence to take all Advantages against them in return; that he was as susceptible of Right as of wrong Impressions: And that if any Method could have been found out to have harden'd the Wax after it had receiv'd the Form, he might have been the greatest, happiest, and final renown'd of our Kings.

And now as to the Profit and Loss of the Reign: If we are to consider the supporting, strengthening, and enlarging the monarchical Part of the Constitution, as the most important Duty of an *English King*, and most conducive to the Good of the People, as many Writers would oblige us to acknowledge, it must be acknowledg'd also, that few Princes were ever more in the Interest, or did more for the Service, of the Commonwealth, than *Charles* the Second. When first restor'd to his Throne, he seem'd to hold it almost by the Courtesy of the Convention-Parliament, who put him into the Possession of it; and whom he then treated more as his Friends and Co-adjutors, than as his Subjects: But having made use of their Credit and Authority to destroy that almighty Monster the Army, and to make some Provision for his own Establishment, he gave them their *Epitaph*, and sent out his Writs to assemble another yet more docile than They; and who accordingly resolv'd to do every thing requir'd of them, except that of rendering themselves wholly insignificant. The Time and Manner of calling and dissolving Parliaments was now left, in a manner, at the King's Mercy: The Militia was put wholly in his Hands: The Subject was enforced to abjure the first Claim and Right of Nature, Self-defence: The dead Weight of the Bishops was again saddled on the House of Lords; and as much of Archbishop *Laud's* Scheme for aggrandishing the Church, as the Times would yet bear, was adopted, for the more effectual Subjection of the People: Unfortunately, the rapacious and prodigal Spirit of the Court could not be conceal'd, and the Commons found themselves oblig'd for their own Sakes, to be as sparing as possible of the public Purse: Such Grants had, however, escap'd them, such Sums had the Sale of *Dunkirk*, and other Jobs, produc'd, that when the King and his People never met but with Fretbands between them, and his Majesty grew weary of a Contest in which he was never like to overcome, he was enabled to shake off the Restraint of Parliaments for good and all: And what by the utmost Stretch of the Laws, the Violence of Judges, the Prostitution of Juries, the voluntary Servility of the People, and the Terror of that Novelty a standing Army, he found himself in a Condition to be not only the King and Head, as by the Constitution he ought to have been, but the Lord and Master of his People. By this means, indeed, the Ferment arising from the desperate Struggle of two opposite Factions, which had convulsed and disorder'd his Reign, was suspended: But the same sarring Principles remain'd: And if it was Matter of Triumph to the one to find itself in possession of a complete

A.D. 1647. The Profit and Loss of the Reign.

A.D. 1684-5. complete a Victory over the other, it was Matter of the deepest Sorrow and Anguish to all those, who had lamented the Distractions they could not remedy, and who panted only after an equal and happy Temperament of Prerogative and Privilege, to see the Trophies of Power erected on the Ruins of Liberty: For such was the Fact; and as that Government is not to be set aside, because it may be wickedly administer'd; so Liberty ought not to suffer for the Offences of Faction.

As to foreign Affairs: His Majesty was seduced by his own absurd Inclinations, and the narrow Notions of a short-sighted Ministry, to adopt the very worst Principles of *Cromwell's* Politics; namely, the embracing the Interests, instead of setting up as the Rival, and endeavouring to put an immediate Stop to the Growth of the Power, of *France*. *Cromwell* was neither deceiv'd nor flatter'd into that Measure; he knew, that the Royalists, depriv'd of Assistance from thence, could give him no material Disturbance; and it was true Policy in his particular Case, to shut the Door against every possible Danger: But tho' what he did was the Dictate of Self-preservation, he set his own Price on his Friendship; he made it a Point to provide for the Honour of the Nation, at the same time that he made free with its Interest; and, tho' an Usurper, exacted more Obedience from that haughty Court, than it has at any time since shewn to our legal Sovereigns. Now all the Concessions of *France* to that Master-spirit of the Globe were so many Indignities to his Majesty; and one would have thought, that the Man as well as the King would never have lost sight of them, till he had found an Opportunity to make himself ample Reparation. *Spain* had been the Dread of *Europe*; but her Terrors were all extinct: His Majesty had seen her worsted both in the Field and the Cabinet; had seen her bend before the superior Genius of *France*, and still saw her to feeble, that, with her whole Power, she was scarce able to reduce the revolted *Portuguese*. Had he hearken'd, therefore, either to Reason or Repentment, he would have discern'd the Necessity of throwing his whole Weight into the lighter Scale, and at the first Step render'd himself the Arbitrer of *Europe*. The *English*, as a Nation, when they fell under his Dominion, were every where look'd upon as the Heroes of the Universe; and by the Help of one vigorous Measure, at the Entrance of his Reign, he might have liv'd on the Stock of Reputation he found, for many a long and happy Year to come: Instead of which, he became the Dupe of *France*, which had cover'd him with Assaults; and the Champion of the *Portuguese*, against all the Solicitations of his *Catholic* Majesty, who had given him an Asylum and Subsistence, when his *most Christian* Brother had driven him like a Fugitive out of his Dominions: Nor was he barely content to do the Drudgery of the *French* Court, which was ty'd up by the *Pyrenean* Treaty, from interfering directly or indirectly, by taking Part in the *Portuguese* Quarrel, but

A.D. 1684-5. was induc'd yet farther to make it his own for Life, by marrying a Princess of the House of *Braganza*, incapable of Children; which also pay'd the way for all those terrible Broils in relation to the Succession, that were afterwards so fatal to his own idoliz'd Repose. Again, That the Ties of Friendship between the two Royal Houses of *France* and *England*, might be drawn yet closer, a Treaty of Marriage was set on foot between the Duke of *Orleans* and the Princess *Henrietta*: And yet farther to widen the Breach between *England* and *Spain*, *Dunkirk*, which of right belong'd to the Latter, was injuriously and impolitically made over to *France*, that his Majesty's Coasters might be replenish'd with the Purchase-money; and that the brave *Garison* might be sent to perish in the Service of *Portugal*. To say nothing of the first *Dutch* War, and the solemn Farce of the *Triple League*, the second was apparently the joint Project of the two confederate Courts; and tho' in the Course of it his Majesty had very sufficient Reason given him to complain of his haughty and intidious Ally, and even to dread the Success of the very Experiment he had help'd to make, nothing could wean him from an Attachment he had such numberless Reasons to be asham'd of. He was, indeed, compell'd by his People to give over his Share of the War: But neither his People, nor the Solicitations of almost all the Princes of *Europe* could induce him to embrace the contrary Party, and assist in humbling the Power he had so greatly contributed to raise: On the contrary, it was now that he made it his Business to pacify his *most Christian* Brother for the Step he had taken, by endeavouring to make him a *Seaman*: And, during the whole Course of his ostentations, but ineffectual, Mediation at *Nimwegen*; as also, when enabled by his People to enter into an actual War; and afterwards when the daily Encroachments of *France* afforded the most righteous Occasion for a new Confederacy against the Common Enemy, his Majesty's chief Concern was, all along, to find Evasions and Excuses for his Conduct, and, at the same time, to act whatever Under-part that common Enemy should allot him.

War, it is true, is not the Element of a trading Nation: And while the People, in spite of themselves, were thus preserv'd in Peace and Plenty, instead of being exhaust'd with burdencome Taxes, and expos'd to Dangers, Losses, and all the other Calamities incident to that tragical State, they found themselves at Leisure and Liberty to pursue their Commerce wherever Ship could sail. And so good a Use did they make of both, that never were our Manufactures in a more thriving Condition; never were the Poor better provided for; never were our Exportations larger; never were our Returns more profitable; never was the Tonnage of our Mercantile Shipping higher. Besides which, the magnificent re-edifying of our Capital; the many noble and expensive Structures it was adorn'd with; the visible Access of Wealth in private Families; the annual Produce of the

A.D. 1684-5. the Customs, and Amount of the Coinage, and the low Rate of Interest, were so many additional Proofs, that, however the general Cause of *Europe* languish'd, *England* had her full Measure of Happiness, as far as it depended on Wealth, and the full Enjoyment of it.

But all these splendid Scenes were rather the Result of private Industry, than public Providence and Wisdom. Even in commercial Matters, our Court was so pliant as to truckle to the Will of *France*: At the very Entrance of his Majesty's Reign, they laid new Impositions on our Woollen Goods, Lead, Tin, Coals, Tobacco, Sugar, Fish, &c. They also restrain'd the Importation of our own Woollen, and our re-exported *East India Goods*, &c. to *Calais* and *Dieppe*; and other Commodities to some other inconvenient Ports; all which his Majesty and his Ministers either wilfully or negligently conniv'd at; inasmuch, that the celebrated Dr. *Downham*, himself, tho' writing purposely to shew, that the Difference in the Balance of Trade between the two Nations was never so great as had been generally reported and believ'd, is compell'd to acknowledge, "That *England* was wanting to its own Interest in the seven or eight first Years of King *Charles* the Second's Reign, in not retaliating time enough with high Duties laid upon their Goods, the high Impositions they had laid on our Woollen Manufactures, and others of our Product." And again, afterwards, "The *French* began to make this Breach in good Neighbourhood, and dealt with us as if they thought the Genius of *France* had got a perfect Mastery over the Genius of *England*; otherwise they would not have so impos'd upon us in Matters of this nature; where tho' our Court would not see, the People must needs feel; and where the Legislature was certain to be alarm'd, and at last to interpose."

Besides, how dearly have the poor People of *England* since paid for this transitory Period of Affluence and Prosperity! He is not worth the Name of a Politician, who provides only for the Day, and who is either unwilling or unable to provide also for the Peace and Welfare of Posterity; and he who loses an Opportunity to do any thing wise and great, is equally blameable with him who rushes on the same Undertaking, when the Opportunity is over. Had the enterprising Spirit of *France* been regarded as it ought to have been, from the Time of the King's Accession, the Happiness of his People would have been as permanent as his own Glory: It was then no impossible thing to have set Bounds to her Greatness, if not

to her Ambition; and One Million had gone farther in preventing her Encroachments, than Ten in forcing her to quit her Hold, and make Restitution: Whereas, by suffering this gigantic Power to gather Strength, or rather to nurse it up with their own Hands, till it grew to be a full Match for all its puny Neighbours in conjunction, it may be truly said, that the Statesmen of those Times bought their own Tranquility at the Expence of succeeding Generations; who, according to the usual Extravagance of human Nature, ran as far out of the Way to meet Danger, as they to avoid it.

To conclude: If we should throw foreign Affairs wholly out of the question, and allow all that can be allow'd in Honour of this Reign, on account of the flourishing Condition of Trade and Manufactures, the Condition of the Subject will, notwithstanding, appear to be Matter of Pity, rather than Envy. Riches are, indeed, of mighty Moment to a Commonwealth; more especially, when they are the Product of Industry: But Integrity, Bravery, and Public Spirit, Simplicity of Manners, and Simplicity of Life, Love of Glory, and Love of Country, are of much more. And where were these ancient Virtues to be found? If any where, farthest from Court; in Obscurity, in Difficemy; and more liable to Persecution than Advancement. As in *France* the Zeal and Affection which make Men Heroes in the Service of the Community were all center'd in the Person of the King; and Acts of unresolv'd Submission and Resignation to the Sense of the Court were held the Sum-total of Loyalty and national Virtue. The democratical Part of the Constitution, in which was comprehended the Birthright of every Individual, had receiv'd a desperate, if not a mortal Wound. The Aid of a mercenary Soldiery had been call'd in as a Supplement to Government, to the Reproach of the Laws. The peculiar Rights of Corporations had been garbled of whatever render'd them valuable to free-born Subjects. To write or talk like an *Englishman* had been construed Sedition; and every exemplary Act of Patriotism had met with exemplary Punishment. Property was the only thing that remain'd inviolate; and in proportion as Will and Pleasure gain'd the Ascendancy, even that grew precarious. This, without Exaggeration, was the State of Things at the Death of *Charles* II. And those who are so just to themselves, and the Commonwealth, as to look upon Kings as the Servants, not the Masters, of a State, will judge of their Administration, not by the Advantages they procur'd to themselves, but the Blessings they deriv'd to their People.

The End of the Reign of King CHARLES the Second.

T H E

## R E I G N

O F

## King J A M E S II.

A.D. 1684-5. **N**O Papiſt ſhall ever be King over me, was the univerſal Cry of the Excluſioniſts, till the Time of Keſling's Diſcovery: And if we ſhould reflect on the Number, Weight, Boldneſs, and Popularity of that mighty Faction, at the Time of the Oxford Parliament, without reflecting alſo on what afterwards beſel them, we ſhould be amaz'd beyond Expreſſion, to ſee that very Duke of York, againſt whom they had levelled their whole Force, ſucceed to the Throne of his Fathers, not only without the leaſt Breath of Oppoſition; but with all thoſe Expreſſions of Joy and Satisfaction, which, on the People's Part, ſeem'd to betoken a happy Reign.

His late Maſtey was not cold, before his Succeſſor order'd the Privy-Council to be aſſembled, and enter'd upon the Kingly Office with the following gracious Declaration, which, at the Inſtance of their Lordſhips,

[Num. 206.] was made public in the next Gazette:

The King's Declaration to Council.

"My Lords, Before I enter upon any other Buſineſs, I think fit to ſay ſomething to you. Since it hath pleaſed Almighty God to place me in this Station, and I am now to ſucceed ſo good and gracious a King, as well as ſo very kind a Brother, I think it is fit to declare to you, That I will endeavour to follow his Example, and moſt eſpecially in that of his great Clemency and Tenderneſs to his People: I have been reported to be a Man for arbitrary Power; but that is not the only Story has been made of me; and I ſhall make it my Endeavour to preſerve this Government, both in Church and State, as it is now by Law eſtabliſhed. I know the Principles of the Church of England are for Monarchy, and the Members of it have ſhewn themſelves good and loyal Subjects; therefore I ſhall always take care to defend and ſupport it. I know too, that the Laws of England are ſufficient to make the King as great a Monarch as I can wiſh; and as I ſhall never depart from the juſt Rights and Prerogative of the Crown, ſo I ſhall never invade any Man's Property. I have often

heretofore ventured my Life in defence of this Nation; and I ſhall ſtill go as far as any Man, in preſerving it in all its juſt Rights and Liberties."

According to thoſe who have taken upon them to palliate the Miſcarriages of this Reign, we are charitably to believe theſe were his Maſtey's genuine Thoughts, and ſincere Intentions at that time: *Wetwood* is of opinion, that *Trojan* or *Autonne* could not have ſaid any thing which would have redounded more to their own Honour, or the public Satisfaction: And even *Burnet* ac- knowledges, "That this Speech gave great Content to thoſe who believ'd he would ſtick to thoſe Promiſes made in it: And that thoſe Few who did not believe it, yet durſt not ſeem to doubt of it." Adding, "The Pulpits of England were full of it, and of Thankſgiving for it. It was magnify'd as a Security far greater than any the Law could give. The common Phraſe was, *We have ſeen the Word of a King, and a Word never yet broken.*"

On the ſame firſt Day of his Maſtey's Reign, he was further pleas'd to direct, that all Perſons ſhould be continued in the Places, Truſts, and Offices, which they had held under the King his Brother; and declar'd it to be his Will, and Pleaſure, and expreſs Com- mandment, that all his Subjects ſhould yield Obedience to all the Orders and Directions of his late Maſtey.

Theſe, and the Ceremonial of his own Proclamation, were his firſt Acts of State: But theſe were mere Matters of Courſe, and only ſerv'd to keep the Wheels of Government in Motion. The main Point under Conſideration related to the Revenue, and eſpecially of the Tonnage and Poundage, Cuſtoms and Excife in part, which had been granted only for the Life of the late King; and conſequently could no longer be legally levy'd, without a new Grant from the Repreſentatives of the People in Parliament. This was the only favourable Circumſtance reſulting to the Public, by the Demiſe, and the only Difficulty the Court had to ſtruggle

Caſe of the Revenue on the late King's Demiſe.

A.D. 1684. s. with the But, great as it was, it was surmount-  
ed; after what Manner, we are best inform'd  
by Mr. North, as follows:

"The *caluable Merchants of London* came to the Commissioners of the Customs, and *entreated* of them that the Customs might be gather'd as formerly. *Otherwise* we, said they, *that have great Stocks in our Warehouses, for which we have paid Custom, are undone; for the unfair Traders and Runners, and such as come in before the Duties are recharg'd, will undersell us, as they will may, paying no Custom. There is no Doubt but the Parliament will give the Customs for the whole time; and why should they not be collected in the mean time?* The Commissioners were careful not to do a thing, however reasonable, so obnoxious as that was; for the levying Money of the Subject, without any Law to warrant it, was a *Case utterly defenceless* in Parliament; and they would not stand in the Gap to be buffeted, in Case any Member should stir up a Charge upon them for so doing. Therefore, desiring to disengage the Thorn, and fix it in the Foot of their Superiors; they attended the Treasury in a Body, and made a Representation of the Request of the Citizens, their Reasons, and the undoubted ill Consequences to the King and People, if the Revenue of the Customs was not collected, and prayed their Lordship's Directions how they should behave themselves in the Matter. There sat Lord Godolphin, Sir Dudley North, and other judicious Persons Commissioners. They saw the Intent of these Gentlemen, which was to screen themselves by their Order; wherefore, calling them in, they told them that they were his Majesty's Commissioners for collecting the Customs, and had all the Laws, touching the Revenue, before them; which Laws they would do well to peruse carefully, and govern themselves accordingly; and that was all the Answer they could give them. This was cold Comfort; but soon after, the Business pressing, the King laid it before the Council, and demanded their Advice what would be the best Method for managing this Affair. The Lord Chief Justice *Jeffreys* mov'd that his Majesty should cause his Royal Proclamation to issue, commanding all Officers to collect, and the Subjects to pay the Revenue, as formerly. My Lord Keeper North was not of Opinion that to issue such a Proclamation, at this time, would be for the King's Service; because it would have the worst Turn that such an Affair could take; that is, giving a direct Handle to his Majesty's Enemies to say, that his Majesty, at the very Entrance upon his Government, levied Money of the Subject without Act of Parliament. There was no doubt but the Parliament would renew the Act as full as before; and, if the Collection might be carry'd on without such Misconstruction, it were better. Therefore he propos'd that the Proclamation should require the Duties to be collected, and paid into the *Exchequer*, and that the Officers of the *Exchequer* should keep the Products, return'd, safe, and apart from other Revenues, until the next Session of Parliament, in order to be dispos'd of according

as his Majesty, and the two Houses, should think fit. One would have believ'd this Expedient plausible enough, and calculated to obviate the ill Use a repulsive Faction might make, if the other way was taken. But, it seems, this was too low and trimming for the State of the Court at that time, and a positive Proclamation issued."

The Reasons assign'd for this positive Proclamation, were the Necessities of the State: Besides which, upon this important Occasion, his Majesty condescended to plead the Advice of his Privy Council, as well as to urge his own Will and Pleasure: And to make the Dole yet more palatable, this thundering Edict was introduc'd with a most gracious Intimation, that he had thought fit to call a Parliament speedily to be assembled, in which he made no doubt but Care would be taken for settling a sufficient Revenue on the Crown, for the Support of the Government.

But whereas we are to understand by Mr. North, that this bold Step of seizing the Revenue was made at the *Entreaty* of the *caluable Citizens*, we have the Authority of an Act of State, as well as the Reason and Nature of Things, to evince, that the Coarctation had before them first: For in the *Gazette*, No. 2009, we find a Proclamation dated Feb. 17, setting forth, That on the 6th Instant (which was while the King lay in his last Agonies) the Commissioners of the Treasury (viz. The Lord Godolphin, Sir John Egerton, Sir Stephen Fox, Sir Dudley North, and *Richard Thynne, Esq;*) had bargain'd the Excise to Sir Peter Jolly, Sir Benjamin Botolph, and *James Graham, Esq;* for the Term of three Years, at the yearly Rent of 550,000*l.* to be paid quarterly: And that his Majesty, having been advis'd by the Opinion of the Judges (whose Opinion, for our greater Satisfaction herein, I have requir'd) that the said Farm was good and valid in Law, and has Continuance during the said three Years, as well for the temporary as the hereditary Excise, did thereby signify his Will and Pleasure, that the said Revenue should be collected and paid as before, on the usual Penalties, in case of Disobedience.

Now it is obvious; to the meanest Understanding, that the Term in the Farm could not be extended beyond the Term of the Grant; and tho' there was a Clause in the Act, authorizing the Treasury to lease out those Revenues for three Years, the Sense of that Clause was govern'd by the general Sense of the Act, and could by no Violence of Construction, be made to extend beyond it. But Bishop *Burnet* makes no Scruple to assert it as a known thing, That there was no such Farm subsisting at the King's Death: That, on the contrary, it was made afterwards, and antedated (to afford a Colour, no doubt, for the Opinion of the Judges) and that two had, nevertheless, the Grace to dissent from their Brethren. The same Prelate also observes, That, to obviate the Mischief apprehended from the Discontinuance of the Customs, it was urg'd, the legal Method was to have the Entries made as usual, and to take Bonds for the Duties, to be paid after the Renewal of the

A Proclamation for levying the Customs, &c. tho' the Grant was expir'd.

Another relating to the Excise.



A.D. 1684-5. the Grant: And that a Proceeding of this violent nature did not agree with the King's Promise to maintain Liberty and Property.

*The Behaviour of the Common's, Owners of the Customs to the Merchants.*  
 We find, moreover, by the Journals of the House of Commons, that all the valuable Citizens did not join in the *Entreaty*: For after these Proclamations were set forth, many of them made a Difficulty of obeying them. Of this several Instances are given; as also of the Behaviour of the (a) Commissioners to extort a Compliance: In particular, Mention is made, that one Mr. Miller declar'd to the Board, *He was not free to pay the Customs, and that he had his Fears of what might be the Consequence.* To which Sir Nicholas Butler reply'd, *That Fears brought on the last Rebellion;* and that one Mr. Cockran and others, being ask'd by the said Commissioners, *What Lawyers the Merchants had advis'd with?* And making Answer, *They had as yet advis'd with none,* the same Sir Nicholas, in the same menacing way, rejoyn'd, *We know what you are; if you are ready to dispute it, we are ready to dispute it.* To which Sir John Buckworth added in the pathetic, *Do not dispute it! It must be paid!*

Thus it appears, that the Merchants were not unanimous on this Occasion; and that the Submission of some of them at least, was rather the Result of Fear than Love. And as to the Measure itself, it is hard to say, whether so notorious a Breach of the Constitution, or the solemn Approbation that the People were inclin'd to give it, was the most alarming: For as on the one hand, every thing was to be decided in Consequence of *so bold a Beginning*; so, on the other, the Reception it met with seem'd to indicate, that the Spirit of the Nation was lost, and that his Majesty might venture to let slide every other Restriction, and to govern by a Model of his own.

The Practice of procuring Instructions from Corporations to the Members, had shewn the Court the way to procure Addresses, upon what Occasion, or of what kind, they pleas'd. The Accession was a *Lib Opportunity* for all the *Recorders, Town Clerks,* and all other Managers of *Bodies Corporate in England*, to display their Eloquence and Loyalty: But they were not satisfi'd with Congratulations only; which would scarce have disgust'd the most squeamish Stomach, but took upon them, no doubt, according to the Lesson they had been taught, either to complement the King on the *Treasure* he had committed on the Rights of his People, or to set a Precedent of *Vassalage* to their Fellow-Subjects, by obliging themselves to return such Persons to Parliament, as were most likely to give into all the Violences of the Times.

*Address of Approbation, &c.*  
 Thus we find the Royal African Company thanking his Majesty for his Proclamation for continuing the Collection of the Customs, and promising to *yield due Obedience to his Royal Will and Pleasure*: The *Turkey Merchants cheerfully submitting to his Ma-*

*esty's Pleasure in the Payment of Customs, agreeable to his late Royal Proclamation*: The Merchant Adventurers rendering *infinite Thanks* for his gracious Proclamation: The *Maryland Merchants humbly acquiescing and submitting to it*: The *East-land Merchants humbly submitting to his Royal Will and Pleasure, in the Payment of the Customs*: Those of *Hudson's Bay* declaring they would never fail to *show their most dutiful Allegiance, in paying their Customs, &c.* The *British Merchants* protesting they would, with all Readiness, comply with his Majesty's late gracious Proclamation, as a Proof that he might depend on their *standing by him with their Lives and Fortunes*: The *Jamaica Merchants, submitting with all willingness to his Majesty's Pleasure*: And, lastly, the *Merchants of the Law*, that is to say, the *Barriers and Students of the Middle Temple*, with Sir *Humphrey Mackworth* at their Head, acknowledging, with the deepest Sense of Gratitude, his Majesty's great Goodness and Condescension in his late Declaration; and in particular, that his Majesty had been *graciously pleas'd to extend his Royal Care of the Government to the Preservation of the Customs*: To silence all Gainers, they, moreover, undertook to enumerate the many *Mischiefs* that would have ensu'd, if his Majesty had not been thus *careful* to preserve the Customs, and then proceed as follows:

"Tis a receiv'd Maxim of the Common-Law, *The Sacra Regis est Vinculum pacis & honorum Nostri*: Such is the happy Constitution of this Monarchy. That your Majesty's *high Prerogative is the great Security of the Liberty and Property of the Subject*: So that whoever would impair the Revenue of the Crown, must, by this fundamental Law (as binding as *Magna Charta*, and more ancient) be esteem'd an Enemy to the Peace and Welfare of the Kingdom.

We therefore think it our indispensible Duty to endeavour the Choice of such Representatives for the respective Counties and Boroughs (to which we belong, as may not only concur in setting a Revenue sufficient to support the Government as formerly, but also shew a grateful Sense of the *Great Things* you have done and suffer'd for us already, an entire Confidence in your Majesty's Goodness towards us for the future, and a cheerful Compliance with your Heroic Inclinations to advance the Honour and Interest of these Nations. May there never be wanting Millions as loyal as we are to sacrifice their Lives and Fortunes in Defence of your Sacred Person and Prerogative in its full Extent, and incessantly pray the King of Kings to grant your Majesty a long and happy Reign over us."

Do we blush, that such a scandalous Instance of the lowest and basest Prostitution is to be found in our Language? Let the same generous Dye continue glowing on our Checks, while we farther read what the University

(a) Viz. Lord Cheury, Sir Richard Temple, Sir Nicholas Butler, Sir John Buckworth, William Dickens, Esq; Sir John Wroth, Sir Dudley North, and Thomas Chudleigh, Esq;

A.D. 1684.

verity of *Oxford* was not alham'd to utter, "We, &c. do here prostrate ourselves at your Royal Feet, to present with all Humility, this public Testimony of our unfeigned Sorrow for the Demise of our late dread Sovereign, of blessed Memory: And withal, from the Bottom of our Hearts, to adore and magnify the Providence of our good God, by whom Kings reign, who, out of his unspeakable Mercy to this Church and State, hath prefer'd your sacred Majesty to succeed in the Government of these Kingdoms. And, as we can never swerve from the Principles of our Institution in this Place, and our Religion by Law establish'd in the Church of England, which indispensably binds us to bear all Faith and true Obedience to our Sovereign, without any Restriction and Limitations; so we cannot but most thankfully acknowledge that farther Obligation your Majesty hath laid upon us, by your Royal Assistance, to defend that Religion, &c."

And tho' the other Light of the Nation, *Cambridge*, did not soar quite so high a Pitch as he had formerly done, she nevertheless took care not to lose sight of her Sister *Oxford*: Thus a short Condolence made way for a long Congratulation: "And considering (said her Reverend Sons) that, in despite of all the Violence and Treachery of turbulent Men, who maliciously endeavour'd to turn the Stream of lineal Succession out of its proper and ancient Channel, God has been pleas'd to provide a lasting Security for these Nations, as well by preserving the sacred Life and Person of your Majesty, as also by your rightful and peaceable Accession to the Imperial Crown of these Kingdoms, we do rejoice with all our Souls, and bless God for these singular Mercies, which have as fully repair'd our former inestimable Loss, as our Hearts could hope or desire; and we do, with all humble Submission, present to your Sacred Majesty our most unfeigned Loyalty, the most valuable Tribute that we can give, or your Majesty receive from us: This is a Debt which we shall be always paying, and always owing; it being a Duty naturally flowing from the very Principles of our Holy Religion, by which we have been enabled, in the worst of Times, to breed as true and steady Subjects as the World can shew, as well in the Doctrines as Practice of Loyalty, from which we can never depart."

When such rever'd Bodies as these, who were Masters, by Profession, of Law, Divinity, and all human Literature, advanced such Doctrines, and us'd such Language to the Throne, it is scarce to be wonder'd that the Herd implicitly obey'd their Leaders, and took the same Leap over all the Restrictions in their Way: Such great Examples were an Authority to those who did not understand their Motives, and furnish'd Pretences for those that did: And accordingly they were almost as generally as fatally follow'd. The Justices of *Middlesex* would needs have it, that it was by the Interposition of God himself, that his Majesty had escap'd the villainous Designs of *Regicides* and *Excluders*. The Seamen of *Kingston upon Hull* engaged to vote unani-

A.D. 1684.

mously against all who had voted for the *Exclusion*. The Inhabitants of *Malton*, speaking of his Majesty's Declaration in Council, That he would defend the Church, assert, "It had but added Demonstration to their Faith; and that to make Protestations of Fidelity upon the Consideration of that, would be to contradict the Principles of their Religion, and to make their Obedience conditional." The Men of *Monmouth* begg'd of Heaven, that their Vows might rise in Judgment against them, if ever they sent any to Parliament who would invade the Prerogative, by joining in Votes any way derogatory to it." The City of *Bristol* express'd their Abhorrence of all those antimonarchical Persons and Principles, which would either exclude Princes from their just Rights, or disturb their peaceable Enjoyment of them. The *Peters of Heflmore* covenant with the King in due Form of Law, not to return any Member or Members, who could not prove that he or they did openly and avowedly oppose the *Exclusion-Bill*. Those of *Woburn* stigmatiz'd the said Bill as unjust, illegal, impious, &c. Those of *Scarborough* (in *Yorkshire*) declare, That the King's Enemies should evermore be theirs, especially the impudent Promoters of the *Exclusion-Bill*, who, as far as in them lay, should stand for ever excluded his Majesty's great Council of Parliament. The Corporation of *Wigan*, in a very peculiar Style, undertake, "with their Lives and Fortunes, to defend his Majesty's most just Rights to these Crowns, against all the factious Machinations of *Alditophels*, and the unlawful Pretences of rebellious *Aboloms*, who, like blind *Balaam*, attempted the forbidden Path, had not the Angel of the Lord stop't their Career. Mayors, Bailiffs, &c. of the *Coke-Ports*, in gratitude for the Conservation of their Privileges, declar'd, "That they would neither elect nor admit into any Office, or Place of Trust, any Person who abetted, or voted for, that diabolical and unjust Bill of *Exclusion*, design'd to involve us in Blood, and to destroy the Constitution of the ancient Monarchy of these Kingdoms: And farther, That they did readily acknowledge their Lord Warden's Right of Recommendation of one Member for each Port, to serve in Parliament." And, to close this odious Scene, the two Grand-Juries of *Suffolk* assur'd his Majesty, That his Grandeur and Honour were their first Aim; in order to which, they were then making it their daily Care to send fit Representatives to a Parliament, which they hop'd would no more endure *Excluders*, than a late one did *Abolers*: And farther, that they had every Day such Intimations of that great Favour HER Majesty was pleas'd, upon all Occasions, to express to his People; and of that great Will-dom with which he managed it, so they begg'd leave they might there mention the humblest of their Acknowledgments.

It ought, however, to be remembered, that tho' this Mode of addressing was general, it was not universal. Some Places continu'd mute; and some us'd only such Expressions

A.D. 1684-5

were respectful without Meanness, and which seem'd to argue, that there was still something dearer to them than the *Will and Pleasure* of the King. Even the University of Cambridge ventur'd to intimate, "That they thought themselves oblig'd to be more particularly grateful for his Royal Word: That he would support and defend the Church of England as it then stood by good Laws most happily establish'd." And inch of the Clergy of *Hertfordshire, Essex, and Middlesex*, as were within the Diocese of London, in their Address of Thanks to his Majesty for the same gracious Assurance, took the Liberty to say, *That their Religion, establish'd by Law, was dearer to them than their Lives.*

The King was  
July 15 1684  
Maj.

In this Interval, the new King, who, before his Advancement to the Crown, had so severely persecuted several Persons for calling him a *Papist*, and had obtain'd such exor-

bitant Damages, made a public Acknowledgment, that those Persons had suffer'd only for speaking the Truth, by going openly to Mass, and making Profession of his Faith before the whole World. This was done the *very first Sunday* after his Accession: And the Colour given to this intemperate Zeal by his Church-of-England-Advocates, is, "That he thought it beneath him to prevaricate with God and Man in an Affair of that Consequence." But if there was any Meanness in doing what the so much glorify'd Act of *Uniformity* requir'd of all Men, his Majesty took all the Care he could to lessen that Meanness on the Memory of his departed Brother, by causing *Hudleston* to set forth in print the Account (before quoted) of his dying in the Communion of the *Reas'd* Church: And by condescending to be himself the Publisher of (y) two Papers which he declar'd in his own Royal Name, were found by him

A.D. 1684-5

[Covert, P. II.  
P. 4.]

of which being alone sufficient to show how irrational it was to suppose, that the new King would ever be the Defender of the *Protestant Faith*, are here inserted as follow.

The First Paper.

"The Discourse we had the other Day, I hope, satisfi'd you in the main, that *Christ* can have but one Church here on Earth: and I believe, that it is as visible, as that the Scripture is in *Print*, that none can be that Church, but that which is call'd the *Roman Catholic Church*. I think you need not trouble yourself with entering into that Open of particular Disputes; when the main *Fact*, in truth, the only Question is, *Where that Church is*, which we do profess to believe, in the *own Creeds*: We declare there to believe our *Catholic and Apostolic Church*: And it is not left to every fanatical Man's Head to believe as he pleases, but to the Church, in whom *Christ* left the Power, upon Earth, to govern as in Matters of Faith, who made the *Creeds* for our Directions. It were a very irrational thing to make Laws for a Country, and leave it to the Inhabitants to be the Interpreters and Judges of those Laws: For when every Man will be his own Judge, and by Consequence to each thing as either Right or Wrong; can we therefore suppose, that Almighty God would leave as at those Uncertainties, as to give us a Rule to go by, and leave every Man to be his own Judge? I do sit my ingenious Man, Whether it be not the same thing, to follow our own Fancy, or to interpret the Scripture by it. I would have any Man show me, where the Power of deciding Matters of Faith is given to every particular Man: *Christ* left his Power to the Church, even to forgive Sins to *Honour*; and left his Spirit with them, which they exercis'd after his Retraction: First, by his *Apostles*, in those *Creeds*; and, many Years after, by the Council at *Nice*, where that *Creed* was made that is call'd by that Name: And by the Power which they receiv'd from *Christ*, they were the Judges even of the Scripture itself, many Years after the *Apostles*, which Books were canonical, and which were not. And if they had this Power then, I desire to know how they come to lose it; and by what Authority Men leav'd themselves from that Church? The only Pretence I ever heard of was, because the Church hath fall'n, in wresting and interpreting the Scripture, contrary to the true Sense and Meaning of it; and that they have imposed Articles of Faith upon us, which are not to be warrant'd by *God's Word*. I do desire to know, who is to be Judge of that: whether the whole Church (the Successors whereof has continued to this Day, without Interruption), or particular Men, who have rais'd schisms for their own Advantages?

This is a true Copy of a Paper I found in the late King my Brother's Strong-Box, written by his own Hand.

J. R.

The Second Paper.

It is a sad thing to consider what a world of Heretics are crept into this Nation, every Man thinks himself as competent a Judge of the Scriptures, as the very *Apostles* themselves: And 'tis no wonder that it should be so; since that Part of the Nation who looks most like a Church, does not bring the *own Arguments* against the other Sects, for fear they should be argu'd against themselves, and confuted by their own Arguments. The Church of England (as 'tis call'd) would run have it thought they are the Judges in Matters spiritual, and yet dare not say positively there is no Appeal from them; for either they must say, that they

are infallible, (which they cannot pretend to or confess, that what they decide in Matters of Conscience is no further to be follow'd, than it agrees with every Man's private Judgment. If *Christ* did leave a Church here upon Earth, and we were all one of that Church; how, and by what Authority, did we separate from that Church? If the Power of interpreting Scripture be in every Man's Brain, what need have we of a Church, or Churchmen? To what purpose then did our Saviour, after he had given his *Apostles Power to bind and loose in Heaven and Earth*, add to it, *That he would be with them to the End of the World*? That he would be with them in the *End of the World*? That he would be with them in the *End of the World*? *Christ* was not *hypocritically*, or by way of Figure, *Christ* was then ascending into his Glory, and left his Power with his Church, even to the End of the World: We have had, these hundred Years past, the sad Effects of denying to the Church that Power in Matters spiritual, without an Appeal. What Country can subsist in Peace or Quiet, where there is not a supreme Judge, from whence there can be no Appeal? Can there be any Justice done, where the Offenders are their own Judges, and equal Interpreters of the Law with those who are appointed to administer Justice? This is our Case here in England, in Matters spiritual: For the *Protestants* are not of the Church of England, as 'tis the true Church from whence there can be no Appeal, but because the Disposition of that Church is conformable, at that present, to their Fancies; which as soon as it shall contradiet or vary from, they are ready to embrace or join with the next Congregation of People, whose Disposition or Worship agrees with their own Opinion at that time: So that, according to the Doctrine, there is no other Church, nor any Interpreter of Scripture, but that which lies in every Man's giddy Brain. I desire to know therefore of every serious Considerer of these things, Whether the great Work of our Salvation ought to depend upon such a sandy Foundation as this? Did *Christ* ever say to the Civil Magistrates, (much less to the People) *That he would be with them unto the End of the World*? Or did he give them the Power to forgive Sins? *St. Paul* tells the *Corinthians*, *It is God's Willingness, ye are God's Building; we are Labourers with God*. This shows who are the Labourers, and who are the Husbandry and Building. And in this whole Chapter, and in the preceding one, *St. Paul* takes great Pains to set forth, *That they (the Clergy) have the Spirit of God, without which no Man toucheth the deep Things of God*: And he concludes the Chapter with this Verse, *For who hath known the Mind of the Lord, that he may instruct him? But we have the Mind of Christ*. Now, if we but consider, in human Probability and Reason, the Power *Christ* leaves to his Church in this Gospel, and *St. Paul* explains so distinctly afterwards, we cannot think that our Saviour did all these things to no purpose. And pray consider, on the other side, That those who tell the Truth, and will not submit to his Church, draw their Arguments from Implications, and far-fetch'd Interpretations, at the same time that they deny plain and positive Words: Which is so great a Diligence, as 'tis not almost to be thought, that they can believe themselves. Is there any other Foundation of the *Protestant Church*, but that, if the Civil Magistrate please, he may call such of the Clergy as he thinks fit for his Turn at that time, and turn the Church either to *Protestant*, *Independency*, or indeed what he pleases? This was the Way at our pretended Reformation here in England; and, by the same Rule and Authority, it may be alter'd into as many more Shapes and Forms, as there are Fancies in Mens Heads.

This is a true Copy.

A. D. 1684.

in his Brother's *strong Box*; the Tendency of which were to prove, that there could be but one true Church, which was that of *Rome*; that whoever set up their own Authority against it, whether Individuals, Nations, or Governments, fell immediately into *Fanaticism*; and that by Consequence, the Church of *England* lay as open to that Impiety, as any of those *Sects* which had separated from them.

But notwithstanding all these broad Intimations of something worse to ensue, so intimated were the People, both Laity and Clergy, with the cordial Assurances they had receiv'd, that Words weigh'd more with them than Facts; and they testify'd more Indignation at the Frugality which appear'd in the late King's Funeral, than at the Insults offer'd to their Religion; which they show unwillingly ill Impressions are entertain'd of a Prince in the Morning of his Reign; and how much more sensible we are of Disappointments in our own transient Pleasures, than of such as regard the Well-being of the Commonwealth.

We are now to treat of the Partition of Power under the new King; and upon whatever Terms it was to be bestow'd, we find every Man eager to accept what he could get, and determin'd to hold it as long as he could. Thus it soon appear'd, that the Earl of *Rochester* was the Man whom the King delighted to honour; for instead of being remov'd to *Ireland*, against his Inclination, he was gratify'd to the Height of his Ambition, in being appointed Lord High Treasurer of *England*; the Lord *Godolphin* and the rest of the Commissioners having been continu'd, only till they had seen their Orders take Effect, for continuing the Payment of the Revenues as before the King's Demise, and till they had, thereby, smooth'd his Lordship's Way, as well as screen'd his Administration from the Reproach of such a Jobb. At Court, however, we are to suppose, this Jobb pass'd for Righteousness; for we find Lord *Godolphin* made Lord Chamberlain to the Queen immediately on his Removal from the Treasury; tho' Bishop *Burnet* is pleas'd to say, that both he and the Earl of *Sunderland* were look'd upon as *lost Men*. His Lordship, indeed, enlarges on the Case of the latter, but leaves us wholly in the dark as to the time. His Words are these, "The Earl of *Sunderland* insinuat'd himself so into the Queen's Confidence, that he was beyond all People's Expectations, not only maintain'd in his Posts, but grew into great Degrees of Favour. The Queen was made to consider the Earl of *Rochester* as a Person that would be in the Interest of the King's Daughters, and united to the Church-Party. So the law it was necessary to have one in a high Post who should depend wholly on her, and be entirely hers: And the Earl of *Sunderland*

was the only Person capable of that. The Earl of *Rochester* did, upon this Advancement, become so violent and boisterous, that the whole Court join'd to support the Earl of *Sunderland* as the proper Balance to the other. Lord *Godolphin* was put into a great Post about the Queen." Thus, tho' we are left to make what Conclusions we please against Lord *Sunderland*, we are to suppose Lord *Godolphin* was prefer'd to her Majesty's Service, without having any such Views to deserve her Favour. His Lordship seems, however, to be a little mistaken in supposing that the Earl of *Sunderland* was the only Person capable of balancing the overbearing Temper of the Lord Treasurer, for the Marquis of *Hullifax* had been his profest Adversary: And tho' he had undergone the same kind of Mortification which in the former Reign he had help'd to bring on Lord *Rochester*, by being remov'd from the Office of Lord Privy Seal to that of Lord President, he still continu'd in a high Post, and, no doubt, retain'd his old Animosity: Then, it it could be urg'd that he had made his Peace with the new Minister, as well as the new King, as in (2) Truth he had, it follows, that the whole Court was not in Confederacy against this new Minister. And this becomes farther evident, when we reflect that the Person who succeeded the Marquis as Privy Seal, was the Earl of *Glarendon*, who was the Earl of *Rochester's* own Brother. Mr. *North*, indeed, has prefer'd an Instance of the Treasurer's *Baseness*; for his Lordship having warmly declar'd, That none but *Tories* and *High Flyers* ought to be admitted into the King's Service; and the Lord Keeper, on the contrary, urging, That Men should be prefer'd for their Abilities and Experience, and not their Party-Attachments, the former roar'd out, *God's Will, my Lord! Don't you think that in our Month's Time I could understand any Business in England?* And the latter dryly reply'd, *Yes, my Lord; but you would understand it much better in two*: But then Mr. *North* makes no Mention of his Brother's contributing any way to support *Sunderland* against him. On the contrary, in numberless Places of both his Books he declares the Lord Keeper, and the Lord *Sunderland* to have been perpetual Opposites; and that they had a cordial Aversion to each other. How the Lord *Arlington*, who was continu'd Lord Chamberlain, and the other Officers of the Household were affected towards him, is a Matter of little Consequence, because it does not appear they were of the Cabinet. And as to the Lord Chief-Justice *Jeffreys*, he was sure to follow the Banner of whoever was in Power; and therefore it may be presum'd, at the Entrance of the Reign, at least, that he was not of the Faction against the Lord Treasurer.

The King, himself, as we are told, was at

the

(2) My Lord *Hullifax* told me, says Sir *John Burghes*, A. 490, he and Lord *Rochester* the Treasurer were now very well together: And as to his Recommendation with the King, the Bishop himself informs us, vol. 1. p. 621, That, in a private Audience, he made the best Excuse he could for his

Conduct of late: And that the King depriv'd the Dissenter, by saying, and plainly, as well as graciously, He would forget every thing that was past, except Mr. *Bolton's* in the Banquet of the *English*.

Lord *Hullifax* Preface, and Lord *Clarendon* Privy Seal.

(Life of Lord Keeper *North*, p. 254.)

Lord *Rochester* made Lord Treasurer.

Lord *Godolphin* made Chamberlain to the Queen.

A. D. 1686.  
The King at  
the Head of  
his own Af-  
fairs.  
[Life of the  
Duke of Or-  
mond, vol. II.  
p. 543, 544.]

the Head of all his Affairs; and in particular, apply'd himself to the Management of his Revenue, and to the Retrenchment of every superfluous Expence. We are also told he was zealous for the Glory and Interest of this Nation; that he undertook to reform the (a) Vices of the Court; and that he was, in all Respects, as well qualify'd for an English King, as any that ever sat upon the Throne, if it had not been for the Point of his Religion. How far his Majesty deserv'd this noble Testimony in his Favour, will best appear from the Transactions of his Reign. But hence it, however, appears, that tho' the Earl of Rochester was the first of his Servants, he had, by no Means, that absolute Dominion, which other Persons in the like Station have since enjoy'd: And, possibly, we shall find Reason to conclude, that even the King himself was in Leading-strings; and that his Leader (the Queen) was led in her Turn, by her Priests, who came, at last, to have the Dominion of all things.

[P. 1. p. 684.]

We learn, nevertheless, from Bishop Burnet, who derives his Authority from Lord Rochester himself, that the King, for a while, talk'd to him of all his Affairs with great Freedom, and commonly every Morning of the Business of the Day. It is, therefore, so much the more astonishing, that the King should not only renew the Orders to dismiss the Duke of Ormond from the Government of Ireland, (which, as it happen'd, he had held, according to his late Majesty's Promise, as long as he held the Throne) but with one Circumstance peculiarly mortifying; For, whereas other Governors had retain'd their Character till they arriv'd at his Majesty's Presence, his Grace was requir'd to deliver up the Sword, at Dublin, to the Lords (b) Justices appointed to receive it; which has given rise to a Remark, That the Favourites of the new King were in great Haste to publish to all the World, that the Duke of Ormond was not in his Majesty's good Graces. And as the Lord Treasurer was the principal of those Favourites, it is therefore astonishing, that he did not make Use of his Ascendancy to save his old Friend and Ally from such an Indignity.

The Duke of Ormond recalled from Ireland.

[Life of the Duke of Ormond, p. II. p. 543.]

[Secret Con-  
fessions, &c.  
of the Romish  
Party, &c.  
p. 46.]

In certain Memoirs of the Irish Affairs, which stem founded on good Authorities, we find a Passage to this Effect, That the Duke of Ormond having given a Dinner to all the Officers of the Army then at Dublin, at the Close of it, rose up with a Bumper of Wine in his Hand and said, "Look here, Gentlemen; they say at Court that I am now become an old dotting Fool; you see my Hand doth not shake, nor doth my Heart fail, nor do I doubt but I shall make some of them see their Mistake." And it was

true his Grace was as capable of serving the Crown as ever: But the Service now to be done requir'd a more ductile Instrument; and therefore it was necessary to represent him as superannuated, by way of Excuse for removing him out of the way. Ireland was first to be put into the Hands of the Papists; and Colonel Talbot (the very Person pointed out by Oates, in his Discoveries for the like Employment) had undertaken to do what could never have been expected from the Duke; and for his Encouragement had the Regiment of Horse given him; which had, till then, been commanded by his Grace. The Duke was, however, continu'd Lord Steward of the Household, and his Grandson the young Earl of Offory was made a Lord of the Bedchamber: But it does not appear that he ever afterwards interfer'd in the Cabinet; or if he did, that his Advice had any Weight.

A. D. 1684-5

When a Prince lays aside a Servant of try'd Integrity, without Cause, it authorises a very strong Suspicion, that his Integrity was his Disqualification. But if Bishop Burnet is to be credited, his Majesty made no Secret of his Intentions, and from the very first, gave out, *That he would not be serv'd at his Brother's had been; and that he would have all about him serve him without Reserve, and go through in his Business.* And yet we find no one Instance of any Man's refusing his Service upon these Terms, or of laying down to avoid the Imputation of Disobedience. We learn also from the same Author, that his Majesty, instead of magnanimously overlooking the Affronts which had been offer'd him while Duke of York, nourish'd the Remembrance of them, and behav'd as if he waited only for an Opportunity to be reveng'd. In particular, that when the leading Whigs came to pay their Court in common with the rest of his Subjects, most of them were but coldly receiv'd; some were sharply reproach'd for their past Behaviour; and others were deny'd Access. And this was the general Disposition of things at home, at the Commencement of this unfortunate Reign.

In one thing only, we are further told, the King seem'd to comply with the Genius of the Nation; and that was in declaring, That he would not be govern'd by French Councils: That he would maintain the Balance of Europe with a more steady Hand than it had hitherto been; and that he would treat with his over-grown Brother of France upon the Level in all things. And all this met with some Credit, when it appear'd that the Lord Churchill, who was the Person he pitch'd upon to notify the Death of his Brother, and his own Accession to the

The King of-  
fends an Equi-  
tably with  
France.  
[Burnet, v. I.  
p. 625.]

French

(a) The Lord Primate and the Earl of Granard: At the same time, the old Privy-Council was dissolved, and a new one was appointed.

(b) Upon this Subject, the Right Reverend Historian of the reign of James writes as follows: "The King did, some Days after his coming to the Crown, promise the Queen and his Priests, that he would see Mrs. Sedley no more, by whom he had had some Children. And he spoke openly against Lewdness, and express'd a Detestation of Drunkenness. He sat

many times a-day about Business, with the Council, the Treasury, and the Admiralty. It was upon this said, That now we should have a Reign of Action and Business, and not of Sloth and Luxury as the last was. Mrs. Sedley had Lodgings at Whitehall; Orders were sent her to leave them. This was done in words; but she pretended, that she should now govern as absolutely as the Duchess of Portsmouth had done. Yet the King still continued a secret Commerce with her." Vol. I. p. 627.

A. D. 1684-5. *French* Court, had Orders to observe exactly every Circumstance of the Ceremonial of his Reception; and that his Majesty govern'd himself to a Scruple by it, when the *Marshall de Lorge* came over hither to return the Compliment.

In this, as he did Justice to his own Dignity; so he fell in with the Foible of his People: But in sending Mr. *Caryll* (c) to the Court of *Rome* to prepare the way for restoring them to the Bosom of the Church, and to be inform'd whether his Holiness would open his Arms to receive them, he threw up all the Principles of good Policy, and even made a Sacrifice of his own darling Power, in Compliance with the unhappy Prepossessions of his Religion. And never, perhaps, did the Perverseness of human Nature appear stronger than in this Instance; for while he shew'd such an Eagerness to extend his Prerogative in Temporals, in Spiritu-als he appear'd equally eager to compliment it all away.

With respect to the Prince of *Orange*, *Father Orleans* tells us, and many of our own Writers have implicitly follow'd his Authority, that one of the first things the King did upon his Accession was, to let his Highness know, how desirous he was to correspond with him rather as a Father than an Ally, and a neighbouring King; which say they, ought to have been the Foundation of a right Understanding between that Prince and his Majesty: And *Bishop Burnet*, in part, acknowledges the same thing: But then the only Proof that is given of his Majesty's Sincerity in this Matter, consists in his recalling *Chudleigh*; between whom and his Highness there was an irreconcilable Quarrel, and the sending *Skelton* in his Room.

On the other hand, the *Dutch* Historians urge, it might have been expected, that the King, who had such an establish'd Interest in his most *Christian* Brother of *France*, would have made use of it in favour of his Nephew and Son-in-law, as soon as he had possession of the Throne: He was fully acquainted with, say they, all the several Grievances which the Prince had to complain of, and how vainly he had solicited Redress; but when the *Marshall de Lorge* was at *London*, instead of pleading his Cause, he never mention'd one Word about him or his Affairs; as if they were no Part of his Concern.

The same Authors (and also their good Ally and Confederate *Bishop Burnet*) moreover spare no Pains to demonstrate, that his Highness, and the Republic he was at the Head of, were equally solicitous to obtain the Favour and Friendship of the new King; and that they made all the Advances and Compliances which could be expected from them, to deserve it: The *Bishop* is express,

That, as soon as the News of King *Charles's* Death, and King *James's* Accession, reach'd the *Hague* (which, on the account of a great Frost, that had lock'd up all the *Dutch* Ports, was not till some Weeks after these Events had taken place) his Highness requir'd the Duke of *Monmouth* to chuse some other *Asylum*; and this, we are to understand, was the best Expedient he could think of, at once to fulfil the Laws of Hospitality, and to pay his Court to his Father-in-law: For as, on the one hand, he knew, that he should offend the King by conniving at his Continuance there; so he fear'd, on the other, that his Majesty would call upon him to deliver him up; which he knew the *States* would never submit to. The Duke hereupon was forc'd to retire to *Brussels*; (others say, he had retir'd thither before the Death of the King his Father) and, tho' surpris'd at the Notice he had receiv'd, and the Necessity that was impos'd on him, took his Leave of the Prince and Princess with a good Grace, and vow'd an inviolable Attachment to them and their Interests. The same Prelate yet farther asserts, That the King, being unsatisfy'd with the bare Dismission of the Duke, requir'd his Highness to dismiss those Officers likewise, who, in contempt of the Orders they had receiv'd from *Chudleigh* in his Majesty's Name, had always saluted his Grace, as often as they had made their Appearance before him; urging, That he could not trust to him, nor depend on his Friendship, as long as such Men serv'd under him: And that, however hard it was of Digestion, those Gentlemen having only acted in conformity to his own Directions, his Highness chose to comply, rather than give the King any Shadow of Cause to complain of him.

The like Disposition appear'd also in the Court of *Spain* to oblige his Majesty in all things; and indeed, by the solemn and respectful Congratulations which he receiv'd from all the Princes and Powers of *Europe*, and the Advances made by each to obtain his Friendship, he had very good Reason to set a value upon it, and to be convinc'd of his own Importance.

From *Puffendorf*, indeed, we learn, that when *Don Pedro Ronquillo*, his Catholic Majesty's Minister in *England*, had his first private Audience of the King, after his Accession, he desir'd Leave to lay open his whole Heart before him, for the common Good of both Kingdoms; and, having obtain'd it, among other things, took the liberty to tell him, "That he saw several Prejits about him, who, to his Knowledge, would importune him to alter the Establish'd Religion in *England*: And that he wish'd his Majesty would not give ear to their Advice; for if he did, he was afraid he would have Reason to repent of it when it was too late." The same

Erub an  
Acce 19.  
Rome.

[Ge'e's Ani-  
mad.]  
[Wel. Mem.  
p. 185.]

His Conduct  
towards the  
Prince of  
Orange.

Neville, &c.

[Neville,  
tom. I. p. 81.]

Spain and  
other Powers  
make their  
Court to him.

[P. I. p. 624.]

(c) Though *Father Warner*, in his manuscript History, quoted by *Dr. Gou*, affirms, that his *Mr. Caryll* succeeded according to his Wish, *Puffendorf* affirms, that his Holiness sent a Letter to his Majesty, to this Effect: "That he was highly pleas'd with his Majesty's Zeal for the Catholic Religion: But that he was afraid his Majesty might press it too

far; and, instead of contributing to his own Greatness, and to the Advancement of the Catholic Church, he might come to do both it and himself the greatest Prejudice, by attempting that which his Holiness was well assur'd, from long Experience, would not succeed."

A. D. 1684-5. same Author proceeds to tell us, That the King was offended at this Discourse; and ask'd Don Pedro, with Emotion, Whether in Spain it was not usual for Kings to consult their Confessors? And that his Excellency shrewdly reply'd, *Yes, Sir, it is: And that's the Reason our Affairs go so ill:* But this cavalier Department of *Rocquillo* is not to be ascrib'd to the Instructions of the Court he serv'd; on the contrary, it appears, that the Marquis de Grana, by the Directions of the King his Master, oblig'd the Duke of Monmouth to depart from *Brussels*, at the very first Instance of his Majesty.

With regard to that unfortunate Nobleman, Dr. *Whiston* says, he had Reason to know, that he had come to a Resolution to live a retired Life, and not to give King James any Disturbance. Others give out, that when he took leave of the Prince of Orange, his Highness not only supply'd him with Money, but persuaded him to go into the Emperor's Service; in which Case he undertook to furnish him with an Equipage, and to support him out of his own Purse, according to his Quality: *Ferguson*, in a Manuscript quoted by Mr. *Echard*, affirms, That, had he been allow'd to follow his own Sentiments and Resolutions, he would have spent this Summer in the Court of *Sweden*: And it appears by a (d) Letter of the Duke's own writing, that Ambition was mortify'd in him, and that he had no longer any Inclination to make a *Buſſe* in the World.

Thus, in all human Probability, if the King had not follow'd him with Persecutions, and branded him in his Letters with High Treason, he had never been over-persuaded to incur the Guilt of it.

While his Grace was yet at *Brussels*, the Earl of Argyle, the Lord Melville, Sir Patrick Hume, Sir John Cockburn, &c. who had taken Sanctuary in *Holland*, and there continu'd ever since *Kepling's* Discovery, enter'd upon new Designs against the Government of *England*, and importun'd the Duke to enter into the same desperate Undertaking with them; as did also the Lord Grey and Mr. *Wade*; and, according to Bishop *Burnet*, the Lady *Westworth* and *Ferguson*. But *Ferguson*, himself, in the Manuscript before quoted, affirms,

"That he had the least Accession of any that were there about him."

However this may be, when the Duke saw himself compell'd to leave *Brussels*, he return'd privately to *Holland* and mingled with the Malcontents, whom he found full of Animosity against each other; Lord Argyle playing the Tyrant even before he had Power, and when he was on the Point of declaring for Liberty; and those who thought themselves Coadjutors in the same Cause, not being as yet dispos'd to submit to a Master: Like all other Projectors, each had a Scheme of his own, and insisted on the pursuing that or none. When, therefore, his Grace came among them, his first Business was to make up their Quarrels, and dispose them to agree better for the future: But it appears his Influence went no further; for, tho' the Earl of Argyle had so urgently solicited his Countenance and Assistance, and had drawn him to *Amsterdam*, on Purpose to make him a joint Adventurer, we shall find he would not recede from one Title of his Project, in Compliment to a Man whose personal Interest, high Pretensions, and Fame in Arms, render'd him of such Consequence to their Cause.

The Earl, as we are told by Bishop *Burnet*, had still retain'd his former Persuasion, that Money was the only thing he wanted to ensure his Success. He was confident of raising five thousand Men among his own Vassals, and those of his Friends and Followers; and took it for granted, that the *Western* and *Southern* Counties were under such Apprehensions of the new Government, that they would pour in to him, as soon as they heard his Standard was set up, without even the Ceremony of a previous Concert: A rich and zealous Widow of *Amsterdam* had supply'd him with 10,000*l.* And one who us'd the *Venitian* Trade, had, by the Help of this Money, procur'd him a Supply of Arms and Ammunition, which were happily embark'd without Interruption; it being presum'd that they were for the Service of that Republic.

The Earl being thus in full Possession of all the Requisites for his Design, except the Concurrence of the Duke of *Monmouth*, which

(d) Which is here inserted from *Whiston's* *Appendix*, as follows.

A Letter of the late Duke of Monmouth's, written in his Retirement in *Holland*, a little before his Attempt in the West.

"I receiv'd both yours together this Morning, and cannot delay you my Answer longer than this Post; though I am afraid it will not please you so much as I heartily wish it may. I have weigh'd all your Reasons, and every thing that you and my other Friends have writ me upon that Subject; and have done it with the greatest Inclination to follow your Advice, and without Dissimulation. You may well believe I had time enough to reflect sufficiently upon our present State, especially since I came hither. But whatever way I turn my Thought, I find insuperable Difficulties. I pray do not think it an Effect of Melancholy, for that was never my general Fault, when I tell you, That in these three Weeks Retirement in this Place, I have not only look'd back, but forward: And the more I consider our present Circumstances, I think them still the more desperate, unless some unforeseen Accident fall out, which I cannot divine nor hope for. [How follows a long Letter all in Obedience] Judge then what

we are to expect, in Case we should venture upon any such Attempt at this time. It's to me a vain Argument, that our Enemies are scarce yet well settled, when you consider, That Fear in some, and Ambition in others, have brought them to comply; and that the Parliament being made up for the most Part, of Members that formerly run our Enemy down; they will be ready to make their Peace as soon as they can, rather than hazard themselves upon an uncertain Bottom. I give you but Hints of what, if I had time, I would write you more at length. But that I may not seem obstinate in my own Judgment, nor neglect the Advice of my Friends, I will meet you at the Time and Place appointed. But for God's Sake, think in the mean time of the Improbabilities that lie naturally in our way; and let us not by dragging with our Chains make them stronger and heavier. For my Part, I'll run the Hazard of being thought any thing, rather than a rash, inconsiderate Man. And to tell you my Thoughts without Digressions, I am now so much in love with a retir'd Life, that I can never like to be fond of making a Buſſe in the World again. I have much more to say, but the Post cannot say; and I refer the rest till Meeting, being entirely,

Your, &c.

A. D. 1684-5. which he likewise thought of Importance, in order to make a Diversion, and thereby facilitate his Progress, had no sooner obtain'd it, than he discover'd a settled Purpose, to make for Scotland, and enter upon his Share of Action, as soon as it was possible for his Ships to set sail. The Duke, on the contrary, who had a much harder Talk to manage, and was utterly destitute of every thing that could encourage him even to dream of Success, was as earnest for a Delay, as the Earl to admit of none: And it is equally Matter of Admiration, That the one should be so obstinate, and the other so compliant.

Tho' the King had made free with his People in the Affair of the (e) Revenue, and also in avowing his Religion, he had, as yet the Majority on his Side; He had, likewise, summon'd a Parliament to sit in each Kingdom, and had thereby part remov'd one of the most crying Grievances of the former Reign: The time of their Sitting was at hand: That they would give his Majesty all the Assistance he should demand, was not to be question'd; any more than that even those among them who wish'd well to their Cause, would find themselves not only unable to contribute to its Success, but oblig'd to join in every Vote that tended to defeat it. And what was still worse, their Authority and Example would have great Weight with the Nation. These were Considerations that the Duke could not fail to urge; and it is utterly inconceivable that the Earl should not see the Force of them; or if he did, for what Reason he persisted in forcing the Duke to rush upon the King in the Fulness of his Strength, and before even the Novelty of his Reign was worn out, against his Reason, and manifestly to his Ruin.

[Richard, p. 1060.]

Ferguson, indeed, endeavours to account for the Earl's Conduct by saying, "He was not willing to lose the Opportunity, left, besides the offending and alienating those whom he had drawn in and depended upon, the Enemies thro' Delay might come to understand what he and his Friends had been projecting. And again: Nor will any Man think it strange, that the Earl of Argyle, being visibly fix'd in that Resolution, should be earnest with the Duke of Monmouth to invade England at the same time; seeing it would not only oblige the King to divide his Forces, and thereby leave the Earl to be withstood only by a Part of the Army, but would give Encouragement to many in Scotland, who would have otherwise stood neuter, to join with the said Earl upon the Intelligence of the Duke of Monmouth having made a Descent into England, and that they two acted by Concert." But the Strangeness consisted in his taking such a Resolution: And even Ferguson, himself, farther says, "And so unreasonably forward was the Earl of Argyle of prosecuting what he had design'd in Scotland, that he would not be prevail'd upon to delay so much as one Month, till the

Duke could make some Preparations, tho' far from proportionable to the Undertaking he was hurrying him upon; and till he could receive Answers from the Messengers he had dispatch'd into England, whereby he might know what Assistance he was to expect from his Friends. Nor would the Earl; after his own ominous Haste, set sail for Scotland, till he forc'd a Promise from the Duke of embarking for England within so many Days after; which the Duke, rather than suffer his Honour to be stain'd, comply'd with, as far as the Weather would permit; tho' he found the Observation of his Word to interfere with his Interest, as well as all the Principles of Prudence and Discretion."

Fletcher of Saltoun, according to Bishop Burnet, was the only Person who oppos'd Lord Argyle's Impatience, and endeavour'd to hinder the Duke from giving way to it: But, according to Ferguson, one Capt. Matthews was of the same Sentiment. The Torrent on the other Side, was, however, too violent to be withstood: For Lord Grey and the rest would needs have it, that the Duke's Popularity would be an Overmatch for the King's Power: That the whole West of England would come in to him on his first Appearance: That the King's Guards, &c. would melt before him: That there would be no Occasion for fighting: That there would be a Rising in London in his Favour: And Lord Grey, in particular, urg'd, That Henry the Seventh landed with a smaller Number than his, and succeeded.

Thus beset with Falacies, as well as borne down by Importunities, and perhaps, absurdly assum'd of making Use of his Understanding, when he was call'd upon to make Use of his Courage, the Duke suffer'd himself to be govern'd by a contemptible Party of those Nations he aspir'd to govern; and ventur'd to set up for a Kingdom, on so small a Stock, as he could borrow on his Jewels.

By all the Circumstances that have yet occur'd with Relation to this Adventure, it appears to have had no other Foundation than the Hopes, Views, and Passions of those immediately engag'd in it; or if there is any thing mysterious in any Part of the Project, it is, That a rich Widow should be found who, bearing of it, and where it stuck, should, unsolicited, furnish 10,000*l.* to set it in Motion: That this Money should fall into the Hands of Lord Argyle; and that the Duke of Monmouth should find no more Credit than the Relics of his former Splendor would answer. But Father Orleans and other Authors after him, have refin'd upon the Affair, and will needs have it, that both the Prince of Orange, and the States were in the Secret; and that if they did not contribute to the Operation, they at least conniv'd at it. Orleans, in particular, is so far from allowing his Highness the Merit of having dismiss'd the Duke, of his own accord, in Compliment to the King, as Burnet tells the Story, that he would, on the

A. D. 1684-5.

He is said to have said his own Duty.

(A) The Author of the *Cross* against the *Whigs*, Part ii. p. 5. pronounces, "That the King had then made no Innovations on the Law, no Alteration in the Church or State."

All things remain'd in the Condition his Brother had left them."



A.D. 1684-5. the contrary, have us believe, that his Majesty had form'd a Design to get the Duke seiz'd at the Hague, which the Prince, having Notice of, sent his Favourite *Bentinck* to make his Grace acquainted with it; as also to furnish him with Money, to enable him to remove to *Brussels*; and that *Skilton* actually seiz'd certain Papers, at the Duke's House, after he was withdrawn, which contain'd positive Proofs of the Correspondence which had been kept up between his Grace and *Bentinck*. He farther insinuates, that there was a sort of Contract between the Prince and the Duke, by which the latter stood engag'd to make a Transfer of whatever Conquests he should make to his Highness; and that, how little soever there was of the Politician in his Grace, he made such Counter-propositions to the Prince, and his Republican Followers, with no other View than to deceive both. "Others are of Opinion, says the Author of the *Genet* against the *Whigs*, and perhaps more justly, That the Prince was not the Man impos'd on, but that under all the Out-side Appearance of his Kindness to *Monmouth*, there was nothing of real: That he look'd upon him as one who stood in his Way to the Crown he had so long aimed at, and was willing to be rid of him; but in what Manner, was not so easy to be resolv'd: *Hungary*, where he propos'd to have sent him, might have yielded him fresh Harvests of Laurels, which would have still more endear'd him with the People of *England*, to whom, upon Occasion, he might have return'd at a short Warning: On the other hand, there was no trusting a Man of his Levity and Ambition on an Enterprize which might, possibly, succeed beyond Expectation: That tho' he was despis'd by the Leaders of the Faction, who thought to use him only as a Tool they might lay at Pleasure, he knew him to be brave and enterprising, and infinitely belov'd by the common People, who are of the greatest Weight in violent Revolutions, when the Flood-gates of their Mob-Original of Power are set open to overwhelm the Laws and Government: That there is no Doubt, but that wary Prince, in an Affair of so great Consequence, and near Concern, weigh'd all these Matters: And that he founded the Dispositions of the more considerable of the Fugitives." With whom the same Author would have us conclude, that he took his Measures for the Ruin of the Man he pretended to aid. But this is to be look'd upon as the Blast of a malevolent Faction. The whole Course of the Duke of *Monmouth* contains a Series of Proofs, that he was a mere Adventurer, without any Alliance of any kind to support him; for his Concert with *Argyle* was rather a Snare to him than an Advantage: And if there is any Reason to surmise that he was sent to be a Sacrifice, it is rather to be drawn from the Over-vehemence on that Side, than any preconcerted Treachery among his own Followers.

It is, however, Matter of some Surprise, [P. l. p. 61.] that Bishop *Burton* should assert, "That King *James* was so intent upon the Pomp of his Coronation, that, for some Weeks, more

important Matters were not thought on. Both *Argyle* and *Monmouth's* People (says he) were so true to them, that nothing was discover'd by any of them. Yet some Days after *Argyle* had fall'd, the King knew of it: For the Earl of *Arden* came to me and told me, the King had an Advertisement of it that very Day." Upon which, his Lordship, who hated a *raw* Rebellion, farther informs us, That he saw it was fit for him to make haste away, "for fear of being seiz'd; if it had been only to put the Affront on him, of being suspected of holding Correspondence with Traitors."

For *Orleans* and others are as positive, that *Skilton* had Notice of *Argyle's* Preparations, and of the Persons employ'd in making them: That he gave in a Memorial to the *States*, desiring they might be seiz'd: That the particular Port he mention'd was order'd to be search'd; but that Notice was privately given to the Persons concern'd to make Use of others. They, moreover, alledge, That the same Minister gave in a List of about a hundred Persons, whom the King his Master requir'd to be seiz'd and banish'd: That the *States* did, indeed, comply as before, but not till the Birds were flown: That he also gave their Lordships an Account of the Vessels, afterwards hir'd for the Duke of *Monmouth*, and importun'd the Admiralty of *Amsterdam*, by Letter, not to suffer them to sail, which Letter was delay'd in the Carriage, and afterwards denurr'd to, till the Orders which were given in Consequence of it, to arrest the Frigate, on board which the Duke in Person was to embark, were likely to be ineffectual: That, as it happen'd, the said Frigate was still in the *Start*, and was actually arrested; but was suffer'd to escape, and make the best of her way for *England*.

By the way it is necessary to observe, that these several Circumstances are urg'd as so many Proofs that the *States* conniv'd at the *Mischief*, at least, if they were not Parties in it: But every body who has any Idea of the Conduct of that Republic, knows, That 'tis one of her fundamental Maxims to give Protection to all Strangers; and that tho' in some particular Cases, and at some particular Times, they have been oblig'd to break thro' it, they generally steer a middle Course, by giving the Orders requir'd on one hand, and sending timely Notice to the Parties concern'd to get out of the way, on the other.

Mr. de la *Neuville*, indeed, is pleas'd to say, That tho' the *States* had no great Reason to be over-satisfy'd with a Prince, who, during the Reign of his Brother, had lain under a Suspicion of fomenting the Divisions between *England* and the Republic, they instantly comply'd with the Envoy's Demands, by sending Copies of his Memorial and of his List to all the Towns of the *Seven Provinces*; commanding the Bailiffs to make a diligent Search after those *Englishmen*, and to oblige them to quit their Territories: But then he acknowledges their Quest in vain; for they were already embark'd for *Scotland* and *England*; which very sufficiently indicates, that in this one Particular, *Father Orleans* is more to be depended on than he.

Thu.

A. D. 1654-5

A Proclamation  
in Scotland, to arm  
the Country  
against any  
Insurre.

Thus it appears, that, however intent the King was on the Pomp of his Coronation, *Skellon* had his Eyes about him; and that if his Majesty had not particular Information, that the Duke of *Mannouth* and the Earl of *Argyle* were the Persons under whom these Preparations were made, he receiv'd sufficient Intelligence of what was doing to put him on his Guard: And that he made the wisest Use imaginable of it, appears by a Proclamation, which was set forth by the Regency of *Scotland*, so early as *April 28*, specifying, in the King's Name, "That, forasmuch as those traitorous Conspirators, who design'd the horrid Murder of his dearest Brother, and the Destruction of that ancient Monarchy, continuing still in the same hellish Project and Fury against him, were now again setting their Designs on work, to raise Com-motions in that his ancient Kingdom, as being the last Strugglings of them, and their execrable Party, for the preventing thereof, the King did strictly require and command all and every of the Subjects of that his Realm, that they should be in a Readiness, with their best Arms, to concur and assist him against any of the afore-said Com-motions or Insurrections, &c. As, likewise, that he required all his Lieges, on, or near the Sea-Coasts of this Kingdom, so soon as they heard of any Vessels arriving at any Place from abroad, with Men, Arms, or Ammunition, forthwith to convocate and rise in their best Arms, and to beat them off, or seize upon and secure the Ships and the Men, &c. And for their Security in obeying these his Royal Commands, he thereby fully pardon'd and indemnify'd them for ever, of all Slaughter, Blood, Mutilation, Fire-raising, burning of Ships, or such warlike Inconveniences that might follow, in case they met with hostile Opposition, &c." And what were the happy Effects of this provident Step, and, consequently, how worthy it was of the Imitation of After-times, the Sequel will best inform us.

1655.

While these desperate Projects were carrying on abroad, the Inhabitants of both Kingdoms were taken up with the Elections of their several Representatives; and his Majesty not so much with the Pomp, as with Ways and Means to lessen the Expence, of his Coronation. It had antiently been the Custom for the King, attended with his whole Court of Peers, and great Officers, to cavalcade it, with all possible Splendor and Magnificence, from the *Tower*, through several triumphal Arches, to *Westminster*: This was now laid aside, to the great Disappointment and Mortification of the City: Nor did his Majesty create any Knights of the *Bath*, as had been done by the late King: By which, and other Reductions, we are told by Mr. *Echard*, he made a Saving of at least 60,000*l.* *St. George's Day* was appointed for the Ceremonial; and both their Majesties

The Ceremonial.

condescended to agree, that it should be after the Protestant Form, with an Exception to the taking of the Sacrament, which had till then been ever a Part of it: For this Omission, which Mr. *Echard* does not care to give Credit to, the Committee of Council, who had the adjusting it, were undoubtedly answerable; and it has been particularly laid to the Charge of *Sancroft* Archbishop of *Canterbury*; but without Reason, if there is any Truth in what Mr. *North* writes concerning that Prelate. His Words are these: "The Archbishop, and his Lordship (the Lord-Keeper) had some Difference. The Archbishop, as the Council thought, spun too fine; for that was his Way, and he would not abate one Scruple of what he thought his Duty; which made them think he trifled; and my Lord *Hallifax* said his Name should be *sedes vacante*." Now it is natural to conjecture, that the Difference between these two great Oracles, of the Law and Gospel, arose on this very Point; and, if so, it is plain the Archbishop did his Duty, and was overcome by the Cry that was rais'd against him, for being righteous over-much.

As to the Solemnity itself, both the Bishop of *Salisbury*, and Mr. Archdeacon *Echard*, lead it with ill Omens. Says the First, "The Crown was not well fitted for the King's Head; it came down too far, and cover'd the upper Part of his Face. The Canopy carry'd over him did also break; and his Son by Mrs. *Sedley* dy'd that Day." Says the Last, "The King that Day could hardly keep the Crown steady upon his Head, but was often observ'd to be in a tottering Condition, and that once the old Earl of *Burlington* kept it from falling off; pleasantly telling his Majesty, *This is not the first time our Family have supported the Crown*: It was farther observ'd, that the King's Arms, finely painted in a Glass Window, in one of the Churches of *London*, on the same Day suddenly fell down, while the rest was standing, and broke in pieces after an unheard-of manner. These, and some other foreboding Circumstances, were for some time the Discourse of many sorts of People." Let it not be thought, that we countenance these Follies, by repeating them; we repeat but to expose them: There is no Record, that the Day was blacken'd with any tragical Accident: Their Majesties, and those who glory'd in being of their Train, cheerfully underwent the Fatigue, for the sake of the Trappings: The People had their Holiday, and shouted as loudly then for King *James*, as they have since done for any of his Successors.

On the (c) Day of the King's Coronation, *Meeting of the Scots Parliam.* that *Edinburgh* might have her Jubilee as well as *London*, the Parliament of *Scotland* met for the first time, and the Duke of (f) *Queensberry*, his Majesty's Commissioner, open'd

A. D. 1657.

[Life of Lord  
Keeper North,  
p. 200.]

[Fols. p. 659.]

[P. 1052.]

(c) *Oldmiss* erroneously says, it was open'd March the 23th: whereas that was only the Date of the King's Letter: And *Bishop Burnet*, yet more erroneously, places this Meeting after the Evocation of the Earl of *Argyle*.

(f) Concerning this Nobleman, and his Colleague the Chancellor (*Peck*) Bishop *Burnet* writes as follows:

"Upon King *Charles's* Death, the Marquis of *Queensberry*, soon after made a Duke, and the Earl of *Peck*, came

A.D. 1685.

pen'd it with unusual Splendor. The King in his Letter gave them to understand, That he had call'd them together, not only to give them an Opportunity of shewing their Duty to him as formerly, but likewise of being *exemplary to others*, in their Demonstrations of Affection to his Person, and *Compliance with his Desires*: That what he had then to propose was as necessary for their Safety, as his Service, and tended more to secure their Privileges, than aggrandize his Power and Prerogative, *which he was resolv'd to maintain in its greatest Lustre*, to the end that he might be the better enabled to defend and protect their Religion establish'd by Law, as also their Rights and Properties against fanatical Contrivances, Murderers, and Assassins, &c. The Lord-Commissioner, by way of Supplement, farther signify'd, That he was allow'd to assure them of his Majesty's Resolutions to protect and maintain the Religion and Government of the Church, as they were then established: That he would take the Persons and Concerns of the Regular Clergy into his special Care and Protection; in order to which, he was to give the Royal Assent to such Laws and Acts as could be reasonably propos'd: That his Majesty would not allow of oppressive, arbitrary Proceedings, in Soldiers or others: That being sensible of the Decay of Trade, his Majesty had authoris'd him to consent to such Laws as could be reasonably propos'd for the Recovery and Improvement thereof: That even in the Business of *Excise and Militia*, his immediate Concerns, his Majesty had also authoris'd him to go the greatest Lengths for their Ease and Convenience, that the Nature of those things would bear, or the Nature of the Service allow: That, in return for all this Grace and Favour on his part, all his Majesty requir'd of them was, That they would assert the Rights and Prerogatives of the Crown, and establish the Revenue as amply upon his Majesty, and his lawful Successors, as it was enjoy'd by the late King: And that they would fall on effectual Ways to destroy that desperate, fanatical, and irreclaimable Party, who had brought them to the Brink of Ruin and Disgrace, &c. And, as if all this was not

The Lord-Commissioner's Speech:

enough, the Lord-Chancellor (*Perth*) yet farther put in for his Share of Merit and Service: By reminding them, first, of the many Obligations the Nation lay under to be grateful to their *great Monarch*, of which, according to him, the *greatest*, and what they ought to prize the most, was the peculiar Favour shewn them, in giving them the Opportunity of presenting him with the *Fruits of the Service of his Parliaments*, and of becoming *Examples to his other Dominions*, by *improving it as far as it would go*: By calling upon them to unite like *HONEST SCOTSMEN*, in driving from among them whoever would not join with them upon such Terms, as might conduce to the Advancement of the Honour and Interest of their King and his Crown, and the Well-being of the Nation, which they should not suffer to be desil'd, and render'd contemptible to the whole World, by countenancing so venomous a *base and villainous Men*, as had of late maintain'd Principles, and ventur'd upon Practices, as were not to be nam'd amongst any who had heard of a Government, much less of Religion: By inveighing, in the same happy Style, against the Persons concern'd in the late Conspiracy against the *sacred Lives of the Two Royal Brothers*: "And who but *incarnate Devils*, proceeded his Lordship, could think of attempting any thing against *such precious Lives*. For what Prince in *Europe*, or the whole World, was ever like the late King, except his present Majesty?" As also against the wretched Remains of the *Covenanters*; to get rid of whom, and of all who inclin'd to their Principles, he farther said, they were to offer his Majesty their Advice, Concurrence, and utmost Assistance: And here launching out a second time into all the Intemperance of Panegyric. "To encourage us, said his Lordship, to do all we can towards the Service and Honour of our glorious Monarch, let us consider him in all his Personal Advantages, whether in what relates to War or Peace, where has the World afforded such another? (*Poor King Charles was never forgot*) One whose natural Endowments have been improv'd by his great Experience, at home and abroad, in Armies and Courts, by the greatest Trials

A.D. 1685.

And the Lord-Chancellor's.

to Court. The Duke of *York* told the King, that, if he had any Thoughts of changing the established Religion, he could not make any one Step with him in that Matter. The King seem'd to receive this very kindly from him, and assur'd him, he had no such Intention, but that he would have a Parliament call'd, to which he should go his Commissioner, and give all possible Assurances in the Matter of Religion, and get the Revenue to be settled, and such other Laws to be pass'd as might be necessary for the common Safety. The Duke of *York* press'd the Earl of *Perth* to speak in the same Strain to the King. But, tho' he pretended to be still a Protestant, yet he could not prevail on him to speak in so positive a Style. I had not then left *London*: So the Duke left the word of this, and seem'd so fully satisfy'd with it, that he thought all would be safe. So he prepar'd Instructions, by which both the Revenue and the King's Anstices were to be carried very high. He has often since that time told me, that the King made those Promises to him in so frank and hearty a Manner, that he concluded it was impossible for him to be siding a Part. Therefore he always believ'd that the Priests gave him leave to promise every thing, and that he did it very sincerely; but that afterwards they proceeded, they had a Power to dissolve the Obligation

of all Oaths and Promises; since nothing could be more open and free than his Way of expressing himself was, tho' afterwards he had so sort of Regard to any of the Promises he then made. The King had been the King's own Act while he was in *Scotland*. So he thought the party that on all Parties would be the most acceptable Method, as well as the most effectual, for securing the Protestant Religion. Therefore he propos'd an Indulgence, obliging all People to take the Test, not only to qualify them for public Employments, but that all those to whom the Council should tender it should be bound to take it, under pain of Treason: And this was granted. He also propos'd many other severe Laws, that left an arbitrary Power in the Privy Council. And, as he was usually violent and impatient in his own Temper, so he saw the King's Inclinations to those Methods, and hoped to have recommend'd himself especially, by being instrumental in setting up an absolute and despotic Form of Government. But he found afterwards how he had deceiv'd himself, in thinking that any thing, but the delivering up his Religion, could be acceptable long. And he saw, after he had prepar'd a cruel Scheme of Government, other Men were trusted with the Management of it: And it had almost prov'd fatal to himself.

A. D. 1685.

of the most different kinds; those of Prosperity and Success, and of Adversity and Opposition, of Hazards and Toil, and of Authority and Command. Did ever Man shew so exact an Honesty in the strictest adhering to his Word; such Temperance and Sobriety, so indefatigable a Diligence in Affairs, so undaunted a Courage upon all Occasions, and so unwearied a Clemency towards the most obstinate, malicious Offenders? Did ever Hero complete the Character so fully, in overcoming bravely, and shewing Gentleness to the *conquise'd*? And I must say, the Triumphs of his Patience are not his obscurest Glories; nor is the *forgiving* of those whose virulent Tongues would have tainted his Fame, if their Malice could have reach'd it, what is least to be admir'd in him. What Reputation other Princes have labour'd for, at the vast Expence of Blood and Treasure, and the putting of a constant Restraint upon themselves, fits so easily upon him, that what they would have, he forces from the Conscience of his very Enemies by his Merit, and it costs him no more than to be HIMSELF.--- But this Theme is not for me, and I do him wrong.--- And by way of Use and Application, in his last Period, he uses these Words: "And seeing he takes Pleasure in nothing so much as our Felicity and Prosperity, let it be an additional Tye upon us to advance his Honour and Greatness, by all the Endeavours of our Lives WITHOUT RESERVE."

Nor did the HONEST SCOTSMEN, to whom these Harangues were address'd, at all disappoint the Expectations of those who made them: For in the Answer to his Majesty's Letter, they most loyally declare, "That his Majesty's gracious and kind Remembrance of the Services done by this ancient Kingdom to his Brother, of ever glorious Memory, should rather raise in them ardent Desires to exceed whatsoever they had formerly done, than look upon them deserving the Esteem he was pleas'd to express of them. That the Death of their excellent Monarch was lamented by them to all the Degrees of Grief, which were consistent with their great Joy for the Succession of his most Sacred Majesty, who had not only continu'd, but secur'd the Happiness which his Royal Brother's Wisdom, Justice, and Clemency had procur'd them; that being the first Parliament which met by his Authority, he might be confident they would offer such Laws as

might best secure his Person, the Royal Family and Government; and that they would be to exemplarily loyal, as to raise his Honour and Greatness to the utmost of their Power. And furthermore, they promis'd, that they would not leave any thing undone for extirpating all *Fanaticism*, but especially those *fanatical Murderers* and *Assassins*; and for detecting and punishing the late Conspirators, whose pernicious and execrable Designs did so much tend to subvert his Majesty's Government, and to ruin them and all his Majesty's faithful Subjects." Adding, "That, God be prais'd, the only way to be popular among them, was to be eminently loyal; and that his Majesty might expect that they would think his Commands as sacred as his Person, and that his Inclination would prevent their Debates."

As to Business, their first Act was for the farther Security of the *Episcopal Church*, as then by Law establish'd, by a Ratification and Confirmation of all Acts and Statutes, formerly pass'd for the Security and Liberty thereof, under the Titles of the *True Church of God*, and the Protestant Religion at present profess'd within the Kingdom, in their whole Strength and Tenor, as if all had been separately and circumstantially repeated.

They display'd their Zeal, Piety, and Loyalty next against the *Fanatical Party* (who, as we learn, by the Preamble of the Bill, had the *Obstinacy* to persevere in holding their *House and Field Conventicles*, *Nurseries* and *Rendezvous of Rebellion*, notwithstanding all the Penal Laws already in force for their Suppression) by statuting and ordaining, That all such as should hereafter preach, or assist at any such *Fanatical House or Field Conventicles*, should be punish'd with DEATH and Confiscation of Goods.

In this Act there was a Clause obliging all People to take the *Tith*, not only to qualify them for public Employments, but that all those, to whom the Council should tender it, should be bound to take it under the Pain of Treason.

By a third, they enacted, That the giving or taking of the *National Covenant*, or of the *Solemn League and Covenant*, or the writing in Defence thereof, or the owning them to be obligatory, should infer the Crime and Pains of Treason.

They also (g) ordain'd, That all such Persons as being cited in Case of *High Treason*, *Field*

The Parliament's Letter to the King.

A. D. 1685.

Their Severity and Gravity.

(g) Another Act, says *Bishop Burnet*, vol. i. p. 636, 637, was only in one particular Case: But it was a crying one, and so deserves to be remembered.

When *Carleton* was put to the Torture, and came to capitulate in order to the making a Discovery, he got a Promise from the Council, that an Use should be made of his Deposition against any Person whatsoever. He in his Deposition said somewhat that brought Sir *Hugh Campbell* and his Son under the Guilt of Treason, who had been taken up in London two Years before, and were kept in Prison all this while. The Earl of *Meibert* got the Promise of his Estate, which was about 1000 l. a Year, as soon as he should be acquitted of High Treason. So an Act was brought in, which was to kill only six Weeks, and enacted, That if within that time any of the Privy-Council would depose, that any Man was proved to be guilty of High Treason, he should enjoy such a Pardon as should be obtained. Upon which, as soon as the Act was pass'd, four of the Privy-Council stood up, and affirmed, that the *Campbells* were proved by *Carleton's* De-

position to be guilty. Upon this both Father and Son were brought to the Bar, to see what they had to say why the Sentence should not be executed. The old Gentlemen, then near Eighty, seeing the Ruin of his Family was determined, and that he was condemn'd in so unusual a Manner, took courage, and said, the Oppression they had been under had driven them to Despair, and made them think how they might secure their Lives and Fortunes: Upon this he went to London, and had some Meetings with *Baillie*, and others: That one was sent to Scotland to hinder all King's: That an Oath of Secrecy was indeed offer'd, but was never taken upon all this. So it was pretended he had confess'd the Crime, and by a Show of Mercy they were pardon'd. But the Earl of *Meibert* possid'd himself of their Estate. The old Gentlemen died soon after. And very probably his Death was hasten'd, by his long and rigorous imprisonment, and this unexampled Coercion of it, which was so universally condemn'd, that when the News of it was written to foreign Parts, it was not easy to make People believe it possible.

A.D. 1685; Field or House Conventicles, or Church Irregularities, should refuse to give Testimony, should be liable to be punish'd, as guilty of these Crimes respectively, in which they refus'd to be Witnesses: Which, says Bishop Burnet, put all Men under great Apprehensions; since upon this Act an Inquisition might have been grafted, as soon as the King pleas'd.

And, as a Free-will-Offering to the Throne, they granted to his Majesty for Life (which they thought God long to preserve, that, say they, being the greatest of our earthly Wishes, as it is the chief of our temporal Felicity and Glory) the yearly Sum of two hundred and sixteen thousand Pounds, over and above the Grants already on Foot; which they introduce with the following flagrant Acknowledgment of their own Unworthiness to be entrusted with the Right and Properties of their Fellow-Subjects: "The Estates of Parliament, say their *long'd Scotsmen*, calling to Mind the many great Blessings they have and do enjoy under the Protection of the Royal Government, and especially by the many Deliverances from the rebellious Insurrections and Designs of Fanatical Traitors, from whom they could expect no less than Confusion in Religion, Oppression in their Estates, and Cruelty against their Persons and Families; and that the Terror of his Majesty's Forces hath been very instrumental for procuring our present Security: But, considering that not only these Enemies continue their inveterate Hatred against King and People, but that their frequent Disappointments have heighten'd their Malice to Despair; and that the present Forces may be too few to undergo all the Fatigues which his Majesty's Service, or the Protection of the Country do require, and to demonstrate to ALL Seditious Men, That this Nation is resolv'd to bestow ALL they have in the King's Service, rather than to be expos'd to the least of their Insults; do therefore," &c.

[P. 1053.] Thus, says Mr. Echard, all things appear'd quiet and calm in Scotland, without any Forbodings of the Storm at Hand, tho' he himself afterwards mentions the Proclamation, already cited, which had been issued to put the Scots on their Guard.

[P. 1058.]

Argyle's Expedition.

May the second, the Earl of Argyle set Sail from the Fy with three small Vessels, freighted with his Arms and Ammunition, and met with such favourable Winds, that he came before Orkney on the fifth following; where sending his Secretary and Surgeon ashore, either to communicate or procure Intelligence, both were immediately seiz'd by the Care of the Bishop of that Place, and sent Prisoners to Edinburgh in order to be examin'd by the Privy-Council.

Thus, the very Moment he came on the Coast the Government had Advice of his Strength and Purpose, and in consequence lost no Time in making the necessary Preparati-

ons to render both ineffectual. This unhappy Beginning did not, however, deter the Earl from prosecuting his Enterprize: But in failing round to the West-Highlands, he lost so many Days, that the Alarm had time to spread on every Side; and the King's Friends, as well as his Servants, having been already empower'd so to do by the Proclamation, rais'd and arm'd their Vassals, and crowded in from all Quarters to crush this bold Invader; whose Attempt, according to Father Orleans, resembled more the Irruption of a Gang of Robbers, than the Expedition of a Warrior. There was, however, this Difference in the two Cases, That a Robber assigns no Reason for his Rapines, but his Wants or Appetites, nor admits of any Authority, but a Force superior to his own: Whereas the Earl and his Associates, set forth two solemn Declarations; which argued an Appeal to the Common-sense of Mankind, and a Reliance on the Justice of their Cause.

The first of these was intitled, *The Declaration and Apology of the Protestant People, that is, of the Noblemen, Barons, Gentlemen, Burgesses and Commoners of all sorts, within the Kingdom of Scotland, with the Concurrence of the true and faithful Pastors, and of several Gentlemen of the English Nation join'd with them in the same Cause.* In which they (b) set forth the great Advantages which the Protestant Religion, both at home and abroad, had receiv'd by the Success of the War against King Charles the First; which they (i) ascrib'd to the Blessing of God, and the Goodness of their Cause. They magnify'd the Loyalty of the Scotch Covenanters, who had admitted his Son to reign upon certain Terms and Conditions (k), which he having broke, his Government was become illegal, arbitrary, tyrannical and a continu'd Apostacy. In particular, they accus'd the Government of putting Men to Death contrary to Law, of desolating the Churches, changing the Ordinances of God to the Inventions of Men, conniving at Papists, and keeping up of standing Forces, the Bane of Civil Government; but more especially they complain'd, That by rescinding the *Solemn League and Covenant*, all the Oaths since impos'd, were horrid Perjury. They declare against the King's Supremacy, and all the Wars against the *United Provinces*, the Forfeiture of the late Earl of Argyle, the Torture of *Spence and Carstairs*, and against the Inquiries into the Insurrection at *Bethwell-Briggs*, by the Circuit-Courts, (l) which they call'd *Pobery and Tyranny twist'd together.* They declar'd against *James Duke of York's* Ascension to the Throne, as being excluded from it by the Commons of England; and likewise against the present House of Commons of both Kingdoms, as pack'd, caball'd, and return'd by *Fraud and Injustice.* For all which Reasons they totally threw off all Bonds of Subjection, and took up Arms against

A.D. 1685;

He set forth  
two Declara-  
tions.

(b) Impudently and irreverently, says the Gazette, No. 2076.

(i) Impudently, *Ibid.*

(k) Absolutely inconsistent with Monarchy, *Ibid.*

(l) So necessary for the Peace and Quiet of these Kingdoms, *Ibid.*

A. D. 1685.

against James Duke of York, and all his Accomplices, their most unnatural Enemies, for these Ends. 1. The restoring and settling the Protestant Religion. 2. The Suppression and perpetual Exclusion of Popery, and its bitter Root and Spring, Prelacy. 3. The restoring of all who had been Sufferers for their Adherence to their Liberties and Religion. Then they declar'd, That they would never enter into any Capitulation or Treaty with the said Duke of York, but prosecute the War till all their Ends shall be obtain'd, and invited all their Brethren in England and Ireland to their Assistance. And lastly, they promis'd Indemnity to those who had been formerly their Enemies, upon their sincere Repentance, joining with them, and vigorously assisting them against a persecuting Tyrant, and an apostate Party.

This was the Substance of the general Declaration publish'd by Argyle's Followers: And as to the other, which was in the Earl's own Name (after a Reference to his Case at large, set forth by himself, and largely quoted in the former Reign) it proceeded to this Effect: "That as he had taken up Arms with those who had appointed him to be their Leader, for no private nor personal Ends, but only for those contain'd in the Declaration before-mention'd; so he claim'd no Interest, but what he had before the pretended Forfeiture of his Family, and to which he had sufficient Right. He freely remitted all personal Injuries against himself and Family to those that should not oppose him, but concur with him in his present Undertaking, for the Ends aforementioned; promising also, upon the Recovery of his Estate, to pay both his own and his Fathers Debts. Lastly, That he had patiently suffer'd for three Years and an Half an Exilement, according to Sentence unjustly pronounc'd against him in the Reign of the late King, to whom he had always been truly loyal; but he being dead, and the Duke of

York having taken off his Mask, and invaded the Religion and Liberties of the Kingdom, he thought it not only just, but his Duty to God and his Country, to oppose and repress his Tyrannies and Usurpations: And accordingly he earnestly invited and obtained all honest Protestants, and particularly Friends and Blood Relations, to concur with them in the said Declaration."

On the other hand, the Parliament at Edinburgh, no doubt, to convince the Subject that there was no Ground for these Declarations, pass'd an Act, "That all the Subjects of Scotland should take the Oath of Allegiance anew, and assert the Royal Prerogatives whenever they should be requir'd by the Privy-Council, upon Pain of Banishment and Imprisonment, or such other Punishment as should be thought fit to be inflict'd upon them."

Before this time, as we have seen by the first of Lord Argyle's Papers, the Parliament Elections were over in England; but after what Manner has been Matter of Dispute between the two contending Parties, as often as the Transaction itself has been mention'd: According to Bishop (m) Burnet, C. 12, &c. nothing could be more outrageously violent, illegal, and unjustifiable, than the whole Proceeding on the Court-side of the Question; And according to Echard, the contrary was true; "for, say he, the Elections were generally carry'd on and completed with the most uncommon Coolness, Discretion, and Unanimity." Mr. North contents himself with saying only, "All People interest'd themselves one way or another, to procure or disappoint Elections: And the Court was not idle; his Lordship (the Lord-Keeper) got as many of his Friends and Relations to be chosen as he could; in which, besides his own Influences, he had the Nomination to some of the King's Boroughs. Those who came in by his Recommendation were, for the most part, Gentlemen of Honour and Estates,

A. D. 1685.

Relation in the general Elections in England.

Life of Lord Keeper North, p. 25.]

(m) "All Arts, says his Lordship, were used to manage Elections so, that the King should have a Parliament to his Mind. Complaints came up from all the Parts of England, of the Injustice and Violence us'd in Elections, beyond what had ever been practis'd in former Times. And this was so universal over the whole Nation, that no Corner of it was neglected. In the new Charters that had been granted, the Election of the Members was taken out of the Hands of the Inhabitants, and restrain'd to the Corporation-men, all those being left out who were not acceptable at Court. In some Boroughs they could not find a Number of Men to be depended on: So the neighbouring Gentlemen were made the Corporation men: And, in some of these, Persons of other Counties, not so much as known in the Borough, were nam'd. This was practis'd in the most sly manner in *Greenwell* by the Earl of Bath: who, to secure himself the Groom of the Stole's Place, which he held all King Charles's time, put the Officers of the Guard's Names in almost all the Charters of that County; which sending up forty-four Members, they were for the most part to be chosen, that the King was sure of their Votes on all Occasions.

These Methods were so successful over England, that when the Election were all returned, the King said, there were not above forty Members, but such as he himself wish'd for. They were neither Men of Parts nor Estates: So there was no Hope left, either of working on their Underhandings, or of making them for their Interest, in not giving the King all at once. Most of them were furious and violent, and seem'd resolv'd to recommend themselves to the King, by putting every thing in his Power, and by ruining all those who had been for the Exclusion. Some few had design'd to give the King the Revenue only three Years to three Years.

The Earl of Rochester told me, that was what he look'd for, tho' the Poll he was in made it not so proper for him to move it. But there was no Prospect of any strength in opposing any thing that the King should ask of them.

This gave all thinking Men a melancholy Prospect. England now seem'd lost, unless some happy Accident should save it. All People saw the Ways for packing a Parliament now laid open. A new Set of Charters and Corporations, if those now nam'd should not continue as they were, or if those now nam'd should not continue as they were, was a certain Remedy, to which Recourse might be easily had. The Boroughs of England saw their Privileges now wrested out of their Hands, and that their Elections, which had made them so considerable before, were henceforth to be made as the Court thought directed: So that from henceforth little regard would be had to them; and the usual Practices in courtship, or rather in corrupting them, would be no longer pur'd. Tho' all People were alarm'd; but few dur'd speak out, or complain openly. Only the Duke of Monmouth's Agents made great use of this to inflame their Party. It was said, there was a Parliament to meet, that was not the Choice and Representative of the Nation, and therefore was no Parliament. So they upon this possess'd all People with dreadful Apprehensions that a blow was now given to the Constitution, which could not be remedied, but by an Insurrection. It was resolv'd to bring up Petitions against these Elections, that were so indecently managed, that it formed some parties to excite them: But these were to be dissolv'd by a Majority of Men, who knew their own Election to be so faulty, that to raise themselves they would justify the rest: And Fair-dealing was not to be expected from those, who were so deeply engag'd in the late Injustice." Vol. 1. p. 625, 626.

A. D. 1685.

Estates, as well as Credit in their Counties." Which alone is sufficient to shew, that there was little of that Unanimity, which Mr. *Echard* boasts of: And it is scarce to be suppos'd, that a Party, who had of late so mighty an Interest in the People, and who had no other Prospect of being considerable, than by their Assistance, should suffer an Opportunity, which they had Reason to look upon as their Last, to slip thro' their Hands, unregarded: Some of their (a) Leaders, in spite of all Opposition, did actually make their Way into Parliament: And if others attempted it, and were defeated, as it is certain they did and were, it must be concluded, that the Court was not idle; and, from the universal Practice upon these Occasions, that, provided they obtain'd their End, they were indifferent as to the Means. Indeed the two Parties no longer wrangled on even Terms, as they had done formerly: The late Reform of the Charters put it out of the Power of Numbers of Peers, to act any otherwise than by the Direction of the Court: And of those other Places whose Fate was yet in suspense, some thought themselves oblig'd to be as pliant as possible on this Occasion, that they might suffer the less in their Privileges. *Coker*, a Writer of more Passion than Ingenuity, is express'd, that the Lords and Deputy-Lieutenants were as imperious in the Choice of Knights of the Shires, as the Lord-Mayor *Moor* had been in the Nomination of *North* and *Rich* for Sheriffs: That more Frauds and Violences were made use of in forming this Assembly, than ever had been practis'd since the Parliament of 21 *Rich. II.*: And that the long Delay of their Meeting, after the Time prefix'd for the Return of the Writs, was owing to the Practices, which were thought necessary to be try'd on such Corporations as had not yet submitted to be new-fashion'd in the Court-Mint, and to receive the Image of *Cæsar* instead of the Guardian-Genius of the Commonwealth.

It is certain the Parliament did not meet till May 193, and it was not till the 22d, that the King made his Speech to both Houses, which, we are told by Mr. *North*, was of his Majesty's own composing; "at least," says he, the Lord-Keeper had no Hand in it: For he was not so much as consulted about either the Matter or Expressions the King intended to use, as one may well judge by the unguarded *Tenor* of it." His Lordship, it seems, had prepar'd an Harangue of his own, in Imitation of these flowery Pieces of Rhetoric, which had been formerly deliver'd at the Opening of Parliaments, by his Predecessors: But tho' he had try'd his Talent at Pænegyric in it; had discover'd the same princely Virtues and Excellencies in the present *gracious Sovereign* which had endear'd the Reign of the late *gracious Sovereign*; had glory'd in observing how very different his Government was like to prove from the

dreadful Ideas which his Enemies had maliciously encaavour'd to raise of it; had very cavalierly spur'd at the almost-lifeless Carcass of a disabled Faction; had boldly engag'd, that his Majesty's Promises would be more binding and effectual, than any Laws which could be propos'd to him; and had made all the necessary Demands, in return for such Royal Goodness; it fell so short of the great Original, set forth by the *Scottish* Lord-Chancellor *Perth*, that, like *Cain's* Offering, it prov'd unacceptable; and so had been lost to the Public, if his Brother had not (e) preserv'd and embalm'd it, for the Use of Posterity.

To proceed. *Sir John Trevor* having been chosen Speaker by the Commons, and approv'd by the King, his Majesty repeated from the Throne, almost in the same Words, what he had before made use of to the Privy Council at his Accession. *The better*, said he, to evidence to you, that I spoke then not by chance, and consequently, that you may freely rely upon a Promise so solemnly made. He then express'd a firm Dependence, that he should meet with suitable Returns in what related to the settling his Revenue, and continuing it during his Life, as in the Time of the King his Brother; and proceeded thus: "I might use many Arguments to enforce this Demand, for the Benefit of Trade, the Support of the Navy, the Necessity of the Crown, and the Well-being of the Government itself, which I must not suffer to be precarious: But I am confident your own Consideration of what is just and reasonable will suggest to you whatsoever might be enjoin'd upon this Occasion." His Majesty was then pleas'd to start an Objection, as what he foresaw would be us'd as a popular Argument against what he ask'd; namely, "The Inclination Men have for frequent Parliament, which some may think, said he, would be the best secur'd, by feeding me, from time to time, by such Proportions as they shall think convenient: And this Argument, it being the first time I speak to you from the Throne, I will answer once for all, that this would be a very improper Method to take with me; and that the best Way to engage me to meet you often is, always to use me well. I expect, therefore, that you will comply with me in what I have desir'd; and that you will do it speedily, that this may be a short Session, and that we may meet again to all our Satisfaction." He then imparted the News of *Argyle's* Landing in the *West Islands*; and clos'd his Speech in these Words: "And I will not doubt but you will be the more zealous to support the Government, and give me my Revenue, as I have desir'd it, without delay."

By way of Comment on Part of this Speech, as also to shew the general Temper and Disposition of the Members, with respect to the main Points likely to come before

A. D. 1685.

Sir John Trevor chosen Speaker of the Commons.

The King's Speech.

[Detection. c. ii. p. 333.]

[Ibid. p. 338.]

[Life of the Lord-Keeper North, p. 257.]

A Speech of the Lord-Keeper as printed by the King.

The Temper and Disposition of the Members.

(a) Viz. Sir Thomas Charles, Mr. Hampton, the Father; Mr. Williams, the late Speaker; Mr. Corraway; Mr. Walling, and others. (b) In the Lord-Keeper North's Life, p. 256.

A. D. 1685.

fore them, it may not be improper to refer to Sir *John Roelley*, who serv'd in this Parliament for *York*, (that City being now as entirely subdued as *London*) and who says, "The Report went, that there would be more requir'd, in behalf of Popery, than the Laws now in force would allow of; that the King would insist on the Revenue for Life, as also a Sum of Ready-money to answer his present Occasions; and that it would be propos'd to repeal the *Habeas Corpus Act*, which I found was much oppos'd by some great ones, in their private Discourse, as well as by some of us; and to enact a general Toleration or Liberty of Conscience, which some seem'd willing enough to subscribe to; tho', at the same time, the Resolution was to admit of no Alteration to capacitate Papists to enjoy any Place or Employment in or under the Government. As for the Affair of Money, Men in general seem'd willing to settle an handsome Revenue upon the King, and to give him Money; but whether their Grant should be permanent or only temporary, and to be renewed from time to time by Parliament, that the Nation might be the oftner consulted, was the Question: In all this (proceeds Sir *John*) I resolv'd punctually to do my Duty to the Crown, but not to be unmindful of a due Regard for my Country, and my Religion."

And again: "I had some Discourse, *May 4*, with Mr. *Hilliard*, Sir *Roger Martin*, and other Gentlemen of great Consideration with the popish Party: They told me, The King would expect a Repeal of the Sanguinary-Laws; that the Papists should be allow'd the private Exercise of their Religion; and that they, at least such as had serv'd the Royal Family in the Wars, or otherwise, should be capable of Employment under him: That the King would, in Parliament, give full Satisfaction to the Nation, with regard to their Religion and Properties; but that if Reason would not serve his Purpose, he knew what he had to do: That the King would never divide the Regal Power, by admitting of that of the Pope; that his Majesty was too fond of Power to be guilty of that Oversight; and that his adhering to the Defence of the Church of *England* would, on the other hand, deter the Pope from pressing him to admit of his Supremacy; in short, that it was but reasonable the King should insist on the Repeal of the severer Penal-Laws against the Papists; for that if he should die, he would leave them in as ill a Plight as he found them."

Thus it appears, that the King's Intention with respect to the Revenue, was known long before he explain'd himself in Parliament, that his Creatures had early began to make Supplications in Favour of Popery, and had even us'd Menaces without-doors, in case of Opposition within; and that it was actually a Question among the Members whether they should not leave his Majesty under the same Necessity to consult them occasionally, as had oblig'd him to assemble them now. When therefore he chose to express himself from the Throne in a Style so un-

A. D. 1685.

usual; and that seem'd to extinguish the very Privilege of Debate, and to assume the Dictator, when depending on the Courtesy of the House of Commons even for Subsistence, what could be more natural than that they should have taken the Alarm, and pluck'd themselves on correcting this over-bearing Spirit in this first Instance? Even the long Parliament of the preceding Reign, in whose Steps, it must be presum'd, they were ambitious to tread, had shewn them, that, since the Repeal of the Triennial Bill, there was no other way to ensure the Continuance of Parliaments, than by leaving the King under a continual Necessity of their Assistance: And Experience had demonstrated, that the said Long Parliament, however cautious in that Particular, had trespass'd on their Rule; and, contrary to their own Intentions, enabled the King to break thro' a positive Law, as well as his own repeated Engagements to govern by Law only, and keep up both the Authority and Terror of Government without them. Those very Words of his Majesty's, *That the way to engage him to meet them often was to use him well*, reduc'd to plain English, signify'd, That as long as they did what he would have them, he would make Use of them and no longer; and hence it became notorious, that if ever they they should demur to any of his Demands, they would lose all the Merit of past Compliances, and be set aside to suffer the ill Effects of their own Servility, in common with the rest of their Fellow-Subjects.

Reflections so natural and obvious as these, undoubtedly occur'd to every Man in the House of Commons; and yet when the Speech was taken into Consideration, without bestowing a Thought on the State of the Nation, or the Grievances of particular Corporations, without once touching on the Breach that had been made in the Constitution, by the King's applying the Revenue to his own Use without the Authority of the Laws, or by the Discontinuance of Parliament; without starting any Expedient to prevent the like Mischiefs for the future, which was the only Pretence that could have been assign'd to justify an unexcus'd Compliance with the King's Demands; or even making any Provision for the securing and strengthening their own Privileges, which had been so flagrantly violated in the Case of Mr. *Wilkens*, their late Speaker, they resolv'd, *me Their want, mine contradicente*, "That the humble Thanks of the House be given to his Majesty for his most gracious Speech (in which Vote the Lords also concurr'd) and that all the Revenue given to his late Majesty, and enjoy'd by him at his Death, be given and granted to his present Majesty, and settled upon him during his Life: So highly were they pleas'd, according to Sir *John Roelley*, with the *selemn Security* the King had given them, as to their Religion and Property.

In the same meritorious Disposition to do whatever should be requir'd of them, when the Earl of *Middleton* communicated to them one of the Lord *Argyle's* Papers, namely, that

[Mss. p. 197.]



A. D. 1687. that which turn'd only on his own peculiar Case, without once enquiring for, or why the other was withheld, they rush'd into another *namine contradicente* Vote, to stand by his Majesty with their Lives and Fortunes, against *Archibald Campbell* the pretended Earl of *Argyle*, and his Adherents, and other Rebels and Traitors, and all others whatsoever, that should assist them, or any of them."

Never, says Mr. *Echard*, with an Air of Triumph, did any Parliament shew greater Unanimity: And never may any other shew so much, unless when the Grace and Goodness of the Sovereign shall keep equal Pace with the Loyalty and Liberty of the People! For however the Adorers of the Prerogative glory in the blind Submission of these Men to the Will and Pleasure of their Prince, we shall find, that by every one of these slavish Steps, they contributed as much to the Ruin of his Majesty, as to the enslaving themselves and their Posterity: For had they made use of the dependant Situation they found him in, to convince him, that he had no other way to be great and happy, than by providing for the Happiness and Security of his People, he had also been convinc'd of his Mistakes before he had been overwhelm'd by his Misfortunes; Whereas, by this shameless Resignation to his Will and Pleasure, without contending for any one Provision against any of the Evils so justly apprehended, they misled him into a fatal Persuasion, that the Spirit of the Nation was so effectually broke, that he might go what Lengths he pleas'd, without any Pain for the Success or Dread of the Consequence.

[Mem. p. 198, 199.]

A Motion in behalf of the Church.

It is, indeed, remember'd by Sir *John Reresby*, that, after the House had proceeded thus far to gratify his Majesty, a Motion was made in the House, That something now should be done to please the People, after so much had been done to gratify the King; pointing at a proper Security for the Protestant Religion: Upon which a Debate arising, it was refer'd to the Committee of Religion. This Committee, the next Day, pass'd a Vote, That the House should be mov'd by them, to resolve to stand by the King, with their Lives and Fortunes, according to their bounden Duty and Allegiance, in Defence of the reform'd Religion of the Church of *England*, as by Law established: As also to present an Address to the King, to issue out his Royal Proclamation for putting the Laws in Execution against all Dissenters of what Denomination soever; and these Votes, tho' in a very full Committee, pass'd *namine contradicente*.

Pass'd unanimously to the Committee.

But the next Day, when the same came to be reported to the House, a Debate took birth (by what Management has never yet been explain'd) whether the House should concur with the Committee or not? Against the Question it was argu'd, That it was reminding the King of a Neglect of his Duty; that the Justices of Peace were in Fault that the Laws were not more duly executed; that Votes of this Sort would alarm the Kingdom, and might create a Jealousy of the King, who had so solemnly declar'd his Intentions

to defend our Religion; that the King had told us, The way to keep a good Understanding between him and his Parliament, would be to use him well, and that he could not but take this arms; and, finally, That it might be an Encouragement to the Rebels already in Arms in the Kingdom of *Scotland*, and so on. To this it was answer'd, That it would have but an indifferent Look with the Nation, if they, being Members of the Church of *England*, should let such commendable Votes in favour of our Religion drop unheeded. At length the previous Question being put, Whether to agree, or not to agree with the Committee, it was carried in the Negative. The whole Matter then was summ'd up in this Vote, That an Address should be made to the King, purporting, "That the House did acquiesce and entirely rely and rest wholly satisfy'd on his Majesty's gracious Word and repeated Declaration to support and defend the Church of *England*, as by Law establish'd; which was dearer to them than their Lives."

A. D. 1687.

And shew'd us on the Report.

They refused to rely on the King's Word for the Security of the Church.

Thus, however exemplarily loyal the *Seventeenth* Parliament undertook to be, the Commons of *England* went many Stages beyond them in the same broad and beaten Road: For whereas the former provided for the Security of their Church, before they made Provision for the King; the latter postpon'd the Cause of God to that of his Majesty; and in the same Breath wheresoever they declar'd their Religion founded on the Laws was dearer to them than their Lives, gave up that Security, and chose to leave it at the Courtesy of the Throne.

Mr. *Echard*, tho' a Dignitary of the same Church, is pleas'd to call this a generous Resolution. And, in another Place, "Never were more fair Promises on one Side, nor greater Generosity on the other." But Generosity in Matters of Government is, on the Side of the People, the Height of Phrenzy. Power is such a Corrosive, that in Process of Time it will eat thro' the firmest Constitution, if the Guardians of it are not ever at hand with Preventives: And in fact there is any Willom or Propriety in placing such an unlimited Confidence in the King, why is a Jealousy of the Royal Prerogative, the very Basis of that Constitution? Why are such Guardians chosen? Why should not the People put in for the Merit of giving themselves away? And why do they amuse themselves from time to time with the solemn Farce of a Representative?

Those who, at this time, were the Trustees for the Nation, did not, it seems, find themselves any way affected by Queries of this Nature: For when the Speaker, follow'd by the whole House, waited upon the King with the Revenue-Bill, he was pleas'd to state it as their peculiar Glory, that they presented the said Bill to his Majesty, without any other for the Preservation and Security of their Religion, which was dearer to them than their Lives, and without the Condition of any additional appropriating, or tacking Clauses whatever."

Speaker's Speech on presenting the Revenue Bill.

This, it must be own'd, was bidding as high

A. D. 1684. high as possible for his Majesty's Favour; and one would have thought, that he could scarce have avoided the letting fall some gracious Expressions in behalf of their Religion, by way of Acknowledgment. But his Majesty no doubt, upon this Occasion likewise, *though it mean to prevaricate with God and Man*; for he did not bestow one single Syllable upon it; and that the less Notice might be taken of the Omission, artfully enough gloss'd it over, by dazzling the Eyes of the Public with Professions of his Zeal for the public Glory: The *Readiness and Cheerfulness* wherewith the Bill was dispatch'd, were the only Circumstances relating to it, which he took notice of: After which he proceeded as follows:

King demands  
a further Sup-  
ply:

"After so happy a Beginning, you may believe I would not call upon you unnecessarily for an extraordinary Supply: But when I tell you, That the Stores of the Navy and Ordnance are extremely exhausted; that the Anticipations upon several Branches of the Revenue are great and burthenfome; that the Debts of the King my Brother, to his Servants and Family, are such as deserve Compassion; that the Rebellion in Scotland, without putting more Weight upon it than it really deserves, must oblige me to considerable Expence extraordinary: I am sure such Considerations will move you to give me an Aid to provide for those Things, wherein the Security, the Ease and Happiness of my Government are so much concern'd. But, above all, I must recommend to you the Care of the Navy, the Strength and Glory of the Nation, that you will put it into such a Condition as may make us considered and respected abroad. I cannot express my Concerns upon this Occasion more suitable to my own Thoughts of it, than by assuring you, I have a true English Heart, as jealous of the Honour of the Nation as you can be; and I please myself with the Hopes, that, by God's Blessing and your Assistance, I may carry its Reputation yet higher in the World, than ever it has been in the Time of my Ancestors. And as I will not call upon you for Supplies, but when they are of public Use and Advantage; so I promise you, that what you give me upon such Occasions shall be managed with good Husbandry, and I will take care it shall be employ'd to the Uses for which I ask them."

But tho' this Overflow of Deference and Regard had produc'd no Mark or Sign of Affection or Gratitude to the Church, which was so dear to them, the Commons proceeded to resolve, with the same Generosity and Unanimity as before, That a Supply be given to his Majesty for the several Uses particularized in his Speech, and to deliberate on Ways and Means for making that Resolution

Which the  
Commons  
grant them  
con.

good: In answer to their Address against Lord *Argyle*, his Majesty had indeed signify'd, "That he could expect no less from a House of Commons, so compos'd as he thank'd God they were: That he rely'd on the Assurances they had given him, which were the natural Effects of monarchical Church-of-England-Men: That he should stand by all such; and that, so supported, he had no Reason to fear any Rebels, or Enemies, he either had or might have." And possibly after these Assurances, tho' regarding only the Men, and not the Thing, they thought themselves sufficiently contented for whatever they should say or do, through the whole Session.

A. D. 1684.

All this while, the Lords had kept pace with the Commons in almost every Species of Loyalty: They had concurr'd in the first Address of Thanks; they had pass'd the Money-Bill without Amendment; they had address'd against *Argyle*; and if they had not by express Vote resolv'd to rely on the King's Word for the Security of their Religion rather than the Laws, even the Right Reverend Fathers among them, as well as the lay Peers, nodded on the Bench in full Tranquillity, while the Commons fell into that Extravagance, without giving themselves the Trouble to form one Motion that might lay his Majesty under a Necessity to declare himself yet more explicitly the Defender of their Faith, and thereby shew that the Confidence repos'd in him was well plac'd; or that might have the least Tendency to warn the People of their Danger, in case he declin'd it. The King, in his Answer to their Address, in Relation to *Argyle*, had, in the most obliging manner, acknowledg'd their Services to him in the Case of the Exclusion-Bill; and even condescend'd to intimate the Expediency of a perpetual Alliance offensive and defensive between the Throne and them, founded on reciprocal Interest. But then he had preserv'd a total Silence on the Head of the Religion. This, alone, was sufficient to shew, that his Majesty had his Reserves; but his Speech when he pass'd the Money-Bill, put it out of all Dispute; and, therefore so much Resignation as appear'd on their Side, fell very little short of the more forward and active Proceedings of the Commons.

Proceedings of  
the Lords.

On the very first Day of the Session, they had sent a favourable Ear to the Petitions of Lord *Danby*, and the three *Popish* Lords, who lay under the like Circumstances with him; a Question was stated, Whether the Order of the House, of *March 10, 1678-9*, should be revers'd and annull'd; which pass'd in the Affirmative, without any material Opposition: For, though mention is made, that several Lords appear'd in the Debate, but Four join'd in the Protest (*p.*) which follow'd it,

(1) And which was drawn up in these Words, viz. "Because it doth, as we conceive, extrajudicially, and without a particular Cause before us, endeavour in Alteration in a judicial Rule and Order of the House, in the highest Part of their Power and Jurisdiction. 2. Because it shews and lays aside an Order made and remov'd upon long Consideration and Debate, Report of Committees of Precedents

and former Resolutions, without permitting the same to be read, tho' call'd for by many of the Peers, and against weighty Reason, as we conceive, appearing for the same, and contrary to the Practice of former Times. 3. Because it is inconsistent with every Court of Judicature to assert and preserve the former Rules of Precedents before us, which therefore must be steady and certain, especially in this High Court,

A. D. 1675.

Outs credit-  
ed of Enquiry.

it, viz. the Lords Radnor, Anglesy, Clares, and Stamford.

Some little time before the Meeting of the

Court, that the Sable'd, and all Persons concern'd may know how to apply themselves for Justice; the very *Charters, King's Bench, &c.* having their settled Rules, from which there is no Variation. And it appears that Reason had Weight enough with the House to produce the following Order, which contains a sort of Expedient to reconcile the Equity of discharging those persecuted Persons, with the Forms and Orders by which they had been to long condemn'd, &c. Whereas several Indictments were found at the Sessions held at Westminster against William Earl of Powis, &c. which are since brought into this House by Certificate, pursuant to an Order of the 19th of April, 1678; the House being this Day inform'd by Mr. Attorney-General that his Majesty hath sent a Warrant to him directed to enter a *Nolle prosequi* upon the said Indictments: It is ordered, that his Majesty's Attorney-General may have recourse to the said Indictments, in order to enter a *Nolle prosequi* thereupon, pursuant to his Majesty's Warrant. And it is further order'd, That the Bill given in the Court of King's Bench for the Appearance of the said William Earl of Powis, &c. be, and is hereby discharge'd.

(g) The first of which was for focusing that there was a notorious Cause of Injustice at the White Horse Tavern in the Strand, on April 21, 1679, at which were present Whitebread, French, Arisland, &c. and himself; whereas, in Reality, he was at no such Confess, nor in England at the time when he said it was. And to prove this, the whole Possession of *St. Omer's* gave in their concurrent Testimony, that Gate came to this Place a little before Christmas 1677, and continued there till about Midsummer 1678, without ever lodging out of the College, except one Night at *Watter*, in the Month of *June*. *Outyaino*, on his Side, produced the Remnant of his old Coadjutors; who, being cross-examin'd by the Court, fell into some Inconsistencies; and, what was worse, fix'd the Time of seeing him in *Town* in *May*; whereas, according to his own Narrative, as was observ'd by the Attorney-General, he return'd to *St. Omer's* three or four Days after the Confess; and consequently one or other of the Parties was perjur'd. Lord *Cosmains* and Sir *George Wolman* moreover protested, in open Court, with the most solemn and vehement Imprecations, That there was not one Word of Truth in the whole Charge against them. And, to expose him yet farther, it was shewn, that he had absolv'd *Clay*, at the Trial of the five *Jeitain*: And when he call'd upon several Persons of Eminence and Quality to speak of the Reception and Credit he had formerly receiv'd, the Earl of *Hastings*, formerly one of the petitioning and protesting Priests, but of late a *Quart Convert*, express'd himself in these Words: "I do believe Mr. *Outyaino's* Discovery found a good Reception in the House of Lords; but it was grounded upon the Opinion, that what he said was true, and that he was an honest Man.— But since that time it being apparent there were so many and great Contradictions, Falsities, and Perjuries in his Evidence, upon which so much Innocent Blood hath been shed, I believe a great many Persons who were concern'd in the Trial should those unscrupulous Men, were heartily afflicted and sorry for their share in it. And I do believe most of the House of Peers have alter'd their Opinion, as to the Man's Credit, and look upon his Evidence as I do, to be very Lye."

But, notwithstanding all this Weight of Evidence, and every other Circumstance, which would have overwhelm'd any other Man, he bore up with a Spirit that seem'd invincible; and exerted Talents and Abilities, that would have done honour to a better Man. In particular, he defied the Jury to observe, "That tho' the King's Council was now against him, yet they were also against themselves; for both Mr. Solicitor and Mr. Attorney-General, were Council on his Side in those Trials." Then he exclaim'd, "Can any thing more plainly tend to destroy and overturn the Methods of Justice, to frighten all Witnesses from henceforth from ever appearing to discover any Conspiracy? And does it not tend to expose and vitiate the known Understanding and Justice of the late King of ever blessed Memory, to assign the Wisdom of his Privy Council, his great and noble Peers, his loyal Commons in four successive Parliaments, his twelve Judges, and all those several Juries that were upon those Trials? Had not those Juries Seal'd? Had they not Hoars'd? Had they no Consciences? And the Judges before whom those Conspirators were try'd, were they Men of no Justice, nor Honour, nor Integrity, nor Conscience nor Understanding? Will those Juries be said to have drawn the innocent Blood of these Men upon their own Heads and the Nation?"

And for a Constancy of all. I app'd to the great God of Heaven and Earth, that he, the Judge of all; and once more in his Presence, and before all this Auditory, I avow my Evidence of the *Popish Plot*, and all and every Part of it, to be nothing but true, and will expect from the Almighty God, the Vindication of my Integrity and Innocence.

NUM. LXXIII.

Parliament, Oates, the quondam Saviour of the Nation; had been convicted of two (g) Perjuries in the Course of his Charge against the

A. D. 1680.

The second Indictment was for focusing at the Trial of the five *Jeitain*, That Mr. *Ireland* took leave of himself and others in *London*, betwixt the 8th and the 11th of *August*, 1678; whereas in Reality, Mr. *Ireland* was, at both the said times, and for several Days before, and after, in *Staffordshire*, or in the Parts adjacent. To prove all which now above forty Witnesses were produc'd, who testify'd, That Mr. *Ireland* was never at all in *London* from the third of *August*, in the same Year, to the 17th of the following *September*, and specify'd every thing according to Time and Place, with the Authentick of a Journal, accompany'd with all proper Tokens and Circumstances; and what fell bore harder upon him than the former *Tryal*, was, that no less than nine of these Witnesses were Protestants, and of the Church of England, against whom he could raise no Exception. His Defence, says Mr. *Echard*, was much to the Issue Effect that it was the Day before, Appeals to Parliaments and Vouchers, insinuating upon his Reputation; Clamours against the Papers, and Quotations, as if the Protestant Interest and his Credit were to stand and fall together.

In summing up the Evidence, the Lord Chief Justice *Joffrey*, took upon him to say, It will be good to refresh the Memory, to beator his Majesty's Pleasure hereby to express: A his Concern, for having consented to Mr. *Ireland's* Execution; and this contain'd with him to his dying Day, as the Bishop of my Lord of *Stafford* did with his Royal Father. Good-ford, said he, has not build up our souls. Excuse us, to fulfill the greatest Pleasures, that the Justice of the Nation can permit upon such Villains as these are, that have contrived to murder his Majesty, and oppress upon us, and so much Guilt upon ourselves.

Mr. Justice *Wilkes* had the Honour to pronounce the Sentence upon him, which he did in a Style that very ill became the Bench; for he went thro' the several Articles of it with a sort of wondrous Pleasantry, and almost seem'd to repine that he could not be his Executioner.

His Words were these: "First, the Court does order for a Fine, that you pay a thousand Marks upon each Indictment. Secondly, that you be strip of all your ecclesiastical Habits. Thirdly, the Court does award, That you stand upon, and in, the Pillory, here before Westminster-hall Gate, upon Monday next, for an Hour's time, with a Paper over your Head (which you must first walk with round about to all the Courts in Westminster-hall) declaring your Crime, and that upon the said Indictment. Fourthly, on the second Indictment, upon Tuesday, you shall stand upon, and in, the Pillory at the Royal Exchange, for the space of an Hour; with the same Inscription. Fifthly, you shall, upon the next Wednesday, be whip from *delegato* to *Neuigate*: And upon Friday, you shall be whip from *Neuigate* to *Yttern*, by the Hands of the Common Hangman. But Mr. *Oates*, proceeded he, we cannot but remember, there were several particular Times you were false about; and therefore, as annual Commemorations, that it may be known to all People, as long as you live, we have order'd care of you for an annual Parliament: Upon the 14th of *April*, every Year as long as you live, you are to stand upon, and in, the Pillory at *Windsor*, just opposite to the Gallows. You are next to stand upon, and in, the Pillory, here at Westminster-hall Gate every 9th of *August* as long as you live: And that it may be known what women by it, 'tis to remember that you focus about Mr. *Ireland's* being in *Town* between the 8th and 11th of *August*. You are to stand upon, and in, the Pillory at *Charing Cross*, on the 10th of *August*, every Year during your Life; the like ever against the *Temple Gate*, upon the 11th. And upon the second of *September* (which is another notorious time, which you cannot but remember) you are to stand upon, and in, the Pillory, at the *Royal Exchange*. And all this you are to do every Year during your Life; and to be committed close Prisoner, as long as you live. This Proclamation to be the Judgment of the Court upon you, for your Offences. And I much will you plainly, if it had been in my Power to have carry'd it farther, I should not have been unwilling to have given Judgment of Death upon you; for I am sure you deserve it."

If a pretty plain, that the Design of the Court was to have him alive to Death; and had he been left a Prisoner in every respect, he had certainly fast under so horrible a Punishment: For he was made to suffer the full Rigour of his Sentence, without the least Abatement. And tho' not able to go or break the second Day, thro' the insupportable Arguings of his Sufferings during the first, and his Discard of worse to enure (or according to the Charity of *Lebrange*, because he was scandalously drunk) he was reverentially laid on a Sledge, his former Wounds were cross-bur'd with new; and like a Corpse contain'd in to own Blood, he was carry'd back to *Neuigate*, where, thro' the Excellence of his Constitution, and the Care of those who fill order'd his Infirmity, he receiv'd a perfect Cure, and liv'd to see the great Guilt he had been so deeply engag'd in, once more triumphant.

to L.

11

A. D. 1685.

the Popish Plotters, and had met with as little Mercy in his Punishment, as he had shewn in his Evidence: Upon the Strength

and Credit of which Verdicts, the Discharge of the Popish Lords, just mention'd, and the counter Dispositions of the Times, a Bill was brought

A. D. 1685.

\* It is further necessary in this Place to take notice of two other Prosecutions which took place about the same time. *Dangerfield* was almost as obnoxious as *Oates*; and therefore *Dangerfield* was to be almost as severely punish'd. In fear of a Storm he had taken Sanctuary in *Flanders*; but returning back in an unlucky Season, says *Mr. Edward*, he was seiz'd, and carry'd before the Council, where persisting in the very Presence of the King, himself, in his former Evidence, he was committed close Prisoner to *Newgate*. On the tenth of May he was try'd at the *King's-Bench* Bar, upon an Information, for writing and publishing a villainous and scandalous Libel, call'd his *Narrative*; wherein, according to his Depositions before the Parliament in 1680, he testify'd, That he was employ'd by the Popish Party, and chiefly by the Popish Lords in the *Tower*, and the Countess of *Perth*, to invent the *Mad Mad Club*, which was to have thro' the Popish Plot wholly upon the *Presbyterians*. This *Narrative* was order'd to be printed by the House of Commons, November 10, 1680, in the hottest time of their Sifting; but notwithstanding that Order, their Speaker, *Mr. Williams*, was afterwards fine'd ten thousand Pounds for licensing it to be printed; and we are told, he could not escape without paying the greatest Part of it. And *Mr. Dangerfield* being now found guilty, receiv'd Judgment at the *King's-Bench* Bar, That he should stand twice in the Pillory; that he should be whip'd from *Algate* to *Newgate* in one Day, and from *Newgate* to *Tower* on another, and should pay a Fine of five hundred Pounds.

*Dangerfield* was struck with such Horror at this terrible Sentence, that he look'd on himself as a dead Man, and accordingly chose a Text for his Funeral Sermon; but perforce'd in offering, That all he had deliver'd in Evidence before the House of Commons, was true.

The whipping was executed in full Rigour, as before, upon *Oates*, and it was scarce over, before one *Mr. Robert Francis*, a Barrister of *Gregg's Inn*, gave him a Wound with his Case, in or near the Eye which, according to the Depositions of the Surgeons, was the Cause of his Death. The Story is told very differently by different Authors. According to *Bishop Burnet*, The Blow was given as he receiv'd his last Lull. According to *Edward*, He was in a Coach on his Return to *Newgate*; and *Francis* coming by Chance to the Coach-side, out of an interminate Rage, said to him, *How now, Friend! Have you had your Head thro' this Morning?* The other, with two or three Curses, call'd him *Son of a Whore*, and spit in his Face, which drew on the Stroke. The same Author also says, That *Francis*, thinking that he had done no Hurt, endeavour'd to escape; and that many have doubted, whether his Death was the Effect of the Wound or the Torments of his Body, which was exceedingly swell'd and callum'd. But a Man under such Sufferings and Agonies, it is reasonable to suppose, could scarce sit erect in a Coach, or have a sufficient Stock of Spirits remaining to enter into such a Parley. Others agree that the Wound was given in his Return, but alledge it was done with a *Tack* at the end of the Case: That the Murderer fled; but was pursu'd, and had like to have been torn to Pieces by the Ribble: That *Newgate* he justly'd the Fate, and said, *That he had the greatest Men in the Kingdom to stand by him*: That Attempts were made to bring *Dangerfield's* Widow to consent that *Francis* should be pardon'd; and that thro' the rejection of those Offers, he would have been pardon'd notwithstanding, if Lord Chief Justice *Jefferys* had not gone to *Windsor*, and told the King, He might see, for that the *Ribbles* were now thoroughly heard. This one *Francis*. And *Mr. Edward* thus sums up the Story for the other: "This fatal Accident had a furious Influence upon the Minds of the Multitude, who were sufficiently exasperated before; so that tho' great Applications were made to the Court, no Pardon could be obtain'd for *Mr. Francis*. Many Stories were immediately invented and dispers'd concerning him; particularly, that he was a violent Party not a Jew, and had set on by some great Men; that the Case had a Steel Dart in it, that was thro' into the Prisoner's Eye upon deliberate Malice; and it was further said, it was also a particular Revenge upon a Jealousy against *Dangerfield* for his Lady. All which were fully confuted in *Mr. Francis's* Speech at his Execution, and publish'd by Authority. He freely owns, That by this rash and impudent Act, he had not only offended against the Government and against Justice, but against Christianity, and even the Rules of Morality itself; but solemnly declar'd, that it was done without the least Fore-thought, Malice, or Jealousy whatsoever, and that he had never seen the Man but once in the Pillory at a Distance: That he had led a quiet and inoffensive Life for twelve Years in *Gray's Inn*, without any Quarrel or Controversy; and that his whole Life was without any other Crime, saving this single strange one. As to his Religion, he prov'd himself to be an obedient and zealous Son of the Church of England, as by

Law establish'd: And for his Wife, he believ'd her the best of Women; and was so far from suspecting her Virtue, that she was the only Lot he request'd on Earth, and could freely part with every thing else below without keeping. In sum, he dy'd like a true Penitent and a good Christian, with the infamous Load of a Crime, the Nature of which can hardly be parallel'd in History."

The other Prosecution was of a very different Person, and to assert a very different End. The Person was *Mr. Richard Baxter*, a Person of great Eminence among the *Presbyterians*, as well for his Learning and Piety, as his having refus'd a Bishopric, for Conscience sake: And the End was to make him a sacrifice to the Church, as *Dangerfield* and *Oates* were the Victims of the Popish Party; between whom a Project had been already entertain'd to bring about some-thing of an Union. The Charge against him was, That in his *Paraphrase on the New Testament*, which he call'd a *fundamental Piece*, he had highly reflected on the Prelate of the Church of England; and that in so doing he was guilty of Sedition: "For which being brought before the Lord Chief Justice *Jefferys* at the *King's-Bench* Bar, he was treated, says *Mr. Edward*, himself, with unusual Scarcity, and far from what was due to the Gravity of his Person and Behaviour. Having pleas'd, Not Guilty, to the Information, and mov'd that farther time might be allow'd him for his Trial, the Chief Justice cry'd out, *I will not give him an Month's time more to serve his Life. We have had to do with other sorts of Men, but were once upon a Saint to deal with, and I have been to deal with Saints as well as Sinners. Youde*, says he, *binds Oates in the Pillory*, as he actually did at that very time, and he says he suffers for the Truth, and so says Baxter; but if Baxter did but stand on the other Side of the Pillory could he, I would for these five years if the greatest Kings and Rulers in the Kingdom."

Upon the 30th of May he was brought to his Trial before the same Lord Chief Justice at *Guild-Hall*, where was a numerous Concourse of his Friends and others; and his Council were *Mr. Wallis*, *Mr. Williams*, *Mr. Robinson*, *Mr. Wood*, and *Mr. Piapp*, all retain'd by Sir *Henry Jones*, who shew'd a particular Respect both to *Mr. Baxter's* Person and his Cause. The Council cry'd, That the Passage mention'd in the Information, ought not to be strain'd to that Sense which was put upon them by the Invidious; nor could any of them be apply'd to the Prelates of the Church of England, without a forc'd Construction, but were design'd against those of the Church of Rome: And they further insist'd, That *Mr. Baxter* had frequently attended Divine Service, went to the Sacrament and purchased orders to do the same; and had in the very Book for church'd, spoken moderately and honourably of the Bishops of the Church of England. And *Mr. Baxter*, himself, alledge'd, That he had been so moderate with respect to the Church of England, that he had receiv'd the Confession of many of the Dissenters upon that Account. The Lord Chief Justice said, *That Baxter was an Enemy to the Name and Thing, the Office and Person of Bishops*, and fell severally both upon the Council and Defendant. As to the latter, he call'd out, *Richard, thou wert an old Fellow, an old Knave; thou hast written Books enough to load a Car, every one as full of Seditious, I might say Treason, as an Egg is full of Milt. Hast thou been whipp'd out of thy Writing-trade forty Years ago, it had been happy. Thou pretend'st to be a Preacher of the Gospel of Peace, and thou hast me Vent to the Crown: 'Tis time for thee to begin to think what Account thou intend'st to give. But leave this to thy self, and I for thou'lt give us no other help begun; but by the Grace of God, I'll look after thee. I know thou hast a mighty Torry, and I see a great many of the Brotherhood in Coverts, waiting as five upon his backs of their mighty Don, and a Doctor of the Party (Dr. Bates) at your Elbow; but by the Grace of Almighty God, I'll crush you all. Besides other Reproaches upon him and his Council, in summing up the Evidence, he said, 'Tis universally known, there has been a Design to raise the King and the Nation; and this has been the main Intentionary: He is as ready now as he can be; but ting your robes on Men you for trade us. Bind your Kings in Chains, and your Nobles in Fetters of Iron; and to your Tents, O Israel! Gentlemen, for God's Sake, don't let us be call'd Justice in an Age. In Conclusion, he said the Jury, If in their Conscience they believ'd it to be the Rights and Liberty of the Church of England, in the Proposition which the Information refer'd to, they must find him Guilty; and he could never see Men eyes; that they must find him Not Guilty."*

Here *Mr. Baxter* interpos'd, *Does your Lordship think any Jury will pretend to put a Verdict on me upon such a Trial? And his Lordship reply'd, He warrant you, Mr. Baxter; don't trouble yourself about that. And, as it prov'd, his Lordship knew the better than *Mr. Edward*. For after a short Stay, they found him Guilty: And the Court sent*

sent'd

A. D. 1685.

Bill to reverse  
Lord Stafford's  
Attainder.  
[F. i. p. 640.]

brought in for reversing the Attainder of the Lord Viscount Stafford: And, tho' Bishop Burnet is pleas'd to say, that the Reasonings urg'd in favour of it, namely, "That the Witnesses were now convicted of Perjury, and therefore the Restoring the Blood that was tainted, was the least Reparation, *stuck with the House, and would not go down;*" and again, *The Lords had no mind to reverse and condemn s<sup>th</sup> Proceedings,* nothing is more certain than that their Lordships not only admitted, and pass'd the Bill, but with the following remarkable Preamble: Whereas it is now MANIFEST, that the said William Lord Viscount Stafford, was INNOCENT of the Treason laid to his Charge, and the Testimony whereby he was found guilty, was FALSE, be it enacted, &c. It is true, the Matter was warmly debated for three Days together; and several zealous Lay-Lords appear'd against it with all the parliamentary Skill they were Masters of; and, when defeated, summ'd up their Arguments in a strong Protest, founded on the following Reasons, *viz.* 1. Because the Preamble consisted of Assertion only, unsupported by any Proof, Warrant, Testimony, or Matter of Record, before them. 2. Because the Record of *Oates's* Conviction, before the King's Bench, regarding only collateral Points of Proof, of no Affinity to the Lord Stafford's Case, could be no Ground to invalidate the Testimony against the said Lord, who could not have been legally convicted on the Evidence of one Person, and was in fact by three. 3. Because it was conceiv'd, the Judgment of the King's Bench was unprecedented, illegal, unwarrantable, and highly derogatory to the Honour, Judicature, and Authority of the Peers, who had Power in themselves to punish the Perjuries of Witnesses before them, and ought not to be impos'd upon by the Judgments of inferior Courts, nor their Attainder of a Peer invalidated by Implication: Nor ought the *Papish Plot*, so condemn'd, pursued, and punished, by his late Majesty, and four Parliaments, after public, solemn Devotion, through the whole Kingdom, by Authority of Church and State, to be eluded, to the Arraignment and Scandal of the then Government, only for the restoring the Family of one popish Lord: And all this without any Matter judicially appearing before us, to induce the same; and after the Records of the Trial, for the Information of the Truth, had been refus'd to be read, &c. But tho' it was plain, that the Ghost of the *Papish Plot* was thus conjur'd up, chiefly to create a fresh Horror against popish Councils; tho' it was not unreasonable to suppose, that some wholesome political Ends might have been answer'd by it; tho' the Credit of the whole Legislature was undoubtedly concern'd in the Issue; and tho' every Endeavour to blot the Papists was, at that particular Crisis, apparently injurious to the Protestant Interest;

the Bill had all the Sanctions which the Lords could give it, and at last receiv'd its *Quintus* (after the second Reading) from the Commons; who, tho' so blindly subservient to the King, were unwilling to cut the Ground from under their own Feet, by acting as the Peace-makers between the Nation and the popish Party, which was every Day gaining Strength, and growing more formidable than ever.

One of the orthodox Authors in the Pay (Cavent, p. 11.) of the Church takes occasion to glory in the *very different Spirit* which appear'd in this Parliament, from that which possess'd the three preceding: But all Excesses are equally blameable; and if they were justly obnoxious for keeping up the Ferment of the Nation, when it was in their Power to allay it, surely these were the same, for groveling at the Footstool of the Throne, and in a manner inviting the King to trample them in the Dust beneath it. If Firmness is ever a Virtue, it was now doubly virtuous to make use of it; and if ever a Union amongst Protestants was necessary, it was now doubly so, when Popery was enthron'd: And yet such was the Spirit of the present Parliament, as we have seen, that they chose to shew their Zeal by persecuting Papist and Protestant-Dissenter alike; and when the Latter was (sken'd for the sake of the Former, they rush'd into the opposite Extreme of complimenting away even their own Security.

Mr. Echard indeed is pleas'd to connect the first of these Measures with Mr. Baxter's Prosecution, as if the one made way for the other; and also to add, that if it had been ratify'd by the House, it might have prov'd fatal in that Juncture, to the Dissenters: But surely, if the *venime contradicente* Vote of one Day was against the Dissenters, the *venime contradicente* Vote of the other could not be for them.

But we shall trace the Reason of the said Procedure against Mr. Baxter to another Source; and thence shall be authoris'd to conclude, that Mercy to Dissenters was the Thing at that time least consider'd; and that, on the contrary, a Project was entertain'd of making them a Sacrifice to the Church, that the Church might be induced, in return, to make certain Concessions to the Cause of Rome.

On the 29th of May, which was two Days after the Vote of Confidence, to rely on the King's Word, Dr. Sherlock, preaching before the House of Commons, had clos'd his Discourse with these Expressions: "I deny not, but some who are *Papists*, in some Junctures of Affairs, may have been very loyal; but I am sure the popish Religion is not: The Englishman may be loyal, but not the *Papist*: And that there can be no Security of those Mens Loyalty, whose Religion, in any case, teaches them to rebel." This Sermon, it may be presum'd, was publish'd of course; and in a few Days after came forth

A. D. 1685.

A Project to  
reconcile the  
Church of  
England with  
that of Rome.

tried him to pay a Fine of five hundred Marks, to lye in Prison till he had paid it, and to give Security for his Good Behaviour for seven Years. *Beh. the Usage and the Sen-*

ence, says Mr. Echard, were thought excellent by many. But there were Reasons and Precautions, which he has not thought proper to particularise.



A. D. 1685. *Jurists* were, for the most part, without Justice, Loyalty, Confidence, or Religion, tho' making a Pretence to all, for a Cloak to their Villanies; and that if it was to take them into her Bosom, they would make Use of the Vigour they deriv'd from her Warmth to sting her to Death; proceeds to advise her Sons to consider the King, as the *Corner-Stone* on which the *two Walls*, which had been so long separated, might be reunited; and concludes as follows:

"Upon these Considerations, My Lords and Gentlemen, my humble Request to you in this Assembly is, that you would advise about some Means for our Quiet, Concord, and Agreement, and take care, that what may widen our Breaches may be rejected, and what may close them embraced. The best way to effect which, in my Thoughts are these:

*First*, That it may be provided that those who are known to be faithful Friends to the King and Kingdom's Good, may equally *share* us enjoy those Favours and Blessings we may hope for under so great and so just a King, without being liable to the sanguinary, or penal Laws for holding Opinions no ways inconsistent with Loyalty and the Peace and Quiet of the Nation: And that they may not be oblig'd by Oaths and Tests, either to renounce their Religion, which they know they cannot do without Sacrilege, or else to put themselves out of Capacity of serving their King or Country.

*Secondly*, That for healing our Differences, it be appointed that neither Side in their Sermons touch upon Matters of Controversy with animating Reflections; but that those Discourses, may wholly tend to Peace and Piety, Religion and sound Morality: And that in all public Catechisms the solid Grounds and Principles of Religion may be solely explicated, and establish'd, all reflecting Anaphorics being laid aside.

*Thirdly*, That some learned, devout and sober Persons may be made choice of on both

Sides, who may truly state Matters of Controversy betwixt us, to the End each one may know the others Pretensions, and the Tenets they cannot abandon, without breaking the Chain of Apostolic Faith: Which if it be done, we shall, it may be, find that to be true, which the Papists often tell us, That the Difference betwixt them and us, is not so great as many make it, nor their Tenets so pernicious, but if we saw them naked we should (if not embrace them as Truths, yet) not condemn them as Errors, much less as pernicious Doctrines. Yet, if notwithstanding all this, we cannot perfectly agree in some Points, let us however endeavour to live together in the Bonds of Love and Charity, as becomes good *Christians*, and loyal Subjects, and join together to oppose those known Maxims, and pernicious Errors, which destroy the Essence of Religion, Loyalty, and good Government."

And thus we have the *Reasons* for Mr. Baxter's Prosecution, which none of our Historians have as yet touch'd upon: And as to the *Provocations* mention'd also by Mr. *Eschard*, he means the Troubles which we are presently to speak of; but in these it was never pretended that Mr. Baxter had any Share: It was besides notorious, that he was thrown into Prison the 28th of *February*, which was long before those Troubles were thought of: And how agreeable the Usage he met with was to the meek, charitable, and Gospel-spirit of the Rabbits of those times, appears from a Passage of the late Dr. *Calamy's*; wherein he asserts, "That a certain noted Clergyman put into the Minds of his (Baxter's) Enemies some Accusations out of *Roman's* 13, as against the King, to touch his *Life*; but no Use was made of them."

In this Interval, the Earl of *Argyle's* *Pro-* landed his little Force at a Place call'd *Cann-* *platon*; and had issued our Orders to all his Vassals, from Sixteen to Sixty, with all their *useful Arms*, and *two Weeks Loan*, to join him, under pain of military Execution; and *several*

If we cannot assure ourselves of a perfect Peace and Union with Rome, we may hope for a Truce, a Cessation of Arms, a happy Correspondence and mutual Commerce.

Yet some Overtures of Peace have been frequently made by the *Roman's*; and I may lay with Truth, if it had not been for some head-headed Zealots, and other ignorant Polemic, our Breaches had never been so wide; yes, on the contrary, would have been long since healed. Our *Arch-bishop* cry perpetually against the Idolatry of the Church of Rome; and yet the *Roman's*, 'tis well known, cry as much against Idolatry as we. If they would paint a *Pop's*, they bestir him with the only Colours of Equivocation, mental Reservations, Dispenations to lye, forswear, and mislead their Neighbours; when, on the contrary, the *Roman's* *Catholics* recommend Simplicity and godly Sincerity, as truly Christian Virtues, necessary to the Conservation of Justice, Truth, and common Society; and tells us, That all Pretences and Dispenations past, or pretended to be granted, in order to any such Ends or Design, have no other Validity or Effect, than to add Sacrilege and Blasphemy to the already named Crimes. And as for our common Controversy, how often are we told they imitate the *Roman's* *Catholics* Tenets, misrepresent their Doctrine, fight against Calamity of their own *Hearts*; and most commonly either spend whole Volumes in refuting *Errors*, which they condemn, as well as We, or establishing *Truths*, which they affirm: How often have they told us, we must separate our Articles of Faith from their theological Disputes, and take their Doctrines from their Councils, not their Schools? And yet how little Profit have

our Polemic reap'd from this Almond? How often have they formerly urg'd us to an Oath or *Foedus* betwixt us, upon Condition Security and Freedom might be given them; the Questions rightly stated, and the other common Laws of Disputation strictly observ'd: But still, either the real or pretended Interest of some party stop thereto, inasmuch that in their public Writings they have often told us, we behave ourselves like Persons distant of our Cause, *Justice* *Divines* on equal Terms, and either misrepresent their Tenets; or manifestly in their Doctrine of Justification and Merit, Satisfaction and Indulgence; or else play the Buffoon, joking, scoffing, and relating Stories, which, if true, would not touch Religion: I must confess, many of our young *Divines* (if I may call them *Divines*, who have not spent above a Year or two in the Universities) are to blame in this, who having obtained a good Eke-out by the Solicitation of Friends, and not by their Merit, are forced to proceed to other ways that scarce understand themselves, such as these, *let* *Want*, it may be, of Matter, are glad to fly, as the Devil; for which being applauded by their zealous and ignorant Auditors, and moved with an itch of being in Print, they publish their own *perverse* Conceptions, or such as they have glean'd from others of the *File Learning*, Judgment, and Reading; and too far be all to no Purpose, yet they first see themselves, so it from thence the *Lowell* of *Epiphany*, and the *three* Destructions of the *House* of *Rehoboth*, was necessary, since."

A. D. 1685. Several not only refusing Obedience, but, on the contrary, going over to the King's Forces, their Houses were burnt to the Ground. Thus, partly thro' Terror, and partly thro' Affection, in a few Days he saw himself at the Head of about 2500 Men, some of them Horie; and, as a farther Inducement to the Country to side with him, he gave out, That all England was in Arms, in three several Places; that the Duke of Monmouth had set up his Standard, on the same Grounds as he had done; and that the South and West of Scotland waited only for positive Intelligence of his Landing, to declare for him: But either he was greatly deceiv'd himself, or he purposely deceiv'd his Followers; for as yet Monmouth had not left Holland; the whole Possé of Scotland, consisting of 22,000 Men, had been seven Days in Arms for the Government; and about one Third of them were actually in full March towards Argyleshire, under the Command of the Marquis of Athol, the Earl of Brae d'Alain, &c. in order to reduce him: But against these he was as yet able to defend himself; for having his Three Ships to wait his Motions, one of which was of thirty Guns, one of twelve, and the third of six; as also a fourth, which he had taken on the Coast, laden with Corn; and twenty Boats; he was for a while able to shift his Situation at Pleasure, and either charge or retreat as best suited his Convenience. But so provident was the Government, that he soon found himself equally beset both by Sea and Land: Two of his Majesty's Ships were sent in quest of his little Fleet: He had Notice of it, and endeavour'd to take Sanctuary in Lochfine; but the Winds proving contrary, he was prevented by the Arrival of the Enemy in the Mouth of Lectrowan, where he then lay. He then set himself to unlade his Ships with all Expedition, and lodg'd the Remainder of their several Freights, consisting of Arms and Ammunition, in a little Castle call'd Ellengreg, which he fortify'd, as also a Rock that lies near it, and made such a Disposition of his Ships as enabled those on board and those on shore to act for their common Preservation: Having taken these Precautions, and left a Garrison of 150 Men to defend the Castle, and one of his Parties having been worsted in the Interval by the Marquis of Athol, he pass'd Loch-long June 15; and directed his March to Lenox in Dumbartonshire. The very same Day the King's Ships coming up to Ellengreg, and preparing to make an Attack, two Men came off in a Boat with a white Flag, and told them, they might save themselves the Labour, for that both Ships and Garrison were already deserted; those entrusted with their Defence having taken flight as soon as their Sails appear'd; by which all the Stores, consisting of 5000 Arms, 500 Barrels of Powder, several Pieces of Cannon, &c. fell, without a Blow, into the Hands of the Royalists.

The Earl in the mean time pursued his March; but at every Step found his Difficulties and Dangers increase: The Lord Charles Murray, with three Troops of Dra-

goons, had Orders to prevent his passing the River Clyde, which was on his Right: The Duke of Gordon, with another Party, kept pace with him on his Left: The Marquis of Athol waited upon his Rear: The Earl of Dumbarton, with the main Body of the King's Forces, was posting from Glasgow, at the same time, to give him Battle: And to complete all, his Provisions fail'd; all Supplies were cut off; and Numbers of his Followers to avoid starving, thought it advisable to return to their Duty. But the Earl who had taken a Resolution to dare and suffer all things, push'd on, notwithstanding, towards the Fords of the River Leven, between Leck-lomand and Dumbarton, which they made a Shift to pass, but were overtaken the next Morning in the Parish of Kilerne in their way to Sterling, by the King's Horie and Dragoons, who kept them in Play till the Foot came up, which was not till towards the Evening; and then it was judg'd that the Post they occupi'd was so strong, and their Disposition to good, that it was not held advisable to attack them till the Morning. The Earl, however, did not think proper to maintain it, but in the dead of the Night, as silently as possible, march'd off to the River Clyde, which he pass'd without any great Opposition; his Horie swimming over, and his Foot having the Convenience of Boats. Thus they got to Renfrew, where Sir John Cochran undertook to find them Guides, to conduct them into Galloway; by whom they were ignorantly or wilfully misled into a Bog; in which they lost both their Hories and Baggage, and were so every way distress'd and embarras'd, that all Order was at an end, and every Man thought only of providing for his own Safety. The Earl, himself, seeing all lost, fled towards Clyde; and in the way was met upon by two Men, who call'd upon him to yield: Instead of which he fir'd upon them; and, having receiv'd a Wound in the Head, alighted from his Horie, and ran into the Water, almost up to the Neck; a Countryman, who had heard the Noise of the Fray, plung'd in after him: The Earl snapp'd a Pistol, but it mis'd Fire; and the Countryman giving him another Blow on the Head, he cry'd out, *Unfortunate Argyle!* and fell. Having thus made himself known, he was immediately seiz'd, and sent first to Glasgow, and then to Edinburgh.

This Nobleman (says Mr. Beal Hig- [Short View, gons, a profest Apologist for all the Princes of the Stuart Race) by reason of some very severe Treatment, not to say worse, in the preceding Reign, was by much the most excusable, and most to be pity'd of any who drew a Sword in this Quarrel. But those who were the Punishers of his Crime, were pleas'd to forget his Provocations, as well as his high Rank and Quality, and heap'd all the Indignities upon him, which could make him yet more sensible of his Calamities. He was led into Edinburgh harcheaded, with his Hands ty'd behind him, like the vilest and wickedest of Malefactors, surrounded with Guards, the common Executioner with his Ax going before him, and expos'd to the Clamour



A. D. 1683.

[P. 166.]

Clamours and Insults of the Populace. And all this we are taught by Mr. Archdeacon *Eckard* to hold but a just Retaliation for the like Indignities inflicted on the Marquis of *Montrose*, chiefly at the Instance of the Earl's Father.

If it can be said, that any Mercy was shewn him, it consisted in giving him a speedy Dispatch out of a World he had so many Reasons to loath. The thirteenth Day after he was taken, was the Day appointed for his Execution; which, as if to authenticate his former Perfection, was in Pursuance of his former Sentence, and not for the Hostilities he had since committed. Bishop *Burnet* says, he was examin'd by the Duke of *Queensberry*, in private, but made no Confessions: That he express'd a cheerful Calm in the midst of all his Misfortunes: That he justify'd all he had done, for having been unjustly attainted, he thought that Injustice had dissolv'd his Allegiance; and that he complain'd much of the Duke of *Monmouth* for having so long delay'd his coming, and for a Step he took afterwards, which was contrary to their Agreement at parting.

On the Scaffold he made a Speech which had more of Piety than Politics in it. "He thank'd God, that no more Blood had been spilt; wish'd his own might be the last that would be spilt; hinted a Hope, by the Application of a Text, That God's Work might be done, not by the Hand of Power, but the Influence of his own Spirit; acknowledg'd, that his own Sufferings were the Result of special Providence; but hop'd none would either insult or stumble at it, seeing God did all things well, for good and holy Ends, tho' it was not always understood by us; warn'd his Hearers from bringing Sin upon themselves, by pusillanimous Compliances in wicked Courses; quoted *Hosai's* Case to shew the Danger of such Temporizings; recommended certain Texts to the Consideration of those in Power; declar'd, that he freely forgave his Enemies, besought all People to forgive him; and pray'd that God would send Truth and Peace into the three Kingdoms; sanctify his own Lot, &c." Here he seem'd to have ended all he design'd to say, but was induc'd to proceed yet farther, in the following remarkable Words: "It is suggest'd to me, That I have said nothing of the Royal Family; and it remembers me, that, before the Justice at my Trial about the Test, I said, That, at my Death I would pray, That there should never want one of the Royal Family to be a Defender of the true, ancient, apostolic, catholic, Protestant Faith; which I now do; and that God would enlighten and forgive all of them that are either lukewarm, or have think from the Profession of it, &c." Now, if he had embark'd in a Republican Cause, as some would persuade us to believe, he would scarce have employ'd his last Breath in praying for a Protestant King. And if on the other hand, it is truly said, that he was disgusted with *Monmouth* and his Proceedings, it is not supposable, that he put up this dying Prayer for him. The King, himself, he could not mean, because the whole

Tenor of his Speech shews, that his Misfortunes had not alter'd his Sentiments concerning him; and, except the Prince of *Orange*, there was no other legitimate Male then in being, of the Royal Race: And as to the Inferences deducible from hence, it is fit every Reader should make them for himself.

Thus, however, he fell; and if the Historian of his own Times is to be depended on, his Fate was not more owing to the superior Power of his Adversaries, than to the Mistakes in his own Conduct: For, it seems, he was all-sufficient, and would neither hear Advice, nor bear Contradiction.

As to his Followers, most of the Gentlemen forc'd their way thro' the King's Troops, and found Means to make their Escape: But Sir *John Cochran*, Captain *Ayliffe*, and *Rienbald*, the last of whom fought desperately, and receiv'd several Wounds, were taken, *Cochran* made his Peace and was pardon'd, according to many Writers, on the Merit of having betray'd his Friends: But the Bishop of *Salisbury* utterly denies it, and tells the Story thus:

"*Cochran* had a rich Father, the Earl of *Dundonald*; and he offer'd the Priests 5000*l.* to save his Son. They wanted a Stock of Money for managing their Designs: So they interpos'd so effectually, that the Bargain was made. But, to cover it, *Cochran* petition'd the Council that he might be sent to the King; for he had some Secrets of great Importance, which were not fit to be communicated to any but to the King himself. He was, upon that, brought up to London: And, after he had been for some time in private with the King, the Matters he had discover'd were said to be of such Importance, that in Consideration, of that the King pardon'd him. It was said, he had discover'd all their Negotiations with the Elector of *Brandenburg*, and the Prince of *Orange*. But this was a Pretence only given out to conceal the Bargain; for the Prince told me, he had never once seen him." Not that there had been no such Negotiations.

The same Author also says, That *Ayliffe* had a mind to prevent the Course of Justice; and having got a Penknife into his Hands, gave himself several Stabs. And thinking he was certainly a dead Man, he cry'd out, and said, Now he deserv'd his Enemies. Yet he had not pierc'd his Guts: So his Wounds were not mortal. And, it being believ'd that he would make great Discoveries, he was brought up to London, where the King examin'd him, but could draw nothing from him, but one severe Repartee. He being fullen, and refusing to discover any thing, the King said to him, Mr. *Ayliffe*, you know it is in my Power to pardon you, therefore say that which may deserve it. It was said that he answer'd, That tho' it was in his Power, yet it was not in his Nature to pardon. He was Nephew to the old Earl of *Clarendon* by Marriage; for *Ayliffe's* Aunt was his first Wife, but he had no Children. It was thought, that the Nearness of his Relation to the King's Children might have mov'd him to pardon him, which would

A. D. 1685.

The Fate of his Followers.

Cochran pardon'd.

have

A. D. 1685.

have been the most effectual Confutation of his bold Repartee: But he suffer'd with the rest."

Why *Ayliffe* and *Rumbald*, who were *Engliſhmen*, choſe to follow the Fortunes of *Argyle* rather than *Monmouth*, the Biſhop firſt ſays, he was never able to find out: But as *Fletcher* and *Ferguson*, *Scottiſhmen*, follow'd *Monmouth*, poſſibly it was by way of mutual Precaution, that neither ſhould, after their Separation, give into ſeparate Views, but, as often as they ſhew'd any ſuch Diſpoſition, ſhould be reminded by theſe reſpective Delegates, of their reciprocal Engagements to be faithful to each other.

Rumbald's  
Tale, and  
gallant De-  
portment.

*Rumbald* was the famous Maltreſer of the *Rye-house*, ſo often mention'd in the laſt Reign: And let it give no honeſt Man Offence, if, inſtead of handing his Portrait down to Poſterity, in the dreadful Colours of a deſperate Aſſaſin, we pronounce, from his Behaviour in the laſt Scene of his Tragedy, that he was one of thoſe exalted Minds which ſerve to the Body-politic, as the animal Spirits do to the natural Body, to keep the Flame of Liberty alive, and to maintain the Dignity of human Nature, apart of thoſe artificial Helps, which are drawn by the Statesman from Power, Office, Wealth, and Titles.

Before his Wounds had Time to cloſe, much leſs to heal, he was brought to his Trial in an Elbow-chair, on Mens Shoulders; and, before the Charge againſt him was read, ſeveral Questions were put to him by the Court; to which he at firſt made no Reply; but growing uneaſy under their Importunity, he gave them to underſtand, that he did not think himſelf oblig'd to add to his own Accuſation: That there was no Neceſſity he ſhould; for they had Matter enough already againſt him to do his Buſineſs: And that therefore he did not deſign to fret his Conſcience with answering Questions. The Libel or Indictment was then read; in which he was accus'd not only of being an Accomplice with the Earl of *Argyle*, but alſo of proſecuting his Deſign to kill the King, as had been laid to his Charge in the *Rye-house* Conſpiracy: And, in his Reply, he own'd it all, except what related to any Deſign on the King's Perſon. "Let all preſent, ſaid he, believe the Words of a dying Man: I never, directly nor indirectly, intended any ſuch Villany: I even abhorred the very Thoughts of it; and, bleſſed be God, I never had ſuch a Reputation in the World, that no Man had ever the Impudence to propoſe it. This is the only Way I have now to clear myſelf: But at the laſt Day the Truth will be made manifeſt to all Men." In half an Hour the Jury pronounc'd him guilty: His Sentence was, to be drawn, hang'd, and quarter'd: Which he heard with ſuch an undaunted Compoſure, as is only to be expreſs'd in his own gallant Words; for being ask'd, if he was not ſtruck with Horror at it, he answer'd, *I wiſh I had a Limb for every Town in Chriſtendom.* His Speech at the Place of Execution had alſo many things in it worthy of eternal Remembrance:

A. D. 1685.

"Gentlemen and Brethren, ſaid he, It is for all Men that come into the World once to die, and after Death to come to Judgment; and ſince Death is a Debt that all of us muſt pay, it is but a Matter of ſmall Moment what Way it be done; and ſeeing the Lord is pleas'd in this manner to take me to himſelf, I confeſs, ſomething hard to Fleſh and Blood; yet, bleſſed be his Name, who hath made me not only willing but thankful for his honouring me to lay down the Life he gave, for his Name; in which, were every Hair in this Head and Beard of mine a Life, I ſhould joyfully ſacrifice them for it, as I do this: And Providence having brought me hither, I think it moſt neceſſary to clear myſelf of ſome Aſperſions laid on my Name: And firſt, That I ſhould have had to borrow an Intention of deſtroying the King and his Brother."

Here he repeated what he had ſaid before to the Juſtices on this Subject.

"It was alſo laid to my Charge, that I was anti-monarchical.

It was ever my Thoughts, that kingly Government was the beſt of all, juſtly executed: I mean, ſuch as by our ancient Laws; that is, a King, and a legal, free-choſen Parliament. The King having, as I conceive, Power enough to make him great, the People alſo as much Property as to make them happy; they being, as it were, contracted to one another. And who will deny me, that this was not the juſt-constituted Government of our Nation? How abſurd is it then for Men of Senſe to maintain, That, though the one Party of this Contract breaketh all Conditions, the other ſhould be oblig'd to perform their Part? No; this Error is contrary to the Law of God, the Law of Nations, and the Law of Reaſon. It was therefore in the Defence of this Party, in their juſt Rights and Liberties, againſt Popery and Slavery."

At which Words they beat the Drums, and he proceeded thus:

"They need not trouble themſelves, for I ſhall ſay no more of my Mind on that Subject, ſince they are ſo diſtinguiſhed as to interrupt a dying Man, only to aſſure the People, that I adhere to the true *Proteſtant Religion*, deteſting the erroneous Opinions of many that call themſelves ſo; and I die this Day in the Defence of the ancient Laws and Liberties of theſe Nations: And tho' God, for Reaſons beſt known to himſelf, hath not ſeen it fit to honour us, as to make us the Inſtruments for the Deliverance of his People; yet as I have liv'd, ſo I die, in the Faith, that he will ſpeedily ariſe for the Deliverance of his Church and People. And I deſire of all you to prepare for this with Speed. I may ſay, This is a deluded Generation, veiled with Ignorance, that though *Popery* and *Slavery* be riding in upon them, do not perceive it; tho' I am ſure there was no Man born mark'd of God above another; for none comes into the World with a Saddle on his Back, neither any boot'd and ſpur'd to ride him; nor but that I am well ſatisfy'd, that God hath wiſely order'd different Stations for Men in the World, as I have already ſaid: Kings having, as much Power

A. D. 1685.

as to make them great, and the People as much Property as to make them happy: And, to conclude, I shall only add my Wishes for the Salvation of all Men, who were created for that End.<sup>19</sup>

His Face and Manner were as resolute as his Words; and, tho' he was still unable to stand, without the Support of two Men, he seem'd to triumph over his own Weakness, and indeed over Death itself: He saluted the People cheerfully, he pray'd fervently, he took his last Leave of the World heroically, and in every Instance demonstrated, that he was fit for the great Work he had undertaken, of contending for the Liberties of Mankind.

Monmouth's Expedition.

We are now to wait on his Grace of *Monmouth*, who set out from *Amsterdam* May 24, in a small *Shallop*, in order to embark on board his little Fleet, which waited for him in the Mouth of the *Tees*; but met with such contrary Winds, that he could not reach them till the 30th following; in which time *Skelton* had got Intelligence of what was in agitation, and had caus'd the Duke's Ship to be laid under Arrest; but the next Day they broke thro' it, and set sail: The whole of his Strength consisted but of one Ship of thirty-two Guns, and two Tenders; the King had many Cruisers at Sea to intercept him; the Wind was still in his Teeth, and continued to thro' the Whole of his Passage; which accounts for the long Interval of Time between *Angle's* Landing and his, and frees him from all Blame on that Account: He nevertheless made a shift to reach the Port of *Lime* (in *Dorsetshire*) in Safety, June 11, and landed about nine o' Clock in the Evening, without Opposition; the Duke himself, as soon as he set Foot on shore, falling on his Knees, and the rest of his Company following his Example, while he put up a short Thanksgiving for the Dangers they had already escap'd, and earnestly besought the Almighty to grant them his farther Protection. He then marshal'd his little Army, [which, according to some, and those the best-informed, consisted but of eighty-two Persons; but, according to others, of about a hundred and fifty] on the Sands, and march'd at their Head towards the Town, which was neither prepar'd nor dispos'd to resist him: On being come into the Market-place, he set up his Standard, exercis'd his Men, and being assur'd what his Purpose was, made answer, To secure the Protestant Religion, and extirpate Popery; in which Cause he invited the Country to join him: And so captivating was his Person to the People, and so specious his Pretensions, that the next and the following Days such Numbers crowded in to him, that his Commisaries had full Employment, in taking their Names, and supplying them with Arms.

He lands at Lime.

[Bloody Asses, Eckard, Weiswood, Com. Journ.]

This sudden and surprising Success must

be attributed to his Declaration; which was compos'd by *Fergufon*, and which, however long, ill-tem'd, and full of black and dull Malice, as *Bishop Burnet* characterizes it, coincided perfectly with the Prejudices and Passions of those it was principally address'd to; and, of course, was well calculated to answer the great Ends in view. It was call'd, "The Declaration of *James Duke of Monmouth*, and the Noblemen, Gentlemen, and Commons, now in Arms for the Defence of the Protestant Religion, and Vindication of the Laws, Rights, and Privileges of *England*, from the Invasion made upon them, and for delivering the Nation from the Usurpation and Tyranny of *James Duke of York*; and had for its Basis the following self-evident Propositions, viz. 1. Government was not instituted for the private Interest or personal Greatness of the Governors, but the Security and Protection of the Govern'd. 2. It cannot be imagin'd, that Mankind would part with their Power to arm their Governors against themselves, or to be render'd more miserable than they were, in the State of Nature. These Generals having been thus laid down, a Transition was instantly made to the peculiar Case of *England*. In our Constitution, it was observ'd, both Religion and Liberty were fenced and hedged round by all the Laws that the Wisdom of Man could devise, to preserve both from Encroachments; yet such had been the Management of Affairs for many Years past, that the Power of the Crown had been apply'd wholly to the Destruction of the People: The Duke of *York* was then made answerable for this notorious Perversion; was describ'd as a Man of immoderate Ambition, as panting after absolute Dominion, and as desirous of introducing popish Idolatry, in order to obtain it: That the Constitution itself had given way and sunk under the Weight of his oppressive Administration, was the next thing endeavour'd to be prov'd; and among the Particulars mention'd, the corrupting of *Parliaments* was the first: It was by the way also observ'd, That the People, by parting with the Power of electing their own Sheriffs, and the Command of their own Militia (which last Surrender is plac'd to the Account of a *brid'd Parliament*) were become naked of all Defence, and had found no Security in bare Laws, or the Words and Promises of Princes, while unable to enforce the Performance of them: That the Edge of the very Laws made for the Preservation of the Protestant Religion had, thro' the Corruption of Judges, been turn'd against Protestants: That, by the means of Sheriffs as corrupt, even Juries themselves, which the good old Laws of the Land had provided as an insurmountable Barrier between the Subject and Oppression, had on the contrary prov'd a Snare to them, and had

A. D. 1685. His Declaration.

19 The Author of that Piece, above inserted, is taken from a Manuscript Copy, communicated to me by one of the great Men of the present Age by the Help of which, I

have been enabled to give a fairer and fuller Sense of it, than has as yet been given by any Body.

A. D. 1685. had only serv'd to give a Colour to their Ruin: That it was from the Power of executing of Laws, proroguing and dissolving Parliaments at Will and Pleasure, before the Petitions of the People were heard, or their Grievances redress'd; of placing and displacing Judges, as if their Oath and Office were to be the Tools of a Court, and not the upright Arbiters between King, and People, &c. the said Duke of York, and the rest of the Conspirators, were enabled to prosecute their arbitrary and tyrannical Purposes, without Fear of Punishment. Then descending to Particulars, they charg'd on the said Duke the Burning of London, and the Prorogation of the Parliament, when in prosecution thereof, the shutting up of the Exchequer, whereby the People were defrauded of twelve hundred thousand Pounds sterling, and upwards; the Breach of the Triple League, whereby Europe was involved in a bloody and expensive War, and the Protestant Interest almost ruin'd; the Popish Plot; the Murder of Sir Edmundbury Godfrey in order to stifle it; the many forged Plots against the Patriots of our Country, and the Protestant Religion; the frequent Dissolutions and Prorogations of Parliament, to prevent their securing of the Protestant Religion at home, and giving Succour to the Protestants abroad; the imposing a malignant Mayor and Sheriffs on the City of London by Fraud and Force, and justifying the same by infamous Judges branded by Parliament, and laying Punishment on the Innocent, who in discharge of their Duties oppos'd it; the violent seizing of Charters, and more especially that of the City of London, being the last Place wherein any Mark remain'd of the ancient Government, by electing of Sheriffs by the People; the barbarous Murder of Arthur Earl of Essex, in the Tower; and of several others, to conceal it; the most unjust Condemnation of William Lord Russell, and Colonel Algernon Sydney, being only accused, for meeting in discharge of their Duty to God and their Country, to consult of extraordinary yet lawful Means to rescue our Religion and Liberties from the Hands of Violence, when all ordinary Means according to the Laws were deny'd and obstructed; the illegal Delivery of the popish Lords out of the Tower; the unparallel'd Execution and Murder of Sir Thomas Armstrong, without a Trial, the eluding and breaking thro' the Act of Parliament, made in the late King's Time, for calling and holding a Parliament once in three Years; and, after all, the poisoning the late King, to prevent the Discovery and Punishment of the Murder of the said Earl of Essex, and to make way for the said Duke of York to the Throne.

Not satisfy'd with all this, they say, that the whole Series of his Life had been one continued Conspiracy against the People; and that, by the Example and Encouragement of the Conspirators, this Nation, once

so famous for Virtue and Honour, was overspread with all the Vices that had any where prevail'd in the worst of Times; and was become the Scorn, Scandal, and Reprach of the Nations round about.

What follow'd next was a Summary of the said Duke's Conduct, since his intruding into the Throne; [the Words of the Declaration] which began, say they, with an impudent and barefac'd Avowal of the Romish Religion, in defiance of the Laws and Statutes of the Realm: The arbitrary Seizure of the Customs made the second Article: And the third, That he had attempted the utter Subversion of all the Laws and Liberties of the People, by packing together, by colour of new and illegal Charters, false Returns, and other corrupt Means, a Company of Men, which he fill'd a Parliament.

Then coming to the Use of all, they proceed to say, That, unless they could rectify'd to see the Protestant Religion extirpated, Popery establish'd, and Liberty trampled under-foot; unless they could forget the Example of their noble and generous Ancestors, their Duty to God, their Country, and Posterity; and unless they could be deaf to the Groans and Cries of their suffering Friends, they were indispensably oblig'd to have recourse to Arms; which they should not have done, had they not been depriv'd by their Enemies of all other Means of Redress; and were not the Miseries impending over the Nation worse than War itself. For these Reasons they charge all the Guilt and Calamity of that War upon them, and solemnly appeal to Almighty God, the Searcher of Hearts, that they have not rush'd on that cruel Experiment, either from any corrupt or private Concernment whatever, but out of Necessity, for Self-preservation, and to preserve their Country from Ruin. They then proclaim the Duke of York a Traitor, a Tyrant, a Popish Usurper, a Murderer, and an utter Enemy to all things that are good; enter into a reciprocal Engagement to prosecute him and all his Adherents with War, till they had brought him to Justice; and that they would not separate themselves, nor lay down their Arms, till the Liberties of the People were restor'd, and the Protestant Religion was secur'd: And yet further, that they would do their utmost Endeavour to procure the several Laws, Rights, and Privileges following:

1. That no (a) Protestant, of what Persuasion soever, shall, for the future, be molested or troubled for the Exercise of Religion.
2. That Parliaments shall be annually chosen and held, and shall not be prorog'd, dissolv'd, or discontinu'd within the Year, till Petitions shall be answer'd and Grievances redress'd.
3. That Sheriffs shall annually be elect-ed by the Freeholders of the County; and that the Militia Act shall be repeal'd, and some way found out for settling the Militia, which shall

(a) Sir John Rivers erroneously asserts, p. 203. That he promis'd Liberty of Conscience to all Sorts of People, *Popish* not excepted.

A. D. 1685.

shall be commanded by the Sheriffs: And that no other standing Force shall be allow'd without the Consent of the Parliament.

4. And lastly, That the Corporation Act be repeal'd, and that the Cities and Corporations be restor'd to their ancient Charters and Freedoms.

They also declar'd, That all late Judgments given against them, and all Surrenders made by a corrupt and perjur'd Party amongst themselves, were null and void in Law; That their old Charters were good and valid, notwithstanding the said Surrender; And that they invited and encourag'd all honest Burgeses and Freemen to reassume the Rights and Privileges which by the said Charters belong'd to their respective Corporations: And that they would deliver themselves from those Court Parasites and Instruments of Tyranny fit up to oppress them.

To all this was added, That they would come to no Capitulation with the said Duke of York: That they would prosecute to Destruction all that continued to adhere to him; and that they would receive to Mercy any of his former Tools, who should atone for their past Mis-conduct, by joining in the present great Work of redeeming their Country. The Duke of Monmouth, also, for himself, declar'd, That tho' it had been, and still was, believ'd, that he had a legitimate Right to the three Crowns, &c. of which he made no Doubt to give the World full Satisfaction, notwithstanding the Means used by the late King his Father, upon Popish Motives, and at the Instigation of James Duke of York, to weaken and obscure it: Yet such was the Generosity of his own Nature, and such the Love he bore the Nation, whose Welfare and Settlement he infinitely prefer'd to whatsoever might concern himself, that he would, for the present, waive all Disputes as to that Matter, and leave all those his Rights and Pretensions, and the settling of the Government, to the Wisdom, Justice, and Authority of a Parliament duly chosen and acting with Freedom; and most solemnly promis'd, by all that was sacred, that, in Conjunction with the People of England, he would employ all the Abilities bestow'd on him by God and Nature, for the Preservation and Establishment of the Reformed Protestant Religion, the Reformation of Manners, the Vindication of the Laws of the Land, the Rights of the People, the Furtherance of the Articles before specify'd, and whatsoever else might conduce to the Peace, Happiness, and Safety of this Nation; and the putting it out of the Power of any Person, whatsoever, hereafter, to deprive the good People of their Rights, or defeat the Ends of Government.

And the last Article of all was express'd in these awful Words: "And we do appeal unto the Great God concerning the Justice of our Cause, and implore his Aid and Assistance, that he would enable us to go forth in his Name, and to do valiantly against his and our Enemies, for he it is that knows we have not chosen to engage in Arms for private and corrupt Ends or Designs, but out of a deep

Sense of our Duty; we therefore commit our Cause unto him who is the Lord of Hosts, and the God of Battles."

It must be acknowledg'd these were great and tempting Offers; and as great Numbers of the People had grievously smarted for the want of those very Restrictions on one hand, and Indulgences on the other, it is scarce to be wonder'd, that the Discontented, the Persecuted, the Zealous, and the Unwary, crowd'd in to him on all Sides, either to share with him in the Spoils, or partake of the Glory in establishing a System of Government that promis'd to fair to incorporate Power and Liberty.

About an Hour after the Duke landed, the Mayor of *Lime*, and the principal Officer of the Customs of that Place, set out Post for *London* with the News, which was communicated by the King to both Houses, and produc'd immediate Votes to stand by his Majesty with Lives and Fortunes, according to Custom on the like Occasions. The Commons, moreover, made it their humble Request, and gave it as their humble Advice to his Majesty, That he would be pleas'd to take care of his Royal Person. They also brought in a Bill of Attainder against the Duke of *Monmouth*, with an additional Prayer, that his Majesty would be pleas'd to set a Reward of 5000*l.* on his Head; concurr'd with the Lords in an Order for burning his Declaration by the Hands of the common Hangman; and added a Clause to the Bill of Supply; by which it was made High Treason to assert the Legitimacy of the said Duke; and, in Conformity to a Message from his Majesty, by the Earl of *Middleton*, desiring they would provide a good Fund for a present Sum of Money, to answer the immediate Charge of quelling the Rebellion in the *West*, resolv'd, That a Supply, not exceeding 400,000*l.* be given to his Majesty for his present extraordinary Occasions.

Thus all the Help that could be deriv'd from the Legislature, to keep the Crown steady on his Majesty's Head, he was immediately put in Possession of; and, as before in *Scotland*, he had already made Use of all the Power of the Prerogative, by way of Precaution against so enterprizing and popular an Enemy: As the Duke's Interest lay principally in the *West* and *North-west* Parts of the Kingdom, the several Lords Lieutenant of *Devonshire*, *Gloucestershire*, *Somersetshire*, and *Wiltshire*, had receiv'd Orders to draw out the whole Poise of those several Counties; but with Orders not to proceed to Action, if it could be avoided, till they were join'd by some of his Majesty's regular Forces.

It appears the Duke of *Albemarle*, who had that Command in *Devonshire*, was actually in Arms, when the Duke of *Monmouth* landed at *Lime*; for on the third Day afterwards, we find, that certain of his Forces were in Possession of *Bridport*, which is but six Miles from *Lime*; and that the Invader was thus early in a Condition to detach a Party of 300 Men to storm that Town; which they actually did, much to their Reputation, and made their Retreat afterwards in good Order,

A. D. 1685.

The Royal Proceedings of this Council.

[Brevet. Mem. p. 204.]

See Actes at Bridport.

A. D. 1685.

Lord Grey's  
Cowardice.[Ferguson's  
MS. in Ech.  
p. 1093.]

Order, and with little Loss: But this Shew of Spirit in his Men, was miserably overbalanced by the ill Conduct of his Officers. Lord Grey, who was intrusted with the Command in this little Expedition, deserted his Men without striking a Blow; and, returning full speed to *Lime*, brought the News of a Defeat, when his Party had actually obtain'd a Victory. "The Duke, says Bishop *Burns*, was much struck with this, when he found the Person on whom he depended most, and for whom he design'd the Command of the Horse, had already made himself infamous by his Cowardice." But Lord Grey did not act more absurdly as a Soldier in this Instance, than the Duke himself as a General; which he was given to understand very freely by Colonel *Mattews*; for his Grace saying, *What shall I do with him?* the other reply'd, *There is not a General in Europe that would ask such a Question, but yourself.* On the other hand, *Pletcher of Saltsou*, who was to have been join'd with Lord Grey in the Command of the Horse, and who was order'd out with another Party, either thinking, that all things were in common, in such Adventures as these, or that Superiority of Rank entitl'd him to make as free with Property as Persons, equip'd himself with the Horse of one who was just come from *Taunton* to join his Grace, and who deserv'd so much the more Consideration, in regard he had brought a large Body of Volunteers with him. This Man, brutal by Nature, and proud of his present Importance, when *Pletcher* return'd, not only accosted him with very provoking Language, but held up his Cane in a threatening Manner, which so highly enrag'd *Pletcher*, that he discharg'd a Pistol, and shot him dead on the Spot. So rash and violent an Action as this very ill agreed with the pious Spirit of his Grace's Declaration, and had a very ill Effect on his Affairs: The murder'd Man's Followers immediately espous'd his Quarrel, and came in a Body with their Complaints to the Duke, who now thought himself under the desperate Necessity of dismissing an Officer who had Courage, and of continuing to employ one that had none.

But, notwithstanding this ill Accident, his Affairs seem'd to wear a more florid Aspect every Day than the other, such Numbers pouring in to him, on all Sides, that he had not Arms to supply them. Having thus done all he could hope to do at *Lime*, on the 4th Day after his landing, he march'd out of that Place at the Head of almost two thousand Foot, and three hundred Horse. The Rout he took was for *Asmister*, a small Town at about four Miles Distance; and when Midway, discover'd on the other Side of it, the Duke of *Albmarle* at the Head of about four thousand of the *Devonshire* Militia; who thinking it impossible that *Monmouth* should have gather'd such a Strength in so short a time, was pulsing on; in order to storm his Quarters in *Lime*, and make the first Stage of his Expedition the last: But finding him, on the contrary, so well prepar'd to receive him, being restrain'd also by the Orders above

mention'd, and apprehending his Men were more inclin'd to revolt, than to do their Duty, he, all at once wheel'd about, when within a Quarter of a Mile of *Asmister*, in great Disorder and Confusion: And had his Grace of *Monmouth*, who had drawn up his Forces in that Place, taken the advantage and flank'd them on a flying Enemy, he had certainly much advantag'd his Cause: For he would in Consequence have had a new Supply of Arms, his Power and his Reputation would have increas'd together; and he might have made his way good to the Gates of *Exeter*, in two Days, without any great Opposition. The Matter, it seems, was debated, and over-ruled by the Duke himself; who, having a worse Opinion of his irregular Troops, than in fact they deserv'd, and forgetting that the Militia were little better, declar'd, "It was not his Business to fight yet, till his Men were a little disciplin'd; but rather to make up into the Country as fast as possible, to meet his Friends." Not questioning but there would have been Commotions in several Parts of the Kingdom, on the News of his Success. But of these Friends of his, some had been secur'd by Order of the King and Council, by way of Prevention: And the rest, it seems, were Persons of such Discretion, that they chose rather to lye in wait for his Success, than to partake of his Dangers.

From *Asmister* he proceeded on to *Taunton*, where his Reception was such as indeed manifest'd, that he had the Hearts of the People; for they strew'd his Way with Herbs and Flowers; the Emblems of his own short-ly'd Prosperity! they rent the Air with Acclamations; they set open their Houses to his little Army; they supply'd him with all the Necessaries in their Power: Twenty-six young Maids presented him with Colours, in the Name of the Townsmen, as also a Bible; which gave his Grace an Opportunity to say, *That he had taken the Field with a Design to defend the Truth contain'd in that Book, and to seal it with his Blood, if there was Occasion.*

Possibly this latter Ceremonial was but a preparatory Step to his assuming the Title of King; for *Defender of the Faith*, is a Part of the Style Royal; and the very Day after he had made this notable Advance, he was induc'd by evil Counsellors, "And I have been assur'd, says *Oldmixon*, by Persons who were with him, and in his Confidence, by that Arch-Traitor and Villain, *Ferguson*, to go the rest of the way. But *Ferguson*, himself, declares, and calls upon Mr. *Hook*, the Duke's Chaplain, to bear him Witness, that he disput'd the Convenience of his assuming the Kingship, at *that juncture*; with all the Strength and Vigour of Mind he was Master of.

He also asserts, "That it was not from Ambition that he chose at that Juncture to take upon him the Royal Style, but that it proceeded from a Necessity he conceiv'd himself under, in order the better to pursue and attain those Ends of his Declaration, wherein the Deliverance and Safety of his People were concern'd. He judg'd it to be the

A. D. 1685.  
Duke of Alb-  
marle returns  
before him.He is pro-  
claim'd King  
at Taunton.

[F. i. p. 702.]

[Eckard.  
p. 1081.]

giving

A. D. 1685.

giving the Enemy too much Advantage, thro' the Duke of York's being in the Throne and de facto King, of Proclaiming us all to be Traitors, without putting himself into a Capacity by taking the Royal Title, of charging that upon his Party, of which they accus'd and criminated ours. For whatsoever Mens Inclinations were towards us, yet if they were any ways sagacious, they could not but see a vast Difference between adhering to the Duke of York, which the Duke of Monmouth, without assuming the Name of King, could not threaten to punish as a Crime, and the promoting his Grace's Interest, while it was branded with the Name, and stood liable to the Penalties of High Treason. Accordingly he had not only Messengers from great Gentlemen, but was told by several Non-conforming Ministers that came into the Camp, That unless he took the Style of King, none who had Estates to lose, would venture themselves in his Quarrel. This I heard often said by many, and particularly in a Meeting where several were assembled from different Parts of the Country to advise and persuade him to assume the Kingship."

[Life of Jof. Evelyn, p. 272.]

Another Writer, who has been very closely follow'd by our Historians, has these Words: "Nothing now would content the Country, but he must be proclaim'd King, which he seem'd exceedingly averse to, and really I am of Opinion, from his very Heart. They said the Reason why the Gentry of England mov'd not, was, because he came on a Commonwealth Principle. This being the Cry of all the Army, he was forc'd to yield to it: And accordingly on Saturday Morning, June 20, he was proclaim'd." Then as to the Consequences of this bold Step, Ferguson, farther explains them in these Words:

"Nor did it appear, that the Duke's assuming the Regal Title discourag'd Men from coming to our Assistance, since we not only enroll'd a whole Regiment of Foot, besides Horie, at Taunton, where he was first proclaim'd, but greater Numbers presented themselves afterwards to offer their Service, than we had found and observ'd before: Tho' by reason of our wanting Arms wherewith to supply them, there was not that Proportion continu'd with us, as there did of those who join'd us ere our Stores were empty; but they were forc'd to return home, and we necessitated to allow it, being destitute of Weapons to bestow upon them."

We learn, indeed, from the same Author, that Colonel *Dawvers*, who was deep in the Duke's Secret, and who had even engag'd to form a Rising in London on his Behalf, afterwards pleaded his Grace's taking upon him the Kingship, contrary to his Declaration, in Excuse for his own Breach of Promise. But then he (*Ferguson*) farther asserts, That *Dawvers*, himself, actually advis'd him to do so, before he set sail from *Holland*: That when he was inform'd of his being actually proclaim'd, he said, "That it would be of more Advantage and Importance to him than twenty thousand Men; that he afterwards sent two Messengers to the Duke to re-assure him

NUM. LXXIV.

A. D. 1685.

of his Readiness to declare for him in the City, as soon as he should receive his Grace's Commands to authorize it: And that the true Reason why he fail'd him, was his own Cowardice and Baseness; which deterr'd him from making good his Engagements, against the repeated Importunities of those who were embark'd in the same Cause; as had been foretold by Major *Perret*; who, as often as the Duke express'd any Dependence on his Efforts, declar'd, "He had no Truth nor Valour; and that his Fear would lead him to frustrate whatever his Confidence prompted him to undertake."

And finally, as to the Inconsistence of this Proceeding of the Duke's with regard to the Letter of his Declaration, and his Engagements to the Earl of *Argyle*, &c. *Ferguson* endeavours to extenuate it as follows:

"And tho' the Duke's taking the regal Style, might seem a Departing from the Words of his Declaration, yet it was very consonant to the Clame he made in it, and most agreeable to several Clauses therein affirm'd and asserted. For as the declaring against *James* Duke of York as an Usurper, and the publishing himself to be the lawful and legitimate Son of King *Charles* the Second, was a plain claiming his being King *de jure*; so whether he should assume the Name (abstracting from his Promise) Discretion and Modesty, and not Right and Justice, were concern'd; and consequently [Here something is omitted by our Author.] to be a King, provided all the other Parts of his Declaration stood secur'd, in which he might accommodate himself to the Necessity of his Affairs, and comply best with those Measures that had the greatest Tendency to his Success; which he believ'd the assuming the Name of King would do. And therefore, as he in a second Declaration, after he had taken the Royal Title, confirm'd and secur'd all the other Parts, Promises and Engagements of his first; so he signify'd the Grounds that had made him recede from the Clause in the first, that barr'd his claiming the Name of King, without the Concurrence of a Parliament, hoping that the Necessity which enforc'd him to it, would have justify'd it."

But if the Duke was really invited by any Men of Rank and Estate, to take upon him the Style and Title of King, they made him but very scurry Returns for his Complaisance; for whatever Numbers flow'd in upon him, after his Proclamation, they were, in general, as before, the Dregs of the People, or Tradesmen of the middling Rank, with little more than a Sprinkling of the inferior Gentry. So that his nominal Reign had, from the very Beginning, a farce-like Aspect; and he himself appear'd to be no other than the King of the Mob.

He ventur'd, however, to distinguish the first Day of his Reign by certain Acts of Royalty: Such as a Proclamation setting a Price on the King's Head, as his Majesty had before done by him; a second, declaring the Parliament to be a salutous Assembly, and threatening, if they did not separate them-

He sent forth three Proclamations.

A. D. 1685. selves before the End of *June*, to authorize his Subjects to proceed against them as Rebels and Traitors; and a third, requiring the Duke of *Albemarle*, who lay with his Militia within six Miles of *Taunton*, to lay down his Arms immediately, and in case of Refusal denouncing him a Traitor.

[Richard, Orlisson.] To give the more Weight to the last of these Edicts, he sent a Letter to the Duke of *Albemarle*, and also another to Lord *Churchill*, who lay at *Charl* with some regular Troops, inviting both to join him; but without Effect: The Latter made a Jest of the Summons, and the Former sent for Answer, "That he was a Subject to *James* the Second, the late King's Brother; that he knew no other Lord; and intimated farther, that his Grace had better have let his Rebellion alone."

The next Day the Duke march'd from *Taunton*; but not to fight or dislodge his Grace of *Albemarle*, who lay so near him: He was still, it seems, afraid to trust his Irregulars in a Battle; and still perswaded himself, that the longer they were in Arms, the better Use they would make of them; as also that the longer he delay'd coming to Action, the more powerful he should become. But then he did not sufficiently consider, that the King's Resources were infinitely greater than his; that according to the Time allow'd him to make use of them, would be his Strength; and that if he (*Mounmouth*) could not venture to attack the Militia, whom his Majesty himself could not venture to depend upon, the postponing the Dispute till the disciplin'd Troops came up, would double the Odds against him. Human Reason is never infallible; but, in such Adventures as these, it is most liable to Deception and Infatuation: And it is a much easier Task to refine on past Actions, than to furnish wise Expedients under present Difficulties: That therefore, of the two Ways before him, the Duke should chuse the worst, is so much the less to be wonder'd at; more particularly, when we further reflect, that the very Dream of being a King might so far get the better of his Understanding, as to render him unwilling to incur the least Danger of being scold'd.

When he march'd from *Taunton* to *Bridgewater*, his Army was between five and six thousand strong, all in good Heart and Spirit, if not precis'd in the Rules of War: And as he had not thought fit to attack the Duke of *Albemarle*, to neither did the Duke of *Albemarle* think fit to interrupt him. The two Towns were but eight Miles asunder; the same Spirit prevail'd in both; and the Example which the former had set, the latter very gladly follow'd, by proclaiming him a second time (the Mayor and Burgesses assisting in their Formalities) lodging him in the Castle, providing liberally for his Soldiers, and contributing all the Money they could raise to his further Support. Here he divided his Forces into six Regiments, and began to make them acquainted with the Rudiments of War: Out of above thousand Horse of various sort, we are farther told, he made a

slight to form two very good Troops, besides a Life-Guard of forty Volunteers, who serv'd him at their own Charge. And thus he was, in some sort, equip'd with the State of a King, as well as the shew of an Army: And had many of the Friends he so much depended upon, at this Juncture, supply'd him but with Money and Arms, he had bid fair for the Kingdom, without their personal Appearance to do Honour to his Cause: But for want of these Essentials, he was every Day forc'd to dismiss thousands of the Populace, who crowded to follow his Ensigns: And it is plain he was more discourag'd with the Disappointments that befel him on one hand, than elated with the Successes he met with on the other.

Having receiv'd this additional Countenance, and gain'd this additional Strength, at *Bridgewater*, he pass'd on to *Gloucester*, and thence to *Wells*, where he was again proclaim'd; and here he came to a Resolution of great Importance, which was, to march over *Mendip-Hills* to *Bristol*: *Wade* and *Roe*, both *Bristol*-men, and both proscrib'd on account of the *Rye* Conspiracy, had given him repeated Assurances, that the Majority of the Inhabitants were in his Interest, and at his Devotion; and that the Militia, who kept Garrison there under the Duke of *Beaufort* would make no Resistance. These were powerful Inducements; and the Duke was so far govern'd by them, that he march'd as far as *Cainham*, a little Village within

three or four Miles of *Bristol*, with a Purpose, as it was generally believ'd, to make an Attempt on that Place the next Morning. But while his Men were refreshing themselves there in full Security, a Party of Horse commanded by Colonel *Oglethorpe* fell in with them before they were perceiv'd; and were, themselves, surpris'd with an unexpected Resistance; for as the *Mounmouth* Men were not aware of any Enemy, so they took the *Mounmouth* Men for Friends: A slight Skirmish follow'd, in which *Oglethorpe*, being overpower'd with Numbers, was forc'd to retire. But it does not appear, that there was any Pursuit, or that the Royalists thought of returning to the Charge; which, on the Duke's Side, is Matter of Astonishment; for his Horis was superior in Number to these; and tho' the latter were within reach of a Body of Foot, the Odds were still on his Side, and he could scarce hope to conduct a War against the Power of the Crown on any better Principle, than that of engaging it piecemeal. What was still worse, and more unaccountable, this little Adventure deterr'd him from pushing his Design on *Bristol*: For, it seems, these Parties in his Way were regular Forces, who had been sent on purpose to assist in the Defence of *Bristol*; and he had to high a Notion of Discipline, that he scarce thought it possible for Irregulars to make their Party good against them. And hence, by a strange Fatality every Argument that was made Use of to shew the vast Consequence of his mighty Acquisition, only serv'd to make him despair of succeeding in it. In vain the *Wade* and *Roe* retrouble their Importunities, and offer

A. D. 1685.

and at Wells.

Life of John Evelyn, p. 252. 253.

Heli prescrib'd at Bridgewater.



A. D. 1685. offer to lead him into the Town by Ways which the Enemy had no Knowledge of. He foresaw Difficulties which seem'd insurmountable, and therefore gave over the Enterprize, when in Sight of the Place: And when, according to *Oldmixon*, a Conspiracy was actually form'd in the City to receive him, as appear'd by their setting Fire to a Ship in the River, on a false Alarm of his Approach, to draw the Militia that way, while his Friends admitted him.

[P. l. p. 703.]

But this traditionary Story has been told differently by some of the Inhabitants of that Place: For, according to them, the Duke of *Beaufort*, justly apprehending that while he endeavour'd to oppose the Enemy without, there would be a Sedition within, gave Notice, that the very Moment the Citizens took any such dilloyal Step, he would fire the Town about their Ears: They add, That this Menace was carry'd to the Duke of *Monmouth* at the Instant the Ship was fir'd in the River: Upon which, taking it for granted, that the Experiment was already making on those who were deem'd most devoted to his Cause, and being touch'd with a quicker Sense of Compassion, than is consistent with the Purposes of Ambition, and the Trade of War, he said, "God forbid that I should be accessory to the Ruin of my Friends, or that, for any Consideration, I should subject so great a City to the double Calamity of Sword and Fire:" And gave immediate Orders for his Troops to face about, and take the Road to *Bath*. Those who were most anxious for his Grace's Success express'd the most Concern and Uneasiness, that he should thus desist from the only Enterprize that, according to the common Course of things, could have smooth'd his way to the Throne. *Brissel* abounded with Riches, Arms, and Stores of all Sorts. And had the Duke got Possession of it, he would thereby have been enabled to arm and pay a much greater Force than the King had as yet to oppose him; for the whole of his Majesty's regular Forces did not exceed seven thousand. But, say they, "God saw it not fit for us, and over-ruled our Consultations to our own Ruin: For this was the Top of our Prosperity; and yet all the while, not a Gentleman more than went *(sic)* over with us came to our Assistance."

When the Duke came before *Bath*, he sent in a Trompet to summon the Place to surrender; which they not only refus'd, but treated his Herald with the utmost Barbarity. And this cruel Affront he was oblig'd to overlook: For the Earl of *Feverham*, with the King's Forces, was in Sight on the Hills, on the other Side of the City; and the Duke was not yet resolv'd to face him. Thus, doubly disappointed, he, the very same Day, whistled about for *Philipparton*, in Hopes to strengthen himself by Deserters from the

several Bodies of Militia that hover'd round him, the Majority of whom, we are told, were so well affected towards him, that they only long'd for a fair Opportunity to go over to him. But here his Quarters were a second time beat up by a Party of 500 Horse, which had been detach'd by Lord *Feverham*, under the Command of the Duke of *Groston* (the Duke's Half-brother) to insult their Rear. A sharp Skirmish ensu'd; which was maintain'd with great Obstinacy on both Sides for above an Hour, when the *Monmouth*-Men became victorious, and the Royalists retir'd, the Duke of *Groston*, himself, having some Difficulty to make his Escape: But Lord *Feverham* coming up with the rest of his Forces, there was no Pursuit. And now both Armies drew up within a Mile of each other, and began a mutual Canonade; when, all at once, the Royalists, not caring to fight in the Rain, it seems, which fell in great Plenty that Day, retreated to *Bradford*, and left his Grace at Liberty to prosecute his March to *Frome*; which he did the same Evening without making any new Attempt on the Enemy.

*Frome* was as warmly and cordially attach'd to him, as *Tunton* or *Bridgewater*, and gave him a suitable Reception: But the Joy the Inhabitants express'd, and the Welcome they gave him, did not atone for the Disappointments and Mortifications, which now began to thicken upon him on every Side. He had depended on a Supply of Arms at this Place; but, a few Days before his Arrival (x) they had fallen into the Hands of the Enemy. He had scarce had time to ruminate on this Misfortune before he receiv'd Intelligence of *Argyle's* Defeat: And while he was yet stunn'd with a Blow he so little expected, by another ill-boding Messenger, he was inform'd, that Lord *Feverham*, now reinforc'd with a Train of 30 Field-pieces, was again upon his March to give him Battle. In Addition to all this, he saw, that for want of Arms it was impossible for him to increase his Forces: And that for want of Money, it was equally impossible to subsist those he had: And now the Diffidence, which had been hitherto visible in all his Actions, turn'd to Despair. He call'd a Council, 'tis true, but then the Subject-Matter of Deliberation was how to provide for their own Safety, not how to make one great Effort, that Fortune might have it in her Power to declare for him at last; which shew'd that the Undertaking he had engag'd in, was beyond his Genius, as well as his Strength. The Result was, that, seeing they durst not face a superior Enemy in the open Country, the wisest Course would be to retire to *Bridgewater*, and there remain on the Defensive, till it should appear whether *Danvers* would seize the Opportunity, which the Absence of the best and greatest

A. D. 1685.  
[The Duke's  
wife at Tun-  
ton.]

His Reception  
at Frome.

[Life of Lord  
Jeffrey,  
p. 253.]

He summons  
Bath, and  
assumes Assault  
a Defence.

[Oldmixon,  
vol. p. 703.]

(x) And who were, besides the Duke, Lord Grey, *Flower*, *Montague*, *Berkeley*, *Paget*, *Wade*, and *Robt. Ashley* (Mortimer's) a *Berkeley* Officer, *Major* *Widdow*, *Col.* *Fisher*, *John* *De* *Widdow*, *Captain* *Standy*, *Dr.* *Temple*, *Dr.* *Oliver*, and *Dr.* *Widdow*.

[x] There had been a Rising in this Place some Days be-

fore, in favour of the Duke, which was headed by the Con-  
table: But the *Barbours* *Proctors*, with a Party of the *Wilt-  
shire* Militia, Horse and Foot, entering the Town, they  
drove down these Arms, and shot for it by which lucky  
Incident, the whole Town was plac'd at foot.

A. D. 1685.

Part of the King's Forces gave him, to begin the Rising in London, which he had so confidently promis'd: And in Case he fail'd them, that then those who came over with the Duke, should make the best of their way to *Peal*, in order to seize a Ship, and once more sail for *Holland*, leaving their wretched Followers to the Mercy of the Enemy.

He returns to  
Bridgewater.

A Disposition was made accordingly, and put in execution forthwith: But tho' they recover'd *Bridgewater*, July the 3d, without any Interruption, and were receiv'd as affectionately as before, the very Men themselves began to discover the Dependancy of their Leader; and were so dishearten'd by it, that, finding themselves within reach of their own Habitations, many of them withdrew, and return'd no more. But still the far greater Part stood their ground, and seem'd resolv'd to abide all Extremities. The next Day but one, July 4, the King's Troops, came to *Summertown*, and early the next Morning to *Weyton*, where they encamp'd on the *Moor*, within three Miles of *Bridgewater*, and immediately secur'd the great Pass or Road, by lining it on both Sides with their Artillery: So that now the Duke and his Forces were held at bay, and found themselves under a necessity to make that Experiment with the regular Troops, well supply'd with all things, which they had before too cautiously avoid'd even with the Militia.

Life of Lord  
Jellicy,  
p. 254.

Where he is  
first by the  
King's Forces.

The Duke's first Purpose was to defend himself in the Town; in order to which, certain Works were to have been thrown up; but had Time given him to come to a much more gallant and sensible Resolution; for the Earl of *Feverham* not making any Offer to quit his Post and advance any further, the Duke, Lord *Grey*, and others of his chief Officers, in the Afternoon, took a Survey of their Camp from the Tower of *Bridgewater*, and by the Help of Glasses discover'd, that their Horse and Foot lay at some distance from each other; and that both were in such a Posture as argued, they rather despis'd than fear'd their Enemies; which was also confirm'd by the Country-people: And hence it was immediately resolv'd, in a Council of War, to march out in the Night, and attack them in their Camp; the Duke himself, as we are told, growing sanguine enough to declare, from what he had seen and heard,

Refers to  
attack them in  
the Night.

[Echard, p.  
1065.]

[Oldmixon,  
v. i. p. 703.]

"That they should have no more to do than to lock up the Stable-doors, and seize the Troopers in their Beds." But his Grace was not given to Gasconading; and if there is any Truth in what is told of him besides, namely, That he should express some Concern on discovering, that Lord *Dunbarton's* Regiment of Foot-Guards, which he had once commanded himself, was posted at the very Pass where they were to make their Impression, saying, *I know those Men will fight, and, if I had them, I would not doubt of Success*, it is scarce to be suppos'd that he should, almost in the same Breath, speak with so much Respect of one single Corps of the King's Forces, and with so much Contempt of the Whole. However this may be, it is de-

monstrable, that the Resolution to surprize the King's Troops was sudden; for he had detach'd Captain *Hewling* the Day before, with two of his best Troops of Horse, to bring off some Cannon from *Minburn*, which he had certainly waited for, if the unguarded Posture of the Enemy had not invited him to overlook every other Consideration; and if he had not received positive Intelligence, that the Earl of *Feverham* would gather more Strength by every Day's Delay than he.

A. D. 1685.  
[Kenett, vol.  
iii. p. 432.]

At Seven in the Evening his Troops were summon'd to their Rendezvous in the *Casslefield*, and by eleven they were all form'd, and began to march, without Sound of Drum; having receiv'd express Orders not to fire a Gun, till they were within the Enemy's Lines. The Duke put himself at the Head of the Foot; and, notwithstanding the Proof he had receiv'd of Lord *Grey's* Cowardice, and his being reminded of it in the Field by *Matthews*, was so fatally complainant as to say, *I will not affront my Lord, and what I have given him in Charge is easy to be executed*. It seems his Lordship's Orders (as we learn from a Sketch of the Battle, left by an Officer on the King's Side) were to wheel round the Edge of the *Moor* to the Village where the Horse were quarter'd, and to set fire to it; after which he was to fall on the Rear of the King's Foot, while the Duke in Person charg'd them in Front: And it is agreed on all hands, that a more rational Plan was never laid, or one that bid fairer for Success.

[Oldmixon,  
v. i. p. 703.]

[Echard, p.  
1065.]

[Kenett, vol.  
iii. p. 432.]

A young Maid of *Bridgewater*, according to the same Officer, who had got Intelligence of the Duke's Purpose, and who was a Well-wisher to the Royal Cause, made her Escape out of the Town, and posted to the Village with the News: But on being introduced to the commanding Officer, instead of giving her a Hearing, he most perfidiously debauch'd her; and she, enrag'd at the Violence that had been offer'd to her, kept the Secret in revenge for the Loss of her Honour: *I saw her*, said he, *in the Fright and Disorder she was left in*. And he adds, that most of the other Officers were drunk, and utterly void of all Apprehension of the Enemy.

There was a deep Ditch between the *Moor* and the Royal Camp, which greatly contributed to this shameful Security; for it was deem'd impassable: But in one Place it was otherwise; and there Lord *Grey* and the Horse were to have made their Charge; having been furnish'd with a Guide, who had been till then esteem'd incapable of Error: But now, according to some, he was to be confounded by his own Concern, that he led them above the Ford; according to others, they did not stay for his Direction; according to *Ferguson*, Lord *Grey* dismiss'd him as soon as they came in sight of the Enemy's Fires, and before they came to the Place where his Skill was chiefly of use: He also alleges, that one *Hitcher*, of *Taunton*, being offended with the Duke for not bestowing on him the Government of that Place, fir'd a Pistol, purposely to give the Enemy notice of their Approach, and then

The Battle of  
Bridgewater.

[Oldmixon,  
v. i. p. 703.]

Life of Lord  
Jellicy,  
p. 254.

rode off full Speed to take the Benefit of a Proclamation emitted by the King, with an Offer of Pardon to all such as should return to their Duty by a certain Day (\*). But the Officer before-quoted more naturally says, that the Royalists taking the Alarm about one o'Clock, on the Approach of Lord Grey and the Horse to their Out-guards, and in great Confusion demanding the Word; Answer was made, *King Monmouth!* upon which, Sir *Henry Compton* order'd those on Duty to fire; which they did; the immediate Consequence was, that Lord Grey and his whole Body of Horse took flight, and gallop'd off in the utmost Confusion, without firing a Pistol, or striking a Blow. All agree, that the Duke's Orders were never executed, and the Misbehaviour of the Horse gave the Enemy Time to recover their Surprise, and to put themselves in a Posture to receive and return the Charge.

On the other hand, our Officer further observes, that the Duke himself waited too long in Expectation of the Signal of Lord Grey's Success by firing the Village, and so contributed to his own Misfortune: For had he pass'd the Ditch at once, and fell on without Hesitation, they would have been destroy'd before it had been possible for them to form; their Knowledge of Discipline would have been of little or no Use to them; all, in that Confusion, had been Irregulars alike: And as the Advantage of Numbers was of his Side, and his Disposition was already made, it is reasonable to think he would have carry'd all before him, at the first Impression; and when the Foot were wholly broken and scatter'd, it had been impossible for the Horse to have wrested the Victory out of his Hands. But it was his Curiosity to be too much and too little a Soldier. He was too much a Soldier in placing the Whole of his Hopes and Fears on Discipline; and too little, in not sufficiently discerning how far he might proceed without it. If his Men were inferior to the Royalists in point of Skill, they were equal in bodily Strength, and superior in Courage: They follow'd the Duke out of Love to his Person, and were inspir'd with his Cause, which they believ'd to be the Cause of God and their Country; and, in this fatal Action, gave him many signal Proofs, that had he rely'd on them more, they had serv'd him better. As soon as they had Leave to fall on, they forced their Way over the Ditch; and having drawn up on the other Side, began the Battle with so much Spirit and Bravery, that the Royalists gave way to the Shock, and fell into some Confusion. Here was another Opening to Success, which, according to our Officer, the Duke unhappily overlook'd: For, says he, as if he had been

at the Head of regular Forces, he kept them in too good Order; whereas, if he had, on the contrary, suffer'd them to have rush'd in, after the first Discharge, (which, by levelling their Pieces too high, was not so effectual as it ought to have been) and to have ply'd their other Weapons, they had borne down all Opposition, and swept the Field: Whereas, by reversing this Conduct, the Royalists had Time to rally, and hid besides the Advantage of fighting in the Way which enabled them to make the best Defence, and do the most Execution. But this Mistake in their Commander did not deprive them of their Courage; on the contrary, they faced their too-much-dreaded Veterans Line to Line, and not only stood their ground with Firmness and Intrepidity, but fought as if every Individual expected a Kingdom for his Reward.

We have already observ'd, that the Royal Artillery had been planted on each Side of the great Road, for the Security of what was then thought the only accessible Pass to the Camp: But when the Mistake appear'd, and that every thing was to be dreaded from so desperate an Attack, Orders were given to change their Position, and to bring them to flank the Enemy. There was, it seems, among the Royalists a fighting (y) Bishop who acted as General of the Ordnance; and by the Help of his Coach-horses this important Point was brought to bear. Discharge upon Discharge follow'd, by which the *Monmouth-Men* suffer'd extremely; and yet it does not appear that the Duke order'd any Party to attack those who had them in Charge, either for the Relief of his own Forces, or to endeavour to turn them on the Enemy.—But, possibly, this Omission was owing to the continu'd ill Behaviour of his Horse; who tho' they had all this while kept in Sight, yet never made one Attempt either to cover the Foot, or even to make a Stand in their own Defence: For as often as Colonel *Oglethorpe*, with about two hundred Horse, which appears to have been all that had any Share in the Battle, made up to them, they fled like a Drive of Sheep from Place to Place, till he grew both weary and ashamed of following such fugitives; from whom no Mischief was to be apprehended, nor Honour to be gain'd. All at once, therefore, when the Bishop began to thunder with his great Guns, did he wheel about, and fell in on *Monmouth's* Rear; who, notwithstanding they were thus every way beset, continu'd to fight like Lions, till all their Stock of Ammunition was wasted, and they found it impossible to be supply'd with more: For the Runaway-Horse had communicated their Panic to those who had the Care of the Ammunition-waggons, who immediately drove off with

[Oldmixon, vol. 1. p. 705.]

(\*) And further, that he had been told, the said Hacker pleaded the Merit of the Admission examination of his Crime, at his Trial, before *Jefferys*, who reply'd, "That he, above all other Men, desired to be hang'd, that is to say, for being double a Traitor, to *Monmouth*, as well as to the King." But Hacker himself, in a Letter to a Friend, just

before he was executed, makes use of these Words: "I also lie under a Reproach of being unfaithful upon Interest that I own'd; which I utterly deny." *Black's Lives*, p. 286.

(y) According to some Writers, *Miles*, Bishop of *Windsor*; according to others, *Kee*, Bishop of *Bath* and *Wells*.

A. D. 1664.

[Echard, p. 1066.]

with all the Speed they could make, and never once stop'd till they had got twelve Miles from the Field of Battle: And to complete the Ruin of the Day, as *Peirsson* tells the Story, Lord *Grey* rode full Speed to the Duke, who, during the whole Engagement, had hitherto acted up to the Height of his Character and Pretensions, in the midst of the Foot, telling him, *That all was lost, and that it was more than time for him to fight for himself;* which, it seems, his Grace too soon, too easily, and fatally, believ'd; and taught his Men to fly by his own Example; which was so much the more to be regretted, since another of his Officers was at the same time in quest of him, to conjure him to put himself at the Head of his Horse, who still hover'd in Parties up and down the Field, and to endeavour by his Presence and Authority to bring them to a Charge, which might yet have retriev'd all, and crown'd him with Victory and Glory. But his good Angel had forsook his Charge, and every predominant Star seem'd in full Commission to devote him to Destruction. About fifty of those heartless Wretches who had so signal-ly contributed to his Disgrace and Ruin in the Engagement, now follow'd him in his Retreat, which his valiant and faithful Infantry render'd safe and easy, in the first Stage at least, by contributing to fight and dye in their Ranks, till he could no longer hear the Groans of those that fell, nor the Shouts of those that conquer'd: At last they gave way, and retreated in Confusion; but, either so astonish'd were the Royalists with their unexpected Success, or so fearful were they, that the Enemy would yet rally, and make another Effort, that they did not venture to pursue (tho' it was broad Day, by that time the King's Fortune prevail'd) till some Hours after. At the Beginning of the Action *Monmouth's* Army was between 5 and 6000 Men strong; the King's no more than 2000 Foot and 700 Horse: And at the Close of it, according to the *Gazette*, the Loss on the Duke's Side was 2000; but, according to others, not above 700. To account for this Disparity, we must presume the former makes but one Article of those who were kill'd in the Heat of Action, and those who were massacred after it was over (when, says our *Officer*, the Fugitives were started from the Hedges, and Corn Fields, and shot like Game by the King's Soldiers) whereas, the latter make two distinct Items of those who fell in Arms, and those who were slaughter'd in cold Blood; and compute the last at 1000: Of the Loss on the King's Side, the *Gazette* is wholly silent; and those who rated it highest speak but of 400, tho' the Contest lasted full three Hours.

The same *Officer* yet farther relates, That the next Day the Earl of *Feverisham* march'd away from *Salisbury* with many poor Prisoners, ty'd together like Slaves, and making an Halt at the first great Sign-Post that stood across the Road, he commanded four or five of the poor Wretches to be hang'd upon it; of whom one Captain *Adams*, tho' mortally wounded was one; and would have gone on

in that way of arbitrary Execution, if the Bishop of *Bath and Wells* (as the better Soldier and the better Lawyer too) had not come up and expostulated with him: *My Lord, you know not what you do: This is Murder in the Face, and your Lordship may be call'd to account for it. These poor Rogues, were the Bastards' sons, must be try'd before they can be put to Death.*

Bishop *Kennet* holds himself authoriz'd to say, "That this decisive Battle was a Day or two too soon; for immediately after, Capt. *Hewling* return'd with two of the bravest Troops of Horse, and the very next Day Mr. *Vaughan* of *Southsejourne*, would have join'd the Duke with 1000 Men; and Colonel *Danvers* and Sir *Robert Peyton* were just ready for a Rising in *Essex*, which would have given Opportunity for Multitudes in and about *London* to have join'd with them."

But then his Lordship does not seem to have known, that a large Body of Horse, and three of the Regiments of Foot sent by the States of *Holland* to the King's Assistance, were actually on the Road, to reinforce the Earl of *Feverisham*; and, by the whole Tenour of his Grace's Conduct, we have sufficient Reason to be convinc'd, that he did not look on Mr. *Vaughan's* Auxiliaries to be a Match for them: But it no where appears that these Auxiliaries were even assembled, much less on their March. And as to Colonel *Danvers*, Sir *Robert Peyton*, and the rest of his Friends, however probable it may be that they would have join'd him, in case he had been victorious, it is pretty plain they never intended it, till he was so.

The States had six *British* Regiments in their Service, namely, three *English* and three *Scots*; and at the King's Instance, they assisted him with all of them; and that with such Expedition, that the three above-mention'd, were landed at *Gravesend* before the End of *June*. And as to the Prince of *Orange*, we are told by Bishop *Kennet*, that he sent over his Favourite, Mr. *Bentnick*, with Instructions to acquaint his Majesty, that tho' he look'd upon the Duke of *Monmouth* to be a Man of no great Parts, yet that he had a Warlike Genius, and was better skill'd in the Military Art, than any the King had to employ against him; and therefore, if his Majesty pleas'd, he would not only lend him his Troops, but come in Person to head his Army. The same *Officer* had been before communicated to *Skelton* at the *Hague*; who was either so jealous of the Prince, or so malicious to him, that he gave the King Notice of it, with a wrong turn of Suspicion and Fear: So that the King put off *Mont. Bentnick*, with telling him, He should acquaint his Master that their common Interest did require the Prince's staying in *Holland*: And further, open'd his Mind to him in such Terms as sufficiently discover'd, he did not take his Highness's Zeal for his Service to be at that time reasonable.

Mr. *Echard* follows the Bishop Step by Step in this Account, but with some additional Bitterness: For, according to him, *Skelton* look'd on the Prince as one of those Politicians whose Steps are always suspicious.

Both

A. D. 1665.

The Loss in both Sides.

Prince of Orange offers his Services to King James.

[Kennet, esp. in p. 432.]

Which the King declines.

Feverisham being Governor of the Port of *Salisbury*.

1685. Both copy after Father Orleans, who imputes his Highness's Zeal on this Occasion, to his Rage against the Duke for assuming the Title of King, which he would have us believe, was contrary to the Agreement between them. But, unfortunately, *Denwick* had his Audience at *Whitehall* on the very Day that *Monmouth* was first proclaim'd at *Taunton*. Three of the six Regiments were then at Sea, for the *Scottish* Service, and he had Orders from the *States*, as well as the Prince, to make a Tender of whatever Forces his Majesty should have Occasion for. And it is reasonable to think that both were sincere; for it was the real Interest of the *States* to secure the Friendship of the King: And whatever distant Views the Prince had entertain'd, it was notoriously his immediate Concern to crush as soon as possible so dangerous a Rival as the Duke of *Monmouth*: Who, to reforme the Thread of the Story, was now no longer in a Condition to excite either Terror, or Envy: For having once turn'd his Back on the Field of Battle, he gallop'd on full Speed for twenty Miles together, in all the Distraction of Thought, that never fails to accompany such a Torrent of Misfortunes. As soon as there was a Moment's Time for Reflection, Dr. *Oliver*, one of his little Company, advis'd him to turn off to the Sea-Coast over against *Wales*, to seize one of the Passenger-Boats at *Uphill*, and to make over to the other Side; where he was sure he had Friends who would conceal him till the Heat of the Pursuit was over. And he seem'd inclin'd to do so; but Lord *Grey* checking the Doctor for giving what he call'd such foolish Advice, the latter took his Leave, with Tears in his Eyes, saying, *God bless you, Sir, I shall never see you more*, and made the best of his way to *Bristol*, where he met with a Friend, who gave him Protection first, and procur'd him a Passport afterwards: But the Duke and his Party were soon after so hotly pursu'd, that they were oblig'd to quit their Hosts, and disguise themselves on Foot to seek a Refuge wherever they could find it. The very next Day the Lord *Grey* was taken in the Disguise of a *Shepherd*, by a Party of Lord *Lansley's* Men, near *Halt-Lodge* in *Dorsetshire*, in the Neighbourhood of *Ringwood*; and, immediately quitting his Disguise, confess'd, *That since his landing in England, he*

had never enjoy'd a quiet Meal, or a Night's Repose. Early the next Morning the *German* Count, another of the Party, fell into the same Hands, who confest he had parted with the Duke about Midnight, the Search was redoubled, and about eleven the same Day, the unhappy of *Mat*, as Mr. *Eckard* The Duke of Monmouth's Story. [Ed. iii. p. 462.] [Orest. P. ii. p. 19.] [Mon. p. 212.] well files him, was found in a Dutch cover'd over with *Fern*, by one (a) *Parking*, and by him surrender'd to the Soldier, whom he had call'd in to his Assistance. Bishop *Kennet* says, he at first offer'd to [Ed. iii. p. 462.] resist; but another Church Writer is pleas'd to assert, with much Bitterness, That his Behaviour was meaner than his Garb, and more unfitable to his former Character, trembling and fainting away, so that it was difficult to keep Life in him. And how should it be otherwise? He was destitute of Arms, says Sir *John Kenesley*: He had not been in a Bed for three Weeks: Since *Saturday-Night* he had not slept, and after all the Fatigues of the Battle and the Flight, he had receiv'd no other Sustainance, than the Brook and the Field afforded (some green Peas were actually found in his Pocket) and when the Body sinks, the highest Mind will sink with it: Even Kings, themselves, are Men: And he that is proffert of a Throne; if reduc'd to the like disastrous Circumstances, would confess his Mortality, by the like Relinquings.

Mr. *Eckard* is also extremely severe on him for writing a submissive (a) Letter to the King, the very Day he was taken; in which he stoop'd to beg his Life in Terms that were beneath even a Pretender to a Crown: And, indeed, that Life should still have so much Sweetness left to one who had so much Reason to loath it, and who had before so prodigally expos'd it as a thing of no value, can no otherwise be accounted for, than by his Passion for the Lady *Horrible Wentworth*. Having lost all Hope of a Crown, he thought it worth his while to live on for her: And in her he had plac'd so much of his Happiness, that 'tis more to be wonder'd, that he should retire what he there possess'd, and so highly vain'd, to gratify his Ambition, than that he should, after so immense a Disappointment, turn his Back on that Ambition, and once more set up his Rest in Love.

Being brought, by short and easy Stages, together

[Oldmixon, v. 1. p. 704.]

[Eckard, p. 1066.]

(a) *Partis*, according to *Eckard* and *Kennet*.

(a) In the following Words:

or S. B.

Your Majesty may think it the Misfortune I now lie under, that makes me make this Application to you; but I do assure your Majesty, it is the Reason I now have in me of the Writing I have done you in several things, and now in taking up Arms against you. For my taking up Arms, it was never in my Thought since the King dy'd. The French and English of *Orange* will be Worthy for me of the Assistance I give them. Let I would never see you more. But my Misfortune was such, as to meet with some hard People, that made me believe things of your Majesty, and gave me to many false Arguments, that I was fully resolv'd to believe. That it was a Shame and a Sin, before God, not to do so. But, Sir, I will not trouble your Majesty as I speak with many things I could say to you, only that I do truly would have your Commission to the chief Lord of this Letter, being only in love of you. That I may have that Happiness as to speak to your Majesty, for I have that to say to you, Sir, that I hope may give you a long and happy Reign. I

am sure, Sir, when you read me, you will be convinced of the Zeal I have of your Preservation, and how heartily I regret of what I have done. I can say no more to your Majesty now, being this Letter must be sent by those that keep me. Therefore, Sir, I shall make an end, in begging of your Majesty to believe as well of me, that I would rather die a thousand Deaths, than receive any thing I have said, if I did not really think myself the most in the wrong that ever a Man was; and had got from the bottom of my Heart an Abhorrence for those that put me upon it, and for the mischief itself. I hope, Sir, God Almighty will strike your Heart with Mercy and Compassion for me, as he has done mine with the Abhorrence of what I have done. Wherefore, Sir, I hope I may have to show you one reason I shall ever be for your Service; and could I but be as old *Wen* in this Letter, you would be convinced of it, but I wish of that *God* you see, that I did not do so. Therefore, Sir, I do beg of you one more thing, which is, that you will be so good, for that you will be convinced how much I do love you.

The Duke's very humble and dutiful,

MONMOUTH.

A. D. 1687; together with Lord Grey and Count Horn (the German) to London, and lodg'd in the Tower, he again apply'd to the King for an Audience; and by the Queen-Dowager's Interposition, who had ever favour'd him, obtain'd it; which, says Bishop Burnet, was thought very indecent in his Majesty, since he was refus'd not to pardon him. His Behaviour was of a piece with his Letter; he fell at the King's Feet; he shed Tears, at least we are told by Kennet and Richard; He confess'd he deserv'd to dye; but endeavour'd to convince the King, that it would be nobler to grant him Forgiveness. He told him, That in shedding his Brother's Blood, he at the same time shed his own. He sign'd an Acknowledgment, "That the late King had told him, he was never marry'd to his Mother." According to Bishop Burnet, he even insinuated a Readiness to change his Religion: And not till the King had refus'd his Suit, and he was cruelly and arrogantly insulted by the Queen, who, it seems, was present, did he shew one Spark of his former Gallantry and Magnanimity: But then Indignation awaken'd all that was brave and great in him anew, and rising from the King's Feet, with the Air of a Man, who had hitherto acted a Part, and was now refusing himself, he quitted the Presence, like one that had no more to suffer. He had presum'd that *Submissions* would make his Peace: And the King, on the other hand, had no Ear to any thing but *Confessions*, which the Duke's Letter had put him in Expectation of. But either he had none to make, or he was a Man of the most Honour in the World; for those whom he esteem'd his Friends, and who by their fallacious Promises, had drawn him into this Snare, deserv'd no Mercy at his Hands: And yet, as Sir John Revely repeats after the King, himself, he nam'd no-body but the Earl of Argyll and Ferguson. And as to the Prince and Princess of Orange, he had given it under his Hand, as we have seen, That they had exacted repeated Assurances from him, That he would not do any thing against his Majesty.

[*Meny, 217.*]  
[*Echard, p. 167, from MS. of Dr. Lloyd's, Bishop of St. Asaph.*]  
Thus both Parties were equally disappointed; and yet both renew'd their Practices upon each other: The Duke made another Experiment on the King by Letter, representing how useful he might and would be, if his Majesty would be pleas'd to grant him his Life; and beseeching, in case that was refus'd, that he might be allow'd a little longer Time, and to have another Divine (he had already Bishop Turner) to assist him; Dr. Tenison, or whom else his Majesty should appoint: And his Majesty, by way of Answer, sent him Bishop Keble, with Notice, That he was to die the next Day; and with proper Instructions for the Management of his Conscience in the mean time. These two Bishops kept him company the rest of that Day, and all the following Night: And the Morning of his Execution (which was to take place in virtue of the Bill of Attainder pass'd against him) the Lords Clarendon and Dartmouth visited him, by Order of the King, accompany'd with Dr. Tenison and

Dr. Hooper. All these Divines made very free with his Passion for Lady Harriot Wentworth; but none could bring him to express the least Sorrow for it. To one of them he spoke with some Indignation of Lord Swaffham, whom he call'd a *tricking Man*; and more especially of Ferguson, who, he said, was a *bloody Villain*. Bishop Burnet mentions an Interview which he had with his Duchess, and says, they parted very coldly: And Dr. Tenison told Bishop Kennet, That he advis'd him to be better reconcil'd to her; but he excus'd himself, saying, *That his Heart was turn'd against her, because, in his Affliction, she had gone to Plays, and into public Companies, by which, said he, I know she did not love me.* What the Lay-Lords had in Commission does not appear; unless it was to see the Headman on his Duty: For about Ten that Morning, July 31. 1687, he was led out of the Tower, doubly and trebly surrounded with Guards, for fear the Despair of his Friends, or the Compassion of the Populace, by whom he was so infinitely belov'd, should have prompted either to attempt his Rescue; and for the same Reason all the Avenues to the Tower were also filled with Soldiers. The Ground, the Windows, and the House-tops, as far as the Eye could see, were nevertheless filled and cover'd with gazing Multitudes, who came to share in the melancholy Spectacle of the Day; all of whom would have hung upon his Chariot-wheels, and rent the Clouds with their Acclamations, if Fortune had been propitious to him, and led him to the same Place, in Triumph, as a King and Conqueror.

On his first Appearance, a Murmur of Sighs and Groans went round the whole Assembly, which by degrees sunk into an almost breathless Silence, as if every Syllable he had to utter was sacred, and not to be profan'd with the unhallow'd Intermixture of any vulgar Sound. Having mounted the Scaffold with his Assistants, and saluted the People, and enjoin'd the Executioner to do his Work well, there ensu'd a very extraordinary Parley between him and his Divines, which, indeed, one of them had prepar'd him for, on the Way, by saying, They hop'd he would not be surpris'd if they, to the very last, upon the Scaffold, renew'd those Exhortations to a particular Repentance, which they had so often repeated before: So they were pleas'd to word it. But we shall find the great End they had in view was to make him instrumental to the Disgrace of his own Perion, and his own Cause, in his last Moments, in the Presence of such a Mighty Concourse of People, and at the Rebound, to all Europe: For he had no sooner open'd his Mouth with these Words, *I shall say but very little, I come to dye, I am a Protestant of the Church of England*, than they endeavour'd to entangle him in the Nets and Snarles of Controversy; urging, That if he was true to his Profession, he must acknowledge the Doctrine of *Non-Resistance* to be true: And when they could not prevail on him to adopt either their Po-

A. D. 1687.

[*Kennet, v. iii. p. 433.*][*P. iii. p. 433.*][*His Execution.*]

A. D. 1685. lities or Divinity, baiting him with Remonstrances and Expofulations, by them call'd Arguments, for the Edification of the Mob. But still without Effect. Finding they would not be fatisfy'd, he endeavour'd to flence them, by making a Transition to what had been imputed to him on the Score of the Lady *Harriet Wentworth*, whom he mention'd by Name, calling her a Woman of Virtue and Honour; and infisting, that what had pass'd between them was very *innocent and honest* in the Sight of *God*. But here *Goffing*, one of the Sheriffs, rudely interrupted him, by asking, if he had ever been marry'd to her? and then adding, "I hop'd to have heard of your Repentance for the Treason and Bloodshed which have been committed." And his Grace answering mildly, *I dye very penitent*, the Bishops call'd upon him to be particular in his Acknowledgments; which he rejoind, by referring them to a *Paper* he had sign'd for what he had thought fit to say of public Affairs: Being told there was nothing in that *Paper* about *Resistance*, and indecently press'd to own a *Detestation* of his Rebellion, he answer'd, *I am come to dye*.—*Pray my Lord*.—*I refer to my Paper*. Which, and the like Expressions, he repeated, as often as the Intervals of their Persecution gave him Opportunity to be heard.—At last, weary'd out with their continu'd Importunities, he gave them leave to call his Enterprize by what Name they pleas'd; adding, "I am sorry for *invading* the Kingdom, for the Blood that has been shed, and for the Souls which have been lost by my Means. I am sorry it ever happen'd." These Words the other Sheriff, *Vandepuit*, officiously echo'd to the People. And the Divines, thinking they had now the Advantage of a relenting Moment, ply'd him again with Exhortations to atone for the Injuries he had done the Kingdom, by *resisting his lawful Prince*. This drew from him other general Expressions of Concern for whatever had been done amiss: "I never was a Man, said he, that delighted in Blood.—I was as cautious in that as any Man was.—The Almighty knows I dye with all the Joyfulness in the World." The Colloquy then proceeded thus:

*Affiliants*. "God grant you may, Sir. *God* give you true Repentance."

*Monmouth*. "If I had not true Repentance, I should not so easily have been without the *Fear* of dying. I shall die like a Lamb."

*A*. "Much may come from natural Courage."

*M*. "I do not attribute it to my own Nature; for I am fearful as other Men are: But I have now no Fear, as you may see by my Face. But there is something within me which does it; for I am sure I shall go to *God*."

*A*. "My Lord, be sure upon good Grounds: Do you repent of all your Sins, known or unknown, confess'd or not confess'd; of all the Sins which might proceed from Error or Judgment?"

*M*. "In general for all, I do with all my Soul."

*A*. "Almighty *God*, of his infinite Mer-

cy, forgive you! Here are great Numbers of Spectators: Here are the Sheriffs; they represent the great City, and in speaking to them you speak to the whole City. Make some Satisfaction by owning your Crimes before them."

*He was silent here.*

These *Affiliants* of his then fell to their Prayers; in which he join'd with great *Fervour* and *Devotion*; and, when they were risen up, try'd a new Practice upon him; which was, to oblige him to pray for the King, by repeating twice over the Vesticle in the Liturgy, *O Lord, save the King*; to which, after some Pause, he said *Amen*. He then began to undress himself; and refus'd to have a Cap, as usual, over his Eyes: And during this dreadful Ceremonial, that their Lordships might have the Merit of fulfilling their Instructions to the minutest Circumstance, they had the Modesty and Charity to proceed as follows: "My Lord, you have been bred a Soldier; you will do a generous, Christian thing, if you please to go to the Rail, and speak to the Soldiers, and say, That here you stand a *bad Example of Rebellion*; and entreat them and the People to be loyal and obedient to the King." But his Grace was so displeas'd at this strange Proposal, that he reply'd with some Warmth, *I have said I will make no Speeches; I will make no Speeches, I come to dye*. And the Bishops yet again redoubling their Attack, by saying, *My Lord, Ten Words will be enough*, he turn'd from them; and taking out his Tooth-pick Case, deliver'd it to his Servant, for the Person to whom he was to give the other things; meaning *Lady Harriet Wentworth*. His last Address was to the Executioner, to whom he gave six Guineas, with a farther Caution, That he would not serve him as he had done *Lord Russell*: For, said he, "I have heard you strike him three or four times; and if you strike me twice, I cannot promise you not to stir." Then depositing certain other Guineas in his Servant's Hand, to be given him, in case he dispos'd of him at a Blow; he laid himself down on the Block: After which, turning himself on his Elbow, he desir'd to feel the Ax, and said, he fear'd it was not sharp enough; but being assur'd to the contrary, lay down again, and the Divines bestowing these parting Exhortations upon him, *God* accept your Repentance! *God* accept your *imperfect* Repentance! *God* accept your *general* Repentance! *God* Almighty shew his *compassionate* Mercy upon you! &c. the Headman proceeded to do his Office; but under such Distraction of Mind, that he fell into the very Error which the Duke had so carefully caution'd him to avoid, wounding him at first so slightly, that he lifted up his Head, and look'd him in the Face, as if to upbraid him for making his Death painful, but said nothing: He then prostrated himself again, and receiv'd two other infernal Blows: Upon which the Executioner threw down his Ax in a Fit of Horror, crying out, *He could not finish his Work*: But on being brought to himself by the Threats of the Sheriffs, took

A. D. 1685. up the fatal Weapon again, and at two other Strokes made a shift to separate the Head from the Body.

The Paper his Grace refer'd to was drawn up in these Words:

"I declare, That the Title of King was forced upon me; and that it was very much contrary to my Opinion, when I was proclaim'd. For the Satisfaction of the World, I do declare, That the late King told me, he was never marry'd to my Mother. Having declar'd this, I hope that the King who is now will not let any Children suffer on this account. And to this I put my Hand, this 15th Day of July, 1685.

MONMOUTH."

Thus far, except in the very Article of the Execution, which is deliver'd by Mr. Echar'd from the Manuscript of Dr. Lloyd, we have follow'd the (b) Account set forth by these Reverend and Right Reverend Assistants, and sign'd with their own Hands; and which, however calculated to flatter the Humour of the Court at that time, is in general of unquestionable Authority. But as certain of our Historians have not only overlook'd it, but given a Paper of a quite different kind as the last Words of that unfortunate Nobleman, it may not be improper to lay that likewise before the Reader, as follows:

"I repent in general of all my Sins, and am more particularly concerned for what Blood hath been spilt on my Account, and the rather, seeing the Issue is such as I fear will prove of fatal Consequence to the Reformed Protestant Religion.

Instead of being accounted factious and rebellious, the very opposing of *Pepery* and *Arbitrary Power*, now arising, and appearing plain enough, would sufficiently have protected my Cause; besides, several other most heinous and notorious Crimes, (such as the unhappy Fate of the Earl of *Essex*, and my Father of ever-blessed Memory, and others, now cover'd over with Jesuitical Policy) should have been detected and avenged.

I have lived, and shall now die, in the Faith of this, that God will work a *Deliverance* for his People; and then will be discover'd the great, horrid, and scarcely to be parallel'd, Villanies our Enemies have been guilty of: But now you see my Cause is desperate; yet know that I die a *Martyr* for the People, and shall rather pity the State that their false and covetous Minds have brought themselves and me to, than discover who are the Persons concerned in my Over-

throw; and I heartily forgive all that have wrong'd me, even those that have been instrumental in my Fall, earnestly praying for their Souls.

And I hope King *James* will shew himself to be of his Brother's Blood, and extend his Mercy to my Children, even as he was wont, to his greatest Enemy." &c.

But tho' this Paper is call'd, *A brief Abstract of his TRUE SPEECH*, it ought to be look'd upon as one of the Artifices of his broken Party, to keep up the Spirit of Opposition, and to prepare the Minds of the People for a new Struggle, when Time should serve, and any new Adventurer should appear, to take the Duke of *Monmouth's* Place.

And so far was this Spirit of Delusion carry'd, and such amazing Effects did it produce, that we are told by Mr. *Echar'd*, it was asserted, both in Print and Conversation, that his Grace was not the Person that suffer'd, but another who nearly resembled him, and who was so faithful to him, as to lay down his Life for his sake: And that those who had the Confidence to propagate this and the like ridiculous Stories, found many thousands of his Followers who were mad enough to believe in them, and to remain for many Years in expectation of his next Coming, more great, more glorious, and more irresistible than ever.

But setting aside these Forgeries, with the Scorn they deserve; thus fell this Idol of Majesty; and justly he fell: For, though it should be acknowledg'd, that, if he had waited till the Measure of the Court-Iniquities had been full, and till he had been call'd upon by the general Voice of the People to interpose between them and Oppression; he might have pleaded that extraordinary Call in his Vindication, and been honour'd as a Deliverer, by all future Ages, it must also be acknowledg'd, that no Man whatsoever has any Title to appeal to the Sword on the first Appearance of Misgovernment, or to redress his own private Wrongs at the Expence of the public Peace.

To conclude his melancholy Story: He was scarce thirty-six Years old when he dy'd: In the first Stage of his Greatness, if the King led him by one Hand, the Duke of *Ferd* did the same by the other: The Earl of *Armagh*, afterwards Duke of *Bucks*, as he banish himself, was the Person that first broke in upon their Union; after what manner, the Reader will learn from the Note below (c): And the King caus'd two savage Medals to be struck,

[Kenset, Oldmixon, &c.]

(b) To be found in *Sir James Wadley's* Collection.  
(c) The first Step of the Duke of *Monmouth's* rising to Authority as the Army, was his being surpris'd with the Court, tho' not the Government, of his march, the Lord *Armagh* accompanied us, (now publishing in *France*, his *Treatise* on the Province, as chief Secretary of State) both in Friendship to him, and for his own sake, since it would aim the Troubles of such Affairs, without Dismission, either to his Power or Profit; since all Commissions still pass'd through the Secretary's Hands, and only Orders now through the Duke's. The second Advance he made was, the King's sending his Commands to every Colonel that they should obey all Dispositions which came from the Duke of *Monmouth*. This wanted but

the Formality of a Commission to make him an absolute General: and yet even thus far, the Duke of *Ferd* oppos'd him, so bloudy he was for his *Prudence*; of sister Husband to Wife, or rather I should have thought.

But now on this Article, only worth relating on that account, will let us see the great Necessity of Court-officers, as well as the Ignorance of those who most commonly write of them; very grossly mistaking to Prudence of Providence, what is often nothing else but Humour, Love, or Jealousy: For, notwithstanding all the Intercourse between the Duke of *Ferd* and his Nephew, (such a firm one, that even a direct contrary Interest was possible as well as) yet a little Inconclancy in one of their Mistresses, though in favour of a third Person,



D. 1685.

struck, to perpetuate the Remembrance of his Rival's Fall, and his own Felicity.

As to his Grace's Followers, Lord Grey had a Pardon from the King, which help'd to establish a Belief, that he had been all along in the King's Interest, and had betray'd the Duke to him: But his Pardon was neither a Reward of Services, nor an Act of Mercy. He had been given, as the Phrase then was, to the Lord Rochester; and his Estate being so entail'd, that no Forfeiture could prevent its descending to his Brother, his Life was spar'd, that the Grantee might have the Benefit of the main Profits. Of what held the German Count, no Mention is made; for which Reason, we may conclude, that, for some Consideration or other,

he also made his Peace. But that *Forgiveness* should fall into their Hands, as we are told he did, the third Day of the Battle, and should be spar'd, as he certainly was, surpasses the Power of Conjecture to account for: And no one Circumstance remains on Record to assist our Conclusions.

With regard to the rest of those who accompany'd the Duke from *Holland*, against whom it was reasonable to think the Shafts of Power would be peculiarly level'd, some of them made their Escape, and some of them fell among the Heavens offer'd up by inhuman *Fury* to glut the Vengeance of an unforgiving, unrelenting Court: For no Distinction was made between Artifice and Credulity, between Ambition and Delusion.

A. D. 1685.

Person, was the accidental Cause of such a Division between us, as never can't till I cost one of them the Hazard of his Crown, and the other that of his Life on a Scaffold.

All which, to comply with your Commands, shall be set down freely and faithfully, though not poll'd to be reconcil'd with any frequent Imputation of myself. At the Return from *Termonah*, the old *Holland* Regiment was given me, and joined to another I had rais'd by which I remain'd in Command after the Peace, when all our new Comrades were dismissed. This, I suppose made those two Dukes think of me soon after for commanding the first Regiment of Foot-yearly, and oblig'd the King should buy Colonel *Ruffel* out of it, for that Purpose; having before presented with the good Lord *Covent* to let me come over his Head, who commanded the second Regiment. But just while this was talking, the Duke of *Monmouth*, ever engag'd in some Ambition, fell into great Anger against me, for an insidious Discovery that made too great Notice in the Court at that time.

He had always great Temper, and therefore offer'd no Affront to the Place; but wanted out the Counting to revenge himself a better Way, by privately obtaining a Promise of the King to let him have that Command which was design'd for me: Forciving then, his own would become void, and perhaps be given to me, he propos'd the Earl of *Osney* for that, upon whom there could be no Objection; to stepping up my Way in both Places.

The Duke of *York* having openly made us Friends, affected no such Artifice and Conspiriting in his Nephew, as he found him but too capable of afterwards, in a much greater Matter. Accordingly he thought it time to move the King about that Alteration in the Guards, not in the least apprehending a Repulse. For the King, tho' of more Wit than most of those who influenced him, and that Father of his Family, to be easily impos'd on; so that it was a constant Method among all Ministers, first to settle what they agreed to be done, and then offer it to the King, like an Act of Parliament, in which the negative Voice is seldom apprehended.

Between that Way of proceeding was the Loss of our Battles, and the Duke's disservice only by the Unsuccess of his Management: For the King shou'd all Brother, that never dream'd of this his Proposal he was engag'd already, but yet to another of his great Friends; and then naming him, contented at his being so soon acquainted with it.

The Duke was pleas'd to tell me this privately with great Confidence, but was for my Disappointment, by that an situation named *Termonah* in the two last Comrades of the Army, without his being first acquainted with it. It was return'd for a while, and had an Intention, not to lessen the Countess in the Duke; and therefore I, who during the Duke of *Monmouth's* Quarrel to me, had often propos'd to make his Interest in that manner, would not loze to fair an Occasion to turn them for ever.

I told him therefore of how little Importance was the situation in the *British* War, which I found imply reconsecr'd by his being so much oppos'd to it. But I cou'd not myself extremely oppos'd to another Part of the Army, which gave me a strong fort of Opinion. The Duke could not fail to enquire, what it was; and, with some Reserve, I explain'd it: That the Duke of *Monmouth's* own Command of the Horse-Lifeguard, was better than Colonel *Ruffel's* Regiment of Foot, both for Honour and Profit; and therefore, he would surely change it into such, without some Alteration, in which to my great Contentment of Foot might be more stick, than a single Troop of Horse.

That dissembling of me was not his only Aim; since he might have had that satisfaction as well, by getting the Earl of *Osney* into that Regiment, without taking it himself by leaving a better Fall for it.

As the Duke grew warm at this, I engag'd him more, by freely quitting my own Pretension, if his Highness could find a worthy Man for it, whom the Duke of *Monmouth* could have no Pretence to oppose, as he did me, on account of our Quarrel; replying it to be a Toll of his Consequence, that, one Day, perhaps, he led a thing about the Crown of England might depend on it.

The Duke accepted kindly the laying down my Pretension, and propos'd some others for that Command; but to no purpose: For, the King reproach'd him with opposing a thing already settled between himself and his Son. Upon which, almost in despair, he tried a little with my Lord *Arling*, the Duke of *Monmouth's* best Adviser at that time: freely making him understand, that if the Duke of *Monmouth* would not desert himself from making it any further, he must lose his Friendship, which had been so useful to him; and consequently pay too dear a Price for what was but a Trifle in comparison with it: To which that detestable Minister reply'd something roughly, that the Duke of *Monmouth* could not need an *Favour* more than his Highness needed the King's, which he might labour to fill, by thus creating his Inimicity for to be beloved a Son.

With this surprising Answer from a Secretary of State, the Duke grew more concern'd than ever; and at last resolv'd on the only Expedient now left; which, in the first Place, serv'd the Duke's Interest by leaving that Employment in safe Hands; and, next, my own Resigning, in keeping the Duke of *Monmouth* out of it. He was advis'd therefore to send immediately for Colonel *Ruffel*, who was very contentous, and by any means whatsoever, viz. by my Move, to chase him out of his Revolution to sell his Command; which the King was to do from imposing on a wicked Officer of such Merit and Quality, that he hadly allow'd him no such Change had ever been thought of, if Mr. *Ruffel* himself had not ask'd the Favour of selling his Command, and the Good of his Heir. What pill'd between the Duke and *Ruffel* it is not hard to guess; for the latter kept his Command by presenting to the King, that, when it came to the point, he could not find in his heart to quit his Country, and desir'd to do it so: But upon all this matter, follow'd such an Amenity between those two Princes, it will serve to fill our Ankle with the fatal Effects of it, while yet this first Occasion of their Breach is not like to be so much as mention'd.

The Turns of Court are such, that, since all this Bullie and Composition between at Root the Regiment of Guards; a third Person not least thought of for such a Command, nor for such in his Army, shou'd grow from me, by the Duke of *York's* being pleas'd in *Sweden*, and *Poland*, leaving his Interest on account of the *Polish* War; and to granting his Desire to sell. The Duke of *Monmouth* at that time was in such Distress, as to have his Government of *Hull* and *Lord-Licentency of *Torsholm** given to me; which, with the old *Holland* Regiment I had before, was almost more than, being so young, I could reasonably perform. The King therefore, at last, bought that Command of Colonel *Ruffel*, by his eldest Son the Duke of *Griffin*. What respects to this Story most remarkable is, the Probability that, in those early Days, the Duke of *Monmouth* had some Thoughts of what he afterwards attempt'd; and the Solution of him that accidentally led into the Regiment of *York*, was not without some Ground: since that Regiment consist'd of two thousand four hundred Men, a great Part of our little Army, always kept together, and quarter'd in *London*, when the other few Regiments were rais'd into all the Garrison of *England*.

This surpris'd Reflection on King *Charles's* Death, when it had so been impossible for the Duke of *Monmouth* to succeed him if he had then arriv'd in Court as the Head of so considerable a Regiment.

A. D. 1653.  
Kirk's Com-  
m'dy.

son. It seem'd resolv'd, that wherever Sin had been, Death should follow. To countenance the compendious Method of dispatching the poor Prisoners, first practis'd by General *Feverham*, Colonel *Kirk* (who, according to Bishop *Burnet*, had learnt Barbarity of, but according to the Truth, might have taught it to the *Moor*) hung up nineteen at his first Entrance into *Bridge-water*, not only without once entering into the Merits of their several Cases, but without giving them one Moment's Preparation; ordering his Drums to beat and his Trumpets to found as they were turning off, to drown the Cries and Groans of those that bewail'd their Sufferings. The wounded, bleeding as he found them, he threw into the common Goal to rot and dye by Inches. One Man he caus'd to be hang'd three several times, and at last in Chains, for Contumacy; he refusing to acknowledge, *that he had done amiss*; but on the contrary affirming, *That if it were to do again, he would engage in the same Cause*. Nor were these Outrages of his confin'd to those who were actually found in Arms; the whole Country was stain'd with the Guilt of Rebellion; and therefore the whole Country was to be made an Example. Accordingly, it was, in a manner, given up to Military Execution; the Soldiers, Horse and Foot, were let loose to live at Discretion on the wretched Inhabitants: And so infamous was the Behaviour of his own particular Corps, that he, himself, by way of Irony, call'd them his *Lambs*; an Appellation which was adopted by the whole *West of England*, and which stuck to them for many a Year after the Man, himself, was rotten in his Grave.

What was yet further remarkable, as if Extirpation itself was the great Point in View, Commitments and Prosecutions were not confin'd to those who were actually found in Arms, but whoever had been a Favourer, or was held even a *Well-wisher* to the same Cause, was seiz'd, imprison'd, and devoted to the same Fate.

And to give the more time to Informers to spread their Toils, and to drive in all the Game they could meet with, *Jeffreys* did not set out on his Expedition till towards the latter End of *August*; in which Interval, being the hottest Portion of the Year, the Sufferers grew a Nuisance to each other, and corrupted the very Air they breath'd; in so much, that Life itself grew a Burden, and Death was call'd upon as a Deliverer.

*Jeffreys* had for his Assistants, the Lord Chief-Baron, and three puisne Judges: And what was peculiar to his Commission, he was empower'd (whether legally or not, let the Lawyers decide) to command the Forces in chief, as General of the *West*; for to be was styl'd, and in that Capacity he acted thro' the whole Circuit, being guarded from Place to Place by Troops of Soldiers, who took the Word from him, and obey'd him in

all things as their legitimate Commanding Officer. A. D. 1653.

To trace him by the Blood, thro' every Step of his civil Campaign, would be an almost endless Task. We must, therefore, content ourselves with touching only on some of the most signal of his Exploits, and refer Posterity for the Detail to his own Biographer.

At *Windsor* he open'd his Commission; *Lady Lisle*, and the first Attack he made was on the *Lady Lisle* (for so she was commonly call'd, her Husband having been one of the Protector *Cromwell's* Lords) who was indicted for harbouring *John Hicks* of *Canthorpe*, Clerk, well knowing him to be a Traitor, &c.

There is no need to enter into all the Minutencies of her Trial. *Hicks* and *Nellbery*, so often mention'd among the *Bye-Conspirators*, were found in her House. This was the Fact. The former of them had, by Message, besought her Protection; and she had generously bestow'd it, presuming, that he was no otherwise obnoxious to the Law, than as he was a *Nonconformist* Minister; and the latter she had no Knowledge of, nor was his Name in the Indictment. To prove her guilty, it was necessary to prove, That the *new Hicks* had serv'd under *Mommsbury*. But in the whole Course of the Evidence, no such Proof appears. Three Persons, indeed, depos'd, That *Hicks* had solicited them to join the Duke; And *Jeffreys*, himself, according to Bishop *Burnet* (d) gave it upon his Honour, that both he and *Nellbery* had confess'd their being in the Rebellion. But this did not prove that they had made any such Confession to the Prisoner; and *Hicks's* Name had never been infer'd in any Proclamation. The Lady, herself, assur'd the Court, she had never had any kind of Information that *Hicks* had been in the Army: That she abhor'd both the Principles and Practices of those concern'd in the late Rebellion: That she hop'd the Court would entertain no Prejudices against her on Account of her Husband: That she had shed more Tears for the Death of King *Charles I.* than any Woman then living: That she had educated her Son in every loyal Principle, and had actually sent him to fight for his Majesty against the very Men she was now accus'd of protecting: And she urg'd, That she had been told, she could not be try'd as a Traitor for harbouring *Hicks*, till he was convicted of being a Traitor. *Jeffreys*, in Answer, charg'd the Jury, as they would answer it at the last Day, to govern themselves by the Evidence before them, and not to regard her Protestations, &c. obli'd, that the Father of Colonel *Pearnsdick*, who had taken the Traitor at her House, had suffer'd Martyrdom in the Royal Cause, at the same time giving a broad Intimation to the Jury, that *Lisle*, the Prisoner's late Husband, was his Judge: Admir'd the Justice of God, in making the Colonel an Instrument in the Business

*Jeffreys's Case*  
1653.

[*Life of the*  
*Lord Keeper*  
*North*, p.  
260.]

(d) A certain modern Writer, who has had the Immodesty, or Intemperance, to justify this infamous Trial, cavils at this Circumstance, and yet inserts the Lady's dying Speech,

in which, a plain Answer to his own Civil Bars him in the Face.

A. D. 1685. Business before them: Said the Preservation of the Kingdom, the Life of the King, &c. were at stake; and that they were not to be mov'd by Age or Sex, &c.

The Merits of the Case being now left to the Jury; one of them, before they withdrew, desir'd to be inform'd, Whether it was equally Treason to harbour a Traitor before Conviction, as it was after? And his Lordship had the astonishing Assurance to answer, *It was*; tho' no Man is pronounc'd a Felon, Murderer, or Traitor, by the Voice of the Law, till declar'd so by a Verdict. The Jury, after a considerable Demur, return'd into the Court, with a new Doubt, "Whether there was sufficient Proof that the Prisoner knew that *Hicks* had been in the Army? And his Lordship, after a Misrepresentation of what had been offer'd in Evidence, by one Person only, reply'd, "If there was no such Proof, the Circumstances and Management of the thing was as full a Proof as could be." Now this one Person, after such Usage as would terrify any Man, in such Times, to swear almost any thing, in Answer to *Jeffrey's* Question, "If there was no Discourse about the Battle, and of their being in the Army?" (that is to say, between Lady *Lisle*, and *Hicks*, and *Nelthorpe*) had said, *There was some such Discourse*: But, being provok'd to explain what that Discourse was, added, *They talk'd of fighting. But I can't exactly tell what the Discourse was*. Then as to the Circumstances and Management, it is notorious, that a Jury is only to be directed by *Facts*: And this Management, and these Circumstances, consist only in these things. *Hicks* sent a Messenger to enquire, whether Lady *Lisle* would receive him and his Friend; and the directed them to come in the Evening: And when *Penruddock* came to seize them, she deny'd they were there; which the said was the Effect of her own Confusion: For as soon as ever the Soldiers had Admission into her House, they fell to plundering it, even before the Persons they were in quest of were discover'd.

The Jury remaining still unconvinc'd, and inclining to the merciful Side, it is asserted by [Vol. 1. p. 655.] the Right Reverend Fathers in *God*, *Burnet*, [Vol. 1. p. 433.] and *Kennet*, and confirm'd by the Prisoner's last Paper, That he forc'd them by Menaces to violate their Oaths and sacrifice an inno-

cent and meritorious Fellow-Subject, to gratify his Avarice and Tyranny. The former also asserts, that *Jeffrey* had obtain'd a Promise of the King, that he would not pardon her; which his Majesty own'd to Lord *Essexham*, who was prevail'd upon to apply to him in her Behalf, by the Promise of 1000*l.* Consideration-money. Even the very Writer, who endeavours to set a Gloſs on this cruel Proceeding, acknowledges, that when the King was petition'd to respite her Execution but four Days, he answer'd, *That he would not respite it one*. Indeed he descended to change her Sentence from Hanging to Beheading: Which is somewhat strange; since he thereby allow'd her the Privilege of the Nobility, which she had deriv'd from *Cromwell*.

That she slept on her Trial, as some have suggest'd, does not appear; for she made as good a Defence as could have been expected from a Woman of upwards of seventy Years of Age, not vers'd in the Laws, and unassisted with Counsel. Her Behaviour at her Death was worthy of the Innocence and Piety of her Life; not intensible of her Vilitation, yet dispos'd to bear it. Having deliver'd her (e) Paper to the Sheriff, and offer'd up her last Prayer, she laid her Head on the Block, and was in a Moment laid to rest for ever.

As to *Nelthorpe* and *Hicks*, there was no need to strain Matters against them, because their Guilt was apparent and undeniable; and they receiv'd Sentence and were executed, at different times and Places, accordingly. *Nelthorpe*, while in *Newgate*, fell into a sort of Madnets, but recover'd himself perfectly before he dy'd: And in his last Speech, declar'd, That as to the Design of assassinating the late King, or his present Majesty, it always was a thing highly against his Judgment; and what he always detested, saying, "I was never in the least concern'd in it, neither in Purſe nor Person; nor ever knew of any Arms bought for that Intent; nor did I believe there was any such Design, or ever hear of any Disappointment in such an Affair, or Time, or Place, save what, after the Discovery of the general Design, Mr. *Wyl* spoke of, as to Arms bought by him." He also said, That, instead of joining in the Advice given to the Duke of *Monmouth* to declare himself King, he had complain'd of it, and

See Speech of Nelthorpe.

(e) Part of which being necessary for the Rescue of her Case out of the bad Hands it has fallen into, is here added, as follows:

"I did ever as little expect to come to this Place on this Occasion, as any Person in this Place or Nation; therefore let all learn not to be high-minded, but fear: The Lord is a Sovereign, and will take what Way he sees best to glorify himself, in and by his poor Creatures; and I do humbly desire to submit to his Will, saying to him, *Thou, I may justly say, find'st me Patient*. I be Glue that was laid to my Charge was, for entertaining a Nonconformist Minister, who is since known to have been in the late Duke of *Monmouth's* Army; I am told, that if I had not deny'd them, it would not at all have struck me; I have no Escalot but *Surprise* and *Fear*, which I believe my Jury will make use of to excite their *Passion* to the World. I have been also told, That the Court did use to be of Council for the Prisoner; but, instead of Advice, I had Evidence against me from *them*; which, tho' it were only *Heartry*, might possibly affect my Jury. My

Defence was such, as might be expected from a weak Woman; but, such as it was, I did not hear it repeated again to the Jury; which, as I have been inform'd, is usual in such Cases. However, I forgive all Persons that have done me wrong; and I desire that God will do to likewise. I forgive Colonel *Penruddock*, altho' he told me, that he could have taken these Men before they came to my House. And I do likewise forgive *him*, who desired to be taken away from the Grand Jury to the Petty Jury, that he might be the more easily prevail'd in my Death. As to what may be objected, that I gave it under my Hand, that I had discov'rd with *Nelthorpe*; that could be no Evidence against me, being after my Conviction and Sentence: I do acknowledge his Majesty's Favour in revoking my Sentence; I pray God to preserve him, that he may long reign in *Glory*, as well as Justice, that he may reign in Peace; and that the Protestant Religion may flourish under him. I also return the Thanks to God, and the Reverend Clergy that assisted me in my Imprisonment."

A. D. 1655.

and that as to the turning Evidence, which he had been strongly sollicit'd to do, he thought it more eligible to die, than to submit to such Balencis.

And Hicks's.

Hicks also, when he came to die, spoke with great Satisfaction of his rejecting all Applications to induce him to bear witness against his Protestant Brethren. He moreover complain'd very sensibly and pathetically, that Nonconformity should be render'd criminal; and yet, that the Door of Conformity should be *purposely* made so strait and difficult, that no Man could find Admittance through it, unless he left his Conscience behind him: Declar'd himself fully satisfy'd with the Monarchical Form of the English Constitution: That it was not warrantable for any Subject to resist their lawful and rightful Sovereign; and that if he had not been induc'd by many things, he had read and heard, to believe, that the Duke of Monmouth was the legitimate Son of his Father, Charles the Second, notwithstanding his Majesty's Declarations to the contrary (for Kings and Princes, said he, are often forc'd to make their natural Affections stoop to Reasons of State) he would never have join'd him: This Hicks was Brother to Hicks Dean of Worcester, who, we are told, being urg'd to intercede in his Behalf, most savagely reply'd, *I cannot speak for a Fanatic.*

From Winchester, with a Train of Guards and Prisoners at his Heels, which he had glean'd up at different Places on his Way, Jeffreys proceeded on to Salisbury, and from thence (having there also enlarg'd his Collection) to Dorchester, where he hoisted his bloody Flag, and made it first apparent, that he resolv'd to give no Quarter. Every body knows, that 'tis usual for the Judges on their Circuits, to go to Church and hear a Sermon, before they open their Commissions. Jeffreys did the same: The Preacher happen'd to recommend Mercy; which was so foreign to the Business in Hand, that his Lordship could not help laughing almost out, at the Folly of the Divine, who could hope, either by Reason or Rhetoric, to alter or mitigate the rigid Purposes of State.

This Ceremony being over, the Court sat, and the Commission read as usual, his Lordship proceeded to give his Charge to the Grand-Jury; in which he directed them to enquire after, and make Discoveries of, all who had been Aiders and Abettors, as well as Principals, in the late Rebellion, on pain of High Treason. This struck the very Jury themselves with Terror, who, on the one hand, had no Inclination to countenance such excessive Severity; nor, on the other, to expose themselves to the Rage of such a Tyrant. But, as it prov'd, their Fears were stronger than their Compassion. They redeem'd themselves, by finding Bills against Thirty of their Fellow-subjects, before the next Morning: And that he himself might make the like Riddance, he took occasion to declare, That if any put themselves on a Trial, and the Country found them guilty, they should have little Time to live; and also to insinuate, That, if any expected Pa-

A. D. 1655.

your, their best way would be to plead guilty. But of these Thirty not one could be seduced to throw his Life on his Lordship's Mercy: All stood Trial, and all but one were found guilty; His Lordship pronounc'd Sentence upon the spot, and that very Evening (Friday) he sign'd a Warrant for the Execution of Thirteen of them on the Monday following; which was accordingly perform'd. Among them was one *Brag*, an Attorney, who had fallen in with a Party of Monmouth's Men, as they were going to search the House of a Roman-Catholic for Arms; and because they had taken his Horse from him, and he walk'd home without it, this was deem'd aiding and assisting the Rebels; his Lordship withal declaring, *That if any Lawyer or Parson should come under his Inspection, they should not escape.* Another of them was the Constable of *Charstock*, who having some Money in his Hands for the Use of the Militia, was forc'd by certain of the Duke's Friends to deliver it to them: The Witnesses against both these Persons were the Roman-Catholic whose House had been search'd, and a Woman of ill Fame; and the Constable making Exception to the Characters of both of them, *Jeffreys* blam'd him with *Villain! Robert! Methinks I see thee already with a Halter about thy Neck, &c.*

We are farther told, that his Lordship, not satisfy'd with dispatching twenty-nine in one Day, had recourse to a new Artifice which brought Matters to almost as speedy an Issue, as the Method pursu'd by *Few-John and Kirk*, viz. Two of his Officers were sent to take a List of the Prisoners, and, at the same time, to give out Promises, that if they made a free Confession, they might expect Mercy; otherwise not: Which Offers on one hand, and the terrible Example of the twenty-nine on the other, had such an Effect, that the far greater Part of the remaining Herd embrac'd them as the least Evil: And this Proceeding was so manag'd, that to ease they should afterwards retract, these very Men might appear as Witnesses against them.

Thus he reduc'd the Business of the Court to little more than the single Article of Condemnation; which was indeed the Business of his Commission: And no less than two hundred and ninety-two receiv'd Sentence, all at once, of whom about eighty were executed, and their Heads and Limbs distributed all over the County.

His Lordship's next Stage was to *Exeter*, where another red List of two hundred and forty-three Persons was laid before him; one of them pleading *Not Guilty*, and being found otherwise by the Jury, he not only pass'd Sentence on him immediately, but order'd immediate Execution, which so terrify'd the rest, that they thought it advisable not to exasperate his Lordship, by putting him to the Trouble of doing the Duty of his Office, or of admitting them to the Privilege of *Englishmen*: So all he had to do was to assign them over in a Body to the Executioner, which he did without Remorse: But as he was less fatigu'd with Hearings here, than before at *Dorchester*, so he was not altogether

ther to prodigal to the Hangman; tho' what the Abatement precisely were, we do not find specify'd.

His next Remove was to *Taunton*; and his Arrival there struck as much Terror into the miserable Inhabitants, as if the Plague was in his Breath, and Desolation at his Heels: The very Evening he came into the Place he open'd his Commission; and the Language he us'd in his Charge was such as argu'd it would not be his Fault, if he did not utterly depopulate the Place. It was here *Monmouth* was first acknowledg'd; and, according to him, the whole Country could not make Expiation for so infernal a Treason. One Mr. *Simon Hanbury* was the first Person who was arraign'd: Two common Informers were the Witnesses against him: And tho' he undertook to prove by the concurrent Testimony of several credible Persons, that he had no Concern in the late Rebellion; that while it continu'd he had never been but twice in *Taunton*; once to charge his Son, on his Blessing and Countenance, not to become a Party in it; and the second, to supply his Family with Provision on the Market Days, Death was the Word: And tho' the very Justice of Peace, who had forwarded the Prosecution, apply'd to *Jessops* in his Favour, urging there was some Mistake in the Allegations against him, he turn'd a deaf Ear, and only said, *You have brought him on; if he be innocent, his Blood be upon you!* A Constable of the Hundred, who had, unfortunately, fallen into the way of one of *Monmouth's* Parties, and who had been compell'd by them to execute a Warrant of his, for the bringing in of Provisions for the Use of his Army, on pain of having his House burnt, Sec. was the next Person who ventur'd to take his Trial, on a Presumption, that the Violence he was under, and the Danger he was expos'd to, would be held sufficient for his Indemnification: But his Lordship being determin'd to admit of no Extenuative, he was cast like the former; and Both were order'd to be executed the next Morning, as well to cut off all Impunity, as in conformity to the Rule he had before laid down, to frighten the Prisoners from standing Trial. At this Place and *Wells*, he had still five hundred to dispatch; and he had many weighty Reasons to wish that the bloody Scent was clos'd. As if Justice therefore had been arm'd with a Scythe, instead of a Sword, he mow'd down all before him: And out of the Legion he condemn'd, no less than two hundred and fifty-one were executed, besides those destroy'd in cold Blood by *Kirk* and *Fewerham*. His whole Progress might be trac'd by the Carnage he left behind him: Every Tower and Steeple was set round with the Heads of Traitors: Wherever a Road divided, a Gibbet serv'd for an Index: And there was scarce a Hamlet, however obscure, that he did not order a Limb to be distributed to, that those who surviv'd, either abroad or at home, might never lose Sight of their departed Friends, nor the Remembrance of their Crime or Punishment.

Among these, the most eminent were *Holmes*, *Temple*, *Ansell*, the two *Hewlings*, *Tyler* of *Bristol*, *Speake*, and one *Battiscombe*. Whether *Holmes* was the Major *Holmes*, formerly employ'd by *Argyle*, is no where explain'd: But he was an elderly Man; He came over with the Duke, and was therefore look'd upon as a Principal in his Expedition. He fell into the Hands of the Royalists, at *Philipstown*, having had his left Arm first shatter'd by a Musket-ball; in which Condition he was stript, and carry'd to a Justice of Peace, who had the Humanity to cloath him again, before he committed him. Condemnation he was sure of, for which Reason he never once amus'd himself with the Hope of a Pardon; and, to the last Moment of his Life, his Fortitude never once forsook him: It is said he cut off his own shatter'd Arm, in the Justice's Kitchen; and 'tis certain, that he glory'd in his Chains; as also, that with his last Breath, he express'd himself satisfy'd with the Duke's Title, and his own Concern in the Support of it. *Temple*, on the other hand, acknowledg'd, that he was surpris'd into the Duke's Service, under the Pretence of an Expedition to the *West Indies*: That, when let into the Secret, he was dissatisfy'd with it; but that Hope of Advancement induc'd him to persist in what he did not approve. *Ansell* again, an Independent of the old Strain, declar'd, That, like a true Englishman, he had drawn his Sword in defence of the Protestant Religion: That he had left his House on purpose to join the Duke: That he acted as a Captain of Foot in the Battle of *Sedge Moor*, which he did not repent of: That if he had a thousand Lives, he would venture them all in the same Cause: That he might have sav'd his Life, if he would have impeach'd others; but that he abhor'd such Ways of Deliverance: And that he had rather suffer Affliction with the People of God, than enjoy Life with Sin. The *Hewlings* were young Gentlemen of Parts, Education, and Courage, but no Experience in the crooked Designs of Courts, or the perfidious Hearts of Men. The eldest was scarce twenty-two Years of Age, the youngest not twenty. They were charm'd with the Words *Religion* and *Liberty*; and were animated, like the *Decii* of old, with an Ambition not only to fight but to die for their Country. It has been said, they were sent to *Mindeval* for Cannon, the Day before the Battle, and in their Return they met their Friends in all the Confusion of a total Rout. This oblig'd them to mingle also with the flying Herd, and to go in search of what they never found, a Place of Safety. Their Behaviour under Sentence came literally up to all that is believ'd of Saints and Martyrs; and when they came to die, as such they were honour'd by the lamenting Crouds that waited on their last Moments. *Tyler* of *Bristol* had also commanded in the same gallant Body of Foot, and was so far from being convinc'd, by the Defeat, of the Injustice of his Cause, that he thus express'd himself, at the Place of Execution: "As to the Matter of Fact,

A. D. 1685;  
The Execution  
of *Holmes*,  
*Temple*,  
*Ansell*,  
the two  
*Hewlings*,  
*Tyler*,  
*Speake*,  
and  
*Battiscombe*.

A. D. 1685. for which I die, it doth not much trouble me; knowing to myself the Ends for which I engaged with the Duke of Monmouth were good and honourable." Which was all he was permitted to say on that Subject. *Speake* was the younger Brother of *Speake* before-mentioned, and who was in the Action; and all that could be prov'd against him was, That he had been at *Ilminster*, at the time when the Duke was there: Which it seems was sufficient to do his Business; how righteously, may be gather'd from what pass'd between *Jeffreys* and the Mayor of *Taunton*, when his Lordship was on the point of leaving the Town; The Mayor, it seems, was prevail'd upon to be a humble Petitioner for *Speake*: Or rather to stand at distance, whether any Hope might be entertain'd, that Grace would be extended towards him, seeing it was now acknowledg'd, He was not the Person more immediately aim'd at: And the Chief reply'd in Thunder, No: His Family owes a Life, and he shall die for his Name's sake. *Battiscombe* was a young Gentleman of a moderate Estate, lying between *Dorchester* and *Lime*, and having enter'd himself a Student of the *Temple*, came with-in his Lordship's Description of such to whom he was resolv'd to shew no Mercy. He had fallen under Suspicion in the late Reign, on account of the *Rye-Affair*, and had been actually in Arms at *Sedgemoor*: There was no Want of Evidence against him, nor did he want for Spirit to defend the Equity of the Cause, in Court, which he had maintain'd with his Sword in the Field: This was Oil to Flame; and *Jeffreys* having storm'd himself almost out of Breath, condemn'd him in a Fury: Recollecting, however, when the Fit was over, that his Evidence might be of Consequence, he several times made him Offers of Life, in case he would be prevail'd upon to testify for the King, against certain of his Accomplices; and being as often rebuff'd, grew ten times more incens'd against him than ever. *Battiscombe* was remarkably handsome, and as remarkably the Favourite of the Ladies: Even to Prison they follow'd him with their Condolences, and in hope that *Jeffreys* himself, brutal as he was, had still some Remains of Tenderness about him, which Youth and Beauty might awaken, one of the fairest fell at his Feet, and with Showers of Tears presented a Petition in behalf of the Man she lov'd: To which the Monster return'd such an (*g*) Answer as shew'd him to be as void of Civility as Virtue.

[Caveat, P. ii. P. 22.] There is no following such a Blood-hound as this tyrannical Judge, thro' such a dreadful Path, without Horror: And yet, a certain orthodox Writer, several times before-quoted, has not blush'd to set forth in Print the following meek, and Christian-like Passage: "I have indeed sometimes thought, that, in *Jeffreys's* Western-Circuit, Justice went too far, before Mercy was remember'd,

tho' there was not above a fourth Part executed of what were convicted: But when I consider, in what manner several of these Lives, then spar'd, were afterwards spent, &c. I can't but think a little more *Humour* might have been usefully employ'd on that Occasion." He does not drop one Word of the Terms on which they were spar'd; nor the Manner in which they were condemn'd; and we are left to conclude, that Rigor had no sooner quitted the Stage, than Grace and Indulgence enter'd. But the Fact is notoriously otherwise: Many of those who had their Lives given them for a Prey were forc'd to submit to Whippings more grievous even than Death itself; and many others were forc'd to purchase their Pardons at the Expence of Half, All, and sometimes more than they were worth. The Extortions of this kind, that were not only conniv'd at but authoris'd, are of themselves sufficient to fill a Volume: And what is worst of all, they were not only practis'd on the Guilty, but on those who had been persecuted on Suspicion only, who had never been admitted to a Hearing, and against whom nothing positive had been urg'd, nor Witnesses appear'd. To illustrate this in a capital Instance, it is fit that Posterity should know, That Mr. *Prideaux* of *Ford-Abbey* in *Devonshire*, was taken up by a Secretary's Warrant, dated the second Day after the Duke of Monmouth's Landing, and continued in Custody till July 14, when he was admitted to Bail: That during that Interval he several times petition'd to be heard before the Council, but never could obtain that Justice or Favour: That he was soon after seiz'd a second time, and committed close Prisoner to the *Tower*; where not to much as his own Wife was allow'd to have access to him, till the petition'd to be confin'd with him; which was at last granted: That, during this Interval, the Prisoners and condemn'd Persons in the *West* were temper'd with by the Agents of *Jeffreys*, with Threats of instant Execution, and Promises of Life, to become Witnesses against him, as was declar'd by *Speake* and others: That the said *Prideaux* was never able to discover what had been laid to his Charge: That Application being made in his behalf to several Persons of Quality and Interest, Answer was made, "That nothing could be done, for the King had given him to *Jeffreys*." That Mrs. *Prideaux* at last, seeing the Necessity of buying her Husband's Liberty of him, at almost any rate, apply'd to two of his Creatures to know the Terms: That no less than ten thousand Pounds being demanded, and the demurring on account of the Exorbitancy of the Sum, the Price was rais'd to fifteen thousand: And that, with the Abatement of 240 l. for prompt Payment of a Part of it, the said immense Fine was actually paid by the said *Prideaux*, for the Redemption of the Liberty he was born to, and which he had done nothing to forfeit!

To

[g] *Fin.* "Come, I know your Meaning: Some Part of your Petition I will grant, which shall be, that, after he be hang'd and quarter'd, you shall have this Member you

best lik'd when he was living: And so I will give Orders to the Sheriffs." *Life of Lord Jeffreys*, p. 273.

A. D. 1685.

To conclude; even the young Girls of *Taunton* who had presented the Colours to the Duke at *Taunton*; and who were not above eight or ten Years old, were given to the *Maid of Honour*, who sent down an Agent into the County to compound the Matter with their Parents, who redeem'd their innocent Lives, at 30 and 700*l.* a Head, according to their several Abilities.

[Life of the  
Lord Keeper  
North, p.  
800.]

And so widely does Mr. *North* differ from the Author of the *Gravat*, that, upon the News of the violent Proceedings in the *West*, says he, "The Lord Keeper saw the King would be a great Sufferer thereby, and went directly to his Majesty, and mov'd him to put a Stop to the Fury, which was, in no respect for his Service; but, in many respects for the contrary. For tho' the Executions were by Law just, yet never were the de- cluded People all capitally punish'd: And it would be accounted a Carnage, and not Law or Justice: And, thereupon Orders went to mitigate the Proceeding; but what Effect follow'd, I know not: (b) "Nay, Father *Or- leams* himself allows, That it was then said, That Men were not punish'd or pardon'd, according to the Degree of their Innocence, or their Guilt; but according to their Ability to purchase Favour; adding, The King was inform'd of these Disorders too late; but as soon as it came to his Ears, he express'd his Displeasur," &c. And how far this Jesuit has Truth on his Side, the Sequel will best inform us.

It has been already hinted from Bishop *Barnet*, that from the very Day that his Majesty had the News of the Duke of *Monmouth's* Defeat, Lord *Rochester* had no longer the first Place in his Confidence: And farther we learn from all the other Authorities of those Times, that he thenceforward thought himself in a Condition to prescribe his own Measures to his Council, and to exact Obedience. The Earl of *Sandwich*, who is sup- pos'd to have rose in favour, as Lord *Rochester* declar'd; and who has been accus'd of advising or countenancing all the Intemperances of this Reign, has in his own Justification asserted, That when his Majesty was first alarm'd with *Monmouth's* Approach, he even then declar'd, that he was resolv'd to give Employments to *Roman Catholics*, al- ledging, It was fit all Men should serve who could be useful, and on whom he could depend. And that tho' every body, as he thought, advis'd him against it, he nevertheless persisted in his Opinion, and acted accordingly. And Mr. *North*, speaking of the Lord Keeper's nearer Comportment with his Majesty upon the Subject of the new Measures, which his Lordship saw to be *firmly* entering at Court (these are his own Words) proceeds to say, "That the King, partly from his own Humour, which might affect those Braveries, and partly from the Fears, and,

[Lord Sande-  
land's Letter  
412. p. 1.]

[Life of Lord  
Keeper North,  
p. 272, 273.]

consequently Treachery of his Ministers, who thought themselves not safe in what they had done or intended to do, but upon the Foot of Force, kept up the Army, al- though there was no real Occasion or Reason for so doing: That this created Discontent enough: That what was worse, the King gave his Commissions to Persons unqualify'd by Law: That this was look'd upon as a Fore-runner of the setting aside the Test and Penal Laws. And his Lordship was not so short-sighted, but he foresaw not only that this Current, tho' beginning afar off (for military Commissions do not pass the great Seal) yet in the End, would overflow him, but also that, upon the main, it would bring a Con- fusion fatal to our happy Constitution in Church and State, and for certain destroy the King. This was a Subject melancholy enough for him, and void of all Hopes or Consolation. For he knew the King's Hu- mour, and that nothing that he could say to him, would take place, or sink with him. So strong were his Prejudices, and so feeble his Genius, that he took none to have any right Understanding, that were not in his Mea- sures, and that the Council, given him to the contrary, was for Policy of Party more than for Friendship to him. But, for all that, his Lordship, in this difficult Case, was resolv'd, once for all, to be plain and ex- plicit with him, and so, at least, satisfy his own Conscience. And once, getting an Audience, he took Occasion to declare to him all his Prognostics, depending upon his Majesty's declining the Test and Penal Laws, and that with no less Zeal, Sincerity, and Tenderness, than if he had been a Parent. He mind'd him of the uncontrollable Influence of an universal Discontent; that no Branch of his Affairs, especially those of his colligible Revenues, would move with any Con- tent to him. People would go on conti- nually exaggerating each other's Discon- tents, and mutual Encouragements would take place therein, and among Persons that should appear fair to him, and neither he, nor any of his Ministers, would dis- cover any such their secret Practices and Engagements; and if there happen'd any Advantage to cover Attempts, all would break out in a Flame, as if a Mine fir'd under him. And although the Duke of *Monmouth* was gone, yet there was a P. of O. on the other Side of the Water, And as to his Army, his Lordship said, that upon an universal Discontent, he would find it a broken Reed, that the People would grow upon it, or wear it out by their intermix'd Conversation. Men naturally fall in with Parties and their In- terests among whom they live, and they will not bear the Reproaches of their Wo- men and Pet-Companions, without falling into Harmony with them. That it was utterly

A. D. 1685.



Lord Keeper's  
Advice  
to the King.

(b) I am sure, concludes he, of his Lordship's Inter- action to the King on this Occasion, being told it at the very end by himself. Which, by the way, is utterly impos- sible: For it was not till the 25th of September that the Grand

Jury of *Dorchester* found Bill against the first Thiry who were try'd; and it was on that very Day the Lord Keeper dy'd at *Worcester*, in *Bedfordshire*, where he had been for some time before.

A. D. 1685.  
utterly impossible to bring the People to a Reconciliation with his Persuasion; and that the more they were urg'd, or even shew'd it, the worse they would be. And that the Securies were false and treacherous, and would infallibly, at a Pinch, whatever Countenances they shew'd him to the contrary, not only desert his Party, but turn against him; for they never were, nor would be Friends, really, to the Royal Family, and their peculiar Way and Means of working was by Fraud. I can, with great Assurance (continues our Author) affirm the SubSTANCE of this free Discourse to the King to have been really so made as I have represented; For his Lordship hath often said to me that, whatever happen'd, he would do it, and would have it in his Power to say to himself, at the Hour of his Death, that he had done his Duty to the King and his Country. And after he return'd from Court, he told me he had done accordingly; altho' as well before as since, he thought it signify'd nothing.

This remarkable Audience, it must be presump'd, was the last which this great Lawyer ever had of his Majesty: And, indeed, it is somewhat difficult to account, in Point of Time, for his having had it at all: For his Brother has given us a Letter of his Lordship's to the Lord Treasurer, *Rochester*, dated June 11, (the Day of *Monmouth's* landing) in which he expresses an earnest Desire to resign the Seal (which he was heartily weary of, not only because of the violent Turn which the Cabinet had taken, but because *Jeffreys* had wholly supplanted him there) and has farther inform'd us, that Lord *Rochester*, as well in Spleen to *Jeffreys*, who was already mark'd out for his Successor, as for the Convenience of such a *Sever* as his Lordship to himself, diverted him from that Purpose, and procur'd him the King's Permission to retire with the Seal, and the Officers attending it, to his Seat at *Wroston*, in the Neighbourhood of *Alcester*, for the Recovery of his Health, where, we are to understand, he continu'd till his dying Day, which has been already specify'd. Now it is natural to conclude that this Permission was obtain'd at the Adjournment of the Parliament, July 2, which was before *Monmouth* was defeated; and therefore, we must either suppose, that his Lordship, however dangerously indispos'd, did not make Use of it, till after the Advice of that Event arriv'd, or else, that he came up to Town in the Beginning of August, merely to assist at a further Adjournment; and that he then snatch'd an Opportunity to give his dying Advice to the King, who, on the very Day of that second Adjournment, set out for *Windsor*.

It seems his Lordship was so mortify'd at the Loss of his Ascendancy at Court, under his own peculiar Patron (for it was to the Duke of *York*, as his own Brother gives us to understand, that he ow'd every Step of his Promotion even to the Peerage itself) that he not only laid it to heart, but took a fancy that he look'd out of Countenance, as

he term'd it, "That is (says Mr. North) as one aham'd, or as if he had done ill, and not with that Face of Authority as he us'd to bear: And, for that Reason, when he went into *Westminster-Hall*, in the Summer Term, he us'd to take *Notegays of Flowers* to hold before his Face, that People might not discern his Dejection."

From *Wroston*, 'tis certain, he never return'd; and the Great Seal was no sooner surrender'd into the King's Hand, by his Executors, than he set it aside for *Jeffreys*, now in the midst of his Campaign, and driving Post over the Necks of his Fellow Subjects, to take Possession of his new Prefecture. *Echard* affirms, that as soon as the Vacancy occur'd, his Majesty wrote a Letter to *Jeffreys*, "requiring him to dispatch the Business before him, that he might come and take the Seal, for he was forc'd in the mean time to be Chancellor himself." And *Bishop Burnet*, in direct Opposition to *Father Ockens*, farther affirms, that the King had a particular Account of his Lordship's Proceedings, wrote to him every Day, that he took Pleasure to relate them in the Drawing Room to foreign Ministers, and at his Table, calling it himself, *Jeffreys's Campaign*; speaking of all he had done in a Style that neither became the Majesty nor Mercifulness of a great Prince."

*Bristol* was the last Place that trembled at his cruel Visitation; which, tho' it had not actually open'd its Gates to *Monmouth*, had appear'd to well dispos'd to do so, that it was resolv'd even there to make some Examples. The Fault, it seems, was laid at the Door of the Mayor and some of his Brethren the Aldermen, but unluckily it was utterly destitute of Proof: So an Expedient was thought of to punish them as Kidnappers, as *Wilmot's* had been serv'd in the preceding Reign, for what they were supposed to have intended as Traitors: And, by the Drift of his Charge to the Grand-Jury, it appears, that he either thought to terrify them into Self-Accusations, or to make their Peace with him by the Mediation of their Purges.— He began with telling them, that he did not value the Splendor he had been receiv'd with, for, (Lord! said he, we have been us'd to these things) nor their Resentment, that his Name should be fast in the Commission, in breach of the ancient Privileges of the City.— We come, continu'd he, to do the King's Business; a King, who is so gracious as to use all possible Means to discover the Disorders of the Nation, and to search out those who, indeed, are the very Pest of the Kingdom.— For Points or Matter of Law I shall not trouble you, but only mind you of some things which have lately happen'd in this City; for I shew the Calendar of this City in my Pocket.— He then, all at once, made a Transition to the late Civil War, ran a Parallel between King *Charles I.* and our Saviour *Christ*, came down to the *Rye-Conspiracy*, and smil'd that Part of his Discourse with *Monmouth's* Expedition, whom he call'd a Puppet-Prince, who had no More

(P. 1068.)

Jeffreys's Proceedings at Bristol.



A. D. 1685. Right to the Crown than any of them, for he hop'd they were all legitimate: And, by way of Use and Application, he came to the Point, as follows:

"Rebellion is like the Sin, of Witchcraft; Fear God, and honour the King, is rejected by People for no other Reason, as I can find, but that it is written by St. Peter. Gentlemen, I must tell you, I am afraid, I am afraid that this City hath too many of these People in it. And it is your Duty to search them out: For this City added much to the Ship's Loading: There was your *Tylers*, your *Roes*, and your *Wades*, Men started up like Mushrooms, Scoundrel Fellows, meer Sons of Dunghills: These Men must forsooth set up for Liberty and Property. A Fellow that carries the Sword before Mr. Mayor, must be very careful of his Property, and turn Politician, as if he had as much Property as the Person before whom he bears the Sword; tho' perchance not worth a Groat. Gentlemen, I must tell you, you have still here the *Tylers*, the *Roes*, and the *Wades*: I have brought a Brath in my Pocket, and I shall be sure to rub the Dirt wherever it lies, or on whomsoever it sticks. Gentlemen, I shall not stand complimenting with you, I shall talk with some of you before you and I part: I tell you, I tell you, I have brought a Beesom, and I will sweep every Man's Door, whether great or small. Must I mention Particulars? I hope you will save me that Trouble; yet I will hint a few things to you, that perchance I have heard of. This is a great City, and the Magistrates wonderful loyal, and very forward to assist the King with Men, Money, and Provisions, when the Rebels were just at your Gates: I do believe it would have went very hard with some of you if the Enemy had enter'd the City, notwithstanding the Endeavours that were us'd to accomplish it. Certainly they had and must have great Encouragement from a Party within, or else why should their Design be on this City? Nay, when the Enemy was within a Mile of you, that a Ship should be set on fire in the midst of you, as a Signal to the Rebels, and to amuse those within; when, if God Almighty had not been more gracious unto you than you was to yourselves, (so that Wind and Tide was for you) for what I know, the greatest Part of this City had perished; and yet you are willing to believe it was an Accident. Certainly here is a great many of those Men which they call *Trimmers*. A *Whig* is but a meer Fool to these; for a *Whig* is some sort of a Subject in comparison of these; for a *Trimmer* is but a cowardly and base-spirited *Whig*; for the *Whig* is but the Journeyman or Apprentice, that is hir'd and set on in the Rebellion, whilst the *Trimmer* is afraid to appear in the Cause; he stands at a doubt, and says to himself, I will not assist the King, until I see who hath the best of it; and refuses to entertain the King's Friends, for fear the Rebels should get the better of it. These Men sink worse than the worst Dirt you have in your City; these Men have

so little Religion, that they forget that *He that is not for us is against us*. Gentlemen, I tell you, I have the *Kalendar of this City here in my Hand*; I have heard of those that have search'd into the very Sink of a Conventicle to find out some sneaking Radical to hide their Money by Night. Come, come, Gentlemen, to be plain with you, I find the Dirt of the Ditch is in your Nostrils. Good God! Where am I? In *Bristol*? This City, it seems, claims the Privilege of hanging and drawing amongst themselves; I find you have more need of a Commission once a Month at least. The very Magistrates, which should be the Ministers of Justice, fall out one with another to that degree, they will scarce dine with each other, whilst it is the Business of some cunning Men, that he behind the Curtain, to raise Divisions amongst them, and set them together by the Ears, and knock their Loggerheads together; yet I find they can agree for their Interest, or if there be but a Kid in the Case; for I hear the Trade of Kidnapping is much in request in this City.—Gentlemen, these things must be look'd into. I shall not now trouble you any further; there are several other things, but I expect to hear of them from you. And if you do not tell me of some of these things, I shall remind you of them. And I find by the Number of your Constables, this is a very large City, and it is impossible for one or two to search into all the Concerns of it; therefore mind the Constables of their Duties, and call on them for their Presentments; for I expect every Constable to bring in his Presentment, or that you present him. So adjourn," &c.

The Result of this furious Charge was, that the very Mayor himself, and several of the Aldermen were presented as Kidnappers: And no sooner was the Charge against them read, and the several Affidavits on which they were founded, than his Lordship drove them, reb'd as they were in Fur and Scarlet, from the Bench to the Bar; pelting them all the way with the worst abuse that the foulest of foul Mouths could give vent to; such as, See how the Kidnapping *Regues* look, &c. And when the Mayor, in particular, hesitated as if he was in doubt, whether he should yield Obedience, flaring, stamping, and bawling for his Guards, to make him quicken his Pace, and force him to take his Place in the Front of the Criminals. And this notable Feat of his Lordship's is discours'd of with an Air of singular Satisfaction by Mr. North, who is so highly displeas'd at the Insult offer'd by *Papillon* and *Dubois*, to *Fritchard* Mayor of London.

But notwithstanding all these extraordinary Endeavours, *Jefferys*, to his great Mortification, found no Traitors to fasten upon here: And as to the *Trimmers*, they escap'd for want of a Law to make Moderation pass for Treason: So that he was forc'd to quit the Place, without establishing any other considerable Trophy of his dictatorial Power, than what he had rais'd on the Necks of the Magistrates, or acquiring any other Spoils, than he could torture

A. D. 1685.

*He directs the Mayor and four of the Aldermen from the Bench to the Bar.*

A. D. 1685. torture out of them for their Redemption (i).

Having thus completed his Commission, he return'd in Triumph to London, and was receiv'd as a Man whom the King delighted to honour; for he was immediately made a Peer, and Lord High Chancellor, in Consideration of the many eminent and faithful Services, render'd by him to the Crown, as well in this Reign as the last; for so it was declar'd in the Gazette. And hence it is manifest, notwithstanding what Father Orleans has asserted, That his Majesty was but too well satisfy'd with the Methods he had taken to obtain his Favour. On the other hand, as to what Bishop Burnet is pleas'd to say concerning the Barony bestow'd on Jeffreys, while he was yet Chief-Justice, *scilicet*. That it was without Example in these latter Ages, and that some held it inconsistent with the Character of a Judge, it ought to be esteem'd a mere Cavil; for we have seen the Precedent several times follow'd since; and his Name was, besides, scarce enter'd among the Peers, before he was plac'd at the Head of the House in quality of Chancellor.

To keep pace with the Year, we must now bestow a little Time on our foreign Affairs. The big Words in his Majesty's second Speech to his Parliament, That he had a true English Heart, and that he purpos'd to carry the Glory of the Nation higher than ever, in the World, had given an Alarm to France; at least we so learn by two Letters from that Court to their Ambassador in England, which are preserv'd by (k) Wood. In the first it is said, That the Strain of that Speech was quite contrary to what they expect'd: That tho' the King himself could scarce believe there was any Change in his Majesty (of England's) Affections towards him, he knew not what to make of that new manner of expressing himself on so public an Occasion: That if he and his Parliament should come to a cordial Treaty in one another, it might probably change all the Measures which had been so long concerting for the Glory of their Monarch, and the Establishment of the Catholic Religion: That it was hop'd the King had not forgot the Obligations and Engagements he had enter'd into with, and had receiv'd from, his most Christian Majesty, when Duke of York:

That it would be one of the greatest Services he, the Ambassador, could do, to search into the Motives and Advisers of this Speech: That he was to spare nothing to find both out: That if the Parliament should be forc'd his Revenues as to put him out of any Necessity to depend on them, it was to be fear'd, he would endeavour to please a Nation who had so ill an Opinion of him before; and that nothing would render him so popular, as the coming to a Breach with France. In the second, the Ambassador is gently chid for not having been yet able to come at the Secret; and for expressing his Apprehensions, that his Britannic Majesty was really in a Disposition to turn his Back on his old Friend; whereas, by the same Post which had convey'd his last, they had receiv'd better News from a sure hand. After which he is inform'd, that an Affair of great Importance, with relation to the Edict of Nantz, was depending, which could not be declar'd till his Majesty of England's Inclinations were fully known, tho' there was nothing which the King their Master had more at Heart to see done, if it could be done with Safety: Which is mention'd as a Reason why he ought to watch as narrowly the Current of Affairs here, as if those Apprehensions of his were well ground'd: And for a Clue to his Enquiries, he is instruct'd to observe exactly how the Prince of Orange stands in the King's Affections, and how his Ministers are affected towards him: For as to the *Hollanders* in general, he had hitherto shewn he neither lov'd nor fear'd them; and their Behaviour of late had given him no Cause to change his Opinion.

The Repeal of the famous Irrepealable Edict of Nantz was the great Affair allud'd to in these Letters; and, if they are genuine, it will follow, according to Reason, if not according to Evidence, that his most Christian Majesty did actually receive the necessary Assurances, that he might venture on that, or any other Master-stroke, without the least Apprehension of his Brother of England. Of what kind, indeed, these Assurances were, whether directly from himself, or indirectly from any Mercenary of his Cabinet, we here appears. The Marquis d'Annoyer was sent hither to congratulate his Majesty on his victories over *Monmouth* and *Argyle*; and what

(i) It seems *Jeffreys* had a peculiar Pleasure in humbling that very Pride in others, which was so predominant in himself. For Sir *John Ker* once occasion to tell us, that dining with Sir *Yves Smith*, Lord Mayor of London, "That Gentleman, said he, compleas'd me, that he enjoy'd no more than the bare Title of Lord Mayor, the Lord Chief Justice *Jeffreys* usurping the Power; that the City had no Sort of Intercourse with the King, but by the Intervention of that Lord; that whatever was well done in the City was attributed to his Influence and Management; and that himself and the Aldermen were by the Court look'd upon no better than his Tools." That upon all Occasions his Lordship was so forgetful of the high Dignity of the City, as to sit him and his Brethren with Contempt; in fine, that the Lord Chief Justice was to be pity'd; that his Resolutions would be the Ruin of him; and that he actually intended to let the King into the Mystery of these things; but that he thought the present Time was not altogether so proper, seeing a Reconciliation of this Tendency might be construed into Mutiny and Disaffection. I answer'd, That the King was too well

acquainted with the Lord Mayor's Servitude and Impunity, to suspect him of that; and that, in my Opinion, now was the first Time for exposing a Man in that Credit at Court; for that year (1685) and 1686 before this, in which the greatest Notice would be taken of all his Grievances. Indeed I was forc'd by my Herrero to see this good Man distressed in any degree; but I was so glad to find this great Man free through; for he had no Knowledge of the City of London as hardly as it was possible for him to see the City of London. For as I had he put out five Aldermen, they had solemnly suggest'd to keep them in, and that, without so much as allowing them to be heard as to the Crime, they stood accus'd of. The Lord Mayor had the very same had been frequently practis'd in London, and that many had been turn'd out of their Employment, without so much as being suffer'd to make their Defence." p. 107, 108.

(k) And which he gives us is communicated to him by a noble Person, who whole Papers in Relation to that Ambassador's Papers happen'd to fall at the Revolution.

scem'd to be the infallible Consequence, his Establishment on the Throne: But there is no Trace extant of any Intermixture of Business, under the Veil of that Ceremonial. Bishop Burnet also mentions a Visit of old *Ruzigny's* to the Court of England, about this Time; but then it is only for the sake of mentioning it, for he insinuates, he had neither Character nor Business, except to solicit the Restoration of Lord *Ruffel's* Son, who was his Great-Nephew, to the Honours which his Father had forfeited: And there is yet another Letter, which *Widdow* has preserv'd, and which will be made use of in its Place, from whence it is pretty apparent, that there was no express Concert as yet subsisting between the two Courts; and that King *James* was so deeply concern'd for the Success of his own Projects, that he had scarce Leisure to bestow a Thought on those of his Neighbours.

However this may be, the most Christian King was now fully convinc'd that the Principles of Time was come, for extirpating Heresy; and he accordingly set about in earnest; after what manner, is thus set forth by Bishop Burnet, who was an Eye-witness of what he describes; and whose Recital is, in general, supported by the joint Authority of many other Historians:

"*Mr. de Loreux*, says the Bishop, seeing the King so set on the Matter, propos'd to him a Method, which he believ'd would shorten the Work, and do it effectually: Which was to let loose some Bodies of Dragoons to live upon the Protestants on Discretion. They were put under no Restraint, but only to avoid Rapes, and the killing them. This was begun in *Brain*: And the People were so struck with it, that, seeing they were to be eat up first, and, if that prevail'd not, to be cast into Prison, when all was taken from them, till they should change; and being requir'd only to promise to reunite themselves to the Church, they overcome with Fear, and having no time for consulting together, did universally comply. This did animate the Court, that, upon it, the same Methods were taken in most Places of *Guernsey*, *Languedoc*, and *Dauphine*, where the greatest Numbers of the Protestants were. A dismal Confession and Feebleness ran thro' most of them, so that great Numbers yielded. Upon which the King, now resolving to go thro' with what had been long projected, publish'd the Edict repealing the Edict of *Nantes*, in which (tho' that Edict was declar'd to be a perpetual and irrevocable Law) he set forth, that it was only intended to quiet Matters by it, till more effectual ways should be taken for the Conversion of Heretics. He also promis'd in it, that, tho' all the public Exercises of that Religion were now suppress'd, yet those of that Persuasion who liv'd quietly should not be disturb'd on that Account, while at the same time not only the Dragoons, but all the Clergy, and the Bigots of *France*, broke out into all the Insanctus of Rage and Fury against such as did not change upon their being requir'd in

the King's Name to be of his Religion; for that was the Sole every where,

Men and Women of all Ages, who would not yield, were not only strip of all they had, but kept long from Sleep, driven about from Place to Place, and hunted out of their Retirements. The Women were carry'd into Nunneries, in many of which they were almost starv'd, whipt, and barbarously treated. Some few of the Bishops, and of the secular Clergy, to make the Matter easier, drew Formularies, importing that they were resolv'd to reunite themselves to the Catholic Church, and that they renounc'd the Errors of *Luther* and *Calvin*. People in such Extremities are easy to put a stretch'd Sense on any Words that may give them present Relief. So it was said, what Harm was it to promise to be united to the Catholic Church: And the renouncing those Men's Errors did not renounce their good and sound Doctrine. But it was very visible, with what Intent those Subscriptions or Promises were ask'd of them; So their Compliance in that Matter was a plain Equivocation. But, how weak and faulty soever they might be in this, it must be acknowledg'd, here was one of the most violent Persecutions that is to be found in History. In many Respects it exceeded them all, both in the several Inventions of Cruelty, and in its long Continuance: I went over the greatest Part of *France* while it was in its hottest Rage, from *Metz* to *Montpellier*, and from thence to *Lions*, and so to *Geneva*. I saw and knew in many Instances of their Injustice and Violence, that it exceeded even what could have been well imagin'd, for all Men set their Thoughts on work to invent new Methods of Cruelty. In all the Towns thro' which I pass, I heard the most dismal Accounts of those things possible; but chiefly at *Valence*, where one *Dherapine* seem'd to exceed even the Furies of Inquisitors. One in the Streets could have known the new Converts, as they were passing by them, by a cloudy Dejection that appear'd in their Looks and Deportment. Such an endeavour'd to make their Escape, and were seiz'd (for Guards and secret Agents were spread along the whole Roads and Frontier of *France*) were, if Men, condemn'd to the Gallies, and, if Women, to Monasteries. To complete this Cruelty, Orders were given that such of the new Converts, as did not at their Death receive the Sacrament, should be denied Burial, and that their Bodies should be left where other dead Carcasses were cast out, to be devour'd by Wolves or Dogs. This was executed in several Places with the utmost Barbarity: And it gave all People so much Horror, that, finding the ill Effect of it, it was let fall. This hurt none, but struck all that saw it, even with more Horror than those Sufferings that were more felt. The Fury that appear'd on this Occasion did spread itself with a sort of Contagion: For the Intendants and other Officers, that had been mild and gentle in the former Parts of their Life, seem'd now to have laid aside the Compassion of Christi-

A. D. 1685.

[F. v. p. 658, 659, 660.]

Persecution of the French Protestants.

A. D. 1685.

A. D. 1685. ans, the Breeding of Gentlemen, and the common Impressions of Humanity."

*The like Copy is in Orange, [Neville, Tom. 1. p. 87.]*  
Of those that escap'd this Sword-in-Hand-Mission, several took Sanctuary in Orange; And this furnish'd his most Christian Majesty with the most effectual Method of trying the Extent of his Brother of England's Affection to his Nephew: For he sent his Orders to the Magistrates of that little Principality to expel those Fugitives again. They did so. After which they receiv'd Assurances from the Count de Guignon, and the Intendant of Provence, that they had nothing further to apprehend from the King their Master. Notwithstanding which, a few Days after, the Count de Tuffeneau Orange with two Regiments of the same Dragoons who had just converted the Inhabitants of Dauphiné, and quarter'd them at first on all the Burghers indifferently; but in the Sequel they were turn'd over to devour the Protestants only, on whom they, over and above, committed all kinds of Villanies: They even demolish'd their Churches: They seiz'd certain Officers of the Parliament, and all the Ministers, who were distributed into the Prisons of France where ten of them were detain'd for twelve Years together. "This was done, says Bishop Burnet, while that Principality was in the Possession of the Prince of Orange, pursuant to an Article of the Treaty of Nimwegen, of which the King of England was Guarantee. Whether the French had the King's Consent to this, or whether they presum'd upon it, was not known. It is certain he order'd two Memorials to be given in to that Court, complaining of it in very high Terms. But nothing follow'd on it." The same Author also adds,

[P. 1. p. 66.]

*Copy Memorials of Refugees sent to King William.*

"That for some Weeks before the Parliament met, there was such a Number of the Refugees coming over every Day, who let about such a dismal Recital of the Persecution in France, and that in so many Instances that were crying and odious, that tho' all Endeavours were us'd to lessen the Clamour this had rais'd, yet the King himself did not stick openly to condemn it, as both unchristian

and unpolitic. He, however, took pains to clear the Jesuits of it, and laid the Blame chiefly on the King, or Madame de Maintenon and the Archbishop of Paris. He spake of it often with such Vehemence, that there seem'd to be an Affection in it. He did more: He was very kind to the Refugees: He was liberal to many of them: He order'd a Brief for a charitable Collection over the Nation for them all. Upon which great Sums were sent in. They were deposited in good Hands and sure. The King also order'd them to be denizen'd without paying Fees; and gave them great Immunities." And surely in all this he acted like a wife Man and a great King: But as he had before shewn so little Compassion to his own Subjects, he deriv'd very little Honour from his Goodness and Hospitality to these Strangers: All was look'd upon as artificial: And as every body knew, that King Lewis could not be more a Bigot to his Religion than King James, every body expected the like Usage from him, as soon as ever he should be favour'd with the like Opportunity. At the same time also that he seem'd so greatly disgusted at the persecuting Spirit of his brother of France, and so tenderly touch'd with the Calamities of those who fled from before it, he unfortunately permitted in dispensing with the Laws against Papists, and even made no Secret of his Resolution to get them repeal'd.

A. D. 1685.

*The King is extremely kind to them.*

*But before the Month of it, by his going in the Royal of the Toff, &c.*

These Laws he began openly to say, were made against himself; the first to turn him out of the Admiralty, and the second to pave the way for the Exclusion: And hence he infer'd it was an Affront to him to insist any longer on the Observance of them: And made no Scruple to declare, That all those who would not consent to the Repeal, he should look upon as his Enemies. There is nothing a King can drop, but some Court-Vassal is ready to pick up. Thus, his Majesty had no sooner express'd himself to this Effect, but it was echo'd all over the Kingdom: And even the Church, in Person, was made a (1) second time a Suiter to both Houses

[Chap. 1. p. 51.]

(1) In these remarkable Words:

"My own Thoughts I told you in my last Remonstrance, which I shall here again repeat. The only Way and most secure, without doubt, to procure a Union with those who are essentially the King and Kingdom's Friends, and whose Interest as well as Principles oblige them to be faithful to him. We ought to secure all the Friends we can, and not exclude those, who are both able and willing to assist us, by Oaths and Tests, which are so far from alluring us of their Fidelity, that we cannot firmly rely upon their Allegiance who take them." The Remonstrance has often oblig'd to swear Allegiance to their King in my form, so it shews not what is due to God; and so we may assure ourselves, that they, who break their Allegiance due to God, under pretence of serving their King, are led by nothing but their Interest, which would bid them do any thing: So those who are known to be faithful to their God, and prefer their Religion and Conscience before their Interest, will, no doubt, make a conscience likewise to serve their King and Country, when the same God and Religion obliges them to do it.

Our former Christian Kings were for many Ages before even under the Roman Religion, when their Subjects were ty'd by Oaths, no less obliging to true than these, but cou'd in other Terms. Other Kings and Kingdoms think themselves no less secur'd than we, when such an Allegiance is sworn unto them. And shall we alone endeavour to enter the Conscience of those who make a conscience to serve their

King and Country; tho' ty'd by no other Bonds than the true Principles of Religion and moral Morality? We know 'tis not Allegiance they begg'd us, for when they are already ready to pay with the Hazard of their Lives and Fortunes; but 'tis their Religion they would not abandon, their Faith they would not quit, their God to whom they would not be rebellious. Shall we therefore, when we know they are Persons who be faithful to a King, who has promised us his Protection, and under whose Protection alone we can ever hope to subsist, shall we, I say, refuse state Assistance in their Conscience? We know many of the Remonstrants have been their Vassal and their Cousins in foreign Countries, where they learn military Discipline by Practice, and not by Speculation only: And shall we, when we know them to be fit Persons to be employ'd, to far injure ourselves and the Nation, as to exclude them from assisting us, for Niceties in Religion? We cannot doubt of their Fidelity to their own King; who thought so faithfully for Sovereigns, as we cannot doubt their Courage, who have'd their Values in the greatest Hazards; and we may hope their Conscience will be no less active, having learnt it in so great a School. These, no doubt, who are either for his Majesty's Security, for my Safety, or the Kingdom's Good, will be desirous to see them employ'd. None certainly but those who care not if they saw the law repeal'd down, and the Kingdoms turn'd into a Commonwealth, can be against this. Both they, and I, and all those who are for Humanity, are concern'd in the Preservation



A.D. 1685

ing perpetually employ'd in Acts of Charity and Goodness, to such as fell under the Indignation of the Government, was indicted capitally for compassing the *Deaths* of the late King, by harbouring, concealing, aiding, comforting, &c. one *Burton*, who had been concern'd in the *Rye-Affair*, knowing him to be a Traitor. *Burton* himself was produc'd as a Witness against her, and swore she had twice procur'd him a Vessel to make his Escape, and had given him Money to help to bear his Charges: *Burton's* Wife and Daughter were the other Witnesses; but neither of them could be brought to swear, that the Prisoner knew *Burton* was in any Plot, or even that his Name was in any Proclamations: Nor did it appear, that she had ever harbour'd him, or given him Meat and Drink, as the Indictment alleg'd. She was nevertheless found guilty, and receiv'd Sentence to be burnt alive; which was execut'd accordingly; and which she underwent with a Resignation, Cheerfulness, and even Magnanimity, that amaz'd her very Enemies. In her last Paper, she cites several Texts of Scripture to prove, that what she had done was no more than her Duty as a Christian, however it might be obnoxious to the Laws of Man: "If it was a Fault, said she, it was but a little one, and what might well become a Prince to forgive: But he that shews no Mercy shall find none: And I may say in the Language of *Jonathan*, I did but taste a little Honey, and so I must die for it: I did but relieve an unworthy, poor, distressed Family, and so I must die for it." She then enlarg'd on the Circumstances of her Trial, and not without some Bitterness against her Judges and Jury, who had condemn'd her on the single Evidence of an outlaw'd Man; and left the Vindication of her Cause to him who is the Avenger of all such Wrongs, and who would tread upon Princes as upon Mortar, and be terrible to the Kings of the Earth. Then addressing herself to those in Power, as *Windsor*, she declar'd, That, unless they could secure *Jehus Christ* and all his holy Angels, they should never accomplish what they had undertaken: And, in a Postscript, she took her leave, saying, That she had nothing to repent of, but that she had serv'd God and his Cause no better.

Cornish's Trial.

The same Day, viz. *October 19*, Mr. *Cornish*, once the famous Sheriff, and at that time one of the discarded Aldermen, of *London*, was put upon his Trial, for having assisted at the fatal Meeting at *Shepherd's*, together with *Ruffin*, *Manwath*, *Grey*, &c.; tho' his Name had never till then been mention'd on that Occasion. On the *Tuesday* before he had been taken up: On *Saturday* Noon he had Notice of Trial: He was deny'd the Use of Pen, Ink, and Paper: No Friend was suffer'd to come near him till 8 o'Clock *Saturday* Evening. And when a Petition was deliver'd to the King and Council by his Children for longer Time, Answer was given, That it was refer'd to the Judges: When therefore he came before the Court, he remonstrated these things, and farther,

A.D. 1685

that he had a material Witness 120 Miles off; before he submitted to plead, as to many Reasons why an Reason and Equity he ought to be allow'd a longer Day. But all his Reasons were most brutally over-ruid: He was told his Demand was Matter of Favour, not of Right: And his Behaviour had been such to the Government, as entic'd him to no Favour from it. Being thus driven into the Tolls, he was forc'd to plead; and the first Man that appear'd against him was *Rumsey*, who was admitted as not only a legal, but a credible Witness against him, tho' he had before sworn. He had given in his whole Evidence, in which, as before observ'd, *Cornish* had no Concern. The Substance of his Testimony was, That when the Company were going away, *Shepherd* was call'd out by his Man, and soon after return'd with *Cornish*, who made his Excuses for coming so late, and for not being able to stay, being oblig'd that Night to meet the Persons who were engag'd in the Defence of their Charter; That nevertheless both he and the rest stay'd while *Rumsey* took a Paper out of his *Stomach*, and while he read it to the Company (*Shepherd* himself holding the Candle): That this Paper contain'd a Declaration which was to be made public as soon as the Rising took effect; and that the Prisoner express'd his Approbation of it; and farther said, That with the poor Interest he had he would support it. Thus we are to understand, that the listening to, and approving of, this Declaration, was all the Guilt that *Rumsey* had to lay to the Prisoner's Charge: And yet this very *Rumsey* had before depos'd, under the like solemn Oath, That no such Declaration had been read, while he stay'd; and contradicted *Shepherd*, when he had he thought he had been there. When *Cornish* had Leave given him to ask Questions, as usual, he let out as if he design'd to shew, that *Rumsey* was neither a legal nor a credible Witness: He urg'd, that he lay under a Charge of Treason, and had no Pardon to produce: But Mr. Attorney would allow this to be no Disqualifier, because there was no Indictment or Record against him: And when the Prisoner proceeded to speak to his Credibility, and, by way of Preface, began to say, that *Rumsey*, in his former Evidence was oblig'd, by his Oath, to deliver the whole Truth, he was interrupted by the Lord Chief-Justice (*Jones*) who rudely said: "Now you are minking your Speech.— It is not your Time.— You shall urge any thing against Mr. *Rumsey's* Evidence, or the Credibility of it, when it is your Time." But when this Time came, and, in order to make a proper Use of it, he urg'd, that *Rumsey*, in Lord *Ruffin's* Case, had sworn, That he had no more to say, or say any more, and quoted that very Passage in the very same Trial, in which the said *Rumsey* farther declar'd he had not heard the Declaration read, the Bench, to get the better of this double Perjury, pronounced, that the pointed Trial of that Nobleman, tho' set forth by Authority, was no Evidence.

For a second Witness against him appear'd

paid, his own Under-Sheriff, *Goodenough*, who, having been taken after the Battle of *Sedgeborough*, was Villain enough to redeem his own Life, by affiding to swear away the Life of another. What he had to urge was, That, being by chance at Alderman *Cornish's*, he said to him, "Now the Law will not defend us, tho' we be never so innocent: Some other way is to be thought of: That the said Alderman reply'd, *I wonder the City is so ready when the Country is so ready*: That he, *Goodenough*, then said, something has been thought of to be done here: But first the *Tower* ought to be set'd; and that the Alderman, after some Pause, rejoyn'd, *I will do what God I can, or to that Effect*."

The Prisoner in his Defence, said all'd, Whether *Goodenough* had his Pardon? And one being read, he quiers'd, that it did not comprehend his last Treason: But answer was made by the Lord Chief Justice, that he was not indicted upon it, and that till he was try'd and condemn'd, his Guilt did not take off his Testimony: So that tho' the Subject was liable to the Laws for harbouring an unconvicted Traitor, an unconvicted Traitor was nevertheless legal Evidence for the King against the Subject.

Mr. *Cornish* then enlarg'd on the Improbability of the Testimony, asserted his own Innocence with the most vehement Protestations; and argu'd, that none but a Man who had nothing to fear, would have expos'd himself to new Troubles, after he had been four times imprison'd, and always without Cause. He also call'd several Witnesses to his general Character, and some, in particular to shew, that he held *Goodenough* to be so ill a Man, that he would not trust him with a Hair of his Head; and that he was over-ru'd by *Bethel's* Obstinacy, and the Interposition of Friends, to admit him Under-Sheriff, which was ever against his Judgment.

This was the Substance of his Defence, and the Lord Chief Justice proceeded to give a Summary of all to the Jury, in which he took care to give no Weight to the Perjuries charg'd on *Ramsay*, no doubt, because they were not legally supported; and on the other hand, to enforce to the utmost of his Power, whatever had been advanc'd against the Prisoner. The Jury after this withdrew, demurr'd a considerable time; and being return'd into Court to give in their Verdict, Mr. *Cornish* beg'd that he might first be indulg'd in bringing in another Evidence; and by the dint of great Submissions obtain'd it. This was *Shepherd* who had avoided a *Subpoena* from the King and had obey'd one from the Prisoner. *Ramsay* had sworn, That *Perrysson* took the Declaration out of his Bosom, and that *Shepherd* held the Candle. *Shepherd*, on the contrary, swore positively, that *Cornish* did not stay Half a Quarter of an Hour in the Houle, and that there was not one Word read, or Paper seen, while he was there: And that when the Paper was read, *Perrysson*, instead of taking it out of his Bosom, took it out of his Shoe. These were Circumstances wholly irreconcilable; and

yet, because it was admitted by *Shepherd* himself, that *Cornish* was once at his Houle to speak with one of the Persons, the Duke of *Monmouth* he thought, at the time when those Consultations were there held, the Court was pleas'd to think the Conclusion stronger against the Prisoner, from that one Circumstance, than for him, from all the others: And hence, without once observing that there was no Agreement in the Matters depos'd by the two Witnesses; That one of them was plainly perjur'd by his own Evidence, as well as *Shepherd's*; or that an Overt-act of any kind was not so much as hinted at by Either, tho' expressly requir'd by the only Signature on which the Prisoner could be try'd, the Jury, upon the Issue, found him guilty. He is deliver'd to the King's Mercy. He then threw himself on the King's Mercy, and promis'd to deserve it by his dutiful Behaviour: In return for which Submission, under such unjust and cruel Treatment, the Recorder call'd for the Executioner, and ask'd him, *Why he did not do his Duty to Mr. Cornish?*

As his Trial follow'd post on his Commitment, his Execution did the same on his Conviction: He was allow'd but one Day's Preparation for Death; which he made good use of, that no Man ever dy'd either with more Resolution or Resignation: When they hand-cuff'd him in *Newgate*, before they put him into the Sledge, he told them a Thread would have serv'd, for he had no Thoughts of an Escape: And when he came to the Place of Suffering, which to mortify him the more, was in the Heart of the City, almost before his own Door, with a loud Voice, and a firm Countenance, he call'd God to witness, That the Witnesses had sworn falsely and maliciously against him: That he never was at any treacherous Consult or Meeting: That he never heard a Declaration read: That he was altogether innocent: And, that he dy'd, as he had liv'd, in the Communion of the Church of England. But all this serv'd only to draw upon him the Insults of the Faction who had thus run him down; and who did not spare even to insult his last Moments with their barbarous Revilings, and who, to blast his Memory, declar'd he dy'd in a Fit of Drunkenness or Phrensy.

To complete the Horror of the whole Proceeding, his Quarters were set up on *Guildhall*, as a Warning to his Fellow-Citizens: And that each End of the Town might be gratify'd with a Spectacle of Horror, on the very same Day Mrs. *Gawnt* was burnt at *Tyburn*; and one *Lindley* was hang'd at *Tower-hill*, for running away from his Colours, tho' martial Law, at that time, had no Share in our Constitution.

The Talk of these various Executions was scarce over, before the King was to meet his People in Parliament; and; uplifted with the Flood of Prosperity, which during the Receipts had roll'd in upon him from every Side, he now presum'd, that even They would bend before him, and, like the Parliament of *Paris*, content themselves for the Future, with the Honour of receiving his Commands, and registering his Decrees. All Opposition

A. D. 1685. appear'd now to be at an End: The very Heart of Faction was broke; and all the Contest which now remain'd among the People seem'd to be, who should go farthest in aggrandizing the Prerogative, and in enslaving themselves and their Posterity. It was his Majesty's Unhappiness to mistake Power for Happiness, and to infer from thence, that the best Life he could make of this favourable Crisis was, to provide for the Establishment of his own Grandeur, by increasing the Terrors of his Government, instead of meriting the Esteem, and captivating the Affections of his Subjects. Thus he had not only let his Heart on the Repeal of the Tests, but on forming such a military Force as, under a proper Regulation, should enable him, in process of Time, to bring all his other Points to bear. He had already doubled the Number of Forces, Horse and Foot, which his Brother had left him: And if the Parliament could once be brought to allow of, and provide for, them, he believ'd he had the whole Game in his Hands.

The Passion was met.

In this Disposition of Mind; at least, and with these Purposes in his Breast, he ascended the Throne, *November 9*; and, in the dictatorial Style, thus communicated his Pleasure to both Houses:

My Lords and Gentlemen,

By King's Speech.

After the Storm that seem'd to be coming upon us when we parted last, I am glad to meet you all again in so great Peace and Quietness: God Almighty be prais'd, by whose Blessing that Rebellion was suppress'd. But when I reflect what an inconsiderable Number of Men began it, and how long they carry'd it on without Opposition, I hope every Body will be convinced, That the *Militia*, which have hitherto been so much depended on, is not sufficient for such Occasions; and that there is nothing but a good Force of well-disciplin'd Troops in constant Pay that can defend us from such as, either at home or abroad, are dispos'd to disturb us. And in truth, my Concern for the Peace and Quiet of my Subjects, as well as for the Safety of the Government, made me think it necessary to increase the Number to the Proportion I have done: That I ow'd as well to the Honour as the Security of the Nation, whose Reputation was so infinitely expos'd to all our Neighbours, by having lain open to the late wretched Attempt, that it is not to be repair'd without keeping such a Body of Men on foot, that none may ever have a Thought of sending us again to miserably unprovided. It is for the Support of this great Charge, which is now more than double to what it was, that I ask your Assistance, in giving me a Supply answerable to the Expences it brings along with it; and I cannot doubt, but that what I have begun, so much to the Honour and Defence of the Government, will be continu'd by you with all Cheerfulness and Readiness, that is requisite for a Work of so great Importance.

Let no Man take Exception, that there are some Officers in the Army not qualify'd, according to the late Tests, for their Employ-

ments. The Gentlemen, I must tell you, are most of them known to me; and having formerly serv'd me on several Occasions, and always approv'd the Loyalty of their Principles by their Ensigns, I think them now fit to be employ'd under me; and I will deal plainly with you, That after having had the Benefit of their Services in such time of Need and Danger, I will neither expose them to Disgrace, nor myself to the Want of them, if there should be another Rebellion to make them necessary to me.

I am afraid some Men may be so wicked, to hope and expect, That a Difference may happen between you and me upon this Occasion: But when you consider what Advantages have arisen to us in a few Months, by the good Understanding we have hitherto had; what wonderful Effects it hath already produc'd in the Change of the whole Scene of Affairs abroad, so much more to the Honour of the Nation, and the Figure it ought to make in the World; and that nothing can hinder a farther Progress in this way to all our Satisfaction, but Fears and Jealousies amongst ourselves, I will not apprehend that such a Misfortune can befall us, as a Division, or a coldness between you and us; or that any Man can shake you, in your Steadiness and Loyalty to me, who by God's Blessing, will ever make you Ratifiers of Kindness and Protection, with a Resolution to venture even my own Life in the Defence of the true Interest of this Kingdom.

What this true Interest was which his Majesty was so forward to venture even his own Life to defend, is left to Conjecture; for it is hard to find any Trace of it in his Speech, which, according to Mr. Richard himself, carry'd Surprize along with it to a People, who had often ventur'd so boldly for the Preservation of their Laws and Liberties, and who thought themselves secure of both, as well from the Constitution of their Country, as the solemn, repeated Promise of their Prince. They now began to believe, pursues the Archdeacon, in the Words of another Author, that the Jealousies of the late Reign, the *populi fractura in theophrasto*, were well-grounded, and remotely to discover, that the Government of a *Roman-Catholic King* was inconsistent with a *Protestant Kingdom*.

Both Houses immediately took it into Consideration; and, from the Reception it met with, it was easy to foresee, that the People of England would never quit into themselves, except in their own Ways, for a Motion being made in the House of Lords for an Address of Thanks, as a Compliment of courtesie, a Spirit of Opposition immediately shew'd itself; and, tho' it was carry'd, so many severe things were said in the Course of it, as shew'd that the Complaisance of the Peers was already on the Stretch, and would hardly bear any new Experiment: The Marquis of Halifax, in particular, who had just then turn'd out of the President's Chair, for refusing to countenance Measures which he could not approve, (or, according to Bishop Burnet, the Earl of Devonshire) ironically siding with the Courtiers: "Because," said he, the King,

[*Life of King Will. III. c. 1. p. 177.*]

[*The Lords were an Address of Thanks.*]



has spoken out so plainly, and thereby prepar'd us for what is to follow". What Language was made use of on this Occasion has not been thought worth Remembrance: And as to the King's Answer, it was partly in the usual Style of *Thanks* for their *Debates*, but accompany'd with an Assurance, That he would never offer any thing to their House, that he was not convinc'd was for the true Interest of the Kingdom.

The Commons  
answers.

It was expected, that the House of Commons would have gone as far as the Lords, in Compliments at least; and on that Presumption the Earl of *Middleton*, Secretary of State, mov'd, That the House would immediately return their Thanks to his Majesty for his most gracious Speech; and also proceed to the Consideration of the several Points therein contain'd: But the Commons were, it seems, in no such Hast; on the contrary, when they had recover'd their first Surprize, and had collect'd all the Remains of English Spirit to be found among them, came to a (7) Resolution to consider it on *Thursday* the sixth, in a Committee of the whole House; and to adjourn in the mean while: Which was done accordingly.

Adjournments, on these critical Occasions, ever imply Difficulties within-doors, and a Disposition to remove them by Treaty without: This House of Commons were as willing to be the King's Creatures, as any that ever sat in their Places, in every thing but what had a visible Tendency to render themselves useless; and it was this Regard to themselves that help'd to save the Nation: The very Manner of the Speech was sufficiently shocking; for it gave the Law, and foreclos'd the Liberty of Debate: But to be commanded to lay violent Hands on themselves was wholly indigestible; and therefore they set apart these three Days to solicit such Abatements in his Majesty's Demands; and if possible to obtain such a Compromise as should prevent a Rupture with the Crown, and keep themselves in Communion with the People: But notwithstanding this Precaution, the Time elaps'd, and no Temperament was found: So that the House met in the same Spirit that they parted: that is to say, inclin'd to go farther than they ought in obliging the King, but not so far as he requir'd, in leaving all at his Mercy.

Debate on the  
Speech.

The Committee being form'd, the Secretary (*Middleton*) was so far gratify'd as to have the Speech proceeded upon by Paragraphs: And Sir *William Clifton* (a Soldier) was pleas'd to open the Debate, by asserting, That some other Force besides the Militia was necessary, and moving, That a Supply might be given for the Army. He was seconded by Lord *Proton*, who had been recall'd from his Ministry at *Paris*, to (8) *instruct* the House of Commons in fo-

reign Affairs: For, having open'd his Packet by saying, That the late Rebellion had shewn how little the Militia was to be depended upon; and by inferring from thence, that the House could do no less than approve the Augmentation which his Majesty had made in his Forces for that Reason, he proceed'd to urge, by way of Corollary, That France was become more formidable than ever: That the States of *Holland* had likewise increas'd their Forces: That, by way of Precaution, we ought to strengthen ourselves in proportion: That nothing could so greatly contribute to our Impotence abroad, as our Unanimity at home: And that the Harmony which had hitherto subsisted between the King and that House had already produced two great Effects in *Europe*, viz. 1. The Marshal *Cromwell* had Orders to march with his Army into *Germany*, and was far advanced on his Way: but the King his Master was no sooner inform'd of the Kindness of this House to his Majesty, and the Defeat of *Monmouth*, than he recalled him. 2. Another Body of the French Forces had been order'd against the *Spaniards*, in support of certain new Claims of the Former on *Hay* and *Pontarabia*, which had likewise been recalled in respect to his Majesty. From all which Particulars he concluded, That they ought to continue the same Kindness to him, that he might continue to be of the same Importance to them; that they ought to esteem the new Levies to be just, reasonable, and necessary, and that they ought to make Provision for them accordingly. Lord *Rendelagh*, another Placeman, rose up next; and rather than not display his Zeal, chose to do it at the Expence either of his Knowledge or Ingenuity: For, said he, "If the King of France had landed here at the same time with the Duke of *Monmouth*, what would have become of us?" Whereas all the World knew, there was not the least Connection between that unfortunate Adventurer and the French Court; that, on the contrary, that there had ever been the closest Engagements between the King and his most Christian Majesty; and that, when the House had any Reason to expect a French War, they never shew'd any Jealousy of an Army.

Old Sir *Thomas Clarges*, on the other hand, set out with an Intimation, That if it should appear, that the King's present Revenue was sufficient for all his Occasions, there was no Necessity for any new Supply; he then justify'd the Militia; said they did considerable Service in the late Rebellion, and that if a great Nobleman (the Duke of *Arbemarck*) then at *Exeter*, had been assist'd, and supply'd, it had soon been quell'd: Acknowledg'd, that the Happiness of Prince and People consisted in a mutual Confidence: But withal hinted, that the King himself

(7) Mr. *Edward Norton* had *Colleton* as the first Member who had the Honour to declare on this Occasion against Will and Pleasure, and to assert the Cause of his Country.

(8) According to Bishop *Burton*, it was owing to this Lord's Harangues on the rising Reputation of England, under his present Majesty; and the mighty things to be expected, in case the House should think fit to place an entire

Discharge in his Majesty; that the Address, preferring his Royal Word even to the Law, for the Security of their Religion, was carry'd in the former Session: But it is more reasonable to think, that he did not make use of his Credit with the House till now; and that the Bishop has erroneously plac'd that Discourse in one Debate, which belong'd to another.

A. D. 1685.

himself had put an End to it: For, continu'd he, His Majesty, at his Accession, complain'd, That he had been misrepresented, and promis'd he would maintain the Government in Church and State, and his People in all their just Rights and Privileges: And we, overjoy'd, gave him all he ask'd at once, a Revenue of 1,900,000, or two Millions a Year; whereas the Expence of his Establishment, the present Army included, amounts but to 1,300,000, a Year. It was said when the Bill of Exclusion was on Foot, that a Popish Successor would make way for a Popish Army. The Test-Act is already broken, and yet when it receiv'd the Royal Assent, the Lord Chancellor took occasion to pronounce, "By this you are secur'd against Popery. No Papist can now possibly enter into Employment." I am afflicted greatly at this Breach of our Liberties: And seeing there is so great Difference between this Speech, and those formerly made, cannot but believe it flows from some other Advice. This strikes at our All. And I wonder there have been any Men so desperate as to take any Employment, knowing they were not qualify'd. Let, therefore, the Question be put, That a standing Army is destructive to the Country?

This was going to the Root of the Evil, and the Majesty were only for Expedients: So the Motion not being seconded, dropt of course. Of this Sir John Earnly (Chancellor of the Exchequer) took the Advantage to try to captivate the House, by insinuating how little it would cost them to gratify the King. "The whole Number of the standing Forces, said he, is but 14 or 15000: The Charge is but 600,000l. yearly, the HALF of which, as I conceive, is all we need to provide for. Of the 600,000l. already given (to reduce Munnets) 200,000l. remains. This may go towards it, and the rest may be supply'd by a Tax on such Commodities, as; for rectifying the Balance of Trade, had better be charg'd than not." This was very artificial, but did not succeed. Many Members declar'd they were ready to gratify the King with Money, but not with an Army. And Sir William Twissden, and even Mr. Edward Seymour, undertook to shew, that no reasonable Pretence cou'd be assign'd for keeping one on foot. "We are now in perfect Peace, said the Former: The King is both fear'd and lov'd. What made the last Rebellion dangerous, was the Popularity of the Leader; and yet he was beaten by 1800 Men." And for the Latter, he was express, That the Security as well as the Profit of this Nation arose from their Ships: That the supporting an Army was maintaining so many idle Persons to lord it over the rest of the Subjects: That they had rather pay double to the Militia, from whom they had nothing to fear, than half so much to those of whom they must ever be afraid: That the admitting some into Offices who had not taken the Oaths, was dispensing with all the Laws at once: That it was Treason for any Man to be reconcil'd to the Church of Rome, the Pope being by Law a declar'd Enemy to this Kingdom:

A. D. 1685.

That to grant a Supply on the Terms it had been mov'd for, would be to establish an Army by Act of Parliament: That when they had thus got the Power in their Hands, Parliaments would submit by their Courtesy, and that therefore he was for putting the Question, *That the Safety of the Kingdom did not consist with a standing Force*, which it may be, addeth he, may disappoint those Persons who make it their Business this way to make themselves useful.

It is obvious, that there was but little Difference between this Question of Mr. Seymour's, and the former one of Sir Thomas Clarges: Notwithstanding which, Sir Thomas suffer'd this to fall to the Ground, as Mr. Seymour had done the other, perhaps for that very Reason, and made a Counter-motion for that very Address: But this again was thwarted by Sir Thomas Moore, who was one of the Undertakers, and at his Mr. Seymour, and who forelaw that Sir Thomas Clarges's Address would partake very largely of the Remonstrance. According to him the Number of the King's Forces did not come properly before them; and their Part of the public Business was to provide Money. He also said there was a bitter Spirit in the three last Parliaments, which was not yet well allay'd; infer'd, that a considerable Force was, therefore, necessary, besides the Militia; pleas'd that this additional Force might still go under the Denomination of Guards; and that for a Colour for the Supply, it might be granted for his Majesty's extraordinary Occasions, or for the Use of the Navy, or for any other Use they thought proper, provided a Supply was but given. This was oppos'd by Serjeant Maynard, who was clearly of Opinion, that the Power given by the Laws to the King and his Lieutenants, was sufficient to keep the Peace; and that the Money to be given was to be apply'd to the Maintenance of an Army, it ought not to be given under any Colour or Pretence whatever. Sir Richard Temple was for steering a middle Course, by rendering the Militia such as both King and Kingdom might confide in; for said he, to trust to mercenary Forces alone, is to give up all our Liberties at once; adding, "There is no Country in the World a *Loze* to set up an Army. — We have already made ample Provision for the Government. Kings are to come to the House from time to time for their extraordinary Occasions: And if this Army be provided for by Law, there will be no Occasion for him to come hither any more." Lastly, Mr. Seymour undertaking to shew, that the King's present Revenue was sufficient for the Maintenance of his present Forces, it so alarm'd the Courtiers, and those who were for compounding Matters, That the Question was call'd for, insist'd on, and at length stated simply in these Words, That a Supply be given to his Majesty, which being a Palliative, and calculated for a Screen to those who were desirous to mix between the Court and People, Sir Thomas Clarges, to force them to speak out, propos'd the following Amendment *rewards the Support of the Additional Forces: Upon*  
which

which the Committee divided, and, by the help of the *Trimmers*, it was carry'd by a great Majority, *viz.* by 22; against 126. So that, upon the whole, it was resolv'd, That a Supply should be given, and that the House should be mov'd for Leave to bring in a Bill to make the Militia useful.

Tho' many bitter things had been said in the Course of this Debate, both with regard to the Army, and the dispensing with the Tests, those who were most in earnest against the Court, and those who were for making the best Bargain with it they could, were far from being pleas'd with the Event of the Day. In granting a Supply, they thought they had granted too much. When, therefore, the House met again on the Morrow, and Lord *Middleton* call'd upon them to proceed to the further Consideration of the Speech, they resolv'd to manage, if possible, as to leave the Supply in Suspence, till they had apply'd for Satisfaction in the Article relating to the Tests. This, in the Course of the Speech, follow'd his Majesty's Demand of a Supply. As, therefore, they had to far comply'd with that Demand as to vote a Supply, and the Speech, by Order, was to be consider'd by Paragraph, they urg'd, that instead of proceeding afresh on the former, they ought to pass on to the next. This was violently oppos'd by the Courtiers, who clearly foresaw what was the Point in View; and thought it of the last Consequence to evade it: Accordingly, they made their Path, and oppos'd Craft to Craft, but without Success; for the Committee dividing on the previous Question, 182 were for proceeding to the Supply, and 183 to the next Paragraph: Many of the King's own Officers having the Grace on this Occasion to vote according to Conscience, and against his Majesty's declar'd Pleasure: Of which he complain'd to Sir *John Ker* in such Terms as show'd very clearly, that the Service of a corrupt Court, and that of the Country, are as opposite and irreconcilable, as those of God and Mammon.

The next Day, the 14th, the Committee being resum'd, Sir *Edward Jennings* made a Motion for an Address, humbly shewing, That such Officers as were not qualify'd for their Employments by the Laws in Force against Popish Recusants ought not to serve, and praying that they might be remov'd; which being seconded, gave rise to another vehement Debate, the Courtiers endeavouring to blast it by insinuating, That it was not to be support'd, that the King would be at once induc'd to eat his own Words; that it was not decent to sue it, and that in case of a Refusal, it would become them to reflect seriously on the Consequences of a Breach, which his Majesty had so earnestly recommended them to avoid. The Patriots on the other hand, insinuated, that the House was not to be perswad'd to; that it was a Part of their Duty to wait on the Throne both with their Passions and Advice; and that after so many and so great Proofs as they had given of their Loyalty and Attachment to his Ma-

jesty's Person and Government, it was not to be conceiv'd, that His Majesty would reject a Petition which requir'd no more of him, than to keep his own Promises, by making the Laws the Rule of his Conduct. Some were for having the Catholics, who had been so useful to his Majesty, and who were so well known to him, nam'd and compensated; others, again, who were for making the Address as palatable as possible, were only for stating the Cause of their Uneasiness, and leaving his Majesty to set in it as he thought fit: And this last Expedient being adopted, the Address was order'd to be drawn up accordingly, in the following Words:

" *Most Gracious Sovereign,*

" We your Majesty's most loyal and faithful Subjects, the Commons in Parliament assembled, do, in the first Place, as is Duty bound, return your Majesty our most humble and hearty Thanks for your great Care and Conduct in suppressing the late Rebellion, which threaten'd the Overthrow of this Government, both in Church and State, to the Extirpation of our Religion as by Law establish'd, which is most dear to us; and which your Majesty hath been pleas'd to give us repeated Assurances you will always defend and maintain; which, with all grateful Hearts we shall ever acknowledge. We further crave leave to acquaint your Majesty, that we have with all Duty and Readiness taken into our Consideration your Majesty's Gracious Speech to us; And, as to that Part of it, relating to the Officers in the Army, not qualify'd for their Employments, according to an Act of Parliament made in the 25th Year of the Reign of your Royal Brother, entitled, *An Act for preventing Danger which may happen from Popish Recusants*, we do, out of our bounden Duty, humbly represent unto your Majesty, that these Officers cannot by Law be capable of their Employments; and that the Incapacities they bring upon themselves that way, can no way be taken off but by an Act of Parliament: Therefore, out of that great Reverence and Duty we owe unto your Majesty, who have been graciously pleas'd to take notice of their Services to your Majesty, we are preparing a Bill to pass both Houses, for your Royal Assent, to indemnify them from the Penalties they have now incur'd: And because the continuing them in their Employments, may be taken to be a dispensing with that Law, without an Act of Parliament; the Consequence of which is of the greatest Concern to the Rights of all your Majesty's Subjects, and to all the Laws made for the Security of their Religion: We, therefore, the Knights, Citizens, and Burgesses of your Majesty's House of Commons, do most humbly beseech your Majesty, that you would be most graciously pleas'd to give such Directions therein, that no Apprehensions or Jealousies may remain in the Hearts of your Majesty's most loyal Subjects."

On the 16th this was reported and agreed to; and to give it the more weight, the Coun-

A. D. 1685.  
A Supply  
was  
made.

But 1685/6.

[Mem. 216.]

A Motion for  
an Address  
against the  
Loyalty of  
Officers in the  
Army

A. D. 1685.

A. D. 1688;  
*Author,*  
*for the Lords*  
*Conventions,*  
*1688 & 89.*

try-Party mov'd for sending it to the Lords for their Concurrence; where not only the Bishops, but the Judges, might have an Opportunity of giving their Opinions concerning it. But here the Courtiers interpos'd a new; arguing, That the Lords had already thank'd the King for his Speech, which argu'd they were satisfy'd with it. And farther, That if they had the Right on their Side, it would be more for their Honour to address alone: And to little Firmness was there in many of those who affected to be so much concern'd for their Religion and Liberties, that upon the Question the Courtiers carry'd it, says Mr. *Beard*, by a small Majority; but by the Journals of the House, by 212 against 128.

Debate on the  
 Supply.

Such Members as were of the Privy-Council having been order'd to wait on his Majesty, to know when he would be pleas'd to receive this Address, the House resolv'd itself into a general Committee, and reform'd the Consideration of the Supply: And first, of the *Quantities*: Under which Head, Two contrary Motions were immediately made; The one by Lord *Camden*, on the Patriot-Side, for 200,000*l.* which, with 200,000*l.* confest'd to be remaining of their last Grant, would make 400,000*l.* and the other by Sir *John Herby* the Chancellor of the Exchequer, for 1,200,000*l.* which he not only said was needful, but farther, That such a Sum had been formerly given, when an Address of the like Nature had been made to the late King. This look'd like putting a Price on the Concession requir'd by the Commons: But either the Leaders of the Country-Party look'd upon it as a Snare, or that more was ask'd for it than it was worth: For Sir *Thomas Chazey*, standing up, took occasion to enumerate the Particulars of what they had already given; as the Customs and Excise for Life; the additional Duty on Wine for eight Years, producing yearly 150,000*l.* the Tax on Sugar and Tobacco for the same Term, producing yearly 200,000*l.* and the Tax on foreign Linens, and *East-India* Goods, for five Years; producing yearly 120,000*l.* and to infer, That they ought to give little now, that they might have an Opportunity to give more hereafter; adding, "If we give too much now, we shall have nothing left to give; for what we have left to give will be taken from us." Sir *Edward Jennings* also would by no means admit of Mr. Chancellor's Precedent; "For, once, said he, 2,400,000*l.* was given; and, by the same Rule, we ought to give as much now." And, as the 400,000*l.* mention'd would more than answer the Charge of the Year, he was for giving no more. Lord *Pringle*, on the other hand, tax'd the Committee

with Disingenuity, in voting a Supply unanimously, and then shewing a Disposition to give so little. Lord *Randolph* undertook to shew, that all they had already given was appropriated to particular Uses and Purposes; observ'd, that what was demand'd now was for supporting the Forces, which were as yet unprovok'd for; and therefore, said he, I am for 1,200,000*l.* Mr. *Evers*, one of the *Trimmers*, then mov'd, that 200,000*l.* might be given; which he farther signify'd might be rais'd by a Tax on new (\*) Buildings, that might produce 200,000*l.* and a Poll-bill for the other 200,000*l.*; and these two Sums, with the 200,000*l.* already in the Exchequer, would have made 600,000*l.* which was three Fourths of the King's Demand. This however was oppos'd by Mr. *Wogan*, who observ'd, that the King had already 600,000*l.* a Year more than his Brother, and that therefore 400,000*l.* would be at present full enough. Lord *Colleton* was of the same Opinion, saying, "I am for giving the King no more than he really wants." Mr. *Wynham* of *Salisbury* also, more sensibly, closely, and freely, explain'd himself as follows:

"We give because we are ask'd. I am for the least Sum, because for an Army: I would be rid of them as soon as I could, and am more now against it than I lately was; being satisfy'd that the Country is weary of the Oppression of the Soldiers, weary of free Quarters, and Plunder, and some Pelowery, for which they have (on Complaint) found no Redress; and, since I heard Mr. *Blackwate* tell us how strict Rules and Orders were prescrib'd them by the King, I nod by their Behaviour that the King cannot govern them himself; and then what will become of us?"

Sir *William Honeywood* observ'd, that the Army was so thickly officer'd, that it might very easily be augmented a full Third: And yet even he so far relented, as to give into the Support of it for one Year, and to agree to the 400,000*l.* for that Purpose. Mr. *Christy* did the same; and yet in the same Breath declar'd, That they ought to leave their Posterity as free as they could: That his Zeal was greatly stunn'd by the Consideration, that the Army was under the Command of disqualify'd Persons: That the only Way to strengthen the King's Hands, without giving Umbrage to the Country, would be, to improve the Militia; for that Property was the best Security for Loyalty: That Armies were alike inconsistent with the Peace, the Laws, and Good-manners of Society, which they never fail'd to corrupt and debauch wherever they came; and that Court-martials, in the midst of a Civil Government, were most terrible: And, not content with all this, he yet farther ask'd,

"What

(\*) A Tax upon New-Buildings had been under Consideration at the last Session, and it had been resolv'd, That it should be levied upon such new Foundations as had been built upon within the Compass of the Bills of Mortality since the Year 1660, excepting the late general Fires in the City of London, and Borough of *Southwark*. *Scandal*, That it should be levied only upon the Remains of the same Houses for the Term of one Year. *The* *Bill*, Upon such Foundations as

were now hid. *The* *Bill*, That there should be a Clause to prevent any more Buildings within the said Limits. *Protest*, That the House should be mov'd, that a Bill might be brought in for that Intent; in all which the House concurred with the Committee: But without Effect; for the King wanting an immediate Supply, which he was enabled to raise by a Clause of Credit, in the Bill on *East-India*, the whole Affair was suffer'd to drop, and was revived no more.



A. D. 1682.

Brandy, and East-India Goods, to continue till *Midsummer* 1690, should be given to his Majesty as 400,000*l.*: And that an additional Duty of *s. 1.* a Ton, on all French Wines, should be farther given, to make up the remaining 300,000*l.*; the 200,000*l.* in hand being wholly over-look'd.

This was the Business of the Forenoon; and in the Afternoon the House waited upon his Majesty, at *Westball*, with their Address; to which his Majesty return'd the following Answer, which, we are told by *Sir John Reresby*, he utter'd with great Warmth:

“Gentlemen,

I did not expect such an Address from the House of Commons: For, having so lately recommended to your Consideration the great Advantages a good Understanding between us had produc'd in a very short time, and given you Warning of *Fears* and *Jealousies* amongst ourselves, I had Reason to hope, that the Reputation God had bestow'd me with in the World would have inspir'd and confirm'd a good Confidence to you for me, and of all that I say to you. But however you proceed on your Part, I will be ready in all my *Promises* I have made to you, and be just to my Word in this, and all my other Speeches.”

It was so contriv'd, that the House did not meet again that Day; and on the Morrow, when they did, and the Answer was read by the Speaker, as usual, a profound Silence ensued, which continu'd so long, that Advantage was taken by (*r.*) *Mr. Neale* to call for the Order of the Day; which being oppos'd by nobody, the Speaker left the Chair, and *Mr. Seymour* was call'd upon to take that of the Committee, but excus'd himself, under the Pretence of Indisposition: *Sir Thomas Moore* was then nam'd in his stead; who immediately complying, How to render the Militia useful became the Question under Consideration; and the Objections rais'd against the present Regulation of it were principally these: 1. That the Horse was compos'd for the most part of Gentlemen's Servants, who seldom serv'd at two Musters successively. 2. That, of the Foot, some were liable to the same Objection, and others were unfit for Service. 3. That Twelve Days in a Year were too few for Exercise and Discipline. On the other hand, it was alleg'd, That if the Number of training Days were to be augmented, the Expence, which was already very heavy, would be insupportable, unless the Proportion of Property, at present charg'd with a Man or Horse severally, was alter'd in proportion. This drew on a Proposal, that, as in *Oliver's* Time, 12*l.* should be allow'd annually for a Horse, and 8*l.* for a Man, to be always in Readiness: But this was reject'd, because too much resembling a standing Army; as if a standing Army, form'd of the Country, and to be commanded by the Country, was not

more eligible than an Army of mere Mercenaries, wholly at the Command of a Court.

The Result of all was certain Votes of the Committee, That every 100*l.* per ann. should furnish a Foot-Soldier: That 28 Days should be allow'd for training and exercising: And that the Charge should be laid on the Subject. But here they stopp'd; and after what particular Manner the Charge was to be borne, as also what Proportion of Land should furnish a Horse, was left to another Day's Debate, when they should have Leave to sit again. In truth, the whole Affair was a mere Matter of Amusement: The King would be satisfi'd with nothing but an Army of Mercenaries: His Ministers had undertaken to procure it the Sanction of Parliament: And the Commons, after all their Qualms, had enabled them to make their Engagements good.

The House being reform'd, it was expected that an immediate Adjournment would have follow'd, when *Mr. Wharton* (afterwards *Lord Wharton*) had the Courage to move, that a Day might be appointed to consider of his Majesty's Answer to the late Address, and nam'd *Friday* the 26th. He was seconded by *Mr. Cole* (of *Derby*) with this free and brave Addition, “I hope we are all *Englishmen*, and not to be frighted out of our Duty by a few high Words.” And as the Ministers were infinitely surpris'd and mortify'd at having the smooth Current of their Affairs thus suddenly disturb'd, they thought it their wisest way to endeavour to divert the Consequence, by drawing down the Indignation of the House on *Mr. Cole*. Accordingly *Lord Preston* having writ down the Words, made his Complaint; and immediately all the Slaves and Tools from every Corner roar'd out, *To the Bar! To the Bar! To the Tower! To the Tower!* It was in vain the poor Gentleman endeavour'd to justify himself, by saying, That he meant no ill; that he was not us'd to make set Speeches; that if he had offended, he ask'd Pardon, &c. He was told, The King was concern'd; and being withdraw'd, was order'd to the Tower, without Mercy, for his indecent Speech, as it was call'd; not one Member in the whole House daring to justify him, except by pleading his known *Loyalty*, for fear of being sent to keep him Company.

But tho' *Mr. Cole*, instead of receiving the Thanks of the House, which he highly deserv'd for his reasonable Zeal, was thus cruelly run down, the Courtiers did not wholly get rid of their Difficulties; for *Mr. Seymour* adopt'd *Wharton's* Motion, and was supported in it by *Sir Thomas Clarges*. But so miserably low and abject were these glorify'd Patriots become, that they durst not venture even to expostulate with a King they had so prodigally oblig'd, in Defence of the Laws of their Country, which had been so openly invaded, and for such Purposes as struck at the very Root of the Constitution, both

A. D. 1682.

King's Answer to the Address.

Debate on the Militia.

Mr. Wharton moves for a Day to consider the King's Answer's

and is seconded by Mr. Cole

who is sent to the Tower.

The Commons move the Lawes in the King's Majesty.

(\*) These, and other, Particulars are taken from a manuscript Copy of the Transactions of this Session, in the Author's Possession, and are not to be found in any of the printed Collections.

A. D. 1687. in Temporals and Spirituals: And instead of appointing a Day, scandalously (\*) dropt the Consent by an Adjournment.

By this time the Danger of the Public grew so apparent, that the Lords grew ashamed of their first Day's Work; and even the Bishops put in for their Share of Merit, by moving, That a Day might be appointed for taking the King's Speech into Consideration. *Compton of London*, was the Right Reverend Father in God, who, on this Occasion, stood forth (courageously, says *Echard*) as the Mouth of the Bench. Alarm'd at this unexpected Attack, the Courtiers endeavour'd to stave it off, by urging, That having already given Thanks for the Speech, they had thereby adopted the Sentiments contain'd in it; and precluded themselves from finding Fault with any Part of it. And if this was not strictly true, it was an Argument that might be very fairly urg'd; for who returns Thanks for what they do not approve? Or if Men make Professions, what right have they to complain, that they are taken for Truth? This Plea was, however rejected with Indignation, and put an End, says *Burnet* (how truly, let the Sequel of our Annals demonstrate) to the Compliment of giving Thanks for a Speech, when there was no special Reason for it. The Lords *Hollis*, *Nottingham*, and *Mordaunt*, were the chief Speakers; for as to the Bishops, they acquiesc'd in what his Lordship of *London* was pleas'd to say for them: And tho' the Point before them was only for setting a Day, many things, we are told, escap'd in Relation to the Merits of the Case: As, that the *Ten* was now the best Fence they had for their Religion: If they gave up to great a Point, all the rest would soon follow; and if the King might by his Authority, supersede such a Law, fortify'd with so many Clauses, and above all with that of an Incapacity, it was in vain to think of Law any more. The Government would become arbitrary and absolute. All which, it seems, *Jeffreys* undertook to answer, and that in as haughty and arrogant a Tone, as he had us'd himself to on the Bench. But he was soon taught to know his Place; and that Frowns, and Noise, and Menaces would not pass for Arguments there. Upon the whole, the Court-Party finding themselves out-numbered, as well as out-argued, were forc'd to give way; and it was agreed, that, on the 23d the Speech should be taken into Consideration. "The King, says *St. John* *Rereford*, happen'd to be present, as he was generally constant in the House of Lords, and was much concern'd at the Freedom that was us'd upon

A. D. 1687. this Subject: And in truth it gave great Dissatisfaction, that the Law, in this Point, particularly, should be thus invaded and set at naught; and the very best of the King's Friends, as well as his Officers, whether Civil or Military, except such as were Popishly inclin'd, were strangely alarm'd thereat, and express'd themselves with great Freedom, wherever it happen'd to be the Topic of their Discourse.

It may not be amiss to add, that Mr. *Echard* ventures to pronounce this Debate of the Lords, extraordinary and unusual; whereas the Authors after whom he copies his Facts, and whose Sentiments he perverts, speaking of the Bishop of *London*'s Motion, which gave rise to it, express themselves thus, "Which, as it was extraordinary and unusual in the House for the Clergy to thwart the Court, so it was no less surprising to the King, who now dreaded the Lords would concur with the Commons in their Address, and construed this Step to be a Piece of unpardonable Presumption in the Bishops."

But as to any Concurrence with the Commons in their Address, it was now, as we have seen, impracticable: And whether it was practicable to work them up to a Concurrence with the Lords, in any vigorous Measure, is greatly to be question'd. They had gone further in the King's Business than the Courtiers themselves had at first expect'd: And when his Majesty had, in an imperious Manner, overlook'd their Address, in relation to the *Ten*, they had sunk under his Displeasure: Besides on the very Day that the Lords were thus warmly engag'd, they were proceeding on *Ways* and *Means* with all the Serenity imaginable; and without bestowing a Thought on Mr. *Wharton*'s Motion for appointing a Day to consider his Majesty's Answer.

Thus all the Hopes of the Public, for once, rested on the Lords; and unless they had stood in the Breach, the King would have had a *Standing-Army* and had remain'd in Possession of a *Dispensing Power* by their Concurrence. But, so thoroughly determin'd was his Majesty to make over the Power of his Crown into the Hands of his Catholic Friends, that he chose to part with all the Advantages of the Session, rather than hazard a second Attack on that Side: And accordingly on the 20th he came to the House of Lords; and beset on the Throne, and attended by the Commons, the Lord-Chancellor, by his Direction, spoke as follows: "My Lords, and you the Knights, Citizens, and Burgeesses of the House of Commons; I am commanded by his Majesty to let you know, it is his Majesty's

(\*) And yet *Bishop Burnet* asserts, "That they resolv'd to hold on their Address; and then to proceed on the Petitions concerning Elections. And now, continues he, those that dur'd not open their Mouth before, spoke with much Force upon this Head." Whereas the House was permitted to sit but one Day afterwards, which was taken up, as above specify'd, with *Ways* and *Means*. His Lordship adds, "And it was probable, they would have condemn'd a great many Elections: For an Intimation was set round, that all those

who had sunk to the Interest of the Nation, in the main House than before them, should be chosen over again, tho' it should be found their Elections were void, and that a new *Writ* should go out. By this means, those Petitions were now encouraged, and were like to have a fair Hearing, and a just Decision: And it was believ'd, that the absent Commons would have been voted out." And yet we have seen, that those *obstinate* Courtiers, were in effect the Majesty.

A. D. 1685. Majesty's Pleasure, for many weighty Reasons, that this Parliament be prorog'd to the 10th Day of February next, and this Parliament is prorog'd to the 10th Day of February next."

That his Majesty's Priests had their Share in the Advice which gave rise to this hasty Step, can scarce be question'd; and who join'd in it besides, we have no Means to know. Lord *Sunderland* in his Apology does not assume any of the Merit of it; but, on the contrary, affirms, that he was ever against the Motion, which the King had prevail'd upon to make in his Speech, of his *Roman Catholic* Officers, and which was the Rock on which all the Expectations of the Session split. It was, however, highly probable, that the *French* acted as Auxiliaries to the Priests: For, that they were as jealous of the Growth of the King's Power, as those of his Subjects who were most in Pain for their Liberties, is certain: And if in the former indolent Reign, when there was the utmost Confidence subsisting between the two Courts, they would not suffer the King to keep up above 7 or 8000 Troops, it is not reasonable to think they were over-pleas'd to see the present King, enabled by his Parliament to keep up treble the Number. Indeed the *Third Letter* preserv'd by *Windsor* from that Court to their Ambassador here, proceeds in a different (1) Strain, as if they were over-joy'd, that his Majesty had treated his Parliament so cavalierly; and with the Earnest he thereby seem'd to give, that he would soon make them know he was the Master: But then this Joy arose from a Foresight, that Menaces from the Throne would not fail to beget Opposition in Parliament, and Animosities among the People; in which Case, they well knew, the Power of the Kingdom would be enfeebled, and they should have the less to apprehend from it. The House of Commons, it must moreover be observ'd, had in particular disgust'd them, by laying a Duty first on *French* Linens, and then by augmenting that already laid on *French* Wines. All Impositions on Foreign Commodities, they knew had a Tendency to lessen the Consumption: And they had, for many Years back, shewn themselves to be as jealous of Trade as of Empire. In assisting, therefore, to bring on a Rupture between the King and his People, they further'd their own Interest in every Article: And possibly they found no Arguments so prevalent, as those that flatter'd his Majesty's high Notions of the Prerogative; and that set forth the absolute Necessity of his breaking thro' the Fetters of the Law, in Case he resolv'd to get the better of his heretical Subjects.

In Order of Time we here ought to take our

leave of the Parliament; but some few Particulars which would not mix with the general Survey of Business, remain still to be spoke of. And first, concerning the controverted Elections, *Bishop Burnet* says, "That when the *Petition* in relation to them were presented, *Seymour* spoke very high and with much *Weight* on that Occasion; he said, the Complaints of the Irregularities in Elections were so great, that many doubted whether this was a true Representative of the Nation, or not: He said, little Equity was expected upon *Petitions*, where so many were too guilty to judge justly and impartially. He said, it concern'd them to look to their: For if the Nation saw no Justice was to be expected from them, other Methods would be found, in which they might come to suffer that Justice which they would not do. He was a haughty Man, proceeds the *Bishop*, and would not communicate his Design in making this Motion to any. So all were surpris'd with it, but none seconded it. This had no Effect, not so much as to draw on a Debate."

And thus we are left to understand, that what was spoke with so much *Weight*, had no *Weight* at all, and to conclude, if we please, that none of these controverted Elections ever came to a Hearing: But whatever the Representation may be, the Fact was otherwise: And Memorials have been left us of one Man whose Election was vacated, because, being Mayor of the Borough, he had return'd himself; and of another who was serv'd in like manner, because he had abated one of his Tenants *zoh* in his Rent, which was confirm'd to be a *Bribe*. No doubt, as they had their very Being from Corruption, they were not over-religious in their Decrees: But they were not arriv'd at such a Pitch of *Insanity*, as to trample on all Forms, and to set the World at *Defiance*.

The same Author further says, in the same Page, "The Courtiers were projecting many Laws to ruin all who oppos'd their Designs. The most important of these was an Act declaring *Treason* during that Reign; by which, *Words* were to be made *Treason*. And the Clause was to draw, that any thing said to disparage the King's Person or Government was made *Treason*, within which every thing said to the Dishonour of the King's Religion would have been comprehended, as Judges and Juries were then modelled. This was chiefly oppos'd by *Serjeant Maynard*, who in a very grave Speech had open the Inconvenience of making *Words* *Treason*: They were oppos'd ill heard and ill understood, and were apt to be mis-represented by a very small Variation: Men in *Passion*, or in *Drink*, might say things they never intended: Therefore he hoped they would keep

(1) At follow: "We are now out of Pain about the King's Intensions. This last Speech has sufficiently clear'd all our Doubts, together with what ——— has written upon that Subject. 'Tis no more than what I really expected; for I had always a better Opinion of him, than to think he could bear tamely the Petition which Heretics would endeavour to impose upon him. For the time to come, I hope he will sit as Master. Your Conduct there pleas'd

extremely and, above all, your last Dispatch about what pass'd at your Audience. All you have promis'd shall be made good to a Title; and 'tis hop'd that we will be as zealous to keep their Promises to us. The *Indesire* you must deliver, but not till you see the *Person* has deliver'd it; for I am more and more persuaded, as well as you, that we cannot be too much upon the Reserve with him." &c.



keep to the Law of the 25th of Edward III. by which an Overt-act was made the necessary Proof of ill Intentions. And when others insisted, that out of the Abundance of the Heart the Mouth speak, he brought the Instance of our Saviour's Words; *Destroy this Temple*; and shew'd, how near the Temple was to this Temple, pronouncing it in *Syrac*, so that the Difference was almost imperceptible. There was nothing more innocent than these Words, as our Saviour meant and spoke them: But nothing was more criminal, than the setting on a Multitude to destroy the Temple. This made some Impression at that time."

Now it happens, unfortunately for us, or this Right Reverend Author, that there is not the least Trace of any such Bill to be found in any of the Accounts of this Parliament extant: And therefore we are under a Necessity to suppose, that if any such Clause was offer'd, it was by way of Supplement to the Bill for the Preservation of his Majesty's Person and Government; which, no doubt was first enough, and which pass'd the House of Commons, while *Monmouth* was in Arms, just before the Adjournment, but never reach'd the Lords.

The other Transactions, which deserve Notice, made a Part of the Business of the Lords: The Lord *Delamere* had been requir'd, by Proclamation, to make his Appearance before his Majesty in Council, within ten Days after the Date thereof; and had render'd himself to Lord *Sunderland* within seven: There was no Witness produc'd against him, nothing capital was laid to his Charge, and yet, instead of being admitted to Bail, as the Law directed, he was after Examination sent to the *Tower*; where he had been kept in close Restraint ever since the Twenty-sixth of *July*. These were Hardships that no Subject whatever ought to be expos'd to; and his Lordship was not of a Make to be over-patient under them. As soon, therefore, as the Parliament re-assembled, he set forth all these Particulars, in a Petition to his Peers; declar'd, that he was altogether innocent of any evil Practice against his Majesty, or the Government; and humbly pray'd their Lordships to take his Case into their serious Consideration. The Result upon the Question was, that the Lords with white Staves were order'd to wait upon the King with the Request of the House, to be inform'd why the Lord *Delamere*, a Member of their House, was absent from his Attendance there: And his Majesty's Answer was, "That the Lord *Delamere* stood committed for High-Treason, for levying War against the King last Summer, testify'd upon Oath; and that his Majesty had already given Directions that he should be proceeded against according to Law."

This not proving satisfactory to the House, they resum'd the Affair a few Days after, and were further told by *Jessy*, by the King's Command, "That the Treason charg'd upon Lord *Delamere* was committed in *Cheshire*; and that being a County-Palatine, the Prosecution *must be there*, and not in the Court

of King's-Bench, as it might if the Treason had been committed in any other County; and therefore his Majesty had given Orders for a Commission of Oyer and Terminer, in order to the finding of an Indictment against him; which Commission was already pass'd; and if the Indictment be not found before the End of the Term, the Lord *Delamere's* Prayer being enter'd in the King's-Bench, he may be call'd."

There was yet another Peer, the Earl of *Stamford*, who, about the same time, had been seiz'd in *Leicester-shire*, and in like manner committed to the *Tower*; from whence he also put up his Petition, specifying the Particulars of his Case (one of which was, That he heard an Indictment of High-Treason was found against him, but where, when, how, or upon what Evidence, he knew not); asserting his Innocence, and imploring Justice. The Season prov'd as favourable to him, as before to Lord *Delamere*: The House immediately took the Petitions into Consideration; and order'd the Lord-Mayor, and the rest of the Justices of the City of *London*, before whom the said Indictment had been found, to return it by *Certiorari* into their House: Which being done accordingly, the Earl was brought to the Bar by Orders, and ask'd by the Chancellor, *What he had to say to the House?* To which he reply'd, *That he desir'd to bear his Charge*: And being ask'd again, *if he had any thing more to say*, his Lordship reply'd, "That he had been strictly confin'd for sixteen Weeks successively, during which time he had not been allow'd the Liberty of Pen, Ink, nor Paper; nor Friends to come to him; for which Reasons, he knew not what more to say, till he knew his Charge." Whereupon the House order'd, That the Earl of *Stamford's* Trial should be in *Westminster-hall*, on the first Day of *December*; that in the mean time he should be allow'd the Liberty of Pen, Ink, and Paper, and Friends to come to him, in order for his Trial; and that the Lords with white Staves should attend the King, to desire his Majesty, in behalf of the House, that a Place might be appointed in *Westminster-hall* for the Trial of the said Earl; and also humbly to desire his Majesty, to give Order for a Commission for a Lord High-Steward, in order to the said Trial. This pass'd on the 17th of *November*; and on the Morrow the King signify'd his Compliance with the Request of the House: But the Debate on the Speech occurring next, his Majesty did not think himself oblig'd to stand to his Word; and so put a stop to their Proceedings by a Prorogation: Concerning which, and certain other concurring Events, *Sir John Kersey* writes as follows:

"This gave Birth to many Conjectures: Some said, the King had so good a Revenue, and was so good a Manager, that he had it in his Power to subsist both his Fleet and his Army without more Money; and that therefore he would scarce have Occasion for any more Parliaments: That this seem'd the more likely, as he had, by this Prorogation,

A. D. 1685.

A. D. 1683.

Prorogation, refus'd the Supply which the Commons were preparing to give him; while others believ'd the King would certainly meet us again, at the Term prefix'd; and that, in the mean time, he would find out some Expedient to satisfy the Houses as to the only Article they complain'd of, meaning the Affair of the *Popish Officers*; which nevertheless it was said, might be sturdily doubted, seeing that some of the Gentlemen who had signifi'd themselves for the Address, were first forbidden the King's Presence, which was the Case of Mr. Fox, Paymaster to the Army, Lieutenant-Colonel *Darcy*, Major *Webb*, and then laid aside.

Several of  
the Officers  
were  
dismiss'd  
from  
their  
Employments  
for  
not  
voting  
as  
the  
King  
expected  
they  
should,  
and  
particu-  
larly  
such  
as  
were  
Officers  
in  
the  
Army,  
without  
any  
Consideration  
for  
the  
Eminence  
of  
their  
Families,  
or  
their  
own  
particular  
Merits  
and  
Services  
to  
the  
Crown,  
to  
the  
great  
Surprize  
of  
every  
body.

Several other Members were also dismiss'd from their Employments, for not voting as the King expected they should, and particularly such as were Officers in the Army, without any Consideration for the Eminence of their Families, or their own particular Merits and Services to the Crown, to the great Surprize of every body.

Nor was this all, for it was now farther laid, that in Council it had been agreed, That all Persons, who, for the future, offend in the same way, would be serv'd in the same Manner, which flatter'd a Number of People. The Popish Party, moreover, behav'd with great Insolence; which was the more remark'd, as the King of France was now in the Height of persecuting his Protestant Subjects, who many of them fled as they could, poor and naked, having been first stripp'd of all they had. This is a great and cruel an Instance of the Spirit, that, for the most part, possesses those of this delusive Persuasion, was now the Talk of all thinking People, who began to be of Opinion, that every thing just and lawful, ought to be done to obviate the Growth, and abate the present Pride of the *Papists* in our Dominions.

The Duke of *Albemarle*, continues our Author, told me several things concerning the State of Affairs, which astonish'd me very much. Gentlemen were in a most unprecedented manner assaulted in the very Streets; one had a Powder thrown into his Eyes, which depriv'd him of Sight; another had his Throat cut by two Men, tho' neither of these Gentlemen had given the least visible Provocation or Offence to the Aggressors; and the said Duke of *Albemarle* was met by a Gentleman who threaten'd him as his Grace was going along in his Chair. And now it was whisper'd, That the King would still farther prorogue the Parliament till *May*; which certainly was the wisest Course he had, at this time, to take, if he could not resolve to give some proper Satisfaction to the House, with regard to the *Popish Officers*; but that this was far from his Thoughts, and quite contrary to his Intention, appear'd by a late Admission of several others of that Superstition into Military Posts. In short, the King unhappily persisting in his own way, discharged his Anger against the Bishop of *London*, a most worthy Prelate, Brother to the late Earl of *Northampton*; by putting him away from

The Bishop of  
London  
removed  
from  
the  
Council  
board.

A. D. 1683.

the Council-Board, on account of the Speech he had made in the House of Lords, concerning the *Popish Officers*; tho', as I was told by the Archbishop of *York*, it was spoken with all the Deference and Respect imaginable. Others again attributed his Dismission to his Industry, in keeping the Princess of *Denmark* within the Pale of the Protestant Church, in Opposition to some extraordinary Endeavours to win her over to that of *Rome*.

About this time Lord *Sunderland* was made President of the Council, and continu'd Secretary of State; his Lordship having artfully insinuated to the Queen, That the Friends and Relations of the King's first Wife, as *Rochester*, *Clarendon*, *Dartmouth*, and others, were in greatest Favour, and in Possession of the best Places, while her Friends, tho' she was Queen-Consort, were but slenderly provided for; and her Friends being reckon'd to be Lord *Sunderland*, the Lord Chancellor, (Lord *Godolphin*) and the Lord *Churchill*, the rival Factions began to play their private Batteries against each other.

Lord Sunderland  
had made  
Lord Prif-  
dent and con-  
tinu'd Secre-  
tary.

The two Leaders were, the Lord Treasurer, and the new Lord President; and of these it appear'd plainly, by his late Promotion, that the Latter had the Ascendancy; What therefore the Former had lost at Court, he endeavour'd to recover among the People; From being the most lordly and overbearing of Men, he grew all at once the most courteous and obliging: He affect'd to be the Champion of the Protestant Cause, and to have no other Concern than the Preservation of the Church; Whence it was concluded, that his Fall was not far off; that his Lordship was himself sensible of it; and that he was looking round for every Twig, which could help him to keep his Ground, or let him down softly.

Still the great Work went on of grinding down the Remains of Faction between the Mill-stones of the Law. Immediately after the Prorogation, *Gerrard* Lord *Brandon* was brought to a Trial at the King's Bench Bar, for conspiring with other false Traitors (*Montmouth*, &c.) to raise a Rebellion, depose, and put to Death the late King, &c. of which being found guilty by the prostitute Juries of the Times, he receiv'd Sentence of Death; but, by applying properly, made a shift to obtain a Pardon; which Sir *John Reresby* celebrates as a signal Act of Grace, because that Lord had been formerly condemn'd for breaking a Boy's Neck in his Caps, and had been admitted to Mercy.

Lord Bran-  
don's Case.

But the sparing this Lord was no Proof that the Court was satiated with Blood; for there wanted yet another Life to close the iniquitous Scene. One *Boteman*, who had been Surgeon to Lord *Shaftsbury*, and who had dar'd to attend on *Oates* after his Whipping, and by his Art and Care to defeat the Purpose of his cruel Sentence, was now to be the Martyr of his own Humanity: His Crime was said to be a Concern in the *Rye-Affair*; and tho' he fell into a sort of Diffraction in Prison, he was nevertheless put upon his Trial. This, by one Party, has been treated

Boteman's  
Case.

A. D. 1655.

as an Excess of Rigor; and that his Son was permitted to make his Defence, is by the other extoll'd as an Excess of Lenity. But against such Witnesses and such Juries, they who granted this Indulgence, well knew no Defence would be sufficient. When therefore young *Bateman* was quill'd by his own Affection to his Father, and his Persuasion of his Innocence to become his Advocate, he may be said to have seal'd his Fate; for while the Man continu'd out of his Reason; the Law could take no Cognizance of him: And for the same Cause, the Bench should not have admitted his Son to take that upon him which his Father was not in a Condition to authorize. But without any Breach of Charity, it may be presum'd they were glad of the Opportunity. The Witnesses were *Lee* the Dyer, and *Godenough*, who swore to several Conversations held by them with the Prisoner, about the Division of the City, the tearing of the *Tower*, and the *Savoy*, &c. but unsupported by any *Overt-Act*. The Defence turn'd on these Points, *viz.* That *Godenough* was not a sufficient Witness, for want of a sufficient (1) Pardon: That *Lee* did not deserve the least Credit, since he had never mention'd *Bateman's* Name till then, tho' so often examin'd concerning what he knew both as to Persons and Things: And that he had endeavour'd to suborn Evidence against the Prisoner, as was sworn by one *Baker*, who was the very Man whom he had to endeavour'd to suborn; under the Promise of making him a great Man: But, as might have been easily foreseen, all signify'd nothing; the Court directed, and the Jury found, a Verdict for the King; and on the ninth Day after his Trial, he was executed at *Tyburn*.

Hampton, the younger, his Case.

We left young Mr. *Hampton* in Prison for a Middlemear, loaded with a Fine of 40000*l.* But the Court being now better furnish'd with Evidence by the Acquittal of Lord *Gry*, it was resolv'd to proceed against him capitally for the same Offence, which was now denominated High-Treason. Accordingly, he was indicted after the usual Forms, and put upon his Country: But knowing it would be to no Purpose to enter upon a Defence, he first objected; That he ought not to be question'd for the same Fact twice; and then threw himself on the King's Mercy. This, however, did not satisfy the Court; the Chief-Justice told him he had not yet been try'd for Treason, and therefore he must either plead guilty, or not guilty. He chose the latter; and acknowledg'd he had highly offended his Majesty; and begg'd the Intercession of the Court in his Behalf; by which he greatly offended his own Party, and furnish'd his Adversaries with sufficient Matter to be very severe on

himself; for if he was innocent, why did he purchase Life at the Expence of his Reputation? and if guilty, why did he afterwards fly in the Face of his Benefactor? For the Mercy he sought, he found; and yet we shall find him among the most active of those who took the Advantage of the Miscarriages of this Reign to bring about a Revolution.

A. D. 1655.

Lord *Delamere's* Turn was next; but not for any Concern in this fatal Treason. The Charge against him was, for being an Accomplice with *Manwath* in his late Rebellion: And tho' it had been urg'd to the Peers, by the *Chancellor*, that he could be try'd no where but in *Cheshire*, where the Charge was laid, the Cause was now remov'd, by a Removal of the Bill found in that County to *Walsingham-hall*, where a select Court of Peers (2) was erected by Commission, of which *Jefreys* was appointed Judge, in the sublime Character of Lord High Steward.

As to the Trial itself, after the introductory Forms were over, the Indictment was read, and the noble Prisoner gave in a written Plea; in which he argu'd, that his Cause being already before the Peers in Parliament, which Parliament was still subsisting, tho' under Prorogation, it did not come properly before them, nor could be otherwise decided than by the said Peers as before in Parliament assembled. But this was over-ruled by the Lord High Steward, at the Prayer of the King's Attorney: And his Grace, by the way, calling his Objections *frivolous*, the Lord at the Bar reply'd, "I hope the Privilege of the Peers of England is not *frivolous*; I assure your Grace, I do not offer this Matter for myself, but for the whole Body of Peers; and if they are satisfy'd, I acquiesce." This somewhat ruffled his Grace, who in return took occasion to request the Prisoner neither to misapprehend, nor misrepresent him; for it was his Plea, and not the Privilege of the Peerage which he had term'd *frivolous*: But added his Grace, "If your Lordship have a mind to have your Council heard, in God's Name, let them come:—They shall be heard. And when that is done to satisfy you the more, I will advise with my Lords the Judges, that are there to assist, what they take to be the Law in the Case; and, upon the whole, I will deliver my Judgment as well as I can." This the Lord at the Bar was to have understood to be a high Strain of Lenity: But he, tho' a Prisoner, nor forgetting he was a Peer, rejoind'd, "I hope your Grace will advise with my Lords the Peers, here present, it being a Point of Privilege:—Which so far got the better of his Grace's Temper, that he roar'd out, "Good my Lord, I hope you that are a Prisoner at the Bar are not to give me Directions who I should advise with,

or

(1) It was a common Saying at this time, That the King's Witnesses hunted, like Cormorants, with Hooks about their Necks. *Hendrix*.

(2) Which consisted of the Lord Treasurer *Rochester* and the Lord Prévost *Sunderland*; the Bishops of *Norwich*, *Oxford*, (which still did not attend) *Somerset*, *Albany*, *Gravesend*, and *Beaufort*; the Earl of *Malgrovet*, (Lord Chamberlain)

*Oxford*, *Stretton*, *Huntington*, *Pembroke*, *Beilfontain*, *Peterborough*, *Leicester*, *Craven*, *Salisbury*, (who did not attend) *Westham*, *Buckley*, *Nottingham*, and *Plumsted*; the Viscounts *Falshburgh* and *Newport*; and the Lords *Perce*, *Crawford*, *Magna*, *Dorset*, *Godolphin* and *Churchill*.

A. D. 1685.

or how I should demean myself here." And soon after declar'd against any further Inter-locution; and rejected the Plea, because his Lordship had not Council ready at hand, which it was impossible for him to have, to argue it.

The Prisoner then pleaded *Not Guilty*, and the Judge gave his Charge, which, tho' deliver'd in the Presence of so illustrious an Audience, and on so solemn an Occasion, partook of the same coarse Dialect which had distinguish'd him first in the *Old Bailey*, and which, in the midst of his highest Elevation, still shew'd him to be a Son of Earth.

My Lords, said he, I know you cannot but well remember, what unjust and insolent Attempts were made upon the rightful and unalterable Succession to the Imperial Crown of these Realms, under the pretence of That, which has been so often found to be the Occasion of Rebellion; I mean, the specious Pretence of Religion, by the *pretence*, *pretence*, and *fanatical* Zeal of some Members of the House of Commons, in the last Parliaments under the late King *Charles II.* of ever blessed Memory:

Which, by the wonderful Providence of Almighty God, not prevailing, the chief Contrivers of that horrid Villany consulted together how to gain that Advantage upon the Monarchy by open Force, which they could not obtain by a pretended Course of Law.

And in order thereto, it is but too well known, how they had several treasonable Meetings, made bold and riotous Progresses into several Parts of the King's Dominions; thereby endeavouring to debauch the Minds of the well-meaning, tho' unwary and ignorant, Part of the King's Subjects.

But these their evil Purposes it pleas'd God also to frustrate, by bringing to light that *curst Conspiracy* against the Life of his Sacred Majesty King *Charles II.* as also against that of our dread Sovereign that now is, whom God long preserve.

Their *bellicose* and *dammable* Plot, one would have thought, could not have survived the just Condemnation and Execution of some of the chief Contrivers of them; especially considering, that, after it had pleas'd Almighty God to take to himself our late merciful and dread Sovereign, no sooner was his Sacred Majesty that now is seated in the Royal Throne of his Ancestors, but he made it his utmost Endeavours, not only to convince the World that he had quite forgot those *insolent* and *abominable* Indignities that had been put upon him, ONLY for being the *best* of Subjects, and the *best* of Brethren; but did also give forth the most benign Assurances imaginable to all his loving People, that he would approve himself to be the *best* of Kings.

And further, to evince the Reality of these his gracious and heroic Resolutions, he immediately call'd a Parliament; and therein repeated, and solemnly confirm'd, his former Royal Declarations of having a particular Care of maintaining our establish'd Laws and Religion: With which that *wise*, *great*, and *loyal* Assembly, were so fully and perfectly satisfy'd, that they thought they could not

make sufficient Returns of Gratitude for such gracious and Princely Condescension.

And yet, my Lords, while the King and Parliament were thus endeavouring to out-do each other in Expressions of Kindness, that wicked and ungodly Rebellion broke out; and thereupon the Arch-traitor *Monmouth* was, by a Bill brought into the *lower House*, and pass'd by the general Consent of *both Houses*, (and I could wish, my Lords, for the sake of that noble Lord at the Bar, that I could say, it had pass'd with the Consent of every particular Member of each House) justly maintain'd of High Treason.

My Lords; what *Share* my Lord at the Bar had in these other Matters, I must acquaint you, is not within the Compass of this Indictment, for which you are to try him, as his Peers: For that it is for a Treason alledged to have been committed by him in his Majesty's Reign that now is, &c.

The rest of his Harangue consisted only of a Compliment to the *Triers*, and a Signification of his own Right to be the Mouth of the Court: And to these last Articles he pass'd so abruptly, that it was manifest the great End in view was, to inflame the Minds of his Auditory against the Prisoner; which, however warrantable by Custom, is scarce pardonable in a Council for the King, but, in a Judge, is little less than Perjury.

*Yemour*, the Recorder of London, and *Sarverer* the Attorney-General, then open'd the Cause for the King; the latter of whom gave in a large Deduction of all the several Matters that were to be produced in Evidence, and concluded with saying, "I shall plainly shew you all this that I have open'd, in plain Proof; and then we shall submit it to your Lordships Judgments, whether this noble Peer be *not guilty*, as he has pleaded to his Indictment."

The Evidence was prefac'd by the famous Lord *Howard of Effrick*, rather to justify the Lord High-Steward's Speech; it must be presum'd, than any thing else; for he had not one Syllable to depose against the Nobleman at the Bar; and even when ask'd by the Attorney, Whether he knew of any Design of a Rising in Cheshire? he answer'd, That he knew of none at all. He was follow'd by another equally famous Peer, the Lord *Grey*, who, having promis'd, that he had been subpoena'd on both Sides; tho' he had nothing to speak of his own Knowledge against the Prisoner, or for him, was led by the Attorney to speak to these two Points, 1. The intended Rising in the late King's Time. 2. *Monmouth's* Invasion. Concerning the first, he said, That "About the time of Election of Sheriffs for the City of London, the Duke of *Monmouth*, and my Lord of *Shaftsbury*, began to discourse about making use of That, as an Opportunity to accomplish their Design; for they thought the Ferment was so high, that Men would easily be dispos'd to an Insurrection: And after many Discourses to that Purpose, they came to this Resolution, That they would apply themselves to make what Interest they could to procure a Rising in three several Parts of the Kingdom

A. D. 1685.

The Lord High-Steward's Charge.

A. D. 1685.

at once: One in *Cheshire*, whither the Duke of *Monmouth* was to betake himself; and there be advised by my Lord *Maclefield*, my Lord *Brandon*, my Lord *Delamere* that then was, and the Prisoner at the Bar, what Gentlemen were proper to apply to, for joining in the Design: The second was in *London*, which was assign'd to be the Province of my Lord of *Shaftsbury*: And the third was in the West, which was committed to the Care of my Lord *Ruffel*. The Duke of *Monmouth* did accordingly go his Progress into *Chester*, as is very well known; and, upon his Return, was taken into Custody by the Sergeant at Arms: Upon which, Sir *Thomas Armstrong* was sent Post to Town, to get an *Habeas Corpus*; and withal, to deliver a Message to me, to be communicated with my Lord *Ruffel*, and my Lord *Shaftsbury*: Which Message, as near as I remember, was to this Effect; That he had been kindly receiv'd by the Gentlemen, of the Country; and had discuss'd the Matter with them, and found them all inclin'd very much to his Satisfaction: That, upon his being arrested, he had been advis'd to make his Escape into *Chester*, and rise immediately; but that he would not do a Matter of that great Importance, without the Approbation of his Friends.

And of the second, "That soon after the late King's Death, the Duke of *Monmouth* was at *Amsterdam* with my Lord *Argyle*, where there was an Account given of the Design that was in hand, of an Insurrection in *Scotland*, and the Preparations that had been made in order to it; and at that time there came over to *Holland* Mr. *Crag*, that came, as I was inform'd from Major *Wildman*; and his Errand was to promote and recommend a Reconciliation between the Duke of *Monmouth* and my Lord *Argyle*, who till that time had acted in separate Interests; and *Crag* then gave an Account, that Means and Money were prepar'd; he had no particular Message to the Duke, because he did not know of meeting him there at that time. The Duke of *Monmouth* upon this Encouragement, did send Captain *Matthew* (*Armstrong's* Son-in-law) into *England*, with a Message to Major *Wildman*, wherein he did desire him that he would procure a Meeting with my Lord *Maclefield*, my Lord *Brandon*, my Lord *Delamere*, and I think Mr. *Charleton*, and acquaint them that he had receiv'd a full Account of my Lord *Argyle's* Affairs, and the Preparations that had been made for it; and accordingly he had order'd his own Affairs to join with him; he likewise sent *Crag* with a Message to the same Purpose to other Friends in *London*, and he dispatch'd away one *Battecombe* into the West to prepare things there. When *Crag* return'd back again to the Duke, he gave him an Account, that Major *Wildman* had procur'd a Meeting with those Lords and Gentlemen, that I mention'd before, who were all of Opinion, that the Duke of *Monmouth* should go for *Scotland*, for they thought that his coming there would be the best Service he could do the Interest at present, and they should know the Strength of the Enemy

A. D. 1685.

here, by their sending Forces to suppress the Rebellion there. There was likewise a particular Message from Major *Wildman* to the Duke of *Monmouth*, That he desir'd he would bring over with him a Broad Seal to seal Commissions with, and to take upon him the Title of King; the other particular Branches of the Message I do not so well remember, but only this he was particularly ask'd, Whether the Prisoner at the Bar was there, and he said, he was."

This second Right Honourable Witness was farther led by the Attorney to speak of another Message brought from *England* to the Duke of *Monmouth* by one *Jones*, and of his being sent back with a Letter in relation to his landing, but to whom directed, he could not say; as also of his Grace's Dependence on his Friends in *Chester* for Assistance, which Friends he once nam'd to be the Lords *Maclefield*, *Brandon*, and *Delamere*, as in the first Branch of his Evidence; but then as to *Chester*, confin'd them to the two former.

*Wade* was then produc'd, and swore, That after *Monmouth* and *Argyle* had made their Concert, Captain *Matthew* was sent to *England* to apprise the Duke's Friends of it, and particularly those of *Chester*, the Lord *Delamere* being nam'd as one. He also nam'd the several Messages of *Crag* and *Jones*, the latter of whom was sent back with Advice of his Grace's Expedition, which, among the rest, he was to communicate to the Lords *Delamere*, *Maclefield*, and *Brandon*.

*Godenough* follow'd *Wade*, and swore, in like manner, that *Jones*, amongst the rest, was address'd to Lord *Delamere*; as also that he, *Godenough*, being in Discourse with the Duke of *Monmouth*, while these Affairs were in Agitation, his Grace said, That he hop'd the Lord *Delamere* would not break his Promise with him.

*Jones* himself was brought forward next, and depos'd, That in the latter End of *April* last, he carry'd a Message from one Mr. *Disney* in *London* to the Duke in *Holland*, signifying, That his Friends would not, by any Means, have him come to *England*; but advis'd, that he should either continue where he was, or sail for *Scotland*: That on the Delivery of this Message to his Grace, he fell into a great Passion, saying, "This was *Wildman's* Work: That he was a Villain: That he was resolv'd to come for *England*, and that he, *Wildman*, should either hang with him, or fight for him." That when he, *Jones*, was again setting out for *England*, his Grace gave him a seal'd Paper of Instructions, which he was to open at Sea, and not before; and after reading them he was to tear the Paper, and throw it over-board: That he further directed him, when he came to *London*, to find out Captain *Matthew*, and desire him to acquaint the Lords *Maclefield*, *Brandon*, and *Delamere*: "That he was resolv'd to set sail on the *Saturday* Morning following." Adding "The Captain is to send a Petition post to the Place nam'd in the Note for Intelligence of my landing, that those

Lords

A. D. 1685.

Lords, who are to be in Readiness, may be apprised of <sup>A</sup> twenty-four Hours before the Court, and have time to repair to their several Posts: That to the best of his Remembrance, the Contents of the Paper were to this Effect:

“*Taunton* in *Somersetshire* is the Place to which all are to resort; the Persons to be acquainted with the Time of Landing are, the Lord *Macclesfield*, the Lord *Brandon*, and the Lord *Delamere*; the Place to send the Coach to is, to *Taunton*, to Mr. *Savage's* House at the *Red Lion*, the Place where the Post was appointed to return was, Captain *Mattbees* Lodging, at Mr. *Blake's*, and he was to receive the Message; or if he did not, he was to appoint one that should receive it; or if it were to return to any other Place, that was left to him to do as he thought fit.”

That when he, *Jones*, came to *London*, which was on the 27th of *May*, being the *Walnesday* Fortnight before the Duke landed, he could neither find *Mattbees* nor *William*, both being out of Town: That he then communicated his Instructions to *Disney*; and that how *Disney* proceeded, with regard to them, he had never heard, nor could say.”

One *Story* was then call'd upon, who swore, That one *Brand*, of *Bishop-gate-street*, had, on the 28th of *May*, told him of *Jones's* Return from *Holland* with a Message from the Duke of *Monmouth*: As also, That his Grace had agreed to go to *Taunton*: That *Dave*, or *Williams*, of that Place, was to bring the News of his Landing: That *Jones* had deliver'd his Message to *Disney*, in the Absence of *Mattbees*: That *Disney* had thereupon had some Discourse with Lord *Delamere*; and that his Lordship had that very Night gone out of Town with two Friends, through *Enfield-Chace* towards *Hatfield*.

Two Persons were then produced, who swore, That they did accompany Lord *Delamere*, on the 27th in the Evening, out of Town: That he went by the Name of *Brown*; and that his Lordship gave out, that the Occasion of his Journey was to see a sick Child in the Country.

One *Tracy Pauncesfort*, and one *Thomas Balington* were next set up, to prove, that *Brown* was the exact Name that Lord *Delamere* went by among the Faction; and that certain of *Monmouth's* Declarations which had been printed at *Disney's* were to be carry'd to one *Brown* in *Chester*: And they said all they could to fasten some such Proof upon him; but his Lordship unluckily asking *Pauncesfort*, if he knew of no body else that went by the Name of *Brown* besides him, he was (as) forc'd to confess, that one *Vermeyden* went also by that Name; and so that whole Pile of Scaffolding came to the Ground.

The Landlord of an Inn in *Coventry* then

stood forth, and swore, that the Prisoner had rid post backwards and forwards about five times before the *Sunday* Se'night before the Coronation, and the twenty-first of *June* following.

And, lastly, one *Saxon*, who had been in the Rebellion, and who had been a Fellow-Prisoner of *Story's*, before mention'd, as *Story* himself was oblig'd to own, swore point blank as follows:

“At the Beginning of *June* last, I was sent for to *Mere*, my Lord *Delamere's* House in *Chester*, where when I came, I was convey'd into a lower Room, where were my Lord *Delamere*, Sir *Robert Cotton*, and Mr. *Crew-Officer*; and they told me I was recommended to them by my Lord *Brandon*, who had said, I was an honest useful Man, and they hop'd I would prove so: For they had sent to the Duke of *Monmouth*, who was in *Holland*, and receiv'd an Answer by one *Jones*; and as soon as they had an Answer, my Lord *Delamere* came away post into the Country under another Name, and by being convey'd through *Meerfield*, came down to raise ten thousand Men for the Duke of *Monmouth* in *Chester*, by the first of *June*; but now they had consider'd of it, and found they could not raise them till *Midsummer*, for they must have time to raise a Sum of Money, forty thousand Pounds in that Country to maintain the Men; they ask'd me, whether I would not undertake to carry a Message to the Duke of *Monmouth*, I told them, I would, and I had there given me eleven Guineas, and five Pounds in silver for my Journey, and I did hire a Horse afterwards, and did deliver my Message to the Duke of *Monmouth*.”

Being ask'd at what time he was trusted with this Mission, he would not undertake to be positive to a Day, but believ'd it was the third or fourth of *June*; and at whose Recommendation he came to be so trusted, he answer'd the Lord *Brandon's*.

And now the Charge being, to all Appearance, in every Circumstance, made good, the Attorney was pleas'd to declare, he should give no more Evidence, till he should see what Defence the noble Lord would make for himself. But his Lordship, instead of entering on his Defence, made his Request that the Court might be adjourn'd till the Morrow, that he might have Time to review his Notes, &c. The Lord High-Steward, on the other hand, had his Doubts whether this could be done by due Course of Law, and directed the Judges to withdraw to consider of it: Upon which the Lord *Nettingham* observ'd, That this Matter did not depend wholly on the Judges; and therefore mov'd, that the Peers might also withdraw to consider of it with them: It was seconded by the Lord Viscount *Falensberge*, with this Difference, that the latter pronounc'd it was a Matter of Privilege merely, and that

A. D. 1685.

He swears as Adjournment.

(a) Lord Del. "Pray, Sir, Did you ever know any body else that went by the Name of *Brown*, besides me? *Pauncesfort*. May I answer this Question, my Lord? Lord H. S. Answer it? Yes, you must. You are sworn

to tell the Truth, and the whole Truth. *Mrs. Pauncesfort*. My Lord, there was a Disciple of Mr. *Vermeyden* going by the Name of *Brown*." Lord *Delamere's* Trial, p. 42.

A. D. 1685

the Determination, of course, did not lie in the Breast of the Judges; and the Lords appearing to be all of the same Opinion, his Grace thought it but decent to give way; and the Peers withdrew accordingly.

In about an Hour all return'd; and, being seated as before, the Judges were call'd upon for their Opinion: But the Lord Chief-Justice, on the behalf of his Brethren, excus'd themselves from giving any, except by Inference, from the Practice of the inferior Courts, as being a Matter wholly new to them, and left their Lordships to decide of their own Jurisdiction. The Lord High-Steward then resum'd the Difficulty into his own Hands, and gave the Peers to understand, that, tho' they were the Judges of their own Privileges, he was the Judge of the Law of the Court: That, in case he should give into an erroneous Adjournment, and the Peer at the Bar should be acquitted, he would be liable to a new Prosecution: And if he should be condemn'd after such Error, he himself (*Jeffrey*) would be liable to Censure, for having committed it: "And certainly, my Lords, said he, in a Strain of Gentleness that he had never been found to deviate into before, your Lordships, and I, and all Mankind, ought to be tender of committing any Errors in Cases of Life and Death; and I would be loth, I will assure you, to be recorded for giving an erroneous Judgment in a Case of Blood, and as the first Man that should bring in an illegal Precedent, the Consequence of which may extend I know not how far."

Which is re-  
solv'd by the  
Lord High-  
Steward.

His excellency  
Dissolv'd.

Upon the Whole, his Opinion was, That the Trial should proceed, and the Lord at the Bar enter on his Defence, which he did accordingly, with as much Spirit and Presence of Mind as ever Man testify'd on any Occasion. He observ'd, That the producing and pressing such things against him as were but *Hearsay's*, or such other things as might be rack'd to any other Evidence against any other Person; was a strong Indication of his Innocence, and that these frivolous things were urg'd for want of other Matter: He quoted a Saying of the Lord *Nottingham's*, when sitting as Lord High-Steward, in the Case of Lord *Cornwallis*, "That the fouler the Crime was, the clearer and plainer the Proof ought to be: And that there was no other good Reason to be given why the Law refus'd to allow the Prisoner at the Bar Council, in Matter of Fact, when Life was concern'd, but only this, Because the Evidence by which he is condemn'd ought to be so very evident and plain, that all the Council in the World should not be able to answer it." He call'd *Saxen* the great *Goliath* of the Witnesses produced against him, and said, if he could cut him down, he suppos'd it would be thought that he had sufficiently purg'd himself. He then call'd several Persons to the Bar, that *Saxen* was an infamous Fellow; and several more, some of whom were of Distinction, to prove that Sir *Robert Cotton* was so far from being at his House in *Chester*, at the time specify'd, that he had not been in the County for several Months

before and after that time. By several others he demonstrated, that it was impossible Mr. *Osley* should be there: And lastly, by several others, he farther demonstrated, that he himself was not only in *London*, *June 5*, but actually taking Notes when a Cause of Lord *Macclesfield's* was heard, in the House of Peers that Day. His Lordship then made some Remarks on certain other Passages in *Saxen's* Evidence; and all at once making a Transition to the Man, excus'd himself as follows: "My Lord, I cannot help it, if People will tell false Stories of me, but I hope your Lordship will consider the Credibility of them: Is it to be imagin'd that I would take a Man I knew nothing of, upon another Man's Word, into so great a Confidence, as to employ him about a Business of this Nature? I am glad that he was call'd in here again for your Lordships to view him: I beseech your Lordships to look at him: Is this Fellow a likely Fellow to be used on such an Affair? Does he look as if he were fit to be employ'd for the raising of ten thousand Men? Does he seem to be a Man of such considerable Interest in his Country? A Fellow, that tho' he be not direct Evidence, yet by several Witnesses I have shewn to be a Man of no Reputation in his Country, nay of a very ill one: And could we have none else to employ, in a Matter of this Moment, but such a Fellow as his Neighbours would not take his Word for any thing? It is an improbable Story upon these accounts, if I should say no more. Your Lordships likewise say, that he is so well thought of, that he dare not be truck'd out of *Notgate*, but is kept still a Prisoner, and as such gives Evidence here: And I know your Lordships will not forget that he swears to save himself, having been a Rebel by his own Confession; and he would fain exchange his Life for mine. \* \* \* My Lords, I think I need say no more of him. Your Lordships Time is precious, too precious indeed, to be spent upon such a Subject as this; and so I set him aside."

His Lordship then proceeded to account for his several Journeys to and fro: The first he prov'd was to execute a Lease of between 6 and 7000*l.* Value, with the Bishop of *Clyfford*; and that he us'd such Expedition because Word was sent him, that the said Prelate was dangerously ill. With regard to the second, he acknowledg'd, that he did set out for *Chester* on the 27th of *May*; that he did go by the Name of *Brown*; and that he took the Road of *Flatfield*: But then he prov'd that it was to visit the best belov'd of his Children, who at that time lay ill in *Chester*; and that the Secrecy he us'd as to the Time and Manner of his Journey, was owing to Intelligence he had receiv'd, that a Warrant had been issu'd to apprehend him. He then prov'd that he stay'd but two Nights, and one Day in *Chester*; and that on the Receiving of a Letter from his Lady, signifying that the Report of the Warrant was a Mistake; and that another of his Children was ill, he took Post-Horses and rode with such Speed that, he arriv'd in *London* *June* the 3d. Having made out every one of

A. D. 1685

A. D. 1685.

these Particulars by sufficient Evidence, he call'd God to Witnes as to Jones, he had never seen his Face, nor heard his Name, till after he was committed to the Tower; as also that for three Years past he had never had any Correspondence with the late Duke of Monmouth, or receiv'd either Letter or Message from him. What else had been alledg'd against him, he not only treated as Hearsay, but Hearsay of Hearsay; and upon the whole concluded, that if any of their Lordships would think themselves in a bad Condition, as to his Fortune, if he could produce no better Evidence to prove his Title to his Estate, than what had that Day been produc'd against his Life, surely they would not think such Evidence sufficient to deprive a Man of Life, Honour, Estate and all.

Those who are conversant in State Trials will make no Difficulty to pronounce, that this was one of the best Defences that ever was made; notwithstanding which, the Solicitor-General thought it the Duty of his Office to put in a Reply; the great Streets of which he was pleas'd to lay on the violent Presumptions (for Saxons positive Evidence even he was pleas'd to insist on) arising from the Prisoner's Journeys, especially that of May 27, which, according to him, would bear no other Construction, than to be in Pursuance of the Duke of Monmouth's Message by Jones, communicated by Disney. And the Lord High Steward, in giving his final Charge, did not forget to urge, in Opposition to the Prisoner, who had insisted, That the Law requir'd two positive Witnesses in case of Treason, That Substantial Circumstances, in Concurrence with one positive Witness, were sufficient to satisfy the Law; nor to insinuate, that if their Lordships should believe Saxon's Testimony, the Circumstances of the Message and Journey did amount to a second Witness: But their Lordships the Tricars, tho' most of them Privy-Counsellors, or Servants to the King; and tho' his Majesty, in Person, was present during the whole Proceeding, valu'd their own Honour and Safety too much to be govern'd by such Falacies: And, accordingly, after having withdrawn for about half an Hour, they return'd into Court, and unanimously pronounc'd the Lord at the Bar, Not Guilty; who was thereupon immediately discharg'd: And as to Saxon, instead of being hang'd for his Concern in the Rebellion, he was some time after prosecuted for his Perjury; which being prov'd upon him, he was sentenc'd to be twice pillory'd, twice whipt, to pay a Fine of five hundred Marks, and to remain in Prison till he had paid the same.

He is unanimously acquitted by his Peers, and Salisbury.

Saxon the Witness whipp'd, pillory'd, and sent to Prison.

Lord Stanford admitted to Bail.

Still the Earl of Stanford continu'd in the Tower; and whether he distress'd his own Cause, or the Lawyers, intimidated by their ill Success in their late Cause, did not care to have any farther Dealings with the Peers, instead of being put on his Trial, he was on

February the 7th admitted to Bail. And this particular Act of Lenity to him, was follow'd with what was call'd a Proclamation of the King's Majesty's most gracious and general Pardon; but which for little deserv'd to be call'd, that it was rather a Specification of the Persons who were still to be started by Informers, and run down by the Laws: For not only all and every of those Persons who had accompany'd the Duke of Monmouth in his Invasion; and who had serv'd as Officers under him, as also all Fugitives from Justice were in general excepted; but as before mention'd, the little Girls of Taunton, with their School-mistress, and one hundred and thirty-eight Persons by Name; among whom were the Spokes, Father, Mother, and Son; Reginald Tucker, William Stride, Esq; Henry Irton, Saxon the Witness, Godemund the Witness, Wade the Witness, Colonel Rowley the Witness, Oates the Witness, Fletcher of Saltoun, Major Manley, Aaron Saltib, Sir William Waller, Singsby Bethel, Esq; Francis Charlton, Esq; John Dutton Galt, Esq; Charles Earl of Macclesfield, John Treachard, Esq; John Wildman, Esq; and Robert Perguissin Clerk.

This Pardon was dated March 10, and tho' the Earl of Stanford was not one of the excepted Persons, it seems he was left under a Necessity of taking out a special Pardon, which pass'd the Seals on the 3d of April following.

All this while, the great Business at Court was to try such Practices on the refractory Members of both Houses, as bid fairest to stiffen them into a Compliance with the King's Partiality to his Roman Catholic Subjects; and, over and above, the public Examples which had been made of these in his Majesty's Service, who had presum'd to vote contrary to his Will, to strike a Terror thro' the Kingdom, his Majesty consider'd, in Person, to try the Force of his own Royal Rhetoric on such others as had join'd with them in the same ungrateful Proceeding. The Place where these Experiments were made was the Closet, and thence the Term of Closetting took its rise: But those who had the Firmness to withstand his Majesty's Ministers in Parliament, had likewise the Honour to maintain their Integrity even in this dangerous Encounter (for, to the Disgrace of Human Nature, both Sexes have found it much easier to withstand the Frowns and Menaces of Kings, than their Intricacies and Solicitations) and in the general, he had the Mortification to find, that, tho' he was heard with Respect, his Arguments made no Impression; and that even the Breath of Majesty pass'd like common Air.

And now, to use the Words of Lord Stan- King sets up  
fordland, in his Apology, "The King fell  
immediately to the supporting the disposing Power.  
Power, the most chimerical thing that was  
ever thought of, and which must be to till  
the

[90] There was something peculiarly hard in this Man's Case. For, according to a Petition of his adherents presented to the House of Commons, he was not only condemn'd to Death, and his Estate given away; but his Wife,

whom he had employ'd to purchase his Pardon, was, even before his Trial, encourag'd to marry one *Wing* for 1000, when it was thought proper to revoke *Tucker's*, was insensibly allow'd for so doing, by the King's special Pardon.



A. D. 1685-6  
 the Government here is as absolute as in Turkey, all Power being included in that one: And, continues his Lordship, this is the Sense I ever had of it; and when I heard Lawyers defend it, I never chang'd my Opinion or Language, however it went on."

But whatever his Lordship's Opinion of this Chimera was, or whatever Language he us'd upon the Occasion, his Majesty having no longer any Hopes of his Parliament, prorogued it, as had been foreseen, yet farther to May 10, and made haste to establish that Chimera, as well by the Press, in the Minds of his People, as by the Authority of Westminster-hall.

But first, as if by way of Preparatory for what was to ensue, he sent his Letters-Mandatory, dated March 5, to the Archbishop of Canterbury, requiring him to restrain the bold Abuses and Extravagances of Preachers, in relation to Matters of Government and Controversy, under the several Heads which had been set forth, as Orders and Instructions to the Clergy, in the former Reign: Printed Copies of which Orders and Letters were made public by Authority, and distributed all over England, that nobody might plead Ignorance in excuse for Neglect or Disobedience.

Father Orleans condescends to say, "I am not one of those who believe a Man cannot have too much Zeal for Religion. I am, on the contrary, satisfy'd that that Fire, holy as it is, often burns the House of God, when it is kindled without due Precautions." And again, "I do not pretend to say there were no Faults in his (King James's) Councils." But then he asserts, that whatever his Faults were, he had the true Welfare of the Nation at heart, and took no Measures but what he thought would contribute to it. He further says, "It would be an Injury to his Piety not to acknowledge, that he desir'd the Conversion of his People; but then he never thought of any other Means but *Persecution*." He then magnifies his Forbearance, in leaving the establish'd Church, as he found it, in full Possession of all its Dignities, Powers, and Privileges: And then proceeds to say, That, having done so much for the Religion of the Nation, he thought himself bound in Conscience, Honour and Justice, to do something for his own. Which Something was no more than the granting Catholics, a free Exercise of their Religion; and the restoring them to a Capacity of officiating in public Employment.

These are the Palliatives of that Jesuit, who glories in having taken up the Pen at his Majesty's Command; and how far they are founded in Truth, let the several Facts of his Reign, as they occur, demonstrate.

We have already seen, that the very dispensing Powers, which is now to be the Subject of so loud a Controversy, was once set up in the former Reign; and we may remember, that in a Pamphlet set forth by Mr. Lock, after his Patron Lord Shaftsbury had lost the Seals, he introduces that Nobleman as an express Advocate for it: His Lordship had indeed been one of the *Jurats*, who

had put his late Majesty on that desperate Measure, and had advis'd him to stand by it: But having found that, when a King had not Firmness, and a House of Commons had, the Laws would be too strong for the Prerogative, he held it convenient to recede, as the King had done before him, and instead of lodging such a Power in the Crown, at all times, in opposition to the Legislature itself, to content for the Exercise of it only when the Legislature was not sitting.

King James, however, resum'd the Project in its utmost Latitude, and, instead of following his Brother's Example in yielding to the Remonstrances of his Parliament, grew so much the more determin'd to establish it, in Defiance of them. It is agreed on all Hands that he was the best Oeconomist that ever sat on the Throne: And by refusing the late Aid which the Commons were preparing for him, he meant to give them the clearest Conviction, that he was in a Condition to carry all his Points without their Assistance: But he was willing to be esteem'd just as well as rich or great. And, having promis'd that he would govern according to Law, desir'd to keep himself in Countenance by a Shew of keeping his Word.

In order to which the following Doctrines were laid down, That the King's Prerogative was a fundamental Part of the Law; That whatever his Majesty might do by his Prerogative, he might legally do: That one of the Clauses of the Prerogative was a Power to dispense occasionally with the Penal Laws: That this Clause was fortify'd with Precedents, both in Number and Value, sufficient to vouch for its Authority: That therefore in dispensing with the Test-Acts in favour of his Roman Catholics, his Majesty did nothing but what he was warrant'd to do by his Prerogative: And that as long as he govern'd by his Prerogative, he govern'd by Law.

This is a Brief of his Majesty's Expedient to render his dispensing with the Laws agreeable to his Promise to govern by the Laws: And worthy it is of the School out of which it came: But, however dextrously the Dose was prepar'd, it was well foreseen that it must be gild'd before it would go down. This was the Work of the King's Lawyers, as the other was of his Priests: And from the Facility they had hitherto shewn in his Majesty's Business, he had abundant Reason to conclude, that they would continue to do whatever was requir'd of them: But then he did not enough consider, that some of these were even more attach'd to the Hierarchy than the Monarchy, and would no longer act as Slaves and Tools to the King, than the King continu'd to act as the Slave and Tool of the Church. Thus it is affirm'd by Coke, and yet more positively and circumstantially by Bishop Kennet after him, that his Majesty resolv'd to have Westminster Hall entirely at his Devotion: In order to which he clostetted his old Bargain, and would have made an express Bargain with them, that they should maintain his Prerogative of dispensing with the

Directions given to Preachers.

Father Orleans's Apology for the King's Conduct.

A. D. 1685-6

A Brief of his Majesty's Reasons.

The Taxes collected.

A. D. 1686.

the Penal Laws: But four of them, *viz.* the Lord Chief-Justice *Jones*, who had so lately dip't his Hands in the Blood of *Cornish*, the Lord Chief-Baron *Montagu*, who had been colleg'd with *Jeffries* in his Western Campaign, Sir *Jos. Cavolin* of the Common Pleas, and Sir *Edward Neill* of the Exchequer, instead of shewing a ready Compliance with his Majesty's Proposal, appear'd wholly dissatisfy'd with it. Sir *Thomas Jones*, in particular, it is said, told the King plainly, He could not do what he requir'd of him: And his Majesty answering, *That he would have twelve Judges of his own Opinion*, the other reply'd, *Twelve Judges you possibly may find, Sir, but hardly twelve Lawyers.*

Resolv'd, however, to convince the old Man to the contrary, April the 21<sup>st</sup> his Majesty gave him his *Quintus* and made Sir *Henry Bedingfield*, one of the *Justices* of the same Court, Lord Chief-Justice in his Room. At the same time Sir *Edward Atkins* was made Chief Baron in the Room of *Montagu*: Sir *Edward Lutwich*, Chief-Justice of *Chesler*, chang'd Places with *Charlton*; and *Richard Hoath*, Esq; was made a Baron of the Exchequer, in the Place of *Neill*. A few Days after, Sir *Christopher Milton*, an unworthy Brother of the great Poet, and a known Papist, was promoted to a Seat on the same Bench; Sir *John Pender* to another on that of the Common Pleas: And, as if to complete the Royal System, Mr. *Fines* the Solicitor-General, had the Honour to be remov'd to make way for Sir *Thomas Potes*, who, it seems, had yet fewer Scruples than he.

While these Preparatives were making in *England*, his Majesty was induc'd to try a new Experiment on his ancient Kingdom of *Scotland*; and indeed he had all the Reason in the World to depend on Success; for hitherto the *Scottish* Parliament had acted in all things like an Assembly of Slaves, and as if it was their Duty to do all they could towards the enslaving their Fellow Subjects. In the Preamble to one of their late Acts, they had even gone so far as to declare, "That they owe all their Blessings to the sacred Race of their glorious Kings, and to the solid, absolute Authority wherewith they were invested by the first and fundamental Laws of their Monarchy:— And therefore, that they abhor and detest, not only the Authors and Actors of all preceding Rebellions against their Sovereign, but also all Principles and Positions which are contrary or derogatory

to the King's sacred, supreme, sovereign, absolute Power and Authority, which none, whether particular Persons or collective Bodies, can participate of, any manner of way, or upon any Pretext, but in Dependence on him, and by Commission from him:— And as it were intentionally to introduce a Despotic Power, says even Mr. *Eschar* himself, they pass'd another Act, to confirm and approve whatever had been done by the Majesty's Privy-Council, Justice-Court, and such commissioned by them in banishing, imprisoning or fining such as refus'd to take and swear the Oath of Allegiance, and to exercise the Royal Prerogative in the utmost Extent of them." So that from such a despotic People, no Opposition was to be expected or fear'd.

The Duke of *Yatesbury*, the High-Commissioner, after all his Services, was fallen into Disgrace, and had not only been turn'd out of all his Employments, but if any colourable Matter could have been found against him, says *Bishop Burnet*, it was resolv'd to have made him a Sacrifice. He had broke with the Lord Chancellor *Perth*: Both came with their Complaints to Court; and that the Latter might be sure to get the better of the Contest, he suffer'd himself to be reconcil'd to the Church of *Rome*, and prevail'd with his Brother the Earl of *Murray* to countenance him by following his Example. Thus, according to a lively Saying of the Marquis of *Hallifax*, his Faith made him *rebels*. And, instead of being thrown out of the King's Favour, (x) he became possess'd of a larger Portion of it than ever.

*Scotland* had yet another new Convert to boast of, the Earl of *Murray*; and it was for his Majesty's Service that every Man should find his Account in being of his Religion: Among these Three, therefore, he divided the Administration of that Kingdom: And as the two Brothers had the stable Power of it in their Hands, the temporary Place of Honour was given to the Lord *Murray*, who was appointed High-Commissioner to the *Scottish* Parliament, which was open'd April 29: And what his Errand was, the King's Letter, and his own Speech, very sufficiently explain: For, in the first, we find his Majesty recommending to their special Care "his innocent *Roman-Catholic* Subjects, who had always been assistant to the Crown, in the worst of Rebellions and Usurpations, tho' they lay under Discouragements hardly to be nam'd. These

1686.  
Several dis-  
posed.Case of the  
King in Scot-  
land.Proceedings of  
the Scotch Par-  
liament.The King's  
Letter.(x) Concerning this Nobleman *Bishop Burnet* further writes  
as follows."The Earl of *Perth* set up a private Chapel in the Court, for Mass; which was not kept in private, but that many frequented it.""The Town of *Edinburgh* was much alarm'd at this: And the Rabble broke in with such Fury, that they almost every thing in the Chapel: And if the Earl of *Perth* had not been entic'd away in *Diggle*, he had very probably fallen a Sacrifice to popular Rage: The Grants upon the Alarm came, and dispersed the Rabble. Some were taken: And one that was a Ring-leader in the Tumult was executed for it. When he was at the Place of Execution, he told one of the Ministers of the Town, that was with him assisting him with his Prayers, that he was offer'd his Life, if he would accuse the Duke of *Yatesbury*, as the Person that had set on the Tumult; but he would not save his Life by false a Calumny.""Mr. *Murray*, the Minister, was an honest but weak Man. So when the Criminal charg'd him to make this Discovery, he did not call any of those who were present to bear witness of it: But in the Simplicity of his Heart he went from the Execution to the Archbishop of *St. Andrews*, and told him what had pass'd. The Archbishop solicited the Duke of *Yatesbury* with it: And he writ to Court, and complain'd of it. The King ordered the Master to be examined: So the poor Minister, having no Witness to swear what the Criminal had said to him, was declar'd the Perpetrator of that Calumny. And upon that he was turn'd out. But how severely severe those in Authority may humiliate a poor innocent Man, yet the Public is apt to judge true. And, in this Case, as the Minister's Weakness and Misfortune was prov'd, so the Earl of *Perth*'s Malice and Privacity was as much detested." *Vol. 1. p. 678, 679.*

A. B. 1686

These he most heartily recommended to them; to the end that, as they had given good Experience of their true Loyalty, and peaceable Behaviour, so, by their Assistance, they might have the Protection of his Laws, not suffering them to lie under Obligations, which their Religion could not admit of; by doing of which, they would give a Demonstration of the Duty and Affection they had to him, and do him most acceptable Service. And this Love he expected they should shew to their Brethren, as they saw him in *indulgent Father* to his People. And in the Last, we find his Grace the Commissioner promising, in the most kind and engaging Manner, "That his Majesty would open a free Intercourse of Trade with his Majesty of *England*; and had fully intended his Envoy at the Court of *France*, to recover the Possession of the several Privileges of the *Scotts* Merchants trading with that Kingdom: That his Majesty would redress the Trouble that the said Merchants met with in the Matter of the Staple and Trade with the *Netherlands*; That he would remove the Prejudice which the Kingdom suffer'd, by the Importation of *Irish* Horses, Cattle, and Victuals: That he was willing to grant them a Mint, the Want of which was a terrible Prejudice to the Traffic of the Kingdom: That he would not at this time demand any more Supplies or Impositions of any kind, notwithstanding his great Charges in suppressing the late horrid Rebellion: That he would give his Royal Consent to all such Laws and Regulations, as might secure exact Payment to the Country from all his Officers and Soldiers in their Quarters. And lastly, That he would graciously pass his full and ample Indemnity, with some needful and necessary Exceptions, for all past Crimes and Misdemeanours whatsoever. And now, my Lords and Gentlemen, proceeds his Grace, after so great and excellent Designs for promoting the Honour, the Ease, and Wealth of this Kingdom; after his Resolution to pardon so many Enemies, and to free so many of the Guilty from further severe, but just, Prosecutions; his Majesty believeth that none will wonder, if he desire, by the Advice and Consent of this Great Council, to give Ease and Security to some of his good Subjects of the *Roman-Catholic* Religion, who have been at all times firm to the Monarchy, and ready to sacrifice their Lives and Fortunes for the Service and Security of the Crown. So that his Majesty, who so perfectly understands the loyal and dutiful Temper and Genius of *Scotland*, tells fully persuaded of your ready and cheerful Compliance with his Royal Desire and Inclinations, tending so much to your own Security, and his Satisfaction; and that you will send me back to my great and Royal Master, with the good Tidings of the continued and dutiful Loyalty of this his ancient Kingdom: By which you will shew yourselves the best and most affectionate Subjects, to the best, the incomparable, and most heroic Prince in the World."

This Speech was printed at large in the

*London-Gazette*, with this Note upon it,

"That the People, as well as the Members of Parliament shew'd a great deal of Satisfaction; and that there was all imaginable Ground to believe the Scission would be soon and happily concluded." Bishop *Keeble* and Mr. *Beard* also observe, That when the said Speech came to be consider'd, the Creatures of the Court shew'd a present Inclination for passing an Act in favour of the Papists, without looking farther than his Majesty's Desire. Bishop *Burnet* descends to Particulars, and says, Duke *Hamilton* was silent in the Debate: He promis'd, he would not oppose the Motion; but he would not be active to promote it. The Duke of *Queensberry* was also silent: But the King was made believe that he manag'd the Opposition under-hand. *Ross* and *Paterfen* did so entirely forget what became their Characters, that they us'd their utmost Endeavours; to persuade the Parliament to comply with the King's Desire. The Archbishop of *Glasgow* oppos'd it, but fearfully: The Bishop of *Dunblod*, *Bunce*, did it openly and resolutely: And so did the Bishop of *Galloway*. The rest were silent, but were resolv'd to vote for the Continuance of the Laws."

The same Prelate had just above made Use of these Words, "*Ross* and *Paterfen*, the two governing Bishops, resolv'd to let the King see how compliant they would be: And they propos'd an Address to be sign'd by several of their Bishops, offering to concur with the King in all that he desir'd with Relation to those of his own Religion (for the courtly Stile now was not to name Popery any other way than by calling it the King's Religion) provided the Laws might still continue in force, and be executed against the Presbyterians. With this *Paterfen* was sent up: He communicated the Matter to the Earl of  *Middleton*, who advis'd him never to shew that Paper: It would be made Use of against them and render them odious: And the King and his Priests were so sensible that it was an indecent thing for them to pretend to any special Favour, that they were resolv'd to move for nothing but a general Toleration. And so he perswaded him to go back without presenting it. This was told me by one who had it from the Earl himself."

Now if several of the Bishops had concurr'd with their two *Governors* in this scandalous Address, how can it be said, that all but Three were resolv'd to vote for the Continuance of the Laws? This is a Difficulty which our Right Reverend Historian was not aware of, and which no body else can solve. His Lordship farther says, "That such was the Meanness of most of the Nobility, and of the other Members, that few did hope that a Resistance to the Court could be maintain'd: Yet the Parliament would consent to nothing farther than to a Suspension of those Laws (against Papists) during the King's Life." Whereas our two other *Evangelists* are express, That the more considerate Party mov'd and prevail'd to have a Committee appointed to inspect those Laws: That such

A. D. 1686  
[Vol. 235][F. 1. p. 660,  
681.]Kewett.  
Eccard.

A. D. 1686.

a Committee was appointed accordingly: That a Bill was prepar'd to indulge the Papists in the private Exercise of their Religion, but without repealing any of the Penalties then in Force against them, in case they ventur'd to worship in public: That when even this was presented to the Parliament for their Approbation, the Members divided, and many warm Speeches were made in Opposition to it: And that the King being appriz'd, that those who had made so, i. e. with the Liberties of their Country, were not altogether so tractable on the Head of Religion, he directed his Commissioner to put an End to the Session, without performing any of the fine Things which his Grace had set before the People, as the Price of the Concession requir'd of them in behalf of the Roman Catholics. Bishop Burnet adds, "That soon after the Dissolution of the Parliament, both the Archbishop of Glasgow and the Bishop of Dunkeld were turn'd out by an express Command of the King: That Pater-son was made Archbishop of Glasgow: That one Hamilton, noted for Profaneness and Impiety, and who sometimes broke out into Blasphemy, was made Bishop of Dunkeld: And that no Reason was assign'd for turning out those Bishops but the King's Pleasure."

The King dis-  
appointed, and  
the Session  
broke up.

[Vol. 2. 68.]

Hale's Copy.

We must now return to England, where by this time the Nation were almost universally (\*) enabled to account for the Alterations which had been made in Westminster-Hall, and prepar'd for the disagreeable things they expected to follow: Sir Edward Hales, a Gentleman of Eminence in Kent, but a profess'd Papist, had been made Colonel of a Regiment, and exercis'd that Command without complying with the Conditions prescrib'd by the (y) Statute, 25 Car. II. for preventing Dangers from Popish Reculants: One Godwin, his own Coachman, inform'd against him; and, being duly indicted on that Information at the Assizes held at Rochester,

March 29, and as duly convicted on that Indictment, the said Plaintiff or Informer became entitled by the said Statute to the Penalty of 500 l. which Sir Edward had incur'd by his Neglect. But instead of paying it, he produc'd the King's Letters Patents, dispensing with his Nonconformity, removing all Incapacities, and remitting all the Penalties, Forfeitures, Damages, Disabilities, &c. which he had incur'd. Upon this the Plaintiff, in farther Protection of his Suit, brought his Action of Debt in the King's Bench. Mr. Northey was his Council; Sir Thomas Powell the new Solicitor-General appear'd for the Defendant; and upon the Issue, the Lord Chief-Justice Herbert declar'd "That if the King could not dispense with this Statute, he could not dispense with any Penal Statute: That nevertheless the King did, and had dispens'd with the Law in relation to Sheriffs ever since the Reign of Henry VII. tho' it was therein expressly provided, That the King should not dispense with it by a Non-Obstant: That therefore the Defendant might plead his Majesty's Dispensation; and that there was nothing whatsoever which the supreme Lawgiver might not dispense with." But the Matter did not rest here: And the Doctrines thus boldly advanc'd by one, were to be confirm'd by all the Judges of England. Accordingly, they were formally assembled at Sergeant's-Inn; and the Cause having been stated, argued, and determin'd, June 23, the Lord Chief-Justice in Westminster-Hall, publicly pronounc'd, That (1) eleven out of twelve were of Opinion, That the Cause was as clear as any that ever came before the Court; and that the King might dispense in this Cause, on these Grounds, viz. 1. That the Kings of England are Sovereign Princes. 2. That the Laws of England are the King's Laws. 3. That therefore it is an inseparable Prerogative of the Kings of England to dispen-

A. D. 1686.

The Opinion  
of the  
Judges con-  
cerning it.

(\*) The displacing the Judges, says Sir John Reresby, made a considerable Noise: They were Gentlemen of great Learning and Loyalty, whose only Crime had been, that they would not give their Opinions, as several of their Brethren had done. That the King by his Prerogative might dispense with the Test requir'd of Roman Catholics. The next Day I was inform'd by Mr. Jones, Son to the Chief-Justice of that Name, lately torn'd out, that his Father, upon his Dismission, observ'd to the King, That he was by no means sorry he was laid aside, and was worn out as he was in his Service, but concern'd that his Majesty should expect such a Contradiction of the Law from him, so he could not honestly give; and that none but indigent, ignorant, or ambitious Men would give their Judgment as he express'd, and that to this his Majesty made answer, It was necessary his Judges should be of all one Mind. He told me farther, that Sir Robert Sawyer, the Attorney-General, had been directed by the King, to draw up a Warrant, by virtue of his Prerogative, to invest a Priest of the Church of Rome with a Benefice, and to nominate one Walker, Head of a House in Oxford, and some Fellows of the same, who had erred over to the papal Communion, by a Non-Obstant: That the Attorney said, This would not be against one Statute only, but against all the Laws since the Days of Elizabeth; that he therefore durst not do it, and desired the King to weigh the Matter a little with himself, for that it struck at the very Root of the Protestant Church, quite contrary to his Majesty's late grants (Promises) in Force; that the Attorney first said, He doubted not but, as soon as another could be found to do the Work, he should lose his Place; such a slave was the King to the Priesthood of Rome! Reresby Mem. p. 233, 234.

(y) For preventing Dangers which may happen from popish Reculants, and quieting the Minds of his Majesty's good Subjects. See it enact'd, &c. That every Person that shall bear any Office, civil or military, &c. or shall have Command or Power of Trust from or under his Majesty, &c. within the Realm of England, &c. shall first bring in to the Court of Chancery, or to the King's Bench, or at the Court of Quarter-Sessions in that County where he shall reside within three Months next after his Admission into any of the said Offices, and there, in open Court, take the several Oaths of Supremacy and Allegiance, and shall subscribe the Sacrament of the Lord's Supper, according to the Usage of the Church of England, in some Parish Church, upon some Lord's Day, immediately after Divine Service.

And every the Person aforesaid that doth or shall neglect or refuse to take the said Oaths, and the Sacrament, in the said Courts, and at the respective Times aforesaid, shall be ipso facto adjudged incapable, and disabled in Law to enjoy the said Office or Employment, and every such Office and Place shall be void, and is hereby adjudged void.

And every Person that shall neglect or refuse to take the said Oaths or the Sacrament as aforesaid, and yet after such Neglect or Refusal shall execute any of the said Offices, after the said Times expired wherein he ought to have done the same, and being thereupon lawfully convicted upon any Information, &c. in any of the King's Courts at Westminster, or at the Assizes, every such Person shall forfeit 500 l. to be recovered by him that shall sue for the same.

And as the time when the Persons concerned in this Act shall take the said Oaths, they shall likewise subscribe the Declaration against the Belief of Transubstantiation, under the same Penalties as by this Act is appointed."

(z) *Et sic* was the single Dissenter, and perished in his Opinion to the last.

A. D. 1689.

penic with Penal Laws in particular Cafes, and upon particular neceffary Reafons: 4. That of thofe Reafons, and thofe Necessities the King is the fole Judge. And, which is confequent upon all, 5. That this is not a Truft invefted in, and granted to, the King, by the People, but the antient Remains of the Sovereign Power and Prerogative of the Kings of England, which never was yet taken from them, nor can be.

But whatever Authority this Sentence had in *Wefminfter-Hall*, and whatever Tendency it had to countenance and juftify the Proceedings at Court, it only ferv'd to alarm and exasperate the People beyond meafure, who look'd on it as a compendious Way of fubmitting all things to the King's Will and Pleafure, and of ruining the Conftitution at a Blow. The whole Affair, it was faid, was a Collufion to help his Majesty to fuch a Precedent as fhould at the fame time authorize his Difpenfations, and ferve as a Screen to thofe who had the Boldnefs to act under them: And fo many bitter things were faid of the Lord Chief-Justice, that he afterwards found himfelf under a fort of Necessity to publifh a Vindication both of the Thing itfelf, and of his own Conduct in it; in which he quotes *Coke's* Definition of a Difpenfation, as firft allowing a Right in the King to abfolve particular Perfons from the Reftraint of a general Prohibition, and the Penalties arifing from the Breach of it; as alfo the Opinion of all the Judges 2 *Jac. I.* to the fame Effect: From the *Years-Books of Henry VII. fol. 2.* he promulgues, That the King may difpenfe with a prohibited Evil, though not with that which is evil in itfelf: And from *Vaughan's* Reports, That by a Difpenfation, a Thing prohibited to all others, provided it was not *malum in fe*, became lawful to him who had it. To the Objection, That if the King had a Right to difpenfe with one, he might with all, to the utter Overthrow of the Statute, he replies, That from the Poffibility of Abufe it did not follow, that the King was not entitled to the Ufe; for in fuch cafe he would have no Prerogative at all: That as to the Judgment in *Hales's* Cafe, they could neither know, nor prevent if they did, any ill Ufe the King might make of his Power; and their Duty was only to declare fimplly on their Oaths, whether the King had fuch a Power, or not: But that even the Houfe of Commons themfelves had twice acknowledged, that this difpenfing Power was lodg'd in the King, viz. 1 *Hen. V.* and 3 *Car. I.* And as to the great Objection of all, That thofe thefe high Trufts and Prerogatives might be allow'd in a Proteftant Prince, they ought not to be allow'd in a Prince of a contrary Religion, becaufe of the Ufe which might be made of them to the Destruction of the Religion eftablifh'd by Law, he answers, That the *Exceffionifts*, in the preceding Reign, had urg'd the fame Argument, "If you leave him King, faid they, he will have all the Prerogatives of a King; and thofe Prerogatives may be made instrumental to the Ruin of your Religion;" which could not be deny'd by thofe who oppos'd the Bill, who

The Lord Chief Justice Herbert's Vindication.

had nothing left to reply, but *Fiat juftitia, ruat cælum!* Laftly, in answer to thofe who would needs have it, That the Action itfelf was feigned, he avers, He had never heard of it till it was brought: That if it was a feigned Action he law no Hurt in it; for the Law was as well try'd and fettled in a feigned Action as a true one: That there were feigned Actions directed every Day out of Chancery for this purpofe; and why the King might not direct fuch a one for his own Satisfaction, he could not conceive: Declaring, If there were any indirect Means us'd for obtaining Opinions, he knew nothing of it: He flood upon his Innocence, and defy'd all the World to lay any thing of that Nature to his Charge.

All this, it muft be own'd, was extremely plausible; but then, except among the *Roman-Catholics* themfelves, and thofe idolaters of the Prerogative, who are for refolving all Power and Authority into that only, it has met with no Acceptation: *Sir Robert Atkins*, another venerable Sage of the Law, has, in particular, fet forth a large Treatife to explode this whole Hypothefis. According to him, A Law cannot be juftly difpens'd with except by the whole Legislative Power, which not being wholly in the King, the King has no Right to exercife or affume.— Difpenfations came originally from *Rome*, and were only adopt'd here, and that firft by *Henry III.* All good Men exclaim'd againft them: A Multitude of Acts were provided againft them: They were firft us'd in fuch Cafes only as the King alone was concern'd in, in which, for that Reafon, he might remit or difpenfe as he pleas'd. It was not till later Times that they were stretch'd to Cafes which concern'd the whole Realm; nor was there yet any fuch Ufage as would warrant the difpenfing with fuch a Statute as that in queftion: Becaufe a Difpenfation is properly and only in cafe of a *Malum Prohibitum*, it does not follow that the King can difpenfe in all Cafes of *Malum Prohibitum*.— Neither Law-Books, nor the Refolution of Judges, nor the Practice of Judicatories, are of any Authority againft pofitive, exprefs Acts of Parliament: Yet even in the Cafe of Sheriffs, Judges had fometimes had the Firmnefs to pronounce, That the King did an Error when he appointed a Sheriff otherwife than as the Statute directed: That as the Dangers arifing from Popifh Recufants were look'd upon by King, Lords and Commons, as of the utmoft Importance to be guarded againft; fo they had made all poffible Provision to do fo: The very Grant of any Place or Office, but on the Terms therein prefcrib'd, is *ajudic'd void*: The Act itfelf precribes the Manner of trying the Fact; declares the Judgment, and leaves it only to the Judges to apply that Judgment to the Cafe before them. The late Lord Chancellor, *Nettingham*, taking Occafion to fpeak of this Act, had declar'd it abfolutely impoffible for the moft conceal'd Papift to get into any kind of Employment. The Lord Chancellor *Bacon* had pronounc'd, That to be the beft Law which gave the leaft Liberty

A. D. 1685.

Sir Robert Atkins's Re-  
ply.

ty to judge; and him to be the best Judge who took the least Liberty to himself. In Cases of mighty Moment, wherein the Sense of the Law-makers is doubtful, it is the Duty of Judges, to demur till the Parliament meet, and to resort to them for an Explication of their own Meaning. The dispensing with the Statute concerning Sheriffs was a Matter of far less Moment than the present Dispensation. Infinite Mischiefs arise from putting Papists into Office, and entrusting them with our Religion and civil Rights. It was against these Mischiefs the Act was levell'd. Those who made it, thought it was a sufficient Security; but by this Doctrine of dispensing, the whole Force of it was explain'd away. Those very Mischiefs had actually taken place. And are those Persons, proceeds Sir Robert, who have a Dependence on the See of Rome, and a Foreign Power, fit to be entrusted with the Power of the Nation, with the Militia and the Sea Ports? Is not this to commit the Lamb to the Custody of the Wolf? Lastly, as to the Point of the feign'd Action, which the Lord Chief-Justice seem'd to vindicate, it is allow'd, they may be useful. But this Action against Sir Edward Hales was suspected not only to have been feign'd and brought by *Crown* between him and his Servant and Friend; but it was feign'd and faintly prosecuted, and not heartily and stoutly defended. Like Prize-Fighters they seem'd to be in good earnest, and look'd very fierce, but agreed before-hand not to hurt one another.

It is no small Aggravation of the Charge against those in Power who advis'd or gave way to the violent Measures now pursuing, and against the Tools they found to put them in Execution, that while this great Cause was depending, the Parliament was yet again prorog'd. This was a new Proof that the King was resolv'd to shew no Regard to the Sense of his People till it corresponded with his own; and that, as it was found impracticable to procure such new Laws as would answer his Purpose, the sole Business of those about him was to gratify him at the Expence of the old.

[*Mem. p. 275.*] Sir John Reresby however observes, that before this last Prorogation, the leading Members of the House of Commons gave their Attendance in Town, for fear the Court should proceed to Business without giving the usual Notice; and that the King spoke of it with Reluctance, saying, he should not deal by them as they had often done by the Crown, steal an Advantage by Surprise. The same Gentleman was also told, about the same time, by *Jeremy Lord Dover*, a Papist and great Favourite, that the Parliament would certainly be suffer'd to sit at the time last prefix'd; and that if they should not then comply with the King, it would be their Business to look to the Issue: "In short, (continues Sir John) the King, having lately got a Jesuit for his Confessor, drove on at a great rate, and seem'd by far more intent than before upon promoting and spreading his own Religion."

But with whatever Speed his Majesty and

his Ministry drove to their Purpose in *England*, it bore no Comparison to the Progress they made in *Ireland*: There the *Roman Catholics* were so greatly the Majority, that a Protestant Government could no otherwise be maintain'd than by the Terrors of a standing Army: When therefore the Government itself became the avow'd Champion for the Catholic Cause, that Army immediately lost its Terror; the *Roman Catholics* assur'd the Air of Masters; and behav'd, if they were on the point of driving out the *Conventicles*, and taking possession of the *Unconquered Lands*: But first there was a Necessity of disarming the Protestants. This *Month's* Insurrection furnish'd a Pretext to accomplish: And tho' the Civil Government was yet in the Hands of Protestants, viz. the Lord Primate, and the Earl of *Down*, in the Quality of Lords Justices, those Protestant Governors made a Merit of shewing an implicit Obedience to the Orders they receiv'd on that Occasion; which were to this Effect, That the King and Council having Reason to believe, that the Rebellion of *Month* had spread further, and deluded more, than had been yet discover'd, or than the Laws could reach, had come to a Resolution, That it would be for the Safety of the Kingdom to have the Arms of the Militia brought in, and deposited in the Magazines of the several Counties, to prevent their falling into ill Hands, when dispers'd abroad; and that they might be more in readiness, in case there should be any sudden Call to have recourse to them for their own Defence. Thus instructed, their Excellencies set forth a Proclamation, requiring the Militia to bring in their Arms accordingly: And to give it the greater Effect, the Primate, having conven'd the Lord Mayor and Aldermen of *Dublin* before him, made use of all his Eloquence to persuade them, That it would be as much for their own Honour, as his Majesty's Service, for them to give the first Instance of Obedience, and thereby set an Example to the whole Kingdom. It is said, these Magistrates were not insensible of the Drift of this Practice, and that they comply'd, because they could do no otherwise: But it is certain they did comply; that the Country did the same; and that, to exact a thorough Obedience from every Individual, it was given out, That if any Arms were reserv'd, under any Pretence, such as that they were their own, and not belonging to the Public, it would be interpreted as a Proof of Disaffection: And that such was the Terror which accompany'd this Menace, that Numbers deliver'd up the Arms they had bought with their own Money.

This great Point being thus carry'd, Lieutenant-General *Talbot* proceeded to the Reform of the Army; and, under the like Pretence of weeding Disaffection out of it, all who had been in the Service of the Parliament, or the Protector *Cromwell*, or even the Sons of such, were broke without Mercy: On the Credit of which Service he return'd to *England*, not without Hopes of being rewarded with the Lieutenantancy: What

The Militia require'd by Proclamation to bring in their Arms.

The Reform of the Army begun by Talbot.

Of His Majesty's late Government.

he had already done was sufficient to manifest his Zeal; and in Proportion to the Increase of his Power, he undertook to answer for his Success. To the Queen's peculiar Cabal, in which Father *Petes* presided, it seems the Violence of his Temper was peculiarly pleasing, and his Reception there was suitable to his own Wishes. They were for the shortest way, and the boldest Drive. Thus the Lords *Bellasis*, *Powis*, &c. who had the most Credit about the King, and who of the whole Faction best deserv'd it, look'd on him as a Man whose Rashness would be fatal to their Cause: Notwithstanding therefore that he had her Majesty's Countenance and Support, they made it their joint Endeavour to thwart his Ambition, and, for the present, with Success. They were for having the same Business done, if possible, under a Protestant Mask, and they well knew, that the sending *Talbot* over, as Governor in Chief, would be laying that Mask aside for good and all.

The Designs now carrying on had been concerted in the Close of the late Reign, and then they were to have been countenanc'd by the Earl of *Rochester*. Hence it was argued, that the Court which was held wisest then, would prove wisest now: And upon this Principle the Earl of *Clarendon* was appointed Lord Lieutenant. That *Talbot*, however, might be kept in Temper, he was made Earl of *Tyrconnel*, and with this new Honour sent back to prosecute more effectually the Work he had so happily begun. The Prime had been hitherto Lord Chancellor, as well as one of the Lords Justices; but now the Seals were given to Sir *Charles Porter*, who having shew'd a remarkable Readiness to forward the Purposes of the Crown, and being in necessitous Circumstances, was look'd upon as a fit Person to be one of the Tools of the Times. Even the new Lieutenant himself stood more in need of his Place, than his Place of him. And hence it was likewise concluded at Court, that he would be more under the Direction of his Interest than his Conscience: But whatever was expected of them, it was not thought proper to let any Part of the Secret escape in their Instructions: On the contrary, they were directed to maintain the Act of Settlement, and to declare publicly, that it was his Majesty's express Pleasure, they should do so.

It was not till *December*, 1687, that his Excellency set out for his Government; but Lieutenant General *Tyrconnel* departed long before, and carry'd over with him very extraordinary Powers with respect to the Army; for he was authoriz'd to dismiss any Officer or Soldier, or any Numbers he pleas'd; and was furnish'd with blank Commissions, sign'd by the King, to fill up all the Vacancies he made: And his Use of these Powers was, if possible, yet more extraordinary than the Powers themselves: For, as if his Purpose was to avenge his late Disappointment on all who had the Name of Protestant, or as if an Excess of Rigour imply'd an Excess of Merit, he not only disbanded five or six thousand Common Soldiers, but stript

NUMS. LXXVIII.

them of their very Regimentals, and turn'd them out in their Shirts, to beg, steal, or starve: He also broke between two and three hundred English Officers, who had bought their Commissions, without allowing them the least Consideration; and seiz'd on all the other Horles; as also on those of certain Troopers, who had purchas'd them out of their own Pay: And instead of reimbursing the Owners, gave them Notes to the Amount of about a Quarter Part of their Value. As nothing could be more unjust and wicked than this Proceeding, so nothing could be more insolent and provoking than the Manner in which it was done; for Complaints and Petitions for Redress never fail'd to draw down Menaces and Reproaches; and he that was most injur'd, was also most abus'd.

When Soldiers were thus made Sufferers for their Religion, every other Protestant in the Kingdom had Reason to apprehend the like or worse Treatment, when Pretences could be found, and Time should serve: And these Apprehensions became yet farther reasonable, when it appear'd that Prosecutions were every where spirited up against the most active and most zealous of the Party, without any other Foundation than the Villanies and Perjuries of the Informers; and when the *Tories* were on all Sides let loose to rob them on the Highway, steal their Cattle, plunder their Houses, and commit more outrageous Barbarities than are practis'd by civiliz'd Nations in the midst of an open War. Under so many severe Visitations, Numbers grew sick of the Air and Soil; and 500 Families at once transported themselves and their Effects to the Plantations.

This, we are told, was the melancholy Situation of things when the new Lord Lieutenant and Lord Chancellor arriv'd first at *Dublin*; and so great and general was the Dependence of the People, that they drew no Comfort from their Arrival, nor expected any Benefit from their Administration: Tho' Protestants, they were Courtiers; and all such, they suppos'd, would have no Commission but to assist in devouring them.

But in this they were most agreeably disappointed; for his Excellency made it his Business to heal the almost broken Hearts of the Protestants, as far as his Powers would give him leave. He publicly declar'd, that he would take both their Religion and their Interest into his Protection. He visited the principal Parts of the Kingdom in Person, that they might be Eye-witnesses of his sincere Disposition to act in all things for their Service: And he every where caus'd Proclamations to be dispers'd, enforc'd by Rewards for bringing those infamous Robbers, just mention'd under the Name of *Tories*, to Justice. The Lord Chancellor also, threw his whole Weight into the same Scale. And thus the civil and military Branches of the Government were conducted on quite opposite and irreconcilable Principles: For Lieutenant General *Tyrconnel* had his Command independent of his Excellency, receiv'd his Orders directly from the King, and proceeded in relation to the Army with as much Fury

A. D. 1686.

The terrible Apprehensions of the Irish Protestants.

The Council-Proceedings of the Lord-Lieutenant.

It is said Earl of Tyrconnel.

His further Proceedings in punishing the Army.

A. D. 1688.

as before: So that in Effect he was Master, and the Lord Lieutenant little better than a Prisoner at large. Of this his Excellency himself began to grow sensible, when he saw with his own Eyes a Creature of Tyrconnel's commanding his own Guard of Battle-Axes, the former Captain having been disinfranchised that very Morning without his Participation or Knowledge. The Earl was going to Church with the usual State when he made this Discovery; and having demanded and receiv'd an Account of so strange a Proceeding, had the Spirit not only to discharge the one and restore the other on the Spot, but to expostulate with Tyrconnel on the Indignity which he had put upon him; who defended himself, by saying, *That he had done nothing but by the King's Orders*: To which his Excellency reply'd, *That while his Majesty entrusted him with the Government, he would not be dispos'd of by his Lieutenant-General.*

From the unfriendly Collisions of the Great, Fire is sure to follow: Both thought themselves injur'd: Both made their Complaints to the King against each other; and Both us'd their utmost Endeavours to prepossess the Cabinet in their Favour. Who had the better of the Contest, we shall see in its Place. And in the mean time, we must resume the Thread of Affairs in England.

Five Catholic Peers introduced into the English Privy Council.

Having procur'd his dispensing Power to be so solemnly recogniz'd by the Judges, the King proceeded now to unfold a little farther the Use he purpos'd to make of it, by the Admission of four Catholic Peers at once to the Council-Board; namely, (z) the Earl of *Prussia*, the Lord *Arundel of Wardour*, the Lord *Bellasis*, and the Lord *Dover*: And as if he had so firmly establish'd his Superi-

ority over the Laws, as to be above all Concern for the good or ill Will of his People, public Notice was given of it in the Gazette.

His People were, indeed, in the Condition of the Lion in the Fable; they had fallen in Love with the Prerogative; and to make their Courtship more acceptable, they had consented to have their Teeth drawn, and their Nails par'd: The King, on the contrary, had the Cudgel in his Hand, and shew'd himself in a Disposition to make effectual Use of it on the first Provocation. He had, early in the Summer, assembled his Forces on *Hounslow-Heath*; had repair'd thither in Person; had open'd a Chapel at his Head Quarters, where Mass was every Day publicly celebrated; and had spread his Missionaries thro' the Camp, that the Soldiers might be led to think it a Matter of Conscience, as well as Duty, to obey his Commands implicitly: Hence it was rightly concluded, That as he had no foreign War upon his Hands, nor Prospect of any, the only Service expected of them was to bridle their Fellow-subjects: And this it was to well know they were abundantly able to do, that those who were most concern'd for the Maintenance of the Public Liberties, and were most clearly convinc'd, that they might legally resist an illegal Force, as this certainly was, saw no other way as yet to follow the great Dictate of Nature, Self-preservation, than by courting the very Power they fear'd.

Thus we find Mr. *Jackson* (who has been already mention'd as Chaplain to the late Lord *Ruffel*, and as Author of *Julian the Apollate*) about this time, setting forth his *humble and hearty (a) Address* to all the English Protestants in the Army, not to make themselves

A. D. 1688.

The Army assembled at Hounslow-Heath.

(a) The Reader will recollect, that the three last of these Peers had the merit of being Sufferers for the Cause in the former Reign: And tho' the Lord *Stafford's* Bill had stuck in the House of Commons, his Majesty had found out a Way to do Justice to that Family, by creating the Heir of it an Earl, whereas his Father was but a Viscount.

(a) *Yes*. "Gentlemen, next to the Duty we owe to God, which ought to be the principal Care of Men of your Profession, who carry your Lives in your Hands, and often look Death in the Face, in the Service of your native Country, wherein you draw your first Breaths, and breathe a free English Air! Now I desire you to consider how you will comply with these two main Points, by engaging in the present Service. Is it in the Name of God for his Service, that you have join'd yourselves with *Popes*? Who indeed shall fight for the *New Book*, but will burn the *Bible*, and who seek to extirpate the *Protestant Religion* with your Swords, because they cannot do it with their own? And will you be aiding and assisting to fit up *Majesties*, to erect that Kingdom of Darkness and Delusion among us, and train up all our Children to *Popery*? How can you do these things, and call yourselves *Protestants*? What Service can you do your Country, by being under the Command of *French* and *Irish* *Popes*, and by bringing your Nation under a foreign Yoke? Will you help them to make forcible Entry into the Houses of your Countrymen, under the Name of *Quartering*, contrary to *Magna Charta* and *Petition of Right*? Will you be aiding and assisting to all the Murders and Outrages which they shall commit by their said Commissions, which were designed *Ways*, and sufficiently blam'd by both Houses of Parliament: Where had been any Need of it? For it was very well known before, that a *Popish* cannot have a Commission, but by Law it is utterly disabled and determin'd. Will you encourage your Bishops of *English* Laws and Liberties, for *Married* and *Club-Law*; and help to destroy all others, only at last to be crams of yourselves? If I know you well, as you are *Englishmen*, you hate and abhor these things: Therefore do not illegally yoke up with Idolatry and bloody

*Popes*. Be cautious for the Truth, and love yourselves Men. The same Considerations are humbly offer'd to all English Seamen, who have been the Bulwark of this Nation, against *Popery* and *Slavery*, ever since 1588."

While the House of Commons had the King's Demand before them in relation to a standing Army, the same Author also set forth the following Paper.

Several Reasons for the Establishment of a standing Army, and the dissolving the Militia.

1. Because the Lords, Lieutenants, Deputy-Lieutenants, and the whole Militia, that is to say, the Lords, Gentlemen, and Freeholders of England, are not fit to be trusted with their own Laws, Lives, Liberties, and Estates and therefore ought to have Guardians and Keepers assign'd them.

2. Because *mercenary Soldiers* who fight for Twenty-pence a Day, will fight better, in saving more to lose, than either the Nobility or Gentry.

3. Because there are no *Irish* Papists in the Militia, who are certainly the best Soldiers in the World: for they have Irish Men, Women, and Children, by hundreds of thousands at once.

4. Because the *Drummers* have made more Converts, than all the Bishops and Clergy of France.

5. The Parliament ought to establish one Standing Army at the least, because indeed there will be need of two, that one of them may defend the People from the other.

6. Because it is a thousand Pities, that a brave *Popish* Army should be a Riot.

7. Unless it be establish'd by Act of Parliament, the persons of Peace will be forc'd to support it in their own Defence: for they will be lock'd out farther thro' every Day they ride, out of Complaisance to a *Popish* *Road*. 23 H. IV. c. 2. 2 H. V. c. 2.

8. Because a *Popish* Army is a *Nollis*. For all Papists are utterly disabled (and punishable besides) from bearing any Office in Camp, Troop, Band, or Company of Soldiers, and are to be distrust'd by Law, that they cannot be any Service to be made in their Defence, without the Allowance of their

Justice



themselves the Tools of the *Papists* to enslave their Country, and subvert their Religion. And so fearful did the Court appear of the Effects of this and the like Paper-Barricades, that having discovered who was the Author, they resolv'd to proceed against him with the utmost Severity. Accordingly he was prosecuted for it in the *King's-Bench*; and, being convicted was sentenc'd to stand in the Pillory three times, and to be whipt from *Newgate* to *Tyburn*, which barbarous Sentence was yet farther aggravated by the Insults and Reproaches of him who pronounced it: Nor was this all, for to render his Punishment still more grievous and insupportable, it was mov'd by certain Courtiers, that out of respect to the Church, he might first be degraded; which was accordingly done: Mr. *Johnson* all the while remonstrating to the *(b)* Divines who officiated on that Occasion, "That they were making Rods for themselves: And how much he was griev'd, that since all he had written was design'd to keep their Gowns on their Backs, they should be made the unhappy Instruments to pull off his." An Attempt was made to get the whipping Part of the Sentence remitted, by an Offer of two hundred Pounds Consideration-Money to a *Papish* Priest, who, it seems, us'd his Endeavours, but could not prevail; his Majesty's most gracious Answer being, "That since Mr. *Johnson* had the Spirit of Martyrdom in him, it was fit he should suffer:" And no Martyr ever did suffer with more Fortitude than he; for we are told that, under the Agony of *(c)* three hundred and seventeen Lashes with a Cat-o-nine-Tails, he he was so far from fainting, that, had he not thought it would have look'd like vain Glory, he could have sung a Psalm with as much Composure and Cheerfulness as ever he had done in the Church.

This was a Warning to the *Prest*; and while this Prosecution was depending, to let the Soldiers see what they had to expect in case they swerv'd from their Duty, Two of them were hang'd by the Sentence of a Court-Martial for running from their Colours, tho' such Courts were then wholly unknown to our Constitution. That the Subjects in general might also be terrify'd from making too free with the Rights or Claims of Majesty, *Wolstaker* the Solicitor was condemn'd to pay a Fine of a thousand Marks for justifying the Rebellion of Forty-One, and the Murder of *Charles I.*

The Clergy, his Majesty had reason to believe, were ty'd down by their own Doctrines of *Passive Obedience* and *Non-Resistance*,

which they had promulgated with so much Warmth and Eagerness in the preceding Reign, from giving him the least Molestation; as also by the express Commands which he had so lately communicated to them, in relation to the Abuse of Preaching by the Intermixture of Politics and Religion; and any Deviation into the crooked Paths of Controversy, instead of jogging on in the plain, beaten Roads prescrib'd by the *Hollies, &c.* And thus, to all Appearance, it seem'd, that he had effectually stop't up every Avenue by which Discontent or Disaffection might find Entrance to disorder his Schemes, or raise the Dust of Popularity about his Throne.

But the Clergy had their Reserves, it seems, which the King, tho' so conversant with the Jesuits, was not aware of. These Doctrines of theirs were only calculated to enable his Majesty to tread down the Laity. It was fit for them to crouch down like *Issachar's* Ass under a double Load, and to obey their Drivers, tho' an Angel stood in their Way: But the Church was ever understood to be either militant or triumphant; and, consequently, when Danger appear'd, it was her Duty to found immediately to Arms. Mr. *Eobard* makes it his Boast, that the King's Letter relating to *Preachers*, and the Menaces it was accompany'd with, of exacting the full Value of their First Fruits and Tithes, and of laying them open to all the Mischiefs that the Displeasure of the Crown could bring upon them, were so far from being regarded, that the Chief of the Clergy did more to vindicate the Doctrine of their own Church, and expose the Errors of that of *Rome*, both in their Sermons and Writings, than had ever been done either abroad or at home since the Reformation. These Writings he is pleas'd to characterize by the Stile of *glorious*: The Authors of them he calls, *The Church of England-Heretics*: And the Causes of this sudden and vigorous Exertion of so much clerical Genius and Spirit he thus enumerates. "The Laws of *England*, by the Breach of a few mercenary Judges, in effect, were basely given up into the Power and Will of the King. The *Roman-Catholics* made it their Business to derive all possible Advantage from it. The free and open Exercise of their Religion was set up every where, and *Jesuits* Schools and Seminaries were erected not only in *London*, but also in the most considerable Towns in the Nation. The Church of *England* had now but a precarious Title to be the National Church, and began to see the impending Dangers, which, being increased by the slavish *(d)* Compliance of some few of her Members,

now

Justice of Peace of the County: And then upon a March they will be perfectly incanted; for they are notable to sit above five Miles from their own Ditching-house. 3 Jan. 1702. 1703. 1704. 1705. 1706. 1707. 1708. 1709. 1710. 1711. 1712. 1713. 1714. 1715. 1716. 1717. 1718. 1719. 1720. 1721. 1722. 1723. 1724. 1725. 1726. 1727. 1728. 1729. 1730. 1731. 1732. 1733. 1734. 1735. 1736. 1737. 1738. 1739. 1740. 1741. 1742. 1743. 1744. 1745. 1746. 1747. 1748. 1749. 1750. 1751. 1752. 1753. 1754. 1755. 1756. 1757. 1758. 1759. 1760. 1761. 1762. 1763. 1764. 1765. 1766. 1767. 1768. 1769. 1770. 1771. 1772. 1773. 1774. 1775. 1776. 1777. 1778. 1779. 1780. 1781. 1782. 1783. 1784. 1785. 1786. 1787. 1788. 1789. 1790. 1791. 1792. 1793. 1794. 1795. 1796. 1797. 1798. 1799. 1800. 1801. 1802. 1803. 1804. 1805. 1806. 1807. 1808. 1809. 1810. 1811. 1812. 1813. 1814. 1815. 1816. 1817. 1818. 1819. 1820. 1821. 1822. 1823. 1824. 1825. 1826. 1827. 1828. 1829. 1830. 1831. 1832. 1833. 1834. 1835. 1836. 1837. 1838. 1839. 1840. 1841. 1842. 1843. 1844. 1845. 1846. 1847. 1848. 1849. 1850. 1851. 1852. 1853. 1854. 1855. 1856. 1857. 1858. 1859. 1860. 1861. 1862. 1863. 1864. 1865. 1866. 1867. 1868. 1869. 1870. 1871. 1872. 1873. 1874. 1875. 1876. 1877. 1878. 1879. 1880. 1881. 1882. 1883. 1884. 1885. 1886. 1887. 1888. 1889. 1890. 1891. 1892. 1893. 1894. 1895. 1896. 1897. 1898. 1899. 1900. 1901. 1902. 1903. 1904. 1905. 1906. 1907. 1908. 1909. 1910. 1911. 1912. 1913. 1914. 1915. 1916. 1917. 1918. 1919. 1920. 1921. 1922. 1923. 1924. 1925. 1926. 1927. 1928. 1929. 1930. 1931. 1932. 1933. 1934. 1935. 1936. 1937. 1938. 1939. 1940. 1941. 1942. 1943. 1944. 1945. 1946. 1947. 1948. 1949. 1950. 1951. 1952. 1953. 1954. 1955. 1956. 1957. 1958. 1959. 1960. 1961. 1962. 1963. 1964. 1965. 1966. 1967. 1968. 1969. 1970. 1971. 1972. 1973. 1974. 1975. 1976. 1977. 1978. 1979. 1980. 1981. 1982. 1983. 1984. 1985. 1986. 1987. 1988. 1989. 1990. 1991. 1992. 1993. 1994. 1995. 1996. 1997. 1998. 1999. 2000. 2001. 2002. 2003. 2004. 2005. 2006. 2007. 2008. 2009. 2010. 2011. 2012. 2013. 2014. 2015. 2016. 2017. 2018. 2019. 2020. 2021. 2022. 2023. 2024. 2025. 2026. 2027. 2028. 2029. 2030. 2031. 2032. 2033. 2034. 2035. 2036. 2037. 2038. 2039. 2040. 2041. 2042. 2043. 2044. 2045. 2046. 2047. 2048. 2049. 2050. 2051. 2052. 2053. 2054. 2055. 2056. 2057. 2058. 2059. 2060. 2061. 2062. 2063. 2064. 2065. 2066. 2067. 2068. 2069. 2070. 2071. 2072. 2073. 2074. 2075. 2076. 2077. 2078. 2079. 2080. 2081. 2082. 2083. 2084. 2085. 2086. 2087. 2088. 2089. 2090. 2091. 2092. 2093. 2094. 2095. 2096. 2097. 2098. 2099. 2100. 2101. 2102. 2103. 2104. 2105. 2106. 2107. 2108. 2109. 2110. 2111. 2112. 2113. 2114. 2115. 2116. 2117. 2118. 2119. 2120. 2121. 2122. 2123. 2124. 2125. 2126. 2127. 2128. 2129. 2130. 2131. 2132. 2133. 2134. 2135. 2136. 2137. 2138. 2139. 2140. 2141. 2142. 2143. 2144. 2145. 2146. 2147. 2148. 2149. 2150. 2151. 2152. 2153. 2154. 2155. 2156. 2157. 2158. 2159. 2160. 2161. 2162. 2163. 2164. 2165. 2166. 2167. 2168. 2169. 2170. 2171. 2172. 2173. 2174. 2175. 2176. 2177. 2178. 2179. 2180. 2181. 2182. 2183. 2184. 2185. 2186. 2187. 2188. 2189. 2190. 2191. 2192. 2193. 2194. 2195. 2196. 2197. 2198. 2199. 2200. 2201. 2202. 2203. 2204. 2205. 2206. 2207. 2208. 2209. 2210. 2211. 2212. 2213. 2214. 2215. 2216. 2217. 2218. 2219. 2220. 2221. 2222. 2223. 2224. 2225. 2226. 2227. 2228. 2229. 2230. 2231. 2232. 2233. 2234. 2235. 2236. 2237. 2238. 2239. 2240. 2241. 2242. 2243. 2244. 2245. 2246. 2247. 2248. 2249. 2250. 2251. 2252. 2253. 2254. 2255. 2256. 2257. 2258. 2259. 2260. 2261. 2262. 2263. 2264. 2265. 2266. 2267. 2268. 2269. 2270. 2271. 2272. 2273. 2274. 2275. 2276. 2277. 2278. 2279. 2280. 2281. 2282. 2283. 2284. 2285. 2286. 2287. 2288. 2289. 2290. 2291. 2292. 2293. 2294. 2295. 2296. 2297. 2298. 2299. 2300. 2301. 2302. 2303. 2304. 2305. 2306. 2307. 2308. 2309. 2310. 2311. 2312. 2313. 2314. 2315. 2316. 2317. 2318. 2319. 2320. 2321. 2322. 2323. 2324. 2325. 2326. 2327. 2328. 2329. 2330. 2331. 2332. 2333. 2334. 2335. 2336. 2337. 2338. 2339. 2340. 2341. 2342. 2343. 2344. 2345. 2346. 2347. 2348. 2349. 2350. 2351. 2352. 2353. 2354. 2355. 2356. 2357. 2358. 2359. 2360. 2361. 2362. 2363. 2364. 2365. 2366. 2367. 2368. 2369. 2370. 2371. 2372. 2373. 2374. 2375. 2376. 2377. 2378. 2379. 2380. 2381. 2382. 2383. 2384. 2385. 2386. 2387. 2388. 2389. 2390. 2391. 2392. 2393. 2394. 2395. 2396. 2397. 2398. 2399. 2400. 2401. 2402. 2403. 2404. 2405. 2406. 2407. 2408. 2409. 2410. 2411. 2412. 2413. 2414. 2415. 2416. 2417. 2418. 2419. 2420. 2421. 2422. 2423. 2424. 2425. 2426. 2427. 2428. 2429. 2430. 2431. 2432. 2433. 2434. 2435. 2436. 2437. 2438. 2439. 2440. 2441. 2442. 2443. 2444. 2445. 2446. 2447. 2448. 2449. 2450. 2451. 2452. 2453. 2454. 2455. 2456. 2457. 2458. 2459. 2460. 2461. 2462. 2463. 2464. 2465. 2466. 2467. 2468. 2469. 2470. 2471. 2472. 2473. 2474. 2475. 2476. 2477. 2478. 2479. 2480. 2481. 2482. 2483. 2484. 2485. 2486. 2487. 2488. 2489. 2490. 2491. 2492. 2493. 2494. 2495. 2496. 2497. 2498. 2499. 2500. 2501. 2502. 2503. 2504. 2505. 2506. 2507. 2508. 2509. 2510. 2511. 2512. 2513. 2514. 2515. 2516. 2517. 2518. 2519. 2520. 2521. 2522. 2523. 2524. 2525. 2526. 2527. 2528. 2529. 2530. 2531. 2532. 2533. 2534. 2535. 2536. 2537. 2538. 2539. 2540. 2541. 2542. 2543. 2544. 2545. 2546. 2547. 2548. 2549. 2550. 2551. 2552. 2553. 2554. 2555. 2556. 2557. 2558. 2559. 2560. 2561. 2562. 2563. 2564. 2565. 2566. 2567. 2568. 2569. 2570. 2571. 2572. 2573. 2574. 2575. 2576. 2577. 2578. 2579. 2580. 2581. 2582. 2583. 2584. 2585. 2586. 2587. 2588. 2589. 2590. 2591. 2592. 2593. 2594. 2595. 2596. 2597. 2598. 2599. 2600. 2601. 2602. 2603. 2604. 2605. 2606. 2607. 2608. 2609. 2610. 2611. 2612. 2613. 2614. 2615. 2616. 2617. 2618. 2619. 2620. 2621. 2622. 2623. 2624. 2625. 2626. 2627. 2628. 2629. 2630. 2631. 2632. 2633. 2634. 2635. 2636. 2637. 2638. 2639. 2640. 2641. 2642. 2643. 2644. 2645. 2646. 2647. 2648. 2649. 2650. 2651. 2652. 2653. 2654. 2655. 2656. 2657. 2658. 2659. 2660. 2661. 2662. 2663. 2664. 2665. 2666. 2667. 2668. 2669. 2670. 2671. 2672. 2673. 2674. 2675. 2676. 2677. 2678. 2679. 2680. 2681. 2682. 2683. 2684. 2685. 2686. 2687. 2688. 2689. 2690. 2691. 2692. 2693. 2694. 2695. 2696. 2697. 2698. 2699. 2700. 2701. 2702. 2703. 2704. 2705. 2706. 2707. 2708. 2709. 2710. 2711. 2712. 2713. 2714. 2715. 2716. 2717. 2718. 2719. 2720. 2721. 2722. 2723. 2724. 2725. 2726. 2727. 2728. 2729. 2730. 2731. 2732. 2733. 2734. 2735. 2736. 2737. 2738. 2739. 2740. 2741. 2742. 2743. 2744. 2745. 2746. 2747. 2748. 2749. 2750. 2751. 2752. 2753. 2754. 2755. 2756. 2757. 2758. 2759. 2760. 2761. 2762. 2763. 2764. 2765. 2766. 2767. 2768. 2769. 2770. 2771. 2772. 2773. 2774. 2775. 2776. 2777. 2778. 2779. 2780. 2781. 2782. 2783. 2784. 2785. 2786. 2787. 2788. 2789. 2790. 2791. 2792. 2793. 2794. 2795. 2796. 2797. 2798. 2799. 2800. 2801. 2802. 2803. 2804. 2805. 2806. 2807. 2808. 2809. 2810. 2811. 2812. 2813. 2814. 2815. 2816. 2817. 2818. 2819. 2820. 2821. 2822. 2823. 2824. 2825. 2826. 2827. 2828. 2829. 2830. 2831. 2832. 2833. 2834. 2835. 2836. 2837. 2838. 2839. 2840. 2841. 2842. 2843. 2844. 2845. 2846. 2847. 2848. 2849. 2850. 2851. 2852. 2853. 2854. 2855. 2856. 2857. 2858. 2859. 2860. 2861. 2862. 2863. 2864. 2865. 2866. 2867. 2868. 2869. 2870. 2871. 2872. 2873. 2874. 2875. 2876. 2877. 2878. 2879. 2880. 2881. 2882. 2883. 2884. 2885. 2886. 2887. 2888. 2889. 2890. 2891. 2892. 2893. 2894. 2895. 2896. 2897. 2898. 2899. 2900. 2901. 2902. 2903. 2904. 2905. 2906. 2907. 2908. 2909. 2910. 2911. 2912. 2913. 2914. 2915. 2916. 2917. 2918. 2919. 2920. 2921. 2922. 2923. 2924. 2925. 2926. 2927. 2928. 2929. 2930. 2931. 2932. 2933. 2934. 2935. 2936. 2937. 2938. 2939. 2940. 2941. 2942. 2943. 2944. 2945. 2946. 2947. 2948. 2949. 2950. 2951. 2952. 2953. 2954. 2955. 2956. 2957. 2958. 2959. 2960. 2961. 2962. 2963. 2964. 2965. 2966. 2967. 2968. 2969. 2970. 2971. 2972. 2973. 2974. 2975. 2976. 2977. 2978. 2979. 2980. 2981. 2982. 2983. 2984. 2985. 2986. 2987. 2988. 2989. 2990. 2991. 2992. 2993. 2994. 2995. 2996. 2997. 2998. 2999. 3000. 3001. 3002. 3003. 3004. 3005. 3006. 3007. 3008. 3009. 3010. 3011. 3012. 3013. 3014. 3015. 3016. 3017. 3018. 3019. 3020. 3021. 3022. 3023. 3024. 3025. 3026. 3027. 3028. 3029. 3030. 3031. 3032. 3033. 3034. 3035. 3036. 3037. 3038. 3039. 3040. 3041. 3042. 3043. 3044. 3045. 3046. 3047. 3048. 3049. 3050. 3051. 3052. 3053. 3054. 3055. 3056. 3057. 3058. 3059. 3060. 3061. 3062. 3063. 3064. 3065. 3066. 3067. 3068. 3069. 3070. 3071. 3072. 3073. 3074. 3075. 3076. 3077. 3078. 3079. 3080. 3081. 3082. 3083. 3084. 3085. 3086. 3087. 3088. 3089. 3090. 3091. 3092. 3093. 3094. 3095. 3096. 3097. 3098. 3099. 3100. 3101. 3102. 3103. 3104. 3105. 3106. 3107. 3108. 3109. 3110. 3111. 3112. 3113. 3114. 3115. 3116. 3117. 3118. 3119. 3120. 3121. 3122. 3123. 3124. 3125. 3126. 3127. 3128. 3129. 3130. 3131. 3132. 3133. 3134. 3135. 3136. 3137. 3138. 3139. 3140. 3141. 3142. 3143. 3144. 3145. 3146. 3147. 3148. 3149. 3150. 3151. 3152. 3153. 3154. 3155. 3156. 3157. 3158. 3159. 3160. 3161. 3162. 3163. 3164. 3165. 3166. 3167. 3168. 3169. 3170. 3171. 3172. 3173. 3174. 3175. 3176. 3177. 3178. 3179. 3180. 3181. 3182. 3183. 3184. 3185. 3186. 3187. 3188. 3189. 3190. 3191. 3192. 3193. 3194. 3195. 3196. 3197. 3198. 3199. 3200. 3201. 3202. 3203. 3204. 3205. 3206. 3207. 3208. 3209. 3210. 3211. 3212. 3213. 3214. 3215. 3216. 3217. 3218. 3219. 3220. 3221. 3222. 3223. 3224. 3225. 3226. 3227. 3228. 3229. 3230. 3231. 3232. 3233. 3234. 3235. 3236. 3237. 3238. 3239. 3240. 3241. 3242. 3243. 3244. 3245. 3246. 3247. 3248. 3249. 3250. 3251. 3252. 3253. 3254. 3255. 3256. 3257. 3258. 3259. 3260. 3261. 3262. 3263. 3264. 3265. 3266. 3267. 3268. 3269. 3270. 3271. 3272. 3273. 3274. 3275. 3276. 3277. 3278. 3279. 3280. 3281. 3282. 3283. 3284. 3285. 3286. 3287. 3288. 3289. 3290. 3291. 3292. 3293. 3294. 3295. 3296. 3297. 3298. 3299. 3300. 3301. 3302. 3303. 3304. 3305. 3306. 3307. 3308. 3309. 3310. 3311. 3312. 3313. 3314. 3315. 3316. 3317. 3318. 3319. 3320. 3321. 3322. 3323. 3324. 3325. 3326. 3327. 3328. 3329. 3330. 3331. 3332. 3333. 3334. 3335. 3336. 3337. 3338. 3339. 3340. 3341. 3342. 3343. 3344. 3345. 3346. 3347. 3348. 3349. 3350. 3351. 3352. 3353. 3354. 3355. 3356. 3357. 3358. 3359. 3360. 3361. 3362. 3363. 3364. 3365. 3366. 3367. 3368. 3369. 3370. 3371. 3372. 3373. 3374. 3375. 3376. 3377. 3378. 3379. 3380. 3381. 3382. 3383. 3384. 3385. 3386. 3387. 3388. 3389. 3390. 3391. 3392. 3393. 3394. 3395. 3396. 3397. 3398. 3399. 3400. 3401. 3402. 3403. 3404. 3405. 3406. 3407. 3408. 3409. 3410. 3411. 3412. 3413. 3414. 3415. 3416. 3417. 3418. 3419. 3420. 3421. 3422. 3423. 3424. 3425. 3426. 3427. 3428. 3429. 3430. 3431. 3432. 3433. 3434. 3435. 3436. 3437. 3438. 3439. 3440. 3441. 3442. 3443. 3444. 3445. 3446. 3447. 3448. 3449. 3450. 3451. 3452. 3453. 3454. 3455. 3456. 3457. 3458. 3459. 3460. 3461. 3462. 3463. 3464. 3465. 3466. 3467. 3468. 3469. 3470. 3471. 3472. 3473. 3474. 3475. 3476. 3477. 3478. 3479. 3480. 3481. 3482. 3483. 3484. 3485. 3

A. D. 1687.

now threatened the whole Body. *Romish* Candidates had already swallow'd up Ecclesiastical Preferments and Dignities in their Hopes and Expectations. Four *Roman-Catholic* Bishops were publicly consecrated in the Royal Chapel, and dispatch'd down, under the Title of *Vicars Apostolical*, to exercise their Episcopical Functions in their respective Dioceses; and their Pastoral Letters, directed to the Lay-Catholics of England, were dispers'd about the Country, and printed by the King's own Printer, with public Licence. Their regular Clergy appear'd in their Habits at *Whitehall* and *St. James's*, and made no Scruple to tell the Protestants, That they help'd in a little time to walk in Procession through *Cheapside*. The Building of *St. Paul's* Cathedral was carry'd on with greater Vigour than before, in Expectation that it would in time turn to the Benefit of the Papists. A mighty Harvest of new Converts were now expected; and that Labourers might not be wanting, whole Flocks of Priests and Regulars were sent from beyond Sea to reap it: In sum, the only Step to Preferment was to be of the King's Religion, or a Promoter of it, since all important Affairs were manag'd in the Privy-Council by Catholics, and some few others, whose Actions were more difficult to excuse or extenuate.

The Clergy  
turn Patriots.

While the Laity only felt the Weight of the Prerogative, the Pulpits rang with the Duty of implicit Obedience; and while oppressive Laws were multiply'd against Protestant Dissenters, and executed with the utmost Rigour, it was represented as seditious to contend for Relief against them, or even to assert the Rights of Nature and of Reason: But now the Church was in Danger, *pro Aris & Focis* was the Cry; and it was held not only lawful but meritorious to wrestle with the Crown, and to interest Heaven and Earth in the Quarrel.

The Case of  
Dr. Sharp.

To come to Particulars: *Dr. Sharp*, Rector of *St. Giles's* (call'd by Father *Orleans*, *The railing Parson*) having in the Course of his Sermons given Offence, by touching on the Points prohibited by the King's Letters, had a Piece of Paper put into his Hand as he was one Day coming out of his Pulpit, which at once challeng'd and defy'd him to make good those obnoxious Passages. The Doctor, it seems, thought his own Church the safest and properest Place to carry on the Controversy, and his own Congregation the fittest Judges. Accordingly, he made a set Discourse for this extraordinary Purpose; and having consulted his Adversary, proceeded to shew how unreasonable it was for Protestants to change their Religion on these Grounds; ergo, the Doctor had preach'd against the King, and ought to be made an Example: But according to the ordinary Government of the Church, this could only be done by the Authority of his

Diocesan the Bishop of London, who was deeply embark'd in the same Cause, and upon whom it was already decreed that the Vengeance of the Court should fall, as soon as any Pretence could be found, or a favourable Crisis should offer: Both, it was understood, were now within Reach; and that proper Use might immediately be made of them, *Attorney* the Messenger was sent with a Letter from the King to the Bishop, importing, "That whereas *Sharp*, in Contempt of the Directions concerning Preachers, which his Majesty had caus'd to be set forth, had presum'd to make some unbecoming Reflections, and to utter such expressions as were not fit or proper for him, as having a Tendency to beget in the Minds of his Hearers an evil Opinion of his Majesty and his Government, to make them discontented with both, and to lead them into Disobedience and Rebellion, it was his Majesty's Command, that he should immediately suspend the said *Sharp* till he had given his Majesty Satisfaction, and till his Majesty's farther Pleasure should be known." As nothing could be more positive than the Mandate, so there was nothing within the Power of the Court which the Bishop had not to apprehend from his Disobedience. But the Time was now come when Bishops were to become Patriots, and to contend for the Laws against the Prerogative. Notwithstanding therefore, the King had signify'd, that his Letter should be his Lordship's Warrant, that Prelate in his Answer, which was address'd to the Lord-President, *Sunderland*, took the Liberty to make his Confidence the Director of his Obedience. "I am duty to obey, said he, and shall, count it my Duty to obey the King in whatever Commands he lays upon me, that I can perform with a safe Confidence. But in this I humbly conceive, I am oblig'd to proceed according to Law; and therefore, it is impossible for me to comply; because tho' his Majesty commands me only to execute his Pleasure, yet in the Capacity I am to do it, I must act as a Judge; and your Lordship knows no Judge condemns any Man before he has Knowledge of the Cause, and has cited the Party." This was firm and honest; and by way of Softener, it was added, that *Dr. Sharp* was so ready to give his Majesty all reasonable Satisfaction, that he had thought it fit to make him the Bearer of the Letter. But neither the Letter nor the Bearer were acceptable; no Answer was return'd; and either in dread of something worse to follow, or to heap Coals of Fire on the Heads of his Prosecutors, the Doctor, on the Sunday following, waited on the King at *Whitehall* with a humble Petition, setting forth his Affliction at falling under his Majesty's Displeasure; declaring, that in Submission to his Command he had forborne all public Exercise of his Function; that as a Preacher he had made it his faithful Endeavour to serve both his Majesty and his Royal Brother to the best of his Ability; that instead of writing any thing in the Pulpit tending to Schism or Faction, or any way to the Disturbance of

A. D. 1688.

But refuse.

Sharp's Petition to the King.

the Government, he had always set himself against all sorts of Doctrines and Principles which look'd that way; inferring from hence, that his Discourses must have been misrepresented to his Majesty; but, withal, solemnly protesting, that if any Words or Expressions in any Sermon of his had been capable of such Constructions as might offend his Majesty, he had no ill Intentions, was very sorry for them, was resolv'd to be so careful for the future, in the Discharge of his Duty, that his Majesty should have reason to believe him to be his most faithful Subject; and upon the whole, praying that his Majesty would lay aside the Displeasure he had conceiv'd against him, and restore him to that Favour, which the rest of the Clergy enjoy'd under his Majesty's most gracious Government.

The ecclesiastical  
Commission.

All was in vain; Having his Eye fix'd on Punishment, his Majesty, as in former Cases, would not compound for Submission: The Bishop was now in the Toils as well as the Doctor, and it was resolv'd that the Former should suffer for having screen'd the Latter. So long ago as April, it seems, it had been foreseen, that the ordinary Government of the Church would not answer the Views of the Court; and, therefore, an extraordinary Commission was provided, by which every Ecclesiastic in the Kingdom was made liable to whatever ecclesiastical Censures a motley Junto of Court-tools might be instructed to lay upon them. This was such an Exertion of the King's Supremacy, as had never been heard of since the High-Commission Court was abolish'd by Act of Parliament, 17 Car. I. nor could the like have ever been heard of again, if that Act had been left in its full Force; for it farther provided, that no new Court should be erected with like Power, Jurisdiction, and Authority: That whoever was convicted of any Offence prohibited by that Statute, should be utterly incapable of continuing in Office, &c. But it being apprehended from some other Clauses in this Act, that the Ax was thereby laid to the Root of all Ecclesiastical Power, the Idolaters of the Church to manag'd it, that in the 13th of Charles II. another Act was pass'd to secure the Clames and Prerogatives of the Bishops Courts against the Edge of the former; in which it was expressly declar'd, That nothing in the said former Act did or should take away the ordinary Power of the Archbishops, Bishops, &c. And that every Clause of the said Act, except those which related to the High Commission Court was thereby repeal'd. And hence the Popish Party thought they had a Right to infer, That there was no other Power taken from the Ecclesiastical Commissioners, than that of suing, imprisoning, or tendering the Oath *ex officio*: That so much was suppress'd by the 17th of Charles I. and no more: That an Ecclesiastical Court exercising this Power, was put down, and the erecting the like for the Time to come strictly forbidden; but that the Court now set up by King James, was not like to that, since it pretended not to fine or imprison, or tender the Oath *ex officio*, but kept within the Bounds of Ecclesiastical

Censures. And farther they boldly averr'd, That the Court held by his Majesty's Ecclesiastical Commissioners, was more legal than Doctor's Commons, and the Bishops Courts, the first being in the King's Name, and the other only in the Name of the Archbishops and Bishops. "And thus, says Mr. *Behard*, the Papiſts, supported by a King of their own Religion, worſhiped the Proteſtants, [or rather their Priests] with their own Weapons, and made Use of those very Statutes against them, which were chiefly design'd to discountenance Popery." Or, as the Archdeacon should have said, to maintain their own Dominion over their Fellow-subjects.

A. D. 1685.

The Commission itself was at first, for Form sake, addressed to the Archbishop of Canterbury, *Sanerſt*; the Bishop of Durham, *Cecro*; the Bishop of Rochester, *Sprat*; the Lord Chancellor *Jeffreys*; the Lord High Treasurer *Rochester*; the Lord President *Sunderland*, and the Lord Chief-Justice *Herbert*: So that the Laity had the Majority; and what is still more remarkable, the Court could not be held, except in the Presence of the Lord Chancellor. As to their Powers, they were so full, and so extraordinary, that only the very Words of the Commission can give Posterity a proper Idea of them. "We, says the Edict Royal, for divers good, weighty, and necessary Causes and Considerations us hereunto especially moving, of our mere Motion and certain Knowledge, by force and virtue of our Supreme Authority and Prerogative Royal, do assign, name, and authorize, by these our Letters Patents under the Great Seal of England, you the said Lord Archbishop of Canterbury, &c. from time to time, and at all times during our Pleasure, [these are the Words of the Commission] to exercise, use, occupy and execute under us, all manner of Jurisdiction, Privileges, and Pre-eminences, in any wise touching or concerning any spiritual or ecclesiastical Jurisdictions, within this our Realm of England and Dominion of Wales; and to visit, reform, redress, correct, and amend all such Abuses, Offences, Contempts and Enormities whatsoever, which by the spiritual or ecclesiastical Laws of this Realm can or may be lawfully reform'd, order'd, redress'd, corrected, restrain'd, or amended, to the Pleasure of Almighty God, and Increase of Virtue, and the Conservation of the Peace and Unity of this Realm. And we do hereby give and grant unto you, by force of our Supreme Authority and Prerogative Royal, full Power and Authority, from time to time, and at all times during our Pleasure, under us, to exercise, use, and execute, all the Premises, according to the Tenor and Effect of these our Letters Patents, any Matter or Cause to the contrary in any wise notwithstanding. And by all lawful Ways and Means, from time to time hereafter, during our Pleasure, to enquire of all Offences, Contempts, Transgressions, and Misdemeanors, done and committed contrary to the ecclesiastical Laws of this our Realm, in any County, City, Borough, or other Place or Places, exempt or not exempt, within this our Realm of England and Dominion

1 D. 1686. minion of *Wales*; and all and every of the Offender or Offenders therein, and them and every of them, to order, correct, reform, and punish, by Censure of the Church. And to enquire of, search out, and call before you, all and every ecclesiastical Person or Persons, of what Degree or Dignity soever, as shall offend in any one of these Particulars before-mention'd; and them and every of them to correct and punish, for such their Misbehaviours and Misdemeanors, by suspending or depriving them from all Promotions ecclesiastical, and from all Functions in the Church; and to inflict other Punishments or Censures upon them, according to the ecclesiastical Laws of this Realm. And also all such as shall seem to be suspected Persons in any of the Premises, which you shall object against them, and to proceed against them, as the Nature and the Quality of the Offence, or Suspicion, in that behalf shall require; and also to call all such Witnesses, or any other Person or Persons that can inform you concerning any of the Premises, and them and every of them to examine upon their corporal Oaths, for the better Trial and Opening of the Truth of the Premises, or any Part thereof: And if you shall find any Person or Persons whatsoever obstinate or disobedient in their Appearance before you, at your Commandments, or else in not obeying or not accomplishing your Orders, Decrees and Commandments, or any thing touching the Premises, or any Part thereof, or any other Branch or Clause contain'd in this Commission; that then you shall have full Power and Authority to punish the same Person or Persons offending, by Excommunication, Suspension, Deprivation, or other Censures ecclesiastical: And to award such Costs and Expences of the Suit, as well to and against the Party as shall prefer or prosecute the said Offence, as to and against the Party or Parties that shall be convened, according as their Causes shall require, and to you in Justice shall be thought reasonable. And whereas our Universities of *Oxford* and *Cambridge*, and divers Cathedral and Collegiate Churches, Colleges, Grammar-schools, and other ecclesiastical Incorporations, have been erected, founded, and endowed by several of our Royal Progenitors, Kings and Queens of this Realm, and some others, by the Charity and Bounty of some of their Subjects, as well within our Universities as other Parts and Places, the Ordinances, Rules and Statutes whereof are either imbezled, lost, corrupted, or altogether impeded: We do therefore give a full Power and Authority to you, to cause or command, in our Name, all and singular the Ordinances, Rules and Statutes of our Universities, and all and every Cathedral and Collegiate Churches, Colleges, Grammar-schools, and other ecclesiastical Incorporations, together with their several Letters Patents, and other Writings, touching or in any wise concerning the several Erections or Foundations, to be brought and exhibited before you; willing, commanding and authorizing you, upon the exhibiting, and up-

on diligent and deliberate View, Search and Examination of the said Statutes, Rules and Ordinances, Letters Patents, and Writings, as in aforesaid, the same to correct, amend, and alter. And also where no Statutes are extant in all or any of the aforesaid Cases, to devise and set down such good Orders and Statutes as you shall think meet and convenient to be by us confirmed, ratified, allowed, and set forth for the better Order and Rule of the said Universities, Cathedrales, and Collegiate Churches, Colleges and Grammar-schools, Erections and Foundations, and the Possessions and Revenues of the same, as may best tend to the Honour of Almighty God, Increase of Virtue, Learning and Unity in the said Places, and the public Weal and Tranquility of this our Realm. Moreover, our Will, Pleasure, and Commandment is, That our said Commissioners, and every of you, shall diligently and faithfully execute this our Commission, and every Part and Branch thereof, in Manner and Form aforesaid, and according to the true Meaning hereof, notwithstanding any Appellation, Provocation, Privilege, or Exemption in that behalf, to be made, pretended, or alleged by any Person or Persons, resident or dwelling in any Place or Places, exempt or not exempt, within this our Realm, any LAWS, STATUTES, Proclamations or Grants, Privileges or Ordinances, which be or may seem to be contrary to the Premises, notwithstanding. Finally, we will and command all and singular other our Ministers and Subjects, in all and every Place and Places, exempt and not exempt, within our Realm of *England* and Dominion of *Wales*, upon any Knowledge or Request from you, or any three or more of you, as is aforesaid, to them or any of them given or made, to be aiding, helping and assisting unto you, and to your Commandment, in and for the due executing of your Precepts, Letters, and other Process, requisite in and for the due executing this our Commission, as they and every of them tender our Pleasure and Will, to answer the contrary at their utmost Perils. In Witness, &c.

Concerning the Commissioners, at least the Lords Spiritual, we are told by Bishop *Barnet*, in effect, That tho' the Archbishop had not the Spirit to come and enter his Protest against the Court as an Illegality, he had nevertheless the Grace to abstain from countenancing it with his Presence, under the Plea of Bodily Indisposition: That his Lordship of *Durham* glory'd in it, saying on the one hand, That now his Name would be recorded in History; and on the other, that he could not see without his Majesty's gracious Smiles: And that Dr. *Sprat* had fix'd his Eyes on the vacant Archbishopric of *York*, which he hop'd to earn by his Compliances. With regard to the Lay Lords, it may be presum'd, that they were govern'd by the like Motives: For no Man cares to forfeit the good Opinion of the People, unless for a valuable Consideration at Court; and it was scarce possible for a Countess to engage

A. D. 1686.

in a more unpopular Cause than this. Lord *Sunderland*, in his Apology, pleads the Example of *So many considerable Men of several kinds* as acted with him under that Commission, in Excuse for himself; and, yet farther, the Authority of those very Lawyers, whose Opinions in the Matter of the Dissolving Power, he acknowledges, had no Weight with him.

The Bishop of London's Case.

The very first Day they open'd their Commission, which was *August* the third, they sent a Citation to the Bishop of London to make his Appearance before them; which his Lordship obey'd, and found all but the Archbishop set in array against him. *Jeffreys*, as Chief, in the Commission, was the Mouth of the Court, and fell bluntly to the Business of the Day, by asking the Bishop, "What was the Reason he did not suspend *Dr. Sharp*, according to the King's express Command, for preaching seditiously against the Government?" To which his Lordship reply'd, "That he had been told, he could not legally do so, but by regular Process of Citation, Hearing, &c." *Jeffreys* urg'd, That he ought to have known the Law better; that the King was to be obey'd; and that it would be necessary for him to produce some better Reason. The Bishop, in Answer, humbly begg'd a Copy of the Commission, and a Copy of the Charge against him, or at least, that he might read them, or hear them read. This occasion'd a Demur; he was order'd to withdraw; and after a short time, being recall'd, was told by the Chancellor, "That neither of his Requests could be granted: That the Commission was upon Record, and might, besides, be found in every Coffee-house: That their Method of proceeding was not by Libel or Article, but by Word of Mouth: And that all that was requir'd of him was a satisfactory Answer to this short Question, *Why he did not obey the King?*" This Bishop thus hard drove, plead'd the Privilege of a Bishop, of a Lord of Parliament, and of one who had a public Trust to answer for; and considering the Seal of the Year, and that the Civilians were not in Town, desir'd, that he might be allow'd sufficient time to make his Defence. Till the next Term he demanded; but he obtain'd no more than six Days, *Jeffreys* saying, "That it was unreasonable, that the King's Business should be retarded by such long Delays." At his second Appearance, the Bishop was accompany'd by his

Nephew the Earl of *Northampton*, his Brother, *Sir Francis Compton*, and his Brother-in-law, *Sir John Nicholas*: And many (e) other Persons of Distinction had the Curiosity to attend the Issue of this new and strange Proceeding. The Bishop now pleaded, that he had other Reasons to desire a sight of the Commission, for that perhaps it might not reach him, or his particular Case. *Jeffreys* reply'd, That they would admit no quarrelling with their Commission; and that they were well assur'd of the Legality of it, or they should not be such Fools as to sit there. The Result was, that he was induc'd with a Fortnight's time more: And in this Interval, his Lordship having sent his Proctor to *Bridgman* the Registrar of the Commission for a Copy of the Minutes of their Proceedings, it was refus'd, tho' his Counsel assur'd him such Copies had never been refus'd in any Court before. But this Court was of the *Inquisition* kind, and therefore exempt from common Forms. The Bishop, however, when the final Day of Hearing came, enter'd on his Defence, as if it was no Court at all; saying, "That he no longer proceeded on his own Opinion, but by the Advice of his Lawyers, who were not only positive that their whole Proceedings were against the Statute-Law, but ready to argue the Matter before their Lordships." And, this being over-ruled, because against the Jurisdiction of the Court, his Lordship gave in a written Plea founded on the Act 17 *Car. I.* before quoted, which was also erected on the same Principle. His Lordship then challeng'd the Right of all Christian Bishops to be try'd by his Metropolitan and his Suffragans. *Jeffreys* reply'd, That their Proceedings were agreeable to what had been formerly done; that they had an original Jurisdiction; and that he still did but question the Court. And the Bishop rejoins, "If I am over-ruled in this, I must beg your Lordship's Patience in one Plea more. Your Lordships, in this Commission, after the general Words, are directed to proceed according to the Tenor of the Letters-Patents, &c. Now I conceive, in the Capacity I am in, you are only warrant'd to try me for Offences after the Date of the Commission.---- But the Court resolv'd, That they had Authority to look back."---- Then the Bishop put in his Answer in Writing, which was read by *Mr. Bridgman*, and which consisted of a (f) Recapitulation of the several Facts in his Case,

(e) Among these are remember'd *Sir Thomas Clarges* and *Sir John Lubbock*, by the following Circumstances: The former having cry'd out in the Court, when the Bishop objected to the Legality of Commission, "Well put I will not! My Lord speaks nothing but the Truth." And the latter, when the Court broke up, having said aloud, "There are some who have represent'd me as a Papist: But the contrary shall appear: For I will not be afraid nor ashamed to vindicate my Lord Bishop's Cause before the Commissioners themselves."

(f) In this Form, *Rec. 1686*. To the Question which was proposed to me by your Lordships, (see.) *Why did you not obey the King's Command, in his Letter concerning the suspending Dr. Sharp?* I *Thomas Bishop of London* do answer, That immediately upon Receipt of his Majesty's Letter from my Lord President, the Tenor whereof follows, &c. I took the best Advice I could get concerning *Dr. Sharp*; and was

inform'd, That the Letter being directed to me, as Bishop of London, to suspend a Person under my Jurisdiction, I was therein to act as a Judge, it being a judicial Act; and that no Person could by Law be punish'd by Suspension, before he was call'd, or without being advis'd to make his Defence: I thought it therefore my Duty forthwith humbly to represent so much to my Lord President, that so I might receive his Majesty's further Pleasure in that Matter. Nevertheless, that I might obey his Majesty's Command, as far as by Law I could, I did then send for *Dr. Sharp*, and acquainted him with his Majesty's Displeasure, and the Occasion of it, by shewing him his Majesty's Letter. But he having never been call'd to answer any such Matter, or make his Defence, and proceeding his Innocence, and likewise declaring himself most ready to give his Majesty's satisfaction therein: In order thereto, I advis'd him to forbear Preaching, till he had apply'd himself to his Majesty; and, at his Re-

quest,

A. D. 1686.

Cafe. Being then ask'd by the Lord-Chancellor, Whether he had any thing more to say; he answer'd, "That the Words of his Majesty's Letter were liable to two Constructions, upon a double Sense of the Word *suspend*; either a Suspension *ab officio*, which was a judicial Act, and he could not do but in a judicial Manner. The other Sense of the Word *suspend*, might be taken at large for *silencing*: And therefore he had advis'd the Doctor not to preach till he knew his Majesty's farther Pleasure. Which Advice, says he, from a Judge, the learn'd in the Law tell me, is *tantumquam* to an Admonition; and that if he had not submitted to it, I could have censur'd him for his Disobedience: So that if this last was his Majesty's Meaning, I have, in effect, obey'd the Letter; which is all I shall say at present; and and beg my Council may be heard, to clear the Matter in point of Law." This, it seems, was allow'd, and the Doctors *Oldys*, *Hedges*, *Brice*, and *Newton*, in general, argu'd, That if a Prince requir'd a Judge to execute an Order not agreeable to the Law, the Duty of that Judge was *referre* & *reclamare Principi*, which his Lordship had done. That, in the next Place, in silencing *Sharp*, he had in effect suspended him: That in going thus far, he had done as much as the Law would allow: That if he had done more, he had acted illegally, &c. It happen'd that *Jeffreys*, in answer to Dr. *Oldys*, had acknowledg'd, that all his Majesty expected of the Bishop, was to make Use of his Power to silence *Sharp*: And of this the Bishop took Advantage to say in the Clois of his Defence,

"I suppose my Council have satisfy'd your Lordships, that in the severest Construction, Malice, or wilful Disobedience could not be imputed to me. But, as my Lord Chancellor has now explain'd it to Dr. *Oldys*, they have made plain to your Lordships, that I have effectually obey'd his Majesty's Commands: And if in any Circumstance I have been wanting, I am ready to make Repara-

tion, by performing that likewise, and to beg his Majesty's Pardon."

It does not appear that any one of the Commissioners in the whole Course of the Hearing, shew'd any Disposition to favour the Right Reverend Culprit before them, or any Disgust to the Drudgery impos'd on them, tho' they were told from every Corner of the Land, That the Commission they acted under, was against Law: That it was intended for the Ruin of the Church of *England*, and to make way for the Re-establishment of Popery, by introducing it into the Universities. But to do their Lordships Justice when the Cafe came to be decided, it did not appear that they were altogether so unanimous as they had appear'd during the Trial. *Jeffreys* was for suspension during the King's Pleasure: And tho' Bishop *Burnet* has thought proper to make no Mention of the Lord President, we must, for that very Reason, conclude he was of the same Mind: His Lordship of *Durham* also, who was so fond of having his Name immortaliz'd in History, made no scruple to take the same Left-hand Road: But the Lord Treasurer, the Bishop of *Rockefter*, and the Ld. Chief-Justice *Herbert* were for accepting the Bishop's Submission, as a Means to preserve themselves from the King's Displeasure, which they were sure to feel, in case they refus'd to join in the Sentence of Suspension; and from the Odium of the Public, and the Reproach of their own Consciences, in case they ventur'd to pleasure his Majesty at the Expence of Law, Truth and Justice. How his Difficulty to ascertain, unless Bishop *Burnet's* *Ipsi-dixit* should be thought one; for he tells us, That the King, being resolv'd to carry his Point, spok'd roundly about it to the Earl of *Rockefter*, who seeing he must either concur in the Sentence, or part with the *cedite Staff*, yielded; in Consequence of which, he was suspended *(s) ab officio*. Dr. *Kennet* adds, "The Bishop would have spoken before the Sentence

was

quish, I made him the Bearer of my Letter to my Lord President; waiting for his Majesty's farther Order to proceed against him judicially, in case he should not at that time give his Majesty the Satisfaction required: And the said Dr. *Sharp* hath not since preach'd within my Diocese.

HENRY, *London*.

[1] In these Words: "Whereas *Henry* Lord Bishop of *London* hath been convey'd before, for his Disobedience, and other his Contempts, mention'd in the Proceedings of this Cause; and the said Lord Bishop of *London* being fully heard hereupon; We have thought fit, after mature Consideration of the Matter, to proceed to this our definitive Sentence, declaring, decreeing, and pronouncing, That the said Lord Bishop shall, for his Disobedience and Contempts, be suspended during his Majesty's Pleasure. And accordingly we do, by these Presents, suspend him the said *Henry* Lord Bishop of *London*; preceptually admonishing and requiring him hereby to abstain from the Function and Execution of his episcopal Office, and from all episcopal and ecclesiastical Jurisdiction, during the said Suspension, under pain of Deprivation and Removal from his Bishopric.

Given under our Seal, the 14th Day of September, 1686."

*NB.* It was sign'd by no body.

Bishop *Burnet* answer'd, "They did not think fit to meddle with his Revenues. For the Lawyers had declar'd that Pains that Benefices were of the Nature of Freeholds. So, if the Sentence had gone to the Temporalties, the Bishop would have had the Matter try'd over again in the King's Bench, where he was like to find good Justice; *Burnet* not being famili'd with the Legality and Justice of the Sentence.

While this Matter was in Dependence, (proceed; the *King* Prelate) the Princess of *Orange* thought it became her to interpose a little in the Bishop's Favour. He had confes'd, and married her: So she wrote to the King, earnestly begging him to be gentle to the Bishop, who she could not think would offend willingly. She also wrote to the Bishop, expressing the great share she took in the Trouble he was fallen into. The Princess wrote to him to the same Purpose. The King wrote an Answer to the Princess, referring severely on the Bishop, yet without those Sharpness on her for meddling in such Matters. Yet the Court seem'd usually, when they saw they had gain'd so poor a Victory: For now the Bishop was more consider'd than ever. His Clergy, for all the Suspension, were really more govern'd by the secret Intimations of his Pleasure, than they had been by his Authority before. So they resolv'd to come out as well as they could. Dr. *Mory* (having been first judicially suspended) was admitted to offer a general Petition, imploring how sorry he was to find himself under the King's Displeasure: Upon which he was dismissed with a gentle Reprimand, and suffer'd to return to the Exercise of his Function. According to the Form of the ecclesiastical Courts, a Person under such a Suspension must make a Submission within six Months. Otherwise he may be proceed'd against as obstinate. So, in Month after this Sentence, the Bishop sent a Petition to the King, desiring to be restor'd to the Exercise of his episcopal Function. But he made no Acknowledgment of any Fault. So this had no other Effect, but that it oppos'd all further Proceedings: Only the Suspension by Bill on him."

The Bishop

[P. 1. p. 482.]

was real, to have recapitulated the Heads of his Case, and to have offer'd full Proof of his Compliance in silencing Dr. Sharp, and to have declar'd, since their Lordships had hitherto been his Accusers and Judges; they would at last, according to the usual Custom; have been his Council, and order'd their Advocate to lay down the Nature of the Crime, the Law it offended, and the Law it was to be punish'd by; that he might have given in his Exceptions: But no speaking was allow'd, till the Sentence was read." And, immediately after, Two of the Commissioners themselves, *viz.* the Bishops of *Durham* and *Rochester*, collegued with the Bishop of *Peterborough*, were authorized to officiate in his stead.

While the Nation was in a manner stunned with these outrageous Proceedings, we are told there was a general Meeting of the leading *Roman Catholics* at the Savoy, to consult how this favourable Crisis might be most improv'd to the Advantage of their Cause. Father *Petre* had the Chair, and at the very opening of the Debates it appear'd, that the Majority were more inclin'd to provide for their own Security, than to come to Extremities with the Protestants. Notwithstanding the King's Zeal, Power, and Success, they were afraid to push the Experiment any farther. The People were already alarm'd; the Soldiers could not be depended upon; the very Courtiers melted out of their Grasp; all depended on a single Life, which was already on the Decline; and if that Life should last yet a few Years longer, and continue, as hitherto, devoted to their Interest and Service, they foresaw insurmountable Difficulties in their Way; and apprehended Disappointments without End. Upon these Considerations therefore, some were for a Petition to the King, that he would only so far interpose in their Favour that their Estates might be secur'd to them by Act of Parliament, with Exemption from all Employments, and Liberty to worship God in their own Way, in their own Houses. Others were for obtaining the King's Leave to sell their Estates, and transport themselves and their Effects to *France*. All but Father *Petre* were for a Compromise of some Sort or another: But he disdain'd whatever had a Tendency to Moderation; and was for making the most of the Voyage, while the Sea was smooth and the Wind prosperous. All these several Opinions, we are farther told, were laid before the King; who was pleas'd to answer, "That, before their Desires were made known to him, he had provided a sure Retreat and Sanctuary for them in *Ireland*, in case all those Endeavours which he was making for their Security in *England* should be blasted, and which as yet gave him no Reason to despair."

Every Spring and Wheel of the whole Machine of Government was indeed at work in their Favour; but, as we have seen, not wholly in the Manner they approv'd: His Majesty had been admitted a Lay-brother of the *Jesuits* Society; which, it seems, he look'd upon as a greater Honour than the

Supremacy of the Church of *England*; and, having given himself up entirely to their furious Councils, resolv'd to impose their Yoke on the Necks of his People, tho' at the Hazard of his Kingdom. It was this Rashness, this Insatiation, which alarm'd the Majority of those very *Roman Catholics* he was bent on serving: They had their Factions, as well as the Protestants; and the *Jesuits* were almost as obnoxious to the other Orders, as the Protestants themselves: They were, therefore, more inclin'd to rest satisfy'd with a moderate Degree of Indulgence, than to risk all their Hopes in pushing on the Grandeur of a Society, that aim'd at no less than the tyrannizing over their Brethren, as well as their Adversaries.

In the midst of this strange Disposition of Things, while Protestants were acting as the Dupe and Tools of Papists, and the Papists were at some Degree of Variance with one another, *Tyrconnel* had Leave to come once more to *England*; which was alone sufficient to shew, that, notwithstanding the Lord Treasurer's late Compliance in the Sentence against the Bishop of *London*, his Power and Credit were in the Wane. But *Tyrconnel* was receiv'd at Court as a Man who had much to hope, and little to fear; being called to the Council-board, and care'd of by the Queen, the Lord President *Sunderland*, and Father *Petre*, as if the Salvation of *Ireland* depended on him only. This gave an immediate Alarm to the two Brothers: The Lord Lieutenant call'd upon the Lord Treasurer to stand by him; the Lord Treasurer made his Application to the King; the King not only gave him all the Assurances he could desire, that he was perfectly well satisfy'd with his Brother's Government, and that he had no Thoughts of removing him, but, on a second Application, renew'd those Assurances with more Warmth than before, and, as it is said, confirm'd all by a Letter, under his own Hand, to Lord *Cheridon* in *Ireland*. And yet, says our Author, the Papists in *Ireland* confidently affirm'd, That, the Day before the King wrote that Letter, he had promis'd Father *Petre*, that *Tyrconnel* should be Lord-Lieutenant: And 'tis certain, none but the Queen was privy to this Resolution, no not *Tyrconnel* himself; for it was known he could not keep a Secret.

We are, moreover, assur'd, that it was at the same time resolv'd, by the same Persons, that the Lord Treasurer and the Lord President should be to the Test on the Subject of Religion; and that their Hold on the State should depend on their Return to the Bosom of Holy Mother Church. The Management of this Affair his Majesty in Person undertook, and chose to begin with the latter; because he was already at the Head of those few occasional Conformists, who, like *Nanmart* the Syrian, bow'd down to the King their Master's Idol, while they yet continu'd to profess themselves Protestants: But so thoroughly did that Lord play the Statesman, on this critical Occasion, that he had Leave to continue in that Profession, and Father *Petre* himself undertook to convince

*Tyrconnel*  
made a Privy  
Counsellor.

[*Ibid.* p. 63.]

The King imparts the  
Earls of *Sunderland* and  
*Rochester* to  
change their  
Religion.

See *Petre*  
held a Meeting  
at the Savoy.

[Secret Con-  
sults, &c. of  
the Roman  
Party, p. 59.]

The *Relate*  
told before the  
King.

*See* *Aspen*.

[*Ibid.* p. 61.]

His Majesty  
admitted a  
Lay-brother of  
the *Jesuits*

A. D. 1686.

A Conference  
between cer-  
tain Popish  
and English  
Doctors, for  
the Satisfaction  
of the  
Latter.  
[P. 684.]

the Catholics, that it was necessary he should do so for his Majesty's Service.

The Attack on the Lord Treasurer made more Noble, and had a very different Issue; but is related so variously, that it is scarce possible to give the Truth of the Fact without Injury to the Parties concern'd in it. As his Lordship told the Story to Dr. Burnet, or as the Doctor told it after him, the King press'd him to be instructed in his Religion; and he stood off, alledging he was already satisfy'd in the Articles of his Creed; but on a Repetition of the same Importunity he yielded to hear his Majesty's Priests, provided some of the English Clergy were present. On the other hand, according to the Story told by his Enemies, as it is remember'd by the same Doctor, he had Notice given him, that he would shortly lose the white Staff. Upon which his Lady, who then lay sick, intreated the Honour of a Visit from the Queen; and her Majesty granting her Request, she made Use of the Opportunity to complain of ill Offices done to her Lord. The Queen reply'd, That all the Protestants were now turning against the King, and no Trust could be put in any of them: And Lady Rochester rejoind'd, That her Lord was not to wedded to any Opinion, as not to be ready to be better instructed. And this it was said, proceeds the Bishop, gave rise to the King's proposing a Conference. But then he adds, that the Earl deny'd every Word of it to him.

[P. 108.]

Mr. Echard also expresses, that his Lordship being tir'd out by the King's Solicitations, at length told him, That to let him see that it was not thro' any Prejudice of Education, or Obstinacy, that he persever'd in his Religion, he consented to hear some Protestant Divines dispute with his Popish Priests, and would side with the Conquerors. (b) Others again make it a Charge against him, "That he was so little fix'd and resolv'd in his Religion, that he yielded to be instructed." But all agree that there was such a Conference: That the Chaplains then in waiting, viz. Dr. Patrick and Dr. Jones, enter'd the Lists for the Protestants, and one Giffard a Doctor of the Serbonne, and one Widen, a new Convert, for the Papists. Mr. Echard, descending to Particulars, says, "That the Subject of their Dispute was, *The Rule of Faith*, and, *The proper Judge of Controversy*: That the Conference was long: That the Romish Doctors were press'd with so much Strength of Reason and Authority, that they were forc'd to quit the Field: That the Earl of Rochester openly declar'd, That the Victory obtain'd by the Protestants had made no Alteration in his Mind, he being before-hand convinc'd of the Truth of his Religion, and firmly resolv'd never to forsake it: That his Majesty quitted the Place abruptly, and was heard to say as he went off, That he never knew a bad Cause so well, nor a good one so ill defended." Bishop Burnet,

on the other hand affirms, "That Patrick told him, That at the Conference there was no Occasion for them to say much: That the Priests began the Attack: That when they had done, the Earl said, if they had nothing stronger to urge, he would not trouble those learned Gentlemen, to say any thing; for he was sure he could answer all that he had heard: That he did accordingly answer it all with much Heat and Spirit; not without some Scorn, saying, Are these Grounds to persuade Men to change their Religion? That he urg'd this over and over again with great Vehemence: And that the King seeing in what Temper he was, broke off the Conference, charging all that were present to say nothing of it." But lest the Earl should derive too much Honour from this spirited Behaviour, the Bishop farther remembers, That it was moreover said by his Enemies, "That the Day before the Conference, he had an Advertisement from a sure Hand, That nothing he could do would maintain him in his Post; and that the King had engag'd himself to put the Treasury in Commission, and to bring some of the Popish Lords into it." And yet other of his Enemies are pleas'd to say, "That after the Conference was over, his Lordship remain'd so far in Suspence as not to declare which Side had the better." The Inconfinities in these several (c) Accounts are so glaring, that they need not be pointed out; nor have his Enemies fallen into more Mistakes than his Friends; for we find it asserted by the last, "That the King could not prevail so much upon him as to obtain his Silence, or even a Desire from him to have time to consider of it (the Proposal to change his Religion). That he turn'd an open Heretic, and that one of the Fathers thereupon said, *That he might be anathematiz'd, and that the King could never prosper while such an Heretic was near him*." It is, upon the whole, certain, that the white Staff was soon after wrested out of his Hand: But whether this was done by the Influence of the Papists only, or whether the Papists had their Work made easy, by Assistance from any other Quarter, remains a Question, which can be only solv'd by taking a Survey of our foreign Affairs: For with these we shall find our Home-Intrigues from henceforward most intimately connected.

And first, with regard to the Transactions between his Majesty and Holland, where the Scene of Business principally lay: Nothing could be smoother than the Language us'd on both Sides, and nothing perhaps was less sincere. The *Algerines* had broke their Treaty with the *Dutch*, and renew'd their Practices upon them; and while France absolutely deny'd those Rovers the Privilege and Protection of their Ports, the Ports of England were every where open to receive them: They had leave to lie in wait there for their Prey,

[Secret Con-  
fidence, &c. p.  
65.]

The States of  
Frisland, &c. p.  
100.

(a) See a Paper call'd, *The true Nature of the Conference*, published in the Reign of King William.

(b) According to Father Orlean, instead of seeing after

the Truth, he only aim'd at an Increase of Reputation and Authority, to make the Court of St. Charles a Court.



Prey, to retire thither when purs'd, to sell their Prizes, and to supply themselves with whatever they wanted; at least it is so alleg'd by the Dutch Writers, with this Addition, that this Conduct of England struck a Horror throughout Europe; and tho' it is deny'd by some of our own in the Course of their Apologies for the Errors of this Reign; and who say, express Orders were issu'd to the contrary, we find no Authorities either in our Gazettes or Naval Histories to justify them. On the other hand, as if by way of Reprizal, the States extend their Protection to all the known Enemies of the King and his Government, who flew to their Dominions for Refuge; nor could be induc'd by any Complaints or Remonstrances to give them up. Among these was Sir Robert Peyton, who, as we have seen, had again apostatiz'd from the Court, and enter'd into a Correspondence with the Duke of Monmouth. Against him it seems, the King was peculiarly enrag'd; and that he might have his Revenge in his own Power, whether the States pleas'd or not, a Design was form'd to have him seiz'd at Amsterdam by open Violence. Certain English Officers in the Dutch Service were the Persons employ'd in this Outrage; and even the English Minister himself, Skelton, headed it in Person, to bespeak a more favourable Reception at his Return to Whitehall: But all was prevented by the Populace, who not only rose in favour of Peyton, and rescu'd him out of their Hands, but secur'd the Officers who had thus unjustifiably broke the Peace of the Republic. The States themselves also complain'd of this extraordinary Procedure in such lively Terms, that his Majesty thought it advisable to disown it: And yet when their Lordships put their Laws in force against the Persons who had thus flagrantly violated them, he so far interpos'd in their Favour, as to desire that their Punishment might be left to him. The States comply'd, and sent him over the Offenders: But instead of making Examples of them, he prefer'd them in his own Army to higher Commands than they had before. There was, also, an old Quarrel subsisting between the English and the Dutch East-India Companies, in Relation to the Commerce of Bantam, which the latter had found Means to engross to themselves, to the utter Exclusion of all other Europeans. This his Majesty was now pleas'd to revive and patronize: And from all these several Circumstances it was concluded at the Hague, That he was lying in wait for a Rupture. But that which weigh'd with them more than all, as they pretended, was his assembling his Forces on *Haughers Heats*; his issuing out a new Commission for repairing and augmenting his Navy; his assigning a stated annual Sum of 200,000*l.* to be issu'd quarterly out of the Treasury, for defraying the ordinary Charge thereof; and his holding a strong Squadron of forty-five Men of War in continual Readiness to put to Sea. Bishop Burnet gives us to understand, that the Earl of Rochester had made a Shift to keep in his Post longer than

was intended, on the Merit of having procur'd a Loan of the first 200,000*l.* that was apply'd to this Service; which, if true, is sufficient to justify a Suspicion, that he had other Enemies besides the Papists. But we have no authentic Proof in Print, that King James was ever under the Necessity of having recourse to Anticipations; and therefore, 'tis more natural to suppose, that Lord Rochester's Merit consisted in making such a Disposition of the Revenue as might regularly answer this and every other National Service. The same Prelate also argues from the Attention given to the Fleet this Year, and the Care which was all at once taken to render it formidable, that some great Design was in hand, and that the Priests every where gave out, That it was against the Dutch; and that both France and England would make War upon them all of the sudden: But he does not specify at what time these things were said, nor at what time, by the Advice of his Friends, he drew nearer to England, that he might be easier sent to, and inform'd of all Affairs, that he might employ his Thoughts and Time accordingly; nor at what time he found the Letters at Utrecht, which were writ to him by some of the Prince of Orange's Court, desiring him to wait on their Highnesses before he settled any where: And from such uncertain Premises it is impossible to draw any certain Conclusions.

The Date of the King's new Commission for inspecting and repairing the Fleet, is April 17, 1686; and the Bishop tells us, That the same Summer, having finish'd his Travels, he wait'd on the Prince of Orange at the Hague. Now his Majesty's Care of his naval Force might reasonably pass for a cautionary Measure at first, whatever was at the Bottom: And what was thus early brewing in Holland, the Bishop himself is communicative enough to inform us, for the sake of setting forth his own Importance. These that follow are his Lordship's own Words; not indeed as they stand connected in Order of Paragraph, but as they relate to the same Points:

"I found they (the Prince and Princess) had receiv'd such Characters of me from England, that they resolv'd to treat me with great Confidence: For, at my first being with them, they enter'd into much free Discourse with me concerning the Affairs of England. The Prince, tho' naturally cold and reserved, yet laid aside a great deal of that with me. He seem'd highly dissatisfy'd with the King's Conduct. He apprehended, that he would give such Jealousies of himself, and come under such Jealousies from his People, that these would throw him into a *French* Management, and engage him in such desperate Designs as woud force violent Remedies."

Of the Princess he says, p. 690, "She knew little of our Affairs, till I was admitted to wait on her. And I began to lay before her the State of our Court, and the Intrigues in it ever since the Restoration; which she receiv'd with great Satisfaction." Again,

A. D. 1686.

[Ibid. p. 682.]

Bishop Burnet's own Account of his Transactions with the Prince and Princess of Orange.

A. D. 1686

A. D. 1686. In 1691, he proceeds thus: "I found the Prince was resolv'd to make use of me. He also recommended me both to *Boyle*, *Dyck*, and *Halsbury's* Confidence, with whom he chiefly consulted. I had a mind to see a little into the Prince's Notions, before I should engage myself deeper into his Service. I was afraid, lest his Struggle with the *Lowstein* Party, as they were called, (the *Anti-Stadholderists*) might have given him a Jealousy of Liberty and of a free Government. He assured me, it was quite the contrary: Nothing but such a Constitution could resist a powerful Aggressor long, or have the Credit that was necessary to raise such Sums as a great War might require. He condemn'd all the late Proceedings in England with relation to the Charters, and express'd his Sense of a legal and limited Authority very fully. I told him, I was such a Friend to Liberty, that I could not be satisfy'd with the Point of Religion alone, unless it was accompany'd with the Securities of Law.--- I thought it necessary to enter with him into all these Particulars, that so I might be furnish'd from his own Mouth, to give a full Account of his Sense to *some* in England, who would expect it of me, and were dispos'd to believe what I should assure them of. This Discourse was of some Hours Continuance: And it pass'd in the Prince's Presence. Great Notice came to be taken of the free Access and long Conferences I had with them both. I told him, it was necessary for his Service to put the Fleet of *Holland* in a good Condition. And this he propos'd soon after to the States, who gave the hundredth Penny for a Fund to perfect that. I mov'd to them both, the writing to the Bishop of *London*, and to the King concerning him. And, tho' the Prince's fear'd it might irritate the King too much, in conclusion I persuaded them to it."

"Upon the setting up the ecclesiastical Commission, some from England press'd them to write over against it, and to begin a *Breach* upon that. I told them, I thought that was no way advisable: They could not be suppos'd to understand our Laws so well, as to oppose those things on their own Knowledge: So that I thought this could not be expected by them, till some resolute Person would dispute the Authority of the Court, and bring it to an Argument, and so to a solemn Decision."

This, before the Bishop of *London's* Case came to a Hearing, while the King's naval Preparations were yet in Embrio, we find it convinc'd that a *Breach* was in Agitation, and that Thoughts were entertain'd of stretching the Credit of this Nation, for the Support of a great War on the Continent: And this Remark is necessary to be made in this Place, that the Reader may be honestly inform'd, That, in all State-Experiments, there is ever more of the Politician than the Patriot; and that, tho' the Grievances of the People furnish out the Pretences for all great Changes,

the Redress of those Grievances is the last thing consider'd of.

In treating of the Transitions of the Year 1688, our Right Reverend Historian is more-over express, that the Lord *Arundel*, having obtain'd the King's Leave to visit the Prince of *Orange*, press'd him, in the present Year 1686, to undertake the Business of England, and represent the Matter as so easy, that it appear'd too romantical to the Prince to build upon it: So that his Highness only promis'd in general, That he would have an Eye to the Affairs of *England*, and would endeavour to put those of *Holland* in so good a Posture, as to be ready to act when it should be necessary: And that if the King should go about to change the establish'd Religion, or to wrong the Princess in her Right, or to raise forged Plots to destroy his Friends, he would try what he could possibly do.

Lastly, the same Divine makes it his Boss, [P. 397, 398.] That what fix'd him in the Confidence of their Highnesses was, the Liberty he took to dispose the Princess to make over all her Right to the Sovereignty of *England* to her Husband, and to be content with the Honour of being his Wife; which the most complaisantly submitted to: And though he repines, That the Prince never made him any particular Acknowledgment for this special Service, he nevertheless glories, that his Highness should lay to others, That, after having been Nine Years marry'd, he had never had the Confidence to press that Matter to the (K) Princess, which he, the Doctor, had so easily brought about in a Day.

But the more Care this Writer has taken to be minutely circumstantial in whatever regards himself, the more it is to be wonder'd that, like our common Historians, whom he professes to copy in nothing, he should suffer this Year to escape without the least mention of the famous League of *Ausburg*, which is by most foreign Authors treated of as the Basis of the great Change that soon after happen'd in England, and what made way for the great War that had waste the Continent, and of which the chief Merit and Glory are ascrib'd to the Prince of *Orange*. His Highness knew, that unless he could first provide for the Security of the States, the States would not come into Measures for the Furtherance of his vast and Hazardous Designs: And 'tis in this Light we must understand his Promise to Lord *Mordaunt*: That he would endeavour to put the Affairs of *Holland* in so good a Posture as to be ready to act when it should be necessary.

The Emperor was by this time in a fair way of making his Forty good against the *Turks* and their Allies the revolted *Hungarians*: He had obtain'd many Advantages over them in the Course of the War, and this Year in particular had forc'd the strong Fortresses of *Buda* out of their Hands, which they had held one hundred and forty-five Years. This Success enabled his Imperial Majesty to attend

The League of Ausburg

attend more closely to the Proceedings of France, and to think of new Precautions against her farther Encroachments. The Necessity of such new Precautions was besides apparent; for in Contempt of the Truce, by which it was provided, That all things should continue as they were, the *most Christian King* had erected several Forts in several Parts of *Germany*, not so much for the Security of his own Conquests, as to bridle the  *Germans*: And, what made the Insult yet more insupportable, many of these Forts were erected in Places where the  *French* had no Clames, either by Cession or Conquest. The Imperial Minister, in the mean time, ply'd the  *French* Court with Complaints and Remonstrances; but to no Purpose: They proceeded as before, and thereby put it out of all dispute, That nothing less than giving the Law to all  *Europe* would content them, and that nothing but Force could oblige them to be good Neighbours. The Repeal of the Edict of  *Nantes*, and the Cruelties exercis'd on the  *French Huguenots* by their  *most Christian* Master, had given the Alarm to the Protestant Powers of  *Germany*, who had already enter'd into Measures at  *Magdeburg* for their common Preservation: And tho' the Princes of the House of  *Austria* did not yield in Bigotry, Cruelty, or Tyranny, to those of  *Bourbon*, as had been sufficiently manifested by their Treatment of the  *Hungarians* and  *Flemings*, their Vassals, the Emperor and the King of  *Spain*, who were also as very Bigots as any of their Ancestors, made no Difficulty to avail themselves of this Heretical Confederacy, for the sake of their secular Interests.

The  *Magdeburg*-Association was said to be for the Defence of the Protestant Religion: But when it was adapted at  *Aulburg*, the Defence of the Empire was grafted upon it; and the Emperor,  *Spain*,  *Saxony*,  *Bavaria*,  *Brandenburg*, and the Circles of the upper  *Rhine*, were the original contracting Parties. The late Elector  *Palatine* of the Protestant Line had been a notable Stickler for a Project of this Nature; and tho' he dy'd before it could be brought to bear, his Catholic Successor of the House of  *Neuburg*, found, or thought to find, his Account in abetting the same Cause. But the Prince of  *Orange* was both deepest in the Intrigue, and most instrumental in its Success: And it is somewhat hard to conceive how a Man who hated Business of all sorts, as  *Bishop Burnet* assures us he did, should be so forward to undertake, and so indefatigable in prosecuting, such great Designs. The Webs and Snares of  *France* extended to every Court in  *Europe*, and he could no where fix his Foot but he found himself in the midst of them; yet such was his Address and Resolution, that he made shift to break thro' all; and in  *July* this Year had the Satisfaction to see a Confederacy against that aspiring Power brought to some Degree of Perfection.

But as yet, alas! it was no more than Wax and Parchment; and tho' his  *most Christian* Majesty appear'd really offended at it, he was to little terrify'd, that he soon

after gave out, That if in consequence of this Measure any Infraction should be made in the Truce, he would enter the  *Lills* singly against the whole Confederacy: That he would send one Army of forty-five thousand Men into  *Germany*, another of forty thousand into  *Flanders*, a third of thirty thousand into  *Catalonia*, a fourth of twenty thousand into  *Italy*; and that he would, besides, have a sufficient Fleet to make his Flag respected at Sea. On the other hand, the Spirit of the Confederates, he caus'd his Arms to be set up in three several Places, within Musket-shot of the Citadel of  *Namur*. This was done in open Day, the  *Spanish* Garrison looking on: And while the Governor-General of the  *Netherlands* made a shew of drawing down his Troops, as if to make Vengeance on the Aggressors, he sent a Courier with a Packet of Expostulations to  *Paris*, and Others to the several Powers of the League for Advice and Assistance, in case this Incident should bring on a Rupture: But they were all for deferring the evil Day as long as possible, and for submitting to any Compromise rather than rush into a War: And the  *Spaniards*, thus abandon'd, was oblig'd to cede two Villages in another District, to procure the Removal of those shocking Proofs of the Superiority of  *France*, that the Garrison of  *Namur* might be a little less expos'd to the like Insults for the future.

To account for this Tameness on the Side of the Confederates, we must consider, that the System was not quite complete; and that the Accession of yet other Powers was necessary to make the Balance even. Among these, no doubt,  *England* held the first Place; and possible it was the great Preliminary on which all the Negotiations at  *Aulburg*, &c. turn'd, that  *England* should first be made a Party before any direct Allotment was offer'd to  *France*. By fair means, it is natural to think, the Prince of  *Orange* was fully convinc'd, that this could never be effected; and as fully, that neither could it be effected by downright Force of Arms. If the Kingdom was not unaccessible, he had reason to think it was invincible: But then it appear'd no such difficult Task to get the better of the King. His Majesty had lost the Hearts of his People, and consequently was already more than half subdu'd. Whatever therefore might be the Dictate of Nature in Tenderness to an Uncle and Father, if Tenderness ever touches the Heart of a Politician, Policy whisper'd, That the way to Success was to side with the People against the King, and to obtain the Use of his Power by crowding into his Place. But then it was not easy, nor perhaps wholly safe to communicate these Sentiments of his to his Catholic Allies. To them his Majesty's Proceedings must appear not only innocent but laudable. They were almost as zealous for the Expiration of Heresy, as he. Their Choice must, therefore, have been to have assisted him in reconciling the  *English* to the See of  *Rome*, provided they could whiln have kindled an irreconcilable Quarrel between him and  *France*: And it may be

A. D. 1686.

The French Armies set up within Musket-shot of Namur.

The Spaniards purchas'd their Removal.

The Confederates insist'd for access of the Kingdom of England.

[P. 680.]

The Methods of France on the young II.

A. D. 1685.

presum'd, that they actually did, for a while at least, labour in earnest to carry both these Points, by endeavouring to establish a Confidence between his Majesty and his Nephew; which it is certain might have been done if his Highness would have given into the King's Measures, and thereby extinguish'd all his Hopes from the People. Even Bishop Burnet furnishes us with the following Passage:

[P. 1. p. 693, 694.]

Pen's Negotiations.

Pen the Quaker came over to Holland. He was a talking vain Man, who had been long in the King's Favour, he being the Vice-Admiral's Son. He had such an Opinion of his own Faculty of Persuading, that he thought none could stand before it: Tho' he was singular in that Opinion: For he had a tedious, lascivious Way, that was not apt to overcome a Man's Reason, tho' it might tire his Patience. He undertook to persuade the Prince to come into the King's Measures, and had two or three long Audiences of him upon that Subject: And he and I spent some Hours together on it. The Prince readily consented to a Toleration of Popery, as well as of the Dissenters, provided it were proposed and pass'd in Parliament: And he promised his Assistance, if there was need of it, to get it to pass. But for the Tests, he would enter into no Treaty about them. He said, it was a plain betraying the Security of the Protestant Religion, to give them up. *Nothing was left unsaid, that might move him to agree to this in the way of Interest:* The King would enter into an entire Confidence with him, and would put his best Friends in the chief Trusts. Pen undertook for this so positively, that he seem'd to believe it himself, or he was a great Proficient in the Art of Disimulation. Many suspected that he was a concealed Papist. It is certain, he was much with Father Petre, and was particularly trusted by the Earl of Sunderland. So, tho' he did not pretend any Commission for what he promised, yet we look'd on him as a Man employ'd. To all this the Prince answer'd, that no Man was more for Toleration in Principle than he was: He thought the Confidence was only subject to God: And as far as a general Toleration, even of Papists, would content the King, he would concur in it heartily: But he looked on the Tests as such a real Security, and indeed the only one, when the King was of another Religion, that he would join in no Councils with those that intended to repeal those Laws that enacted them. Pen said, the King would have all or nothing: But that, if this was once done, the King would secure the Toleration by a solemn and unalterable Law. To this the late Repeal of the Edict of Nantes, that was declared perpetual and irrevocable, furnish'd an Answer that admitted of no Reply. So Pen's Negotiation with the Prince had no Effect.

Rafinesque's

Now, if nothing was left unsaid, that might make the Prince to agree with his Majesty, in the way of Interest, it is scarce to be suppos'd, that his governing Passion to humble France was forgot, tho' it has left his Lordship: And if it was, we can't wonder that Pen's Negotiation had no Effect.

But the King was no Stranger to that governing Passion, and was not so ill a Politician as to expect Concessions to his own, without the Offer of an Equivalent; which the putting his Highness's best Friends into the chief Trusts could not be understood to come up to. It is moreover remarkable, that tho' the King, soon after his Accession, had renew'd the Alliances of the Crown with Spain and the States, he had avoided doing the same with France; and though his Ministers sign'd a Treaty with that Crown October 27, O. S. this present Year, it had Relation only to the Plantations; and in particular provided, that in case of a Rupture between the two Nations in Europe, the Peace should nevertheless be maintain'd in those Parts, inviolably on both Sides. Thus his Majesty artfully avoided the Unpopularity of entering into any other open Engagements with France, than for the Security of the Commerce of his Subjects; and, at the same time, left an Opening to the Prince and his Allies to conclude, that he might yet be induced to embark in their Cause: And that his Highness did not make use of it, must argue a Conviction, as above-mentioned, that the Catholic Interest in England was irreconcilable with his own; and that, by setting himself in opposition to it, he should in the End be Master.

This was the Posture of Things abroad, towards the Close of this Year, when the King was induc'd to take that desperate Resolution of sending the Earl of Castlemain his Ambassador Extraordinary to the Pope; with Instructions "To reconcile the Kingdoms of England, Scotland, and Ireland, to the Holy See, from which they had for more than an Age fallen off by Heresy." This was High Treason by Law, says Bishop Burnet, who adds, "Jeffrey was very uneasy in it; But the King's Power of Pardoning had been much argu'd in the Earl of Dandy's Case, and was believ'd to be one of the unquestionable Rights of the Crown. So he knew a safe Way of committing Crimes; which was to take out Pardons, as soon as he had done illegal things." The Pope then reigning was Innocent VI; who being of the Austrian Faction, and also deeply embroil'd with the French Court, and no Friend to the Jesuits, to whose Intrigues this Embassy was owing, was by no means pleas'd either with the Ambassador or his Mission; and gave him a Reception accordingly, of which more will be said in its proper Place.

Any Step of this kind, if known, it was easy to foresee would greatly exasperate the People: But this, as if calculated on purpose to drive them to Despair, was render'd as public as possible, by the Profusion of Expence laid out upon it, and the Pomp and Glitter it was attended with: Nay, so thoroughly was his Majesty insatuated thro' the whole Conduct of this Affair, that he caus'd A Relation of the Journey, Entrance, and Reception at Rome of his Excellency the Earl of Castlemain, his Majesty's Ambassador extraordinary to his Holiness, to be set forth by his own Printer, for the Edification of his Catholic

A. D. 1685.

The King sends an Ambassador extraordinary to the Pope. [Wellwood, p. 183.] [Kennet, c. 11, p. 481.]

[P. 1. p. 701.]

A. D. 1686.

tholic Subjects. In all things, indeed, which had relation to Religion, he now began to act, as if the Time was come, when he might safely give the Reins to his Will; and as if his People were only to tremble and obey.

His Majesty's  
Attempt on the  
Charter-  
house.

Thus we find him (*K.*) willing and commanding the Governors of the *Charter-house*, by Letter dated *December 17*, to admit one *Popbam* into the first Penioner's Place that should become void, without tendering any Oath or Oaths, or requiring any Subscription, and notwithstanding any Statute, &c. This Letter was address'd to the said Governors; but, instead of presenting it to them, *Popbam* left it with the *Register*; who thereupon did not come to acquaint the *Master*, Dr. *Thomas Burnet*, with the Contents of it, but sent *Popbam* to him, to be admitted, with a (*1*) Certificate under his Hand, in the usual Form, as a thing of course; giving him, the *Master*, no Notice that the Party was a Papist, or that the King had dispens'd both with his taking the Oaths, and with his Religion.

The *Master* however ask'd him, where his Letter of Nomination was, and to whom it was directed? He said it was directed to the Governors of the Hospital, and he had left it in the *Register's* Hands: If it was directed to the Governors, reply'd the *Master*, it must be deliver'd to them, before I can act upon it: And so telling him when there would be a Meeting of the Governors, he dismiss'd him without Admission.

On the 17th of *January* following there was a full Assembly, *Popbam* attended, and his Suit became the Business of the Day. The King's Letter being read to the Governors, *Jeffrey*, who was one of them, all at once mov'd, That they should immediately, and without any Debate, proceed to vote, Whether *Andrew Popbam* should be admitted or no, according to the King's Letter? And 'twas put upon the *Master*, as *Junior*, to vote first. But the *Master* told them, he thought it was his Duty to acquaint their Lordships with the State and Constitution of the Hospital, before they proceeded to a Vote. This was oppos'd by some; but, after a little Debate, the *Master* was heard; who thereupon acquainted their Lordships, That to admit a Penioner into that Hospital, without taking the Oaths of Allegiance and Su-

premacny, was not only contrary to the Constitutions of the House, but also to an Act of Parliament provided in that Case; namely, to the *Charter-house-Act*, 3 *Car.* In which it is declar'd and order'd in (*m*) express Terms, That no Penioner, Governor, Officer, nor Penioner, shall be admitted into this Hospital, till they have taken the Oaths of Allegiance and Supremacy. When the *Master* had said this, one Governor answer'd, *What is this to the Purpose?* To whom the Duke of *Ormond* reply'd, *He thought it was very much to the Purpose, for an Act of Parliament was not so slight a thing, but that it deserv'd to be consider'd.* Hereupon, after some Discourse, the Question was put again, Whether *Andrew Popbam* should be admitted or no? And it was carried in the Negative.

The Governors also intended to have return'd an Answer in Writing forthwith to the King's Letter: But as soon as that Vote was pass'd, the Lord Chancellor flung away, and some others follow'd him; so that there was not a Number left to act as an Assembly, or to do any more Business at that time. The Archbishop of *Canterbury* attempted several times afterwards to have another Assembly, that this Letter might be written to the King; but could not get a full Number together, till *Midsummer* following: And while the Business was hanging thus, there happen'd an Accident, which 'twas thought would have put an end to the Controversy. Another Person, one *Chadwell*, appear'd with a Letter of Nomination from the King, of a Date antecedent to that of *Popbam's*, who was a Person qualify'd for the Place, as being a *French* Protestant naturaliz'd. This was taken for a soft Method, invented by the Court, to supersede *Popbam's* Letter, and so let the Controversy fall without Noise. But it prov'd otherwise; for when this Man's Pretensions came to be known at Court, the King sent another Letter to exclude him, and to reinforce his former Order for *Popbam*.

Both these Letters were under the Signet; and there wanted only a Broad-seal, that the Forces of the dispensing Power might be employ'd in this Attack against the *Charter-house*. At length a Broad-seal was sent; to complete and ratify this Dispensation for *Popbam*;

(4) In these Words.

JAMES II.

Right trusty and right well-beloved Cousins and Counsellors, and right trusty and well-beloved Counsellors and Trustees, We greet you well. Humble Suit having been made unto us, in behalf of *Andrew Popbam*, Gentleman, that in regard of his Loyalty and Sufferings, and the necessary Condition he is thereby reduced unto, we would bestow upon him the Place of one of our Penioners in the Hospital of the *Charter-house*; which Request we are graciously pleas'd to consent unto. Our Will and Pleasure therefore is, That you chuse and admit him the said *Andrew Popbam* into the first Penioner's Place in that, or a Hospital, that shall become void, and in our Disposal; next after such as shall thereby obtain'd our Letters for the like Places, if any such be; without tendering any Oath or Oaths unto the said *Andrew Popbam*, or requiring of him any Subscriptions, Reconventions, or other Aids or Acts in conformity to the Doctrine and Discipline of the Church of England, as the same is now established; and notwithstanding any Statute, Order, or Constitution of us, or in the said Hospital, with

which we are graciously dispos'd to dispense in this behalf: To hold and enjoy the said Place, with all Profits, Perquisites, and Advantages thereunto belonging. And so we bid you heartily farewell. Given at our Court at *Whitehall*, the 17th Day of *December* 1686, in the second Year of our Reign." [Relation of Proceedings at the Charter-house, Feb. 7.]

(5) *Fit.* "There are to certify, That *Andrew Popbam* is to be admitted a Penioner into the Hospital, upon the Nomination of the King's Majesty: And that his Place is now fallen."

20 *Decemb.* 1686.  
W. L.  
Reg'd.  
(6) *Fit.* "And be it enacted and established, by the Authority aforesaid, That every Person that shall from henceforth be declar'd a Governor of the said Hospital shall, before he exercise the Place of a Governor, take the several Oaths of Allegiance and Supremacy.—And that the Preacher, Minister, Schoolmaster, Usher, Officers, and poor Men, and every of them, henceforth to be elected or admitted, shall, before he exercise or take Benefit of any such Place, take the said several Oaths of Supremacy and Allegiance."

*A. D. 1686.* *Popbam*, and a Copy of it left with the Master, collated in his Presence with the Original. They brought also Witnesses along with them, to attest the Delivery and Collation, and so left it in the Master's Hand.

But on Examination it appear'd, that there was a great Mistake committed in these Letters Patents, and in a Part that requir'd the greatest Care. The Act of Parliament that should have been dispens'd with in behalf of *Popbam*, was 3 *Caroli*: Whereas the Patents refer to, and dispense with one in the third or fourth Year of King *James*. The Governors were made sensible of this, and might have rejected them under that Pretence, but they would not lay any Stress upon a Circumstance, when the Substance was faulty, and therefore took no notice of it. On the contrary they drew up an (H) Answer to his Majesty's Letters, containing a direct Refusal to comply with them, together with the Reasons on which that Refusal was founded, which was address'd to one of the Secretaries of State. And thus the Governors of the Hospital, who were Persons of the greatest Quality, nor only shew'd themselves faithful Trustees to Mr. *Sutton* upon this Occasion; but what was far more meritorious, they made use of it to set a Precedent of Resistance to that encroaching Power, which now bid fair to swallow all things; as sometimes a little Frontier-Garrison, well defended, gives a Check to a great Army, and a good Example to the rest of the Country, to stand stoutly upon their Defence.

But what the Governors thus highly gloried in, the King was as highly displeas'd with. Having read their Letter, he gave it to his Chancellor, with a Command, That he should find out away that he might have Right done him at that Hospital: And several Ways were accordingly talk'd of; such as the letting loose a *Quo Warranto* against the Corporation, the bringing the Governors before the Ecclesiastical Commissioners, &c. But so high was their Rank, so eminent their Characters, and so popular their Cause, that the Matter was at last let fall, and his Majesty was insensibly

reminded, That tho' the Prerogative when it had the Sanction of the Laws, was irresistible, it was a mere Nullity, when set in Opposition to them.

It was during this Transaction, that the Discourse prevail'd, that the Lord Treasurer and his Brother would be remov'd, to make Room for others who could be more rely'd upon: And the Matter of Fact soon verify'd the Report. It was resolv'd to begin with the Letter: And as the chief Government of *Ireland* is never dispos'd of but in Council, it was thought necessary to comply with the Form, tho' the Place was, in effect, dispos'd of already. Accordingly his Majesty declar'd his Purpose to recall the Earl of *Rochester*, and put the usual Question, Who was fit to succeed him? Several were nam'd, but none approv'd of. At last the King himself nam'd *Tyrconnel*, and was seconded by the Lord President: But tho' the Majority of the Council were Catholics, and *Tyrconnel* was so strongly recommended, the old Objections against him were reviv'd, and enforce'd with more Warmth than ever, insomuch that the Council broke up without coming to any Decision. The Person set up against *Tyrconnel*, was the Earl of *Feraris*, because, it seems, he was the least unpopular of the Party, and because next to a ductile Protestant, a moderate Papist was held best qualify'd for the Service. And thus the Affairs continu'd in Suspence, till *Feraris* himself was prevail'd upon by the Address of the Lord President and a Consideration of four thousand Pounds a Year out of the Profits, to drop his Pretensions: Upon which Lord *Clarendon's* Commission was superseeded, and *Tyrconnel* had both his Ambition and his Resentment gratify'd together: And that the Government of *Ireland* might be of a Piece, the Seals were taken from *Perier*, who had uniformly (e) sided with the Lord Lieutenant against *Tyrconnel*, agreeable to a Declaration he had made in Public, That he did not come over to serve a *Turn*, nor would he act against his Conscience, and bestow'd upon one *Fitten*, who was not only both a profess'd and zealous Papist, but notorious on Record.

*Secret Council, Dec. 7. 66.*

*Tyrconnel made Lord-Lieutenant of Ireland.*

(e) In their Words:

My Lords,

His Majesty's two Letters, the one dated the 25<sup>th</sup> of December last, and the other the 21<sup>st</sup> of March last, concerning your Lordship, came to our Hands: Wherby his Majesty requires us, that we admit *Andrew Popbam* to be a Professor in *Sutton's* Hospital, without rendering any Oath or Oaths unto the said *Andrew Popbam*, or requiring of him any Subscription, Recognition, or other Act or Acts in conformity to the Doctrine and Discipline of the Church of *England*, as the same is now established, and notwithstanding any Statute, Order, or Constitution, as or in the said Hospital, with all which his Majesty was pleas'd to dispense. Which Letters were received with the Respect that is due to whatsoever cometh from his Majesty. And it hath not been any Fault of ours, that an Answer hath not been sooner returned; several Addresses having been appointed in order to it; but there were not, at those times, so many Governors in or about the Town, in a Condition to attend, as would make up the Number directed by the Constitution. We could not till now acquaint your Lordship, that, upon Debate of the aforesaid Letters, it is agreed to represent, in the most humble Manner, to his Majesty, by your Lordship's Ministers, and through your Hands; that we apprehend ourselves to be tied up, and to be under such strict Obligations, that we are not at liberty to comply with what is required from us, for these Reasons:

For that the said Hospital is of a private Foundation: and the Governors oblig'd to act according to the Constitution of the same.

That by an Act of Parliament, made in the third Year of the Reign of King *Charles*, of blessed Memory, it is enacted, That every poor Man to be elected and admitted into the said Hospital shall, before he receive Benefits of any such Place, take the Oaths of Supremacy and Allegiance.

Therefore we pray your Lordship to represent to his Majesty, that we conceive we cannot, with a faithful Discharge of our Trust, admit the said *Andrew Popbam*. This we pray your Lordship to represent to his Majesty, in the most humble Manner: Wherby you will extremely oblige,

W. Cecil, Orator, *Hill-farce, Cranoe, Dunly,*

*Widdowells, H. Lawson, T. Burnett,*

[Relation of *Popbam's* being at the *Clarendon*, p. 12, 13.]

(\*) Which remov'd him to *Downpatrick*, that as he Return to *London* he could not, without some Difficulty obtain the Favour of killing the King's Hand: And when he did obtain it, and made use of the Opportunity to express all Humility, why he had been so ord' (for he had not a considerable Letter by his Postment?) his Majesty reply'd: It was not his Fault: *Popbam* seem'd several times, since to Cecil, and stood in the King's Eye; but he never was inclin'd to speak to him, nor to take the least notice of him. *Secret Council, p. 77.*

A.D. 1686-7.  
(P. 17, 682.)

1686-7.  
The white  
Staff taken  
from Lord  
Sacheler.

Record for several Forgeries, and who knew, says Bishop Burnet, no other Law but the King's Pleasure.

The Lord Treasurer's Turn was next, who, according to the same Author, had great Regards shewn him, either by Way of Recom-pense for past Services, or to qualify his Dis-mission: For, over and above his Grant on Lord Grey, which had produc'd him 16000*l.* and another valu'd at 20000*l.* he had a Pension of 4000*l.* a Year for his own Use and his Son's. The Treasury was then in Commission, at the Head of which was plac'd Lord Belaffin, and under whom con-descended to serve, Sydney Lord Godolphin; another Circumstance which our Historian of his own Times has thought proper to forget. The other Commissioners were Lord Dever, Sir John Evelyn Chancellor of the Exchequer, and Sir Stephen Fox. But it does not appear that the Earl of Clarendon had any of these Regards shewn him: On the contrary, he had the Mortification put upon him, of being oblig'd to deliver up the Sword to Tyrconnel in Person (p); and at his Return to London was depriv'd of the Privy Seal, which had been held for him by De-putation during his Absence, and which was now bestow'd upon Lord Arundel of War-wick.

Thus the Papists and their sworn Auxiliaries were in full Possession of the Cabinet, of all the important Trusts of the Three Kingdoms, and of all the Powers ordinary and extraordinary of the Prerogative, in De-fiance of the Resolutions of the People, and in Contempt of the Fundamentals of the Constitution. The whole Party were ex-tremely lifted up with this flourishing State of their Affairs, as we learn by a Letter from a Jesuit at Liege, dated Feb. 2, 1686-7, to a Brother of his at Friburg, in which are to be found the following amazing Particulars:

"It is wonderful to see King James's great Affection to our Society. Upon Father John Keymer's Return into England, he gave him a most gracious Reception (while Earls and Dukes were commanded for some Hours to wait for Admittance) with whom, in the Queen's Presence, he discours'd with all Fa-miliarity. He ask'd him, How many Can-didates for Orders he had, and how many Stu-

dents? And upon the Provincial's Answer to his Majesty, who was very urgent with him, *That of the Former, and of the Latter, he had above fifty; he reply'd, There would be Occasion for double or treble that Number, to effect what he design'd for the Advancement of that Society; and order'd that they should be all exercis'd in the Art of Preaching, For now, says he, England has need of such.*

I do not doubt but you have heard, that the King, writing to Father de la Chaise, the French King's Confessor, concerning the Affairs of the House among the Wal-letons, declar'd, *That whatever was done to the English Fathers of that House, he would look upon as done to himself. Father Clare, Rector of the same House, being arriv'd at London to treat of that Matter, got an easy Access to the King, and as easily gain'd his Point. The King himself forbid him to kneel and kiss his Hand, according to Custom, saying, Reverend Father, you have indeed once kiss'd my Hand; but if I had known then, as I do now, that you were a Priest, I myself, would rather have kiss'd a dozen, Father, and kiss'd your Hand.* After he had finish'd his Business, in a familiar Conversation, his Majesty told his Father, *That he would either convert England, or dye a Martyr; and he had Father due the next Day and convert it, that reign twenty Years peacefully and happily, and not offend it.* Finally he call'd himself, *A Sox or true Socrry, of whose good Succes, he said, he was as glad as of his own.* And it can scarcely be express'd how much Grati-tude he shew'd, when it was told him, *That he was made Patriarck, by the most Reverend our Provincial, of all the Merits of the Society; out of which he is to nominate one for his Confessor; but hitherto it is not known who it will be: Some report that it will be the Reverend Father the Provincial; but still there is no Certainty of that. Many are of Opinion, that Father Edward R. Petre, who is chiefly in favour with the King, will obtain an Archbishopsric, but more believe it will be a Cardinal's Cap.* To him has been granted, within this Month or two, all that Part of the Palace in which the King us'd to reside when he was Duke of York, where there is not a Day but you may see I know not how many Courtiers waiting to speak

Lord Arundel  
of Warwick  
made Lord  
Privy Seal.

The Jesuits  
Account of  
their Success.

(p) Upon which Occasion he thought proper to re-mind to his Society, "That the Misunderstanding and Feuds of that Kingdom were things much to be lamented, and he could wish the Occasion of them were remov'd, which was this, *viz. That the English of that Kingdom had been represented as a Company of dissidied and fanatical People; that this was a hard Charge, if it were true; but from what he had learn'd, both by his own Observation, and the Information of others, he believ'd them to be as loyal Subjects, and generally as true Sons of the Church of England as any it has; That it is a Church that can make it her Range, thro' all the Conspiracies, Plots and Rebellions, that ever have been against the King; not one cri-minal Member of her Communion has been any way in them; That he propos'd himself to be of this Church, and consented to be examin'd hereupon that he was so; That as for the Protestants of that Kingdom in particular, he could say in their Favour, that when the Reformation of the King was oppos'd in England, they were the Men that us'd their inextinguishable Industry to effect it; That he design'd to tell this to the King, and hop'd by his Lordship's Presence these Communes and Assemblies, that had laid upon them, would*

be remov'd, and that as they and the Roman Catholics were the Subjects of one Prince, so they would unanimously agree in their Love of one another, and in promoting his Honour and Happiness. He clos'd his Speech with telling him, *That as he receiv'd the Sword of France, so he deliver'd it in Peace.* Tyrconnel's Answer was to this Effect: "That it was the King's Design, and consequently his Command to him, to govern that Kingdom according to the Law, without any Partiality; and therefore he declar'd, that all Men should enjoy the Exercise of their Religion and Properties, according to Law: That he knew there were great Fears in the Kingdom, some removing their Goods, some their Lives, others their Money; what the Reason of it was he could not imagine; but, for his own part, he would not have any distrust in the King's Proceedings: That the Lord Clarendon had hinted, that so Dissolution of Names ought to be encourag'd, or any thing else that might breed Jealousies among the King's Subjects; which he would make it his whole Business to bring about, for this was the Command of the King, who was both the greatest and justest Prince that ever rul'd these Kingdoms."

A. D. 1686-7. speak to his Eminence, for so they say he is call'd: For the King advises with him, and with many Catholic Lords, who have the chief Places in the Kingdom, to find a Method to propagate the Faith without Violence. Not long since some of these Lords objected to the King, That they thought he made too much Haste to establish the Faith. To whom he answer'd, *I am growing old, and must take Large Steps; else, if I should happen to die, I might perhaps leave you in a worse Condition than I found you.* When they ask'd him, *Why then was he so little concern'd about the Conversion of his Daughters, who were the Heirs of the Kingdom?* he answer'd, (9) *God will take Care of that; leave the Conversion of my Daughters to me: Do you, by your Example, convert your Tenants and others to the Faith.*

He has Catholic Lord Lieutenants in most Counties: And we shall shortly have Catholic Justices of the Peace in almost all Places. We hope also, that our Affairs will have good Success at Oxford. In the public Chapel of the Vice-Chancellor, who is a Catholic, there is always one of our Divines, who has converted some of the Students to the Faith. The Bishop of Oxford himself (*Parlier*) seems to be a great Favourer of the Catholic Faith; he propos'd to the Council, Whether it did not seem to be expedient, that at least one College should be granted to the Catholics at Oxford, that they might not be forc'd to study beyond Sea at such great Expences. But it is not known what Answer he had. The same Bishop, having invited two of our Brethren, together with some of the Nobility, drank the King's Health to a certain Heretic Lord who was in Company, wishing his Majesty good Success in all his Undertakings; adding also, That the Religion of the Protestants in England did not seem to him in a better Condition, than *Buda* was before it was taken; and that they were next to Atheists that defended that Faith. Many embrace the true Religion, and four of the most considerable Earls have lately made public Profession of it.

As to Prince George, it is yet uncertain what Religion he professes. We gradually begin to get Footing in England: We teach human Learning at *Lincoln, Norwich* and *York*; and at *Worcester* we have a public Chapel, protected by a Guard of the King's Soldiers; and we are to buy some Houses in the Town of *Wigan* and *Lancashire*.

There are many Houses bought in the *Savoy*, near *Somerjet-house*, which is the Queen Dowager's Palace, towards the erecting the first College in *London*, for about eighteen thousand Florins; and they are hard at work to bring them to the Form of a College, that a School may be open'd before *Easter*.

The Parliament will certainly sit in this Month of *February*, of whom his Majesty is resolv'd to ask three things? First, That by a general Act all the Catholic Peers may be

admitted to sit in the Upper-House: Secondly, That the *Tith* may be abolished: And, Thirdly, which is the chief Point, That all Penal-Laws against Catholics should be abrogated. And that he may the better obtain these things, he designs to let them all know, That he is resolv'd to turn out all those who will not heartily act for the obtaining of them; and likewise dissolve the Parliament. At which Resolution some Heretics being terrify'd, came to a certain Earl to advise with him what might be done; to whom he answer'd, "The King's Mind is sufficiently known; what he has once said he will certainly perform: If you love yourselves, submit to the King's Pleasure. There is to be a great Preparation of War at *London*, and a Fleet of above an hundred Men of War is to be fitted out against the Spring, but against whom it is uncertain. The *Dutch* are under great Apprehensions; but for what Reason, altho' they are said to make an Armament, Time will best discover."

To prove the Genuineness of this Letter, (*Palp. 711.*) Bishop *Burnet* writes as follows: "The *Jesuits* at *Friburg* shew'd this about; and one of the Ministers on whom they were taking some Pains, and of whom they had some Hopes, had got a Sight of it; and he obtain'd Leave to take a Copy of it, pretending that he would make good Use of it. He sent a Copy of it to *Heidegger*, the famous Professor of Divinity at *Zurich*; and from him I had it. Other Copies of it were likewise sent both from *Genova* and *Switzerland*. One of these was sent to *Dyckvelt*, (while Minister from the States in England) who, upon that, told the King, That his Priests had other Designs (than his Majesty thought fit to treat of with his Nephew must be understood) and were full of those Hopes that gave Jealousies which could not be easily remov'd. And he nam'd the *Lige* Letter, and gave the King a Copy of it. He promis'd him he would read it, and he would soon see, whether it was an Impudence made to make them more odious or not. But he never spok of it to him afterwards. This *Dyckvelt* thought was a confessing that the Letter was no Forgery."

Of *Dyckvelt* and his Mission, we shall treat more at large when we make the next Transition to Foreign-Affairs. And in the mean while, it is necessary to observe, that the *Lige* Letter was sufficiently countenanc'd, as well by the Preferences bestow'd on the Catholics before spoken of, as by those other Measures which the King now us'd upon, in the Sight of all Europe: For in this very *February* when he suffer'd his Creatures to give out, That he would certainly meet his People in Parliament, in order to obtain their Sanction for what he ventur'd to do without it, he sent his Letter to the Privy Council of *Scotland*, authorizing and commanding them to set forth a Proclamation for the Ease of tender Consciences; *Jo*

(9) Bishop *Burnet*, in his Brief of this Letter, has not given this Passage fairly: For he says, p. 711. That one

lamenting to the King, that his next Heir was an Heretic, his Majesty reply'd, God would provide an Heir.



A. D. 1686-7.

Proclamation  
of Indulgence  
in Scotland.

to convince the World of his Inclination to Moderation, &c. And in Obedience thereto, such a Proclamation was accordingly set forth, as argu'd, That he look'd upon himself as an absolute Monarch, and of course fully empower'd to deal by his Vassals as he pleas'd. "His Majesty, it said, being resolv'd, as far as in him lay, to unite the Hearts and Affections of his Subjects, to God in Religion, to him in Loyalty, and to their Neighbours in Christian Love and Charity, had therefore thought fit, by his Sovereign Authority, Prerogative Royal, and absolute Power, which all his Subjects were to obey WITHOUT RESERVE, to give and grant his Royal Toleration to Moderate Presbyterians, to meet in their private Meeting-Houses only (Field-Conventioniers were still to be prosecuted according to the utmost Severity of the Laws,) Quakers, to meet and exercise in their Form, in any Place or Places appointed for their Worship; and to Roman Catholics; for whom his Majesty was farther most graciously pleas'd to play the Advocate, by declaring, That the severe and cruel Laws made against them, were made under a Course of (r) Treasons, Factions, and Usurpations; and that his Majesty, of his own certain Knowledge and long Experience, knew the said Catholics to be good Christians and dutiful Subjects. "We do therefore, proceeds his Majesty, with the Consent of our Privy-Council, by our Sovereign Authority, Prerogative Royal, and Absolute Power, suspend, stop, and disable all Laws or Acts of Parliament, made or executed against any of our Roman Catholic Subjects, in any time past, to all Intents and Purposes, making void all Prohibitions therein mention'd, Fines or Penalties therein ordain'd to be inflicted: So that they shall in all Things be as free in all Respects as any of our Protestant Subjects whatsoever; not only to exercise their Religion, but to enjoy

all Offices, Benefices and others which we shall think for to bestow upon them in all time coming,----- And whereas the Obedience of our Subjects is due to us by their Allegiance and our Sovereignty; and that no Law, Difference in Religion, or other Impediment whatsoever, can exempt the Subjects from their native Obligations to the Crown; and considering that some Oaths are capable of being wrested by Men of finistrous Intentions, a Practice in that Kingdom, as fatal to Religion as Loyalty; we therefore call, annual, and discharge all Oaths whatsoever, by which any of our Subjects are incapacitated from holding Places or Offices in our said Kingdom, discharging the same to be taken or given in any time coming, without our special Warrant and Consent; and we do stop, disable, and dispense with all Laws injoining the said Oaths, Tests, or any of them, &c." And finally he bestows a Ray of Comfort on the Episcopal Church in these Words: "For the Encouragement of our Protestant Bishops, and the Regular Clergy, and such as have hitherto liv'd orderly, we think fit to declare, That it never was our Principle, nor will we ever suffer Violence to be offer'd to any Man's Conscience, nor will we use Force or invincible Necessity against any Man on the Account of his Persuasion, nor the Protestant Religion; but will protect our Bishops and other Ministers, in their Functions, Rights and Properties, and all our Protestant Subjects, in the free Exercise of the Protestant Religion in their Churches."

Care was taken to publish this Masterpiece in the *Stile-Royal* in the *London-Gazette*, together with an Article from *Edinburgh*, signifying, that it was receiv'd there by the People with great Demonstrations of Joy; as also a Letter from the *Scotts* Privy-Council to his Majesty, declaring unanimously, "That they would maintain and assert his Royal

A. D. 1686-7.

[Nov. 221.]

The Scotch  
Privy-Council's  
Reply to  
the King's  
Letter.

(r) Among other occasional Pieces compos'd at the Hague about this time, for the Good of the Cause, by Dr. Burnet, there is one, to be found in the *State Tracts*, Vol. II. temp. Car. II. intitl'd *Reflections on his Majesty's Proclamations*, in which are the following Passages:

"Another Foundation laid for repealing all Laws made against the Papists, is, that they were enacted in King James the Sixth's Minority; with some harsh Expressions that are not to be inflied on, since they were more the Heat of the Penmen, than the Dignity of the Prince in whose Name they are given out. But all these Laws were ratify'd over and over again by King James, when he came to be of full Age; and they have received many Confirmations by King Charles the First, and King Charles the Second, as well as by his present Majesty, when he represented his Brother in the Year 1685, and since he himself came to the Crown: So that whatsoever may be said concerning the first Foundation of those Laws, they have received now for the Course of a whole Hundred Years, that are lapid since King James was of full Age, to many Confirmations, that, if there is any thing certain in human Government, we might depend upon them: But this new-coined absolute Power, must carry all before it.

It is also well known, that the whole Settlement of the Church hady and Tibet, with many other things, and more particularly the Establishment of the Protestant Religion, was likewise enacted in King James's Minority, as well as those penal Laws; so that the Reason now made use of to amend the penal Laws, will serve full as well for another Act of this absolute Power, that shall abolish all those: And if Mixims that unshake all the Securities of human Society, and all that is sacred in Government, ought to be look'd on with the justest and deepest Prejudices possible, one is tempted to lose the Respect that is due to every thing that carries a Royal Stamp upon it, when he sees such Grounds made use

of, as most shake all Settlements whatsoever; for if a Prescription of one hundred and twenty Years, and Confirmations reiterated over and over again these hundred Years past, do not purge some Defects in the first Formation of those Laws, what can make us secure? But this looks to be like a Fetch of the French Preceptive-law, both in their Proceeds with relation to the Edit of Nantes, and those concerning Dependencies at Metz, that this seems to be a Copy from that famous Original.

It were too much ill-nature to look into the History of the last Age, to examine on what Grounds those Characters of *Pious* and *Blissful*, given to the Memory of Queen Mary, are built; but since King James's Memory has the Character of *Glorious* given to it, if the Civility of the Fairer makes one unwilling to look into one, yet the other may be a little dwell'd on. The peculiar Glory that belongs to King James's Memory is, that he was a Prince of great Learning, and that he employ'd it chiefly in writing for his Religion: Of the Volume in Folio in which we have his Works, two Thirds are against the Church of Rome; one Part of them is a Commentary on the *Revelation*, proving that the Pope is *Antichrist*; another Part of them belong'd more naturally to his Poet-Dignity; which is the *Warning* that he gave to all the Princes and States of Europe, against the treasonable and bloody Doctrine of the Papacy. The first Ad he did when he came of Age was, to swear in Person, with all his Family, and afterwards with all his People of Scotland, a Covenant, containing an Enumeration of all the Points of Popery, and a most solemn Renunciation of them, (somewhat like our Parliament-Tell: His first Speech to the Parliament of England was copious on this Subject, and he left a Legacy of a With on each of his Potentates should go over to that Religion, which in Good-manners is suppress'd.

A.D. 1686-7.

Royal Prerogatives and Authority with the Hazard of their Lives and Fortunes: That they would do their utmost to render his Government easy to those whom he thought worthy of his Protection: That such of them as were or should be employ'd in Offices of Trust Civil or Military, were sufficiently secur'd by his Majesty's Authority and Commission for exercising the same. And, lastly, that they return'd his Majesty their most humble Thanks for giving them his *Royal Word*, that he would maintain the Church and Religion establish'd by Law, as being safely d'it was the best and greatest Security they could have.' This was sign'd at *Whitehall* by the Lord Chancellor *Pertb*, the Archbishop of *St. Andrews*, the Archbishop of *Glasgow*, the Marquis of *Atbol* Lord Keeper of the *Privy-Seal*, the Duke of *Gordon*, the Marquis of *Douglas*, eight Earls, two Viscounts, two Lords, *Lechbart* Lord President of the Session, *Dabrymple* of *Stair* Lord Advocate, *Faulis* Lord Justice-Clerk, and five more; and in *London* by the two *Secretaries of State* the Earls of *Murray* and *Melfort*, and six other Earls. So that if the Countenance of his Majesty's Counsellors and Ministers, or of so large a Body of the Nobility, could reflect any Lustre on his Measures, they had all the gilding in their Power to bestow: And if on the other hand, it should be pronounc'd, That his Majesty's Measures were such as would admit of no Excuse or Palliation, then it follows, that all these Nobles, Ministers, and Counsellors were answerable to their Country for having contributed as far as in them lay to the Subversion of its Liberties and Laws. Bishop *Burnet* affirms, that such a Claim of absolute Power as was contain'd in this Proclamation, was an Invasion of all that was either legal or sacred: That the only Precedent that could be found of such an extraordinary Pretension, was in the Declaration which *Philip* the Second of *Spain* sent by the Duke of *Alva* into the *Netherlands*, and that in requiring the Obedience of his Subjects without Reserve, his Majesty went farther than even *Philip* himself.

But however high his Majesty was pleas'd to carry his Claims and Pretensions in public, it is certain that, in private, he had his Doubts and Fears: That he plac'd too great a Weight on so slight a Foundation; and that all would soon fall to Pieces again, unless he could procure the Consent of the Legislature to keep all fast; for, had he been thoroughly convinc'd that he had all Power in himself, and that his Subjects would yield him the implicit Obedience he requir'd of them, he would have been under no Necessity to temper any longer with the Members of both Houses, or to keep the People in continual Expectation of a Session; whereas the (1) Clauses, before spoken of, were not only continu'd, but the Judges had Orders in their several Circuits, to feel the Pulses of those who, departing of the Public, avoided coming up to *London*: And such Persons as perished in refusing to gratify the King, at the Expence of Honour and Conscience, were blotted out of his Favour, and dismiss'd from his Service. Among these, particular Mention is made of *Admiral Herbert*, the Chief Justice's Brother, who, tho' a profess'd Libertine in his Life and Manners, and a Man of vast Expence, chose rather to part with his Places of Vice Admiral, and Master of the Robes, rather than be number'd among the Enemies of his Country. That such a Man should have so much of the Patriot in him, was the Subject of much Admiration without Doors, and not a little disconcerted Matters within: For now the King began to be convinc'd, that since the Dole he had to administer was so unpalatable to so debauch'd a Taste, it would scarce be endur'd by those who already look'd on the Prescription with loathing. And yet so intimated was he, that he was resolv'd to force it down the Throats of the Nation notwithstanding: This render'd a further Prorogation indispensibly necessary. And, accordingly, *March* the 18th, his Majesty was pleas'd to declare in Council, that he had, for divers weighty Considerations, thought fit to prorogue the Parliament till *November*; and that, in the mean time, he had resolv'd to issue out a Declaration for a general

Charging of Members as in usual.

[Ibid. p. 671.]  
[Resolv. Mem. p. 291.]

Parliament further prorogued.

[Ibid. p. 713.]

(1) The Manner of which is thus set forth by Sir *Joh* *Ray*:

'It is to be observ'd, that the Way of dealing with Men who propos'd any Bill to themselves in the Government, and especially the Members of both Houses of Parliament, that were in possession of Place, and near the King, was this: His Majesty took them aside, and told them, The Bill was made in the Height of Faction, not so much in prejudice to the *Roman-Catholick*, as in general, as to himself in particular, and to obviate his rightful Accession: That while that and the penal Laws remain'd in force, no good of their Persons could be felt: That it was against all municipal Law, for free-born Subjects to be excluded the Service of their Prince; or for a Prince to be restrain'd from employing such Subjects as he thought for his Service; and that therefore he hoped they would be loyal as not to refuse him their Voices for annulling such unreasonable Laws. Every Man that perished in a Refusal to comply with this Declaration was sure to be noted.'

The Time for the Meeting of the Parliament now drawing near, and several of the Members neglecting to repair to *London*, the King order'd the Judges in their several Circuits to feel the Pulses of the Men; in consequence of which I was, to my great Surprise, accus'd as *Turb* by the Judge, who told me, he had Orders to talk with me upon the subject. I ask'd him, if his Majesty had made particular mention of my Name? to which replying, That he had, only re-

ceiv'd a general Order from the King, to sound the Inclinations of the several Gentlemen who sat in Parliament, and that he had had a particular Intimation from the Chancellor only, as to myself by Name, I desired them to consider of it, and the next Morning return'd for Answer, That I particularly a Denial would be construed into Disloyalty: That I had lately waited on the King, and given such Assurance of my Integrity, that I could not apprehend his Majesty could harbour any Doubt as to me, and the other said he had not been pleas'd to make use of my Name: That I should not counter my self oblig'd to declare myself to any body else; but that if his Majesty should think fit to say any thing to me further than he had already said, when I had the Honour of waiting on him, which I intended should be presently, I would in compliance my Loyalty, and my Conscience, as to give him all the Satisfaction in my Power. The Judge told me he would make Report of what I had said; and did not seem to be very forward in pressing a Compliance: He told his Orders, and he obey'd them. I desired that to be the most prudent Reply I could at this time make; for had I answer'd in the Affirmative, I might have intur'd the Displeasure and Censure of the greater Part of the Nation: If in the Negative, I should have utterly disoblig'd the King: A Caution his most necessary to be taken, as there was no Likelihood there would be any Meeting of Parliament, to control him in his Conduct.'

A. D. 1686-7. a general Liberty of Conscience to all Persons, of what Persuasion soever; which he was mov'd to do, by having observ'd, That tho' an Uniformity in religious Worship had been endeavour'd to be establish'd within this Kingdom, in the successive Reigns of four of his Predecessors, assisted by their respective Parliaments; yet it had prov'd altogether ineffectual. That the Restraint upon the Consciences of Dissenters, in order thereunto, had been very prejudicial to the Nation, as was fully experienc'd by the horrid Rebellion in the time of his Majesty's Father: That the many Penal Laws against Dissenters had rather increas'd than lessen'd the Number of them: And that nothing could more conduce to the Peace and Quiet of this Kingdom, and the Increase of the Number, as well as of the Trade of his Subjects, than an intire Liberty of Conscience; it having always been his Opinion, as most suitable to the Principles of Christianity, That no Man should be persecuted for Conscience sake; for he thought Conscience could not be forc'd; and that it could never be the true Interest of a King of England to endeavour to do it. And for a Cloie of all, he gave Directions to his Attorney and Solicitor-General, not to permit any Process to issue in his Name against any Dissenter whatsoever.

On the 21st following these Passages were set forth in the Gazette, by way of Preparative, and April 4, the Declaration itself made its Appearance; but in a Style far different from that of Scotland, tho' calculated to answer a like Purpose. It set out most laudably with asserting, That there was nothing which his Majesty so earnestly desir'd as to make his Subjects happy, and to unite them to himself by Inclination as well as Duty, and that this could only be done by granting them the free Exercise of their Religion, in Addition to the perfect Enjoyment of their Property, which had never been invaded by him since his Accession to the Crown, and which should ever be preserv'd to them during his Reign, as the truest Methods of their Peace, and his Glory. His Majesty then proceeds to say in Substance, That tho' he could not but heartily wish, that all his Subjects were Members of the Catholic Church: Yet he had always declar'd, That Conscience ought not to be constrain'd, nor People forc'd in Matters of mere Religion: That Force was contrary to the Interest of Government, and never obtain'd the End for which it was employ'd: That this was become manifest by the Experience of the four last Reigns; and that this shew'd the Necessity of his present Declaration, which, by virtue of his Royal Prerogative, he had thought fit to issue forth, and which he made no Doubt the two Houses would concur with him in, when he should think it convenient for them to meet. De-

A. D. 1687. sending then to Particulars, his Majesty in the first Place, declar'd, That he would protect the Archbishops, Bishops, &c. of the Church of England in the free Exercise of their Religion, AS BY LAW ESTABLISHED; and in the quiet Enjoyment of their Possessions, without any Molestation or Disturbance whatsoever. 2. That the Execution of all, and all manner of Penal Laws in Matters Ecclesiastical, should be immediately suspend- ed. 3. That he gave his free Leave to all his loving Subjects to serve God their own way, either in Public or Private, provided they took special Care that nothing was preach'd or taught among them tending to alienate the Hearts of the People from his Government. 4. That it was his Command that no Disturbance of any kind should be given to them, under Pain of his Displeasure, and of being proceeded against with the utmost Severity. 5. That it was his Royal Will and Pleasure, That the Oaths, commonly call'd, The Oaths of Supremacy and Allegiance, as also the several Tests and Declarations mention'd in the Acts of Parliament of the 25th and 30th of Charles II. should not for the future be requir'd to be taken by any Person, who was or should be employ'd in any Place of Trust: And that it was his further Pleasure and Intention, to grant his Royal Dispensations under the Great Seal to all Persons so employ'd, who should not take the said Oaths. 6. That he did thereby give his free Pardon to all Nonconformists, Recusants, and other his loving Subjects, for all Crimes and Things by them committed against the said Penal Laws: And that the Pardon so given should be as good and effectual to all Intents and Purposes, as if every Individual had been therein particularly nam'd, or had receiv'd particular Pardons under the great Seal. And lastly, That he would maintain his loving Subjects in all their Properties and Possessions, as well of Church and Abbey Lands, as any other.

With regard to the Reception of this motly Piece, in which the Expressions most worthy of the Father of his Country were made use of to colour over the worst Purposes, Bishop Burnet says, it gave great Offence to all true Patriots, as well as to the whole Church-Party: But an Author of that Party, tells us, with his usual Rancour and Bitterness, that what appear'd to the Churchmen a dangerous Storm, likely to prove fatal to their Laws and Religion, for that very Reason, appear'd the more like a refreshing Shower to the Dissenters: But he does not chuse to recollect, that those Churchmen had lived in a State of Hostility with the Dissenters, except for one short Period, when they apprehended the like Storm which had now burst over them, ever since the Restoration: That they had furnish'd them with

The Exception it met with.

[Cavert, P. ii. P. 40.]

[\*] There is in the Collection of Lord Somers in Almanac for this Year, call'd the CATHOLIC ALMANAC, printed by Hills, the King's Printer, for the Use of his Majesty's Household and Chapels, in which, after a List of the Popes from St. Peter, there is another of the Kings of England, from

William the Norman to Henry VIII, and of the Archbishops of Canterbury, from Agilno to Reginald Pole: So that, by the King's own Authority, to the Prejudice of his own Ancestors, the Reader is left to conclude, that, after the Nation shook off the Pope's Supremacy, it had neither King nor Bishop.

the most plausible Pretences to enter into a League with the *Papists*, by laying them under the same Penalties and Disabilities: That their prime Leaders had made it their Glory and their Boast, that they had enforced the Execution of the Penal Laws with the same Rigor against the one as the other: And that till this very Crisis, those *Dissenters* had been persecuted without Mercy: And this being the Truth of the Case, what could be more natural than for those who, for so many Years together, had groan'd under so heavy a Yoke, to overflow with Joy on finding it unexpectedly remov'd; and, in the sweet Remission of present Ease, to shut their Eyes on future Danger? Nay, had they seen without Concern that very Yoke transferred to the Necks of their Enemies, it was still but natural: For, whatever Christianity may teach, and Christians profess to believe, no Man feels himself injur'd by another, without feeling himself incens'd at the same time; and Anger is very apt to produce Revenge.

But the *Dissenters* were both stimulated by Injuries, and courted by almost all the Blandishments the Crown could use: That very Bench of *Middlesex* Justices, who, in their Address on *Keyling's* Discovery, had been so severe on *Dissenters* and *Conventicles*, now interceded with the Earl of *Craven, Castles-Retainer* for that County, at their general Sessions, humbly to beseech his Majesty, that he would be graciously pleas'd to grant the same Dispensation from taking the Oaths, to the *Protestant* Justices, which he had granted to the *Catholics*. And to this Message his Majesty was most graciously pleas'd to answer, "That he took kindly the Confidence they plac'd in him; and that he would certainly take care of them." This however was no more than a Taste of his Majesty's gracious Intentions towards them; for we are farther told, that it was propos'd to all the several Sects, "That the King design'd the settling the Minds of the *different Parties* of the Nation, and the enriching it, by enacting a perpetual Law, that should be pass'd with such Solemnities as had accompany'd the *Magna Charta*; so that not only the Penal Laws should be for ever repeal'd, but that public Employments should be open'd to Men of all Persuasions indifferently, without any Tests or Restrictions whatever. And yet, if the same Authority is to be depended on, the *most considerable* among them were fully sensible, that the Court now paid to them was not owing to any real Kindness, or good Opinion, that his Majesty had entertain'd of or for them: That they need not be told, that the Notion of a general Toleration was propagat'd only to procure an Establishment for the *Papists*, who, when Time should serve, would not fail to complete their Project by a general Persecution: That they knew his Majesty's Displeasure against the Church-Party, and his Kindness to them, were too unnatural to last long: That therefore they resolv'd, not to behave so to the King as should oblige him to come to an Accommodation with their old Persecutors; nor, on the other hand, so to exal-

perate them, as would drive them into an Accommodation with the Court.

But these cool and moderate Notions of the *most considerable* among them did not obtain universally, as we shall find it acknowledg'd by the same Author: For no sooner was the Declaration made public, but Numbers of all Denominations were inclin'd to prostrate themselves before the Throne, with their Thanksgivings; in which they did their utmost to outflatter all the Flatterers who had gone before them, and of whom they had always spoken with Contempt and Loathing. The *Amphibaptists* led the Way; and, having premis'd how greatly they had suffer'd by the Penal Laws, and how sensible they were of their Deliverance from them, declar'd themselves firmly resolv'd, as in Conscience bound, to give such Proofs of their Duty to his Majesty, that he might never have occasion to repent of his Princely Favour towards them: To which they added certain Expressions of Confidence, that *Almighty God*, by pouring out his signal Blessings on his Majesty, his Royal Posterity, &c. would convince the whole World of the Wisdom and Truth of his Sentiment, *That Conscience was not to be forced.* They were followed by certain of his Majesty's Subjects, who, having been in Arms against him, ow'd their Lives to his Mercy, and who were now unable to contain their overflowing Thankfulness for his most gracious Declaration. On the Heels of these came several Ministers of the Gospel, commonly call'd *Presbyterians*, with their grateful Acknowledgments to God and the King, whose Princely Pity had rescued them from their *Long-sufferings*; and by the same Royal Act restor'd God to his Empire over the *Conscience*, &c. The *Quakers* then came forward, with their humble, open, and hearty Thanks to the King, for setting open their Prison-doors by this Act of Mercy; which, it seems, gave less Surprise to them than others, because some of them knew, that it was his declar'd Principle, before his Accession to the Throne of his Ancestors. Divers of the loyal Inhabitants of *Wilmington* were of Opinion, that his Majesty, in his late *heating* Declaration, had shewn himself the common Father of all his People, and that the Professions of Loyalty, which God had made their Duty, his Majesty had made their Interest to fulfil. Certain Persons, calling themselves of the *Congregational Persuasion*, declar'd in their Address, that his Majesty's Indulgence was founded upon Reasons most convictive from the Light of Nature and Christianity. The Grand Inquest for *Towson*, upon their bended Knees receive, with all the sense and all the Acknowledgments possible, his Majesty's Kingly Declaration; and pray, with the utmost Powers of their Souls, that as God had rais'd him up, as heretofore he did the great *Cyrus*, to redeem and to restore his People, so he would be pleas'd to make his Throne as easy and glorious, but *more lasting*. The Grand Jury and Justices of *Middlesex*, by *Shower*, their Chairman, who was knighted on the Occasion, pronounc'd, That

[Gazette, Nov. 227.]

[Barnet, v. i. p. 702.]

A. D. 1687; his Majesty had found out the best Means (by his Declaration) to preserve his Royal Person and Authority, and increase his Fame and Greatness, as well abroad as at home; and withal return his Majesty their hearty and sincere Thanks, for the great Care and Tenderness therein express'd to his Subjects of the CHURCH of ENGLAND. The Roman-Catholics in a Body, with the Lord Privy-Seal (*Arundel*), the (†) Marquis of *Ponoi*, the Lord *Bellafse*, and all the rest of their Nobility, at their Head, testify'd their Thankfulness to God and the King for so happy an Expedient for the Ease and Comfort of all his loving Subjects; call'd it the severest Part of their Misfortune, that they had been thought not to desire the least Ease to those that differ'd from them; express'd their Joy in the Universality of his Majesty's Royal Bounty, and that it flow'd from a Prince of their own Religion; as also their Belief, that his generous Resolutions were built on the truest Basis of Government, &c. Divers Dissenting-Inhabitants of *London*, calling themselves Merchants, Traders, and others, concluded, That God had rais'd up his Majesty, like *Moses*, to be the Deliverer of his People from the Yoke and Bondage of Penal Laws, a Slavery and Darkness, worse than that which punish'd *Egypt*. The Citizens of his Majesty's ever-loyal City of *Bath*, having first made good their Claim to that Title, by putting him in mind of the Stand they had made against *Monmouth*, and the Glory they had acquir'd by killing his *Trumpeter*, who summon'd them to surrender, offer'd up their due and hearty Thanks to his Majesty, for showing such Mercy and Goodness to his greatest Enemies; and declared, that if this should not cure their distracted Minds, they would hazard their Lives in defence of his most sacred Person. The *Benchers* and *Barriers* of the *Middle-Temple*, who, without the least Scruple, had charg'd the *Bye-Conspiracy* on desperate Persons of *Jacobitical Principles*, with for the Voice of Men and Angels to return sufficient Thanks to his Majesty, for his Condescension and Clemency to all his Subjects; among whom, those especially of the Profession of the Law, as they farther specify, had Reason to be thankful for the Honour he had conferr'd on them, by asserting his own Royal Prerogatives, which were the very Life of the Law, and of their Profession; which, as they were given by God, so they declar'd no Power on Earth could diminish, or separate from his Royal Person; and which, as they had study'd to know them, so they were resolv'd to defend them by asserting that *DRIVE MAXIM, A Deo Rex, a Rege Lex*. The Gentlemen of the *Inner-Temple* were clear, That so great a Blessing as his Majesty's Declaration of Indulgence could flow from none but the best and wisest of Princes, whose Royal Thoughts were wholly taken up how to make their Religion as free as their Pro-

perty. The Lord-Mayor and Aldermen of *London* prostrated themselves at his Majesty's Feet, with their most humble and thankful Acknowledgments for his having provided for the Union and Peace of all his Subjects, without Distinction; and conclude with offering up themselves, their Lives and Fortunes, to his Majesty's Service. And, lastly, (for it exceeds all Patience to particularize all the Varieties of Adulation, that flem'd up to the Throne from every Corner of the Kingdom, on this Occasion) *Crow*, Bishop of *Durham*, unanimously supported by his Dean and Chapter; *Cartwright*, Bishop of *Chester*, supported by his Dean and Prebendaries, and the rest of the Clergy of his Diocese; *Barlow*, Bishop of *Lincoln*, supported by his Dean, Archdeacons, and Clergy; *Wood*, Bishop of *Litchfield* and *Coventry*, supported by his Clergy; *Wilton*, Bishop of *St. David's*, supported by his Clergy; and the Chapter of his Majesty's Collegiate Church of *Rippon*, join'd in the general Chorus of Thanksgiving, for the gracious Expressions in his Majesty's Declaration, of Kindness, Favour, &c. to the Church of *England*, tho' it was visible, says *Barnet*, that the Intent was to destroy the Church. But Mr. *Echard* endeavours to palliate the Matter, by saying, "These particular Addresses were so jejune and insipid, that they seem'd rather like the forced Thanks given by a corrected Child to a severe Parent that holds the Rod *per* him, than like the hearty and free Acknowledgments which flow from the Sense of real Favours." And farther, that "*Parker*, Bishop of *Oxford*, was not so successful as these other Court-Prelates; for, notwithstanding the uncommon Zeal he shew'd upon this Occasion, his Clergy still refus'd to sign an Address which might prove of so dangerous Consequence: Yet, to let the World know, that it was not out of a fullen Humour, or Disloyalty, that they deny'd to pay that Homage to his Majesty, they gave their Reasons in Writing to their Bishop."

But tho' the Addresses themselves were almost innumerable, we are told by the Bishop, last quoted, That few concurr'd in them, which appears so much the stranger, when we recollect, that in the very Paragraph preceding, his Lordship records, That many promis'd to endeavour that such Persons should be chosen to serve in Parliament [when a time of Choice should come] as should concur with the King in the enacting what he had now so graciously granted. The Truth is, that tho' Mr. *Baxter*, and others of the most conscientious and experienc'd Dissenters, did not fall in with the Views of the Court, nor countenance those Addresses, yet the Majority row'd with the Tide: And that they might redouble their Speed, we are farther told by the same Prelate, "That the King made the Cruelty of the Church of *England* the common Subject of his Discourte. He reproach'd them for setting on so often a violent

(†) So created this Year.

(\*) According to Bishop *Ernest*, he was able to get but one single Clergyman to concur with him.

A. D. 1687.

violent Persecution of the Dissenters. He said, he had intended to have set on this Toleration sooner, but that he was restrain'd by some of them, who had treated with him, and had undertaken to shew Favour to those of his Religion, provided they might be still suffer'd to vex the Dissenters. He nam'd the Persons that had made those Propositions to him; in which he suffer'd much in his Honour: For as the Persons deny'd the whole thing, so the Freedom of Discourse in any such Treaty ought not to have been made Use of to defame them."

But to carry this farther, and to give a public and an odious Proof of the Rigour of the Ecclesiastical Courts, the King order'd an Inquiry to be made into all the vexatious Suits into which Dissenters had been brought in these Courts, and into all the Compositions that they had been forc'd to make to redeem themselves from further Trouble; which, as was said, would have brought a scandalous Discovery of all the ill Practices of those Courts: For the Use that many that belong'd to them had made of the Laws, with relation to the Dissenters, was, to draw Presents from such of them as could make them, threatening them witha Process in case they fail'd to do that; and upon their doing it leaving them at full Liberty to neglect the Laws as much as they pleas'd. It was hop'd at Court, that this Fury against the Church would have animated the Dissenters to turn upon the Clergy with some of that Fierceness, with which they themselves had been lately treated. Some few of the hotter of the Dissenters answer'd their Expectations. Angry Speeches and virulent Books were publish'd. Yet these were disown'd by the wiser Men among them. And the Clergy, by a general Agreement, made no Answer to them; so that the Matter was let fall, to the great Grief of the Popish Party.

Some foolish Men retain'd still their old Peevishness: But the far greater Part of the Clergy began to open their Eyes, and see how they had been engag'd by ill meaning Men, who were now laying off the Mask, into all the Fury that had been driven on for many Years by a Popish Party. And it was often said, that, if ever God should deliver them out of the present Distress, they would keep up their domestic Quarrels no more, which were so visibly and so artfully manag'd by our Enemies to make us devour one another, and so in the End to be consumed one of another. And when some of those who had been always moderate, told those who were putting on another Temper, that they would perhaps forget this as soon as the Danger was over, they promis'd the contrary very solemnly. Now the Bed-chamber and Drawing-room were as full of Stories to the Prejudice of the Clergy, as they were formerly to the Prejudice of the Dis-

senters. It was said, they had been loyal as long as the Court was in their Interests, and was venturing all on their Account; but as soon as this chang'd, they chang'd like wife.

It is proper in this Place to recollect the Prosecution of Mr. Baxter in the Beginning of this Reign, and in what Manner the Dissenters, in a Body, are treated in the first Memorial set forth in the Name of the Church of England, as also the specious Arguments therein us'd to make way for a Reconciliation with that of Rome, since nothing will better serve to illustrate the real Designs of the Court or to account for the sudden Alteration of their Steerage, and the shifting of their Sails.

The Church had certainly the first Offers, both public and private, and might have had tolerable Terms: And as this Firmness has, on the one hand, been the Subject of much pompous Panegyric, so the yielding of the Dissenters, on the other, has drawn upon them, as before observ'd, an equal Quantity of Invektive. How far either has been misplac'd, may be gather'd from these Considerations, That by taking shelter under the Prerogative, the Dissenters, for the present at least, were sure to be Gainers; and by departing from their Hold on the Laws, the Church was equally sure to be a Loser, as a great Genus of these Times afterwards undertook to demonstrate. Both Parties have interchangeably approach'd each other with being govern'd only by Interest and Lust of Dominion: And what is worse, have by their Conduct very sufficiently justify'd their mutual Accusations. Thus we find a notable Court-Advocate, who, at the Entrance of this Reign undertook to shew the Expediency and Necessity of granting the King his Revenue for Life, and who never lost an Opportunity of exposing and vilifying the Dissenters, boldly averring, "That plain Religion is not the Matter in question, nor Conscience the Motive of all these Frights and Apprehensions: Worldly Interest, says he, is the Spring that moves all the Wheels. And provided these Men of Zeal and Devotion could but secure in their own Hands all the Offices and Employments in the Kingdom, I am morally certain they would not much care what Mode of Religion should be in Fashion." And again, by another Author of a different Class, but in the same Service, it is said, "That there was a sort of Men in the Kingdom who no longer thought themselves happy than they were in a Capacity to destroy all those who durst not commit their Souls to their Conduct." The first of these Pieces is written in the Style, and printed in the Manner of *Lettres*, and the last, if it is not the Work of a Dissenter, at least came from a (2) Press that had ever been engag'd in their Quarrel: And yet the one is an avow'd (2) Attempt to justify the Dissent-

A. D. 1687.

[The Mischief of the Cabals of the Faction expos'd, 4th. p. 24.]

118

(2) *Traveller*.  
(2) The Title of this remarkable Tract is, *The Key's Dissolving Power explained and asserted*: It is divided into three Sections: The first of which is to prove, That the

Dissolving Power is a Jewel inherent in the Crown: The second, to evince the Safety of taking out a Dissentation: The third, That the King's Exercise of his Dissolving-Power can never be injurious to Liberty of Conscience: And

A. D. 1687.

ing Power, and the Favour throw thereby to Roman Catholics: And the other, tho' calculated on purpose to lead the Church-Party blind-fold into his Majesty's Measures, and to establish an implicit Dependence on his Royal Word and Promise, makes no Difficulty to (x) inculcate, That it was the Interest of neither Church nor State to make an outward Profession of the establish'd Religion a necessary Step to Preferment: And that the Church, in particular, can never suffer more by any thing, than by Occasional-Conformity.

But tho' it was not held expedient to enter into angry Expositions with the Dissenters at this Crisis, it was held necessary to make some Attempts to reclaim them; and even to solicit that Union which had before

been rejected with Contempt and Disdain. This, immediately after the first Appearance of the Declaration for England, a Paper of Reflections upon it was let forth, not only to expose the general ill Consequences to be apprehended from it, but, in particular, to caution the Dissenters against being misled by it, into such Compliances as, in Exchange for a transient Interval of Relief and Indulgence, might endanger the whole Protestant Cause. It was in this Paper allow'd (y), That the Church of England had misbehav'd towards them: That they had been treated with too much Rigour; and that they had some Reason to rejoice in their Deliverance: But withal it was insinuated, that if with such Pretensions to Compassion and Favour in a better Time, they should so behave as to forfeit

A. D. 1687.

Two remarkable Traits add to the Dissenters.

the Power of all in the Close sum'd up in these Words: "On the Whole it is clear,

I. That it belongs to the King's Prerogative to dispense with all those Penal Laws, that are a Grievance to the Subject, or derogate his Majesty's Authority.

A Prince had never a more fair Occasion to exercise the Dispensing Power than our King has, who by it hath saved the Nation from Ruin, and given that Ease to Conscience, which renders us the most contented People imaginable. For which Cause it cannot but surprise the Imperial and Usur'd, or, in short, those Gentlemen denying the Dispensing Power to belong to the King, that for many Years together have boldly assumed the sole Legislative Power to be in his Hand: Especially considering, that the Prerogative has been so well established by the Veneration of the Dissenters, that at this time especially, when exercis'd only for the Relief of the Oppress'd, which formerly it was not, that our High-Church men are for the Prerogative, if by the Help thereof they may establish their own Dominion and Overlord; but will be afraid it, if his Majesty exercises it for the Benefit of the Dissenter; which is a thing that cannot so soon be so foolishly insinuated to be for the Honour of the Protestant Religion.

II. That those to whom a Dispensation is given may, in obedience to the King's Command, lawfully enter on Places of Trust and Profit, in any thing in the Text-Laws notwithstanding.

For, besides assenting on a Consideration that both its Weight too, and that the Consideration must be at the King's Suit, by Indulgence or Information, before the Penalty be incurred, or the Person admitted by the said Act, in which his Majesty can at pleasure dispense, or pardon, and thereby secure his own Disgrace, altho' he had no Dispensation: I have from an *Account of a Dispensation* extract, that those dispens'd with do not transgress the Law, they incur no sin on the Faculty, and therefore are in no danger, especially considering, that very lately the judges here, in a judicial Way, determin'd it; for hereby, had the judges Resolution been contrary to Law, yet the Gentry, and others, who must govern Conscience by the judges Resolutions, can so hazard by trusting on Force of Time, with a View of some day's Act of Parliament: How much less, then, where the Cause, for many hundred Years together, has been clear!

The Relief of which is, That his much more safe for Dissenters to take a Dispensation, than contrary to their Conscience submit unto the *Assent of Conscience* &c. The Case is plain. Take a Dispensation, and you are no longer in this World, or that which is to come: But if you submit the Oath, or take the Sacrament according to the Oath of the *Church of England*, contrary to the plain and unalter'd *Constitution of Conscience*, you may be miserable here, and hereafter too.

III. That the King's exercising this Dispensing Power cannot in the least hinder the falling Liberty of Conscience on full just and equal Footings as to possession of the Power of Law: Being as it is by Prerogative.

Let the proceeding of any *Bill*, upon the account merely of his Conscience, be declared void, as, in such an Act, as is in the *History*, and that his Majesty thereby be render'd *Incapable*. (See *of the Succession of Crowns*, vol. 2. c. 22.)

It is his most reasonable Request, by way of Motion, in the *House of Commons*, that a *Resolution* may be made, that a *Christian King*, who is profess'd his Conscience before his Kingdom. (See *King Charles's Fifth Speech*, &c. c. 2.)

In their Words:

"The *Nonconformists* are now invited to set an Example (of *obedience*) to the rest: And they who have valued themselves hitherto upon their Opposition to Popery, and

that have quarrell'd with the Church of England, for some small Approaches to it, in a few Ceremonies, are now solicited to rejoice, because the Laws that enforce us against it are all plac'd up; since they enjoy at present, and during Pleasure, Leave to meet together. It is usual for all Men to love to be set at ease, especially in the Matter of their Consciences; but it is wiser, that those who allow them this Favour do it with no other Design, than under pretence of a general Toleration, they may introduce a Religion which shall perform all equally. It is likewise apparent how much they are hated, and how much they are courted, when they are beloved by the Illustrious of those who now court them, and who have now no Game that is more profitable, than the engaging them and the Church of England into new Quarrels. And as for the *Protestants* now made to them, it cannot be supposed that they will be more loving than those that were made some time ago to the *Church of England*, who had such a better Title in Law, and greater Right upon the Crown, to assure them that they should be well us'd, than those can pretend to. The Nation has already forgiven some of the Church of England the Penitence into which they have fallen themselves to be coar'd; it though now they see Popery banish'd, the *Saint* that they have made, *irreversible* Opposition that they have given to it, is that which makes all their writings no longer what it was, and raises again the Glory of a Church that was not till this day by the Indifference and Weakness of those that were its set to believe and hope, and to suffer themselves to be made a Property to those who would make them a Sacrifice. The *Sufferings* that the *Nonconformists*, and the Party that the *popish Party* expected against them, had recommended them so much to the Compassion of the Nation, and had given them to put a *Protestation of Favour* on a *better Time*, that it will look like a *Crime of God* upon them, if a few Men, whom the Court has chosen to betray them, can have faith on all *Indulgences* upon them, as to make them throw away all that Merit, and their Compassions, which their Sufferings have procur'd them; and to go and court those who are so very friendly kind to them, that they may destroy both them and us. They must remember, that as the Church of England is the only Establishment, that our Religion has by Law, so it is the main Body of the Nation, and all the *Sects* are but small and struggling Parties. And if the *Real Settlement* of the Church is dissolved, and that Body is once broken, those lesser Bodies will be all at mercy; and it is an easy thing to believe what the *Mystics* of *France* say.

But tho' it must be confess'd, that the *Nonconformists* are full under some Temptations to receive every thing that gives them present Ease, with a little too much Repentance; since they are exposed to many *Evil* Laws, for which they have of late lost the Weight very heavily; and as they are often read some of them as *illustrious* than on other People, so it is no wonder if, upon the *soft* Serpents of the Declaration, they are a little oblig'd to see the Church of England, after all its *Services* and *Submissions* to the Court, so much courted by it; for that, taking all together, it will not be strange if they commit four *Follies* upon this Occasion. Yet, on the other hand, it falls all *Imagination* on the *Church of England*, especially their *many* Names, we know are so particularly *burden'd* in the point of *Persecution*, chiefly when it is serv'd against the *Dissenters*, rejoice at this Declaration, and make *Address* upon it. It is hard to think that they have assented to so high a Pitch of *Christian Charity*, as to thank those who do now *desperately* use them, and that as an *Exhortation* that within a little while they will persecute them! (See *Tracts*, they *Car. II.* vol. II. p. 291, 292.)

A. D. 1687.

forfeit them all, it would look like the Curse of God upon them, &c. When this *better Time* was to come, or by whom, is left in utter Darkness; unless it should be thought, that a Ray of Light breaks in thorough that Passage, in which, tho' it is agreed, that Acts of Violence or Injustice committed in the executive Part of Government, did not warrant Resistance; it is also said, "That the total Subversion of a Government, which was imply'd in the placing the whole legislative Power in the single Person of the King, and which was so contrary to the Trust given to Princes, who ought to execute it, would put Men upon such uneasy and dangerous Enquiries, as would turn little to the Advantage of those who were driving Matters to such a doubtful and dangerous Issue."

But whatever Interpretation this Passage was capable of, or whenever this *better Time* might be expected, the Bulk of the Dissenters, as we have seen, were not willing to stay for it; but on the contrary rush'd into the Snare they were thus caution'd to avoid. This render'd a new Attempt necessary: Tho' stay'd they were not to be lost: They had not yet retraced in Form their old Principle of Resistance, and therefore might again be induc'd to stand forth in the first Files of Opposition, as before. Accordingly,

[State Trials, temp. Car. II. c. ii. p. 294.]

A Letter of Advice was address'd to them, in which it is again allow'd, That, fore as they were with their past Sufferings, and loaded as they had been with the *Exclusion and Rebellion*, it was no wonder that they ran to the nearest Remedy, without regarding Consequences. Two things were then submitted to their Consideration, *viz.* 1. The Cause they had to suspect their new Friends. 2. The Duty incumbent on them not to hazard the public Safety, neither by Desire of Ease or Revenge. Under the first they were told, That their new Friends did not make them their Choice but their Refuge: That they had made their first Courtship to the Church; and that when rejected there, they took up with them: That instead of intending any Favour, they only made Use of them as a Shelter for themselves: That an Alliance between Liberty and Infallibility was utterly impracticable: That as to the Agents or Mediators of this new Alliance, if it should appear that they were under Engagements to one Side, their Arguments to the other ought to be receiv'd accordingly: That if it should appear these Agents had formerly been empower'd to persuade by secular Arguments, in Consequence whereof, they had sprinkled Money among the Dissenting Ministers: And if they had still the same Powers, and us'd the same Means, it might be fairly urg'd, that they were rather purchas'd than convinc'd: That if it should appear there was at that *very Instant* a much *closer* Friendship between their new Allies and those who were so far

from allowing Liberty, that they allow'd no Living to a Protestant among them, surely it must follow, That as soon as the present Turn was serv'd, the Stronger would devour the Weaker: That if the Consideration expected from them in Return for the Indulgence, should be the giving up their Right in the Laws, they would give more for it than it was worth: That, after returning Thanks for the Breach of one Law, they would have to Pretence left to complain of the Breach of the rest; and that if they set up a Power at one time to help them, which, by a Parity of Reason, might be made Use of to destroy them, they would deserve neither Relief nor Commiseration. Then with regard to the second Head, namely, Their Duty to the Public, they were farther told, That if an Address of Thanks imply'd Approbation, and precluded all future Complaints on the same Head, they ought to think that the Constitution of *England* was too valuable a thing to be complimented away: That for the same Reason that they were desirous to enjoy Liberty, they ought to be as desirous to preserve it: That therefore, they ought not to engage themselves beyond Retreat, nor in Politics any more than in Religion, rely on a Death-bed Repentance: That as to their Quarrel to the Church of *England*, they ought rather to take Warning by her Mistakes, than by treading in her Steps, to precipitate themselves into the like or worse Calamities: That if they blam'd the Prelates of that Church for retaining too long and too bitter a Remembrance of the rough Usage they had met with from the sectaries, when uppermost, they stood self-condemn'd, in sacrificing their Interest, like them, to their Revenge: That the common Danger had worn out all the Rigour of those who had kept them at such an uncharitable Distance, and turn'd a deaf Ear to their most reasonable Scriptures, had for ever extinguish'd that *Haughtiness* which had been shewn towards them, and turn'd the Spirit of Persecution into a Spirit of Peace, Charity, and Condescension: That this Change was not however so much the Effect of Necessity as Choice; for at that very Hour, in the midst of the Heat and Glare of Court Sunshine they were at present surrounded with, the Church of *England* could in a Moment gather Clouds against the Royal Thunder upon their Heads, or blow them off the Stage with a Breath, if she would give but a Smile or a kind Word: That it could not be said she was unprovok'd, since Books and Pamphlets came forth every Day, on purpose to kindle the Quarrel: That there was to reach Virtue in her Patience and Forbearance, that it was scandalous not to applaud it; and that with all her Faults she chose rather to bear the Weight of Power, than by criminal Compliances, get it remov'd.— Here follow'd a (ε) String of pathetic Arguments and Exp-  
ostulations,

A. D. 1687.

(ε) *Ph.* Think a little, who they were that promisc'd your former Persecutions; and then consider how it will look to be angry with the Instrument, and at the same time

to make a League with the Authors of your Sufferings. Have you enough considered what will be expected from you? Are you ready to stand in every Struggle by virtue of  
a George



A. D. 1687

postulations, which could not fail of having the greatest Weight, not only with the Disfenters, but the Nation in general: And after them, for a Clofe of all, these other Particulars, which have so intimate a Relation to the Intrigues now on Foot, that our History would be scarce intelligible without them:

Besides all this, you act very unskillfully, against your visible Interest, if you throw away the Advantages, of which you can hardly fail in the next probable Revolution. Things tend naturally to what you would have, if you would let them alone, and not by an unteachable Activity lose the Influences of your good Star, which promiseth you every thing that is prosperous.

The Church of England, convinc'd of its Error in being severe to you; the Parliament, whenever it meeteth, sure to be gentle to you; the next Heir bred in the Country which you have so often quoted for a Pattern of Indulgence; a general Agreement of all thinking Men, that we must no more cut ourselves off from the Protestants abroad, but rather enlarge the Foundations upon which we are to build our Defences against the common Enemy; so that in truth, all things seem to conspire to give you Ease and Satisfaction, if by too much haste to anticipate your good Fortune, you do not destroy it.

The Protestants have but one Article of human Strength, to oppose the Power which is now against them; and that is, not to lose the Advantage of their Numbers, by being fo unwary as to let themselves be divided.

We all agree in our Duty to our Prince, our Objections to his Belief do not hinder us from seeing his Virtues; and our complying with his Religion, hath no Effect upon our Allegiance; we are not to be laugh'd out of our *Passive Obedience*, and the Doctrine of *Non-resistance*, tho' even those who perhaps own the best Part of their Security to that Principle, are apt to make a Jest of it.

So that if we give no Advantage by the

fatal Mistake of misapplying our Anger, by the natural Course of things, this Danger will pass away like a Shower of Hail; fair Weather will succeed, as lowering as the Sky now looketh, and all by this plain and easy Receipt. Let us be still, quiet and undivided, firm at the same time to our Religion, our Loyalty, and our Laws; and so long as we continue this Method, it is next to impossible, that the Odds of two hundred to one should lose the Bet, except the Church of Rome, which hath been so long barren of Miracles, should now in her declining Age, be brought a-bed of one that would cut-off the best she can brag of in her Legend.

It is probable *Burnet* was the Author of the first of these Pieces; and it is certain the second was the Workmanship of that Master-hand, the Marquis of *Hallifax*: With what Views, and from what Motives, will best appear from a farther Prosecution of our Foreign Affairs.

In the Clofe of the last, or the Beginning of this Year, *Skellon* was recall'd from his Residence in *Holland*, and sent to *France*; and one (\*) *White an Irishman*, who had serv'd as a Spy for *France* and *Spain* by Turns, was station'd at the *Hague* in his stead, under the Title of the Marquis d'Albeville, which had been bestow'd on him by the Court of *Madrid*, either as an Equivalent for Arrears of Pay, or in Acknowledgment of Services.

In February this Man had his first public Audience of the States, and therein declar'd, "That he had Orders to assure their Lordships of the Continuation of the King his Master's Friendship; and that he was resolv'd to observe inviolably the Treaties which he had renew'd with them, since his Accession to the Throne: That those Assurances ought to dissipate all the Apprehensions which they had too easily entertain'd from the Stories which had been maliciously spread abroad, with respect to his Majesty's Naval Preparations: And that in Truth those Preparations were made with no other Design than to enable his Majesty to keep the Peace,

A. D. 1687

Station sent to France, and Albeville to Holland.

The first Memorial of the League in the States.

to give a more quiet, and full of Election, be satisfy'd if you are return'd.

Will you, as Parliament, justify the Dispensing-Power, with all its Consequences, and repeal the Test, by which you will make way for the repeal of all the Laws, that were made to preserve your Religion, and to smother others that shall destroy it?

Are you dispos'd to change the Liberty of Debate, into the Liberty of Obedience, and to be made Instruments to repeal or enact Laws, when the Roman Catholics are Lords of the *Assembly*?

Are you to flake with your new Friends, as to reject any Indulgence a Parliament shall offer you, if it shall not be to comprehend in it, against the *Pope's* In it?

Consider that you implied Conditions of your new Treaty are on left. Can that you are to do every thing you are desir'd, without examining it, and that, for this pretended Liberty of Conscience, your real Freedom is to be sacrificed? Your honest Friends long the *Chain's* Bill about you, you are let loose only upon a Bill, the first Act of Non-compliance hinders you to God again.

You may see that this Bill themselves do not rely upon the Impolicy of the *Convent*, when you were justify; since they being so very watch in yet it established by a Law, and the doing such very hard things, in order, as they think, to obtain it, it is a clear Evidence, that they do not think, that the single Power of the Crown is never to be a good Foundation; especially when this is done under a Prince so very tender of the Rights of Sovereignty, that he would think it a Diminution to his Prerogative, were he coöperate it through

enough to go alone, to call in the legislative Help of Strength and Support it.

You have formerly nam'd the Church of England, and not without Reason, for going to her as they did in their Compliances; and yet as soon as they serv'd, you see they are too easily deserted, but reflected. Consider then from this Example, that you must never break off your Friendship, or resolve to have her hands in it. If they do not succeed in their Design, they will leave you first; if they do, you must either leave them, when it will be too late for your Safety, or else after the sequents of having at a Surplice, you will be forced to swallow Transubstantiation.

Remember that the other Day those of the Church of England were *Witnesses*, not enduring you, and now by a sudden Turn you are become the *Witnesses*, do not deceive your selves, it is not the Nature of living Points, or to hang up in a Night; you may look gay and green for a little time, but you want a Root to give you a Continuance. It is not so long since it to be forgotten, that the Maxim was, *It is impossible for a Dispute not to be a Rebel's Cause* at this time in France, even the new Convert were to be from being employ'd, that they are disarm'd. Their sudden Change makes them still to be distrustful, notwithstanding that they are reconcil'd: What are you to expect then from your dear Friends, to whom, wherever they shall think fit to show you will appear, you have in other times given their Arguments for their Recusal?

\*) In a Pamphlet call'd, *A Melior Impudens*, &c. it is insinuated, that he was at first a Butler, if not a Footman.

A. D. 1687.

His private  
Negotiations  
with the  
Prince and  
Princess of  
Orange.  
[Vol. V. p.  
708.]

Peace, and provide for the Defence, of his Kingdoms.

This was the Substance of his public Professions: And with respect to his private Negotiations with the Prince and Princess of Orange, our Historian of *his own Times* (who, by the way, is explicit, that by the particular Direction of his Highness, he was let into the whole Secret of the *English Affairs*) assures us, That before the Marquis enter'd on Business with either of them, he exacted a Promise from both, that they would not only forbid him (the Doctor) the Court, but that they would never see him more: And that this Preliminary being granted, he open'd his Commission with very positive Assurances, That the King had no Intention to injure them in their Right of Succession; and that the whole of his Design was to assert the Rights of the Crown, which they, in their Turn would reap the Benefit of. After which he proceeded to the old Point of the Repeal of the Test and Penal Laws; which he said, The King was resolv'd on; the first, because they were a Restraint on his own Liberty; and the second, for the Sake of those of his own Religion, who had serv'd him well, and who had suffer'd only on his Account, and for Conscience sake. The great Point of all, as in *Pen's* Negotiation, was to engage their Highnesses to cooperate; but on what Motives, or for what Consideration, is still left an impenetrable Secret; unless we can suppose, that the Pleasure of hearing Mr. *d'Albeville* speak of the *most Christian King* as a poor Bigot, who acted implicitly according to the Injunctions of the Archbishop of Paris, and Madame de Maintenon; and declare, that his Majesty despid'd him for it, came up to the Height of the Prince's Expectations from the King his Father-in-law.

Before the Arrival of *Albeville* at the Hague, a Resolution had been taken to send Mr. *Dyckvelt*, before mention'd, to *England*, with Directions, says our Right Reverend Historian, how to talk to all Sorts of People, to the King, to the Church, and to the Dissenters: And, notwithstanding *Albeville's* Arrival, he did set out accordingly. "I, continues the Bishop, was order'd to draw his Instructions, which he follow'd very closely. He was order'd to expostulate decently, but firmly, with the King upon the Methods he was pursuing, both at home and abroad; and to see, if it was possible to bring him to a better Understanding with the Prince. He was also to assure all the Church Party, that the Prince would ever be firm to the Church of *England*, and to all our National Interests. The Clergy, by the Methods in which they corresponded with him, which I suppose was chiefly by the Bishop of *London's* Means, had desir'd him to use all his Credit with the Dissenters, to keep them from going into the Measures of the Court; and sent over very positive Assurances, That, in case they stood firm now to the common Interest, they would in a BETTER TIME come into a Comprehension of such as could be brought into a Conjunction with

the Church, and to a Toleration of the rest.

They had also desir'd him to send over some of the Preachers, whom the Violence of the former Years had driven to *Holland*; and to prevail effectually with them to oppose any false Brethren, whom the Court might gain to deceive the rest; which the Prince had done. And to many of them he gave such Presents, as enabled them to pay their Debts, and to undertake the Journey. *Dyckvelt* had Orders to press them all to stand off; and not to be drawn in by any Promises the Court might make them, to assist them in the Election of Parliament. He was also instructed to assure them of a full Toleration; and likewise of a Comprehension, if possible, whicsoever the Crown should devolve on the Princes. He was to try all sorts of People, and to remove the ill Characters that had been given them of the Prince; for the Church Party was made believe, he was a Presbyterian, and the Dissenters were possess'd with a Conceit of his being arbitrary and impetuous. Some had even the Impudence to give out, that he was a Papist. But the ill Terms in which the King and he liv'd put an End to their Reports at that time.

Here we have not only Evidence, that the Phrase *better Time* was already current on both sides of the Water, but a Hint, That foreign Affairs made a Part of the Subject-Matter of Treaty between the King and his Highness; as also Proof that a Disposition was making to take such Advantage of the present National Ferment as should hasten that *better Time*.

It is moreover observable, that about the same time that *Dyckvelt* receiv'd these Instructions at the Hague, there arriv'd at *London* an Envoy Extraordinary from the Emperor, who could have no other Business, than to mediate between the King and the Prince, that the great Purpose of the Empire might be answer'd, of engaging *England* in the League against *France*: And that the Count de *Castellanaga*, Governor of the *Netherlands*, and Don *Pedro de Remonillo* the Spanish Ambassador, left no Expedient untry'd to enforce the same thing: Nay, the latter, according to Father *Orleans*, went so far as to promise the King, That if he would come to a Breach with his *most Christian Majesty*, his Parliament should ratify all he had done for the Establishment of Religion. But 'tis equally incredible that Don *Pedro* should make any such extravagant Offer, or that the King should place any Confidence in it, if he had. The Prince of Orange was apparently the only Person who could take upon him to answer for any parliamentary Measure. A Treaty on that very Subject was then actually depending; and his Answers in Person to *Albeville* at the Hague, and by *Dyckvelt* to his Majesty in *England*, went no farther than what he had before declar'd, to *Pen*, viz. That he would willingly agree to the Abolition of the Penal Laws, but not of the Test. The King, on the other hand, was to the full as resolute to admit of no Compromise, as the Prince to make no farther

A. D. 1687.

The Emperor  
and Spain  
submit his  
Majesty in  
behave of  
their Party  
against  
France.

*Dyckvelt* sent  
to *England*.

His Instructi-  
ons.

A. D. 1687.

ther Concession. He said to *Dyckvelt*, I am the Head of the Family, and the Prince ought to comply with me, whereas he hath always set himself against me. *Dyckvelt* reply'd, That the Prince could not carry his Compliance so far, as to give up his Religion to his Pleasure; but that in all things else he had shewn a ready Submission to it, as had appear'd by his Conduct in relation to the Outrages committed by the *French* in his Principality of *Orange*, in Violation of the Treaty of *Nimwegen*, of which his Majesty was Guarantee. As the King had not thought proper to interpose in his Behalf, he had not troubled him with Remonstrances on that Account, which was a sufficient Proof, that he chose to sacrifice his own Concerns, rather than disturb the King's. The King could not be sensible of the Reproach that was cou'd under this Plea of Religion; And, either thro' Conscience, or Displeasure, made no Answer. Upon which *Lord Sunderland*, and the rest of the Cabinet took up the Dispute, and press'd *Dyckvelt* with all the Arguments and Inducements they could think of, to prevail with the Prince to concur with his Majesty. In particular, offering and engaging, That on that Condition the King would enter into close Measures with him against *France*.

The King offers to give up the Prince, in case the Prince would consent to the Royal of the Test.

[P. 1. p. 711.]

Thus, in Effect, is the Story told by *Burquet*, agreeable to the Lights he had receiv'd from *Dyckvelt*; And, in perfect as it is, we learn from it, that the Line of the Treaty was at last put on the governing Passions of both Sides; and that Hopes were entertain'd of a Public Agreement on the Basis of mutual Gratifications, tho' without Effect. For, according to the same Right Reverend Author, neither *Dyckvelt* nor the Prince would be much as listen even to his own Favourite Measure, on such disadvantageous Terms. But if such an Offer was made, it can scarce be suppos'd that the Ministers of the Emperor and *Spain* were not made acquainted with it; and if they were, it is next to impossible, that they should not engage their respective Courts to use their utmost Influences with his Highness to accept it: For whatever particular Scruples he had in relation to the giving up of the Test, they could have none. On the contrary, whoever had a Tendency to further the Catholic Cause, figur'd as perfectly with their Principles in Spiritual, as a Breach with *France* did with their Interest in secular Concerns. It follow'd, therefore, that they must grow as importunate with the Prince to comply with his Majesty in the Point of Religion, as they had been before with his Majesty to comply with the Prince in Reference to *France*. And either we must suppose that his Highness relinquish'd and overcame those Impugnances, for the sake of the Protestant Religion and his peculiar Concern for the Church of *England*, or else that he had Reason to think there was no Sincerity in his Majesty's Offer, and that the Snare was laid for him, only to run him with his Party in *England*. Posterity will conclude of his Motives, as they see Cause from his Actions. But it is certain he did hold out

with equal Steadiness both against the King and his own Allies. In Consequence of which, *Dyckvelt's* Negotiations here, and *Abbeville's* at the *Hague*, became fruitless: And his Majesty, in plain Terms, inform'd the *Spanish* Minister, "That he would inevitably observe the Alliance he had renew'd with his Master; but the same Justice oblig'd him also not to break thro' his Friendship with his Kinsman, the *late Christian King*, who was desirous to live in Peace with his Neighbours, and to preserve it among them as he could."

A. D. 1687.

[Osburn,]

which he ex-

presses by

Dyckvelt's

the same.

But, says our *Historian of his own Times*, [P. 1. p. 712.] if he, *Dyckvelt's*, treating with the King was without Success, his Management of his Instructions was more prosperous. He desir'd, that those who wish'd well to their Religion and their Country would meet together, and concert joint Advice, and Advertisements, as might be fit for the Prince to know, that he might govern himself by them. The Marquis of *Hallifax*, and the Earls of *Sherburne*, *Derbyshire*, *Dart*, and *Nottingham*; the Lords *Mordaunt*, and *Lansy*; *Herbert*, and *Ruffel*, among the Admirals, and the Bishop of *London*, were the Persons chiefly trusted. And upon the Advice that were sent over by them, the Prince govern'd all his Motions. They met often at the Earl of *Sherburne's*: And there they concert'd Matters, and drew the Declaration on which they advis'd the Prince to engage.

It is no uncommon Thing for Statesmen to look one Way and row another: And yet there is scarce any Circumstance of this Reign more worthy of Remark, than the inconsistent Parts now act'd by two such eminent Men as the Marquis of *Hallifax* and the Earl of *Sunderland*; and the inconsistent Behaviour of his Majesty towards them. The Latter, who had gone warmly into the Exclusion, under a seeming Conviction of the many Evils likely to befall the Public under the Reign of a Catholic King, and who was now the Oracle of the Cabinet, labour'd with all his Might to introduce those very Evils, if not to entail them on Posterity. The Marquis, on the contrary, who had been indefatigable to shew, that the Exclusion alone was a greater Evil, than all those put together; and yet was now out of Place and Favour, for that Reason probably, took as much Pains to convince the World, that his former Triumph was but a lucky Mistake, and rather owing to the Superiority of his Parts, than the Goodness of his Cause. It is true, he talk'd in his Letter to the *Dissenters*, against being laugh'd out of his Non-resistance and Passive-obedience-Principles: But 'tis certain from these Meetings and Measures, and his Concern in them, he could not help foretelling the most probable Revolution, he speaks of, nor being conscious, that his own Intrigues had a Tendency to hasten it.

The account of our Behaviour of the Lords *Hallifax* and *Sunderland*.

*Dyckvelt* took his leave of *Whitehall* towards the latter-end of *May*; and scarce was he return'd to the *Hague*, before *Abbeville* presented a Memorial to the States, importing, That the King his Master was greatly surpris'd at the Arrival of his Officers

Angry Memorial presented by *Abbeville* to the States.

A. D. 1687.

cers (a) in England; and at the Complaints they laid before him of such long Imprisonment and such severe Usages might well be thought an Outrage to him, and what he might reasonably demand Satisfaction for: That according to these Complaints, it farther appear'd, their High and Mighty Lordships had not distinguish'd between the Innocent and the Guilty; and that as it was manifest, the greatest Part of them had not infring'd the Laws of the Republic, so he hop'd, that, as well in Consideration of their Innocence, as of his Majesty's Interposition in their Favour, their Lordships would recall those Officers, and re-establish them in their respective Posts.

Tho' the States were sufficiently appriz'd that *Dybech* had left the Court of England with no very favourable Disposition towards them, and a Complaint of this frivolous nature might have justify'd a sroward Answer, their Lordships thought it for their Interest as yet to smother their Resentment, and to use more Honey than Gall. Accordingly, in their Reply, they set forth, That the Officers were indeed culpable of what was laid to their Charge: That if they had been thrown into Prison, it was no more than the Laws requir'd: That while there, they had been left to the usual Forms, the States having never interpos'd in the Prosecution neither directly nor indirectly: That, instead of being ill treated during that time, they had themselves at their Departure thank'd the Commissary for the Favour he had shew'd them: That it was absolutely impossible to discharge them of the Accusation lodg'd against them: That his Majesty was too great a Lover of Justice to insist, that such Actions should pass unpunish'd, because committed by Foreigners: That if such was to be the Case, no Sovereign could either protect his Subjects, or secure himself from the Infracts of Sojourners: That the particular Crime of these Officers, was aggravated by the Consideration, that they were in the Pay of the Republic; and that they had taken the Oath of Fidelity, by which they became jully liable to be treated as Sub-

jects: That if they were not permitted to chastise Offenders, because Aliens, it might be fatal to their Government to have any such Aliens in their Service: That, in Compliment to his Majesty, they had chose to overlook the Heinousness of the Crime, and had made him Judge in his own Cause, in the full Assurance that he would never think of putting them to the Pain of conniving any farther at such an Outrage: That in truth they had made no Distinction among them; but then it was because no one of them appear'd wholly innocent, or even attempted to purge himself from having had any Concern in the Affair: That for all these Reasons they still hop'd his Majesty would desist from his Demand on the Behalf of those Offenders; or if not, all they could further say, was, that if there was any one among them, who thought so well of his Case as to submit it to the Decision of a Court-Martial, and who should be acquitted by them, he should be instantly reinstated in his Employ.

This was fair as well as firm; but when Men are in Pursuit of a Quarrel, they can no otherwise be satisfy'd than by finding one. Thus before June was at an End, the Affair of *Bantam* was not only reviv'd, but in a higher Tone than ever. Mr. *d'Alberville*, in his Memorial, gave their Lordships to understand, that he had express Orders from the King his Master, to put them in mind of the vast Losses, atrocious Injuries, and shocking Indignities which his Subjects in those Parts had suffer'd by the surprizing, unjust, and iniquitous Proceedings of the *Dutch East-India Company*. This was follow'd by another Remonstrance in the same bitter Style, in relation to a new Treason committed on the Subjects of England, by the said Company, who, under the Pretence of taking Satisfaction for a large Debt, due to them from the Inhabitants of *Majapapan* on the Coast of *Cocanahel*, had seiz'd on the Place, and expel'd such English Factors, &c. as they had found resident there: And this again by a fourth, demanding that (b) Dr. *Barnet* (whose occasional Wranglings, at this Crisis, had

A. D. 1687.

(a) Those who had assist'd *Stables* in his Attempt on his Father's Paper.

(b) Let us hear the Doctor tell his own Story: "My Commission at the Hague, says he, made him (the King) conclude, that I was an intriguing Delinquent myself. And some Papers in single Sheets came out, reflecting on the Proceedings of England, which seem'd to have a considerable Effect on those who read them. These were printed in *Middleburg*. And many Copies of them were sent into all the Parts of England. All which influenced the King the more against me; for he believed they were writ by me, as he did most of them words. But that which gave the Crisis to the King's Anger was, that he heard I was to be married to a considerable Fortune at the Hague. So a Project was form'd to break this, by charging me with High-Treason for corresponding with *Lord Albion*, and for conversing with some that were outlaw'd for High-Treason."

The King order'd a Letter to be writ in his Name to his Advocate in *Switzerland*, who professes one the same possible thing or other, which was intended only to make a Noise, not doubting but this would break the intended Marriage. A Ship coming from *Switzerland* the Day in which this Publication was order'd, that had a quick Passage, brought me the full News of it, long before it was sent to *D'Alberville*. So I petitioned the States, who were then sitting, to be naturalized in order to my intended Marriage: And this pass'd

in course, without the least Difficulty; which perhaps might have been made, if his Majesty's name longer in *Switzerland*, had been known. Now I was oblig'd under the Protection of the Spirit of *Bullion*. Yet I was a full justification of myself, as to all Particulars laid to my Charge, in some Letters that I sent to the Earl of *Middleburg*. But in one of these I said, that, being now committed in *Holland*, my Allegiance was, during my Stay in these Parts, transfer'd from his Majesty to the States. This I said, in another Letter, that, if upon my Non-appearance Sentence should pass against me, I might be perhaps forc'd to justify myself, and give an Account of the same that I had in all six or seven twenty Years past. In which I might be oblig'd to mention some things, that I was afraid would displeas'd the King: And therefore I should be sorry, if I were driven to it.

Now the Court thought they had somewhat against me: For they knew they had nothing before. So the Earl's Citation was set fall, and a new one was order'd on these two Accounts: It was intended to be High-Treason, to buy my Allegiance was now transfer'd. And it was set forth as a high Indignity to the King, to threaten him with writing a History of the Transactions past these last twenty Years. The fall of these struck at a great Point, which was a Part of the Law of Nations. Every Man that was naturaliz'd took an Oath of Allegiance to the Prince or State that naturaliz'd him. And, since no Man can serve two Masters, or be su-

A. D. 1687.

had render'd him more obnoxious than ever) might be deliver'd up to the Justice of the King his Master, tho' now become a naturaliz'd Subject of Holland, and consequently intitled to the Protection of the Republic. But against all these several Attacks the States stood their Ground as against the first; that is to say, they appeal'd to the Letter of the Treaties subsisting between the two States in answer to some things: They return'd Compliments and fair Words in answer to others: And upon the whole, they shew'd a Determination to give no farther Satisfaction, than those Treaties authoriz'd his Majesty to demand, and was consistent with their own Honour and Independency to allow. This Stiffness put the Court of Whitehall to a stand: And to gain time for farther Expedients, Mr. d'Albeville quitted the Hague and return'd to England; where he continu'd till the Beginning of the following Year.

D'Albeville returns to England.

What particular Concert was, all this while, kept up between his Majesty and his most Christian Brother of France, is rather to be conjectur'd by Circumstances, and glean'd up from the partial Representations of Party-Writers, than drawn from such authentic Papers as will not admit of Doubt or Controversy. What has been already mention'd from Father Orleans, concerning the King's refusing to break with so sure a Friend as France, in favour of Spain, is sufficient to shew, that the two Monarchs were then, at least, as closely united as ever. But if what Bishop Burnet writes concerning Lord Costerman's Negotiations at Rome may be depended on, it must be concluded, that the same Union subsisted long before that Declaration was made, and that both Parties look'd upon their Interests as inseparable.

When that Lord came to Rome, the Pope, who from his first Elevation to the Chair of St. Peter, had sided with the House of Austria against the House of Bourbon, was in the height of his Quarrel with his (e) eldest Son about the (d) Franchises, which the Emperor and all the other Sovereigns of Europe had given up to his Holiness: France alone stood out; and great and terrible as her Monarch was become, Innocent was resolv'd to carry his Point against him, or dye a Martyr to the Rights of the Popedom. Accordingly, the Duke d'Esprez, the French Ambassador at Rome, dying there in the Beginning of the Year, his Holiness laid hold on that Opportunity to issue a Proclamation, importing, That there was no longer any French Quarter, and that all Exemptions and Privileges under that Pretence, were at an

The Dispute between the Pope and his eldest Son concerning the Franchises.

end. At the same time, however, to qualify this notable Step, as well as he could, he caus'd his Nuncio at Paris, Cardinal Rinuccio, to lay before his most Christian Majesty the Grounds and Reasons of this Proceeding, and to request, that, after the Example of all the other Potentates of Europe, not excepting Queen Christina of Sweden, who had in Person submitted to this Regulation, he also would give way to it, &c. But whatever Extravagance of Zeal the eldest Son of the Church had shewn, in his endeavouring to extirpate Heresy, his Bigotry now gave way to his Pride, and he answer'd fiercely, "That his Crown had never been us'd to follow the Prescriptions of any other; but had, on the contrary, ever been the Example which other Crowns had been proud to follow: That he was resolv'd to maintain his Rights to a Scruple: That he would send another Ambassador to continue the Respects which were due to his Holiness; in a full Persuasion, that no-body would presume to intrench on his Franchises, which were an ancient Appendage to his Crown, and which he would never suffer it to be depriv'd of, as long as it continu'd on his Head." His Holiness, on the other hand, was as tenacious of the Rights of St. Peter as his Majesty could be of those of St. Lewis, and perceiving his Resolution of suppressing the Franchises, at all Hazards and Events. Accordingly, he issu'd a Bull to that Purpose, in Confirmation of those of Sixtus V. and such other Pontiffs as had us'd to tread in his Steps: And to shew how much in earnest he was to go thro' with what he had undertook, he added a thundering Clause, to the following Effect, That whoever for the future, either Ecclesiastic or Secular, should pretend to have, or to defend, a Right to Franchises, vulgarly call'd Quarters, or should presume, directly or indirectly, to disturb the Officers of Justice in the Execution of their Orders, with respect to the said Quarters, should peremptorily incur all the Pains and Penalties of the greater Excommunication.

This was the great Concern at Rome during Lord Costerman's Residence there, and what our Historian of his own Times writes concerning the Part he took in it, is as follows: "The Ambassador at Rome press'd Cardinal Cibo much to put an end to the Difference between the Pope and the King of France, in the Matter of the Franchises, that it might appear, that the Pope had a due Regard to a King that had extirpated Heresy, and to another King who was endeavouring to bring other Kingdoms into the Sheepfold. What must the World say, if

The Shores fall to be taken in by King James.

der a double Allegiance, it is certain, that there must be a Transfer of Allegiance, at least during the Stay in the Country where one is naturaliz'd.

This Matter was kept up several times for some time, the Court delaying proceeding to any Sentence for several Months. At last a Sentence of Outlawry was given: And upon that directly said, that, if the State would not deliver me up, he would Etd such Instruments as should seize on me, and carry me away forcibly." Hist. vol. 4. p. 725, 727.

The Letters of the Doctor, mentioned in this Passage, were also printed for the Good of the Cause: But as they contain'd solemn Protestations of his Loyalty to the King,

and return'd to Sentences of the same Tendency, prescribed by him at the Hague, as well as at London, his Enemies took occasion to call them very Letters the Regulus and Records of his own Intemperance and Hypocrisy: For, say they, how was it possible for him to have any Remains of Loyalty or Grace, who could make such Protestations, when he was slip in all the Contradictions and Compensations that were then carrying on to pave the Way for the Revolution?

(c) The most Christian King, so called.  
(d) Distribut'd round the Houses of Ambassadors, in which the Inhabitants pleas'd an Exemption from the Laws and Government of Rome.

two such Kings, like whom no Ages had produc'd any, should be neglected and ill us'd at Rome for some Punctilio? He added, that, if these Matters were settled, and if the Pope would enter into Concert with them, they would set about the destroying Hercy every where, and would begin with the Dutch, upon whom, he said, they would fall without any Declaration of War, treating them as a Company of Rebels and Pirates, who had not a Right, as free States and Princes have, to a formal Denunciation of War. *Cibis*, who was then Cardinal Patron, was amaz'd at this, and gave Notice of it to the Imperial Cardinals. They sent it to the Emperor, and he signify'd it to the Prince of Orange. It is certain, that one Prince's treating with another to invade a third, gives a Right to that third Prince to defend himself, and to prevent those Designs. And, since what an Ambassador says is understood as said by the Prince whose Character he bears, this gave the States a Right to make Use of all Advantages that might offer themselves.

When the Ambassador saw that his Remonstrances to the Cardinal Patron were ineffectual, he demanded an Audience of the Pope. And there he lamented, that so little Regard was had to two such great Kings. He reflected on the Pope, as shewing more Zeal about temporal Concerns than the spiritual; which, he said, gave Scandal to all Christendom. He concluded, that since he saw Intercessions in his Master's Name were so little consider'd, he would make haste home: To which the Pope made no other Answer, but *let Deus esse*, he might do as he pleas'd. But he sent one after the Ambassador, as he withdrew from the Audience, to let him know how much he was offended with his Discourses, that he receiv'd no such Treatment from any Person, and that the Ambassador was to expect no other private Audience. Cardinal *Houssart* did what he could to soften Matters. But the Ambassador was so entirely in the Hands of the Jesuits, that he had little regard to any thing that the Cardinal suggested.

It is easy to see, by the Use made of this Passage, for what End it was inserted, which alone is sufficient to draw it into Suspicion with some People: But 'tis affirm'd by foreign Historians, that the King himself was

one of the Potentates who had given up the Franchises, and whose Example had been us'd by the Nuncio at the Court of France: And if his Majesty could stoop to make use of his Credit and Interest with the Pope, to obtain that Favour for another, which he did not think fit to aspire to himself, it must argue, that he was the meanest of Men.

Dr. *Wallwood*, on the other hand, says, Dr. *Wellwood's Account of Calistinus's Election*.  
That *Callistin* had several Audiences of the Pope, but to little Purpose, for whenever he began to talk of *Bullnets*, the Pope was feignably attack'd with a Fit of coughing, which broke off the Ambassador's Discourse for that time, and oblig'd him to retire. These Audiences and Fits of coughing continu'd from time to time, whilst *Callistin* continu'd at Rome, and were the Subject of Diversion to all but a particular Faction at that Court. At length he was advis'd to come to Threats, and to give out that he would be gone, since he could not have an Opportunity to treat with the Pope about the *Bullnets* he came for. *Innocent* was so little concern'd for the Ambassador's Resentment, that when they told him of it, he answer'd with his ordinary Colloquy, *Well* let him go, and tell him, It were in his Rise early in the Morning, that he may rest himself at Noon; for in this Country it is dangerous to travel in the Heat of the Day.

In the End, he was recall'd, being able to obtain of the Pope two trifling Requests only, that could hardly be deny'd to an ordinary Courier: The one was a Licence for the *Marschal d'Harmer's* Daughter to marry her Uncle: And the other, a (e) Dispensation of the Statutes of the Jesuits Order, to Father *Petre*, to enjoy a Bishopric, the want of which, says my Author, was the Reason that the Archbishopric of *Trent* was kept so long vacant.

The same Author adds, That though the Pope carry'd himself in this manner towards the English Ambassador, yet the Jesuits paid him the highest Respect imaginable, which did him no Service with the old Man; for he and that Order were never hearty Friends. They entertain'd him in their Seminary with the greatest Magnificence, and nothing was wanting in Nature or Art to grace his Reception. All their Stores of Sculpture, Painting, and Poetry, and Rhetoric, seem to have been exhausted upon

The Improbability of this Account.

(e) According to *Bersart*, he strove to procure his Cardinal's Hat, but received a flat Denial.

(f) Amongst other Devices, according to Mr. *Nisard*, there was one of a Lilly, from whose Leaves distilled some Drops of Water, which, as the Naturalists say, become the Seed of new Lillys; and the Motto was, *Leaves rise to produce Leaves for Children*: Underneath which was this Dutch Verse.

*Pro variis, Jaculis, geminis, seu quibuslibet reguntur.*  
*His mirum tibi est reges, infra datur.*

Did this pass for the Children, O James! thou art of Kings!  
If Nature dares, Heaven will govern them.

This will serve as a Specimen of their Poetry and Sophistry: And as to their Rhetoric, Dr. *Wallwood* has profus'd the Speech of this Rector to the Ambassador, which he has thus translated:

— S. I. R.

You must not think this *Galley* alone can be merrily and

if they could, their Silence must be a Crime, or a time when this City is fill'd with universal Joy, upon the News of your Excellence's Arrival; and all Places round the Pillars of *Temple the Strand*, and this Obligation on the Catholic Church has to that illustrious Prince. It is the Name of this *City of Hope*, as in the best place accordingly there, *Foreword*, in whose Reign the precious Imperial Crown is added to the Papal Dignity. It is now your Holiness can properly use that Apostolic Exclamation, *Be Joy and by Crown*. Heaven has ordered this happy Day this long, that to great a Blessing might not be obtained without long and unnumber'd Prayers; and at last entreated when two such Princes as *James* and *Leopold* should concur to resign, men in England and elsewhere in *Rome*. What a Surprise have all Catholic Kings gain'd by the Accidents! What an Honour to the orthodox Faith receiv'd, and what a Defence against the Enemies of the Name of *Christ*! The Thunder of his invincible Fleet will strike greater Terror into the Purges of *Barbary* and the *Levant*, than Storms and Waves can do. How highly must

A. D. 1687.

this Entertainment: And tho' all the Incriptions and Emblems did center upon the Triumph of the *Romish* Religion, and the Ruin of Herety in *England*; yet Care was taken not to omit such particular Trophies and Devices as were adapted to their new acquir'd Liberty of setting up their public Schools at *London*.

His Holiness did, however, so far acknowledge the Honour done him by his Majesty, that he return'd the Compliment by sending Cardinal *Della* his *Nuncio* to *England*, who had a public Audience of the King at *Windsor* on the third of *July*, to which he was accompany'd by the Duke of *Grafton*, and Sir *Charles Gatterel*; and having in his Train the Coaches of the Lord Chancellor, the Lord President, the Lord Privy Seal, many other State-Officers, and of (c) two Bishops, namely, *Cromwell* Bishop of *Durham*, and *Cartwright* Bishop of *Chester*. We are told the Scene was laid at *Windsor*, for fear it should have created some Disorder at *London*; and that it gave no small Pain to those who by their Places were oblig'd to assist in the Ceremonial: All Commerce with the See of *Rome* being declar'd Treason by the Law; and it being apprehended, that the very participating in this Ceremonial would fall within the Reach of the Statute: But all the thorough-pac'd Courtiers comply'd nevertheless, depending no doubt on the Virtue of a Dispensation, or being assur'd of a Pardon. Some there were, however, who would neither accept of the one nor the other, and who, for that Reason, had the Honour to be dismiss'd from all their Employments. Among these particular Mention is made of the Duke of (\*) *Somerset*, who could not be prevail'd upon even by the King himself to commit a Treason, because his Majesty had it in his Power to forgive him.

But tho' his Majesty law himself abandon'd by every Man who had a due Respect for the Religion and Laws of his Country on this extraordinary Occasion, and had Reason to know, that except he should make such a submission to *France* in Temporals, as he had already made to *Rome* in Spirituals, he could not give greater Umbrage to his People, than by opening this public Cor-

respondence with his Holiness, (such an Affecancy had his Zeal over his Discretion, that he caus'd an Account of this Transaction to be inserted in the *Gazette*; and afterwards, by the same Vehicle, inform'd the Public, that he had admitted the Earl of *Caslemain*, his late Ambassador at *Rome*, to a Seat at the Council-board: By which Means, he in a manner authoris'd his Enemies to vilify and undermine his Government.

But, however impolitic or illegal these Proceedings were, it does not appear that those who expected to reap the main Profit by exposing them, thought there was any Crime in holding a Correspondence with the Pope, on Matters purely temporal (and if Lord *Caslemain* himself is to be credited, his Commission reach'd no further): For Dr. *Burnet* acknowledges, in his History, as well as his Travels, that previous to his Settlement in *Holland*, he made a Journey to *Rome*, was complimented with the Offer of a private Audience by the Pope, and actually enter'd into a very great Intimacy with Cardinal *Howard*, &c. And his Adversaries will not be persuaded to think, that he had no (f) other Business there, than merely to collect Materials for the Press. The same Doctor further intimates, that Mr. *Sydney*, formerly Envoy-Extraordinary to the *States*, Brother to *Algernon Sydney*, beheaded in the late Reign, and Nephew to Lord *Sunderland*, who was in the whole Secret of the Prince of *Orange's* Intrigues, also spent almost a Year in travelling round *Italy*: And tho' we are left by him to conclude, that he did so, only to keep out of *Haza's* way, others, who glory in belov'ing an Innocent XI. the Tide of THE PROTESTANT POPE, make no Scruple to avow, that Mr. *Sydney* was at *Rome* all the while that Lord *Caslemain* continu'd there: That he was admitted to several private Audiences in the Closet, when his Excellency could scarce be favour'd with a public one: That tho' *Sydney* had no public Character, he was intrusted by the Prince of *Orange* with some Secrets to be communicated to the Pope: And that some People have even fancy'd, that the Revolution was one of them.

When Affairs are treated of in this loose and

A. D. 1687.

The public Entry of the Pope's Nuncio into England.

[Burnet, ex. i. p. 716.]

[P. i. p. 661.]

Intrigues of the Prince of Orange at Rome.

[P. 764.]

[Osburne, v. 1. p. 743.]

art thou, O Britain! Empress of the Ocean; once fettered from the Earth, now Mistress of the Countess of the Easters and Western World! What Prosperity mayest thou not hope for, under the Reign of so excellent a Prince! Raise thy Hopes; raise thy Courage; and banish all unjust and unreasonable Fears. I have no Inclination at this time to recount those Difficulties and Calamities which England has been the Theatre of, for above an Age past, to the Grief and Abolishment of the rest of the World. But if Providence has made these the Steps for James the Second to mount the Throne, I can hardly refrain declaring how cheaply thou hast purchased to grant a Bill: It is certain that your present Happiness will increase Early in succeeding Times; and however dear it has cost thee, Gallantry will esteem it more the Blessing and Protection of Heaven, than a Recompence of their Gallantry. In such a Conjuncture, your Excellency, who have had feel this happy Day at home, and have next been the Messenger to bring it hither, I shall not here presume to praise your great Wisdom, your learned Warnings against Heresy, that steady Courage you have shewn in those many Prison you have honour'd for your Zeal to the true Religion; your prudent Conduct, for your other extraordinary Qualities: All these are nam'd up in one; and your Character is in the con-

pleted by the Choice your great Master has made of you, to sustain the most considerable Affairs of his Kingdom, as present glorious Embassy: In which all the World must own Him up to be the most competent Judge, and You the fittest Person.

(c) This Circumstance is remember'd on the Authority of a Paper, call'd, *A full and true Relation of his Excellency the Pope's Nuncio making his public Entry at Windsor, &c.* which is preserv'd in Lord *Sunderland's* Collection, vol. xxiv.

(f) His Grace was a Lord of the Bedchamber, and Colonel of a Regiment of Dragoons.

(g) The Compiler of a Book call'd *Revolution Politics, or A Complete Collection of all the Reports, Hist, and Histories, which occur the Revolution of the Great Revolution, &c.* in his Third Part, p. 65, having promised, that it was for the sake of being receiv'd in the French King, that the Pope had declar'd for the Protestant Cause, proceeds in these Words: "Nay it was further prov'd, that this Protestant Doctrine, (meaning *Reason*) by producing a Credencial Scrip from some Persons to his Holiness, the Pope receiv'd him with all the Grandeur imaginable, and embrac'd him with the greatest Content and Satisfaction, to the Abolishment of the whole Christian World, upon that glorious Affair."

A. D. 1687.

and indefinite Manner, we ought, no doubt, to be so much the more cautious in our Conclusions: But when Certainties cannot be obtain'd, we ought not wholly to reject Probabilities: And it is not to be suppos'd, that such a Politician as the Prince of Orange would neglect any Opportunity of advancing his Interest. Now the Quarrel of France with the Holy See was at that Conjunction of the utmost Importance to the Confederates against the former, and as it was natural to think, that King James would offer his Mediation to make it up, for it was peculiarly the Interest of his Highness to render that Offer ineffectual, to render the Breach as wide as possible, and to give such a Turn to his Majesty's Negotiations, as should center all Advantages in himself; which could only be done, by having an Embassy on the Spot, whom he could entirely rely upon, and who, by a dextrous Use of every Incident that arose, might keep the Roman Cabinet steady to the Interest of the League. In truth, to extremely vigilant and active were the several Powers of which it was compos'd, that no Opportunity was lost of increasing its Strength, by enlarging its Circuit. Thus, at the very Carnival of Venice this Year, where Pleasure was the only Business seemingly attended to, Ways and Means were found to induce the Elector of Bavaria, and the Duke of Savoy to become Parties: And from all these several Movements, it is beyond all Dispute, That the humbling and reducing the overgrown Power of France, was the great Object of the Confederacy; and that every inferior Spring and Wheel was brought to co-operate in the general Motion.

The Elector of Bavaria and the Duke of Savoy join the Confederates.

We must now keep pace with the Year in the Progress of the Ecclesiastical Commission, which his Majesty, notwithstanding the pernicious Effects it had already produc'd, was fatally led to prosecute with as much Intemperance as ever. His Jesuits somewhat too rashly concluded, that the Horse was now bridled and saddled, and that all they had to do was to get up and ride; but then they were such bad jockies, that they did not chuse the Advantage-Ground in mounting; and when in the Stirrup, threw themselves forward with such Violence, that they

misd the Saddle, and fell on the other Side. In a Word, they thought by getting Possession of the Universities, they should have the Fountains in their Hands, and might direct the Streams as they pleas'd. But as Bishop Burnet well observes, the Privileges of Colleges are esteem'd such sacred things, that few will venture to dispute, much less to disturb them: And when an Attack is made, all who belong to the Body as Students, as well as those who are interested in the Endowments, think themselves bound in Honour and Gratitude to assist and support them: And hence it was reasonable to think, that every such Attempt would answer no better than the Monkey's Experiment on the Hive.

A. D. 1687.

(P. 1. p. 697.)

But, looking on the King as their strong Tower against every Danger and every Enemy, these bold Adventurers resolv'd to make their Push, notwithstanding, and did so; after what manner is now to be explain'd.

It had been a Custom in both Universities to confer honorary Degrees at the King's Instance, on eminent Strangers, without any Regard to the Article of their Faith; and agreeable thereto, a Degree had actually been confer'd on a Mahometan, Secretary to the Morocco's Embassador. On this Ground it was hop'd a Precedent might be obtain'd in favour of the Dispensing Power, and the Obedience due to the Royal Mandate. Accordingly his Majesty's Letter was procur'd in favour of one Father Francis a Benedictine, to the Vice-Chancellor of Cambridge, &c. enjoying and requiring them to admit the said Father a Master of Arts. But, however plausible the Snare was hid, it was detected, and, upon debating the Matter in the Consistory, it was unanimously resolv'd, That they could not admit the said Monk, unless he took the Oath, without breaking their own. Two of their Body were assign'd to remonstrate thus humbly to his Majesty, and to beseech him not to force them on wilful Perjury; but without Effect; on the contrary, they were told by one of the Secretaries of State, that the King was offended at the Proceedings of the University, and would take order shortly to give them a farther Answer; which Answer prov'd to be, a Citation for the Vice-Chancellor

The King sends his Mandamus to Cambridge, in favour of a Benedictine.

Which is not comply'd with.

(1) Two since reported, (say our Compiler just quoted) that he (the Nuncio) had a secret Message sent from the Pope to communicate to his Majesty in his Cabinet, at which it was said none but the Roman Catholics were desired to be present. — And further, being well assured there were none in the Cabinet but what were such, the Nuncio was pleas'd to open himself to this Effect: His Holiness is pleas'd to invite your Majesty into a Confederacy with several Catholic Princes, of which you are to be the Head, against the King of France, who at this time of day despises his Holiness's Supremacy, and all the World may judge that he is setting up for an universal Monarchy; and if he obtains it, he will make the Cardinal de Noailles Archbishop of Paris Pope; and this is no doubt of it. The Articles his Holiness would have your Majesty enter into, and insert into are as follows: That no Peace be made with Lewis XIV. till he has made Reparation to the Holy See for his disobedience to his said Majesty. — That he should not make any such all his said Majesty's Proceedings in France against the Holy Father, Innocent XI. — That all things which apply (in France) should be referred to their former State. — And it was bruited about Town, that his Holiness at that time required of King James his Promise to use his En-

deavour to have the Oath of Secrecy taken away in England.

— Thus said that, after some time of Consideration, King James was pleas'd to oblige himself to the Effect: — That, by Marriage, the French King and he were firmly allied; — one to the other; that his whole Family, as well as himself, in the Troubles of the Civil War, had been greatly obliged to him upon many Accounts; I presume 'tis well known to his Holiness, without putting me to the Trouble of a Repetition. — And as touching the Oath of Secrecy, his Holiness may say well as the Crown from my Head, for my Subjects, I am sure, will never consent to it. — And in these Points he desired his Holiness would be pleas'd to exempt him. — Upon which it was said, that the Nuncio withdrew, and the Council broke up. — Some said, that King James was in the right to make the Pope such an answer. — Others said, he was in a secret League with the French King, and durst not do otherwise, for, for he should discover it to the World. — Others said, 'twas true, the Pope might as well have asked King James's Crown, as the taking off the Oath of Secrecy. — And others said, certainly the Pope had a mind to quarrel with King James, as he did with the French King. (Reviewers Politics, Part iii. p. 60, 61.)





A. D. 1687.

been given to one *Malley* an actual Papist. Thus the Jee was broke, and by the Example of the one, and the Authority of the other, the *Jesuits* began already to promise themselves that *Oxford* was their own.

Another Mandamus to Magdalen College, Oxford.

About the time that the *Commissary*-Business was in Embryo, Dr. *Clerke* the President of *Magdalen* College, which is one of the richest Foundations in *England*, dying, the Vice-President, Dr. *Atwater*, gave the usual Notice of Time and Place to the Fellows, to proceed to a new Election; and at this Opening, the *Jesuits* resolv'd to make their Entrance. One *Farmer*, a new Convert, was pitch'd upon to be their Man; and the King was to have the Honour of introducing him. A Royal Mandamus, accompany'd with a Dispensation, was issu'd accordingly, which was deliver'd by Mr. *Robert Charnock*, one of the Fellows, two Days before Election was to be made, and which was read the same Day by the Vice-President to the rest of the Body. Of this Mandamus they had receiv'd Intimation before it was serv'd; and to prevent, if possible, the ill Effects of it, they had besought his Majesty, by Petition, to leave them to the Discharge of their Duty and Conscience, agreeable to his late most gracious Toleration, or else to recommend a statutable Person, which *Farmer*, in no respect, was. To this Petition the College expected an Answer, and, therefore, by the Consent of all, except *Charnock*, agreed to postpone the Election till the very last Day prescrib'd by the Statutes, in hope his Majesty's Pleasure would by that time be known. This last Day was *April 18*; and when the Fellows were met, two of them acquainted the rest, from the Lord President of the Council, That his Majesty expected to be ob'd; All Hopes of an Accommodation being thus at an end, all but *Charnock* took the Sacrament, and proceeded to the Election, by Scrutiny; upon the Issue of which it appear'd, that Mr. *Haugh*, a Man of Sense, Courage, and Integrity, was duly elected, by a Majority of eleven out of thirteen; the two Dissenters being *Charnock* and one *Thomson*, who had refus'd to take the Oath appointed by the Statutes, and who declar'd, *in voce*, for *Farmer*, according to the King's Letter: On the Morrow, the new President was presented to the Visitor, the Bishop of *Winchester*, for Confirmation, which he receiv'd upon the Spot; and having the next following Day comply'd with all the remaining Forms, enter'd on the Execution of his Office.

The Fellows refuse Obedience.

This new Instance of Disobedience, which agreed to ill with the extravagant Professions formerly made to the Throne from this very Place, so highly incens'd the King, that he resolv'd to let loose all the Terrors of the Prerogative against the Offenders, that their Example might be a Warning to the rest of his Subjects. The first Intimation of his Majesty's Wrath, was by a Letter from the Lord *Sunderland*, signifying that he was much surpris'd at their Proceedings, and that he expected an Account of them, &c. This

indeed the Vice-President and Fellows to draw up a Brief of their Case, and to beg the Mediation of the Duke of *Ormond*, the Chancellor of the University, in their Behalf; whilst expatiating on the strict Obligations they were under to act according to their Oaths, and the unspeakable Regret with which they disobey'd the least of his Majesty's Commands. But with whatever Zeal his Grace might undertake their Cause, it was without any Success: He had refus'd, upon Application, to countenance his Majesty's declar'd Purpose to take off the Tents and Penal Laws; and, for that Reason had lost the little Remainder of his Credit and Interest at Court.

What follow'd was, a Citation from the ecclesiastic Commissioners to the College, to answer for their Non-compliance with his Majesty's Mandate: Which being obey'd, the Matter came to a regular Hearing: *Jesuits* put his Questions; the Defendants had Time given them to reply, and accompany'd their Plea with a Variety of attested Proofs of such Follies and Vices committed by *Farmer*, as, over-and-above his Disqualifications with respect to the Laws, abundantly justify'd them for setting him aside. But tho' the *Jesuits* had so much Reason to be assur'd of their Man, they resolv'd to prosecute their Cause: And so trac were their Lordships the Commissioners to their Instructions, that they proceeded first to deprive Mr. *Haugh*, now advanced to the Degree of a Doctor, and then to suspend the Vice-President, and Dr. *Fairfax*. After which, upon Information received, that neither of these Sentences was submitted to, his Majesty was induc'd to send a formal Inhibition to the College, in these Words: "Our Will and Pleasure is, That no Election or Admission be made of any Person or Persons whatsoever into any Fellowship, Demonymship, or other Place or Office in our said College, till we shall signify our further Pleasure; any Statute, Custom, or Constitution, to the contrary notwithstanding."

The Matter brought before the ecclesiastic Commissioners.

Dr. Haugh deposed, Dr. Fairfax suspended, and the College inhibited.

The next Experiment that was try'd upon the College was, to send down a new Mandamus, in behalf of *Parker* Bishop of *Oxford* (for the Objections brought against *Farmer* were insurmountable) accompany'd with a Letter from Lord *Sunderland*, imposing, That his Majesty expected their ready Obedience, and that they were to transfer to his Lordship a speedy Account of their Proceedings; as also a Request from the Bishop himself, that he might be admitted by Proxy: But still without Effect: Their Answer was, That the Place was already full; that they could not proceed to a new Choice, till the former was legally annull'd, &c. And this Firmness on their side redoubled the King's Indignation against them: And after what an extraordinary manner he condescended to express it, we shall specify in its proper Place.

Another Mandamus in behalf of Parker Bishop of Oxford.

To clear the Way, as we go, we must now speak of several other Occurrences which took place this Summer, and which all equally partook

A. D. 1657.

Illustration, in  
Wellington-  
Hall.[Colard, p.  
1039.]

partook of the same violent Spirit that had taken possession of the King, and drove him as violently on to his own Perdition.

The Army was again encamp'd on *Hounslow Heath*, and grew to sensible of their own Importance, that the Soldiers began to give the Law in their Quarters, and the Officers to plead an Exemption from the Civil Power: And, at the same time that these Intolerances were overlook'd, and the King was in perfect Peace, the Judges were requir'd to put in force an obsolete Act, which made it Death for Soldiers taking Pay in his Majesty's Service, either in his Wars abroad, or in Scotland, or on the Seas, to run from their Colours. But even the Lord Chief Justice *Herbert* and *Wilkins* himself, the famous *Abbot*, had their Qualm upon this Occasion, as had also Sir *John Holt*, who chose to resign the Recordership of *London*, rather than enter into such a Conspiracy against the Lives of his Fellow-Subjects. *Wilkins* had also his *Qualm*, and was succeeded by one *Altham* in a Papiet. The Lord Chief Justice *Herbert* was remov'd from the King's Bench to the Common-Place, to make Room for Sir (n) *Robert Wright*, who was by far a more thorough-pac'd Tool than he: And even previous to this Retirment, and Changes, the Court was gracify'd, and the People shock'd with the Execution of two Defectors; one of whom was hang'd in *Green Garden*, and the other on *Tower-Hill*.

The Perfor-  
mance of a Papiet.

It is also to be noted, that the King, having farther prorog'd the Parliament from the 25th of *April* to the 22d of *November*, in order to gain so much the more Time for his Practices to take effect; but, on the contrary, finding that the Prince of *Orange* refus'd to co-operate with him on one hand, and that the Members confin'd as intractable as ever on the other, thought it advisable, in the Beginning of *July*, to dissolve it; which was accordingly done by Proclamation, without any Mention of the Advice of Council, or any Hint of calling another.

Prince George,  
just in the  
Court of Den-  
mark.

On what Errand Prince *George* was, a little before, sent to *Denmark*, cannot be treated of with any Degree of Precision; nothing positive in relation to it having transpir'd to assist our Conjectures. There was at that time a Difference subsisting between his Danish Majesty and the *States*, in Relation to the Tolls of the *Sund*; and for fear the Artifices of *France* should work up the Dispute to a Rupture, the Elector of *Brandenburg* had offer'd his Mediation, which had been thankfully accepted by the *States*, who had abundant Reason to avoid one if possible. Now 'tis certain that King *James* was, at this very time, plying the *States* with his captious Memorials; and from thence it appears not improbable, that his Danish Son-in-law was commission'd to prevail with his own native Court to reject that Mediation, and to induce them to enter into a Concert with *England* to bring the *Dutch* to Reason by

Force of Arms. But if this was, indeed, the Purpose of his Voyage, he either came too late, or had not sufficient Interest to carry his Point; for his Danish Majesty not only chid with the Elector of *Brandenburg's* Offer, but agreed that as long as the Matter should continue in Suspence, the *Dutch* should have Leave to continue their Commerce on the same footing as before; so that after a Stay of about a Month or six Weeks, the Prince return'd indolent to *England*.

The King do-  
ing a Papiet.

It seems pretty apparent, that, in Proportion to the Difficulty that his Majesty found in bringing the Prince of *Orange* into his Measures, he grew more and more dissatisfy'd both with him and the Republic he was at the Head of: And possibly this Dissatisfaction with his Highness, or his Zeal for his own Religion, or both, were the Motives of the extraordinary Desire that he now testify'd to have a Son. He had some time before renew'd his Commerce with *Mrs. Sedley*, who had honour'd her with the Title of Countess of *Dorchester*, had created her Son Duke of *Berwick*, and had sent him with a noble Equipage and suitable Appointments to serve as a Volunteer against the *Turks* in *Hungary*. All these Circumstances had given

The Queen and  
the Priests  
cabal against  
the Lady Dor-  
chester.

the Queen great Uneasiness; but none more than the first. *Mrs. Sedley* was a Woman of Wit, Spirit, and Liveliness, and had a sincere Contempt both for the King's Measures and the Adversaries of them, which she acknowledg'd very freely on all Occasions. This alarm'd the Priests, who well knew, that an Ascendancy over the Heart was often an Over-match for an Ascendancy over the Conscience, and produc'd a notable Effort to redeem the King out of her Hands, which the Queen was easily prevail'd upon to be at the Head of. Her Majesty had been for some time in an ill Habit of Body

[V. l. p. 683.]

(which Dr. *Burnet* takes care to remember) was of such a nature as afforded a very melancholy Preface, that she could have no Children: And one Morning, while in this languishing Way, by particular Message desir'd to see the King in her Closet. He came, and found her surrounded with all the Reverend Fathers who had'd in her Confidence, and was astonish'd to see them fall at once upon their Knees before him, her Majesty in the middle, who open'd the Scene with a bitter Complaint of *Mrs. Sedley*, her own Misfortunes, &c. After which the Priests took their Turn, and gave his Majesty to understand, That this Bleimish in his Life blast'd their Designs, and that the more it appear'd, and the longer it continu'd, the more inefficual all their Endeavours would prove. In short, the Experiment answer'd: The King was touch'd with Shame, as well as Compassion, and not only promis'd never to see the Lady any more, but to oblige her to quit the Kingdom for a while, on pain of losing her Pension: And he was in part

as

(n) See the Character given of him by Mr. North in the former Reign.

A. D. 1689.

as good as his Word; for he obliged her to attend herself accordingly: But, after a while, he not only suffered her to return again, but kept up the same Correspondence with her as before. This, as it may be reasonably imagined, renewed her Majesty's Uneasiness, and consequently her Complaints. For want of an Heir, she saw herself without Root in the Soil to which she had been transplanted; and her Poetics were in the same Predicament. Whatever, therefore, she had to urge on that Head, they were sure to espouse; and at the same time the King's Displeasure with the Prince and Princess of Orange disposed him to listen to all Expedients on that Head, as favourably as either could wish.

The King makes a Progress, while the Queen sits the Bed.

Thus, towards the Close of the present Summer, a Coincidence of Passions and Interests produced an unanimous Resolution of the whole Court, King, Queen, Ministers, Priests, and Physicians, that the Royal Couple should separate; that the Queen should make a Visit to the Barb; and that the King, under the pretence of taking a Progress thro' several of the principal Places of his Dominions, should pass on to *Hoblywell* in *Flintshire*, to offer up his Prayers and Vows to *St. Winifred*, the Patroness, if not to partake of the Virtues, of that supposed invigorating Spring.

But tho' an Heir was the principal End of this Progress, it was not the only one: His Majesty, we are told, was willing to try whether his gracious Presence among his People would not reconcile them to his Measures; whether, in case of a new Election, he could not prevail with the Country-Gentlemen to vote according to his Recommendation; and whether, by courting his old Enemies, the *Presbyterians*, he could not spirit them up to do as great things in furtherance of his Cause, as they had formerly done against it. Another Design of the Progress, says Bishop *Kennet*, was, to diffuse (p) Popery over the Kingdom, by the Sermons preached during the Course of it, in the Royal Presence: Another, to draw in People to be touched for the Evil, according to the Form of a Popish Office, pretended to have been in use in the time of King *Henry VII.* and now printed with Rubric Letter, wherein officiated Father *Warner*, as Chaplain and Confessor to the King: And yet another was, to give the Popish Bishops an Opportunity to hold their Visitations and

[Fol. iii. p. 495.]

Confirmations with the more Solemnity, and greater Safety.

A. D. 1689.

Agreed the 16th their Majesties left *Winifred*, the King taking the Road to *Perth*, to review the Harbour and Fortifications; and the Queen passing on directly to *Bath*, at which Place the Royal Couple met again on the 28th, and continued together till the 22d; when the King set out on his Progress or Pilgrimage to *Hoblywell*, and where he arrived on the 29th following; having been met at *Shrewsbury*, on the 23d, by the Earl *Tyrconnel* from *Ireland*, with a Train of above sixty Noblemen and Gentlemen of that Kingdom; and who continued to wait upon and confer with, his Majesty till the 26th following, at which time he set out from *Chester*, on his Return to his Government; the credulous World being instructed to believe, that he had crossed *St. George's Channel* only to pay his Court to his Sovereign. But one Day did his Majesty devote to *St. Winifred*, and then by several Stages directed his Journey to *Oxford*; where, in the midst of the (q) Commitments of the University, who behaved to him, as we find it acknowledged in the *Gazette*, as the Patroness, as well as the Persuaders to, Loyalty, he entered personally into the Dispute with the Fellows of *Magdalen-College*, with as much Warmth and Passion, as if he had travelled thither for no other End than to exact that Obedience to his Commands, which they had hitherto refused: For when private Applications were found ineffectual, the Earl of *Sunderland* sent them an Order to attend the King at *Christ-Church*, in a Body: They obeyed; and what passed at this remarkable Interview we find set forth in Colloquy, by the Fellows themselves, in the following Words:

King. What's your Name, are you Dr. *Puffly*?

Dr. P. Yes, may it please your Majesty.

K. Did you receive my Letter?

Dr. P. Yes, Sir, we did.

K. Then you have not dealt with me like Gentlemen; you have done very unbecomingly by me, and undutifully.---(Here they all kneeled, and Dr. *Puffly* offered a Petition, which his Majesty refused to receive; and said.)

K. Ye have been a stubborn, turbulent College; I have known you to be so these twenty-six Years: You have affronted me in

The King is Person who the Fellows of Magdalen College for Disobedience.

[Relation, pp. 15, 16.]

(p) A Sermon preached before his Majesty at *Chester*, by Father *Sabon*, was printed by *Henry Hills*, his Majesty's Printer; and also a Pastoral Letter from the four Catholic Bishops to the Lay-Catholics of *England*.

(q) Among which we are not to forget a Speech made to his Majesty by a son of *Sir Edward Bates*, in the Name, and on the behalf, of the Roman Catholics, which was afterwards printed, and in which are to be found the following Passages:

"And we hope, that as Providence hath returned a Reformation to your Majesty, after so long and deplorable a Breach; so you will be pleased to protect and encourage this tender Beginning among us. For the Winds and the Storms threaten us, yet being founded upon a double Rock, the one of the Firmness of the Church, the other your Majesty's Foundation, we rest fearless and resolute, till it shall please our good Lord to settle it in that Peace and Liberty which we confidently hope for in your Majesty's Life and Government. Next, we, with the rest of the Nation, acknowledge your Majesty's great Goodness for that; absolute Liberty granted

to all your Subjects, retaining nothing but what is eternally contrary to the Preservation of Peace and Justice.

You have only kindled kindled kindled Wickiandness and Violence to one another, which could not have been committed without the Breach of all Law, and many Confusions; and that you keep me daily towards God in every Conscience, yet you have hereby taken off the Visant of Rebellion, and manifested to all the World, that whatsoever hereafter takes up Arms against your Power, must not pretend either Reformation, or Religion, or Justice of the Government, as an Inducement.

It is a long time since, that the Wounds of this Nation have been ill widened by intercalated Petitions, applying only Grievances.

Your Majesty hath, by pouring in Oil and Wine, begun an Union and Calming of the Parts: An Union at least in the Concerns of the Nation, tho' not (as we desire) an Unity in Religion. Yet for much of Religion, too, as to be at Peace with one another, &c." [Lord Somers's Collection, Vol. xxiv. Part 2. 61.]

A. D. 1687.

in this. Is this your Church-of-England Loyalty? One would wonder to find so many Church-of-England-men in such a Business. Go home, and shew yourselves good Members of the Church of England. Get you gone: Know I am your King, I will be obeyed; and I command you to be gone: Go and admit the Bishop of Oxon Head, Principal, what do ye call it, of the College? — (One stood by said President.) I mean President of the College. Let them that refuse it look to it; they shall feel the Weight of their Sovereign's Displeasure.

The Fellows going out of the Lodgings were called back.

K. I hear you have admitted a Fellow of the College, since you received my Inhibition: Is this true? Have you not admitted Mr. Holden Fellow?

Dr. P. I think he was admitted Fellow: But we conceive—

Mr. Geo. May it please your Majesty, there was no new Election or Admission, since your Majesty's Inhibition; but only the Confirmation of a former Election. (They always elect to one Year's Probation, then the Person elected is received, or rejected for ever.)

K. The Confirmation of a former Election! 'Twas downright Disobedience! And 'tis a fresh Aggravation. Get you gone home, I say again; go, get you gone, and immediately repair to your Chapel, and elect the Bishop of Oxon, or else you must expect to feel the Weight of my Hand.—

The Fellows offered again their Petition, on their Knees.

K. Get you gone, I will receive nothing from you, till you have obeyed me, and admitted the Bishop of Oxon.

Upon which they went immediately to their Chapel, Dr. Puffey proposing whether they would obey the King, and elect the Bishop of Oxon? They answered in their turns, They were as ready to obey his Majesty in all things that lay in their Power, as any of the rest of his Subjects: But the electing the Bishop of Oxon being directly contrary to their Statutes, and the positive Oaths they had taken, they could not apprehend it in their Power to obey him in this Matter.

It is not to be supposed that such a Transaction as this, in such a Place as Oxford, could be kept secret for half an Hour; or that his Majesty should not feel that he was a Loser by the Experiment: He had descended from his Dignity, in having had recourse to it; instead of shewing his Power, he had shewn his Weakness; the very Men, whom he thought to awe and terrify by his Presence, shewed, by their Firmness, that they looked on the Authority of the Laws to be greater than his; and, as the whole University was interested in the Event, his Majesty could not but be sensible that they made the Case of this College their own, and that the Professions they overflowed with were rather the Effect of Fear than Love. More dis-

gusted, therefore, with the Repulse he had met with, than obliged with the Ceremonial of his Reception, on the third Day after his Arrival at Oxford, he set out on his Return to Bath, where the Queen had all this while remained, and from whence his Majesty had been absent fifteen Days.

Bishop Burnet says, That he had designed to go through many more Places; but that the *Small Success*, he had in those he visited made him shorten his Progress. The same Prelate also affirms, That his Majesty staid with the Queen at the Bath only a few Days, *two or three at most*: But in this latter Circumstance at least, his Lordship is mistaken; for it appeared by the *Gazette*, that the King returned to Bath, September 6, and that he did not leave it again (unless for one Day, when he dined at Bristol, together with his Consort) till the 12th following. In this Interval, it must be presumed, that his Majesty's Physicians were again consulted, as well as his Ministers; and that, by their Advice, it was found necessary for the Royal Couple to part once more, for the greater Likelihood of accomplishing their mutual Wishes: For tho' his Majesty set out for Windsor on the 12th, the Queen continued the Use of the Bath-Waters for twenty Days longer, and did not follow the King to Windsor till October 4. So much depends on these Circumstances, that 'tis necessary to be thus minute in the Recital of them: And possibly Dr. Burnet thought himself obliged by the same Necessity to account so very (*r*) particularly, as he has done, for the Queen's staying at Bath a Week longer than the designed.

As to the Success of the Progress with the People, if we may believe the *Gazette*, never was the most popular of our Princes, on the most popular Occasion, received with more lively Expressions of inviolable Loyalty and unfeigned Affection, than his Majesty in every Place where he came. Bishop Kennet is pleased to say, That as the Presence of a Sovereign strikes an awful and commanding Veneration on the Minds of those who seldom approach Majesty, so it could hardly be expressed with what joyful Acclamations he was received, and what dutiful Acknowledgments were paid him. Another Writer also asserts the same thing, in the same Words, and farther, That, in almost all Places besides Oxford, the King's Solicitations had a wonderful Success; the Electors promising to send such Representatives to Parliament, as should concur in his Majesty's Designs: And his Majesty, by way of Inducement, declaring, That he would not suffer any *Roman-Catholic* to sit in either House. But, according to Burnet, most of the Nobility and Gentry industriously avoided him; and those who did come in shewed in their very Countenances such a Coldness, as was visible even to the King himself, and as gave him equal Displeasure and Uneasiness. All agree, that if the Church-Party were backward in their

A. D. 1687.

He returns to the Bath.

[P. 1. p. 717.]

And after eight Days stays presents to Windsor, leaving the Queen behind.

[P. 1. p. 717.]

(\*) P. 1. p. 749. An Accident took her, in which she was injured. These are his Words: Had he also specified

how he came by his Intelliger, the Curiosity had been complete.

A. D. 1687.

Further Proceedings in the Case of Magdalen-College.

their Addresses to him, he frowned upon them in return; that if the Papists had his Heart, the Protestant-Dissenters had an equal Share of his Countenance; that wherever he came, he treated them as his peculiar Favourites, not excepting even those who had sided with *Monmouth* against him; and that the Dissenters, to shew their grateful Sense of this unmerited Partiality, promised all that was required of them, with respect to the Repeal of the Test and Penal Laws. His Majesty was scarce returned from *Oxford* to *Hath*, before he was followed by a new Deputation from the Fellows of *Magdalen-College*; complaining of a Misrepresentation of their Actions, and offering to evince their Duty and Loyalty, by a ready Obedience to his Majesty's Royal Pleasure, in any Instance whatever that did not interfere with their Consciences, which, in the Case of all his other Subjects, he had shewn himself to solicitous to preserve inviolate. This produced a Letter from *Mr. Pen*, no doubt by Authority, in which, with the Air of one who was passionately concerned for their Interest, he first undertook to persuade them, either to a Compliance with his Majesty's Commands, or to make an Offer of some such Expedient as might prevent the Ruin of themselves and the College, before it was too late, by inducing him to recall the *Quo Warranto* issued against it. Then, having recourse to Terrors, he gave them to understand, that they could not be insensible how highly his Majesty was incited against them: That every Mechanic knew he would never receive a *Bessie* in what he heartily espoused: That no Instance could be given, in which a Suit of this kind ever went against the Crown: That, however hard their Case was generally thought, they would not do well to rely on the Goodness of it: That they ought rather to wait with Patience for a Season more favourable to Persons of their Character: That, where so many Statutes were obligatory, it was next to impossible that all should be observed: That a Failure in any one Point forfeited their Grant, and laid the College open to the Royal Disposal: And, that their Overthrow might make way for the so-much-aimed-at Reformation, first of the University, then of the Church, and administer such an Opportunity to the Enemy as, otherwise, might not occur in his Majesty's Reign. The Fellows answered in substance, That, not being conscious of having given his Majesty any just Cause of Offence, they had no Reason to fear a *Quo Warranto*: That their Danger arose not from the Breach, but the Observance, of their Statutes: That Suits

of the Kind they were threatened with had often been determined against the King, as might be seen in the Law-books: That they relied on his Majesty's sacred, inviolable, and Royal Word and Promise, that he never would invade any Man's Property: That their President in virtue of their Choice stood invested of a legal Freehold under the Protection of his Majesty's Laws, which they could not invade: That there was no Precedent of a *Quo Warranto* brought against a College: That in case the Corporation of a College should be dissolved, the Revenues would return to the Founder's Heirs, and not to the Crown: That their Resolution to maintain their Statutes ought not to bring their Loyalty into question; for they had the Merit of many Services to urge; in particular, the raising a Company at their own Expence against *Monmouth*; and that they hoped their good and gracious Sovereign would not exclude them from that Liberty of Conscience which he had been pleased to extend to all his Subjects.

It now appeared that his Majesty had a Will by the Ears, which he could neither hold nor safely let go. On the one hand, if his assumed Dispensing Power was defeated in any one Instance, it would gradually become ineffectual in all; and if on the other, the Fellows persisted in their Opposition, it was foreseen, that the Violence necessary to maintain it, would interest the Bulk of the Nation in their Quarrel, and, somewhat too precipitately, oblige his Majesty to lay aside the Sceptre for the future, and govern entirely by the Sword. To avoid both these Extremes, therefore, it was resolved, that *Mr. Pen* should once more renew his Mediation, and try whether the Fellows might not be induced to admit the Bishop of *Oxford*, without proceeding to the Forms of an Election. Accordingly, six Queries dated from *Windsor*, September 15 (all tending to set on foot a Compromise, and to those that almost any Expedient would be accepted) were addressed to the Fellows; who, in their Answer, set forth, That there was but one Instance in their Register of a President's being admitted without Election, which arose from the Error of the College in suffering the time of Election to elapse, and under a Protestation that it should not supersede the Statutes, or injure the Right of Election; for which reason they refused, as before to elect, so now to admit the Bishop of *Oxford*: And if they entered into Parley concerning any other Expedient, they have not thought proper to leave us any Memorial of it. For 1687 they published the (1) six Queries at large, they accompanied

A. D. 1687.

(1) *Pen's* six Queries sent to the Fellows of *Magdalen-College*, from *Windsor*, September 15, 1687.

1. Whether, seeing your Election of the Bishop of *Osw*, you consent, without Violence to your Conscience, to give to his Majesty, or the above-mentioned Bishop, your Willingness to admit the Lord Bishop President of your College?

2. Whether it be not more Intereſt to the Protestant Religion, to have a ſuppoſed Popiſh Preſident, than to have all the Places of the College reguſed, by the King's ſole Authority, with Popiſh Novices and Priests?

3. Whether you are not under a Miſtake, in thinking

you ſhould under yourſelves more acceptable to the Proteſtant Nobility and Gentry, by your being turned out of your Fellowſhip by Injuſtice and Violence, or your receiving it, or rather will not they be very cautious how they receive you into their Families, for fear of giving offeuce?

4. Whether his Majesty, as Supreme Viſitor of the Univerſity, cannot place or diſplace them as he ſhall ſee fit; or whether you have a right Notion of the Proceedings which have been practiſed againſt you? Whether you ſuppoſe that the Lords Comiſſioners proceeded againſt you in their Comiſſioners, or Viſitors? Which Notion, I am firm, will overthrow

A. D. 1687.

accompanied them with Answers but to four: It may, however, be concluded, that the whole was alike unsatisfactory; for about the middle of the next Month, the President and Fellows were served with a Citation to appear before the King's Commissioners on the 21<sup>st</sup> of November; and possibly the hearing was so long deferred, that the Dread of Suspension and Deprivation might operate with the greater force.

Unpopular as these Proceedings were, and apprehensive as his Majesty had reason to be of the Consequences, so thoroughly was he possessed with the Demon of Superstition, that he could not help rushing at the same time into new Difficulties. The forward Endeavours of the Orthodox Sons of the Church had, in the preceding Reign, as we have seen, put the Crown in Possession of a discretionary Power over the City of London, in Opposition to those who were for interesting Heaven and Earth in their Quarrel against Popery; and his Majesty resolved to exercise it at the Expense of those who had not only procured it for him, but who had the additional Merit to plead of having placed the Scepter in his Hand. Kings hold themselves exempt from the Imputation of Ingratitude, by holding, That the Services of their Subjects can never exceed their Duty. All those Magistrates, therefore, who did not shew themselves as compliant to his Majesty's Religion as his Government, were dismissed without Mercy; and Fanatics were appointed in their stead. Thus the Face of things was at once wholly reversed. Those who had made it their Glory to pave the way for Po-

Corporations  
also admitted,  
in behalf of  
the Dissenters.

pery to ascend the Throne, and who would then hear of no Opposition, on account of the Dangers that might attend it, now had sufficient Cause to repent of their Blindness and Infatuation; and those who had clamoured loudest in the Apprehension of those Dangers, on the contrary, did all they could to facilitate their Approach, became assured they would fall on their Adversaries only.

It was in Consequence of this new and strange Alliance, that his Majesty condescended to accept an Invitation from the City to dine with the new Lord Mayor, Sir John Smeaton, on the Day he was sworn into his Office, accompanied by Prince George of Denmark, the great Officers of State, Privy-Councillors, Foreign Ministers, &c. And a pompous Account was given in the Gazette of the Ceremonial of his Reception, with these additional Circumstances, That the Queen intended to have done the City the same Grace and Favour, but was prevented by Indisposition: That the Pope's Nuncio, and the French Ambassador were present; and that when the Aldermen and Sheriffs waited on his Majesty the next Day with their Compliments, he knighted two of the former, namely, *Bowden* and *Aylmer*, as a Mark of his gracious Acceptance of their Entertainment.

Concerning the Pope's Nuncio, two very different Accounts are given: *Bishop Burnet* asserts, That when the Sheriffs waited upon the King with the Invitation, his Majesty commanded them to invite the Nuncio: That they did so in virtue of that Command,

The King dined  
with the Lord  
Mayor, ac-  
companied by  
the Pope's  
Nuncio, &c.

[Nam. 1690.]

[F. 1. p. 718.]

overthrow some Bodies Plea and Exception against their Authority.

5. Whether you called the Men filled in Beliefs, when you refused Mr. Fox's Meditation, who, you may be sure, had good Authority for what he did? You could not but know that Man, and therefore must needs be fore-armed against any Wits that could be offered to you. Whether an unanimous Subscription for an Expulsion (which indeed I think you ought not to refuse in good Measure, from the King was pleaded in private, it proposed in his Majesty by Mr. Fox, or another Favourite, would prevent the Destruction of the best Foundation in Europe?

Lastly, Whether you be our down beyond your Knowledge, by some hot-headed Advisers, who never consider the present State of his Majesty's Court of Justice?

The Answer, dated the 27<sup>th</sup> of September, 1687.

To the first. We cannot, without Violence, to our Conscience, and deliberate Perjury, admit any Person to be President of our College, that is not elected thereunto, and qualified according to our Statutes; whereby the Bishop of Oxon is in no way capable; nor is there any Member in all our Registers of any Admission of a President without Election, but of one Dr. Nicholas Bond, whose Case was as followeth, viz. Upon the Death of Dr. Lawrence Humphrey, about the year of our Queen Elizabeth's Reign, the Queen recommended Dr. Bond (being a Fellow of our College) to be elected President. Many of the Fellows inclined in their Judgment to elect one Smith (another of the Fellows); and, at this Meeting for Election, the Contention was so great, that they rose without electing; and the Oblivion continued till the Place became lapsid: And there being no Provision in our Statutes to direct us what to do in such a Case, the Queen, by her Letters Patents, constituted the said Dr. Bond to be President; and therein declared, That her Majesty, being informed that the Fellows had neglected to make Election of a President in due time, as our Statutes required, and these Statutes having made no Provision for such an Omission, she, out of her princely Care for the Place, and Indulgence for those Persons who had been guilty of that Neglect, did, by Advice of the Bishop of Worcester his Visitor, constitute Dr. Bond their President; with Provision nevertheless, that he did not thereby pretend to supersede their

Statutes, or invade their Right of Election, which was thereby invaded in them, but took the Course, in the only Means left, to supply their Defect of Election.

To the second. We would not make ourselves guilty of deliberate Perjury, for any Considerations whatsoever, both in respect to our Conscience, and that we may not by such a Breach upon our Statutes, expose our Constitution to a Forfeiture, nor do Evil that Good may come on it.

To the third. We conceive us shall be more acceptable to all good Men, the doing honestly according to our Conscience, than for voluntarily and unjustly departing from our Right.

To the fourth. We pretend not to make it a Question, whether his Majesty, by his Authority Royal, as Supreme Visitor, can grant a Commission for Visitation of any College that has a Head Visitor by their Statutes, and are not Royal Foundations: But we are advised, that by Commission can be granted under the Great Seal to Visitors, to purge and displace Members of Colleges whose Places are Forfeited by Absence, or otherwise; but they must proceed according to legal Diligence, that is, by the Laws and Statutes of the Land, and the local Statutes of the College. And Places concerned for the Heads and Fellowships of Colleges are temporal Possessions, and cannot be impugned by summary Proceedings. One Dr. Thomas Lorton, President of our College, was deprived in Queen Elizabeth's time, by the Bishop of Worcester, the legal Visitor thereof, established by Royal Authority, and he appealed to the Queen; but by the advice of all the Judges it was held, that the Queen, by her Authority as Supreme Visitor, could not meddle in it, but he must bring

Worcester's will, because Deprivation was a Cause merely temporal; the King has a great Authority spiritual as well as temporal; but no Commission can be authorized by the Crown to proceed in any Commission under the Great Seal, or otherwise, but according to Law; in spiritual Causes by the Canon-Law, in temporal by the civil Laws and Statutes of the Land. And wherein the Proceedings in some Commissions are directed to be *in omnibus & de jure, &c.* these Words are to be applied to Barren the Forms of Process, and not for Matter of Judgment. For *Magna Charta* provides for our spiritual Liberties, as well as our temporal. [Unpar. Relat. lib. 1. p. 200, 21.]



A. D. 1657. Command, not by Authority from the City: And that the Lord Mayor and Aldermen disowned the Invitation, and caused an Entry to be made in their Books (which the King took very ill, and from thence took occasion to call the Dissenters an ill-natured sort of People, which could not be gained) that the *Nuncio* came without their Knowledge.

[P. 1, p. 464.] On the other hand, Bishop *Kenny*, Archdeacon *Edward*, &c. are express, That it was contrived that he should be invited to come with the King himself: That he was received at *Temple-Bar* by the two Sheriffs; and that he was complimented by Sir *John Slocoter*, the Lord Mayor: Which, if true, implies, that he was invited by them, and not forced upon them by the Injunction of his Majesty: And the Intercourse of Acknowledgments and Civilities that passed between the Court and the City, the next Day, seems to argue, that both Parties were mutually satisfied; which could scarce have been, if there had been any such Force on one Side, or Protest on the other. Bishop *Burnet* farther asserts, That the King signified to the Lord Mayor (who was a Dissenter) that he might use what Form of Worship he liked bell in *Gold-hall-Chapel*, to the End that when a Popish Mayor should be in the Chair, he might have the like Indulgence: That the Lord Mayor instead of embracing this seemingly-gracious Offer, submitted it to the Consideration of the Commissioners for the Diocese of *London*, during the Bishop's Suspension; who gave it as their Opinion, that he could not accept of it without a Violation of the Laws; and that for this Project miscarried. The Truth is, that the Mayor trimmed between the King's Indulgence and the Laws: For in the Morning he went in state with the Sword, &c. to the established Church; and in the Afternoon he worshipped God after his own way, in his own Chapel at *Greens Hall*. This Moderation we find imputed to him for Righteousness; and as the whole Power of the City was now put into the Hands of the Nonconformists, by the Influence of the Prerogative in their favour, it is likewise held meritorious in them, that they exercised it on the Terms prescribed by the Legislature, by taking the Tests; ordering the 5th of *November* to be observed as usual, &c.

Hence it is apparent that the Papists had no concern in the immediate Government of the City; and, having engrossed the Cabinet wholly to themselves, they might well assign that Share of the public Spoils to their new Allies: In all other Corporations however, and on all the several Benches of Justice in *England*, not excepting even that of *Middlesex*, they had their full Share of Power, and lost no Opportunity of exerting it for the good of the Cause.

It is natural to imagine, that this cautious Behaviour of their new Allies could not fail to give Umbrage to the Papists: But no Repentment was shewn, because the Times would not bear it. For the same Reason that they were called in as Auxiliaries, it was still necessary to retain them. The

People in a Body were still too strong for the Prerogative, but if divided might be subdued. On this known Maxim the Qualification was carefully preserved; Offices were overlooked, and every Tool and Engine of the Cabinet was kept perpetually employed in perfecting the grand Work of re-establishing, as well as re-placing, *Popery* on her ancient Throne.

All which had hitherto been done, had been done against the Laws; and repeated Experiments had now shewn, that whatever Professions Men made, they would obey, to their own Prejudice, no farther than they were obliged by those Laws. Even the French Protestants, who had been favoured with a Grant of the *Stow-Chapel* for a Place of Public-Worship, and who were now solicited by the *Jesuits* to resign it to them for a valuable Consideration, were taught by the opposing Lords, *Hollis*, *Dandy*, and *Nottingham*, to whom they applied for Advice, to reject their Offers. Let them pass for their wisest Measures! said they, with more Artifice, perhaps, than Ingenuity, suffer yourselves to be drawn out of your Church; for by that means you will do but your own Business and the Nation's. Apprehending therefore, with much Reason, that the Authority of the Laws would, in the end, prove too mighty for the Power of the Prerogative, the ruling *Jesuits* began to be more and more desirous of a constitutional Establishment, which could no otherwise be obtained than by the Sanction of a Parliament; and Parliaments they knew were like *Quick-Sands*, which change their Form and Situation as the Tide ebbs and flows. While the King remained under a Persuasion that the Church-Party were the fittest for his Purpose, they had seen the Influence of the Crown in Elections operate so successfully in favour of that Party, that the Dissenters and Malcontents of every other sort stood almost as effectually excluded from any Share of the Legislature, as if the like Bill had passed against them, as they had so warmly tickled for against the King when Duke of *York*: And hence they argued, that an extraordinary Exertion of the same Royal Influence would give a contrary Turn to the Scale, and enable them to give the Law in Parliament as absolutely as at Court. Accordingly they not only proceeded with more Vigour than ever in the modelling of Corporations (most of which were now reduced to an absolute Dependence on the King's Pleasure) by the old Expedient of *Two Warrants*, but a new Commission was issued to certain Lords, &c. under the Denomination of *Regulators*, with full Powers to judge of the Rights, Capacities, and Dispositions of Electors, and to qualify or disqualify Persons in Conformity to the Representations they received from their Agents, who were dispersed all over the Kingdom, to spy into the Principles, Characters and Deportments of all Men; that such only might be trusted with Votes as would return a true Representative of themselves; that is to say, Prostitutes and Bigots. Nor was this all, for his Majesty was further induced

A. D. 1657.

[Book 155.] Edward.

Extraordinary Majesties to pass in Court-Parliament.



A. D. 1687. A. D. 1687.  
 [Rerby, Burnet.]  
 duced to order the Lords-Lieutenant of the several Counties to assemble their Deputies, as also the Justices of the Peace, and to put to them the following Questions, viz. 1. Whether, in case the King should think fit to call a Parliament, and they should be chosen Members of it, they would vote for the Repeal of the Test and Penal Laws? 2. Whether, as Electors, they would vote for such Candidates as they had reason to think would do the same? 3. Whether, in case they chose a Neutrality, they would live in Fellowship, as *Christians* ought to live, with those who differed from them in Religion, agreeable to the Principle contained in the Declaration of Indulgence? Such of the Lieutenants as refused to comply with this Order, were turned out; as were also such of the Deputies and Justices as did not in their Answers come up to the Expectation of the Court. And that the whole Kingdom might be thoroughly apprised of the great Point in view, the following Notice

[Nov. 23. c. 2.]  
 was given in the *Gazette*: "His Majesty having by his gracious Declaration of the 4th of April last, granted a Liberty of Conscience to all his Subjects; and resolving not only to maintain the same, but to use his utmost Endeavours that it may pass into a Law, and become an established Security to After-Ages; hath thought fit to review the Lists of the Deputy-Lieutenants and Justices of the Peace in the several Counties, that those may be continued who shall be ready to contribute what in them lies towards the Accomplishment of so good and necessary a Work; and such others added to them, from whom his Majesty may reasonably expect the like Concurrence and Assistance." As to the Effect of all this Apparatus, it was various, and has been as variously represented.

[Vol. II. p. 495.]  
 Bishop Kennet asserts, That in some Counties almost all the Gentry disappeared on a sudden, to avoid the Summons of the Lords Lieutenants: That those of *Devonshire*, in particular, declared in Effect, That they could return no Answer, except by their Representatives in a free Parliament: And that in *Cheshire*, out of seven hundred Persons, but seventeen could be found who would enter into the Engagements required. But Bishop Burnet says, That many Counties answered very boldly in the Negative: That others refused to give any Answer; which was understood to be equivalent to a Negative; and that even the new Mayor and most of the new Aldermen of *London* were among the latter: And, according to Sir John Rerby, the most general Answer returned by the Protestants of the Church of *England*, was, That in case they were chosen, they would vote as Reason and Conscience should direct them: That as Electors, they would vote for such as they believed would do the same: And that they would live peaceably with all Men, as good Christians and loyal Subjects.

[P. 253.]  
 [P. 1. p. 719.]  
 Burnet moreover adds, That those who had refused to oppose the Court, became more encouraged than ever by the Discovery now made of the Sense of the Nation in these Matters: And yet, conti-

nues his Lordship, such Care was taken in naming the Sheriffs and Mayors for the next Year, that it was believed the King was resolved to hold a Parliament within that time, and to have such a House of Commons returned, whether regularly chosen or not, as should serve his Ends. He also adds, "It was concluded, that the King would make use both of his Power and his Troops, either to force Elections, or to put the Parliament under a Force when it should meet; for it was so positively said, That the King would carry his Point, and there was so little Appearance of his being able to do it in a fair and regular way, that it was generally believed, some very desperate Resolution was now taken up, &c." But this is no more than Suggestion; and no one Fact is brought to support it: The King, indeed, as hath been already mentioned, had his Troops encamped this Summer on *Hamble Heath*, in like manner as the Year before; but then his Majesty seemed more concerned for their Conversion to his Religion, than to render them serviceable to his Politics: That he had, however, determined to make his last Appeal to Force, is not unlikely; but then it would have been his last: Nor can it be supposed that, when he was in quest of a Legislative Authority for what he had done, he should frustrate his own Pur suit, by having Recourse to Violence. Besides, the People as a Herd were already at his Mercy, and might have been dragooned into any thing: Whereas, when represented in Parliament, they grew formidable even to the Throne; as his Majesty had good reason to remember, from his Share in his Father's Sufferings.

What had the worst Aspect of all, while he was thus endeavouring to prevail the very Parliament itself into his Service, he continued to act as if his Prerogative was all-sufficient, and all the Rights and Powers of Government centered in his own Will and Pleasure. Thus, in the Beginning of *November*, Father Petre made a Private Council-  
 [Nov. 23. c. 1.]  
 public Notice was given in the *Gazette*, that Father *Edward Petre*, Clerk of the Closet, had been honoured with a Seat at the Council-Board: And, about the same time, he caused a new ecclesiastical Commission to be issued out to *Watson* Bishop of *Chesler*, *Wright* Lord Chief-Justice, and *Jamieson* one of the Barons of the Exchequer, to take cognizance of the late Proceedings at *Maxwell-College*, *Oxon*, as supreme Visitors, &c. In virtue whereof, their Lordships made their Entrance into that Place on the 20th, guarded by three Troops of Horse, who were to quarter there as long as the Hearings lasted. On the next Day, having convened the President and Fellows before them, their Lordships opened their Commission, and the Bishop of *Chesler*, as Chief, in a florid Harangue, declaimed very fiercely against Disloyalty; insisted, that the Church of *England* taught an unconditional and unqualified Obedience; as also, that the King's gracious Promises to Archbishops and Bishops, in his Declaration, deserved Thanks, on bended Knees: Said, it could not be expected, but that the King would give all the Encouragement

A. D. 1687. ment to those of his own Religion that he could, without Severity and Cruelty, which he abhorred, or Injury to the Church of England; as at present established by Law: That this Corporation, as well as others, was the Creature of the Crown: That it was Injustice in their local Statutes to spurn against their Maker: That their Discontents had brought this Vilitation upon them, the Consequence of which might be mischievous, both to the Church and University, &c. He then exhorted them, in the Bowels of Christ, to consider these things; and, through the Whole, intermingled Promises with Threats, and every other Inducement that might prevail with them to persevere themselves, in compliance to his Majesty, and his Religion. But they continued deaf as ever to the Voice of the Charmer. Dr. Hoagh, in the Quality of President, stood forth at their Head, and, with an equal Mixture of Courage and Address, defended their Rights, and asserted his own. Being asked, whether he would submit to the Vilitation? he replied, As far as it was consistent with the Laws of the Land, and the Statutes of the College; and he twice demanded that this might be recorded. Being asked, on the second Day, whether he would submit to the Decree of the Commissioners ecclesiastic, by which his Election was declared null? he asserted, That the said Decree was in itself a Nullity: That there could be no other President as long as he lived, &c. That therefore he should not submit to their Decree, nor resign the Keys, which, together with the Statute-books, were the Badge of his Office. This Firmness he however qualified with many dutiful Expressions with regard to his Majesty; but without effect: The King's Proctor accused him of Contumacy: And the Bishop, in the Name of the Bench, struck his Name out of the College-book, and admonished the Fellows to submit no longer to his Authority. On the same Day, their Lordships put the Question to the Fellows, whether they would assist at the Instalment of the Bishop of Oxford, as President, by virtue of the King's Mandate? To which two answered doubtfully, one (Charneck) in the Affirmative, and all the rest in the Negative: And, in the Afternoon of the same Day, Dr. Hoagh, in open Court, protested against all their Proceedings as illegal, unjust, and null, and appealed to the King in his Courts of Justice: With which undaunted Proceeding the Scholars and Strangers then present were so transported, that they gave a loud Huzz, in testimony of their Applause: This, it seems, was not only undecisive as an Insult to the Court, but the poor President was made answerable for it; and, though he offered to purge himself by Oath from being any way accessory, the Chief-Justice obliged him to give in Bail for his Appearance at the King's Bench on the 12th of November ensuing, on the Penalty of 2000*l*.

The next Day, the Commissioners having called in the Bishop of Oxford's Proxy, and read the Royal Mandate for his Admission, again put the Question to the Fellows, who-

ther they would assist at his Instalment? which they again refusing, their Lordships adjourned to the Chapel, where they installed the said Proxy themselves, and then conducted him to the President's Lodgings, which, having caused them to be broke open by a Messenger and Tippstaff, they put him in possession of; none of the Fellows (except Charneck) assisting, or being present at either of these violent Proceedings. In hope, however, that they would submit to that, when done, which they would not be concerned in doing, their Lordships required the said Fellows to submit to the new President, thus obtained upon them: Dr. Fairfax refused; the rest demurred, and in the Afternoon delivered in a written Paper, containing these Words: "That whereas his Majesty hath been pleased, by his Royal Authority, to cause the Right Reverend Father in God Samuel Bishop of Oxen to be installed President, whose Names are hereunto subscribed do submit, as far as is lawful, and agreeable to the Statutes of the College, and no way prejudicial to the Right and Title of Dr. Hoagh." This, having the Face of a Consent, proved acceptable to their Lordships, who were apparently glad of any Pretence to rid their Hands of such a troublesome Affair: To render it however yet more palatable to the Court, they prevailed with the Society to leave out the latter Clause, relating to Dr. Hoagh, Wright and Jenner assuring them, that they were of no Significaney towards the Doctor's Service.

The next Step was, to send an Account of their Proceedings to Whitehall, together with a Copy of the Paper thus signed by the Fellows: And, to fill up the Time till his Majesty's Pleasure should be known thereon, they deprived Dr. Fairfax, (who had kept pace with the President in every Instance of Steadiness and Bravery) of his Fellowship, for having denied the Authority of the Court, refusing to obey the Bishop of Oxen whom the King had made President, and taking Commons after he had been suspended.

On the 28th, having received the Dispatch they waited for, their Lordships assembled the Fellows once more, and the Bishop of Chester gave them to understand, "That his Majesty expected some further Submission; and that it was their Lordships Advice, that they should comply with his Expectations, by acknowledging the Contempt they had shewn his sacred Person, by promising to behave more loyally for the future, by avowing the Justice and Legality of the Court, and throwing themselves at his Feet, to implore his Pardon." The Fellows staring at this unexpected Proposal, the Bishop, as a Matter of Grace, added, That they might word it themselves; and they withdrew, as if in order to obey him: But the Paper delivered at their Return rather implied a Concern that they had already so far submitted, than a Disposition to make any farther Submission: For therein they made use of these Words: "Being conscious we have done nothing but what our Oaths and Statutes indispensably oblige us to, we cannot make any Declaration whereby we acknowledge

A. D. 1687.  
The Bishop of  
Oxen's  
Proxy installed.

The Fellows  
submit, with  
a Salvo.

Dr. Fairfax  
deprived.

A further  
Submission re-  
quired.

Which is  
refused.

Dr. Hoagh  
deprived.

A.D. 1687.

knowledge that we have done any thing amiss; having acted according to the Principles of Loyalty and Obedience, so far as we could, without doing Violence to our Consciences, or Prejudice to our Rights." The Commissioners were now surprized in their turn, and complained, that this fell short of their former Paper: The Fellows justified themselves; and, in particular, one *Fulham* denied that they had been guilty of any Contempt towards his Majesty; said, That, as their Lordships had been pleased to accept their former Answer, their Honour was engaged, as he conceived, that no more should be required of them: And Dr. *Bailey* explained away even the Force of that Answer, by intimating, that they meant no more by it, than to submit or give way to the single Act of installing the Bishop of *Oxford*, but not to yield him any future Obedience: The Fellows in general then declared, they could not obey the said Bishop as President. *Fulham* moreover asserted, that the Right was solely in Dr. *Hough*; and being asked by their Lordships, whether he would obey the Bishop, as in possession? he answered in the Negative, because he had not lawful Possession, which, as he was informed, was to be given by the Sheriff, with the *Posse Comitatus*. This threw the Lord Chief-Justice into such a Rage, that he said, "Pray who is the best Lawyer, you or I? Your *Oxford* Law is no better than your *Oxford* Divinity.— If you have a mind to a *Posse Comitatus*, you may have one soon enough."— *Fulham* would

have apologized for what he had said, but was interrupted, and, together with the rest of the Society, ordered to withdraw: After which, the *Buttery-book* was called for; and *Fulham*, being brought in again, was suspended from the Profits of his Fellowship, during his Majesty's Pleasure; for, what was called, his Contempt, and opprobrious Language.— Their Lordships then adjourned the Court till the 16th of *November*, and returned to *London* to make their Report, and receive new Instructions; which were become the more necessary, as the Affair was become more perplexed and embroiled than ever.

All the Nation, by this time, had their Eyes fixed on this extraordinary Proceeding, and thought themselves concerned in the Event: And, if the King was openly the Aggressor on the one side, it can scarce be supposed, that the opposing Lords, and others, did not, underhand, spirit up the Fellows to abide all Extremities on the other. But, how popular soever their Cause was, or how strongly soever it was supported, his Majesty unhappily resolved to carry his Point at all hazards: Accordingly, the same Commissioners made another Parade to *Oxford*; and, having opened their Court at *Magdalen* College, on the very Day fixed by the late Adjournment, entered one *Turner* and one *Alibone* actual Fellows, by their own Authority, in the stead of *Paisley* deprived and *Ludford* deceased: All Oaths being dispensed with, except that of a Fellow; which being done, the Bishop, in a long and elaborate (s) Speech, severely upbraided the

A.D. 1687.

Society

(s) In these memorable Words:

Your many Contempts, and wilful Disobedience, have occasioned this Visitacion, which will end at last in your Ruin. This Society of yours has been long exercised in the Methods of Quarrelling; it has always been troubled with schismatical Spirits, and many Murmurs, ever since the Restoration of the late King. You have encouraged Quarrels among yourselves; Quarrels between yourselves and President; Quarrels at length, between yourselves and Visitor. For I have often heard your late Visitor complain, that this Society was ever beset with an insolent and turbulent Generation. By these Steps, from quarrelling with the President and Visitor, you have at last advanced to the highest Pitch of Insolence, to quarrel with your Prince, and affront his sacred Majesty. I endeavoured before, at the opening our Commission, to make you sensible of the Scandal that your Disobedience will bring upon your Religion; how much you stain and dishonour your liberal and ingenious Education, in this Society.

You cannot but know his Majesty is your Supreme Ordinary. You cannot but have read *Becket's* story, who was twenty Years Lord Chief-Justice under King *Henry III.* Now *prosecutus fuisse rios displicere, ut dicitur contra factum qui nocere.* All Disobedience implies Pride; for no Man can disobey his Governor, but he who thinks himself wiser. The Reputation and Honour of a Prince at home, and his Respect abroad, are the chief Standards of a Government. But these Pillars, as much as in you lies, you have endeavoured to shake. And, unless his Majesty's Honour and Right be vindicated by us, he can neither be feared at home, nor obeyed abroad: Your Punishment must be as public as your Crime. It cannot be concealed but his Majesty, in Justice, in Honour, in Clemency, and in his Royal Tenderness, could have proceeded otherwise than he has done. On the 16th of *April* it was published, that Dr. *Clark* was dead: On the seventh a *Mandamus* was directed to you, for choosing Mr. *Bowyer*. On the ninth you presented a Petition to the Lord President; wherein you had your selves prostrate at his Majesty's Feet, repenting to him the Incapacities of Mr. *Bowyer*; desiring the Benefits of his gracious Declaration for preserving your Rights and Properties, and detesting him to nominate another Person qualified according to your Statute, in the Edition of whom you would be your ready

Obedience. So said and so done, Gentlemen, had been very well.

But, immediately after the Delivery of the Petition, you, not waiting his Majesty's Answer, proceeded on *April* the fifteenth to an Election of Dr. *Hough*: So that by this Act, which was plainly contrary to his Majesty's Authority, whose *Mandate* did certainly imply an Inhibition, you directly contemned your former Promises of steady Obedience, and were resolved to give the King nothing but good Words: When you had done this, as Men of ill Design are always impatient for a Commission of it, you immediately went and surprised your Visitor, and by that means periodical him to condemn Dr. *Hough*, that very Day he received an Order from the Lord President to the contrary.

Upon this News the King was much amazed, and required an Account of your Proceedings: Therefore the Lords Commissioners issued out a Citation, and, after hearing the Plea, upon mature Consideration with the Learned of both Laws, judged the pretended Election of Dr. *Hough* to be void and null, and him to be removed, by an *Interdictum* dated the

which was affixed on the Gate. After this, a *Mandate* was sent on the to you to elect the Bishop of *Ossa*; upon which Terms, his Majesty was graciously pleased to dispense with your Disobedience hitherto. But, this being disobeyed, his Majesty in person, on the fourth of *September*, sent for you to *Christ-Church*, and required you immediately to elect the Bishop of *Ossa* President. You went first to the Chapel, a Place one would think should have inspired more Devotion and Awe of his sacred Majesty in you; and there contemptuously blasphemed and signed a Paper, directly thwarting his Majesty's Command. The Ground of your Disobedience, you presented, that you could not elect him; whereas you could not but know, by a written *Mandate* that lay by you, that *obsequies* would have finished his Majesty. Confidence, the false topic of Rebellion, was here brought to vindicate your peculiar and obstinacious Behaviour. You presented, that you were obliged by Oaths; and I am sorry that at the same time you forget that of Allegiance. And indeed there is not a greater Sign of Hypocrisy than partial Obedience. Had you any Respect to the Father of your Country, and your Mother the Church, you would have sacrificed your pretended Scruples, as a Peace offering, to the King. The best of us, I am sure, have Reason to give God and the King's Pardon.

A. D. 1687.

Society with their manifold Offences, which he took care to recapitulate minutely, and in the Conclusion required them to sign the following humble Petition and Submission, before they left the Room, viz. "We your Majesty's most humble Petitioners, have a deep Sense of being justly fallen under your Majesty's Displeasure for our Disobedience and Contempt to your Majesty, and to the Authority of your Majesty's Commissioners and Visitors: We do in all Humility prosecute ourselves at your Majesty's Feet, humbly begging your Pardon for our said Offences, and promising that we will for the future behave ourselves more dutifully; and as a Testimony thereof, we do acknowledge the Authority of your Majesty's said Visitors, and the Justice of their Proceedings. And we do declare our entire Submission to the Lord Bishop of *Oxen* as our President."

This being read, the Vice-President, *Aldworth*, required time to consider of it, and Leave to answer it in Writing; but both his Requests were refused, *Jennour* telling him, That no Answer would be admitted but *Aye* or *No*. The Vice-President then entering into the Merits of the Case, and urging the Statutes of the College, the Bishop told him, "Their Statutes were over-ruled by the King's Authority." *Aldworth* reply'd, That the very Visitation then subsisting, imply'd, that there were certain Laws and Statutes which they were to be governed by, &c. His Lordship then asked, whether they were not to obey the King as well as the Founder's Statutes? And *Aldworth* answered, That as those Statutes had been confirmed by several Kings and Queens, they

obey'd the King in obeying them. The Bishop upon this observed, That they had never been confirmed by the present King; but was silenced by one Dr. *John Smith*, who said, That neither had they been repealed by him, and what was not repealed, was confirmed. Thus their Lordships finding that in point of Argument they were like to have the worst of it, they had recourse to their Authority, and required the Fellows to sign without any farther Delay. But as they could not enforce Conviction, so neither could they exact Obedience. The Vice-President first refused; and after him all the other Fellows did the same, except two (*Mr. Thomas Smith* and *Charneck*;) Nothing therefore remained but for the Court to close their Proceedings; which they did the same Day, by depriving the said Vice-President and Fellows of their respective Fellowships, and fixing the Sentence on the College Gates. On the first of December following a Brief of the whole Affair was published in the *Gazette*, under such Colours as would best serve to dazzle the Public, by justifying their Lordships the Commissioners, and making the President and Fellows the Authors of their own Misfortunes. In the *Gazette* of the 15th, Notice was given in the Name of the whole Ecclesiastical Commission, that their Lordships had declared, decreed, and pronounced, that the said President and Fellows should be incapable of receiving or being admitted to any Ecclesiastical Dignity, Benefice, or Promotion; and that such of them as were not as yet in Holy Orders, were adjudged incapable of receiving or being admitted into the same. And

A. D. 1687.

The Vice-President and Fellows deprived.

[Nov. 2299]

and declared incapable of Preference.

Pardon. But you, as if his Majesty reigned by Courtesy, would have a King under you, but none over you. You urged the Observance of your Statutes, of which, as it hath appeared, you have not been so constant Observers: When your own Honour prompts you to a Dispensation, then you can easily embrace it, without but find of being served *per Male*, by which great Scandals have come to this Society by reason of Bishops.

But when the King interposed, in whose Power alone it is to dispense with them, then you presently act according to such Methods as these. None of these Pretences will ease you with wife and sober Men.

This was the only Opinion his Majesty in his Progress received: Wherever his sacred Majesty came, he witness'd a universal Contention, except in *Oxford*; and so far failed every one with the Equity of his Proceedings, that none went away discontented from his Presence, unless it was for this Reason, that they could not enjoy it any longer.

On the 20th we came down: and, upon opening our Commission, I took care to represent to you the Heinousness of your Offence, and to persuade you to a serious Repentance, but all in vain.

For on *Wednesday* Morning, we required you to admit and install the Bishop of *Oxen*; which all, except three refused: In the Afternoon Dr. *King*, having been deprived, and by us commanded to depart the College, came unto us without any Leave, but not without great Attendance; Circumstances, I think, much unbecoming a Man pronounced expelled; and there entered a Protestation against all that we had done, or hereafter should do, as illegal, unjust, and null; which he delivered not in Writing, but by Word of Mouth; and a third respondent to the Nature of all Appeals, and, which was worse, without the usual Salve to his Majesty's Supreme Power. When he had spoken it, there followed such a tumultuous, sedition, and insolent Humour; which, if you yourselves had not applauded, or at least consented to, it was impossible but that you would have discovered some of those Mutinies. However, since his Carriage and Language gave occasion to it, 'twas thought fit that he only should be obnoxious; and accordingly he was bound over.

On *Thursday* we ourselves caused the Bishop of *Oxen* to be installed by his Proxy; after which we proposed to you, whether, being now installed, you would submit to him *in Civitate et Imperio*. To which you gave an Answer under your *Seals* in the Affirmative. You then also desired us to represent your Case favourably to his Majesty, giving all Assurance of your Loyalty and Obedience: but his Assurance of Submission lasted not long; for, on *Thursday*, being required of us to subscribe such a Submission to his Majesty as we thought agreeable to your Duty, you required Time to consult of it; and, after Deliberation, signed such a Paper, which seemed rather to be a Protestation against your former Submission, than an Acknowledgment of your Crime. Upon this we might justly then have proceeded to an Expulsion; but we thought fit, in compliance to you, to take a Journey to *London*, and acquaint his Majesty with your Disobedience and ungrateful Behaviour. His Majesty was extremely amazed that his Clemency should be despised; but yet, to your Comfort be it spoken, his Patience and Goodness extends as far as your Proveniences can: But if you still persist in your Obstinacy, these that are too tall to stand, and too stubborn to bend, desire to be broken. And now, I think, I have said enough to let you know, that the Highways you have so artificially lined together, are now full-time to cover your Nakedness. I wish to God you had the same Tentations for your Concern, as his Majesty's Commissioners have for you. But if you still persist to oppose the Royal Power of the King, we, who are come to vindicate the Royal Honour of his Majesty, resolved to discharge our Conscience and Duties in God and the King, without any Respect of Popularity; and that's but the Business of Faith, and Sense of what Men: And therefore, as for us, we have no more regard to People's Opinions, than what they dream: by reason therefore of your late hypocritical Submission, the Commissioners have thought fit, upon mature Consideration, to draw up an Instrument, which shall be read to you, to which, if you still immediately subscribe, before you leave the Room, we shall leave you to his Majesty's Pardon: And this we expect from you all, except Mr. *Thomas Smith* and Mr. *Charneck*, with whose Behaviour the King is so well satisfied, that he expects no more from them.

A.D. 1687.

And on the 21st following the Earl of *Sunderland* prefixed his *Imprimatur* to a VINDICATION of the Proceedings of the COMMISSIONERS; in which it is asserted among a Variety of other Matters, That the King had done nothing to contradict the Promise he had made of protecting the Church of *England* as by Law established; That he had been to very tender in that Point as not to go so far as justly he might: That it was impossible for those of that Church to arraign the Authority of his Majesty's Commissioners, or to condemn the Legality of their Proceedings, without condemning themselves for what they had done against the Puritans: That the Agreement between what the King had done, and the Church-of-*England*-Law, was so exact and full, that it was also impossible for *Churchmen* to vindicate the Proceedings of the *Magdalen*-Fellows, without tearing up the very Foundation of their own Ecclesiastical Constitution: That the Legislative Power in Matters Ecclesiastical, was lodged in the King, which Power was too ample to be limited by *Act of Parliament*: That the King could grant whatever Dispensations the Pope had formerly done, provided the things dispens'd with were not *mala in se*: That the *Magdalen*-Fellows were no longer obliged by their Statutes after they had received his Majesty's Dispensation, which took away all their Forces: That in denying the Jurisdiction of the Court, they endeavoured to ravish from the King a part of his Supremacy: That in pretending Conscience in Excuse for their Disobedience, they made use of the very Cant which those of their own Church had so often exploded: That when the POOR DISSIDENTS, who had not gone half so far in their Disobedience to the regal Authority, had made use of the same Plea, the *Prelatists* had censur'd them as *schismaticus, factious, and rebellious* and declar'd them incapable of any Ecclesiastical Benefice: And lastly, that it was his Majesty's Royal Pleasure, that his Commissioners should not exercise that Severity against those of the Church, which they had exercised against their Protestant Brethren; nor to take those Advantage: against them which he might, unless he should be drove to it by some most violent Provocation.

Thus whatever could contribute to widen the Breach between the King and the Church, was steadily pursued, inasmuch that Commissioners were not only appointed, and Offices opened to receive, but Advertisements were set forth in the *Gazette* to encourage, Informations of what Money or Goods had been seiz'd or levied for any Matter relating to Religion, since the 29th of *September*, 1677; at once to expose the persecuting Spirit of the Church of *England*, and to make a Merit of his Majesty's gracious Purposes towards the several Sufferers.

By the Courtesy of *England* our Kings are understood to do nothing but by Advice; and hence their Ministers are supposed to be only answerable for their Misdeeds. It does not however appear that this Maxim was over-scrupulously regarded by any Party while

King *James* was yet in Possession of the Throne: But afterwards when a different Turn was to be served, it was passionately espoused; The Nation was taught, that his Majesty was betray'd and deluded; that he gave himself up blindfold to the Earl of *Sunderland*'s Direction; and that Advantage was taken of his Confidence and Credulity to push him on Measures that could not fail to end in his Destruction. "I confess, [Covent, p. 5.] says an Orthodox Son of the Church, I have thus far a charitable Opinion of the Intentions of that unhappy Prince; I believe he did not yet think of proceeding any farther in the Advancement of his own Religion, than to grant those of that Persuasion the free Exercise of their Worship, and restore them to a Capacity of holding Employments, that he might be at Liberty to use and reward the Services of such of them, as he thought merited his Favour.

But, if he was drawn from his first Resolutions, and his Actions in the Course of his Reign afterwards give any Umbrage of farther Designs in View, it was owing to a Treachery unparalleled by any Instance to be met with in the Records of Time, except that of the arch Traitor *Judas*: And in every Circumstance, one excepted, the Villany of this betrayed Prince's perfidious Servant exceeds that of his elder Brother, as much as it falls short in that one; the Treason of *Judas* being a single Act suddenly thought of and executed, and almost as soon repented of; but the other was a Course of the blackest Treachery and Ingratitude, continued thro' a Number of Years, and never followed by any Marks of Penitence, he and his Party being utter Strangers to every thing of that nature." Who this second *Judas* was, we learn from the Character of the Earl of *Sunderland*, which follows; "He was cut out by Nature for a Politician, endued with a ready, penetrating Wit, an extended Forecast, and a sedate Spleen; he was a close Dissembler of Injuries received, and a nice Observer as well as a subtle Flatterer of the Failings and Weaknesses of Princes (two Qualities proper to gain and keep an Ascendant over them); nor was he clogged with the troublesome Incumbrances of Honour or Conscience, which might embarrass the free Exercise of his natural Qualifications.

When in *Disgrace*, he did not, like some other discarded Statesman of that Party, openly declare War against the Court, and set the Nation in a Blaze; he had seen the ill Success of that in his Friend and Fellow-Labourer, *Shaftsbury*; but lying quiet a while, and finding the Wind blow hard against his Party, he veered his Sails to another Point.

The Ax which cut off *Monmouth's* Head, had made a clear Stage for *Sunderland's* Hero (the Prince of *Orange*): That dangerous Rival had entirely possessed the meaner Hearts of the Faction, which might now be easily centered in the other; so that from that Action, which seemed to secure King *James*, and quiet his Possession, may be dated his Ruin.

A. D. 1687.  
The Blame of  
all laid on  
Lord *Sunderland*.

[Covent, p. 5.]  
p. 29, 30.]

[Nov. 1317,  
2320.]

A. D. 1687.

He had by his Arts gained an entire Ascendant over the King, and found out his weak Side, who, like most Men naturally honest, was credulous and easy to be persuaded; but he was also impatient of Opposition, and zealous even to Bigotry in a Religion, as opposite to the Humour as the Interest of his People.

This was as fit a Disposition as could possibly be for *Sunderland's* Purpose; but as this chief Actor was not able to sustain all the Parts of his Tragi-Comedy himself, his next Care was to chuse such about the King, as might be proper to receive his Impressions, and carry on his Plot, or rather be carried on by it. The Royal Consort had a great Influence over a too uxorious Prince, was as great a Bigot as he, and of a haughty, ambitious Spirit; and was doubtless, on many Occasions, made subservient to the Designs of this *Machiavel*: But his chief Engine was Father *Petre*, a light, conceited, proud, daring, ambitious, covetous Priest, a great Dabber in Politics, in which he was always out of his Depth. This Tool, *Sunderland*, pitched on as a fit Vehicle to convey his poisoned Counsels to the King's Ear; which being always gilded with the specious Pretences of advancing the King's Prerogative and Religion, the vain, ignorant Ecclesiastic fondly adopted as his own; so that the Contriver seemed only obediently compliant in the Furtherance of his own Projects, and had an excellent Opportunity of clearing himself of the Guilt.

Thus muffled with Zeal, and under the Conduct of Fools and Knaves, it is no wonder the King fell into the Pit his Enemies had dug for him; so that from this time, almost every Act of his Reign was a Step towards his Ruin.

To effect which, all Efforts were to be used to remove the only Supporters of his Crown; the Loyalty of the Church of *England* was to be unhinged, if possible, to clear a Passage to the Throne; their Services were to be rewarded with Discouragements and Hardships, that the King might be deprived of them at his Need; and the Yoke of Government laid so heavy upon their Necks, as should force them at any rate to endeavour to ease their Condition.

Thus we have it confessed, that even Non-refusing Churchmen may be provoked by ill Usage to resist, and to spurn at the Yoke they are unable to bear. And as to the Charge so bitterly laid against the Earl *Sunderland*, we find him in the Face of the World denying a great Part of it. According to his Lordship's Apology, it was well known, that he had defended *Magdalen* College for a good while, by his own good Management; tho' all the several Letters and Orders transmitted to that Body, were signed by him: That he had many hundreds of times begged of the King not to grant Mandamuses, nor to change any thing in the regular Course of Ecclesiastical Affairs; That the King often inclined to follow his Opinion, but was over-ruled against his own Sense by others: That even Complaints

were prefer'd to his Majesty against him for his Opposition to the Repeal of the Tests and Penal Laws, as a Man who ruined all his Designs: That he hinder'd the Dissolution of the Parliament for several Weeks, by representing that they would do any thing but give up the Church to oblige him: That in case he dissolved it, he must give over all Thoughts of Foreign Affairs; for no other would assist him but on such Terms as would ruin the Monarchy, and either abroad or at home, he must be undone if any Accident should happen, of which many were to be apprehended, to make the Aid of his People necessary to him: That all this, and much more, he had said both privately and in the hearing of others: That the Parliament was broke, and the cloistering went on in consequence of his being over-power'd; and that his great Fault consisted in continuing to serve, after his Advice had been so often and so fatally over-ruled, when he ought to have quitted, &c.

When pernicious Measures are pursued in the Cabinet, there is in truth no effectual way even for Innocence itself to avoid the Imputation of being concerned in them, but by quitting the infected Place. But whoever is understood to be the Lord of the Ascendant there, as this Nobleman certainly was, must expect to bear the whole Infamy of the whole Administration. The People have it not in their Power to discriminate; nor, if they had, would they hold a Man excusable, for having said what was right, and acted what was wrong. It is said this Nobleman stood so high in his Majesty's Favour, that he would scarce grant any Suit to any Person, unless at his Instance, or under his Approbation: That when his Majesty was told he got all the Money of the Court, he replied, *He desired it*: And that when any Application was made to him, his usual Question, with regard to the soliciting Parties, was *Have they spoke to Sunderland*? If, therefore, he introduced Father *Petre* to the Council-board, against the Consent of the Queen, and the most considerable Roman-Catholics, as is asserted by Mr. *Echard*, and not denied even by his Lordship, and that Father advised on the one hand what his Lordship opposed on the other, it may, upon the Whole, be concluded, without any great Violence to Truth, that he really did act a double Part: But that he did so for the Prince of *Orange's* sake deserves further Consideration: Like a true Statesman he had ever his own Establishment in View, and consequently every Turn he made was for his own Interest. If he foresaw that the King was likely to fall into Danger, it is next to impossible that he should foresee the Prince's Success: That was too remote, and depended on too many Contingencies for such a Refiner to build all his Hopes upon: But by temporising with each in Turn, he made sure, as he thought, to reign with the one, or triumph with the other.

It is now time to make a Transition to the Affairs of *Ireland* under the Vicegerency of *Tyrconnel*. It is in the Provinces that the

A. D. 1687.

Secret Council, 41, 1.

Sunderland's apology, 41, 1.

Affairs of Ireland under Tyrconnel.

true

A. D. 1687. true Temper of Government is best understood; and to know what further Reason the Protestants of England had for their Fears, it is necessary to touch on the Hardships imposed on their Brethren there. We have already observed, that it was in the Beginning of the Year that the new Lieutenant landed at Dublin; and the *London Gazette* adds, that never was seen so great a Concourse of People, at any chief Governor's Landings; as at his, nor did they ever express their Satisfaction with louder Acclamations: But, according to other Authors, never was the Sword of that Kingdom wash'd with so many Tears, as when it was put into his Hand. Both perhaps are in the right: For as the Protestants look'd on his Promotion to that Post, as portending their utter Ruin; so the Papists, who were by far the Majority of the Populace, look'd upon it as an Earnest of all the Good that possibly could befall them. Their Conduct, it seems, was exactly justifiable to the Difference of their Sentiments: The Papists, as if already licenced to do Mischief, committed a thousand Excesses, at the Expence of their Protestant Neighbours, Friends, Patrons, and Benefactors; and Numbers of the Latter, unable to bear such Treatment, and dreading worse to come, made haste to sell off their Estates, and take leave of a Country where they could no longer live in Security, or find Protection. This Circumstance we have found already touch'd upon in *Tyrconnel's* Answer to Lord *Clarendon's* farewell Speech: And as soon as he entred upon his Office, as his Master had done before him, he set forth a Declaration, to quiet the Fears of the People, according to him, unjustly and maliciously raised, and heightened by some few fiery Spirits, who had in the Pulpit taken upon them to treat of Matters that did not lie within their Province, in which, he gave them to understand, that he was particularly charg'd by his Majesty to assure them, that his Intentions were to govern by Law, to indulge them in the free Exercise of their Religion, and to protect them in their several Properties and Privileges agreeable thereto; and that he was himself resolv'd to render his own Behaviour exactly and perfectly agreeable to his Majesty's said Commands. But then their Performance in their Duty and Allegiance to his Majesty, without giving any Occasion of Disturbance to the public Peace, was made the Condition of all this Grace and Benevolence; and they were moreover strictly charg'd and required to forbear speaking any undutiful or irreverent Expressions of his Majesty's sacred Person and Government, on pain of being prosecuted according to the utmost Rigor of the Law. The inviolable Observation of the *Act of Settlement*, which was call'd the *Magna Charta of Ireland*, and which had hitherto made the principal Clause in every such Address, was moreover left out in this: And this important Omission, which had been deliberately and purposely made, after the Matter had been debated at the Council-board, gave more Pain to those

[*Bishop King's*  
*Discourse of the*  
*Irish Protestants,*  
*1687, p. 244.*]

who had reaped the Benefit of the said Act, than it was in the Power of any other Assurance to remove. At the same time, the Proclamation set forth by Lord *Clarendon*, for suppressing Tories and their Harbours, was renewed; all Magistrates were required to put it in force; "And we do expect, said his Excellency, that such as are instrumental in apprehending the said Tories should be rewarded for their good Services." Upon the Heels of this came out another *Sumo* Instruction, to bind the Soldiers to their good Behaviour, on pain of being cashiered, and suffering such other Punishment, as, in the last Retort, the Lord-Lieutenant and Council should think fit and proper to inflict. And now, the Outside of Government being thus speciously gloss'd over, his Excellency and his Creatures address'd themselves, with all imaginable Vigour and Dispatch, to give such a Bias to the Interior, as would most effectually further the Catholic Cause, and with it their own peculiar Interests.

Accordingly one of their first Measures was, to complete the Reform of the several Branches of Judicature. *Fittes*, the new Lord Chancellor, has been already spoken of, but, to complete his Character, it is necessary to add, that even upon the Bench he has been heard to say, "That the Protestants were all Rogues! And that, among forty thousand of them, there was not one that was not a Traitor, a Rebel, and a Villain." Under him, as Masters in Chancery, were placed, one *Stofford*, a popish Priest, and one *O'Neal*, whose Father was infamous for being one of the most active Murderers in the horrid Massacre in 1641. If *Stofford*, the Lord Chief-Justice of the King's-Bench, because of his Alliance by Marriage to Lord *Sunderland*, was not removed, *Nugent*, the Son of another of those inhuman Rebels, and a professed Papist, had a Grant of the Reversion of his Place; and while he lived, which was not long, sat beside him on the same Bench, collegued with one *Lynden*, who, oppress'd with the Weight of a numerous Family, and other Encumbrances, lay under the cruel Necessity of sacrificing his Conscience to his Place. In the Exchequer, from which only, of all the Courts in Ireland, there lies no Appeal, or Writ of Error, in England, one *Rice* was made Lord Chief-Baron; a noted Gambler, who had no better Qualification for his Office than his avowed Hatred to all Protestants, and a Cavalier Saying of his, "That, if ever he became a Judge, he would drive a Coach and six Horses through the Act of Settlement." His two Coadjutors were of the same Leaven with himself, and *Worth*, in particular, is upon Record, for being the leading Voice to determine every Cause against the English, or Protestant, Interest. In the Common-Pleas, the Lord Chief-Justice *Kerling*, tho' a Protestant, made a Shift to maintain his Ground, on a Presumption that he was well-inclined to the Cause; and under the Check of two such Assistants as were in every respect qualified to be the sworn Instruments of Will and Pleasure.

A. D. 1687.

Illustrations in  
the Courts of  
Justice.

A. D. 1687.  
Privy Council.

We are farther told, That the Privy-Council, which, in *Ireland* more especially, has a very great Sway in the Government, was to modell'd that the Papists had the Majority; and Matters were besides managed there; that the Protestants still remaining among them, hackney'd as they had been in the dirty Roads of Power, grew to atham'd of appearing there, or so discontented at being on all Occasions over-ruled, that they declin'd giving their Attendance, and left the Drudgery to those who engros'd the Advantage.

And Council  
of the  
Cause.

That the same Interest might be equally predominant all over the Kingdom, the Commissions of the Peace underwent also the like Regulation: Instead of the Names of active and zealous Protestants, those of zealous and active Papists were inserted; and tho' a few of the former were suffer'd to continue, for Countenance-sake, they were so few, that they were insignificant; and had upon every Occasion the Mortification to be not only overpowered, but by such as, for the most part, disgrac'd the Bench they sat on; the Sons of Felons and Murderers, and who inherited the worst Qualities of their Fathers: Nor was this all; for such Care was taken of the Lists of Sheriffs, that there was but one Protestant to be found in the whole Number; and he put in by mistake, for another of the same Surname, who had the Merit to plead of being a Papist.

But however large these Strides were, they fell short of the Point in sight. The Commissions were still in the Hands of Protestants, who had also Power by their Charters to elect their own Magistrates, with an Exclusion to all Papists. The same Commissions had also vested in them the Right of being represented in Parliament, and consequently, at every general Election, would rather return such Members as would remonstrate their Grievances, than such as would serve the crooked Purposes of the Court: Such Methods therefore were still to be taken as would break down the Mound, and let in a Majority of *Irish* Papists every where: And the first was by a Letter from the King, making it his Request, that, for the Encouragement of Trade, for uniting the Affections of the People, and for the Advancement of the common Good, they might be admitted to all the Privileges enjoy'd by any of his other Subjects. The Force of this Expedient was try'd on the City of *Dublin*: But they, alarmed at the Demand, and aware of the Consequences, returned for Answer, That they were restrained from complying by Act of Parliament, on pain of forfeiting all their Charters: And whatever Success the Project met with in the inferior Towns, it operat'd so slowly, that the Effect was scarce worth waiting for. In order, therefore, to quicken the Process, which was to render the whole Kingdom entirely Catholic, the Lord Lieutenant sent for the Lord-Mayor and Aldermen of *Dublin*, and signify'd to them, That it was his Majesty's Pleasure to call in all the Charters of the Kingdom, in order to enlarge their Privileges, and

Attempt on  
the Charter  
of Dublin.

that he expected a ready and cheerful Obedience from them, by way of Example to the rest of the Kingdom. It is well observ'd, that the same State trick had scarce ever succeeded twice the same Year; and it must be remember'd, that, under the like Pretence, that very City was before cajol'd out of their Arms. The Lord-Mayor, however, return'd the Answer usual in such Cases; namely, That he would call an Assembly or Common-council, and lay the Business before them. He did so the next Day, and upon the Issue it was resolv'd, That the Lord-Mayor, Recorder, &c. should wait upon his Excellency, and acquaint him, "That, as the City had ever been exemplary in their Loyalty and Obedience to the King and Queens of *England*, so they humbly conceived it to be their Duty to lay at his Majesty's Feet the great Services they had done the Crown, under the Grants and Immunities of *One hundred and Forty Charters*, derived from his Royal Ancestors; all of which were still preserved in their Treasury; and at the same time to pray his Excellency to make a favourable Representation of their Condition to his Majesty, in hope that he would be graciously pleas'd to continue to them their ancient Government." On the Delivery of this Answer, his Excellency fell into a Tempest of Passion; told them, That this was the Continuance of their former Rebellion, in which they had turn'd out every loyal Subject, as they would now do, if it was in their Power: Adding, "It is your Disobedience to his Majesty's late Commands, for admitting Catholic Freeman, that has induced him to recal your Charter. Therefore go your ways, and resolve to obey him now, lest a worse thing should befall you." Aghast at his Lordship the Mayor was at these Reproaches and Menaces, he had nevertheless the Presence of Mind to require a Signification of his Excellency's Pleasure to the Common-council, in Writing, as had been usual on the like Occasions. But this, as a mere Formality, was over-ruled, and he was again charg'd to carry the Message he had received by Word of Mouth. What followed was, the calling another Assembly, the Members of which had the laudable Firmness to persist unanimously in refusing to surrender their Charter; only, the better to qualify their Refusal, it was resolv'd, that his Excellency should be made acquainted with the Reasons on which their said Refusal was founded; and should also be pray'd to allow them Time to petition his Majesty, who, they persuad'd themselves, would take into his princely Consideration their eminent Sufferings for his Royal Father of blessed Memory, which he himself had by Letter acknowledged; withal assuring them, that he would as eminently reward them for it, in case he was ever restor'd to the Rights and Prerogatives of his Crown. All this was accordingly urg'd to his Excellency; but without effect: He continued to show as before; said, that, instead of applying in their Favour, he would write against them; and, to shew them he was in earnest, issued a *Warrant* against their Charter. Frighted at their

A. D. 1687.

their



A. D. 1687. these violent Proceedings, they appeal'd by Petition to the King; but his Majesty refus'd to accept it, and reprimand'd Sir Richard Reeves, their Recorder, who offer'd to present it, for coming over without the Leave of the Lord Lieutenant. The Citizens, however, resolv'd to defend their Charter, if possible: But the Bench prov'd too mighty for the Laws; Judgment was given for the King; and this City, which, for its unspotted Loyalty, had been call'd *The Virgin City*, was given up to the Pleasure of the Court. The like Judgment was also given against all the Charters of the Kingdom, that were not quietly surrendr'd: But the far greater Number of Corporations feeling, by the Example of *Dublin*, how vain it was to resist, made a Merit of their Resignation: And thus the Protestant Interest was wholly subdu'd; for in all the new Charters a Clause was insert'd, which subjected them to the absolute Will and Pleasure of the Crown. For thereby the chief Governor was authorized and empowered to turn out and put in whom he pleas'd, without any formal Trial at Law, or even shewing any Cause at all.

The moderate Catholics endeavour to get him recalled.

These, it is natural to think, were esteem'd great and signal Services at *Whitehall*: But the moderate Party of the Catholic Counsellors were still as apprehensive as ever of *Tyrconnel's* Extravagance, and lost no Opportunity to humble him. Thus when his Excellency had set forth a Proclamation to take off the Duty of Iron, in Breach of an Act of Parliament, and without asking the King's Permission, which is always done before any Measure relating to the Revenue is carry'd into Execution, and the Matter came to be examin'd before the King in Council, Lord *Bellasis*, with an Oath, declar'd, *That that Fellow in Ireland was Fool and Madman enough to ruin ten Kingdoms*. He was also oblig'd to set forth another Proclamation; and even his great Patron, Father *Petre*, gave him to understand, That if he did not proceed, for the future, with greater Caution, the King could not possibly preserve him in the Government. Occasion was also taken from the languishing State of the Revenue, which had most sensibly diminished under his Administration, in Consequence of the great Desertion of the Inhabitants, the Fall of Rents, the Decay of Trade, &c. to endeavour to root him entirely out of his Majesty's Favour and Affection. And so alarm'd was he at those Endeavours, that he made use of his whole Credit and Interest to obtain leave to meet his Majesty at *Coşter*, in order to his Vindication. Not caring, however, to rely on his own Talent at Persuasion, he took over with him the Lord Chief Baron *Rice* to be his Advocate, who, having none to contradict him, gave his Majesty such a precious Representation of his Affairs, as left him perfectly convinced that all was

A. D. 1687. right. Thus, contrary to the Expectations of many, the Cloud blew over, and his Excellency return'd in Triumph to his Government, having at this last Interview obtained special Orders to break all such Protestant Officers as yet remain'd in the Army, except such as should give the requisite Assurances of their good Behaviour; which his very faithfully and punctually obeyed.

But tho' his Court-Enemies were not a little mortified at this Disappointment, they did not give over their Opposition: On the contrary, they still made use of every Incident that fell into their way to undermine him. Thus when a Quarrel arose between him and *Sheridan*, formerly mentioned in the Course of the Popish Plot, and now Secretary of State for *Ireland*, the latter found Encouragement to bring the Matter to a Hearing before the King and Council, till his own ill Character became so notoriously known, that every body grew ashamed of his Cause on that Account, and left him to be run down by his more mighty Enemy. In abandoning him, however, they did not wilfully abandon the Use they design'd to make of him; for they still remonstrated to the King, that so much Scandal arose to their Cause from their mutual Accusations, that it was necessary to make Examples of both alike; and there was reason to fear, that their continual Importunities would, in the long Run, take effect. Under this Apprehension, it may be (a) presum'd, that *Tyrconnel* applied to his old Friend, Father *Petre*, and that he, to preserve his Creators, recourse to an Expedient that was agreeable to the Society he belonged to. As *Colleman* he knew to be the Parliament's whole particular Account *Tyrconnel* was to be supplanted: And over and above the Efforts which his Friends had made in his Favour here, they had so managed it with the Court of *Rome*, that we are told even his Holiness was prevail'd upon to be his Advocate with the King, by the Interposition of his Nuncio, who lost no Opportunity to fulfil his Orders. His Majesty on the other hand had not only lent a willing Ear, but had engag'd to gratify him with something as soon as a Vacancy could be made. For fear, therefore, that this Vacancy should be made at the Expence of *Tyrconnel*, *Petre* takes Occasion to strike at *Jeffrey* (now become, in some Degree, obnoxious for endeavouring to divert the King from proceeding to Extremities with the Fellows of *Magdalen-College*) by giving it as his Advice to his Majesty, That the most effectual Course he could take to establish the Catholic Religion, was to let his Ministers and the World understand, That all Court-Merit consisted in promoting the Catholic Cause; and that no Service they had done, or could do, should protect them, in case they shew'd the least Symptom of Inclination to desert it. And so ready was the King to give into Proposals

(a) The Facts upon which this Recital is grounded are taken from the Tract call'd *The first Grubbs*, &c. But such Tern is here given to them, as will best tally with the

Character of the Person spoken of, and the general State of Things.

A. D. 1687.

fals of this nature, that he not only suffer'd it to be brought into the Cabinet, but therein retir'd it, December 17. That *Jeffreys* should be removed; that three of the *Lords of the Treasury* (*Powis, Bolton, and Dyser*) should be made Commissioners of the Great Seal; and that *Castlemain* had been made Lord Treasurer; by which Disposition *Tyrconnel* would have been left to lord it in *Ireland*, in Peace and Safety.

It happen'd, however, most favourably for the Protestant Religion, that the Quarrel between his Holiness and his eldest Son, about the *Franciscans*, now raged with more Fury than ever: *Levanderin*, the new French Ambassador, had enter'd *Rome* with a Retinue of armed Men; had brib'd the Populace to be of his side; had taken possession of his Quarters; and had signify'd his Resolution to maintain them. On the other hand, the Pope had retir'd the said Ambassador Audience; had declar'd him notoriously excommunicated; and had interdicted the Church of *St. Lewis*, because his Excellency had been there permitted to perform his Devotions on *Christmas-Eve*. This again had been represented in *France*, that the Attorney-General was order'd to draw up an Appeal to the next General Council: The Parliament engag'd in the Quarrel, and call'd upon the King to summon a National Council, or an Assembly of the Grandees, by whose Advice he might fill up the vacant Benefices; and also to prohibit any farther Commerce with the Court of *Rome*, by sending Money thither, &c.

The Effects of this Quarrel were felt at every Court where the two Powers had an Opportunity to thwart and oppose each other. Thus, even in *England*, where the Catholics, who were the *Few*, had, by committing a Violence on the Constitution, obtain'd an unnatural Ascendancy over the *Many*, and consequently stood in need of all their Address, and all their Strength, to maintain their Ground, they fell into Dissentions; Part adhering to the Rights and Claims of the Church, and Part espousing the Resentments of *France*. Among the latter were *Petres*, and all the Desperadoes, who thought their own Extravagances would oblige his Majesty, at last, to depend on his most Christian Brother's Alliance: And among the Former, all those who were for moderating Matters, that there might be no Occasion for it: And hence only we can account for the Defeat of *Petres*'s Project to save *Tyrconnel*, by providing for *Castlemain*: For defeated it was, after it had subsist'd about ten Days. *Tyrconnel* was of the French Faction, as well as *Petres*; but so was *Jeffreys*, too: Whereas *Castlemain*, and the rest of his Junto, adher'd to his Holiness. As far, therefore, as was necessary to go for the Preservation of *Tyrconnel*, *Petres* had the Countenance and Assistance of *France*; but when he thus un-

Defeated by the Impugnations of France.

dertook to alter the Balance of the Court, for his sake, or rather perhaps for his own, with a View to the Cardinal's Cap that he aspir'd to, he had the Wind of *France* in his Teeth, and found it too strong for him to bear up against; in consequence of which, *Jeffreys* was re-establish'd, and *Castlemain* remain'd ungratified: But, to pacify *Petres* and *Tyrconnel*, (or) Assurances were given them, that the latter should never be supplanted or removed, as long as the Influence of that Court was able to protect him.

Things having taken this sudden and unexpected Turn, the Dissentions of the Cabinet became more violent, and the King more embarrass'd than ever; for, as his religious Prejudices prompted him to drive over the Necks of his Subjects, in his way to *Rome*; so his Dread of their Resentments kept him in such a slavish Dependence on *France*, that he durst not dissolve the one in compliment to the other. In this Situation, he found it one of his greatest Difficulties so to proportion his Favours, that neither of the two Factions should have Cause to accuse him of Partiality; and they, on the other hand, from his very Endeavours to keep the Peace, started fresh Matter of mutual Jealousy and mutual Complaints.

No sooner was *Petres*'s Project to reconcile the two Parties at the Expence of *Jeffreys* over-ru'd and set aside, than *Castlemain*'s Friends made a new Attack on *Tyrconnel*, and no sooner was *Tyrconnel* inform'd of it, than he thought it necessary for his own Salvation to add to his Faith and Trust in the Mediation of *France*, the Merit of his own Works. Accordingly he enter'd into a close Cabal with the Irish Lord Chief-Baton *Rice*, and *Nugent*, now Lord Chief-Justice, in the Room of *Darvis*, who directed him to a Repeat of the Act of Settlement; and, desperate as the Advice was, his Excellency greedily embraced it. The same Persons as desperately undertook to carry their Scheme into Execution, and first in a Memorial, set forth, That there was no other Way to render *Ireland* entirely Catholic, than by the said Repeat: That, while the English Inhabitants were in a manner Lords of the Soil, they would hold their Faith in defiance of the Government; but that, when touch'd in their Estates, as *Scots* urg'd in the Case of *Job*, his Majesty would have the Advantage. This was accompany'd with the Draught of an Act, by which the King was complemented with the Disposal of almost all the Lands of the Kingdom: For the Catholics were to be restor'd but to one half of their Claims; and his Majesty was authoriz'd to dole away the rest, to such as he found most devoted to his Service.

Tyrconnel, always true to the Act of Settlement.

"It is said, he was forc'd, with the French Interest, because he was rather the Deputy of Lewis than James; Again, "It being shinn'd in Paris, That he was removed,

it was answer'd, No body in England durst remove him." *Secret Cabinet*, &c. Vol. 2. 100.

A. D. 1687. Service. Lastly, the same two Persons were dispatch'd to negotiate the Completion of this grand Affair with the King and Council; and, for Luck's sake, embark'd on St. Patrick's Day, that they might have the whole Benefit of his Favour and Protection.

The Persons at Court whom they were principally address'd to were, the Lord *Sunderland* and Father *Petre*; and, to facilitate their Suit, they had Instructions to purchase their good Offices almost at any rate: Lord *Sunderland* in his Apology owns, that he was offer'd forty thousand Pounds for his Vote and Interest, on this memorable Occasion: But whereas he further asserts, and appeals to Lord *Gedolphin*, and *Tyrconnel's* own Agents, for the Truth of it, That he not only refus'd his Concurrence, but made the King acquainted with the Offer which had been made to him; and moreover so thoroughly convinc'd him of the Injustice of what was propos'd, that his Majesty, for that Year, resolv'd to reject it, we find it elsewhere asserted, with equal Confidence, That his Lordship and *Petre* were the very Persons who, in Closet-conference with his Majesty, broke the Matter to him, and reconcil'd him to it: That, upon the Issue of this Conference, the only Difficulty before them was, how to get the better of *Castlemain's* Faction, who, it was foreseen, would neither care to trust *Tyrconnel* with such a Power, nor suffer him to have the Merit of such a Service: That, by way of Experiment, it was agreed, that the two *Irish* Judges should be publicly introduced to the King, with their Project for calling a Parliament in *Ireland*, and to lay at his Majesty's Feet the deplorable Condition of his Catholic Subjects there, occasion'd by the palpable Injustice and Oppression of the Act of Settlement, which they were to represent as so notorious, that the very Protestants, who were Gainers by it, were ashamed of it, and would gladly part with such a Share as would satisfy the *Irish* Claimants, provided they might have a good Act of Parliament to secure the rest: That all this was formally put in practice: That the said Judges brought their Project in Writing, and presented it to the King at *White-hall*, who told them, that he would advise with his Council about it: That his Majesty himself communicated it accordingly to the Board, on the next Council-day: That, when it was read, the Lord *Bellasis* inveigh'd bitterly against it, saying, "If such Delights as these are encouraged, *England* (meaning the Catholics) had best look out in time for some other Country, and not stay to be made a Sacrifice for *Irish* Rebels!" That Lord *Powis* seconded the Opposition thus begun by Lord *Bellasis*: That to many other Lords follow'd in the same Track, that neither *Sunderland* nor *Petre* had the Courage to dispute what they had before induc'd the King to patro-

nize, except by moving, That those who had brought over the Project might be admitted to say what they could in its Justification: That *Bellasis*, on the contrary, was for committing them, or at least ordering their immediate Departure, that it might not be thought they had met with the least Countenance: That, however, a Day was at last appointed to admit them to a Hearing: That, in the mean time, the Secret of their Errand became publick, and created so much Rejoicing, that the very Boys in the Streets follow'd *Rice* and *Nugent* in their Coaches with *Peasies* fasten'd on Sticks, crying out, *Make way for the Irish Embassadors!* That, when they came to be heard, *Rice* open'd the Matter with great Plainness, and undertook to answer all the Objections rais'd by the Lords *Bellasis* and *Powis*: That *Nugent*, on the contrary, by a Succession of Blunders, pull'd down all the Scaffolding which his Collegue had so artfully rais'd: That the two Lords last-mentioned took the advantage of all, and treated the two Embassadors with more (so) Contempt and Indecency than became the Place and Presence they were in: That the Majority of the Council threw their whole Weight into the same Scale: That the King himself remain'd silent, and broke up the Council without coming to any Determination: That the Affair was brought on the Carpet no more: And, lastly, That the said Embassadors, having kiss'd his Majesty's Hand, march'd off with great Haile and Precipitation, for fear of being insulted by the very Catholics themselves.

This Assertion encounters Assertion, and Truth is murder'd in the Fray. We are, however, assured, That the violent Spirit which appeared against *Tyrconnel*, on this Occasion, encourag'd *Castlemain's* Faction to make another vigorous Effort to remove him: They recapitulated the Mischiefs he had already done; they enlarg'd on the comprehensive State of the Revenue; they took care to shew, That, if the Government remain'd in his Hands another Year, it would not be sufficient for the Pay of the Army; and they urg'd, that the very Dread of this last desperate Project of his would clear the Land of the last Remains of its Industrious Inhabitants; in consequence of which, Trade would stagnate, and the whole Country would be reduced to its primitive Poverty. The King lent an Ear to all this; seem'd to be affected by it, but suffer'd *Tyrconnel* to continue in the Government notwithstanding: Not daring to do otherwise, as we are told, for fear of dishonouring his Brother of *France*. Of this his Excellency was sufficiently appriz'd; and yet he fell into such a Fit of Despondency soon after this Defeat, that he look'd upon himself as a lost Man; as appears by his saying to some Officers at his Court, one Day, That tho' he had

(see) *Bellasis*. "Make haste back to the Fool your Master, and bid him employ wiser Men, and upon an honest Errand."

*Powis*. Tell him, that the King has better Use to make of his Catholic Subjects in *England*, than to sacrifice them for Reprints to the Protestants of *Ireland*! [Secret Confess. p. 20.]

A. D. 1687. had received repeated Assurances from his Majesty that he should not be removed; he had now Reason to think he should: Adding, "I would have given five thousand Pounds to have known it a Month sooner." An Expression, we are told, that was then much wonder'd at, tho' for what Reason is not explain'd.

Stuart's Letters to Penfioner Engel, concerning the Repeal of the Tests, &c.

In pursuing the Course of the *Irish* Affairs thus far, we have intently overtaken another Year: But, before we proceed any farther, it is necessary to take our Leave of that more immediately before us.

Over and above the several Negotiations which had been carry'd on at *Whitehall* and the *Hague*, by the Ministers on both Sides, to bring the Prince of *Orange* to cooperate with the King in the Repeal of the Tests and Penal Laws, one Mr. *Stuart*, a *Scott* Lawyer, was employ'd to open a Correspondence with the Penfioner *Engel*, on the same Subject. He had been a Malcontent of long Standing, had been concern'd in all the Struggles of the Times, more especially with *Archie*, and had been driven into *Holland* for Sanctuary; where he enter'd deeply into the Confidence of that Minister, and from whence he was invited home, at the Instance of *Pen*, and put in a Way to merit his Pardon, and even the Favour of his Majesty, by undertaking this special Service. The Method he took was, to press the Penfioner by Letter, in the King's Name, and profess'dly by his Direction, to prevail with the Prince to concur with his Majesty; urging, among a Variety of other Considerations, That the King was resolv'd not to consent to the Repealing of the Penal Laws, unless the Tests were repealed also: And that the refusing to consent to that Condition in favour of the Dissenters, might, in Time to come, expose them to another Persecution. No Answer being return'd, *Stuart* repeated his Instances, but with no better Success than before: Both the Penfioner and the Prince preserv'd an obstinate Silence; and, as if in sight of the Proverb, it was asserted most industriously, both in Conversation and in Print, That his Highness had given into the King's Measures. This struck a Damp into his Friends in *England*, who began to fear they were sacrificed; and, on the other hand, his foreign Catholic Allies stood aloof from his Proposals, in the Apprehension, that he and his Party intended nothing less than the Extirpation of Popery, in case they gain'd their Ends in *England*. For the sake, therefore, of binding them effectually to his Cause, on one hand, and of reasserting his *English* Partizans, on the other, he at last commision'd the Penfioner to write a long and full Answer to the several Letters receiv'd from *Stuart*; the most remarkable Passages of which were as follow:

The Penfioner's Answer.

"I must then first of all assure you very positively, that their Highnesses have often declared, as they did it more particularly to the Marquis *Albeville*, his Majesty's Envoy Extraordinary to the *States*, that it is their Opinion, That no Christian ought to be per-

A. D. 1687. secuted for his Conscience, or be ill us'd because he differs from the public and established Religion: And therefore they can consent that the Papists in *England*, *Scotland*, and *Ireland*, be suffer'd to continue in their Religion; with a Branch of Liberty, as is allow'd them by the *States* in their Provinces.

And their *Libertines* are very ready, in case his Majesty shall think fit to desire it, to declare their Willingness to concur in the settling and confirming this Liberty, and, as far as it lies to them, they will protect and defend it; and, according to the Language of Treaties, they will confirm it with their Guaranty, of which you made mention in yours.

And if his Majesty shall think fit farther to desire their Concurrence in the repealing of the Penal Laws, they are ready to give it; provided always, that those Laws remain still in their full Vigor, by which the Catholics are shut out of both Houses of Parliament, and out of all public Employments, ecclesiastical, civil, and military.

You wrote, That the *Roman* Catholics in these Provinces are not shut out from Employments and Places of Trust; but in this you are much mistaken, for our Laws are express, excluding them by Name from all Share in the Government, and from all Employments either of the Policy or Justice of our Country. It is true, I do not know of any express Law that shuts them out of military Employments; that had indeed been hard, since, in the first Formation of our State, they join'd with us in defending our public Liberty, and did us eminent Service during the Wars; therefore they were not shut out from those military Employments; for the public Safety was no way endangered by this, both because their Numbers, that served in our Troops were not great, and because the *States* could easily prevent any Inconvenience that might arise out of that, which could not have been done so easily, if the *Roman* Catholics had been admitted to a Share in the Government, and in the Policy or Justice of our State.

I am very certain of this, of which I could give very good Proof, that there is nothing that their Highnesses desire so much, as that his Majesty may reign happily, and in an entire Confidence with his Subjects; and that his Subjects, being perswaded of his Majesty's fatherly Affection to them, may be ready to make him all the Returns of Duty that are in their Power.

Their Highnesses have ever paid a most profound Duty to his Majesty, which they will always continue to do; for they consider themselves bound to it, both by the Laws of God and of Nature.

I do not think it necessary to demonstrate to you how much their Highnesses are devoted to his Majesty, of which they have given me real Evidence, as are beyond all verbal ones; and they are resolv'd still to continue in the same Duty and Affection; or rather to increase it, if that is possible."

Thus it appears, that while his Highness maintain'd his former Firmness with regard to

A. D. 1687. to the Tests, he took care to satisfy the Scruples of his Catholic Friends, to convince the English Papists, that he had no Intention to make their Condition worse than it was left by his late Majesty, and to establish a firm Perseverance in the King of his own filial Duty, Affection, &c. and that, in every one of these Instances, he acquitted himself like a thorough Politician. This Letter was dated November 7, and was by *Stuart* deliver'd to the King, who laid it before the Cabinet-Council. Bishop *Burnet* adds, That no Resolution was then taken upon it: That all the Lay-Papists of England, who were not engaged in the Intrigues of the Priests, earnestly pressed his Majesty to accept of the Prince's Offer, as what would render them both safe and easy for the future: That the Emperor himself was satisfy'd with it, and promis'd to use his Interest at *Rome*, to recommend and enforce it: That whether he did so or not, he, the Bishop, had never been able to learn: That, if he did, his Interposition had no Effect: That the King was in all points govern'd by the Jesuits and the French Ambassador: And, that *Stuart* wrote back, by his Majesty's Order, in the old Style, that he would either have all, or nothing.

But notwithstanding this Letter, and this Answer, we are farther told, That the Report was still propagated, that their Highnesses had given their Consent to the Repeal of the Tests; that the Prince had Advice of this Report, from several Hands; and that, to confute it, he order'd the Pensioner's Letter to be printed, and dispers'd all over England; that it was every where received with an universal Joy; that even the Lay-Papists were so well pleas'd with it, that they complain'd of those ambitious Priests and fawning Courtiers, who, for their own sinister Ends, had tender'd it ineffectual; and that the Court, sensible of the Hurt which they receiv'd by the Publication of the said Letter, endeavour'd to stille it, by affecting to treat it as an Imposture.

Certain it is, that, in a Pamphlet publish'd about this Time, call'd *Perthampton pacificus*, or, *The happy Union of King and People on dissolving Parliament*, (which had the Earl of *Sunderland*'s Allowance) it was asserted, That the said Letter was Forgery, or, if really penn'd by the Pensioner *Foye*, it had been done without the Authority of the Prince, or, at least, of the Princess, of Orange: And this was not sooner known at the Hague, than the Pensioner sent an epistolical Complaint to *Abbeville*, in which he asserted, That the King and his whole Court, not excepting *Sunderland* himself, who had lent his Authority to the Falseness, knew the Letter to be genuine; and that his Excellency (*Abbeville*) was able, of his own Knowledge, to bear him witness, that every Title therein contain'd was perfectly agreeable to

A. D. 1687. the Sentiments of both their Highnesses, &c. This Complaint was also made public in England; that the Antidote might accompany the Poison; and his Majesty was so provok'd at a Proceeding which had such a manifest Tendency to embroil his Affairs, that he began, says our *History* of his own Times, to speak severely and indecently of the Prince, not only to all about him, but even to foreign Ministers.

*Abbeville* was, before this time, return'd to the Hague; and, by his Depoiment, shew'd that his last actions were as cautious as before: He renew'd his Memorials with respect to the Affair of *Bantam*, as also the Persecution of Dr. *Brenet*, whom he represented to the States as a Fugitive and a Rebel, but with no better Success than before: Their Lordships were equally import and firm on both these Points. They call'd upon the King to send his Commissioners to the Hague to settle the former, as the Treaty directed; and, with regard to the latter, the Dutch Ambassador in England gave his Majesty to understand, that the Doctor, being now a naturalized Subject of theirs, had a Right to their Protection; but that, if he had any thing criminal to alledge against him, Justice should be done in the Courts of *Holland*: This, the said Doctor himself assures us, the King took so ill, that he said it was a just Cause of War; that, however, he should not make use of it, tho' he knew there were Designs carrying on against him; but that he should not fail to put himself on his Guard. The same Author adds, that the Ambassador endeavour'd to draw the King into a farther Explanation of this Point, but fail'd; and, again (*x*) speaking of himself, (a Subject he is immeasurably fond of) that the Heat wherewith his Majesty seem'd inflam'd against him, carry'd him to say and do many things, that were very little to his Honour. The particular Matters urged by *Abbeville* against this Divine were, certain Passages in his Letter to the Earl of *Middleton*, before-mention'd; namely, 1. His saying, That it was yet too early to persecute Men for Religion, and therefore Crimes against the State were pretended. 2. That he was in danger by some Irish Papists. But the Truth was, that the Dutch Press being kept in perpetual Employment by the Malcontents of England, he was made answerable for the Trepanning of the whole Party: And as he could not be punish'd for Papers which could not be prov'd to be his, it was necessary to ground his Accusation on one which could. At the same time also, that a Stop might be put to the Evil, the same Minister made it the Subject of another Remonstrance; but not being able to support his Allegations with all the Formality of Proof, which is requir'd by a State, when call'd upon to act against the Current of their own Inclination, like all the rest, it became ineffectual.

While

(\*) He also, call'd of Rewards, offer'd to effluinate him; and Consultations with *Taffers*, concerning what might be done against him, in a private Way; which, however, he

is inclin'd to suppose were only talk'd of, to frighten him into Submission, or Silence at least.

A.D. 1687-8.

Proclamation  
of the Queen's  
being with  
Child.

While Matters were in this uneasy Way between the two States, a Proclamation, dated December 23, but not inserted in the Gazette till January 5, was set forth, with the glad Tidings, That the Queen was with Child, and that it was his Majesty's Pleasure, at the humble Request, and by the Advice, of his Privy-Council, to appoint, command, and require, that solemn Thanks, and public Prayers, be offered up to Almighty God, on that Occasion, &c. and that he had directed the Bishops of (y) *Durham, Rochester, and Peterborough*, to prepare a suitable Form, which was to be observed by those of the established Church: All his Majesty's Ministers, residing in foreign Courts, had Orders to put up the like Prayers and Thanksgivings, after the Catholic Mode; which was done accordingly, with all the Splendor and Magnificence which that gaudy Religion was capable of.

The Effect of this News was equally great on the two Parties, and at the same time wholly different: The *Jesuits*, at Court, and their Followers, overflowed with Raptures, and joyfully talk'd of it as little less than a Miracle; which, in such a Country as this, could not fail to excite Ridicule, and bespeak Unbelief: Some boasted of the Virtue and Efficacy of her Majesty's rich Offerings to our Lady of *Loretto*: Others of her Mother the (z) Duchesse of *Modena's* Vows when living, and Intercession when Dead: Others of the Pilgrimage of the King to *St. Winifred*: And others, among whom was the Earl of *Melfort*, of the *Holy Ghost* moving on the *Bath-Waters*: All were strangely elated on the Occasion; and some made no Difficulty to pronounce that it was a Son; *Abbe*

*vile* was one of these; and, when he return'd to the *Hague*, was so intoxicated with this Persuasion, that he spoke out, says *Bishop Burnet*, what a wiser Man would have suppress'd: For when the Prince of *Orange* put him in mind of the King's Promise to maintain the Laws, and the established Church, he very cavalierly said, "That, upon some Occasions, Princes must forget their Promises; and that, as to that Body which he call'd the Church, it would not have a Being two Years to an End." On the other hand, those who had no other Prospect of Deliverance out of the Harpy-Talons of Popery and Slavery, than by the Succession of the Prince of *Orange*, received the Confirmation of this News with much inward Sorrow, and outward Contempt: Some inventing, many believing, and all circulating such Stories as would best serve the great and necessary Purpose of establishing a Belief, that the whole Affair was no better than a solemn Imposture; and which Stories were neither over-decent, well-timed, or charitable: A Pilew, a Dropfy, a Tympany, a (\*) Cullion, the Queen's Maladies, the King's crazy Constitution, were the favourite Topics of the Wit and Honour of the Day: Nor were they confin'd to Conversation only; they found the Way to the Press; they were set forth in (a) Verse and Prose, and were circulated from Hand to Hand, thro' every Corner of the Kingdom. *Partridge*, the Almanac-Soothsayer, in his Predictions for the Year 1688, printed at the *Hague*, took upon him to say, "That there was some bawdy Project on foot, either about buying, selling, or procuring a Child or Children, for some pious Uses." And again, "Some Child

A.D. 1687-8

[F. H. P.]  
[Orange 713, 734]Possession  
on this Occa-  
sion.

(y) These were the Commissioners for the Diocese of London to Arch, according to *Bishop Kenne's*, the Office being'd to the Archbishop of *Bishoprick*.

(z) She (the Queen) says *Burnet*, came to *Windsor* on the 6th of October. It was said, that, at the very time of her coming to the King, her Mother the Duchesse of *Modena* made a Vow to the Lady *Loretto*, that her Daughter might, by her means, have a son; and it went current, that the Queen found herself to be with Child in that very Instant in which her Mother made her Vow. Of which some Travellers have offer'd me, there was a solemn Record made at *Loretto*. But surely if his Lordship had recollected, that the Duchesse dy'd July the 19th, 1687, and she certainly did, he had never supposed this idle Tale of her Highness's vowing Vows on the 6th of October.

(\*) "As to the Queen's being with Child, that great Custom goes, as well as we could wish, notwithstanding all the furious Discourses of the Heresies, who content themselves to vent their Poison by Libels, which by Night they diffuse in the Streets, or fix upon the Walls. There was one lately found upon a Pillar of a Church, that importeth, that such a Day Thanks should be given to God for the Queen's being great with a Cullion. If one of these *Pay-son-makers* could be discover'd, he would have but an ill Time of it, and should be made to take his last Farewell at *Tyburn*." (*Letter in P. a Chain, said to be written by F. Vere*.)

(a) Of which the following is a Specimen:

I.  
Ye Catholic Statesmen and Churchmen rejoice,  
And praise Heaven's Goodness with Heart and with Voice,  
None greater on Earth or in Heaven than she;  
Some by the 3000, or the best of the three:  
Her Miracles hold,  
Were famous of old,  
But a braver than this was never yet told:  
We pity that every Catholic living  
Had not heard on't before the last Day of Thanksgiving.

II.  
*In Lambeth-Lane, great Melissa's Duchess*  
Was snatch'd from her Kinspire by *Devil's* Great Clutches:  
When to Heaven she came (for neither she went)  
Each Angel receiv'd her with Joy and Consent.

On her Knees she fell down  
Before the bright Throne,  
And begg'd that God's Mother would grant her a Boon,  
Give England a Son in this critical Point,  
To put little *Orange's* Nose out of joint.

III.  
As soon as Our Lady had heard the Petition,  
To God for the Angel the Brain gave Commission;  
She pluck'd off her Smock from her Shoulder Divine,  
And charg'd him to hasten to *England's* fair Queen's  
Go in the Royal Dime,  
To give her the Gem.

And bid her for ever to guard my great Name:  
For I in her Favour shall with such a Woman,  
Shall keep the match incessant if she come.

IV.  
*Tell Venus* (my best Son) his Part of the Matter  
Will be with this only to cover thy Daughter:  
Let him put it upon her; with his own Royal Hand,  
Then let him go travel and visit the Land,  
And the Spirit of Love  
Shall descend from above.

The's not so before in the shape of a Dove,  
Yet down he shall come in *June* Shape or other,  
Perhaps like *Courts* \* *Dandy*, and make her a Mother.

This Message with Heart full of Faith was receiv'd;  
And the next News we heard was the Queen had conceiv'd,  
You grant over-invented, unprovoked Diffidery,  
Grave Judges, Lords, Bishops, and common Conventers;  
You Commissioners all  
Ecclesiastical,  
From *M*— or the doubtful, to *Ch*— the tall;  
Pray Hasten to strengthen her Majesty's Palace,  
For if this Trade fall, then beware of your Jacks.

\* The Pope's  
News.

A.D. 1687-8. Child is to be topp'd upon the lawful Heirs, to cheat them out of their Right and Estate.—God preserve the Kingdom of England from Invasion! For about this time I fear it in earnest, and keep the Protestants there from being dragon'd.— And here in England, Queen Mary's Affliction of a big Belly, and the Discourages it gave rise to, as recorded by Fox the *Martyrologist*, were again reviv'd; no Endeavours were wanting to shew, that the two Cases were exactly parallel: And, upon the Whole, it was concluded, that, if any Process was on foot to shew the Nation, the very Attempt call'd for the highest Releasement; or if, on the other hand, the Queen should really bring forth a Son, the Nation could not be afflicted with a heavier Calamity.

It happen'd that, about the same time that these Liberties were taken with the Queen's Pregnancy, several Pamphlets were set forth in defence of the established Church, intermix'd with many severe Reflections on that of Rome, and the reigning Priests and Jesuits at Court; all which were greedily bought up; and contributed not a little to increase the Ferment of the Times. In order therefore to deter the Dealers in these prohibited Wares from bringing any more to Market, a Royal Proclamation was set forth, *February 10*, citing the Act 14. Car. II. for preventing Abuses in printing Editions, treasonable, and unlicensed Books and Pamphlets, which had been reviv'd by the last Parliament, requiring and commanding the said Act to be put in execution; and strictly prohibiting all Hawkers or Pedlars of Books, or any other Person or Persons, to sell or expose to sale any such unlicensed Books or Pamphlets, under such Pains, Penalties, and Forfeitures, as by the said Act was provided; and on pain of incurring such further Punishments, as by the utmost Rigor of the Laws, and by the Prerogative Royal, might be inflicted on such Offenders, for their Contempt, &c.

And thus the very Party who first presented this Act, and who so lately had reviv'd it, were, in a more particular manner, made liable to the Smart of it: While he'd round with Court-Favour, as well as founded on the Rock of the Laws, they had as proudly as vainly imagin'd, that Adversity could never come nigh them; and in that Conceit had, on all Occasions, inveigh'd with the utmost Fierceness, against all those who had presum'd to defend the Rights of human Nature, against the Intolerance of Office, and the Abuse of Power: But now, when convinced of their rash Mistake, they had recourse to the very Means they had before condemn'd, as if Good and Ill were mutable things, and that became right in them, which was wrong in others: Whereas the naked Truth is, that as those in Place ever call themselves the Government; so those in Opposition, of whatever Party, or of whatever Principles, must expect to be call'd the Libellers.

At the same time also that both the speculative and intriguing Part of the People were thus busy'd and amus'd with these po-

litical Fireworks, the very Mob declar'd on the Protestant Side of the Controversy, and not only disturb'd the Priests in their Celebration of Mass, (which was now done openly in several Parts of the Town) but, on the least Opposition, proceeded to Violence: Hence Prays ensued, the Magistrates, the Militia, and sometimes the Soldiery, were call'd in; and every Day's Experience seem'd to denote, That a general Sedition was at hand.

This being the State of Things, his Majesty, it may be suppos'd, was not without his Fears; and, if he had his Fears, no doubt he had his Precautions: And, among these, mention is made of his Design to erect a Citadel in the Neighbourhood of *St. Swithuns*, at once to bridle the Populace, and preserve himself. It is even said, that he sent to *Mr. Vanboer* for a Model; and that his Brother of France laid his Commands on that Engineer to go over to *England*, and survey the Ground in Person. We are also told, that he gave out new Commissions for raising more Troops, and that he made extraordinary Efforts to have a formidable Fleet ready to put to Sea, on the first Appearance of Danger.

But neither his Fears of his own Subjects, nor his Jealousy of the Prince of Orange, dispos'd him to make any Concessions to either. On the contrary, on *January 17*, his Majesty wrote a Letter to the States of *Holland*, to demand the six *English* and *Scotch* Regiments that were in their Service. And on the 2d of *March*, his Majesty issued a Proclamation, forbidding his natural-born Subjects to enter or lift themselves in the Service of any foreign Prince or State either by Sea or Land.

The States return'd a civil Answer to his Majesty's Letter, but excus'd themselves for not complying with his Desire. They declar'd, by a Resolution taken in their Assembly, *February* the 2d, That having examined all the Treaties of Alliance, and all that had pass'd thereupon, when those Regiments were form'd, they could find no Agreement or Capitulation that could oblige them to grant his Majesty's Demand, at least at such a Juncture of Time. They own'd, indeed, That by the Treaties concluded between *England* and the *States-General*, it was agreed, That, in case that Crown should have War with any neighbouring Prince, or suffer under any intestine Rebellion, the States should be then oblig'd to send back the six Regiments into *England*, as they did in 1683, upon the Rebellion of *Monmouth*: But that now his *Britannic* Majesty was in Peace with his Neighbours, and had no Troubles at Home; and therefore they saw no Reason that could oblige them to send back those Troops. However, to preserve a good Correspondence with his Majesty, they offer'd Pledges to all the Officers of the six Regiments, that were willing to return home; which about forty of them accepted: That this not proving satisfactory, *Alberville* presented a Memorial to the States, to

A.D. 1687-8.

Letter from the Duke to Peter, Third Child of the Pope, p. 28.

The King recalls his Forces from Holland.

The States refuse to send them.

A.D. 1687-8.

press them to comply with his Majesty's Desire: And they persisting in their Resolution, another Proclamation was issued out, commanding a Return of all the King's Subjects, who had taken Arms under, and were then in the Service of, the *States-Generall* of the *United Provinces*, either by Sea or Land, tho' upon no other Allegation, than that the King thought it fit for his Service. This Proclamation produced a Debate among the *States-Generall*, but no farther Concession to the King's Demand: On the contrary, they justified their Refusal, by alledging, besides what has been already mentioned, That there was nothing so agreeable to Nature, as that he who is born free, should have the Right and Liberty to settle himself where-soever he shall think it most advantageous for himself; and that it is in his Power to be naturalized, and become a Subject to them under whose Sovereignty he submits his Person: And that any Government receiving such, does thereby acquire over him the same Right that it has over its own proper and natural Subjects. In answer to this, *Alberic* by express Orders from his Master, deliver'd a second Memorial to the *States*, peremptorily demanding the Dimission of the said Troops, in which he moreover urged, that this pretended natural Liberty could not subsist after that Dominion and Obedience had been introduced; so that the Right of Sovereignty and Subjection was now only to be considered: And that by virtue of these Rights, it had been the common Opinion, in all Times, That no Natural Subject can withdraw himself from the Obedience he owes to his lawful Prince; as also, that there was a solemn Capitulacion made in the Year 1678, with the Earl of *Ossory*, by the Prince of *Orange*, in quality of Captain-General to the Republic, in which, among other things, it is agreed, That, in case his Majesty of *Great Britain* should recall his Subjects that should be in the Service of the *States*, they should be permitted to retire, and to repair to any Sea Port, which his Majesty should think fit to appoint for their embarking: And that this Capitulacion could not be binding to their Lordships, seeing it was concluded by his Highness as an Act of State, and that several Articles in it have since been fulfilled, which could no otherwile have been done, than by their Authority, &c.

The *States*, on the other hand, defended themselves against this pressing Demand, and the Reasons on which it was founded, by referring back to what they had urged before: That the King's Right to recall these Forces was limited by his being in a State of War, either with his Neighbour, or his own Subjects; and that by Consequence, as he

was now at perfect Peace both abroad and at home, neither was his Claim properly warranted, nor were they obliged to observe it.

At the same time, moreover, that his Majesty was thus embroiling himself with the only Power he had to fear, he was multiply induced to renew his Declaration of Indulgence, with this memorable Preamble: "Our Conduct has been such in all things, as ought to have persuaded the World, that we are firm and constant to our Resolutions; yet that our People may not be abused by the Malice of envious, wicked Men, we think fit to declare, That our Intentions are not changed since the 24th of *April*, 1687." Here follow'd the Declaration, wherein, as it had been publish'd the Year before, and then his Majesty proceeded as follows: "Ever since we granted this Indulgence, we have made it our principal Care to see it preserved without Distraction, as we are encouraged to do daily by Multitudes of Addresses, and many other Assurances we receive from our Subjects of all Persuasions, & Testimonies of their Satisfaction and Duty, the Effects of which we doubt not but the next Parliament will shew; and that it will not be in vain, that we have respect to our utmost Endeavours to establish Liberty of Conscience, on such just and equal Foundations, as will render it unalterable, and hence to all People the free Exercise of their Religion for ever, by which future Ages may reap the Benefit of what is so indispensably for the general Good of the whole Kingdom. It is such a Security we desire, without the Burthen and Constraint of Oaths and Tests, which have been unhappily made by some Government, but could never support any: Nor could Men be advanced by such Means to Offices and Employments, which ought to be the Reward of Service, Industry, and Merit. We must conclude, That not only good Christians will join in this, but whoever is concerned for the Wealth and Power of the Nation. It would, perhaps, prejudice some of our Neighbours, who might lose Part of these Advantages they now enjoy, if Liberty of Conscience were settled in these Kingdoms, which are above all others most capable of Improvement, and of commanding the Trade of the World. In pursuance of this great Work, we have been forced to make many Changes, both of civil and military Officers throughout our Dominion; not thinking any ought to be employ'd in our Service, who will not contribute towards the establishing the Peace and Goodness of their Country, which we most earnestly desire, as unbiass'd Men may see by the whole Conduct of our Government, and by the Condition of our Fleet, and of

A.D. 1687-8.

The King's  
Reply to the  
Resolution, and  
Proclamation call'd  
a Parliament.

[Gazette,  
March 22, 1687.]

1687.

(\*) As a Supplement to the Year 1687, it is to observe, 1. That, on the 16th of *September*, in *England*, and also, *Germany*, at his House in *London*, *William Duke of Bavaria*, the second Son of a *Prussian* Father, who was provided with Wealth, Beauty, Parts, Dignity, Pleasure and Power, only to live there eminent in *Idleness*, when an opportunity'd with *William* and *Vivian*.

And, 2. That, on the 29th of *May*, the King retir'd

and retir'd the most ancient and most noble in the world in the *Gazette*, Nov. 27, 1687, Order of the *Golden*, and *Yellow* *Medals* of the *Royal* *Family* of *England*, the Kingdom of *Spain*, and in *Retirement* to all succeeding Ages of their Day and Aftering to his Majesty, &c. The eight Knights-Bachelors, and named being the Duke of *Mecklenburg*, *Bartholomew*, *Dunkirk*, and *Paris*, an *Archbishop* of *Archiep*, the Duke of *Guise*, and the Count of *Soissons*.



A. D. 1683.

A. D. 1683.

our Armies, which with good Management shall constantly be the same, and greater, if the Safety or Honour of the Nation require it. We recommend these Considerations to all our Subject, and that they will reflect on their present Ease and Happiness, how, for above three Years that it has pleased God to permit us to reign over these Kingdoms, we have not appeared to be that Prince, our Enemies would make the World afraid of; our chief Aim having been not to be the Oppressor, but the Father of our People; of which we can give no better Evidence than by comparing them to lay aside private Animosities, as well as groundless Jealousies, and to chuse such Members of Parliament as may do their Parts to finish what we have begun for the Advantage of the Monarchy, over which Almighty God has placed us; being resolv'd to call a Parliament that shall meet in *Novemb* next at *Windsor*.

The King's Promise of a Parliament as any other time would have been Matter of great Satisfaction: but now when the declared Purpose of it was to procure a Ratification of the very Grievances the Nation so loudly complain'd of, instead of enacting the Minds of the People, it alarm'd them more than ever: No Parliament, it was forc'd, would be permitted to meet, that did not come pre-determined to sever his Majesty in all things. Those who had been most active in subjecting all Corporations to the Prerogative, were most apprehensive of the Effects of their own prelate Endeavours. Indeed, if ever it is lawful, as it certainly is not, for short-sighted, prejudic'd Men, to denounce *Loss* Judgments on the Enormities of their Fellow-Creatures, it would now be so. He that set the Snare, fell into it; and he that fram'd the Yoke, had it fitted to his own Neck. Thus the Example which the *Bishops* and *Clergy* had set in the preceding Reign of circulating the King's Declarations, was now remember'd to their Cost, and *Father Pease* had the Illudence to say, *That he would make them eat their very Tongue*. Accordingly, on the 6th of May (the Declaration and Comment upon it bear Date *April 27*) it was Order'd by the King and Council, that the said Declaration should be read in all Churches and Chapels at the usual Time of Divine Service; and that the *Bishops* should cause it to be sent to, and distributed throughout, their several Dioceses, to be read accordingly.

Father Pease's Illudence

The Bishops order'd to publish the said Declaration in their several Dioceses.

[Cavert, p. 11. p. 47.]

dox-Sons of the Church, was trying the utmost Stretch of Obedience to make them Accessaries to a Breach of the Laws, by publishing what they thought to be illegal, or at least highly inconvenient; and which being levelled at the Interest of themselves and their Religion, they could not, either in Reason or Conscience, obey; and was putting Violence on the Consciences of the King's best Subjects. *Ec.* So that we have it establish'd, at last, That the Laws are the Measure of Obedience: That Men have a Right in public Affairs to think for themselves; as also to withhold their Obedience when it is likely to prove inconvenient or detrimental to their Interests; and that some Regard is due to the Conscience of *Legal Protestants*, who have not been flow'd by them to *Ignominious Sacrifices*.

It is, however, beyond Controversy, that ever any Prince appear'd more thoroughly insinuated than King *James* in the whole Course of this delicate Measure: For, even while he considered to talk in the Language of Treaty, to those who undertook the Support of the established Church, and to listen them with the Promise of an *Equivalent*, he deceiv'd himself as effectually as he design'd to deceive them. *Churchmen* can have no Equivalent for Wealth, Power, Dignity, and Importance; and they knew by themselves, that if the Priests and Parsons of Rome ever procur'd themselves a legal Establishment in the Constitution, they would not bear the Shadow of a Rival: And as to what was talk'd of concerning new Laws to secure civil Liberty, which had been so grievously shaken since the Dissolution of the *Oxford* Parliament, civil Liberty was so far from being any Concern of theirs, that the grievous Shock it had received was owing principally to them, as hath been already demonstrated. Besides, when the said *Equivalent* was first made the Subject of Discourse, that great Undertaker for them and their Interests (the *Marquis of Halifax*) employ'd his excellent Pen in endeavouring to shew, in a Variety of Cases, Instances, and Arguments, That there was no bargaining with Intallibility; it being so much above Equality, that it could not bear the Indignity of a true Equivalent: And he said, that giving them *as good a Thing*, which was the true Meaning of the Word, was neither in the Power nor Purpose of those that offer'd it. *Sapote*, said he, in his *Anatomy of an Equivoque*, in any mix'd Government, the chief Magistrate should propose upon a Condition,

Thus says the Champion for the Ortho-

(9) N. The Franch of a Parliament, in how behalf, and was resolv'd accordingly. *John Fisher* *Fox* and *Fox* engaged the King to it, but with a different Prospect. *Fox*, and all the *1600* who were employ'd to buy him, had their own Ends of setting a Parliament to oppose with the *King's* of two great Things, viz. the Law: Whereas *Fisher* in delivering a Parliament and *Protestants*, as if more were intended, but that it was only talk'd of to amuse the Nation, all other Designs were gone.

On the other hand, *Father Pease* and the *Cavaliers* saw that the King was resolv'd to do many things that they oppos'd, with the help of the *Commons* of a Parliament. And the *Order* of going now to *Windsor*, which might oblig'd that, had not a Condition that was very uneasy to them. They

thought, that more Time was already lost, and that they made but a small Progress. They began to apprehend, that the *Protestants*, who were still looking down upon *Hapsburg*, and were still more than ever, did not only oppose them, but that they were not the least into more People, and to keep themselves the better in Credit and in *Power*; but that they did not in the least mix with the main Party, and therefore could not be an unweary Part with the King. Therefore they resolv'd to put that Matter to the last Trial, resolving that if the King was it was in vain to hope for any thing in a parliamentary Way, he might be more easily carried to extreme and violent Methods. [See *art. 1681. p. 76.*]



injunctions and Refinements were stated, as they believed would both warrant their present Refusal, and reconcile it to their former Doctrine. "An heroic Act, says both Bishop Kennet and Mr. Ecard, in the same Words, worthy of the Character of the Bishops of the Church of England, who now resolv'd to be Confessors, as their Predecessors had been Martyrs for the Church of England!" And yet this Declaration itself had been extant so long, and the evil Tendency of it had been so fully expos'd, the Term prescribed by the Order of Council for their Obedience was almost expir'd, before they could work themselves up to the Heroism that is thus magnify'd. On the 21st the Declaration was to be read, and late in the Evening on the 18th, six of the seven Prelates who at Lambeth undertook for the Church against the King, viz. *Lords of St. Asaph, King of Bath and Wells, Turner of Ely, Lake of Chichester, Wate of Peterborough, and Freulovey of Bristol*, waited on his Majesty at Whitehall with a Petition in their own Name, and that of *Samuel their Metropolitan*, at that time indispos'd, which was conceived in these very Words, viz.

To the King's Most Excellent Majesty. The Humble Petition, &c.

Their Petition to the King.

"Humbly sheweth, That the great Averseness they find in themselves to the distributing and publishing in all their Churches your Majesty's late Declaration for Liberty of Conscience, proceeds neither from any Want of Duty and Obedience to your Majesty (our Holy Mother, the Church of England, being both in her Principles and in her constant Practice unquestionably loyal, and having to her great Honour been more than once publicly acknowledged to be so, by your Gracious Majesty) nor yet from any Want of Tenderness to Dissenters, in Relation to whom we are willing to come to such a Temper as shall be thought fit, when the Matter shall be considered and settled in Parliament and Convocation. But among many other Considerations, from this especially, because that Declaration is founded upon such a Dispensing Power, as hath been often declared illegal in Parliament, and particularly in the Years 1662, and 1672, and in the Beginning of your Majesty's Reign; and is a Matter of so great Moment and Consequence to the whole Nation, both in Church and State, that your Petitioners cannot in Prudence, Honour or Conscience, so far make themselves Parties to it, as the Distribution of it

all over the Nation, and the solemn Publication of it once and again, even in God's House, and in the time of his Divine Service, must amount to in common and reasonable Construction.

Your Petitioners therefore most humbly and earnestly beseech your Majesty, That you will be pleas'd not to insist upon their distributing and reading your Majesty's said Declaration."

Their Lordships were introduced by the Earl of Sunderland; and this Circumstance serves to reflect some Credit on what that Minister solemnly protests in his Apology, namely, That till the King thought fit to order his Declaration to be read in Council, he had never heard one Word of any such Intention. Kennet and Ecard assure us, that upon reading the Petition, the King started, and shew'd himself to be very much incus'd: And Burnet, who professes to be more in the Secret of Things than public Historians, in Effect asserts, That the King was much surpris'd, having been flatter'd and deceiv'd by his Spies: That *Cotesworth Bishop of Chester* had possess'd him with a Story which both of them too easily believ'd, viz. That the Bishops intended to petition the King to continue the old Method of addressing such Precepts as these to their Chancellors, in order to extricate themselves out of their present Difficulty: And that this Story was so acceptable to the Court, that it procur'd their Lordships an easy Admission, on the Pretension, that desirous to make Peace for themselves, and not to throw the Nation into a Flame. Hence therefore, we are to suppose, that the Surprise and Anger his Majesty shew'd, arose from his Disappointment; and his Answer seems to confirm the same thing. "I have heard of this before, but did not believe it. I did not expect this from the Church of England, especially from some of you. If I change my Mind, you shall hear from me; if not, I expect my Command shall be obey'd." (c) The Bishops with all Reverence reply'd, "We resign ourselves to the Will of God," and then immediately retir'd.

"About the same time also, that a due Quantity of the same Spirit which had animat'd these Fathers of the Church on this great Occasion, might also be communicat'd to the inferior Clergy, a Letter was drawn up by a great Hand; says Ecard, as I have been since inform'd by Dr. *Sherlock* himself, privately printed, and directed to all the Clergy in the Nation; being fill'd with excellent

place, they could not but discern, that a new *Magis Quæritur* for Liberty of Conscience would be of no Validity to them, for a new Declaration might dispense with it as *Protestants*: And that the World and Bed of them would look upon their Refusal as a Testimony of their Sincerity to the Protestant Religion, and not of any Dissimulation to them. To the last Objection it was answer'd, That the Church and their Religion would suffer less by the Continuance of their suspended Prelates or Ministers, than it would by their legal Compliance in so great and important a Point: That they had better Thoughts of the King's Clemency and Justice, when he should be inform'd by Men of Conscience against the Council of Men of Church, for how could the King, at the very

Time he proclaim'd entire Liberty of Conscience to all, even those who formerly were look'd upon as his Enemies, do an open Violence to the Conscience of those who had ever been acknowledg'd to be his Friends? And, in sum, I trust they ought to perform their Duty, and leave the Event to the Mercy of God; and, That a certain Evil was not to be done to avoid a consequent one." (Kennet, Ecard).

(c) According to Bishop Burnet he said, They should be made to feel what it was to disobey him. According to others, he called the Bishops, The Transgressors of Palestine. But neither of these Circumstances seems to be fully warranted.

cellent Arguments to dissuade them from reading the Declaration: Out of which we shall infer the following Passage, as representing the present Case of the Clergy. "This is the Difficulty of our Case; we shall be censured on both Sides; but with this Difference: We shall fall a little sooner by not reading the Declaration, if our gracious Prince resent this as an Act of an obstinate and peevish, or factious Disobedience, as our Enemies will be sure to represent it to him; we shall as certainly fall, and not long after, if we do read it; and then we shall fall unpitied and despised, and it may be with the Curses of the Nation whom we have ruin'd by our Compliance; and this is the way never to rise more: And may we suffer all that can be suffer'd in this World, rather than contribute to the final Ruin of the best Church in the World! Never was a Sheet of Paper more industriously and effectually dispersed throughout the Kingdom; many thousands being sent from unknown Hands, by Posts, Carriers, and other ways; which serv'd to confirm such as were wavering, and to flame out such as were willing to oblige the Court, at the Expence of the Church and King of England."

Many of the Bishops, however, were really deterred from their Metropolitan Addresses, and obey'd his Majesty's Edicts, from an Opinion, that the Rubric would not be read, tho' not approving of any thing to be published in the King's Name, as being sinful: "Not considering, says the Author, That the proclaiming or publishing in the Church during the time of Divine Service, what is enjoined by the King or by the Ordinary, could be meant only of regular and lawful Injunctions, not of any arbitrary and illegal Acts." Some few of the inferior Clergy (tho' not above seven in London, nor above two hundred in the whole Kingdom) were also so weak and so prostitute as to follow their Example. But even of these the far greater Part were deserted by their Congregations as soon as they began to read; and they themselves grew so much ashamed of their own Compliance, that they scarce suffer'd the Cuck to crow on their Sin, before they repented of it.

[P. 739.]

And now, as the *Historian of his own Times* rightly observes, Affairs were come to a Crisis; both Parties were so deeply engag'd, that neither could handsomely retreat; his Majesty had so often said he would be obey'd, that it now behoved him to shew, that with the Word of a King there was Power: And the Bishops had so far interested their *Prudence, Honour, and Conscience* in the Dispute, that they could not recede without declaring to the World, that they had no Pretence to either. The whole Nation believ'd that their own Fate, and that of their Posterity was involv'd in the Cause; and with a suitable Degree of Impatience and Anxiety waited for the Event.

Almost three Weeks did his Majesty take to consider of the Prospect before him; during which time the moderate Catholics in his Service, foreseeing the dangerous Con-

sequence of enforcing his Declaration, earnestly press'd him to let it fall. And as to Lord *Sunderland*, he assures us in his Apology, That he was so openly against violent Measures, and so continually inveigh'd against the *Injustice and Imprudence* of them, that he had like to have sunk under the furious Resentments of those who would be contented with nothing else; and was forced at last to temporize, that he might both save himself, and still continue to serve the Public as well as he could. Among these Desperadoes, *Burnet* names *Father Petre*, and one *Lab*, an eminent Teacher among the Dissenters, with whom the King condescended to advise, tho' he was not of his Privy Council. It may be also suppos'd that *Bulter*, the *Abbat* of *Quack*, as we find him call'd, was also of the Junto; and no doubt, whoever else had serv'd under the Banner of the *sejants*, as the strongest Side. Surrounded and importun'd by these Furies, and guided on by his own eager Passions, it is therefore the less to be wonder'd at, that his Majesty unhappily gave himself up to the Conduct of those who studied more to prey upon, than serve him, and turn'd his Back upon wiser and honest Men, because they offer'd him less palatable Councils. But we are farther told by the Author last quoted, that tho' there was at first this Difference of Opinion among his Privy Counsellors, the King found Means to make them all concur, by Closet Applications to each. And when he had thus foreclos'd all Freedom of Debate, and adjust'd every Man's Sentiments by his own, he assembled his Privy Council, and demanded their Advice: And what that was, appears by the Event; for on the 8th of *June*, the obnoxious Bishops, together with their Metropolitan, were summoned before them; and, having made their Appearance, were ask'd *Whether they own'd the Petition?* to which they reply'd, *We humbly hope, that if we stand here as Criminals, his Majesty will not take Advantage against us; for we are always ready to obey his just Commands.* The Question was a Snare: The Bishops were to undergo a rigorous Prosecution; but there was no Evidence against them; and this unfair Experiment was try'd, that they might be proceeded against upon their own Confession. They were sensible of this, and therefore evaded a direct Answer. Thus all was at a stand; their Lordships were order'd to withdraw; were recall'd; were ask'd the same Question, return'd the same Answer; were order'd out again; were again recall'd; and at last, driven against the Wall by the Lord Chancellor's pressing them either to own or disown the Paper; Being ashamed to do the one, they thought it advisable to do the other; the Archbishop first acknowledging, That it was written with his own Hand, the rest, that they had sign'd and deliver'd it; and all doing so. Thus they had done nothing but what they were ready to justify. They were then charged with the Publication of it, and so sent into Print almost as soon as it was written; and the Clergy were said to have subscribed

They are sum-  
moned before  
the Council.  
(Kennet,  
Richard.)

[Kennet.]

all over the Kingdom, instead of the Declaration. But they absolutely deny'd all Concern in, or Knowledge of, it; the Archbishop affirming, there were but two Draughts made by him, viz. the Original, which was still in his own Possession, and which he had never shewn to any body, and the Copy which they had given to the King, and which they had all sign'd. Finding therefore no more to be expected in the way of Confession, *Jeffrey* fell into his old menacing way, and with many Reproaches, undertook to make them sensible of the ill Consequences of their Disobedience, which tended to diminish the King's Authority, and to disturb the Peace of the Kingdom. Finding at last, that he only wasted his Breath, he asked, Whether they would give their Recognizance to appear before the Court of King & Bench, to answer this high Misdemeanour? This they all refus'd, insisting on the Privilege of their Peerage, which they were resolv'd to maintain, as well as the Rights of the Church; being equally bound by their Callings to oppose all Innovations both in Government and Religion. As this was more than was expected from them, and what had a manifest Tendency to interest the whole Body of the Peers in their Quarrel; the Council, we are told, betray'd some Marks of Astonishment, which *Jeffrey* attempted to draw them out of, by threatening to send the Delinquents to the Tower, and to prosecute them with the utmost Rigour of the Law, unless they immediately recanted, and withdrew their Petition. They unanimously answered, That they were ready to go whithersoever his Majesty was pleas'd to send them: That they hop'd the King of Kings would be their Protector and their Judge: That they fear'd nothing from Men: And that having acted according to Law, and their own Consciences, no Punishment should ever be able to shake their Resolutions.

Finding them thus immovable, a Warrant was drawn, and subscriv'd by the Lord Chancellor *Jeffrey*, the Lord President *Sunderland*, the Lord Privy Seal *Arundel*, the Marquis of *Down*, the Earls of *Mulgrave*, *Huntingdon*, *Peterborough*, *Craven*, *Murray*, *Middleton*, *Melfort*, and *Collerman*, the Lords *Dortneub*, *Godolphin*, and *Dover*, Sir *John Ervil*, Sir *Edward Herbert*, and Sir *Nicholas Butler*, to commit them Prisoners to the Tower; the Reason given in the Warrant being, For contriving, making and publishing a seditious Libel against his Majesty, and his Government: And Mr. Attorney and Solicitor-General were ordered to prosecute them for the same the next Term. *Kennet*, and after him *Echard*, affirm, That it was said, some of the Judges, who were present, refus'd to set their Hands to the said Warrant: But, according to *Barnet*, it was sign'd by the whole Board, except Father *Pitre*, who was excus'd by the King's ex-

press Order. However this may be, it was immediately executed, and they were sent to the Tower by Water, "left the People," says Mr. *Echard* (who is never more eloquent than upon this Occasion) should be too strongly affected with this moving Spectacle." And it must be own'd, that there was much Reason for this Precaution, however vain it prov'd. The News immediately took Air, and was circulated on every Side, insomuch that the Banks of the River were croud'd with Spectators, who, having never before seen the Bishops in Opposition to the Court, and who now saw nothing but the dazzling Out-side of things, were equally struck with Amazement, Veneration and Compassion, which they express'd by loud Acclamations, Prayers for their Deliverance, and whatever else could shew an Attachment to their Persons and Cause: And what is still more remarkable, the Contagion of their Example caught hold of the Soldiery, who were drawn out upon this Occasion to keep the Peace, and who fell on their Knees and besought the Blessing of those they were appointed to guard. In this manner their Lordships had the Consolation to make their Passage to the Tower, and to be receiv'd at their Landing, not to improve the Crisis to the utmost, but that Affliction had increased their Devotion, they repair'd immediately to the Chapel of Evening Prayer, where it is observ'd, the second Lesson was by the Course of the Court, extremely well adapted to their Condition, being the sixth Chapter of the second Epistle to the Corinthians; Giving no Offence to any, so that the Ministry be not blamed; but in all things approving ourselves as the Ministers of God, in much Patience, in Affliction, in Necessities, in Distresses, in Stripes, in Imprisonments, &c.

In the midst of the mighty Ferment occasion'd by this extraordinary Incident, viz. On the very Day that the Bishops were committed, her Majesty, all of a sudden, declar'd her Purpose to remove on the Morrow from *Whitehall* to *St. James's*, in order to lie in; and did remove accordingly, tho' not till late in the Evening; and between Nine and Ten the next Morning, as we are assur'd by the *Gazette*, was lately deliver'd of the Prince, his Majesty, the Queen-Dowager, most of the Lords of the Council, and divers Ladies of Quality, being present: At Noon a Council was held; when it was order'd, That a general Thanksgiving should be observ'd, in acknowledgment of so great a Blessing: That the glad News should be imparted to the Lord-Mayor: That the Tower-Guns should be fir'd, &c. And we are farther assur'd, by the same Authority, that the City flam'd with Bonfires, and other Demonstrations of that extraordinary Joy, which, on that happy Occasion, had fill'd the Hearts of his Majesty's Subjects. But, in contradiction to this, Bishop (*f*) *Kennet* confines this

A D. 1688.

[Kennet, Echard.]

And committed to the Tower.

A News of the Queen's Delivery of a Prince published in the Gazette, No. 4334.

[f] *Mr. Echard* also writes as follows:

"The same day as this Event might seem to be, little

Notice may be said to have been taken of it: The Imprisonment of the Bishops was now apparent in the Minds of most

A. D. 1688.

[Gazette, No. 2558.]

Address  
thorow.

[Gazette, No. 2558.]

2558.

2559.

2562.

2563.

this extraordinary Joy to the Papists only: Adding, "The Protestants were generally silent and reserved, as doubting the Fact, and dreading the Consequence." We have it nevertheless upon Record, That no sooner was the News communicated by Express to the Regency of Scotland, than the Lord Chancellor caus'd a solemn *T. Deum* to be sung, the Lords of the Council appointed a Day of solemn Thanksgiving, and dispatch'd the Earl of *Balcarras*, one of their own Body, "to go with all possible Expedition to wait on his Majesty, with the humble and hearty Expressions of their due Congratulations, and extraordinary Joy, upon this so signal an Occasion;" and, in the Afternoon, the Magistracy of the City concurred with their Lordships, and all the rest of the Nobility, as well as many Thousands of the People, in expressing their solemn and sincere Joy upon this so universally-acceptable an Occasion. Among the Cities of England, *Exeter* was the first that approach'd the Throne with their Felicitations; and they thought themselves highly oblig'd to thank God, for the Birth of a Royal Prince; a Blessing inestimable, and one of the greatest to his most sacred Majesty, and these Nations, &c. The Town of *Berwick* desir'd, among the first of his Majesty's Subjects, upon the long-wish'd-for, blessed Occasion of the thrice-happy Delivery of his great and Royal Consort, to congratulate, &c. and put up their Prayers, that God would graciously bestow a Male Posterity, from the same Royal Line, to sway the Scepter of these Kingdoms to the End of the World. The Townsmen of *Dartmouth*, full of Transports of Joy, throw themselves at his Majesty's Royal Feet, to congratulate the happy Birth of the Prince, the greatest Blessing that good Subjects could desire, or Heaven could grant. The Town of *Portsmouth* call the Birth of a Prince an Act of Grace from the Almighty, which had crown'd the Wishes of all his Majesty's good Subjects; and, thro' the whole of their Address, seem to be stark mad with Joy. The Grand-Jury for the County of *Middlesex* solemnly and heartily congratulate his Majesty's great Happiness and Satisfaction in the Birth of their high, hopeful Prince, and account it no less Happiness to these Nations. The City of *Durham* acknowledge the Birth of the Prince to be the greatest of Blessings; and yet pray, that their Majesties may be further blessed with more Children, and more Sons. The Lord-Lieutenant and his Deputies, and the Justices, of *Kent*, not only lick the Dust at his Majesty's Foot-stool, but acknowledge, that his admirable Goodness, Piety and Justice, have obtain'd from their most gracious God this so inexpressible a Blessing; and undertake to make choice of such Members in

the next Parliament, as should unite his Subjects in Charity and Christian Correspondence, by repealing the Tests, &c. The City of *Bath* thought it unjust to be silent, and therefore offer up their Thanks to the great *Jehovah*, &c. The exceeding Joy of the Citizens of *Carlisle* transports them above Mortals, and makes them partake of Heaven upon Earth: According to them, his Majesty had been, in a most high measure, the Care of Almighty God; witness his past Deliverances, and now, to close all, this heavenly Blessing to complete the Miracle: A Prince born, to the World's Astonishment! The Grand-Jury of *Hereford* declare, that the Prince of Wales was a Blessing sent from Heaven, for the perpetual Establishment of Liberty of Conscience; and, after touching on his Majesty's gracious Intentions to his Subjects in general, in abrogating the penal Laws and Tests, roundly proceed in these Words: "We will not, like others, go about thanking your Majesty for your particular Favours of promising to maintain the established Religion of the Church of England 1688; but do freely, willingly, and unanimously give our best Thanks, general, and without any Restriction whatever: We are neither for designing Evil, nor for carrying it on when it is begun; therefore do promise to use our utmost Endeavours (when your Majesty, in your great Wisdom, thinks fit to call a Parliament) to chuse, and promote the chusing of such Representatives, as will, in all respects, comply with your Majesty's Desires." To conclude on this Head, tho' there is still a Troop behind, certain of the Clergy of *Cheshire*, who thought they could no otherwise prove themselves dutiful and loyal Subjects, make it their Glory, that they had heartily read his Majesty's Declaration, not repining that all their Fellow-Subjects did with them enjoy a Portion of the Royal Favour: Some, they acknowledged, had well deserv'd; and as to the rest, towards whom his Majesty us'd the subtlest Method of conquering, they hoped, if his Mercy was not successful, his Power would at least preserve him safe. Then recurring back to the Declaration, they assert, That, if the Matter of it was not according to their Wishes, the publishing of it was their Duty, in virtue of the express Prerogative of his Majesty's Supremacy over them, &c. Adding, "So that we cannot but with Trouble of Mind hear of the Proceedings of the Seven Bishops, who, tho' they tenderly promised the Dissenters something, yet refus'd to do their Part about the Declaration, lest they should be Parties to it: Which Reasonings, with due Modesty, (and relying on a higher Authority) esteem insufficient; seeing the Parliament of 62 did not think the reading

A. D. 1688.

2564.

2569.

2570.

2574.]

of

most of the People, who flock'd to them in such Numbers, for their Blessing, and to console their hard Labors, that great and very extraordinary Remarks were made, both of Person and Behaviour. Among these, *THE NONCONFORMIST* Ministers went to pay him a Visit, which the King took so liberally, that he sent for five of them to reprimand them; but they shew'd more, That they could not but adhere to the Princess, as Men cou'd not and shou'd to the Protestant Faith, or to that People. Nay, what is more extrordi-

nary, the very Soldiers, that kept Guard at the Tower, would frequently drink good Health to the Princess, which being understood by *Sir Edward Hales*, Comdr. of the Tower, he sent Orders to the Captain of the Guard, to see it was done no more: But the Answer he receiv'd was, That they were doing it at the very Instant, and shou'd drink that, and no other Health, while the Bishops were here. [Mém. p. 262]

A. D. 1688.

of the Common-Prayer was approving it, without Assent and Consent, publicly declar'd, We, therefore, become earnest, tho' too mean, Intercessors to your most gracious Majesty, in behalf of the Church of England, that the Faults of these and others may not be laid to her Charge, in whose Communion there are many, and we hope there will be more, who concur in promoting the Purposes of your mild Government. We farther beg leave to make our Congratulations for the happy Birth of the young Prince, in his hereditary-successive Kingdom. We, in this Palatinate, are the first Lot of Inheritance to the First-born of our Kings; and as we have a greater Part in him, so we have a more plentiful Joy that he is born to us; praying a long Life to him, and the Inheriting of his Royal Father's Crown and Virtues. We hereby bind ourselves to continue steadfastly, &c.

And now let Posterity judge, whether their Addresses were *less fulsome* than those before treated of, as we had it asserted, with this Addition, That the Fervor was much abated, and that no Papist could express his Joy for the Birth of a Prince of Wales, but a Protestant was ready to answer, But the Bishops are in the Tower.

[Echard, p. 1102.]

And Congratulations.

The Gazette, at this time, were also crowded with pompous Accounts of the splendid Entertainments given, and the public Rejoicings made, by the King's Ministers at foreign Courts, more especially that of Rome, under the Direction of Cardinal Howard and Sir John Lyttel; as also with the solemn (g) Congratulations of almost all the Princes of Europe, not excepting their Highnesses of Orange, who sent over Mr. Zuylerstein on that Errand; and, as a farther Mark of their Respect and Sincerity, caus'd the young Prince to be pray'd for in their Chapel; which Bishop Burnet makes some Apology for, by saying, *The first Letters gave not those Grounds of Satisfaction that were sent to them afterwards.*— But before we enlarge on this controverted Point, it is necessary to returne the Case of the seven Bishops, which we left in Suspence, and which in this Interval was turn'd on to a Decision with such Precipitation, as if it had been foreseen, that the Fate of the Crown depended upon it.

Upon the fifteenth of June, being the first Day of Term, their Lordships were brought up by Water from the Tower, and were received at their landing by several Persons of Quality, a Crowd of Divines of all Ranks and Degrees, and such a Concourse of the Populace, as had scarce ever been seen together before, all rendering the Air with Shouts, and expressing in their very Faces all that Excesses of Passion, which on these extraordinary Occasions Men catch of one another, and which renders them at all times dreadful, and often as mischievous as the Irruptions of *Atna*, or the Ocean in its Fury. The very Bishops themselves, it seems, were almost afraid of the Spirit they had rais'd; for as they wedg'd their way along thro' the

A. D. 1688.

Crowd, and dispens'd their Blessings on all Sides, they also added their Admonitions, That they would fear God, honour the King, and maintain their Loyalty. Being come into Westminster-hall, they found the Floor crowded, like the Streets, and the Scaffolding fill'd with Rows of Gentlemen and Ladies; all led thither by an equal Mixture of Zeal and Curiosity, and omitting no Opportunity of testifying their Concern for their Deliverance; as if, says Bishop Kennet, this was to be the last Trial for the Liberties of the Nation. On the Bench appear'd the Lord Chief-Justice Wright, assisted by the Justices, Holloway, Powell, and Alibone; and within, and beside the Bar, as Council for his Majesty, his Attorney-General, Powis; his Solicitor-General, the late great Patriot-Speaker, Williams, who had been fin'd ten thousand Pounds in that very Court, for scandalizing the King in whole Behalf he now appear'd; Storer, the Recorder of London, and Baldock, and Trinder, of the Brotherhood of the Quoit: And for the Defendants, those glorified Loyalists, Sawyer and Finch, the late Solicitor and Attorney Generals; Sir Francis Peuberton; Pelloxen, who had set out as a Whig, and yet had acted as King's Counsel in Jeffery's Western Campaign; Treby, who in the preceding Reign had made himself obnoxious to the Abhorers, by his close Attachment to the contrary Party; and Sommers, of whom such frequent mention is to be made hereafter.

The Return and Warrant having been read, the Attorney-General mov'd that the Information might also be read to the Prisoners, and that they might answer and plead to it. This Motion the Bishop's Council oppos'd, objecting, first, That the Prisoners were committed by the Lord-Chancellor, and some other of the Privy-Council, without expressing in the Warrant, that it was by Order of the Privy-Council; and therefore, that the Commitment being illegal, the Prisoners were not legally in Court: And, secondly, That the Fact for which they were committed, was such, as they ought not to have been imprison'd for; because a Peer ought not to be committed, in the first Instance, for a Misdemeanor. The King's Council on the contrary alladg'd, That if a Peer might be committed for Treason, Felony, or Breach of the Peace, as Sawyer himself had acknowledg'd, there could not be a greater Breach of the Peace, than for a Man to come to the King's Face and publish a Libel against him: That there was nothing which did so tread upon the Heels of a capital Offence, and that two or three Degrees more might carry it to High Treason. Judge Powell refus'd to deliver his Opinion before he had consulted Books: But the Lord Chief-Justice, Judge Alibone, and Judge Holloway agreed, That the Fact charg'd in the Warrant, was such a Misdemeanor, as was a Breach of the Peace; and therefore, that the Information ought to be read, and the Bishops must plead to it. The Information being

Proceedings against the Bishops.

A.D. 1688.

being then read, the Bishops Council desir'd, that they might have an Imparalance till the next Term to consider what they had to plead. Sir Samuel Astry, Clerk of the Crown, being ask'd, What was the Courfe of the Court? answer'd, That of late Years, if a Man appear'd upon a Recognizance, or was a Person in Custody, he ought to plead at the first Instance; but that he had known it to be at the Discretion of the Court, to grant what Time they pleas'd. After this Answer, the Lord Chief-Justice declar'd, That the Bishops should now plead to the Information. Thereupon the Lord Archbishop of Canterbury offer'd a Plea in Behalf of himself and his Brethren, the other Defendants; alledging, That they were Peers of this Kingdom of England, and Lords of Parliament, and ought not to be compell'd to answer instantly, for the Misdemeanor mention'd in the Information; but that they ought to be requir'd to appear by due Procees of Law; and upon their Appearance, to have a Copy of the said Information, and reasonable Time given them to imparle thereupon. The King's Council labour'd hard to have the Plea rejected. After a long Debate, Judge Powl said, he was for receiving the Plea, and considering of it; but the rest of the Judges declar'd for rejecting of it. So the Prisoners at last pleaded, Not Guilty. The King's Council pray'd, the Clerk might join Issue on behalf of the King; and desir'd the Defendants to take notice, That they intended to try this Cause on that Day Fortnight; adding, That they were bailable, if they pleas'd. Sir Robert Sawyer desir'd, that their own Recognizance might be taken; which was readily granted, and that on such small Sums as 500*l.* for the Archbishop, and 200*l.* each of his Suffragans.

Never did the Genius of the Bar display itself more fully, than thro' the whole Courfe of this Hearing; nor did ever a Bench exert less Spirit, or shew more Patience. The Council on both Sides seem to have had a Licence to be as clamorous and as abusive, as they pleas'd: Nor had the Chief-Justice Authority to restrain their Licentiousness, nor Courage to attempt it, nor Quickness to invent Expedients, nor any Recourfe of Knowledge to direct the Court; but on the contrary was (*h*) avowedly directed by it. In the very Beginning of the Pleadings, the Solicitor, Williams, declar'd in the Face of the Court, that the very Arguments now us'd by Sawyer had been formerly us'd by him,

and over-ral'd by Sawyer himself, when Attorney; adding, with an Effrontery, beyond Example, *I am glad that they now learn of me to tack about*: In support of the Law-Doctrine, that a Libel was a Breach of the Peace, he reminds the same Sawyer, that in all the Informations exhibited by him for Libels, the Words (*i*) *Vt & memi*, & *contra pacem*, had ever found a Place: In another Part, he charg'd Finch with not agreeing with himself, not being the same Man in 1678 that he was in 1688. And lastly, it seem'd to be admitted on all hands, That common Understanding and legal Understanding, were two things, which, no doubt, re-dounded much to the Honour of the Profession.

To proceed: That the Bishops were thus far at Liberty afforded such Matter of Joy and Triumph to their good Friends and Allies the Mob, and so extravagant were they in their Expressions of it, that their Lordships chose to make their way to the Water-side by a private Passage, for fear perhaps of being press'd to death by the Over-violence of their Favours. Mr. Echard adds, "And even then, they were not wholly free from the buzzing Throng; several Persons running into the very Water to beg their Benedictions. When the Day was ended, the public Rejoicings still continued, the whole Night being spent in making Bonfires, and drinking to the Seven heroic Prelates, with all the Demonstrations of unlimited Affection. Within two Days after was the Thanksgiving for the Birth of the Prince of Wales, and tho' the Conspits in the City were made to run with Wine, for several Hours together, and extraordinary Bonfires, &c. were appointed, yet the Joy of the People appear'd to be no way comparable to that upon the account of the Enlargement of the Bishops."

Finding that Zeal had thus got the start of Loyalty, and that the Mitre was more revered than the Crown, it was thought advisable to set forth an (*j*) Answer to the Bishops Petition, in hope, as the Author of it expresses himself, that the bestowing some Ink upon the Tetter might hinder it from spreading any further: Accordingly, such an Answer was, about this time, exhibited from the King's Press; and in it their Lordships Refusal is call'd, a Fire kindled from the Altar.— They are also told, That they have the Voice of Jacob, but the Hands of Esau: That they are fallen, and, if they repent not, their Candlestick must be removed, &c.

But

(5) Lord Chief-Justice. "We have shew'd, and inform'd ourselves from the Bar, whether we may or can reject a Plea; and truly what they have said hath fully inform'd me that we may, if the Plea be frivolous. And this being a Plea that contains no more than what has been over-ral'd already, after hearing what could be said on both sides, I think the Court is not bound to receive the Plea, but may reject it, and my Lord the Bishops must plead over." [Echard's Treatise, p. 42.]

(6) Here the Bishop of Peterborough address'd him, "Whether it was in his own Case I be answer'd." "Yes, it was in my Case; and you were one of them that profecuted me, for ought I know; or, if you did not profecute me, you preach'd against me; or, if you did not, some of your Tribe did." [Echard's Treatise, p. 42.]

(7) Bishop Kewer also mentions another Arrangement of their Lordships before the People, in a famous Harangue, intitled, *The Examination of the Bishops, upon their Refusal*

of reading his Majesty's most gracious Declaration, and the Nonconformance of the Church of England, in regard of the Penal Taxes and Tithes fully debated and argued. With Allowance, 1688. 4to. Beginning in such a strain, as would make it suspicious that we were to lose the Truth and Purity of our Language, as well as of our Religion. "It has pleas'd the Almighty Power, which rules the Heavens of Finest, to enlighten and adorn his present gracious Majesty with such peculiar Beams of Mercy and Clemency, that our truly Royal Virtues, that render him the merest Portrait of that Deity, whose Vicegerent he is. To win therefore the universal Love of his People, (and that of all that are) and indeed reserved for, his Great Self, he has graciously promis'd all of Compassion, receiving to pardon the former Offences of those his Subjects, whomsoever they be, who have not yetted themselves; who may have any ways repented."



But the Court had soon Reason to be convinced, that this Paper-Expedit had work'd no Miracles in their Favour: For, when the Day of Trial came, the Bishops came into Court with a far greater and more illustrious Train than before, being countenanced by no less than Twenty-nine Temporal Peers, (viz. the Marquesses of *Hollifax* and *Worcester*, the Earls of *Sbrensbury*, *Kent*, *Bedford*, *Pembroke*, *Dorset*, *Belingbroke*, *Manchester*, *Rivers*, *Stamford*, *Carnarvon*, *Cheslerfield*, *Scarsdale*, *Clarendon*, *Dunby*, *Suffex*, *Rabner*, *Nottingham*, and *Abington*; the Viscount *Balcanberge*; and the Lords *Newport*, *Grey of Ruthen*, *Paget*, *Chandos*, *Vaughan-Carberry*, *Lambey*, *Cartaret*, and *Ossulton*;) a great Concourse of the Gentry, and such Numbers of the Populace, as filled the Hall, and all the Avenues and Places adjacent.

It is however natural to think, that such mighty Assemblies as these are not form'd by chance; or by the mere Reputation of any Persons, or Party, or Cause whatever. In factious Times, scarce any Incident arises, that is not made some use of; and Lord *Hollifax* never once comes upon the Stage, but the Plot thickens, and some great Event is in Embrio: As therefore the Prosecution of the Bishops was the great Hinge, on which all the Hopes of him and his Party turn'd, it may be imagin'd, that these Peers were rather his Followers, than the Defendants: Indeed we are told by *Bishop Kennet*, that this splendid Appearance was chiefly owing to the indefatigable Care and Solicitation of the Clergy, and especially of *Dr. Tennison*; and, if so, it is a Matter of Wonder, that their laudable Endeavours had not the like good Effect on the rest of the Right Reverend Fathers of the Church, who were more peculiarly interested in the Event, not one of whom appear'd to countenance either their Persons or their Cause, but stood aloof (as it is carefully remember'd the Dissenters did) in expectation of the Issue; as if it was scarce safe to be within the Reach of the Shadow of their Downfall.

However the Fact may be, it was under this favourable Aspect for the Defendants, that the Court was open'd; and, to take off the Edge of the Peoples Resentments, or at least to bespeak a more favourable Audience on the King's Side, the Attorney-General artfully premis'd, That the Bishops were not prosecuted as *Bishops*, much less for any Point or Matter of Religion, but as *Subjects* of this Kingdom, and only for a *temporal Crime*, as those who had injur'd and affronted the King to his very Face: That they were not prosecuted for *omitting* to do any thing, but as they were *Actors*, for censuring of his Majesty and his Government; and for giving their Opinions in Matters wholly relating to Law and Government: That there is not any one thing which the Law is more jealous of, than all Accusations and Arrangements of the Government: That no Man is allow'd to accuse even the most inferior Magistrate of any Misbehaviour in his Office, unless it be in a legal Course, tho' the Fact be true; tho' least of all, may any Man cen-

sure the King, for it tends to possess the People that the Government is ill administer'd; the Consequence of which is, to set them upon desiring a Reformation; and what that tended to, and would end in, they had all had too dear bought Experience of: And that Men were to take their proper Remedies for redressing of any Grievance they lay under, which the Laws had sufficiently provided for. Then, proceeding to the Matter of the Declaration, he urg'd, That his Majesty had caus'd it to be publish'd for the Ease of his People: That he had requir'd it to be read in the House of God, that they might be the more convinced that he was earnestly bent to observe it: That, instead of the Thanks which were due to him for his Favour and Goodness to his People, the Defendants had, in what they call'd a Petition, treated him with such hard Words, and brought so heavy an Accusation against him, as a private Person would be little able to bear: That, as before his Accession he had been accus'd of Cruelty, so now he was arraign'd for his Mercy: And that his Majesty resent'd this ill Usage so far, that he had thought fit thus publicly to vindicate his Honour, by bringing the Matter to a Trial, in the Assurance that the Jury, as to all other Persons, would do him Right.

After this Harangue, the Court proceeded to a formal Proof, that the Bishops were really the Authors and Deliverers of the Petition in dispute; in order to which, their own Confession in Council was brought in Evidence against them; (tho' *Milnes*, one of the Council-Clerks, bore witness, that when the Archbishop did acknowledge it, he also express'd a Reliance on his Majesty, that no ill Use should be made of such Acknowledgment;) and the Lord President *Sunderland* depos'd, that they apply'd to him to be introduced with the said Petition; that he obtain'd the King's Leave for their Admission; and that he had given Order for their Admission accordingly.

Here the Fact was referr'd; for no Attempt was made to fasten the Publication upon them, otherwise than by the Delivery; and the Council for the Bishops enter'd upon their Defence; in the Progress of which, as well as in the foregoing Part of the Trial, they had a Taste of those Mortifications from the Bench, and of those Petulancies from the King's Council, which they themselves, when in Power, had formerly let fly at, and help'd to draw down upon, the Advocates for the Subject.

*Sir Robert Sawyer* stood up first, and in several Places of the *Bishop's Council*, Opposition to the Words of the Information, That the Bishops had conspir'd to diminish the Royal Authority, by falsely, maliciously, and seditiously making a Libel against the King, under the Pretence of a Petition, undertook to shew, That the Petition was presented to his Majesty in most private and humble manner: That it had not the least Tendency to any Sedition, or the Diminution of the King's Authority: That it was only a Prayer to be reliev'd against an Order of Council, which the Defendants conceiv'd they were griev'd by; accom-

accompany'd with an Excuse for their Non-compliance with the King's Order, because the Dispensing Power, upon which it was founded, had been several times in Parliament declared to be against ( $\delta$ ) Law: That it can be no Question, but that any Subject who is commanded by the King to do a thing which he conceives to be against Law, and against his Conscience, may apply himself to the King, and tell him the Reason why he does not concur with his Majesty in such a Command: That, whereas the King's Council had insisted, That in this Case the Bishops were not sued as Bishops, nor prosecuted for their Religion, he knew not what they were sued for else, the Information being against them as Bishops, and no otherwise, and for an Act they conceiv'd they lawfully might do, with relation to their ecclesiastical Policy: That the main *Stumbling-block* to their Lordships, in the Declaration, was the Clause, by which all manner of Penal Laws, in Matters ecclesiastical, were suspended; for if their publishing it had any Effect in Law, and these Laws were suspended by virtue of it, then certainly it was of the most dismal Consequence; and it behov'd the Bishops, as Fathers of the Church, humbly to respect it to the King: That when a Law is suspended, the Obligation thereof is taken away: So that the Declaration abrogat'd at once all Ministers and Clergy-men for a performing their Duty in seeing the Service of the Church, and their Hearers from attending upon that Service: That the pretended Power of suspending Laws had often been declar'd illegal by the *Parliaments*, as appear'd particularly in the time of Richard the Second, concerning the Statute of Provisions; for where there were particular Dispensations for that Statute, the King was enabled to do it by Act of Parliament, and could not do it without: That in delivering this Petition the Bishops had done nothing but their Duty, and meddled with their own Affairs, which appear'd from the general Care that is repos'd in them by the Laws of the Land; urging farther, That they are frequently cited in Law-Books, *The King's Spiritual Judges*: That they are entrusted with the Care of Souls, and the Superintendency over all the Clergy; and besides, That there is a special Care put upon them by the express Words of an Act of Parliament made in the first of *Elizabeth*, which makes them especial Guardians of the Law of Uniformity, &c.

Mr. *Finch*, in his Turn, having premis'd, that in point of Evidence, the very Delivery of the Petition was not positively prov'd; in the next Place asserted, that the Contrivance bid in the Information to diminish the

King's Power, could admit of no Proof at all: For whereas the Power in Dispute was a Power of dispensing all Ecclesiastical Laws, &c. he insinuated that his Majesty had no such Power: That a Power to abrogate is as much a Part of the Legislature, as a Power to make Laws: That in Effect there was no Difference between abrogating Laws at once, and disabling them by Degrees: That if the whole Legislative Power was, by the Constitution of *England*, in King, Lords, and Commons, it could not be legally assum'd by either: That if the Declaration in question (being a Legislative Act) was founded but upon a Part of the Legislature, it could not be a legal and true Power or Prerogative: That in the Year 1662, where there was but the least Umbrage given of such a Dispensing Power, altho' the King had declar'd in his Speech to the Parliament, *That he wou'd be bad such a Power*, which his Declaration before seem'd to assume, the Parliament was so jealous of this, that they immediately made their Application to his Majesty, by an Address against the Declaration; alledging among other Reasons, *That the King could not dispense with those Laws without an Act of Parliament*: That there was another Attempt in 1672; and then, after his Majesty had in his Speech mention'd his Declaration to them, the Parliament, particularly the House of Commons, presented an Address to his Majesty, setting forth, That this could not be done by Law, without an Act of Parliament: And his Majesty concurr'd with them so far in that Opinion, that he caus'd it to be made known to the House of Lords, by the Lord-Chancellor, That his Majesty had broken the Seal, and cancell'd the Declaration, with this farther Declaration, *That it should never be drawn into Example or Consequence*: And that upon the whole, the Defendants had done no more than their Duty as Bishops and Peers, in thus modestly, humbly, and privately excusing themselves from obeying what his Majesty had no Authority to command.

*Pollaxfen*, who spoke next, yet more bluntly alledg'd, That, whereas the King's Council would have the Petition to be a Libel, because it said, The Declaration was founded upon a Power which the Parliament had declar'd illegal, the King had no Will but that of the Law: That, if the King's Will was not consonant to that of the Law, it was not obliging: That this Declaration under the great Seal was not agreeable to the Law, because, at one Blow, it set aside all Laws, &c. And *Penborton*, that the Kings of *England* had no such dispensing Power as had been exercis'd in the Declaration: That it struck at the very Foundation of all the Rights,

(4) While Sir *Robert* was enlarging on this Topic, the Lord Chief Justice, speaking aside, said,

*L. C. Jus.* "I will not suffer this: They intend to dispute the King's Power of suspending Laws."

*Mr. Jus. Powel.* My Lord, they must necessarily fall upon that Point; for, if the King hath no such Power, (as clearly he hath not in my Judgment) the natural Consequence will be, that this Petition is no Diminution of the King's Regal Power, and so not seditious or libellous.

*L. C. Jus.* *Bother*, I know you are full of that Doctrine; but, however, my Lords the Bishops shall have no occasion to say, that I deny to hear their Council. *Bother*, you shall have your Will for once, I will hear them, so their talk all they are weary.

*Mr. Jus. Powel.* I desire no better Liberty to be granted them, than what in Justice the Court may give; and that is, to hear them in defence of their Cause.

*A.D. 1688.* Rights, Liberties and Properties of all the King's Subjects: "If, said he, the King may suspend the Laws of the Land which concern Religion, I am sure there is no other Law but he may suspend: And, if the King may suspend all the Laws of the Kingdom, what a Condition are all the Subjects in for their Lives, Liberties and Properties? All at Mercy!— Lastly, *Sommers* gave the Essence of all that had been said, in these Words: "That as to the Matters of Fact alledged in the said Petition, there could be no Design to diminish the Prerogative, because the King has no such Prerogative; that the Petition could not be seditious, because it was presented to the King in private and alone; not false, because the Matter of it was true; nor malicious, for the Occasion was not sought, the thing was pres'd upon them; nor, in short, a Libel, because the Intent was innocent, and they kept within the Bounds set by Act of Parliament, that gives the Subject leave to apply to his Prince by Petition when he is aggrieved."

The Attorney and Solicitor Generals made long and vehement Replies, particularly the Latter, who now treated the Sense of Parliament with as much Disdain and Contempt, as ever any of his Compatriots had formerly shewn to the Sense of the Court; and was heathenly hiss'd by the whole Auditory for his Pains.

*The Opinion of the Judges.* Upon the whole, the Lord Chief-Justice, after summing up the Evidence, told the Jury, That sometimes the dispensing Power had been allow'd, as in *Richard II's* Time, and sometimes deny'd, but that it was a Question out of the present Case. Then he gave them Directions, to conclude, That if they believ'd the Petition to be the same, which was presented by the Bishops to the King, the Publication was sufficiently prov'd: Next, that any thing which tended to disturb the Government, or make a Stir among the People, was certainly within the Case of *Liell's* *Janity*; and his Opinion, in short, was, That the Bishops Petition was a Libel. Mr. Justice *Hellway* declar'd, That the End and Intention of any Action was to be consider'd; that the Bishops were charg'd with delivering a Petition, which according to their Defence, was done with all the Humility and Decency imaginable; and that as they were Men of good Lives, the delivering of a Petition was no Fault, it being the Right of every Subject to petition: Therefore if the Jury were satisfy'd they did it with no ill Intention, but only to shew the Reason of their Disobedience to the King's Command, he could not think it to be a Libel. Mr. Justice *Powell* more plainly declar'd, That he could discern no Sedition, or any other Crime fix'd upon the Reverend Fathers, the Lords Bishops, since there was nothing offer'd by the King's Council to render the Petition, false, malicious, or seditious. He admonish'd the Jury to consider, That the Contents of the Petition were, that the Bishops apprehended the Declaration was illegal, being founded upon a Dispensing Power claim'd by the King; but for his Part he did

not remember in any Case in all the Law, That there was any such Power in the King; and if there be no such Power in the King, the Petition could not be a Libel. He concluded with telling them, That he could see no Difference between the King's Power to dispense with Laws Ecclesiastical, and his Power to dispense with any other Laws whatsoever: That if this were once allow'd of, there would be no need of Parliaments, and all the Legislature would be in the King; and he left the Issue to God and their Consciences. Mr. Justice *Allybone*, who spoke last, laid down these two Positions, first, That no Man can take upon him to write against the actual Exercise of the Government, unless he has leave from the Government, but he makes a Libel, be what he writes true or false. Secondly, That no private Man can take upon him to write concerning the Government at all; and that when he intrudes himself into other Mens Business, that does not concern his particular Interest, he is a Libeller: And these Positions he back'd by a Resolution of the Judges in King *James* the First's Time, That to frame a Petition to the King to put the Penal Laws in Execution, was next door to Treason; but was told by Mr. Justice *Powell*, that he had mistaken the Case; and by Serjeant *Pemberton*, that he should have said, To petition against the Penal Laws. This laid him under a Necessity to acknowledge his Blunder; but he nevertheless persever'd in his Opinion, that the Bishops had meddled with what did not concern them; and that they took upon them, in a petitionary Way, to contradict the actual Exercise of the Government, which according to him, no private-particular Persons, or single Body, ought to do.

The Matter now rested with the Jury, who happen'd to be the first Twelve upon the Pannel (for the Bishops made no Challenges; and it was presum'd, that none were return'd who had any remarkable Bias in their Favour); and tho' the Trial had lasted ten Hours, they took the whole Night to consider of their Verdict: According to Bishop *Burnet*, this was done, because they thought it both the solemn and safer Way; but, according to others, it arose from the Obstinacy of one *Arnold*, who, being Brewer to the King, stood out all that while, for fear of losing his Place. At Ten the next Morning, however, the Court being set, the Defendants at the Bar, and, if possible, yet greater Crowds attending than had attended the Day before, the Jury came in, and by their Foreman, Sir *Roger Langley*, declar'd their Verdict to be, *Not Guilty*: Which Words were no sooner pronounced, than they were echoed with such Shouts thro' the Hall, as had scarce ever been heard upon any Occasion before; and these being repeated by the Multitudes waiting in the two Palace-yards, the whole Town partook of the News almost at the same Instant: That Monster, the dispensing Power, was now look'd upon as subdued, and no Victory was ever celebrated with more eager or more universal Joy. Even the very Army, which, as in the two pre-

*A.D. 1688.**[P. i. p. 743.]**The Jury bring in their Verdict Not Guilty.**The Joy is universal.*

ceding Years, was encamp'd at *Hounslow-Heath*, had the Day before betray'd such a Disposition in favour of the Bishops, as made the Court uneasy: And, this Morning, to awe them by his Presence into a Conformity to his Measures, the King in Person had thought fit to make them a Visit: But, while he was yet in the midst of them, the News of the Acquittal arriving, they threw off all Restraint, and shouted as loudly and freely as the Populace had done before. His Majesty, who was then in Lord *Fewellham's* Tent, alarm'd at the sudden Uproar, sent out that Nobleman to know the Cause; and, being inform'd, *It was nothing but the Joy of the Soldiers for the Discharge of the Bishops*, reply'd, in much Disorder, *Do you call that nothing?— But so much the worse for them,*— meaning the Bishops, and not the Soldiers, as has been generally understood. Thus it appear'd, that neither the refractory Spirit of his Army, nor the avowed Disposition of his People, had any Weight with him: In less than a Week after the Bishops were acquitted he struck *Hillossay* and *Powel* off

The King sits in his unhappy Scheme

the *University of Oxford* as a public Mark of his Displeasure: And, as if he was still resolv'd to carry his Point, in defiance of Juries and *Parliaments*, he caus'd his ecclesiastical Commissioners to issue an Order, *July 12*, to all Ecclesiastical Archdeacons, Commissioners, and Officers, to enquire in what Churches and Parishes his Majesty's Declaration had been read, and to transmit an Account of them by the sixteenth of the next Month. *Thomas (I.) Bishop of Oxford*, was the first, who, in the midst of these Translations, he not only sent his *Mandamus* to the *Magdalen College* to elect *Gifford*, a *Scholastic* Doctor, secular Priest, and titular Bishop of *Madaura*, to be their President in his stead, but would have oblig'd the University to have honoured him with a Doctor's Degree; and, they resolutely refusing, proceeded even so far as to nominate the said *Gifford* to the *See of Oxford*: At least it is so said; though not sufficiently prov'd; for we find, that one *Hall*, an obscure Divine of *London*, was afterwards promoted to that Dignity, on the Merit of having comply'd with the Order of Council to read the Declaration. Nay, so far did his Resentments carry him, that Endeavours were us'd to prosecute certain Persons as Rioters, who had been at the Expence of Bonfires, when the Bishops were discharged: But tho' the Jury were sent out no less than three times, they refus'd to find the Bill.

Herby's  
Memo. p. 256.

We are yet farther told, that, finding it was exceeding difficult, if not impossible, for him to effect his Designs without open

Force, he thought it advisable to order that he might depend upon his Army, by inducing them to subscribe a Writing, in which they should engage themselves to conform, as far as in them lay, towards the Repeal of the Tests and Penal Laws. To bring this to bear, it was thought fit to propose the same to all the Regiments one by one; not doubting but that if two or three submitted, the rest would follow their Example. Accordingly, the Major of the Lord *Litchfield's* Regiment was order'd to open his Majesty's Desire to that Battalion, and command all such as would not instantly comply with it, to lay down their Arms: But he was not a little surpris'd when he found that, except two Captains, and some *popish* Soldiers, the whole Regiment obey'd the latter Part of his Command. The King himself remain'd speechless for a while; and, having recover'd his Astonishment, commanded them to take up their Arms again, adding, with a discontented, sullen Look, *That, for the future, he would not do them the Honour to ask their Advice.*

Of all the Matters of Accusation brought against the King, this seems to be the most heinous, as it implies a Resolution to perpetuate that Violence which he had committed on the Constitution by Force of Arms. Whether the Fact is to be depended on, or not, is not so easily decided: That many of our most prejudic'd Historians have made no mention of it; that no Trace is to be found of it in any of those labour'd Invectives which were the Growth of those embitter'd times; and that those who have mention'd it, apparently follow one-another, without citing any Authority; seems to argue, that, if it had any, it had but a slender Foundation. And, on the other hand, it is scarce supposable that Names and Circumstances should be so distinctly specified if it had no Foundation at all.

[Kenet, Echard, Echard, Giddings, Lift of King William, Secret Hist. of King James.]

In this Interval, to make a proper Use of the Victory he had gain'd, his Grace the Archbishop sent a Paper to the several Bishops of his Province, containing eleven Heads, or Articles, on which they were to enlarge to their Clergy; of which the most remarkable were as follow: That four times a Year, at least, they incultate, that all usurped and foreign Jurisdiction being, for most just Causes, abolished in this Realm; and that the King's Power being in his Dominions highest under God, they, upon all Occasions, persuade the People to Loyalty and Obedience to his Majesty, in all things lawful, and to patient Submission in the rest; promoting, as far as in them lies, the public Peace and Quiet of the World:

That

(1) Concerning this Prelate we find the following Passage in the Letter said to have been sent from Father *Pere* to Father *de Choise*:

"The Bishop of *Oxford* has not yet declared himself openly, the great Goliath is his Wife, which he cannot rid himself, his Design being to continue Bishop, and only to change Communion; and this 'tis not doubted but the King will permit, and our Holy Father confirm: So I do not see how he can be further useful to us in the Religion in which he is yet, because he is suspected, and of no Esteem, among the

Heretics of the English Church; nor do I foresee, that the Example of his Conversion is like to draw many others after him, because he declar'd himself so suddenly: If he had believ'd my Counsel, which was, to temporally stay some longer time, he would have done better: But I am sorry, or rather Zeal, that hurry'd him. The same may be said of other Prelates that will do no less than this: I am sure, 'tis better, to see how they may be serviceable to the Church, and produce more Fruit, while they are in the World, than to

That they maintain fair Correspondence (still in the kindest Respects of all Sorts) with the Country and Persons of Quality in their Neighbourhood, as being deeply sensible, what reasonable Affluence and Contenance the *Church* had receiv'd from them in her Necessities: That they also walk in Mildom towards them who are not of our Communion: And, if there be in their Parishes any such, that they neglect not frequently to confer with them in the Spirit of Meekness, seeking, by all good Ways and Means, to gain and win them over to our Communion: More especially, that they have a very tender Regard to *our Brethren* the Protestant Dissenters: That, upon Occasion offer'd, they visit them at their Houses, and receive them kindly at their own; and treat them fairly wherever they meet them; persuading them, if it may be, to a full Compliance with our Church; or, at least, that whereunto we have already attain'd, we may all walk by the same Rule, and mind the same thing: And, in order thereto, that they take all Opportunities of assuring and convincing them, That the Bishops of this Church are really and sincerely irreconcilable Enemies to the Errors, Superstitions, Idolatries, and Tyrannies of the Church of Rome; and that the very unkind Jealousies, which some have had of us to the contrary, were altogether groundless: And, in the last place, that they warmly and most affectionately exhort them to join with us in daily fervent Prayer to the *God of Peace*, for an universal blessed Union of all Reformed Churches, both at home and abroad, against our common Enemies, &c.

Mr. *Richard* also observes, that the more moderate Dissenters, about this time, becoming Converts to the Merits and Sufferings of the Church, and shewing an unusual Readiness to come in, the good Archbishop, and others, considered of proper Methods to promote this Inclination, and to gain them over, without doing any Prejudice to themselves. Accordingly a Scheme was laid out to improve and enforce the Discipline of the Church; and to review and enlarge the present Liturgy, by correcting of some things, and by adding of others; and, if it should be thought fit by Authority in Convocation and Parliament, by leaving out some few Ceremonies, confessed to be indifferent in their Natures, as indifferent in their Usage, so as not to be necessarily observed by those who made a scruple of them; till they should be able to overcome either their Weaknesses or

Prejudices, and be willing to comply with them.

About this time also, *Sprat* Bishop of *Rockester*, who had sat thus long with the ecclesiastical Commissioners, on the *Sunderland*-Principle, of being servicable to his suffering Brethren, put in for his Share of Popularity, by taking a solemn (*m*) Leave of them and their Proceedings: Hence Conclusions were drawn, that the Commission itself was not long-lived; for it was the known Characteristic of that Prelate, That no one had a quicker Apprehension of Danger than he, or had more Sagacity to avoid it: Indeed the Terror of it was already so miserably sunk, that scarce any Regard was shewn to their last Citations; and even upon the few Returns that were made, they did not think it proper to proceed: On the contrary, after a long Consultation, having renew'd their former Order, and assign'd a longer Day for those concern'd to shew their Obedience to it, they adjourn'd, and never met as a Court any more.

All this while, the Ferment of the Public both continued and increas'd, and that not only thro' their own Reincitements of the ugly Facts already recited, but the dextrous Use that was made of them: For, in political as in other Experiments, Nature must be help'd by Art, or 'tis odds but the whole Process goes off in Smoak: Inflammatory Writings and more inflammatory Reports, were the Growth of almost every Hour, and had the same Tendency to render the Government odious, and prepare the People for Change. Thus it was said, that the Bishops themselves, to hinder a general Insurrection, while their Cause was depending, had only prevented it, by exhorting the People, in the Words of St. *James*, "Be ye patient! Establish your Hearts! For the coming of the Lord's Deliverance draweth nigh." Thus, while the Preparations were making for the magnificent Fireworks, which were to be play'd off in honour of the Prince of *Wales's* Birth, it was given out, that, under that Pretence, a Design was carrying on to bombard the City, by way of Revenge for the extravagant Rejoicings they had made for the Deliverance of the said Bishops: And thus, when the Sky happen'd to be cover'd with thick Clouds, and inflam'd from End to End with Lightnings, which continu'd for many Hoars together, unaccompani'd either with Rain or Thunder, on the Night when those Fireworks were play'd off, all was turn'd into Prodigy

A.D. 1688.

Bishop Sprat takes his leave of his Brethren Comm'rs.

Inflammatory Reports.

[m] In these memorable Words:

"I most humbly intreat your Lordships favourable Interpretation of what I now write, That, since your Lordships are resolv'd to proceed against those who have not comply'd with the King's Command in reading his Declaration, it is absolutely impossible for me to serve his Majesty any longer in this Court as usual. I beg leave to tell your Lordships, that, tho' I may still dissent in that particular, yet I will never be any way instrumental in punishing those my Brethren that did not. For 'tis I still God to witness, that what I did was merely in a Point of Conscience; so I am fully satisfy'd, that their Forbearance was upon the same Principle. I have no Reason to think otherwise of the whole Body of our Clergy, who, upon all Occasions, have signaliz'd their Loyalty

to the Crown, and their zealous Affection to his present Majesty's Person, in the word of Times. Now, my Lords, the Safety of the whole Church of England seems to be exceedingly concern'd in this Prolocution, I will declare I cannot, with a safe Confidence, sit or judge in this Cause, upon so many pious and excellent Men, with whom (if it be God's Will) it rather becomes me to suffer, than to be in the least an Occasion of their Sufferings. I therefore earnestly request your Lordships, to intercede with his Majesty, that I may be graciously dismiss'd from any further Attendance at your Board: And to assure him, that I am still ready to further whatsoever I have to his Service, but my Confidence and Religion."

A. D. 1688.

and Portent; and it was impiously call'd an Expression of *God Almighty's* (n) Indignation against the Cheat which his Majesty had put on his Protestant Heirs.

The Son of the Charge against the King.

We are now come to that Point of Time, when it is suppos'd his Majesty had fill'd the Measure of his Iniquities; and we find the Right Reverend Historian of *his own Times*, in this Place, summing up the Evidence against him: But tho' he affects to draw his Conclusions from the Equity of the Case before him, he sets out, a little unluckily, with a Thought that seems to indicate, that Matter of Policy was to the full as much consider'd as Matter of Justice. The Trial of the Bishops, says he in effect, was consider'd all over *Europe* as a Trial of the Strength of King and Bishops; and the Decision was as favourable as possible. The Point of Prudence being thus compendiously dispatch'd, our Author proceeds to the Point of Right. The Dispensing Power, which had been usurp'd so soon, and exercis'd so long, he makes the Basis of all, and calls it, in his dry, perplex'd Way, a Power to make Laws void, and to qualify Men for Employments, whom the Law had put under such Incapacities that all they did was null and void; So that the Government, and the Administration of it, was broken: A Parliament, return'd by such Men, was no legal Parliament.— The same Power, that set aside these Laws, might have done the same by the rest. "And, continues his Lordship, when the King pretended, that this was such a sacred Point of Government, that a Petition offer'd in the modestest Terms, and in the humblest Manner possible, calling it in question, was made yet great a Crime, and carry'd so far against Men of such Eminence, THIS, I confess, satisfy'd me, that here was a total Destruction of our Constitution avowedly begun, and violently prosecuted. Here was not Jealousies and Fears: The thing was

open and avowed. This was not a single Act of illegal Violence; but a declared Design against the Whole of our Constitution. It was not only the Judgment of a Court of Law: The King had now, by two public Acts of State, renew'd in two successive Years, openly publish'd his Design. This appear'd such a total Subversion, that, according to the Principles that some of the highest Assertors of Submission and Obedience, *Barkeley* and *Grotius*, had laid down, it was now lawful for the Nation to look to itself, and see to its own Preservation. And as soon as any Man was convinc'd that this was lawful, there remain'd nothing but to look to the Prince of *Orange*, who was the only Person that either could save them, or had a Right to it; since, by all the Laws of the World, even private as well as public, he that has in him the Reversion of any Estate has a Right to hinder the Possessor, if he goes about to destroy that which is to come to him after the Possessor's Death."

All Parties, in the Infancy of their Undertakings, affect to act on Principle, and so ill is Government for the general administer'd, that the dullest of Men scarce ever need be at a loss for such Pretences as will set a Gloss on their Designs. The Dispensing-power was indeed such an Engine, as put the whole Constitution out of Joint; and the Admission of Popery into the Government, under whatever Mask, seem'd to threaten the very Fundamentals of civil and religious Liberty: This has been confes'd, even by those who have taken the most Pains to draw the Composition of Posterity on the King, and their Reproaches on his Adversaries: But then it is not altogether so clear, that, if the Nation had a Right to look to itself, the Exercise of that Right was confin'd solely to the Person of the Prince of *Orange*; nor that as yet his Highness himself was fully entitled to interpose on their Behalf, in virtue of his Claim

in

(n) The Catholics, on the other hand, who, on the Queen's being declar'd with Child, had made no Difficulty to pronounce, That it would be a Son, for God never did his Work by halves, now as freely pronounced, That the Heavens were on their Sides, and rejoiced in their Joy. And the following Passage from Mr. *Echard* further shews, that they put in practice all manner of Devices to advance their Cause, as well as their Opponents.

\* The Priests being now at the height, says the Archdeacon, were not wanting in putting all their crafty Methods in practice, in order to establish their Religion; and among the rest, they serv'd all Stratagems us'd in the Times of Ignorance; and sent terrible, threatening Letters to Persons of Quality, and others, if they did not very shortly reconcile themselves to the Mother Church of *Rome*. And, to shew the Spirit of the Persons and the Times, we shall insert a Letter that never was yet printed, from a *Rome* Friend in *London* to a Gentleman of the same County, who had given some Length with that Party, and done them singular Services when they were under Difficulties in the late Regency. The Letter, verbatim from the Original, runs thus: "Sir, That you have been eminent for your Loyalty in the worst of Times, no body can doubt; but now it is expected, that you should give some farther Testimony of your Affection: That which was reasonable a Year ago is now become necessary; and it cannot be surpris'd that you, who have gone thro' so far along with us, should first follow the End of the Race; but one Stage more carries us to the desired Haven, where we shall be rewarded for all our Pains and Dangers. This is the time, let every good Catholic declare himself; let us therefore do it greedily and boldly, to the Terror of our Enemies and Salvation of ourselves and Brethren. Those who should oppose us are lost; and thro' their Divisions; they are become stupid Anti-

mal, only fit for Burthen, mere *Machinal* Puppets; we standing silent, have made them play our Game; when they knew not what they did: We have deceiv'd them into a Snare, and we may now come from behind the Curtain, to afflict them farther. Now, Sir, I would advise you, for your own sake, to declare yourself for the Mother Church of *Rome*: You have been a powerful as a true and faithful Son; do not then, thro' Inadvertency, lose the Reward that is laid up for you. She is resolv'd to embrace no Ballards, nor to give her Children Bread in Dags, as Heretics have been always accus'd: They can desire nothing from Her, but her great Services. She now is willing to own all her Children, that are desirous to embrace her for a Mother: Let me tell you, in short, it is better to do it willingly, than by Compulsion; and she is resolv'd to make a thorough Reformation, to use our *God*, that it corrupt not again. I speak not this, that I think you want any Persuasion to induce you to renounce yourself; but only to give you a new Prospect of Affairs; and that a Man that has been so useful to us, as you have been, may not want the Respect that is due to his Merit. Come, therefore you are call'd! Many considerable Persons do daily declare themselves; you cannot but see that: I believe in three or four Months, they will come over to us in such Numbers, that they will scorn Heretics. We are strong enough already to see *France*; but we are willing to distinguish between those that come over for Love, and those that come over through Fear: That you may consider of at your Leisure; and I hope, it will be of use to you. And so, wishing you Health and Welfare, I remain,

Your affectionate Friend,

C. S.

A Review of the Reigns of K. CHARLES II. and K. JAMES II. 297

A. D. 1688.

in Reversion, since he had by his Minister *Zuylichem* just receded, in effect, from that reverſionary Clame, by acknowledging the Son of the King.

But, in Times of infant and preſſing Danger, ſuch Niceties as theſe are not attended to; when Self-preservation becomes the only Point in view, all things are held lawful that are expedient.

Befides, the Majority of thoſe People, who, in the late Reign, had gone ſuch Lengths in ſecuring the Inheritance of the Throne to a popiſh Heir, were now become ſick of their own Choice, and dreaded above all things the Continuance of that Succeſſion which they had then ſo fondly choſen. While the King remain'd without a Son, tho' they murmur'd, they ſubmitted; what they ſuffer'd under him, they expected the Princeſs of *Orange* to remove; and tho' his Highneſs her Conſort was not over-ſatisfy'd with the Conduct of his Father-in-law, he had his Reaſons for not proceeding to Extremities with him: But when an Heir apparent was brought to light, it was deem'd unpolitic to temper any longer; and both the Prince of *Orange* and the People of *England* grew alike impatient to incorporate Intereſts, and make one great and infant Effort to accompliſh their ſeveral Purpoſes: So that the very Boon which his Majeſty had ſo ardently beſought of Heaven, as the greateſt Bleſſing it could beſtow, and which, according to the ordinary Courſe of Things, was the only thing wanting to render his Throne unmoveable, (ſuch are the unſearchable Decrees of Providence) only ſerv'd to accelerate his Calamities, and precipitate his Ruin.

As to humble the Pride and reduce the Power of *France* was the governing Paſſion of the Prince of *Orange's* Life, ſo repeated Experiments had convinced him, that, without *England*, no Confederacy that he could make would ſuſſer the End; as alſo, that, while *England* continued under the preſent Direction, it was next to impoſſible to make it a Party in the Quarrel, or to break the Union which had ſo long ſubſiſted between the two Crowns. In order, therefore, to make this neceſſary Acquiſition, it was neceſſary to alter that Direction, which could no otherwiſe be done, than by removing the King: And this now appear'd to be no very difficult Talk; for, having loſt the Hearts of the People, he ſtood, like a tall Tree without a Root, liable to be laid prostrate by the firſt rough Gale that blew.

Thro' the Whole of the preceding Reign, it may be remember'd, that his Highneſs took care to eſtabliſh an Intereſt, both in the Court, and among the People, of *England*; and, after *Monmouth's* Death, it may be preſum'd, that he made it more his Care than ever. It is acknowledg'd by *B. Burnet*, (as already hinted) that, ſo early as the Year 86, he had not only been prevail'd to undertake the Buſi-

neſs of *England*, by Lord *Mordaunt*, but had engaged to be ready to act when it ſhould be neceſſary; that the following Year, the Earl of *Shrewsbury* apply'd to him on the ſame Head; and that his Agents were all the while as buſy as poſſible in working up the Ferment to ſuch a Pitch, as ſhould both authorize and enable him to interpoſe, in the Manner moſt conducive to his own Advantage: As the People had Reaſon to complain, he took upon him to redreſs, and ſo acquir'd the glorious Name of *Deliverer*; while the Part he really play'd was that of a contumacious Politician. If this is not Paſſegric, it is Truth; and, as ſuch, it carries with it its own Apology. Princes are govern'd by their Intereſts and Paſſions, as well as private Men; and thoſe who have been moſt idoliz'd by the modern World, have, in their moſt ſplendid Actions, proceeded on Motives very different from that Love of Virtue and that Appetite for Glory, which animated the Heroes of Antiquity.

The ſame Prelate, after whoſe Light (glimmering and uncertain as it is) we are oblig'd to walk in this intricate Path, farther informs us, that early in the preſent Year, Mr. *Ruffel*, who was a Conſin-German to the late Lord of that Name, and who had been a Gentleman of the Bed-chamber to the King when Duke of *York*, came over to the *Hague*, with a Commiſſion from many of great Power and Intereſt in the Kingdom, to ſpeak very freely to the Prince, and to know poſitively of him what might be expected from him: What he ſaid, we are told, was to this Effect: That all People were now at Gaze: That thoſe of little or no Religion had no Inclination to embrace a bad one, if they could ſee any probable Way of avoiding it, without ſuffering in their Intereſts; but, if not, they would be govern'd by Intereſt (e) only: That all were at preſent united, but, if a Breach ſhould once be made by Men of Figure, the Abandoned and Diſſolute, eſpecially in a diſſolute and abandon'd Army, would threaten themſelves under that Example, in which caſe the King would have a Party, and would grow formidable; whereas the Soldiers, tho' bad Engliſhmen and worſe Chriſtians, were as yet ſuch good Proteſtants, that neither were they attach'd to his Majeſty, nor could his Majeſty depend on them. The Prince answer'd, at leaſt we are told ſo, That he muſt ſatisfy both his Honour and Conſcience, beſore he could enter into ſo great a Deſign, which, if it miſcarry'd, muſt bring Ruin both on *England* and *Holland*: That neither Ambition nor Reſentment could ever prevail with him ſo far, as to make him break with ſo near a Relation, or engage in a War, which might prove fatal to the Proteſtant Religion, and the general Intereſt of *Europe*: And that therefore, he expected formal and direct Invitations, from thoſe Perſons who called upon

[Higgon, p. 420.]

A. D. 1688.

Mr. Ruffel's Negotiations with the Prince of Orange.

(\*) There is a Paſſage in the Letter from Father *Estre* to Father *de Chaul* ſubſtantially to this, viz. "That which does at ſuch Hours with the Lords and great Men is, the NUM. LXXXIV.

Apprehenſion of a Heretic Exceſſor: For (as a Lord, told me lately) *Affore me of a Catholick Succeſſor, and I will of ſure you, I and my Family will be for it.*"

for his Affluence: *Ruffel* objected the Danger of trusting such a Secret to great Numbers: And the Prince reply'd, That if a considerable Number of such Men as might be suppos'd to understand the Sense of the Nation should do it, he would acquiesce in it; and believ'd he might be ready to come over by the End of *September*. So that we find his Highness was of opinion, that the Voice of the People was the Voice of *God*; and that the same Returns which would serve to remove his Scruples in point of Prudence and Discretion, would operate as forcibly on his Honour and Conscience too.

Our *Historian* of his own Times fixes this Interview in the Month of *May*; but adds, "The main Confidence we had was in the Electoral Prince of *Brandenburg*; for the old Elector was then dying: And I told *Ruffel* at parting, that, unless he dy'd, there would be great Difficulties, not easily master'd, in the Design of the Prince's Expedition to *England*." Now the said Elector died on the last Day of *April*, O. S. whence it follows, that *Ruffel* had receiv'd his Audience, and taken his Leave, before that Event took place; and, consequently, that Measures were forming in *England* against the King, and embracing in *Holland*, before the second Declaration of Indulgence was publish'd, or the Order of Council, which was founded thereon; or the Prosecution of the Bishops was thought of; which his Lordship holds of such Weight for the Justification of those Measures.

To draw no farther Conclusions.—Who the Persons of great Power and Interest were, in whose Name *Mr. Ruffel* enter'd into this dangerous Negotiation, is not upon this Occasion specify'd; but, in speaking of *Mr. Ruffel's* Return, our *Historian* mentions, besides the Earl of *Shrewsbury*, the Earls of *Devonshire*, *Danby*, and *Nottingham*, the Lord *Lamby*, and the Bishop of *London*; the first of those Earls, as a Person to whom *Mr. Ruffel* thought fit to communicate what had pass'd at the *Hague*; and the rest, as Persons now for the first time apply'd to, and giving their Concurrence to the Design: But surely this is either a strange Instance of Forgetfulness or Inaccuracy; for, in the Transactions of the preceding Year, as given by himself, we find every one of these Noblemen by name, concerting Matters with *Mr. Dykvelt*, the *Dutch* Embassador, at the Earl of *Shrewsbury's*, and actually drawing up the Declaration, on which they advis'd the Prince to engage. In the same Passage, he also sets the *Marquis of Halifax* at the Head of the List; whereas he now tells us, that *Mr. Sydney* try'd, whether he (the *Marquis*) would advise the Prince's coming over; and that, as the Matter was open'd at great Distance, he did not encourage a farther Freedom, as concerning the thing impracticable, or at least so precarious, that no Man in his Series would build upon it: We are led by him into the like Perplexity, with regard to the Earl of *Nottingham*; for as, in the first Account, we find him set down as a sure Man on the Prince's Side, in the last, we find him embracing it at one Meet-

ing, and destroying it at the next, on a Scruple of Conscience. Possibly the last of these Accounts is most to be rely'd on; for *John Rossby* assures us, from *Lord Hallifax's* own Mouth, That he was not, at first, in the Secret of the Prince's Expedition: Nor is it reasonable to think, that Matters were so soon ripe for a Declaration: And, on the other hand, it is scarce supposable, that a Man of his intriguing Genius should be so industrious to pave his Highness's Way, without being in the Secret at all.

Our *Historian*, however, enlarges his Drama, as he draws near the Catastrophe; and, in particular, names three of the chief Officers of the Army, as the Persons to whom the Design was next propos'd; namely, *Trelawney*, *Kirk*, and *Lord Churchill*; Adding, that *Trelawney* engag'd his Brother, the Bishop of *Bristol* in it; and that *Lord Churchill* undertook for the Prince and Princess of *Denmark*; over the List of whom, his Lady had to abdicate an Ascendancy, that she had it in her Power to mould her into what Shape she pleas'd. He also takes care to inform us, that *Admiral Herbert* was not only of their Party, but that he actually went over to *Holland*; and that the Management of his Pride and overbearing Humour was in a great measure left to him; for so high a Value did he put on his own Merit and Importance, and so much was requir'd of the Prince in his Favour, that his Highness found it no easy Matter to put such a Constraint on his own Temper, as was necessary to accommodate it to his.

Concerning the Earl of *Sunderland*, he says, That a Suspicion prevail'd with some in *England*, that by the Means of *Mr. Sydney*, who was in the whole Secret, and who was not only his near Relation, but his intimate Friend, he would get into the Prince's Confidence; and that, when things were ripe, he would betray all: That this was signified to him from the Party by a Letter, with a Desire that he would put the Matter home to the Prince; and a Declaration, that till they were satisfy'd thereon, they would not go on: And that his Highness in answer did say, very positively, That he was in no sort of Correspondence with him. Our *Historian* adds, "His (Lord *Sunderland's*) Councils lay then another Way: And, if Time had been given him to follow the Scheme then laid down by him, Things might have turn'd fatally." His Lordship, it seems, had made his Application to the Queen, after her Delivery, as soon as Decency would give leave, and had represent'd to her, That the State of her Affairs was quite changed by her having a Son: That there was no longer any Necessity of driving on Matters so precipitately: That, under a gentle Management, Time would bring all about: That it would become her, in particular, to be the Author of moderate Councils, and thereby to quench the Flame that was already kindled: That, by this means, she would gain the Hearts of the Nation, to herself and Son; and might be declar'd Regent, in case his Majesty should die before the Prince came of Age: That these

Death of the  
Elector of  
Brandenburg.

Other Cors.  
Quakers visit  
the Prince.



A Review of the Reigns of K. CHARLES II. and K. JAMES II.

these Advices began to be hearken'd to: That, to give them the more Weight, he, all at once, declar'd himself a Papist; and thus, being thus in the same Interest with his, and most violently hated on that Account, he gain'd such an Ascendancy over her, that his Scheme was in a fair way of being put into Execution.

But, if his Lordship was not himself of the Party, we are assur'd by another Bishop, *Kennet*, that his Lady was: And this latter Prelate farther tells us, that Lord *Mordaunt* was said to be the Undertaker for the City; that the Earl of *Macclesfield*, who had retired into *Germany*, now came back to the *Hague*, to assist in the common Cause; that the Lord *Wharton*, old as he was, went abroad to countenance it; that the Marquis of *Winchester* was in the Secret, and sent his two Sons to the *Hague*, on the glorious Errand of Liberty; that the Lord *Elmhurst*, Son to the Marquis of *Hullifax*, was a voluntary Hostage to the Prince of *Orange* for his Father's Sincerity, as was also the Lord *Dunblain* for the Earl of *Derby*: He also mentions the two *Hampdens*, Father and Son; Mr. *Herbert of Chertsey*, &c. And Mr. *Erskine* throws in the Duke of *Norfolk*, the Earl of *Dorset*, the Lord *DeLamere*, the Lord *Willoughby* Son of the Earl of *Lindsey*, Sir *Robert Peyton*, Sir *Rowland Gwyn*, Mr. *Powle*, and several eminent Citizens of *London* (p).

Another fam'd Historian, and Dignitary of the Church, who, by his Countenance and Example, had contributed to bring things to this deperate Pass, and who liv'd to be assur'd of his Duëty, takes occasion to make it his Glory and his Baist, "That the main Body of those who made to brave a Stand, (by concurring with the Prince of *Orange*) were all of the Church of *England*; and that the Principles on which they stood were all Church-of-*England*-Principles." So that we are to conceive, that while the Crown and Mitre were in close Confederacy against the Dissenters, and every Severity was put in practice against them, that could possibly drive them to despair, it was the Principle of the Church of *England* to contend for the Omnipotence of the Prerogative, and to exact an absolute and unconditional Submission from the Subject: And that, when Popery had usurp'd the Chariot of Power, and they themselves felt the Wheels going over their own Necks, it was the Principle of the Church of *England* to contend for the Liberty of the Subject, and to make use of the Laws to overturn the Prerogative. Thus we find the same Inconsistency in Parties as in Governments; and Men endeavouring to

cheat themselves, and one another, without Appearance of Principle, when nothing but present Convenience, or Self-Interest, is to be found at the Bottom.

That very *Zuylijstein*, who came over hither with Compliments and Congratulations to the King on the Birth of his Son, had, under that smooth and courtly Commission, another, which would not bear the Light, and which tended to undermine and subvert that very Throne, he pretended to felicitate: For, it appears, that he made it his chief Business during his Stay here to mix with the Malcontents, and to co-operate with *Sydney*, *Ruffel*, &c. in bringing Matters to a Crisis, and so closely and happily did he follow his Instructions, that, we are told, he carry'd to the Prince at his Return such positive Advices, and such an Assurance of the Invitation he had desir'd, that his Highness became fully fix'd in his Purpose. Our *Historian* farther tells us, that these Advices were, That the Prince could never hope for a more favourable Conjunction, nor for better Grounds to break on, than he had at that time: That the whole Nation was in a high Ferment: That the late Proceedings against the Bishops, and those which were still kept on foot against the Clergy, made all People think the Ruin of the Church was resolv'd on, and that on the first Occasion it would be executed: That the pretended Birth made them think Popery and Slavery would be establish'd: That if this Heat went off, People would lose Heart: That the Army continued as good Protestants, tho' as bad *Englishmen*, as ever: That they drank the most reproachful Healths that could be invented, and treated the Papists among them with Scorn and Averision: That the King was so sensible of this, and so afraid of the Consequence, that he had broken up the Camp, and dispers'd them into Quarters; and that it was believ'd he would bring them no more together, till they were modell'd more to his Mind: That the Seamen shew'd the same Inclinations: That Admiral *Strickland*, who had the Command of the Fleet, and who was a Papist avow'd, having dismiss'd the Chaplain of his Ship, on some frivolous Pretence, and introduced certain Priests to officiate in his stead, the Seamen so highly resent'd it, that the whole Fleet was in a (7) Uproar: That *Strickland* having recourse to Severities, they grew more and more enflam'd: That the King thought the Matter of such Consequence, that he came down himself to accommodate the Matter: That he spoke very softly to the Seamen, but without making any great Impression, for they hated Popery in

Advised sent to the Prince by Zuylijstein.

[Barnet, v. 1. p. 754, 755.]

[Spart's Letters to the Earl of Dorset.]

The Design chiefly carry'd on by the King of the Church of England.

(7) According to *Bishop Kennet*, in the second Edition of his *Complete History*, vol. 1. p. 318, Note (c), Mr. *Edward* expressly affirms, That several of the Bishops, seriously reflecting on the imminent Danger to which the Protestant Religion, as well as the whole Nation, was expos'd, wrote Invitations to his Highness the Prince of *Orange* to succour them: But either that Prelate has misrepresented Mr. *Erskine*, or Mr. *Erskine* differs from himself; for, in his *History of England*, p. 1109, this very Party runs at full length: Many *Troops of Lords*, and considerable Gentlemen, seriously reflecting, &c.

(8) That Fact is thus related by Sir *John Royle*:

"The King went down, to the *Thames's* Mouth, as pretended, only to take a View of the Fleet; but the real Cause was, to appease the Seamen, who were ready to mutiny, on account of some of their Captains, who had publicly celebrated Mass in their Ships. The King flatter'd them all he could, wear from Ship to Ship, called them his Children, said he had nothing to do with their Religion, and that he granted Liberty of Conscience to all; but that he expected they would behave like his Men of Honour and Courage, when there should be occasion for their Service; tho' they were to far gratify'd, that all the Priests were order'd on shore." [Mem. p. 205, 206.]

A. D. 1688.

in general, and *Strickland* in particular: That when a Trial was made of their Affections with regard to the *Dutch*, they call'd them their Friends and Brethren, but said, they would willingly go against the *French*: And, lastly, that the King, from a due Sense of all this, was resolv'd to take other more moderate Measures.

After having proceeded thus far with this grand Confederacy of the Nobles, Gentry, and People, and the Consent they had form'd with the Prince of *Orange*, it is but natural to ask, On what Terms the said Consent was form'd, and what were the great Points in view? But here our great Oracle of his own Times has chosen to be silent; and whether so remarkable an Omission was the Effect of too much Art, or too little Intelligence, must be left to Posterity to determine. He talks indeed of Invitations, but he never stays to explain what they were; and, to supply this Defect, we are under a Necessity to have recourse to the State-tracts of those Times: Among which we find two Pieces of that Nature; one, call'd, *A Memorial of the Protestants of the Church of England to their Highnesses the Prince and Princess of Orange*; and the other, *A Memorial of the English Protestants to their Highnesses the Prince and Princess of Orange, concerning their Grievances, and the Birth of the present King of France and Wales*: The First is extremely short, the Last extremely long: One, according to its Title, enters into a large Description of the said Birth, the Other makes mention of it at all: This is said to have been presented to their Highnesses, That is, address'd only to Mr. *Bentick*, to be by him communicated to them: Both are without Name, or Date; and both begin in pretty much the same Manner: Whence it seems not unreasonable to conclude, that the same Persons were privy to Both; and that, for Expedition's sake, the short one was dispatch'd to the *Hague*, to serve as an Earnest

of their good Intentions, till the other was completed. Even in the Sketch, there was a List of Grievances, and another of Clauses, which last was sum'd up in these Words: "They most humbly implore the Protection of your Royal Highnesses, as to the suspending of, and Increasement made upon, the Laws made for Maintenance of the Protestant Religion, and our civil and fundamental Privileges; and that your Royal Highnesses would be pleas'd to insist, that the free Parliament of *England*, according to Law, may be restor'd, the Laws against Papists, Priests, papal Jurisdiction, &c. may be put in execution; the suspending and dispensing Power declar'd null and void; the Rights and Privileges of the City of *London*, the free Choice of their Magistrams, and the Liberties as well of that as of other Corporations restor'd; and all things return'd to their ancient Channel." We are told by *Bishop Kennet*, that this Sketch was accompany'd with a List of such eminent Divines as were call'd for the coming of his Highness to redeem them from the Danger they were in: And he adds, That among them were the Names of several, who were then sensible of that Danger, and yet afterwards loath'd their Deliverance.

The other Memorial is of itself a Volume, is partly historical and partly argumentative, and is calculated to prove, that the People of *England* had a Right to call upon their Highnesses for Assistance; and that their Highnesses had an equal Right to grant it: It begins, like the other, with a Recapitulation of Grievances: It relates the perfidious Behaviour of the said *Charles* King to his Protestant Subjects, by the Repeal of all the Edicts in their Favour, and the Persecution that follow'd it: And it charges a Part of that infamous Proceeding on his Majesty, by urging, that his Brother of *France* durst not throw off his *Dignité*, till he had publicly expos'd the Cause of Popery, and thereby

A. D. 1688.

Memorials  
From the Eng-  
lish Protestants  
to their Highnesses  
the Prince and  
Princess of Orange

[Vol. III. p. 517.]

(\*) The Influence are too many to be recoll'd, but some are these, viz. 1. Each of the Freeholders are oblig'd to declare for a Repeal of all the Laws made for Reformation of our Religion, and its Settlement. 2. All the Subjects are forced to solemnly swear and obey those that are no lawful Judges, Sheriffs, Justices of the Peace, Mayors, Lord-Lieutenants, and other Commanders; and all are threatened, vexed, and persecuted (as the Lord *Lockhart* now is) that bring any such have no lawful Authority. 3. All the Subjects are commanded to suffer all the Additions and Changes of their Lives, and the Severing of their Heirs to be inserted into, and their chief Inheritance, and many of their Freeholds, to be judged by the Discretion of a few of the King's Creatures, call'd his *Counsellors for Ecclesiastical Affairs*, whose Commission is, to proceed without and against the Rules of our Laws, with a sole obedience to all other Laws; and every Man is required to yield their arbitrary Powers, on behalf of their Country, which extend to Imprisonment for Life. 4. All our Ministers are required, under grievous, unseasonable Penalties, to be the King's Oriers, to pronounce in the Churches, the King's Power to suspend at once the Force and Use of all our Penal Laws made in four hundred Years past; to secure the Rights of the Crown, the Freedom and Property of the Gentry, and the Privileges of the Protestant Religion. 5. All the Protestants are forced, by Fear of the King's Wrath, to suffer the Rights of the Crown, and the Freedom of the Nation, against foreign Powers and Laws, to be publicly denied, and the Force of foreign Laws over them to be maintained; they are oblig'd by the King to resign their sacred Duties to God, to the Crown and Kingdom, of protecting at Law those Persons which they are duty bound, for which no Exemptions can be made, by Pre-

ference of Liberty of Conscience in *Christ's* Religion. 6. The *Justices*, and other Officers, being justly the King's, are oblig'd to quarter *French* and *Irish* on the necessary Soldiers, in their Neighbour Houses, against their Wills, in contempt of the ancient Laws, and the express Words of the late Statutes. 7. All the Gentlemen and Freeholders are press'd to renounce their native and legal Freedom in their Choice of Members for Parliament. 8. The Possession of the Cities and Towns are seized to yield up to the King's Will, the Tenure of their Magistrams, and all their free Customs and Privileges. 9. All the People are forced, by Fear of Punishment, to suffer a Child to be declared Heretick against the Crown, which ought not, by the known Laws of the Kingdom, to have been acknowledged, until lawful Writings of his Birth of the Queen had been duly published to the Kingdom, it was necessary in this case, whereas public Faith matters had a Commission. Yet, to their Shame and Confusion, the People are forced to term in their public Papers to protest him to God as their Prince, and then not to allow the Writings of his Birth. 10. Many of their Justices are press'd to find their Neighbours Criminals, tho' in their Consciences they think them innocent, as is notorious among many other Instances in the Case of those that made innocent Reprehensions of their Joy by the Justice that was done the *French* *Bishops*: And many are forced to submit to be tried by Masters above the Lord of their Estates by Force, and their Lives also, by Juries returned by secret Contrivances and Nominations, contrary to the Direction of our Laws, being neither of the said Justices nor most indifferent of the several Neighbours: to the Faith in question, nor by Sheriffs sworn as the Law requires; whereby the Courts of the Kingdom's Justice is perverted, and the legal Government subverted.

thereby reduced himself to a Necessity of relying on his Friendship; agreeable to the Speech made to that Prince by the Bishop of *Coblenz*, as the Mouth of the *French Clergy*; which was afterwards made public, with the Allowance of the *French Court*, and in which, after extolling the Merit, and enlarging on the Glory, of suppressing Heresy in *France*, he proceeds to say, "The King of *England*, by the Need he will have of Succour, and of the Support of your Majesty's Arms, to maintain him in the Catholic Faith, will quickly present you with an Opportunity to bestow a Protection worthy yourself." And farther declares, That the same popish Councils, which then prevail'd in *England*, were also at work to ruin the Religion and Liberty of the *United Provinces*: Whence it was reasonable to conclude, that the common Design of both Kings was, to extirpate the Protestant Interest every where. But the Topic which takes up most Room in this Memorial is, the Birth of the Prince; and, to shew that the whole Affair was a mere Imposition, no less than twenty Folio Pages are employ'd: The Refusal of their Highnesses to join with his Majesty in the Repeal of the Tests is made the Ground-work of it; and the Menaces contain'd in *Stewart's* last Letters are said to be preparatory to it; *Stewart's* Correspondence had been open'd in *July*; and, thro' the whole Course of it, he had press'd for a speedy Answer: But none coming, *August 5*, he gave his Highness to understand, "That if he did what was desir'd by the King, it would be the best Service to the Protestants, the highest Obligation on his Majesty, and the greatest Advancement of his own Interest; but, if not, all would be contrary." This, also proving ineffectual, is farther said, that a Friend of the *Memorialists* at *Whitehall* had, about the latter End of *August*, given them to understand, that all Talk of an Accommodation with their Highnesses was at an End; and that a Whisper had escap'd in *August*, "That they were obstinate in their Errors; that they were making their Court to the Church of *England*; and that they should repent it:" That what follow'd was, the Queen's Journey to *Bath*, the King's Pilgrimage to *St. Dunstons*, and a thousand legendary Tales of a Conception almost miraculous, &c. which serv'd only to excite Laughter and Ridicule in the Gay and Frolic, and, among the more Serious, immediate Apprehensions that a supposititious Son was to be produced, in order to render their Highnesses less significant for the future; agreeable to the Practices of the Priests on the like Occasions: That, in this Interval, *Stewart*, in another Letter, dated *October 8*, declares he should use no more Arguments with their Highnesses; laments the Loss of the Time of Compliance; and, in particular, breaks out into this Expression, *Alas! that Providence should not be understood*: Again, in *November*, he says, "All Hopes of your Highnesses Concurrence in the King's Design is quite given over; and Men are become as cold in it here, as your Highnesses were positive there:" And yet, again, upon a new Conference with the King, he

not only signifies his Majesty's Dislike of *Fitzgel's* Letter, but expressly adds, "That their Highnesses Answer had been too long delay'd, and the King had quite given over that Matter." Considering all these Circumstances, our *Memorialists* proceed to say, that they became confirm'd in their Suspicions; that the Collections and Observations they had since made abundantly justify'd them all; that they concluded and believ'd this pretended Prince of *Wales* to be a mere Counterfeit; and that they thought it their Duty to their Highnesses, to their Country, and to the whole Protestant Interest, (this Child being set up against all these) to set forth those Collections and Observations; the most material and most decent of which are as follow, viz. 1. The bodily Infirmities of the King and Queen, and the Sentence pronounced on their former Children by *Dr. Willis*, *Mala stamina vita*. 2. The almost universal Persuasion which prevail'd, both abroad and at home, that no Fruit was to be expected from such a Stock. 3. That it was hard to believe the Queen had conceiv'd at *Bath*, because she had not the usual Signs of Conception to warrant that Belief; and because the meanest Physician about her would have inform'd her, that Bathing would, in all Likelihood, destroy the Embryo. 4. That, in case she had her Reckoning from the Time of her following the King to *Windsor*, the Birth must be held premature; which was never intended, nor could have been credited; since the Child had none of the Passions usual in that Circumstance; but, on the contrary, was equally strong and lively. 5. That, during the Progress of her Majesty's Pregnancy, those skilful Matrons, who were planted, from time to time, to observe the several outward Indications of a big Belly, could not be satisfy'd, that there was such a Swelling in her Hips and Breasts, or such an Alteration in her Gait, as are incident to other pregnant Women; and that, for several Months together, she withdrew from her Chamber into her Cabinet, to dress and undress, with two or three of her own *Italians*; nor would ever suffer any of the Protestant Ladies to follow her, as they had before done without Difficulty. 6. That there had been no Notice given to the Princess of *Orange* of the Time of the Queen's expected Travel, tho' she was so deeply interested in the Event. 7. That Care was taken that Advice should be given to the Princess of *Denmark*, when she wanted atringent Medicines, to go to the loosening Waters of *Bath*, that she might be out of the Way when that Time should come. 8. That the Place where her Majesty purpos'd to lie in was kept in such Uncertainty, and often publish'd variously, (*Richmond*, *Windsor*, and *Hampton-Court*, having at several times been severally nam'd) that none of the Kindred and Friends of the Heir-presumptive, nor of the Protestant Nobility, could know how to prepare themselves for Attendance, according to their Duty. 9. That neither, when *St. James's* was at last nam'd, and the Queen so passionately declar'd she would lie there the

## The HISTORY of ENGLAND.

A. D. 1688.

that Night, tho' she lay on the Floor, nor when that Night came, and her Majesty rose from Cards to make her Words good, did the least Sign appear of an approaching Labour. 10. That the Room which had been chosen was fit for the introducing a *supposititious Child*, that in common Prudence it ought not to have been made use of, had not that Finesse been its Recommendation; there being a private Door within the Rail of the Bed, which had Communication with another Apartment, and which, had there been no bad Purpose to serve, ought to have been nail'd or seal'd up, to prevent the very Imagination of an Imposture. 11. That the Time of the Delivery was the Time of Divine Service, when all or most of the Protestant Ladies were likely to be at Church. 12. That no Physicians were in Waiting, as was both usual and necessary on the like Occasions. 13. That the only Persons admitted within the Rail were, the Midwife (Mrs. *Wills*), Mrs. *Labadie*, and Mrs. *Towry* (or *Turin*); all suspected Persons, because the two last were Foreigners, and all were deep in the Queen's Confidence. 14. That there appear'd nothing in her Majesty like the usual, natural Travel of a Woman in her Extremity; nor of those Symptoms preceding a Birth, which cannot be hid. 15. That the whole Progress of the Labour was carry'd in the dark, the Curtains being close drawn about the Bed. 16. That when the Bath was declar'd, it was not confirm'd by the Infant's Cries, which is one of the most constant and most natural Evidences that a living Child is born. 17. That, when the Midwife had deliver'd something close cover'd up to Mrs. *Labadie*, she left the Queen to follow the said Mrs. *Labadie* into the next Room; which could not have been done, without the utmost Danger to her Majesty, if the Birth had been real. And, lastly, That the usual Applications had not been made to repel the Milk; that the usual Consequences of Delivery did not appear; and that her Majesty was not left in so weak and languishing a Condition, as was natural to a Woman of her known Delicacy.

After a long and tedious Discussion of these Particulars, (which our *Memorialists* imagine to be sufficiently forcible and convincing to disinterested Persons) mix'd with a great Variety of Digressions, serving rather to cloud than clear the subject-matter before them, they, artfully enough, advise their Highnesses not to ground any Enquiry upon them, nor to take upon themselves the Burthen of proving a Negative, but to demand, in the Name of the Princess, and in behalf of the People, that a sufficient Number of *lawful* Witnesses of both Sexes should solemnly testify, that the Child, then call'd the Prince of *Wales*, was naturally born of the Queen's Body; and, in case this was refus'd, that they should then demand a Retraction of

the false News which the King's Ministers had publish'd in all the Courts of *Europe*, of the Birth of a Prince of *Wales*. They also say, "We crave Pardon, that we must freely tell your Highnesses, that it hath been our Astonishment, that your Highnesses have been so long silent, and have deferred to make your just Demand; and that you have so long suffer'd her Royal Highness's Chaplains to pray publicly for this supposititious Prince of *Wales*." — And again, — "We believe your Highnesses to be true Christians, that tremble in the Worship and Prayers before the eternal Majesty; and therefore hope, such a *Shew of owning* him will not be longer (1) suffer'd to be acted before the great God, that searcheth all the Hearts of Princes and Subjects."

Proceeding with their Remonstrances, they farther say, That their Highnesses may be absolutely certain, that the King acts, not by virtue of the *English* regal Office or Prerogatives, in his authorising Treasons to be daily committed against the Realm: That no King of *England* ever had a Right to grant Offices to Persons disabled by positive Acts of Parliament, nor to dispose at Pleasure any of their Subjects of their Properties: That such Actings were not the Actings of a legal *English* Monarch, but despotical Usurpations: That nothing remain'd to complete his Majesty's Renunciation of the Truths and Obligation of the *English* Regal Office, but his depriving the rest of the People, as he had already done most of the Boroughs and Cities, of their Liberty to chuse their own Representatives: After which, the ancient *English* Government would be wholly dissolv'd, and *Englishmen* would no longer have any Property in their Estates, their Families, or their Lives: That it was with bleeding Hearts they besought their Royal Highnesses Aid to defend them against such extreme Oppression: That as they were the next right Expectants of the *English* Crown, there could be no Question of their Right to interpose: That when he, who was, at first, a legal, supreme Magistrate, and who ought to have been obey'd, if he had so continued, call off the Quality and Use of that Character, and so abus'd his Power as to destroy the very End for which it was repos'd in him, in such Case he divested himself of the Office and Trust of a lawful Magistracy, to which alone the Laws of God and Man require Obedience: And that, upon the whole, in virtue of their own Right, and these Applications to them from the People, they humbly coug'd them to demand and insist *inseparably*, 1. That the ancient, free Government of *England*, by its own Customs and Laws only, made or approv'd in Parliament, be immediately restor'd in all the Parts of it, through the Kingdom; that is, that the Right of the Crown, and Freedom of the Realm, be forthwith vindicated from all the Submissions publicly

(1) Speaking of this Matter, Bishop Burnet says, "It was also taken in *England*, that the Princess should have begun to pray for the pretended Prince: Upon which, the naming him discontinued. But this was to highly

reiterated by the Court of *England*, that the Princess, fearing it might necessary a Repulse, order'd him to be again nam'd in the Prayers." [Vol. 4. p. 754.]

A. D. 1688.

publicly made to the Pope by the King that now is, to the Dishonour and Abatement of the English Crown and Realm, and from all the Clames made by the *Romish Church*, of any Powers and Jurisdictions whatsoever over *Christians*, or the Church of *England*. 2. That all Laws now in force against the Admission of the Canons and Jurisdiction of *Rome*, contrary to our Customs and Laws, and against the Maintainers of them, be forthwith declar'd to be put in due Execution, and all Suspensions of them, or Dispensations with them, without the Authority of Parliament, be declared null and void. 3. That the ancient Customs, Liberties, and Privileges of the City of *London*, and the whole Form and Course of its Government be forthwith restor'd, the Customs thereof being part of the Common Law of *England*, and its Liberties being established by the Great Charter, and many Acts of Parliament: That the Customs, free Election of their Magistrates, and all the Privileges of all the Cities and Boroughs of *England* confirmed by the Great Charter, and other Laws, be duly restored. 4. That legal Officers both civil and military be settled in all the Places of Magistracy, and all the Commands throughout the Kingdom. 5. That all Commissions whatsoever be forthwith revoked and declared null and void, whereby are granted any Powers of Discretion over the Persons, or Interest of the Subject, contrary to the Laws and Customs of *England*; especially the Commission for ecclesiastical Affairs, with its monstrous *non obstante* to all our Laws. 6. That the Freedom of Elections, which is the Foundation of the Government, be duly vindicated, and all the most *unworthy Prerogatives* to elect and vote as the King would have them revoked and renounced. 7. That the Kingdom may be restored as soon as possible to a Capacity of holding a legal Parliament, in such Form and Manner as the Laws require; by whose Help the Civil Government may be re-established, and Force and arbitrary Powers therein utterly abolished. And lastly, "We have your Highnesses Pardon, say our *Memorialists*, that we further humbly offer to your Highnesses, that Time and Accidents always make Changes in the Usefulness of Laws; and that it hath so happened in our Penal Laws made for Uniformity in the Profession of Faith, and in the outward Worship of *God*. Four of our succeeding Parliaments perceiv'd the Abuse of these Laws, and the Mischief arising thereby to conscientious *Christians*, and declared their Intention of relieving them if the King would have permitted them; and they endeavoured to stop the Execution of them, and desired a Settlement of Liberty of Conscience as due to *Christians*.

In these Regards, and the Subversion of the whole Government since made, Necessity and Charity may have the Force of Laws to enforce the Stay of the Execution of some of these Laws for Conformity, until those Matters may be settled in Parliament.

We therefore humbly pray your Highnesses to procure, as a Case of Necessity, that none

be disturbed until a legal Parliament shall have resolv'd the Case, for the Profession of their Faith in Matters merely supernatural, or the outward Expression of their Worship, so, as Both terminate only in *God*, and neither wrong nor hurt any Man on Earth in Soul, Goods, and good Name, but their own Souls only, if they be mistaken therein.

We now most humbly submit ourselves, and all herein contain'd; to your Highnesses Wisdom, Candor and Charity, and shall pray, &c."

It is as uncertain at what particular time this Memorial was presented, as by what particular Persons it was compos'd: There was no Date prefix'd to it, as already observ'd: It was address'd to Mr. *Bentinck*: It was sent by Express: And those who sent it, conclude their Billet to that Minister, with a Hint, *that he might hereafter know who they were*. But by whomsoever it was drawn up, or whensoever it was presented, it is pretty plain, that neither they, nor the Authors of the former, at that time, intended to make any farther Use of their Highnesses, than to redeem the Constitution out of Popish Hands, and to secure it from the like Danger, by securing the Succession to the Protestant Line: And it may be not unreasonably presum'd, that they believ'd they had made it sufficiently their Highnesses Interest to concur with them, by sending them such Helps to remove their little *Supplanter* out of their way. What more extended Views the Grandees of the Party had, is another Question. Those who lead, have always their Reserves, which they very carefully conceal from those who follow: And it is not to be conceiv'd, that the *Sydney* and the *Ruffin* communicated all they knew to the *Burnets* and the *Wildmans*. What the Prince of *Orange* meant by his Expressions to Mr. *Ruffin*, in part before cited, that if he was invited to come and rescue the Nation and their Religion, he believ'd he could be ready by the End of *September*, has been already hinted at, and will be more clearly and undeniably explain'd by subsequent Events: For, to suppose with some, or to represent with others, that he had nothing more at Heart than the Interest of the Reformed Religion, and a Concern for the Liberties of *England*, or than to be honour'd by Posterity as a Saviour and Deliverer, is scarce warrantable, either by the known Ingredients of his Character, or the Circumstances of the Times.

From the very Opening of this Year, when the Pregnancy of the Queen was made public in all the Courts of *Europe*, such Dispositions began to be made at the *Hague*, as seem'd to indicate some extraordinary Purpose in View: Measures were taken to bring the Difference which had arose between the *Dutch East India Company*, and that of *Brandenburg* to an amicable Decision: And those between *North* and *South Holland*, in relation to the *Imposts* laid on several Merchandizes carry'd out of one Province to the other, were actually accommodated by the Mediation of the Prince of *Orange*, on which

A. D. 1688.

*Protestantism taken by the Prince of Orange.*

Occasion

# The HISTORY of ENGLAND.

A. D. 1688.

Occasion the *States* acknowledged his Services in a solemn Letter of Thanks. Much about the same time a considerable Augmentation was made in the Number of Seamen; Orders were given for preparing two strong Squadrons of Men of War, under the Presence of protecting the Commerce, and chastising the *Agerines*: A general Survey was taken of the Frontier-Towns, the Fortifications of which, particularly of *Maastricht* and *Bergben op Zeem*, were repaired and improv'd; and a Fund was provided to answer the Expence. In *April*, when the Contest between the King and the *States*, in relation to the *English* and *Scots* Troops in their Service was at the height, the Elector of *Saxony* came to the *Hague*, and was caressed in so extraordinary a manner, both by the Prince and the *States*, as very sufficiently shew'd there was something more at the bottom of that Visit, than mere Matter of Curiosity on one Side, and Ceremony on the other. Upon the Elector of *Brandenburg's* Death, his Highness immediately sent his Favourite, *Bismark*, to compliment the new Elector (*Who*, we are told, was full of Zeal for the Reformed Religion, and had placed an entire Confidence in his Cousin of *Orange*) as being before him the State of Affairs, and to state the Design upon *England* to which he solicit his Assistance in putting it in Execution, &c. And we are further told, that his Answer was frank and full; that he desired all that was ask'd, and more; and that while the Negotiation was under a secret Management, the Elector of *Cologne's* Death came in very luckily to give a good Colour to Intrigues and Preparations. He was a Prince of the House of *Bavaria*, and of very considerable Power and Wealth; for his annual Revenue amounted to four Millions of Guilders; and the Troops upon his Establishment to twenty thousand Men: His Territories consisted of the Archbishopsric of *Cologne*, and the several Bishopsrics of *Liege*, *Munster*, and *Hildesheim*, which, in a manner, surrounded the *Netherlands*. *Munster* lay between them and the northern Parts of *Germany*, from whence their best Recruits came. *Cologne* commanded twenty Leagues of the *Rhine*, by which both an Entrance was open'd into *Holland*, and the *Spanish Provinces* were entirely cut off from all Succours out of the Empire; and, through *Liege*, nothing was easier than to penetrate into *Brabant*. Of all the Terrors that could arise from this Situation, the *French* had hitherto had the Advantage, by the Assistance of their old Instrument, the Cardinal-Prince of *Furstenberg*; who, having an absolute Ascendancy over the old Elector, had retain'd him always in their Interests: When, therefore, this Vacancy happen'd, the Pope, the Emperor, *Spain*, *Holland*, and all the Princes of the Empire, who were not in the Pay of *France*, made it a Point of the utmost Moment to have it fill'd by a Partizan of their own: But this appear'd a Matter of great Difficulty: The Election lay in the Dean and Chapter: The Cardinal-Prince was himself the Dean, and during his Administration

A. D. 1688.

he made use of all Opportunities to model the Chapter to his own Mind: The Canons are nam'd by the Bishop, and the Dean and Chapter, by turns: The Vacancies which fell to the Bishop's Lot he had Leave to fill up as he pleas'd; and his own Influence, as Dean, went a great Way in the Choice of the rest: Thus, before the Elector dy'd, he saw himself surrounded with his own Creatures; and, what was more, found means to make trial of their Intentions in his Favour, as follows: He had the Address to inspire the *Palatine*-Family with Hopes, that the Election might be carry'd in favour of a Prince of that House; and to persuade them that the best Way to secure it, would be, to obtain the Emperor's Consent to the Election of a Coadjutor in *Cologne*. They apply'd to the Emperor accordingly, and obtain'd what they ask'd: But when the Matter came to an Issue, it appear'd, that the Cardinal had only made them his Tools; for, of twenty-five Voices, he had nineteen, and they only six.

This sufficiently shew'd the Cardinal's Strength, and the Necessity of putting in practice any State-trick that could be devis'd to get the better of it. Accordingly, Ways and Means were first found to gratify the Interest of *Bavaria* on that of *Palatine*. The Elector of *Besavia* had serv'd in *Hungary* against the *Turks*, with Success and Reputation; but finding the Duke of *Lorraine* more considered at the Imperial Court, grew discontented, and began to hearken to the Temptations of *France*. Alarm'd at this, the Emperor endeavour'd to mollify him, by the Offer of a separate Command of twenty thousand Men; but without Success: For, about the same time, his great Rival being seiz'd with a Fever, he thought the Opportunity favourable to put in for the Command in chief; and made his Instances accordingly: His Imperial Majesty now demurred in his turn; and, in daily Expectation of the Duke's Recovery, deputed that Command to General *Caprera*: This exasperated the Elector more than ever: The Duke of *Lorraine* several times relaps'd, and, while the Dispute was yet in Suspence, the Archbishop of *Cologne* died: In order, therefore, to fix him once more in the Emperor's Interest, and to strengthen the Opposition to the Cardinal, his Electoral Highness was both gratify'd in *Hungary*, and had also the *Palatine* Voices in the Chapter made over to him, in favour of Prince *Clement* his Brother.

As the Prince of *Orange* and the *States* had a large Share in this Intrigue, and they were not unwilling to have it thought, that the military Preparations they were now making had a Relation to the Affairs of *Germany*, the Count *d'Assoux*, in six Days after the Death of the old Elector, presented a Memorial to the *States*, signifying, "That he had Orders to let them know, that whereas the King his Master desir'd nothing more than to preserve the Peace of *Christendom*, his Majesty was willing to prevent whatever might trouble it: That, seeing nothing was more likely to

trouble

Death of  
Cologne's  
May 15, O. S.

France  
1688

A. D. 1688

trouble that Peace, than such an Interposition of the Princes in the Neighbourhood of the Electorate of *Cologne*, as should encroach on the Liberties of the Chapter, and thereby hinder them from proceeding canonically in the Election of a new Archbishop, his Majesty, in such Case, could not refuse the said Chapter the Assistance they might stand in need of, for the Preservation of their Rights, and for the Security of the Places and Country depending on this Electorate: That, if any of those neighbouring Princes should go about to cause any Troops to march towards the said Electorate, under any Pretence whatsoever, and to force the said Chapter in any manner whatsoever, or to use any Force or Violence against the Places or Country of the said Archbishopric, his Majesty would send thither, at the same time, all the Successors which should be necessary to maintain those who had the Administration thereof, in all the Rights which belong'd to them: And that, on the contrary, in case the said neighbouring Princes and States did leave the Chapter at full Liberty to chuse a fit and worthy Person, and there should be no moving of Troops, either in the Empire, or in the Territories of the States, or in the Spanish Netherlands, to intimidate the said Chapter, those of his Majesty would also have Orders to abstain from any Action whatsoever, which might have a Tendency to trouble the public Peace, or give the least Apprehensions to such as were best dispos'd to maintain it.

[Baronet.]

But whatever Effect this intimidating Memorial might have with respect to the March of Troops, it had none on the Resolution which had been taken, at all Events, to set aside the Cardinal: On the contrary, he found the Courts of *Rome* and *Vienna* to closely and strongly consider'd against him, and so many ways able to embarrass all his Measures, that, notwithstanding his Pre-eminence in the Chapter, and the Protection of *Prussia*, he soon found Cause to be in pain for the Event. He was already in possession of the Bishopric of *Strasbourg*, which the French had forced him to accept of, in case of the Pension which they had engag'd to pay him; and, by the Rules of the Empire, he that was already a Bishop could not be chosen to a second, but by a Postulation; in which Case it was also necessary to have the Concurrence of two Thirds of the Chapter. In order, therefore, to get rid of that ugly Condition annexed to the Postulation, he chose to resign *Strasbourg*. But here arose another Difficulty: The Resignation could not be made without the Consent of the Pope; and thro' the King of *France* sent a Gentleman to his Holiness, with a Letter written in his own Hand, desiring him to accept of that Resignation, and promising him upon it all reasonable Satisfaction, he did not admit the Bearer, nor receive the Letter, saying, While the French Embassador is here like an Enemy, who had invaded his Court, he would receive nothing from

But so intricable as his Holiness was on one side, he was ductile on the other. Prince

A. D. 1688

*Clement* was then but seventeen, and was not of the Chapter of *Cologne*, consequently not eligible, according to their Rules, till he obtain'd a Dispensation from the Pope; which was granted as soon as ask'd; and with it the Emperor sent one to manage the Election in his Name, with express Instructions to offer the Chapter the whole Revenue and Government of the Temporalties for five Years, in case they would chuse *Prince Clement*, who wanted all that time to be of age: If he could make nine Voices sure for him, he was to stick him to his Interest; but, if he could not gain so many, he was to consent to any Person that should be set up in opposition to the Cardinal. He was order'd to charge him severely before the Chapter, as one that had been for many Years an Enemy and Traitor to the Empire. This was done with all possible Aggravations, and in very injurious Words.

The Chapter now saw, that this Election was like to be attended with a War in their Country, and other distasteful Consequences: For the Cardinal had been chosen *Vicar*, or Guardian, of the Temporalties; in virtue of which Trust, he had put Garrisons in all their fortified Places, which were paid with French Money: And they knew he would put them all in the King of *France's* Hands, if he was not elected: They had besides promis'd not to vote in favour of the *Bohemian* Prince, and therefore, by way of Compromise, offer'd to the Emperor's Agent, to consent to any third Person. But having made fire of the Number of Votes to *Prince Clement*, requir'd by his Instructions, he could not accept it. So the Election went on, and on the Day of Decision it was found, that the Cardinal had thirteen Voices, *Prince Clement* nine, and the Prince of *Neuburg*, and Count *Reichen*, one apiece. Thus it appear'd, that the Cardinal's Postulation was defective, since he had not two Thirds of the Chapters. And, upon the Whole, *Prince Clement's* Election having been ratify'd by the Emperor, as to the Temporalties, it was by him committed to his Holiness, who refer'd it to a Congregation of Cardinals, by whom it was finally pronounced valid.

Prince Clement's Birth was declar'd July 1684.

To complete the Mortifications of the Cardinal and his Party, the Deans of *Munster*, *Wilsheheim*, and *Lige*, were, by the like Management, severally promoted to those vacant Sees: And at the last of those Places, we are told, nothing but the Cardinal's Purple sav'd him from the Violence of the Populace; he being equally hated by them for his Attachment to *France*, and for the Effects of his own violent and cruel Administration.

This whole Affair had such an immediate Relation to the Peace and Safety of *Holland*, that, says *By Burnet*, if they had miscarried in it, the Expedition design'd for *England* would not have been so late, nor could it have been propos'd easily in the States. By this it appear'd, what an Influence the Papacy, low as it is, may still have in Matters of the greatest Consequence. The foolish Pride of the French Court, which had affronted the Pope, in a Point in which, since they allow'd

# The HISTORY of ENGLAND.

...the Prince of Rome, he certainly could not have such Rules as he thought fit, did not defeat a Design that they had been long driving at, and which could not have miscarried by any other Means, than those that they had found out. Such great Events may and do often rise from inconceivable Beginnings. These things furnished the Prince (of Orange) with a good Blind for covering all his Preparations; since here a War in the Neighbourhood was unavoidable, and it was necessary for the States to strengthen both their Alliances and their Troops: For it was visible to all the World, that if the French could have fixed themselves in the Territory of *Cologne*, the way was opened to enter *Holland*, or to seize on *Flanders*, when the King pleased; and he would have the four Electors on the *Rhine* at Mercy. It was necessary to dislodge them, and this could not be done without a War with France. The Prince got the States to settle a Fund for nine thousand Seamen to be constantly in their Service. And Orders were given to put the naval Preparations in such a Case, that they might be ready to put to Sea upon Orders. Thus things went on in July and August, with so much Secrecy, and so little Suspicion, that neither the Court of England nor the Court of France seemed to be alarmed at them.

But his Lordship is not over-accurate in the latter Part of this Account, nor indeed consistent with himself: For tho' it should be shew'd, that the Affair of *Cologne* had a Tendency to lull the Court of England into Security, we shall find it had a quite contrary Effect on that of France. Besides, the same Prelate acknowledges, "That *Alberville* came over fully persuaded that the Dutch design'd the Expedition against England." Now the very Yacht which carry'd back Mr. *Zuylichem*, in the Beginning of August, brought home *Alberville*; and if he was so fully persuaded of the real Designs of the Dutch, it must be admitted that the King had, thus early, Intelligence of his Danger. We cannot help remembering, moreover, that his Majesty not only entertain'd, but express'd, his Suspicions of the States long before, and having to lately broke with the Prince of Orange so tender a Point, it was but natural for him to keep his Eye perpetually fix'd on the Progress of his Highness's Repentment. Indeed, the whole Current of his Measures shews that he did so; for when the Dutch fitted out a Fleet, he did the same: And Lord *Sunderland* intimates, that the French made an Offer in the Summer of strengthening his Hands with a Squadron of theirs, which was refus'd.

The Bishop yet farther assures us, that France took the Alarm first, and gave it to England; and possibly Mr. *Bonrepa's* sudden and unexpected Arrival in England might help to establish that Notion: But he did not arrive here till the 11 of August, and so may be rather suppos'd to confirm than bring the News. Besides, whoever duly considers the Relations of things, will see Cause to conclude, that he came as a Minister to improve a Crisis, rather than as an Express with

Packets of News, which Mr. *Stetten*, the King's Minister at Paris might have forwarded as well. August 10, the Canons of *Liege* had given the killing Blow to the Pretensions of the Cardinal of *Furstenburg*, by electing their Dean Bishop. As soon as ever the News reached Paris, the new Christian King made a new Promotion of General Officers, order'd his Forces to be augmented with 10,000 Foot and 6000 Horse, and form'd the necessary Dispositions for assembling a considerable Army in *Flanders*, and another in the Empire, and dispatch'd Mr. *Bonrepa* to England, to offer his Britannic Majesty that Protection, which the Bishop of *Casiers* had so clearly foreseen he would stand in need of; or in other Words, to negotiate a formal Alliance, offensive and defensive, on the old Plan, it may be fairly suppos'd, of destroying the Dutch, and rooting out the Northern Heresy. Our Bishop certifies, that Mr. *Bonrepa* had Orders, by way of Inducement, to offer his Majesty the Assistance of twelve or fifteen thousand Men (others say thirty thousand) or as many more as he should desire, and to propose that they should land at *Parisbanc*; as also, that the said Place should be put into his Hands, to keep the Communication open between the two Kingdoms. His Lordship adds, "All the Priests were for this, so were most of the Popish Lords. The Earl of *Sunderland* was the only Man in Credit that oppos'd it; he said, The Offer of an Army of forty thousand Men might be a real Service, but then it would depend on the Orders that came from France: They might, perhaps, master England, but they would become the King's Master at the same time; so that he must govern under such Orders as they should give, and thus he would quickly become only a Vice-roy to the King of France. Any Army less than that would lose the King the Affections of his People, and drive his own Army to Desertion, it not to Mutiny." The King did not think Matters were yet so near a Crisis, so he did neither entertain the Proposition, nor let it fall quite to the Ground. There was a Treaty set on foot, and the King was to have an hundred Merchant-Ships ready for Transportation of such Forces as he should desire, which, it was promis'd, should be ready when call'd for. Lord *Sunderland*, himself, slip declares in his Apology, "That, after the Noise of the Prince's Design, more Ships were offer'd, and it was agreed how they should be command'd, &c. ever after." I, continues he, oppos'd to Death the accepting of them, as well as any Assistance of Men; and can say most truly, that I was the principal Means of hindering both, by the Help of some Lords, with whom I consulted every Day, and they with me, to prevent what we thought would be of great Prejudice, if not ruinous, to the Nation.

This, it is obvious, did not come up to *Bonrepa's* Commission, or the Expectations of the King his Master, who was not so desirous to engage in the Quarrel of England, as to connect the Weight, Power, and Consequence

[Gazette, Nam. 237.]

[P. 1. p. 766.]  
Mr. Bonrepa arrived at London on the 11th of August, 1688.

Which arriv'd in the Evening by Lord Sunderland.



A. D. 1688. tenance of England with his own. But this amounted to a provisional Treaty; and that the French Ministers, ordinary and extraordinary, *Bourepes* and *Bardillon*, condescended thus to put the labouring Oar upon their Master, was owing to a Persuasion, that when his Majesty found himself in the Toils, he would be glad to accept of Deliverance on any Terms.

Don *Pedro de Rengilla* was still the Minister for Spain at the English Court; and to a Person of his Sagacity, the very Arrival of *Bourepes*; at such a Crisis, was sufficient Information of his Errand: That, however, he might be able to give Satisfaction to his Court on somewhat better Grounds than his own Conjectures, he enter'd into a free Conference with Lord *Sunderland*; to whom he remonstrated, "That Mr. *Bourepes*'s Business must be either public or private: If the Latter, he had nothing to say to it; if the Former, he desir'd to be made acquainted with it; otherwise, said he, those whom it may concern will be at Liberty to make their own Conclusions, and take their own Measures." And the Answer he received was exactly agreeable to what has been already recited concerning *Bourepes*'s Negotiations, *viz.* "That whatever Measures the King should take, they would be only such as might serve to secure him against the Designs of *Holland*." This was at once a Proof that the Secret of the Dutch Preparations had already surpris'd, and an Avowal, that the King thought himself at Liberty, as he certainly was, to take what Measures he thought fit for his own Preservation.

What further pass'd at this Conference has not been remembered: But this, and the Notice which had been given in the Gazette, That his Majesty (*August 24*) had resolv'd to call a Parliament, and that the Writs should be issued on the 18th of September, were sufficient to convince *Rengilla* that the Alarm had already made to sleep an Impression, that nothing would be omitted to pacify the Ferment at Home, and to guard against the Danger from abroad. In order, therefore, to spread a new Veil before the Eyes of the King and his Ministers, he demanded a private Audience of his Majesty, which being granted, he began with assuring him, That the Dutch had no Design upon England; and then proceeded to set forth the fatal Consequences of his entering into an Alliance with France, and how ill it would found to the Nation, that, while he amus'd them with the Hope of a free Parliament, he should lay them under the Restraint of French Forces, whom, of all Foreigners, they most abhor'd. The King, on the other hand, play'd the Politician too; and affect'd to be greatly concern'd, that his Brother of France should draw upon him, the Suspicion of his Allies, by sending over *Bourepes* to so delicate a Crisis; call'd it the most unfriendly Turn he could have done him; wish'd it had been in his Power to have sent him back, the next Day after his Arrival; said, he should have no Encouragement from him to continue here; and concluded with

assuring him, that he had much rather maintain a good Correspondence with *Holland*, than place his Dependence on an Alliance with France.

Thus both Parties endeavour'd to circumvent each other; but, of the two, the King appears by far the most excusable: For, tho' he did not acquaint *Rengilla* with the whole Truth, he did not, like him, advance a gross Falshood; and, on the contrary, said enough to convince him, that, for the sake of Peace at home, he was ready to break off all Connection with the Power so much dreaded abroad. But, whereas it is currently said, and commonly believ'd, that *Van Citter* the Dutch Embassador at London confirm'd what *Rengilla* had advanced, with regard to the military Preparations of the States; as, that they were not design'd against any Part of the British Dominions, and assert'd farther, that France had perhaps more Reason to be alarm'd than England, our own Gazettes bear witness, that *Van Citter* return'd, on his private Affairs, as it is said, to *Holland*, in July, and that his Return was not even talk'd of at the Hague till the September following.

On the 6th of September N. S. we, moreover, find *Alberville* return'd to the Hague; and, on the 8th, presenting a Memorial to the States, in which he remonstrated, "That the great and extraordinary Preparations, which their Lordships were making, both by Land and Sea, at a time of Year when military Undertakings, especially by Sea, were usually given over, and which were Matter of Alarm and Surprize to all Europe, had oblig'd the King his Master, who had nothing more at heart than to live in Peace, and maintain a good Correspondence, with the States, to require, by him, the Tendency of these Preparations: That his Majesty, as their Ally and Confederate, had a Right to demand an Explanation: That he had been in continual Expectation of being inform'd by their Embassadors: But that he being wholly silent, his Majesty found himself under a Necessity to reinforce his Fleet, and to put himself in a Condition to maintain the Peace of *Christendom*."

The very next Day, Mr. d' *Arvaux* presented also a Memorial to their Lordships, setting forth, "That the sincere Desire of the King his Master to maintain the Tranquillity of Europe would not suffer him to see the mighty Preparations they were making, without taking such Measures, as the Prudence, inseparable from all his Actions, inspir'd him with, in order to prevent the pernicious Consequences, which the Continuance of those Preparations would intally produce: That as his Majesty, from a Persuasion of the Wisdom of their Councils, could not imagine that a free State should, on eight Grounds, resolve to take up Arms, and kindle a War, which, at the present juncture, could not but prove fatal to *Christendom*; so neither could he believe, that they would engage in such vast Expences, both at home and abroad; that they would entertain such Numbers of foreign Troops; that

A. D. 1688. [Cont. P. B. p. 59.]

[Numb. 2368 and 2379.]

*Alberville returns to the Hague and demands an Explanation of the great Preparations, which the States were making.*

[Numb. 2376.]

*Rengilla the Master of Spain informs the King that the Dutch Preparations did not regard England.*

*Mr. d'Arvaux presents in a memorial to the States in relation to England.*

... would fit out so numerous a Fleet, for the present Year; and prepare such vast Armaments, if they had not some Design in view, answerable to such immense Preparations; That from all these Considerations, his Majesty could not help concluding, that this Armament was directed against England; and had therefore commanded him to declare, in his Name, to their Lordships, that, in such case, the Ties of Friendship and Alliance, between him and the King of England, oblig'd him not only to assist him, but also to look on the first Act of Hostility, which should be committed by their Troops, or their Fleet, against his Britannic Majesty, to be a manifest Infracture of the Peace, and an open Rupture with his Crown.

The self  
obvious  
It is as pre-  
sented.

As the King had in person assur'd *Roussille*, and other foreign Ministers, that he had enter'd into no Alliance with France, this Memorial had the worst Effect imaginable, not only as it brought his Majesty's Honour into Question; but as it furnish'd the States with a new Pretence for continuing their Preparations, and placing the Guilt and Odium of a War to his Majesty's Account. It was enough for them, that, as well from the timing of the two Memorials, as from the Contents of the Latter, there was Room to surmise, that the two Courts acted by Concert, and to affect a Concern for their Safety: And, according to this outward Appearance of Things, without recurring to any War at all to Mr. *de Avenus*, they gave great Liberty to understand, in effect, "That they had arm'd, after the Example of the King of England, and other Princes; and that they had been long convinced of the Alliance between the two Kings, which Mr. *de Avenus* had now communicated."

The Court of England was by this time so disconcerted, that this dry Answer threw them into the utmost Consternation; and, from all those towering Flights, which us'd to fill their former Memorials, they sunk into the most abject Timidity: As soon as the News was receiv'd, a Council was held, in which it was resolv'd to disown Mr. *de Avenus*'s Proceedings, and to order his Majesty's Ministers at the Hague, Brussels, Madrid, &c. to deny that there was any such Alliance subsisting; and declare, that the French Memorial was presented without his Majesty's Knowledge or Participation: The Blame of all was, at the same time, laid on the (r) Omisciousness of *Skelton* who, it is said, had recommended that Measure to Mr. *de Cressy*, and who was soon after recalled in disgrace, and committed to the Tower.

But all was too late: Such a Discovery, whether true or False, was of more Consequence at the Hague, than all the Concealments the King could make; for which reason they resolv'd never to be undeceived; and, on the contrary, represented every Attempt of that Nature, as a Part of the Concert between the two Courts; so that one, by owing the Measure, might be at Liberty to make use of Force, and the other, by disowning it, might beat once served and screened. Hence it happen'd, that what was Policy in the Prince of Orange, and the States, pass'd on their Dependents as Conviction: And thus we find *Bishop Burnet* positively asserting, That this Memorial was a full Proof of a secret Alliance between the two Kings. "Otherwise," says he, "no Instance, how pressing soever, would have prevail'd with the Court of France to have own'd it in so solemn a Manner: For, what Embassadors lay in their Masters Name, when they are not immediately disown'd, passes for authentic." Not considering, that the Words *Amity and Alliance*, which are the very Words of the Memorial, are indefinite, and seem rather to relate to a general, than any particular Engagement, nor recollecting, that even *Lord Somers*, in his Apology, makes use of these Expressions: "I cannot omit saying something of France, there having been to much Talk of a League between the two Kings, I do protest, I never knew of any." Nor that he himself had just before said, That the King did neither entertain the Proposition (*Bourgeois*) nor let it fall quite to the Ground.

If it should be ask'd, how France came to interpose so rashly, and unwarrantably, in the King's Affairs? it may be answer'd, That it either was to make a Merit of their Friendship to his Majesty, and to find an Excuse for setting Europe once more in a Flame; or else, to render him so suspected to the Princes of the Confederacy, that he should have no other Choice, than the returning to those Proposals, which he had just refus'd.

On the same Day that Mr. *de Avenus* presented this notable Memorial to the States in relation to the Design upon England, he presented also another, in relation to the Affairs of Georgia, in which, in the same menacing Strain, he gave them to understand, "That the King his Master, being inform'd of the Motions and Cabals that were made towards the Frontiers of that Electorate, against the Cardinal of *Porcia*, and the Chapter, had order'd him to declare to their Lordships, That he was resolv'd to maintain the

Another Memorial of France to the States in relation to the Affairs of Georgia.

(r) It happen'd not Day, that *Minister de Cressy* being in earnest discourse with *Bellevue* concerning the Queen's Affairs, he propos'd, she latter answer'd, he had no other design, but to be inform'd in any matter that should be offer'd to the said Cardinal King, and to be ready at the Hague, to declare in the Name of his Majesty, his interest himself in the Affairs of his Majesty, and to be inform'd in such case, in case of any thing being offer'd against him, that he would quickly make use of his Preparations, and thereby bring the Affairs of the Prince of Orange, and of the Protestant States, into a full and open War, Mr. *de Cressy* took the Hint, and so soon afterwards that King with it, but

he sent Orders to the Court of France to declare to the States, &c. *Letter of King William*, vol. 1. p. 520.  
(s) As also, that he was the more confirm'd in this Matter by what he had heard from *St. Willian Trumbull*, at that time the King's Embassador at Constantinople, who said, that about three weeks, he was surpris'd to see *Minister de Avenus* the French Embassador, in such a manner, without their Convention, start upon *Bourgeois*, which he receiv'd for, by telling him, There was no Alliance betwixt them, nor any more, for that he was inform'd by Mr. *de Cressy*, and by *Seigneur de St. Amand*, that the King had resolv'd, that now, and henceforth, he would maintain the two Kings. Vol. 1. p. 769.

A. D. 1688.

said Cardinal and Chapter in their Rights and Privileges against all that should go about to molest them: And that his Majesty therefore assur'd himself, that those who desir'd the Preservation of the public Tranquility, would not commit the least Hostility against the said Cardinal and Chapter, nor against the Places and Country of that Electorate, which were rightly and properly under their Administration: And this will serve yet further to shew, that France was at present resolv'd to hold the Republic in Check, and which way soever the turn'd her Arms, to find its Account in opposing her. Nor was this all, his most Christian Majesty had also done his utmost to distress the Dutch, by prohibiting the Exportation of all their Manufactures both Linnen and Woollen, as also their Herrings, unless cur'd with French Salt. This was done with an Expectation, that all those concern'd would have immediately grown discontented with the present Measures of their Lords, and have clamour'd for such an Alteration as the Court of France should think fit to prescribe. But the Effect was quite otherwise. The People seem'd to have no Sense but of Indignation: And taking Advantage of this Disposition, the States made Reprisals on the French Trade, by prohibiting their Wines and Brandies, till the Current of public Affairs should return to its ancient Channel.

The Conferences at Lindeu.

In this Interval, the Prince of Orange had several (se) Conferences with the Electors of Saxony and Brandenburg, the Duke of Zell, and the Landgrave of Hesse Cassel, at Linden; in which the great Affair was adjust'd of taking into the Pay of the States such a Body of their several Troops, as should be sufficient to replace those of the Dutch, which his Highness propos'd to employ in the Expedition to England; and without which Precaution, the States had never come into the Measure at all, as being with Reason apprehensive, that France would never miss so tempting an Opportunity to shake the Republic to its Foundation. These Conferences were held between the sixth and the fourteenth of September, N. S. and at the Return of his Highness to the Hague, the whole Affair was debated by the States, who, upon the Issue, not only resolv'd to ratify the Agreement which he had made with those Princes, and to augment their own Forces with a new

Levy of ten thousand Men, but, from henceforward concurr'd with him unanimously in every Measure tending to facilitate the great Design in hand.

It is not long, since we left his Highness of Orange in the most perplexed Circumstances, traversed at every Step by the Lowvolesin Faction, oppos'd by the Lords of Amsterdam, and entangled in the Snares of France; and now we find him at the Head of the Commonwealth, directing its Motions as he pleas'd, without any Molestation from his Adversaries, and trampling the Interest of France under his Feet. To account perfectly for this great and sudden Change, without farther and better Lights than have yet appear'd, is out of our Power: For to suppose that the Animofities of Enemies, the Intrigues of Statesmen, and the Selfishness of Princes, should all at once give way to Zeal for Religion, and Tenderness to a suffering Neighbour, is utterly impossible: It is true, Bishop Burnet forgets, that Mr. de Louvois, who hated the Count d'Arance, had cut out the large Allowances which us'd to be made him for his Services: But tho' it should be admitted, that French Money had sometimes an Influence in the Dutch Cities, it will not follow, that the Opposition to the Prince was kept up by that only. On the contrary, it was the Power, Interest, and Credit of the Stadholder, which inter'd with the Ambition and Avarice of the Grandees of the State, that was the Root of that Opposition; and while those continued, it is natural to think the Opposition would have continued also. To solve this Difficulty, we must therefore conclude, that the Lowvolesin Party gave way to the Prince's Designs, on a Presumption, that if they miscarri'd he would be ruin'd; that, if they succeeded, he would chuse to reside where his Ambition would have the largest Scope, and that, either way, they should be deliver'd from the Umbrage of an overgrown Power, that obscur'd and oppress'd their own.

In this Interval Mr. Bonaparte left England; and, at once waving the Reluctance which the cool Reception of his Proposals had rais'd, and expecting the Effect of Mr. d'Arance's Memorial to the States, Mr. Barillon, as we are told, was order'd to make another Proposal, in his Master's Name, viz. That he would abandon his Designs on Germany, and carry the War into Holland, on condition, no doubt,

A. D. 1688.

Reflections on the Unanimity which now appear'd in the Dutch Towns, in behalf of the Prince of Orange.

Further Proposals to the King from the Court of France. [Life of K. William, &c. p. 325.] [Knevet, &c. lib. p. 519.]

(10) In treating of this Affair, which Bishop Burnet erroneously dates as antecedent to the Death of the Elector of the Hague, he is lapsing through in one of his own false Stories, which deserves to be pointed out for the Admiration of Posterity.

"The Duke of Hanover, was at that time in some Engagement with the Court of France. But, since he had married the Princess Sophia of the Palatine House, I ventured to send a Message to her by one of their Courts, who was then at the Hague. He was a French Refugee, named Mr. Bourne. It was to acquaint her with our Design with relation to England, and to let her know, that, if we succeeded, certainly a perpetual Exclusion of all Princes from the Succession to the Crown would be enacted: And, since she was the next Protestant Heir after the two Princesses, and the Prince of Orange, or whom at that time there was no Issue, I was very confident, that, if the Duke of Hanover could be distinguished from the Interests of France,

so that he came into our Interests, the Succession to the Crown would be lodged in his Person, and in her Possession; tho', on the other hand, if he continu'd, as he stood then, engaged with France, I could not answer for this. The Gentleman carry'd the Message, and deliver'd it. The Duchess entertain'd it with much Warmth; and brought him to the Duke to repeat it to him. But at that time this made no great Impression on him: He look'd on it as a remote and a doubtful Project. Yet when he saw our Success in England, he had other Thoughts of it. Some Days after this Frenchman was gone, I told the Prince what I had done. He approv'd of it heartily; but was particularly pleas'd, that I had done it as of my self, without communicating it to him, or my way engag'd him in it, for he said, if it should happen to be known that the Proposition was made by him, it might do us hurt in England, as if he had already declar'd himself for France as to the forming Projects concerning the Succession to the Crown."

A. D. 1688.

doubt, tho' it is not specify'd, that his Majesty would declare War against the Republic at the same time, and admit of no Treaty or Accommodation, without the Concurrence of his most Christian Ally. Four or five of the Council approv'd this Overture; and certainly, as far as the King's immediate Interest was concern'd, it was of the utmost Consequence: But the Majority as warmly oppos'd it, alleging, "That such a Violation of the Treaties subsisting between the two States would be sufficient to put the whole Nation into an Uproar, and utterly deprive the King of the Hearts of all his Protestant Subjects. The latter Opinion prevail'd, and possibly with so much the more Ease, from the Influence of a remarkable Incident, which had happen'd at *Portsmouth* just before.

Rejected.

Irish Recruits refused by certain Officers.

The Army had behav'd to the People, in every respect, as ill (x) as possible, except in their Adherence to the Protestant Religion: On which account they had render'd themselves as obnoxious to the King, as they had done by their Licentiousness to their Fellow-subjects: Hence his Majesty had entertain'd a Resolution to new-model them, by the Introduction of Catholic Recruits from *Ireland*, and chose to begin the Reform with the Duke of *Berwick's* Regiment, quarter'd at *Portsmouth*. The Experiment was try'd with about thirty, or, as some say, fifty, who were recommended by the Duke in Person; but, about the expected Success; for the Lieutenant Colonel, *Beaumont*, and five Captains, *Fisher, Parks, Orms, Cooke, and Port*, who had rais'd the Regiment at their own Charge, during the time of *Monmouth's* Invasion, had the Boldness to reject them; *Beaumont* remonstrating to his Grace, "That he was desir'd by these Gentlemen, (with whose Sense he concurred) to inform his Grace, that they did not think it consistent with their Honours to have Foreigners impos'd upon them, without being complain'd of, that their Companies were weak, or Orders had been sent to recruit them, not doubting, but, if such Orders had been given, they that first, in very ill Times, rais'd them Hundreds, could easily now have made them according to the King's Compliment. Therefore they humbly petition'd, they might have

leave to fill up their Companies with such Men of this Nation, as they should judge most suitable for the King's Service, and to support their Honours; or otherwise, that they might be permitted, with all imaginable Duty and Respect, to lay down their Commissions."

A. D. 1688.

The King was then at *Windsor*, and being inform'd of the Matter by Express, immediately dispatch'd a Party of Horse to bring up the Offenders, in order to their being punish'd with all the Rigor of martial Law; and they were brought up accordingly: But, before they could be proceeded against, Mr. *d'Avau's* Memorial had set the Kingdom in a Flame; and, therefore, instead of hanging them for Mutiny, as was at first given out, they were only (y) cashier'd. That Piece had been immediately set forth in *French* and *English*, and those who gave the People their Cue, took care to connect the *Portsmouth-Affair* with this suppos'd Alliance: It was given out, that the *French* Forces were to have landed at that Place, and that these *Irish* Recruits were introduced to facilitate their taking possession of it: There was a Disposition abroad to believe any thing of that Nature: And, on the other hand, not the least Suspicion prevail'd, that *Beaumont*, and his Associates were in the Interest of the Prince of *Orange*. The Nation thus reeling, the King himself grew giddy, and was advis'd by *Sunderland*, that there was no Way left to remedy the Disorder, but to unthread the Maze he had bewilder'd himself in.

Of all Doctrines, that of Self-denial is the most disagreeable to hear, and the most difficult to practise; and to those most, who have met with the most Indulgence: It was not, therefore, without great Reluctance, that his Majesty consented to ravel his own Web; and when he enter'd on that ungrateful Talk, he could not conceal how much it was against the grain, nor how loth he was to give over the Project, which he had gone such Lengths to accomplish. Thus, in his Declaration of September 21, which is expressly calculated to preserve those *revoke Rights* it was to chiefly (z) Members of Parliament from being under any Prejudices and Mistakes, thro' the Arti-

The King put on a Change of Measures.

(Gazette, Novemb. 23<sup>rd</sup>.)

fices

(x) A Captain, who was quarter'd at *Southwark*, had caus'd the Mayor of that Town, tho' a Man devoted to the Court, to be seiz'd in a Basket by his Soldiers, for being loy to him; which Indignity the King did not think it punish at this Juncture. (*Life of King William*, p. 222. Kennet.

(y) Sir *John Hervey* said, "With great Reliance on the Part of the King, who seem'd to dread the Consequence of it. They were offer'd Forgiveness if they would but accept the Men, but they all refus'd it; which caus'd a great and general Discontent throughout the Army, and sent many of the Regiment, most of which soon after mutinied." (*Ibid.* p. 273, 274.

(z) Nothing will better serve to exemplify under what Passions the Parliament was to have been chosen, than the following Reason from the Author just quoted, in the preceding Note.

"Upon my return to *York*, I took leave of his Majesty, but with terrible apprehensions that he would put the same Questions as he had to others, concerning the Report; but he had nothing at all of it, only enjoin'd me to stand a Candidate, for the next Parliament at *York*, which I would

gladly have been excus'd, but it could not be; and so he wish'd me a good Journey. Just at this time I had News, that the Question had been put, the Week before, to all our Judges of the West Riding, and that they had all answer'd in the Negative; so that I could not but think I had a lucky Escape.

I sent Notice to the Mayor and others of *York*, that I intended to stand for one of their Representatives, at the ensuing Election, and found the Magistracy would be for the most part against me, tho' I had good Recommendations from the *Commons*. The *Trade*, however, I was not so much to know how to do in this Matter; I was not desirous to be of this Parliament, not only because I was grown sick and almost unfit to attend the Duty of the House, but also because I was afraid the King would expect more from me than my Conscience would extend to; for as I was determin'd not to withdraw from on the one Side, so I could hardly resolve to stand for good a Matter on the other. In this Struggle, I went to the King at *Windsor*, and show'd him the Letters I had sent to *York*, and the Answer I had receiv'd thereto; desiring his Majesty to indulge me with Replies 29

A. D. 1638. *fices of disfaffected Persons*, his Majesty, with the same Breath, declares it his Purpose to endeavour a LEGAL Establishment of an universal Liberty of Conscience; and that he was resolv'd inviolably to preserve the Church of England, by such a Confirmation of the several Acts of Uniformity as should never be alter'd, unless by repealing the several Clauses which inflict Penalties on Persons not promoted, or to be promoted, to any ecclesiastical Benefices, &c. And thus, while, to remove the Fears and Apprehensions which many Persons had entertain'd, that the Legislative Power would be engros'd by Roman-Catholics, and turn'd against Protestants, he sets forth his Willingness that all such should remain incapable to sit in the House of Commons, he leaves an Opening to conclude, that he meant to reform the Roman-Catholic Peers to their Seats in the House of Lords.

Deputy-Lieutenants and Justices re. &c.

It immediately appear'd, that the Reserves in this Piece gave more Disgust than Satisfaction to the Public; and therefore, in the very next Gazette, an Article was inserted, signifying, That his Majesty had authoriz'd and empower'd the Lords Lieutenants of the several Counties to grant Deputations to such Gentlemen as had been remov'd from being Deputy-Lieutenants; and that he had also directed the Lord Chancellor to put into the Commission of the Peace, the Names of such others as had been laid aside, and as should be recommended by the said Lords Lieutenants.

His Majesty courts the Dutch.

In this Interval, also, by the Advice of the same Ministry, Instructions were sent to *Alberville* at the Hague, to dispel the Storm that was gathering there; if possible, by giving such Assurances, and making such Offers, as might remove all reasonable Grounds of Suspicion against his Majesty with respect to France, and make it the Interest of the States to forbear coming to a Rupture with him. Accordingly, upon the 5th of October N. S. his Excellency solemnly repeated those Offers and Assurances, in a formal Memorial to their Lordships, to this Effect, namely, "That whereas a great deal of Art and Industry had been us'd to make the World believe, that

his Majesty had entred into secret Treaties and Alliances with the most Christian King, his Majesty, to shew the great Regard he had to the Friendship and Alliances subsisting between him and their Lordships, and his Desire to continue the same, had commanded him, the said Envoy extraordinary, to assure their Lordships, in his Name, that there was no other Treaty between his Majesty and the most Christian King, than those that were public and in Print: And, farther, that as his Majesty extremely desir'd the Preservation of the Peace and Repose of Christendom, so he would be glad to take such Measures with their Lordships, as should be most convenient for maintaining the Peace of *Nimwegen*, and the Truce of twenty Years." The like Offers and Assurances were also made to all the other Ministers of the Allies; and his Majesty moreover declar'd in Council, that he would send an Ambassador Extraordinary into *Holland*, to negotiate a strict Alliance with the States, on such a Foundation as should bid fairest to secure the Peace and Repose of Europe. Of all this, *Bishop Burnet* makes no mention: Only he says, "*Alberville* did continue to deny the Alliance between the two Kings, even after the Memorial (that of Mr. *de Aranne*) was put in." All however prov'd fruitless: Their Lordships turn'd a deaf Ear, affect'd to remain unconvinced, and proceeded with their Preparations, as if unalterably determin'd to carve out Conditions for themselves.

A. D. 1638.

Thus disappointed abroad, his Majesty's next Relource was to make a Merit of those Endeavours at home: Accordingly, in the same Gazette which certifi'd, that the Dutch Preparations were really desin'd against England, *Alberville's* last Memorial was publish'd, that the whole Kingdom might be induc'd to believe, that his Eyes were at last open'd, and that he was willing to embrace any Measures which had a Tendency to disperse the Cloud which hung over him: As a farther Quillner, the Lord President *Sunderland*, by the King's Command, invited the Archbishop of *Canterbury*, and such of the Bishops as were within reach of the Town, to come to Court, his Majesty thinking it requisite to

is said.

seeds for the Bishops.

Speak

three Queries I had to make. 1. Whether, seeing the Cause was like to be both chargeable and difficult, and the Success extremely doubtful, it was his Pleasure I should stand? He reply'd, positively, I should. 2. Whether, as the Opposition was very strong against me, he would impute it to my Weakness if I miscarry'd? He promis'd he would not. 3. Whether he would think me all he could to prevent my being baffled, and particularly by such Means as I should propose to him? His Answer was, Yes; and he gave immediate Orders to the Lords for purging of Corporations, to make whatever Change or Alteration I desir'd in the City of *York*, and to put in or out, which the King, it seems, had reserv'd to himself by the last Charter, just as I pleas'd. But I was content of what I did in this regard: I consider'd, that if I put out some, it would look as if I had no Power, and debas'd me too; and that if I displac'd too many, it might exasperate the City against me, make them believe I was too deep in the Court Interest, and prevent my Success on the other hand; I therefore only declar'd that the Lord Mayor might be dismiss'd in Office, and Sir *Thomas* appointed in his stead, which would prevent his being a Member of Parliament; and that too, Mr. *Edward* *Pejus* and Mr. *Renshaw*, who were my principal Friends in the former Election of me for *York*, and were afterwards turn'd out, partly on my Account, might be restor'd in Aldermen.

I afterwards desir'd Mr. *Bress*, the Agent for Corporation Matters, that if he had the Power, I might, with some others I should name, be added to the Bench of Justices in that City, by a Writ of Assistance, which he promis'd me should be done.

Again, afterwards—Sir *Walter* *Fenwick*, and Mr. *Middleton*, came up to make Report to the King of the Answers they had receiv'd from the *Wig* *Bishops* and the Corporations, to the Queries they had put to them; in which I found the Lord Mayor and Aldermen of *York* were so fealty, that they would out of Court, and that I need not give my self the Trouble of getting them remov'd, and more remarkably my greatest Opposers; so I left them to their Star, and only insist'd on the Commission of Assistance for myself and Friends: I should name; but every Fall brought me new Fears I should not be chosen at *York*, tho' several Alterations and Restrictions from popular Elections, to a Mayor and twelve Aldermen, when the King appointed as he pleas'd, were now made by new Charters, for the more certain Election of such Members as might be to the King's good liking. And now Lord *Hallifax*, when I took leave of him, advis'd me not to be too much in earnest with my Election, it had, not to make too free a Use of the Court's Assistance, for many Reasons he then offer'd to my Consideration. (*Berry's* Mem. p. 267, 268, 269, 270, and 272.)

A. D. 1688.

*spoke to them* (these are his Lordship's Words): But all that pass'd at the Interview was general Expressions of Favour on the King's Side, and of Duty and Loyalty on the Bishops, both which, as one of their Lordships, Dr. Ken, pettishly observ'd, would have been in the same State, if they had not stirr'd one Foot out of their Dioceses; except that his Majesty gave them to understand, that he intended to take off the Bishop of London's Suspension; which was done accordingly.

*Given public Notice of the Dutch Design.*

At the same time, a Royal Proclamation was set forth, importing, "That his Majesty had receiv'd undoubted Advice, that a great and sudden Invasion was on the point of being made on this Kingdom, from *Holland*; That, tho' some false Pretences, relating to Liberty, Property, and Religion, contriv'd or worded with Art, might be given out, the real Purpose of the said Invasion would be nothing less than an absolute Conquest of the same, and the utter subjecting Princes and People to a foreign Power: That what seem'd almost incredible, certain of his Majesty's own Subjects, of restless Spirits, implacable Malice, and desperate Designs, not being mov'd with his reiterated Acts of Grace and Mercy, which he had study'd and delighted to abound in, were again endeavouring to embroil the Kingdom in Blood and Ruin, for the sake of a Prey or Booty out of the public Confusion: That, tho' his Majesty had receiv'd Notice, some time since, of the said intended Invasion, he had always refus'd furnish Succour; had chosen, next under God, to rely on the true and ancient Courage, Faith, and Allegiance of his own Subjects, with whom he had often ventur'd his Life, and in whose Defence, against all Enemies, he was resolv'd to live and die: That, therefore, he solemnly conjur'd his said Subjects, to lay aside all manner of Animosities, Jealousies, and Prejudices, and heartily and cheerfully to unite in the Defence of their King and native Country, &c. That, in regard of this strange and unreasonable Attempt from our neighbouring Country, without any manner of Provocation, which was design'd to divert his gracious Purposes to quiet the Minds of all his People in Matters of Religion, he found it necessary to recall the Writs which had been issued for the Election and Return of Members of Parliament: That he thereby strictly charged and commanded all his loving Subjects, whose ready Concurrence, Valour, and Courage, as true Englishmen, he no ways doubted, in so just a Cause, to be prepar'd to defend their Country: And that he did as strictly and expressly enjoin and prohibit all and every his said Subjects, of what Degree and Condition soever, from giving any manner of Aid, Countenance, or Succour, or holding any Correspondence with his Enemies."

This was dated September 28; on the 2d of October a general (a) Pardon was issued, with an Exception to sixteen Persons, viz.

*Robert Parsons, Edward Matthews, Samuel Venner, Andrew Fletcher, Colonel Rumsey, Major Manley, Isaac Manley, Francis Charlton, John Wildman, Titus Oates, Robert Ferguson, Gilbert Burnet, Sir Robert Peyton, Laurence Braddon, Samuel Johnson, Thomas Tipping, and Sir Rowland Gwynne.* And, on the same Day, his Majesty having sent for the Lord Mayor, Aldermen and Sheriffs of London, was pleas'd to tell them, That, out of his Concern for the Peace and Welfare of the City, and as a Mark of the great Confidence he had in them at that time, when the Kingdom was threaten'd with an Invasion, he had resolv'd to restore to them their ancient Charter and Privileges, and to put them in the same Condition that they were in, at the time of the Judgment pronounced against them upon the *Quo Warranto*, that so they might be the better enabled to serve him with that Duty and Loyalty, which they had given the King his Brother and himself for many Testimonies of, and upon which his Majesty did depend. He also directed the Lord Chancellor and Attorney-General to prepare and pass such a Grant or Instrument of Restoration and Confirmation as should be requisite, and that the same be forthwith dispatch'd.

*Orders the Charter of London to be restor'd.*

When the Bishops waited on his Majesty, it was in expectation that he would require the Assistance of their Councils, and under a Persuasion that he was ready to do whatever they should think necessary for the Security of the Protestant Religion, and the Peoples Rights; and they came prepar'd to advise him accordingly: When therefore they were so coldly entertain'd, and so unexpectedly dismiss'd, on a Pretence that the King was not at leisure to give them a Hearing, they retir'd in as much Mortification as Disappointment; and, to recover their Game, they entreated the Archbishop to procure them a second and more particular Audience, in which they might deliver their plain and sincere Sense of the dangerous Condition of the Church and State as became Men of their Character. This was their Purpose, as the Case is stated by Dr. Sprat; and the Archbishop applying for this Favour on Sunday September the 30th; his Majesty promis'd to admit them to a full Liberty of Speech on the Tuesday following; "at which time, says the same Prelate, had we been admitted, we could not have fail'd of getting some Credit to ourselves and the Church." But the King it seems was not willing they should acquire this Credit wholly at his Expence, and therefore postpon'd their Audience till the next Day; and, in the mean time, set forth his general Pardon, and endeavour'd to make his Peace with the City: On the Wednesday, however, they made their Appearance before him; and the Archbishop, with such a becoming Meekness, Gravity, and Courage, as indeed were admirable, says Dr. Sprat, presented him the following Plan of Advices:

*Advises the Bishop to give him Advice.*

"1. Our

(a) According to the Author of the *History of the Desertion*, there came out *not* some few Days before, but some few Days after, which all Corporations and Bodies Politic were excepted.

A. D. 1688.

1. Our first humble Advice is, That your Majesty will be graciously pleased to put the Management of your Government in the several Counties, into the Hands of such of the Nobility and Gentry there, as are legally qualified for it.

2. That your Majesty will be graciously pleased to annul your Commission for ecclesiastical Affairs, and that no such Court (as that Commission sets up) may be erected for the future.

3. That your Majesty will graciously be pleased, that no Dissolution may be granted or continued, by virtue whereof any Person, not duly qualify'd by Law, hath been, or may be, put into any Place, Office, or Preferment, in Church or State, or in the Universities, or continued in the same; especially such as have Cure of Souls annexed to them: And, in particular, that you will be graciously pleased to restore the President and Fellows of *St. Mary Magdalen College* in Oxford.

4. That your Majesty will graciously be pleased to set aside all Licences or Faculties already granted, by which any Persons of the Romish Communion may pretend to be enabled to teach public Schools; and that no such be granted for the future.

5. That your Majesty will be graciously pleased to desist from the Exercise of such a disposing Power, as hath of late been used, and to permit that Point to be freely and calmly debated and argued, and finally settled in Parliament.

6. That your Majesty will be graciously pleased to inhibit the four foreign Bishops, who style themselves *Vicars Apostolical*, from further invading the ecclesiastical Jurisdiction, which is by Law vested in the Bishops of this Church.

7. That your Majesty will be pleased graciously to fill the vacant Bishopsricks, and other ecclesiastical Promotions within your Gift, both in England and Ireland, with Men of Learning and Piety; and, in particular, (which I must own to be my peculiar Boldness, for 'tis done without the Privity of my Brethren) that you will be graciously pleased forthwith to fill the archiepiscopal Chair of York (which has so long stood (b) empty, and upon which

a whole Province depends) with some very worthy Person: For which (Pardon me, Sir, if I am bold to say) you have now here before you a very fair Choice.

8. That your Majesty will be graciously pleased to supersede all further Prosecution of *Writs Warrants* against Corporations, and to restore to them their ancient Charters, Privileges and Franchises, as we hear *God* hath put into your Majesty's Heart to do for the City of London, which we intended to have made otherwise one of our principal Requests.

9. That, if it please your Majesty, Writs may be issued out with convenient Speed, for the calling of a free and regular Parliament, in which the Church of England may be secured according to the *Acts of Uniformity*; Provision may be made for a due Liberty of Conscience, and for securing the Liberties and Properties of all your Subjects; and a mutual Confidence and good Understanding may be established between your Majesty and all your People.

10. Above all, That your Majesty will be graciously pleased to permit your Bishops to offer you such (c) Motives and Arguments, as (we trust) may, by *God's* Grace, be effectual to persuade your Majesty to return to the Communion of the Church of England, into whose most holy catholic Faith you were baptiz'd, and in which you were educated, and to which it is our daily, earnest Prayer to *God*, that you may be reunited.

These, Sir, (continued the Archbishop) are the humble Advices, which, out of Conscience of the Duty we owe to *God*, to your Majesty, and to our Country, we think fit at this time to offer to your Majesty, as suitable to the present State of your Affairs, and most conducing to your Service; and so to leave them to your Princely Consideration.

His Grace concluded all with a Prayer, that *God* would dispose and govern the King's Heart, that he might ever seek his Honour and Glory, and truly to preserve the People committed to his Charge in Wealth, Peace, and Goodliness, &c. The Bishops who concurred on this Occasion, were those of *Ely* (as we a part of our worthy) *Chichester, Rochester, Bath and Wells, Peterborough, London, Winchester, and St. Asaph*: And,

(b) For the sake of *Esther Perce*, as the Story is told.

(c) We are assist'd by *Mr. Edward*, that this last Point of reconciling the King to the Communion of the Church of England the Archbishop afterwards reinforced in a private Conference with the King, by a Discourse full of convincing Arguments, and which savour'd of all the free Brethrens of the penitential Times of Christianity. But the Romish Religion had now taken too deep Root in his Royal Breast.—*Bishop Ken* adds, "A Reader of this, from the Event of Things, would think it a great Providence, that neither the Father, nor the pretended Son, would have taken to any Counsel of forsaking *Joseph*." Which is certainly not of the *English Remains* that ever was said.

*Mr. Edward* (upon the Example, and nearly in the Words, of another Whig) is all eloquence upon this Subject, of the King's consulting the Bishops.

"Upon the reading a Letter from *Alleswell*, says he, consulting Advice, That Penitentiary *Fogel* had frankly own'd to him the Design of the Prince of Orange; adding, That if the Dutch Embassador in England had had any thing to the contrary, he had done it out of his own Head, and without Orders from the States: That several English Lords and Gentlemen had already cross'd the Sea, and lay private in

Holland, ready to accompany the Prince in his Expedition, the poor King could not, and for a while remain'd speechless and astonish'd: The airy Castle of unlimited Power, rais'd by the Magic of Jesuitical Councils, now vanish'd in a Moment; and the mislead Monarch, by the Prince's Approach, freed from his Inchantment, found himself upon the Brink of a Precipice; while all his intellectual Fountains flood thunder'd with a Distress, without daring to lend him a helping Hand, for fear that both he and they should be involv'd in the greater Ruin. One great Man, as I have been well inform'd, undertook to support his Spirit, by showing him, That the Danger was not great, and that the Prince of Orange might be diverted from the Design, or defeated in the Attempt. But he made answer in the Purview of the Informer, I know my *ten-to-one's* Character so well, that if he undertake any Design, he will go through with it; he will never be diverted, and very hardy defeated.

In this Extremity, the sinking Monarch, whom this imminent Danger had render'd clear-sighted, discover'd the chief Support of the English Monarchy, the Bishops, and eagerly endeavour'd to lay hold on that which before he had attempted to overthrow." [P. 1112.]

A. D. 1688.

A. D. 1688. And, says Dr. Kennet, tho' these Proposals, at any other time would have rais'd the King's Indignation, the Necessity of his Affairs now oblig'd him both to thank their Lordships for them, and to promise to comply with them.

Dr. Sherlock's Remarks upon them.

First Collection of Papers, p. 7.

But how favourably soever they were seemingly receiv'd within Doors, or how well soever they were calculated to re-establish the King and re-compose the Nation, they did not give universal Satisfaction without, as appears by a Paper, at that time, set forth by Dr. Sherlock, call'd, *An Account of the Proposals, &c.* in order to remove the groundless Jealousies, and unreasonable Surmises, which they had given rise to among some People, and silence the ill Constructions which had been put upon them. "They waited upon the King, says the Doctor, not as a Party separate either from the Nobility or Gentry, whom they could, I believe, have wish'd his Majesty would rather have call'd for at this Juncture, or from the rest of the Bishops or Clergy of England, but as Persons whom the King was pleas'd, upon Reasons known only to his own Royal Breast, to command to attend upon him." He also adds, towards the Close of the said Paper, "I do assure you, and I have the best Grounds in the World for my Assurance, That the Bishops will never stir one Jot from their Petition, but that they will, whenever that happy Opportunity shall offer itself, let the Protestant Dissenters find, that they will be better than their Word given in their famous Petition." Who these *some People* were which the Doctor alludes to, and from whence proceeded their Dislike of the Bishops Proposals, may be gathered from the following Passage of Mr. Samuel Johnson: "As soon as ever I saw them, I plainly perceived they were all of them deceitful and mountbank Remedies: And being urg'd for my Opinion of them, I gave my Thoughts freely concerning them; and the rather, because they were said to be very much applauded abroad. I said, that I was sure the King would comply with them, but not all at once; but he would make his Concessions so, as to garnish the Gazette with them twice a Week, and to amuse the People with a Succession of Favours, as if there were to be no End of them: That these Grievances being thus redress'd, there would be no need of the Prince of Orange's Expedition, to take care of that which was already done in his hand: That these Concessions would stand, till the King had recover'd his Fright; and then all things would return into the old Channel."

Tho' of Mr. S. Johnson.

The plain Truth is, that nothing could have prov'd more fatal to those embark'd in the Designs of the Prince of Orange, than such accommodation between the King and his People. Whatever therefore had any Tendency that way, could not fail to give them Umbrage: And so much the more in

Proportion, as the Expedients offer'd seem'd to promise Success. But then it must also be confes'd on the other hand, that if these were alarm'd, the Catholics were exasperated, as is evident by their affirming, in a Tract published at this time, under the Title of *The Dutch Design anatomiz'd*, "That the Bishops Proposals were the Contrivance of the King's Enemies, fram'd on purpose to amuse the People and make them believe, that the setting us to Rights was the only Design of the Dutch; as if till they were granted, we were not safe: (d) And if they then took the Liberty to complain of those Proposals, as so many Impositions put on the King, they made it reasonable to fear, that what was extorted at one time, would on that Provenience be resum'd at another."

A. D. 1688.

And of the Jesuits.

His Majesty, however, set out as if he was sincerely dispos'd to fulfil his Promises to the Bishops; for, on the second Day after their Audience, viz. October the 5th, he was graciously pleas'd to declare in Council, "That, in Pursuance of his Resolution and Intentions to protect the Church of England, and that all Suspicions and Jealousies to the contrary might be removed, he had thought fit to dissolve the Commission for Causes Ecclesiastical:" And accordingly he then gave Directions to the Lord Chancellor, to cause the same to be forthwith done.

The King dissolves the ecclesiastical Commission.

On the next Day the Lord Chancellor Jeffrey, that he also might have the Merit of making his Court to the City, in Person carry'd back the Charter in great Pomp and State, together with the Instrument of Restoration; and in his way to Guildhall met with such Treatment from the Populace, as at once testify'd how much the Government was fallen into Contempt, and how particularly odious he had render'd himself by his own tyrannical Behaviour. Sir John Shorter the Lord Mayor for the Year, was dead, and Sir John Eyles, a Nonconformist, had been appointed by the King to succeed him: But now he was superseded, and, Sir William Pritchard, to whom the Compliment was first made, having declin'd it, Sir John Chapman, a Churchman, was put into the Chair in his stead, to serve till the Feast of St. Simon and St. Jude; at which time the Citizens were to have the Election of their Officers as usual. All the displac'd Aldermen, who were still in being, were, at the same time restor'd; the Hall rang with Shouts of Joy; and before these Transports had time to wear off an Address of Thanks for the great Grace and Favour shown to them, in restoring to them their ancient Liberties and Franchises, was prepared and presented to his Majesty by the Lord Mayor, Aldermen, and Sheriffs; in which they moreover assur'd him, That they should, with all Duty and Faithfulness, cheerfully and readily, to the utmost Hazard of their Lives and Fortunes, discharge the Trust repos'd in them, according to the

The Lord Chancellor in Person restores the Charter of London.

Address of Thanks from the Lord Mayor, &c.

(d) In the same Pamphlet it is also said, "If out of pious Stubbornness, some will sit still and not assist the King in this juncture, or traitorously join with the Invaders, what can

they expect from his victorious Arms, but the Punishment due to their Perfidiousness and Cowardice."



A. D. 1688. *aword Principles of the Church of England, in Defence of his Majesty and the establish'd Government.* "The Commissioners of the Lieutenantcy, who were on the same Day restor'd to their ancient Powers and Privileges, came also with their sincere and humble Acknowledgment for his Majesty's peculiar Care of, and Acts of Bounty and Mercy towards, his ancient and famous City of London; especially for putting their Preservation into their own Hands, by suffering them to chuse their own Officers: And, "we must confess, said they, our Lives and Fortunes are but a mean Sacrifice to such transcendent Goodness: But we do assure your Majesty of our cheerful Offering of both, against all your Majesty's Enemies who shall disturb your Peace upon any Pretence whatsoever."

Hall consecrated Bishop of Oxford.

An extraordinary Form of Prayer.

Lords Lieutenant requests restor'd to hold over the Affairs committed by the Regulators of Corporations.

At such a Juncture as this, the Court seem'd to have had a good Bargain in obtaining two such Papers as these, in Exchange for the Restoration of the Charters; and it seems they thought so, by causing both to be immediately printed in the Gazette, as Inducements for the rest of the Nation to follow the Example. Two of the Confederated Bishops, viz. the Archbishop, and the Bishop of *Chichester*, about the same time, so far relented, as to join with their obnoxious Brother of *Chesler*, in consecrating Mr. *Timothy Hall*, Bishop of *Oxford*; tho', says Dr. *Kennet*, "The Advancement of such an unworthy Person to that See, could be nothing but a Despite to the University, and a Contempt upon the Church of England."

And in the extraordinary Prayers that in these doubtful and dangerous Times were added to the usual Forms, their Lordships, the Composers, threw in a great many Expressions, which seem'd to argue a thorough Attachment to his Majesty's Person, and as much Zeal for his Government as was consistent with their late Protestation against the Errors of it, as appears by the following Passages:

"In this time of Danger save and protect our most gracious King; give thy holy Ang. Charge over him; preserve his Royal Person in Health and Safety; inspire him with Wisdom and Justice in all his Counsels; prosper all his Undertakings, for thy Honour and Service, with good Success, &c." Another had these Petitions, "Preserve that Holy Religion we profess, together with our *Laws* and ancient Government; and unite us all in unfeigned and universal Charity one towards another, and in one and the same holy Worship and Communion."

To proceed with the Course of his Majesty's Concessions, upon the 11th it was farther declar'd in the Gazette, "That his Majesty, having receiv'd several Complaints of great Abuses and Irregularities committed in the late Regulations of the Corporations, had thought fit to authorize and require the Lords Lieutenant of the several Counties to inform themselves of all such Abuses and Irregularities within their Lieutenantcies, and to make forthwith Report thereof to his Ma-

jesty, together with what they conceive fit to be done for redressing the same; and that thereupon his Majesty would give such farther Orders as should be requisite. On the 12th it was again published from *Whitehall*, That the King having declar'd his Resolution to preserve the Church of England in all its Rights and Immunities, his Majesty, as an Evidence of it, had signify'd his Pleasure to the Right Reverend Father in God, the Lord Bishop of *Winchester*, as Visitor of *St. Mary Magdalen College in Oxford*, to settle that Society regularly and statutablely."

And on the 17th a Proclamation was issu'd for restoring Corporations to their ancient Charters, Liberties, Rights and Franchises: And Orders of the Council for removing and displacing all Mayors, Sheriffs, Recorders, Town-Clerks, Aldermen, Common-Council-Men, &c. which had been put in by the late King, or his present Majesty, ever since the Year 1679.

All these reasonable Acts of Grace, we are taught to believe, were but as so many Tubs to the Whale; And it must be acknowledg'd, that his Majesty's Conduct during this Interval was not all of a Piece. Sir *John Reresby* observes, that in the Beginning of *October* a special Messenger came down to *York* with a Commission to purge the Corporation, to put out the former Lord Mayor, and to appoint others, almost all Papists (as were also the two Lords Lieutenants of *Yorkshire*, the Lord *Thomas Howard*, then his Majesty's Ambassador at *Rome*, and the Lord *Fairfax*) but that the said Commission was so defective, and so many Mistakes were made in the Execution of it, that it frustrated the Design. The baptizing the Infant Prince into the *Roman* Communion, the admitting the Pope to be his Godfather, and the making the Ceremonial solemn Article in the Gazette, is represented as another unpopular thing, and what might well be thought a design'd Insult upon the Protestant Religion.

The King had, indeed, so utterly lost his Credit with the Nation, and the Nation were so thoroughly sharpen'd against the King, that whatever had a Tendency to blacken him sunk easily into their Minds; and whatever, on the contrary, ought to have been admitted in extenuation of his Misdeeds, made no Impression at all. For the general, the People are apt to run into the opposite Extreme; to be struck with foolish Compassion for their Princes in distress; to accept of verbal Penitence; and to become the Bubbles of their own Credulity: But now, no Sign of Sorrow, no Acts of Grace; not even actual Restitution, could mollify them: Art had now got the better of Nature: Those who had first work'd up the Tempest took daily care to keep it raging; And hence it follow'd, that, while the Uproar lasted, the still Voice of Reason could not be heard.

Of all the Stories that were propagated at this time, none had so deeply affected the King in the Hearts of his Subjects, as those in relation to the young Prince's Birth; and now they grew louder, more frequent, and

A. D. 1688.

Order for restoring Magdalen College regularly and statutablely.

Corporations restor'd to their ancient Charters.

A. D. 1688.

more fatal to him than ever. The Memorial before-quoted had been publish'd in Holland, and found its Way into England; almost every Hour gave birth to some new Whisper, in confirmation of the Imposture; and, to put it out of all Question, that nothing had been advanced on that Subject, which could not be demonstrated; it was even asserted, that the true Mother of the pretended Prince had made her Escape with a certain Lady to Holland, and would be brought over in the Dutch Fleet.

This was carrying the Charge as far as possible; and in exact proportion to the Confidence with which it was laid, it obtain'd Belief: Hence, when the Mischief had taken root in every Corner of the Kingdom, it came to be consider'd at Court, and his Majesty found himself under the cruel Necessity of making such an Enquiry, and publishing such a Report, as would have shock'd the Meanest of his Subjects.

October the 22d, the Privy-Council being extraordinarily assembled, and the King present, the Queen-Dowager, as also several of the Peers both Spiritual and Temporal, the Lord-Mayor and Aldermen of London, the Judges, &c. attended, by his Majesty's express Desire and Appointment, to whom he address'd himself, as follows:

"I have called you together upon a very extraordinary Occasion; but extraordinary Difficulties must have extraordinary Remedies. The malicious Endeavours of my Enemies have so poison'd the Minds of some of my Subjects, that, by the Reports I have from all Hands, I have Reason to believe, that many do think this Son, which God has pleas'd to bless me with, to be none of mine, but a suppos'd Child. But I may say, that, by a particular Providence, scarce any Prince was ever born, where there were so many Persons present. I have taken this time to have the Matter heard and examin'd here, expecting that the Prince of Orange, with the first easterly Wind, will invade this Kingdom; and therefore I thought it necessary to have it now done, in order to satisfy the Minds of my Subjects, and to prevent this Kingdom being engaged in Blood and Confusion after my Death."

His Majesty then call'd on the several Persons who had been present at the Queen's Labour, to declare what they knew concerning it, beginning with the Queen-Dowager; which many of them did in such broad Terms, that 'tis fit to spare Posterity the Blushes which must accompany the reading them:—Tho' some Extracts must be made, for Impartiality's sake. The Queen-Dowager was pleas'd to say, "That when the King sent for her to the Queen's Labour, she came as soon as she could, and never stirr'd from her till she was deliver'd of the (r) Prince of Wales." The Lady Powis, a Catholic, depos'd, That she was with the Queen a Quarter of an Hour before, and at, the

Birth; that the Prince was the Child then born; and that she had never been from him one Day since. The Ladies Arvan and Rescouson, Protestants, depos'd, That they saw the Child taken out of the Bed. The Lady Peterborough, another Protestant, that she stood by the Bed-side while the Queen was deliver'd of the Prince of Wales. The Lady Fingal, a Catholic, that she stood by the Bed's-foot, when her Majesty was deliver'd of the said Prince. The Lady Bulkeby, another Catholic, that she heard the Queen say, Mrs. Wilke, don't part the Child! The Lady Bellagi, a Protestant, that she saw the Child taken out of the Bed; with the Addition of such other Circumstances, as she thought most convincing on such an Occasion. The Lady Wentworth, and the Lady Wadgrave, threw in other Circumstances of the like Nature; and the first of them, in particular, depos'd, That she did once feel the Child stir in the Queen's Belly, while her Majesty was in (s) Bed. Mrs. Dawson, a Bed-Chamber-Woman, swore, that she found the Queen alone, sitting on a Stool, when her Pains came on: That she receiv'd the Queen's Orders for preparing her Bed: That she saw Fire brought into the Queen's Room in a Warning-pan, to warm her Bed: That she saw the Queen go to Bed; and that she never stirr'd from her till her Majesty was deliver'd of a Son. Mrs. Brunley and Mrs. Tivini, two other Bed-Chamber-Women, depos'd, they were present all the Time of the Labour. Mrs. de Labadie, Dry-Nurse to the Prince, depos'd, That she receiv'd the Child from the Midwife, and took care of it till she had done with the Queen, &c. &c. Mrs. Wilke, the Midwife, depos'd, That she made the Bed for the Queen, in the Presence of most of the Ladies; and omitted no one Circumstance necessary to prove a Labour and Delivery: And Mrs. Pearse, the Queen's Laundress, swore, That she saw the Prince of Wales given by the Midwife to Mrs. Labadie; and that she and her Maids receiv'd the Linen from the Queen, &c. This is the Sum of the Evidence deliver'd by the Ladies, &c. except that by Lady Sunderland, which requires to be made a separate Article.

Concerning this Enquiry, Bishop Burnet Dr. Burnet's writes as follows: "It was at first prov'd, Obedience, P. 1. p. 785. that the Queen was deliver'd a-bed, while many were in the Room; and that they saw the Child soon after he was taken from the Queen by the Midwife. But in this (the taking the Child from the Queen must be understood) the Midwife was the single Witness, for none of the Ladies had felt the Child in the Queen's Belly. The Countess of Sunderland did indeed depose, That the Queen call'd to her to put her Hand, that she might feel how the Child lay: To which she added, Which I did; but did not say, whether she felt the Child or not: And she told the Duchess of Hamilton, from whom I had it, that, when she put her Hand into the Bed, the Queen

A. D. 1688.

Several Depositions in relation to the Birth of the Prince.

(1) For whom she had answer'd as Godmother.  
(2) Bishop Burnet mentions this Evidence; but, to in-

validate it, says, "She was a Bed-Chamber-Woman, as well as a single Witness, and that she felt it on no Time."

A. D. 1658.

Queen held it, and let it go no lower than her Breasts; so that she really felt nothing. And this Deposition, brought to make a Shew, was an Evidence against the Matter, rather than for it; and was a violent Presumption of an Imposture, and of an Artifice to cover it.

The Lady *Sunderland's* Evidence, taken together, was as follows: "That, when she came to the Queen, her Majesty told her she believ'd it would not be her Labour: That the Bed was warm'd; that the Queen went into it; that she persisted in her Opinion, that she should not be brought to bed a good while; that the Midwife, on the contrary, assuring her that she would have but one thorough Pain to bring the Child into the World, her Majesty reply'd, It is impossible.— The Child lies too high;— and commanded her to lay her Hand on her Belly: "Which, continues she, I did;— and, after the great Pain came, the Queen was deliver'd of a Son, and I made a Sign to the King, that it was a Son."

The Evidence of the Lords who attended his Majesty in the Queen's Bed-Chamber, during the Labour, is less circumstantial than that of the Ladies; for which Reason it is needful to repeat it, except that the Earl of *Craven*, a Protestant, said, "I took that particular Mark of the Child that I aver that the Prince of *Wales* is that very Child, that then was brought out of the Queen's Bed-Chamber."

Dr. *Witherly* and Dr. *Waldgrove* (the first a Protestant, the second a Catholic) depos'd, that they were present at the Birth; that they follow'd Mrs. *Labadie*, who had the Child, into the next Room; and that there they assisted at the administering to him a certain Remedy against Convulsions, which the Queen and the Ladies had prescrib'd. Dr. *Scarborough* and Dr. *Brady*, both Protestants, depos'd, That they assisted on the same Occasion, &c.; and Mr. *St. Anand*, the King's Apothecary, a Protestant likewise, that he was present with them, and that he made up the Medicines for her Majesty, which the said Physicians had prescrib'd.

The Depositions were in all forty; and, when they were clos'd, his Majesty, after touching on the *Excess* made by the Princess *Anne* for not being there, again address'd himself to those present, in the following earnest and pathetic Words:

"And now my Lords, altho' I did not question, but every Person here present was satisfy'd before; yet, by what you have heard, you will be the better able to satisfy others. Besides, could I and the Queen have been thought so wicked as to endeavour to impose a Child upon the Nation, you see how impossible it would have been: Nei-

ther could I myself have been impos'd upon, having continually been with the Queen during her being with Child, and the whole Time of her Labour: And therefore there are none of you but will easily believe me, who suffer'd so much for Conscience-sake, incapable of so great a Villany, to the Prejudice of my own Children. I thank God, those that know me know well, that it is my Principle to do as I would be done by; and I would rather die a thousand Deaths, than do the least Wrong to any of my Children."

To close on this Head: These Depositions were severally read over in the Court of Chancery, on the 27th, to the several Deponents; and, after having been solemnly sworn to, were enter'd, as a perpetual Record and Appeal to the Judgment of After-ages. They were afterwards made public, to very little purpose, says Bp. *Kennet*, without stopping to give his Readers any Insight into their Contents. And Bishop *Burnet* pronounces, that they had an Effect quite contrary to the Expectation of the Court. "The Presumption of Law (proceeds his Lordship) before this was all in favour of the Birth, since the Parents own'd the Child: So that the Proof lay on the other Side, and ought to be offered by those who called it in question. But now that this Proof was brought, which was so apparently defective, it did not lessen but increase the Jealousy with which the Nation was possess'd: For all People concluded, that, if the thing had been true, it must have been easy to have brought a much more copious Proof than was now published to the World. It was much observ'd, that Princess *Anne* was not present. She indeed excus'd herself. She thought she was breeding: And all Motion was forbidden her. None believed that to be the true Reason; for it was thought, that the going from one Apartment of the Court to another could not hurt her. So it was look'd on as a Colour, that shew'd she did not believe the thing, and that therefore she would not by her being present seem to give any Credit to it."

It must be own'd, that the Jaundice of Parties is very apt to give strange Colours to Things: But neither the Conceptions nor Representations of the distemper'd Person affect the Object; that always continues the same, however the Sight may alter: And hence it may become a Question, whether the Princess did not believe the thing, or would not be thought to believe it? In the *Memorial* above-quoted, it is affirm'd, that her Highness was advis'd to use the loosening Waters of the *Bath*, that she might be out of the Way at the Time of the Birth: And this *Historian of his own Times* takes a great deal of (g) Pains to prove the same Fact; and also

A. D. 1658.

(g) "The Princess had miscarri'd in the Spring. So, as soon as she had recover'd her Strength, the King press'd her to go to the *Bath*, since that had so good an Effect on the Queen. Some of her Physicians, and all her other Parents, were against her going. *Leaver*, one of her Physicians, told me he was against it: He thought she was not strong enough for the *Bath*, tho' the King press'd it with an

unusual Vehemence. *Millington*, another Physician, told the Earl of *Serouffrey*, from whom I had it, that he was press'd to go to the Princess, and advise her to go to the *Bath*. The Person that spoke to him told him, the King was much set on it, and that he expected it of him, that he would persuade her to it. *Millington* answer'd, he would advise a Patient according to Direction, but according

A. D. 1688.

[Oldmixon,  
A. 735.][Observations  
upon the Royal  
Swearings, fol.  
7-4.]

to make some very notable Use of it: While, on the contrary, we are told, from the Account of Dr. Lloyd, Bishop of *St. Asaph*, his Fellow-labourer in the same Cause, That he, the said Bishop of *St. Asaph*, did actually ask the Princess herself, whether she was sent to the Bath? and that she answer'd, *No; that she went upon the Advice of her Physicians.* We find it elsewhere asserted, in so many Words, "That, if the Absence of the Princess of Denmark was a Fault, it could not be attributed to the King or Queen, since she was not commanded out of Town." And whereas, in the Sequel of her Answer to Dr. Lloyd, she is made to say, "That she stay'd there longer than she would have done, before she could get leave to come home;" we find it also asserted, That her Royal Highness was sent for as soon as the Queen fell ill; and that the Distance of Place requiring so much Time for the Messenger to go, and the Princess to come, it was as impossible for the Queen to stay for her, as it would have been for the Princess to make the Queen the like Compliment in the like Circumstance.—Besides, she actually did return to Town on the 15th of June; and, if she had found any Difficulty in the Point of Leave, it must be presum'd the same Difficulty would have continued for some Days longer; since her Suspicions and Enquiries might have been as mischievous then, as at any time before. Lastly, if any Credit is to be given to the Reports of those Times, the Lord Churchill was one of the Persons summon'd by his Majesty's Command (it must be presum'd, on the Princess's Behalf, because of the great Confidence repos'd in his Lady by her Highness); and, as she was so deeply concern'd in the Event, and an Imposition was so universally apprehended, it is Matter of no small Astonishment, that he also should chuse to be out of the way.

To leave this Mystery veil'd over as we found it: All this while the King was not contented barely to redress the Grievances of his People, or endeavour to set a Gloss on his own Character; but proceeded to make such Preparations on all Sides, as seem'd to argue, that he was firmly resolv'd to make a Defence worthy of himself and his Kingdoms: He order'd new Levies to be made, both of Soldiers and Seamen; he gave out Commissions to such of the Nobility and Gentry as offer'd their Service to him in this Time of Need; among whom we find the Names of the Duke of Newcastle; the Earls of Derby, Lindsey, Pembroke, Westmorland, Aylesbury, Burlington, and DANBY; the Viscount Falckenberg; the Lord Brandon, Son to

the Earl of Macclesfield; the Lords *Jermyn* and *Huntingtower*; the Marquis de *Mirmont*, Nephew to the Earl of *Ferensham*; Col. *James Gage*, &c. And he not only took care to render his Fleet as formidable as possible, by the Addition of Fireships, &c. but also endeavour'd to reconcile the Seamen to their Duty, by placing the Lord *Dartmouth* at their Head, whom even Bishop *Burnet* styles one of the worthiest Men of his Court: He gave Directions for raising the Militia of the several Counties, and that those of *London* should hold themselves in readiness to march: He caus'd three thousand Scots to take post at *Carlisle*, and two thousand five hundred more to be landed at *Closter* from *Ireland*: That Kingdom he was in no Pain about, for Lord *Tyrconnel* had made himself absolute: And as to *Scotland*, he had receiv'd Assurances from his Privy-Council there, That they had taken the proper Measures to put the whole Kingdom in Arms; that their Behaviour should be exemplary to his other Subjects, on that great and extraordinary Occasion; and that they hop'd all who were call'd would express a Zeal suitable to the Duty they ow'd to so great and good a Prince, in whose Preservation all their Happiness lay.

The King had also the Pleasure of seeing himself surrounded with Volunteers of Quality and Distinction, who all seem'd ambitious of drawing their Swords in his Quarrel, and if Need were, of dying in his Defence. At the Head of these, appear'd the young Duke of *Ormond*, who had just been honour'd with the Garter, in Acknowledgment of the Merits and Services of his illustrious Father and Grand-father, and in his Train Lieutenant-Colonel *Beaumont*, and the other Officers lately cashier'd, on account of their Behaviour at *Perthmouth*.

To improve all these flattering Circumstances, and that his Subjects might crowd with more Alacrity to his Standards, his Majesty condescended to displace several of his Catholic Lord-Lieutenants, and to promote Protestants in their Room. Sir *Edward Hales*, who was far obnoxious to the City, was moreover remov'd from his Government of the *Tower*; and the Duke of *Grafton*, who had aspir'd to the Command of the Fleet, and who had thrown some Discontent on Lord *Dartmouth's* Preference, was appointed to succeed him.

As a farther Precaution, a Proclamation was set forth, "commanding all Lieutenants, Deputy Lieutenants, Sheriffs, and other Officers civil and military, in the respective Counties, Cities, &c. to cause the Court to be carefully watched; and, upon the first Approach of the Enemy,

to his own Reson: So he would not go. *Sarborough* and *Wiltshire* took it upon them to advise it: So she went thither in the End of May.

As soon as she was gone, those about the Queen did all of the sudden change her Reasoning, and began it from the King's being with her at *Bath*. "This comes on so quick, that, tho' the Queen had set the footmen of *Yorkshire* for going to *Windsor*, where she intended to lie in, and all the Preparations for the Birth and for the Child were order'd to be made ready by the End of *June*, yet now a Resolution was taken for the Queen's lying in at *St. James's*; and Directions were given to have all things quietly ready. The *Barb Water* either did not agree with the Princess; or the

Advice of her Friends were so pressing, who thought her Absence from the Court at that time of such Consequence, that in compliance with them she gave it out, it did not, and that therefore she would remain in a few Days.

The Day after the Court had this Notice, the Queen said, she would go to *St. James's*, and look for the good Hour. She was then told, that it was impossible upon to find a Woman to have things ready. But she was to suppose, that the fact, she would be there that Night, &c. [Pag. 4. p. 250. 251.]

(b) Who dy'd at *Kings-hall* in *Derbyshire*, on the 15th of *July*, in the 26th Year of his Age, universally honour'd and lamented.

Orders Received  
from Scotland  
and Ireland.Displace several Catholic  
Lord-Lieutenants.Set forth a  
Proclamation  
for the watching  
Courts from  
the Count.The King flies  
but with Con-  
sultants.

A. D. 1688.

Enemy, all Horses, Oxen, and Cattle, which might be fit for Burden or Draught, and not actually employ'd in the Service and Defence of his Majesty and the Country, to be driven and remov'd to the Space at least of twenty Miles from the Place where the Enemy should attempt to land."

Extraordinary Prayers in his Chapel.

And, besides all these human Preparations, we are told extraordinary Prayers of forty Hours were said in the King's Chapel; the Host was expos'd; and the whole Possé of Priests on the Royal Establishment weary'd Heaven with their Importunities for the King's, but more for their own, Preservation. But this Scene of Devotion was of no long Continuance; for the Mob, taking Advantage of the present disjointed State of Things, had declar'd War against all popish Chapels; and, as no one knew how far their present Fury might carry them, his Majesty thought fit to shut up his own: This, according to some, struck a Panic into his Priests; all of whom made haste to flit for themselves; in the Persuasion, that, if the King could not protect his Religion, neither could he protect them.

[Life of King William, v. 1. p. 337.]

But there is Reason to think, that this Dread and Dismay of the Priests did not take place just at this particular time. In collecting his Strength, the King began to recover his Confidence; and, to shew that he did so, no sooner were the Depositions relating to the Birth of his Son deliver'd in, than he let forth a Proclamation, which partook of the old Leaven, and shew'd, that he thought himself still in a Condition to prescribe as well as capitulate.

Proclamation to restrain the spreading of false News.

It is intitled, *A Proclamation to restrain the spreading of false News*; but, after a Complaint, that divers evil-dispos'd Persons made it their Business to defame the Government; and that, notwithstanding the great and heavy Penalties that such Persons were liable to by the Statutes, there had been of late more bold and licentious Discourses, both public and private, than formerly, it proceeds to say, "We therefore, considering that Offences of this sort proceed from the restless Malice of some Persons, or from the careless Desecration of others, who presume too much on our accustomed Clemency and Goodness, have thought fit, by this our Royal Proclamation, by and with the Advice of our Privy-Council, straitly to forewarn and command all our Subjects, of what State or Condition they be, that they presume not henceforth, either by writing, printing, or speaking, to utter or publish any false News or Reports whatsoever, or to intermeddle with the Affairs of State or Government, or with the Person of any of our Counsellors and Ministers, in their common and ordinary Discourses, as they will answer the contrary at their utmost Perils." And, in the Conclusion, the same Woes are denounced against such as should listen to false News, without turning Informers, as those who breach'd it.

Nor was this all; for, in the same Gazette which contains this menacing Piece, we are inform'd, that his Majesty had remov'd Lord Sunderland out of the Secretary's

Office, and appointed the Lord Viscount *Prosper* to succeed him. This argued a total Change of Councils and Measures: That the Catholic Interest was again uppermost; that the King no longer intended to proceed on the Plan which that Minister had laid down, of maintaining the Throne, by giving Satisfaction to his People; and that, for the future, he would carry things with as high a Hand as ever: At least we are so taught to reason and conclude, by the Earl's own Paper, in which he discourtes concerning his own Administration and Disgrace in the following Terms: "These things (meaning the several Condescensions which he had induc'd his Majesty to make) were done effectually, by the Help of some about the King; and it was then thought I had destroy'd myself, by engaging again the whole Roman-Catholic Party to such a Height as had not been seen. They dispos'd Libels of me every day; told the King that I betray'd him; that I ruin'd him, by persuading him to make such shameful Condescensions; but, most of all, by hindering the securing the chief of the disaffected Nobility and Gentry, which was propos'd as a certain Way to break all the Prince's Measures; and by advising his Majesty to call a free Parliament, and to depend upon that, rather than upon foreign Assistance. It is true, I did give him those Councils, which were called weak; in the last Moment he suffer'd me in his Service. Then I was accus'd of holding Correspondence with the Prince; and it was every where said, amongst them, that no better could be expected from a Man so related as I was to the Bedford and Leicester Families, and so ally'd to Duke Hamilton and the Marquis of Lullifax. After this, Accusations of High-Treason were brought against me; which, with some other Reasons, relating to Affairs abroad, drew the King's Displeasure upon me, so as to turn me out of all, without any Consideration: And yet I thought I escap'd well; expecting nothing less than the Loss of my Head, as my Lord Malbroug can tell; and I believe none about the Court thought otherwise; nor had it been otherwise, if my Disgrace had been deferred a Day longer; all things being prepar'd for it: I was put out the 27th of October; the Roman Catholics having been two Months working the King up to it, without Intermision; besides several Attacks they had made upon me at home, and the unusual Assistance they had obtain'd to do what they thought so necessary for the carrying on their Affairs, of which they never had greater Hope than at that time, as may be remember'd by any who were then at London."

By these Expressions of his Lordship's, unusual Assistance, possibly we ought to understand, that the Queen, who had hitherto been led by him, now turn'd thort upon him, and headed the Party against him: But, as to his dark Hint in relation to Affairs abroad, unless it can be suppos'd that he really was in the Prince of Orange's Secret, and that his Perfidiousness had been detected, as so many have

A. D. 1688.



His own Account of it.

A. D. 1688.

(j) furnis'd, and he himself has not positively deny'd; it is utterly unintelligible: But, if he was in his Highness's Secret, it is plain he acted a double Part, with respect both to the King and him; and his Disgrace ought to have been the least Part of his Punishment.

Not to be too particular on the Fate of a Minister, when the Fate of a whole Government is in the Scales, we must now cross the Ocean again, in order to continue the Connection of foreign Affairs with our own.

Foreign Affairs.

The Emperor's Successes against the Turks.

Thro' the whole Course of this Summer, both the Emperor and the *Venetians* had carry'd on their War against the *Turks*, with almost uninterrupted Success: The Prince and States of *Transylvania* had revolted from the latter, and, by a formal Instrument, put themselves under the Protection of his Imperial Majesty: The Elector of *Bavaria*, after a long and obstinate Resistance, had taken the Town and Castle of *Belgrade* by Storm, by which a Passage was open'd not only into *Serbia* and *Bulgaria*, but likewise into *Romania*, and even to *Constantinople* itself. Difficulties and Commotions fill'd that City of course, and, in dread of worse Consequences, from the Pursuit of so fatal a Quarrel, the *Divan* thought it expedient to sue for a Peace: On the other hand, their Proposals were rudely listen'd to by the Imperial Court, who desir'd nothing more than to bear leisure on that Side, in order to be in readiness to improve the favourable Crisis, which they expected soon to take place on the other.

The Dutch.

Every one of these Circumstances gave a sensible Alarm to his most Christian Majesty and his Ministers, who very well knew, if the Storm had Time to gather where it would certainly fall: That, therefore, the *Turks* might be encourag'd to continue the War, that the Alliances form'd in the Empire might not have Time to take effect, and that the Impression they design'd to make might be made while the *Dutch* were embroil'd with *England*, it was resolv'd to carry the Flame of War once more into the Bowels of *Germany*, and the necessary Dispositions were forthwith directed and completed accordingly.

France last Siege to Philippsburg.

In the Cabinets of most Princes, it is usual to take the Resolution first, and to find a Colour afterwards: but, in the Case before us, the Train was laid and fir'd at the same Instant. On the 20th of *October* N. S. the

Dauphin laid Siege to *Philippsburg*; and, after the Trenches were open'd, appear'd a Manifesto, which was to convince the World, that in so doing his most Christian Majesty was right: For therein it is asserted, that the Emperor had, on all Occasions, declar'd himself an Enemy to *France*: That the Truce was no sooner made, than he enter'd into Cabals to break it: That Alliances had actually been form'd for that End, as appear'd by the League of *Ausburg*, and the Congress at *Nuremberg*: That he had rejected the Motions which had been made him, even by the Pope himself, for converting the Truce into a Peace: That he entertain'd Designs to force the Electors to chuse his Son King of the *Romans*: That, at the Instigation of the *Electors-Palatine*, he had given ear to the Overtures of the *Turks*, in order to the turning of his Arms against *France*: That the said Elector had refus'd to give the Duches of *Orleans* Satisfaction, with regard to her Claims on the Estate of her Brother the late *Palatine*: That the said Elector had been the original Promoter of the Feuds then subsisting about the Electorate of *Cologne*, by caballing first in favour of one of his own Sons, and then of Prince *Clement* of *Bavaria*, in hope that the *Bavarian* Succession would thereby devolve to his own Family: That it was owing to the Emperor's Instances, that the Cardinal of *Ferentino* had been excluded, in prejudice of the Rights of the Chapter, and in contempt both of Canons and Treaties: That his Imperial Majesty had enter'd into Concert with several Protestant Powers, in support of Prince *Clement*; and had even provided Protestant Troops for his Defence, to the manifest Danger of the Catholic Religion in that Country: That having Reason to apprehend, that the same Concert would be made use of against *France* itself, and that *Philippsburg* in such case would be favourable to their Designs, the most Christian King had resolv'd to possess himself of it, and afterwards demolish it: That he also design'd to take *Kaiserslauter* from the *Electors-Palatine*, and to keep it till the Duches of *Orleans* receiv'd Satisfaction: And that he was resolv'd to maintain the Rights of the Cardinal, and the Chapter of *Cologne*. On the other hand, he declar'd, That he had recourse to the Sword, only for the sake of re-establishing the Peace; and, in order thereto, he offer'd to the House of *Bavaria*,

(j) The Occasion of his Disgrace was this: *Skelton*, to justify his Conduct in *France*, told the King, that, having receiv'd Informations of the Prince's Design from Mr. *Bald de Percey*, he had writen six or seven Letters about it to the Earl, to which being an Answer, he had apply'd himself to the King of *France*, who thereupon dispatch'd *Bezepe* to *England*, and sent Orders to his Ambassador at the Hague to expulate with the States the Relations of their warlike Preparations. This Account of *Skelton* began to raise Suspitions against the Prime-Minister; which were soon after increas'd by the Discovery of one *Richford*, formerly a Monk, who, being accus'd for holding Correspondence with the King's Enemies, and examin'd before the Council, charged the Earl of *Southwell*, to his very Face, with revealing his Majesty's Secrets to the Prince of *Orange*; whereupon *Richford* was committed to the Callosity of a Messenger, from whence he made his Escape. This Accusation, from a Man of his Character, had been little regarded as another Injustice; but agreeing exactly with that of *Skelton*,

the Earl's past Conduct was more notably form'd; and the King call'd to mind, that the very same Person who had all along advis'd him to strengthen his Authority by the Alliance and Power of *France*, had made him reject that Alliance, when he had most Need of it; which persuaded his Majesty that he was employ'd in another Interest, and which occasion'd the Earl's Removal from his several Places. 'Tis reported, that, to convince the Earl, the King shew'd him the Original of a certain Treaty, which he answer'd he had never seen, and which the Earl's Enemies had had transacted to the Prince of *Orange*: That the Earl positively deny'd it, adding, that as for *Skelton's* Letters, it is given an Account of them to the King, 'twas not because he had Intelligence with the Prince of *Orange*, but because he had an invincible Contempt for *Skelton*, who never wrote but scandalous News. [Life of K. Will. 2. p. 352, 353.]

(k) The Elector had no Sons, and in case his Brother turn'd Catholic he could not marry.

A. D. 1688.

Bavaria, that Prince *Clement* should be choic'd Coadjutor; as also to raise *Friburg*, and to restore *Kasparjauter*, on the Condition above-specify'd: He moreover demanded, that the Truce between him and the Emperor might be turn'd into a Peace, under the Mediation of the King of *England* and the Republic of *Venice*: And, lastly, he declar'd, that he would not hold himself oblig'd to stand to these Conditions, unless they were accepted before *January* (1).

A friend against the Pope.

About the same time also, the eldest Son of the Church came to a Resolution to humble his most Holy Father the Pope: And of this likewise all *Europe* was appriz'd by another (m) Manifesto, in the Form of a Letter to Cardinal *d'Esprez*, to be by him communicated to his Holiness. In this were enumerated all the several Instances of Partiality, which he had shewn, during his whole Pontificate, in Favour of the House of *Austria*, and to the Detriment of *France*: He mention'd the Business of the Regale; his refusing the Bulls to the Bishops nominated by him; the Dispute about the Franchises, of which his Embassadors had been long in possession; the denying Audience, not only to his Embassador, but to a Gentleman whom he had sent to *Rome* without a Character, and with a Letter written in his own Hand; He charged him with breaking the Canons of the Church, in granting Bulls in favour of

Prince *Clement*, and in denying Justice to Cardinal *Turlemburg*: "After such Proofs of Partiality, continued he, I can no longer acknowledge him as Mediator in the Contest between my Sister-in-law and the House of *Newburg*; and I myself best know how to do her Justice.— Nor can I suffer my Ally the Duke of *Parma* to be any longer depriv'd of his Estates of *Castro* and *Ravenniana*, in which he was re-establish'd in virtue of the first Article of the Treaty of *Pisa*, of which I was Guarantee.— I shall, therefore, cause my Troops to march into *Italy*, there to continue till those Estates are restor'd to him: And, in the mean time, I shall take possession of *Avignon*, either to restore it again when the said Treaty of *Pisa* is entirely fulfilled, or else to detain it, and to give the Duke the Money for which it was mortgaged, by way of Compensation for the Damages which he has sustain'd, by being so long kept out of Possession." In fine, he makes no Difficulty to accuse his Holiness of having done his best to plunge all *Europe* in a general War. "It is his ill Conduct, says he, which has given the Prince of *Orange* the Boldness to make such Preparations, as argue a settled Design to attack the King of *England* in his own Dominions, and even to urge the Preservation of the Protestant Religion for his Excuse. It is this which has given the said Prince's Embassaries and Writers in *Holland*

A. D. 1688.

(1) "This Declaration (says our Historian of his own Time) was much censur'd, both for the Matter and for the Style. It had not the Air of Gratitude, which became crowned Heads. The Duchess of *Orleans*'s Pretensions to old *Flanders* was a strange Rise to a War; especially when it was not allow'd, that there had been demitted in the Form of Law, and that Justice had been denied, which was a Course necessarily to be observ'd in Things of that Nature. The judging of the secret Intentions of the Elector *Palatine*, with relation to the House of *Bavaria*, was absurd. And the Complaints of *Delign* to bring the Emperor to a Peace with the *Turks*, that he might make war on *France*, was only an Emperor's Design to force an Election of a King, of his Interest, was the coming into the secret of these Thoughts, which were only known to God. Such Conjectures, to remove and succeed, and that could not be proved, were a strange Ground of War. If this was once admitted, all Treaties of Peace were vain things, and were casuist or relied on. The Reason given of the Intention to take *Philipp*, because it was the proposed Peace by which *France* could be invaded; was a throwing off all Regards to the common Decencies observ'd by Princes. All fortified Places on Frontiers are intended both for Resistance and for Magazines; and are, of both Sides, Conveniences for entering into the neighbouring Territory, as there is Occasion for it. So here was a Pretence for beginning a War, that put an end to all the Securities of Peace."

The Bishop of *Colgne* was judg'd by the Pope, according to the Laws of the Empire: And his Sentence was said: "Nor could the Dissolution of the Majority of the Chapter be valid, unless two Thirds join'd in it. The Cardinal was commended in the Manifesto, for his Care in preserving the Peace of *Europe*. This was ridiculous to all, who knew that he had been for many Years the great Intendant, who had betray'd the Empire, chiefly in the Year 1672. The Charge that the Emperor's Agent had laid on him (the Cardinal) before the Chapter was also complain'd of, as an Infradition of the Amnesty stipulated by the Peace of *Nimwegen*. He was not intord to be call'd to an account, in order to be punish'd for any thing done before that Peace. But that did not bind up the Emperor from endeavouring to exclude him from so great a Dignity, which was like to prove fatal to the Empire. There were some of the Counsellors that put'd on this Manifesto; which was indeed look'd on, by all who had consider'd the Rights of Peace and the Laws of War, as one of the most srownd and solemn Declarations that ever was made, of the Perfidiousness of that Court. And it was thought to be some Degrees beyond that in the Year

1672; in which that King's Glory was stretch'd as the chief Motive of that War. For, in that, Particulars were not reckon'd up; So it might be suppos'd he had met with *Astron*, which he did not think consistent with his Greatness to be mention'd. But here all that could be thought on, even the Hangings of *Hollidore*, were enumerated: And altogether amounting to this, that the King of *France* thought himself slay'd by no Person; but that when he suspected his Neighbours were intending to make war upon him, he might, upon such a Suspicion, begin a War on his part." [Ed. 1. p. 774, 775.]

(2) About this time, Mr. *Barillon* caus'd the Proceedings of the Parliament of *Paris*, and the Declaration of the *Commons* concerning the Justification of the Pope, to be publish'd in *English*; and it is remarkable, that, in the latter, the following Propositions are laid down: "That God gave to St. *Peter* and his Successors, Vicars of *Christ*, and to the Church herself, Power of spiritual Things, pertaining to eternal Life, but not of civil and temporal Matters. For the Lord said, My Kingdom is not of this World; and again, Render unto Caesar the Things that are Caesar's; and unto God, the things that are God's. And therefore that of the Apostle must stand, But every Soul be subject to the higher Powers: For there is no Power but of God, the Powers that be are ordain'd of God; whosoever therefore resisteth the Power, resisteth the Ordinance of God.— Therefore Kings and Princes are not subject to Temporals to any ecclesiastical Power by the Ordinance of God, either as they, by the Authority of the Keys of the Church, directly or indirectly, be depos'd, or their Subjects shew'd from their Faith and Obedience, and Oath of Allegiance which they have taken.— And this to be firmly retained, as necessary to the public Peace, and not less useful in the Church than to the State, as being consonant to the Word of God, and Tradition of the Fathers."

We find also the following Article in the State of *Europe*, for the Month of *November* 1688: "The Lord *Hunsard*, Embassador Extraordinary from his Majesty of *Great Britain*, has had Audience of his Holiness, and has given him to understand the Danger that threatens his Master from the Enterprise of the Prince of *Orange*. He said, that he frankly told him, That, if he (the Pope) had taken other Measures, no such thing could have happen'd; and that he was to be answerable for it, both before God and Man. He further added, That he is to have his Audience of Leave very speedily; and that his Majesty will send no more Ministers to *Rome*, unless there be an Alteration in the Face of Affairs."

A. D. 1688. land the Insolence to treat the Birth of the Prince of Wales as an Impollure, and to excite the British Subjects to a Revolt: And, lastly, it is this which has encourag'd the said Prince to avail himself of the Necessity which has constrain'd me to send my Forces into Germany, in defence of the Cardinal and Chapter of Cologne." &c. (n)

He joins Avignon; takes Philippsburg, &c.

It must be confess'd, that, upon all such Occasions as these, his most Christian Majesty was always as good as his Word. Thus we find him Master of Avignon, a Day before his Forces fat down before Philippsburg; and of Philippsburg, on the 1st of November following; he also oblig'd Mentz, Triers, and Heidelberg, to receive French Garrisons; bombard'd Coblenz, reduced Manheim, Frankendale, Heilbron, Spire, Keyserlauter; and, in one Word, laid the whole Palatinate under Contribution.

Prints Clement, 1688. The Prince of Orange, one of the Canons, by virtue of a Procurator from Prince Clement, took possession of the Archbishopric and Electorate, in his Highness's Name; and, what was still worse, the City could not be prevail'd upon even to accept of a Neutrality from France, but, on the contrary, admitted a Garrison for their new Lord of six thousand Men; in consequence of which, his Highness of Orange, and the States, having nothing to apprehend on that Side, had full Leisure to prosecute their Design upon England.

The great Monarch was, however, disappointed in his Designs upon Cologne. On the 5th of October N. S. the Prince de Croÿ, one of the Canons, by virtue of a Procurator from Prince Clement, took possession of the Archbishopric and Electorate, in his Highness's Name; and, what was still worse, the City could not be prevail'd upon even to accept of a Neutrality from France, but, on the contrary, admitted a Garrison for their new Lord of six thousand Men; in consequence of which, his Highness of Orange, and the States, having nothing to apprehend on that Side, had full Leisure to prosecute their Design upon England.

Thus, by a wonderful Coincidence of Interests and Circumstances, the Prince of Orange had the Pleasure to see his own Country in a State of Security, and to find himself in a Condition to undertake the great Experiment, on which he had grounded all the Hopes and Expectations of his Life. How cheerfully and unanimously he was assisted in it by the States, we have already seen: And, for what regarded the People, we are further told, by Bishop Burnet, that Pensioner Fogel furnish'd all the eminent Ministers of the chief Towns of Holland with Arguments and Inducements to reconcile them to an Adventure, which was like to bring the very Being of their State into Danger: But then he also tells us, that they were reconcil'd to it, from an Apprehension, that the very Being of their State would have been equally in Danger, if they had not engag'd in it: For, says his Lordship, in their remarkable Words, "The Publication of the

Alliance between France and England by the French Ambassador, made them conclude, that England would join with France. They reckon'd, they could not stand before such an united Force; and that, THEREFORE, it was necessary to take England out of the Hands of a Prince, who was such a firm Ally to France."

The whole State being thus actuated by one and the same Spirit, his Highness, and his faithful and zealous Coadjutor Fogel, had nothing to do but to economise their System, and put it into Motion. The great Men of England, who had invited the Prince to their Assistance, had advis'd him to have but a small Army, not above six or seven thousand, and a large Fleet, to avoid the Suspicion, or perhaps to prevent the Danger of a Conquest: But his Highness, it seems, could not be prevail'd upon to adopt that Opinion: He was for making sure Work, if possible; nor would venture without such a Force, as should bid fair to master the King's, and by consequence the People. Accordingly, he draughted out upwards of ten thousand Foot and about four thousand Horse, being the Flower of the Dutch Forces; and prevail'd with the Elector of Brandenburg to suffer Marshal Schomberg, then in his Electoral Highness's Service, to pass into his, that he might now have the Benefit of that Skill and Experience, which he had formerly found superior to his own.

The Command at Sea was given to Admiral Herbert; tho' not freely; for both the Prince and the States, we are told, thought it an absurd thing to commit that Power and Trust to a Stranger: But nothing less, it seems, would content him; and, in the Persuasion that his Name, Interest, and Character, might be a Means to induce the English Fleet to revolt, it was thought advisable to give him his own Term.

About this time, Intelligence had been sent to the Hague from England, that Strickland lay in the Downs, with no more than eighteen or twenty Men of War; but that a much greater Force was providing: In hope, therefore, either to seduce or surprize them, Herbert, for his first Service, had Orders to stand over with the Dutch Fleet, and make the Experiment: But the Winds proving contrary, and the Weather extremely tempestuous, instead of the Success propos'd, he was glad to return to Port in Safety; and that he did so, was almost as satisfactory to the States, who, during the Interval, had been

A. D. 1688.

The Prince of Orange's Retreat.

The Command of the Dutch Fleet given to Admiral Herbert.

(Hist. p. 774.)

He goes in part of the English in the Downs.

And he forced back by bad Weather.

(n) Our Historian has also undertaken the Defence of his Holiness against the Force of this Manifesto, as of the Emperor against the other, in the following Words:

"It was strange to see the Disputes about the Franchises made a Pretext for a War: For certainly all sovereign Princes can make such Regulations as they think fit in their Matters. If they cut Ambassadors short in any Privilege, their Ambassadors are to expect the same Treatment from other Princes: And as long as the Sacredness of an Ambassador's Person, and of his Family, was still preserved, which was all that was a Part of the Law of Nations, Princes may certainly limit the Extent of their other Privileges, and may refuse any Ambassadors, who will not submit to their Regulation. The Number of an Ambassador's Retinue is not a thing that can be well discuss'd. But if an Ambassador comes with an Army about him, instead of a Retinue, he may be

denied Admittance. And if he forces it, as Lascaris had done, it was certainly an Act of Hostility: And, instead of having a Right to the Characters of an Ambassador, he might well be considered and treated as an Enemy.

The Pope had observ'd the Canons in rejecting Cardinal Furber's defective Postulation. And, whatever might be brought from ancient Canons, the Practice of that Church for many Ages allow'd, of the Dispensation that the Pope granted to Prince Clement. It was looked on by all People, as a strange Reversal of Things, to see the King of France, after all his Cruelty to the Protestants, now go to make war on the Pope; and, on the other hand, to see the whole Protestant Body concurring to support the Authority of the Pope's Bulls in the Baniets of Cologne; and to defend the two Houses of Austria and Bavaria, by whom they were laid to low but threescore Years before this."



A. D. 1688. been in continual Pain for their Navy, as a Victory.

It was this Misadventure that gave rise to the Advices which were sent to England, That the Dutch Fleet had been disabled, and driven home to refit: For we find an Article to that purpose, in the very same Gazette, which contains the Order for re-settling Magdalen College: And as to the Effect of those Advices, we are assur'd almost on all (s) Hands, that they produced an immediate Countermand of that Order: That the Bishop of Winchester, who, as Visitor, had set out for Oxford to put it in execution, was on some frivolous Pretence recalled; that the whole Proceeding was at a stand, till, by farther Advices, the King was better inform'd; and that this above all things confirm'd the Public in their Suspicion, that his Majesty's Concessions did not flow from his Heart; and that what he had granted, when the Tempest was rising, he would vacate when it was blown over.

At the Hague, in the mean while, such Disputes arose among the Prince's English Counsellors, as greatly embarrass'd him. Among the Requisites for so immense an Undertaking, a Manifesto or Declaration held a principal Place; for the Justification of those concern'd, in the Eyes of the World; and for inducing the Bulk of the Nation to follow their Example: This Article, we are inform'd, had been thought of by several Persons; and, out of their several Essays, Penfioner Fogel, by his Highness's Direction, form'd such a Draught, as would best serve the Purpose in view: Bishop Burnet, who had the Honour to put it in English, calls it a long and heavy one; takes notice, that the Penfioner was fond of it; and does not forget to observe, that he (the Bishop) nevertheless got it to be much shortned. This was shewn to the English Nobility and Gentry at the Hague, who were Joint-Adventurers with his Highness, and among the rest to Willman, who, notwithstanding the Breach of Faith laid to his Charge by the Duke of Monmouth, had still his Followers and Admirers: But he, it seems, had made a Draught of his own, in which he had coupl'd the Grievances of the last Reign with those of this; had laid down a Scheme of Government; and had endeavour'd to set Firebrands between the Prince and the Church: When, therefore, he saw the Spirit which prevail'd in the Penfioner's, he was so far from approving it, that he

rais'd a violent Opposition to it, which was carry'd to such a Height, that many refus'd to engage on those Grounds; among whom our Historian particularly mentions the Earl of Macclesfield and Lord (p) Mordaunt. On the other hand, the Earl of Shrewsbury, Mess. Sydney, Russell, &c. appear'd as violent against Willman's System, as he and his Friends appear'd against the Penfioner's: They said, that a Retrospect to the Reign of King Charles would disgust many of the Nobility and Gentry, and almost all the Clergy: That the Declaration was to be so conceiv'd, as to draw in the Body of the Nation: That the Discussion of the Laws and Government did not belong to the Prince, but to the Parliament. The Dispute was stily maintain'd on both Sides; but at last it ended in a Compromise: Some things were omitted, some were alter'd, and, upon the Whole, Policy got the better of Equity.

What came next under Consideration was, and the Manner of making their Attempt. Willman and his Faction were for sending out Herbert and the Men of War once more in quest of the English Fleet, that in case the Latter adher'd to the King, and ventur'd a Battle, the Former might fight under the less Disadvantage; as also, that, in case they were victorious, the Land-forces might have the Sea open to them, and of course have it in their Power to make their Descent where they pleas'd: And so plausible did this Proposition appear, and so warmly was it espous'd by the Majority, that nothing but the Prince's own Inflexibility could have set it aside. He urg'd, That the Season was already so far spent, that the losing Time was the losing every thing: That if two Fleets were equally desirous to engage, it might be long before they found an Opportunity; and if either had no such Desire, much longer: That it was utterly impossible to keep an Army on board Ship, in expectation of so precarious an Event; and, lastly, that if the Winter should set in with as much Severity as it sometimes did, their Ports would be frozen up; in which Case, neither the Transports could put to Sea, nor the Men of War return. But whatever Weight his Reasons had, we are taught to believe his Authority had more; and that, when the Contest was brought to an End, his Opponents were rather silenced than satisfi'd.

These Difficulties being thus got over, it was

Different Opinions at the Hague, with respect to the Prince's Declaration.

Dispute rais'd in England, about the Damage they had sustain'd.

A. D. 1688.

(s) In Kennet, more particularly, we find the following Note:

"One of the new Fellows of Magdalen College, becoming afterwards Rector of Strabridge in the County of Gloucester, publish'd a Sermon on St. Barnabas' Day, in 1713, in the Preface where to he tells us, 'I happen'd to be Fellow of Magdalen College, when their blind and greedy Zeal began with some of the Heads of the University, and a Society thereof. All the rest must soon have taken their Turn likewise out of their Freeholds, had there not been a Prodigious Wind. Thereby hangs a Tale, which hath not been told publicly, that I know of; and I think it not unreasonable to tell it now, that we may thence learn how to trust Popery another time.' When the Prince of Orange, our late Sovereign of glorious Memory, was almost ready to embark, a kind of general Intimation was dispatch'd after us, to return from the several Counties whether we were sent a grazing. But when

some of us were come back within four or five Hours of the University, a certain Notice was sent us on the Road, that we need not make much Haste, for that the Wind was chang'd at Court. But when, after some few Days, it was fear'd again there that the Prince would shortly arrive, we might go forward; and the Bishop of Winchester (the local Visitor) was sent down to reinstate us in our College: But his Lordship had scarce retir'd himself, before a Courier came and beat up his Quarters, and requir'd his Return to Court, without returning us to our own again: Tho' it was some at last, when there was a Protestant, or rather Presbiterial, Wind again." [Kennet, vol. iii. p. 122.]

(p) The Author of this Work has been assur'd, that, in the Margin of Bishop Burnet's History, now remaining in the Peterborough Family, there are several direct Contradictions, in the broadest Terms, to several Passages of it, in the late Earl's own Hand.

A. D. 1688.  
The Army and  
Navy.

was forthwith resolv'd to put the Machine in Motion: Five hundred Sail of Transports were hir'd in three Days time; the Troops had Orders to march from *Nimeguen*, where till now they had continued encamp'd, and to embark in the *Zuyder Sea*: Twenty thousand spare Arms were also bought and shipp'd at the same time, for the Use, if need were, of such as should join the Prince at his Landing: And a Sum of Money being still wanting to defray the current Charge of this vast Undertaking, the States came to a Resolution to lend him four Millions of Guilders, which they had before agreed to raise, to defray the Charge of repairing the Fortifications of their frontier Towns: It pass'd without one dissenting Vote, or the least Whisper of Opposition; and the whole Sum was brought in by Anticipation, on the Credit of the Fund assign'd for raising it, in four Days.

All things being in this Forwardness, "On the 6th of *October* O. S. (says our *Historian of his own Times*) the Wind, that had stood so long in the West, came into the East. So Orders were sent to all to haste to *Helvoets-Sum*. That Morning the Prince went into the Assembly of the States-General, to take leave of them. He said to them, he was extreme sensible of the Kindness they had all shew'd him upon many Occasions: He took God to witness, he had serv'd them faithfully, ever since they had trusted him with the Government, and that he had never any End before his Eyes but the Good of the Country: He had persued it always: And that any time he erred in his Judgment, yet his Heart was ever set on procuring their Safety and Prosperity. He took God to witness, he went to *England* with no other Intentions, but these he had set out in his Declaration: He did not know how God might dispose of him: To his Providence he committed himself: Whatsoever might become of him, he committed to them the Care of their Country, and recommended the Princess to them in a most particular Manner: He assur'd them, he lov'd their Country perfectly, and equally with her own: He hop'd, that, whatever might happen to him, they would still protect her, and use her as she well deserv'd: And so he took leave. It was a sad, but a kind, parting. Some of every Province offer'd at an Answer to what the Prince had said: But they all melted into Tears and Passion; so that their Speeches were much broken, very short, and extreme tender: Only the Prince himself continued firm in his usual Gravity and Phlegm."

And now the Declaration of this Armament was so far from being continued any longer a Secret, that, two Days after, the States made a solemn Order, That Notice should be immediately sent to all their Ministers abroad, of the Reasons which had induced their Lordships to assist the Prince of *Orange* with Ships and Forces, in his Expedition to *England*; and that the said Ministers should

be at liberty to make use thereof in the several Courts where they resided, as they should find most convenient: And this Notice was, in substance, as follows, viz. That his Majesty of *England*, seduced by the evil Counsel of wicked Ministers, having notoriously violated the fundamental Laws of the *English* Constitution, and long labour'd to subject his People to the Miseries of Popery and Slavery; that several Lords and other Persons of great Consideration in that Kingdom, having earnestly and repeatedly called upon the Prince of *Orange* to rescue them; that his Highness, both in his own Right, and that of the Princess his Consort, being highly concerned in the Welfare of that Kingdom; that the States themselves, having received frequent Assurances that their Majesties of *France* and *England* had in concert endeavour'd to separate the Republic from her Allies; and having just Cause to apprehend, that, if the latter of those Princes should have Leisure to compass his Project of obtaining an absolute Power over his People, both, for Reasons of State, and in hatred of the Protestant Religion, would co-operate in bringing the said Republic to utter Ruin; their Lordships, for all these Considerations, had resolv'd not only to countenance his Highness in his laudable Design for the Redemption of an oppress'd Nation, but, as his Auxiliaries, to aid and assist him with such Sea and Land-forces, as should be sufficient to procure him Success in his Undertakings; He (the Prince) having protested to their said Lordships, "That he had not the least Intention to invade or subdue that Kingdom, or to remove the King from his Throne; much less to make himself Master thereof, or to invert or prejudice the lawful Succession, or to expel or persecute the *Roman Catholics*; but that, on the contrary, it was purely and simply to assist the Nation in re-establishing their Laws, in recovering their Liberties, and securing their Religion, by the means of a free Parliament, compos'd of Persons legally qualify'd to sit therein, and who might make such farther Provision for the perpetuating their Religion and Liberty, that they should be no more endanger'd; and for putting the Nation into such a Condition, as might enable it powerfully to concur with the common Cause of *Christendom*; and the restoring and maintaining the Peace and Tranquility of *Europe*."

Many of our *Historians* have pass'd over this remarkable Order of the States in Silence; and all of them have suppress'd the latter Part of it, which contains so authentic an Account of the Prince's Protections to their Lordships; and have chosen either to copy those Protections from other Authorities, or to speak of them without any Authority at all. Thus, according to *Kennet* and *Selwold*, his Highness call'd God to witness, "That he did not undertake such an arduous Affair but for his Glory, for the Welfare

Reflex of the  
States to answer the  
De-  
sign.  
[First Collec-  
tion of Papers,  
p. 15.  
Nouvelle,  
tom. 1, p. 124,  
125, 126,  
127.]

(†) Both *Bishop Kennet* and *Mr. Archdeacon Selwold* affirm, that the Prince *did* melt into Tears.— But it seems they were not in the Secret of his Composition.

A. D. 1688.

Welfare of his Country, and of the Christian Religion, to set the States at greater Liberty, and deliver them from their Apprehensions of their too powerful and ambitious Neighbours: And, according to Bishop Burnet, as we have already seen, his Highness called God to witness, That he had no other Intention than those express'd in his Declaration: But, in this Order of the States, not the least Connection is preserv'd between the verbal and the written Declaration; between that calculated for the Meridian of *Holland*, and that which was to serve his Turn in *England*: And the Truth is, that the same Policy which requir'd the Prince to lay to the *Dutch* whatever would contribute to establish and increase their Confidence in him, by inducing them to think, that he sought their Interest only, requir'd him also, when speaking to the *English*, to make such Reserves as should effectually serve his own.

And this leads us to treat of that Declaration, which was printed at the *Hague*, in order to be dispers'd at his Landing in *England*, and which bears Date *Oct. 10, N. S.*

The Prince's Declaration.

It has for its Basis the two following Assertions, *viz.* 1. That the Peace and Happiness of any State or Kingdom cannot be preserv'd, when the Laws, Liberties, and Customs of it are openly transgress'd and annul'd; and, more especially, when Attempts are made to subvert the Religion establish'd by Law. And, 2<sup>dy</sup>, That, in such case, those who are most immediately concern'd in it are indispensably bound to interpose with their Assistance, to preserve those Laws and Liberties, and restore that Peace and Happiness, &c. It then proceeds to set forth the several Instances in which Law, Religion, and Liberty had been violated, and which were to justify the Prince for interposing, in order to their Preservation; namely, 1. The assuming and exercising a dispensing Power; which was pronounced illegal, and what no King could assume or exercise, without turning a limited Monarchy into an absolute Tyranny. 2. The obtaining a Declaration from the Judges, that this dispensing Power was a Right belonging to the Crown, by Menaces and Corruption, by displacing the Refractory, and by preferring others, who made the Sacrifice of the Laws the very Condition of their sitting as Judges. 3. The notorious Breach of the Test-Laws. 4. The setting up an illegal, ecclesiastic Court, and the pernicious Use of it. 5. The open Encouragement given to Popery, by the building several Churches, Chapels, and Colleges, for the open Exercise of that Religion, and the Propagation thereof, against many express Laws; and the raising up one Jesuit to be a Privy-Counsellor, and Minister of State. 6. The Practices try'd on all Lord-Lieutenants, Deputy-Lieutenants, Sheriffs, Justices of the Peace, &c. to gain their Concurrence to the Repeal of the Tests and Penal Laws, and the Remo-

A. D. 1688.

val of such as had the Firmness to refuse. 7. The invading of some Charters, and procuring the Surrender of others. 8. The subjecting Mens Lives, Liberties, Honours and Estates, to an arbitrary and despotic Power, by obliging the Judges to give Sentence, not according to their Consciences and Oaths, but the Direction they receiv'd from Court; in consequence of which, a great deal of Blood had been shed in many Places of the Kingdom, against all the Rules and Forms of Law. 9. The putting the Administration of Justice into the Hands of Papists, and the entrusting them with military Employments; by which they were become Masters of the Kingdom: Whereas the Laws, on the contrary, had render'd them incapable of bearing Office, or wearing Arms. 10. The placing the whole Government of *Ireland*, in the same unqualify'd Hands; and the dreadful Apprehensions entertain'd by the Protestants there, on that Account, which had driven Numbers of them out of the Kingdom, &c. 11. The assuming an absolute Power over the Religion and Laws of *Scotland*, as appear'd by the Proclamation in which it is declar'd, That all his Majesty's Subjects were bound to obey him *without Reserve*. 12. The Despair which the Nation had been reduced to, by seeing the humblest and modestest Petitions treated as Crimes; the Bishops prosecuted as Delinquents, for no other Offence, and Judges turn'd out for only giving an Opinion in their Favour. 13. The treating a (r) Peer as a Criminal, for only saying, "That the Subject was not bound to obey the Warrant of a popish Justice of Peace." 14. The ill Constructions put on the Expedient which their Highnesses had offer'd, in relation to the Repeal of the Tests and Penal Laws, with a View to promote a good Agreement among the Subjects of all Persuasions; namely, That they had thereby design'd to disturb the Quiet and Peace of the Kingdom. 15. The Endeavours which had been us'd to corrupt Elections, by turning out of all Employments such as refus'd to vote as they were requir'd; by ordering such Regulations to be made in Boroughs, as should turn the original Right of popular Elections into a Court-Nomination, &c. In consequence of which Abuses, it was impossible for the People of *England* to be duly and legally represented, or for those returned to vote freely, as they ought, upon all Matters that were brought before them, *having the Good of the Nation ever before their Eyes, and following in all things the Dictate of their Conscience*. And, 16. The great and violent Presumptions which had arisen, that the Prince of *Wales* was not born of the Queen, and which, as yet, nothing had been done to remove.

This is, in effect, the List of Grievances contain'd in this Piece, which, however, are not laid to the King's Charge, but to that

of

(r) Lord *Leech*. He had beaten his Footman: The Fellow had recourse to the Law, and obtain'd a Warrant of course; which his Lordship refus'd to obey, on the Pretence above specify'd.

A. D. 1688.

of the evil Counsellors, who had taken possession of him: And, in like manner, we are to understand, that it was not against his Majesty that the Prince made such Preparations, but for his own Defence against the Violence of those evil Counsellors.

His Highness further signify'd, That, since both himself and the Prince had to great a Concern in this Matter, and in the Succession of the Crown; that since the People of England, in the Year 1672, in opposition to the then Government, had us'd their utmost Endeavours to put an end to a most unjust War, by the Government carry'd on against the States; and had ever testify'd a most particular Affection and Esteem both for his Highness and his dearest Consort; and that since he had been earnestly sollicit'd by a great many Lords both Spiritual and Temporal, and many Gentlemen, and other Subjects of all Ranks, to interpose, he could not excuse himself from espousing their Interests; and from contributing all that in him lay for maintaining the Protestant Religion, and the Laws and Liberties of these Kingdoms, and for the securing to them the continual Enjoyment of all their just Rights.

He also declar'd, in so many Words, That his Expedition was intended for no other Design, but to have a free and lawful Parliament assembled as soon as possible; and that, in order thereto, all the late Charters, which the Elections of Burgesses were limited, contrary to the ancient Custom, should be considered as null and of no Force: That likewise all Magistrates, who had been casually turn'd out, should forthwith resume their Employments: That all the Boroughs in England should return again to their ancient Prescriptions and Charters; and, more particularly, that the ancient Charter of the great and famous City of London should be again in force: That the Writs for electing Members of Parliament should be address'd to the proper Officers, according to Law and Custom: That none be suffer'd to chuse, or be chosen, Members, but such as are qualify'd by Law: That the Members, being thus lawfully chosen, should meet and sit in full Freedom, that so the two Houses might concur in the preparing such Laws as they should think necessary and convenient for confirming and executing the Law concerning the Test, and such other Laws as were necessary for the Security and Maintenance of the Protestant Religion, for establishing a good Agreement between the Church of England and all Protestant Dissenters; as also, for the covering and securing of all such who would live peaceably under the Government, as became good Subjects, from all Persecution upon the account of their Religion, *Papists not excepted*; and for the doing of all other things, which the two Houses of Parliament should find necessary for the Peace, Honour, and Safety of the Nation, so that there may be no more Danger of the Nation's falling, at any time hereafter, under arbitrary Government. To this Parliament we will also refer the Enquiry into the Birth of the pretended Prince of Wales, and of all

things relating to it, and to the Right of Succession: And we, for our part, will concur in every thing that may procure the Peace and Happiness of the Nation, which a free and lawful Parliament shall determine; and we have nothing before our Eyes in this our Undertaking, but the Preservation of the Protestant Religion, &c. Lastly, his Highness promis'd to send back his foreign Forces, as soon as the State of the Nation would admit of it; to take care of Scotland and Ireland; and invited all Persons, of all Ranks, to join him.

It may be almost said, that the same Packets which brought over Advice that the Dutch Fleet was on the point of setting sail carry'd back the News of the several Concessions which the King had been induced to make, to recover, if possible, the Confidence of his People. Hence it appear'd, that many of the Props, on which the Declaration rested, were taken away; and it became requisite for the Prince either to give over the Project, or to assign some farther Reasons to shew the Necessity of carrying it on, by the same Means, and with the same Vigour, as before. But his Highness was not dispos'd to encourage this relenting Humour in the King, or to suffice the Grievances he had complain'd of, to be redress'd by any Hand but his own: To the Manifesto, therefore, which he had already prepar'd, he caus'd a Supplement to be added, importing, "That the Sense of their Guilt, and the Distrust of their Force, had induced the Subverters of the Religion and Laws of these Kingdoms to retract some of the arbitrary and despotic Powers which they had assum'd, and to evacuate some of their unjust Judgments and Decrees, hoping thereby to quiet the People, and to divert them from demanding a Re-establishment of their Religion and Laws, under the Shelter of his Arms: That, in answer to what they had given out, namely, That the Prince intended to conquer and enslave the Nation, he was confident no Persons could have such hard Thoughts of him, as to imagine he had any other Design, than to procure the Settlement of the Religion, Liberty, and Property of the Subject, upon so sure a Foundation, that there might be no Danger of the Nation's relapsing into the like Miseries at any time hereafter: That the Forces he brought along with him were utterly disproportion'd to any such wicked Design: That the great Numbers of the principal Nobility and Gentry, who had engaged him in this Expedition, and who were many of them eminent for their constant Fidelity to the Crown, would cover him from all such malicious Insinuations; since it was not to be conceiv'd, that they would join in a wicked Attempt of Conquest, which would vacate their own lawful Titles to their Honours, Estates, and Interests: That he was confident all Men would be convinc'd, how little Weight was to be laid on all Promises and Engagements which could be now made, by recollecting, how little Regard had been had to the like Promises in Time past: That, as the imperfect Redress now offer'd was a  
plain

His Supplement  
to the  
Manifesto.

A. D. 1688.

plain Confession of the several Violations of Government, which he had before set forth; so the Defectiveness of the said Redress was no less apparent, seeing they laid down nothing which they could not take up at Pleasure; and that they reserv'd entire (without so much as mention) their Claims and Pretences to an arbitrary and despotic Power, which had been the Root of all their Oppression, and of the total Subversion of the Government: That it was plain there could be no Redress nor Remedy offer'd, but in Parliament, by a Declaration of the Rights of the Subject, which had been invaded; and not by any pretended Acts of Grace, to which the Extremity of their Affairs had driven them: And, lastly, That he had therefore thought fit to declare, that he would refer all to a free Assembly of the Nation, in a lawful Parliament.

His Letter to the King's Army.

A Letter, in the Prince's Name, was at the same time prepar'd, and address'd to the Officers and Soldiers of his Majesty's Army, in which he invites them to concur with him, in his Design to secure these Nations from Popery and Slavery, tells them, they were only made use of as Instruments to enslave the Nation, and ruin the Protestant Religion; prepares them for what they had to expect, when they had done the Drudgery impos'd on them, by putting them in mind of the cashiering of the Protestants in *Ireland*, the bringing over *Irish* Soldiers, to be substituted in their Places; and what had happen'd to many of their Fellow-Officers, for standing firm to the Religion and Laws of the Kingdom; cautions them against suffering themselves to be abus'd by a false Notion of Honour; advises them to prefer, as Men of Honour should, their Duty to God, their Religion, their Country, themselves, and their Posterity, to all private Considerations and Engagements whatsoever; signifies his Expectation, that they would therefore consider the Honour now set before them, of serving their Country, and securing their Religion; and promises, both to remember

the Service they should do him on that Occasion, and to place such particular Marks of Favour on every one of them, as their Behaviour should deserve of him and the Nation; in doing which, he should greatly distinguish those who should most reasonably join their Arms to his; &c.

Admiral *Herbert* also, by his Highness's Direction, made a like Address to the *Commanders and Seamen of his Majesty's Fleet*; in which he thought fit to assure them, That Infamy or Ruin would infallibly attend them, if they did not join with the Prince in the common Cause: Infamy, if by their Means the Protestant Religion should be destroy'd, and their Country depriv'd of its ancient Liberties: And Ruin, if it pleas'd God to bless the Prince's Arms with Success. "It is therefore, proceeds the Admiral, that I, as a true *Englishman*, and your Friend, exhort you to join your Arms to the Prince, for the Defence of the common Cause, the Protestant Religion, and the Liberties of your Country. It is what, I am well assur'd, the major and best Part of the Army, as well as the Nation, will do, as soon as Conveniences offer. Prevent them, in so good an Action, while it is in your Power, and may it appear, that as the Kingdom hath always depended on the Navy for its Defence; so you will yet go farther, by making it, as much as in you lies, the Protection of her Religion and Liberties; and then you may assure yourselves of all Marks of Favour and Honour, suitable to the Merits of so great and glorious an Action."

And that no Inducement might be wanting to bring the whole Nation into the same Way of thinking, *Dr. Burnet* was employ'd to compose a Tract, called, *An Enquiry into the Measures of Submission, and the supreme Authority, and of the Grounds on which it may be lawful or necessary for Subjects to defend their Religion, Lives, and Liberties*; in which he more particularly undertakes to (f) explain away the Force of that Law, which provides, that the Subject shall, on

A. D. 1688.

Admiral Herbert's to the Seamen.

Burnet's Treatise on the Measures of Submission.

(f) The Passages here referred to are as follow:

"The main and great Difficulty here, is, that tho' our Government does indeed assert the Liberty of the Subject, yet there are many express Laws made, that judge the Militia King's in the King, that make it plainly unlawful, upon any Pretence whatsoever, to take Arms against the King, or any Commission'd by him: And these Laws have been put in the Form of an Oath, which all that have borne any Employment, either in Church or State, have sworn; and therefore those Laws, for the asserting our Liberties, do indeed bind the King's Conscience, and may affect his Ministers; yet, since it is a Maxim of our Law, that the King can do no wrong, these cannot be carried so far as to justify our taking Arms against him, be the Transgressions of Law ever so many and so manifest. And since this has been the constant Doctrine of the Church of *England*, it will be a very heavy Imposition on us, if it appears, that tho' we held these Opinions so long as the Court and Crown have favour'd us, yet, as soon as the Court turns against us, we change our Principles.

Here is the true Difficulty of this whole Matter, and therefore it ought to be exactly consider'd: For, All general Words, how large soever, are still suppos'd to have a tacit Exception and Reserve in them, if the Matter seems to require it. Children are commanded to obey their Parents in all things: Women are declar'd by the Scripture to be subject to their Husbands in the Lord, as the Church is to her King: And yet, how compassionate soever these Words may seem to be, there is still a Reserve to be understood in

them; and tho', by our Form of Marriage, the Parties swear to one another till Death them do part; yet few doubt, but that the Bond is dissolved by Adultery, though it is not named; for odious things ought not to be suspected, and therefore not annual upon such Occasions: But, when they fall out, they carry still their own Force with them. So, when there seems to be a Contradiction between two Articles in the Constitution, we ought to examine which of the two is the most evident, and the most important, and so we ought to fix upon it; and then we must give each an accommodating Sense to that which seems to contradict it, that so we may reconcile them together. Here then are two seeming Contradictions in our Constitution, the one is the public Liberty of the Nation; the other is the imposing of all *Resolves*, in case that we are invaded. It is plain, that our Liberty is only a thing that we enjoy at the King's Discretion, and during his Pleasure, if the other against all Resistance is to be understood according to the strict Extent of the Words. Therefore, since the chief Design of our whole Law, and of all the several Rules of our Constitution, is to secure and maintain our Liberty, we ought to lay that down for a Conclusion, that it is both the main plea, and the most important of the two. And therefore the other Article against *Resistance* ought to be so interpret'd, as that it do not destroy it. So, since it is by a Law that *Resistance* is commanded, we ought to understand it in such a Sense, as that it do not destroy all other Laws: And therefore, the Intention of this Law must only relate to the executed Power, which is in the King, and not to the Legislative, in which

we

A. D. 1688.

no Pretence whatsoever, take up Arms against the King; and to shew, that when a King endeavours to destroy the very Fundamentals of the Constitution, and to make the Force of the Laws depend on his own Good-will and Pleasure, he forfeits the Benefit of them; that all Obligations of Government become thereby dissolved; that he may and ought to be resisted; that he ought to be under Guardians; and that the next Heir falls naturally to be the Guardian.

The Prince falls in his Expedition:

Thus arm'd at all Points, the Prince, with his whole Corps of Joint-adventurers, left the Hague, and came to *Helvoetsluis*, in order to embark for England. On the 21st of October the Signal was given for sailing; which the whole Fleet (consisting of fifty-two Men of War, twenty-five Frigates, as many Fireships, and near four hundred Transports, &c.) obey'd; Admiral *Herbert* having the Van, the Prince himself (with the Colours of England at his Top-Mast-head) the main Body, and Vice-Admiral *Svertson* the Rear. The Wind was at first favourable; but no sooner was Night come on, and this huge Body got out to Sea, before a horrible Storm arose, and continued to rage with such Violence, for twelve Hours together, that the most forward Pretenders to Heroism were glad to put back again, and instead of aspiring any longer to Victories and Triumphs, thought of nothing but Safety. The Fear was, however, greater than the Damage; for, tho' some Ships were driven to the Northward, and were forced to beat the Seas for seven or eight Days, they at last came in; and, tho' others were grievously shatter'd, not one was lost. The States, we are told, were not at all discouraged with this rough Beginning of so great and hazardous an Enterprize; but gave the necessary Orders for repairing all Mischiefs, and supplying all Necessaries, in order to make a new Essay, as soon as the Winds and Weather would give Leave. In order to draw some Advantage, moreover, even from this Misadventure, the *Havlem* and *Amsterdam Gazettes* were ordered to set forth a lamentable Relation of the Losses sustain'd

[Life of King William, v. 1. p. 546.]

by it. Namely, That nine Men of War, and several smaller Ships, had founder'd in Sea; that a thousand Horses had been thrown over-board; that Dr. *Burnet*, and several other English Gentlemen, were drown'd; that the States were greatly dismay'd; and that it was impossible for the Prince to prosecute his Design till Spring.

This was done that the Court of England, in a Persuasion that the Danger was over, might slacken their Preparations, might resume their former arbitrary Courses, and thereby furnish his Highness with fresh Matter to inflame the Nation: And for this Artifice did actually succeed, that the *Roman-Catholics* took occasion from thence to give out, that God was of their Side, and had now recompens'd them for the Ruin of the Spanish Armada, one hundred Years before: And, even in the *London-Gazette*, we find such Accounts of the Dutch Losses, as seem'd to argue, that the King and his Ministers either believ'd, or would have the People believe, that the very Turbulence of the Season, and the Care of (1) Providence, were alone sufficient for their Preservation.

About this Time, one Captain *Langham*, who had the Command of a Company of Foot in one of the British Regiments in the Service of the States, and who had found Means to get safe to London, with a large Quantity of the Prince of Orange's Declarations in his Portmanteau, which it was his Business to disperse, was seiz'd upon Suspicion; and, the Declarations being found upon him, was committed to Prison, as a Traitor: But, tho' it was resolv'd to make him an Example, so fearful were those in Power of the Mischief which that dangerous Paper might cause, that they laid the Bill against him without producing a Copy of it; and this, the only Evidence of his Crime, being suppress'd, the Grand-Jury took the advantage, and refus'd to find the Bill.

But the Prosecution of *Langham* was the slightest Circumstance which flow'd from this Discovery: In the Apprehension that his Highness might have other emissaries employ'd on the same Errand, a Proclamation

A. D. 1688.

The People's oath upon the Oath.

Capt. Langham's Declaration in his Coffin.

A Proclamation against publishing, or profane, reading, or repeating it.

Was

we cannot suppose that our Legislators, who made that Law, intended to give up that which we plainly see they resolv'd still to preserve entire, according to the ancient Constitution. So then, the not resisting the King can only be apply'd to the executive Power, that so upon no Pretence of ill Administration in the Execution of the Law it should be lawful to resist him; but this cannot with any Reason be extended to an Invasion of the legislative Power, or to a total Subversion of the Government. For it being plain, that the Law did not design to lodge that Power in the King, it is also plain, that it did not intend to secure him in it, in case he should let about it. The Law mentioning the King, or those commissioned by him, shews plainly, that it only design'd to secure the King in the executive Power: For the Word *Commission* necessarily imports this, since if it is not according to Law it is no Commission; and, by consequence, those who act in virtue of it are not commissioned by the King, in the Sense of the Law. The King likewise imports a Prince clothed by Law with the Regal Privileges; but if he goes to subvert the whole Foundation of the Government, he subverts that by which he himself has his Power, and, by consequence, he annuls his own Power; and then he ceases to be King, having endeavour'd to destroy that upon which his own Authority is founded.

It is acknowledged by the greatest Assertors of monarchical Power, that, in some Cases, a King may fall from his Power; and, in other Cases, that he may fall from the

Exercise of it. His deserting his People, his going about to enslave or sell them to any other, or a furious going about to destroy them, are, in the Opinion of the most monarchical Lawyers, such Abuses, that they naturally divest those that are guilty of them of their whole Authority. Instancy or Phrency do also put them under the Guardianship of others. All the crown'd Heads of Europe have, at least secretly, approved of the putting the late King of Portugal under a Guardianship, and the keeping him still a Prisoner, for a few Acts of Rage, that had been fatal to a very few Persons: And even our Court gave the first Countenance to it, tho' of all others the late King had the least Reason to have done it, at least last of all, since it justify'd a younger Brother's supplanting the elder; yet the Evidence of the thing carry'd it even against Interest. Therefore, if a King goes about to subvert the Government, and to overturn the whole Constitution; he by this must be supposed, either to fall from his Power, or, at least, from the Exercise of it, so far as that he ought to be put under Guardians; and, according to the Custom of Portugal, the next Heir falls naturally to be the Guardian." [P. 8, 9, 10.]

(1) When his Majesty first receiv'd the News of the Storm, he said to Mr. *Barillon*, laughing, *Je suis, que le Wind me declar'd ennemy; Je Paysis; Avez vous, remarque son serieux Air, et sonneuse son Voies, he added, Je sçavois, for they three Days, I have said the Holy Sacrament is in Procession.*

A. D. 1655.  
[ Gazette,  
Nov. 2376.]

was set forth, forewarning and admonishing all Persons of what Quality or Degree soever, from publishing, dispersing, repeating, handing about, or presuming to read, receive, conceal, or keep any of the treasonable Papers or Declarations, contriv'd and fram'd by the Prince of Orange, and his Adherents, to seduce the People, and, if it were possible, to corrupt the Army, upon peril of being prosecuted according to the utmost Severity of the Law. And when that Passage in the Declaration came to be consider'd, which asserts, That the Prince had been earnestly invited to engage in his present Enterprize, by a great many Lords, both spiritual and temporal, the King, who seem'd greatly affected by it, was advis'd to send for those of the Bishops that he suspected, and to put them to such a Test as should either let him into the Depth of the Confederacy against him, or lay them under a Necessity to assist in defeating it: Accordingly, his Majesty sent immediately for the Archbishop, and gave him to understand, "That it would be very much to his Service, and a thing well-becoming the Bishops, if they would meet together, and draw up an Abhorrence of the Prince's Design." But, tho' Abhorrences went down so smoothly in the former Reign, when the Church was permitted to share in the Triumphs of the Crown, not even the Requisition of the King himself could render them palatable now. His Grace first urg'd, That the Bishops having had his Majesty's Leave to repair to their respective Dioceses, it was at present impossible to get any considerable Number of them together. The King, on the other hand, endeavour'd to set aside that Objection, by naming the Bishops of London and Peterborough; but withal took no notice of those of Durham, Chester, and St. David's, tho' all three were at hand, and made their Appearance at Court almost every Day. What the Archbishop reply'd, nor how the Interview ended, is not explain'd; but the next Summons, we are told, was sent to the Bishop of London, who, being shewn the Passage in the Declaration relating to the Lords spiritual, and ask'd, whether the Prince had any Foundation for it, answer'd, somewhat ambiguously, in these Words: *Sir, I am confident, the rest of the Bishops will answer in the Negative as myself.* The King rejoind, *That he did believe them all innocent;* But, nevertheless, pursued his Design of forcing them to purge themselves, in the most open and explicit Manner. Thus the same two Prelates were again summon'd to attend his Majesty; and, to keep them in humour, the Bishops of Durham, Chester, and St. David's, likewise. Being admitted into the Closet, his Majesty directed the Lord Presson, Secretary of State, to read over the Clause in question; and, after certain general Expressions, signifying, as before, his Persuasion of their Innocence, called upon their Lordships to give him that farther Satisfaction already specify'd. The Archbishop, hereupon, declar'd, "That he ow'd his Majesty a natural Allegiance: That he had confirm'd this by voluntarily taking the

A. D. 1688.

Oaths of Allegiance and Supremacy: That he would have but one King at once: That his Majesty well knew, he never worshipp'd the rising Sun, nor made his Court to any but the King: That, as to this particular Charge, and his personal Concern in it, he was perfectly innocent: And that he did not know, nor could believe, that any of his Brethren had given any such Invitation." The Bishop of London's Turn was next: But he contented himself with saying, *That he had given the King his Answer the Day before.* As to the other three, they made no Difficulty to say whatever the King could require: And, upon the Whole, his Majesty, on the one hand, injur'd none more on some public Disfavour and Dislike of the Prince's Designs; and their Lordships, on the other, requir'd Time to deliberate upon a proper Answer; which was granted.

Of these five Prelates, we find but two, viz. The Archbishop, and the Bishop of London, that join'd in this Deliberation; and whether the other three were excus'd by the King, or excluded by their Brethren, or declin'd it of themselves, is wholly undetermin'd: We find also two more assisting in it, as far as appears, without any particular Call; namely, the Bishops of Rochester and Peterborough: And that their Lordships came to no direct Conclusion to comply with the King's Instances, we are farther told, was owing to the Timidity of the Bishop of Rochester; who, being obnoxious for his past Behaviour, durst not join in so unpopular a Measure; and the Guilt of the Bishop of London, who was as deep in the whole Secret as any Man.

They could not, however, avoid making their Appearance before the King, nor proposing some Expedient to avoid a decisive Answer: And what pass'd on this memorable Occasion was in effect as follows: The Bishops of Rochester and Peterborough did, in the first place, absolutely and expressly deny and disown their having done any thing towards the Invitation imputed to some Lords spiritual and temporal: And then the Archbishop made it his humble Request, "That the small Number there present might not be separated from the rest of the Bishops, and put upon so particular a Vindication; and that so few being about the Town, whom he could advise with, his Majesty would be pleas'd to summon up the rest of the Order, or at least as many of them as were not at too great a distance." The King objected, that this would be a Work of Time, and that the Matter would bear no Delay. To obviate which, the Bishop of Peterborough mov'd, "That his Majesty, in the Declaration he was about to publish, would be pleas'd to specify what had now pass'd between him and them, that the World might know they had disown'd all Concern in the Invitation." His Majesty alledg'd, "That something of their own would be more effectual than any Act of his, to create Faith in the People." And the same Prelate reply'd, "That, as they could not presume, that any Act of theirs was needful to strengthen

The Archbishop, &c. reply'd to the King as Abhorrence of it.

A. D. 1688.

his Majesty, so neither could they refuse to confirm what he should set forth on their Behalf; seeing, that not to do so would expose them to the Suspicion of Treason, and to disown it would involve them in the Guilt." The Archbishop also join'd with him in pressing his Majesty to accept of this Expedient; but without Success: His Majesty persisted in his Demand of something under their Hands, as what alone would give Satisfaction to the People. Thus forcibly beset, and alike fearful of consenting or refusing, their Lordships at last recollected, or came prepar'd to recollect, that the *temporal* Lords were chargeable with the same Imputation; and, for that Reason, made it their humble Prayer, that they might be join'd with them in preparing this Protestation. To this the King made the same Objection as to the Proposal for convening the Bishops; That it would bea Work of Time, &c. Upon which, as his last Resort, the Archbishop besought his Majesty, "That he would, at least, be pleas'd to direct a certain Number of Temporal Lords, to be nam'd by himself, to consult with them upon the whole Matter; assuring him, that, in such case, they would act in a Manner becoming the Duty of good Subjects, and as should be most expedient for his Service." And here we are to suppose the Matter rest'd; at least we are led to believe, by the Account from whence these Particulars are taken; which was drawn up, according to Mr. Richard, &c. by the Direction of the Archbishop and certain of his Brethren, and which is in the Nature of an Apology for the Conduct of the Bishops on that Occasion.

But there is also another Account, which was set forth by *Spirit Bishop of Rochester*, and in which several Particulars occur, that in this are not mention'd at all: As, That among the Proposals made by their Lordships to the King, to evade the Compliance he would have extorted from them, they desir'd to have the Matter referred to a free Parliament; urging, "That they, being but five or six in Number, could not sign a Paper which concern'd not only the whole episcopal Order, but also all the Peers of England." That the King was highly dissatisfy'd with this Answer: That Lord *Presbiter* told them, his Majesty expected more from their Loyalty, and from the Principles of their Church: That the Archbishop, seeing the Bishops of *Cheshire* and *St. David's* in the Presence as mere Spectators, without any Concern in the Difficulty, made it his Request, That, before he explain'd himself any farther, his Majesty would order

them to withdraw: That this being done, his Grace proceeded to say, "That it was owingly to their Peccage and Profession, to promote War against a Prince so nearly ally'd to the Crown: That, however, if a verbal disowning of the Invitation would satisfy his Majesty, they were not only ready to give it, but to consent that it should be printed." That the King continuing to insist on a formal Renunciation, and the Bishops to refuse it, his Majesty left them abruptly, telling them, *He would trust to his Army*: And that the Bishop of *Durham*, after this, would appear no more at the Council-Board, saying to the Archbishop, "That he was sorry for having so long concurred with the Court, and that he now desir'd to be reconcil'd to his Grace and the other Bishops."

There are still (1) other Accounts; and it is added, That the King was never seen more vehement in his whole Deportment, than while engaged in this Parley with the Bishops: That he parted from them all with great Indignation; and that the jesuit'd Party at Court appear'd so openly enrag'd against them, that one of that Party is said to have advis'd, in a Heat, *That all of them should be imprison'd, and the Truth extorted from them by Violence.*

Upon the whole Matter, it is natural either to conclude, that the Bishops were not altogether so express, even in their verbal Protestations, nor so warm and pressing in their Request, that his Majesty would take upon himself to publish those Protestations, as their *Apologists* above-quoted would have us believe; or else, to wonder, that they were not taken at their Word: For, not to insist on the Bishop of *Rochester's* own Account of the Affair, which differs so materially from his, had their Expressions been so favourable and full to the King's Purpose, as the said *Apologists* represents them, it is hard to be conceiv'd, why his Majesty did not compound the Matter with them, and make the best Use he could of the Concessions he did obtain, since he could obtain no more, and since the Example of those Reverend Fathers had then such Weight with the People: For, in the Declaration before alluded to, and which will be inserted in its Place, he makes not the least mention either of them or their Compurgation. It is also as natural to conclude, That, if the Bishops did not actually invite the Prince in form, they were in Heart his Well-wishers: For he was look'd upon as the Champion, Saviour, and Deliverer of the Church, then groaning under the Yoke of *Rome*, without Hope or Prospect of Redemption, except by the

Which they declare, solely in concert with certain of the Temporal Lords.

which is the substance of this Matter.

A. D. 1688.

Reflections upon the Whole.

(1) At 10 Bishop *Beverly*, with his usual Incoherence, he confound'd this Interview between the King and the Bishops with the other, when his Majesty call'd upon them for their Advice; and also, their declining the Point of Absolution, with the Advice then given by them; that his Majesty would immediately summon a Parliament, &c. His Words are these: "In order to lay the Heat that was rais'd in the Nation, the King sent for the Bishops; and set out the Intention of this unusual Invitation that the Prince was desir'd to; He assur'd these of his Affection to the Church of England; and protest'd, he had never intended to carry

things farther than to an equal Liberty of Conscience: He desired, they would declare their Absolution of this Intention; and that they would offer him their Advice what was fit for him to do. They declined the Point of Absolution, and advis'd the present summoning a Parliament; and that, in the mean while, the ecclesiastical Commission might be broken, the Proceedings against the Bishop of *London* and *Magdalen College* might be remov'd, and that the Law might be again put in its Channel. This they deliver'd with great Gravity, and with a Courage that astonished them to the whole Nation." [Vol. 4. p. 284]



A. D. 1688.  
(P. l. p. 784.)

the Interposition of his powerful Arm: And the Historian of his own Times moreover assures us, "That the Church-Party did, at that time, shew their Approbation of the Prince's Expedition, in such Terms as surpris'd many: They spoke openly in favour of it: They express'd their Concern to see the Winds continue averse: They wish'd for an East Wind, which, on this Occasion, was call'd the *Protestant Wind*: And they spoke with great Scorn of all the Steps taken by the Court to regain the Hearts of the Nation." Besides, if, according to the Doctrines of the Church, there was so much Merit in implicit Loyalty, those who glory'd in being *passive* under Oppression ought to have glory'd as much in being *active* in support of the Crown, when expos'd to such imminent Danger: And yet, we find their Lordships, in this Time of Trial, formalizing with their Sovereign, holding him at bay, pleading Privilege against his express Commands, and weighing out their Compliments by Scruples, as if their Business was only to hold the Scales between Party and Party, and to give the Turn as they should see Cause. In fine, Bishop Sprat proceeds so far as to make a Comparison between their Behaviour and that of the *Scottish Bishops*, who were drawn into such a Declaration, as (a) amounted to an *Abhorrence* of the Prince of Orange's Enterprize, and a Renunciation of the Principles on which it was founded, and to pronounce upon it, "That as the *English Bishops*, by refusing to stand by the Doctrine of *passive Obedience*, ev'd Episcopacy in *England*, to the *Scottish Bishops*, by adhering to that Doctrine, destroy'd Episcopacy in *Scotland*." Which is as much as to say, That, for the Preservation of the Mirr, a Bishop may dispense with his Duty to the Crown.

The Prince  
his just cause.

In this Interval, the Prince of Orange completely re-fitted his Fleet, re-supply'd his Army, and, on the 1st of Nov. O. S. with a favourable Wind at East, set sail once more on his Expedition to *England*, with a Design to make for the North, and to land either in *Burlington-Bay* or a little below *Hull*, in conformity to the Advice which he had receiv'd from the Earl of *Danby* and the Lord *Lioney*, and who had engaged, in such case, to procure a Rising in his Favour: Accordingly, all the whole first Night, and Part of the next Day, his Highness held that Course, till Lord *Dartmouth's* Scouts, which were station'd on the Coast to observe his Motions, had all disappear'd, to carry and confirm the News: After which, the Signal was given for the whole Fleet to tack about, and put before the Wind to the Westward:

where his  
Cause.

And, on the 3d of *November*, between ten and eleven o'Clock, they were discover'd mid-way between *Dover* and *Calais*, stretching down the Channel with all the Sail they could spread, the Shores of both Kingdoms being cover'd with Multitudes of People, who stood gazing on a Spectacle, at once so pleasing and so dreadful, with an equal Mixture of Terror and Admiration. For full seven Hours together this huge Body continued passing, and, when past, form'd a Line of above twenty Miles in extent; the Rear being in a manner close at hand, when the Van seem'd to be lost among the Clouds.

A. D. 1688.  
and passes the  
straights of  
Dover.

The same Day the News was carry'd to the Court of *England*, where it struck both the King and his Ministers with no small Degree of Astonishment: He had receiv'd Notice of the Prince's Design to land in the North, and had made his Dispositions accordingly: The *Scots* were still continued in those Parts, and a large Detachment of the *English* were sent down to co-operate as Need should require: Lord *Dartmouth* also, with sixty-one Men of War, (thirty-eight of which were of the Line) lay at the *Gunfleet*, off of *Harwich*, and it was believ'd he would from thence be able to intercept the *Dutch*, let them take what Course they pleas'd: His Lordship had, besides, discretionary Powers; had a personal Pique against Admiral *Herbert*; had all the Zeal imaginable for his Master's Service; and did not want either Bravery or Capacity; and hence, in proportion to the Confidence placed in him, the Disappointment was the more sensibly felt. But tho' it has since been Matter of Wonder, that he did not answer the Expectations conceiv'd of him, it does not appear that the Sense of the Court was against him then: On the contrary, his Majesty gave out, and fully believ'd, "That, if the Wind was the same at Sea as at Land, his Fleet would soon be up with the Enemy, and would fill give a good Account of them." Some of our *Historians*, indeed, have endeavour'd to excuse his Inactivity, by insinuating that a Fog interven'd between him and the Enemy: But Fogs seldom accompany a brisk easterly Wind; and we have besides seen, that he had his Advice-boats out, to give him timely Information: And as to what is said by Mr. *Burckot*, and others, That Matters were so concerted among the Flag-officers and Commanders, that had the Admiral come up fairly with the *Dutch*, it would not have been in his Power to have done very much against them, Bishop *Burnet* says, That Lord *Dartmouth* himself assur'd him, "That, whatever Stories were then propagated, concerning either Officers or Seamen, he was confident

Why not al-  
tack'd by the  
English Fleet.

(P. l. p. 785.)

(a) These Expressions were as follow:  
"We are amaz'd to hear of the Danger of an Invasion from *Holland*, which excites our Prayers for an universal Repentance to all Orders of Men, that God may yet spare his People, preserve your Royal Person, and prevent the Effusion of Christian Blood; and to give such Success to your Majesty's Arm, that all who invade your Majesty's just and undoubted Rights, and disturb or interrupt the Peace of your Realm, may be disappointed, and clothed with Shame, so that on your Royal Head the Crown may still flourish."

As, by the Grace of God, we shall persevere in perfecting a firm and unshaken Loyalty, so we shall be careful and zealous to promote in all your Subjects an inextinguishable and stedfast Allegiance to your Majesty, as an essential Part of their Religion, and of the Glory of our holy Profession; nor doubting, but that God, in his great Mercy, who hath so often protected and delivered your Majesty, will still preserve and deliver you, by giving you the Hearts of your Subjects, and the Necks of your Enemies." [Guaner, p. 273.]

A. D. 1688.

confident, that they would all be soon in a very hearty." Then, as to the Motion made by Sir William Jennings, at a Council of War, to stand over to the Coast of Holland, and there attend the coming out of the Dutch Fleet, on which the above Conclusion against the Flag-officers, &c. is in part grounded, the same Prelate is express, That it had been a continual Storm for some Weeks: That this Storm did not abate till the 28th of October: That, immediately after, the Wind came about to the East; and that the same Gale which drove the Dutch to happily down the Channel, hinder'd the English from getting out of the River: Whence it is apparent, on the one hand, that Sir William Jennings's Motion could not have been embraced, without exposing the Fleet to Danger, if not Ruin; and on the other, that there was no Necessity of conjuring up a Fog, to account for the Prince's passing by the Mouth of the Thames without Interruption.

But, from his Highness's Conduct, it becomes farther evident, that he was under real Apprehensions of the King's Fleet, even after his good Fortune had led him safely into the Channel: For, while he was yet in the very Streight between Dover and Calais, he held a Council of War; and, upon the Issue, it was resolv'd, that he himself should sail in the Van with three Men of War; that the Transports and Victuallers should form the main Body, and follow close behind him; and that the rest of the Fleet, under Herbert, should bring up the Rear, in order to make head against the Enemy, in case they should come up Time enough to interrupt their Progress.

Yet farther: Torbay was the Place they resolv'd for, as being the most commodious for the Reception of so vast a Fleet: The very best of the English Pilots in the Dutch Service had the Direction of their Course, in the foremost Vessel of the Fleet, in which were Dr. (c) Burnet, and the rest of the Prince's Domestics: And when it appear'd, on the 4th in the Morning, that, contrary to his express Orders, he had out-run his Reckoning, and led the whole Fleet not only beyond Torbay, but Dartmouth, Mr. Russel, who had recommended him, and who came on board that Vessel with him, in no small Disorder, bid the Doctor go to his Prayers, for all was lost: Which imply'd the strongest Fear imaginable of Lord Dartmouth and his Squadron; and that, in case of an Engagement, they were like to find no Favour. Plymouth was the next Port, which was in the Hands of the Earl of Bath, whom they were by no means sure of as yet; and, in case they tack'd about, the same Wind, that had hitherto favour'd them, would have been on the other Side, and brought the Enemy into the Midst of them: In this terrible Perplexity, which, in all Appearance, nothing short of a Miracle could have deliver'd them from, while

Russel was ordering out the Boat to go on board the Prince, the Wind, which had till now continued at East, dy'd away, and soon after, a soft and easy Gale at South arising, carry'd the whole Fleet in four Hours time into Torbay.

To close on this Head; Lord Dartmouth had made use of the first Abatement of the Wind to weigh and follow the Dutch with all possible Expedition; which is a new Proof that his Intention was to fight: And we have seen, that he would not have wanted an Opportunity, if Providence itself, for its own unsearchable Ends and Purposes, had not preserv'd those he pursued from falling into his Hands. As the Violence of the East Wind, had hinder'd him at first from getting under Sail, so the Calm which succeeded had again arrested him in the Channel: And what was still worse, that Calm was follow'd by a furious Gale at West, which continu'd to rage for several Days together. But even against this Storm he endeavour'd to make head: Bishop Burnet is express, that he was got as far as the *Isle of Wight*, and that he did what he could to pursue them; and Mr. Burnet brings him before Torbay in sight of the Dutch Fleet: But then, according to him, it was rather to give the Dutch an Opportunity of seeing what he was able to do, than with a Design to treat them as Enemies; and a late Writer endeavour'd to reconcile the different Opinions of these two Authors, by supposing, That the English were in a Disposition to fight when they set sail; and that while they were beating the Seas, those who were in the Prince's Interest had an Opportunity to dipole them otherwise. But if Lord Dartmouth did really come so far as Torbay, it ought to be presum'd that he came to manifest his Zeal to the King, not his Compliance to his Highness: And we find in the *Gazette*, that he kept the Seas beyond the Middle of November, and that he was, at last, forced into the *Isle of Wight*, as being expressly said, That the Fleet under his Command had been in very ill Weather.

Thus every Circumstance that occur'd, seem'd to favour the Prince; for while the King's Ships were in this Distress, not a Bark of his was in the least Danger; all lay safe at Anchor under the Land; and while the fair Weather lasted; he had landed his whole Army.

Care is taken by Dr. Burnet to (w) inform Posterity, that his Highness was desirous to land on the fourth of November, being the Anniversary both of his Birth and Wedding-Day, on the Presumption, that it would be taken as a good Omen by his Soldiers. "But we all, continues his Lordship, who considered that, the Day following being Gun-Powder-Treason Day, our landing that Day might have a good Effect on the Minds of the English Nation, were better pleas'd to

see

A. D. 1688.  
Russel's Account  
of the  
Prince's  
Escape into  
Torbay.

[Lives of the  
Admirals, v.  
ii.]

[Ann. 2492.]

The King's  
Fleet forced  
into St. Hel-  
len's.

The Prince  
disembark'd his  
Forces Nov. 5.

Error of the  
Prince's Pilot

(c) He was Chaplain to the Prince on this Occasion.  
(w) As also, that when he (the Doctor) had made up to the Ship where the Prince was, he took him heartily by

the Hand; that he ask'd him, Whether he would not now believe Predestination? that he was cheerfuller than ordinary; but that he soon return'd to his usual Gravity.

A. D. 1688.

[Oldmixon,  
p. 755.]

see we could land no sooner." Another Author records, that as one of the Dutch Ships, call'd the *Golden Sun*, approach'd very near the Shore, a Divine of the Church of England got upon the Poop of the Ship, and, flourishing his Bible in his Hand, cry'd out, *For the PRINCE and the Protestant Religion!* And almost all our Books take notice, that the *English Colours*, at his Highness's Mast-Head, were surrounded with this Motto, *THE PROTESTANT RELIGION AND LIBERTIES OF ENGLAND*, underneath which was writ, *Je maintiendrai* (I will maintain) being the Motto of the *Nassau Family*: As also, that the Coat was every where covered with People, who welcom'd their *Deliverer* with loud Acclamations, and brought in all manner of Refreshments for his Army.

In the whole Adventure he had lost but one Transport, having on board four Companies of Foot, a Vessel laden with Hay, and two Fishing-boats with 24 Horses; the first of these was taken by the *Swallow Frigate*; which, as its Name denoted, being an excellent Sailer, kept in sight of the Dutch Fleet till they enter'd *Torbay*: And on the very same Day Captain *Aylmer*, who commanded her, sent up one of his Officers Express to the Court with the News, who was to overcome with the Fatigue of his Journey, and so affected with the Story he had to tell, that he fell speechless at the King's Feet. Other Couriers, however, from *Dartmouth* and other Places along the Coast, successively confirm'd and explain'd what his Strength and Spirits would not hold out to do. An extraordinary Council was hereupon immediately call'd; in which it was resolv'd to treat the Prince and his Pretences with all the Sharpness imaginable; as appears by the Proclamation which his Majesty immediately caus'd to be set forth, and which was in Substance as follows, viz. "That as he could not consider the present unchristian and unnatural Invasion of his Kingdoms by a Person so nearly related to him, without Horror, so it was Matter of the utmost Trouble and Concern to him to reflect upon the many

Secret Proclamations against him.

Mischeries and Calamities which an Army of Foreigners and Rebels must bring upon his People: That it was evident by the Prince's Declaration, however plausibly worded, that his Designs at the Bottom tended to nothing less than the usurping his Crown and Royal Authority: That this appear'd by his assuming the Royal Style; his requiring the Peers, spiritual and temporal, and all other Persons of all Degrees to obey and assist him in the Execution of his Designs, which was a Prerogative inseparable from the imperial Crown of these Realms: That his calling in question the Legitimacy of the Prince of Wales, who, as if by the particular Care of Heaven, was born in the Presence of so many Witnesses of unquestionable Credit, furnish'd an undeniable Proof of his immoderate Ambition, which nothing could satisfy but the immediate Possession of the Crown itself: That with regard to his seeming Desire to submit all to the Determination of a free Parliament, in the Hope of in-

NUMS. LXXXVII.

gratiating himself with the People, nothing could be more evident than that a Parliament could not be free in all its Circumstances, so long as there was an Army of Foreigners in the Heart of his Kingdom: That he, the Prince, was in truth the sole Obstructor of such a free Parliament; for it was his Majesty's full Resolution, as soon as, by the Blessing of God, his Kingdoms should be delivered from this Invasion, to call a Parliament, which could no longer be liable to the least Objection of not being freely chosen, since he had actually restored all the Boroughs and Corporations to their ancient Rights and Privileges; and in which it was his Purpose not only to receive and redress all the just Complaints and Grievances of his good Subjects, but also to repeat and confirm the Assurances he had already given to them to maintain their Religion, Liberties and Properties, and all other their just Rights and Privileges whatsoever; and that upon these Considerations, and the Obligations of their Duty and natural Allegiance, he could no ways doubt but that all his faithful and loving Subjects would readily and heartily concur and join with him in the entire Suppression and Repulsion of those his Enemies and rebellious Subjects, who had so injuriously and disloyally invaded and disturb'd the Peace and Tranquility of his Kingdoms."

A. D. 1688.

[A. D. 1688.]

This was dated November the 6th, and in the next Gazette was circulated all over the Kingdom; but without the desired Effect: The Notion which had universally prevail'd, that the Promises of Papists were no longer binding, than the Priests pleased, and the little Regard which his Majesty had shewn to those which he had made at his Accession to the Throne, had destroy'd all Confidence in him; and instead of reading with a Spirit of Acknowledgment, they read with Indignation; while on the other hand, the Prince's Papers, most of which could now be no longer suppress'd, were receiv'd almost as implicitly as if they had contain'd a new Revelation.

Which is the  
by the Press

In order, therefore, to reason the People, if possible, out of their fatal Prepossession, and retain them in their Duty, the Declaration itself was, at last, reprinted, by the Direction of those in Power, with a short Preface, and some middl Remarks upon it, as they are call'd, by way of Antidote; at the End of which, to complete the Packet, was annexed a Paper of *Animadversions*, suppos'd to be written by *Steward* (before spoken of) but then attributed to Lord *Caslemain*, says the Writer of the *History of the Desertion*, adding, "But whoever was the Author of it, it is a spruce Piece of Sophistry, and he was a Person who well knew what could be said for a bad Cause, and where it was not possible to make any Defence: And there would insensibly glide by, as if he had not minded the Difficulty." *Specious Animadversions* they are call'd by Mr. *Richard*, who with that bare Notice removes them out of his way. And as to the rest of our Historians, they have pass'd them over without any Mention at all; how properly, let Posterity judge

The Contents  
of his Decla-  
ration expos'd.

12 G

from

A. D. 1688.

from such Excerpts out of those Pieces, as follow :

In the *Preface* it is urg'd, That a Sight of the Prince of *Orange's* Declaration had been eagerly desir'd; because most Men expected, that some extraordinary Secrets, some hidden Works of Darknes, would have been brought to Light in it; and, more particularly, concerning the clandestine League between his Majesty and the *French King* for extirpating Protestants, which had been so confidently discours'd of, and of which nevertheless not one Word was said: And, in the *modest Remarks*, the Question is ask'd, Whether, in case there had been the least Ground for such a Suggestion, those who had aggravated every little Circumstance to swell out their Charge, would have slipt over an Article of such Importance, without any Notice at all? And again, in relation to what is said concerning the Birth of the Prince of *Wales*, (all which, the *Remarker* asserts, amounts to no more than a *violent Presumption*;) Whether the very Noice of such a Presumption was Reason enough to justify a War? He more-over asks, Whether all the other things were not redressable by Parliament? And maintains not only, That a Parliament was the main thing to be insisted on, but that the irregular Choice of a Parliament could not warrant the present Invasion. This he exemplifies by urging, That the long Parliament, in the late King's Reign, was actually dissolv'd in virtue of the triennial Bill, nine Months before the Repeal of that Bill was thought of; and yet, tho' they continued to sit and act so long afterwards, that Irregularity was never thought a good Reason for a War: That this was beyond any Trespas committed by his present Majesty: That it was in the preceding Reign that the Charters were first resum'd; and those who enter'd on violent Courses for their Restoration were proceeded against as Traitors: That the late Duke of *Monmouth* also made this last Circumstance a Clause in his Declaration: And that a Parliament chosen by the garbled Corporations voted him a Traitor. He then asks, If the Blood of *Monmouth*, and all those who suffer'd with him, lies upon such of the Nobility and Gentry of the Church of *England* as were concern'd in bringing them to Execution? Or, if that which was held criminal in them, or the Presbyterian Plotters before them, could be held excusable in the present Undertaking; more especially, bringing with it, as it did, the additional Guilt of making the Nation a Prey to Foreigners; whom, in neither of the former Cases, nor even the civil War itself, it had been visited with before? Observes, That, how great soever the Grievances of the People had been, they were now remov'd: That all things had been replaced on the ancient Bottom, in order to the calling a free Parliament; which had been done before, if the Prince, by this Expedition, had not hinder'd it, and would still be done, as soon as he took his Leave: That, hence it appear'd, all his Pretensions were taken away; and that nothing remain'd for him to do, but to return home, or con-

tend for the Crown. Proceeding on to his Highness's additional Declaration, our *Remarker* affirms, "That the said Addition did very plainly unfold the Prince's Design. He will abide among us, continued he, with a foreign Power, and make the Choice of a Parliament impracticable; and therefore the Call of one a very weak and foolish thing; and yet oblige us to distrust every Promise made us; lessening what is done, and insinuating, that all things will soon be undone." And again, "The *Dutch*, knowing how the Prince hath ravish'd from them their Liberties and Privileges, and what Danger they are in of being utterly undone, if Liberty of Conscience be settled among us in *England*, precipitate the Prince on this hazardous Undertaking; not doubting, but either they shall be delivered from the Prince's Exercise of a despotic Power over them, or spoil our Liberty, to the Continuance and Advancement of their own Trade." He afterwards asks, If the Prince would deserve Belief in any thing, if what he has affirm'd concerning the earnest Solicitations which he had receiv'd from the Lords spiritual and temporal to invade us, should prove untrue? And they, says he, not only declare, that they never did solicit his Coming, but that they look on his Invasion to be sinful. And, lastly, he takes occasion to shew, That the Bishops could not do any such thing, without acting most contrary to their avowed Principles, and the most solemn Oaths and Declarations; nor without endangering their hierarchical Grandeur even by their own Success: For it was reasonable to suppose, that whatever had been said to induce them to co-operate had been said only to ensnare them; and that the utmost they had to expect was, to be kept in Dependence on the Government by a yearly Salary, in lieu of their present Lands, Leases, Lordships, &c.

The *Animadversions* are plainly the Work of some other Hand, who had both more Knowledge, and more Bitterness, than the former. He sets out with observing, That, for a long while, the Preparations in *Holland* were very unconcerning News in *England*; no one supposing it possible, that a Prince, who was born of one Daughter of *England*, and marry'd to another, would bring Fire and Sword into *England*; and fight personally against his Uncle and Father-in-law: That, when it was found that this Incredulity had deceiv'd those who had entertain'd it, his Highness's Declaration was impatiently wait'd for, in hope that the Public would therein be inform'd what Injury, beyond the Reach of Satisfaction, he had receiv'd, which had prompted him to such violent Measures: That now this Declaration was come out, they were more at a loss than before: That *England* was not the Country where the Laws were openly transgress'd, and Endeavours were us'd to introduce a Religion contrary thereto: That some Laws were indeed suspended; but then they were so little necessary to the public Peace, that even his Highness, almost in the same Breath, had declar'd his Intention to take them away: That,

A. D. 1685.

That, with regard to the Introduction of Popery, had the King really intended to introduce it, he would never have render'd it impossible, by granting Liberty of Conscience to all alike: That, however, if the Designs of the Papists had been ever so irreligious, booted Missionaries were no Ministers of the Gospel; nor could Endeavours to do bad Actions warrant the committing the worst: That, were the Case of the *English* People as bad as he states it, he had no Right to interpose, except by his friendly Offices: That his Majesty would pass for a very bad Neighbour, if he should take upon him the Cognizance of the Disorders in the *Dutch* Government, and undertake to compose them by War: That the most immediate Concern in the Succession would not warrant such an Interposition, since a Son could no more dispose of his Father's Estate, chuse his Tenants for him, or prescribe the Conditions of his *Leases*, than a Stranger to his Blood: That, upon the same Grounds which his Highness had declar'd against the King's Counsellors, he might, with more Reason and Justice, declare against the Counsellors of any King upon Earth: That, however bad his Majesty's Counsellors were, his Highness's were worse; Men whose Brains reach'd no farther than to copy from their rebellious Ancestors of 41: That, as to the Matter of the *dispensing Power*, Kings were not bred at the Inns of Court, but were as much oblig'd to trust Lawyers for Law, as Physicians for Physic; and that, as it was a parliamentary Business, he should leave it to Parliament: That, in relation to the naming and displacing Judges as their Opinions agreed or disagreed with that of the Court, it was no more than what his Highness himself did, and all other Princes, who make Obedience to their Commands the first Qualification for that Service: That, notwithstanding the Rhetoric of his Highness's Penmen, they could not believe the King had broken his Coronation Oath, annulled the Laws, &c. while they saw Justice dispensed in his Courts as usual, and assisted every Day at the Exercise of the established Religion: That the Wisdom of our Nation had provided for the Redress of our Grievances, by Parliament; nor had made any Provision for Recourse to Fire and Sword: That, since the several Particulars enumerated by his Highness in his first Declaration were redress'd before he set sail, it was palpable, that the Reasons assign'd for his coming were not the true Reasons: That, as to the King's granting Employments to Papists, it were to be wish'd, that the greater Readiness of his other Subjects to act in his Defence might convince the World he had made an ill Choice: That, as to the Number of Papists in the Army, they were not one to fifty: That, if they were incapable of serving in Arms while the Kingdom was in Peace, his Highness had now remov'd that Incapacity; for in case of War, as of Fire, any Help was lawful: That, with regard to the Introduction of the *Irish*, the same Plea had the same Force, and, as they were the King's own

A. D. 1685.

Subjects, the Nation had less to apprehend from them than absolute Foreigners: That the Words objected to in the King's *Scottish* Proclamation are the very Words of a *Scottish* Act of Parliament, which moreover acknowledg'd and declar'd, That the Happiness of *Scotland* arose from the uninterrupted Succession, and absolute Power, of their Kings: That, in *Ireland*, Papists were not by Law excluded from Employments: And that therefore it appear'd no easy Task to please his Highness, seeing he complain'd of the breaking Laws in *England*, the making them in *Scotland*, and the keeping them in *Ireland*: That, whatever lawful Remedies were allow'd of to the Subjects of other Nations, under such insufferable Oppressions, the calling in of foreign Enemies was, in *England*, nothing less than Treason and Rebellion: That as to his Highness's Acknowledgment, that the last great Remedy was a Parliament, it was plain his Majesty thought so himself, by his issuing out the Writs for calling one; and that the Prince himself had render'd his own Demand impracticable; for Votes were not Cannon-proof; nor could a Parliament be freely chosen under the Law of Arms, nor vote freely with Swords at their Throats: That the violent Presumptions, and vehement Suspicions, concerning the Birth of the Prince of *Wales*, were Suspicions and Presumptions only, and were to held by every good Subject and sensible Man in the Kingdom; which was the Reason they had been so long disregarded: That the Gratitude of the *Dutch*, made manifest by their invading the *English* unjustly, for taking their part when they were unjustly invaded, was utterly unintelligible: as was also his Highness's enspousing the Interest of another, because he had an Interest of his own; That, however, he might as well have spoke out; for that nothing was more evident, than that he came for himself, not the People; and that ~~we might have either sunk or swam~~ for any Care of his, if it had not been for his own sake: That, as in the former Instance, it was making a strange Return for the Affection and Esteem which the Nation had testify'd for their Highnesses, by visiting them with a War, and subjecting them to all the Calamities inseparable from it: That, as to the Pretence of bringing over an Army to defend himself against the Violence of the King's evil Counsellors, nothing could be more groundless; for, in his own single Person, unattended by a single Footman, he would have found Security and Veneration, all *England* over: That, if he had nothing in view but a free and lawful Parliament, as he gave out, he might as well have staid at home; for all that he himself had thought requisite thereto had been granted before he embark'd; and such a Parliament would either have been sitting, or ready to sit, at that very Hour, if his Highness would have given it leave: That the referring the Birth of the Prince of *Wales* to this free Parliament was no better than mere Amusement; for every body knew what the References of Conquerors signify'd, and what

A. D. 1688.

what the Freedom of their Arbitrators; That the Expedient provided by his Highness to give Force and Vigour to the new Laws, which he thought necessary to be made, viz. That he would concur in every thing, &c. and further, that he would take care that a Parliament should be call'd in Scotland, and that the Settlement of Ireland should be observ'd, threw the King entirely out of the Question, and avow'd, in effect, that he would be King in his stead; for that none but Kings took those Offices upon them, or could be authorized so to do: That this was farther confirm'd, by what he says concerning the sending back his Forces; which imply'd his own Intention to stay: And lastly, that if his own Words had not warranted these Conclusions, no body would have carry'd their Suspensions so far as to suppose, that Interest could have drawn him to dethrone the King, unprince his Son, and seize the Crown for himself.

In answer to the additional Declaration, our Ambassador farther observes, That the Plea made use of by his Highness against the Assertion of a Conquest, from the Disposition of his Forces to such an Attempt, and the Junction of *English* with him, was an Attempt to declare the Nation out of their common Sense, by declaring them into a Rebel, that he was not capable of intending what he was actually doing: That this Disposition was not his Fault; for the whole Power of his Auxiliaries the *States* could not have remov'd it: That the Concern of his *English* Joint-Adventurers for their Titles to their Estates, Honours, &c. was equally absurd; since it was notorious, they had forfeited all those Titles by the very first Overt-act which they had committed: That the calling the King's Concessions a *fleming* *Redress*, demonstrated that the Prince's Expedition was unalterably resolv'd on, without any Thought or Care of the Good of *England*, or its Concerns: That the referring all again to a free, lawful Parliament, and yet referring all to the Sword, was utterly irreconcilable: That the Arguments address'd to the Soldiers and Seamen, and drawn from the Danger they were in from Papists, and the Fear of falling into his Highness's Hands, were the most unsuitable to *English* Natures that ever were found out; as supposing them Cowards as well as Fools, and to be frighted even with the very Sound of Danger: That, as to Papists, the Prince had more in his Army than the King in his; and as to the *Dutch*, his Highness would find they were not so terrible as he imagin'd: And that whereas it was said (where is not specify'd) the *Papists* had sworn the Ruin of the Protestant Religion, his Highness would much oblige the whole Nation in verifying it, by naming the wicked Men who had done so, that, when convicted, the next Gallows or Tree might save the Trouble of Parliaments and References.

There was yet another Paper which came forth about this time on the King's Behalf against his Highness, under the Title of *Reflections on the Prince of Orange's Declaration*

A. D. 1688.

and which also deserves Notice, because it contains a Thought or two not touched upon in the two others, and because it was answered in Form by his Highness's Advocate.

According to the Author of this Piece, the Prince would have need'd *less Apology*, if he had aim'd only to deliver the King from evil Counsellors, to divide him from France, and to engage him in the common Cause of Europe; and if he had endeavour'd first by way of Negotiation to prevail with his Majesty, to remove those Counsellors, to alter his Measures, and to give his Highness the necessary Satisfaction with respect to the Birth of the Prince of Wales. And on the other hand, we are to conclude, that he remain'd without any; because, without any lawful Call, he had invaded the Kingdom with an Army of Foreigners: Because he had acted in every respect so as to demonstrate, that his real Design was upon the Crown; which was a manifest Departing from the Words of his Declaration, and making the King answerable for the Charge he had laid against his evil Counsellors only: Because he had paid so little regard to his Majesty's Concessions: And because he had stak'd the whole Protestant Religion on his Success.

According to the Prince's Advocate, it was and should be notorious that his Highness had so little Interest with the King his Father-in-law, that his known Dislike of a Man was the best Recommendation to Favour and Preference; and that those were sent to reside in *Holland* whom he hated most: That therefore it was to be understood Negotiation would have prov'd a very unavailing Method: That nevertheless, the Prince did only require the Removal and Punishment of those evil Counsellors in a free Parliament: That for the same Reason, he refer'd the Birth of the pretended Prince of Wales to the same Arbitration: That as to a lawful Call, setting aside his Relation to the Crown, it was as lawful for the Prince to accept the Invitation he had receiv'd, as for one Neighbour to break into another's House, upon an Out-cry of Fire or Murder: That supposing every minute Objection could not be answer'd, it was more for his Honour to have enter'd upon the Stage a little before his time, than to have stood till the Plot was finished and the Curtain let fall: That to argue or even suppose, that the Prince aspir'd to the Throne, was to be esteem'd a very unjust Calumny cast upon so great a Prince, since he had so often made such high and solemn Protestations to the contrary: That the King's Concessions bore date only from the Notice of the Prince's Preparations: And that what was said concerning the Protestant Religion was fair Warning, which, it was to be hop'd, God would give every Protestant Grace to make a right use of.

Thus it appears, upon the whole, that both Parties had their fore Places; that each in turn could probe and irritate that of his Antagonist; and that neither had a Plaster broad enough to cover its own.

The Dispute was not, however, left to the Decision

A. D. 1688.  
*Measures taken by the King for his Defence.*

Decision of the Pen : At the time that these Appeals were severally made to the Understanding of the Public, his Majesty put on the Mask of Resolution, and gave out such Orders as put all Europe in Expectation of a vigorous Defence : His first Care was of *Portsmouth*, whither he sent down the Duke of *Berwick* with as many Troops as were judg'd sufficient for its Defence : His next was to recall his Forces from the *North*, and appoint a general Rendezvous of his whole Army on *Salisbury Plain* : And that his Soldiers, on their March, might give as little Occasion for Clamour as possible, at so critical a Juncture, to the Body of his Subjects, he prudently order'd public Notice to be given, by Beat of Drum in every Town or Village where they lay or halted, that all, both Officers and private Men, were duly to pay their Quarters; and that before they march'd out, upon Complaint made to the Commanding Officer, by the Magistrate or Civil Officer of such Town or Village, that the same had been omitted, or any Wrong had been done, Satisfaction should be immediately made, on pain of such Commanding Officers being cashier'd, or otherwise punish'd as his Majesty should see Cause. Lord *Feverham*, as before against *Monmouth*, had the (so) Command in chief, till his Majesty took the Field; for he gave out he would command in Person against the Invader, and seem'd at first to confide of Success, that when he was inform'd some Motions were on foot in the City of *London*, and the Counties of *York* and *Kent*, for preparing an Address, That he would be graciously pleas'd to come to an Accommodation with the Prince of *Orange*, he declar'd in Council, That he should look upon all those as his Enemies, who should pretend to advise him to treat with the Invader of his Kingdoms.

The Prince's March to *Exeter*.

The Flow of his Highness's good Fortune, in the mean while, seem'd at a stand; he had, indeed, land'd all his Forces in Peace and Safety; but his Cavalry were in a bad Condition; abundance of Rain fell; the Road became almost impassable; their Soldiers had both their Tents and Provisions to carry themselves; and even the Officers of all Ranks were expos'd to all the Hardships of the Weather and the Soil, without Horses, Servants, Change of Cloaths, or any kind of Refreshment whatsoever; for the Baggage was order'd round to *Exeter*, and from thence by Water to *Exeter*, whither the Prince was at the same time directing his March, as fast as such a Variety of Embarrassments would give leave. It is said his Highness exerted himself in an (x) extraordinary manner on this Occasion: That he order'd Horses, Carriages and Provisions from the neighbouring Country; and that never-

theless, his Army suffer'd so much in this March, that had it lasted two Days longer, he would have been reduced to great Extremities; of which, however, the King, by a strange Fatality, was in no Condition to take the Advantage.

A. D. 1688.

His Highness, had, moreover, the additional Mortification to find the People not so forward to receive him as he expected: They had smarted so lately and so severely for the Share they had rashly taken in *Monmouth's* Adventure, that they dreaded to embark again, and therefore stood aloof, not daring to join the Deliverer, tho' longing for the Deliverance. Sir *William Courtney* had been deeply engag'd in Lord *Ruffel's* Affair; and yet tho' the Prince of *Orange* took up his Quarters the two first Nights after his landing, at his House, we do not find any Mention made of Sir *William* himself, or that any of his Tenants or Neighbours join'd his Highness. This gave a sensible Damp to his Ardour, and caus'd him to make his Approaches towards *Exeter* with so much the more Caution. Captain *Hicks*, the Brother of the Non-conformist Minister who suffer'd under *Jeffreys*, was first sent thither to feel the Pulse of the Inhabitants, and to enlist such as offer'd into the Prince's Service. But no sooner was he arriv'd, and began to enter upon his Commission, than he was apprehended by a Warrant from the Mayor, and an Order was made for his Commitment, but not executed for fear of the Populace. He was nevertheless detain'd in Custody, and so continued till Lord *Mordaunt* and Dr. *Burnet* with three or four Troops of Horse came up to redeem him. There were no Soldiers in the Place, nor was it capable of Defence. The Gates were nevertheless shut for Form's Sake against the Prince and his Partizans, as against Enemies; nor when Lord *Mordaunt* had obtain'd Admittance, on his requiring them to be open'd on Pain of Death, would the Mayor acknowledge his Highness in any Capacity, or pay him any Compliment, or accept of any Deputation from him. The next Day, being the fourth after his landing, the Prince himself made his Entry, and met with no better Countenance than his Fore-runners had done before him. Dr. *Lampugh* the Bishop took wing on the first News of his Highness's Approach; and upon his Appearance at Court, was, for the Example's sake, rewarded with the Archbishopric of *York*, which had been so long kept vacant for another Person. The Dean also withdrew; and we shall find the whole Hive of Canons, Chanters, &c. took the first Opportunity to shew, that they were of the same Sentiments with their Superiors. Upon Sunday the 11th (of November) Dr. *Burnet* took Possession of the Cathedral Pulpit, and

The Prince does not find the Countenance he expected.

[Robin.]

(x) We are told by the Author of the *State of Europe*, That it was first offer'd to the Count de *Roy*, a Foreigner likewise, and that he cashier'd himself, under pretence that his Ignorance of the Language made him incapable of that Honour.

(\*) It is remember'd, by one of his own Writers, That one of his Parties went to *Tor-Atley*, and carry'd off with a Provisions, Horses, &c. took the first Opportunity to shew, that they were of the same Sentiments with their Superiors. Upon Sunday the 11th (of November) Dr. *Burnet* took Possession of the Cathedral Pulpit, and

A. D. 1688.

in a long (y) Discourse, endeavour'd to convince his Audience, That in the whole Progress of their Undertaking, God had shewn himself to be of the Prince's Side, and had now chose to begin the Deliverance of *England* on the same Day that it had been formerly devoted to Ruin and Destruction. This is a Circumstance which the Doctor in his History has thought fit to pass over. But then he endeavours to account for the Bishop and Dean's running away (so he phrases it) and the standing off of the Clergy, tho' they were sent for, and very gently spoke to by the Prince, by saying, "That the Doctrines of Passive Obedience and Non-Resistance had been carry'd so far and preached so much, that they could not, all on the sudden, get out of that Entanglement, into which they had, by long thinking and speaking, all one way, involv'd themselves; or, they were assur'd to make so quick a Turn." Possibly the little Effect of these very gentle Speeches of the Prince became manifest on the *Sunday*, by the Non-Attendance of the Clergy to this Discourse of the Doctor's; and for that Reason it was, that a new Experiment was try'd on them the next Day, by requiring all the Canons and Choristers to assist at a solemn *Te Deum*, in the Prince's happy Voyage, and safe landing. But neither had this the full Effect; the Canons did not appear at all; and tho' the Choristers did so far condescend as to assist in the Service, no sooner had Dr. *Burnet* begun to read the Prince's Declaration, than they all to a Man withdrew. The Doctor, however, persever'd; and when he came to the Close of it, added, *God save the Prince of Orange*, without any Mention of his Majesty; which was so much the more remarkable, since Policy as yet requir'd, that he should be treated with all the Decency and Respect imaginable, and Christianity, that we should pray even for our Enemies.

The same Part that *Burnet* play'd among those of the establish'd Church, *Ferguson*, who was also in his Highness's Train, undertook to play among his dissenting Brethren, and met with the same, or rather worse, Success: For *Burnet* got peaceable Possession of the Cathedral, tho' he could not prevail on the Posses belonging to it, to officiate jointly with him. But *Ferguson* was oblig'd to force his way into the Meeting-house, and met with no more Countenance than the Success of such Violence could give him.

As the Prince was fully persuaded, that immediately upon his landing, the whole Country would have come in to him; and that the only Struggle among all Sorts of Protestants would have been, who should have been foremost in their Acknowledgments to their common Saviour, it is no

wonder that the extraordinary Cheerfulness which he shew'd on his first coming ashore should vanish, as soon as he found the State of things so different from his Expectations. Instead, therefore, of advancing any farther into the Country, in order to take Advantage of the first Surprise, and of the unprepar'd Condition of the King's Affairs, he linger'd at *Exeter* for many Days together, in hopes the Lords Spiritual and Temporal, and others, who were to verify his Declaration, would fulfil their Engagements. At last, however, growing out of Patience, and perhaps out of Heart, he call'd a general Council of War, in which it was (2) propos'd to re-embark for *Holland*, by whom is not specified, nor on what Considerations the Motion was suspended or over-ru'd: But that such a Motion was made, is sufficient to prove, that the Force his Highness had brought with him, was indeed insufficient to manage the Kingdom, without dividing it against itself, in which Case, no Kingdom can stand.

His Majesty, in the mean while, made his Use of the Discouragements which had thus befallen the Prince: That the Bishop had left *Exeter*: That none but the Rabble join'd his Highness: That *Ferguson* was forc'd to break open the Meeting-house: And that the Invaders had not only taken 300 l. from the Collector of the Excise, but confin'd the Man for not being over-forward to give up his Trust, were severally made Articles in the *Gazette*, in hope they would render the Prince and his Adherents contemptible in the Eyes of the People, and deter even the most disobligh'd and most desperate from joining him.

But this Sunshine did not continue long. Major *Barrington* of *Worcester* the *Gentry* of *Devonshire*, and *Somersetshire*, shuck off their *Escapes* and came in Troops to join his Highness: And among them Sir *Edward Seymour*, so often already spoken of; at whose Instance, that they might no longer be a Rope of Sand, as he phras'd it, an Association was drawn up, and sign'd by all present, to this Effect, *viz.* That they did engage to Almighty God, to the Prince of *Orange*, and to one another, to stick firm to the Assistance of his Highness, the Defence of the Protestant Religion, the Laws and Liberties of the People of *England*, *Scotland*, and *Ireland*, and never to depart from that Cause, till their said Religion, Laws, and Liberties were so far secur'd, in a free Parliament, that they should no more be in Danger of falling under Popery and Slavery. And that whereas their engaging in this Common Cause, under the Protection of the Prince of *Orange*, might be a Means of exposing his Person to the desperate and cur'd Delights of Papists and other bloody Men, they did farther engage themselves to

A. D. 1688.

A Proposal made to re-embark [Life of King William, Kennet, &c.]

Major Barrington of Worcester the Gentry of Devonshire and Somersetshire shuck off their Escapes and came in Troops to join his Highness.

An Association form'd and sign'd.

(1) His Text was the last Verse of the 107th Psalm: *Why is noise, and will ye blow their things, even they shall understand for Lovely kindess of the Lord.*

(2) Lord *Dilwyn* observes, That when the Prince saw

to very few resort to him, after he had been some Days on Shore, he began to look towards his Ships, and had actually gone away if the Scene had not very speedily chang'd.



A. D. 1688. God and to one another, in case any such Attempts should be made upon him, to pursue not only those who made them, but all their Adherents, and all they should find in Arms against them, with the utmost Severity of just Revenge, to their Ruin and Destruction: And that the executing any such Attempt should not prevent them from pursuing the Cause they did then undertake, but, on the contrary, should encourage them to carry it on with all the Vigour that so barbarous a Practice should deserve.

His Highness  
approb'd them  
for being so  
tardy.

But however feasible or serviceable the Meeting was which produced this Association, his Highness, in his first Address to the Gentlemen who compos'd it, could not help giving vent, somewhat ungraciously, to his Spleen, at their Expence: "You see, said his Highness, we are come according to your Invitation, and our Promise. Our Duty to God obliges us to protect the Protestant Religion; and our Love to Mankind, your Liberties and Properties. We expected you, that dwell so near the Place of our Landing, would have join'd us sooner; not that it is now too late, nor that we want your military Assistance so much as your Countenance and Presence; to justify our declared Pretensions, rather than to accomplish our good and gracious Designs." Here his Highness clear'd up a little, and proceeded to say, "Tho' we have brought both a good Fleet and a good Army to render these Kingdoms happy, by rescuing all Protestants from Popery, Slavery, and arbitrary Power; by restoring them to their Rights and Properties established by Law, and by promoting of Peace and Trade, which is the Soul of Government, and the very Life-Blood of a Nation; yet we rely more on the Goodness of God, and the Justice of our Cause, than on any human Force and Power whatever. Yet, since God is pleas'd we shall make use of human Means, and not expect Miracles, for our Preservation and Happiness; let us not neglect making use of this gracious Opportunity, but, with Prudence and Courage, put in execution our so honourable Purposes. Therefore, Gentlemen, Friends, and Fellow-Protestants, we bid you and all your Followers most heartily welcome to our Court and Camp. Let the whole World now judge, if our Pretensions are not just, generous, sincere, and above Price; since we might have even a Bridge of Gold to return back: But it is our Principle and Resolution, rather to die in a good Cause, than live in a bad one; well knowing, that Virtue and true Honour is its own Reward, and the Happiness of Mankind our great and only Design."

It is in this Place to be remember'd, that Mr. Spoke, the Fellow-servant with Braden, for being too inquisitive into the Murder of Lord Essex, was now at Exeter, as a Spy for the King, having been retain'd (if his own (a) Account is to be depended upon) with an Offer of refunding to him 5000 l.

which had been paid into the Exchequer, for purchasing the Peace of his Family, and the Deposit of 5000 l. more in any Goldsmith's Hands, for his Use, when he had executed the Service required; and having retir'd those tempting Considerations, in order to create the more Confidence in his Majesty, and to be more serviceable to his Highness, to whose Cause, we are to understand, he was by Principle devoted, he tells us himself, That the King fell into the Snare; that he took this generous Refusal of his for such a Mark of his sincere Intentions to serve him, that he made no Difficulty to trust him with three blank Passes, one sign'd by himself, and two by Lord Percerham, in these Words: *Suffer the Bearer hereof to pass, and repose freely, at all Hours, Times, and Seasons, without any Molestation, Interruption, or Denial: That he set out directly for Exeter; that falling in with Colonel Talmaff, who commanded the Prince's advanced Guard, he communicated to him the Commission he had receiv'd from the King, and the Use he design'd to make of it for the Service of his Highness: That Colonel Talmaff gave him a Letter of Recommendation to Mr. Brentinck, who introduced him to the Prince, to whom he gave the Passes he had receiv'd from his Majesty, and who made no small Use of them: That his Highness was pleas'd to honour him with his Confidence, and from time to time to peruse the Letters which he sent to the King; the Tendency of which was, to work upon the timorous Disposition of his Majesty and his Ministers, by assuring him, that several of his greatest Officers wanted nothing but an Opportunity of being near the Prince's Army to go over to him; and thereby to raise a Mutiny and Jealousy in his Mind, even of those who were heartily and sincerely in his Interest.*

Thus far Mr. Spoke: And we learn from Bishop Burnet, that the first Persons of Quality who actually did join the Prince were, the Lord Colchester the eldest Son of the Earl of Rivers, Mr. Wharton, Mr. Russell, Brother to the late Lord, and the Earl of Abington; &c. But the Bishop has forgot to observe, that Lord Colchester was the first Soldier in the King's Service, who deserted him: He was Lieutenant of Lord Dover's Troop of Life-Guards; and, besides four of his Men whom he prevail'd on to follow him, he was accompany'd by Colonel Golfrey, John How, Esq; and about sixty Horsemen more. The Lord Lovelace made the next Attempt in the Prince's Favour; but not with the same Success: For, as he was endeavouring to pass through Cirencester with his Corps, which consisted of about seventy Horse very well appointed, he fell in with a Party of the Militia, who had been posted there by the Duke of Beaufort's sharp Skirmishers, in which Lord Lovelace himself, and thirteen of his Followers, were taken Prisoners, and several more wounded. About the same time,

A. D. 1688.

The Prince  
join'd by Lord  
Colchester,  
&c.

Lord Lovelace taken Prisoner, endeavouring to do the same.

Lord

(a) Which he had the Modesty to call *The secret History of the Revolution*, by the principal Transactors in it, and to dedicate to his late Majesty King George, in hope to draw

that Reward from him, which the Prince of Orange, it seems, who had the immediate Benefit of his Services, had forgot.

Spoke's Intrigues betray the King.

A. D. 1688.  
Lord Corbory's  
Defiance.

Lord Corbory, who was just come to the Rendezvous at *Salisbury*, with the King's own Regiment of Horse, commanded by the Duke of *Berwick*, the Regiment of Horse commanded by the Duke of *St. Albans*, and his own Regiment of Dragoons, and who knew the first of those Dukes was to be there that Night, and the Lord *Feverham* the next Day, pretending he had receiv'd Orders from his Majesty to that Purpose, caus'd the two Regiments of Horse, and his own of Dragoons to march to *Dorchester*, under pretence of beating up the Enemy's Quarters at *Honiton*; but, in reality, to carry them over to the Prince of *Orange*; who, on his Side, to facilitate the Junction, order'd a Body of his own Forces to advance twenty Miles to receive them: There was a Necessity to march full speed, as well to prevent a Pursuit on one hand, as to recover the Shelter of the *Dutch* on the other: Accordingly, his Lordship posted on for thirty-eight Miles together; having, in that whole March, halted but two Hours; But few of his Officers were in the Secret; among whom Lieutenant-Colonel *Langston* is particularly mention'd: And this Over-haste drew him into a Suspicion with the rest; so that, when the *Dutch* were in fight, a Whisper ran among them, that they were betray'd: His Lordship, we are told, had not the Presence of Mind that is critical an Affair requir'd; consequently could not prevent the Confusion which follow'd: The Major Part immediately march'd about, and made as much haste back to *Salisbury* as their present Fatigue would give leave; and the rest, having follow'd their Leader till they were within the Prince's Guards, could not retreat; but nevertheless continu'd in such ill Humour, that nothing less than a Large of a Month's Pay could satisfy them. Both Sides affect'd to exult on this Occasion; the one, because they had not lost the whole Party; and the other, because they had gain'd some, and because they expected many more to follow the same Example. Bishop *Burnet* says, "This gave us great Courage, and shew'd us, that we had not been deceiv'd in what was told us of the Inclinations of the King's Army."

The King and  
Queen embark  
1688.

The same Reasoning also prevail'd at Court; for, whatever Countenance the King and his Ministers put on, they were in perpetual Fear that the Ground was hollow underneath them, and that it would give way when they stood most in need of its Support: The rest of the Army, the Artillery, and even the King's Equipage, were on the Road to *Salisbury*, when the News of that ungrateful Incident was brought up; and the immediate Effect was, a sudden Order for them all to halt; for it was now become a Question, whether his Majesty ought to trust his Person among those who had so little Zeal for his Service, and who lay so open to the Designs and Practices of his Enemies. And possibly it was at this Crisis that his Majesty's best Friends advis'd him to call a Parliament without delay, before his Subjects importun'd him on that Head; assuring him, That, if any Attempt was made

[History of the  
Defiance.]

upon his Royal Person or Authority, it would certainly engage many honest Men to stand by him; and that, besides, it would always be in his Power to prorogue or dissolve it, and, at last, to trust to his Forces: But, in answer to this, we are further told, the Jesuits, who entirely possess'd him, represent'd, That, in such case, the thing to be most fear'd was, the Union of those Forces with the Parliament against him; or, at least, that the Majority in Parliament would have the Majority of the Army at their Devotion: And that if, on the other hand, he stood his Ground resolutely and firmly, if he rejected all Expedients, and plac'd his whole Confidence in his Army, they would acknowledge no Master but him, and would do their Duty bravely, in the Belief that in fighting for him they fought also for themselves. The last of these Advices prov'd the most palatable, and for that Reason was follow'd: And it was upon the Whole concluded, both in the Camp and the Cabinet, that the last Appeal should be made to the Sword, and that the King should take the Field; his very Presence among the Soldiery being held alike sufficient to inspire them with Courage, and strike a Terror into the Enemy.

A. D. 1688.

Advice to call  
a Parliament  
rejected.

It was accordingly resolv'd, that the Troops, &c. should pursue their March, and that his Majesty should follow them forthwith: But first, a Proclamation was set forth, prohibiting the holding of *Exeter Fair*, that *evil dispos'd Persons* might not avail themselves of that Pretence to join the Prince of *Orange*; And that the Populace of *London* might not be impell'd by their Wants and Distresses to raise a Sedition, his Majesty signify'd his Pleasure to the Bishop and Lord Mayor, That they should cause such Public Collections to be made throughout the said City and Suburbs, and Parts adjacent, as should be competent for the Relief of such as, thro' the Calamities of the Times, stood in need of it.

The King's  
prints a Col-  
lection to be  
made for the  
Relief of the  
Poor.

But, notwithstanding this and the like Precautions, his Majesty found himself unable to shake off his Fears. There was a Spirit in the City, that he knew was not to be won, that he durst not provoke, and that was, nevertheless, to be guarded against. If it was necessary for him to go in Person against the Prince of *Orange*, it was as necessary for the Queen and her Son to fly. And his Concern for their Safety induc'd him to alter his first Resolution of taking his whole Force with him, in order to leave such a Body of Troops as should be sufficient for their Protection in all Events.

Leaves a Body  
of Troops for  
the Protection  
of his Queen  
and Son.

In the mean time it became the Talk without Doors, that his Majesty had declar'd himself resolv'd not to call a Parliament, but that whoever should presume to require it of him, would incur his highest Displeasure. This was matter of great Concern to those who were anxious for an Accommodation, and of as much Pleasure to those who thought it their Interest to enflame the Broil, and who knew that the King could, upon no Ground whatever, be

A. D. 1683.

attack'd with more Advantage or Success than this. Hence it follow'd, that both those Parties, without entering into each other's Views and Motives were easily brought to a Meeting at the Bishop of Rochester's; and when together, consisted of the following Persons, namely, The Archbishops of Canterbury and York (*Lampugh* who had lately fled from the Prince of Orange) the Bishops of *St. Asaph, Ely, Rochester, Peterborough, and Oxford*; the Dukes of *Norfolk, Devon, and Ormond*; the Marquis of *Halifax*; the Earls of *Oxford, Dorset, Anglesey, Nottingham, Clare, Clarendon, Burlington, and Rochester*; the Viscount *Newport*; the Lords *Chandos, Poget, Carberry, and Ossington*. To petition the King for a free Parliament, was what they all agreed in; as also, that his Majesty would entertain some Expedient for keeping the Peace in the mean while: But when the following Clause came to be propos'd, viz. That the Peers who had join'd the Prince might sit in that free Parliament, Debates ensued, the Parties divided, and upon the whole, it was rejected (as needless, says Bishop *Kennet*) by a great Majority: Upon which the Duke of *Norfolk*, the Marquis of *Halifax*, the Earls of *Oxford and Nottingham*, and the Lord *Carberry* withdrew; and the Petition agreed upon was drawn up in the following Words:

A Meeting of several Lords to petition the King for a Parliament.

A Clause in favour of the Lords with the Prince rejected.

The Petition.

" May it please your Majesty, We your Majesty's most loyal Subjects, in a deep Sense of the Miseries of a War now breaking forth in the Bowels of this your Kingdom, and of the Danger to which your Majesty's sacred Person is thereby like to be expos'd, and also of the Divisions of your People, by reason of their present Grievances, do think ourselves bound in Conscience of the Duty we

owe to God, and our holy Religion, to your Majesty, and our Country, most humbly to offer to your Majesty, That in our Opinion, the only visible way to preserve your Majesty, and this your Kingdom, would be the calling of a Parliament, regular and free in all its Circumstances. We therefore do most earnestly beseech your Majesty, that you would be graciously pleas'd, with all Speed, to call such a Parliament, wherein we shall be most ready to promote such Councils and Resolutions of Peace and Settlement in Church and State, as may conduce to your Majesty's Honour and Safety, and to the quieting the Minds of your People. We do likewise humbly beseech your Majesty, in the mean time, to use such Means for the preventing the Effusion of Christian Blood, as to your Majesty shall seem most meet. And your Petitioners shall ever pray." &c.

A. D. 1688.

As it was now no longer to be fear'd that the Pretenders of Petitions would be prosecuted as Criminals, the two Archbishops, and the Bishops of *Ely* and *Rochester* undertook to present this, in the Name of the rest; which they accordingly did on 17th of November, and receiv'd the following Answer:

" My Lords, What you ask of me, I most passionately desire: And I promise you, upon the Faith of a King, That I will have a Parliament, and such an one as you ask for, as soon as ever the Prince of Orange has quitted this Realm: For, how is it possible a Parliament should be free in all its Circumstances, as you petition for, whilst an Enemy is in the Kingdom, and can make a Return of near an hundred Voices?"

The King's Answer.

Both Petition and Answer were immediately made public, and gave rise to a warm, but short, (b) Controversy, in which the

Controversy between the

(b) The two Papers, which were exchange'd on this Occasion, and which afford an excellent Comment on the Duty-proceedings of these Times, are as follow:

" Some Reflections upon the humble Petition to the King's most excellent Majesty, of the Lords Spiritual and Temporal now published the 17th of November 17, 1688.

That the Power-makers are misled, is a Truth our Saviour hath left recorded in the holy Scriptures, and those are truly to be honoured, who can contribute any thing to his happy Work: But that either this Way of petitioning, or the Matter in it desired, is likely to produce to great a Blessing, is a Question worthy serious Consideration.

I shall first therefore take notice of some of the dubious Expressions in the Petition, and then lay down some few Reasons why I judge the Petition in itself unreasonable; and, lastly, endeavour to show how unpracticable the summoning of a Parliament is at this present.

The Expression, That a War is now breaking forth in the Bowels of the Kingdom, shews, that their Lordships either know, or foresee, that a civil War is fomenting; and I pray God, this Petition do not, more than any thing else, occasion it; or that the Prince of Orange, intends to carry on the War through the Bowels of the Kingdom: Whereas those that wish well to the King hope it will be kept in and about the Parts where he is hindred.

Secondly, As to the Division of the People under their present Grievances: it seems to many true Members of the Church of England, that it had been every what as agreeable to your Lordships Character, to have rather thank'd his Majesty for his late extraordinary and gracious Favours, than to have accus'd the Subjects at this time with the Appearances of Grievances, without any Intimation what they were; for it is well manifest, that, by such remonstrating of Grievances, the People were inclin'd to that bloody Rebellion in 1641.

As to the Expression, That your Lordships think your-

selves bound in Conscience, of the Duty you owe to God and our holy Religion, and to his Majesty and our Country, may hardly consist in the Matter, that, in your Opinion, the only visible Way to preserve his Majesty, and his Kingdom, would be, the calling of a Parliament regular and free in all its Circumstances: I hope to make out, that the summoning a Parliament now is so far from being the only Way to effect these things, that it will be one of the principal Causes of much Misery to the Kingdom; and I am here both our Duty to God and our holy Religion, as well as to his Majesty and our Country, doth plainly enjoin us to use one other effectual Means to obviate the Miseries of a civil or intestine War; which is, the keeping inviolably our Allegiance to our Sovereign, and effectually joining with him to resist all his Enemies, whether foreign Aggressors, or native Rebels: And it is much to be wonder'd at, that this Duty, so well known to your Lordships, should never be mention'd.

As to the regular and free Parliament in all its Circumstances, I shall now proceed to prove, that at this Season, all our Wishes for such an one are impotent, and must be ineffectual.

First, It is a known Truth, and fully experienced, That, whenever the People are in a great Ferment, and contrary Parties are bandying one against another, the giving Liberty to the People to meet, in great Bodies, is dangerous to the Government; and you yourselves not long since were of that Opinion, when you oppos'd the vehement Addresses to King Charles II. for summoning a Parliament, when he judg'd it would strengthen the Faction against him; and you very well know, when great Heats were among the Members, and unreasonable Votes were pass'd against the late Succession, and other Matters endangering the Government, the King was oblig'd to prorogue some Parliaments from time to time, that such Separation might produce more sober Councils: And then the great Cry was, That, for the Preservation of the King's Person and our Religion, they were to chuse to have a Parliament meet.

Secondly, It is impossible there can be a regular and free Election, while the Electors are so violently divided; and

A.D. 1688.

the petitioning Lords are on the one hand treated as Incendiaries at least, if not Rebels;

and on the other, it is suggested, that no Faith ought to be given to Papists; and that the

A.D. 1688.

Part of them being so vehement Wilners of the Success of the Prince of Orange, that they fight all the Miseries that unavoidably will fall on the Country thereby, upon the bare Hope that he will preserve Religion and Property. Now, in such a time as this, when, if we will give Credit to the Prince's Declaration, there are so many that have invited him, can it be safe for the King to grant a Commission, even to the People, we assemble in such great Conflux, as may afford them Opportunity of lifting themselves against him.

Thirdly, If we yield that Elections can be without outrageous Riots; yet, when the Parliament is met, it is requisite by the very Constitution, that every Part of that august Assembly should be free in their Assent or Dissent to what is to be debated; and that Freedom is as fundamentally necessary in the Person of the King, as in the Members of either House; and that one of the proper and necessary Circumstances of that Convention ought to be, that all the Members shall be present. I shall therefore show, that, at this time, none of these can be practicable.

First, As to the King: While such powerful Enemies are in the Country, and so many ready to catch any Opportunity to join with them, how can the King be absent from his Army? the providing for, cherishing, animating, and ordering of which, will sufficiently employ the most intelligent of Princes. And none can think, that any Prince can watch the Motions of such an Enemy, and time his Opportunities of assaulting them, or defending himself; and, at the same time, be embroil'd with a Party in the Hobbs, that may as dangerously be levelling their Votes against him, as the Invaders are their Artillery.

However, here can be no Freedom to the King, who undisturb'd never; because the impending Storm may fright his Council, that they may advise to the yielding of those things that may be of ill Consequence to the Government; for whatever loses the King's just Prerogative, as he may do, in depriving him of exercising his negative Voice, is at one time or other prejudicial to his Subjects.

Secondly, As to the Lords: There can be no free Conventions of them, since several of them have so far forgot their Allegiance, that they are actually in the Prince of Orange's Army, and many other Lords are attending the King, and their Charges; so that, while their Armies are in being, they cannot meet in their House but by their Princes's Will. I suppose none can expect will be allow'd to the Peers that are in Rebellion, if we may be allow'd to call that such, which all our Laws adjudgeth.

The like may be said for the House of Commons: All the Gentlemen of Interest in their Country, by their Allegiance are bound to serve the King in his Wars at his Command; and will be few enough to keep their respective Counties in Peace. And I am confident none will think that a Parliament, as this ought to be that is desired, should consist of more who have been, than consent that to public Affairs, or have small Interests in their Counties.

So that, upon the Whole, I cannot see how any free Parliament can meet, unless it be such a Convention as the Saxons obtain'd of the Britons on Salisbury-Plains; where the mainstems of both People were to meet unarmed, and there amicably adjust Matters in difference; but it is well known, that the Saxons under their long Coats had their Weapons, wherewith they flew the Flower of the British Nobility, and thereby rendered their Conquest more easy.

It is true, such a Stratum is not now like to take effect; but the King, and those that with will to the Succession of the Monarchy and the Preservation of their Country, must needs fear, that there will be as dangerous Councils within the Houses as may be in the open Fields; and thereby little rather expected from such a Parliament, which can redound to the public Good of the Kingdom.

Fourthly, Those spiritual and temporal Lords, that have signed this Petition, either have not, or they have, consulted the Prince of Orange, before they propos'd this Advice.

If they have not consulted him, they ought to satisfy the King how they can warrant a Cessation of Arms on the Prince's Side, or how they can hinder him from advancing further, to awe Debates in the House, or what Assurance they can give that he will acquiesce in the free Decision of the Matters propos'd; or that he will peacefully depart out of the Land, when things are settled, and will not pretend a Stay here, till the vast Summ be paid him that he hath expended on this Occasion; or, lastly, will not find new Occasions of questioning the Security of Performance of any Agreement to be made.

If they have consulted the Prince, they ought to show his Commission, obliging them to make Papists, or show the Heads of those Grievances he demands to be redress'd; for some they urge in their Petition there are, which distract the People: But, I suppose they are more

careful of their Heads, than to own any such Correspondence.

If these noble Persons would have effectually sav'd Effusion of Blood, they should rather have used all their Interest to have kept the Prince of Orange in his own Country, tho' with his Army and Fleet in readiness, and have obtain'd his sending his Demands; and have waited, like dutiful Subjects, till the King had conven'd his Parliament; and have try'd how gracious the King would have been in redressing Grievances, and securing Religion and Property; and, after the King's Refusal, there might have been some Colour for his Invasion; but none, upon any Pretence whatsoever, to have invited him to it.

Fifthly, Those who will not openly, and with a bare Face, justify the Prince of Orange's Pretensions, cannot think it consistent with the Honour of the King, to stoop so low as to summon a Parliament at the Direction of an Invader, who can never be conceiv'd to desire it with that Espérance, if he did not judge it very much conducive to his Interest: For which very Reason, the King ought to be jealous of such Councils.

And, I usually conceive, those Peers are not sufficiently considered how prejudicial this sort of Address may be to the King's Affairs, and how much it will conduce to the further alienating of the Affections of the Subjects from the King, when they shall hear of his Death, to comply at present with this Expedient, and never hear the Reasons thereof; since they have not divulged his Majesty's gracious Answer, together with their Petition; and I am sure, at this time, the putting the King upon such a Dilemma is the greatest Diservice can be done him, and very little inferior to joining with his Enemies.

I might add many more Arguments to prove, that the King cannot in honour yield to this Advice, without making that undeniable Preterogative the Laws give him, of making War, or concluding Peace, if those Matters should be submitted to the Arbitrament of the two Houses; or owning that the Allegiance of his Subjects did not bind them to assist him in the Defence of his Crown and Dominions, without the Votes of a Parliament. But I shall conclude with some few Considerations I humbly offer to those Right Reverend and noble Lords, and all those who are of the same Judgment with them, to reflect upon.

First then, I desire them to consider, whether it will not be more glorious, and agreeable to the Principles of our Religion, essentially to assist our undoubted lawful Sovereigns, than to suffer him to be detron'd solely because he is a Roman Catholic; since the Papists themselves, tho' they neither take the Oath of Allegiance or Supremacy, yet do, and ever have declared, that if any Roman Catholic Prince, yea the Pope himself in Person, should invade any King of England, tho' a Protestant, yet that he was bound to oppose such an Invasion, as a King against a King, as much as if they were Protestants.

Secondly, Whether, since the true and original Cause of this Invasion, and consequently of all the Bloodshed these Lords so earnestly desire to prevent, hath not been the denying to concur with the King in establishing of Liberty of Conscience, even with such Security to the Protestant Religion, and Church of England, as could be desired; and whether, in all human Probability, that would not be more conducive to establish the public Tranquillity of the Kingdom, and its Increase in Wealth and People, and consequently the most efficacious Means to reduce the Dutch to be just and tractable Allies and Neighbours, rather than any thing can be effected by this Invasion, or the trucking to such avowed Enemies to our Country, our Religion, and our King.

Thirdly, Whether the King's entire Trust in the Fidelity of his own Subjects for his Defence, and not admitting of foreign Aids, that were, sought for, profess'd, do not oblige all that have any Sense of Gratitude or Duty, to aid him to the very utmost against such Foreigners, as so ungenerally and so unjustly invade him; and when it hath pleas'd God to give Success to the King's just Arms, we are not to doubt, but the King, according to his solemn Promise in his late Majesty's Declaration will specially call a Parliament, and, in it, redress all such Grievances as his People can justly complain of, with a full and ample Security to the Church of England and all his Protestant Subjects; which it will much more be our Interest to have in a truly harmonious and free parliamentary Way at that time established, than at this present in a tumultuary and precipitate Manner, so patch'd up, as will not be durable, and the more earnestly we desire to see this good Work to be set upon, the more shall the Nobility and Gentry should make to expel those who hinder'd the Convention of that Parliament, which was much more likely to have settled Matters to the Content of the King and his People, than this Invasion can ever hope to effect.

A.D. 1688.

the People could have no Security but in the Sword of their Guardian Angel the Prince of Orange.

On the very same Day that this Petition was presented, the King was to begin his Journey to *Salisbury*; but before he set out, as if to shame his Subjects and Soldiers into Fidelity and Obedience, he summoned such of his Officers as were then about him, into his Presence; among whom, it is particularly remember'd, were the Duke of *Grafton*, the Lord *Churchill*, and the Colonels *Kirk* and *Trelawney*, and spoke to them in the manner following:

The King's Speech to his Officers.

"According to the Lords Petition, I have engaged my Royal Word to call a free Parliament, as soon as ever the Prince of *Orange* has quitted the Kingdom; and I am resolv'd to do all that lies in my Power to quiet the Minds of my People, by securing their Religion, Laws, and Liberties. If you desire any thing more, I am ready to grant it. But if after all this any of you is not satisfi'd, let him declare himself; I am willing to grant Paffes to all such as have a mind to go over to the Prince of *Orange*, and spare them the Shame of deserting their Lawful Sovereign." Father *Orleans* adds, That this seem'd to make some Impression at that time; and that they, one and all, declar'd, "They were satisfi'd, and that they were ready to spill the last Drop of their Blood in his Service." At the same time, his Majesty recommended the Care of the City to the Lord Mayor, telling him, "He left a sufficient Number of Troops for their Defence: That upon any Exigence, he was to apply himself to the Privy Council; assuring him, That if he returned victorious, he would punctually perform what he had already promised, for the Security of their Religion and Liberties."

By the Privy Council, we are to understand the Cabinet, of whom the Majority

were Papists, and not one had any Credit with the Public, because all had either advis'd or countenanc'd the violent Measures, which had brought on the present Troubles, While, therefore, the Administration continued in the same Hands, the People expected a Continuance of the same Measures, and consequently, nothing the King could say made any Impression. Thus he had scarce turn'd his Back upon his Capital, before that turbulent Spirit began to shew itself, of which he had entertain'd such cruel Apprehensions. Every Man was become Statesman and Patriot, and thought himself privileg'd to do what was right in his own Eyes. What was Zeal at first, by Degrees turn'd to Phrenzy. No News was pleasing that did not help to increase the natural Ferment. He that retain'd any Degree of Temper, was suppos'd to have parted with his Honesty. And when such a licentious Damon had taken Possession of the Populace, 'tis perhaps less a Wonder that they began to discharge their Fury upon the Mass-houses, than that they did not proceed to a general (c) Massacre of the Priests.

A.D. 1688.

On the 10th the King arriv'd at *Salisbury*, having, to ingratiate himself with his Army, brought down with him in his Train a Protestant Chaplain, Mr. *Chetwood*, who, finding the *Romish* Priests in Possession of the Chapel in the Bishop's House, where his Majesty had taken up his Quarters, had the Courage to apply for leave to remove them, or to withdraw himself. A Request of this nature, at this time, had, in a manner, the Force of a Command: The Priests had Orders to dislodge, which, after some Dispute, they obeyed. Mr. *Chetwood* officiated in their stead. And tho' his Majesty was no occasional Conformist, his Officers crowded the Chapel, and overwhelm'd the Chaplain with their Carresses, not because they were more religious than before, but because the Current of the Times

He arrives at Salisbury.

"A modest Examination of the Petition of the Lords Spiritual and Temporal for the calling a free Parliament.

This Defence is grounded upon three fundamental Principles: 1. The Right of Petitioning. 2. The Necessity. 3. The Duty.

I. It is the undoubted Right of the Subjects to petition, being founded upon an Act of Parliament, and the highest Reason in the World; for that is a very monstrous Government, where the People must not approach their King, and acquaint him with their Grievances. The People have the greatest Property in the Land, and therefore the most concern'd when a foreign Enemy is upon it: Their Welfare is the supreme Law, and yet they must not desire to meet in order to consult their own Preservation. The *Tyrants* (the sworn Enemies to the English Nation) will take care of us, and our Posterity; therefore why should we trouble ourselves at this Justice? They can levy Money with a Proclamation, they can dispense with all Laws, and what should we do with a Parliament, when the whole Statute Book serves for no other End but to wipe the Tails of these reverend *Savages*, who fly into their dens and Thickets, at the very Sound of a House of Commons?

II. The Necessity, and that an indispensable one; the Government turn'd Top-sy-turvy, no Law, no Rule, all in a State of War; all Treaties broken, all Obligations ceas'd; and yet the People must not come together to know why or wherefore they fight, or how they may avoid destroying one another; they must hack and cut one another to Pieces blindfold, and to no other End, but to save the *Tyrants* and the Knaves, and to ruin themselves. But the most Reverend Bishops are told, that they shall have a free Parliament as soon as ever the Prince of *Orange* has quitted this Realm; that is, such a free Parliament as they

were like to have had before the Prince came hither, suffred, cut, and hack'd by Mr. *Brent* and his Missionaries; or perhaps ten times worse, or rather none at all; for the Church of *Rome* is grown such an infamous Blackspot, that no body will trust her further than they can command her: She may be compar'd to the *Tyger*, which lows, sneaks, and lurches, as long as the Hunter is arm'd with his Spear and his Gun; but when once the Weapons are laid down, the Beast flies upon the unwary Forester, tears and devours him.

III. The Duty; for what better Office could those pious Prelates and Patriots of their Country do for the Public Good, than to make all People Friends, to save the Lives of many thousands, and to heal all our Wounds and Sores, which they of the *Roman* Faith have inflict'd upon a People too kind and good natur'd for such ravenous Monsters, who go about seeking whom they may devour. *France*, *Ireland*, *Hungary*, and the *Valleys of Piedmont* are still reeking with the Blood of their poor innocent Preys, and echoing with the Lamentations of a People ruin'd, by trampling these Crocodiles too much; and if God in his infinite Mercy had not watch'd over these Kingdoms, and sent a *Gabriel* to guard them, they have strandy fallen a Victim to the insatiable *Prize*, the lawless Fury, and untractable Barbarity of a sort of Animals call'd *Caribbees*; subtle and treacherous by Custom and Discipline, not to be chain'd by any Law, either of God or Man; and therefore every body knows how far we may rely upon them, when the Archangel leaves us.

Essex, Nov. 21, 1688.

(c) *Obsequium*, with an Air of Satisfaction, affirms, That a Priest seeking off with a Silver Candlestick, had his Hand, Candlestick, and all, cut off by a Goldsmith's Apprentice whom he knew.

A. D. 1688. Times set that way. This, it must be suppos'd, was no very pleasurable Sight to the King; in order, therefore, to get rid of a Man so dangerously popular, in a popular way, his Majesty removed Dr. Trevelyan from the Bishopric of Bristol to that of Exeter, and nominated Chetwood to succeed him; who, seeing the Times very unquiet, as we are told, continued quiet himself ever afterwards.

His Majesty had, however, the Pleasure, on the Evening of his Arrival, to be complimented by such of his Officers as were most professedly attach'd to him, and who, upon that Occasion, express'd their Abhorrence of Lord Cornbury's Desertion in the strongest Terms they could use. This, no doubt, was a Cordial to the drooping Spirits of the King; and on the strength of it, he agreed the next Day to visit the advanced Guard of his Army, which was quarter'd at Warmünster, but was prevented by a violent Bleeding at his Nose, which nothing could stop, and which was at last diverted by the opening a Vein.

Is prevented from visiting Warmünster's Guard by a bleeding at his Nose.

Almost all Authors take notice of this Incident, but not for the same Reason. Bishops, Statesmen and others only mention it, to show the Disorder of Mind the King was in, and to what a Degree it affected his Body. But Father Orleans, and his Followers, pretend it is accidental, and suppose that if it had not happen'd, his Majesty would immediately have been deliver'd up to his Enemies.

According to these last, it was at Lord Cornbury's Instance that he undertook this late Expedition, and a Plot was actually laid against him and Kirk, who commanded the Armistice, to carry him off, and put him into the Hands of the Prince of Orange. But this is confidently deny'd by those of the other side; and it is to be lamented that none of them have brought any Facts or Arguments to disprove it; more especially as Sir John Ker's Story seems to adopt the Story, and to disavow it, as the Talk and Belief of those Times.

It seems, however, to be generally agreed, that the same Day most of the chief Officers, and even some of those who had so lately made such Professions of their Fidelity, came in a Body to Lord Feverham, and gave him to understand, "That however devoted they were to his Majesty's Service, they could not in Conscience fight against a Prince who was concern'd with no other Design than to procure the calling a free Parliament for the Se-

Several of the chief Officers, and even some of those who had so lately made such Professions of their Fidelity, came in a Body to Lord Feverham, and gave him to understand, &c.

curity of their Religion and Liberties." That Lord Feverham having conceiv'd a strong Suspicion of Lord Churchill, conjur'd his Majesty to lay him under arrest, as a Warning to his Confederates; That his Majesty refus'd to consent to it: That the next Day the said Lord, together with the Duke of Grafton, Colonel Berkeley, four or five Captains of his own Dragoons, &c. went over to his Highness; and that he left a Letter to the King behind him, which contain'd an Apology for what he had done; and in which, after acknowledging that he lay under the greatest personal Obligation to his Majesty, he alledg'd, that nothing but the inviolable Dictates of his Conscience, and a necessary Concern for his Religion (which no good Man could oppose, and with which he was instructed nothing ought to come into Competition) could have induc'd him to offer that Violence to his Interest and Inclination, which he had done. "Heaven knows, continu'd his Lordship, with what Partiality, my dutiful Opinion of your Majesty hath hitherto represent'd those unhappy Designs, which inconsiderate and self-interested Men had fram'd against your Majesty's true Interest and the Protestant Religion. But as I can no longer join with such to give a Pretext by Conquest to bring them to Effect, so will I always, with the Hazard of my Life and Fortune (so much your Majesty's Due) endeavour to preserve your Royal Person and lawful Rights, with all the tender Concern and dutiful Respect that becomes, &c."

A. D. 1688. The Duke of Grafton and Lord Churchill desert him.

It is easy to imagine how greatly the King must have been shock'd with such an Instance of Tenderness, Gratitude and Duty: But his Majesty had not Leisure now to ruminate long on one Misfortune; for they came on like Waves in Succession, and all broke full upon him. On the same Day that he was prevented from going to Warmünster, about an hundred and twenty of his Horse and Dragoons under the Command of Colonel Sarsfield, fell in with about thirty of the Prince of Orange's Men at Wincanton, who were in quest of Horses for the use of his Highness's Carriages, and who made so desperate a Defence, that Sarsfield, on a false Alarm that a Reinforcement of the Enemy was at hand, was glad to make off: And we are told, that the Account given by his Men of this inconsiderable Action, help'd to intimidate the King's whole Army. Close on the Heels of this Misadventure, his Majesty receiv'd Information that Lord Delamere had, on the 16th, founded the (r) Trumpet in Che-

A Storm at Wincanton

Lord Delamere declares for the Prince.

16. The Words are these, "We were told that a Number of great Men, Officers of the Army, and particular Confidence of the King, had revolted and gone over to the Prince of Orange; particularly, that on the nineteenth of November, the King then having reach'd Salisbury, where his Army was rendezvoued, the Lord Churchill, one of his Major Generals, under Presence of showing him his Outguards (would have) misled his Majesty into a Train which must have betray'd him to the Hands of a Party of the Prince of Orange's Army, had not an immediate bleeding at the Nose prevented the King from proceeding; and that the said Lord perceiving his Design to be thus frustrated, immediately went over to the Prince, accompanied by the Duke of Grafton, Colonel Berkeley and others; tho', it must

be observ'd, that this Lord Churchill was rais'd from a Page to the King (when Duke) to the Degree of a Viscount of England, and in Possession of a great Estate therewith, which was entirely owing to his Majesty's Bounty.

(r) What his Lordship's particular Provocations had been, we have already seen; and what his declared Sentiments were of the Crisis, we find in his Speech to his Tenants, before he set out on the Expedition; the most material Part of which was as follows:

"I see all lies at Stake; I am to chuse whether I will be a Slave and a Papp, or a Protestant and a Freeman: And therefore, the Cause being thus, I shall think myself false to my Country, if I sit still at this time. I am of opinion, that when the Nation is deliver'd, it must be by Force

A. D. 1688.

shire for the Prince of Orange, and had set out from *Boden-Doroni* at the Head of one hundred and fifty Horse to join his Highness: And almost every Hour furnish'd him with new Reasons to apprehend, that the Infection would spread by Degrees through the whole Kingdom. In vain did he set forth by Proclamation, his Royal Promise of full and free Pardon to all such as, having been seduced by the false Suggestion and Misrepresentations of his Enemies, to join themselves with Foreigners in a most unnatural Invasion of their Country, should quit his said Enemies in twenty Days and return to their Allegiance: No body regarded it; and instead of reclaiming any one Deserter, he saw the whole Body of his Subjects on the point of following his Example. At this very Instant of Time, the Earl of *Derbyshire*, another of the patriot (f) Peers, had drawn together a Party of the Nobility and Gentry of the Northern Counties, with such of their Tenants and Followers as they could induce to take Arms after their Example, and march'd into *Derby*; where the Earl himself deliver'd a Paper to the Mayor, setting forth, That as Christians and good Subjects, they thought it their Duty to endeavour, to the utmost of their Power, to heal the present Distractions, and to prevent greater: That they were equally apprehensive of the sad Consequences which might arise from a foreign Army, and concern'd for the many Invasions of our Religion and Laws, which had given Occasion for it: That as the Meeting and Sitting of a Parliament had ever been the great Expedient on these Occasions, they were resolv'd to promote it; and to much the rather, since the Prince of Orange had declar'd himself willing to submit his Pretensions to their Determination: That they heartily wish'd and humbly pray'd his Majesty would content to this Expedient, in order to a fu-

The Earl of Derbyshire's Paper to the Mayor of Derby.

ture Settlement, and hop'd such a Temperament would be found, as might prevent the Army now on foot from giving any Interruption to their Proceedings: But that if it should prove otherwise, they would to their utmost defend the Protestant Religion, the Laws of the Kingdom, and the Rights and Liberties of the Subject.

At *Nottingham* it was yet further declar'd, That the Liberties and Privileges of Englishmen were their Birthright: That this Birthright, as by innumerable Grievances they had been made sensible, the Justicial Privy Council had labour'd to deprive them of: That not being willing to deliver over their Posterity to Popery and Slavery, they were resolv'd to oppose the same to the utmost, and with all their Might endeavour to recover their ancient Liberties, by joining with the Prince of Orange, whom they hop'd God Almighty had sent to their Rescue: That they hop'd all good Protestant Subjects would be assiduous to them therein, and not be beguerv'd by the opprobrious Terms of Rebel: That they did indeed own it to be Rebellion to resist a King governing by Law, but not to resist a Tyrant who made his Will the Law: That the late Mock-Swears of *Reid's*, were no other than Snarcs: And that they thought themselves bound in Conscience to rest on no Security that should not be approv'd by a free-elected Parliament, to whom, under God, they retir'd their Cause.

On the very same Day that this bold and notable Declaration was made at *Nottingham*, the Earl of *Darby*, who had been so long in the Confidence of the Prince of Orange, and whose Name had been so lately inserted in the *Gazette*, as one of those zealous and faithful Subjects, who had taken out a Commission to serve against him (g), surpriz'd the Garrison of *Toré*, and put the Governor,

Declaration of the Nobility and Gentry at Nottingham.

York for Sir J. Mordaunt Earl of Darby.

or by Miracle. It would be too great a Privilege to respect the latter, and therefore our Dutycasts must be by Force, and I hope this is the Time for it. Providence is now put into our Hands, and he that is just in this time, may very well expect that God will make, when the Fear of Affliction comes upon him, which he thought to avoid by being indifferent.

If the King prevail, farewell Liberty of Conscience, which had hitherto been allow'd, not for the sake of the Protestants, but in order to settle Popery. You may see what you are to expect, if he get the better; and he hath already given you of this Troop, a Tonic of the highest efficacy he will maintain in his Army: And yet you are of what sort of People (alluding to the *Pop*), who had been quarrell'd in their Country he intends his Army to consist of. And if you have not a mind to serve such Masters, then stand not by and see your Countrymen perish, which they are endeavouring to defend you.

(f) His Lordship, while a Member of the House of Commons, had dilated only himself by his Zeal for the Revolution; whether out of any private Animosity to the then Duke of *York*, or not, it is hard to determine: But 'tis certain there subsisted an irreconcilable Enmity between them, ever after. *Dillon* was the Earl's Follower; and, as it is said, Colonel *Catwax* was employ'd to assist him, in the Court, to persuade that his Resignment might transport him into some Extravagance, of which an Advantage might be taken, to humble it not raise him; that, if that was the Design, it fails, as it is said, in the Execution: For, tho' the Colonel actually carry'd his Commission to see for what he had, and even to draw Blood from him, he so far mov'd himself, as to proceed against him as the Law directed on such Occasions: And Lord *Dillon*, in a speech in the House of Peers, afterwards said, That he had heard the King interpose, and prevent'd Lord *Dillon*, that *Catwax* should never be allow'd to appear at Court again: But if the Pro-

ceedings were such, it is not clear, that Lord *Dillon* ever met him there again on any other the same spot, and immediately shut it in with him in the next Room.

The Colonel comply'd with what when it was required, to go down stairs from hence, he refus'd to give the least Satisfaction for his former behaviour, he instantly retir'd: Upon which the Earl took him to the Congress of which was, that his Lordship was resolv'd with a Westminster Lord Chief Justice *Wray*, and oblig'd to give in some 1000000000 personal Bail, and had a Surty for 2000000 more: What was still harder, when the Case came to be try'd, he was resolv'd the Privy Council should, upon the King, the Court avoided. That he should not be a Peer of the Realm, that he should be committed to the King's Bench, if it was pleas'd: And that he should give a Security for his good behaviour for a Year.

Thus far we have Authority on our Sides: And the Author of this Work has been told, that soon after this free Sentence was pass'd, the Countess her Mother, who had long absconded herself from Court, made her Appearance at the Circle; and having requested his Majesty, that she was come to pay her last Duty, presented that with an Acknowledgment, under the Hand of King *Charles II.* that he had intended to the Father, for she had seen that was now to be speak'd out of the Box.

(g) The Particulars of which are thus recounted by Sir *Henry Spelman*.

It is the wish of about a hundred Gentlemen, — Sir *Henry Goodrich* deliver'd himself to the King: — That there having been great Endeavours made by the Government of late Years to bring Popery into the Kingdom, and by many Devices to set a stopper to the Laws of the Land, there would be an proper Return of the many Grievances we labour'd under, but by a free Parliament; that now, as is the only Time to prevent a Pollution of that Sort; and that they could not make a better Pattern than had been set before them.





A. D. 1688.

would have it in his Power to return upon his own Terms.

This is rightly call'd the worst Advice that his worst Enemy could have given him; and whether it was given at the Time and in the Manner here suggest'd or not, we shall find it had more weight with him than any other. Possibly, he was now so distract'd with what he felt, and what he fear'd, that he was no longer able to distinguish between right and wrong. *Burnet* is express, That he lost both Head and Heart at once. And Lord *Delamere* writes a long Letter to a Friend, which is extant in his Works, purposely to shew, that his Majesty's Fear had taken the Place of his Reason, and that all he did and said was the Result of that unworthy Passion. He had put his whole Trust in his Soldiers; and, says that Nobleman,

[P. 61, 62.]

"Never had any Prince in his Army so many Men whom he had personally oblig'd as King *James* had in his: For whilst he was Duke of *York* he was industrious to gain People of all Qualities; and what he did for any body, as well whilst he was Duke of *York*, as when he was King, was with so much Dispatch and so good a Grace, that his Favours carry'd with them a double Obligation, whereby he got the Character of a steady Friend, tho' other things gave him that of an irreconcilable Enemy." From all which his Lordship concludes, "That no Overture could have prevail'd with these Men to have deserted him, if they had had any sort of Gratitude or Sense of Honour." And yet this Army, or rather these Officers, whom he had thus meritoriously serv'd and oblig'd, slipp'd from his Grasp like Water; and he found, or thought he found, himself in so abandon'd and helpless a Condition, that all Hope was at an end; and that he had nothing left to do, but to commit himself to the Mercy of the Torrent, which he could no longer withstand.

Accordingly, no sooner was he inform'd, tho' falsely, that *Marshall Schomberg* was making a forced March to attack him, than he order'd his Forces to dislodge, and, with very sufficient Marks of Disorder, retir'd towards *London*. This Counter-motion was made the 25th, so that his Continuance at *Salisbury* was not quite six Days. The first Stage of his Retreat was to *Abinger*; where he supp'd that Night with the Prince of *Denmark* and the Duke of *Ormond*; and where they left him before Morning, together with the Lord *Drax*, Sir *George Hewitt*, and others: The King's own depending Behaviour having perhaps given them the Hint, that it was high Time to fulfil their Engagements to the stronger Side. His Highness, indeed, as Lord *Churchill* his Leader had done before him, made it a Case of Consci-

ence; and, in a Letter to the King, endeavour'd to excite his Reverberation as well as he could, by urging his Majesty's own Example, who had preferred his Religion to all other Considerations. "Whilst the restless Spirit of the Enemies of the Reformed Religion, proceed'd his Highness, back'd by the cruel Zeal and (b) prevailing Power of France, justly alarm and unite all the Protestant Princes of *Christendom*, and engage them in so vast an Enterprise for the Support of it, can I act so dangerous and mean a Part, as to deny my Concurrence to such worthy Endeavours for disabusing of your Majesty, by the Reinforcement of those Laws, and Establishment of that Government, on which alone depends the Well-being of your Majesty, and of the Protestant Religion in Europe? This, Sir, is that irresistible and only Cause, that could come in competition with my Duty and Obligations to your Majesty, and be able to tear me from you, whilst the same affectionate Desire of serving you continues in me." &c.

By the Resemblance which this Letter bears to Lord *Churchill's*, even to the very Phrases, it is reasonable to think they were penn'd by the same Secretary; and the plain Truth is, that they acted by Concert; or, rather, that his Lordship was the Undertaker, and that his Highness gave himself up to his Direction. Bishop *Burnet*, as we have already seen, makes no difficulty to acknowledge as much; as also that Mr. *Ruffel* was the Negotiator between him and the Prince of *Orange*; and there is moreover a Passage in the Earl of *Baharraz's* Memoirs, which very sufficiently proves, that the Bishop may in this Matter be rely'd upon; for, speaking of the Earl of *Argyle*, and his Desire to be of the *Orange*-Party, he tells us, That he could not be admitted till his Request had been made known to Prince *George*; that the Condition upon which he was to be admitted was, the taking an Oath upon the Sacrament, to go in to the Prince of *Orange* whenever he land'd; and that he took the said Oath accordingly, in the Presence of the Duke of *Ormond*, and a Gentleman who belong'd to the Princess of *Denmark*.

Hence then it may, without any Violence, be concluded, that every Step which was taken by either of these eminent Deferters, was taken with mature Deliberation; and was purposely so tim'd and circumstanc'd, as should most effectually contribute to throw his Majesty into Despair, and of course facilitate the common Deliverance: Thus, on the Receipt of a Note address'd to Lady *Churchill*, giving an Account of the Prince of *Denmark's* Defection, the Princess and that Lady, in a Fright, we are to understand, left the Court (\*) at Midnight, without staying to

A. D. 1688.

The Prince's Apology.

[P. 6.]

to

St. James's Library, and Volume 10. wards London.

Prince George and the Duke of Ormond desert him.

(\*) A Consideration which had never had any great Weight at the Court of *Denmark*.

(b) Mr. *Leland*, in his Life of the Duke of *Marborough*, has inserted the following Passage by way of Observation, but without mentioning from whom it is taken: "About five Weeks before the Princess left *Whitehall*, he had order'd a private State-council to be made, under presence of a more com-

monious Passage to the Lady *Churchill's* Lodgings, but in reality, that she might make her Escape that Way, when her Person or Liberty were in danger." The Night before her Royal Highness withdrew, the Lord-Chamberlain (Earl of *Belmore*) had Orders to apprehend the Ladies *Churchill* and *Bowling*, but the Princess being him to desert executing these Orders till she had spoken to the Queen; the Lord-

Lord.

A. D. 1658.  
The Prince's  
of Denmark  
flies to Nor-  
thampton.

to supply themselves with any Necessaries of any kind, and, under the Conduct of the Bishop of London, made the best of their Way to Northampton, where the Earl of that Place (who was the Bishop's Nephew) receiv'd her Highness with all imaginable Respect, form'd a Guard of Horse about her for her Protection, which by degrees increas'd to a little Army of Volunteers, who chose to be commanded by the Bishop, and of which Command, says his Brother of Salisbury, he too easily accepted.

There is yet another Circumstance or two relating to this Affair, which deserve a short Notice, as they lead yet farther to discover the Traces of Premeditation, tho' Endeavours have been us'd to pass it upon the Public for a sudden Thought, which took its Rise from the Prince's Dread of her Father's Displeasure only. The Bishop had then withdrawn himself from his usual Residence, to a private Lodging: No Reason is given why he did so: The King had just parted with him in Peace; nor was in a Condition to proceed with Rigor against a Father of the Church, however deeply concern'd against him: Lady Churchill was nevertheless in the Secret, and no sooner did the Note arrive, than she had recourse to his Lordship for Advice and Assistance; and he as readily undertook the Service: And, what is remarkable, her Highness made her Escape from Whitehall the very Night that the Prince her Consort left the King at Audover: So that, on the Whole, it is scarce possible not to conclude, that the Intrigue was laid; and that the Bishop absconded for that Purpose only.

However this may be, the first News his Majesty met on his Return to Whitehall, was the Flight of his Daughter; and as this was a more confounding Stroke than any he had hitherto met with, it got the better of all his Constancy: Tears burst from his Eyes; and, in such a Transport as none but a King and Father could fall into, he cry'd out, *God hold me! My own Children leave me forsaken!* --- There is an Author, who, in treating of this Reign, makes it his Glory, that he endeavours to extinguish his Compassion: But surely, there is no great Merit in the Violence he has chosen to put on himself; For, how blamable soever his Majesty's Government certainly was, it must be own'd, on the other hand, that he suffer'd grievously for it; and that, therefore, whatever other Forfeitures he incurred, he has still a Right to the Tribute of our Commiseration.

To proceed: The Princess of Denmark also left a Letter behind her; but then it was to the Queen; and the Allegations contain'd in it were different from those contain'd in the other two. According to her Highness, Being not able to bear his Majesty's Displeasure, she had absented herself to avoid it; she had follow'd her Husband

only to assist him in preserving her Father; she should stay at a great distance, as not to return before she heard the happy News of a Reconciliation. — She afterwards makes a Transition to the State of the Public, and says, "I see the general Falling-out of the Nobility and Gentry, who avow to have no other End than to preel with the King, to secure their Religion, which they saw to much in danger by the violent Councils of the Priests; who, to promote their own Religion, did not care to what Danger they expos'd the King. I am fully perswaded, that the Prince of Orange desires the King's Safety and Preservation; and hope all things may be compos'd without more Bloodshed, by the calling a Parliament."

Thus in the very Instant that her Highness is apologizing for her own Conduct, the ventures, by Insinuation, to arraign that of the Queen, justifies the Prince of Orange, and countenances the Cry of the People, by insinuating the Necessity of calling a Parliament: This was indubitably sowing the Quarrel, and Thoit, who consider, that instead of following her Husband into Dorsetshire, she follow'd the Northern Road, and that she took for her Advisers and Protectors the known Partizans of her Brother-in-law, will be apt to conclude, that she actually engag'd in it, and that she was directed to take the Course she did, in order to keep up the Spirits of the Undertakers in those Parts, and prevent them from entering into any Treaty, which, if left wholly to themselves, they might perhaps have been easily induc'd to have done; for as it is shrewdly, though (I) selfishly, observ'd by Lord Dekkers, they took care that their Courage should not out-run their Discretion, those at Paris not even naming the Prince of Orange, and all the rest limiting their Demands to a free Parliament. By which Means, says his Lordship, they left it in the King's Power to oblige them to put up their Swords as soon as he pleas'd; for whenever he thought fit to put forth a Proclamation for that End, they stood oblig'd by their own Words to give over the Contest.

Her Highness's Letter to the Queen was, however, of some Service to the Court; for when it became the Talk of the Town, that she was missing, the first Conclusion of the Herd was, That she was made away with: And so great and general a Ferment did this foolish Imagination cause, that it was found expedient to publish her Letter, for fear the Papists should have been cut to Pieces in revenge, even by the King's own Guards.

Overwhelm'd with such an Accumulation of Misfortunes, and finding his ordinary Council under too much Concern for themselves, to be able to give any Relief to him, his Majesty now found himself under a Necessity to have recourse to the several Heads of Parties,

who

Lord Chamberlain did so accordingly. Not long after, the News came, that the Prince, with the Duke of Gennet, was gone to the Prince of Orange, her Royal Highness's Woman, entering her Chamber to acquaint her with it in the Morning, were surpris'd to find the was not in Bed, where they had left her the Night before."

(1) The main Drift of his Lordship's Paper is to prove, That the want of most Service to the Prince of Orange, who actually went over to him, as well as declar'd for him, with the Forces they had rais'd,

[Oldmixon.]

Her Letter to the Queen.

The King up-  
lies to the  
Lords.

A. D. 1688.

[Life of K.  
William, v. 1  
p. 199.]

who had help'd to do the Prince of Orange's Work, within the Laws, and who still affected to have all imaginable Regard for the King's Welfare: But they declin'd taking the Load upon themselves, and refer'd him to the whole Body of Lords Spiritual and Temporal in Town. All were summon'd accordingly; they were about fifty in Number (at least we are so told by Sir John Reresby) and tho' at this Meeting the ill Conduct, not of the governing Party, as one Author has stated it, but of the King himself, was severely handled by the Earl of Clarendon, not without some indecent and insolent (*J*) Words, says Bishop Burnet, the Licentiousness of his Speech was so far from being countenanc'd by those present, that it was generally condemn'd. Surrounded, therefore, with so large a Body of his Peers, who profess'd to make good all the Duties of their Allegiance, having lost but one Ship of his Fleet, and but two thousand in all from his Court and Army; in Possession of his Treasury, his Stores, his Capital City, and all the Emblems of Sovereignty; who could have thought, from the Outside of Things, that his Majesty might not still have defended his Throne, have chas'd his revolted Subjects, and driven the Invaders out of his Kingdom? But under all this Shew, there was no Strength or Solidity; and the Majority of those who attended this Assembly, did so, not with any Design to countenance the King with his People, to assist him with their Lives and Fortunes, or to rescue him out of the bad Hands which had hitherto mistreated him, but to take the Advantage of his Calamities, and to drive him into the Toils that were set for him: All which appear'd plainly enough by the Proposals that were made to him, and which appear'd to be the Sentiments of that Majority, *viz.* First, To grant a general Pardon to all those that either were come over with the Prince of Orange, or had join'd him since his Landing. Secondly, To depute some of the Lords to his Highness, to treat with him about a Suspension of Arms, and to endeavour to bring Matters to an Accommodation. And Lastly, To turn immediately all Papists out of their Employments, to convince the World that his Majesty acted a sincere Part. The King took that Night to consider of their Advice, and the next Day declar'd in Council, that he was resolv'd to call a free Parliament, which should meet on the 15th of January next following: Accordingly, the Lord Chancellor was order'd to issue out the Writs; and a Proclamation was set forth, wherein his Majesty, after commanding and requiring all Persons whatsoever that they presum'd not either by Menaces or any other undue Means to influence Persons, or procure Votes; and all Officers to make fair Returns, proceeds to set forth, That for the Security of all Persons, both

Their Advice.

Proclamation  
for a Parliament.

in their Elections and Service in Parliament, all his Subjects should have full Liberty to elect, and all the Peers, and such as should be elected Members of the House of Commons, should have full Liberty to serve and sit in Parliament, notwithstanding they had taken up Arms, or committed any Act of Hostility, or been any way aiding or assisting therein: That for the better Assurance hereof, his Majesty had directed a general Pardon to all his Subjects to be forthwith prepar'd to pass his great Seal: And that for the reconciling all public Breaches, and obliterating the very Memory of all past Miscarriages, his Majesty did hereby exhort, and kindly admonish all his Subjects to dispose themselves to elect such Persons for their Representatives in Parliament, as might not be bias'd by Prejudice or Passion, but qualify'd with Parts, Experience and Prudence, proper for this Conjunction. His Majesty further declar'd, That he would name Commissioners to treat with the Prince of Orange; but at that Part of the Lords Advice relating to the Roman Catholics, he sufficiently signify'd his Disapprobation of it by saying, He would leave that Matter to be debated in Parliament.

This was, no doubt, a fatal Reserve; for the leading Men of all Parties had not their Attention so much fix'd on the Public Peace, as on Power and Preferment; and while they saw the King continued his Attachment to those already in Possession, they resolv'd to regard his Interest as little as he regarded theirs. Even low as he was now reduc'd, and unprofitable as his Service was become, it was thought worth contending for; and his Majesty had the additional Curse to find almost as much Difficulty in appointing his Commissioners to the Prince, as in settling the Terms of Negotiation. The Marquis of Halifax and the Earl of Rochester were still Opposites, and had each their Train of Followers: The Latter had the more zealous, and the Former the more moderate, Churchmen at his Heels, together with the whole Train of Nonconformists, who had by this time found it their Interest to turn their Back on the King, who had *involv'd* them with Liberty of Conscience, and to declare for the Prince, who proffer'd them the Security of a Law. Both these great Men were Candidates for this Employment, as rightly judging it would furnish them with a noble Opportunity to serve themselves, if not their Master; and both supported their Pretensions with all their Might. There was Room for both; and it was purpos'd to employ both, that neither might be disobligh'd. But so great was their Animosity to, and their Jealousy of, one another, that they would not serve together. When, therefore, it was found necessary to set aside one, it was resolv'd that one should be Rochester; and at the same time, to keep his Party in honour, if possible,

A. D. 1688.

Contest between the  
Lords Halifax  
and Rochester.

(7) *Viz.* "When your Majesty was at Salisbury, you may have had some Remedy: But now the People say, the King has run away with his Army. — We are left defenceless, and must therefore side with the prevailing Party."

— There is but one Way to appease the Nation; which is, to punish the Priests, hang up Offenders, and call a new Parliament."

A. D. 1679.

sible, the Earl of Nottingham was nominated in his stead. But this Party Leaders are apt enough to think, that the Head ought to compound for the Body, they can never be persuaded, that the Body ought to compound for the Head. Thus no sooner was this Mark of Preference shewn to Lord Halifax, than *Clarendon* the Brother of *Rocheſter* went off to the Prince of Orange; but without finding the Confidence he expected: for, 'tis observ'd by Bishop *Burnet*, that he suggested so many peevish and peccoliar things when he came, that some suspected his Heat before; and his Deſertion now was all Colluſion, and that his real Buſineſs was to raiſe Factions among thoſe that were about the Prince: And on the other hand, the Marquis of *Halifax*, by ſeeming ſo warmly concern'd in the late Meeting for his Majesty's Service, and pleading to earnestly for an Accommodation, had render'd himself suspected likewise, among ſuch of his Party as were for driving Matters to Extremities; while others again were pleas'd to ſay, That his pretended Zeal for the King was but the Trick of the Day, and that his whole Aim was no more than to gratify his own diſſonouring Spirit, which ſeem'd ever aſpiring to Power, and for engroſſing all to himself.

To leave Meaſures to God, who, perhaps, only knows them; it was once intended to ſhake a little Court Holy Water on the Church, by naming the Biſhops of *Wincheſter* and *Ely* in the Commiſſion; but this was done, for what Reason is not explain'd. And now the neceſſary Compliments having been made to both Parties; it was time for the King to think for himself: And, that he might have an Commiſſioner, whom he might be the more truſt, he nam'd the Lord *Compton*, who had, all this while, been of his Cabinet, and who by his Rank in the Queen's Houſhold, muſt have made ſuch occasional Compliances as were requiſite to preſerve himself in her Majesty's good Graces.

Compton  
to the Prince.

The great *Debat* being thus ſettled on the laſt Day of November, being the ſame that the Proclamation for calling a Parliament bears date, a Trumpet was ſent to the Prince of Orange with a Demand of the neceſſary Paſſes; and, without waiting for his Return, on the ſecond of December the Commiſſioners began their Journey; but withal, they proceeded ſlowly, that they did not reach *Reading* till the next Days, at which Time and Place they receiv'd their Paſſes. The Trumpet had found his Highneſs at *Edington*, between *Bath* and *Salisbury*, in his Way to *Oxford*; for we are told by his Hiſtorian, that he choſe to avoid the great Plains of *Wiltſhire* and *Deſſetſhire*, becauſe the King was ſo much ſuperior to him in Horſe; as alſo, that his Deſign was to have ſecur'd *Berſel* and *Glaouſter*, that ſo the whole *West* might have been in his Hands, if there had been any Appearance of a Stand to be made againſt him by the King and his Army. But, continues he, his Majesty's precipitate Retreat put an End to this Pre-entation. Till the Arrival of the Trumpet,

[Barnet, vol.  
1. p. 793.]

he did not, however, give over his Deſign of marching to *Oxford*: And then finding the Plot thicken ſo much ſaſter than he could have expected, he all at once concluded, that the neareſt Road to *London* was the beſt, and thenceforward proceeded to act as if the promis'd Land was already his own. At the ſame time that he granted the Paſſes requir'd by his Majesty, he ſent a Trumpet of his own to require a Paſs of Lord *Essex* from a Gentleman who was to be ſent to the Princeſs of Denmark, which was readily granted; as alſo another to the Dutch Embaſſador, who was deſirous to repair to his Highneſs. All theſe ſeveral Circumſtances created a Belief in the Publick, that the Diſtreſſes of the Court had render'd them very ſincere in their Endeavours to bring about an Accommodation; and on the other hand, that the calling a free Parliament, would, almoſt alone, be ſufficient to effect it: For thoſe who have not ſeen the laſt Workings of State Machines, are very apt to conclude, that when they ſee the exterior, they ſee all; and that when a Politician has given in the Sum of his Demands, he can neither be ſo unjuſt or ſo inmoderate as to bring in ſuch a Supplement as ſhall exceed all he had demanded before. Thus no ſooner had the News of the King's Conceſſions reach'd the Fleet, than the three Admirals, *Dartmouth*, *Berkeley*, and *Strickland*, and thirty-eight Captains join'd in an Addreſs to his Majesty, letting forth, not over accurately, "The deep Senſe which they had had of the great Dangers to which his Sacred Perſon had been expoſ'd, and the great Effuſion of Blood that threaten'd his Majesty's Kingdoms, and which in Probability would have been ſhed, unleſs God of his infinite Mercy had put it into his Majesty's Heart to call a Parliament; the only Means in their Opinion, under the Almighty, left to quiet the Minds of his People; and alſo their moſt humble and hearty Thanks for ſuch his gracious Condeſcention; beſeeching God to give his Majesty all imaginable Happineſs and Proſperity, and to grant that ſuch Councils and Reſolutions might be promoted, as would conduce to his Honour and Safety, and tend to the Peace and Settlement of the Realm, both in Church and State, according to the eſtabliſh'd Laws of the Kingdom."

Addreſs from  
the Fleet.

What Acceptance this Addreſs met with has never been ſpecify'd; but, as it never was honour'd with a Place in the Gazette, we may reaſonably ſuppoſe it was not over-favourable: Tho' the King had ſubmitted to call a Parliament, it was ſorly againſt the grain; and it was impoſſible he ſhould reſiſt a Compliment on what had been extorted from him: On the other hand, the Prince was ſo little ſatisfy'd with it as his Majesty: He had indeed made his Appeal to a free Parliament, while the Succes of his Undertaking was yet precarious; but now, when every Gale from every Quarter blew in his favour, and he ſaw the Port open before him, he did not care for parting with the Rudder out of his own Hand, nor to be

A. D. 1688. over-scrupulous as to the Means, provided he attained the End. This is certain, that the Commissioners were scarce on the Road, before a Paper was made public, under the Title of *Papists Treacheries not to be rely'd on, in a Letter from a Gentleman in York, to his Friend in the P. of Orange's Camp*, in which a Number of Examples are amass'd together to demonstrate the Proposition contain'd in the said Title; and, on other hand, as much Pains is taken to set up the Prince as another *Fabrizius* or *Archides*, that the whole World could not corrupt. "Among all the Courts of Europe, says this Letter-writer, where I have convers'd, that of *Holland* is the freest from Tricks and Falshood: And, tho' I am naturally jealous and suspicious of the Conduct of Princes, yet I could never discover the least Knavery within those Walls: It appear'd to me another *Alcibi* of Philosophers, and the only Seat of Justice and Virtue now left in the World." — But enough of this fallow Stuff! — About the same time also, that no Inflammatory of any kind might be wanting, a *Hue and Cry* after *Father Peter* was hawk'd about the Streets; the famous Ballad called *Lillibullero* was set forth in ridicule of the *Irish*, and sung in Chorus at the Play-house, even by the (*English*) Officers of the Army: And, to crown all, there came forth a third Declaration, in the Name of the Prince, dated at *Shirburne-Castle* the 28th of *November*, in which, after a new Descant on his Highness's Zeal for the Protestant Religion, the Success it had been thus far rewarded with, and his Resolution to proceed with his Undertaking in such a manner as should make both King and People once more happy, we find the following memorable Passages:

"And that we may effect all this, in the Way most agreeable to our Desires, if it be possible, without the Effusion of any Blood, except of those execrable *Criminals*, who have justly forfeited their Lives, for betraying the Religion, and subverting the Laws, of their native Country; we do think fit to declare, that, as we will offer no Violence to any, but in our own necessary Defence; so we will not suffer any Injury to be done to the Person even of a *Papist*, provided he be found in such a Place, and in such Condition and Circumstances, as the Laws require. So we are resolv'd, and do declare, That all *Papists*, who shall be found in open Arms, or with Arms in their *Houses*, or about their *Persons*, or in any *Office* or *Employment* Civil or Military, upon any Pretext whatsoever, contrary to the known Laws of the Land, shall be treated by us and our Forces, not as *Soldiers* and *Gentlemen*, but as *Robbers*, *Free-booters*, and *Banditti*; they shall be incapable of *Quarter*, and entirely deliver'd up to the Discretion of our *Soldiers*. And we do further declare, That all Persons who shall be found any ways *aiding* and *assisting* to them, or shall march under their Command, or shall join with, or *submit* to, them, in the Discharge or Execution of their illegal Commissions or Authority, shall be

looked upon as Partakers of their Crimes, Enemies to the Laws, and to their Country.

And whereas we are certainly inform'd, that great Numbers of armed *Papists* have of late retired to *London* and *Westminster*, and Parts adjacent, where they remain, as we have reason to suspect, not so much for their own Security, as out of a wicked and barbarous Design to make some desperate Attempt upon the said Cities and their Inhabitants, by Fire, or a sudden *Massacre*, or both; or else to be the more ready to join themselves to a Body of *French* Troops, design'd, if it be possible, to land in *England*, procured of the *French* King, by the Interest and Power of the *Jesuits*, in pursuance of the Engagements, which, at the Inligation of that pestiferous Society, His most Christian Majesty, with one of his neighbouring Princes of the same Communion, has enter'd into for the utter Extirpation of the Protestant Religion out of *Europe*. Tho' we hope we have taken such effectual Care to prevent the one, and secure the other, that, by God's Assistance, we cannot doubt but we shall defeat all their wicked Enterprises and Designs.

We cannot however forbear, out of the great and tender Concern we have to preserve the People of *England*, and particularly those great and populous Cities, from the cruel Rage and bloody Revenge of the *Papists*, to require and expect from all the Lord-Lieutenants, Deputy-Lieutenants, and Justices of Peace, Lord-Mayors, Mayor, Sheriff, and all other Magistrates and Officers Civil and Military, of all Counties, Cities and Towns of *England*, especially of the County of *Middlesex*, and Cities of *London* and *Westminster*, and Parts adjacent, that they do immediately disarm and secure, as by Law they may and ought, within their respective Counties, Cities, and Jurisdictions, all *Papists* whatsoever, as Persons at all times, but now especially, most dangerous to the Peace and Safety of the Government; that so not only all Power of doing Mischief may be taken from them, but that the Laws, which are the greatest and best Security, may remain their Force, and be strictly executed.

And we do hereby likewise declare, that we will protect and defend all those who shall not be afraid to do their Duty in obedience to these Laws: And that for those Magistrates and others, of what Condition soever they be, who shall refuse to assist us, and in obedience to the Laws, to execute vigorously what we have required of them, and suffer themselves at this Juncture to be cajol'd or terrified out of their Duty, we will esteem them the most criminal and infamous of all Men, Betrayers of their Religion, the Laws, and their native Country, and shall not fail to treat them accordingly, resolving to expect and require at their Hands the Life of every single Protestant that shall perish, and every House that shall be burnt or destroy'd by their Treachery and Cowardice."

It is agreed on all hands, that never any Paper had a greater Effect than this; for, as no doubt was made, says Bishop *Barnet*, [P. 1. p. 793.] that

A. D. 1688.

that it was truly the Prince's Declaration, it set all Men to work; a Quantity of them was at first sent by the Penny-post to the Lord-Mayor of *London*, who carry'd them immediately to the King at *Whitehall*; and, afterwards, one Captain *Baker* had the Boldness in person to require his Lordship, before Witnesses, to put it in execution: Nor was this all; for the inferior Officers call'd upon him for his Assistance to obey his Highness's Orders: The Papists in general were struck with the utmost Contemneration; and even the King himself was so alarm'd at this new Method of making war, that from this Moment, as we are told, he thought of nothing so much as securing a Retreat. But, according to the Prelate last-quoted, the Author of the *State of Europe*, and others, the Prince knew nothing of this Paper, and disown'd it as soon as he saw it; and Mr. *Speke*, his since arrogated the Merit of it to himself; tho' he did not think proper to do so, as long as the Prince surviv'd, whom he had run such Lengths to serve, and from whom, if he was indeed the principal Transfuser in the Revolution, as he boasts, he had a Right to challenge so immense a Reward. The said

[P. 39, 40.] Mr. *Speke* however declares, "That he gave it first to the Prince with his own Hand at *Sherburne-Castle*; that he seem'd somewhat surpris'd at first; that, when he had read and consider'd it, both his Highness and all that were about him seem'd not at all displeas'd with the thing; and that, in a little time, they were all fensible, that it did his Highness's Interest a great deal of Service."

That Interest is however ill serv'd, which is serv'd by such Methods; and the more sacred and venerable his Highness's Pretensions were, the more openly he should have discountenanced and disavow'd so unjustifiable a Piece, and so impudent an Artifice. But his Disavowal, it seems, was barely (A) verbal, and reach'd no farther than the Circle of his immediate Followers: The Public was still left in their Error: And as he condescended to accept of the Service, tho' assum'd of the Means, so the Court had not the Spirit to set forth a Counter-Order, or to expose such a manifest Usurpation of the kingly Office, while the King was yet in possession of the Throne; or to punish those who had so far acknowledged the Usurpation, as to insist, that Obedience should be given to the Prince's Commands.

All this while the King receiv'd nothing but ill News from every Corner of his Kingdom. The Earl of *Sherburne* and Sir *John Gase* took possession of *Bristol* without Opposition, and were join'd by the Earl of *Seamford* and Lord *Dunmore*: This made way for the Deliverance of Lord *Lowland* and his Followers, who had till then been confin'd in *Gloucester-Castle*; for the Prince's Party growing thus formidable, on the Receipt of an Order from Sir *John Gase*, the Goaler durst

detain them no longer. At *Worcester*, the Lord *Herbert of Cheshire*, Sir *Edward Harley*, and most of the Gentry of that County and also of *Herefordshire*, had a Meeting; and, upon the Issue, declar'd for the Prince of *Orange* and a free Parliament. On the 4th of *December*, his Highness made a sort of triumphant Entry into *Salisbury*, having been solemnly receiv'd by the Magistrates in their Formalities, and loudly welcom'd by the People. Here he was join'd by the Duke of *Somerset* and the Earl of *Oxford*; and from hence he detain'd the Duke of *Ormond* with a Party of Horse to *Oxford*, as well to make his Excuse to his Friends there for not accepting their Invitation, as to engage that important Body yet farther in his Cause and Interest; by inducing them to sign the Association. In the North, Lieutenant-Colonel *Copley*, Deputy-governor of *Hull*, by the Help of the Townsmen, Seamen, and Part of the Garrison, seiz'd the popish Governor Lord *Langdale*, in the Night; as also Lord *Montgomery*, and a great many other Papists who had fled thither for Refuge, and made himself Master both of the Town and Castle. The Duke of *Norfolk* made use of the very Commission he had receiv'd from his Majesty as Lord-Lieutenant of the County, from whence he deriv'd his Title, to summon all the Gentry thereof to *Norwich*: Upon which Occasion his Grace was pleas'd to acquaint the Mayor in the open Market Place, That the Cause of their Meeting was to declare for a free Parliament, and that they would do their utmost to defend the same, &c. And some Days after, he rais'd the whole Possess of the County; though for what End is hard to say; seeing the Proclamation for a general Election had been some Days abroad, and the King was in no Condition to disturb it, if he had been so inclin'd. Lord *Lumley* was receiv'd into *Newcastle*; and even *Berwick*, which had for some time, and with some Shew of Firmness, held out for the King, at last submitted to the prevailing Party.

Nor was this Contagion confin'd to this Side of the *Tweed*, or less epidemic in *Scotland* than *England*. After all the Parade which had been made of the Love, Zeal, and Loyalty of that Kingdom, and the Stress which had been laid on the Laws pass'd there, in favour of Monarchy and Episcopacy since the Restoration, it now undeniably appear'd, that all had been the Result of Corruption and the Terror of a standing Army: For, no sooner had the King order'd his regular Forces there, to pass the Borders to his Assistance against the Prince of *Orange*, than the whole Privy Council, with the Lord Chancellor *Perth* at their Head, sent up a pathetic Remonstrance against that Measure, founded on the Necessity of keeping those Forces there, in order to keep the Kingdom in Peace; and by way of Alternative, making

Several Papers  
written for  
the Prince.

State of  
land at this  
time.

[4] Which is so much the more to be wonder'd at, since it was not circulated, if the Author of the *Ripley of the Defiance* deserves Credit, till about the 6th of *December*; and the Prince had left *Sherburne* at or before the Beginning

of that Month: So that if Mr. *Speke* presented it to him there, as he asserts, his Highness had time enough to have contradicted it in Print.

A. D. 1688

an Offer to draw together an Army of 13000, compos'd of what they call'd the model'd Militia and Highlanders, to be dispos'd in such a Manner between the two Kingdoms, as to be able to act in either, as Occasion should demand. But neither was this Offer accepted, nor this Remonstrance regarded. The March of the Forces into England was insisted on, and all the Abatement that could be procur'd was the assigning them Carlisle for their Station till farther Orders; and a Licence for such of his Majesty's Servants to march with them as were afraid to stay behind. They accordingly did march; and tho' they were immediately supply'd by such of the Militia as were most like Soldiers, such a Foresight had the Presbyterians that the Day of their Deliverance was at hand, and such Advantage did they take of the Nakedness of the Government, that they crowded up to Edinburgh from all Parts,

The Scottish Malcontents repair to Edinburgh from all Parts.

form'd themselves into Clubs, deliberated on what was fit for them to do at that Juncture, and grew so strong and so well cemented, that tho' the Ministry had their Spies among them, and knew the whole Scope of their Designs, they durst not make use of their Authority to suppress them. Finding themselves thus secure, they soon resolv'd to be formidable; in order to which they form'd a Scheme to cut off all Intelligence between the Court and the Regency, by intercepting the Packets on both Sides; and so far did they effect it, that it was seldom that a Dispatch escap'd them. The Consequence was, that the Malcontents had all the Information, and the Regency none, or none but what help'd to increase their Embarrassment.

They cut off all Intelligence between the Court and the Regency.

To remedy this Inconvenience, they resolv'd to send a particular Messenger (one Brand a Merchant) whom they thought they could confide in, with a Detail of their present distracted Condition, and a Request, that his Majesty would furnish them with such Instructions as should be most suitable to it. But when this particular Messenger had made his way into England, and found how the Current ran, he carry'd his Dispatches to the Prince of Orange (who, thereby, got into the whole Secret of the Government, and was enabled to take his Measures accordingly) being introduc'd by Dr. Burnet; and moreover assur'd his Highness, that he was sent by several to make a Tender to him of their Service. Finding the Door of Intelligence thus once more shut against them, the next Expedient the Regency had recourse to, was to appoint three of their own Body, viz. The Earl of (1) Balcarra, the Viscount Tarbat, and the Lord President, to wait upon the King in Person; but the two Latter made their Excuses; and, before the Former could set out on his Mission, he had the Mortification to see the Oligarchy, which had been so long establishing in Scotland, overwhelm'd, and Anarchy tyrannizing in its Room.

The Earl of Balcarra just express'd to London, with a Treatise of the Government.

A. D. 1688.

The Marquis of Arbole was, by his Place, the second Man at the Council-Board; and his Ambition, as we are told, was to be the first. In this, however, he could no otherwise be gratify'd, than by getting the Militia, such as they were, disbanded; for his Purpose was to make use of the present Fury of the People to drive away the Chancellor; and while there was any thing which had the Face of a standing Force, it would be no easy Matter to work them up to the Pitch requisite for such an Enterprize. He had for his Supporters, as we are also told, the Viscount Tarbat, and Sir J. Dalrymple, or rather those two affected to support him, in order to make a Tool of him; for it was he that was to stand foremost, and in case of Danger, to be the Sacrifice; but in case of Success, they knew the Merit would be ascrib'd to their superior Abilities, and consequently, that they should be entitled to the Reward. What encourag'd the Marquis to entertain this Project, and those to second it, was the News of the Prince of Orange's Success, and the King's precipitate Retreat to London. Hence all Dread of being call'd to account being remov'd, Lord Tarbat made the Proposal in Council, That the Troops might be disbanded, urging the Expediency of doing so, because the Prince of Orange had, in his Declaration, urg'd the Illegality of keeping up Forces in time of Peace, and because of the Saving that would thereby accrue to the Revenue. He was follow'd by many more, and the Lord Chancellor, not discerning his own Concern in the Question, came into it without any great Difficulty. Accordingly, the very next Day they were all dismiss'd, except four Companies of Foot, and two Troops of Horse, for the Service of the Revenue.

A Protest made in Council against dissolving the regulated Militia, and agreed to.

For some time before this, the Humour of Popery Burning had been reviv'd, as well to furnish the Populace with an Opportunity to insult those in Power, as for a Pretence to draw them together. Accordingly, the Train had taken, the Populace had rose, and had thought forth such a Jargon as serves best on those Occasions; such as, No Pope! No Popish! No Popish Chancellor! No Melfort! No Father Peter! And no sooner were the Forces dismiss'd and order'd to their respective Homes, than the Marquis, taking the Advantage of these Tumults, came to the Chancellor's Lodgings, and gave him to understand, that neither he, nor any of his Friends thought it safe to repair to Council, as long as he, and several of his Party, continu'd to sit there; and that, if he and they could be prevail'd on to withdraw for a while, they should soon see such a Change, as would not fail to please them; viz. The King effectually serv'd, the Populace satisfy'd, the Malcontent-Assemblies broke up, &c. The Chancellor requir'd a short Time to consider of it, for he had received previous Notice of the Marquis's Intentions, and had assembled the Duke of Gordon (Governor of Edinburgh Castle)

[1] All our Historians will have it, that he was one of the Commissioners appointed by the Scots Privy-Council to

demand a free Parliament in that Kingdom: But that the Story is told by himself.

A. D. 1688

Castle) and all the other Catholic Counsellors, to take their Advice upon it; and withdrew for that End. But this was as if *Ye-mas* had consulted with the Mariners whether he should be thrown over-board after the Lot had fallen upon him. In a general Wreck all were like to suffer; but in removing him from the Helm, they had Hope: the Storm would be appeas'd: As if with one Voice, therefore, they persuaded him to withdraw. But then they took care to use no other Inducements, than such as seem'd to flow from their Concern for his Safety and Welfare, without any Intermixture of their own; urging, in effect, that those who drove him into this Difficulty, were in a Condition to force a Compliance, and that he would depart with a much better Grace if he took his Leave, than if he was kick'd out. It is said he was determin'd by these Arguments, and no doubt he was; for when a Man finds himself overpowered on one hand, and given up on the other, he has nothing to do but to make a Virtue of Necessity, and to seem to chuse what he cannot avoid. His next Business was to let the Marquis know his Resolution; and having done so, and provided a good Guard for his Security, he drove out of Town as fast as possible, for fear a worse thing should befall him. While he was yet passing through the Streets, the Drums beat to Arms on every Side: And when the People, in all the Distraction which accompanies Fear attended with Uncertainty, issued from their Houles to enquire the Cause; they were warn'd to stand upon their Guard, for that the Town swarm'd with Papists, who design'd that very Night to burn them in their Beds. There is no Passion more credulous than Fear: Every one that listen'd believ'd: The Snow-ball gather'd as it roll'd: Their Rage increas'd with their Strength: And at last they were ripe for any Mischief of any kind whatever. This was what their Leaders wanted, who had actually enough produc'd the Motion without stirring in the Spring. The Chapel of *Holy-Rood House* had been adorn'd with great Cost and Splendor, as well for the Celebration of Mass, as for the Ceremonial of the Order of the *Thistle*. There was also a Seminary of *Ysairs* in the Neighbourhood of it; and in fear that the Populace would discharge their Fury first on these Places, one Captain *Wallace*, a Papist, with a hundred and twenty Men had been posted there by the Council a few Days before, with Orders to stand upon the Defensive, and to repel Force with Force. To try, therefore, what Length they would go, and how far they might be depended on, or perhaps to disperse a Body of Men, who had dar'd to take such a Service upon them, a Motion was made to begin with the Papists before they began with them, and, in particular, to demolish these two Places. This

produc'd a Roar of Approbation, and immediately the whole Herd ran desperately on, with a full Resolution to do all that was expected from them. *Wallace* had Intelligence of the Storm; and sent out a (w) *Ag-join* to warn them from making any such Attempt, as they regarded their own Welfare; for that, in case they did, he should be oblig'd to do his Duty and fire. This was but as Oil to the Flame; they continu'd to rush on as before; the Captain was as good as his Word; a Volley of Shot was discharged about a Dozen were kill'd upon the Spot; three times that number were wounded; the rest took to their Heels; and it was immediately spread all over the Town, that *Wallace*, like *Hovard*, had butcher'd the Innocents, and that there were few Townsmen of any Condition, but what had lost a Son. Hitherto the Students and Apprentices had made up the Bulk of the Rioters; but now the Inhabitants in general ran to their Arms, and the malicious Leaders came out into the Streets, publicly espous'd the Quarrel, and offer'd their Service, which was gladly accepted. Hence this Uproar became louder than ever; and it was propos'd and agreed to renew the Attack; but first it was held advisable to apply to the Marquis of *Abbe* for a Warrant, as a Person known to be in their Interest. A Deputation was sent to him accordingly; and with the Concurrence of the Earl of *Bute*, Lord *Turbat*, and Sir *John Dalrymple*, a Warrant was granted, authorizing the Town-Magistrates, assisted by the King's Heralds and Trumpets, the Trained-Bands and Town-Company, to require *Wallace* to surrender, and in case of Refusal, to compel him by Force of Arms. Thus countenanc'd and reinforce'd, and making up a strange Mixture of Order and Confusion, they proceeded on to the Abbey-House: And being come within Gun-shot, the Heralds and Trumpets were sent foremost to give the Summons requir'd. *Wallace* refus'd to obey it, saying, He had his Orders from the Council to defend it; nor would he give it up but to the same Authority. The Warrant was then produc'd; but he objected to it as insufficient, having been sign'd but by a Quorum; whereas he was posted there by the whole Regency. Finding him thus obstinate, both Parties began to fire; and the Magistracy and the Gentry very wisely left the Soldiery and the Rabble to fight it out by themselves. The Place, it seems, was tenable against such a Storm as this, and *Wallace* and his Men did not want Resolution. But then, while he was thus active in Front, he forgot that there was another Entrance behind him, till the Enemy had found it out, and were pouring in upon him with all the Fury imaginable. He then thought it was high time to shift for himself; and accordingly did, leaving his Men at *Mercey*; who immediately

The Lord  
Chancellor  
Perth just  
Edinburgh.

A Rise of the  
Students and  
Yemen.

(w) In certain anonymous Letters from *Edinburgh*, still extant in the *Fourth Collection of Papers*, and which came from the other Quarter, it is asserted, That *Wallace* sh'd without asking any Questions; and that the Students, &c.

who were the Ring-leaders in this Adventure, were surpris'd; But then it is acknowledg'd, that their Intention was to demolish the Chapel.



A. D. 1688.

diately laid down their Arms and begg'd Quarter. 'Tis added, however, that several of them were kill'd in cold Blood, that many more were wounded, and that the Residue were thrown into Prison, where, several of them were suffer'd to perish either for want of Surgery or Food. What follow'd was Disorder and Mischief of every kind, such as was to be expected from a victorious Mob. Whatever they could reach either in the Chapel or the Abbey, went instantly to wreck; whatever was combustible they committed to the Flames; the Jesuits Residence they, in a manner, demolish'd; and for two or three Days after (for so long we are told the Sedition lasted) they diverted themselves with searching and plundering the Houses of the Papists; none of the Council interposing, because one Party was pleas'd with the Mischief, and the other was fearful of undoing the same Visitation.

The Abbey Chapel and Jesuits Seminary burnt.

The Marquis of Athole procures an Address from the Council to the Prince of Orange.

To make a proper use of all these Successes, the Marquis of Athole, as first Lord of the Regency on the Spot, now call'd a Council, and propos'd an Address to the Prince of Orange, containing the highest Acknowledgments of his generous Undertaking to free these Nations from Popery and Tyranny. But this was so warmly oppos'd by the two Archbishops, the President of the Session, and some other Lords, who had Grace enough left to be ashamed of eating their own Words so soon, that the new Premier was forc'd to compound the Matter with them, by abating the Ardour of his Expressions, and making the Compliment as general as possible. But such an Address was, however, actually carry'd, and one of their own Body was deputed to wait on his Highness with it.

To return now to his Majesty's Commissioners, whom we left at Reading on the third of December, furnish'd with the necessary Passes to make the best of their way to the Prince; and who, it was natural to think, would, for their Master's Sake, have made all the Expedition possible: And yet, tho' the only thing for which his Highness came over, a Free Parliament, had been granted in the most explicit Terms, and made public all over England, his Highness could not find Leisure to assign them an Audience till the sixth. *Amberbury* was the Place appointed; the Commissioners gave their Attendance; but instead of meeting the Prince, receiv'd a new Direction to pass on to *Hungerford*; where again, instead of treating with him in Person, they were refer'd to two Commissioners on his Highness's Behalf, namely, the Earls of *Oxford* and *Clarendon*, who desir'd them to make their Proposals in Writing; possibly, in a Persuasion that the Commissioners were not authoris'd by their Instructions to give into any such Condescension, or would refuse to treat before they had been admitted to an Audience. But the King's Circumstances would not bear a Dis-

The Prince of Orange appoints the Lords Oxford and Clarendon to meet the King's Commissioners.

pute about the Ceremonial, and therefore their Excellencies were oblig'd to comply: They did so; their Paper bears date the eighth; the Prince receives it; makes another Day's March towards *London*, and then delivers his Answer, the sixth, not the eighth, as Bishop *Burnet* has (n) asserted; and at *Littleton*, not at *Hungerford*, as he has left us to conclude; after suppressing entirely the Appointment at *Amberbury*, and kissing the Day's March under these evasive Expressions, *A Day was taken to consider of an Answer*.

A. D. 1688.

The King had all this while Intelligence of every Incident that arose, as fast as it was possible for his Couriers to pass and repass; and, from the first Disappointment which his Commissioners met with at *Amberbury*, had no great Reason to build on the Success of their Negotiation: But he grew more and more discontented, when he was inform'd that his Highness had wav'd a personal Treaty with them, and had requir'd their Demands in Writing. This was interpreted as a Contempt to his Majesty; and, from the Choice he had made of his Commissioners, it was infer'd, that the Prince had no Inclination to come to an Agreement; for it was scarce possible that the Marquis of *Halsifax* and the Earl of *Clarendon* should meet on tolerable Terms, seeing they were avowed Enemies to each other, and the ancient Quarrel between them had so lately broke out afresh: And as to the Earl of *Oxford*, he was quite a Stranger to Business, and therefore by no means capable either to temper Matters between these two Opposites, or to take the Direction upon himself. There was also a particular Letter of one of the King's Commissioners, who was suppos'd to be most in his Majesty's Interest (whoever that was; for Posterity will perhaps find it hard to determine) which, we are told, contain'd such Advices as gave occasion to the popish Cabal, together with Mr. *Borillon*, and the Count de *Lauzun*, (who was come from *France* to offer his Service to the King, and who was deep in his Confidence) to conclude, that the Prince would on no Condition be induc'd to quit his Hold; and that it would be most advisable for his Majesty to think of providing for his own Security, by withdrawing with the Queen and Prince, and taking refuge in *France*.

The Court alarm'd and surpris'd.

Letter of King William, no. 1. p. 577.

The King advis'd to withdraw.

Thus we are led to believe, by this Account, that the Prince's Behaviour furnish'd his Majesty with Reasons for his withdrawing: But, on the other hand, says our *Historian of his own Times*, "Now strange Counsels were suggest'd to the King and Queen. The Priests, and all the violent Papists, saw a Treaty was now open'd. They knew, that they must be the Sacrifice. The whole Design of Popery must be given up, without any Hope of being able in an Age to think of bringing it on again. Severe Laws would be made against them. And all those who

(n) His Words are, *Sunday, the eighth*: And it is true, the Answer was deliver'd on *Sunday*; but then *Sunday* was the ninth.

A. D. 1688. who intended to fluck to the King, and to preserve him, would go into those Laws with a particular Zeal: So that they, and their Hopes, must be now given up, and sacrificed for ever. They infused all this into the Queen. They said, she would certainly be impeach'd: And Witnesses would be set up against her, and her Son: The King's Mother had been impeach'd in the Long Parliament: And she was to look for nothing but Violence. So the Queen took up a sudden Resolution of going to France with the Child. The Midwife, together with all who were assisting at the Birth, were also carry'd over, or so dispos'd of, that it could never be learn'd what became of them afterwards. The Queen prevail'd with the King, not only to consent to this, but to promise to go quickly after her. He was only to stay a Day or two after her, in hope that the Shadow of Authority that was still left in him might keep things quiet, that the might have an undisturbed Passage. So she went to *Portsmouth*. And from thence, in a Man of War, she went over to France, the King resolving to follow her in Disguise.

But, unluckily, all the rest of our Historians agree with *Father Orleans*, that the Queen did not set sail from *Portsmouth*: And what is yet more remarkable, scarce one of them insinuates, that she even went down further for that purpose: The young Prince was indeed convey'd thither with all possible Secrecy, under the Conduct of the Marquis and Marchioness of *Pois*; and Lord *Dartmouth* had Orders to send him away with a sufficient Convoy to France: But then he refus'd to obey those Orders; and, after the Marquis had try'd the whole Force both of his Rhetoric and Impunity upon him to no purpose, he was forced to reconduct his Charge with the same Privacy to *Whitehall*, where he arriv'd on the 8th, late in the Evening. And now it was that the Queen herself thought it advisable to provide for her own Safety, as well as for that of her Offspring: *Father Orleans* gives the Story of her Escape in (e) detail, and is in general follow'd by all our own Writers. According to him, the Manner of it was contriv'd between the King and the Count de *Louvois*, between the ninth and tenth, and executed immediately. And here recurs the Question, Whether the Resolution to withdraw was wholly owing to the strange Councils of the Papists,

as the Bishop inculcates, or from the Advice his Majesty had receiv'd from his own Commissioners, as hath been suggest'd by others? Each Party will claim the Decision, in order to give it in their own favour; and each has plausible things enough to urge to countenance and amuse their credulous Followers. But their Quest is after Opinion, not Truth; whom they avoid as an irreconcilable Enemy; and the very few, who have diverted themselves of their Prejudices, will make it their Glory to follow neither.

The King, Queen, and whole Cabinet, indistinctly saw no one Object but through the Median of their Fears, which represented all much larger than the Life: Their Priests, who still maintain'd their fatal Ascendancy over them, and who partook of the same Panic, if possible, in a greater Degree, thought of nothing but their own Preservation; and the *French* Emiffaries, whom, in this time of Danger and Distress, the King had taken into his very Bosom, made use of that Confidence only to throw his Majesty into the Protection of the King their Master; not so much, it may be reasonably presum'd, on a Principle of Generosity or Compassion, as with a View to make him an Instrument to embroil the Nation in a Civil War, and thereby prevent them from engaging in the grand Confederacy which had been form'd against him on the Continent, and which, as we have seen, was one of the great Motives of the Prince's Enterprize.

But if, on the other hand, his Highness had not set all his Engines to work to excite a Perturbation in the King, that he really was in danger, it is scarce to be suppos'd, that any Arguments, either of those *French* Emiffaries, or of those cowardly Priests, or of the Queen herself, would have induced him to forsake an Empire, that his Splinter had run such an almost desperate Risk, and taken such inconceivable Pains to acquire: Nor, as it was, will he stand accus'd to Posterity for having so meanly abandon'd what he had so haughtily exercis'd, without striking a Blow, without one Appeal to the common Sense of the People, or making one Effort to convince the World, that he deserv'd to possess, what only his ill Stars had oblig'd him to part with.

To proceed to Facts: The Paper deliver'd by his Majesty's Commissioners at *Hungerford* was as follows:

"SIR, The King commanded us to acquaint *His Majesty's* *Appals*.

(e) To this Effect: That the Queen was oblig'd: That she was accompany'd by the Marquis of *Pois* and his Lady, certain Foreigners of Distinction, and certain *Italian* and *French* Domestic of her own: That the Prince of *Wales* was in his Nurse's Arms: That they cross'd the Water from *Whitehall* in a roughness rain; Night: That both her Majesty and the Infant were expos'd to all the Severities of it: That the whole Company went on board a Vessel, which had been prepar'd for them, at *Greenwich*: That three *Irish* Captains attended her as a Guard: And that she arriv'd safely at *Calais*.

Bishop *Knox* has thought fit to throw in the following Remark on this Occasion: "Here seem'd a Providence in that hurrying away the young Child for a *French* and *English* Education. For in the following Delays of the Lords and Commons, about the Throne being vacant, and the filling up that Vacancy; it seems very probable, that had the Child been in *English* Hands, there would have been some Mention at least of an *English* Protestant bringing up."

The Author of the *State of Europe*, yet more unaccountably, reasons upon it as follows: "Politicians cannot apprehend that there was any Reason why King *James* should send away the Prince of *Wales* to early see *France*. His Story, say they, was the only Means to better the Condition of his Affairs; seeing that, through his being so present, abandoned by his Subjects, there would be a first Attempt to receive his Party. But he had Reason to be chary of him, for fear he should have fallen into the Hands of the Prince of *Orange*; which would have been the Ruin of all his Hopes. For then, if once the Prince, as *lawful Heir*, were advanced to the Throne, there would be no Colour for raising a Rebellion, and engaging the People, who many times pay Respect to the Papacy, without ever giving to the Bottom of the Intrigue. Besides, that the Loss of this pretended Prince would lose King *James* all his *English* Party." [Vol. 1. p. 76.]

A. D. 1688.

quaint you, That he observes all the Differences and Causes of Complaint alleg'd by your Highness *seem* to be referred to a free Parliament. His Majesty, as he has already declar'd, was resolv'd before this to call one, but thought that, in the present State of Affairs, it was advisable to defer it till things were more compos'd. Yet, seeing that his People still continue to desire it, he has put forth his Proclamation in order to it, and has issued forth his Writs for the calling of it. And, to prevent any Cause of Interruption in it, he will consent to every thing that can be reasonably requir'd for the Security of all those that shall come to it. His Majesty has therefore sent us to attend your Highness, for the adjusting of all Matters that shall be agreed to be necessary to the Freedom of Elections, and the Security of sitting; and is ready immediately to enter into a Treaty, in order to it. His Majesty proposes, That in the mean time the respective Armies may be restrain'd within such Limits, and at such a Distance from London, as may prevent the Apprehensions that the Parliament may in any kind be disturb'd; being desirous that the Meeting of it may be no longer delay'd, than 'till it must be by the usual and necessary Forms."

The Prince's Answer.

And this was the Prince's Answer, given at *Whitehall*:

"I. That all *Papists*, and all such Persons as are not qualify'd by Law, be disarm'd, disbanded, and remov'd from all Employments, Civil and Military. II. That all Proclamations which respect us, or any that have come to us, or declar'd for us, be recall'd; and that if any Persons, for having assist'd, have been committed, that they be forthwith set at liberty. III. That, for the Security and Safety of the City of London, the Custody and Government of the *Tower* be immediately put into the Hands of the said City. IV. That if his Majesty shall think fit to be at London, during the sitting

of the Parliament, that *We* may be there also, with an equal Number of our Guards: Or if his Majesty shall please to be in any Place from London, at whatever Distance he thinks fit, that *We* may be at a Place of the same Distance: And that the respective Armies do remove from London thirty Miles; and that no more foreign Forces be brought into the Kingdom. V. That, for the Security of the City of London, and their Trade, *Tilbury-Fort* be put into the Hands of the said City. VI. That, to prevent the landing of French, or other foreign Troops, *Portsmouth* may be put into such Hands as by your Majesty and us shall be agreed upon. VII. That some sufficient Part of the public Revenue be assign'd us, for the maintaining of our Forces, until the meeting of a free Parliament."

Now our *Historian of his own Times* is express, That the Lords seem'd to be very well satisfy'd with this Answer: He adds, that they sent it up by Express; and, in the Preface to some Sermons of his, he affirms, that his Majesty himself acknowledg'd, That the Terms were better than he expected: But this is not (p) over probable, as well because of the dictatorial Air, which runs thro' the Whole of them, as because, in Court-language they made it as plain as possible, that a free Parliament was not the sole Object which the Prince had in view, whatever he had so solemnly pretended. Besides, the same Prelate tells the following astonishing Story: "The Marquis of *Hallefax* (when waiting for his Highness's Answer) sent for me. But the Prince said, tho' he would suspect nothing from our Meeting, others might. So I did not speak with him in private, but in the Hearing of others: Yet he took occasion to ask me, so as no body observ'd it, *If we had a mind to have the King in our Hands? I said, By no means; for we would not hurt his Person.* He ask'd next, *What if he had a mind to go away? I said, Nothing was so much to be wish'd.*

Remarkably  
Dignity of  
Princes 254  
Hall's and  
Dr. Burnet.

(p) The Author of a Piece call'd *The Deserion discov'rd*, undertaking to answer another notable State-Performance, call'd *The History into the present State of Affairs*, and address'd to Dr. Burnet, takes the Liberty to discourse of the King's Situation at this time, and the Prince's Offers, in the following cavalier Manner:

"But our Author pretends the King's Affairs had a much better Aspect: Let us observe how he proves it: Why, he tells us, That, when the Prince of Orange's Proposals came to his Majesty, the Army and the Fleet were left in his Hands. They were so, that he might pay them for the Prince's Services; for they own'd his Majesty's Authority scarce any other way than by receiving his Money, and eating up their Meats. 'Tis to be hop'd they have since repented of their Actions. But the Enquirer goes on with his Inventory of *Forts and Revenues*; which the King was to have still. He may know if he pleases, that we have but four considerable Forts in the Kingdom: Now *Hull* and *Plymouth* had already equip'd of themselves, and the *Tower of London* was demanded for the City; so that there was none but *Portsmouth* remaining. And as for the *Revenues*, 'tis to be fear'd, the northern Collections would have been almost as slender as those in the West. And now one would think our Author began to relent; for he owns, that few things which the Prince of Orange propos'd may be call'd hard; viz. his demanding, that the *Law against Papists* which were in Employment might be executed. But the Enquirer is much mistaken, if he thinks the Prince of Orange insist'd upon no more than the bare Execution of the Law in this Point. For the disbanding of all *Papists* (which was Part of his Proposals) is much more than the Law requires; by which the *Papists* are only excluded from Offices of Command and Trust. But

neither the Test-acts, nor any others, but the King from lifting them as common Soldiers. And, lastly, to deliver up his best Magazine, and the Strength of his Capital City: To be oblig'd to pay a foreign Army, which came over to enable his Subjects to drive him out of his Dominions; were very extraordinary Demands, and look'd as if there was a Design to reduce him as low in his Honour, as in his Fortune. To forgive a Man who endeavour'd to raise me is great Christian Charity; but to articulate away my Estate to him, because he has injured me, is such a Mortification, as no Religion obliges us to. This is in effect to betray our Innocence, and give away the Justice of our Cause; and own that we have deliver'd all that hard Usage, which has been put upon us; so that 'tis easy to imagine what an unaccountable Aversion the Spirit of Princes must needs have to such an unnatural Peace. In short, when the Forts and Revenues were thus dispos'd of; when the *Papists* were to be disbanded, and the Protestants could not be trust'd; when the Nation was under such general and wild Dissatisfactions; when the King, in case of a Rupture, (which was not unlikely) had nothing upon the Matter but his single Person to oppose against the Prince's Arms, and those of his own Subjects; when his moral Enemies, and those who were under the highest Forcitures to his Majesty, were fit Judges of his Crown and Dignity, if no farther; when Affairs were in this tempestuous Condition, to say that a free and indifferent Parliament might be chosen, with relation to the King's Right, as well as the People's; and that his Majesty had no just, visible Cause to apprehend himself in danger, is to outrage the Sun, and to trample upon the Undertanding, and almost upon the Sense, of the whole Nation. (State Truths, temp. W. III. vol. I.)

A. D. 1688. *ziff'd.* This I told the Prince, and he approv'd of both my Answers." Father *Orleans* also affirms, that the King was privately inform'd by one of his three Deputies, That there would be no Security for his Person in any Part of the Kingdom. And Sir *John Reresby* yet farther unfolds this Secret, by saying, that he was inform'd by a Court-Lady (*Lady Ogletorpe*) That the Marquis of *Hallifax* had treated with the King to come again into Botines, a little before the Prince's Intention was certainly known; that he was the very Person whom his Lordship had sent on that Errand to the King; that his Majesty actually gave him a Meeting at her Houle; that they had agreed upon Terms, and, what was more, that his Lordship had even treated with the Priests for his Return to Court; that, upon this account, his Majesty more particularly depended on him, when he nam'd him out of his Commissioners to the Prince; that, after having conferred with his Highness, he sent the King a private Letter, intimating an ill Design against his Person; and that this was the real Cause of his Majesty's resolving to leave the Kingdom. Thus it appears, that the *Strange Suggestions* of the Priests were actually authoriz'd by the Advices which his Majesty had receiv'd from the very Man he most depended upon among his own Commissioners: That, if the King did in some degree mistake his Fears for Reason, he had also Reason for his Fears; that, if the Prince of *Orange* did not prompt those Advices, he approved them; and that, tho' his Highness pretended to treat, his real Purpose was, if possible, to drive the King out of the Land, in order to make the Stage clear for himself.

[1688] To dispatch this Head; The Author of the *State of Europe*, after acknowledging in one Place, that, in all the Manifestos which had appear'd in Relation to the Prince's Expedition, it had been declar'd in express Terms, That he had no Intention to invade the Throne, cannot help suggesting in another, that an Accommodation would be extremely difficult, because the Prince of *Wales* was an insuperable Obstacle: Whence he makes no Difficulty to infer prophetically, That the next Parliament would declare, that his Majesty had forfeited his Crown, and in Consequence, would make a Transfer of it to his Highness in Right of his Wife: And in a third Place he allows that his Hero (the Prince) was instrumental in disposing, and even assisting the King to leave his Kingdom: But then, that we may not presume to suppose, that his Highness had any selfish Ends to serve by so doing, he imputes it to him for Righteousness; and would have us believe there was no other way to rescue him out of the Hands of his People, who intended, it seems, to shew him no Mercy. In a Word, there is no one Grievance in the

whole Course of the King's Reign that is more flagrant than the Prince of *Orange's* Ambition: And to do Justice, if we admit, as we ought, that the People had sufficient Reason to call upon him for his Assistance, we must admit likewise, that he heard them for his own sake, and that he resolv'd to be paid his own Price for his Trouble.

As the Prince was now esteem'd irresistible, and there had been no Stipulation for a Suspension of Arms by way of Preliminary to the Treaty, no sooner was it rumour'd at Court, that his Highness, instead of meeting the Commissioners, was marching on towards *Reading*, than Orders were sent to the advanc'd Guard lying at that Place, to retire to *Maidenhead*, and to the Earl of *Ferriburgh* to take up his Head Quarters at *Colebrook*; which was done accordingly. The Colour assign'd for it, being to prevent farther Desertions. Finding, however, by the *next Day's* Intelligence, that the Prince's Van had as yet reach'd no farther than *Newbury*, and growing alarm'd, perhaps, of so dishonourable a Retreat, his Majesty remanded them to their old Posts. But while they were on this Counter-March, the Inhabitants of *Reading* (who were not overpleas'd with their *Scottish* and *Irish* Inmates, of which two Nations the Party was compos'd that was first to face the Enemy) sent an Invitation to such of his Highness's Forces as were nearest, to push on, in order to get the Start of the Royal Detachments: But tho' no time was lost in complying with so agreeable a Motion, the said Detachment came up first; and Colonel *Lanier*, who had the Command, and who had receiv'd Notice that the Enemy was advancing, made the necessary Dispositions to maintain his Post, by placing a Party of *Irish* Dragoons to guard a Bridge, over which they were to pass, drawing up a Regiment of *Scottish* Horle in the Market Place, and sending to Lord *Ferriburgh* for an immediate Reinforcement. But all his Precautions prov'd ineffectual, for, on the first Approach of the Prince's Party, which is said to have been but a small one, the *Irish* gave one Discharge, and wheel'd about, the *Scots* follow'd their Example, and both (*g*) fled in Confusion together, till they fell in with their General, who was coming up in Person to their Assistance; but who did not, however, think proper to rally the Fugitives, and make a Push to dislodge the Enemy: On the contrary, he contented himself with covering their Retreat to *Maidenhead*, and with fortifying the Bridge of that Place, instead of breaking it down; in Hope his Soldiers would, under the Cover of great Guns at least, do their Duty, and, by maintaining that Pass, keep the Enemy at Bay. But to thoroughly had the King's apparent Despondency taken Possession of his Troops, that they were become utterly unserviceable: And this was more-

over

(7) They excus'd themselves by alledging, that the Inhabitants fir'd at them behind, out of the Windows, while the Dutch charg'd them in Front: But the Inhabitants de-

no'd the Fact, and said, The Fears of the Irish made them think so.

A. D. 1688.

A. D. 1688.

over fo visible, that the very Townfmen became fenfible of it; and in the Night beat a Dutch March, in the Perfuaſion, that the bare Sound of the Prince's Drums would be fufficient to fright them away: And we are told, that the Experiment answer'd; that they did not wait till their Eyes juſtify'd their Ears, and that they not only left their Poſt, but their Cannon and all behind them.

and Maiden-head.

There were new Proofs that his Majeſty's Reliance on his Army was as ill-plac'd, as his Reliance on the Non-refuſing Principles of the Church: And he became now effectually convinc'd, that they would neither fight for him on *Hounſlow-Heath*, nor even make a Stand at *Brentford-Bridge*, where a ſmall Party on the Parliament's Side had once withſtood his Father and his whole Army. About the ſame time that theſe Advices were brought him, he had the additional Mortification to be inform'd, that a Battalion of *Douglafs's* Regiment, whoſe Fidelity above all others he confid'd in, had declar'd for the Prince: That when their Officers endeavour'd to reclaim them, they oblig'd them to deſert, by threatening to fire upon them: That another Body of Horſe, which had been order'd to reduce them by Force, had refus'd to advance, and had even ſhewn a Diſpoſition to join the Deſerters; and that four Popiſh Officers had ſurrender'd their Commiſſions at *Maidenhead* where they were quarter'd.

Certain of his Horſe declares for the Prince.

And this was the Situation of his Majeſty's Affairs when he receiv'd the Prince's Demands, accompany'd with the Marquis of *Halifax's* Intimations, That it was time for him to provide for the Security of his Perſon, &c. than which ſcarce any could be more alarming or more deplorable: Deſperate, it is plain, he thought it, or he would have continu'd to ſeize againſt his ill Fortune, inſtead of throwing down his Sword, and compounding for his Life on any Terms whatever. One Reſource, it is obvious, was ſtill in his Power, which was, to have aſſembled the Lords Spiritual and Temporal, who had adviſ'd him to ſend Commiſſioners to the Prince, and to have laid his Highneſs's Demands before them, together with the Notices that ſo nearly affected his own perſonal Safety; in which Caſe, he might have provid'd, that the Prince had already violated his own Declaration, by riſing in thoſe Demands, and inſiſting, even by way of Preliminary, to have the better Half of his Power and Prerogative; and declar'd, that unleſs they would be answerable for his Life and Liberty, it could not be reaſonably expected that he

ſhould conſent to the prolonging a diſadvantageous Treaty at the ſuppos'd Hazard of both. Poſſibly ſuch a Remonſtrance as this might have turn'd the Tide in his Favour, or at leaſt, abated the Violence of the Torrent which drove againſt him: But he could not bear the Thought of giving up his *Roman Catholics*: And he well knew from what had paſs'd in the former Aſſembly, That the Lords would have join'd with the Prince in that Article, whatever Mitigation they might have contended for in the reſt. Beſides, we are told by the Duke of *Bucks* (*Sheffield*) that about this time, he conſulted only with a few of that Religion: And 'tis no wonder that they unanimouſly adviſ'd him to fly, ſince they found themſelves under a Neceſſity to do the (*r*) ſame themſelves; and ſince in his Exile they were ſure to retain the ſame Aſſentancy which they had been poſſeſs'd of till that fatal Hour, and which under any other Meaſure they ſaw themſelves oblig'd to forego for good and all.

[Sheffield's Works, vol. I. p. 90.]

Thus beſet with Impertunities on one hand, and Terrors on the other, the unfortunate King not only reſolv'd, but grew impatient to lay down the Scepter he could no longer wield on the Terms he lik'd, and to ſolicit the Protection of that Prince, whoſe Aſſiſtance he had till now refus'd; perhaps indulging his uneaſy Thoughts, ſays the noble Writer juſt quoted, with reflecting, that he abandon'd three Kingdoms, not to much to ſave himſelf, as to follow a Wife and only Son. And ſo unapprehenſive was he that this was what his Enemies moſt deſir'd, that he kept his Purpoſe as ſecret as poſſible from all, without Exception, but ſuch as were to further it, as if in the Dread of Prevention: Thus we are told, that he ſaid publicly, That he deſign'd to return to his Army, in order to give Battle to the Prince of *Orange*; and that his Life-Guard had Orders to march to *Uxbridge* to be in Readineſs to attend him: That tho' he had a long Converſation with the Lord *Down*, who was both a Popiſt and had been much in his Favour, the Night before his Departure he let him into no Part of the Secret: That the Earl of *Mulgrave*, his Chamberlain, coming into the Bed-Chamber, juſt as he was ſtepping into Bed, he turn'd about to whisper him in the Ear, That his Commiſſioners had newly ſent him a very hopeful Account of ſome good Accommodation with the Prince of *Orange*; which he ſaid with a View to divert that Nobleman from entertaining any Suſpicions of the Truth (*f*): That he had even appointed a Council to be held the next Morning; and that he purpoſely left his Chancellor expoſ'd

[Life of King William.]

Sheffield.

to

(r) The Earl of *Melfort* and Father *Peter* had already made their Eſcape; the latter having taken Shelter in the Train of Lord *Waldgrave*, who ſucceeded *Skelton* as the King's Miniſter to *France*; or, according to others, having accompany'd the Queen: And even the Pope's Nuncio, tho' he had nothing to fear from the Prince of *Orange*, was ſo ſhock'd at the violent Spirit which appear'd againſt Popery, that he choſe to ſeal away behind the Coach of the Miniſter of *Seville*; and had then got off, if the Spaniſh Embaſſador had not ſeiz'd the Prince of *Orange* to be walk'd out of his Sleep, in order to ſign a Paſſport general for the *Savoyard*, and his whole Entourage: By which they prevented an Acci-

dent, ſays his Grace of *Bucks*, that would have made an ill Impreſſion, at this time, upon all the Prince's Confederates of the *Roman-Catholic* Religion.

(f) "To which that Lord only reply'd with a Queſtion; aſking him, if the Prince's Army ſhalted, or approach'd nearer to *London*? The King own'd, they ſhall march on: At which the other ſhook his Head, and ſaid no more; only made him a low Bow, with a dejected Countenance, humbly to make him underſtand, that he gave no Credit, to what the King's hard Circumſtances, at that time, oblig'd him to diſſemble." [Sheffield, vol. II. p. 50.]

A. D. 1688.

[Sheffield.]

to the Rage of his Enemies, in Reſentment of his horrid Proceedings in the *Woff*, which, it was now ſaid, were contrary to his Maſteſty's expreſs Orders, and which had fo greatly contributed to the Calamities of his Reign: This laſt Article indeed is liable to ſuch Objections as are not eaſily answer'd; for it is allow'd on all hands, That the King, before he withdrew, order'd, that no more Writs ſhould be iſſu'd for the Meeting of the Parliament; that a Caveat ſhould be enter'd againſt the making uſe of thoſe already iſſu'd, and that he took the great Seal into his own Poſſeſſion. And as none of this could be done but in Concert with the Chancellor, and as all made it manifeſt that his Maſteſty was reſolv'd to unhinge the Government, *Jeffreys* ſtood in need of no farther Notice, that it was high time to take care of himſelf.

All this was done *Monday* the 10th, the Day after the Prince had given in his Preſcriptions at *Hungerford*; and his Maſteſty had in Truth receiv'd a Diſpatch from his Commiſſioners juſt before the Earl of *Mulgrave* came into his Bedchamber; but then it was of ſuch a Nature, as ſerv'd only to quicken his Departure. Accordingly, at three o'Clock the next Morning, he withdrew by a back Way, and left Orders with the Duke of *Northumberland*, the Lord in waiting, not to open the Door before his cuſtomary Time of riſing. It does not appear, that he gave him any other Injunction, or assign'd any Pretence for his leaving his Palace at ſo unreaſonable an Hour: But whether he did or not, the Duke kept his Secret, and ſcrupuloſly obey'd his Orders. In the Morning, the Rooms fill'd of Courſe with Perſons of Diſtinction to attend his Levee: And when the Doors were open'd, inſtead of ſeeing the King come forward as uſual, his Grace imparted the aſtoniſhing News, *That he was gone*. Had the Ground open'd, had the Sun withdrawn his Light, had the laſt Trumpet ſounded, it could ſcarce have produc'd more Conſternation than appear'd in every Face on this Occaſion: Whiſpers, Murmurs, and Confuſion fill'd the Room; ſome fancy'd their Ears deceiv'd them; ſome could not believe what they heard; all had a thouſand Queſtions to aſk; and when reſolv'd, remain'd as unſatisfy'd as before: Having learn'd all they could, they at laſt ran from one another to ſpread the News all over the Town, and to propagate the ſame Diſorder with it.

As the People had left the King at the Mer-

cy of the Prince of *Orange*, ſo he left them at the Mercy of one another; poſſibly, that the Confuſion which he had been told would operate ſo much in his Favour, might begin to operate the ſooner. As he had left no Deputation of his Power, no body could act by his Authority: all Commiſſions were at an end; the Laws were no longer binding; the Government was apparently diſſolv'd; every Man was free to do what was right in his own Eyes; and had the Populace known their own Strength, they might have taken Advantage to level all Diſtinctions at once. Both the Peers, and the Magiſtrates of *London* were under terrible Apprehenſions of their Fury; and with very ſufficient Reason; for no ſooner was it the Talk of the Town, that the King was gone, than the Mob gather'd on all Sides, and not only fell upon the known *Roman* Chapels in and about the Town, and laid them in Ruins, but *demoliſh'd* and almoſt ras'd the Houſes of the (1) *Spaniſh* and *Portugueſe* Miniſters; in which, many of the *Roman* Catholics had deposited their moſt valuable Effects, ſome joining in the Riot out of ſtark Zeal, ſome for the Sport's ſake, and ſome for the Plunder. While this Sedition was yet raging, News came to Town, that Lord *Feverſham* had diſbanded the Remains of the King's Army, without either diſarming or paying them, to live at Diſcretion on the Country. His Lordſhip it ſeems had that Morning receiv'd a ſort of general Diſcharge from the King in the following Words:

"Whitehall, December 10, 1688.

"Things being come to that Extremity, that I have been forc'd to ſend away the Queen and my Son the Prince of *Wales*, that they might not fall into my Enemies Hands, which they muſt have done, if they had ſtaid, I am oblig'd to do the ſame thing, and to endeavour to ſecure myſelf the beſt I can, in hopes it will pleaſe God, out of his infinite Mercy to this unhappy Nation, to touch their Hearts again with true Loyalty and Honour. If I could have relied on all my Troops, I might not have been put to the Extremity I am in, and would at leaſt have had one Blow for it; but though I know there are many loyal and brave Men amongſt you, both Officers and Soldiers, yet you know, that both you and ſeveral of the General Officers and Men of the Army told me, it was no ways adviſable for me to venture my ſelf at their Head, or think to fight the Prince of *Orange* with them; and now

His Maſteſty's  
Letter to Lord  
Feverſham.

there

(1) "The Lord Chamberlain *Mulgrave*, tho' his Maſter was gone, and his Staff laid aſide, yet thought the Honour of the Nation ſo much concern'd in ſo high an Inſolence to the Embaſſador of a crown'd Head, that he perſuad'd to ſet upon himſelf to order an Apartment in *Whitehall* (ſimmediately for Don P. de *Berwick*) and a great Table to be kept for him twice a Day, with Yeeſons of the Guard to attend in his outward Room (which they never do, but on the King only); for which Strain of Authority he had the Fortune to be thank'd both by King *James* and the Prince of *Orange*." [Sheffield, vol. ii. p. 104.]

The French Embaſſador, tho' the moſt obnoxious to the Populace of all the foreign Miniſters, had the good luck to eſcape their Fury, by being in the Neighbourhood of certain of the Nobility, who had provided ſuch a Force for

their own Safety, as was ſufficient to keep the Peace: And the *Portugueſe* Miniſter had the Precaution to demand a Party of the Guards for his Protection. But wherever elſe they thought fit to direct their Batteries, down went all before them, as if Ruin was the only Way to Reſtoration. They demoliſh'd the Convent and Chapel at *St. Paul's*, the Convent and Chapel in *Lincoln-Inn-Fields*, the Popiſh Chapels in *Lime-ſtree*, in *Beckleyſbury*, at *Wild-hill*, &c. The Order in theſe Tumults was very wonderful: No Place was ſaffected, but what was mark'd out; if they fell upon any other by Miſtake, their Captains, who would ſave them, ſeiz'd them, in *Lincoln-Inn-Fields*, was ſeiz'd by a Straggler of writing up. This ſeem'd to be the ſervice of one who was come over with the Prince.

A. D. 1688.

there remains only for me to thank you, and all those, both Officers and Soldiers, who have stuck to me, and been truly loyal. I hope you will still retain the same Fidelity to me, and tho' I do not expect you should expose yourselves by resisting a foreign Army, and a poison'd Nation, yet I hope your former Principles are so enrooted in you, that you will keep yourselves free from Associations, and such pernicious things. Time presses, so that I can say no more.

(r) J. R."

This he communicated at a Council of War to his Officers, and then to the Troops themselves, who were drawn up in a Body for that Purpose; after which he gave them their Dismission in Form, and then sent (u) a Letter of Advice of what he had done to the Prince of Orange; with what Effect, we shall see in its proper Place.

The whole Community being in this disjointed Condition, and every Hour threatening to produce new Distractions; such of the Lords Spiritual and Temporal as were in Town thought it behov'd them, as holding the second Rank in the Commonwealth, to interpose for the common Preservation, in concert with the Magistrates of London. Accordingly they repair'd to Guildhall with that View; but finding those Magistrates insensible of their own Importance, and utterly at a Loss how to act with the Sense and Spirit that so delicate a Crisis requir'd; instead of advising with them, as they first intended, they immediately set up for themselves, and gave their Orders to the Lord Mayor to raise the Militia, &c.; which, we are told, he obey'd as submissively, as if they had been back'd with all the Authority of the Constitution: This encourag'd them to form themselves into a sort of supreme Council, or Senate, and to take upon them the whole Exercise of the Royal Prerogative; they chose a Council Room; they appointed their Clerks; they issu'd their Commands to the Fleet, the abandon'd Army of King James, and to all the considerable Garrisons in England; which kept them all in Order and Submission, says the Duke of Bucks. And to take off the Apprehensions of the City with respect to the Tower, they appointed Lord Lucas, who had the good Fortune to be quarter'd there with his Company of Foot, to be Governor in the Room of Skelton. But what was the most important Act of this memorable Day, they unanimously agreed to the following Declaration:

(Sheffield, vol. II. p. 102.)

(r) There was also a Postscript, which contain'd an Acknowledgment of the Earl's Loyalty, a Remembrance that he had found him a kind Master, and a Promise that he should still find him so.

(u) *Viz.* " Sir, Having received this Morning a Letter from his Majesty, with the unfortunate News of his Resolution to go out of England, and that he is actually gone, I thought myself oblig'd, being at the Head of his Army, having receiv'd his Majesty's Order to make no Opposition against any body, to let your Highness know it, so soon as it was possible, to hinder the Effusion of Blood; I have order'd already to that purpose all the Troops that are under my Command; which shall be the last Order they shall receive from, &c. *Usbridge, Dec. 11. 1688, at Noon.*"

A. D. 1688.

Their Declaration.

" We doubt not but the World believes, that in this great and dangerous Conjunction, we are heartily and zealously concern'd for the Protestant Religion, and the Laws of the Land, and the Liberties and Properties of the Subject. And we did reasonably hope that the King having issu'd out his Proclamation and Writs for a free Parliament, we might have rested secure under the Expectation of that Meeting: But his Majesty having withdrawn himself, and, as we apprehend, in order to his Departure out of this Kingdom, by the pernicious Councils of Persons ill affected to our Nation and Religion, we cannot, without being wanting to our Duty, be silent under those Calamities, wherein the Popish Councils, which so long prevail'd, have miserably involv'd these Realms. We do therefore unanimously resolve to apply ourselves to his Highness the Prince of Orange, who, with so great Kindness to these Kingdoms, such vast Expence, and so much Hazard to his own Person, has undertaken, by endeavouring to procure a free Parliament, to rescue us, with as little Effusion as possible of Christian Blood, from the imminent Dangers of Slavery and Popery.

And we do hereby declare, That we will, with our utmost Endeavours, assist his Highness in the obtaining such a Parliament with all Speed, wherein our Laws, our Liberties and Properties, may be secur'd, and the Church of England in Particular, with a due Liberty to Protestant Dissenters, and in general, that the Protestant Religion and Interest over the whole World may be supported and encourag'd, to the Glory of God, the Happiness of the establish'd Government in these Kingdoms, and the Advantage of all Princes and States in Christendom, that may be herein concern'd.

In the mean time we will endeavour to preserve, as much as in us lies, the Peace and Security of these great and populous Cities of London and Westminster, and the Parts adjacent, by taking care to disarm all Papists, and secure all Jesuits and Romish Priests, who are in or about the same.

And if there be any thing more to be perform'd by us, for promoting his Highness's generous Intentions for the public Good, we shall be ready to do it, as Occasion shall require (v)."

The Lords who were thus unanimous upon this Occasion, and who had even the Courage to sign their Opinions, were the two Archbishops, the Bishops of Winchester, St. Asaph, Ely, Rochester, and Peterborough; the

(v) Bishop Burnet says, " They sent an Invitation to the Prince, desiring him to come and take the Government of the Nation into his Hands, till a Parliament should meet to bring all Matters to a just and full Settlement." He also takes care to remember, that the Archbishop was there; and to be express'd, that this (Invitation) they all sign'd. But their own Declaration bears witness, that no such thing pass'd at this Meeting; and when such a thing did pass, it is but Justice to acknowledge, that the Archbishop was not there. So strangely does he jumble different Facts together, and so fatally does he mislead his Readers by that means.

A. D. 688. the Earls of Pembroke, Dorset, Mulgrave, Thanet, Carlisle, Grewen, Alesbury, Burlington, Berkeley, and Rochester; the Viscounts Newport, and Weymouth; and the Lords Wharton, North and Grey, Clondu, Montagu, Jeremy, Vaughan-Carberry, Culpeper, Crew, and Ossalfon: Not one of whom started the least Objection to the Prince's Enterprize, on the old non-resisting Principle, or paid the least Reflection on his Highness for not closing purely and simply with the King's Offer of a free Parliament, according to his own original Promise; or made any Enquiry whether the King's Retreat was owing to any Apprehension of Violence to his Person; or set on foot any Proposal for recalling him, or even to keep Matters in Suspence till they knew what was become of him. On the contrary, they flate his Majesty's withdrawing himself as a Desertion of the Government, tho' not in express Terms; suppose themselves to be under a Necessity to apply themselves to the Prince of Orange; resolve to do so without any Delay; speak of his Highness and his Undertaking in the warmest Style of Acknowledgment; call it a Rescue from Popery and Slavery, and promise to assist him in calling a Parliament; which, according to the Doctrines laid down by the Majority of them, could no otherwise be done than by Royal Prerogative. They also caus'd this Declaration to be imparted to his Highness by one Earl, one Viscount, one Bishop, and one Baron, that he might have the more respectful Assurance that it was the unanimous Act of the whole Body. And they also directed that an Account of what else they had done might be laid before him, as if to bespeak his Concurrence and Approbation.

This was certainly going a great way to meet his Highness's Wishes: But the orthodox-Magistracy and Lieutenantcy of London (whether inspir'd by their own Zeal, or led by the artful Management of the Intriguers they were now surrounded with, is uncertain) went a great way further: They proceeded by Address instead of Declaration: The Former render'd their deapest Thanks to the divine Majesty for having bless'd him with miraculous Success: They beg'd leave to present their most humble Thanks to his Highness for his appearing in Person in this Kingdom to rescue England, Scotland, and Ireland from Slavery and Popery: And, being disappointed in their Expectation of some Remedy for their Oppressions and Dangers from his Majesty's Concessions, by his withdrawing himself, they request'd to make his Highness their Refuge: In the Name of that Capital City, they imploer'd his Highness's Protection; and they most humbly besought his Highness to vouchsafe to repair to that City, where his Highness would be receiv'd with universal Joy and Satisfaction. And the Latter could never sufficiently express the deep Sense they should ever retain in their Hearts of the many Dangers which his Highness had expos'd himself to, for the sake of the Protestant Religion, and the Laws and Liberties of this

Kingdom; without which unparallel'd Undertaking, they must probably have suffer'd all the Miseries that Popery and Slavery could have brought upon them. They had been greatly concern'd that they had not had any seasonable Opportunity before, to give his Highness and the World a real Testimony, that it had been their firm Resolution to venture all that was dear to them to attain those glorious Ends, which his Highness had propos'd, in setting these distracted Nations. — They unanimously presented to his Highness their just and due Acknowledgments for the happy Relief he had brought to them. That they might not be wanting in this at that Coniuncture, they said, they had put themselves into such a Posture, that, by the Blessing of God, they might be able to prevent all ill Designs, and preserve the City in Peace and Safety till his Highness's happy Arrival: And they humbly desir'd that his Highness would be pleas'd to repair to the City with what convenient Speed he could for the perfecting the great Work which his Highness had so happily began, to the general Joy and Satisfaction of all.

In the mean time, the military Men about Town were as busy as the Courtiers or the Citizens, and seem'd resolv'd to be as forward with their Peace-Offerings to the Prince as either. Thus we are told, that the very Duke of Northumberland, who had receiv'd his Majesty's last Command, as a Lord of the Bed-chamber, had no sooner discharg'd it, than he assembled his Troop of Life-Guards and declar'd for his Highness: That the Marquis de Miremont, who had a Regiment of Horse, did the same; and that the rest of the principal Officers had a Meeting at Whitehall; at which it was resolv'd to send an Express to the Prince of Orange to acquaint him with the King's Departure, and to assure him, that they would assist the Lord-Mayor to keep the City quiet, till his Highness should think fit to resort thither in Person.

At the same time also, the Western Road was in a manner cover'd with those who posted to the Prince to make a Tender of their Services, to solicit his Commands, and to bargain for their Rewards: His Camp had the Face of a Court; he gave it that Title, his Favourites began already to behave as if they had the Nation at their Disposal; and his Highness himself, it may be presum'd, could not reflect without Pleasure on the Careless he receiv'd from all Ranks and Degrees of Men, who thus labour'd to put him in possession of what he had so long languish'd for.

If his Felicity had any Alloy at this time, it arose from the Conduct of the Lords; for tho' they had so unanimously undertook to act in Concurrence with him, he was perhaps uneasy that they undertook to act at all. The immediate Offer of the Administration, was, no doubt, the Compliment he expected, and that, it seems, they were not as yet in a Humour to make him. Having found the City to trouble the first Day they had on the second, they went to Whitehall, and proceeded to the Choice of a Pre-

As all the Officers of the Army.

His Highness's Camp had the Face of a Court.

of the Liberty.

Having found the City to trouble the first Day they had on the second, they went to Whitehall, and proceeded to the Choice of a Pre-



A. D. 1688.

fidant, as if their Purpose was to act as Mediators between the Prince and the People, and by their own Authority, to keep the Wheels of Government in Motion in the mean while.

The President thus chose was the Marquis of *Hallifax*; and we find it insinuated by the Duke of *Bucks*, who put him in Nomination, that the Compliment was rather made to his superior Title, than to his superior Merit; for, says his Grace, the Archbishop of *Canterbury* refusing to come any more among those Lords who met at *Whitehall*, and the Archbishop of *York* being unaccustom'd to the Business of such an Assembly, he was nam'd and approv'd. And he adds, "This was the Cause of all his Favour with the Prince of *Orange*, who finding him in that manner, at the Head of such a Council, and indeed ready to serve any Turn, thought he might be useful in this Conjunction, tho' before he had always forbidden his Agents ever to trust him with their Design of coming into England."

Jeffreys fall  
into the Hands  
of the Mob.

On the second Day of their Meeting, and first of their Sitting at *Whitehall*, a very remarkable Incident happen'd in the City. The Lord Chancellor *Jeffreys* had disappear'd the Day before, as the King had done; and it was universally concluded that they were gone off together. But tho' it is reasonable to think he was in his Majesty's Secret, he was not of his Party. His Lordship, when the Prince's Design began first to be talk'd of, being ask'd, whether he could guess what the Heads of his Manifesto would be on? And, now growing sensible, that his Prophecy was in a fair way to be fulfilled, had wisely resolv'd to make his Escape: In order to which, he shav'd his Eyc-Brows, put on a Seaman's Habit, and, all alone, made the best of his way to *Wapping*, with a Design to take shipping for *Hamburg*. Thus far all was well, and his Lordship had Reason to think the worst was over: But his evil Genius follow'd him; and while he was looking out of a Window, say some, but, more naturally, while he was drinking a Pot of Ale in a Public House, say others, a Scrivener of that District, whom he had once, upon a Trial, frighten'd almost into Convulsions, got a Glimpse of him, and recollecting in a Moment all the Terrors which had then taken such hold of him, gave the Word to the Mob, who rush'd in upon him like a Herd of Wolves, and shew'd a Disposition to tear him in Pieces. So dreadfully did his own Insolence and Barbarity recoil upon his own Head; and so much was he to suffer as a Criminal, who as a Judge had brought such Sufferings on others. Every Face that he saw was the Face of a Fury; every Grasp he felt, he had reason to think was that of the Demon that waited for him; every Voice that he could distinguish in so wild an Uproar, overwhelmed him with Reproaches; and his Conscience eccho'd within him, that he deserv'd them all. In this miserable Flight, in these merciless Hands, with these distracted Thoughts, and with the Horror and Despair in his own ghastly Face,

A. D. 1688.

that was the natural Result of all, he was goaded on to the Lord-Mayor; who, seeing so great a Man, whom he had never look'd up to without trembling, brought before him as the worst and most abhor'd of all Malefactors, fell into Fits, and was carry'd off to his Bed; from whence he never rose more. This oblig'd the Lords to interpose, who soon had Notice of what had happen'd, and who sent their Warrant to commit him to the Tower; which was at this time rather a Deliv'rance than a Punishment: For now the Rage of the People was grown more ungovernable than ever, and such horrible Menaces did they roar out against him, that it was thought expedient to surround him with no less than two Regiments of the Trained Bands: Nor did he yet believe himself safe; he saw the same threatening Faces on all Sides of him; he saw them hold up Whips and Halters; he saw them pressing in upon him almost at the Post of their own Lives: And, holding up his Hands, sometimes on one Side of the Coach, and sometimes on the other, he cry'd out in Atonics, *For the Lord's Sake keep them off! For the Lord's Sake keep them off!* "I saw him, and heard him (says Mr. *Oldmixon*) and I truly say without Pity, tho' I never saw any other Malefactor without Compassion and Concern." He had, however, at last, the Consolation to be safely lodg'd in the Tower, and had Time and Leisure to bestow many a painful Reflection on the Enormities which had brought him thither.

And is not  
allud to the  
Tower.

About the same time another Incident yet more extraordinary than this happen'd, which threw not only the two Cities of *London* and *Westminster*, but the whole Kingdom, as it is said, into a dreadful Disorder: And this was an Universal Outcry, That the *Jesuits* were at hand, burning and destroying all before them, which gain'd Credit wherever it spread, and carry'd so much Terror along with it, that every Man, thinking he was either to kill or be kill'd, had recourse to his Weapons, and stood upon his Guard: Lights were moreover plac'd in all the Windows of the Houses, that the Approach of the Destroyers might be the sooner descri'd: The Militia Drums propagated the Alarm through every Street; and even in the Country the Fire-Bells rung, the Beacons blaz'd, and those Towns and Villages that were within reach of each other, mutually fancy'd that they heard the Cries and Groans of their suffering and dying Neighbours. But, however certain it is, that such an Event did actually happen, there is scarce any such thing as settling precisely either the time when, or the Place where, it took its rise; or whether it was owing to Chance or Design. *Oldmixon* dates it the *eleventh*, which was the Day the King withdrew, and his Army was disbanded; and says it began at *Westminster* about eleven o'Clock (at Night must be understood) upon the Report of some Country Fellows: In which latter Circumstance, together with *Echard*, he follows the Author of the *Life of King William*: But then they both assign a different Date, viz. the twelfth, towards

The 11th  
Alarm.

towards

A. D. 1688.

A. D. 1688.

towards Midnight: And the Compiler of the *History of the Defection*, the thirteenth, about three o'Clock in the Morning; *Kennet*, by Circumstance, does the same; for he says, "Chancellor *Jeffrey* was committed the twelfth, the Day before this Confection." And as to *Burnet* and *Rapin*, they only mention the Thing, for the sake of throwing the Blame of it on Lord *Feverham*, without specifying any Date at all. But what makes the Date a Matter of some Importance, is this: The Politicians, it seems, were of Opinion, That these Country Fellows had their Instructions from Marshal *Schemberg*, and that his End in it was both to feel the Pulse of the Nation, and to inspire them with Resentment against the Popish Party, by letting them see to what Dangers they were expos'd, by the introducing *Irish* Troops into the Kingdom, and by letting them loose afterwards without Pay, and with Swords in their Hands. Now that the Outcry arose on the 11th, as *Oldmixon* would have it thought, this Opinion would have appear'd without the least Foundation; since there was scarce time between eleven in the Forenoon, when Lord *Feverham's* Letter to the Prince was writ, and eleven at Night, to frame such a Project, much less to put in Execution: But if we pass on to the twelfth at Night, or the thirteenth in the Morning, that Objection in part vanishes, and we may reasonably enough conclude with the Politicians, that it was form'd in the Prince's Cabinet for some such Purpose, tho' not perhaps the same as has been already nam'd, more especially when we recollect what has been already quoted from the Duke of *Duaki*, viz. That the King's abandon'd Army was kept together, and in due Order and Subjection. The same Quotation also contains a ridiculous Story, which, it is reasonable to suppose, was circulated on Purpose to put the Public on a false Scent; namely, that all this Confusion was caus'd by the burning of a Cottage by six or seven hungry *Irishmen*, which took Fire during the Fight; whereas it is utterly inconceivable that an Army which was so contemptible in a Body, should grow all at once so terrible when disbanded, unless we suppose that the Alarm was precipitously laid, and that proper Orders were properly plac'd to give fire to it when the signal should be made, in order to communicate it from one End of the Chain to the other. Nay, Mr. *Speke*, the

principal Transactor in the Revolution, stands forth, and (as) takes the Merit of the whole thing upon himself; acknowledges, That it was all Contrivance on one hand, and Imposition on the other; and challenges a Reward for being the grand Incendiary.--- How amazing! That a Man should betray an Ambition to be thought the Author of so nefarious a Contrivance, which might have occasion'd a general (x) Massacre of the Papists, and thereby polluted the Land with such ingrain'd Wickedness, as the Penitence of Ages could never have wash'd away! What is farther remarkable with respect to this astonishing Imposition is this: On the very same Day that it took such hold on our Capital, viz. the thirteenth, the Prince of *Orange* set forth the following Order from his COURT at *Henley*, under the old Title of a Declaration, viz. "Whereas we are inform'd, That divers Regiments, Troops, and Companies have been encourag'd to disperse themselves in an unusual and unwarrantable manner, whereby the Public Peace is very much disturb'd; we have thought fit hereby to require all Colonels and Commanders in Chief of such Regiments, Troops and Companies, by Beat of Drum, or otherwise, to call together the several Officers and Soldiers belonging to their respective Regiments, Troops and Companies, in such Places as they shall find most convenient for their Rendezvous, and there to keep them in good Order and Discipline. And we do likewise direct and require all such Officers and Soldiers forthwith to repair to such Places as shall be appointed for that Purpose, by the respective Colonels and Commanders in Chief, whereof special Notice is to be given unto us for our further Orders."

To say nothing of the Phrase *encourag'd to disperse*, instead of *disband*; nor to object, that he lays no one Outrage to the Charge of the Troops so *disbanded or dispersed*, it is flagrantly obvious, that the Prince here acts in the Capacity of a *Conqueror*, and prescribes *Laws* to the Military, at least, who had neither made any Submission to him, nor over whom he had receiv'd any Authority; as also, that he breaks in upon the Administration of the Lords sitting at *Whitehall*; and that, after exacting Obedience from Men born free, and now discharged by their Prince, he leaves them as he found them, to be subsided by the People: And what renders this notable Exertion of Power, in such absolute Terms, so much the more extraordinary,

x The Words are these: "He (Mr. *Speke*, for he has to us a Monthly, in which he writes of himself in the Third Person, like a Cavalier, to adapt things to the Temper of the Century and Country, in all the several Counties, and by what Means to disperse any Papers of that Nature with the greatest Secrecy and Discreetness; as appear'd soon after that, in the most surprising Manner, in a Matter (the *Irish Alarm*) solely contriv'd and manag'd by himself, which was a Mystery to the greatest Politicians of those Times, and long continued to be so, and which made no small Noise, not only all over this Island, but in other Parts of Europe, and was at that time of such eminent and signal Service to the Protestant Interest in this Nation, that, from that Day forward, the people's Factions, and their Emulations, never durst attempt to lay any their Hands, or hardly to draw their Heads." His End in giving this Alarm, he also says, "was, in the first place, to expose the Weakness of that in it self

contemptible Faction of the popish and popishly affected Party, when depriv'd of the Support of an arbitrary Prince, and a profligate Court. This he thought no way so difficult to accomplish, as by putting their Strength to a Test: He also propos'd, by that means, to weaken the Hands and the Hearts of King *James's* Irish Soldiers, and to terrify them from making any desperate Attempt in the Crisis of their Master's declining Tyranny, by letting them see how despicable and fatal it would prove to them to put Matters on a War, which might involve them in so horrid a Destruction." P. 40, 41, 42.

(x) As it was, we are told by Mr. *Oldmixon*, and others, That the People every where trembled, and were inclin'd to betray all the *Irishmen* and Papists, who were inclin'd to venture to commit any Outrage.

A. D. 1688.

inary, it was not till the next Day, that the several Deputies from the Lords, and the Magistracy and Lieutenancy of London, came to him with their several Tenders, at *Henley*: And, on the same Day, the *Whitehall-Assembly* set forth a particular Requisition to the *Irish* Officers and Soldiers, to repair to their respective Corps, and deliver up their Arms to the Officers of the Ordnance, appointed to receive them; accompany'd with a sort of Engagement, that, if they behav'd themselves peaceably, they should have Subsidance paid them; and a Menace, that, in case they did otherwise, they should be treated as Vagabonds; of which all Justices and Constables were requir'd to take notice.

We are farther told, that, at the same Time and Place, his Highness committed several other Acts of Sovereignty; Such as ordering Mr. *Blauwaine*, Secretary at War, to bring him an Account of the King's Army; the directing the *Lord Churchill* to reassemble his Troop of Horse-guards; and the Duke of *Grafton*, with his Regiment of Foot-guards, to take possession of *Tilbury-Fort*. The King, indeed, had dropt the Imperial Mantle; but his Highness was not as yet authoriz'd to take it up: He had made, as we have seen, the most solemn Proteftations to the contrary: He had not so much as set forth any new Declaration, on occasion of his Majesty's Departure; nor, whatever Bishop *Burnet* has taken the liberty to say, had he been invited by the Lords to array himself with the Spoils of the Throne.

But while he was thus domineering at *Henley*, and they at *Whitehall*, and both were striking up an Intercourse in pursuit of their several Interests, another more extraordinary Adventure than either of the two former took place, which is thus recounted by the Duke of *Bucks*: "The Lord *Mulgrave* happen'd to be advertiz'd privately, that the King had been seiz'd by the angry Rabble of *Feverham*, and had sent a poor Country-man with the News, in order to procure his Release; which was like to come too late, since the Messenger had waited long at the Council-door, without any body's being willing to take notice of him. This sad Account mov'd him with great Compassion, at such an extraordinary Instance of worldly Uncertainty; and no Cautions of offending the prevailing Party were able to restrain him from shewing a little Indignation at so mean a Proceeding in the Council. Upon which their new President adjourn'd it hastily, in order to prevent him, but that Lord earnestly conjur'd them all to sit down again presently, that he might acquaint them with a Matter which admitted of no Delay, and which was of the highest Importance imaginable. Accordingly, the Lords, who knew nothing of the Business, could not but hearken to it; and those few that guess'd it, and knew the Consequence, yet wanted Time

for concerting enough together about so nice and so very important a Matter, as saving or losing a King's Life: The Lords therefore sat down again, and he then represented to them, what a Barbarity it would be for such an Assembly to connive at the Rabble's tearing in pieces even any private Gentleman, much more a great Prince, who, with all his Popery, was still their Sovereign: So that mere Shame oblig'd them to suspend their Politics a-while, and to call in the Messenger, who told them with Tears, how the King had, with much Difficulty, engaged him to deliver a Letter from him to any Person whom he could find willing to save him from so imminent a Danger: The Letter had no Supercription, and was to this effect: 'To acquaint the Reader of it, that he had been discover'd in his Retreat, by some Fishermen of *Kent*, and secur'd at first there by the Gentry, who were yet afterwards forc'd to resign him into the Hands of an insolent Rabble.'

On so pressing an Occasion, and so very publicly made known, the Council was surpriz'd, and under some Difficulty: For as there was danger of displeasing by doing their Duty; so there was no less by omitting it: Since the Law makes it highly criminal to be only passive in such an Extremity. Besides that most of them, unacquainted as yet with the Prince of *Orange*, imagin'd him prudent, and consequently capable of punishing so base a Desertion, either out of Generosity or Policy: These found afterwards their Caution needless; but at present it influenced the Council enough to make them send two hundred of the Life-guard under their Captain the Earl of *Feverham*: First, to rescue the King from all Danger of the common People; and afterwards to attend him toward the Sea-side, if he continu'd his Resolution of retiring; which they thought it more decent to connive at, than to detain him here by Force."

Bishop *Burnet's* Sketch of this Council-Scene is materially different. "The Privy Council, says his Lordship, met upon it (the News of the *Feverham*-Adventure); some mov'd, That he should be sent for: Others said, he was King, and might send for his Guards and Coaches, as he pleas'd; but it became not them to send for him: It was left to his General, the Earl of *Feverham*, to do what he thought best. SO he went for him with his Coaches and Guards." And again, the Compiler of the *History of the Desertion*, the Writer of the Life of King *William*, Bishop *Kennet*, and Mr. Archdeacon *Echard*, on the other hand, are express, That the Lords sent four of their Body, namely, the Earls of (1) *Feverham*, *Aylesbury*, *Tarnewth*, and *Middleton*, to invite him back, "or (says the first of them) only to see him safe on board any Ship he should chuse, in case he perished in his Resolution of going out of the Kingdom;

A. D. 1688.

News brought to the Lords, that the King was seiz'd at *Feverham*. [Sheffield's Works, vol. ii. p. 106.]

Different Accounts of this *Desertion*.

(1) Sir *Jas's* *Recess* also mentions these four Peers; but moves us to conclude, that Lord *Feverham*, say, waited on him with his Guards, &c: I can't express, that his Orders

were, to leave it to his Majesty's own Choice, either to go, or to return; it being desired, to put any Restraint upon him.

A. D. 1688. Kingdom: Which so far agrees with the Account given by the Duke of *Bucks*; and that Account, upon the Whole, as coming from one who had so considerable a Share in the Business he writes of, deserves most to be regarded. As, therefore, the Notion of *Bishop Burnet's*, That *Lord Feversham* was left to act, upon so great an Occasion, as the pleas'd, is to be rejected, on one hand; so neither can it be allow'd, That his Majesty was invited back, on the other: It is, on the contrary, pretty plain, that the Lords were as fond of a Desertion, as the Prince of *Orange*; both on account of the Advances they had already made to his Highness, and because they knew if he continued to be King, the Catholics would continue to be his Favourites, if not his Ministers; which, among the Grandees, was held the greatest of his Sins: And yet, says the *Historian of his own Times*, "the Prince thought the Privy-Council had not us'd him well, who, after they had sent to him to take the Government upon him, had made this Step without consulting him." Other Writers however say, That they dispatch'd an Express immediately to his Highness, with an Account of what had pass'd: And it may, upon the Whole, be pronounced, that, without a total Departure from all the Laws of Decency, they could not have done less in Compliment to their late Sovereign; nor could they have done more to facilitate the grand View of him who was so impatient to king it in his room.

The ungrateful News of the King's Demise had nevertheless reach'd his Highness before; in what manner is thus recounted by the Prelate last-quoted: "Two Gentlemen of *Kent* came to *Windsor* the Morning after the Prince came thither, (which was on the 15th, and where he immediately display'd his Banner, by way of Signal that he had taken possession): They were address'd to me; and they told me of the Accident at *Feversham*, and desir'd to know the *Partis* *Misjurs* upon it. I was affected with this dismal Reverse of the Fortune of a great Prince, more than I think fit to express. I went immediately to *Bentinch*, and wak'd him, and got him to go to the Prince, and let him know what had happen'd, that some Order might be presently taken for the Security of the King's Person, and for taking him out of the Hands of a rude Multitude, who said, They would obey no Orders, but such as came from the Prince. The Prince order'd *Zuylewain* to go immediately to *Feversham*, and to see the King safe, and to find Liberty to go whithersoever he pleas'd." In this summary and plausible Way does his Lordship pass over this tender Passage in his History: But, as this may not perhaps give full Satisfaction to Posterity, it is fit to add the following Note from another Right Reverend Father of the Church, &c.

"Mr. *Thomas Napleton*, a Gentleman of *Feversham*, went away to the Prince of *Orange*, to acquaint his Highness with this stopping of the King in his Passage to *France*, which he thought would be very acceptable to his Highness; but he found it rather a

Dislike to him. Upon which, Mr. *Napleton* had such an Impression of Discontent, as hardly ever went off from him." As also, that *Bishop Burnet* himself (when afterwards entangled in the Briars of Controversy, to get rid of a worse Imputation, namely, that, in Discourse with the said Mr. *Napleton*, who was one of the two Gentlemen he mentions, he wish'd they had left the late King to be torn in pieces by the Mob) admits, that he said, that, instead of hindering his Majesty from prosecuting his Voyage beyond-sea, it was his Opinion, they ought to have help'd him in it; And that his Lordship annexes, Mr. *Napleton's* own Account of the said Discourse, as given by the latter to Dr. *Geese*, in these Words, "Mr. *Napleton* said, That I did, indeed, ask him several times, Why they did not let King James go? and that he did answer, The Mob would have torn him in pieces. That within a little while I ask'd him the same Question again; and that thereupon he ask'd me, Would I have had him torn in pieces? To which he added, that I reply'd, God forbid! I abhorred the Thoughts of it." Thus one Account rectifies the other; and, from the last, it becomes manifest, that, by taking order for the King's Security, ought to be understood, the taking order for covering his Retreat: For Mr. *Napleton's* Errand was not to demand Succour, but to give Information; and he had expressly inform'd the Doctor, as he himself in the Course of that Contest allows, That, upon the Gentlemen of the County's coming to *Feversham*, they had brought the People to shew him more Respect: Besides which, not only *Father Orleans*, but the Duke of *Bucks*, and others, declare point-blank, That *Zuylewain's* Message was, to forbid his Majesty from coming any nearer *London*, than *Rehester*.

As much of the King's Case as brings it down to his Retreat from *Whitehall*, we have seen at full; and by touching somewhat more particularly upon what follow'd, we shall be enabled to decide upon the whole of it. He chose for his Attendants, it seems, Sir *Edward Hale*, Mr. *Sheldon* and *Labadie*; and, having cross'd the *Thames*, from the *Privy Stairs*, as the Queen had done before him, posted down to a Place in the Neighbourhood of *Feversham*, in order to embark on board a small Vessel, which had been provided to carry him on to a Frigate, that waited for him off of *Margate*, under the Command of one *Murdonnald*, an *Irishman*. The Vessel was there, but, unfortunately, wanted, or was thought to want, Ballast: And while that was being in, *Hale* sent a Footman, in his own Livery, which was known the whole County over, with a Letter to the Post-House: A Person who had been once a Gunner at *Dever Castle*, and had been discarded by *Hale*, knew the Man, dogg'd him down to the Water-side, and saw him taken on board the King's Vessel; after which, applying to the Fishermen and other Adventurers of the Place, who, taking Advantage of the Troubles of the Times, had set up a new Trade, which was, to way-lay the Coast for Fugitives, as well for the sake of a Passage as a Reward,

A. D. 1688.

[Burn. Fac. cat. 395, 128.]

A Sketch of the Feversham Adventure.

[Life of King William, Kemble, Schmitz.]

[Life of King William, Kemble, Schmitz.]

[Kemper.]

A. D. 1688.

Reward, he soon got a Crew of those amphibious Ruffians to give Chace to the King's Whiffel; the Consequence of which was, that they came up with her, clapt her on board, and, knowing *Hale*, declar'd her to be good Prize. He was a Catholic on Record, that was Crime enough; and those that were with him were guilty of being in his Company. On these Premises they fell to pillaging, which was the main of their Business, without Mercy; and did it as such Free-Booters ever do; with all the Insolence and Brutality imaginable. The King suffer'd it in common with the rest, or rather worse than any; for being disguis'd in a plain Suit and Bob Wig, they took him for *Hale's* Priest. Majesty is not, like the Sun, to be distinguish'd by its own Effulgence, but when shorn of its Power, is thorn of its Glory. The King had about him 3 or 400 Guineas, and several valuable Seals and other Jewels; They strip him of all; And tho' so rich a Treasure prompted them to think the Owner was a greater Man than he seem'd to be, that Consideration only serv'd to make them more eager to carry him ashore, in Hopes of enhancing the Profits of their Voyage. It was in vain to expostulate; they were now the Masters, and they expected to be obey'd. And thus one of the greatest Kings in Europe became a Prey to the mean-

A. D. 1688.

est of his Subjects, and presented one of the most affecting Spectacles to the Word, and one of the most dreadful Warnings to Princes that ever struck the one with Terror, or the other with Compassion. What his Reflections were under this severe Visitation, may perhaps be more easily imagin'd than explain'd: But if he deriv'd any Consolation from his being unknown, he was soon depriv'd of it; for as they drew near the Town, a Crowd of People, as usual, came on board of them, to entertain themselves with a Sight of the Prisoners; and among the rest a Constable, who thought his Authority might be worth something on such an Occasion, and who no sooner cast his Eyes on the King, than he knew him; and falling at his Feet, besought his Pardon for those Miscreants who had so misus'd him: He also commanded them to restore what they had taken from him; which they preparing to do, his Majesty shew'd he was still a King by refusing the Coin, tho' his whole Stock, and contenting himself with the Jewels. The Scene was now chang'd at once; those who the Moment before had treated him with the most shocking Indignities, now stood aloof, as if there had been Lightning in his Eyes, and every Glance was mortal. This reviv'd his former Purpose of making his (2) Escape, and

(1) It is in this Manner the Story is generally told: But Mr. *Smith* has inferred in his Work an Account, which he says, is a Manuscript Letter from one of the Gentlemen that came to the King when he was taken, to his Friend in London; and in which no Mention is made of the Circumstances of Sir *E. Hall's* Footman, or of the Constable: But these many Particulars are to be found in it, which afford a very broad Comment on those rustic Words of Mr. *Newton's*, above treated of, *Would you have him turn to pieces by the Mill? or may he pass'd from such as follow:*

—“ He inflict much upon going off, after he was taken; and I believe he put the Question to every Layman and Churchman in the Room, to get him a Boat, and let him escape. He said the Prince of Orange fought his Crown and Life; and, if he were deliver'd up, his Blood would lie at our Doors, for he don't think they would murder him. *Nob. Tell us, the Opportunity is in your Hand; but if you miss this, it will not be in your Power to help me.* He argued much upon these Words, *He that is not with me is against me; and* Jeronim's dill on Floor, making Reflections on Men's Condition to serve him in that Extremity. While he was thus going off, and used all Motive proper, to be thought, in being shy, praying, trumping, arguing, persuading, reasoning, &c. which was for above three Hours, the Rage of the Seamen took fire, apprehending he would prevail with some to let him escape secretly; and therefore utter'd some contemptuous Words, and so small Particulars one'd; which I almost think had not happen'd, if the Fear of his Escape had not lain so much in their Minds, as that they durst not be so much forward, dissenting to such a Design. For the Seamen much valued themselves on their Change, and all apprehend their own Lives in danger, if he went off imagining they had done a singular Piece of Service to the Nation, and resolving there to keep him, till Order from the Prince, or the Lords at *Whitehall*. And the King himself undertook to discourse them, and shew'd the Seamen, *By what Authority do you stand here? Am not I your King? And here you shall see how you shall.* Will you not give me a Glass of Wine? Will you be so good to buy me some Ale, or a Glass of Beer, and set me a Boat, and I'll go off. Afterward, he went so far as to regulate their Way of keeping a Guard; but then stand farther off: *Go down, and keep your Distance.* Which so enraged them, that some of them forgore all Decency and Reverence to him; and such that Sir *Edward Hall* was oblig'd to take the King off from that Discourse, which made him cheap, and prov'd unprofitable and unseasonable. But still the Rage of the Seamen increas'd; and they took hands, and cry *Downing and* *Down*. *It is better rather than to stay here; I got together in a Boat, and broke out into a general Hurra, and for a while demolish'd their Guard, till it was time to go to him but when they well knew, he had their Masters, and made ready to go, they resolv'd to sit upon any that oppos'd their Masters. They resolv'd immediately the King, and his Spe-*

rits seem'd much down; which made him keep his Eye upon the Door, and watch all their Motions narrowly, and desire not to be much alone, but the Gentlemen to stay with him. Towards Night, the Earl of *Windsor* came, and then it was resolv'd to remove the King to a private House; which the Seamen still oppos'd for fear of Escape. But my Lord, putting his Honour for the King's Safety, the better Sort of them conform'd, but the Mob still rais'd a Noise as the King came down-stairs, I believe more than twenty Swords were drawn over his Head, and some Throats rais'd; and at the Bottom of the Stairs they stopp'd him near a Quarter of an Hour. At length, the Matter was compos'd, upon condition they only should be the King's Guards, while he stay'd. So at length the King was oblig'd to walk down the dirty Streets to his private Apartments, with the irregular, disorderly Crew at his Heels.

Next Day, being *Thursday* the 13th, came in two hundred Gentlemen from *Canterbury* and *Exeter*, and, in the Night of them, *John's* a strict Conversation with the Prince of Orange; which much afflicted him, for that he then said he was not safe where he was. And towards Night Captain *Crawford* and another Captain came from *Cherbury*, declaring the Resolution to deliver up to the Prince the Fort, and the Ships in the *Beaulieu*, which is a Road under the Protection of the Fort. Upon the hearing of which he said, he would consent to any thing, to prevent Bloodshed; but seem'd extremely afflicted therewith. He was really very melancholy at times, and often shed Tears. His Guards were so ferre upon him, and press'd him from one Room to another; and rais'd upon him in his Pyrexia, for that he had rais'd the Civilities from the Seamen that were due to a Gentleman in Restraint; scarce Leisure to be devoted, or rest to the Calls of Nature; so over-officiously did they guard him. Fresh Rumours oft were rais'd of his going off, which intreated the feathered Seamen together, and were the Occasion of fresh Heats and Insolencies. In this tumultuous manner was the poor King guarded; neither would they suffer the Gentlemen to take their Turns.

When *Friday* Night came, and the Guards, that were sent from the Lords that were then at *Whitehall*, were within two Hours March of *Feversham*, the Rage of the Seamen increas'd, because the Earl of *Feversham* was with them, and some others they dislike'd; that they swore bloodily, no Guard should come in there, and so run all to Arms. Upon Signs of which, the Gentlemen were forc'd to dispech Expresses away to stop the Guards, and pray'd them to lodge as *Strangers*; for doubtless if the Guards had come that Night into *Tower*, there had been bloody Work; for by what I heard and saw, I verily believe the Seamen have over-ruled them.

At length, *Saturday* Morning came, when the King was guarded out by the Seamen and Gentlemen, and so receiv'd four *Guards*, by which they were less for him.



A. D. 1688.

He calls a Council, and sets forth an Order for suppressing Tumults.

His former Condition.

[Oldmixon.]

They might personally and amicably confer together on the Means of an Accommodation. This was, in Effect, signing a *Carte Blanche*, and surrendering at Discretion: And the His Majesty, as above hinted, did venture to call a Council, in which, perhaps, he did take the Liberty to speak with a little Bitterness of those who took up the Government the very first Hour almost of his Absence, without the least Thought of a Proviso, in case of his Return, it does not appear that he proceeded to any other Business, than the setting forth an Order to put a stop to the Excesses of the Mob; which has been blam'd as an ill tim'd Instance of the Continuance of his Zeal for the Catholic Cause, and what author'd a Belief, that he came back only for this Purpose (?). Indeed, as almost every thing which happen'd to him, during his short Stay at *Whitehall*, carry'd along with it Demonstration that his Power was at an End, so, except in a very few Particulars, he scarce made any Attempt to reform it. The producing the great Seal would have been the most authoritative way of doing so: But he neither did nor could reach to it, for being ask'd, as we are told, tho' not by whom, or on what Occasion, what was (r) become of it? he gave for Answer, That the Queen had taken it along with her; and the Truth was, that before his or her Departure it had been thrown into the River. Being also press'd to issue the Writ for summoning the Parliament, which would have been an Exertion of one of the highest Branches of the Prerogative, he could not prevail upon to come to any Determination; nor does it appear, that he entertain'd any Thought of reprimanding the City for their forward Advances to the Prince of *Orange*, tho' provok'd afresh by the additional Sight, of their omitting to wait upon him at his Return to *Whitehall*. And this Tameness of his in the Wane of his Sovereignty, contributed perhaps as much to his Ruin, as the All-sufficiency that he assum'd when it was at the full; for if his Subjects learn'd to hate him then, they despis'd him now; and made no Secret of their Contempt, because they saw he had not Spirit enough remaining to punish them for it. This, like what is said of the Mouth of *March*, he came in like a Lion, and went out like a Lamb: And as, when he first enter'd upon the Stage of Empire, he seiz'd and apply'd the Brevet as the Creature of his own Will and Pleasure, without waiting for the Sanction of Parliament, so his own Officers, both in the Treaty and Exche-

quer, now refus'd to obey his Orders in the Disposal of any Part of it, without the Consent of the Prince of *Orange*, who had as yet no Right nor Pretence to interfere with it at all; which is so much the more worthy of Remark, because one of his Demands was for a small Sum to *keep watch*, and he was driven to such Distress, as to be forc'd to borrow a hundred Guineas at least: it is so said, of Lord *Cashbin*.

We ought now to wait upon the Prince and his Adherents at *Whitehall*; but first, it is fit to remember, that *Zuylichem* having mist'd the King at *Rockefor*, ported after him to *Lerdow*, as holding it expedient that he should be made acquainted with his Majesty's Will and Pleasure, tho' it was too late for him to comply with it. By one of his Majesty's Advocates we are told, That the overtook him at *Sommelet-Haufe*; that the King, having read the Prince's Letter, mock'd reply'd, "That he would have comply'd with it, had it come sooner to his Hands;" and that the putting such a Restraint upon a Monarch in his own Dominions, was a Piece of Haughtiness and Insolence above all Example. But however great the Affront was, or however elated the King is said to have been with the Acclamations of his People, *Zuylichem* was forc'd to depart in Peace. On the other hand, when the Earl of *Ferberstein* arriv'd with his Majesty's Letter at *Whitehall*, and the Prince understood, that his Message by *Zuylichem* had not answer'd the End propos'd, he, who needed Council sometimes, say the Duke of *Bucks*, and now more than ever, assembled a general Council of all those about him, who were of Quality in Consideration enough to assist it, to deliberate on what was fit to be done at so extraordinary a Crisis, and which, in the very Haven's Mouth, threaten'd to shipwreck all their Hopes, or rather Dependencies; for ever since the King's Departure, they had look'd upon the Kingdom as their own, and had allotted to themselves their several Shares. "The Prince, says the *Historian of his own Times*, heard the Opinions, not only of those who had come along with him, but of such of the Nobility as were now come to him, among whom the Marquis of *Halleifax* was one. All agreed, that it was not convenient that the King should stay at *Whitehall*. Neither the King, nor the Prince, nor the City, could have been safe, if they had been both near one another. Tumults would probably have risen out of it. The Guards, and the officious Flatterers of the two Courts, would have been unquiet Neighbours. It was thought

A. D. 1688.

[Definition of the State Trials, vol. W. III. Oldmixon.]

*Zuylichem* mist'd the Prince's latter is his.

[Great Britain's 1st Complaint, lib. 1. 9.]

The Effect of the Court of *Whitehall*.

(1) This Order was return'd to the Houses, as if to give notice, that the King had return'd the Reins of Government: And as if to countermand him so by, the Number of the eight Commissioners, who attended him on that Occasion, were press'd to the Head of it, were the Duke of *Hamilton*, the Earl of *Orford*, *Bevilston*, and *Widdow*, the Lord Viscount *Leicester*, the Lord *Godolphin*, *Archer*, the Master of the Rolls, and *Mrs. Sturt*.

(2) The Council of Lords sent three Intermittories to *Whitehall* in the *Tower*, one: 1. What he had done with the *Arrestment*? 2. Whom the Parliament Writs were, and how they were used? 3. Whether the King had given him leave to depart the Kingdom? To the first he said, The NUMB. 30.

King sent for the Great Seal ten Days before; and tho' he had the Parliament Writs carry'd about with him, yet he had not face then had the Seal. To the second he answer'd, That he had given the King the Writs that were not sent to the Country; and the Clerk of the Chancery could tell better than he, what had become of those that were. To the third he said, The King had given him leave to depart the Kingdom; and he had follow'd from the *French* and *Spanish* Embassadors. [Oldmixon, vol. 1. p. 67.]

As to the Great Seal, it was, in the Day following, found in a red Box, between *Lambert* and *Fauschell*, by a Fellow-man.

A. D. 1688.

thought necessary to stick to the Point of the King's deserting his People, and not to give up that, by entering upon any Treaty with him.

It was a tender Point how to dispose of the King's Person. Some propos'd rougher Methods: The keeping him a Prisoner, at least till the Nation was settled, and till *Ireland* was secured. It was thought, his being kept in Custody would be such a Tie on all his Party, as would oblige them to submit, and be quiet. *Ireland* was in great Danger. And his Restraint might oblige the Earl of *Tyrconnel* to deliver up the Government, and to disarm the Papists, which would preserve that Kingdom, and the Protestants in it. But, because it might raise too much Compassion, and perhaps some Disorder, if the King should be kept in Restraint within the Kingdom, therefore the sending him to *Breda* was propos'd. The Earl of *Clarendon* press'd this vehemently, on the Account of the Irish Protestants, as the King himself told me: For those that gave their Opinions in this Matter did it secretly, and in Confidence to the Prince. The Prince said, he could not say out that this might be good and wise Advice; but it was that to which he could not hearken: He was so industriously with the Grounds of this Expedition, that he could act against the King in a far and open War: But for his Person, now that he had him in his Power, he could not put such a Handicap on him as to make him a Prisoner. And he knew the Prince's Temper so well, that he was sure he would never bear it; nor did he know what Disaster might ensue, or what Effect it might have upon the Parliament that was to be call'd: He was firmly resolv'd never to suffer any thing to be done against his Person: He saw it was necessary to send him out of *London*. And he would order a Guard to attend upon him, who should only defend and protect his Person, but not restrain him in any Sort. The Duke of *Bucks* also writes, "That some who yet have been since the greatest Enemies to the Nonjurors, propos'd the sending King *James* to the *Tower*, and limited at *nothing* further." Adding, "But next the worst humour'd Princes are less severe than Counsellors on such Occasions, especially to Persons of their own Rank, with whom they cannot avoid having a kind of Fellowship. Whether, as some partial to it, it have imagin'd, it proceeded either from Generosity, or some Promise made to his Wife, or rather; or whether he was made believe, that neither the King's Death nor Imprisonment would help him to the

Crown so soon as his escaping into *France*, a Country so hated by the *English*, as whether he might apprehend his Wife's. This would be found better than his own, in case of her Father's being dead, or which way of these Grounds it was, the Prince of *Orange*, at last, resolv'd to confine the King's going into *France*, and to prevent him from Violence in order to it: According to this Design of forcing him away by the Despair of any Accommodation, the Earl of *Beverston* was, instead of a civil Reception, clapt into Prison immediately. Mr. *Bentink*, as we learn elsewhere, was the Man who demand'd his Sword. The Presence assign'd for it, was his disbanding the Army, in Conformity to the Letter he had receiv'd from the King his Master: And, in Answer to those who alledg'd, that this was a Breach of the Law of Nations, it was given out, That as he had serv'd in Arms against the Prince, and now came to him without a Passport (as *Zuylerstein*, by the way, had done to the King), he had no Claim of safe Conduct, and consequently was liable to be made a Prisoner of War.

There is no need to expatiate on this Point: It was a Strain of Policy, as well as Power: The King's Years were what they were to work upon; and they well knew, that according to the Treatment given to his Embassador, he would expect to be treated himself. But this was not all; the Experiment was to be carry'd much farther; for the Words *striking to the Desertion*, us'd by the Bishop, are best explain'd by the Phrase, *forcing him away*, us'd by the Duke. And in order to this, it was necessary to take all the Advantage of his present helpless Condition, and make him feel the whole Severity of it. A new Disposition was to be made, and a new Message was to be sent to him, and that too of such a Nature as would have shock'd the Heart of any Man not disciplin'd in the Statesman's savage School, where Humanity passes for Weakness, to deliver: A Message, that, in case any Regard had been shewn to Decorum in it, should have been deliver'd by the *Bentinks* and *Zuylerstein*, who had follow'd the Prince's Fortunes, and in the Language of their Country, not in English by *Englishmen*, to the King of *England*, in his own Court, and his own Capital: Yet so it was; the Lords *Strawberry* and *Dolmery*, who had already gone such Lengths in his Highness's Service, readily undertook it: And what is yet more extraordinary, the Marquis of *Hollifas* suffer'd himself to be put at their Head. The Duke of *Bucks* says, he was forc'd to undergo an. (d) *Self Trial*

[18] The Account says Mr. B. Higgin, in his Short History, naturally pass'd in mind of the general Action in the Life of Alexander, who, dead in the Ethic of Aristotle, could not fail to be instructed in all Principles of Generosity and Humanity by so great a Master: Alas that Euthydemus, Prisoner, in thought himself oblig'd to comfort the Prisoners in such Distress, by a Message that might give them Assurance of his Protection: At last he pitch'd upon a Persian Deceiver to carry the Compliment; but, on second Thoughts, reflecting that the Sight of a Renegade, who

had betray'd *Susa* in *Lybia*, and declar'd against his Master *Darius*, might probably disturb the Ladies, and raise their Terrors, he resolv'd, the *Parsons*, and sent a Greek without Interpreter. This Goodness being the Argument towards distressed Majesty, is a most successful Example of Reason in his Memory, than his having conquer'd so many Millions, than having pass'd down the mighty Empire founded by *Cyrus*, and receiving from the Duke of the *Thames* his Entrance into the Bowels of *India*, and falling in a Triumph to the Mouth of the *Ganges*. The Application of this Example is obvious: And, on the other hand, it is a good Example, that

Lord Beverston was not under Arrest.

(Life of King William.)



A.D. 1688.

That before that Party would entirely confide in him. This is the *only Trial* he speaks of. The Prince, himself, nominated him, and could not help smiling, as he own'd afterwards, to see a Man who came a Commissioner to him from the other Side, submit to act to low a Part to very willingly.— To proceed: His Highness resolv'd to come to Court; but then it was not to confer, but to take Possession: And if Bishop *Burnet* is to be credited, he trusted the new Disposition he had made in order thereto, as well as his new Meeting, to the same Persons, viz. the Lords just mention'd, "who were first to order the *English* Guards that were about the Court to be drawn off, and sent to Quarters out of Town. And when that was done, Count *Salm* was to come and take all the Posts about the Court." But other Writers allege, That while the Prince and his Peers were yet in the midst of their Deliberations at *Windsor*, the *Dutch* Guards under Count *Salm* had Orders to march on to *Chesham* and *Kennington*, and to quarter at those Places all Night: That upon the general Issue, the Count had fresh Orders to push on and do the Business that very Night: That, on the Receipt of these, he went himself to *Whitehall*, and communicated them to those on Duty, whom he was thus to relieve: That his Majesty being immediately inform'd of this strange News, sent for him, and ask'd, Whether it was not possible for him to be indulg'd with the Continuance of his own Guards for that one Night? That the Count replying, his Orders were positive, the King added, *Then do your Office*: That hereupon the Count order'd his Corps to advance: That they took Possession of *St. James's* at 10 o' Clock: That the Earl of *Craven*, who was the Colonel on Duty at *Whitehall*, refus'd to dislodge, and made Preparations to stand upon the Defensive: That the *Dutch* march'd up to him in Order of *Battle*: That a bloody Engagement was apprehended; and that it was not till twelve o' Clock, that the Earl and his Corps were perswaded to withdraw. The Duke of *Backs* asserts, that this unnecessary Bloodshed was prevented by the King's Command; for the stout Earl of *Craven*, says he, resolv'd to be cut to Pieces rather than resign his Post to the Prince's Guards.

His Majesty being thus in the Toils, the three Lords Deputies from the Prince sent the following Billet to the Earl of *Middleton*: "My Lord, there is a Message to be delivered to his Majesty from the Prince, which is of great Importance; that we who are charg'd with it, desire we may be immediately admitted; and therefore desire to

know where we may find your Lordship, that you may introduce, my Lord, your Lordships most humble Servants, *Hallifax*, *Shrewsbury*, *Delamere*."

The Earl soon appear'd in answer to this Summons (which, according to his Grace of *Backs*, was rather exacting than desiring Assistance) and introduc'd them to the unfortunate King, whom they found a-bed, and to whom, after a short Apology for breaking in upon him at so unseasonable an Hour, they gave the following Paper:

"We desire you, the Lord Marquis of *Hallifax*, the Earl of *Shrewsbury*, and the Lord *Delamere* to tell the King, That it is thought convenient, for the greater Quiet of the City, and the greater Safety of his Person, that he do remove to *Ham*, where he shall be attended by his Guards, who will be ready to preserve him from any Disturbance."

Given at *Windsor* the 17th of *December*, 1688. W. Prince *Orange*."

The *Historian* of his own *Times* makes no Mention of this Paper; but says, The Lords told him (the King) The Necessity of Affairs requir'd, that the Prince should come immediately to *London*: That he thought it would be for the King's Safety, &c. to retire to *St. James's* House out of Town; and that they propos'd *Ham*. He adds, indeed, that the King seem'd much dejected: That he ask'd, If it must be done immediately? That they reply'd, He might take his rest first: And that withal they gave him to understand, That tho' he was to be attended by a Guard, they were only to guard his Person, not to give him any Disturbance. Having thus discharged their Commission, they withdrew, but were immediately follow'd by Lord *Middleton*, with a Proposal in his Majesty's Name, that instead of going to *Ham*, he might have leave to go back to *Rochester*. This was meeting the Prince's Proposals full half way; the Answer of the Deputies was as gracious as possible, They would immediately acquaint him with his Majesty's Desire, and made no Doubt that his Reply would be to his Majesty's Satisfaction. His Highness, it seems, was advanc'd as far as *St. James's* House, that he might be ready to take all Advantages: And so much in earnest was he to make a golden Bridge for a flying Enemy, that before eight the next Morning, Mr. *Bentick* gave Notice to the Lords Delegates, that his Majesty's Request was granted. We find it nevertheless asserted, that the time of his arriving at *Ham* having been fix'd by the said Lords, his Majesty, that he might be punctual in his Obedience, was an Hour in his Barge before he knew what Course he was to take: That he had been refus'd

A.D. 1688.

The King did not go to Whitehall.

The Lords Marquis vindicated, Great Britain's full Complaint, &amp;c.]

The Dutch Guards take possession of the Court at Midnight.

*Reply*, from the Mouth of the Court-Lady before-quoted, (and with whom he, about this time, seem'd to have enter'd into a very close Correspondence) That the Reason given by the Marquis of *Hallifax* for his having been concern'd in so important a Message was, That he was pleas'd the Prince's Party had in Council resolv'd to seize on his Person, and imprison him: And that his Majesty, for the Notices and Advices of this kind which he had receiv'd from him, own'd himself inclin'd to him for his Life now, as before, that he had not been excluded from the Crown. But, 'tis plain, the

Prince did not design to imprison him, and that his Lordship knew there was no such Design; and therefore the only Conclusion to be made in his Lordship's Favour is this, That he acted the Part of a good confidant to the Pretorian; and that he had at once the Address to serve the Prince in the most essential Point, by contributing to his Majesty's Persecution, in that he pleas'd, it would be at the Peril of his Life; and to make his Majesty believe, that he himself was his only Preserver.

072  
A. D. 1688.  
refus'd the Eaſe of his own Coach, as well as the Countenance of his own Guards: Tho' he declar'd, that he could not travel by Water in ſo cold a Seaſon, againſt Wind and Tide, without greatly endangering his Health: That he was not allow'd to have his Charges borne out of his own Exchequer; and that the whole manner of his Oſtlet, and his taking Leave of the *Spaniſh* Embaſſador, and ſuch Lords and other Perſons, who had the Humanity to (e) wait on him to the Water-Side, was ſuch, as drew Tears from their Eyes.

Life of King William, Richard, &c.

Moſt of theſe Circumſtances, indeed, are taken from the inflammatory Pamphlets which were afterwards written in his Favour, by his profleſs Apologetiſts. But as we have occaſionally had recourſe to Pieces which have been written againſt him, as well in his own Reign, as that of his Predeceſſor, it is but fair to make the ſame uſe of ſuch as have been written for him. And here it is worth obſerving, that thoſe of the Court, as well as of the Church, who had hitherto declam'd with the moſt Bitterneſs againſt all Papers and Opinions that preſum'd to clamour againſt the Government, adopted the very Practice they had ſo often condemn'd, as ſoon as the Government was wreſted out of their Hands; and tho' that ſort of people had, for ſo long together, made the moſt uſe imaginable of the Preſs to ſerve the Intereſts of their Party, were now for dealing as ſeverely with all Offenders, that way, as they had been dealt with themſelves: So that Power, however attain'd, wherever lodg'd, or however exercis'd, is to be held ſted and above Cenſure; and though the Truth is the moſt provoking of all Things when urg'd in Oppoſition to it, however reaſonably, worthily, or nobly, an unparliamentary Sin.

To return. On the ſame Day that the King was thus remov'd from Whitehall, the Prince came to *St. James's*, with a magnificent Train of Courtiers and Officers; having but very ſlightly provided for his Security, and ſcarce his own Forces to ſerve (f) him in the Tower, and to quarter themſelves all round about the Town: Tho' ſome of theſe, it ſeems, were as forward to do him welcome, as they had been juſt before to welcome the King at his Return, and ſeem'd by ſhowing to ſeaſt their Eyes

with the Triumphal Entry of their *Prince*. "But he, ſays the *Hiſtorian* of the *Times*, not loving Shews nor Showings, went thro' the Park; and even this Triumphant ſet People's Spirits an edge." The ſame Author begins his next Paragraph with the following remarkable Words: "The Revolution was thus brought about with the univerſal Applauſe of the whole Nation." As if the removing the King, and ſetting up the Prince in his ſtead, was all that the whole Nation had in View; whereas the Ends propoſed by his Highneſs's Declaration, not one of which had as yet been anſwer'd, were what alone the Bulk of the Nation aim'd at: And when they found how egregiouſly they were bubbled, their Repentment was anſwerable to their Diſappointment; tho' it is certain they were not aware of their Miſtake, till it was too late to rectify it. Even the Biſhop himſelf makes the following Concluſions in the following Words: "Only theſe two Steps began to take a Fermentation. It was but a weak and unſignificant Thing to waken the King out of his Sleep, in his own Palace, and to order him to go out of it, when he was ready to ſubmit to every thing. Some ſaid he was now a Priſoner, and remember'd the Saying of King *Charles* the Firſt, 'That the Priſon and the Grave of Princes lay not far diſtant from one another.' The Perſon of the King was now ſtruck at, as well as his Government. And this ſpecious Undertaking would now appear to be only a diſguiſed and deſign'd Uſurpation. Theſe things began to work on great Numbers: And the putting the *Dutch* Guards where the *Engliſh* Guards had been gave a general Diſguſt to the whole Army." As to the Diſguſt of the Army, it is not worth mentioning; they had refus'd to take very Poſts, and left their King in the Hands of his Enemies. But as to the Diſguſt of the Nation, or of great Numbers of the Nation, the Biſhop himſelf in part juſtifies it, by diſtinguiſhing Poſſibilities for it, which he does not take upon him to (g) anſwer. While the King was ſurrounded with *Dutch* Guards, he certainly was the Prince of *Orange's* Priſoner; and if he had not ſubmitted to the hard Terms impos'd upon him, what can ſay what would have been the Conſequence? The Prince, it was plain, had it now in his

Power

(f) The *Scottiſh* Troops, *Litchfield*, *Arms*, and *Dan* were ſent to ſerve him to *Redford*.

(g) He was not ſo ready to ſubmit, that he had ſent the Duke of *Ormonde* with his Regiment of Foot-guards, to receive *William* from the *Irish*; but they, it ſeems, ſcarce being come up, and endeavour'd to make their way to him in a Merchant-ſhip, which they ſaid to be the *Prince's* ſhip, for the *Seaman* for the *Ship* ſprung, and they were ſent to the *Halls* of the County-ſeats. In his way the *Seaman* ſprung in his Expedition, the *Ship* was attacked at the Head of his Regiment by an *Irish* Troop, who were ſum'd to ſave his Return with the *Lords* of his *Life*.

(h) But, what he has thought fit to avoid, another Perſon, who is call'd a *reviv'd* Officer by Mr. *Audenſteron* *Edward*, is ſufficiently ſufficiently.

(i) That the Prince never ſhew'd his Clemency, or indeed his Tenderneſs, for King *James*, was not then upon this Occaſion. The Prince was taken in a ſudden Neceſſity of entering *London* the next Day. The Troops that he commanded, and who would in all Probability have taken poſſeſſion of *Whitehall*, were Foreigners, or of a different Lan-

guage and Temper, and ſuch as might have ſhew'd Violence to the Perſon of their Monarch, notwithstanding their Obedience to the contrary. But though ſome of the *French* and *Genoaiſe* for that Service the *Swiſs* and *Italians*, which were his *Guard*, ſhall the Honour of King *James* would have been the greater: Several of thoſe Officers had ſerv'd in the *French* ſervice the King, and had been broke of their Commiſſions purely for being Proteſtants; and others had ſerv'd *Spain* and *France* to find a Liberty of their Religion abroad, which they found in ſo much Danger at home, in which Numbers were *Engliſh* and *Scottiſh*. Another Party were perſonally diſpleas'd at the King, in *Religion* and *Party*, and many more of Quality and Dignity. Therefore who have commended them to guard their old *Monarch*, ſuch as when they had, or pretend to have, to many *Caſes* of *William* and *Edward*, would have been *Murderers* in any Perſon who attempted on King's *Life* and *Mourning* ſhould have been ſent to the *Counteſs* of *St. James's* which was the whole Duty of the Prince of *Orange* with reſpect to his *Uncle* and *Father-in-Law*.

A. D. 1688.

Power to fulfil his own Declaration himself, to rectify every Grievance, and establish the Protestant Religion on what Foundation he pleas'd: The King himself, in the Letter he sent to him by the Earl of *Feverham*, had shewn an entire Resignation: And, if that was wholly rejected, on one hand, and nothing would satisfy his Highness but the Possession of the Crown, on the other; how is it possible to silence those who make use of his own Actions to detect, expose, and confute his Pretences?— But Statesmen laugh, when their Fellow-subjects reason upon Principle, in Cases of this Nature; as well knowing, That, in the Cabinet, all Virtue is plac'd in Success.

The King's Court breaks up.

No sooner had this remarkable Revolution taken place, than *Whitehall* became a Desert: Those who had Staves, Keys, and such-like Badges of Office, laid them down; and the whole Herd of Hoppers, Seekers, Expectants, and Claimants, flock'd to *St. James's*, and even jostled each other in their Endeavours to be foremost with their Oblations to the new Court-Idol. Nor was this done by Individuals only: The Prelate last quoted asserts, "That all the *Bodies* about the Town came to welcome him: That the *Bishops* came the next Day after his Arrival; only, says he, the Archbishop of *Canterbury*, tho' he had once agreed to it, yet would not come." By the Word *only*, we are left to imagine, that all the Bishops, except the Archbishop, appear'd in a Body on this Occasion: But as *Dr. Burnet* and his servile Followers are the only Persons who touch on this remarkable Circumstance, and as several of those Right Re-

Congratulation in the Prints, of the Dissolves.

read Fathers afterwards acted a very different Part, it is to be widd'd, that he had been more particular in his Account of it. His Lordship adds, That the Clergy of *London* came next: And we find elsewhere an (*b*) Intimation, that the Bishop of *London*, that (*f*) *Champion* for the Church, was at their Head; and, what was yet more remarkable, that he was follow'd by certain of the *Dissenting Ministers*, in whose Name he congratulated his Highness, as well as that of his own legitimate Flock: As also, that, some Days afterwards, the (*g*) Residue of the *Nonconformist Ministers* came in a Body with their Compliments, and met with a most favourable Reception. But none were so forward with the First-fruits of their Gratitude to their Deliverer as the Citizens of *London*: On the very same Day that his Highness came to *St. James's*, tho' Sir *John Chapman* the Lord-Mayor lay then upon his Death-bed, a Common-council was held, in which it was unanimously resolv'd, That all the Aldermen, and all their Deputies, and two Common-council-men of each Ward, should wait upon, and congratulate his Highness the Prince of *Orange* upon his Arrival, at such Time and Place as he should appoint. Sir *George Treby* was their Speaker upon this Occasion, and laid out all the Rhetoric he was Master of in their Service.— "Labouring for Words, said he, we cannot but come short in Expression.— In reviewing our late Danger, we remember our Church and State over-run by Popery and arbitrary Power, and brought to the Point of Destruction by the Conduct of Men that were our true Invaders, that brake the sacred Fences of our Laws, and,

A. D. 1688.

the London Clergy.

Dissenting Ministers.

City of London.

(f) In the Edith Collection of Papers, as follows:

"*Statement of the humble Application of the King and noble Great Henry Lord Bishop of London, with the Reverend Clergy of the City, and some of the Dissenting Ministers, to the illustrious Prince William Henry, the Prince of Orange, on the 29th Sept. 21. 1688.*"

He declared in excellent Words, That they came to pay him their humble Duties and most grateful Thanks for his very great and most hazardous Undertakings for their Deliverance, and the Preservation of the Protestant Religion, with the ancient Laws and Liberties of this Nation.

He added, That they gave up daily many Thanksgivings to Almighty God, who hath hitherto been graciously pleas'd to wonderfully preserve his Person, and prosper and favour his good Design. And they promis'd the Continuance of their fervent Prayers to the same God, and all concurrent Endeavours by their Circumstances, for the promoting yet further that Work, which was so happily begun, and also for the preserving of it, not only in this Kingdom, but in other Christian Kingdoms.

He likewise touch'd on the good Prince, That some of the Dissent'g Ministers, and their Brethren, were there present, who in the same Sense of his coming hither, with themselves, had bound themselves with them by him, to render him their humble and most grateful Resignations.

His Highness was pleas'd to declare, That he thank'd them for their Attendance, and requited them very briefly with the chief of his own Religion and chargeable Expedients. That indeed it was no private and secure Protestant Religion (his own Religion and their Religion) and stirring them he could not think any thing (not Life itself) too dear to hazard in promoting and perfecting to good a Work. And he offer'd up (with great Devotion) his Acknowledgments to Almighty God, for his Fidelity with him, and Blessing upon his Endeavours and Arms hitherto; and all'd the Continuance of all their Prayers to God for him."

(g) When he took upon him the Command of the *Princers of Orange's* Guard, he accompany'd himself in a Coat of blue or purple Acoet, and Jack boots, rode with Pistol in his Holster, and a drawn Sword in his Hand.

(h) To the Number of about ninety, having been introduced by the Earl of *Downshire*, the Earl of *Windsor*, and the Lord *Wharfedale* On which Occasion, they profess'd their grateful Sense of his Highness's heroick and successful Expedition, which the Favour of Heaven had made it surprisingly prosperous, &c. They esteem'd it a common Felicity, that the worthy Partion of the Nobility and Gentry of this Kingdom had unanimously concurr'd into his Highness's Design, by whose most prudent Advice, the Administration of public Affairs was devolv'd, in this unusual Conjunction, into Hands which the Nation and World seem'd to expect for the greatest Undertaking, and so suitable to the present exigency of our Case. They promis'd the utmost holiness, which in their Circumstances they were capable of affording, for the promoting the excellent and most desirable Ends for which his Highness had declar'd. They added, that their continual fervent Prayers to the Almighty should be, for the Preservation of his Highness's Person, and the Success of his future Endeavours for the Defence and Persecution of the Protestant Interest throughout the Christian World. They declar'd they would all most willingly, have chosen, That for the Season of paying this Duty to his Highness, when the Lord Bishop, and the Clergy of *London*, attend'd his Highness for the like Purpose (which some of them did, and which his Lordship was pleas'd condescendingly to make mention of to his Highness), had their Notice of that intended Application been so early, as to make their more general Attendance possible to them at that time. That therefore, tho' they did not appear in a distinct Company, they did it upon a distinct Account, but on that only which is common to them and to all Protestants. And that tho' they were some of eminent Note, whose Age or present Infirmities hinder'd from coming with them, yet they concurr'd in the same grateful Sense of the common Deliverance.

To all which, his Highness was pleas'd to answer, That he came purposely for the Defence of the Protestant Religion; and that he was his own Religion, wherein he was born and bred, the Religion of his Country, and of his Ancestors; that he was resolv'd by the Grace of God always to adhere to it, and to do his utmost Endeavours for the Defence of it; and the promoting a firm Union among all Protestants.

A. D. 1688.

and, which was worst, the very Constitution of our Legislature.--- So that there was no Remedy but the LAST. The only Person under Heaven that could apply this Remedy was your Highness. You are of a Nation whose Alliance in all times has been agreeable and prosperous to us.--- You are of a Family most illustrious, Benefactors to Mankind.--- To have the Title of Sovereign Prince, Stadtholder, and to have worn the Imperial Crown, are among their lesser Dignities.--- They have long enjoy'd a Title singular and transcendent, *viz.* To be the Champions of Almighty God, sent forth in several Ages, to vindicate his Cause against the greatest Oppressions. To this divine Commission, our Nobles, our Gentry, and, among them, our brave English Soldiers, render'd themselves, and their Arms upon your Appearing.--- Great Sir, when we look back to the last Month, and contemplate the Swiftneſs and Fullneſs of our present Deliverance, astonish'd, we think it miraculous.--- Your Highness, led by the Hand of Heaven, and call'd by the Voice of the People, has protect'd our dearest Interests; the Protestant Religion, which is Primitive Christianity itself; our Liberties, which are our ancient Title to our Lives, Liberties, and Estates, and without which, this World were a Wilderness.--- But what Retribution can we make to your Highness? Our Thoughts are fill'd with Gratitude. Your Highness has a lasting Monument in the Hearts, in the Prayers, in the Praises, of all good Men throughout the Kingdom. And latest Posterity will celebrate your ever glorious Name till Time shall be no more.

--- Since your Highness return'd to this Kingdom, Panegyric, or whether he condescended to return any, we do not find specify'd. Perhaps his Highness did not agree with the Doctor in setting so high a Value on the Monument he talk'd of in the Hearts of good Men: And as he offer'd him nothing else by way of Retribution, he thought that offer'd with his Acceptance. But however it may be, there is an Order of Court (the Council) that Mr. Recorder be desired to plan his Speech; And, what is remarkable, in the Preamble and Date of the said Order, the Continuance of his Majesty's Reign is fully acknowledg'd by express Mention. So that if the Laws were really prepar'd by the coming of his Highness, and were still in force, this very Record bore Witness against those who made it. But, in Truth, the Government had been in a State of Dissolution ever since the King's first Departure. He had lost his Power before; and then he even departed from his Authority. The People were left to shift for themselves, and had actually taken care of themselves. It was on this very Presumption that the City had before solicited the Protection of the Prince of Orange: And, having proceeded thus far with Facts, it was high time

to dispense with Forms; at least with such as are concluded so unluckily against themselves.

To close on this Head of Compliments and Congratulations, our Historian of *present Times*; not only informs us, that old *Baron Maynard* came with the Men of Law (whether those which had been led up before, by *Shower* and *Mackworth*, and who had made so bold with the Clames and Rights of the Subject, in order, to piece the Prerogative, his Lordship does not specify) but makes him say, what he calls the liveliest thing that was heard of on that Occasion. The Prince, says he, took notice of his (*Maynard's*) great Age (he was then near ninety) and said, That he had outliv'd all the Men of the Law of his Time; he answer'd, "He had like to have outliv'd the Law itself, if his Highness had not come over (*6*)."

But whatever Concern this *Nepos* of Lawyers here affects to have for the venerable *Codes*, he had so long thriv'd upon, our Historian, in his very next Paragraph, introduces the Body of that *Prescription* advising his Highness to take Possession for *Esse*, and to derive his Title from his Sword. The Lawyers, proceeds his Lordship, were generally of Opinion, That the Prince ought to declare himself King, as *Henry the Seventh* had done. This, they said, would put an End to all Disputes, which might otherwise grow very perplexing and tedious. And they said, he might call a Parliament, which would be a legal Assembly if summon'd by the King in fact, tho' his Title was not yet recogniz'd. This was plainly contrary to the Declaration, by which the Settlement of the Nation was left to Parliament. Such a Step would make all that the Prince had hitherto done, pass for an aspiring Ambition only to raise himself: And it would disgust those who had been hitherto the best affected to his Design, and make them less concern'd in the Question, if instead of *James*, all the Nation should offer him the Crown, he should assume it as a Conquest. These Reasons determin'd the Prince against that Proposition. Thus far the Bishop. And, to leave the Lawyers to justify themselves, we have here an Acknowledgment, that the Crown was the great Object of the Prince's Pursuit; and that when he even refus'd to seize it in Compliance with this strange Advice, it was an Expectation of being gratify'd with it in a less exceptionable and less hazardous way.

As to the Lords who had so formally undertaken the Administration of the Government, and to provide for the Security of the Public Peace, from the time the Prince came to Town, they met no more till call'd upon by his Highness, which was a tacit Renunciation of all Power and Authority to him, and contented themselves with making their Application to him for themselves, instead of acting as the Heads of the People, and

(4) The Author of this Work has somewhere found a Representation of this or the like Saying of *Maynard's*, as an Answer of his to the Lords at *Windsor*, when they

apply'd to him for Precedents and Authorities with respect to the Reformation of the Government.

A. D. 1688.

and standing in the Breach which the King had made, to protect the Remains of the Constitution from being borne down by a successful General at the Head of a foreign Army; who, according to the Duke of Buck, were now become the Masters, as the Rabble might have been before, if they had known their own Strength; and who, notwithstanding the Encomiums bestow'd on them by Bishop Burnet, his Grace represents as but one Degree better.

The Prince James the First to St. James's.

The same noble Author, however, falls into a slight Mistake when he says, That the Prince summon'd the Peers to St. James's the next Day after his Arrival there. It may be recollected that he came thither on the 18th, and it was not till the 21st that he touch'd to call upon them for their Advice and Concurrence; so that the first Evening, and two whole Days besides, were employ'd in Cabals and Intrigues, before that Expedient was agreed on: And, no doubt, his Highness had sufficient Reason to be convinc'd, that the King's Cause would find no Advocates among them, before he agreed to it at all. The Number which met upon this Occasion is by some mounted up to about seventy, and by none is stated at less than sixty: And when they were met, we are further told by his Grace of Buck, "That the Prince, in a few Words, open'd to them the pretended Cause of his coming, and desir'd of them to consider of the fittest Means to accomplish the good Ends and Promises in his Declaration; which, as it was the first time, so it was also the last that ever he seem'd to remember those Promises during all his Reign." Whether this Assertion is founded on Truth, the Reign itself will demonstrate. On the Occasion immediately before us, it must be acknowledg'd, that his Highness proceeded with all the seeming Fervour imaginable; for, having made this short Speech, and laid his Declaration before them, as the Basis of their Deliberation, he withdrew, and left them to debate the Matter among themselves. The Declaration was accordingly read, as the first Step to Business, and that naturally produc'd a Motion for a Vpote of Thanks to his Highness for coming over, which was carry'd; in what Terms, or whether unanimously or not, is not specify'd. To strike up a more near and intimate Relation between their Lordships and his Highness, another Motion was also made. That all present should sign the Exeter-Affection; and all did sign it accordingly, except the Duke of Somerset, the Earl of Pembroke and Nottingham, the Lord Wharton, and all the Bishops but his Lordship of London. The main Objection of the Bishops, says Mr. Belard, after another Writer, was to the unchristian Word *Revenge*, which being chang'd for that of *Punishment*, they were afterwards better satisfy'd. Lord Wharton said, if Mr. Oldmixon is to be rely'd on, He had sign'd so many Affections which had no Effect, that he was resolv'd to sign no more. A certain French Author suggests, that the Earls of Pembroke and Nottingham stood off, because Mr. Finch,

[Life of King William, Brevet.]

They join in a Vpote of Thanks to his Highness.

[Life of R. William.]

the Brother of the last, and Sir Robert Sawyer the Father-in-law of the first, were not appointed to assist this Assembly in Matters of Law, in the Room of the Judges: And for the Dissent of his Grace of Somerset, no body presumes to assign any Reason at all. To proceed: the Assistant Lawyers to nam'd on this Occasion, were Maynard, Holt, Pollexfen, Bradford, and Atkinson; and to close the Proceeding of the Day, they resolv'd for the future to assemble in their own Houie at Westminster; no doubt that their Resolutions might derive an Air of Authority from the Place, and seem the less dependent on the Will and Pleasure of a Dictator, under the Mask of a Deliverer. For the next Day's Work, they chose for their Speaker the Marquis of Halifax, appointe Mr. Guyne to be their Clerk, and made a Order to oblige all Papists that were *Sovereigns*, to remove ten Miles from London: And that the whole Kingdom might be appriz'd, that, tho' the King remain'd still at Rochester, the Body of the Peerage had thought fit, to meet and act under another Name, and by another Authority, the second of these Orders was set forth in the Gazette, and underneath it the Names of all the Lords present when it was made, viz. The Archbishop of York; the Dukes of Norfolk, Somerset, Grafton, Ormond, Beaufort, and Northumberland; the Marquis of Halifax; the Earls of Oxford, Kent, Bedford, Pembroke, Dorset, Devonshire, Bellingbrake, Manchester, Rivers, Stamford, Thanet, Scarisdale, Clarendon, Burlington, Suffolk, Macclesfield, Radnor, Berkeley, Nottingham, and Rochester; the Viscounts Falconberge, Mordaunt, Newport, Weymouth, and Hatton; the Bishops of St. Asaph, and Ely; and the Lords Delaware, Eure, Wharton, Paget, North and Grey, Chankin, Mantagu, Grey, Maynard, Jermy, Vaughan-Carberry, Colpeper, Lucas, Delamere, Crew, Lumley, Carteret, and Ossington: In all fifty-three.

A. D. 1688.

And adjourn to their own Houie at Westminster.

In this Interval, the abandon'd King had full Leisure to become acquainted with his own last Condition, and to be convinc'd, that he had been so fully over-reach'd by the Wiles of his Enemies, that the very Precautions he had taken, against the Dangers he fear'd, had put them in possession of all they hop'd for: Tho' in the Hands of Dutchmen, who had every Hour an Opportunity of committing any sort of Violence upon him; he saw himself in full Security; and, on the other hand, every Dispatch which he receiv'd from London made him more and more sensible, that those who had no Thoughts of putting an end to his Life, thought of nothing so much as the putting an end to his Reign. This Alteration of Sentiment produc'd also a seeming Alteration in his Conduct: For, instead of seeking all Opportunities to withdraw, he was prevail'd upon to use all his Endeavours to stay. We are told, at least, that, before he left Whitehall, he sent a Message to Sir Thomas Stump and Sir Simon Lewis, two-of the Aldermen of London, desiring them to acquaint their Brethren, and those of the Common-council, That he was willing to put himself into the

The King appears in the City of London, &c. and the Lord Danby, &c.

[Great Britain; 1708; 410, p. 8, 9.]

A. D. 1688. Hands of the City, there to remain, till by a free Parliament he had given all Satisfaction to his People, by securing their Religion, Liberties, and Properties to the full; on the Condition that they would be answerable for the Security of his Person: And that the said Message being communicated accordingly, it was over-ruled by the Influence of Sir Robert Clayton; on a Presumption, that it was out of the Power of the City to bestow the Security requir'd: And, while his Majesty linger'd at Rochester, a Lady, before nam'd, by his Order and Direction, as she herself declar'd to Sir

[Mss. p. 312.] John Reresley, apply'd to the Archbishop of Canterbury, and the Bishop of Winchester, to know whether they, in concurrence with the rest of their Brethren, would receive and protect him; but with no better Success than before: Their Lordships, it seems, had neither (1) Goodness enough to accept the Offer, nor Courage enough to refuse it; and left the King to conclude what they durst not express. His Majesty's last Resort was to the Earl of Danby, in the North, as that Lord also acknowledg'd to the same Gentleman; the Person he employ'd to him was Charles Bertie, Esq; and the Offer he made to him was of the same Nature with those which he had made to the Bishops and the City of London before: To which his Lordship answer'd, That his own Force was not sufficient for his Security; but that if his Majesty would bring a considerable Party with him, and leave his Wife behind him, he would sooner lose his Life than he should suffer the least Injury: According to Lord Danby, the King would not part with his Papists: But surely, if he would have parted with them, he drawing to either such a considerable Party, as the Lordship seem'd to think necessary, was no longer in his Power: The few Lords that were with him at Rochester had no Followers; the Prince was already in possession of all things, even the very Army, which the King had rais'd and led, now depended on his Highness for Subsistence, and obey'd his Orders: So that his Majesty lost all power to his Royalty remaining than the Title, which at present was rather an Incumbrance than an Advantage; and, consequently, could carry nothing with him but the Contagion of his own Calamities. There is indeed a Passage in one of Dr. Burnet's Tracts, which says, "That, while he continued at Rochester, and found himself under no Restraint from the Guards that attended him, all his Protestant Friends press'd him to stay, and summon a Parliament; assuring him, that there was a great Turn in the Minds of the City, and of the English Army, and that Pity and Compassion for him then generally prevail'd:" And again, in his History, "Many that were zealous for his Interests, went to him, and press'd him to stay and to see the

Issue of things; a Party would appear for him; good Terms would be got for him; and things would be brought to a reasonable Agreement. He was much distracted between his own Inclinations and the Inconveniences of his Friends. The Queen, hearing what had happen'd, wrote a most vehement Letter to him, pressing his coming over, remembering him of his Promise, which he charg'd on him in a very earnest, if not an imperious, Strain. This Letter was intercept'd. I had an Account of it from one that read it. The Prince order'd it to be convey'd to the King, and that determin'd him." Now those who lay the most Stress on his several Applications to the City, the Bishops, and to Lord Danby, do so, in order to shew, that he had left all Hold of his People, and that he was thereby reduced to a Necessity of seeking the Protection of France: The Historian, on the other hand, who insists so much on the Liberty he was allow'd at Rochester, and the Advice that were given by his Friends, to stay, &c. would from thence have us conclude, that he was free to follow their Advice; that he might have follow'd it with Honour and Safety; and that his Retreat was therefore a Matter of Choice, and not of Necessity.— And probably the very Truth of all was, That the King look'd upon the Liberty allow'd him, and thus boast'd of, to be no more than a Liberty to leave the Kingdom; that he believ'd, that, in case he should venture to make any other use of it, he should meet with other Usage; that therefore, when he lent an Ear to the Councils of those who advis'd him to stand his Ground, in hope the Relentings of his People would operate in his Favour, he did it on the Condition, that they gave him some Proof of their good Intentions, by engaging first for the Security of his Person; that, when he found this Condition on all Sides refus'd, his former Misgivings return'd; and that he resolv'd upon his Life as it was he had left to save.

Whether these Conjectures are right or not, it is certain, that on the (m) 23<sup>d</sup> of December, between two and three o' Clock in the Morning, the King departed from Rochester, accompany'd only by the Duke of Berwick, Sheldon, and Labadie; and without communicating his Purpose to any body else, no not to the Earl of Dunbarton, who lay in his Chamber, and whom he left asleep; nor to the Earl of Middleton, who had follow'd him from London, and who continu'd faithful to him to the last. His Majesty, and his little Train, went on Horseback to a certain Place by the River-side, where Captain Macdonald, before-mention'd, waited with his Frigate to receive him, embark'd without any Interruption, found the Wind favourable, and after a speedy Voyage arriv'd

And with-  
drawn to  
France.

(1) The Author of Great Britain's just Complaint, who was a Scotch Protestant Baronet, asserts, That the Answer of the Bishops was, "That they could not receive him either publicly or privately, under their Protection; for, in that case, they would be responsible for his Safety; and they were not in a Condition to secure him against the Ambition of the Prince, who was resolv'd to accomplish his De-

signs, and who was surrounded with so many Troops to support him." And something of the like Nature is also suggested, by the Author of A Dialogue between A and B, 1688, plain Country Gentlemen, concerning the Times.

(m) On the last Day of this memorable Year, says Bishop Burnet; how erroneously, will become self-evident by the Sequel.

A. D. 1688. at Ambletuse in France; from whence he repair'd to his Queen at St. Germain's.

His Majesty left two Papers behind him at Rochester: One of a private nature to Lord Middleton, requesting him to gratify the Captains of the Prince's Troops, that were appointed to guard him, with an hundred Guinea's piece, the Lieutenants and Ensigns with fifty, and to reward some others, who had attended him, in proportion: And the other, which was also address'd to the same Nobleman, contain'd his Reasons for withdrawing himself from Rochester, in the following Words:

The Paper he left behind him.

"The World cannot wonder at my withdrawing myself now this second time, I might have expected somewhat better Usage, after what I had written to the Prince of Orange by my Lord Feversham, and the Instructions I gave him: But, instead of an Answer, such as I might have hop'd for, What was I to expect after the Charge I receiv'd by the making the said Earl a Prisoner, against the Practice and Law of Nations, the sending his own Guards at eleven at Night, to take possession of the Posts at Whitehall, without advertizing me in the least manner of it; the sending to me at one o' Clock, after Midnight, when I was in Bed, a kind of an Order by three Lords to be gone out of mine own Palace before twelve that same Morning? After all this, how could I hope to be safe, so long as I was in the Power of one, who had not only done this to me, and invaded my Kingdoms, without any just Occasion given him for it, but that did, by his first Declaration, by the greatest Aspersions upon me that Malice could invent, in that Clause of it which concerns my Son? I appeal to all that know me, may, even to himself, that, in their Consciences, neither he nor they can believe me in the least capable of so unnatural a Villany, nor of so little common Sense, to be impos'd on in a thing of such a Nature as this. What had I then to expect from one, who, by all Arts, hath taken such Pains to make me appear as black as Hell to my own People, as well as to all the World besides? What Effect that hath had at home, all Mankind have seen by so general a Desertion in my Army, as well as in the Nation, amongst all sorts of People,

I was born free, and desir'd to continue so; and tho' I have ventur'd my Life very frankly on several Occasions for the Good and Honour of my Country, and am as free to do it again (and which I hope I shall do, old as I am, to redeem it from the Slavery it is like to fall under) yet I think it not convenient to expose myself to be secur'd, so as not to be at Liberty to effect it; and for that Reason to withdraw, but so as to be within Call whenever the Nation's Eyes shall be open'd, so as to see how they have been abus'd and impos'd upon by the specious Pretences of Religion and Property. I hope it will please God to touch their Hearts, out of his infinite Mercy, and to make them sensible of the ill Condition they are in, and bring them to such a Temper, that a LEGAL Parliament may be call'd; and that, among

A. D. 1688. other things which may be necessary to be done, they will agree to Liberty of Conscience for all Protestant Dissenters; and that tho' of my own Persuasion may be to far consider'd, and have such a Share of it, as they may live peaceably and quietly, as Englishmen and Christians ought to do, and not to be oblig'd to transplant themselves, which would be very grievous, especially to such as love their own Country; and I appeal to all Men, who are considering Men, and have had Experience, whether any thing can make this Nation so great and flourishing as Liberty of Conscience. Some of our Neighbours dread it. I could add much more to confirm all I have said; but now it is not the proper time."

Thus we are, at last, come to the Catastrophe of this long, but serious, this perplexed, but interesting, Story: We have seen the two Royal Brothers, from the very Depth of Ruin and Misery, not only restor'd to the Possessions of their Forefathers, but exalted to a higher Degree of Power and Greatness than their Forefathers ever knew: We have seen Parliaments, which for so long together had trampled the Prerogative under their Feet, endeavour, with all their Might, to let it above the Reach of Force or Accident, Turn or Change: We have seen the eldest of those Brothers grow weary of those very Parliaments to whom he stood so highly indebted, and disoblige that Church which was the chief Support of his Throne. In Resentment of these impolitic Measures, we have seen such a Storm of Opposition rais'd, that the Prince in possession was almost on the point of throwing his Successor over-board, in order to appease it: We have seen the Leaders of that Opposition undo themselves by their own Extravagance, and for want either of Sense or Honesty to make a right Use of the Advantage they had acquir'd: We have seen the King, by making his Peace with the Church, by gratifying their Demands against the Nonconformists; and by enjoining his People in general, become absolute Master of the Constitution, and receive the very Thanks of the Wretches he had enslav'd: And we have seen that King descend to the Grave, in the midst of these flattering Circumstances, without leaving any legitimate Child behind him to reap the Harvest which he had sow'd. We have seen the Duke of York, whose Pretensions had been over and over again extinguish'd by one whole Branch of the Legislature, succeed in Peace to the Monarchy, which had ever since the Portuguese Marriage been allotted to him: We have seen him enter on the Exercise of his Power, with those tremendous Words in his Mouth, *For such is my Pleasure, and I expect to be obey'd*: We have seen him avail himself of the whole Revenue, without the Sanction of Parliament; and dispense with the Laws, in favour of Papists, in defiance of it: We have seen him (in virtue of the *Duo Warranto's*, which had, in a manner, turn'd popular Elections into Court-nominations) at the Head of a Parliament of his own choosing, of whom

A. D. 1688.

he demanded the Continuance and Enlargement of that Revenue, and by whom he would not suffer his Dispensations to be called in question: We have seen that Parliament accept of his Royal Word, as of more Force than a Law, for the Security of their Religion, and, in effect, comply with his Will in all things, but one; as if in acknowledgment that they were the Creatures of his Breath, and the Vassals of his Power. We have seen him assail'd in two of his Kingdoms at once, and victorious in both: We have seen his idoliz'd Rival fall at his Feet, and bleed at his Command: We have seen this Attempt to subvert his Throne seemingly establish it beyond the Reach of Fortune or Fate: We have seen him, on that Presumption, courted abroad by all the Princes of Europe, and, at home, persisting in setting the Feet of the Few upon the Necks of the Many, by illegal Excessions of Power, and the Terrors of a standing Army: And we have seen his Felicity render'd complete, by the Birth of a Son and Heir. We saw then seen the Tide turn, and the very Persons who, as long as they were the Instruments of Oppression, had been the Preachers of Non-resistance and Passive-obedience, by their own Words, when oppress'd themselves, and openly avowedly act as if the Right of Self-preservation abolish'd all other Claims whatever. We have seen even the Fathers of the Church enter the Lists against the Crown, patronize the Clamours of the People, and co-operate with the Prince who had stood forth in Arms as their Champion and Deliverer. We have seen the like Terrors take hold of the King, which he had fear'd among his People: We have seen him voluntarily laying down the Spoils of the Commonwealth, and offering to compound with his People, by restoring the Balance of the Constitution. We have seen his Concessions, as well as his Authority, slighted; his Promises discredited and despis'd; his Virtues, for Virtues he certainly had, <sup>and his whole</sup> ~~and his whole~~ People either openly confederated against him, or conniving at his Destruction; as if his own Violations of the Laws had depriv'd him of the Benefit of them; and Abuse of Power, on one hand, vacated Allegiance on the other. We have seen the Creatures of his own Favour espouse the Cause of the People against him, and plead the Dictates of Conscience in excuse for their Ingratitude. We have seen his own mercenary Forces desert him, with his Pay in their Pockets.

A. D. 1688.

We have seen his own Children forsake him. We have seen his own Guards tamely resign him into the Hands of his Enemies, without drawing a Sword in his Defence: We have seen him at the Mercy of an insolent, brutal Rabble: And, lastly, we have seen him driven into Exile, after having vainly sought for an Asylum among his own Subjects.

To conclude, when his Reign is thus treated of in the Lump, it is always presum'd, that his Misfortunes were, purely and simply, the Result of his Guilt; as, on the other hand, the Prince's Success is imputed to the Goodness of his Cause, and the righteous Views of his Coadjutors: But, as we have already found Cause to suspect, that the Prince had little more of the Saviour, nor his Coadjutors of the Patriot, in their Compositions, than the King and his Implements, so there is Reason to conclude, that many Princes have been as guilty, without being as unfortunate: That his Faults, great as they were, serv'd chiefly as a Ground for his Highness to spread his Pretences upon: That, if the particular Discontents of the Grandees had not weigh'd more with them, than the Grievances of the Public, they had never embark'd in its Deliverance: That perhaps his Majesty's suffering his Papists in a manner to engross his Favours was held the most capital of his Sins: That the very Frugality of his Administration, which was exemplary, help'd to increase the Number of the Disobliged; and that his extreme Attention to the Interest of (n) Trade was not more alarming to the Body of the Dutch, than his apparent Resolution not to rush into a Quarrel with France was mortifying to their *Stadtholder*.— But, however this may be, nothing is more self-evidently true, than that the Quarrel of the People against him was scrupulously just, because founded on Self-preservation and Self-defence: That they had consequently a Right to ~~swear~~ themselves <sup>of any Government</sup> that was within their Reach: That whatever Doctrines were advanced to justify their Resistance to King James were either fallacious themselves, or must for ever hold good: And that, as the Contest was carry'd on in their Names, for their Sake, and, in the End, at their Charge, they were entitled to the First-fruits of the Victory.— Whether Justice was done them by those who undertook to rectify all things, or whether those Undertakers threw away the Net when the Fish was caught, the Sequel will demonstrate.

[A] Note. The Increase of the Coinage, which can only arise from the Profits of Trade, was, in the long Reign of King Charles II. (from the Year 1660, that is to say) 21

appears by the Records of the Mint, 7,524,104*l.* 18*s.* 4*d.* 1*d.* and, in the short one of King James, 3,737,037*l.* 7*s.* 1*d.* In all, 10,261,141*l.* 5*s.* 5*d.* 1*d.*



# I N D E X.

N. B. The letter n. refers to the notes at the bottom.

## A.

**A**CTS, of indemnity 14. for the security of the king's person 47. of oblivion 48. notes, *ibid.* to suppress conventicles 104. five mile act 125. against dissenters, n. 180. of grace 170. against papists 431.

**Addresses**, on the King's marriage, n. 45. of the commons, n. 87. on grievances, 219. against France, 371. against evil counsellors, 378. against papists, 407. against Lauderdale, n. 448. of the justices, 502. of Chesham, 698. of approbation, 847. of the commons, 905. on the birth of a prince, 988.

**Addresses**, and answers, their contents, 670.

**Albany St. lord**, his conference at Paris, 151. his complaint, 163.

**Albemarle, duke of**, made regent, 181. his remarks, 912.

**Alexander's tenderness**, n. 1670.

**Allen** (surrenderer), 618.

**Allen, Sir Thomas**, his bravery, 133.

**Alterations at court**, 263, 831, 839.

**Amoindadons**, to the French king, their reception, and departure, 107, 111.

**Amsterdam**, city of, her treaty, 812.

**Anglesey**, earl of, complained of, 700. dismissed, 702.

**Animadversions**, 1024.

**Apology of Brook-house committee**, n. 178.

**Appeal to London**, 476.

**Archbishop of St. Andrews murdered**, 458.

**Arllington, lord**, his observation, n. 157. his letter, n. 161. his power, blame, and letters, 180 to 183. made an earl, 205. accused 212. his character, n. 809.

**Argyle, marquis of**, seized, 36. his zeal, conference, and oath, 88 to 658. his letter, trial, and escape, and severe treatment, 653 to 666. his declarations, 859, 860. his defeat and death, 870, 871.

**Arms called in**, 924.

**Army, disbanded**, 20. a standing one dangerous, 48. let loose, 578. divided, 457. reviewed, 821. returned, 924. behaviour of, 1049.

**Arnold**, justice, attempted, 500.

**Arundell, Sir Thomas**, an over-law, his trial, and death, 707 to 709.

**Articles of peace**, 253. against the treasures, 474.

**Arnold of Wardour**, lord, promoted, 941.

**Association**, a paper one, 643.

**Ashley, lord**, censured, 140. his price, 186.

**Ashin, Samuel**, his trial, 425.

**Ashin, Sir Robert**, his reply, 924.

**Ashin Daniel**, colonel, his claim, 24.

**Ayles, pilot**, his sale, 680.

**Aythough**, admiral, his prosecution, 132.

## B.

**BAIN S.** Mr. his practice, 610.

**Bayley, Mr.** his surprising trial, and death, 803 to 806.

**Balcarras, earl of**, his express, 1033.

**Bancroft**, minister, 211.

**Barbours, for slaves**, 263. between countries and persons, 500.

**Bartholomew**, general John, his death, n. 70.

**Baskley, Sir William**, his courage, 120.

**Bateman's case**, 918. *Battiscombe's case*, 802. *ibid.* 800.

**Boxer, Mr. his case**, 790. *ibid.* n. 867.

**Boyle, William**, his character, 102. his depositions, 104, 108. his impudence, 470. his death, 170.

**Boyle, Richard**, a papist, 93.

**Bennet, fr Henry**, made secretary, 82. his speech, n. 90. his letters, 98.

**Berkeley, captain**, censured, 391. *Berry's dying expression*, 423.

**Bill of attainder**, 27. triennial, n. 103. to require elections, 449.

**Birch, colonel**, his speech, 577.

**Bishops**, referred to their seats, 30, 58. their imprisonment, trial, &c. 983 to 993. their advice to the king, 1013.

**Black-box**, story of, 497.

**Blank-warrants**, authorized, 396.

**Bloody-axe**, 883 to 895.

**Blood, colonel**, the famous, his attempts, and punishment, 195. n. *ibid.*

**Bocanardion, Sir Samuel**, his case, 794.

**Bonney's evidence**, 759.

**Bon-fires** forbid, 700.

**Booth a Butler**, 639.

**Rockwell-bridge battle**, 464.

**Bowcher, Sir John**, his remarkable death, 23.

**Booms**, his evidence, 717. n. *ibid.*

**Bowie, Charles**, committed, 148.

**Bonds** returned, 170. n. *ibid.*

**Burdell, Mr.** his case, trial and fine, 761 to 765.

**Brandon, lord**, his case, 912.

**Brand, merchant**, his policy, 1053.

**Breda**, city of, the rendezvous, 7.

**Breda's laying**, 775.

**Brigades**, Dutch, 127.

**Brigeman, chief baron**, his charge to the jury, 21. n. *ibid.* made lord keeper, 162. his noble opinion, 215.

**Bristol, earl of**, his civility to Clarendon, 91.

**Bristol, city of**, trembled, 894.

**Brissane, Mr.** his friendship, 103.

**Brome, coroner**, arrested, 711.

**Brooks, Sir Robert**, his report, n. 138.

**Buckingham, duke of**, his conduct and disgrace, 147. censured as court, 162. his character, 173. his dislike of parliaments, 175. sent to France, 188. his hatred to Ormond, n. 195. more patriot, 266. his speech, n. 292, 311.

**Burck**, his deposition, 729.

**Burington, major**, his conduct, 1058.

**Burnet, bishop**, a dialogue, 275. his phrase, 321. his account, 730. diminished, 831. his relation, 840, 915. naturalized in Holland, 955. his merit of obsequiousness, 4292.

**Bury in woollen only**, n. 146.

**Butt, Mr.** his design, 134.

## C.

**CABAL** at Whitehall, 84.

**Caeronvon, earl of**, his remarkable speech, n. 409.

**Cary, Mr.** fined and imprisoned, 314.

**Carew, Sir John**, interrupted, 22.

**Cambridge** language, 593.

**Capel, Sir Hen.** his speech, 553.

**Cardinal, lord**, freed, 209.

**Carrington, lord**, committed, 395.

**Carver, Sir George**, expelled, 178.

**Carbone**, his reasons, 49.

**Caroline**, tortured, 802. his evidence, 806.

**Carleton**, earl of, his complaint, 468.

**Candidates** for the throne, 703.

**Catharina**, of Portugal, proposed in marriage, 41. her profertions, 44.

**Castle, Irish**, prohibited, 91. reasons against it, n. 144.

**Cavendish, lord**, his offer, 754.

**Chandos, lord**, recants, 404.

**Cham-bert** first used, n. 152.

**Charles II.** his declaration, a report of him, n. 7. favours the priests, 8. his speech, 15. his declaration, n. 19. a project to make him absolute, 31. his proclamation against meetings, n. 31. his project for a standing army, 34. crowned, 42. dissolved the Dutch, 50. his useful speech for, married, 62. courted by D'Éstrades, 60. his letter to the archbishop, n. 77. his opinion of the French king, n. 81. his affront to the constitution, 103. his speech, n. 104. his letter to the States, 115. his angry speech, 126. his offer to the States, 149. his letter to the queen-mother, 152. his conduct, 159. his retirement, anno revenge, 160. attended with guards, 179. attended on debates, 180. his phrase thereupon, 181. messes his faller at Dover, 185. his sorrow for her death, 186. his speech, not printed, 192. his proclamations, 213, 214. ordered his ministers, n. 217. his conduct and character, 217. his arrival, 245. his letter to the Scots, 247. his speech to Rousve, 266. his attachment to Lauderdale, 270. inclines to the French, 284. censured, 292. angry, 293. his chiding speech, 349. his behaviour to the prince of Orange, 357. his proposals, 149. angry with France and the commons, 354, 356. his odd saying, 360. his speech, 361. his demands and menage, 361, 361. his committion to the lords, 375. his extraordinary letter, 380. diminished, 393. his jealousy, 400. in a sad dilemma, 424. his intemperate saying, 464. his strange proposal, 472. his wit displayed, 485. his resolve, 489. his odd phrase, 514. his innocency, 531. n. *ibid.* his sayings, 552. angry with the city, 561. his conference, 616. immovable, 619. his order, 631. his offer, 640. his pleasure, 667. his complaint, 678. his command, 685, 697. his living, 714. his calamity, 790. in the French, 790, 808. his gift, 824. n. *ibid.* in his fall, 907. he usually, 832. his illness, religion, and death, 833 to 836. his character, 839, 840. his dispute of France, 843. his papers, n. 849.

**Charleton, Sir John**, chosen speaker, 218. declines, 221.

**Charter-house**, the affair of, 939, 940.

**Chatter, bishop of**, his speech, n. 909.

**Chatham** affair, 157.

**Circumstances of the plot**, 549.

**Celery, Mrs.** her obsequiousness, 483. her evidence, 497. and proof, 509.

**Church of England**, a favor, n. 893.

**Citizens** repatriated, 199. their petition, 716.

**Clare**, earl of, his evidence, 777.

**Civil-bill** regulated, 190.

**Churchill, lord**, defects, 1044.

**Clarendon, lord**, chancellor, his character, 8. a friend to the church, 9. his long speech, 29. his brave opposition, and advice to the king, n. 31, 35. his speech, 431, 444. and n. 45. his language, 611, 644. imprisoned, 669. proposed the fall of Dunkirk, 68. blamed, 80. accepted, 91. his interest declines, 141. his letter to Rousve, n. 155. his crimes, and disgrace, 160, 161. his escape, offences, and banishment, 164, 165.

**Clarendon, earl of**, his conduct, 945. diminished, 940.

**Clement, Mr.** his phrase, n. 23.

**Clery, their conduct**, 927, 928.

**Clove, Mr.** his wife, 800.

**Cleveland, lady**, made a duchess, 186.

**Clifford, Sir Thomas**, his embassy, 110. favours the papist, 141. made high favourite, 216. his wicked proposal, 244. rash at the commons, 245. an odd story concerning him, n. 230.

**College-houses** suppressed, 297.

**Colleges**, in Scotland, that up, 671.

**College, a jester**, committed, 611. his trial, defence, and personal life, 617, n. 618, 619. his case, and last speech, 632, 633.

Commons,



Garals, first established 35. their retreat 108.  
Dutch take possession of the palace 107  
Guildhall proceedings 604, 605  
Guin, Mr. examined 649

H.

**HABEAS CORPUS** bill 255, 450  
Hacker, Francis, his crime 24  
Haine, character of, and oath 608. Cop. his discoveries, n. 629, 630, and evidence 647  
Hale, lord chief justice, opinion of, n. 6. fees with the duke of Buckingham 170. his opinion 603  
Hale, Sir Edward, his case 622  
Hallifax, lord, leaves the court 288. censured by the king 325. his earwig phrase 693. enforces Shaftsbury 575. a flying of 691. made lord-privy seal 704. his opinion 808. in disgrace 809. his anatomy of an equivalent 985. chief justice 1002  
Hallow, lord, his arrogance 269, and project 287. executed 625. fined 623  
Hamilton, duke of, opposed Lauderdale 247. comes to London 300. Lord, by council 404  
———, Sir George, killed 302  
Hampden, Mr. his opinion 515. committed 750. his case 704. tried 913  
Hanzover sides with France 334  
Harnan, Sir John, valour of 130. his exploits 158  
Harris, general, insulted 22. his execution 25  
Harris, Mr. rest of 477  
Harrington, Mr. his remarkable case 314. see n. 475, 310  
Hartley, Sir Arthur, his offer to Monk 3  
Hawley, Mr. remarks of, n. 613  
Haxton, his bold behaviour 505; executed 506  
Hawkins, Dr. endorsed 603  
Hays, merchant, indicted 599. his brave defence 820. acquitted 801  
Heath-money bill 61. became burlesque 705. remitted 140  
Herbert, lord chief justice, vindication of 923  
Herbert, captain, conduct of 284. a patriot 944. promoted 1022. his letter 1027  
Henrietta, madam, her journey to England 185. her character, and death 186  
Hensington, William, ancestor of, n. 609  
Hewley, William, punished 54  
Historian, the character of 1  
Hill and Riggs, their perfidy 83, 84  
Hollen, lord, memorial of, n. 126. recalled 127  
Holloway, merchant, confession of 795. his behaviour, and death 797  
Holmes, Mr. behaviour of 821  
———, Sir Robert, valour of 101. executed 102. see n. ibid. burns the Dutch fleet 134. miscarries 201  
Hones, a journey, trial of 740  
Howard, Sir Robert, a strange story of, n. 223. ———, lord, committed 600. case of 600. his deposition 753. evidence of 747, 749. his qualities 745  
Hough, Dr. deprived 958  
Hubert, Robert, an incendiary, n. 118. hanged 139  
Hucker, of Taunton 885  
Hume, Sir Patrick, imprisoned 287  
———, a minister, his embassy 315  
Hyde, Lawrence, character of 419

I.

**JAMES**, John, executed 51  
Jefferys, Sir George, case of 324. his remarks 631. sets up a justice 635. character of 777. his progress 781. blinded 785. a justice of 797. his motions 823. invectives of 849. his campaign 888. his terror 891. his uncommon and cruel barbarity 891. his behaviour, and charge at Bristol 895. rewarded by the king 896. his charge, when lord high steward 914. seized by the mob 1073. committed to the Tower, ibid.  
Jenkins, London, opinion of 2570. his conduct 1773. promoted, n. 703. Popcorn 925. execution bill 925. his extraordinary gift 640. sent into the city 690. committed 697. his practice 698. refuses 824  
Jenyns, their success 921. their conduct, and attempt 950, 958

Incidents, remarkable 625, 679, 839, 1044, 1063  
Informations, against popery, n. 141, 142  
Informers, character of 543  
Jons, Sir Thomas, impeached 516. his answer to the king 520  
———, justice, speech of 616  
———, Sir William, resigns 490. opinion of 521. answer of 585. his death and character 712  
Johnson, Mr. his case 926. n. ibid.  
Injuries from the French 507  
Innocent, pope, behaviour of 955. his title 957. quarrels with the French king 976  
Instructions to our ministers concerning peace 231  
Inquisition, Spanish, commended 191  
Interests, a justification 57. its influence 557, 948  
Infringements promoted 720  
Irish alarm 1063  
———, poetry, n. 55  
Ireland, a design upon 89. a free trade granted to, n. 240  
Judges cloistered 919  
Justice, integrity of 101. imprisoned, lord returned by the sheriff 504. threatened 599. treated 632. duty of 643  
Jurisdiction, ecclesiastical 47  
Judges, orders of 667

K.

**KEYLINGS**, two brothers, their difference 724, 725  
King, and commons, their difference 589  
Kirk, colonel, his cruelty 888  
Kirkby, Mr. his narrative 382  
Knight, Valentine, committed, n. 140

L.

**LAMBERT**, colonel, relieved 705  
Land, his, a free gift 109  
Land, his, a writ 180  
Law, a captive to faction 104  
Laud, archbishop, his canon 304  
Lauderdale, earl of, his policy 36  
——— of 97. his advice to the king 180. management of, n. 181. his crimes 182. and third for power 185. his tyranny 242. accused 243, 275. his villainy 268, 269. 300. assumed with his power 290. compared with Ormond 370. his impious jest 376. and oath 379. maxim of 457. his bouts what, n. 461, dies 624  
Leighton, Sir Ellis, escapes 509  
Leagus, with the Danes 119. with Holland 341. censured 385  
Lenthall, Mr. saying of, n. 10. his confession, n. 38  
Letcher, a remarkable case, n. 1. from jail 185. French intercepted 311  
Lilley, second, his conviction 692, 690  
Lionne, De, Mr. his saying, n. 112  
Lings, executed against 20. restored 25  
Lira, de, his character 189  
Lisle, lady, her case 828. her behaviour, and death 826. n. ibid.  
Lionness, Jane, evidence of 763  
Lock, Mr. his remark 710  
Lockhart, Sir George, denied to plead 664  
London, bishop of, disgraced 912. answer of 928. his case 931. applies to the prince of Orange 1072  
London, city of, destroyed by fire 136. petition of 405. against petition 493. address of 524, 360. returns thanks to the members 561. in confusion 690. liberties of the city violated 694. consist of 695. the charter seized by the crown 714. fee n. 715. petition, and exhibition of 716, 718. character of, restored 1012. address of 1012  
Lond ———, Locca, his odd speech 356  
Lords, house of, side with the king 225. protest of 290. and contract of 312. bills of, rejected 312. their controversy with the house of commons 457  
———, four, lost to the Tower 312. discharged 351. five popish committed 389. impeached 407. banished out 825

Lorrain, duke of, conduct of 262. his character, n. 285. and case 372  
Lota, of the English, n. 118  
Loyalty, English 127  
Loyalists, dissatisfied 441  
Loyd, Dr. his remark 535  
Lowcock, lord, taken 1039  
Loyd, a criminal, confession of 768  
Lucas, lord, speech of, n. 102  
Luxemburg, duke of, his danger 217  
———, city of, taken by the French 817  
Luzanne, conversation of 792  
Lutlow, general, his opinion of the Dutch, n. 106

M.

**MACDONALD**'s hostilities 628  
Maid of Bridgewater ravished 880  
Manchester, earl of, his speech, n. 7  
Magdalen-fellows, behaviour of 970. order of failed 1019  
Malcomson, treaty of 725  
Manife, coloured by the French 481  
Manufacturers, French, prohibited 143. English, encouraged 165  
Marris, Matthew, of Oxford, n. 34  
Martel, admiral, valour of 239  
Mary, queen of Scots, committed 675  
Marvel, Mr. his plate 180. n. 100. his saying on the king and parliament 181. remarks of 117, n. ibid. his profane and epithet, n. 344  
Maximo, a court one 253. new one 535. a divine one 927  
May, 24th, a thanksgiving-day 14  
Maximare, dutchesse, of her intelligence 583  
Maynard, Jerjesant, candour of, n. 103. his saying 1074  
Mical, lord 5  
Mical, Robert, murdered 767  
Mediations, ineffectual 300  
Memorial, England's, to the Danes, n. 119. to the prince of Orange 1002  
Members, cloistered 918, 944  
Merchants, their grievances 309. courtesy of 840  
Messina revolts 286. message by a spectre 768  
Middleton, earl of, a rival to Lauderdale 36. made secretary 827  
Mills given up to the king 47, 62. refrain ed 91  
——— bill rejected 400  
——— advice to the king, in Scotland 409  
Mimides, conduct of 122. removed 126  
Mitchel, Mr. case of 577  
Miscarriages voted, without effect 171  
Mistob, the saying of 207, 604  
Money, diminished of France 81  
Monk, general, declaration of, n. 2. his instructions to Sir John Greenville 4. promoted 5. proposal of, n. 20. created a duke, n. 42. vice Albemarle  
Monmouth, duke of, his bravery 236. promoted 267. character of 273. made count 274. murder in chief 461. goes to Scotland 462. his brave reply 464. motto of 477. sets on foot the crown 488. disinherited 473. progress of 407. his divorce 527. his picture burnt at Cambridge 676. torrid company 677. arrested 688. gives in bail 690. a generous 714. his letters, n. 752. confined 728. his cocoonism 792. withdrawn 795. enters with Argyle 824. his declaration 873. proclaims king 875. his difficulties 879. defeated 884. his conduct 884. his stage and execution 887  
Monrag, admiral, brings over the king 7. ———, ambassador, dispatches of, n. 485. ———, his menneel, and perfidy 493. 111. papers seized 404. motion of 444  
Moore, Sir John, character of 633. close lord master 634. his compliance 683. his behaviour, and difficulties 687, 689. goes to court 692  
Morris, Mr. made secretary 5. his raising 60  
Morrice, Sir William, resigns 170  
Mouland, lord, impeached 145. see n. ibid.  
Mottecuell, count, conduct at 205  
Motion, as extraordinary one 310  
Mulgrove, earl of, his account, n. 826. addressed 829  
Munday, bishop, conduct of 127  
Murray, lord, his speech 921  
Myers, Sir Christopher, his gallant behaviour, n. 131



Scotland, feilded 35. loyalty of 67. held in farm 260. grievances of 270. 375. 378. cruelty of, to families 378  
 Scotch, lord chief justice, cruelty of 416. 417. his echo 423. cruel summary of 457. asperfed 470. conversation of 471. his origin, ibid. accused 416  
 Sects, differ among themselves 52  
 Senefe, battle of 219  
 Serjeant, John, his examination 374  
 a drunken one, committed 734  
 Seymour, Edward, case of 717  
 Shaftsbury, earl of, made chancellor 217. his speeches 216. fufpected 222. conduct of, n. 224. 225. looses the seals 246. fpeech of 293. 294. n. 311. 314. his views, and reasons 444. 445. removed from the council-board 480. called from court-general 484. Head of the faction 507. his weakness exposed 529. deemed a plotter 530. his threatning to Corral 540. expedition of 571. his mistakes seal 607. and character 609. impudenced 612. his letters intercepted 647. indicted 647  
 Shalton, John, his examination 647. fit at liberty 652. his allowance, what his accusers 671. his night, and death 240  
 Shelton, Gilbert, bishop of London, his eloquence and prevalence 76. 77  
 Sharp, Dr. case of 924  
 Sherlock, Dr. his letter 925  
 Shoe, a woollen one, n. 122  
 Sherrin, law clerk, committed 634. their fear, and behaviour 635. commitment of 638  
 Shors, Dr. sedition of 837  
 Shorter, Sir John, his conduct 956  
 Sleeton, minister, his demands 837. impudenced 1008  
 Skinner, merchant, his affair 172  
 Sidney, Algernon, colonel, opinion of 432. his letter 552. behaviour of 715. and trial 771. his brave defence 772. 778. address of 783. his death, and character 783. his last fpeech, a libel  
 Smyrna fleet attacked 204  
 Soldiers hanged for running from their colours 207  
 Sockley fight 207. 208  
 Somerville, duke of, recalled 17. his noble resolution 957  
 Sommers, Mr. his reply 992. Southampton, earl of, ever early 31  
 Spains, defeated 94  
 Spain, offers a match to the king, n. 44. king of the flag 120. the queen's letter, n. 112. difficulties of 168. makes peace with Portugal 169. provokes of difficulties 184. takes part with the three 708. her alliance with England 502. remonstrances of 559. declares war against France 811. warm expostulations of 816. hereto n. to France 817  
 Speaker, of the house of commons, his behaviour 320. rejected 428  
 Speech, a remarkable one 13. 27. 27. of a ghost, n. 25. 26. n. 447. a notable one 557. 556  
 Speke, Mr. his intrigue 4039  
 Spence, instant to Argyle, returned 802  
 Spragg, Sir Edward, his refusal, and death 239  
 Sprag, bishop, apology of 798. takes leave of the ecclesiastical commissioners 995. n. ibid.  
 Stamford, earl of, his case 931  
 States, of Holland, poor and distressed 136. divisions of 300. after an accumulation of the flag 222. their treaty to Witschal 250. called a paper dominion 251. their fallacious and difficulties 814. 816. except of a truce with France 819. maxims of 825. their refusal to send forces to England 981. resolve to assist the prince of Orange 1024  
 Statue of Charles the first, erected by lord Danby 271  
 Staudert, lord, trial of 159. his defects, and confidence 371. 371. who his speech, confession, and death 374. 375  
 Steward, ambassador, his remark 1001  
 Stobbs, confession of 218  
 Students in Edinburgh, handled 612  
 Stuart, Mr. his correspondence with another 612  
 Strang, for Sheriff, city, for mayors 293. for commons council-man 297  
 Swandier, complained of 101  
 Sutherland, lord, speech of 136. conduct of 933. his character, and apology 671. 972. application of 1000. dispersed 1009  
 Supton, general 109. deposed 172. angrily 905. 221. 377

T.

TAKING off, a term for bibbing 217  
 Talcot, William, ill treated 145. n. ibid.  
 Tangier to be destroyed 809  
 Tarras, earl of, apprehended 803  
 Temple, Sir William, ambassador to the states 175. coldly received 109. his brave death 359. extra surprize of 126. his proposal 437. scruples of 602. his motion 326  
 Thwing, Mr. a priest, executed 509  
 Thompson, Mr. his insolence, n. 142  
 Tobacco, a new one 275. proceeded against 277. carried 279. against popery 306. in Scotland 620  
 Tell-tail, n. 661. Edg. Thynn's Murder, n. 678  
 Timber act 171  
 Tilleton, Dr. his letter, n. 755  
 Tins, colonial, motion of 321. his reasons 420. and reply 544  
 Tobacco, sowing, or planting of, foetal 27  
 Tolsonham bill, passed 358  
 Tongue and postage, a gift to the king 12. for the use of the navy 255  
 Toope, Dr. his character 583. and examination 285  
 Treaty, with the states proposed 153. between England and France 200 and 210. and with Sweden 202. with Spain and Holland 211. with England and Holland 365. with France and Holland 569. with Sweden and two States 620  
 Treby, Mr. his phrase 116. his speech 1073  
 Trials, of three murderers 413. their execution 423  
 Transaction, a remarkable one 637  
 Turcas, besieged 283. triple league, arrives to 168  
 Troupers, who 416. their advice 472  
 Tromp, Van, in favour 134. his vanishing behaviour, and repulse 437  
 Troops, English, in the french service 235  
 Truce, in a maze 608  
 Turnage, married, his conduct 200. and factious 268. killed 282  
 Turcs, before Vienna 809  
 Turner, Sir Edward, his counsils with Clarendon, n. 44. 45. and speech of, n. 104  
 Tyndeman, Sir Thomas, his attack and repulse 418. n. ibid.  
 Tyrconnel, earl of, his expense 924. certified 925. advanced 926. his behaviour 925. complaisance of 927. his attempt to repeal the act of settlement 926  
 Tyrone, earl of, impeached 530

V.

VAlenceburgh, Dutch director general, re-creation of 101  
 Vane, Sir Henry, trial of, and defence 74. his heretic speech, and death 74. 75. see 8. ibid.  
 Van Lere, Mr. his strand to England 359  
 Vaugon, Edward, Mr. his objections 547  
 Venner's insurrection 34  
 Velsch, Dutch, feilded 109  
 Victory, claimed by both sides 133  
 Vienna, siege of, raised 314  
 Villers, duke of Buckingham, his death and character, n. 672  
 Uniformity act, attended to 8ardilip 75  
 Votes, against a dancing army 252. against bribery 302. against the duke of York 554. 2877. sees 580

W.

WAKEMAN, Sir Thomas, trial of 469. 470  
 Walden, Roger, returned, n. 55  
 Wales, prince of, a constitution 1001  
 Walton, captain, his trial and defence 737. 738. death of 758  
 Wall, Mr. evidence of 593  
 Waller, Sir William, turns evidence 598  
 Wallace, captain, his defence 1024  
 Walters, Mr. mother to the duke of Monmouth 497  
 War, with the Dutch, rise of 69. declared 110. 201. with Denmark 140  
 — of, fallow 677

Warcup, justice, a plotter 608  
 Ward, bishop, case of 831. his story 832  
 Wards, court of, taken away 26  
 Wardswa, land, his death, n. 97  
 Wellwood, doctor, remarks of 844  
 Wel, Robert, his information 727  
 Wellan, Sir Robert, accused 511  
 Whig and Tory, names of represent 656. n. ibid.  
 Whitmore, character of 606. and plea 612. committed 613. fined 625  
 Whitson, captain, his narrative 639. threatened 649  
 Williams, William, often speaker 510. king 510. 64. n. 217. his bravado to the king 510. feild 822  
 Williamson, Sir Joseph, committed 366  
 Wilmer, a merchant, case of 177  
 Winchester, marquis of, his proposal 278  
 Wind, earl, how called 1031  
 Wine, prices of, added 27  
 Wit, of Mr. his advice to the States 94. proposed of, n. 94. his plan of peace 110. in perfectly 114. his character of the Eng. n. 112. forming of 131. best on 132. 133. reasons of France 167. treats with France 174. n. ibid. offered by the populace 207. murdered with his brother 208. n. ibid.  
 Withers, Sir Francis, object behaviour of 815. his motion 644  
 Withers, a merchant 1006. With, commit each other 602. examined 602. then forgotten 603  
 Wit's, examination of 77  
 Wootton, Sir Henry, main of 166  
 Wright, lieutenant, character of 125

Y.

YARRANTON's discovery 33. see n. 51. 106  
 York, city of, captured 1042  
 — date of, James, made lord high admiral, n. 9. married 42. his denunciation thereupon, n. ibid. value of 130. refused 130. 131. against the king's divorce 188. a grant given him 204. shows himself 207. a paper 241. his marriage dissolved 242. in the french interest 255. corresponds secretly with France 272. his obedience to the king 338. alarmed by the duke of Monmouth being made governor of Ireland 271. vindicated by Oates 304. executed out of the papists bill 366. his compliance 209. in justice of Monmouth, and made the scape-goat of the court 426. voted to be the cause of the papist-plot 442. his return from abroad 478. infired by the mob 480. his return from Scotland 494. accused of treason, &c. n. 500. 501. indicted 504. n. ibid. received as the king's commissioner in Scotland 622. the practice of his creatures 641. his anger to Argyle 658. n. ibid. his odd saying, a 660. his cruelty to Argyle 676. recalled from Scotland 677. and complimented 676. his remarkable voyage 676. made lord high admiral 824. his declaration, and accession to the crown 815. goes to make publicly 860. in the head of his enemies 857. his execution attended with ill omens 856. speech of 864. extremely kind to refugees from France 868. his terms 919. and power 927. a lay-brother of the jesuits 931. his attachment to the 1673. 941. feeds a marriage to Cambridge in favour of a monk 938. takes a project to Holywell in Elmfield 962. on proceedings 967. and fears 981. angry with the bishops 994. the charge against him 996. commits the Dutch 1001. his address on the birth of his son 1008. his party with the bishops 1030. and proclamation 1033. not extraordinary for 1047. his treaty, and transport 1047. his proposals in the price of Orange 1047. withdrawn from Whitehall 1050. seized by rebels 1050. plundered 1050. his furious condition 1056. fails for France 1076. his paper which he left behind 1077

Z.

ZEPHESTEN, prince, his embassy 999. message of 1055

LLL^QLbb



