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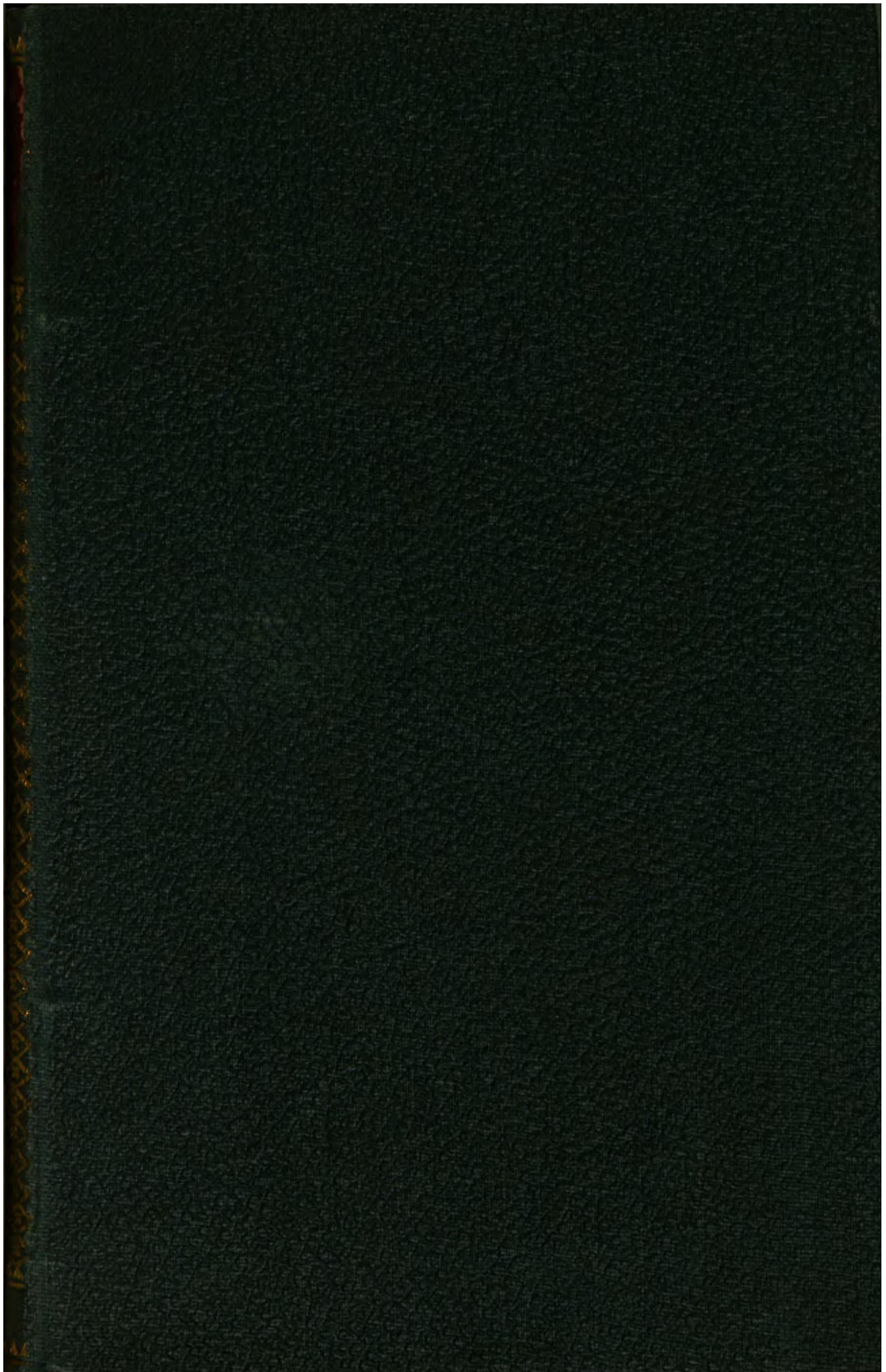
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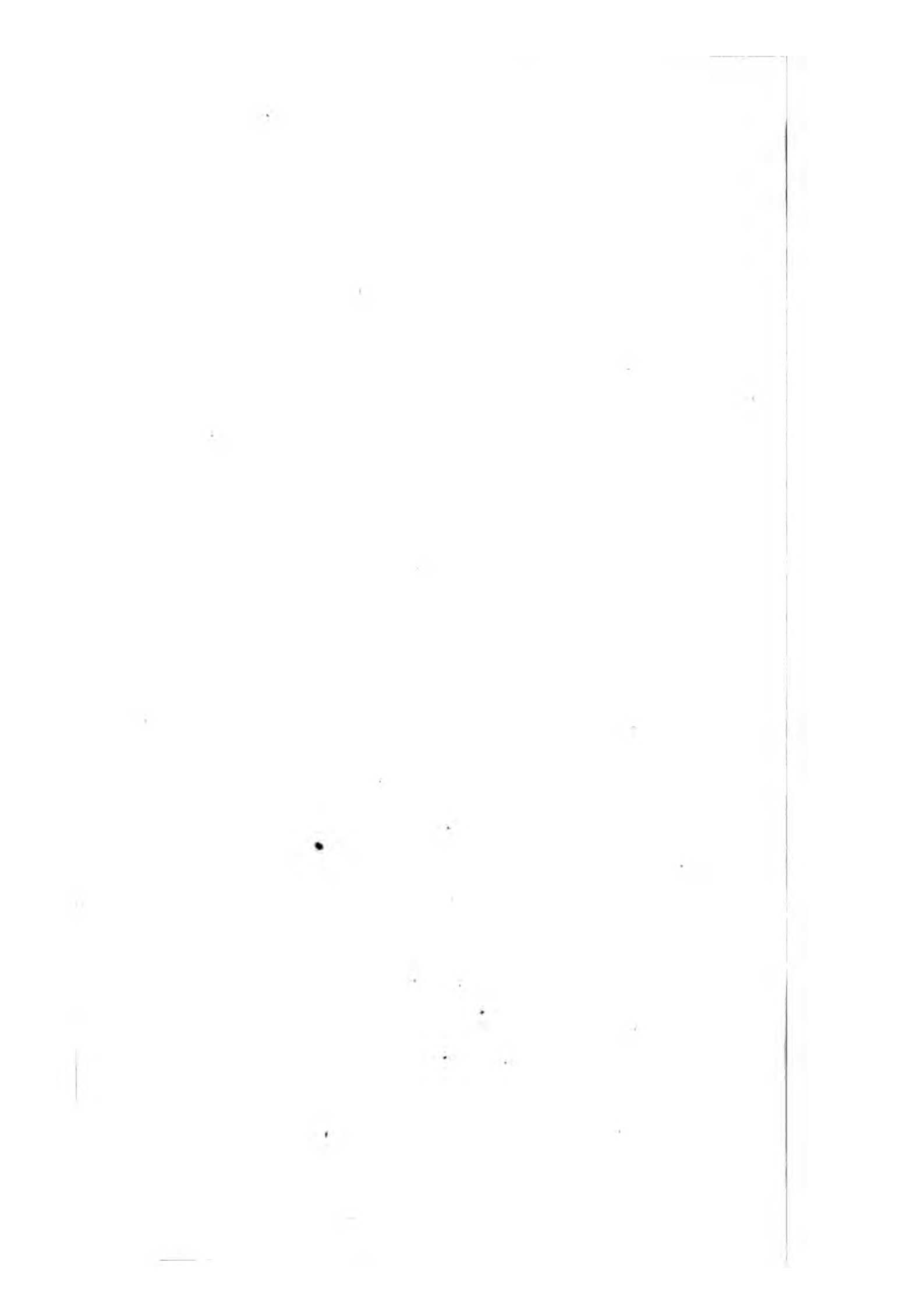


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Radin Powell 127



THE
HISTORY OF ENGLAND,
CONTINUED FROM
The late Right Honorable
SIR JAMES MACKINTOSH, L.L.D. M.P.
By William Wallace, Esq.
VOLUME THE EIGHTH.

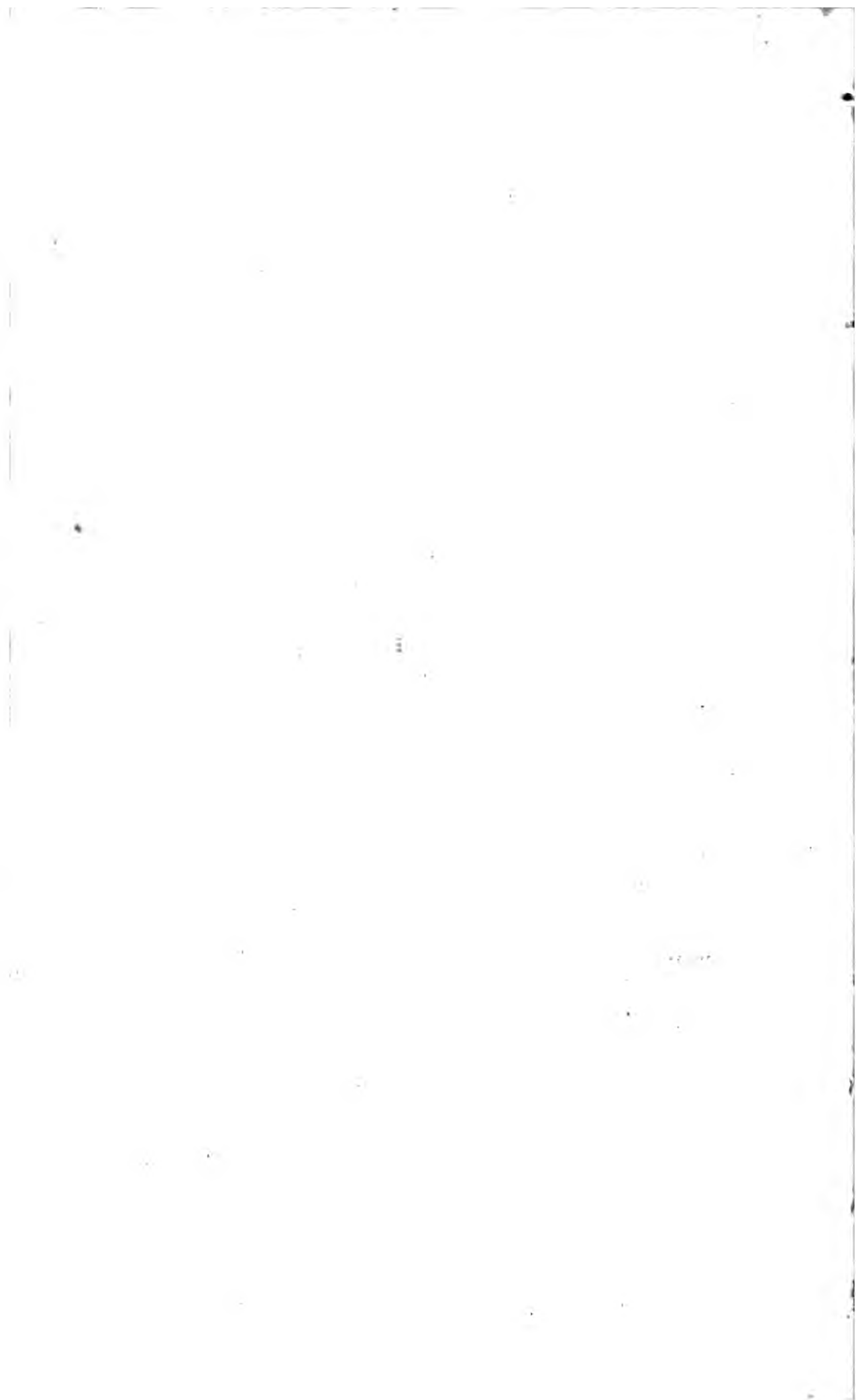


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E. Finden, sc.

Tender of the Crown to William & Mary.

London:
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AND JOHN TAYLOR, UPPER GOWER STREET,
1829



THE
CABINET HISTORY
OF
ENGLAND, SCOTLAND, AND
IRELAND.

BY
THE RIGHT HON. SIR JAMES MACKINTOSH, M.P.
AND WILLIAM WALLACE, ESQ.
SIR WALTER SCOTT, BART. AND
THOMAS MOORE, ESQ.

ENGLAND.

VOL. VIII.

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HISTORY
OF
ENGLAND.

CHAPTER I.

1685.

ACCESSION OF JAMES II. — HIS FIRST SPEECH TO THE COUNCIL.
— HIS COURSE OF GOVERNMENT. — POSTHUMOUS PAPERS AND
RELIGION OF THE LATE KING AND DUCHESS OF YORK. — THE
ELECTIONS. — MEETING OF PARLIAMENT. — EXPEDITIONS OF
MONMOUTH AND ARGYLE. — THEIR FAILURE AND EXECUTION.
— PRETENDED SECRET OF MONMOUTH.

OF the hundred thousand swords with which lord 1685.
Russell threatened the succession of the duke of York*
not one was drawn; the rallying voice of the exclu-
sionists against a popish successor was extinct; and
James II. was proclaimed with the utmost facility of
lineal inheritance; — to the great joy, it was said, of a
faithful people. His first act of sovereignty seemed to
bring back the loyal ecstasies of the restoration. He
summoned and reinstated his brother's chief ministers
in council, and harangued them in a strain of most

* Hal. MS. See Vol. VII. p. 256.

auspicious promise. They were slanderers, he said, who reported him "a man for arbitrary power;" he should preserve the government in church and state, as by law established; he knew the principles of the church of England "were for monarchy," and he should always support and protect it; he knew, too, the laws of England were sufficient to make the king as great a monarch as he could wish; and, as he should never depart from the just rights and prerogatives of the crown, so he should never invade any man's property.

The delighted council, and especially lord Rochester*, requested a copy of his majesty's oration, in order that their raptures might be shared by the whole kingdom; he replied, that he spoke unprepared, in the fulness of his heart, and could give no copy; the solicitor-general, Finch, reproduced the speech in writing from his memory, with the king's permission and approval; and it was given to the world next day in the gazette.

The world pronounced it worthy of Trajan or the Antonines.† The pulpits echoed with thanksgiving. "We have now," said the clergy, "a better surety than that of any laws—the word of a king whose word was never broken."‡

The king's promise to govern according to law had little part in the thanksgiving of divines, who rated the laws below the king's word: but he had promised that popery should not invade their monopoly of church wealth, pomp, and power; that they should enjoy, as before, the privilege of harassing protestant dissent; and for this the clergy not only sounded the praises of one whom they abhorred as a religionist, and feared as a prince, but charged with word-breaking, by implication, the late and no less lauded sovereign, whilst his remains were yet unburied.

Ceremonial gratulations and the shouts of the multitude are but transient vulgarities at the beginning of a

* Bar. in Fox's Appendix.

‡ Burnet, iii. 7.

† Welwood's Memoirs.

new reign, rarely worth notice ; and, in this instance, they were not only transient but deceitful. Religious rancour, jealous freedom, party interest, personal ambition,—in short, the spirit of resistance, was masked, chained, or dormant, — not dead.

This was not all. The king's council contained within it the elements of dissolution. Lord Halifax, conscious that he needed pardon*, accosted the new monarch with excuses. The king stopped him, with an expression which has been recorded as generous and gracious :—“ I can,” said he, “ remember nothing but your conduct in the business of the exclusion.” A despotic prince may pardon in fact or form, but does not forgive ; and lord Halifax, doubtless, was not caught by the tinsel of a court phrase. Sunderland and Rochester were prepared to use every art against Halifax and against each other.

The new king was not consistent or candid with the nation, with the council, or even with himself. His strong expressions in print, respecting the established church, startled his conscience when it was too late to retract them. He satisfied his scruples with the reflection, that, in his particular circumstances, his promised support ought to be understood only of the professors of the religion, not of the religion itself, which in his conscience he believed erroneous. This was mental reservation† ; but it might be rash to decide whether

* See Vol. VII. *ad finem*.

† The following is the passage in vol. ii. p. 4. of the “ Life of James, &c.” “ No one can wonder that Mr. Finch should word the speech as strong as he could in fauour of the established religion, nor that the king in such a hurry should pass it over without reflection ; for thō his majesty intended to promis both security to their religion, and protection to their persons, he was afterwards conuincd it had been better express'd by assureing them, he never would endeavour to alter the established religion, rather than that he would endeavour to preserue it, and that he would rather support and defend the professors of it, rather than the religion itself ; they could not expect he should make a conscience of supporting, what in his conscience he thought erroneous, his engaging not to molest the professors of it, *nor to deprive them or their successors of any spiritual dignity, revenue, or employment*, but to suffer the ecclesiastical affaires to go on in the track they were in, was all they could wish or desire from a prince of a different perswasion ; but hauing once aproued that way of expressing it, which Mr. Finch had made choice of, he thought it necessary not to vary from it in the declarations or speeches he

it should be charged upon the papist or the prince. His father, a member of the church of England, and a martyr in its rubric, equivocated with others and with himself by casuistry as perfidious.*

James's first want was revenue ; that of the customs and excise, voted for the life of the king, had expired with the demise of the crown. The sudden expiration of those imposts would, it is true, not only embarrass the new king, but give a shock to commerce ; but, to levy them by a mere royal warrant, was a violation of the most cherished and sacred principle of English government, no less flagrant than that of ship-money, which roused the nation in arms against Charles I. The king, nevertheless, by the advice of his council, and by virtue of his royal will and pleasure, issued his proclamation, commanding the payment of those duties in the usual manner, until parliament should have settled a sufficient revenue on the crown.

The merchants complied ; some mercantile bodies even thanked the king for his gracious proclamation ; and the members of one of the inns of court—benchers, barristers, and students—with the rampant servility of lawyers—offered their lives and fortunes in defence of his prerogative “in its fullest extent,” and their authority for it, as oracles of the law. †

made afterwards, not doubting but the world would understand it in the meaning he intended, and which alone was agreeable to the circumstances he was in.” This does not profess to be an *extract* from the king's MS. memoirs, and it accords nearly in terms with the expressions of Innes the compiler, respecting the case of conscience on the same point, put by James to the famous Bossuet in 1693. See Mazure, *Hist. de la Rév. de 1688*, iii. 369, &c. note. Perhaps the equivocation should therefore be charged upon the compiler, and not upon the king.

* See, among many instances, the case of conscience put by him to Juxon, bishop of London, Vol. VI. p. 30. No person of competent judgment, and candour enough to avow it, will deny that James, with all his popery, was a man of much more honesty and truth than his father.

† Their address expounds the constitutional law of England as follows : —“Tis a received maxim of the common law, *thesaurus regis est vinculum pacis et bellorum nervi*. Such is the happy constitution of this monarchy, that your majesty's high prerogative is the great security of the liberty and property of the subject : so that whoever would impair the revenue of the crown, must, by this fundamental law, (as binding as *Magna Charta*, and more ancient,) be esteem'd an enemy to the peace and

In accounting for the general acquiescence, something should be allowed for the intimation given of an approaching parliament; but the nation was in a temper to submit to any exercise of regal power, however lawless, which did not touch its slumbering hatred and vague fear of popery.

It is well that protestantism, even in its intolerance, thus stood in the way of this arbitrary prince. The popery of James, however fatal to himself, may have been fortunate for the liberties of the English people. Had he been, like his father, a zealous member of the church of England, he might have repeated with impunity what brought Charles to the scaffold: — but speculation upon contingencies past is vain and barren. Were James a protestant, not a papist, the advance of the public reason, the free genius of Englishmen, might possibly produce a revolution later, but more enlightened and comprehensive, than that of 1688.

This ill-fated prince rushed, with the blindness of a bigot, and the presumption of a despot, on his doom. He wantonly alarmed the only quarter which he had cause to fear—the religion of the people. He placed himself under the guidance of a cabal of Roman catholics, chiefly directed by father Petre, an intriguing jesuit, but incapable politician. Lord Sunderland, a person without conscience, principle, or decency in religion, politics, or morals, joined this cabal with the hope of supplanting Rochester, whom the new king had recently made lord-treasurer.* James, thus encompassed and influenced, was no longer content with hearing mass in the queen's chapel. He went in state to receive the

welfare of the kingdom." Ralph, i. 847. This address is stated (Life of James, ii. 17.) to have been drawn up by sir Bartholomew Shower, a prostitute court lawyer, who made some amends by resisting and exposing the abuses of Whig government after the revolution. There is, in Somers's Tracts, a very able pamphlet by him, entitled "Reasons for a new Bill of Rights, &c."

* His brother, lord Clarendon, was at the same time made lord privy seal in the room of lord Halifax, removed not raised to the presidency of the council.

sacrament in the chapel-royal, according to the rites of the church of Rome. Rochester, to save his protestant conscience, and his influence with the high church, absented himself, under the pretence of indisposition, with the private consent of the king.* Other great officers of state stopped short at the threshold of the temple of idolatry.† Protestants began to entertain serious fears for their religion‡; the pulpits resounded with denunciations of popery; James, irritated or alarmed in his turn, commanded the bishops to rebuke the violence of their clergy.

It was said, in defence of James's ostentation of his religion, that he could not prevaricate with God.§ His own statement of his motives to Barillon was, that any concealment of his religious faith would be unbecoming his character, and that he trusted against all hazards in the protection of God and the French king.|| His conduct may be safely ascribed, in the main, to that infirmity of narrow minds which Englishmen commonly term bigotry in a papist, zeal in a protestant.

This view is accordant with his other acts. He discovered in his brother's cabinet two controversial papers, in the handwriting of the late king, leading to the conclusion, that "Christ could have but one church here on earth;" which church was that of Rome, and not the church of England, a recent and schismatic one. There was little force, and still less novelty, in the arguments, but James bore them in triumph to archbishop Sancroft, and staked his own return to the church

* Letters of Barillon, Mazure, i. 402.

† The duke of Norfolk, bearing the sword of state, stopped at the chapel door; upon which the king said to him, "My lord of Norfolk, your father would have gone farther;" and the duke replied, "Your majesty's father would not have gone so far."

‡ Lett. of Barillon, in Mazure, i. 401.

§ Caveat against the Whigs.

|| Lett. of Barillon, in Mazure, i. 400. Louis XIV., now on the eve of revoking the edict of Nantes, encouraged James in his devout infatuation, through Barillon — whilst don Pedro Rouquillo, the Spanish ambassador, warned him of the danger of listening to priests who would urge him to interfere with the national religion. James asked in reply, with surprise and displeasure, whether the king of Spain did not consult his confessor? — "Yes, sir," rejoined the Spaniard, "and that is the reason our affairs go so ill." — *Puffendorf, Rer. Brand.*

of England upon that prelate's ability to refute them. Sancroft, a pliant courtier or weak man, first perused, then pondered over them, and finally declared that it would ill become him to contradict his late sovereign, whom he never supposed to have been such a master in controversy. James published them to the world, with his own attestation of their authenticity *; a third paper †, in

* The reasoning of these papers, though in the king's handwriting, are wholly alien to his usual style, as well as to the cast of his mind, and were probably the dexterous suggestions of some more expert theologian. It turns mainly upon the common, and sometimes embarrassing, tactic of the champions of the church of Rome, viz. pressing the church of England with conclusions from her own premises — of which the most recent and one of the most remarkable instances may be found in a Roman catholic periodical publication, respecting the Oxford controversy, in the case of doctor Hampden.

† The duchess's paper is more curious; she ascribes her adoption of popery to a protestant church historian (Heylin), and two protestant prelates — archbishop Sheldon, and Blandford, bishop of Worcester. "I made it," says she, "my continual request to Almighty God, that, if I were not, I might, before I died, be in the true religion. I did not in the least doubt but that I was so, and never had any manner of scruple till November last; when, reading a book called 'The History of the Reformation,' by Dr. Heylin, which I had heard very much commended, and had been told, if ever I had any doubt in my religion, that would settle me; instead of which, I found it the description of the horridest sacrileges in the world; and could find no reason why we left the church, but for three the most abominable ones that were ever heard of among christians: first, Henry the Eighth renounces the pope's authority, because he would not give him leave to part with his wife, and marry another in her lifetime; secondly, Edward the Sixth was a child, and governed by his uncle, who made his estate out of church lands; and the queen Elizabeth, who, being no lawful heiress to the crown, could have no way to keep it, but by renouncing a church that could never suffer so unlawful a thing to be done by one of her children. I confess, I cannot think the Holy Ghost could ever be in such councils; and it is very strange that, if the bishops had no design, but, as they say, the restoring us to the doctrine of the primitive church, they should never think upon it till Henry the Eighth made a breach upon so unlawful a pretence. These scruples being raised, I began to consider of the difference between the catholics and us; and examined them, as well as I could, by the holy scripture, which though I do not pretend to be able to understand, yet there are some things I found so easy, that I cannot but wonder I had been so long without finding them out; as the real presence in the blessed sacrament, the infallibility of the church confession, and praying for the dead. After this I spoke severally to two of the best bishops we have in England," (Dr. Sheldon, archbishop of Canterbury, and Dr. Blandford, bishop of Worcester,) "*who both told me there were many things in the Roman church which it were very much to be wished we had kept; as confession, which was, no doubt, commanded by God: that praying for the dead was one of the most ancient things in christianity: that, for their parts, they did it daily, though they would not own it; and, afterwards, pressing one of them*" (Dr. Blandford) "*very much upon the other points, he told me that, if he had been bred a catholic, he would not change his religion; but, that being of another church, wherein, he was sure, were all things necessary to salvation, he thought it very ill to give that scandal as to leave that church wherein he had received his baptism.*"

The three papers may be seen in the Harleian Miscellany, ix. 159. 163.

the handwriting of the late duchess of York, setting forth the grounds of her conversion ; and a narrative by father Huddlestone, of the late king's dying in the communion of the church of Rome.

Some indulgence is due to an eager zealot whose faith in his religion was as undoubting as the assent of reason to demonstrated truth in other men ; who saw in the propagation of his faith the eternal happiness of mankind ; and who was so much of a propagandist with so little intolerance.

The late king, it has been seen*, was too indifferent or too prudent to release the victims, or relax the execution of the penal laws. James paralysed the arm of extortion and corrupt † persecution through the kingdom by an instruction to the circuit judges, and liberated several thousand prisoners for recusancy, protestant and papist, by his royal warrant. This arbitrary and lawless pretension is palliated, if not excused, by the practical and paramount humanity of the act. Of the recusants actually in prison about 1500 were quakers ‡ ;

* See Vol. VII.

† "This," says Sewell, "was the king's first step towards liberality of conscience, as well for papists as other persons mentioned in the schedule annexed, which put an effectual stop to persecution, and the power of the informers was thereby much broken ; and since the most of these were generally base fellows, and profligate persons, who did not care what they did, provided they might enrich themselves, they often dealt treacherously even with the persecuting justices ; who also were eager for having part of the prey, and yet, by the artifices of these rapacious wretches, were deprived of it, which some of them now smarted for. Among the rest, I find that one John Hilton was committed to gaol, as may appear from this warrant of the recorder :—

"To the Keeper of Newgate.

"Receive into your custody the body of John Hilton, herewith sent you, being charged upon oath, before me, for compounding several warrants under my hand and seal, for levying of several sums of money on persons convicted for being at several conventicles in Kent, London, and Middlesex."—*Sewell*, ii. 316.

‡ Sewell's *History of the People called Quakers*, ii. 314, where see the quakers' petition, and list of victims, upon which he observes : "The list, with the aforesaid petition to the king and parliament, was not altogether ineffectual : for there was much talk now of liberty of conscience ; but, since all the liberty that was enjoyed was only precarious, it could be but little depended upon ; yet many seemed to be in expectation that some grant of that liberty would be published in print ; and thus it became a common saying, that liberty of conscience was in the press, which, being of an equivocal signification, sometimes afforded matter of sport. But many of the episcopal church were so strongly bent to withhold that liberty from other protestants, that there were no ill-grounded reports, that some

the most pacific, patient, and benevolent of sectaries in religion or philosophy, christian or pagan.

James soon proved that his declaration of trust in the protection of the French king, as well as of God, was not a vain compliment. He accepted from that prince a gratuity of 500,000 livres, on his accession, with tears of gratitude; renewed, by abject solicitation, his brother's pecuniary dependence on that prince; and made him excuses, still more abject, for having called a parliament — promising not again to call one without his leave.* The person most prominent in this transaction is Rochester, the champion of the high church. "Your master," said he to Barillon, "must place mine in a situation to be independent of parliament; to refuse him money, at this critical moment, would be to place him at the mercy of his people."

The church of England had, doubtless, its share in the revolution; but its champions, both lay and spiritual, would have allowed James to dispense with parliaments, and become absolute, had he allowed them, in their turn, to domineer over popery and protestant dissent. He lost himself by not accepting the compromise.

The elections proceeded in favour of the court, with unusual apathy on the part of the people. Meanwhile the king was crowned, and a parliament opened by his commissioners in Scotland—both on St. George's day. †

If James's conscience was disturbed by his promise to protect the church of England, he must have scrupled still more to receive the crown from a prelate of that church,

in authority had promised the king, to give their vote for liberty of conscience to the papists, provided it was not granted to other dissenters. Nevertheless, the above said petition of the quakers had such effect, that the king resolved to ease them from the burden of their oppression, by way of pardon."—314, 315.

* Barillon's Corresp., from Feb. to July, 1685, in Fox's App. Mazure, i. 395. *et seq.* He at the same time made poor attempts to maintain his regal pride by affecting equality with the prince of whom he was the hireling. He received the French envoy extraordinary, De Lorge, seated and covered, because Churchill, his envoy, had been so received by Louis XIV. The latter only laughed at him, "Le roi mon frère," said he, "est fier, mais il aime assez les pistoles de France." — *D'Avaux*, iv. 313. *Mazure*, i. 423.

† May 9.

and take the coronation oath. But, where a great temporal interest is at stake, the most bigoted conscience will capitulate; and James had a convenient resource in the very extent to which he was priest-ridden; for the spiritual guides of princes know well when to relax and when to strain the curb upon either their passions or their scruples. Father Petre and his cabal sat in conclave on the matter; the pope was consulted*; a case in point was found in the crowning of Sigismund of Sweden by the protestant archbishop of Upsal; and both the king and the queen received the crown from the hands of Sancroft, archbishop of Canterbury.

James reconciled his conscience to that part of the coronation oath which bound him to maintain the church by a most shallow and perfidious quibble. He told Barillon, in confidence, that the oath was unchanged as it stood in the time of Edward the Confessor, to maintain inviolate the rights and liberties granted by that prince, who was a good catholic, and had obviously vested them in the church of Rome.†

The duke of Queensberry, as commissioner, opened the parliament of Scotland by reading the king's letter. The estates, so called, were plainly told by the king, that they were summoned by him to set an example of servility. Queensberry and the chancellor Perth successively harangued them; both exalted the prerogative, and urged implicit obedience in terms of grovelling

* Mazure, *et suprâ*. Letter of Barillon to the king.

† This equivocation is brought home to James by the dispatch of Barillon, much more conclusive than the former, which depends upon the credit and accuracy of the compiler from his memoirs. The only question is, whether it was or was not suggested to him from Rome, or by his confessor? It is evident, the queen, a scrupulous Roman catholic, would not have joined in ceremonial prayer at the coronation with a protestant prelate, if she had not had some instruction or dispensation from the pope. The only difference in the ceremony, from that observed in the crowning of protestant princes, was the omission of the sacrament. Dr. Lingard, who had evidently read this passage in Mazure, gives no reference to it, but refers to the letters of Barillon, in the French archives, — whither few readers can follow him — slurs over this business of the coronation in a note, and passes in silence over James's mental quibble. The evil omens recorded by bishop Burnet are too frivolous to deserve mention. They have not even the interest of being curious. James was ill at ease during the ceremony, and the banquet which followed. Possibly those ominous accidents disturbed his imagination. He further told Barillon that he apprehended some attempt upon his life. Mazure, i. 414.

flattery "to the best of kings," of ribald fury to such as were opposed to the court* ; and the parliament responded by voting him his brother's revenue, — the further sum of 25,000*l.* a year for his life, — and several enactments of iniquitous cruelty against nonconformists, but more particularly field-conventiclers. The king, in the intoxication of his power and presumption, told Barillon, he prayed that his enemies would show themselves, to give him the opportunity of extinguishing them.† His prayer was granted. Invasion and insurrection threatened him at the moment in two of his three kingdoms.

James, on his accession, sounded the dispositions of his son-in-law towards him on different points, more especially the discouragement and removal of British refugees in Holland. The prince replied by earnest professions of good will, and partial, if not illusory, compliances in fact. Monmouth, however, the most dangerous and obnoxious of the exiles, withdrew from the Hague to Brussels ; and the prince of Orange pledged himself, first through Overquerque, whom he sent to compliment James, next through Skelton, James's ambassador, to hold no further communication with him.‡ That ill-fated person now renounced his projects of ambition§ in the society of lady Henrietta Wentworth, who, uniting a romantic imagination with personal graces, loved and inspired him with a passion so tender and faithful, that he asserted the sanctity of their union, in defiance of three churchmen, when preparing to die.

The Scotch refugees had celebrated with a carousal the accession of James, as an event most auspicious to them || ; and Argyle, who since his flight brooded over his sense of wrong and hopes of vengeance, readily entered into their views of an expedition to Scotland. They applied to Monmouth. The weakness of his

* The opponents of the court are called by the one, "fanatics, murderers, assassins," &c. ; by the other, "a venomous bastardly brood of villains," and "devils incarnate."

† Mazure, i. 449.

‡ His Letter, in Welwood's App.

§ D'Avaux, iv. 316. 347.

|| D'Avaux, iv. 291.

character, the ardour of his courage, the contagious enthusiasm of a mistress whose first object was the glory of her lover, made him relapse into his former visions of ambition or vanity: he met Argyle, and the other chief exiles*, secretly, in Holland; and the result was, that two expeditions should be prepared to act in concert—the one to sail for Scotland, under the command of Argyle, the other for England, under the command of Monmouth. Argyle received 10,000*l.* from a rich widow of Amsterdam†; Monmouth sold his own and his mistress's jewels; and, with these slender means, they began to prepare, in secret, two petty armaments against the monarch of three kingdoms.

It would be alike tedious and idle to detail the differences that occurred as to the course to be pursued. Monmouth is said to have been dilatory. Fletcher of Saltoun, already named as having fled from the tyrannic administration of James in Scotland, — a man of rare genius, uniting military gallantry with the civic virtues, and meditative philosophy with an active and antique love of freedom, — pronounced the design hopeless under the circumstances. Argyle, with lord Grey, and the preacher Ferguson, were impatient for its immediate execution.‡ The counsels of the latter prevailed. Argyle sailed on the 2d of May from Ulie, with sir Patrick Hume and sir J. Cochrane, his countrymen, Rumbold and Ayloffé, Englishmen, and about 100 followers, on board three small armed vessels.

It was concerted between Argyle and Monmouth, that the latter should sail for England after the lapse of six days. It was three weeks before he left the Texel with a frigate, three small vessels, and about 150 followers, including lord Grey, Fletcher, and Ferguson.

* These were lord Grey of Wark, Rumbold, Ayloffé, English; lord Melville, Fletcher of Saltoun, sir Patrick Hume, Sir John Cochrane, Ferguson, Scotch.

† Dr. Lingard, without citing any authority, or stating any ground of opinion, says, this was a pretended donation of money really sent him by his friends in Scotland.

‡ There are irreconcilable, but now unimportant, discrepancies on this part of the subject in Monmouth's letter to the king, lord Grey's narrative, and the narrative of sir Patrick Hume, in the Marchmont Papers.

James meanwhile, on the 22d of May, opened his first parliament. The delivery and effect of his speech is recorded with graphic minuteness by a keen observer.* Whilst the king entered the house of lords, and ascended the throne, all eyes were fixed upon him, in the silence of doubt and fear rather than respect.† After repeating, almost literally ‡, the assurances given in his first speech to the council, that he would support the church, and govern according to the laws, he proceeds: “and having given this assurance, concerning the care I will have of your religion and property, which I have chose to do in the same words which I used at my first coming to the crown, the better to evidence to you that I spoke them not by chance, and, consequently, that you may firmly rely on a promise so solemnly made.”§ — At these words he was interrupted by a murmur of satisfaction and assent from the whole assembly. He resumed, and followed up the thread of the speech by demanding, in return, the same revenue for life which had been enjoyed by his brother — making anticipated battle against what he called a popular argument. “There is,” says he, “one popular argument which I foresee may be used against what I ask of you, from the inclination men have for frequent parliaments, which some may think would be the best security, by feeding me, from time to time, by such proportions as they shall think convenient,—and this argument, it

* Barillon's Despatch, Mazure, i. 437. &c. M. Mazure asserts that the speech in the “Life of James,” &c., “singularly attenuates the royal promises.” This is mistaken and unjust. It agrees literally with the copy on the Journals, and is quite as emphatic as the version of Barillon.

† Mazure, *ibid.* 439. There were, according to Sir John Reresby (*Mem.*), fears of popery, toleration, and the repeal of the *habeas corpus* act.

‡ This repetition throws further discredit on the passage before cited from the MS. Memoirs, and tends to fix them on the compiler, not on the king.

§ It will be observed, that he pledges himself “not to invade any man's property;” but the word “liberty” does not escape his lips. It should be remembered, however, that his predecessors, whether Stuart or Tudor, held it for a maxim, that the people had a right only to the secure possession and enjoyment of their property, and should not presume to meddle with affairs of government. This was propounded on frequent and solemn occasions by Elizabeth, James I., and Charles I. As to Charles II., he had no settled maxim of government.

being the first time I speak to you from the throne"—he no sooner uttered these words than "every face in the assembly," says Barillon, "was covered as it were with a cloud"* — the king continued—"I will answer, once for all, that this would be a very improper method to take with me." He concluded by saying, that news had reached him that very morning of Argyle's landing, with a rebel band from Holland, in the western Highlands, where he had issued two declarations, "in which," said James, "I am charged with usurpation and tyranny."

James assuredly was not a usurper, but he revealed the temper and purposes of a tyrant in this very speech †, —the more clearly, that the menace which he threw out to this craven ‡ parliament was gratuitous. The commons, having taken into consideration the king's speech, voted him, without one dissentient, a revenue of 1,200,000*l.* for his life; and pledged their lives and fortunes in support of the king against the rebel and traitor Argyle. It is true that sir Edward Seymour

* Barillon is a better witness of the impression produced, than either Evelyn or the Journals.

† This speech bears internal evidence of coming from the king himself, even without the express authority of North (*Life of the Lord Keeper*), who gives a speech, in the usual style of rhetoric, prepared for him by the lord keeper, and rejected, it may be added, very properly, by the king. Evelyn remarks the omission of any speech by the lord keeper after the king. (*Diary*, i. 562.)

‡ It is asserted by Evelyn, that this parliament comprised several persons of mean condition, even gentlemen's servants. The list of names does not bear him out. He was evidently piqued by the loss of his brother's election for Surrey. Bishop Burnet describes it in nearly the same terms. Lord Bolingbroke vindicates it, in reply to Burnet, as follows:—"Bishop Burnet speaks of this parliament very indecently, and, I think, very untruly. They were neither men of posts nor estates according to him. The truth is, that the circumstances under which they were brought, by the factious proceedings of both parties, in the late reign, for and against the court, were such as might perplex the best parts, and puzzle the heads, even of the wisest men. A professed zealous papist, in full and quiet possession of the throne, and, instead of any provision made or any measures taken against him, the notion and the exercise of the prerogative established at an extravagant height, were such circumstances as laid the nation almost at the mercy of the king. They, therefore, who were most determined not to part with either their religion or their liberty, and yet had more to lose in the fray than Dr. Burnet, might be willing to look round them, and to wait opportunities, and not undertake rashly what can seldom be undertaken twice. It is impossible to believe that their confidence in the king's word was such as they affected. But like drowning men, who saw nothing else to catch at, they caught at a straw."—*Dissertation on Parties*.

made a bold speech, but upon, rather than against, the revenue.* He merely urged, that the new charters had placed the representation at the disposal of the court; and that a parliament, so constituted, might introduce popery. No one supported, and the courtiers abstained from replying to him. He was actuated, most probably, by some motive of personal ambition or pride, which in him were inordinate, and sometimes had the semblance of courage and public virtue.

Religion alone could wake this parliament to any manifestation of independence. The house, in committee, came to a unanimous resolution of supplicating the king to enforce the penal laws "against all dissenters from the church of England whatsoever." James immediately summoned to his presence several leading members of the house, and told them, in a tone of rebuke and menace, to present no such address to him. It was accordingly got rid of by the previous question, next day, on the presentation of the report, and a resolution agreed to, that they trusted to the king's word for the safety of the church of England, "which was dearer to them than their lives." The speaker, in presenting this resolution with the money-bill, repeated in a marked tone the last emphatic words; and James, with that command over his thoughts and temper which had become an aphorism in king-craft †, reserved the expression of his resentment for the court dependants, who were members of the house, and the bishops, as the secret instigators. "Be it," said he, "ignorance or malice, you have forgotten your respect by demanding the execution of the penal laws against all dissenters whatsoever; you would have me, in my own person, to be the persecutor of the catholics. ‡

The parliament, Whigs and Tories, crouched before the king.§ An insidious but poor device was tried by the Whigs. It was proposed, in the house of commons,

* Barillon's Letters, 1 June, 2 and 4, Fox, App. Burnet, iii.

† Qui nescit dissimulare, nescit regnare.

‡ Barillon, in Fox's App. 93. Mazure, i. 445.

§ The rejection of the bill for reversing the attainder of lord Stafford

that the surviving voters for the exclusion bill should be disqualified for all places of trust and profit. A project which would remove Godolphin and Sunderland could not catch even eager servility in the house of commons, and was still less likely to impose on the court. It was, accordingly, scouted by the courtiers, and abandoned by its authors, on the instant.

News arrived, meanwhile, of the landing of the duke of Monmouth with his followers at Lyme, in Dorsetshire. Both houses immediately attainted him as a traitor. The commons voted an extraordinary supply of 400,000*l.*, and passed a most tyrannical* bill for the preservation of the king's person, which, however, did not reach the lords, in consequence of the adjournment from the 2d of July to the following November. The king, a few days before, had received the thanks of both houses for his gracious message, announcing the capture of "the arch-traitor and rebel Argyle." The ill-starred expeditions of Argyle and Monmouth may now be resumed.

Argyle, instead of taking the shortest course, and the advice of his chief followers, sailed to the northern isles, and, on the 6th of May, landed a party in the Orkneys. Two of these, Spence, his secretary, and Blackadder, a surgeon, were seized at Kirkwall; and notice of the invasion was immediately conveyed to Edinburgh and London. He afterwards landed in Lorn, and in Kantire; appealed to his vassals by personal solicitation, and the clan-symbol of the fiery cross; published two

may be considered an exception. It passed the lords, but was either thrown out or abandoned in the commons — because the preamble set forth that he died innocent, and the evidence against him was false. Five lords (Anglesea, Radnor, Stamford, Clare, and Eure,) entered their protest against this allegation. Such was the tenacity with which the Whigs still clung to the skirts of Titus Oates. Oates, about a month before, had been convicted of perjury upon two indictments, and sentenced to 1000 marks fine, degradation from holy orders, and public whipping, and the pillory four times a year for his life. The sentence was pronounced by the infamous judge Withers, who told Oates he would pass upon him the sentence of hanging with still more pleasure.

* For some curious particulars respecting this bill, see "Fox's History," &c. 154. Rose's "Observations," &c. 155., and Heywood's "Vindication," &c. 218.

declarations ; one charging popery, prelacy, tyranny, and fratricide, upon James, the other setting forth his own wrongs ; met little encouragement from the mass of Highlanders ; and was betrayed by the laird of Lochniel.

Scotland, meanwhile, was put into a posture of defence ; armed bodies of volunteers, militia, and regular troops, were sent into the western districts, and two frigates appeared off those shores. Argyle had now about 2000 men ; but dissension and delay, and the appearance of those frigates off Ayrshire, obliged him to abandon an attempt upon the Lowlands, and resume at disadvantage his own view of proceeding to Inverary. Jealous discord among the chiefs, who constituted a superintending council, thwarted his designs and paralysed his operations, the details of which may be omitted. He found himself opposed by the clans of Hamilton, Macdonald, and Athol, his hereditary enemies. The castle of Ellengreg, containing his artillery and ammunition, was basely abandoned, by the party left by him in charge of it, to Hamilton, commander of the king's ships. Among the spoils was his standard, floating from the castle, with the inscription "against popery, prelacy, and Erastianism ;" a piece of narrow bigotry, even viewed as a politic appeal to others. To deserve success, the appeal should have been to the love of country and of freedom. He resolved to march upon Glasgow, the stronghold of the covenant ; lost his way at night, through treachery or ignorance ; and found himself not only embarrassed by wilds and marshes, but opposed by lord Dunbarton with a strong military force. His followers abandoned him, with the exception of a small body, over which he lost all command. Hume and Cochrane separated from him with about two hundred men*, and

* It is a disputed question, whether Argyle deserted or was deserted by the small remnant of his followers. Those who feel any interest in the matter may compare the facts and reasonings of Woodrow, sir P. Hume, (Narrative in Marchmont papers), Fox's Historical Fragment, Rose's Observations, and Heywood's Vindication. It should be remembered that

crossed the Clyde. He presented himself alone at the door of an old dependent, was refused shelter, and proceeded towards the Clyde in disguise, attended only by Fullarton. Upon reaching the port of Inchanan, they were challenged by a party of militia. Argyle, who was mounted, attempted to escape, whilst Fullarton was making terms of surrender, affected or real, with the commanding officer. Two horsemen pursued, overtook, seized, and dragged him, with themselves, to the ground. He presented his pistols, upon which they retired; but, being reinforced, they again attacked and overpowered him, after having fired without effect.* Fullarton, also, was overpowered, and made prisoner.

Argyle was led in mournful triumph, his hands tied—his head bare—preceded by the executioner—to the castle of Edinburgh, on the 20th of June. His behaviour in prison was distinguished by firmness, magnanimity, and the most touching signs of a gentle nature. The Scottish parliament petitioned the king for his execution, without mercy and without trial, under his former sentence. The answer of James was a warrant for his death, after a lapse of three days, not by way of respite, but to be employed in “*all ways*” of making him discover. This suggestion of torture (an odious trait in the life of James) was not acted upon; and, in his examination by Queensberry, the king’s commissioner, he compromised neither his honour nor his friends. He prepared for death with admirable serenity; and laid his head upon the block, with unshrinking courage, on the thirteenth day after he had fallen into the hands of his enemies. The cruelties and indignities, so nobly borne by him, have been justified as retaliations for the ignoble

Argyle was not alive to answer his accusers; that his heroic death remains a strong presumption against any want of courage in his life; and that, in his account, written in prison, (Fox, 208. from Woodrow,) he imputes to some about him (doubtless Hume and Cochrane) ignorance, cowardice, and faction.

* Mr. Fox, following Argyle’s own account of his capture, rejects as fabulous the story of his discovering himself by the exclamation, “Unfortunate Argyle!”

vengeance of the covenanters, in their day of power, on the gallant Montrose. They are so viewed, if not vindicated, by Echard, in his perfidious compilation. To recall long past atrocities of sect or party by retaliation, or even by reproach, is to propagate them, and thus arrest the course of civilisation, reason, and humanity.

Of Argyle's chief followers three were taken — Cochrane, Ayloffé, and Rumbold. Cochrane purchased his life by the merit of previous treachery, according to some writers; by a large bribe, which his father furnished, according to others. Ayloffé, already outlawed for the Rye-house plot, was sent to London, for execution, not trial. He attempted suicide without success; and is said to have made an observation, more striking than probable, whilst under examination by James in person. "Mr. Ayloffé," said the king, upon his refusal to make discovery, "you know it is in my power to pardon you; therefore, say that which may deserve it." To which he replied, "Though it is in your power, it is not in your nature."* Rumbold, covered with wounds, after a desperate defence, had not enough of life to bear his removal to London; he was tried, or, rather, interrogated, and executed in Scotland. He repudiated indignantly the Rye-house plot †; but avowed and vindicated his participation with Argyle, and the justice of their cause, at his trial and on the scaffold. "I am sure," said he, "that there is no man marked of God above another; for none comes into the world with a saddle on his back, neither any booted or spurred to ride him." An old soldier of the commonwealth, he died with unshaken courage, though so exhausted by his wounds, that he was borne on men's shoulders to his trial, and to the scaffold.

Meanwhile Monmouth landed with his followers at Lyme, in Dorsetshire, on the 11th of June, six days

* The King's examining him is rendered somewhat less improbable by the fact of his relationship, through the wife of Clarendon, to the first duchess of York.

† See last vol. p. 332., and the extracts from lord Fountainhall, in Fox's Appendix.

only before the capture of Argyle. Having offered up a prayer for success, he marched into the town, at the head of his band, with his sword drawn, his countenance radiant with hope and gallantry, yet having, it is said, a secret and invincible presentiment of failure* ; and made public his declaration against "James, duke of York." This manifesto †, drawn up by the intriguing, if not treacherous, Ferguson, is characterised by dull malice, bigot rancour, and impudent falsehood. After denouncing James as the contriver of the fire of London, the fomentor of the popish plot, the forger of accusations of treason against protestants, the suborner of witnesses against innocent lives, the secret instigator of the assassination of Essex and of others to conceal that crime, the destroyer of the life, and usurper of the crown of his brother the late king, the barefaced and avowed encourager and practiser of popish idolatry, it sets forth Monmouth's resolution to pursue him as a tyrant, traitor, murderer, and parricide ; and, notwithstanding the legitimacy of his own birth, to leave the settlement of the government to a free parliament.

The popular execration of James's religion had extended to his person ; and Monmouth's declaration, however offensive to the more reflecting classes, rallied round him in crowds the ignorant and unarmed peasantry. He had a supply of arms, which he placed in their hands ; and instead of trusting, as he should

* The mysterious impression called presentiment is analysed by Mad. Roland with her usual finesse. After describing her presentiment of her mother's death, she proceeds : " Assurément, on a pu juger, par l'exposé de mes opinions, et surtout par le développement successif des idées que j'avais acquises, que je ne partageais pas plus alors certains préjugés, que je n'ai aujourd'hui de superstition. Aussi, en méditant ce qui pouvait donner lieu à ce qu'on appelle des pressentimens, j'ai cru qu'ils se réduisaient à cet aperçu rapide de gens qui ont l'esprit vif et le sentiment exquis, d'une foule de choses imperceptible, qu'on ne saurait même désigner, qui sont plutôt senties que jugées, et dont il résulte une affection qu'on ne peut motiver, mais que les effets viennent éclairer et justifier. Plus est vif l'intérêt que nous inspire un objet, plus nous sommes clairvoyans sur son compte, ou susceptibles à son sujet ; plus nous avons de ces aperçus physiques, si je puis ainsi dire, qui s'appellent ensuite des pressentimens, et que les anciens regardaient comme des augures ou des avis des dieux." (Mémoires de Madame Roland, i. 215, 216.) It is easy to apply this to Monmouth.

† It may be found at length in Somers's Tracts, vol. ix.

have done, to their strength of muscle, their gregarious instinct, and their hearts, in the use of the weapons of war, lost time and neutralised their vigour by an attempt to drill and regiment them into soldiers. He thus wasted four precious days before he left Lyme, at the head of about 3500 men,—a small force for such an enterprise, and damped, moreover, by two inauspicious incidents.

Lord Grey, detached with 300 men to occupy Bridport, soon returned at full gallop, and announced that his party was put to the rout. It proved that he fled at the first exchange of shots, in panic fear, with the cavalry, whilst the infantry carried the place against a superior force of royalist militia. "What shall I do with lord Grey?" said Monmouth to captain Mathews, one of his followers; who replied, "You are the only general in Europe who would ask that question." * Fletcher of Saltoun, also ordered upon a special service, demanded and seized a spirited war-horse, mounted at the moment by its owner, Dare of Taunton, who had fled to Holland in 1682. The Englishman resisted the attempt to dismount him, and struck Fletcher with a cane, upon which the Scotchman, impatient of the profanation of his person, shot the offender dead at his feet. Dare's friends clamoured for vengeance, and Monmouth found it necessary to send Fletcher away privately by sea. The unfortunate adventurer thus lost at once a man of courage, capacity, and experience in war, and a local partisan of the greatest value to him at the moment.

From Lyme Monmouth proceeded to Somersetshire, avoiding instead of encountering bodies of militia in his way; and made his first halt between Chard and Axminster. Here the intriguing Ferguson, and the dastard Grey, proposed that he should take the title of king. It was, for the present, overruled by his repub-

* This anecdote rests on the authority of Ferguson. MS. cited by Echard, 1663.

lican and more prudent followers.* He next proceeded to Taunton, and was received there with enthusiasm. Shouts rent the air; his way was strewed with flowers; and a deputation of twenty-six young girls, of the best rank in the town, presented him with a standard, a sword, and a bible. He kissed the bible, and swore to seal its truths, if necessary, with his blood. Intoxicated with this incense, he took council of Grey and Ferguson; proclaimed himself king by the style and title of James II.; summoned the duke of Albemarle, who commanded some militia in the neighbourhood, to submit to him as his subject, on pain of being pursued and punished as a traitor; and set a price upon the head of James, duke of York, as a traitor and usurper. His force by this time amounted to 6000 men. The mere peasantry were, perhaps, rather dazzled than discouraged by his assumption of the style and ensigns of royalty. That step, however, whether the result of his own vanity or of extrinsic counsels, was a fatal proof of the weakness of his judgment and character. The republicans were disgusted; the friends of the protestant succession, and the princess of Orange, were alarmed; and the royalists treated his manifestoes and letters, addressed to them, with derision.†

Imbued with the pedantry, without the genius of the art of war, he again wasted precious time at Taunton, as before at Lyme, in drilling his raw levies; and it was not till the 21st of June that he proceeded to Bridgewater,—whence he advanced next day with the view to possess himself of Bristol. After crossing the Avon at Keynshawbridge, he halted in his march on Bristol; fell back, for reasons variously stated, upon Keynshaw; and learned that the main body of the royal army, horse and foot, was posted at Weston and Sedgemoor.

* Narrative of captain Wade.

† The duke of Albemarle answered his summons; but lord Churchill, to whom he addressed a letter, treated it as a jest.

James was not well prepared to resist the invasion of Monmouth. His measures, however, were, on the whole, resolute and prudent. He gave the command of the militia to the dukes of Albemarle, Somerset, and Beaufort, lord-lieutenants of the counties; ordered them to watch and impede, but not engage the enemy, until the regular troops should come up, under lord Churchill; and appointed lord Feversham commander-in-chief of the royal forces in the field. His headstrong zeal as a religionist impelled him to commit a serious imprudence. He commissioned the catholic lords to levy troops. This not only shocked the feelings, but offended and alarmed the serious fears of the great mass of protestants. It was rumoured that he was using Monmouth's invasion as a pretext for raising a popish army for the overthrow of the religion and liberties of the people.* Meanwhile, the royal army, commanded by lord Feversham, had approached Monmouth, as above stated, and obliged him to abandon his design upon Bristol.

The marches and counter-marches of Monmouth, upon a petty scale of operations; his trifling skirmishes, without result †; his despondency ‡, from the failure of promised risings in his favour, and the news, which now reached him, of the capture of Argyle; the affair of posts between him and his half-brother the duke of Grafton, at Philip's Norton—may all be passed over, as the mere prelude to the battle of Sedgemoor—if an affair so feebly fought, however disastrous to him, deserve to be called a battle.

Feversham's force consisted only of 2000 foot and 500 horse§, but regular troops. Monmouth, distrust-

* Mazure (Barillon's Despatch), i. 471.

† After some hours firing between two detachments, Monmouth lost but one man, according to Wade's narrative, and Feversham not even one, according to the official account in the gazette.

‡ The question was agitated in a council of war, whether Monmouth and his chief officers should not disband their followers, and escape by the nearest sea-port. Lord Grey, so liable to panic in action, was one of the most earnest against this craven resolution in council.

§ Life of James, ii. 30.

ing the great numerical superiority* of his own raw levies, feared an engagement in the field, and came to the resolution of surprising him by a night attack. He was encouraged by observing, in person the negligent security of the royalists. It was further reported, by his scouts, that the enemy's position was not intrenched.

Lord Grey was charged once more with the command of the cavalry. "Remember," said captain Mathews to Monmouth, "the affair of Bridport." Monmouth replied, "I will not put such an affront upon my lord Grey; and I send him moreover upon easy service."

On the night of the 5th of July, at eleven o'clock, the insurgent army moved upon the royalist encampment. Monmouth commanded the main body; Wade the advanced guard; Grey the cavalry; and a Dutch cannoneer the artillery, composed only of four guns. Grey, with the cavalry, was the first who approached the enemy's lines. When on the point of bursting into the royalist camp, he was suddenly arrested by a channel, which conveyed away the waters of an adjoining marsh. The only effect of his advance was to rouse Feversham. That incompetent commander, after a moment's confusion, ordered some troops to the ditch; and their disorderly fire sufficed to rout Grey and his cavalry. Monmouth himself now moved with his infantry to the ditch. His men, instead of crossing it without firing, began an ineffectual discharge at a distance. The royalists had time to rally and advance upon their assailants. They made a sally, crossed the ditch which had arrested the insurgents, and charged them with the impetuosity of assailants, and the advantage of discipline. The insurgents, on their side, a disorderly and ill-armed mass, fought bravely; some with scythes,

* Barillon, however, in most instances (Mazure, tom. i. liv. ix. *ad finem.*) greatly overstates Monmouth's numbers; repeating, doubtless, in his despatches the exaggerated accounts which reached London from the west.

others, either from want of ammunition or of expertness, with the butt end of their muskets.* The dawn of day discovered to them a spectacle of carnage and confusion which damped their courage. Feversham's artillery played upon them in flank. They were at the same time attacked by the whole royalist cavalry. Monmouth, in despair, left the field with lord Grey †; and his unfortunate followers, after about three hours' fighting, were put to the rout, leaving behind them 1500 slain and 500 prisoners. ‡ The loss of the royalists is stated to have been 300.§

Such was the affair which decided the fate of three kingdoms. The question, whether Monmouth was defeated through the cowardice of Lord Grey at the first onset, or his own premature abandonment of the game and of the field, is no longer capable of solution, and is scarcely interesting enough to be made the subject of speculation or conjecture.||

The unhappy Monmouth, now a fugitive, thought of seeking refuge in Wales. Lord Grey, his evil genius ¶, dissuaded him; and he directed his course, in company with Grey and a Brandenburg officer, in the direction of the New Forest. They disguised themselves as peasants, abandoned their horses, and wandered on foot over the country by devious and difficult paths, whilst the noise

* Barillon, in *Mazure*, i. 478.

† Lord Grey, then, must have rejoined Monmouth after his flight with the cavalry. There is much obscurity and contradiction in the various accounts.

‡ Barillon, in *Mazure*, i. 478. It should be observed that, of the 1500 slain, some only were left dead on the field, the rest were killed in the pursuit.

§ *Id. Ibid.*

|| Hume imputes it to the flight of Monmouth, Fox to the flight and cowardice of Grey, and he is borne out by the "Life of James," &c. which he had not seen. No one appears to have given the victor, lord Feversham, credit for any share in the result. Monmouth's followers were still fighting when he deserted them. He yet gained instead of losing reputation by this affair. "Si M. le duc de Monmouth," says Barillon, (*Mazure*, i. 479, 480.) "s'était pu cacher ou sauver, sa dernière action lui à acquis une telle réputation parmi les Anglois, qu'il auroit pu attirer beaucoup de gens à lui, toutes les fois qu'il se seroit montré aux peuples. Tous les Anglois presque sont au désespoir de voir régner sur eux un roi catholique. Tous les protestants zélés vont mettre leur espoir au prince d'Orange."

¶ So called by Mr. Fox.

of parties in pursuit of them frequently sounded in their ears. Grey was taken on the 7th, in the evening, the Brandenburger early on the following morning. The latter confessed that he had parted from Monmouth only a few hours before; and that ill-fated adventurer fell into the hands of lord Lumley and colonel Portman about seven in the afternoon. He was found half-concealed with weeds and fern, — a wretched spectacle, from hunger and fatigue. Thus exhausted in body, and broken down in spirit, he addressed to the king an imploring letter, which has been construed too severely against his character. After resting two days at Ringwood, he was escorted, by slow stages, to Whitehall.*

Monmouth, in his letter to the king, expressed his remorse; appealed to the prince and princess of Orange as witnesses of his having given them an assurance “never to stir against the king;” charged his guilt upon “some horrid people,” who abused him by false arguments and slanders of his majesty; begged an interview, “for he had that to say to him which he hoped might give him a long and happy reign;” implored the king’s pity; repeated his abhorrence of his crime; and declared that by “one word,” which he dared not write, he could convince the king of his new zeal and sincere repentance. He wrote, at the same time, to the queen dowager and lord Rochester.

These letters, but particularly, no doubt, the mys-

* See the official particulars of his capture and conveyance to London in Har. Misc. ix. 123. “The papers and books,” says this account, “that were found on him, are since delivered to his majesty. One of the books was a manuscript of spells, charms, and conjurations, songs, receipts, and prayers, all written with the said late duke’s own hand; two others were manuscripts of fortifications and the military art; and a fourth book, fairly written, wherein are computes of the yearly expense of his majesty’s navy and land forces. . . . As the prisoners passed through Rumsey, Winchester, Farnham, and Guilford, one would admire to see the very great numbers of the militia, with the deputy lieutenants and gentlemen of those parts, that were ready to guard them, and take off the fatigue of such as were on the march.” (Harl. Miscell. ix. 124, 125.) Whether the last statement be an official flourish, or a true representation of mock loyalty, is doubtful. He was taken on the 7th, and arrived in London on the 13th of July. See also extracts from Barillon’s Letters, in Mazure, ii. 110.

terious secret, which he could reveal by "one word," induced James to grant his prayer. They met privately at Chiffinch's, in the presence of Sunderland and Middleton, the two secretaries of state. There are several versions of what passed at this interview; and, whatever the variances, the impression is mournfully discreditable to both; the one begged mercy and his life with unmanly weakness*; the other refused them with inhuman apathy. There are, perhaps, grounds of excuse or indulgence for the suppliant and the king; — for Monmouth, in the instinctive love of life, and the clinging of his heart to an adored and adoring mistress†; for James, in his provocations. Monmouth made a pathetic appeal to him by the ties of kindred: "Remember," said he, "I am the son of your brother; it is your own blood that you would shed." But James saw in him a bastard-stranger to his blood, who not only had disputed with him his crown and title, but had loaded him with the most odious crimes — perjury and murder by subornation — poisoning and parricide in his own person. To spare Monmouth would have been magnanimous in James; — but is magnanimity so common a royal virtue? ‡

The unhappy culprit was brought into the king's presence with his arms pinioned; the scene between them lasted an hour; and lord Dartmouth received orders to escort him to the Tower. On their way he implored that nobleman to intercede for his life; and received for answer, that he had placed himself out of the pale of mercy by taking the title of king.§ He threw out, as a last hope, an intimation of his being disposed to be-

* If the "Life of James" (ii. 36.) may be trusted, he not only fell upon his knees, as stated by others, but "crawled upon them to embrace those of his majesty."

† See Ralph, i. 883.

‡ Perhaps the chief blot left by this scene, on the character of James, is his ungenerous departure from a well-known maxim of royal usage or etiquette, that a criminal should be allowed to see the face of his sovereign only to receive his pardon.

§ Not of lord Dartmouth the son, in Burnet, iii. 55.

come a catholic; and James sent persons, most probably priests, to confer with him on the subject. They reported to the king, that he sought to save not his soul, but his life.

He could not yet abandon all hope of mercy, and again entreated the two queens and several catholic lords, by letter, to plead for him; actuated, it is said, by his faith in the prediction of a fortune-teller, some years before, that, if he survived St. Swithin's (the next) day, he should live many years. His prayers and his hopes were unavailing. The attainder dispensed with any form of trial, and he received orders to prepare for death.

His wife obtained permission to see him, and the accounts of their meeting are not merely various, but contradictory.* It appears, from the sources of most credit, to have been cold, but decorous. Her object was, that he should exculpate her in the presence of witnesses, which he did, for the interests of their children, also prisoners in the Tower.†

He was attended by four divines, Turner and Ken, bishops] of Ely and Bath and Wells, and doctors Hooper and Tennison, afterwards prelates. Those divines, but more particularly the two bishops, put him to a moral torture of his feelings, to extort from him his assent to certain dogmas of the church of England — as divine right and passive obedience, — the guiltiness of his enterprise in the sight of God and the church, — the crime or sin of his relation to lady Henrietta Wentworth. He could not be brought to give his assent; he merely made a general confession of his sins, and of his sorrow for the blood which his enterprise had and would shed. The divines, upon this, left him, without administering the sacrament.

On the morning of the 15th he prepared himself to

* Life of James, ii. 38. Burnet, iii. 53. Note of sir Walter Scott, app. to Rose's Observations, &c. Barillon's letters, in Dalrymple and Mazure.
† Barillon, in Mazure, ii. 7.

die. The aspect of death, or the absence of all hope recalled his courage. He again saw his wife, with their children, and prepared, or only signed, a written declaration, to be placed by him in the hands of the sheriff on the scaffold. It set forth, that the title of king was forced on him; that the late king denied to him any marriage with his mother; and that he hoped his children should not suffer "on that account" from the present king.

About ten o'clock on the morning of the 15th he was led out to die, with an unusually strong escort, and military posts in the adjoining streets, as a precaution against the desperation of his partisans and the compassion of the people. The streets, the windows, and the roofs of houses, were crowded with spectators of the mournful procession. His graceful person and gallant bearing produced an universal mingled murmur of sighs and groans as he passed. Profound silence reigned as he mounted the scaffold, with a firm step, and a countenance unmoved by the presence of the sheriffs, the block, the axe, and the executioner. The two bishops, Turner and Ken, had come with him in the carriage from the Tower, and still attended him. One of the bishops told him, on their way, that he should be again pressed on the scaffold, as he had been in the Tower, to acknowledge the dogma of nonresistance, and the wickedness of his relations with lady Henrietta Wentworth. They accordingly baited him once more with polemics, to make him dishonour his cause, his character, and his mistress. Having saluted the multitude, he began: "I shall speak little; I come to die; I die a protestant of the church of England." One of the bishops interrupted him by saying, that, as such, he should abjure all right of resistance, as a thing condemned by the church. He answered, that he could not reconcile passive obedience to his reason. He passed, by way of diversion, perhaps, to a vindication of lady Henrietta Wentworth; upon which Gosling, one of the sheriffs, intruded upon him the brutal question, whether he was married to her. Monmouth made no

reply; and the sheriff continued: "Do you repent of your treason and bloodshed?" to which he replied, mildly, "I die very penitent." The divines now superseded the sheriff; but the change brought no relief to the sufferer. They again pressed him to declare publicly his detestation of the doctrine of resistance, and of his rebellion against the king. He answered, "I come to die; pray, my lord. I refer to my paper." The bishop observed to him that there was nothing in the paper about resistance. "I am sorry," said he, "for my invasion of the kingdom—for the blood that has been shed." "Use," said they, "the proper word, 'rebellion,' not invasion." "Call it as you will," said he; "my repentance must be true, for I do not fear to die. I shall die like a lamb." "Much may come from natural courage," answered the relentless churchman. "I am," said Monmouth, "of my nature, fearful as other men. It is something within me; for I am sure I shall go to God."

Those right reverend divines were called "assistants," their mission being the truly christian one of assisting him to die. They prolonged his agonies. They urged him to preach non-resistance to the soldiers and the people "from the rail," and say "he stood there a sad example of rebellion." He replied, "I have said I will make no speeches; I come to die." "Ten words will be enough," said the bishop. Monmouth turned away from the theologian to the executioner; asked the latter to do his business better than he had done it in the decapitation of lord Russell; felt the edge of the axe, to ascertain its sharpness; and laid his head upon the block. The two prelates, meanwhile, thus prodigal of their zeal, but sparing their charity, prayed that God, in the omnipotence of his mercy, might accept the sufferer's "imperfect" "general" repentance.* The executioner struck an unsteady ineffectual blow: the poor victim, raising

* The sad scene between the bishops and Monmouth might be reprobated without indecency, were the two churchmen right reverend fathers of the Inquisition, not of the Anglican church.

his head, cast upon him an upbraiding look ; he struck again, and again, as ineffectually as before, and, in a fit of despair and horror, laid down the axe. The sheriff's railed and threatened ; he resumed the axe, and, after two blows more, — his task was done.

Thus died the gallant and graceful duke of Monmouth, in the thirty-sixth year of his age. He was a glittering, not a brilliant personage ; and his being a popular idol for his hour only proves the age to have been degenerate. He wanted character rather than capacity ; but, without character, nothing great was ever achieved. His inherent pervading weakness neutralised his valour, and emasculated his humanity to a feminine gentleness of nature.*

What was the mysterious secret which Monmouth would reveal to James by a single word ? This question has ministered to the ingenuity, the imagination, or the prejudices of various speculators. Where all is unsupported, it will suffice to state the two chief solutions. Monmouth would discover the participation of lord Sunderland in his enterprise, according to some ; of Sunderland and the prince of Orange, according to others. The recent "Life of James" implicates Sunderland circumstantially † ; and Macpherson, citing,

* *Malheur aux ames faibles,*" says the president Dupaty, "*la faiblesse est le germe de tous les crimes.*"

† The king having sent Mr. Ralph Sheldon to meet him upon the road, and accompany him up to town, he reiterated his petition to him upon a particular instance, which he fancy'd the king would be more than ordinarily mov'd with ; the duke of Monmouth having asked Mr. Sheldon who were the persons in greatest credit with the king, he named my lord Sunderland in the first place ; at which the duke of Monmouth, knocking his breast in a mighty surprize, sayd, why, then, as I hope for salvation, he promised to meet me, and desired Mr. Sheldon to acquaint his majesty with it, and that he would informe him of all his accomplices, whereof he perceived (he sayd) there were some in whom his majesty put the greatest trust. When Mr. Sheldon return'd, and was giving the king an account of what he had learned, my lord Sunderland (uneasy perhapes under the apprehensions he might reasonably be in), pretending business, was admitted into the closet, at which Mr. Sheldon, making a stop, desir'd to speak to his majesty in private ; but the king told him, he might say any thing before that lord, which put Mr. Sheldon to some perplexity what to do ; but not daring to conceal what he imagin'd concerned his majesty so near, sayd, he was commission'd by the duke of Monmouth to assure his majesty that my lord Sunderland *himself was of intelligence with him, at which my lord Sunderland* (these words in italics are interlined, and in the handwriting of the son of James the second, seem'd

long before, the same authority, under the name of James's memoirs, averred that Monmouth's secret was, the participation not only of the minister, but of the prince. It is to be observed, that the passage in the "Life" is, on the face of it, the compiler's, not the king's.* The silence of Monmouth respecting Sunderland, not only in his presence before the king †, but afterwards, when Monmouth could have no motive for reserve, in the tower and on the scaffold, is conclusive against a single testimony ‡, very open, moreover, to suspicion. The adverse proof is still more clear as affecting William. Monmouth, in the very letter offering the mysterious disclosure, appeals to the prince and princess of Orange, as having received an assurance from him not to stir against the king. Barillon mentions, only to discredit the rumour, that Monmouth had compromised the prince; and adds that he made no material communication. The latter statement is confirmed by the king.§ It is most probable that Monmouth, in his despair, proffered his disclosure in the language of exaggeration and mystery, as a device to gain admission to James's presence.||

Another and not less interesting question remains:— was the prince of Orange ignorant of the preparations of Argyle and Monmouth? It is not easy to resist the presumption of his knowledge and connivance. Is it

extreamly struck, so that the king could not but obserue it; but soon recovering himself, sayd, with a faind laughter, if that be all he can discover to saue his life, it will do him little good; at least it did that lord no harme; for whether he had got permission from the king to do something of that kind, under pretence of discovery, (thō in reality to secure himself, and, under the notion of serving his majesty more efectually, preserve his own stake whoever won the game;) or what other fetch he had to bring himself off, does not appear but it is certain he found means to wipe off the suspicion and keep up his credit with the king.

* The alternative suppositions, at the close of the extract above cited, clearly fix the passage upon the compiler, to the exclusion of James.

† See James's letter to the prince of Orange, in Dal. App. July 14.; and Barillon's despatches, in Mazure, ii. 7. *et seq.*

‡ The vague confirmation of Ferguson's narrative merits no credit.

§ Dal. App., *ut suprâ.*

|| The only ground of supposing that Monmouth had it even in his power to make any important discovery is the following expression of Barillon, (Mazure, ii. 8.), "cela," (the interview,) says he, "inquiète bien des gens."

credible that above four months' preparations, and two separate expeditions, escaped the vigilance of a person so vigilant and sagacious? * Is it credible that the pretext of passing arms and ammunition through the Dutch customs department, as designed for Denmark and Poland, imposed on the subaltern officers, who were creatures of the prince? Would they conceal their knowledge or suspicion from their superiors? Is it credible that Monmouth's secret visits from Brussels to Rotterdam and Amsterdam, known to D'Avaux, were unknown to William? † There are, in fine, the positive testimonies of D'Avaux, without any motive to mis-state between his master and himself ‡, of Fletcher of Saltoun, with all the weight of his opportunities and character §, — that William “encouraged Monmouth's expedition underhand;” in other words, connived at it.

The prince of Orange, it is contended on the other side, frankly used his influence in obtaining for Skelton, the English minister at the Hague, an order for the seizure of Argyle's vessels, — too late, only in consequence of the slow forms of the Dutch government, — in procuring the states' compliance with the king's demand of the return of the three British regiments in their service; offered to proceed to England at their head with an auxiliary Dutch force; and was thwarted in all his views of ambition and interest, all his maxims of civil prudence, by the expedition of Monmouth. A reply is obvious. The slow forms of the Dutch government might have been dispensed with, as they were when Cromwell demanded the expulsion of the royal family. This plea, therefore, was a subterfuge. When Skelton called upon the prince to arrest Monmouth on the eve of his embarkation, telling him at the time where that unfortunate adventurer might be found, the prince answered, that Monmouth was wronged by the supposition, and had no connection

* D'Avaux, v. 16.

† D'Avaux, *ibid.* 21.‡ *Id. ibid.* 51. 59. 92, 93, and various other passages.

§ Burnet, iii. 26, note of lord Dartmouth.

with Argyle. His ignorance of Monmouth's design at this last moment is wholly beyond belief.*

Such connivance, it has been said, was inconsistent with his views, and alien to his character. What could be more accordant with his policy than a conjuncture which would sweep Monmouth from his path, and bring him upon the stage of England, a protecting mediator between the nation and the king.† James declined his proffered aid and presence; but this only proves the king's want of confidence in the prince. Such was his distrust, that he would not hazard the three British regiments, which came from Holland, in the field against Monmouth, from an apprehension of their joining instead of fighting the invader.

As to the character and maxims of William, he was assuredly distinguished above the princes of his time for fidelity to his engagements and good faith to his allies; but it is too much to maintain that he knew not how to dissemble.‡ Could he have been a politician without the knowledge and necessity of dissimulation?

* D'Avaux, v. 92. The prince must have had much contempt for Skelton's understanding, when he tried to persuade that person that Louis XIV. must have been the great promoter of the expeditions, for Monmouth and Argyle disbursed in French money—as if French coin could not have been obtained from the money-changers of Amsterdam.—*Ibid.* 38, 39.

† This was, in substance, the judgment of D'Avaux (v. 92, 93.). Mr. Hallam denies (*Const. Hist.* iii. 92.) either "reputable testimony," or "the least degree of probability," "that William took any share in *prompting* the invasion of Monmouth." It is true that Macpherson, father Orleans, the compiler of the *Life of James*, and some other Jacobite partisans, are not to be received as good witnesses. But are the testimonies of Fletcher, of D'Avaux, of James, as stated by Barillon (*Dal. App.* 136.), "not reputable?" Is the circumstantial evidence of the facts stated in the text "not in the least degree probable?" Mr. Hallam himself admits, in the same page, that "William manifestly derived the greatest advantage from that absurd rebellion, and from its failure." It is surely no violent presumption, that the "failure," and its advantages to him, entered into the secret combinations of one whose combinations were so sagacious and profound. The word "prompted," moreover, is much too strong; and the qualifying adjunct "underhand" should, in fairness, not have been omitted.

‡ A late eminent writer, of the highest historic authority, lays stress upon the frank and secure tone of William's letters to Bentinck, whom he had sent over to the king with the offer of his services against Monmouth. But this tone might, and naturally would, be assumed by one so calm and circumspect writing to England; and there is, in the letters themselves, striking proof—if proof were necessary—that the writer could dissemble. The correspondence extant in MS. begins in 1677, and ends in 1700; and those who may have the opportunity of seeing it will find a letter dated August 2. 1683, from William to Bentinck (then, also,

James remitted the forfeiture of Monmouth, with the exception of his English dukedom, in favour of his widow and children. It is recorded, as a tradition in the family of the duchess, that he came to breakfast with her, unexpectedly, with the remission, the day after her husband's death. By some this gracious visit is fixed on the morning of the very day; and she received him, they assert, under the impression that he came with her husband's pardon.* An incident somewhat similar is recorded in the life of one of the Roman emperors. It has found too easy credence as a characteristic sample of the humanity of a tyrant.

in England), containing an instruction to him to assure the king, that any fugitive accomplices in the treason (the Rye-house plot) should not merely be refused an asylum in Holland, but *that every effort should be made to seize and send them back to England*. "On tâchera," says he, "de les attraper," &c. This was a baseness which he was incapable of acting, or intending, though he held it out through his envoy; and, in point of fact, he protected the fugitives in Holland.

It is asserted by the Jacobite writers, whose authority is put aside in the preceding note, that James subsequently discovered written proofs of a secret understanding between Monmouth, Argyle, and the prince of Orange. But these written proofs have never been produced, and the allegation merits no confidence. D'Avaux, indeed, says it was *told him* — and that Van Citters, writing from London, said James had made a complaint to that effect of the prince and the states. But the vagueness of D'Avaux's communication to his master, and the mention of it only in a single passage (v. 276.), leaves little weight to his authority in this instance.

* Dal. Mem. i. 128.

CHAPTER II.

1685—1686.

CRUELITIES OF JEFFREYS'S "WESTERN CAMPAIGN." — MEETING OF PARLIAMENT. — PROCEEDINGS. — CONDUCT AND CHARACTER OF THE PRINCE OF ORANGE. — LEAGUE OF AUGSBURG. — LOUIS XIV.—CORRUPTION OF SUNDERLAND.—TREATY WITH HOLLAND. — CATHERINE SEDLEY. — LORD CASTLEMAINE'S MISSION TO ROME. — THE DISPENSING POWER. — CASE OF SIR EDWARD HALES. — THE ECCLESIASTICAL COMMISSION. — SUSPENSION OF COMPTON, BISHOP OF LONDON. — THE CAMP AT HOUNSLOW. — ATTEMPTED CONVERSION AND DISGRACE OF ROCHESTER. — INTRIGUE TO CONVERT THE PRINCESS ANNE.

"Woe to the vanquished!"* is an inductive maxim where rebellion has been put down. The vengeance of James was wreaked upon the companions and adherents of Monmouth with signal, but not, as it continues to be said, unparalleled atrocity.† Lord Grey was the only marked exception. He, like Monmouth, was admitted to the king's presence,—but with better fortune. His disclosures‡ respecting Monmouth's invasion and the Rye-house plot§, according to some; the fortunate limitation of his estate, which could be forfeited only for his life, by grant to the champion of orthodoxy and the high church, lord Rochester, according to others; procured him a respite for his natural life. He lived to be made an earl by William III. That prince

* *Væ victis!*

† The Irish rebellion of 1798 is more than a parallel. If God continue life and health to the writer of these pages, that disastrous, but not dishonoured epoch, now become historic, in the annals of Ireland shall be freely and fearlessly, however imperfectly, recorded.

‡ Life of James.

§ See his "Secret History," &c. or "Confession," written by him, whilst a prisoner in the Tower, by command of James, and, therefore, entitled to little credit.

distrusted human virtue, despised human nature, and used men only as his tools.

The two* persons charged by James with the execution of his vengeance, within the theatre of the late rebellion, were worthy of any mission, however inhuman. They were colonel Kirke and the lord chief justice Jeffreys. Both treated human agony, whether of body or of mind, as matter of savage sport—with the distinction of obscenity on the part of the judge.† The partisans of James and his cause will have it that they transgressed his orders: others are no less earnest in maintaining that they were not “bloody enough” for their master; the latter upon testimony, the admission of which would imply a great want of judgment or of scruple,—that of the miscreants themselves in their own defence.

Lord Feversham, after his unhonoured victory, massacred about a thousand in the rout; and, next morning, hanged above twenty of his prisoners—some in chains, on gibbets by the road. Ken, bishop of Bath and Wells, remonstrated with him. “My lord,” said he, “this is murder in law: the battle being over, these poor wretches should be tried.” Had the bishop forwarded or carried in person his remonstrance to the king, or had he remonstrated against the iniquities of Kirke and Jeffreys in the correspondence‡ which he appears to have had with the king, he would have done unequivocal honour to his conscience and humanity, and settled the question how far James was cognisant of their cruelties. Feversham’s plea, doubtless, would have been, that he did military execution upon rebels taken with arms in their hands. He proceeded immediately to court, leaving the command to Kirke.

This person followed up the atrocities of Feversham.

* To these should be added the whig lawyer Pollexfen, who prosecuted as attorney-general.

† The inhuman pleasantries of Jeffreys, when women came before him, could not, by any artifice of language, be mentioned with decency. They are yet curious to the moralist who dissects this monster in the moral order of nature.

‡ See Biog. Brit. art. Ken.

The number hanged by him without trial is stated to have been only nineteen. But, if his victims were fewer, his sacrifices were, more refined. He caused the wretches to be hanged at his door, whilst he caroused with his companions to the health of the king, the queen, or his colleague, the chief justice; and, as he observed the convulsive agonies of the dying, he ordered his trumpets to sound, "so that they should have music to their dancing."*

The special commission of Jeffreys, to try the western rebels, was called, in the country, "the bloody assizes;" at court, "Jeffreys's campaign." James had the indecency to give it this name in writing to the prince of Orange.† The chief justice is stated to have been commissioned for the time as a lieutenant-general. A commission so preposterous, even in those times, would

* The details of Kirke's barbarities may be omitted; first, because it would only be a barren record of revolting horrors; next, because the accounts of them are suspected of exaggeration, if not fiction,—more particularly the well-known story of his having bargained with a young woman for her father's, husband's, brother's, or lover's life, at the price of her dishonour, and his presenting the appalling spectacle of the object of her tenderness on a gibbet, from his window, next morning. The silence of Burnet has been urged in favour of Kirke; but, in the Oxford edition, the following words are printed from Burnet's MS. for the first time:—"Some particulars relating to that matter" (Kirke's military executions) "are too indecent to be mentioned by me." Burnet describes Kirke as rendered "savage" by his contact with the Moors in his government of Tangiers. He had the figure of a lamb on his standard, as the emblem of Christian warfare against Mahometanism; and his regiment, on this occasion, got the name of "Kirke's Lambs" from the country people. Whig partisans,—not merely the scurrilous Oldmixon, *e tutti quanti*, but others of a different and superior cast,—have thrown doubts and palliations over the atrocities of Kirke, whilst they mark those of Jeffreys with unsparing and merited execration. The former derives no excuse from his profession: humanity is a virtue and a grace of the true soldier no less than of the judge: but Kirke expiated his atrocities by deserting to the prince of Orange; and Jeffreys aggravated his by adhering, as a faithful miscreant, to his unfortunate master to the last. From the following letter of Kirke to lord Sunderland, in the State Paper Office, it would appear that Kirke lost, not only the humanity, but the language, of his country at Tangiers.—"Taunton, the 12 Augt 1685. My 1^d, I received this enclosed from the messenger yor 1^dsp sent hitther to take Jones. I had advice last Sunday of some rebelles, that had gott by the sea side, 20 milles from this place, and the parson of that parrish has some reson to believe Ferguson among them. I sent a party of dragounes thither, but have noe accounte yet. Lt Witthers that comand att Bridgwatter, has taken severall prissiners in the Mores. Sunday last he took 13 and a capt; his name is Godfrey. My lord Cornbours troope of dragounes marched yesterday to Welles from hence. My 1^d, yor 1^dsp most humble and obt sarvt, P. Kirke."—The reverend and worthy "parson," thus eager to seize his brother divine, Ferguson, was obviously one of the spies of Kirke.

† Dal. App. 165, 166.

be credible only upon proof little short of the production of the document itself. The simple fact seems to have been, that the commanding officers furnished him, at his discretion, with military escorts for the execution of his execrable sentences, and the safety of his execrable life.

Jeffreys carried with him, on his bloody mission, not only his fierce nature, but a torturing disease * ; and he irritated both by habitual debauchery. Four other judges, Montague, Levinz, Watkins, and Wright were joined with him in the commission. They crouched or lent themselves to him as mere ciphers. The only antagonist mitigation was his rapacity.

His atrocities, like those of Kirke, may here be compendiously disposed of. They have often been detailed in print ; and the decency of modern narrative recoils from his brutal ribaldries. He opened his commission at Winchester, on the 27th of August, with the well-known sacrifice of Mrs. Lisle. She was the widow of Lisle who sat in judgment on Charles I., and filled high posts in the magistracy of the commonwealth. Her crime was harbouring two fugitives from Monmouth's army, named Hickes and Nelthorpe. She was lethargic and deaf — age having thus impaired her faculties and her senses. She was without counsel. Both the crown lawyers and the judge pressed her with inhuman adroitness. She yet placed the office of common charity which she had performed in a light so clearly innocent, even in law, that the jury disclosed their purpose to acquit her. Jeffreys rebuked them with violence and menace : they withstood two sallies from him ; but, after the third explosion of his rage, brought in a craven verdict of guilty. "Gentlemen," said Jeffreys, "in your place, I would find her guilty, were she my own mother." It was, perhaps, the only truth that fell during the trial from his sanguinary lips. Great efforts were used to procure her the king's pardon ; but the only grace which could be obtained from him was mitigating her

* See notes in next page.

sentence from burning to decapitation. It was a judicial murder; and her attainder was reversed after the revolution, on the ground that she was condemned as accessory before the conviction of Hickes the principal, and that the verdict was extorted by the judge.

From Winchester Jeffreys proceeded to Dorchester, where, by his own account, he despatched ninety-eight the first morning.* To save himself trouble, he intimated that a plea of guilty afforded the only hope of life; and some hundreds confessed accordingly. The number executed at Dorchester was eighty. To follow his track of death and blood through Exeter, Taunton, Bristol, Wells, would only revolt the reader. The country is described by eye-witnesses as "another aceldama."†

Was the king cognisant of these barbarities? Those who excuse him urge the testimony of Sheffield, duke of Buckingham, and the fact, that James received,

* In a letter to Sunderland, dated from Dorchester, September 16., he says, "I most heartily rejoyce (my dearest dearest lord) to hear of yr safe returne to Winsor. I this day began wth the tryall of the rebels at Dorchester, and have dispatched 98; but am at this tyme soe tortured wth the stone, that I must begge yr lordships intercession to his majtie for the incoherencie of what I have adventured to give his majtie the trouble of, and that I may give my selfe soe much ease by yor lordships favour, as to make use of my servants pen, to give a relation of what has happened since I came here. My dearest lord, may I ever be tortured with the stone if I forget to approve myself, my dearest lord, your most faithfully devoted servt, Jeffreys."

† Writing to Sunderland from Bristol, he says: — "I am just now come (my most honored lord) from discharging my duty to my sacred master, in executing his commission in this his most factious citty; for, my lord, to be playne upon my true affection and honour to your lordship, and my allegiance and my duty to my royall master, I thinke this citty worse than Taunton; but, my good lord, tho' harras'd with this dayes fatigue, and now mortified with a fitt of the stone, I must begge leave to acquaint your lordship, that I this day committed Mr. Mayor of this citty, sir Wm Hayman, and some of his brethren, the aldermen, for kidnappers, and have sent my tipstaffe for others equally concern'd in that villany: I therefore begge your lordship will acquainte his majtie, that I humbly apprehend it infinitely for his service, that he be not surpriz'd into a pardon to any man, though he pretend much to loyalty, till I have the honr and happinesse I desire of kissing his royal hand. The reasons of this, my humble request, are too many to be confined within the narrow compass of this paper; but, my deare lord, I will pawne my life, and that which is dearer to me, my loyalty, that Taunton and Bristol, and the county of Somersett too, shall know their duty both to God and their king before I leave them. I purpose to-morrow for Wells, and in a few dayes don't despair to perfect the worke I was sent about; and if my royall master would be graciously pleased to think I have contributed any thing to his service, I am sure I have arrived to the height of my ambition. The particulars of Taunton I humbly referre to my lord Churchill's relation, who was upon the place."

without displeasure, the solicitation of sir Thomas Cutler and bishop Ken for mercy to some convicts. His accusers bring against him the averment of Kirke and Jeffreys that they did not act up to their instructions. These adverse proofs are so inconclusive as to prove little. But there is a third evidence, recently brought to light,—that of the letters of Jeffreys to Sunderland and James, preserved in the State Paper Office. From these letters it is apparent that the question of James's cognisance could be one only of degree; for Jeffreys transmitted, by regular despatch, an account of his operations to the ministers of the king. The martial chief justice even sent his despatches by a military officer, as a general would employ his aid-de-camp; and the favoured officer, in one instance, was no less a person than lord Churchill, to whom he refers James for the particulars.* Churchill, the royal favourite, and personally engaged in the operations of Jeffrey's campaign, communicated, it may be presumed, full particulars to the king.

The probability is, that James, like all tyrants, and most kings, considered rebellious subjects out of the pale of humanity, and consigned them, without scruple, to be run down as animals of a wild and noxious nature.

There is further proof against James. He made Jeffreys chancellor, doubtless as a reward of his services; and innocent blood was shed under his immediate eye, in London, without touching his heart. Cornish, formerly sheriff, was taken up for the Rye-house plot, tried with iniquitous haste before he could produce witnesses, condemned upon the evidence of Rumsey (who now avowed his having sworn falsely against lord Russell), and executed as a traitor with the barbarous

* Writing to the king from Taunton, September 19., he says, "I most humbly beseech yor majtie to give mee leave to lay hold of this opportunitie, by my lord Churchill, to give your majtie an account that I have this day finished what was necessary for yor majties service in this place; and begge leave that yor majtie will be graciously pleased to let me referre to my lord Churchill for the particulars; for I have not as yet perfected my papers soe as to be able to doe it soe exactly as my duty to yor majties service requires." This is, unhappily, not the only stain upon the laurels of the duke of Marlborough.

forms of the law. The restoration of his quartered limbs to his family, by the king's order, has less in it of mitigation than of revolting mockery. Elizabeth Gaunt, a woman of humble condition, who combined sectarian enthusiasm with human charity, was convicted of compassing the king's death, in favouring the escape to Holland of a person charged in the Rye-house treason, — and sentenced to be burned alive. The inhuman sentence was executed. She bore it like one of the early martyrs.

It should be stated that Jeffreys did not preside at these sacrifices. The fact, instead of extenuating his wickedness, only proves that there were other judges little less inhuman.

The only chance for life, it has been observed, against Jeffreys and the other court myrmidons, was corruption. Prideaux, obnoxious as the son of Prideaux who had served the commonwealth, was shut up in the Tower, by an arbitrary warrant, on mere suspicion, and compelled to ransom his liberty and life by a bribe of 1500*l.* to Jeffreys.* Hampden, still imprisoned under his sentence, for misdemeanour, of a fine of 40,000*l.*, was now tried as a traitor for the same act, pleaded guilty, upon a previous compact of his giving the king's chancellor Jeffreys, and the king's confessor father Petre, a bribe of 6000*l.*† The young girls of Taunton, who had presented Monmouth with colours, obtained their pardons by bribes varying from 50*l.* to 100*l.* each; and the proceeds went to the maids of honour, who negotiated a composition with their families, and sent down, as their agent, the famous William Penn.‡ This should not be too readily viewed as a stain upon the quaker's virtuous life and illustrious name. The transaction presents two phases; and Penn doubtless thought, not of the lucre of the traffickers, but of the mercy which they sold. Lords Brandon, Delamere, and Stamford were

* Journ. Com. May, 1689.

† Journ. Lords, December, 1689.

‡ Ralph, i. 893. Letter of Sunderland in the State Paper Office.

proceeded against as traitors. Brandon was condemned, but spared, either through the influence of his sister-in-law, who was in favour at court, or in pursuance of a condition made by lord Grey, one of the witnesses against him, that no life should be taken upon his evidence. The perjury of one chief witness was so flagrant that Delamere was acquitted; and Stamford, without trial, took the benefit of a subsequent amnesty.

These atrocities, of which little more than a glimpse has been afforded, are calculated to shut the heart to all compassion for this unhappy prince; but it will appear, and should not be forgotten, that, were his government still more atrocious, it would not, without his popery, have deprived him of the crown.*

Parliament, it will be remembered, stood prorogued to the 9th of November. The king, bearing in mind the servility of both houses at the opening of his reign, and flushed with his recent triumph over Monmouth and his adherents, looked, with a confidence alike sanguine and short-sighted, for the same compliance in the approaching session. His great aim was a standing army, and the repeal of the habeas corpus and test acts. He declared his success in this triple combination essential to his government†; and he judged rightly—his intention being to govern as a tyrant. It is among the most honourable testimonies to the character of lord Halifax, that James, by way of prelude, removed this accomplished but infirm politician from his counsels.

James opened the session in a bold tone. He urged the necessity of a disciplined military force; announced that he had augmented the regular army during the late rebellion; and called for the necessary supplies.

The king, it has been observed, commissioned the catholic lords to levy troops—of course, catholic,—against Monmouth. “Let no man,” said he, “take

* Many of the king's witnesses, in the London trials, were unpardoned outlaws or convicts; among whom appeared Goodenough, who had figured in the Rye-house plot. Hence it was said of them that “they hunted like cormorants, with halters round their necks.”

† Barillon, in Fox's App. 14.

exception that there are some officers in the army not qualified according to the late tests. I will deal plainly with you. After having had the benefit of their services in such a time of need and danger, I will neither expose them to disgrace, nor myself to the want of them, if there should be another rebellion."

It is probable that he would have succeeded in establishing a *protestant* standing army, and in repealing the habeas corpus act. A popish army startled not only religious antipathy but rational fear. The high churchmen and whigs, Clarges, Seymour, Temple, and Maynard, for a moment combined. A resolution for granting a supply was passed, and an address voted, to desire his majesty would discontinue the employment of officers disqualified by law. The king, in answer, rebuked them for their jealousy, and threw out an insinuation which might be construed into a menace. "Whatever," said he, "you may do, I will adhere to all my promises." The report of this answer produced a ferment in the house. "I hope," said a member *, "we are Englishmen, and not to be frightened out of our duty by a few high words." The house, by a sudden transition to the extreme of servility or prudence, echoed cries of "To the bar!" "To the Tower!" and the offending member was sent to the Tower accordingly. A motion then pending, to fix a day for the consideration of the king's answer, was parried by the subterfuge or compromise of an adjournment.

The house of lords, meanwhile, had manifested some independence. The king's project of keeping up a standing army, officered, at his discretion, by catholics, was denounced by lords Halifax, Devonshire †, Anglesea,

* Mr. John Coke, member for Derby.

† Devonshire, according to some, Halifax (more probably) according to others, said, in reference to the king's speech at the opening of the session, that "they had more reason than ever to give thanks to his majesty for having dealt so plainly with them." The point of this observation lies in its ambiguity. It is strangely misapprehended, and, if the term be admissible, over-stated, by M. Mazure. "Qu'il fallait effectivement remercier sa majesté d'avoir parlé sans détour, et d'avoir montré à son parlement *le joug préparé à l'Angleterre.*"

Nottingham, Mordaunt (afterwards the gallant earl of Peterborough), and Compton, bishop of London.

Whigs, Tories, and the church were thus marshalled against the court;— which had for its champion the chancellor Jeffreys. The conduct of that person on the occasion is a faithful type of his class. Accustomed to the license of a brutal myrmidon and scurrilous railer in the courts, he addressed the lords in his usual strain; but was soon and easily rebuked to the tone of crouching sycophancy, which was no less his habit to those above him in rank or power.*

James now despaired of the compliance of either house. The commons held out to him a grant of 700,000*l.* in supply: his heart was set upon a standing army, and the repeal of the test: he yet resolved to prorogue the parliament, without any further attempt to procure its assent to either. He, however, was not without resources upon which he proposed to fall back. As a substitute for the one, he counted on the savings of his economy, past and future, with the French wages, which he inherited from his brother with the crown,— and, in lieu of the other, he looked with perhaps still more complacency to that inherent sovereign power of dispensing with the laws which had brought his father to the block.

After only eleven days sitting, the first and last parliament of James II. was prorogued by him,— never to meet again for the despatch of business,— and to be succeeded by that memorable convention which the prince of Orange called together as pioneers to clear his way to the crown.

Lord Dartmouth, if sir John Dalrymple† may be 1686. relied on, after giving the king an account of the execution of Monmouth, said, “ You have got rid of one

* Burnet, iii. 91.

† i. 129. Dalrymple is confirmed by a passage in the “ Life of James,” professing to be an extract from the king’s MS. memoirs. — “ My lord Dartmouth, ever since the duke of Monmouth’s invasion, always told the king that sooner or later he was confident the prince of Orange would attempt it.” — *Life*, ii. 177.

enemy, but a more dangerous one remains behind," and James, affecting not to understand him, was silent. His conscience must have responded to the observation, if really addressed to him, for he already regarded his nephew with distrust and fear.*

The accession of James, an avowed and zealous catholic, must have substantially changed the views and combinations of the prince of Orange. The succession of his wife, which may be regarded as his own, might now be set aside by two contingencies — the conversion of the princess Anne to her father's faith, and the birth of a prince of Wales.

From what period William contemplated deposing his father-in-law is a litigated party question, more curious than important, and, with the extant data, incapable of settlement. If his own word be taken, this resolution was not yet formed by him on the eve, or even during the progress, of his enterprise.† It is, however, clear as facts can make it, that, from the moment of the accession of James, the prince of Orange pursued secretly his eager ambition and vast designs. By affecting towards James, with an air of tranquil resignation, the deference and duty of a son, he gained an ascendant over the subjects, and sapped the throne of his father-in-law, under the pretence of zeal for a church, and affection for a nation, to neither of which he belonged.

His more immediate and more glorious object was to humble the despotic pride and power of Louis XIV. With this view he procured the renewal, already stated, of the treaty between England and Holland. But his grand achievement was the European confederacy, catholic and protestant, including not merely the elector of Brandenburg, the king of Sweden, the king of Spain, and the emperor, but, ultimately, the pope himself, against

* His refusal of William's proffered aid and presence, and his not venturing to send the three regiments sent over by the prince against Monmouth, prove it decisively.

† See his letter to the emperor in Dal. App., and his famous declaration.

a monarch who called himself the eldest and most powerful son of the church.

This confederacy, begun in 1685, was brought to maturity in 1686, and formally sealed in the following year, under the name of the League of Augsburg. It professed to be a defensive guarantee of the treaties of Westphalia, Nimeguen, and Ratisbon.* Had William, with only the rank and resources of first magistrate of a minor state, disclosed his views of becoming king of England and arbiter of Europe with the ostentation of Louis XIV., the voice of Europe would have rebuked his presumption. He disclosed them by that which most commands the homage of mankind, the process of achievement.

The French king was soon apprised of this formidable league against his power and pretensions. His emissaries, lay and spiritual, alike expert and unscrupulous, penetrated the recesses of every court. D'Avaux gained access to the private cabinet of the prince of Orange, through the confessor of a servant near the person of the prince.† A spy and three ruffians, directed by the French cardinal D'Estrees, at Rome, detected and waylaid an agent of the prince, who communicated with the pope's secretary under the disguise of a dealer in artificial flowers, robbed him of his mock wares, and discovered the secrets of his mission from scraps of paper ingeniously secreted in them.‡ The cardinal and the spy, without the aid of the ruffians, further contrived to ransack the secretary's private papers before he had submitted them to the pope.

Louis, not yet prepared for aggression or defiance, gave the charge of his marine to Seignelay, son of the great Colbert, and worthy of him as an administrator—of his military organisation to Louvois, whose genius as a war minister has been rarely, if ever, equalled,—and, in the mean time, laboured to break the confederacy by

* Dumont, Corps Dip. sub anno 1687. Puff. Rer. Brand. lib. ix.

† Négot. du Comte d'Avaux, Fox MSS. ‡ Dal. App. 240.

arts personally more congenial to him than that of war—intrigue and corruption. He was enabled, from particular circumstances, to employ those arts with most effect against the prime mover of that confederacy in Holland. There he not only bribed the mercenary, but appealed to a common interest with the republican, patriots. The judicial murder and patriot memory of Barneveldt; the dungeons of the castle of Louvestein; the dark share of William himself in the massacre of the De Witts; his notorious hatred of all Hollanders who combined republican probity with high station; the flagrant disregard of appearances and opinion, with which he surrounded his person, and filled, where he could, all offices of state, with adventurers of low condition, or his avowed creatures; his manifest disposition to infringe the republican constitution of the government;—all combined to make the purest and wisest friends of liberty and their country suspect him of the design to employ his power as stadtholder at home—as head of a great confederacy abroad—in usurping a dictatorship of the commonwealth.*

Louis, however, neutralised his advantages by his arrogance and bigotry. The tone of domination and insolence used by him and his courtiers alarmed and disgusted the Dutch envoys at Versailles; his intolerance to his protestant subjects, reported with exaggerations in Holland, crossed the intrigues of D’Avaux;—the revocation of the edict of Nantes, the atrocious severities to which it led, and the inundation of huguenot victims of his persecution into the states, completed the hatred of his person and government.

It was upon James alone, whom he loved to call his royal brother, that the French king could confidently rely. The renewal of the Dutch treaty, without the knowledge of Barillon, offended and alarmed him. This was first made known to him by D’Avaux from Holland.

* See *Négot. du Comte d’Avaux, passim.*

He rebuked Barillon for want of vigilance, and instructed him to prevent, by all means, a good understanding between the king and the prince of Orange; watch the movements of the king; aggravate his pecuniary embarrassments by caballing with the opposition in parliament*; and decline James's recent overture for a new and closer relation, which should neutralise the treaty with the states-general. — "The cessation of my payments to him," Louis writes to Barillon, "has produced the renewal of his treaty with Holland, and any new engagements with him would be made at my cost." † Barillon, in reply, said he should have no difficulty in renewing and extending "the dependence" of the Whig leaders, formerly his pensioners, but suggested to him that he might dispense with pensioning either the king or the Whigs, by taking into his pay the king's chief counsellor — lord Sunderland. ‡

It may be presumed that they who touched French money in the reign of Charles would as little scruple to do it in that of James; but Louis adopted the suggestion of Barillon; and lord Sunderland accepted a French pension of 25,000 crowns upon his undertaking that his master should contract no new engagements against the interests or views of Louis XIV.

Upon Barillon's remonstrating after the fact, in his master's name, against the renewal of the Dutch treaty, James affected a high tone, and talked of holding the European balance of power. The Dutch and Spanish ambassadors even had hopes of renewing the triple league. But James with his regal pride had neither patriotism nor dignity — he fell short only of the extreme and unrelieved meanness of his brother, and resorted in degree to his base arts.

This explosion, as Louis rightly judged it, was a mere sally of ill humour arising from the cessation

* Letters of Louis, in Barillon's Correspondence, August and November 1685, Fox's Appendix, and Mazure, Sub. Ann. 1686.

† Id. *ibid.*

‡ Id. *ibid.*

of his pension.* Louis could have had no serious fears. Sunderland had observed, with great truth, to Barillon, that union was impossible between two persons (James and the prince), one of whom longed impatiently for the other's crown.†

James himself soon renewed with Louis the natural tone and relation between two monarchs attracted to each other by the sympathies of religion and despotism. He expressed his gratitude in terms unworthy of a king of England; but not quite so grovelling as they have frequently been pronounced ‡; and solicited the wages of dependence.

Louis's motive, at least professedly§, for withholding his supplies from James, was his vassals' want of due zeal for their common faith. His object may have been that James should unmanacle the English catholics concurrently with his own iniquitous revocation of that edict of Henry IV. which gave freedom of conscience to the French protestants.

It is a litigated question what were the precise views of Louis and James as to the English catholics at this period. The data pressed into the debate are copious, various, and logically inconclusive — diversity of judgment has necessarily prevailed. It may be observed, however, that, as the antipathies and interests of religion and party have given way to reason and truth, the opinion has gained ground that neither Louis nor James compassed the establishment of popery as the dominant religion in England, or sought more for the catholics than a full toleration by the removal of all penal tests and disabilities. It may be added, as a second opinion,

* "Votre majesté," says Barillon (Nov. 26.), "a bien juge que la ccssation des payements a produit le renovicement du traite."

† Bar. Cor. in Fox's Appendix.

‡ "I have," said he to Barillon (Fox's App. 105.), "been brought up in France; I have eaten the bread of France; and my heart is French." The first part is a reminiscence of the hospitality of France during his exile; the second is to be understood as opposed, not to "English," but to the continental league against Louis; and much allowance is to be made for exaggerations of language where an object was to be gained.

§ Other and secret motives have been assigned or rather conjectured, but too vaguely speculative to be worth discussing.

having a close affinity to the former, that both kings, whatever their religious zeal, would have postponed it, — the one to the lust of conquest, — the other to that of despotic power.*

The long career of the former, with its splendour and vicissitudes — the short, disastrous, and disgraceful career of the latter — merit the attention of the student under the two points of view.

The catholic zeal of James, if tardy at first, soon proceeded with fatal haste. He signalised the close of the first year of his reign by the appearance of a papal resident at his court. Innocent XI. (Odeschalchi), a native Milanese subject of the emperor, favoured the confederacy, and was the enemy of Louis XIV. The resident D'Adda, also a Milanese, had the same views, both from inclination and his instructions. He even checked the devout ardour of James, and declined appearing in his quality of nuncio. All this was unknown to the public; and the presence of such a personage, under any circumstances, would be obnoxious and alarming to the nation.

Another incident, at the same time, made a strong impression, — and remains a curious proof that great political interests, as well as the sublime, may border on the ridiculous. James, like Charles, had court mistresses, — hitherto with the same charitable sufferance of human frailty in a king from father Petre which Louis XIV. had from father La Chaise. His reigning mistress at this time was Catherine Sedley, daughter of the noted sir Charles Sedley, and not ill qualified to maintain the fame of his genius, if not his profligacy.† The charms of her wit, and a certain eccentricity of conversation and character, threw a veil over her effrontery and ugliness; and James not only installed her

* This is, in substance, the view taken of the conduct and characters of Louis and James by Mr. Fox. The question is discussed by serjeant Heywood (Vindication &c.) in detail, but more like a pleader than a politician.

† Her rebuke of queen Mary, the unnatural daughter of James, who refused to speak to her at Whitehall, after the revolution, is well known: — “I beg, madam, you will remember that, if I broke one of the commandments with your father you broke another *against* him.

at Whitehall, and created her countess of Dorchester, but had the complaisance to father her children. Her empire over him was complete. She was a true protestant, — that is she made popery and priests the constant theme of her satire and pleasantries, — and she was looked to as a main pillar of the church.

Mary d'Este, with the graces of youth, the jealousy of a wife and an Italian, and the pride of a queen, very naturally resented her husband's infidelity. Father Petre and the court priests alarmed her conscience, and inflamed her resentment. Sunderland, who had joined the jesuit and his cabal, persuaded them on the one side, the queen on the other, that the only way to release the catholics from the bondage of the test, — the king from the bondage of Catherine Sedley, — was the removal of Sunderland's great rival in the king's favour, lord Rochester. The Jesuit confessor, and the intriguing minister, with their auxiliary train, lay in wait for the king's next visit to the queen; assailed him with all their means, sacred and profane, to persuade or intimidate; and succeeded in extorting his promise to dismiss his mistress.

Rochester had not scrupled to make his court to the mistress of Charles*: he not only became the dependent counsellor of Catherine Sedley, but associated his wife as her bosom friend. He no doubt thought, as the champion of protestant orthodoxy, that the means were sanctified by the end; and both he and the church groaned in secret over the triumph obtained by popery and the marriage vow over protestantism and the mistress.

The lady showed more virtue, at least more spirit, than the minister. He made false and fruitless pro-

* "My lord Hyde," says Ormond, in a letter, dated October, 1682. (Carte's Ormond, ii. 553.), "is the best and honestest minister among us, though he is fain to comply with *the lady* beyond what may be approved of by those that know not the necessity and the end. She is at this instant as powerful as ever, insomuch that there is no contending with her but by those that care not for the court. Nor do I think it would be for the service of the crown that honest men should make themselves useless to it by a vain and unseasonable opposition. Since she cannot be removed, the next best is to make use of her credit to keep things as well as may be."

testations of innocence to the queen: she received James's message of separation through a secretary of state with contempt; and, upon being told that a yacht waited to convey her abroad, repelled entreaty, and defied force, with the threat of resorting to a *habeas corpus*. She was, she said, a freeborn Englishwoman, and would reside where she pleased.

James had promised, that if he should resolve to part with her, the communication should be made to her by himself in person. He acknowledged the pledge, but said he could not trust his own weakness if they met—the only one of his many weaknesses which did not wrong his manhood,—and finally induced her to proceed to Ireland, where he had given her an estate, and where Clarendon, the brother of her friend Rochester, was lord-lieutenant.

Rochester still kept his ground, but it trembled under him, and Sunderland was made president of the council.

The reception of a papal minister was a bold step on the part of James. He followed it up by another of which the rash folly was aggravated by indecency. Roger Palmer, earl of Castlemaine, had repudiated, in the freshness of his feelings, a title which reflected on him his wife's dishonour; but, in process of time, became reconciled, like other courtiers before and since, to his fate and fortune. James, instigated by father Petre and his cabal, resolved to send an ambassador in form to the court of Rome, and selected, for his representative at the Vatican, lord Castlemaine, whose catholic zeal overcame all objections in the eyes of the jesuit confessor and the king.*

The ambassador was to take Versailles in his way to Rome; and Barillon, in a despatch to his master, deprecated the raillery and ridicule with which the French courtiers would otherwise receive the husband of lady Castlemaine.†

* Bar. in Mazure, ii. 76, 77.

† Id. Ibid. Louis XIV. had as many mistresses as Charles II.; but, at the French court, it was the etiquette that the husband should quit the field upon a retiring allowance, as in the case of the marquis de Montespan.

Lord Castlemaine, on his arrival at Rome, met, to his surprise, not flaming catholics, but Italian politicians. Even the two cardinals, D'Estrees and Howard, who represented France and England in the consistory, viewed the man with contempt, and feared the consequences.* He found Innocent XI. by no means disposed to second his zeal for the conversion of England; told the pope he considered his holiness a dubious catholic; threatened, after various rebuffs, to leave Rome; was told by the pope, in a tone of contemptuous tranquillity, "he was at liberty †;" and, finally, returned to England, after an expensive, foolish, and fruitless embassy.‡ His mission not merely failed of its object, but proved mischievous in its results. Odious to the nation, and declared treasonable in the sanguinary pages of the penal statute laws, it added to the hatred of James's popery, and the fear of his tyranny.

James, meanwhile, was pursuing his course at home with disastrous vigour. He had announced, as his fixed purpose, the employment of catholic officers in defiance of the test act. Despairing of the sanction, and disdaining the authority, of parliament, he resorted, to his dispensing power.

It occurred, or was suggested to him, that he might give the exercise of this disputed right a colour of settled law by a judgment of court.

This was required, not only as a matter of decency, but because the courtiers could never meet such a husband without laughing in his face. Marital misfortunes were associated with the ridiculous in France to such a degree that Racine would not venture to introduce Menelaus in his tragedy of Iphigenie.

* Bishop Burnet gives a conceited, curious, and, in part, incredible account of his own intercourse, shortly before, with cardinal Howard. "Cardinal Howard," says he (384.), "showed me *all* his letters from England, by which I saw that those who wrote to him reckoned their designs were so well laid that they could not miscarry," &c. He then represents the cardinal as despairing of the labours of the missionaries, sent over by the pope to convert the English at the request of the king, as persons who had gone abroad to be educated and ordained so young that they could speak, on their return home, only a jargon of English, French, and Italian. The king either forgot this, or, having more faith than the cardinal, hoped these missionaries might be endowed with the gift of tongues.

† "Lei e padrone." — *Burnet*, iii. 167.

‡ He obtained, with difficulty, a cardinal's hat for prince Rinaldo d'Este, the queen's brother, and failed to get father Petre made a cardinal, or even a bishop *in partibus*.

Tyrants are proverbially incorrigible ; and he followed the example, without regarding the fate, of his father. Both considered their judges the organs of their will, not of law or right. It was arranged that a friendly or collusive action for penalties should be brought against sir Edward Hales, a recent convert, and colonel of a regiment, who had not taken the test. The plaintiff was his own coachman, named Godden.*

The judges had given him recent and ample proof of iniquitous compliance, and they held their commissions only during pleasure. He yet thought it necessary to assure himself beforehand ; and was disappointed by Montagu, Jones, Charlton, and Neville. The two former had very lately stained their ermine with innocent blood, — Montagu, as comrade of Jeffreys in his “western campaign,” Jones as presiding judge, at the trial of Margaret Gaunt. Jones even refused with spirit. Upon James’s telling him, angrily, that he could easily find twelve judges of the desired opinion ; he replied, “Twelve judges, sir, you may, but not twelve lawyers.”

It is one of the anomalies of human character, that a churchman or a lawyer, who would recklessly sacrifice human life, will stand faithfully by a cherished dogma in theology or jurisprudence.

The four recusants, and two more whose opinions were doubtful or adverse, immediately made way for fit instruments, and the action proceeded. Hales pleaded his dispensation from the king. Herbert, chief justice of the king’s bench, who is supposed to have secretly prompted James, having consulted with the other judges, and found only one dissentient †, “gave judgment in favour of Hales — and of the king’s dispensing power.”

It would be idle to notice the mockery of proceedings, where the suit was collusive. At the same time it would be most unjust to suppose that the king had no law on his side. The balance of law was, perhaps, even in his favour.

* The case is called in the law books “Godden v. Hales.”

It will suffice to state a leading authority and a leading fact. Sir Edward Coke maintained the dispensing power inherent and inseparable in the king's person, beyond the reach of any act of parliament* ; and the revolution

* Judge Street obtained great popularity and a rich wife by his dissent, and has yet been suspected of acting as the confederate of the court to give an air of freedom to the decision. Powell and Atkins said that they, too, dissented in private, though they acquiesced in public, — but withheld their vindication until after the revolution.

Coke, it is true, in his old age, when disappointed ambition and court disgrace had made him a patriot commoner, and he drew up the petition of rights, recanted this doctrine of a "a sovereign" power, above the laws, which he had before maintained on four several occasions. (See vol. v. 87—90.) A late eminent historian, in reference to the dispensing power, and the case of *Godden v. Hales*, says, "Neither the *unguarded* expressions of sir Edward Coke, nor the admissions *incidentally* made by serjeant Glanville, in the *debates* on the petition of rights, on a point not material to his argument, could deserve to be seriously discussed as authorities on so momentous a question." The following are the passages or authorities upon which he pronounces: — that of sir Edward Coke, in a carefully revised and standard work of English jurisprudence (12. Rep.) ; that of serjeant Glanville, delivered by him, not "in the debates on the petition of rights," but as manager in a solemn and most important conference between the lords and commons on that famous "petition." Whether the "expressions" of Coke should be called "unguarded," and the "admissions" of Glanville should be viewed as "incidentally made, . . . on a point not material to his argument," the reader may be left to judge. His chief difficulty will be to resist the high authority which has pronounced them such. "No act," says Coke, "can bind the king from any prerogative which is sole and inseparable to his person, but that he might dispense with it by a *non obstante* ; as, for example, a sovereign power to command any of his subjects to serve him for the public weal ; and this is solely and inseparably annexed to his person ; and this royal power cannot be restrained by any act of parliament, neither in *thesi* nor *hypothesi*, but that the king, by his royal prerogative, might dispense with it ; for upon the commandment of the king and obedience of the subject does his government consist, as it is provided, by the statute of the 23 Hen. VI. c. 8., that all patents made or to be made of any office, as of sheriff, &c., for term of years or life, in fee simple or entail, are void and of no effect, &c. ; yet the king, by his royal sovereign power of commanding, may command any man by his patent (for such causes as he in his wisdom does thing fit, meet, and profitable for himself and the common weal, and of which he himself is solely judge,) to serve him and the weal public as sheriff of such a county, for years or for life, &c. ; and so it was resolved by all the judges of England, in the exchequer chamber, 2 Hen. 7. c. 66." (*Coke's Reports*, part xii. 18. margin.) Sir Edward Coke, in another standard work (1st and 2d Inst.), calls the king "*caput rei publicæ et legis*," an ambiguous expression which might be reconciled with the denial of a dispensing power, if he had not added, in a subsequent passage, that "the king was presumed to carry all the laws in his own breast (*in scrinio pectoris sui*), upon which Wilson, the author of the well-known tract "*Jus Regium Coronæ*," a prerogative lawyer, but a man of unimpeached character and acknowledged learning, observes: — "And what he (Coke) means by those expressions, unless it be that, as the laws are the king's laws, his, also, is the interpretation of them, and the supreme power of dispensing with them, a wiser man than myself may be to learn, which from a person, especially in his latter days, no friend to prerogative I lay more weight on, inasmuch as one affirmative of his cannot but carry more force with any sober man than all those negatives he has so often jumbled against it." The question is not whether this be sound law, but whether it was Coke's law, until resentment against the court, which he had served so long, and, for the most part, so little to his honour, made him a patriot.

of 1688, by declaring it illegal, "as it had been assumed and exercised of late *," truckled with it.

The judgment thus obtained for the king's dispensing power applied alike to his military and civil service. He immediately appointed four catholic lords—Bellasis, Powis, Arundel, and Dover—of his privy council; and, with a still more daring defiance of opinion and the laws, father Petre. The jesuit, however, did not for the present take his seat, or figure as a privy counsellor in the gazette,—either from the remonstrances of the more reflecting catholics, or from the king's expectation of having him previously made a cardinal or bishop.†

The strides thus made by the king in granting, not only freedom of conscience, but place and power to catholics, carried the alarm and antipathy of the protestants to the highest pitch. It struck the clérgy in particular that James forgot that word of a king which they preferred to the security of any laws; and they saw, in imagination, popery disputing or sharing their

"There is," says serjeant Glanville, "a trust inseparably reposed in the person of the kings of England, but that trust is regulated by law; for example, when statutes are made to prohibit things not *mala in se*, but only *mala quia prohibita*, under certain forfeitures and penalties to accrue to the king, and to the informers that shall sue for the breach of them, the commons *must* and *ever will* acknowledge the regal and sovereign prerogative in the king, touching such statutes, that it is in his majesty's absolute and undoubted power to grant dispensations to particular persons, with the clause of *non obstante*, to do as they might have done before those statutes; wherein his majesty, conferring grace and favour on some, doth not do wrong to others. But there is a difference between those statutes and the laws and statutes whereon the petition is grounded. By those statutes the subjects have no interest in the penalties, until, by suit or information commenced, he become entitled to the particular forfeitures; whereas the laws and statutes mentioned in our petition are of another nature. There shall your lordships find us to rely upon the good old statute called Magna Charta, which declareth and confirmeth the ancient common laws of the liberties of England, &c. . . . Laws, not inflicting penalties upon offenders in *malis prohibitis*, but laws declarative or positive, confirming, *ipso facto*, an inherent right and interest of liberty and freedom in the subjects of this realm, as their birthrights and inheritances, descendable to their heirs and posterity; statutes incorporated into the body of the common law, over which (with reverence be it spoken) there is no trust in the king's sovereign power or prerogative royal to enable him to dispense with it, &c. — *Conferences on Petition of Rights*, 1628.

* Declaration of Rights.

† James, in his MS. memoirs (extract in *Life*, ii. 67.), acknowledges the indiscretion of this appointment, in which he says he was "bewitched" by father Petre and lord Sunderland. Barillon, on the other hand, says, that James seized eagerly and avowedly every occasion for a new stroke of audacious despotism (*des coups hardis et d'autorité*.)

monopoly of the wealth and power of the church establishment. Whilst oppression threatened or fell only upon the laity, they had preached passive obedience as a duty both to God and the king. It was sedition to demand justice, and sin to complain. They now sounded the alarm from their pulpits with the virulence of men abandoned to the two ungovernable impulses of theological hatred and the love of pelf.

James discovered in the very armoury of the reformation an engine by which he hoped, not alone to silence the clergy, but re-establish popery on the ruins of the church of England. He told this in a tone of exultation to Barillon.* The act of the 1st of Elizabeth, which transferred the supremacy in matters ecclesiastical from the pope to the queen and her successors, enabled her to exercise it by her royal commissioners.

This statute, the keystone or basis of the church of England, was, in truth, as intolerant and exclusive in principle as the popery which it superseded. The high commission court, which grew out of it, was to all intents a protestant inquisition; and the heads of the Anglican church, from archbishop Whitgift to archbishop Laud, exercised the jurisdiction of this terrible tribunal, not only in matters ecclesiastical, but over the whole region of thought, in the spirit of its prototype.

The high commission and the star chamber were swept away by the long parliament, on the eve of the civil war and dawning of the commonwealth; and the restoration, freely as it presumed upon the servility of the nation, had not the hardihood to revive them.

It was reserved for James to revive the former, but not in the height of its pressure. He constituted his ecclesiastical commission court with a power to censure

* "Le roi," says Barillon, "m'en a parlé à fond, et m'a dit que Dieu avoit permis que toutes les lois qui ont été faites pour établir la religion protestante, et pour détruire la religion catholique, servissent de base présentement à ce qu'il veut faire pour le rétablissement de la vraie religion, et le mettent en droit d'exercer un pouvoir encore plus grand que celui qui est exercé par les rois catholiques, sur les affaires ecclésiastiques, dans leurs états."—*Mazure*, ii. 130.

or deprive, but not to fine or imprison ; an evasive mitigation suggested to him by his judges.

The members of this court were Sancroft, archbishop of Canterbury ; the chancellor Jeffreys ; Crew, and Sprat, bishops of Durham and Rochester ; lords Rochester and Sunderland, and the chief justice Herbert* ; — and the first culprit who appeared before it was Compton, bishop of London.

That prelate had been removed from the privy council for his opposition in parliament. His offence now was his non-suspension of doctor Sharpe, rector of St. Giles's. The king had issued a letter, prohibiting all preachers from controversial railing, and Sharpe was denounced to his diocesan for seditious preaching in contempt of the royal interdict.

There is something suspicious in Sharpe's own account. As he came down one day from his own pulpit, a piece of paper was, he says, put into his hand : it contained a challenge to dispute with him on some points in his sermon directed against popery, and he thought himself bound to accept the defiance. But he gave a doubtful proof of his polemic chivalry by choosing for the arena his own pulpit, where his antagonist could hardly be expected to appear. It would require a great stretch of charity to believe that his story was not a device to pour out his theological bile in contravention of the king's mandate.

After summing up his defence of protestantism against popery, he made, in substance, the general deduction that he who from a protestant became a papist must be a knave or a fool. This might refer to several persons avowedly or secretly converts at the time † ; but it would

* Sheffield, duke of Buckingham, then lord Mulgrave, was subsequently nominated in the room of Sancroft ; but declared, in his vindication after the revolution, that he never sat.

† Among them were Obadiah Walker, master, Nathaniel Boyce and Thomas Deane, fellows, of University College, John Bernard, fellow of Brazen Nose College, Oxford, and Edmund Sclater, schoolmaster, curate of Putney, and rector of Esher, — to all of whom James granted his royal letters of licence, dispensation, and pardon, for which see Gutch's *Collect. Curi. i. 287. et seq.* James, according to Dr. Lingard, "*imposed*" on Sclater the obligation of providing fit ministers to perform his clerical

also apply to the king, who had once been a good protestant ;—so zealous, indeed, that he would separate the young duke of Gloucester from his papist mother, out of care for his religion ;—and yet became a convert to the church of Rome.

Lord Sunderland, accordingly, commanded the bishop, from the king, to suspend the delinquent preacher ; and the bishop answered, with spirit and propriety, that he could not punish Sharpe without having heard him in his own defence. The bishop, upon this, was summoned to appear before the ecclesiastical commissioners.

Sancroft obtained the king's permission to absent himself on the ground or pretence of age and infirmity ; and Jeffreys presided. The bishop first pleaded to the jurisdiction. Upon the rejection of his plea, he maintained that it was not competent for him to suspend one of his clergy unheard.

The question now was the suspension of the bishop himself. Rochester was against it, and Jeffreys inclined to his opinion. Sunderland, and Crewe, bishop of Durham, would hand the bishop over to the tender mercies of the king. The rest of the court vacillated : the issue was doubtful : Rochester, for the sake of his precarious tenure of court power, and the treasurer's staff, meanly gave way ; and the bishop was suspended, during the king's pleasure, from his episcopal functions. He, two years later, avenged himself by guiding and abetting, with his spiritual counsel and bodily escort, James's daughter in her unnatural desertion from her father to her father's enemy.

The attributes and terrors of the ecclesiastical commission extended beyond the church to the whole

duties according to the book of common prayer. This is not quite accurate. The licence allows him to be absent from his cures, and "employ a curate or curates therein." There is not a syllable about "obligation," or "fit minister," or "the book of common prayer." These dispensations are dated May, 1686. The grant by James to Massey, dean of Christchurch, Oxford (*ibid.*), is dated December in that year. At the same time catholic houses of worship were opened and multiplying, and three communities of carmelites, benedictines, and jesuits established themselves openly on either side of Temple Bar.

community, and every interest, spiritual and lay.* James looked to it as an engine, not only for propagating his faith but for supplying his exchequer, by commanding the purchasers of church property to submit to its judgment the validity of their titles.†

The systematic tyranny and methodical violence with which James trampled or threatened, not only those irrational laws which enforced conformity to one church, but the great safeguards of civil right, created a deep ferment in the national mind through all ranks. He was sensible of the danger, and not unprepared for it. From the moment when he found the parliament unmanageable, he applied himself to increasing his regular army, and constituting it for his purposes; and, in the summer of this year, whether to gratify his despotic humour, or overawe the people by an imposing demonstration, he encamped 15,000 men, infantry and cavalry, on Hounslow Heath, and inspected and manœuvred them frequently with self-complacent pride.‡

A standing army was associated in the public mind with arbitrary power: the military spectacle was, in itself, odious to the English people: James rendered it still more odious by the exercise of martial law§, and the Roman catholic worship, in the camp. The popular feeling found vent, through the press, in a short address, appealing with reckless energy to the passions of the soldiers || as protestant Englishmen and freemen. It circulated with electric rapidity through the camp, defeated by its single force all the arts of James to endear

* See the commission in the "History of King James's Eccl. Commis." Ralph, i. 120. *et seq.* State Trials, v. 11., &c.

† "Elle" (the commission) "embrasse," says Barillon, "tant de matières différentes, qu'il y a peu de gens qui se puissent dire exempts de sa jurisdiction. Ils examineront les aliénations des biens ecclésiastiques faites sous de faux prétextes ou sans les formalités requises, et celles dont les conditions n'ont pas été exécutées. On prétend qu'il en reviendra des sommes considérables à sa majesté."—*Mazure*, ii. 132, 133.

‡ See his letters to the prince of Orange, in Dal. App. 167. 171.

§ Elizabeth punished military offences by law martial, without question. Charles claimed the same power, but it was resisted; and it was declared contrary to the laws and liberties of the realm by the petition of rights, that second *Magna Charta*, extorted from Charles I., to which the Whigs of the two succeeding reigns had never the courage to refer.

|| See State Trials.

himself to the soldiery, and demoralised the army as an instrument for his purposes.*

The author was soon discovered in the person of Samuel Johnson, a man of fiery zeal and great fortitude, but less of a patriot than a partisan, already convicted as the writer of "Julian the Apostate," a libel on James, duke of York, and still a prisoner under his sentence. He was now tried, condemned, and sentenced to pay a fine, to be exposed three times on the pillory, and to be whipped from Newgate to Tyburn.

The address, a direct provocation to mutiny, was, assuredly, a libel of a most dangerous character; but the conduct of the prosecution was iniquitous, and the execution of the sentence wantonly inhuman. Johnson was a clergyman, and had been chaplain to lord Russell. Out of reverence to the church, he was previously degraded from holy orders and stripped of his gown. He told the three bishops who performed the ceremony that "they pulled off his gown for the offence of trying to keep theirs on their backs."

It occurred very naturally to James that the conversion of his chief servants to his religion would greatly forward the success of his projects. He as naturally concluded that men who lent themselves so unscrupulously to his measures of government would adopt as implicitly his religious faith. It was the destiny of this prince to encounter scruples where he had reason to expect compliance, and treason where he might look for fidelity. Some pleaded their protestant conscience and conviction; others replied by an ingenious turn or a jest.

James, as a mark, perhaps, of his personal esteem, took upon himself the conversion of lord Dartmouth, who proved equally faithful to his religion, and what he considered his duty to his unfortunate sovereign.

A priest sent to convert lord Middleton began with transubstantiation, and opened with one of the forms of argument most familiar to the schoolmen. "Your lord-

* Mazure ii. 118., referring to a despatch of Barillon.

ship believes in the trinity," said the priest. "Who told you that?" replied the secretary of state; and the matter ended as it began.

Sheffield, duke of Buckingham, then earl of Mulgrave, put off his instructor with a jest on the real presence, the repetition of which might be excused for its wit, if any thing could excuse a shock to that which should be sacred even in its infirmities — religious belief.

The noted Kirke is said to have been sounded, and to have excused himself by saying, he was pledged to the emperor of Morocco to become a mussulman if he ever changed his religion. No attempt appears to have been made upon the protestantism of Jeffreys. This is not to be accounted for by the infamy of his life, — for religious proselytisers are not fastidious, and the character of Kirke was equally revolting.

But the conversion of greatest moment was that of Rochester. Sunderland, father Petre, the queen, and their cabal, long conspired his ruin. The reappearance of his patroness, lady Dorchester, after some months' retirement, revived his confidence and the passions of his enemies.*

It was made a question in the secret cabal, headed by Sunderland and Petre, whether the king should not convene instead of proroguing the parliament. The result was a representation from the catholic lords to the king that parliament never could be brought to repeal the penal laws, the test act, and the act excluding the catholic peers from the legislature, so long as a protestant lord treasurer continued at the head of a protestant cabal in his court and council.† James promised to remove him unless he declared himself a catholic. The issue was now not a matter of hope and fear, but of fear only. His personal friends and the high church party, with so many instances of his weak compliance for court favour, trembled for his virtue; his enemies were no less apprehensive of his holding

* Barillon, in Fox MSS.

† Barillon, in Mazure, ii. 170., and Fox MSS.

by office at the price of apostacy. His behaviour protracted and heightened the state of anxiety and suspense. He agreed to edify himself by listening to a disputation between two catholic and two protestant divines, on the points of difference called essential between their respective churches. The disputants were doctors Jane and Patrick for the protestants; doctors Gifford and Godden for the catholics. Both sides claimed the victory, as it invariably happens in the war of words. The result was that Rochester, either immediately, or after having taken time to consider*, decided for the church of England and his conscience, lost his place, and retired with a pension of 4000*l.* a year from the king, a grant of 1700*l.* a year for his share in the spoliation of the estate of lord Grey, and the popularity of a martyr to the church. His office was abolished, and the duties placed in commission.†

The attempt to convert the princess Anne has but recently come to light.‡ It was for some time a floating project, and ultimately proved an abortive intrigue, to deprive the princess, or rather the prince of Orange, of the succession. The king's jealous hatred of the prince appears to have suggested it to the intriguers; but there is no evidence to show that he consented for a moment to deprive his eldest daughter of her birthright, however he may have desired the conversion and salvation of the younger.§

* This is Gifford's (the catholic) account, but it is confirmed by Barillon, in a despatch, dated Dec. 12 (N. S.), two days after the conference, which took place Nov. 30. (O. S.).

† The commissioners were lords Bellasis, Dover, and Godolphin (the two first catholics), sir J. Emley, and sir Stephen Fox.

‡ Mazure, i. 417., ii. 128. 160. Before this publication, however, it was known to those who had seen the Fox MSS., extracted from the archives of the French department of foreign affairs.

§ "Voici donc," says Mazure, "sur ce point tout ce qui est avéré par des pièces authentiques. Bonrepos écrivoit au marquis de Seignelay, des le 28 Mars: 'Le roi d'Angleterre,' dit-il, 'peut à peine dissimular sa haine et sa jalousie contre le prince d'Orange. La connaissance que j'en ai me donna occasion de demander a' l'envoyé de Danemark, que je connois particulièrement, si le prince Georges étoit homme à songer à la couronne d'Angleterre pour la princesse sa femme: ce que je croyois praticable, s'il se faisoit catholique. Cet envoyé m'a dit depuis qu'il en avoit touché quelque chose, par manière de conversation, au prince Georges. Il croyoit que ce prince se feroit instruire, pour se mettre en état de prendre son

Barillon, at the instigation of father Petre and his cabal, and in concert with them, soon after James's accession, threw out this project to Louis XIV., who discouraged it.*

It was revived by lord Castlemaine during his embassy to Rome. His holiness could not withhold his sanction from the blessed work of converting a heretic princess, — but, politician as well as pope, — he gave it faintly. This however was enough for Castlemaine; who conveyed to his master, as the pope's counsel, that nothing solid or permanent could be achieved for the catholics without the conversion of the princess.

James immediately took means to convert her, — but only by legitimate persuasion, — with the zeal of a propagandist, but without the authority of a father, — and without, so far as it appears, — holding out to her the succession to the crown in preference to her elder sister.

This flattering temptation was brought to bear upon her religion by Bonrepost†; a special envoy to James

parti, s'il trouvait quelque jour à faire réussir ce projet. Je sais aussi certainement que la princesse sa femme veut être instruite. Je lui ai fait donner des livres de controverse qu'elle a fort bien reçus. Ceux qui la connaissent particulièrement disent qu'elle a de l'esprit et beaucoup d'ambition. J'ai parlé quelquefois au roi d'Angleterre de ces vues de conversion qui le flattent extrêmement; et quand on connaît le dedans de cette cour, aussi intimement que je la connais, on peut croire que sa majesté Britannique donnera volontiers dans ces sortes de projets." — *Mazure*, ii. 160, 161.

The extract in the Fox MSS., doubtless more faithful, contains more particulars, of which advantage is taken in the text. The king, it will presently appear, denied indignantly, in an audience to Van Citters, the Dutch ambassador, any idea of wronging the princess of Orange in her right of succession; and the time is come when he may fairly be heard. Hitherto, or up to a recent period, his popery has deprived him of all credit, — unless it could be turned directly or indirectly against himself, or against his religion. It may be added, as a further argument, that his high notions of the indefeasible right of succession to the crown, and the flagrant inconsistency of turning against his lineal heir the principle of that very exclusion bill, which, in his own case, he had denied would refute the supposition.

A second observation may be made, — that the great lengths to which others, as Barillon, Bonrepos, Louis XIV., and even Castlemaine, meddled in his affairs, without his sanction, show him to have been a prince, with all his jealousy of regal pride and despotism, possessed of still less capacity and character than he has credit for.

* *Mazure*, i. 417.

† This name is variously written, Bonrepos, Bonrepaus, and Bonrepaur.

on a secret mission from Louis XIV.* He began by sounding the Danish ambassador respecting the conversion of prince George of Denmark; — that kingdom, it should be observed, was then almost the only continental ally of France. He held out to the Danish minister, that the conversion of prince George and the princess would induce the king to exclude the elder sister from the throne in favour of the younger. The Danish ambassador, in reply, — and after conferring with prince George, — expressed confident hopes of success. † The conversion of the princess was expected to follow. Bonrepos describes her as not without sense, timid but ambitious, hating the queen, receiving books of controversy without reluctance, and, like her husband, willing to be instructed. ‡

The intriguing diplomatist deceived himself. That princess had had for her preceptor in theology bishop Compton, better qualified to be a field officer than a divine, — with the exception of his zeal against popery. Her protestantism consisted mainly in a truly popish submission to the church of England, and a truly protestant hatred of the church of Rome. Ignorant bigotry and vulgar temper constituted in her a spurious force of character, which rendered it difficult to change her convictions, or make her bend them to her ambition; — and she repelled every attempt to make her a proselyte.

It is here necessary to glance at James's course of government in Scotland and Ireland during the second year of his reign. The administration of Scotland was chiefly vested in the duke of Queensbury and the earl of Perth. They proceeded with sufficient accord up to

* His charge was to induce as many as possible of the French protestants, as had taken refuge in England from the dragonades, to return to France. The French tyrant and his inhuman minister now began to feel the loss of manufacturing skill, industry, and capital, to France, and the gain of England.

† Prince George, a person destitute of worth and character, mental and moral, was wholly governed by others. When it was in contemplation to put him forward as a candidate for the crown of Poland, his friends decided for him that he should be a catholic. His conversion, or conformity, therefore, might be easily brought about. Halifax MS.

‡ Extract before recited from Mazure, and the same letter in the Fox MSS.

the beginning of this year, — when they quarrelled, and naturally appealed to the king. Queensbury was a protestant of the church of England — Perth a recent convert to the church of Rome.* James deposed the former from his supremacy as treasurer, and transferred it to Perth ; but gave Queensbury a pension, and the presidency of the council. He appointed the earl of Murray, a convert, like Perth, to open the Scotch parliament as his commissioner.

The established church of Scotland was episcopal since the restoration ; and prelacy, lay and spiritual, had, during that time, harassed and persecuted the presbyterian mass of the community with a barbarity which popery has rarely, if ever, equalled — never surpassed. James supposed that he could carry the repeal of the test with ease in Scotland, where it pressed alike upon presbyterians and catholics. He was disappointed in this as in so many other calculations.

The committee of the privy council in Scotland suggested difficulties or showed disinclination ; and the king summoned the duke of Hamilton and sir George Lockhart to confer with him in London. They consented to the repeal of the test act, — but on condition that he should give his assent to a bill restricting him from any further change in the protestant religion “ as by law established.” James would not fetter either his regal prerogative or ecclesiastical supremacy ; and it was finally decided to leave the matter for the determination of the Scotch parliament.†

Murray, as the royal commissioner, opened the parliament of Scotland, with the reading of the king’s letter, on the 29th of April. The letter, having offered a free trade with England, and an amnesty to those implicated in the late rebellion, demanded, in return, relief and protection by law for his Roman catholic subjects in Scotland, — who, under the most discouraging circum-

* Lord Halifax said of him, in reference to his fear of court disgrace, and an inquiry into his alleged malversations in office, that “ his faith had made him whole.”

† Mazure, ii. 89., on the authority of Barillon.

stances, had proved so faithful to him. Whether from indecision or policy, neither the king in his letter, nor the commissioner in his speech, proposed any specific measure of relief. The parliament, in reply, after thanking the king for his proposal of a free trade and a general amnesty, declared, with reference to the catholics, that "they would go as great lengths therein as their consciences would allow;"—"the first time," says a Scotch historian, "that a Scotch parliament talked of conscience since the restoration." The parliament concluded with an expression, alike significant and uncalled for, — that "they doubted not his majesty would be careful to secure the protestant religion by law established," — that is, ascendant and exclusive prelacy.

The alarm of the king's designs upon protestantism had by this time reached Scotland. It was secretly heightened by the prince of Orange, who was in communication with Queensbury.* The draught of a bill of toleration, sent up to the lords of articles, though far short of the king's expectations, was strenuously opposed. "Our fathers," exclaimed one, "are reproached with having told our king — let us not incur the reproach of having sold our God." The bill was abruptly put aside by a prorogation.

James wreaked his vengeance upon the opposition — bishops, lords, and commons — by spiritual and temporal deprivations; got rid of the test by dispensations in favour of the catholics; and told Barillon he had only wasted time in asking from the parliament what he could himself do by prerogative.†

It was one of his objects that the parliament of Scotland should give that of England an example of compliance; and it gave one of opposition. He was more successful, but it cannot be said more fortunate, in Ireland.

The duke of Ormond, it has been observed, after an interval, during which Ireland was governed by lords-justices, was succeeded by lord Clarendon, as lord lieu-

* Mazure, ii. 92., on the authority of Barillon. † Id. 93. idem.

tenant, soon after the accession of James. Clarendon had the servility, without the talents, of his father, and pretended to the same zeal for the church. He yet lent himself with unprincipled and abject subserviency to the king's views of indulgence and favour to the catholics. This was not enough. He was not a person to be trusted with the secret of the execution of the king's designs upon Ireland,—the remodelling of the army, and the repeal of the act of settlement; and Richard Talbot, afterwards better known as lord Tyrconnel, was associated with him in the government.*

The character of this remarkable person has in general been treated unfairly. He who duped the prince of Orange, lord Mountjoy, and the veteran intriguers of the French court, cannot have been chargeable with impetuous bigotry or want of understanding. The memory of his escape from the fangs of Titus Oates and the popish plot was not calculated to reconcile him to protestantism. He had the boisterous licentiousness and levity which passed for frankness and gaiety, in the profligate court of Charles II.; but his reckless language, animal vivacity, and strong impulses only masked his dissimulation, adroitness, and daring. His fidelity to an unfortunate master and benefactor is a redeeming and

* Lord Bellasis may have said of him, as it is recorded, "That fellow, Dick Talbot, is madman enough to ruin ten kingdoms." But Bellasis was a timid politician and sordid miser.

Talbot is charged, by English historians of the revolution—even the most recent and eminent—with designing to assassinate the duke of Ormond whilst the latter was lord lieutenant of Ireland. The chief, if not only authority is Clarendon, who hated Talbot, his family, and his country, and whose long and loose account (Continuation, &c. iii. 687.), is reduced to its proper value by Carte (*Life of Ormond*, ii. 426.). "Talbot," says he, "conceiving himself aggrieved by the clause proposed [in a bill relating to the act of settlement], thought it a likely stratagem to secure himself by giving out threats against the duke's life, taking care to do it in such a manner that his grace might be sure to hear of them The duke took his believing he could be frightened from his purpose in worse part than if he had entertained a real design to kill him."—Oba.

Clarendon further asserts (*ibid.*), that Talbot had offered himself to Charles II., in Flanders, "as one who was willing to assassinate Cromwell," and came to England for the purpose. It is strange that a person, both crafty and daring, should have made no attempt, and that neither his purpose nor his journey should be mentioned by any one but Clarendon. Clarendon himself applauded assassination when directed against the protector and his public servants. He would have little right to reproach Talbot.

transcendent virtue, at a time when more decorous politicians intrigued and betrayed from the base motives of personal fear or self-interest. This glance at his character, by anticipation, may lead to a fairer judgment of any novelty in the views taken of his conduct in the succeeding pages.

The arrival of Tyrconnel, a catholic and an Irishman, cheered his party and alarmed the protestants. His commission was that of lieutenant-general under the lord lieutenant; — his first charge to reconstitute the army into a fit instrument of his master's designs, and his own, by making it substantially catholic. He slighted the authority and interference of the lord lieutenant with coarse and contemptuous indifference; — perhaps the most politic way of dealing with a person of weak character and servile nature; — he disbanded officers and privates at his discretion, under the pretence of disaffection, insufficient height, age, or infirmity; — he not only supplied their places, but increased the army with catholics. Circumspection is not always prudence, — audacity and impetuosity may sometimes be trusted to as the best means of success.

The disbanded officers and men were reckoned, the former at 300, who proceeded to Holland, and received commissions from the prince of Orange; the latter at 4000, who, having been obliged to lay down their uniforms as well as their arms, wandered half naked over the country.

The protestant population of Ireland — adventurers, settlers, and soldiers — the descendants or survivors of the several stocks sent over by Elizabeth, James I., and the commonwealth, — were deeply agitated and alarmed for their religion, their estates, and their lives. They, however, yielded to the lord lieutenant's assurance that the act of settlement should not be disturbed — or to their own prudent fears — and, in point of fact, remained quiet. It should be observed that they were unarmed. The militia — that is the protestants — had been dis-

armed, under the pretence of Monmouth's rebellion, some time before the recasting of the army by Tyrconnel.

Talbot, meanwhile, proceeded to London; solicited the chief government of Ireland, as the reward of his services; and obtained it after some delay and difficulty, which he overcame by threatening Sunderland with awkward disclosures, — and tempting him with an enormous bribe. Clarendon was recalled upon the fall of his brother Rochester, received, like Rochester, a large pension to console him, and was succeeded by Tyrconnel, with the inferior title of lord-deputy.

CHAP. III.

1687.

THE KING EXERCISES A DISPENSING POWER. — DISPUTES WITH THE CHARTER-HOUSE. — WITH CAMBRIDGE. — WITH OXFORD. — THE SPIRITUAL ORDER. — DECLARATION OF LIBERTY OF CONSCIENCE. — THE KING'S QUARREL WITH THE CHURCH. — HIS GOOD FAITH IN GRANTING TOLERATION. — ASCENDANCY OF FATHER PETRE. — PUBLIC RECEPTION OF A PAPAL NUNCIO. — THE ELECTIONS. — "CLOSETINGS." — PREGNANCY OF THE QUEEN. — THE PETITION, IMPRISONMENT, AND TRIAL OF THE SEVEN BISHOPS. — FATHER PETRE AND LORD SUNDERLAND. — SUNDERLAND AVOWS HIMSELF A CATHOLIC. — BIRTH OF A PRINCE OF WALES. — ITS EFFECTS. — FATALITY ATTENDING JAMES II.

1687. JAMES now entered upon the third year of his reign, and signalised it very early by his breach with the Tories and the church. The persons in whose favour the king had exercised his dispensing power in the preceding year were, for the most part, obscure and isolated converts. His dispensations did not then provoke the zeal and conscience of the clergy, by assailing the two points of the fabric of the church which were held most sacred — corporate monopoly and ecclesiastical revenue.

The king's first skirmish was with the endowed seminary called the Charter-house. He issued his royal mandate to the governors, that they should admit, as a pensioner, Andrew Popham (a catholic) without taking the oaths. The master had the courage to resist, though Jeffreys was one of the governors, and required instant obedience. His resistance, however, was sanctioned by the majority of the governors, among whom were the duke of Ormond, the archbishop of Canterbury, the suspended bishop of London, lords Halifax, Notting-

ham, and Danby ; and the mandate was urged no further.

It was the object of James to plant his religion in the seminaries of education, as the means of propagating it through the kingdom. This may have been insidious, — but it was the thought of one who would make converts to his faith by persuasion, not by force.

It was a bold flight, after failing at the Charter-house, to make his next experiment upon the university of Oxford. The family of Petre, or father Petre, in their name, claimed, before the ecclesiastical commissioners, the right to name seven fellows of Exeter college, as descendants of sir William Petre the founder. The right had been exercised without opposition by the college for seventy years. It was replied that, during this period, a catholic, so far from obtaining justice, could not with safety avow himself. The matter ended in the decision of the commissioners that it was a question for the courts of Westminster. Sprat, so distinguished by his accomplishments and meanness, claimed the merit of this result.* Catholics would doubtless have been named.

Oxford, it has been observed, submitted in several cases to the king's dispensing power.† Cambridge, in an instance which might be considered one of courtesy, but involving the principle, resisted at the threshold. The king desired that the degree of master of arts should be conferred on Alban Francis, a benedictine friar, to whom he had granted his royal letter of dispensation from the accustomed oaths. Peachell, vice-chancellor of the university, hesitated and wavered, and at last refused, at the instigation of men of more character, — was arraigned for his disobedience before the ecclesiastical commission, — deprived of the vice-chancellorship, — and suspended from the mastership of Magdalen college.

The university of Cambridge, the *alma mater* of some eminent dissenters from the church — among them Cromwell — had already a reputation for political and

* Letter to lord Dorset.

† Those of Obadiah Walker and others, already stated.

religious independence. That of Oxford, the last stronghold of Charles I., from which emanated the liberticide decree of 1683, was expected to be, in the language of the day, more loyal. It proved otherwise.

The presidency of Magdalen college became vacant; and the king addressed to the fellows his royal mandate to elect Anthony Farmer. This person had not the collegiate qualification, and was disqualified by the notoriety of his vices. He was, moreover, suspected of being a concealed papist. This single ingredient, most likely, procured him his recommendation by the king — and his rejection by the college.

The fellows of Magdalen petitioned the king to excuse them, on the ground of Farmer's want of academic qualification; were told, in reply, by Sunderland*, that "the king expected to be obeyed;" and, after much fear and trembling on the part of some, and a considerable display of resolution by others, proceeded to elect one of their own body, doctor Hough. The new president justified their choice by the spirit with which he accepted and maintained it. The matter was referred by James to the ecclesiastical commission; and that tribunal, under the presidency of Jeffreys, declared the election void.†

A new royal mandate was now issued to the college to elect Parker, bishop of Oxford, who, like Farmer, was under suspicion of popery, — a more serious disqualification than his unprincipled servility, — and was rejected on the ground that the place was filled. Hough, meanwhile, exercised his authority in defiance of the judgment which annulled his election.

* Some writers will have it that Sunderland gave this answer before he had made James acquainted with the petition. See *State Trials*, xi. 54. *et seq.*

† Fairfax, one of the fellows, asked by what authority the court sat; upon which Jeffreys, after asking him, in reply, what commission he had to be impudent in court, recommended him to a dark room and strait waistcoat, and expressed his surprise that a madman should be allowed to go abroad without a keeper. The question of Fairfax has, probably, received more praise than it deserved. It appears to have been suggested by his jealousy, not of an unconstitutional or illegal tribunal, but of a tribunal, composed in part of laymen, adjudicating in matters ecclesiastical.

Some weeks passed in mutual fear, and the hope of a compromise. James, in a summer's progress, visited Oxford, threatened the disobedient college with his displeasure*, and, upon its continued disobedience, appointed extraordinary commissioners to visit the college, and recast its statutes at their discretion.

Hough was asked whether he submitted himself to the authority of the commissioners. "I," said he, "submit to it so far as it is consistent with the law of the land and the statutes of our college: whilst I live and obey the statutes, there can be no other president. The commissioners declared Parker the president; and Hough, having been forcibly removed from his office and his house, protested publicly against their present and future acts, to the prejudice of his right, as illegal, unjust, and null.

The fellows were called upon to acknowledge their error, and submit themselves to the king. A majority, for a moment, was disposed to compromise; — but the king's refusal of anything short of an unqualified concession of criminal disobedience, according to some, — a spontaneous return to more generous counsels, according to others, — made them retract their qualified submission; and the commissioners, by a majority of only one, expelled the recusants.

The ecclesiastical commission soon after incapacitated them for church preferment, if clergymen, for ordination, if laymen. They were considered as martyrs; but their popularity, in the substantial form of private succour and public subscription, made their martyrdom far from severe. Their places were filled by avowed catholics, or protestants of doubtful faith and servile character, equally and much more justly odious.

This incident throws a light upon the spiritual order which that order of every communion has used every art to extinguish. The church of Rome has given the most systematic and flagrant examples of a priesthood

* Letter of Blathwaite in Pepy's Diary, v. ii. App.

determining arbitrarily, according to the passions or interests of their order, for princes and the people, the religious and natural morality of human action and opinion. The papal priesthood has been rivalled by the calvinistic, in the contest between the Dutch republicans and the usurping princes of the house of Orange. The standard of resistance to a questionable mandate of the sovereign was now raised in that very university of Oxford,—that fortress of the church of England,—which, but four years before, had condemned, in the name of God, of nature, and of society, the resistance of subjects to a sovereign, however cruel and inhuman.

Had Oxford become independent or enlightened? By no means,—unless so far as men may be enlightened by self-interest. In 1683 the Oxford theologians placed the foot of the sovereign upon the neck of the people, on pain, to the latter, of incurring the wrath of God if they resisted; but they then looked for an accession of wealth, pomp, and power, as the propagandists of a faith so favourable to tyranny. Now the case was changed: the sovereign would place his foot, not only on the neck of the lay community, but also of the priesthood; and the church liberated the people—nominally, to defend their religion and rights, really, to defend the ascendancy and interests of the church. The people are commonly besotted enough to confound one with the other.

The king, meanwhile, was widening, on other points, his quarrel with the church. His great stroke was that memorable “declaration for liberty of conscience” the recoil of which proved fatal to him. He issued a previous declaration of indulgence, by way of prelude, in Scotland. This declaration, enlarged by several supplements within a few months, became as comprehensive a charter of religious liberty as ever was framed in the abstract by a studious philosopher. The only exception was that of field preaching, no longer necessary for religion, and capable of being made subservient to riot or insurrection. The Scotch episcopal church and churchmen abhorred this wholesale license for popery

and the presbytery,—that is, idolatry and schism. Some even of the persecuted schismatics received, with contortions, relief administered to them, in common with papists, by a popish prince. But repose is so sweet to nature after the agonies of persecution, that the great mass of conventiclers could not resist the enjoyment of toleration, though, embracing papists, prelatists, and quakers, it was idolatrous, heretical, and blasphemous :

. . . res humanæ . . . flebile ludibrium . . .

James had already visited refractory bishops and privy counsellors with his resentment in the loss of places and pensions ; and the church party, lay and spiritual, chose to submit. No one complained of the king's suspending at once by his sovereign authority*, prerogative royal, and absolute power, a series of laws, fanatical and cruel, it is true, but solemnly enacted ever since the minority of his father. But there was scarcely any ground to stand on. The servile parliament of Scotland, actuated by the Scotch minions of the English court, as Lauderdale, Middleton, and Queensbury, had disseised Scotland of legal liberty, temporal and religious, in favour of the crown.

James descended from his pretensions, or retrenched his phrases, in the declaration which he put forth in England. Omitting his "sovereign authority" and "absolute power," he says, in the preamble, "we have thought fit, by virtue of our royal prerogative, to issue forth this our declaration of indulgence, making no doubt of the concurrence of our two houses of parliament when we shall think it convenient for them to meet."

He then proceeds to suspend all disqualifications, tests, and penalties, on the ground of religion, and concludes with announcing his confidence that parliament at

* The Scotch parliament had assured James, with the full knowledge of his popery, at his accession, that "they abhor and detest all principles and positions which are contrary or derogatory to the king's sacred, supreme, absolute power and authority, which none, whether persons or collective bodies, can participate of, in any manner or on any pretext, but independence on him, and by commission from him."—*Acta Parl.* viii. 459.

its next meeting would concur with him, — an intimation wholly groundless and insincere. It was the failure of his attempt to obtain the support even of courtiers and his servants, members of either house, that determined him upon this exercise of the dispensing or suspending power.

This measure was introduced by the king to the privy council on the 18th of March, and the declaration published by him on the 4th of April. The king's introductory speech to the council was really worthy of a new charter of religious liberty ;—the declaration was so called. He rests his purpose of granting liberty of conscience upon grounds of historic induction and political philosophy worthy of the wisest reasoner and most enlightened age. Observing, he says, the total failure and evil consequences of the attempts made by his predecessors and their parliaments, in the four last reigns, to enforce conformity in religion, — convinced that liberty of conscience was conducive to the peace, quiet, population, and trade of the kingdom, — holding it part of his faith as a christian that conscience should not be forced, — he had determined upon this great measure, and had given orders, meanwhile, to his law officers to take no proceeding in his name against any dissenters whatever.*

Two points will here naturally, if not necessarily, suggest themselves : the process by which James gave liberty of conscience, and his good faith. From granting dispensations by units to suspending the penal laws in the mass was but a step—both exercises of prerogative must stand or fall together. The second point is more interesting. Were James's professions of respect for liberty of conscience shallow and perfidious? The most unjust and obstinate of all prejudices is that of religion. Protestants find it difficult to dissociate popery and intolerance. It would be as easy to prove by conspicuous examples, that a believer in the dogmas of the

* Life of James, ii. 111, 112.

church of Rome is not necessarily intolerant. Fénelon, a bishop of the church of Rome, and an enthusiast in his religious faith, pleaded, in the true spirit of toleration and christian charity, for the persecuted French protestants, while the protestant bishops of England were urging on the persecution of papists and protestant dissenters. James was unlike Fénelon, but may yet have been sincere. He had the opportunity of learning toleration in the best of all schools — that of suffering, as he has himself expressed it, “for conscience’ sake.”* His sincerity was believed by one of the wisest and best men of that and of any age, William Penn.

But suppose him actuated secretly and solely by a regard to the interests of his own religious communion, he still appears to advantage by the side of leading individuals, and large masses of contemporary protestants. He could be tolerant, at worst, from motives of civil policy, — he could at least endure the spectacle of religious freedom ; — whilst they, in the relentless fanaticism of their zeal, set up “the honour of the law of God” against a toleration which they called blasphemous.

In fine, if James stretched the prerogative for the interests of popery alone, he, in point of fact, unmanacled religious conscience, protestant and papist, at a moment when the church of England gave him lessons of persecution which popery has not surpassed. It is stated by Penn that, from the restoration to James’s declaration of liberty of conscience, above 15,000 families had been ruined, and more than 5000 persons had died in bonds,

* The standing proof adduced against James is his rigorous enforcement of the penal laws during his government of Scotland. Let it be remembered that he enforced them for the benefit, not of popery, but of the church of England ; that his motive, therefore, was not religious but temporal ; and that his administration fell short in rigour of the instructions penned for him by his brother’s protestant counsellors, among whom were Halifax, Godolphin, and Rochester. The object of temporal policy which he had in view has been shown in the last volume, viz., to rally round him the high church, then dominant in the government and parliament of Scotland, against the English exclusionists.

† William Penn’s “Good Advice,” &c.

for mere matters of conscience to God †,—that is, victims to the despotic and exclusive spirit of the dominant church.

No human power can deprive the philosopher of his liberty of thought. To the christian the most precious of all liberties is that of worshiping God according to his conscience;—it is among the curious anomalies exhibited in the history of the human mind that christians have so rarely conceded it to each other. The pagan world, with its mythological religion and unassisted reason, was more wise.

James was astonished at the resistance of a church which inculcated passive obedience in its homilies, its decrees, and its preaching. When he thus expected religious doctrine and consistency to prevail over great temporal interests he must have known little of human nature.* It is possible that he only affected previous confidence and present surprise with the hope of binding the church in the chains which she had herself forged for others. He avenged his disappointment with some rhetorical point and malice. “The church of England,” said he, “resists liberty of conscience, well knowing that, in the field of free discussion, she would be the first to lose ground.” †

Deceived in his hopes of the church, the king threw himself implicitly upon the support of the protestant nonconformists. Several nonconformist bodies answered his appeal with addresses expressing their gratitude and joy. The most forward were the anabaptists and quakers. Their numbers were considerable throughout the kingdom, but they were, nevertheless, essentially weak.

* Bishop Morley, with his dying breath, charged lord Dartmouth with his warning to James, not to depend on the church doctrine of non-resistance, if the church were called upon to practise it herself. James replied, that “the bishop was a good man, but grown old and timid.” He appears to have known his own order much better than the king. See note D in Burnet, ii. 440., cited also in Dalr. App.

† “Perche,” says the papal nuncio, who records it, “Sarebbe stata la prima a declinare in questa mutazione.” Popery has been called a theatrical religion. It is obvious, however, from the polemic chivalry with which James was willing to meet all adversaries in the arena, that *he* believed its stage panoply to be solid and true.

The anabaptists had laid by the sword, and with it lost much, if not all, their martial spirit and vigour of character, as a branch of independency and the commonwealth; — the quakers repudiate the sword altogether. No truth is better proved, or, indeed, more obvious, than that moral force, so called, is a nullity, unless it be supported in the background by willing hearts and strong muscles.

Of the nonconformist leaders who supported the king, and appeared to share his confidence, were Alsop, a presbyterian, Lobb, an independent, and Penn, whom it will suffice to name. The king was supported by eight prelates of the church of England, — Crewe, Cartwright, Barlow, Wood, Watson, Croft, Parker, and Sprat, — men who, from their servility, their imbecility, or their vices, could bring nothing but weakness or dishonour to his cause.

The ascendancy of father Petre by this time was complete. Innocent XI., it has been observed, not only refused to make the jesuit a bishop, but slighted Castlemaine, and forwarded a complaint against him to England. The pope had happened to say, by way of a peremptory negative, “he would sooner make father Petre a cardinal.” The jesuit, adroitly seizing this ambiguous phrase, made the king subject himself to the double humiliation of soliciting, after so many refusals, the highest dignity, and asking pardon of the pope * for any offence

* *Beatitudinis vestræ veniam pro legato nostro serio deprecamur siquid vel re vel verbo offenderit.* (Mazure, ii. 243.) How different the character of Louis XIV. who, bigot as he was, had enough of regal pride, if not dignity, to bring the pope to reason, at this very time, in Rome itself. Each ambassador at Rome had his particular quarter endowed with a franchise equivalent to the right of sanctuary. This franchise was grossly abused. The enfranchised quarters became the refuge of malefactors. Innocent obtained a renunciation of the privilege from all the catholic princes except Louis. When the nuncio Ranucci solicited him to follow their example, he said it was for him to give, not to take, example, and despatched the marquis de Lavardin with the special mission of affronting the pope in his capital. Lavardin, in open contempt of the pope's authority, entered Rome with an armed escort of 1000 Frenchmen, residents at Rome, soldiers, and his suite, took military possession of his quarter, and was excommunicated. The only consequence worth notice (if it be worth notice) was the embarrassing and comic position of the French resident minister, cardinal d'Estrees, who was compelled to accept absolution from the pope, on his admission to the presence of the holy father, after each communication with the excommunicated Lavardin.

given in word or deed by his ambassador. The pope refused the king's request once more ; and dismissed his ambassador, covered with contempt, from the court of Rome.* Upon this the priest-ridden king made father Petre clerk of the closet, and called both Petre and Castlemaine to take their places in the privy-council.

James, pursuing his system of spurious hardihood, revolted the protestant feeling of the nation by a measure apparently frivolous and of mere form, but really ominous of designs the most alarming. D'Adda had hitherto appeared only as a private nobleman and layman of the court of Rome. James, having at last overcome the resistance of the more reflecting catholics, and the envoy himself, caused D'Adda to be ordained and consecrated archbishop (*in partibus*) of Amasia, in the chapel-royal at St. James's, by the titular primate of Ireland, preparatory to the nuncio's introduction as such at court.

In the evening he appeared, robed as archbishop, at the queen's apartments, and bestowed his benediction on the king and queen kneeling at his feet. A spectacle so new and strange surprised the beholders†, " who had not," says Barillon, " seen other kings ask nuncios for their benediction." James, perceiving the emotion of those around him, observed that he had knelt, not to the nuncio but to the archbishop. But he spoke of this scene in a tone of pious exultation to Barillon, who answered him in the language of one whose joy and admiration were boundless.

The Spanish ambassador, don Pedro Ronquillo, was differently affected. He warned James of the consequences of abandoning himself to the counsels of priests. " Is it not," said James, in reply, " the usage in Spain that kings consult their confessors ? " " Yes, sire," rejoined the Spaniard, " and hence it is that our affairs go so badly."

The presentation of D'Adda in state was fixed for the 3d of July ; and the duke of Somerset, a lord of

* Barillon, in Mazure, ii. 243. *et seq.*

† Ibid. ii. 239.

the bedchamber, received orders to be in attendance as his introducer. This duke, hitherto distinguished for his vain pomp, acted with spirit. He requested the king to excuse him from a service which might bring him within the statute law of treason. "Do you not know," said James, "that I am above the law;" meaning, probably, that he could indemnify him by a royal pardon. "Your majesty may be," rejoined the duke, "but I am not."*

Somerset lost his place at court and his regiment; and the service which he declined was performed by the young duke of Grafton, one of the natural sons of the late king.

The ceremony was performed at Windsor, from an apprehension that some insult might be offered by the populace to the nuncio; but the reception was duly blazoned in the gazette, and followed by an invitation of the nuncio, in common with the other foreign ministers, to dine with the lord mayor and corporation of London. D'Adda had some fear of showing himself in the city, but James overcame it, and appeared in person at the civic feast. It is not easy to account for the fact that the nuncio, on his way, was well received by the multitude: it would be idle to speculate on so fluctuating a medium as the popular humour.

The king intimated, in his declaration of indulgence, that he looked forward to the concurrence of parliament. He must by this time have despaired of the actual parliament, and he accordingly dissolved it on the 2d of July. No art was left untried to obtain a court majority in the contemplated elections. He summoned, individually, to his presence such members of the late parliament as he thought he might rely on if re-elected—canvassed their votes—and received answers for the most part either evasive or negative.

This clumsy process, called at the time "closeting,"

* There are different versions of what passed between James and Somerset, no one of which should be considered strictly faithful. That in the text seems the most probable. Lord Lonsdale's account is more detailed, and may be seen in Burnet, iii. 188, 189. *note*.

only shows how little notion James and Sunderland had of the perfection of system with which the court influence of the crown was exerted upon parliaments by the whig government of the first and second princes of the house of Brunswick.

The havoc made upon charters in the late reign did not suffice. James commissioned "regulators," so called, to reconstitute the corporate bodies into still more tractable instruments for his purposes. He at the same time sent three questions in writing to lord lieutenants of counties, which they were instructed to put to such persons as had influence in the elections, or should themselves be candidates: — "Will you, if returned, vote for repealing the test and penal laws? 2. Will you support such candidate as his majesty shall approve? 3. Will you live in peace and quiet with your neighbours of whatever religion, as well within as without the kingdom?" The purport of these questions, and a method so new in England, created alarm and disgust. Some lord lieutenants refused to put them — others received the following circular answers, prepared in London, and circulated, *pari passu*, with the king's questions, through the country: — "1. No prudent man can determine his vote until the subject matter shall come before him in due time and place. 2. I will support a candidate duly qualified as to fortune and character. 3. I seek to live in peace with all the world, unless his majesty's affairs, and the government by law established, require the contrary."*

James's disappointment and anger knew no bounds. He meditated, for a moment, the repetition of his questions in a more peremptory tone, — in order to provoke violent answers, which should furnish him with a pretext for throwing aside the restraints of parliamentary government, and resorting to the naked forms of arbi-

* The questions and answers are given from Mazure (ii. 302, 303.), who, doubtless, found them in the French archives, though he does not distinctly cite his authority. His version differs materially from those of Burnet and other preceding writers.

trary prerogative.* His own reflections, or the force of circumstances, made him give up his rash purpose; and he contented himself with dismissing refractory lords lieutenant, and other officers, and abandoning, for that time, his purpose of calling a parliament.

It is to be observed, that effectual resistance to the king's measures was apprehended by him only from the commons. In the house of lords a majority could easily be created by the simple process of making the requisite number of new peers.†

The year closed with an incident which surpassed in public curiosity and interest, for the moment, every other—the queen's pregnancy. On the 23d of December it was announced by royal proclamation in the gazette, with an order for a day of thanksgiving. The court doctors ascribed the auspicious event to the virtues of the Bath waters taken by the queen. The court priests and more devout catholics, including James himself ‡, were divided between the king's votive pilgrimage, during the summer, to St. Winifred's Well in Wales, and the votive gifts of the queen and her mother, the deceased duchess of Modena §, at the shrine of our lady of Loretto. All the catholics not only hailed it with joy but with an avowed presentiment of the birth of a prince; and this most natural effect of ardent hopes and the force of imagination was construed into proof of a dark scheme to defeat the protestant succession of the king's daughters by producing, in due time, a suppositious male heir to the crown.

* Letter of Bonrepos, cited in Mazure, ii. 304.

† Such was Sunderland's scheme. That minister, being asked by lord Bradford, in a large company, whether he was sure of the upper house, answered by crying out to lord Churchill, one of the company, "Oh, Silly! why your troop of guards shall be called to the house of lords." *Note of lord Dartmouth*, in *Dalb. App.* p. 288., and *Burnet*, iii. 262.

‡ *Life*, ii. 129.

§ Bishop Burnet says he was assured, by some travellers, that there was "a solemn record made at Loretto" of a vow made by the duchess there, that her daughter might have a son on the very 6th of October from which the queen's pregnancy was dated: upon which Ralph well observes, that the duchess of Modena was dead since the preceding 19th of July. The bishop, in his history and in his pamphlets, has treated the queen's pregnancy with an exposition of details from which a layman of ordinary delicacy would shrink, and a strain of base insinuation more degrading than barefaced falsehood.

The queen's pregnancy and the king's proclamation were made the subjects of satirical pleasantries and ribald jests in verse and prose, circulated from hand to hand over the kingdom, and sometimes posted upon dead walls and church doors.*

1688. The year 1688 opened, according to some, with an ominous calm, according to others, with an excited feeling of its centenary associations with the Spanish armada, accompanied with a presentiment of fearful dangers and great events. This rest, whatever its character or cause, was soon broken.

On the 27th of April James re-issued his declaration of liberty of conscience. This measure has been called insignificant and unaccountable: there appears, however, enough of novelty and importance in the adjuncts to warrant and account for the renewal of his declaration by the king. He appended to it, by way of supplement, the assurances of concurrence which had been conveyed to him by public addresses;—his removal of all officers, civil and military, who had thwarted or dissented from his charter of religious liberty;—and his confident hope that the nation would return fit and proper persons to the next parliament, which should meet, at furthest, in November.

The renewal appears to have created no great sensation. A royal mandate, which soon followed, produced a storm,—the precursor of a revolution. An order of the king in council, dated May 4., was addressed to the bishops, directing them to enjoin the reading of the declaration by their clergy, at the usual

* Doctor Lingard says the king treated these libels with scorn; but in this he is mistaken. James, in the beginning of the new year, commanded, by proclamation, the strict enforcement of the act of 14 Car. II., revived by the last parliament, "together with such other punishments as might be inflicted by the utmost rigour of the law, and the prerogative royal, on such offenders for their contempt." Had he confined himself to the law, and left out of sight the tyrant and the prerogative, he could not be justly censured. No sovereign could be expected to tolerate scurrilities openly branding his expected offspring as spurious, and charging himself with the wickedness of imposing on the nation a supposititious heir to the throne;—moreover, the party now brought under the edge of a despotic statute were its authors and revivers.

time of divine service, in the churches of London on the 20th, in the country on the 27th, of May.

The author or adviser of this order among the king's counsellors is not known. It is charged upon father Petre, who yet, in common with Sunderland and others, disavowed it ; — but to be a jesuit was enough to make imputation pass for proof. There appears no reason why it may not be taken for the king's own act, — it was, in truth, a matter almost of usage. The declaration of Charles II. after the dissolution of the Oxford parliament, which was, in fact, a denunciation of the house of commons, was read by the clergy, as enjoined by the bishops, in their churches, with a ready and religious obedience. Again, in 1683, not only was Charles's declaration respecting the Rye-house plot read in the churches, but the very service was made a vehicle for advancing the despotic and sanguinary purposes of the court.*

The circumstances were no longer the same. The church was then summoned to join the court in its havoc upon whigs and nonconformists. Now the king's order demanded from the bishops and the clergy the reading of a declaration which, by breaking the iron yoke of enforced conformity to the church, clashed with spiritual pride and temporal interests. They accordingly put aside, not only the example so recently set by them selves †, but that nonresistance which they vaunted as a cardinal and distinctive tenet of the church of England. Whilst thus consulting only their own passions, they affected the humility of saints with the courage of martyrs ; and the people took their word.

Protestants regard catholics, more especially in England, with a superior air of contempt or pity, as led blindfold by their priesthood : — they have themselves been often and as thoroughly church-ridden.

The archbishop of Canterbury, and other prelates, upon receiving the king's order, deliberated, according to

* See vol. vii. 336.

† The order of 1681 was moved, if Burnet be correct (ii. 283.), by archbishop Sancroft himself at the council board.

their partisans, caballed, according to their opponents, with some of the high church party leaders, and the more distinguished of the inferior clergy. It will suffice here to state that which alone is essential — the result. Archbishop Sancroft and six prelates more, viz. Turner of Ely, White of Peterborough, Lloyd of St. Asaph, Kenn of Bath and Wells, Lake of Chichester, and Trelawney of Bristol, petitioned the king to be excused. Sancroft was in disgrace at court, since the puny show of virtue with which he retreated from the ecclesiastical commission; and the remaining six prelates proceeded with the petition from Lambeth to St. James's on the evening of the 18th of May. The morning of the 20th, it will be remembered, was fixed for the reading of the declaration. The bishops thus consumed fourteen days in making up their minds, and left the king but two nights and one day to make up his. Possibly the delay was unintentional or unavoidable—or they may have thought themselves warranted in seizing the advantages of surprise upon a powerful adversary.

They were introduced to the king in his closet, about ten o'clock at night; an hour not unseasonable, according to the court usages of the time. Lloyd presented the petition, and James, having glanced at it, said, in a gracious tone, "This is my lord of Canterbury's handwriting." The bishop answered, "Yes, sire, it is his own hand." The king's brow darkened as he read the paper, and, having folded it up, he said, "This is a great surprise to me; here are strange words; I did not expect this from you. Here is a standard of rebellion." Lloyd spoke. "We have," said he, "adventured our lives for your majesty, and would lose the last drop of our blood rather than lift up a finger against you." "I tell you," said the king, "this is a standard of rebellion." Trelawney, throwing himself on his knees, exclaimed, "Rebellion, sir! I beseech your majesty, do not say so hard a thing of us; for God's sake do not believe we are or can be guilty of a rebellion!" "Do you question my

dispensing power?" said the king;—"some of you have *printed and preached* for it—*when it was for your purposes.*" The bishops sustained the dialogue with the self-possession and superiority of men well prepared for their part—the king with the abrupt and angry phrases of a man taken by surprise. "Is this," said he, "what I have deserved of the church of England? I will remember you that have signed this paper. I will not part with it. I will be obeyed in publishing my declaration. If I think fit to alter my mind I will send for you. God hath given me this dispensing power, and I will maintain it. I tell you there are 7000 men, and of the church of England too, that have not bowed the knee to Baal." *

The petition was printed during the night, and was hawked about the streets next morning; upon which the king expressed his indignation, the bishops their sorrow; whilst both parties maintained not only the fact but the impossibility of its having found its way from them to the press. By James's account, he put the paper in his pocket and kept it there. The bishops solemnly averred they had but the one copy, which they had placed in the hands of the king.

It is obvious that James had the strongest motives against, and not one presumable reason for, making it public. The bishops had many inducements to make the petition public, as a party stroke; and there *must* have been more than one rough draft of a composition so ingenious and elaborate. Their solemn denial is undoubtedly entitled to the highest deference; but it should be remembered that Lloyd and Trelawney,—the two prelates who heard the imputation of rebellion with such loyal and pious horror,—were well prepared for the execution of the designs then in progress against the crown and person of James. †

* For a more full account see Gutch's *Miscellanea Curiosa* (i. 335. *et seq.*), or D'Oyley's *Life of Sancroft* (vol. i. chap. 6.), both accounts taken from the Sancroft MSS.

† It appears from the following entry, dated June 25., in Wharton's *Latin Diary* (App. to D'Oyley's *Life of Sandcroft*), that Lloyd contem-

It is contended by the partisans of James that he was artfully driven to extremities with the bishops; — that, if not played upon, he would have proceeded no further; — but his acts and his expressions, when these are authentic and interesting, alone require mention. It is said that he repeated, frequently and distractedly, next day an expression of lord Halifax to him, that “his father had suffered for the church, not the church for his father,” and appeared sensible of the truth; but he knew not how to profit by it in an enlarged sense. If his father fell a victim to the church of England, he was himself the instrument and the victim of the church of Rome, — which never ceased to despise him.

The command of the king for reading the declaration was obeyed only by a small portion of the London clergy. Sprat* ordered it to be read in Westminster Abbey; attended as dean; and was so terrified by the murmurs of the retreating congregation that he trembled almost to fainting. †

plated a rebellion which would rid the kingdom by death, or exile, not only of the papists but of the king. “Post finitas salutationes et de re literaria colloquium, de rebus publicis verba fecimus. Is fausta omnia sperare jussit; adeo plebis enim animos injustitiâ et tyrannide exacerbasse Pontificios, ut omnes tumultu facto arreptisque armis illos ex angliâ quam citissimè eliminaturi essent, *regemque ipsum* (quod factum nolimus) aut exilio aut nece mulctaluri.” Trelawny, pending the affair of the bishops, told Burnet’s cousin, Johnstone, an emissary of the prince of Orange, that, if they were sent to the Tower, he hoped they should be taken out by the prince of Orange, — neither assuredly would scruple to print the petition and deny it. Some of the other bishops were incapable of a violation of truth, — as those who sacrificed afterwards to their consciences temporal wealth, rank, and power.

* The other bishops who took part with the king were Crewe, Cartwright, Watson, Croft, and Barlow. Parker, bishop of Oxford, was recently dead. The proximate cause of his death, according to bishop Burnet, was his having read the bishop’s answer to his book on the test, which answer it would seem had the deadly quality of the iambics of Archilocus. “It was thought,” says Burnet, “that [the reading of the answer, which nobody but the king durst send Parker, iii. 320.] helped to put an end to the life of one of the worst tempered men I ever knew, for he died within a week after.” Such is the self-complacency with which one bishop relates his share in the death of another.” The original editors had the good sense and bad faith to omit this sentence, which is printed from the MSS. in the recent Oxford edition.

† Burnet, iii. 329. Note of lord Dartmouth, who was present as a Westminster schoolboy. This note is somewhat ambiguous, — it begins by saying Sprat *ordered* the reading, and implies at the close that it was read by himself.

Eight other bishops adhered to the petition by subscribing it before the 29th of May.*

James, meanwhile, resolved to prosecute the original petitioners ; and they were summoned to appear before the council on the 8th of June. They appeared, accordingly, before the king in council, and were graciously † received by him. Jeffreys, as chancellor, began by asking the archbishop whether he acknowledged the writing of the petition there before him on the table, and his signature to it. Sancroft, addressing the king, declined answering, as it might tend to criminate him. "This," said James, "is chicanery: I hope you will not deny your own hands." The archbishop after his refusal had been supported by Lloyd, and said that, though not obliged, he would answer if commanded by the king, — trusting to his majesty's generosity and justice, that they should not be sufferers by their obedience. "No," said the king, "I will not command you: if you will deny your own hands, I know not what to say to you." They were desired to withdraw. On their return the king laid upon them his commands to answer. They accordingly acknowledged the paper and their signatures; but it does not appear that they repeated the condition of their trust in the king that their admissions should not be used to their prejudice. It is, however, immaterial. The condition, if not repeated, was most clearly implied, since they were not warned to the contrary.

They retired during the deliberations of the council at each step. The next step was a communication to them by Jeffreys, in the king's name, that they should be proceeded against, "but with all fairness, in Westminster Hall" — not before the ecclesiastical commission. He told them, at the same time, that, by the king's favour, they might depart upon their own recognisance. They declared their readiness to appear when called on: claimed their privilege as peers not to enter into a recognisance for misdemeanour; persisted in their refusal,

* Gutch, i. 340.

† D'Oyley's Life of Sancroft, i. 276.

after having been several times advised to accept the king's proffered favour both by Jeffreys and the king; and were, in default, committed by warrant of the privy council, on a charge of seditious libel, to the Tower.

Eyewitnesses have recorded, and historians have amplified, the electric manifestation of popular sympathy called forth by the committal of the bishops:—the multitudes that lined the river on both banks, as they were conveyed to the Tower in barges, under a military escort,—thousands begging a blessing from them on their knees,—some rushing into the water to be blessed,—the soldiers, who received them at the Tower, touched with the emotion of the people,—the bishops themselves all this time meek and lowly, yet composed and fearless, exhorting the people to fear God and honour the king,—“expressions,” says Hume, very significantly, “more animating than the most inflammatory speeches.”

But, in truth, the bishops had little to apprehend either of peril or privation. They knew this well when they refused so easy a condition for their liberty as their own recognisances, on the lordly ground of exemption from a process of law which provides at once for liberty of person and the ends of justice. It would imply more credulity than candour to acquit them of the design to get up this parade of martyrdom as a theatrical party stroke.

On the 15th of June they were brought by *habeas corpus* to the king's bench. They were again greeted on their way by pious multitudes with genuflexions and tears. When called upon by the crown lawyers to plead, they objected by their counsel on two grounds;—the informality of the committal, and their privilege from committal for libel as peers. The former was untenable; and if a seditious libel be, in law, a provocation to break the peace, the latter was no less so. Both were overruled by the court.

The bishops, in fine, pleaded not guilty, and were discharged, on their own recognisance, to take their trial,—the condition which they had refused when proffered

by the king in council. But their refusal procured them the honours of incarceration ; their acceptance and liberation the honours of a triumph. The populace made their usual demonstrations of joy — by bell-ringing, bonfires, and breaking the windows of papists.

The memorable trial of the seven bishops took place at Westminster Hall, on the 29th of June. The hall and the avenues leading to it were crowded. The prisoners entered the court with an imposing attendance of lords and commons. The array of counsel on either side exhibited the unprincipled versatility of the lawyers of the time. Williams, formerly so keen a whig exclusionist, was now solicitor-general, and acted the chief part for the crown. The other counsel were Powis, the attorney-general, a catholic ; Shower, the recorder, a servile but consistent tory ; Trinder and Baldock, obscure lawyers who have sunk into oblivion. The counsel for the bishops were Sawyer and Finch, reeking with their share in the capital prosecutions of the late reign ; Treby, the renegade whig exclusionist who had passed sentence on lord Russell ; Pollexfen, who, though a whig, was the accomplice of Jeffreys in the atrocities of his western campaign ; Levinz, who is said to have undertaken the duty with reluctant fear ; Somers, hitherto more distinguished for his accomplishments as a scholar and a writer than as a lawyer or statesman. Powis, the attorney-general, in stating the case for the crown, disclaimed all reference to the disobedience of the king's order by the bishops, and confined himself to their petition, which he proved, in the manner following, to be a seditious libel. It censured the king : — to censure the king was to create a desire of reform, — and a desire of reform tended to rebellion.

No idea can be given of the desultory and disorderly scene which followed. The counsel on either side mutually taunted each other with sarcastic retrospects of their former lives and principles. The witnesses answered, some with reluctance, others with eagerness. The spectators cheered or groaned according to their

sympathies. The judges tried in vain to enforce decorum. The first question was the proof of handwriting against the bishops. It was found necessary to supply the deficiency of evidence on this point by proving their admission of the paper, and their signatures before the council. Blathwaite, the clerk of the council, proved this: he, however, acknowledged, after violent opposition to the question by Williams, and after some parrying on his own part, that they confessed in obedience to the king's commands; but he denied any promise that advantage should not be taken to their prejudice.

The next question was the publication, — that is, the presentation of the petition to the king in Middlesex, so as to bear out the venue. The witnesses for the prosecution could prove only that the bishops admitted their signatures, not that they had presented it. The evidence of lord Sunderland became necessary: he was expected every moment, but did not come. The lawyers, meanwhile, brawled and railed; and the chief justice, losing all patience, began to sum up the evidence. Finch, one of the counsel for the bishops, alarmed by the bearing of the judge's observations, and the servility of his character, interrupted him with a suggestion against the sufficiency of the evidence. Pollexfen, sensible of the indiscretion of Finch, which might give time for the arrival of Sunderland, requested the court to proceed. Williams, who had countermanded the summons to that lord when the chief justice began, took advantage of the interruption to send a second and more pressing message, and requested the court to wait the coming of "a great person," whose evidence would complete the proof of publication. "Now," said Wright, in a tone of sarcastic triumph, to the counsel for the bishops, "you see what comes to you of your interruption. Now we *must* wait."

After an hour's waiting Sunderland entered the court, pale and trembling from the opprobrious names with which he had been saluted by the mob. He supplied the necessary proof of the presentation of the petition by

the bishops, whose friends, comprising those of law and liberty, now reprobated the indiscretion of Finch.

That indiscretion proved most fortunate. The counsel for the defence, consulting during that precious hour, came to the bolder and better resolution of defending the bishops on the broad ground that the suspending power was illegal. It is to be observed, however, that he who was afterwards the great oracle and ornament of whiggism did not venture to dispute the king's prerogative of dispensing particular persons from particular laws.*

Two of the judges, Wright and Powell, disclosed their difference of opinion in the course of the argument for the bishops. "I must not," said Wright, aside to the other judges, "suffer them to dispute the king's power of suspending the laws." Powell replied, "They must touch that point, for if the king hath no

* "My lord," says Somers, "I would only mention the case respecting a dispensation from a statute of Edward VI., wherein all the judges determined that there never could be an abrogation or suspension (which is a temporary abrogation) of an act of parliament, but by the legislative power. It was, indeed, disputed how far the king might dispense with the penalties on such a particular law as to particular persons; but it was agreed by all that the king had no power to suspend any law. Nay, I dare venture to appeal to Mr. attorney-general, whether, in the late case of sir Edward Hales, he did not admit that the king could not suspend a law, but only grant a dispensation from its observance to a particular person."

In defending the right of petition, he surrenders the right of the prelates as peers to advise the king. "My lord, by the law of all civilised nations, if the prince requires something to be done, which the person who is to do it takes to be unlawful, it is not only lawful, but his duty, *rescribere principi*, to petition the sovereign. This is all that is done here; and that in the most humble manner that could be thought of. Your lordships will please to observe how far that humble caution went: how careful they were that they might not in any way justly offend the king. They did not interpose by giving advice as peers; they never stirred till it was brought home to themselves as bishops. When they made this petition, all they asked was, that it might not be so far insisted on by his majesty as to oblige them to read it. Whatever they thought of it, they do not take it upon them to desire the declaration to be revoked. My lord, as to the matters of fact alleged in the petition, that they are perfectly true, we have shown by the journals of both houses. In every one of those years which are mentioned in the petition, this power was considered by parliament, and, upon debate, declared to be, contrary to law. There could, then, be no design to diminish the prerogative, for the king has no such prerogative. Seditious, my lord, it could not be, nor could it possibly stir up sedition in the minds of the people, because it was presented to the king in private and alone. False it could not be, for the matter of it was true. There could be nothing of malice, for the occasion was not sought, but the thing was pressed upon them, And a libel it could not be, because the intent was innocent; and they kept within the bounds set up by the law, that gives the subject leave to apply to his prince, by petition, when he is aggrieved."

such power — *as clearly he hath not* — the petition is no attack on the king's legal power, and, therefore, is no libel." Wright rejoined, "Brother, I know you are full of that doctrine; but the bishops shall have no reason to say I did not hear them—let them talk till they are weary."

A great point was thus gained by Powell for the defence. The counsel, who were weak enough to shrink from questioning the suspending power at the commencement of the trial, and apprehensive of being stopped by the court when they came to the resolution of denying it, had now the field of argument open before them. Their authorities and reasonings had little novelty even then, and neither novelty nor important interest now. The judges severally delivered their opinions. Wright told the jury the suspending power was not before them; and the petition, if its tendency was to breed discontent between the king and his subjects, must be found a libel. He allowed, if the intention of the bishops was only to excuse and protect themselves, that their petition was no libel. Powell said the petitioners had committed no offence whatever. "If," said he, "such a dispensing power be allowed, there will need no parliament—all the legislature will be in the king. "I leave," (said he to the jury,) "the issue between you and your consciences." Allibone, a catholic,—his only recommendation to the bench except his servility,—said that any private persons, bishops or others, who canvassed the acts of government without its leave committed the offence of libel.

The jury, after having sat ten hours, retired at seven in the evening. They were frequently heard, by listeners at the door, in loud debate during the night;—at six in the morning they were agreed;—at nine their foreman pronounced the verdict of "not guilty." The multitude huzzaed: the shout was propagated in every direction with electric speed; it reached and was taken up by the soldiers encamped at Hounslow. The king happened to be in the camp at the time. "What is that?"

said he, to lord Feversham, with whom he was conversing. Feversham, having made inquiry, reported to him that it was "nothing but the soldiers rejoicing at the acquittal of the bishops." "Call you that nothing?" said the king, — his sagacity being at the moment quickened by his sense of danger; — "but so much the worse for them." Whether the menace was intended for the bishops or the soldiers, or was any thing more than a vague sally of despotic temper, seems doubtful.

The first act of government by which James manifested his dissatisfaction was the removal of Powell and Holloway for their refractory virtue.

The previous conduct and present motives of the bishops should not be too closely looked into. Their resistance, by invoking and arraying the free sense of the nation against the suspending power, struck a great blow for law and liberty in England.

The odium of the prosecution, and their imprisonment, has been echoed upon father Petre by the common voice of historians up to the publication of a recent work, valuable for its citations from the diplomatic archives of France relating to England. A letter of Barillon, cited in this work, places beyond doubt the following as the advice both of Sunderland and Petre, as well as of Barillon himself, — that the king, having made them sensible of their fault, should take no proceedings against them, as a mark of his regard for the fidelity of the church of England to his father and brother. "This," says Barillon, "is the advice of my lord Sunderland and father Petre."* It is probable that James was actuated only by his own obstinate temper and spurious firmness.† He saw and seized the errors of go-

* "Il vaut mieux," says Barillon, "leur faire sentir leur faute, en leur déclarant que le roi ne veut pas les punir, parce qu'il a de justes égards pour la fidélité que l'Eglise anglicane a montrée dans tous les temps pour le roi son père et pour le roi son frère; que s'ils ont agi contre leurs propres principes, s'ils ont oublié leurs règles ordinaires, qui ont toujours été de soutenir la prerogative royale, l'indulgence dont sa majesté veut user à leur égard est une suite même de sa déclaration pour la liberté de conscience; et que, sans cette déclaration même, ils éprouveroient ce que peut l'autorité royale justement offensée. Cet avis est celui de ma lord Sunderland et du P. Piter."—*Mazure*, ii. 448.

† Petre is slanderously accused of having menaced the bishops with

vernment which had proved troublesome to his brother and fatal to his father ; but he seized them, with unlucky awkwardness, by the wrong end.

Sunderland, by suggesting moderation towards the bishops, weakened his hold upon the king. It is true he quickly turned round, "like a dexterous minister and good courtier *," and went with his master to the full extent of his measures. This did not suffice, or he thought it right to fortify himself by giving the king unequivocal proof of his fidelity and co-operation. It is stated that he also found it necessary to silence court whispers of his having a secret understanding with the prince of Orange. † In short, only two days before the trial of the bishops, he publicly avowed himself a catholic. The French ambassador ascribes this public profession to two motives:—first, to satisfy his conscience,—next to stop the mouths of his enemies at court. No abjuration was necessary, as he had passed through that stage a year before under the hands of father Petre. ‡ His public profession of the king's

a most disgusting illustration of captive misery, taken from the old testament. He was ambitious, intriguing, and a jesuit; but his language and his manners have never appeared unbecoming a man of cultivated mind, noble birth, and eminent station.

* Barillon, in Mazure, ii. 463.

† It was the court catholics who whispered it. Barillon, in Mazure, ii. *ibid.*

‡ Lord Halifax states (Halifax MS.) that lord Mulgrave, afterwards duke of Buckingham, abjured the church of England for that of Rome at the same time; and father Petre, contrary to usage, was forced to say two masses the same morning, in order that neither convert should know the secret of the other. It is stated in a subsequent page of the same MS. by Halifax (supposing him, as it is almost certain, the author), that Sunderland, after the revolution, assured him of the sincerity of his conversion. Mr. Hallam has made, in a note, the following remarks:— "Sunderland does not appear, from the extracts from Barillon's letters, published by M. Mazure, to have been the adviser of the king's most injudicious measures. He was united with the queen, who had more moderation than her husband. It is said by Barillon, that both he and Petre were against the prosecution of the bishops (ii. 448.). The king himself ascribes this step to Jeffreys, and seems to glance also at Sunderland as its adviser. (Life of James II. p. 156.) He speaks more explicitly as to Jeffreys in Macpherson's Extracts (p. 151.). Yet lord Clarendon's Diary (ii. 49.) tends to acquit Jeffreys. Probably the king had nobody to blame but himself. One cause of Sunderland's continuance in the apparent support of a policy which he knew to be destructive was his poverty. He was in the pay of France, and even importunate for its money. (Mazure, p. 372. Dalrymple, p. 270., *et post.*) Louis only gave him half what he demanded. Without the blindest submission to the

religion may have been hastened also by an event of momentous consequence to the king, his ministers, and the nation,—the birth of a prince of Wales.

The queen was delivered of a son, at the palace of St. James, on Trinity Sunday, the 10th of June, between nine and ten o'clock in the morning,—two days after the committal of the bishops to the Tower. The malignant rumours which had been launched upon the credulity of the people, by political and religious party spirit, suggested the utmost care in securing evidence of the birth by the presence of witnesses. The queen dowager, the ministers of state, ladies of rank, protestant and catholic, attended literally round the bed of the queen.* There were only two persons absent whose attendance would have been proper,—the archbishop of Canterbury, a prisoner in the Tower, and the princess Anne who had gone to Bath,—at the instigation, not of her father, to ensure her absence, as it was falsely asserted, but of her private advisers and her own passions,—in order that she might afterwards join in charging upon her father the villany of despoiling his children of their birthright, for the purpose of imposing upon the nation the yoke of popery and a spurious successor. †

It would be idle to touch, even in passing, on the dispute respecting the first pretender's legitimacy. The question is now wholly abandoned;—yet only for this reason, that there is no longer any party purpose to be served by it. But another delusion is substituted, by way of excusing or palliating the use made of the imputation at

king, he was every moment falling; and this drove him into a step as injudicious as it was unprincipled, his pretended change of religion, which was not publicly made till June, 1688, though he had been privately reconciled, it is said (Mazure, ii. 463.), more than a year before by father Petre."—*Hallam, Const. Hist.* iii. 97. note *.

* It is unnecessary to refer to particulars, which would shock the delicacy of one sex and the decency of the other.

† See the notes in Burnet, iii. 246. 259. "M. Mazure," says Mr. Hallam, "has collected all the passages in the letters of Barillon and Bonrepos to the court of France relative to the queen's pregnancy (ii. 366.), and those relative to the birth of the prince of Wales (p. 547.) It is to be observed that this took place more than a month before the time expected."—*Hallam, Const. Hist.* iii. p. 113. note ‡.

the time. It is represented as a false belief, in which fabrication had no share *, and of which the uses were therefore innocent.

The birth of an heir to the crown was announced and signalised with studied, if not forced, ostentation. The Tower guns fired an extraordinary number of salutes ; the citizens joined in thanksgiving at church in the morning, and feasted at home in the evening, — by command ; the populace, also by command, crowded round bonfires in the open air ; ceremonial compliments and public addresses of congratulation poured in upon the king, who, according to Barillon, set no bounds to his joy. That minister writes to his master, an hour only after the birth of the child, — “ The queen of England has given birth, an hour since, to a prince, who is doing well : he is very well formed and of the full size. † I have had the honour of seeing the king of England, who said, whilst embracing me, that the prince of Wales should be as much the servant of your majesty as he is himself.” In a letter dated next day, he says, “ The birth of a prince of Wales may produce a considerable change, and fortify the party which espouses the interests of royalty : the factious, nevertheless, think it more necessary than ever to oppose the designs of his Britannic majesty, and this may hasten the execution of their contemplated enterprises.” The sagacity of the Frenchman, and the king’s want of foresight, were soon proved by experience.

It seems to have been the fate of James II. that events of the most auspicious promise should prove the most disastrous to him. The defeat and death of Monmouth was expected to consolidate his tyranny : — the effect was to remove the weaker of two rival aspirants to his throne, and to range his enemies,

* Ralph stands almost alone in his honest and accustomed independence of party. “ Some,” says he, in reference to this matter, “ *inventing*, many believing, and all inculcating such stories as would serve the great and necessary purpose of establishing a belief that the whole affair was no better than a solemn imposture.”

† The extracts from Barillon’s letters, given by M. Mazure, would alone place beyond doubt the queen’s pregnancy, and the birth of the prince.

undivided, under a single leader, who was one of the first generals, and pre-eminently the first politician, of Europe. Again, the queen's pregnancy, and the birth of a prince of Wales, — hailed with so much joy by James and his friends, — only hastened the enterprise and favoured the success of the prince of Orange.



CHAP. IV.

1688.

MISSION OF PENN TO THE HAGUE. — REPEAL OF THE TESTS REFUSED BY THE PRINCE. — EMBASSY AND CHARACTER OF D'ALBEVILLE. — BISHOP BURNET AND THE PRINCESS OF ORANGE. — PRETENDED FRENCH ALLIANCE. — THE SUCCESSION TO THE CROWN. — MISSION OF DYCKVELT. — COMMENCEMENT OF THE REVOLUTION. — LETTER AND CHARACTER OF LADY SUNDERLAND. — LETTER OF FAGEL. — MISSION OF ZUYLISTEIN. — CORRESPONDENCE OF JAMES WITH HIS DAUGHTER. — RECAL OF BRITISH REGIMENTS FROM HOLLAND. — SECOND MISSION OF ZUYLISTEIN. — INVITATION TO THE PRINCE OF ORANGE. — LOUIS XIV. — MISSION OF BONREPOS. — MEMORIAL OF D'AVAUZ. — PREPARATIONS OF WILLIAM. — INCREDULITY AND BLINDNESS OF JAMES — REMOVED AT LAST. — HIS MEASURES OF DEFENCE. — THE KING AND THE BISHOPS. — VERIFICATION OF THE BIRTH OF THE PRINCE OF WALES. — FALL OF SUNDERLAND. — LORD MELFORT AND FATHER PETRE. — DECLARATION OF THE PRINCE OF ORANGE. — HE TAKES HIS LEAVE OF THE STATES, AND EMBARKS. — HIS FLEET DAMAGED AND PUT BACK BY A STORM. — THE KING AND THE BISHOPS. — WILLIAM AGAIN PUTS TO SEA — AND LANDS IN ENGLAND.

WILLIAM, it has been seen, employed the resources of his policy and genius in organising a great European confederacy, of which he should be the leader, against Louis XIV. It appears to have been his system for some time to observe rather than interfere in the king's domestic measures and relations with France.

Penn went over to the Hague early in 1686, and had several conferences with the prince. He was received as the king's envoy, and was duly authorised.* The purpose of his mission was to obtain the

* "Though he did not pretend," says Burnet, "any commission for what he promised, yet we (Burnet and the prince) looked upon him as a man employed." — iii. 140. See also *Clarkson's Life of William Penn*, sub. ann. 1686.

assent of the prince and princess of Orange to the repeal of the test and penal laws. "He undertook," says Burnet, "that the king would enter into an entire confidence with the prince, and put his best friends in the chiefest trusts," if this condition were complied with. The bishop could never spare his slander or depreciation of any person who came into collision or comparison with himself. He describes Penn as "a vain talking man," whom "many suspected to be a papist." In the opinion of a much better judge of style in writing and conversation, "he spoke very agreeably, and with much spirit." * The imputation of his being a papist was artfully circulated. Some, doubtless, had suspicions of him; but Burnet, who assuredly had not, yet lends himself to the falsehood by a perfidious insinuation.

The tolerant, benevolent, philosophic christian is defamed in one age as a concealed papist, in another as a concealed infidel, according to the prevailing cant of the time.

The prince, who was tolerant, — as a man of his exercised and superior mind must have been, — was willing to abandon the penal restraints upon the catholics, but refused his assent to the repeal of the disqualifying tests. His refusal may be safely ascribed to his political ambition much more than to his religious zeal. The king wanted to have all or none; and Penn's mission failed.

Louis XIV., dissatisfied with sir William Trumbull, the English ambassador at his court, obtained the removal of the obnoxious minister, who was transferred to Constantinople. His place at Versailles was taken by Skelton, who was succeeded, in his turn, by the marquis d'Albeville, a catholic, at the Hague. This person is described by Burnet as "one White, an Irishman, long employed as a spy by the court of Spain, and remunerated with the title of marquis by that court, in lieu

* Note of Swift on Burnet, iii. 140.

of wages." But the bishop, who has been unjust in so many instances from conceit, caprice, or malice, would have little scruple in traducing an Irishman, a papist, and a personal enemy. D'Albeville, however, displayed the capacity and character of an intriguer rather than of a diplomatist; and he became the pensioner of Louis XIV. In the latter particular, indeed, he only takes rank with the king's chief counsellor, lord Sunderland; with the whig leaders of the preceding reign; and, in short, only followed the common example of that venal age, — with this distinction in his favour, — that he does not appear to have betrayed, and did not desert his unfortunate master.*

D'Albeville, before he opened his commission, demanded, in the king's name, that doctor Burnet should be forbidden the presence of the prince and princess of Orange. Burnet had made himself useful to the prince, without obtaining his confidence or respect †, — full as his history is of the trust reposed in him. He appears, however, to have rendered William one very important service, — which is more curiously than credibly recorded by himself. He took the liberty, he says, to ask the princess, in private conversation, "what she intended

* The compiler of the life of king James, from his MS. memoirs, says that D'Albeville received his title from *the emperor*; and the Dutch ambassador, Van Citters, in announcing his appointment to the states, mentions him as "formerly known by the name of baron White, an Irishman, and a Roman catholic, of good understanding and good breeding, who conducted the business of the English monarchy for several years, at Brussels and Madrid, in the lifetime of the late king."

† William spoke of Burnet to lord Halifax with the utmost contempt, as a person whose presumptuous meddling and want of honesty were sufficient to ruin any affair in which he was permitted to take a part. (Halifax MS.) Lord Dartmouth pronounces the *beau idéal* character of the bishop, published by his son, for the work of lord Halifax, as ironical or spurious. "With great submission to the editor, Mr. Thomas Burnet," says he, "if there ever were any such character of his father in the marquis of Halifax's own handwriting, it must have been wrote by the figure of irony; for it is notoriously known, that the marquis, after he sat with him in the house of lords, made it his constant diversion to turn him and all he said into ridicule; and his son, the last marquis, told me, in his private conversation he always spoke of him with the utmost contempt, as a factious, turbulent, busy man, that was most officiously meddling with what he had nothing to do with, and very dangerous to put any confidence in, having met with many scandalous breaches of trust whilst he had any conversation with him. Therefore I believe Tom must have been mistaken, and that it will appear, if ever he finds the original, to be in his father's, not the marquis's own handwriting." — *Burnet*, vi. 337. note D.

the prince should be if she came to the crown?" The princess at first did not even comprehend his meaning:—she thought that her husband must become king to all intents, as a matter of course. He enlightened her on the subject. She asked him to propose a remedy, and he accordingly did;—that, upon coming to the crown, she should be merely the prince's wife; and not only surrender her right, but endeavour to have it vested in him for his life by act of parliament. He held out to her by way of inducement, that this would put an end to certain domestic broils, and bind the prince to her for ever. The whig protestant theologian, with a conscience as supple as a jesuit confessor's, further told her "the laws of England were, in this respect, contrary to the laws of God."* William was a brutal husband†; his wife had no will of her own;—she gave the required pledge, with only this condition, that the prince should be "a loving husband," as she should be "an obedient wife,"—a condition which he did not observe.‡ "I asked pardon," continues the bishop, "for the presumption of moving her in such a tender point; but I solemnly protested that no person living had moved me in it, or so much as knew of it." That he so protested may be true; but his presuming to dispose of the executive power, without the sanction or suggestion of the prince, is scarcely credible.§

It was not, however, this service, which was unknown to him, that provoked the king. Burnet had become obnoxious as the writer or translator of pamphlets, printed in Holland, to be circulated in England. James had twice before complained, by letter, of Burnet to his daughter, and desired she would dismiss him:—and the

* Burnet, iii. 139.

† See account of the conduct of the duchess of Marlborough, and lord Nottingham's letter, in Dal. App.

‡ Mrs. Villiers, sister of the wife of the favourite Bentinck, and mistress of the prince, made no secret of her influence. The princess dared only to write her grievances privately to her sister; but the latter, accustomed to treat her husband with the contempt he merited, sharply ordered Bentinck to check the insolence of his sister-in-law. (Negot. du comte D'Avaux, 1685. Fox MS.) Swift's note upon this passage, in Burnet, is, "But he proved a damned husband, for all that."

§ See lord Dartmouth's note, Burnet, iii. 139.

bishop has related, with the utmost self-complacency, not only how this dutiful and religious princess answered her father's letters, "according to the hints suggested," by the very person whom he desired her to forbid her presence, but how the prince and princess were so true to their promise of not seeing him, given to D'Albeville, that, instead of conferring with him personally, the prince sent Dyckvelt and Halewyn to him with all the advertisements that came from England! "So," says he, "I had the whole secret of English affairs still brought me."*

The general sanctuary afforded to English refugees in Holland was an old subject of complaint by James to the states and the prince. The latter answered with evasion and delay. Van Citters, on one occasion, excused the delay as proceeding from the slow forms of the Dutch constitution. James replied, that, upon a single letter from Cromwell, the states immediately sent away the royal family.† This only proved that the illustrious usurper knew how to make himself respected. D'Albeville was little likely to succeed where his predecessors had failed.‡ He had received from Louis XIV., through Barillon, 300 guineas for his outfit, with the grant of 60,000 livres a year, in order to place him beyond the temptation of a bribe from the prince of Orange§, — who scarcely deigned to speak to him.

* The few allusions to Burnet in the letters (MS.) already cited, written by William to Bentinck, during 23 years, prove, beyond doubt, that Burnet was never consulted, and was employed only in subordinate offices, wherein he had his instructions, — such as translating the letters of Fagel and other papers into English. His highest range of service, with the exceptions before stated, was writing pamphlets from his own head. So far was he from having "the whole secret of English affairs" that he had no precise knowledge of the invitation to the prince of Orange, even when he wrote his history.

† Letter of Van Citters, MS.

‡ The violent seizure of sir Robert Peyton, who had provoked the king's special resentment by his repeated apostasies to and from the court, in open day, at Amsterdam, by a party of English officers in the Dutch service, instigated, if not headed, by Skelton, for the purpose of having him conveyed to England, his rescue, and the proceedings of the states against the offenders, became the subject of a new and angry, but minor, discussion.

§ Letter of Barillon, Fox MS.

In pursuance of his instructions, or moved only by his own zeal and presumption, he made abortive efforts, not only to obtain the prince's consent to the repeal of the tests, but to make a convert of the princess of Orange, by placing books of controversy in her hands. He had, however, the rare virtue of fidelity. D'Avaux, the French ambassador at the Hague, from whom he received the wages of France, could not compel or persuade him to betray what he thought the interests of his master, — suspected his purpose of reconciling the king and the prince, to the prejudice of Louis, — and hired a spy about his person, to ransack his pockets and his cabinet for his secret correspondence.*

The arrival and intrigues of the French envoy, Bonrepos, kept the other foreign ministers, more particularly those of Holland and Spain, on the alert. They suspected a design to deprive the princess of Orange of the succession; and the existence of a secret treaty, offensive and defensive, between France and England. A paper, professing to be a confidential report to the king, found its way into the hands of the Spanish ambassador. It urged the king, — by very extraordinary, if not extravagant, reasons †, — to form an alliance with France, for the especial purpose of destroying the republic of Holland.

The Spaniard, instead of acting in person, persuaded the Dutch ambassador, as the party most interested, to sound the designs of James. There are two versions of what passed between the king and Van Citters in several audiences; one by the Hollander to the states; the other by the Spaniard to his sovereign.‡

* D'Avaux, cited by Mazure, ii. 192.

† There are two versions of this paper; one in French, given by Mazure, ii. 161. &c.; the other in Spanish, given by Ronquillo, enclosed in his dispatch. They appear to be abstracts, not copies, of the paper, and substantially agree. M. Mazure ascribes it to D'Albeville; but it bears internal evidence of fabrication.

‡ The dispatch of the Spaniard is curiously distinctive of the indigent grandeur of the Spanish monarchy, and the peculiar genius of the Spanish nation. It opens with his despair on the arrival of the post from Spain without bringing him any supplies. He saw himself reduced to the necessity of abandoning the court, and shutting himself up in his own house; he was unable to maintain or to discharge his household; his

Van Citters, in a special audience, presented it, with seeming reluctance and many excuses, to the king. He declared that he had abstained hitherto from communicating it out of respect to his majesty. James, having perused and reperused it, said no person durst offer such a paper to him; it was fabricated by his enemies in Holland or England; and it was his earnest desire to cultivate the friendship of the states. Van Citters—if he may be believed—resolutely maintained that it was genuine; that it only echoed the common discourse of the court priests and catholic party; and that he could astonish the king by naming the author.

It is strange that the challenge should not be accepted by the king. The tone in which Van Citters vaunts his own boldness, and takes the credit of having discovered the paper without naming the Spaniard, lays him open to suspicion.*

An unusual degree of activity was observable in improving and increasing the king's navy, with a suspicious coincidence of naval demonstrations by Louis XIV.; and lord Sunderland threatened the Dutch ambassador with war, if satisfaction respecting the British exiles and other points were not made to James.† Van

spies would no longer serve him; and all this at the critical moment when the French were straining every nerve to engage the king of England into an alliance with the king of France. The ingenious diplomatist, however, having sent his household to subsist in London, contrived to maintain his post, without a suite, at Windsor; and not only discovered, he says, all that passed in this important negotiation, but obtained, partly by threats, partly by promises, a copy of the above-mentioned paper, which he placed in the hands of Van Citters. There is, in his references to his promises, a light touch of humour, characteristic and worthy of the countryman of Cervantes. "God and your majesty," says he, in a parenthesis, "know whether they will be fulfilled."—*Dios y V. M. sabra si se compliran.*

* The account here given, from the dispatches both of Van Citters and Ronquillo, differs in some points from that of M. Mazure, taken from the dispatch of Van Citters only.

† The fatiguing duplicity of Sunderland, and the vacillation of the king's counsels and character, leave this threat inexplicable. It is stated by Mazure (ii. 153.), from a letter of Van Citters, that Sunderland required "impérieusement une réparation prompte et complete de tous les griefs de l'Angleterre. Après diverses conférences, 'Monsieur,' lui dit-il, 'tout ce que nous disons ici est dit en particulier. Mais je dois vous donner un avertissement, non par ordre du roi, car je ne l'ai point, mais seulement

Citters, in his audience, mentioned to the king, not, so far as appears, the threat of his minister, but the alarm of the states at his naval preparations. He replied, that repairs and equipments were rendered necessary by long neglect of the navy, and his only object was to command respect and maintain peace.

The Dutch minister stated, at the same time, to the king, that the French ambassador at Constantinople had just announced to the Porte the conclusion of an alliance between France and England, with the view to a combined attack upon Holland.* James answered, that it was a French artifice to dissuade the Turks from making peace with the emperor, and that the foreign ministers at his court should not allow themselves to be deceived by French intrigue.† It is strong confirmation of his sincerity that the Dutch and Spanish ministers assured their respective governments the overtures of Bonrepos for a French alliance were declined by the king.‡

These confederate diplomatists tried to work upon James's pride. Van Citters intimated that he was treated

comme ministre de sa majesté. C'est que le roi veut satisfaction pleine et entière. Il emploiera pour l'obtenir tous les moyens qui se peuvent imaginer ; et les Pays Bas s'en ressentiront, parce qu'ils attendront peut-être trop tard pour se le persuader.' 'Ce langage,' repondit Van Citters, 'ressemble fort à une déclaration de guerre.' 'Je ne prononce pas le mot de guerre,' dit le ministre du roi, 'c'est à vous de bien considérer ce que je veux vous dire.'—*Mazure*, ii. 152, 153.

* Bishop Burnet, one of the most strenuous asserters of this pretended French alliance, which had so great a share in driving James from the throne, gives, as conclusive evidence of it, a declaration made to him by sir William Trumbull, then minister at the Porte, that the French ambassador surprised him one morning by a visit, without the usual forms, to announce, on the authority of a letter in cipher from M. de Croissy, which he produced, the conclusion of a new treaty between their respective masters, whose interests were thenceforth identical."—*Burnet*, iii. 290.

† Dispatch of Ronquillo.

‡ There is no proof that the overture was ever made. Bonrepos's great object was to induce the huguenot refugees to return to France. The French tyrant, and his no less tyrant minister, Louvois, saw, by this time, the mischief of revoking the edict of Nantes; and Bonrepos, by money and promises, induced about 500 huguenots to return, in spite of their preachers, and the hopes of the English subscription. He also sent over a great number of English workmen, especially paper-makers. The return of the refugees stopped the lace and muslin manufacture which they had begun in England, and the English workmen carried the fine paper manufacture into France. See an interesting note on this subject in *Mazure*, iii. App.

by Louis XIV., and viewed by others, as “the vassal of France.” He repudiated the supposition, and repeated the word with indignant vivacity:—“Vassal! vassal of France!” said he; “no! never shall I tarnish my crown; never shall I do anything to place me below the kings of France and Spain. Vassal of France! sir, — if the parliament consented, I would raise the monarchy higher than any of my predecessors; and your country, perhaps, would be the safer.”* More credit would be due to him if he were not at the moment the stipendiary of France.

On the topic of the succession to the crown he was no less earnest and explicit. He never conceived, and no one, he said, durst suggest to him, an outrageous wrong to his own child, the successor, by every right divine and human, to his throne. The sincerity of the king’s expressions may be questioned, but it cannot be doubted that he used them; for they are recorded by the two ministers, without concert, in the archives of their respective courts.

D’Albeville repeated in Holland to the states the pacific declarations of the king to Van Citters in London; assured the prince and princess of Orange, from the king, that he never thought of wronging them in the succession †; reiterated James’s desire that they would consent to the repeal of the tests, — even for their own sakes, as a restraint on the prerogative ‡; told them, according to Burnet, the king not only condemned the proceedings, but despised the weakness, of Louis XIV., who allowed himself to be led by the archbishop of Paris and madame de Maintenon; and, in fine, appealed to James’s reception of the huguenot refugees as a proof of his tolerant liberality to protestants.§ That D’Albeville had authority from the king, or permitted himself to make these contemptuous reflections on Louis XIV.

* Dispatch of Van Citters.

† Burnet, iii. 174, *et seq.*

‡ D’Avaux, cited in Mazure, ii. 192.

§ *Id. ibid.*

is incredible on the single testimony of bishop Burnet. He may have conveyed the king's opinion of the French persecution as expressed by himself to the Dutch and Spanish ambassador, but no more.*

The states professed themselves satisfied with the king's pacific assurances; and both the prince and princess of Orange reiterated their refusal to sanction the removal of the tests.†

It would be a misapprehension of the genius of the prince of Orange to suppose that he set the value which he professed to set upon religious tests. Inheriting the principles and living in the practice of religious freedom, essentially a politician, ambitious and enlightened, he must have been sensible of their mischievous bigotry and injustice;—but to abandon the tests would have been to alienate his party in England, and thus throw up

* James said to the Spanish minister that Louis XIV. had the same right to revoke, which Henry IV. had to grant, the edict of Nantes; but declared, both to Ronquillo and Van Citters, that he abhorred the employment of the "booted missionaries," both as impolitic and unchristian; that, though he wished to see his own religion embraced, he thought it contrary to the precepts of holy writ to force conscience; that he only expected to see his catholic subjects enjoying the freedom of other Englishmen, not treated as if they were traitors; that he designed no more than establishing the same liberty of conscience which was so beneficially allowed by the states themselves; and that he expected the states would not interfere with his measures for this end. Van Citters, in reply, assured him that their high mightinesses would not interfere with his proceedings in reference to religion, which they regarded as a domestic matter, to be left to the king's prudence, and the providence of God. (Letters of Van Citters and Ronquillo.) James, it is true, ordered Claude's (a huguenot minister) book against Louis and his persecution to be publicly burned, in opposition to the advice of Jeffreys, who said it was a foreign book, having reference only to a foreign power; but he gave a reason in which religion had no share:—"Dogs," said he, "defend each other, and so should kings."—*Letter of Barillon, in Mazure, ii. 122.*

† The words of the princess are given in *Mazure* (ii. 217.), from D'Albeville's dispatch in cipher:—"I speak to you, sir, with less reserve, and more liberty, than to the king my father, by reason of the respectful deference which I am obliged to entertain for him and his sentiments." Few informed and unprejudiced persons can read without disgust an expression of filial piety from either of the unnatural daughters of James II. It is also said of her, that she told D'Albeville she would do more for the church than Elizabeth, if ever she became queen. She probably did not know, for it was not the interest of her episcopal preceptors to tell her, that, if Elizabeth fattened the bishops, she curbed them too. But the story is inconsistent with the state of ignorance in which Burnet found her that she should be, and the pledge he obtained from her that she never would be, anything but the prince's wife.

the great game of succeeding in his own person to the crown.

The intriguing diplomacy of D'Albeville, Barillon, and Bonrepos, sinks into insignificance beside the antagonist mission of Dyckvelt, sent over by the prince of Orange in the spring of 1687. His instructions, as stated by Burnet, were, that he should expostulate with the king on his domestic and foreign policy, and endeavour to bring him to better terms with the prince; that he should assure the church party of his firm attachment to the church of England; that he should press the dissenters to reject the king's advances to them; that he should remove any impression of the church party "that he was a presbyterian," of the dissenters, "that he was imperious and arbitrary;" and, in fine, silence "a report, which some," says the bishop, "had the impudence to give out, that he was a papist."

The church party very naturally expected from a Dutch Calvinist no extraordinary zeal for their particular communion. The dissenters judged him correctly,—for he was imperious and arbitrary before as well as after he became king.* The imputation of popery originated, doubtless, in the politic assurances, which he had by this time given to the pope and the emperor, of toleration to the catholics †; and Dyckvelt, with or without instructions, conferred, during his mission, with the catholic party called moderate, as opposed to father Petre. ‡

One article only of these instructions came within the proper range of the rights and obligations of an ambassador,—that which related to his proceedings with the king;—the rest was a warrant for improper practice with the king's subjects. But, where projects of ambition and great interests are at stake, princes and politicians are not expected to observe scrupulously the obligations of international or municipal law.

* His arbitrary disposition as king has been charged, by lord Halifax, on this very Dyckvelt. (Hal. MSS.)

† See Burnet, iii. 174. note D., iv. 22. 419. note.

‡ Barillon, in Mazure, ii. 200, 201.

D'Albeville, obnoxious to the states, and contemned by the prince, had been refused the ceremonial of a public audience: the king, in consequence, refused to see Dyckvelt either publicly or privately. After some negotiation the states received D'Albeville in due form, and the king told Van Citters that Dyckvelt might see him as soon and as often as he pleased.*

James penetrated very accurately the main objects of Dyckvelt's mission. He told the nuncio that the Dutch envoy's instructions were, to observe what was going on for the relief of the catholics; induce him to come into the prince's measures, not the prince into his, "as in duty bound †;" and, if he failed in this, to stir up faction in the court, the city, and the parliament,—“for the prince was a supporter of the test, and a most politic calvinist.” ‡ James, however, discarding or dissembling his suspicions, received Dyckvelt with every demonstration of public friendship and personal civility. §

The account of Dyckvelt's mission, given by bishop Burnet, professes to come from the envoy himself. Dyckvelt, by the bishop's account, urged upon the king, that, with his resources, he might easily hold a commanding position at home and abroad, and laboured to convince him that a commonwealth would be the result of the abolition of the tests. The king demanded, on his side, that the prince should defer to him, as head of the family. Dyckvelt rejoined that the prince had gone the utmost length, short of giving up his religion: the king heard him with silent displeasure; but Sunderland and the other ministers subsequently declared, that, if the prince gave up the tests, the king would join him against France. Dyckvelt cut the matter short by saying the prince would listen to no condition involving the repeal of the tests. ||

* Letter of Van Citters.

† “Come sarebbe il dovere.”—*Letter of the Nuncio.*

‡ Un testardo ed un calvinista finissimo. (Id.)

§ Letter of Van Citters.

|| Bishop Burnet's account of the “famous letter of the jesuits of Liege to the jesuits of Fribourg,” which Dyckvelt showed the king, is no longer worth notice, that “letter” being a recognised and branded fabrication.

This version is unfaithful in a material point: the fact is suppressed by the envoy or the bishop that the former concurred for a moment in the king's measures; a fact proved, not only by the dispatches sent from London to D'Albeville*, but by a letter of Ronquillo to his court. †

The Spanish minister, in his dispatch, says he expressed his surprise to Dyckvelt at his change of opinion,—having ten days before entered into the king's views of allowing liberty of conscience. Dyckvelt replied that his views were changed by conference with leading persons of the church of England party, who convinced him that, if the tests were removed, England, on the king's death, would become a commonwealth,—“which would prove ruinous to Holland.” The prince of Orange, it will be found, urged the same argument to the states for aiding him in his expedition. What a testimony to the political and commercial ascendancy of England during that commonwealth which it is a sort of fashion in English history to slander or decry!

Dyckvelt, by entering into the king's views, would appear to have departed from his instructions. His motives can only be conjectured. The king's assurances of amity to the states, of his readiness even to make common cause with them for the maintenance of the peace of Europe‡, of his intention to give liberty of conscience to the catholics, without invading the rights of the protestants§,—these assurances, joined with the influence of the Spanish and imperial minister, may have brought him to concur in the king's measures.

But his change of opinion, or relapse to his instructions, is much more clearly accounted for. The church party, it has been stated, worked upon his fears of a commonwealth; the whigs impressed upon him that he should put no trust in the king ||; and the prince of

* D'Avauz, April, 1687. Fox MSS.

† Letter of don Pedro Ronquillo to the king of Spain, May, 1687. MS.

‡ Letters of Dyckvelt, 4 and 18 March. MS.

§ Letter of D'Avauz, April. Fox MSS.

|| Letter of Ronquillo, 26 May. MS.

Orange received a treacherous warning from the very bosom of the unhappy king's most secret council. Lady Sunderland addressed a letter to the prince, with extraordinary precautions of secrecy, setting forth a deep scheme to overreach him, formed by the government of which her husband was the head. *

Were the offers of the king to the prince through Dyckvelt and Van Citters deceitful, or made in good faith? There are strong reasons for pronouncing against his sincerity. He could not, without violence to himself almost incredible, overcome his sympathies and sever his connection with Louis XIV. He was a conscientious religionist; but his morality in matters profane or political was like that of other kings; and he would hardly scruple to deceive a son-in-law whom, with very good reason, he hated and feared.

* * "Your highness," says lady Sunderland, "is not ignorant, I am sure, what endeavours have been used here to gain votes in parliament for repealing the test and penal laws, upon which, as I suppose you know, several have and do quit their places rather than submit to; which makes the Roman catholics see they are not likely to carry it that way; which brings me to that which I think of importance you should know, that the last essay *they will put in practice as to the parliament is to flatter monsieur Dixfield* with a great many fine things, that there shall be an entire union between England and Holland; nay, farther, I am sure they intend to make you the finest offers in the world, as your having a full power in military and civil affairs by naming all officers; that Ireland shall be put into what hands you will; and for all this they ask you to bid monsieur Dixfield and monsieur Citters declare, in your name, that you wish the parliament would take off these laws, and that you think it reasonable they should do so. By this means they fancy they may compass their point, which, when done, I think 'tis plain the article on your part is, upon record, theirs only verbal: your highness is the best judge of the likelihood of its being performed. . . . Another point is, it is possible it would gain the making people jealous of you, which I believe is the second point they value in this commerce." (Dalr. App. part i. 188.) It appears from a letter of Barillon (Mazure, ii. 200.), that this rather clumsy scheme was really formed by the king and the catholic cabal. "On jette M. le prince d'Orange dans la nécessité de refuser ce qui lui est proposé, ou de perdre son crédit auprès des factieux et des protestants zélés, s'il se déclare pour la révocation des lois pénales et du test." The lady, in a postscript nearly as long as her letter, says, "Some papists, the other day, that are not satisfied with my lord, said, that my lord Sunderland did not dance in a net; for they very well knew that, however he made the king believe, he thought of nothing but carrying on his business: there was dispensations from Holland as well as from Rome; and they were sure I held a correspondence with the princess of Orange. This, sir, happened the day I first heard of their design to make these propositions which I have writ, which made me defer sending till the king had spoke to me of it, which he has done; and, as I could very truly, so I did assure his majesty I never had the honour to have any commerce with the princess, but about treacle-water, or work, or some such slight thing."—*Dal. App.* part i. 189.

Was the letter of lady Sunderland suggested by her husband? There is no direct proof of the affirmative; but circumstances favour it. He was at the time the pensioner of the king of France. The warning conveyed in his wife's letter would at once secure his French wages, by widening the breach between the king and the prince, and lay the foundation of a claim upon the latter, if he should become lord of the ascendant. This supposition is consistent with his habitual duplicity and intriguing genius.

It has been said that lady Sunderland was moved only by her own overruling sentiments of piety and patriotism. Her reputation renders it difficult to decide. She is represented by cotemporaries, with a perplexing diversity of judgment, — as an excellent lady, whose protestant zeal was a standing reproach to her husband's apostasy*; — as a woman of subtle wit and admirable address†; — as alike familiar with intrigues of politics and gallantry‡; and one whose piety was but hypocrisy and ostentation.§

The letter reached the prince through Sidney, the reputed lover of lady Sunderland, and uncle of her lord. In spite of the precautions taken it was talked of at the Hague and in London. Lord Sunderland

* Evelyn's Diary.

† Kennet, Gen. Hist.

‡ Letter of Bonrepos, July, 1687; of D'Avaux, May, 1668. Fox MSS.

§ Letters of the princess to the princess of Orange (Dal. App.). The first and favourable testimony to her character would bear out the supposition that she acted from herself. It is that of Evelyn, a most respectable witness; but one upon the simplicity of whose virtues, and sincerity of whose high church zeal, a woman of "subtle wit," who "made a show of devotion," might easily impose. A passage in one of his letters, addressed to lady Sunderland, favours this opinion: — "I am not unmindful," says he, "of the late command you layed upon me to give you a catalogue of such books as I believed might be fit to entertain your more devout and serious hours." The princess Anne, writing to her sister of the person who sought such virtuous entertainment for her serious hours, says, "I can't end my letter without telling you that lady Sunderland plays the hypocrite more than ever, for she goes to St. Martin's in the morning and afternoon, because there are not people enough to see her at Whitehall chapel, and is half an hour before other people come, and half an hour after every body is gone, at her private devotions. She runs from church to church after the famousest preachers, and keeps such a clatter with her devotions that it really turns one's stomach." This vigorous sketch may be somewhat overcharged; but the suspicion is irresistible that the person who was its subject played upon both the literary vanity and pious zeal of Evelyn.

vindicated himself by the absurdity of its being supposed that he trusted a man whom he must hate as the known lover of his wife.* D'Avaux, on the other hand, considers Sidney indebted to the lady for his influence with her husband†; and informs his master that every secret of James's cabinet, since his accession, was known to the prince of Orange.‡ Both Skelton and D'Albeville suspected an understanding between Sidney and Sunderland. Bonrepos, who far exceeded Barillon in penetration, writes to his court, in July 1687, upon the departure of Dyckvelt, that, of James's chief counsellors, one only served him with single-minded fidelity. Sunderland, Godolphin, and Churchill, he says, already worked in secret to earn their favour of the prince of Orange. The solitary exception was Jeffreys, — “ a madman, who did all that was desired of him, without providing for the future.” §

Dyckvelt returned to the Hague at the end of May. || The king laughed with Barillon and the catholics at the folly and failure of his intrigues. ¶ Never was

* Letter of Bonrepos, July, 1687. Fox MSS.

† Letter of D'Avaux. Fox MSS.

‡ Id. *ibid.*

§ “ Un extravagant, qui fait tout ce qu'on veut ; et le seul peut-être qui ne prend pas des mesures secrettes.”—Letter of Bonrepos, Fox MSS.

|| An envoy extraordinary from the emperor had come to London, at the same time, on the suggestion of the prince of Orange, for the purpose of co-operating with the Dutch envoy in detaching James from the king of France. (D'Avaux, 14 Aug. 1687. Fox MSS.) The ministers of two princes so zealously catholic as the emperor and the king of Spain must have thought the proffered accession of James to the confederacy, upon the condition of the prince's assent to the removal of the tests, a most reasonable overture, and urged its acceptance. By what arguments or promises, by what exercise of his authority or address, the prince reconciled his catholic confederates to his refusal has not appeared. The knowledge is, perhaps, still attainable from the archives of the Vatican, Vienna, and Madrid. It would throw a new and valuable light upon the personal character of William, and the history of his time. Louis XIV., writing to D'Avaux, when the prince had just sailed on his expedition to England, expresses the most serious fears for the catholic religion, if the prince of Orange should prove as fortunate in seducing the people of England as he had been in imposing on the courts of Rome, Vienna, and Madrid. “ S'il est aussi heureux à séduire le peuple d'Angleterre qu'il a été à tromper les cours de Rome, Vienne, et Madrid, il ne faut pas douter que notre religion ne reçoive un très grand préjudice.” (Louis to D'Avaux, Nov. 1688. Fox MSS.) It may be suggested, without rashness, that he held out hopes of relief to the Roman catholics which he did not afterwards fulfil. But it is due to him to add, that the protestant intolerance, which had too great a share in the revolution, confined religious freedom within a party or sect, and debarred king William from acting on his own views.

¶ Letter of Barillon, Mazure, ii. 201.

this unfortunate prince more deceived by others than he in this, as in so many other instances, deceived himself. The Dutch envoy could not conceal his triumph on the eve of his departure.*

He left England for the Hague, charged with letters to the prince of Orange from leading men in England, couched in such language that his mission may be considered the first step in the conspiracy which preceded the revolution.†

Lord Churchill answers for the protestantism of the princess Anne, whom he and his wife governed absolutely; declares for himself that he sets at naught the king's favour, and his places, compared with his religion; that in all else the king may command his life; and that, though he could not live like a saint, he would show the resolution of a martyr. The king's favourite, through one of the most degrading of all relations,—that of brother of the king's mistress,—he could hardly be expected to live like a saint or suffer like a martyr;—he accordingly continued to profit by his places, whilst the king had places to bestow; changed sides with fortune, that guide of the base; and has left the name of Marlborough a perpetual memorial to mankind of the excellence of human capacity and infirmity of human nature.

Lord Nottingham expressed unbounded zeal for the prince, as the sole refuge of protestants, and refers him for particulars to Dyckvelt.

The brothers, Clarendon and Rochester, sent letters of mere compliment.‡

* Letter of D'Adda. June 13.

† See Dyckvelt's mission, in Dal. App. 180. 200.

‡ Skelton, when minister at the Hague, told D'Avaux that the prince of Orange endeavoured to gain over Rochester upon his dismissal from office. (D'Avaux, 19 April, 1698. Fox MSS.) The letter of Rochester was written in answer to one from the prince, and its evasive generalities may have had a share in provoking the dislike with which he was ever after regarded by William. Rochester himself (Rochester to the prince of Orange, 10 July, 1688. Dal. App.) supposes that the displeasure of the prince of Orange proceeded from his not "paying his duty to his highness when last out of England," and merely asks pardon for the omission, without offering any explanation. The compiler of the "Life of King James" explains it in a curious manner (ii. 102.). Rochester asked the king's leave to go to Spa, under the pretence of ill health, but,

The earl of Devonshire, whose protestant and patriot zeal was stimulated by a heavy fine for striking colonel Culpepper, on two several occasions, in a royal palace, declared his readiness to obey the prince's orders on any occasion.

Lord Shrewsbury, converted to protestantism, or, rather, disenchanted of popery, professed the devout zeal of a new proselyte.

The bishop of London writes that he and others pray for the prince, not only for his "near relation, but his usefulness to the crown;" "for if," continues this bold prevaricator*, "the king should have any trouble come upon him, which God forbid! we do not know any sure friend he has to rely on abroad but yourself."

A spirit of petty jealousy is observable of the chief actors in the coming revolution. Lord Danby insinuates distrust of lord Halifax, his old rival, to whom Dyckvelt was particularly accredited by the prince, and proposes a conference by deputation from England.

The letter of Halifax is discursive and vague.

The old earl of Bedford wrote, in a tone of disconsolate pathos, a short letter of thanks for the prince's remembrance of him and of the calamity which had fallen upon him.

The mission of Dyckvelt was soon followed by that of Zuylistein, who came over on the pretence of bringing compliments of condolence to the queen on the death of her mother, the duchess of Modena. James, at this period, had intimated his purpose of calling a parliament.

in reality, to see the prince of Orange. The king granted him leave, with the embarrassing restriction that he should not take Holland in his way. He could neither disobey the king nor give up his journey without betraying his intention; and, by this involuntary slight, he offended the prince. It appears, however, from Rochester's own letter, that "the prince had divers reasons for being unsatisfied with him." The fact probably was, that the prince of Orange, having failed to win him over to his interests, freely vented his disappointment and disgust. William, whilst his design upon England was still pending, discarded irresolute and trimming partisans. Nottingham and Halifax may be cited as instances. It is true he employed them afterwards, but it is not certain that they possessed his confidence, or overcame his contempt.

* See his answers to the king, *post*.

Zuylistein was instructed to ascertain whether the king's promise would be kept ; and he, like his predecessor, was charged with letters to the prince.

Lord Mordaunt, afterwards the gallant earl of Peterborough, had advised the prince to invade England the year before.* He now recommends delay, chiefly on the ground that a parliament may be summoned. Nottingham reasoned against a parliament, asserted the weakness of the court, and suggested no proceeding.

Halifax's letters to the prince, at this crisis, display every felicity of wit, style, and judgment, but inspired the prince with distrust of his character. He predicts that England would not see another parliament in that reign, yet advises delay, and waiting upon events. The prince gave orders that his secrets should no longer be imparted to one so irresolute or intriguing.†

Danby alone, of those whose names have become historic as actors in the revolution, advised decisive measures, without reference to the contingency of a parliament, and again urged a personal conference with the prince.‡ A conspiracy so irresolute and disunited would have failed against any other prince.

James still laboured with strange pertinacity to obtain William's consent to the removal of the tests. Stuart, a Scotch adventurer in the expedition of Argyle, had obtained, not only his pardon, but the king's favour, through the influence of Penn ; and was instructed to address a letter respecting the tests to the pensionary Fagel. No answer was returned : silence was construed into consent ; and James, in an evil hour, gave out that the prince would come into his measures. The effect upon the prince's interests was serious. His English partisans expressed alarm and distrust ; and Fagel replied in detail to Stuart by order of the prince.

The letter of Fagel was designed for publicity. It

* Burnet, iii. 275., confirmed in his own letter, sent by Zuylistein.—Dal. App. (Mission of Zuylistein), 200 — 210.

† Dal. App. 235.

‡ Lord Danby's letters, in Dal. App. 200 — 210.

was translated by Burnet for the press *, and circulated over England. James adopted the desperate resource of declaring it fabricated or unauthorised. It was treated as a forgery in a famous court pamphlet of the day, published by royal license. † Fagel asserted, not only that the letter in his name was authentic and authorised, but that this was known to the king and Sunderland ; and, to complete his own and the prince's triumph, made his vindication as public as the letter. The advantage, fraudulently and for a moment obtained, thus recoiled upon the king.

The particulars of this controversy have ceased to be interesting. One sentence, however, in Fagel's answer to Stuart, is worth citing : " Their highnesses," he says, " have ever paid a most profound duty to his majesty, which they will always continue to do ; *for they consider themselves bound to it both by the laws of God and of nature.*" The revolution of 1688, as between James and his subjects, requires no justification ; but the relations of father and children, between the king and William and Mary, are essentially distinct ; and the obligations here so solemnly avowed contain the strongest case that could be made against them by their enemies.

The king, having failed in the political conversion of the prince by diplomacy, attempted the religious conversion of the princess by a polemical correspondence. In justice to one of the kindest of ill-used fathers it should be stated, that he appears to have recommended his creed with candour and moderation. He was not more fortunate in his polemics with his daughter than in his negotiations with the prince. ‡

* Letter de Guillaume III. au comte de Portland. MS. The prince, instead of addressing Burnet directly, ordered Bentinck to charge him with the translation.

† *Parliamentum Pacificum*. Van Citters complained to the king that the Dutch commonwealth was described in this pamphlet as founded in rebellion : upon which James replied, that he might ask his friend the Spanish ambassador.

‡ Bishop Burnet declares that, upon reading the first letter of the princess in reply to her father, " it gave him an astonishing joy to see so young a person *all of the sudden, without consulting any one person*, to be able to write so solid and learned a letter." This solid learning in divinity contrasts somewhat inconsistently with her ignorance in matters of state, which were materially, though, doubtless, not equally, requisite in the pre-

The relations between England and Holland were now most precarious. This might appear strange, at a moment when their discussions turned upon no questions of material interest to either nation. The two chief points in dispute were the affair of Bantam, so called, a question of commercial right between the East India Company and the English traders to the east; and James's demand, that the states should deliver up Dr. Burnet as "a fugitive libeller and rebel." The affair of Bantam, after a fatiguing interchange of memorials, was abandoned without satisfaction given; and the states refused to surrender Burnet on the ground of his marriage and naturalisation in Holland. Their refusal was generous, but untenable: his naturalisation abroad could not affect his allegiance and responsibility as a subject or citizen at home.

But these differences were only ostensible. The real elements of discord are to be sought in the secret, unavowed, undercurrent of personal designs and jealousies between the king and the prince of Orange.

sumptive heiress to a crown. But is it credible that the letter of the princess, upon which much depended, and which was sure to be perused by friends and enemies in England, was neither prepared nor revised by others? The question is one rather of personal veracity than historic truth; and may be abandoned to the reader as one of the many instances in which bishop Burnet puts his credit to a perilous trial. If the whole letter was the composition of the princess, she must have been no mean proficient in the art of disputation. The most unscrupulous pamphleteer, in politics or theology, could not launch a falsehood with more easy confidence as a received truth. "The church of England," said James, "does not pretend to infallibility, yet she acts as if she did; for ever since the reformation, she has persecuted those who differ from her, dissenters as well as papists, more than is generally known." The princess replies, that she does not see how the church of England could be blamed for the persecution of the dissenters; for the laws made against them were made by the state, and not by the church, and they were made for crimes against the state! — *Burnet*, iii. 202. The church, then, has had no share in the persecutions of the protestant dissenters; and the dissenters have been oppressed and proscribed for political offences, not for their religious tenets! Burnet, a historian and a bishop, glides with seeming unconsciousness over these monstrous falsifications.

There is, perhaps, but one aspect under which the correspondence any longer merits notice. It is difficult to contemplate, without a feeling of contemptuous pity, great principles and the public cause turning upon a hinge so weak and worthless as the issue of a theological dispute between a woman, without information or capacity, and a poor bigot, whose perverse conscience or obstinate imbecility would have been harmless, if not respectable, at their proper level, in a cloister, or in humble life. Such phenomena in the history of nations are but natural consequences where a people is not wise, civilised, or independent enough to take into its own hands the substantial administration of its own rights and interests, and all is left to be partitioned or disputed between court factions and the crown.

There were six British regiments in the service and pay of the states. The king determined to recal them, with the view of having such of them as were catholics, officers and men, drafted into a regiment, and kept up in the pay of Louis XIV. in France.* The proposition was made by lord Sunderland and the king himself, through Barillon, to Louis. The French king, in reply, consented to maintain 2000 men in England; and offered to assist James with French troops, far exceeding that force †, to crush his enemies, and make himself obeyed by his subjects. ‡ James thanked him with the joy of a tyrant and the gratitude of a slave. § The next question was the recal of the troops, or, rather, the consent of the states to their return.

Early in this momentous year, James wrote to Holland, that he found it expedient to call home the six regiments of his subjects in the service of the states, and under the command of the prince. || After an angry discussion between D'Albeville and the states, and a correspondence, in which the king conveys his dissatisfaction to the prince, the officers only obtained permission to leave Holland.

Lord Sunderland signalled this transaction by one of his basest intrigues. He made the recal of these regiments a pretence for asking, through Barillon, from Louis XIV., "an extraordinary gratification," on the ground of his incurring by it the resentment of the prince of Orange. Barillon, familiar as he was with English corruption, was astonished at the effrontery of the English minister, but obtained him a bribe short of his demand. ¶ Eventually about forty officers asked and obtained leave to return: a considerable number of

* It was the suggestion of Tyrconnel, lord deputy of Ireland, with a view to the grand scheme respecting that kingdom, which will be referred to hereafter.—*Letter of Barillon, Dal. App. 257. &c.*

† "Je dis à ce prince que j'avais des ordres bien précis de l'assurer, que, quand il auroit besoin des troupes de votre majesté, il en passeroit un plus grande nombre que n'auroit été le corps de ses sujets qui y auroit été entretenu."—*Barillon to the king, 8 Dec. 1687. Fox MSS.*

‡ "Pour opprimer ses ennemis et se faire obéir de ses sujets." *Barillon to the king, ibid.*

§ *Id. ibid.*

|| *Letter of the king to the prince, Dal. App. 265.*

¶ *Barillon, in Dal. App. ibid.*

the men, catholics it may be presumed, made their escape to England; and these, with other catholics, formed into three regiments, were maintained in England at the cost of Louis XIV.*

The prince of Orange, meanwhile, was making his arrangements in concert with the states, his continental allies, and his friends in England, for his memorable expedition. Admiral Russell went over to the Hague early in 1688, as the envoy of the chief projectors of the revolution. In pursuance of his instructions, he laid before the prince the state of the nation, and asked what might be expected from him. The prince answered, that, if persons of the first rank and influence in England invited him over to rescue the nation from popery and tyranny, he should be ready by September.†

Such was the ability and adroitness with which he conducted his designs, that he thus appeared to confer the greatest favour, as the nation's deliverer, whilst he but realised the long cherished projects of his ambition.

Whilst Russell was on his mission to the Hague Sidney was the chief agent of the prince in England. The required invitation did not come as speedily as he expected. A letter of the 18th of June, in a disguised hand, prepared him for its arrival in a few days.‡ The writer may be presumed to have been Sidney: it would have been written in French if the writer were Zuylistein, who was then in England.

This second mission of Zuylistein merits particular notice. He was sent over by the prince and princess of Orange, with their congratulations to James and his queen on the birth of their son, at the very moment when the prince, and, so far as she was competent or

* Id. *ibid.*

† Burnet, iii. 241.

‡ "I believe," says the writer, "you expected it before, but it could not be ready. This is only in the name of your principal friends, which are Nottingham, Shrewsbury, Danby, bishop of London, Sidney, to desire you to defer making your compliment till you have the letter I mention. What they are likely to advise in the next, you may easily guess, and prepare yourself accordingly. Halifax hath been backward in all this matter. Devonshire has been with me, and, I find, will be entirely your friend." The names have been substituted in this note for the cyphers in the letter.

allowed, the princess, were preparing to dethrone the parents and bastardize the child. There is in all this something revolting at first sight, considering the relations of blood and marriage between the respective parties ; but the ties of nature, it would seem, are made only for the people.

Deception rarely, perhaps never, produces unmixed advantage. This mission, and the fact that the prince of Wales was prayed for in the princess's chapel, contributed to lull the king in his fatal security, but offended and alarmed the prince's party in England.

The name of the prince of Wales was now omitted in the prayer.* The king wrote to the princess demanding the reason: she assured him, in reply, the omission was accidental, not ordered. He was not imposed on by this clumsy excuse, but rightly imputed the omission to her husband.†

There is nothing inconsistent in William's ordering the prince of Wales to be prayed or not prayed for as it suited his purposes ; but it is strange that Burnet, a learned and pious bishop, and the princess, less learned, but not less orthodox and sincere, should have seen no scandal to the church in treating prayer as a court ceremony, and making the liturgy an instrument of political intrigue.

The memorable invitation to the prince of Orange bore seven signatures : those of lords Danby, Devonshire, Shrewsbury, and Lumley, admiral Russell, Henry Sidney, and the bishop of London ; — men, certainly, who deserved well of their country, but who wanted the virtue and resolution, the stature of mind and elevation of principles, which give title to a niche among personages of the first order in the historic gallery of revolu-

* Burnet accounts for these acknowledgments of the prince of Wales by saying, "the first letters gave not these grounds of suspicion that were sent to them afterwards." This flimsy pretence is exposed by the bishop himself in his next page: — "It was," says he, "taken ill in England that the princess should have begun so early to pray for the pretended prince, upon which the naming him discontinued. But this was so highly resented by the court of England, that the prince, fearing it might precipitate a rupture, ordered him to be again named in the prayers."

† Letter of D'Adda. MS.

tions. No one great principle, no one generous inspiration, escapes them in this document: it is cold, creeping, and irresolute.*

William himself stands alone in surpassing grandeur of character and achievement compared with his satellites. He was not the demigod, nor even the hero, that the zeal of religion and party would make him: his cast of character was not engaging, his life not spotless; but he was of the first order of great men.

* Sidney, in his letter of the same date, enclosing or accompanying it, speaks doubtfully of the issue, and even of the prince's accepting the invitation:—"If," says he, "you go on with this undertaking, I think I shall not do amiss to put you in mind of one man that, I believe, will be very useful to you,—it is the marshal Schomberg. If you could borrow him awhile it would be of great advantage in this affair." So far was he from that resolved and reckless daring which stakes life upon success, and thus tends mainly to produce it, that he requests the prince to burn his letter, and have the invitation (also in his handwriting) copied; "or else," he adds, "I may suffer for it seven years hence." The man who, conspiring against a tyrant, guarded with so much foresight against contingencies of personal danger so remote was unfit for his mission. The following are a few characteristic passages of the invitation:—"The best advice we can give is to inform your highness truly both of the state of things here at this time, and of the difficulties which appear to us. As to the first, the people are so generally dissatisfied with the present conduct of the government, in relation to their religion, liberties, and properties, (all which have been greatly invaded,) and they are in such expectation of their prospects being daily worse, that your highness may be assured there are nineteen parts of twenty of the people throughout the kingdom who are desirous of a change, and who, we believe, would willingly contribute to it, if they had such a protection to countenance their rising as would secure them from being destroyed before they could get to be in a posture able to defend themselves. . . . Much the greatest part of the nobility and gentry are as much dissatisfied, although it be not safe to speak to many of them beforehand. . . . If such a strength could be landed as were able to defend itself and them, till they could be got together into some order, we make no question but that strength would quickly be increased to a number double to the army here, although their army should all remain firm to them; whereas we do upon very good grounds believe, that their army then would be very much divided among themselves; many of the officers being so discontented that they continue in their service only for a subsistence; (*besides that some of their minds are known already,*) and very many of the common soldiers do daily show such an aversion to the popish religion, &c. . . . And, among the seamen, it is almost certain that there is not one in ten who would do them any service in such a war. . . . And we must presume to inform your highness, that your compliment upon the birth of a child (which not one in a thousand here believes to be the queen's) hath done some injury: the false imposing of that upon the princess and the nation being not only an infinite exasperation of people's minds here, but being certainly one of the chief causes upon which the declaration of your entering the kingdom in a hostile manner *must be founded on your part*, although many other reasons are to be given on *ours*. If, upon a due consideration of all these circumstances, your highness shall think fit to venture upon the attempt, or, at least, to make such preparations for it as are necessary, (which we wish you may,) there must be no more time lost in letting us know your resolution concerning it."—*Dal. App.* part i. 229, 230.

Lord Halifax, by Sidney's account, was "backward*," and Nottingham's heart failed him. The secret was not communicated to the former; it was confided to the latter. An accomplice in conspiracy, who proves recreant, is the most dangerous of all enemies. The fortunes of William and James, and the lives of those who signed the invitation, were in the keeping of Nottingham. It was proposed in conclave, by one of the seven subscribers of the invitation, to secure his silence by assassinating him. † The proposition was rejected, on the ground that the same want of nerve which prevented Nottingham's joining would also prevent his disclosing the secret of the enterprise.

Zuylistein returned to the Hague, accompanied by Sidney, in the beginning of August. He was charged with several letters containing offers of service to the prince. There is in the tone of these letters something too like that of vassals transferring their service from one absolute lord of their lives and fortunes to another. Religion is often mentioned; liberty and country rarely, or never.

Admiral Herbert, in answer to an invitation from the prince, conveyed through Russell, begins his letter, — "It is from your highness's great generosity that I must hope for pardon for presuming to write in so unpolished a style, which will not furnish me with words suitable to the sense I have of your highness's goodness to me in the midst of my misfortunes." The misfortunes of this patriot consisted in his being dismissed from places at court, which he held at the king's pleasure, upon his refusal to support the king's government.

There are two letters from the brothers Clarendon and Rochester, uncles of the princess of Orange: the former apprehends the possibility of his not being in favour with the prince; the latter laments having incurred the prince's displeasure.

Halifax, so late as the 25th of July, suggests to the

* See note, *antè*, p. 124.

† Note of lord Dartmouth in Burn. iii. 279., and Halifax MS.

prince slow counsels, in a spirit of vain ingenuity and irrelevant dissertation, curious only from his unsuspecting ignorance of the progress already made towards the expedition both in England and Holland.

Nottingham writes by Zuylistein to the prince on the 27th of July, nearly a month after the signature of the invitation in which he had refused to join. His letter is short, but not unimportant; and tends to show that his retreat was the effect rather of his principles than of his fears.*

The bishop of London, writing by Zuylistein, merely says that he had communicated to the imprisoned bishops the expression of the prince's concern; and assures the prince, on their part, of their being "so well satisfied of their cause that they will lay down their lives before they will depart from it." This letter differs in its general tone from that which he had written by Dyckvelt, only in his no longer making a reservation of his allegiance when he devotes himself to the service of the prince of Orange.

Lord Churchill's letter of the 4th of August to the prince is well known. Dalrymple, with a curious obliquity of perception, calls it "spirited," and others have as curiously cited it to his honour. "Mr. Sidney," he writes, "will let you know how I intend to behave myself. I think it is what I owe to God and my country: my honour I take leave to put into your royal highness's hands, in which I think it safe. If you think there is any thing else that I ought to do, you have but to command me." No zeal, pretended or real, for God or his country, can cover the infamy of continuing to command the troops, betray the confidence, and abuse the kindness

* "The birth of a prince of Wales," says he, "and the designs of a further prosecution of the bishops, and of new modelling the army, and calling of a parliament, are matters that afford various reflections. But I cannot apprehend from them such ill consequences to our religion, or the just interests of your highness, that a little time will not effectually remedy." From this sentence, and more especially from the significant limitation of the prince's interests, conveyed in the epithet "just," it may be conjectured that Nottingham withdrew from the association when he perceived that it threatened the possession of the crown by James, and the succession to it by his infant son.

of king James, for several months after he had deposited his obedience, and what he called his honour, with James's enemy.

The part acted by Sunderland at this crisis is an historical enigma of which there is no clear solution. His unprincipled versatility, and incessantly shifting intrigues, negative any systematic or steady purpose beyond that of keeping his place and supplying his prodigalities.*

Two other officers of superior rank in the army, Kirk, noted for his atrocities, and Trelawney, brother of the bishop, who also was engaged, pledged themselves, like lord Churchill, to the prince. Lords Macclesfield and Wharton, and the gallant Fletcher of Saltoun, then serving as a volunteer in Hungary against the Turks, joined him at the Hague. The duke of Norfolk, lords Dorset, Delamere, and Willoughby, sir Rowland Gwynne, Powle, and many others, are named among those who enlisted themselves under the prince. †

It is discreditably to the revolution, that men adopting the perilous resource of inviting a foreign prince made no stipulation for their country. Their confidence in the prince of Orange does not excuse them : — if he accepted

* Bishop Burnet asserts that "the prince did say, very positively, he was in no sort of correspondence with Sunderland;" and "his (Sunderland's) counsels then lay another way." But there is in Dalrymple's Appendix what the writer calls "a cant letter to the prince, apparently in Russell's hand," which contains the following passage : — "Since I came to England Mr. Roberts is grown so warm that I can hardly prevail on him to stay for his being turned out. He is now resolved not to talk of the test and penal laws, nor indeed any thing they would have him do. I believe he is at this time so ill at court that his reign there will hardly last a month. He has desired me to assure your highness of his utmost service. When M. Dyckvelt went away he writ to you; but you were pleased never to take any notice of it: if you think it convenient, a letter to him, of your good opinion relating to himself, would not be amiss; but I submit to your better judgment." Many circumstances, such as his reign at court, its precariousness, the letter to the prince by Dyckvelt, (in Dal. App. It contained only a few words of mere compliment,) tend to identify Sunderland with "Mr. Roberts." It would thus appear that he was prostrating himself at the feet of the prince of Orange while "his counsels looked another way;" that is, while he was endeavouring to bring James to more moderate measures through the influence of the queen.

† The secret, according to Voltaire (*Siècle de Louis XIV.*), was known and kept by more than two hundred persons in Holland and England. It would appear, however, from the dispatches of D'Avaux, Van Citters, &c., cited by M. Mazure, from the French archives, that this is a gross exaggeration.

fetters, when he might have imposed them, it should be ascribed to his moderation or his policy. It will, also, be found, that the absence of previous stipulation enabled him to take a higher tone, than was consistent with the dignity and liberty of the nation, at the final settlement.*

The state of affairs on the continent enabled the prince at once to carry on his preparations and mask his design. War was momentarily expected from the commencement of the year. Whilst the prince of Orange was opening his way to the throne of England by the missions of Dyckvelt and Zuylistein, the great confederacy called the league of Augsburg, destined to humble the pride and power of Louis XIV., was finally concluded under his auspices at Venice. The former escaped notice, under the disguise of an insignificant public charge, and a condolence of ceremony; the latter, under that of the gaiety of the Venetian carnival. †

The confederates waited only the conclusion of peace between the emperor and the Turks to attack Louis

* There are to be found, it is true, among the political tracts of that day, two pieces; one professing to be "A Memorial of the Protestants of the Church of England to the Prince and Princess of Orange;" the other, "A Memorial of the English Protestants to the Prince and Princess of Orange, concerning their Grievances, and the Birth of the pretended Prince of Wales." The former, after setting forth very briefly the grievances to be redressed, recapitulates them as follows:—They "most humbly implore the protection of your royal highnesses as to the suspending of, and the encroachments made upon, the laws made for the maintenance of the protestant religion, and our civil and fundamental privileges; and that your highnesses would be pleased to insist that the free parliament of England, according to law, may be restored; the laws against papists, priests, papal jurisdiction, &c., may be put in execution; the suspending and dispensing power declared null and void; the rights and privileges of the city of London, the free choice of their magistrates, and the liberties of that as well as of other corporations restored; and all things returned to their ancient channel."

The second memorial is a voluminous pleading, in which irrelevant charges and slanderous misrepresentations against James II. are piled up with the undiscerning zeal and dishonest arts of vulgar advocacy and religious hatred. The imposition of a spurious heir, untouched in the former piece, is treated elaborately in the latter. But both memorials are unsigned, undated, and, it should be observed, as most material, unnoticed by those to whom they are addressed.

† This league professed to be defensive, and is stated to have been purely such by lord Bolingbroke. (Letters on the State of Europe.) But it is to be recollected, that the grand alliance, after the accession of England under king William to the confederacy, which followed up the purposes of the preceding league, avowedly proposed to drive Louis XIV. back within the limits of the treaty of Pyrenees. Bolingbroke probably sought to counteract the odium of his jacobite partialities to France.

XIV., — who, on his side, wanted only a pretence to anticipate them.* He had, even so early as the preceding September, braved them by an outrage in a spirit of insulting defiance, or, as a stroke of policy, to sound their purposes. †

Two pretences were seized by Louis; the right of the duchess of Orleans, sister of the deceased prince palatine, to succeed allodially to a certain portion of the inheritance; and the title of cardinal prince Furstenberg to the electorate of Cologne, in opposition to prince Clement of Bavaria, who was supported by the pope and the emperor. This dispute, most trivial in itself, threatened an European war, and afforded the prince a cover for his preparations to invade England.

The possession of Cologne by the French would endanger Holland; the Algerine corsairs committed depredations upon Dutch commerce; and a pretence was thus afforded the prince for increasing to a war scale the military and naval forces of the republic. The consummate management by which he masked his design on the one side, and carried the majority of the states on the other, however interesting, would here be out of place. ‡

James, so early as May, suspected that the naval preparations of the prince were intended against him §; but deluded by lord Sunderland ||, or the sharer and victim of that minister's manœuvring self-delusions, his judgment, continually wavering, did not finally settle till the middle of September. ¶

Louis XIV., better served by his ambassadors and spies at the Hague, Vienna, Rome, and Madrid, and viewing the European system from the centre of move-

* *Ouvres de Louis XIV.*, iv. 247, 248.

† He caused the arms of France to be set up within gunshot of Namur, in the face of the Spanish garrison. The confederates were deaf to the challenge; and the king of Spain purchased the removal of the nuisance by ceding two villages in a quarter where the insult was less flagrant.

‡ The details may be found in the printed negotiations of D'Avaux, and in the citations of M. Mazure, from D'Avaux's MSS., and those of others, in the French archives.

§ Barillon, in Fox MSS.

|| Life of James.

¶ *Ibid.*, 177.

ment, never for a moment doubted the real designs of the prince of Orange, or ceased to impress his convictions upon James.

In the beginning of June he proposed a junction of the French and British fleets, to intimidate the prince from his enterprise, or defeat him if he should attempt it. James's minister acknowledged, with many compliments to Barillon, the beneficial effects of the junction upon the king's enemies abroad and at home, but eventually declined it.*

The most earnest warnings, and even the most startling evidence, were now rejected by James, with an obstinacy which proves him the most deceived of sovereigns, or the most infatuated of men. D'Avaux acquainted Louis, who, in his turn, acquainted James, with the real object of the prince's preparations.† The same intelligence was communicated to him directly from the Hague by his own envoy, D'Albeville. Skelton, his ambassador at Paris, announced to him the projected invasion, upon information still more positive.‡

Louis XIV., finding every attempt to open the eyes of the king, and particularly the recent endeavours of Skelton, unavailing, despatched Bonrepos once more to convince him of his danger, and offer him the aid of 30,000 Frenchmen.

A right reverend historian§ ventures to suppose that the offer of French troops was rejected through the agency of divine providence. Others have ascribed the refusal to the advice of lord Sunderland. That minister

* Bar. au Roi, 21 June, 1688. Fox MSS.

† Life of James, ii. 176.

‡ A Frenchman named Bude de Verace, in the service of the prince of Orange, and intimate confidence of Bentinck, was dismissed, under circumstances which provoked his resentment. He retired to Geneva, and wrote thence to Skelton, whom he had known at the Hague, that "he had things to communicate to the king of England of no less concern than the crown he wore." Skelton repeatedly and vainly pressed James to permit his communicating with Verace, and ascertaining the value of his proffered disclosures. It is imputed to Sunderland that he intercepted and suppressed Skelton's letters respecting Verace; but the compiler of the Life of James from his MS. Memoirs, who was far from disposed to extenuate the duplicity of the minister, speaks of their having made no impression upon the king, not only as a fact, but as the cause of the last mission of Bonrepos.

§ Kennet.

himself claims the merit of having induced the king to decline French aid ; but denies all knowledge of a treaty, and says not a word of any having been proposed.

The Spanish ambassador, alarmed anew by the presence of Bonrepos, obtained a private audience of the king, and deliberately assured him, whilst he knew it to be false, that the Dutch armament was not destined against him. The Dutch ambassador, Van Citters, disclaimed, on the part of the states, any designs against the British dominions, and intimated that their preparations were destined against France.* Lord Sunderland, thus supported by confederate testimony, ridiculed the idea of a descent upon England ; “ and had so great an influence,” says James, “ over all those the king most confided in, that not one of them, except my lord Dartmouth, seemed to give any credit to the report.” †

Bonrepos returned to France, astonished at James's disbelief of the information, and rejection of the offer with which he was charged. “ The court of France,” says the compiler of the Life from the King's Memoirs, “ was equally astonished at his majesty's surprising security.”

His majesty, however, did not wholly neglect the advices received by him. He instructed D'Albeville to demand an explanation from the states-general. The states would have found it difficult to answer this demand, if a plausible excuse had not conveniently presented itself.

The memorial of D'Albeville was dated the 5th of September. D'Avaux presented to the states a memorial, dated the 9th, in the name of his master, inferring, from several circumstances recited in detail, that the Dutch naval preparations could have no other object than the invasion of England, and notifying that his christian majesty would regard any hostility against the king of England, “ a prince with whom he was connected by ties

* Life of James, &c., *ubi supra*, and MS. Letters of Van Citters.

† MS. Memoirs of James, *ubi supra*, &c.

of amity and alliance," as an attack upon France. A similar notice was given, in the same memorial, respecting cardinal Furstenburg, elector of Cologne.

The states adroitly turned the memorial of D'Avaux against D'Albeville. They declared to him that they had armed in imitation of the king of England and other princes; that they were long satisfied of the existence of a secret treaty between the kings of England and France; that the fact was now placed beyond doubt by the avowal of the French ambassador; and that they could not properly answer the English memorial until their ambassador in London had transmitted to them a copy of the treaty between James and Louis.

James, it has been stated, had assured Ronquillo, and the other foreign ministers at his court, that no new or secret treaty existed between himself and the king of France. The memorial of D'Avaux now subjected him to the imputation of bad faith, and the odium of a French alliance. Lord Sunderland urged in council that the French alliance should be disclaimed. It was, accordingly, disavowed by the king, through his ministers at the Hague, Vienna, and Madrid.

Louis conveyed, through Barillon, his dissatisfaction at James's giving a direct disclaimer, instead of answering vaguely or equivocally. Sunderland replied, that the supposition of a league with France would revolt the nation; and Barillon writes to his master that he found English pride hurt by James's being placed on a level with cardinal Furstenburg.

The French memorial originated with Skelton, the British ambassador at Paris, in a conversation with Croissy, French minister of foreign affairs.* Sunderland,

* The ambassador observed to the minister that, not only were the eyes and ears of the king of England closed against the most decisive evidence of the Dutch designs, but that the prince of Orange was informed of several matters which he had written on the subject to James, and that he suspected treachery in lord Sunderland, to whom his dispatches were addressed. They concluded that the king could be effectually served only by acting beyond the reach of Sunderland, and, consequently, without the king's knowledge. Skelton advised that, without consulting James, the French ambassador at the Hague should declare the intentions of the king of France in the manner above stated.

who was constantly suspected and denounced by Skelton, and who hated, or, as he said, despised Skelton in return, indulged his resentment, and gave weight to the disavowal of the French alliance, by the recal of the ambassador. Skelton, on his return, was committed to the Tower.

The haughty Louis took no serious offence at this disavowal of his ambassador's memorial. It is not easy to determine whether he was subdued by policy, compassion, or contempt. He declared, by way of explanation*, that there was no formally signed treaty between himself and the king of England; but that the relations of friendship between them, since the accession of the latter, constituted an alliance no less binding than if it were expressly stipulated; and that Skelton merited a recompence, not his disgrace.

Van Citters went over to Holland, in the summer, to concert personally with the prince the invasion of England; and, on his return, gave James the most solemn assurances that the Dutch armaments had reference only to the state of continental Europe.†

The prince, meanwhile, was preparing with the utmost anxiety for his enterprise. The German princes in his interest had begun, in August, to levy troops for his service. He was troubled beyond measure by what he calls "a blunder" of the duke of Wurtemberg, in disclosing the purpose of his levies to his council, — which, however, kept the secret.

Lord Danby, at the same time, by one of those fluctuations to which even decisive minds are subject, wrote of postponing the expedition to the following year.

William's agitation was extreme. "I have," he writes to Bentinck, "more need than ever of the divine guidance, not knowing what course to take."‡ The invocation of divine guidance was out of place, in reference to a design of which the morality was more

* Le Roi à Bar., 30 Sep. 1688. Fox MSS.

† Letter of Van Citters.

‡ Lett. de Guillaume III. au comte de Portland, &c. MS.

than doubtful. It yet could have proceeded only from a profound feeling of religion in a letter to his most confidential friend.

The draft of a declaration, to be published by the prince in justification of his enterprise, was sent over to him from England. "Peruse," he writes to Bentinck, "and re-peruse, with Fagel and Dyckvelt, the draft of my declaration. You will perceive by its conclusion that I place myself entirely at the mercy of a parliament. I much fear it cannot be otherwise; and yet to trust one's destiny to them is no slight hazard."*

Here, again, he opens his whole mind only to his countrymen, and he reveals to them the secret that he hated parliaments, like Louis and James.

In the beginning of September he proceeded to Minden in Westphalia, for the purpose of concerting in person his military arrangements with the electors of Brandenburg and Saxony, the landgrave of Hesse, the duke of Lunenburg, and the duke of Zell. The fear that the secret of his enterprise had escaped haunted his imagination.† He describes his mind as most painfully agitated, from an apprehension that his design might fail, with the aggravation of being engaged in a great war.

William III. has the reputation of one of the most resolved, firm, steady-purposed, and phlegmatic of men. This effusion of his soul, in a private letter, is instructive and interesting, when compared with his life and character. It shows that minds of the utmost force may be agitated and unresolved where the hazards are balanced, and the consequences momentous; and that

* Lettres de Guillaume III. au comte de Portland, &c. MS.

† The French, he supposed, were urging their warlike preparations to prevent his expedition, not, as they pretended, to attack the emperor. James, in a letter to the princess, had said that he had no news to send her; but that he expected news from the Hague, in consequence of the great naval armament of the states, and the march of the French marshal d'Humieres to the support of cardinal Furstenberg. "The king," says William to Bentinck (Lett. above cited), "certainly named the cardinal by way of giving a covert hint that he knew what was designed against himself."

the strongest mind is that which keeps its weakness from the common eye.

The visit of the prince to Minden, and his conferences with the German princes, were known throughout Europe. William, in corresponding with his doomed father-in-law, either gave him indirectly to understand, or directly stated to him, that the object of the Minden conferences was to prepare for war against France on the Rhine.*

Barillon, at the same time, writes from London to his master, that the princess of Orange had written a letter to her father, informing him that the prince, her husband, went to Minden for the sole purpose of getting the princes assembled there to march their troops against France.†

It was a common maxim of the protestants of the age that papists did not consider themselves bound in conscience to keep faith with heretics. Here is a protestant princess, brought up by bishops, and the hope of the church of England, who does not scruple to deceive a papist, to the peril of his state and life, though that papist was her father.

The prince of Orange, on his return to the Hague, communicated to the deputies of foreign affairs his arrangements and his views. The deputies, in their turn, reported to the states their conference with the prince. Their report bears date the 20th of September; and the design against James is not yet avowed. His highness, the deputies say, finding that the king of France laboured to injure the commerce and detach the allies of the states, more especially their ancient and intimate ally, the king of England, thought it more than time to assume a posture of defence; and, considering the difference between new and old troops in actual war, had contracted at Minden to take into the pay and service of the republic German troops, to be furnished by princes of the empire, in the following proportions:—

* Letter of the king to the prince of Orange, Dal. App. p. 294.

† Bar. au Roi, 166. N. 1688. Fox MSS.

viz., the elector of Brandenburg 5000, the dukes of Zell and Wolfenbuttel 3951, the landgrave of Hesse-Cassel 2400, the duke of Wurtemberg 1000, men.*

On the 8th of October the prince and the states avowed to each other their designs on England; and, by the advice of the prince, the republic took into its pay and service a further force of 6000 Swedes.

The enterprise of the prince of Orange was thus supplied and forwarded by the authorities of the republic with surprising zeal. How was the Louvestein party, comprising the best citizens of the republic, and hating both the house of Orange and the office of stadtholder, reconciled, almost of a sudden, to the magistracy and the magistrate.†

Jacobite writers have ascribed the zeal and unanimity of the chief cities of Holland to the interest which they had in the fall of a king of England, who thought only of extending the trade and husbanding the wealth of his subjects; and to their hopes of benefit from the elevation of the prince of Orange, who would govern England with the prepossessions of a Hollander.

This supposition is not groundless. The prince of Orange gave a secret intimation to the states that they had the deepest interest in his success. D'Avaux writes to his master, as a fact of which he was assured, that the prince told the council he was invited over by great lords and bishops, who looked upon prince George of Denmark as unequal to the crisis; and that, if he did not accept the invitation, England would become a republic, — “which would be the ruin of Holland.”‡

* Secret Delib. of the States-general, 20 Sept. 1688. MS.

† Bishop Burnet accounts for it by Louis's having cut off the supplies of secret service-money to D'Avaux, who, in consequence, could no longer bribe the deputies. The same slander is to be found in the spurious memoirs of madame de Maintenon. Both the right reverend historian and the anonymous fabricator are refuted by the correspondence of D'Avaux. That ambassador ransacked the cabinets and stole the secrets of the prince of Orange, the states, and even his own subaltern, D'Albeville; but by corrupting no higher virtue than that of domestics, confessors, adepts in forgery, and court intriguers.

‡ *Négot. du comte D'Avaux*, in print, and in Fox MS., extracted from the *Depôts des Affaires Etrangères*, at Paris.

But the more generous guardians of the liberty of the republic must have favoured his enterprise from higher motives. His military preparations, so late as the middle of 1687, were regarded with jealous fear by the Dutch patriots, who suspected him of designs against whatever of republican liberty survived the revival of the Stadtholderate.* His real design after some time became apparent, and all jealousy ceased. The Louvestein party, now considering that he had no son to inherit usurped power in Holland, and concluding that the crown of England must satiate his ambition, however devouring, lent itself willingly to an enterprise which would either convert an aspiring hereditary chief of the republic into a powerful foreign ally, — or prove fatal to him.

James, meanwhile, could not, or would not, be roused effectually to a sense of his danger. He was, however, acted upon by such a powerful spell of intrigue and perfidy that even Barillon, who was within the circle, did not wholly escape it.

Louis XIV. alone was steadily clear-sighted or better informed. "At the court where you are," he writes to Barillon, "they are asleep or spell-bound, whilst menaced by the greatest conspiracy ever formed." † Barillon, in reply, does not venture to differ with his haughty master, but says the king and Sunderland treated an invasion led by the prince of Orange as visionary, whilst Holland was threatened on the Meuse and the Rhine: — it was a court fashion to laugh at those who entertained the idea; and he was himself the object, on that account, of much court raillery. ‡

The king resolved on one measure only of defence, and did not put even that in execution, — to place Halifax, Nottingham, Danby, Shrewsbury, and other

* Bonrepos to Seignelay. Fox MS.

† Barillon's Correspondence, 10 Sept. Fox MS.

‡ Barillon is confirmed by a citation in the *Life of James* from his MS. Memoirs. It is the commonly recorded opinion that Sunderland duped Barillon: he employed, certainly, the best means with a Frenchman, whose first fear is that of ridicule.

suspected partisans of the prince, under arrest. Two only of these named were engaged in the conspiracy. The resolution was abandoned on the advice of lord Sunderland.*

Louis XIV. persisted in offering James his counsel and his aid. James would go any lengths with him short of hostilities against Holland, and proposed to equip a fleet, if supplied by Louis with money. Barrillon offered 400,000 livres; agreed to equip twenty men of war and eight fire-ships; and hesitated whether he should require a money-treaty, duly signed, or trust to an unsigned memorandum, and the honour of the king. Louis accepted the latter, and sent the amount in bills of exchange.

The French king, at the same time, urged James to order over what he called faithful regiments from Ireland. His advice was overruled, according to James, by Sunderland, Churchill, and the duke of Grafton, — the prejudice against the Irish being still more violent than against the French.†

Louis XIV. was now on the eve of declaring war against the confederacy of Augsburg. It is stated that he proposed to James to begin by attacking Maestricht and the Low Countries — not Philipsburg and the empire — which would paralyse or divert the armament of the prince of Orange. This he enjoined him to keep inviolably secret, even from his ministers. The states soon reinforced the garrison of Maestricht with 6000 men. Louis had confided the secret only to Louvois, and desired to be informed by James whether he had communicated it to any person. The latter replied that he had told it only to lord Sunderland; — upon which the

* So obvious was its prudence, that it was anticipated by Sidney as the certain consequence of a discovery of the prince's preparations, and as likely to ruin his enterprise. "It is certain," says he, "that, if it be made public above a fortnight before it be put in execution, all your friends will be clapped up, which will terrify others, or at least make them not know what to do, and will, in all probability, ruin the whole design." (Sidney to the prince of Orange, Dal. App. p. 231.) This resolution, too, was abandoned through the advice of Sunderland; who contended that many could not be seized, and the seizure of a few would but give an alarm.

† MS. Memoirs, cited in *Life of James*, ii. 187.

French monarch gave him up in despair, as a man so bent upon his own ruin that nothing could save him.*

But, whatever may have been the truth respecting Louis's proposed attack upon Maestricht, and however he may have expressed himself respecting James as a man doomed to destruction, he did not abandon him to his fate. He proposed to reinforce the British fleet with a French squadron of sixteen sail; and, with this combined force, to attack and overpower the invading Dutch armament.† A treaty for the junction of the French and English fleets was signed, but with blanks left for the time and place. James, deferring still to the fears and prejudices of his subjects and the advice of his council‡, rejected the offer of the French squadron, as he had rejected that of the French troops, but desired that it should be kept disposable at Brest.

The incredulity of the king, respecting the enterprise of the prince of Orange, wholly ceased, it has been observed, about the middle of September.§ He still declined the proffered aid of the French squadron so late as the 11th of October.|| Louis, at last, appears to

* Dartmouth, note on Burnet, 314,315., and Dal. App. A different version is given in the "Military Memoirs of Louis XIV." It is there stated, that war being resolved, the ministers of Louis were divided as to the manner of opening the campaign. On the one side it was proposed to operate powerfully by sea, and march a strong force against Maestricht and the Low Countries. This would prevent the Dutch from employing their fleet and army in an expedition against England. On the other side, it was urged that the empire should be attacked with promptitude and vigour, which would compel the emperor, pressed on his eastern frontier by the Turks, to call the prince of Orange to his aid. (*Œuvres de Louis XIV.*, tom. iv. p. 238.) The latter counsel prevailed with Louis, under the auspices of Louvois; and the dauphin left Versailles on the 25th of September, to take the command of the army, which already invested Philipsburg. (*Œuvres de Louis XIV.*, tom. iv. p. 256.) This is described as the first false step in the first war which proved inglorious to Louis XIV. (*Id. ibid.*) D'Avaux writes on the subject with remarkable frankness to his master. "Never," says he, "did news give more joy to the prince of Orange than the intelligence of the siege of Philipsburg, so much did he fear the march of the French troops upon Flanders or the Lower Rhine. (D'Avaux to the king, 27 Sept. 1688. *Négot. du comte D'Avaux.*) M. Mazure has given a third version, that Louis XIV., out of pity for James, yielded to his fear of war with the Dutch; but this is not borne out by his own citations.

† Life of James, ii. 186.

‡ Bar. au Roi, 16 Sept. 1688.

§ Life of James, ii. 177. Letters of Louis and Barillon, from 10 to 20 September. Fox MSS.

|| Bar. to Louis, 11 October. Fox MSS.

give him up in despair: "The refusal of my fleet," he writes to D'Avaux, "by the king of England, to please his subjects, opens the way to the prince of Orange, and nothing now remains but to wait the event." *

The king, however, possessed resources, and even took measures, for resistance, which, employed by a man commonly resolute and capable, would have proved fatal to the invader. But James was soon abandoned even by that spurious resolution of weak minds—his obstinacy.

He made some forlorn attempts abroad to divert the storm. D'Albeville, in a formal audience, called upon the prince of Orange to explain the motives of his warlike preparations. The prince treated the ambassador with more than his usual indifference. His only answer was that jealousies prevailed in all quarters.†

A memorial was presented, at the same time, by D'Albeville to the states-general, solemnly disavowing, in the name of his master, any secret treaty of alliance with the king of France; and offering, on the king's part, to prove the truth of his asseveration by taking measures, in concert with the states, to maintain the treaty of Nimeguen, the truce of 20 years, and the peace of christendom. Similar assurances were given by his envoys to the other powers in amity with him.

Louis, informed of these proceedings, wrote to Barillon, —"I find that the ministers of the king of England at the Hague and at Rome propose, on his part, to join my enemies, if the prince of Orange consents to desist from his enterprise. I am, notwithstanding, still ready to aid him." ‡ This was neither friendship nor magnanimity. He at last became alarmed lest James, in the extremity of his danger, should join the confederates; and instructed Barillon to suggest, as from himself, an offensive and defensive treaty.

The states, meanwhile, continued to insist on the

* Louis to D'Avaux, 17 October. Fox MSS.

† "Il y a bien de jalousies de tous les côtés." Barillon to the king, 27 September, 1688. Fox MSS.

‡ Le Roi à Barillon, 28 October, 1688. Fox MSS.

existence of a French alliance, and completed the preparations of the prince. The military part of the armament consisted of 10,000 foot and 4,000 horse, — the best troops of the republic ; and the prince, acting upon the advice of Sidney, borrowed marshal Schomberg from the elector of Brandenburg. Admiral Herbert, who had gone over some weeks before, was appointed to the command of the Dutch fleet, with some reluctance and hesitation on the part of the states and the prince.*

The king's measures of defence may be divided into political and military. The former was a sweeping abandonment, or recantation, of his whole course of domestic policy to that hour. He unsaid and undid all that he had hitherto said and done ; and went backwards, as he had gone forward, under the influence of lord Sunderland. †

That minister, denounced by his enemies, and suspected by his master, had recovered his credit by declaring himself a catholic. The king's first step, under his guidance, was to command the attendance of the archbishop of Canterbury, and such other prelates as were within his reach. Lord Sunderland, who wrote to them in the king's name, merely stated that " his majesty thought it requisite to speak with them." An interview took place. It ended only in general expressions of favour and confidence on the part of the king, — of duty and loyalty on the part of the bishops. ‡

* The states-general had good grounds for distrusting the overtures of the king. Lord Sunderland told Barillon that the king's sole object was delay ; that he felt his affairs in the last extremity ; that in eight days, perhaps, he might be driven out of England ; that drowning men catch at any thing ; that, if the overtures made to the states had the effect of conjuring the storm, or creating division between the states and the prince, his christian majesty would doubtless be the first to rejoice at so fortunate a result. (Bar. au Roi, 3 et 7 Octobre, 1688. Fox MSS.) " I see," said Louis, " Sunderland will do any thing, however detrimental to his master, only to gain time." The only advantage which James derived from the memorial of D'Albeville was the equivocal or slight one of publishing it in the same gazette which announced to the nation the undoubted intelligence of an invasion from Holland.—*Gazette*, 21 Sept. 1688.

† MS. Memoirs of James, cited in *Life*, &c.

‡ Ralph, i. 1012. The king told them he should take off the suspension of the bishop of London. He little thought that the disobedient bishop was at the time guilty of high treason in signing the invitation to the prince of Orange.

One bishop (Ken) is reported to have observed, "that they might as well not have stirred a foot out of their dioceses."* This ascent from spiritual obsequiousness to profane freedom was a sign, not to be mistaken, of the decline and fall of James.

Writs had been issued for the meeting of a parliament. To neutralise the bad impression produced by the "closeting," and calm the fears entertained for the established church, it was announced by proclamation, for the better guidance of the electors, that the elections should take place with entire freedom; that his majesty's object was to establish liberty of conscience by act of parliament, preserve the several acts of uniformity, and exclude those already disqualified from the house of commons.† A second proclamation made known the fact, and exposed in detail the false pretences and real purposes, of the Dutch invasion, led by the prince of Orange, whose object was absolute conquest of the kingdom‡; — and recalled the writs, — the king having to appear at the head of his army. Parliament, even without this incident, would, probably, not have been assembled.§

On the 2d of October James issued a general pardon, from which, however, sixteen persons, voluntary exiles, or persons fled from justice in the late and present reign, were excepted||; and, to the great joy of the citizens, promised the restoration of the ancient charter of London.

The bishops, as may be conceived from the sally of bishop Ken, were piqued by the fruitless termination of their interview with the king. They had come prepared to be consulted by him as "the chief support of the English monarchy ¶;" and either to sway his counsels with episcopal humility, — or to produce a theatrical effect which should revive the eclat of their late martyrdom in the Tower.

* Ralph, i. 1012.

† Ibid., 28 Sept. 1688.

‡ Burnet was of the number.

† Gazette, Sept. 21. 1688.

§ Barillon au Roi, 2 Sept. 1688. Fox MSS.

¶ Echard, sub ann. 1688.

The archbishop of Canterbury, at their request, solicited an audience. He waited on the king, for this purpose, on Sunday, the 30th of September, and was received with the other prelates on the following Wednesday.

James, meanwhile, proclaimed his general pardon, and the restoration of its charter to the city of London. The bishops were thus foiled in their calculation of obtaining credit with the city and the public as the king's advisers in these acts of royal grace.

On Wednesday, the 3d of October, the archbishop, accompanied by the bishops of Ely, Chichester, Rochester, Bath and Wells, Peterborough, London, Winchester, and St. Asaph, waited on the king with their written advice, under ten several heads, and sought to bring him back "to the religion in which he had been baptised and educated." *

Churchmen, dissenters, and catholics united in denouncing the scheme of reconciliation submitted by the archbishop. James, however, adopted many of the proposals which he had made to him. He dissolved the ecclesiastical commission; he had already restored the charter of London by the hands of the chancellor Jeffreys; the other abrogated charters were restored; catholics were removed from all but military employments; and the lord-lieutenants of counties were commanded to examine and report on all abuses committed in the recent regulation of corporate bodies. † The bishop of Winchester was commissioned as visiter, "to settle the society of Magdalen college regularly and statutely." ‡

* The king might have told their lordships, in reply to this last article, that, though the fact of being baptised and educated in a religion be one of the most common motives for continuing in it, yet it is no argument for its truth, and, consequently, no spiritual reason for returning to it. Of two protestant church dignitaries, the one, an archdeacon (Echard), states that the archbishop endeavoured to bring back the king to the religion of his baptism and education, in a private conference, by "a discourse which savoured of all the free breathings of the primitive times of Christianity; but the Romish religion had now taken too deep root in his royal breast." The other, a bishop (Kennet), ascribes the perverseness of James, not to the deep roots of popery, but to divine Providence.

† Gazette, 11 October.

‡ Ibid. 12 October.

These concessions, though in accordance with the proposals of the bishops, obtained them little credit. They gave offence by some concessions which they made in return to the king. James derived still less advantage from his concessions than the bishops from their counsels. It was supposed that what he conceded was extorted from his fears, and would be revoked when he found or thought himself the stronger. The pomp with which the prince of Wales was baptised, according to the rites of the church of Rome, was looked upon, says bishop Kennet, "as a designed insult upon the protestant religion." *

No art or effort, at the same time, was left untried to persuade the nation that the child was supposititious, and that the king and queen conspired with the jesuits to practise this outrageous imposture. James was reduced to the necessity of adopting a measure the most afflicting and humiliating to him as a sovereign and a parent. On the 22d of October he called an extraordinary meeting of the privy council to verify the birth of his son.

The evidence was the most ample, the most conclusive, and the most revolting that could be produced, or can be imagined. When the investigation closed, James addressed the council with mournful emotion: — "There are," says he, "none of you but will believe

* His baptism in the chapel of St. James's, by the name of James Frances Edward, with the pope, represented by the nuncio, for his godfather, and the queen dowager godmother, was announced in the gazette of the 15th October. The following letter had been addressed by the happy mother to the pope in the preceding August: —

"Qualche grande che sia stato il giubileo cagionatomi dalla tanto sospirata nascita d'uno figlio, egli pero notabilmente s'accresce per la parte benigna che ei ne prende la vostra beatitudine, dimostratami con si tenero affetto nel suo pregiatissimo breue e bencagionevole che lei piu d'ogni altro se ne rallegrì di questo parte felice essendo egli propriamente il frutto de suoi santi ed efficaci voti, che hanno attirato dalcielo una si atta e quasi inaspettata benedittione. Donde mi nasce una ben fondata speranza, che l'istesse ardenti preghiere di vostra beatitudine, che hanno potuto impetrarmi questo dono si prezioso, saranno ancora possenti a conservarlo per la maggior gloria di Dio, e l'esaltatione della sua santa chiesa. A questo fine con la sua solita benignità degnisi la beatitudine vostra d'accagliermi, con il mio real bambino a i suoi santi piedi protrato, e di conferire ad amendue l'apostolica benedittione di vostra beatitudine.
Maria R. — Di Londra, le 3 d'Agosto, 1688.

me, who suffered so much for conscience' sake, incapable of so great a villany to the prejudice of my own children. I thank God, those that know me know well that it is my principle to do as I would be done by; for that is the law and the prophets; and I would rather die a thousand deaths than do the least wrong to any of my children."

The evidence, containing details from which the imagination shrinks, was sworn, registered, and made public, "with," says Burnet, "a quite contrary effect to what the court expected from it."*

The princess Anne was, or affected to be, unconvinced. Her conscience would be entitled to more respect, if she had not studiously absented herself from the queen's delivery and the investigation, whilst her absence was represented to be a contrivance of her father to aid the fraud. †

Sunderland, with all the dexterity of his intrigues, and versatility of his changes, fell at last. His disgrace has been ascribed to the discovery of his treachery. The charge made against him by the friends of James is, that he encouraged his trusting master in all the measures respecting religion which most shocked the interests of the clergy and the prejudices of the people; that the king, by his advice, alienated the church of

* Burnet has treated the pregnancy of the queen and this investigation with a flagrant disregard of decency and truth. He suppresses, and perverts, and rakes together, without proof, particulars which, if true, could be known only in the utmost familiarity of medical or menial attendance upon the queen. But he had collected evidence, and published pamphlets, by order, on the subject, during the heat of parties; and the right reverend historian would bear out the partisan.

† She could not conceal her dissatisfaction when a copy of the evidence was presented to her by her father's order (Van Citt. 9 Nov. 1688.), and declined receiving it; "because," she said, "no evidence could have more weight with her than the word of the king." (MS. Memoirs of James, cited in *Life*, &c.) Another woman might have declined the perusal from this motive, or from the delicacies of nature and her sex; but, in the coarse-minded and unnatural daughter of James, it was equivocation and hypocrisy. It should be added, that her doubts vanished, for a moment, into an acknowledgment of "the prince of Wales," and a pious aspiration for his eternal felicity, upon the prospect of his death. Writing to her sister, on the 9th of July, 1688, she says, "The prince of Wales has been ill three or four days; and, if he has been so bad as some people say, I believe it will not be long before he is an angel in heaven."—*Birch's Notes*, in *Dal. App.*

England, lay and clerical; that he advised James to retrace his steps, in order to deprive him of the support of the nonconformists; and that he betrayed the most important and secret councils of his master to the prince of Orange, through his wife and uncle.* He was closetted with the queen when lord Middleton called upon him for the seals. His disgrace was impending over him since the trial of the bishops.† James told Barillon that "Sunderland was afraid, and his services no longer gave satisfaction."‡

It has been asserted and denied, and it remains doubtful whether Sunderland betrayed the counsels of his sovereign. It is avowed by himself that "accusations of high treason, and some other reasons, relating to affairs abroad, drew the king's displeasure on him§; and that he expected no less than the loss of his head." A letter addressed by him to king William, dated from Amsterdam, March 8. 1689, would seem to leave little doubt that he had incurred the penalty.|| He now asked Barillon to procure him refuge in France; boasted of his fidelity to the good cause¶; duped the French ambassador into forwarding his request with a recommendation to Louis XIV.**; — and went to Holland. Sunderland's career is not without value as a moral lesson. The most unprincipled, the most adroit, and, perhaps, the most able of that compound class of ministers, half statesman, half intriguer, he signally failed; — and neither his subsequent reascent nor useful services have rescued his name from contempt.

The catholic interest now gained a complete ascendant

* Life of James, and extracts from MS. Memoirs.

† Barillon, in Fox MSS.

‡ Id. *ibid.*

§ Letter of lord Sunderland to a friend.

|| "I thought," says he, "I had served the public so importantly, in contributing what lay in me towards the advancement of your glorious undertaking, that the having been in an odious ministry ought not to have obliged me to be absent." (Dal. App.) This avowal would be decisive in the case of another man; but Sunderland was one who would cover himself with fictitious infamy to serve a purpose of ambition, profit, safety, or court favour.

¶ Bar. to the King, Nov. 4. 1688. Fox. MSS.

** Id. *ibid.*

under the auspices of lord Melfort and father Petre.* James's counsels were vacillating and weak; yet, had his military measures been as vigorously pursued as they were prudently designed,—his military means but employed with a decision and energy proportioned to their strength, organisation, and the crisis,—had James himself possessed the qualities of an able captain, or had he a capable lieutenant, instead of the degenerate nephew of Turenne,—the prince of Orange would, most probably, have met the fate of the duke of Monmouth.

The king began by collecting, strengthening, and disposing his fleet. He fitted out more ships to reinforce the squadron actually at sea. It now consisted of thirty sail, chiefly third and fourth rate, as best suited for the season.† To these he added sixteen fire-ships. He, at the same time, ordered home his squadrons in the Mediterranean and the West Indies.‡ Lord Dartmouth, sir Roger Strickland, and sir John Bury were the three flag officers appointed to command. Dartmouth, a protestant, was placed over Strickland, a catholic, to conciliate the seamen.

He applied himself with equal diligence to the army. Ten men, chosen for their known fidelity, and more valued on that account than for their numerical strength, were added to every regiment, horse and foot, except the guards.§ This favoured corps was exempted through confidence in its fidelity. Royal commissions were issued for raising several new regiments.|| The militias of London and of the several counties were called out, and ordered to hold themselves in readiness to serve for the defence of the kingdom. Three battalions of infantry, a troop of guards, and two regiments of cavalry, were recalled from Scotland.¶ Three battalions of infantry and a regiment of cavalry were brought from Ireland.

* Van Citt. Nov. 9. Bar. Nov. 25.

† MS. Memoirs of James, cited in Life, ii. 186.

‡ MS. Memoirs, cited in Life, &c. || Ibid. ii. 186.

† Id. ibid.

¶ Id. ibid.

James and his counsellors were convinced that no person of rank or property would join the prince of Orange.* This impression was natural. The nobility and powerful commoners, including those who already conspired with the prince of Orange, offered their services, and accepted commissions to raise troops with, apparently, overflowing zeal. He had on foot an army of 32,000 men, which force (with the navy already mentioned) he thought sufficient to deal with the prince of Orange either by sea or land.†

The king's military dispositions appear to betray no marked want of vigour or foresight. Apprehending that the prince of Orange had accomplices in London, that his first attempt would be by the river, and that he might possess himself of Rochester and Chatham, he concentrated the chief strength of his army round the capital. If the prince landed in the north or the west, this disposition placed the army at a convenient, if not central, distance to march on the point of attack. Portsmouth, Plymouth, Hull, Chester, and Carlisle, were garrisoned with horse and foot. Rochester, Gravesend, Dartmouth, and Maidstone, were secured by detachments from the army which defended London. Scotland and Ireland were placed in a state of defence; the one by the privy council, the other by Tyrconnel.

The king's chief want must have been that of money, in the absence of a grant from parliament. This was supplied by the permanent revenues, his own economy, and the supplies of Louis XIV.‡

The condition of the last, tacit or express, appears to have been that James should consent to no compromise or negotiation with the prince of Orange, Louis XIV., writing to Barillon on the 1st of November, expresses his satisfaction that his money had given James increased firmness; deprecates any negotiation with the prince, as "it would lead only to the

* Bar. au Roi. 18 Nov. Fox MSS.

† MS. Memoirs, cited in Life.

‡ Ibid. ii. 140, 141.

entire ruin of the royal authority ;” and advises a public declaration of war by James against the prince of Orange and the states,—in order to cut off all communication between them and his subjects.*

The ambassador had already assured his master that the king would rather lose all than preserve a part of the royal power by concession to the prince†; and D’Adda communicated to his court James’s declaration, as a king and a gentleman, that, were the enemy at Whitehall, he would send back the first messenger who brought offers of negotiation from the prince, hang the second, and answer with his cannon. ‡ Meanwhile the prince of Orange and his ruin were rapidly advancing upon him.

The progress of the war favoured the prince’s enterprise. The French took Philipsburg, and almost commanded the palatinate; but the incapacity of marshal D’Humières, and the resolution of the city of Cologne, frustrated the designs of Louis in the only quarter where Holland could be assailed. The prince was thus at liberty to complete his preparations. Accounts reached him that Strickland lay in the Downs with about twelve men of war; and Herbert, who commanded the Dutch fleet, was ordered out to attack or gain over the royal squadron. Contrary winds drove him back to port; and both the prince and the states, who had little confidence in him, were content with the issue. This incident was magnified in England to a complete disabling of the Dutch fleet,—a proof only of the fears of the king.

William, upon the return of Herbert, resolved to embark in person with the invading armament, and sail for England. A manifesto or declaration was an indispensable preliminary. The draft, concerted by the prince’s Dutch confidants, and translated by Burnet, failed to give satisfaction. Major Wildman, a republican of the commonwealth, condemned the stress laid on

* Louis to Barillon, Nov. 12. 1688. Fox MSS.

† Bar. to Louis, Sept. 30. 1688. Fox MSS.

‡ D’Adda, Oct. 29. 1688.

the dispensing power, which had been exercised by the kings of England for ages ; and on the prosecution of the bishops, who had been legally tried, acquitted, and discharged. He proposed a rival manifesto, written by himself, in which he carried the review of tyrannical grievance back into the reign of Charles II., and "laid down," says Burnet, "a scheme of the government of England."

Wildman spoke and wrote with contagious fervour, and the facility of an expert demagogue. He was supported by a party among his countrymen at the Hague. His design, according to the bishop, was "deep and spiteful:" — it was to sow discord between the English church party and the prince. But, whatever his design or character, his views were just. He rested the cause upon its true basis,—a reform of the political government, — not the petty warfare of parties and sects ; and, according to Burnet himself, he was supported by lords Mordaunt and Macclesfield.

But the reign of Charles would have brought embarrassing reminiscences to the church party. The bishops and clergy had preached passive obedience, and sanctified orthodox persecution, during a pious reign, in which they enjoyed a monopoly of wealth, favour, power, and persecution. James invaded their exclusive privilege : he was guilty of the double sin of popery and toleration ; and his tyranny to the nation could no longer be endured by the church.

Lord Shrewsbury, Henry Sidney, and admiral Russell objected, on the ground that reflections on the late reign would disgust many lords and gentlemen. A schism was prevented by a mutual compromise of omissions and alterations ; and the declaration, thus amended, was put forth. This document is too long, too trite, and too accessible to require more than mere mention ; — it is, moreover, nothing more than one of those politic manifestoes which are issued by all invaders to mask, not disclose, their purposes.

It may be right here to pause for a moment upon the three chief heads of accusation against James. He affected to be above the law, and was, therefore, a tyrant. He did not, however, assume the right of suspending or dispensing with all laws, as, according to the popular notion, he is supposed to have done, but only those penal enactments which interfered with his prerogative of commanding the services of all and any of his subjects. His lawyers told him this was a prerogative inseparable from his person, which no statute could limit or invade. The same prerogative had been claimed by Charles II., vindicated by Shaftesbury, and withdrawn from operation rather than renounced. James, then, did not assert it without precedent, or without law. He did not assert it without appeal. He submitted the question to the competent jurisdiction, and eleven of the twelve judges decided in his favour. The case of sir Edward Hales was a collusive proceeding, but not an illegal or unprecedented mode of trying a right. Such a prerogative, it is true, was equivalent, thus far, to arbitrary power ; but this admission would only prove that arbitrary power had countenance from the law of England. The judges, it will be said, misinterpreted the law from fear or favour, and were appointed for the purpose. Discarding, as a delusive phrase, the maxim that the king can do no wrong, and holding James responsible of right, as he was held in fact, still he was not the sole criminal, but the accomplice, and, in some measure, the victim, of corrupt or craven judges, and of an anomalous system of jurisprudence, which allows judges to make law under the name of expounding it. In fine, of the eleven judges who decided the case of Hales four only were named by the king.

To come to the case of the bishops : — they refused compliance with an order of their king, whilst they professed passive obedience to him as a tenet of their church ; and after having, in a precisely similar matter, obeyed the royal mandate implicitly in the late

reign. They presented a petition to the king desiring to be excused. They considered their petition legal and dutiful, — as most assuredly it was. The king considered it a seditious libel; committed them, in default of bail, upon their refusal to enter even into their own recognisances; submitted the question to trial by a jury of their common country, and had a verdict against him. His proceedings, then, against the bishops, however vexatious and oppressive, were not illegal, and, therefore, not tyrannical. The surest test will be to suppose James, for a moment, a true son, not of the church of Rome, but of the church of England; and the objects of his prosecution, not protestant bishops, but dissenters or papists; — would not his conduct be very differently viewed, though the question of its legality would remain the same?

The charge respecting a supposititious heir was one of the most flagrant wrongs ever done to a sovereign or a father. The son of James II. was, perhaps, the only prince in Europe of whose blood there could be no rational doubt, considering the verification of his birth, the unimpeached life of his mother, and the general morality of courts and queens.

The hackneyed pen of Burnet was employed to reconcile invasion and insurrection with the subject's allegiance. Non-resistance to the king was, he admitted, "the constant doctrine of the church of England; but all general words, however large," he adds, "have a tacit exception and reserve in them, if the matter require it."

The extent of obedience to the supreme authority is reducible to either of two principles, — that of resistance, reform, and revolution, held by those who assert a mutual compact between the sovereign and the community from which he derives his power, and that of non-resisting obedience. Both principles have produced generous virtues and great actions; and both parties, whilst they oppose, may respect each other. But this trimming whig churchman profits by the one

without the honesty to disavow the other ; and envelopes himself in a flimsy maxim, which might be taken up by any knave or villain who was violating the ordinances of God and man.

Meanwhile news of the king's concessions and reparations came to the Hague. The prince took no further notice of them than issuing a supplementary declaration, in which he said, in substance, that the protestant religion and liberties of England could be secured only by himself.

D'Albeville continued at his post, in spite of rebuffs and scoffs on every side. "Now," said he to Sidney, "that the king has come to a settlement with his subjects, what can you want with him in England?" Sidney replied, "We will tell him when we are there."*

The prince of Orange had made every preparation, and taken every precaution, for his momentous undertaking, when a second schism arose upon the mode of executing it. Wildman and his party would have the fleet sent out once more, to clear the sea for the invading armament, by the defeat or defection of the English navy. The extreme value of time at a season when the transports were liable to be ice-bound in port ; the uncertainty of a meeting between the two fleets, if either were not so disposed ; the impossibility of keeping troops and horses long on board ; were urged on the other side ; and prevailed, chiefly through the firmness and authority of the prince.

The embarkation took place with remarkable secrecy and despatch. A transport fleet of 500 vessels was hired in three days ; and the troops, which had been marched from the plains of Nimeguen, were put on board in the Zuyder Zee. It was ten days before they could sail out of the Texel. On the 20th of October the wind changed from west to east, and orders were dispatched instantly to Helvoetsluys.

The prince of Orange presented himself in a general

* D'Avaux to the king, October 15. 1688. Fox MSS.

assembly of the states to take his leave. He thanked them for their kindness ; called God to witness, that, in leaving them, he had no end before his eyes but the good of his country ; that he went to England with no other intentions than those he had set forth in his declaration ; and, committing himself to Providence, earnestly recommended to their care the princess his wife, who, he said, loved their country equally with her own.

“ It was,” says Burnet, “ a sad but a kind parting.” Some of every province offered an answer to what the prince had said ; but they all melted into tears and passion : only the prince himself continued firm in his gravity and phlegm.” The compiler of the Life of James says, that the prince told the states, in this parting speech, “ he would die their servant, or live their friend* ;” and most of the historians and biographers of William have described him as the first to shed tears. The situation was calculated to excite emotion. The prince of Orange must have loved a country which he had served and saved, though he hated the republic ; and the speakers may well have “ melted into tears and passion,” though many present, and those the truest lovers of their country and its freedom, would have preferred his destruction to his return. William must have had a soul of iron if, as Burnet states, he remained alone unmoved.

The prince of Orange proceeded immediately from the Hague to Helvoetsluys. He was detained three days on board before he weighed anchor. The whole fleet, consisting of 52 men-of-war, 25 frigates, 25 fire-ships, and near 400 transports, was afloat on the night of the 19th. Admiral Herbert commanded the first line. The prince commanded the main force in the centre, with the colours of England at his top-mast, bearing the inscription, “ The protestant religion and liberties of England ;” and, underneath, the motto of the house

* This is stated, also, in the supplementary articles from Dangeau's Memoirs, published from the original MSS. by M. Lemontey, “ Monarchie de Louis XIV.”

of Nassau, "Ie maintiendray." The Dutch vice-admiral Evertzen commanded the rear.

The wind changed to the north-west next day, and the night brought with it a tremendous storm. After struggling in vain for twenty-four hours, signals were made to return to port. The greater number of vessels had got back by the 22d; but several beat the seas for some days. Yet not a single ship was lost, and only one man perished, by being blown from the shrouds. The only serious loss was that of horses, from want of air.*

This incident made no impression on the prince of Orange or the states. They magnified the disaster in the Dutch gazettes to the loss of nine men of war; and several smaller craft foundered; a thousand horses thrown overboard; and Dr. Burnet drowned.† The object was to delude James into a revocation of his concessions or neglect of his defence. The king did neither. He employed the time thus gained by him in recruiting the old and completing the new regiments, and in making further dispositions against the invader.

An Englishman named Langham, who had served in the Dutch army, was detected in London circulating the declaration of the prince of Orange. He was arrested, and indicted for high treason. The crown lawyers did not venture to set forth the contents of so dangerous a document; and the grand jury, in default of evidence, ignored the bill.

The prince had proclaimed, in his declaration, that he was invited over by several lords, both spiritual and temporal. This startling assertion determined the king to search the faith of the bishops.

* Bishop Burnet mentions, indeed, that many vessels were exceedingly shattered; and proves this by a fact which militates violently against the laws of navigation and of nature. "Some ships," he says, "were so shattered that, as soon as they came in, and *all was taken out of them*, they immediately sunk down." Both parties on this occasion claimed respectively in their favour the special agency of divine Providence: the friends of James for the wreck of the Dutch fleet, the friends of the prince for his safety; but the above phenomenon, attested by the bishop, appears the only manifestation of the supernatural.

† Life of King William. MS. Mem. of King James, cited in Life, vol. ii. p. 205.

On the 16th of October James commanded the attendance of the archbishop of Canterbury; informed him of the designed invasion; and said that the bishops owed it to his service, and their own characters, to publish "an abhorrence" of the designs of the prince of Orange. The word "abhorrence," it should be remembered, was an ordinary and technical term of episcopal court compliance during the late reign. The archbishop replied that his brethren had, for the most part, retired to their respective dioceses, supposing their attendance at court no longer necessary. He then took his leave; and James proceeded no further in the matter until the 31st of October.

On that day he sent for Compton, bishop of London. That prelate was, or pretended to be, out of town when the summons came. He presented himself next morning. The king, having read to him the obnoxious passage in the declaration, asked whether the assertion was true. Compton answered with an equivocation: "Sir," said he, "I am confident the rest of the bishops will as readily answer in the negative as myself." The prelate who gave this answer had incurred the penalties of high treason several months before by subscribing the invitation to the prince.

The king said he believed them all innocent, but persisted in demanding the customary abhorrence. Compton obtained time for consideration, and retired. Sancroft received orders to attend the king next day (November 2.), with such of his brethren as were in or near London. At this third meeting there were present the archbishop, and the bishops of London, Peterborough, Rochester, Durham, Chester, and St. David's. The king produced the prince's declaration; told the prelates there was in it a passage which concerned them; ordered the passage to be read by lord Preston, secretary of state; repeated his belief of their innocence; and intimated that it was incumbent on them to put forth a disavowal.

The archbishop protested his own innocence, and his conviction that all his brethren were equally guiltless.

The king next questioned the bishop of London. He replied that he had given his answer the day before. The bishop of Durham said, "I am sure I am none of them." "Nor I," repeated the others, who had not yet spoken.

The king dismissed them, with an order to hold a meeting of such bishops as were within reach; draw up a vindication of themselves; and bring or send it next day. A meeting accordingly took place; and the archbishop, with the bishops of London, Rochester, and Peterborough, came to Whitehall on the 6th of November. Watson, of St. David's, was waiting to join them in their audience of the king. They declined his company, and obtained his exclusion.

The king, meanwhile, had manifested impatience. After mutual protestations of innocence on the one part, and confidence on the other, he asked, "But where is the paper I desired you to draw up and bring me?" The archbishop replied, "Sir, we have brought no paper, nor, with submission, do we think it necessary or proper for us to do so: since your majesty is pleased to say you think us guiltless, we despise what all the world besides shall say." "But," said the king, "I expected a paper from you: I take it you promised me one."

A long dialogue, or rather debate, ensued. Sancroft has recorded, with a frankness somewhat surprising, the disingenuous artifices of dispute employed on his own side, and the prompt vigour with which he and his brethren were pressed by the king.

The bishops began by seeking refuge in a denial of the authenticity of the document. "We assure your majesty," said they, "that scarce one in five hundred believes it to be the prince's true declaration." "Then," said the king, vehemently, "that one in five hundred would bring in the prince of Orange upon my throat." "God forbid!" responded their lordships. The archbishop still urged that so great a prince would not proclaim a manifest falsehood. "What!" said the king, "he that can do as

he does, think you he will stick at a lie?" "Truly, sir," said the bishops, "this is a business of state which does not belong to us." The archbishop followed up this sarcasm, in a tone of sneering evasion, by referring to the imprisonment of the seven bishops for touching on matters of state. "This, my lord," said the king, "is a *querelle d'Allemand*, quite out of the way."

At last it was suggested by the bishops that he might publish their verbal disavowal. "No," said the king, "if I should publish it, the people would not believe me." "Sir," replied the bishops, "the word of a king is sacred, and it ought to be believed on its own authority. It would be presumptuous in us to pretend to strengthen it; and the people cannot but believe your majesty in this matter." The king's answer was conclusive. "They," said he, "that could believe me guilty of a false son, what will they not believe of me?"

The prelates, in conclusion, said that, as bishops, they could assist the king only with their prayers; but, as peers, they were ready to serve him in parliament, or assembled in common with such peers temporal as were in London or its neighbourhood. Whether the king expressed any satisfaction with their proffered aid of prayer does not appear; but he rejected their services as peers, and the conference terminated.*

* See disavowal, in the handwriting of Sancroft, found among his papers; and the account, partly by the compiler, partly from the king's MS. Memoirs, in *Life of James*, ii. 216. "His majesty," says the latter, "left the bishops abruptly, and said he would trust to his army." Sprat, bishop of Rochester, whose participation in the ecclesiastical commission was odious, whose retreat from it was despicable, and whose late zeal failed to redeem his character, has given an account of this transaction different from the foregoing in some important particulars. The bishops, he says, urged that the whole matter should be referred to a free parliament. The king was incensed against them; lord Preston reproached them; the bishops of Chester and St. David's, who appeared to assist as mere spectators, were, at the request of the archbishop, ordered by the king to withdraw. The archbishop then said, "It was contrary to their peerage and profession to promote a war against a prince so nearly allied to the crown;" but they would give a verbal disavowal, which might be printed. The king continued to demand it under their hands: the bishops continued to evade or refuse; and "his majesty left them abruptly, telling them he would trust to his army."

The allusion of the archbishop, if he made it, to the relation of the prince of Orange to the crown, was inconsiderate. That violence, which would have been but simply criminal in another, was parricidal in a son.

Why did those pious and right reverend persons refuse to pronounce, upon the declaration and enterprise of

Sprat laboured systematically to give the church the chief credit of the revolution, by way of meriting pardon from his brother bishops. His discretion did not always keep pace with his zeal. Contrasting, on this subject, the conduct of the bishops in England who refused, and those in Scotland who gave the king, if not a declaration of abhorrence, yet an imprecation of "shame," upon the prince of Orange, he says, that "as the bishops in England, by refusing to stand by the doctrine of passive obedience, saved episcopacy in England, so the Scottish bishops, by adhering to that doctrine, destroyed episcopacy in Scotland." It would appear, then, that passive obedience should be adhered to or renounced as it might happen to be adverse or favourable to the preservation of episcopacy.

The compiler of the Life from the MS. Memoirs of King James says, that his majesty sent for the archbishop of Canterbury, and the bishops of London, Winchester, and two or three more, and asked them whether they had invited the prince of Orange. The bishops, he says, were puzzled what to answer; but said, at last, that they would never own any other king while his majesty lived. The king pressed them to sign an unequivocal abhorrence of the prince's invasion; but they demurred. It is deeply to be regretted that the compiler, or the successive compilers, of the Life did not make more frequent and copious extracts from the text of the king. There is, in the passages cited from his Memoirs, a tone of simplicity and moderation which commands implicit confidence; and they are valuable for that method and diligence which formed the better part of the character of James at the better period of his life.

"The king," says James, in one of the passages cited by the compiler, "reminded them of their memorable petition, and of his having then told them that, at the instigation of those who designed his and their ruin, they had raised a devil which they could not lay, and, when too late, would repent their error." To convince them that "some of them had done it maliciously, he assured them that he kept the paper in his pocket, and yet copies of it were spread about, which raised so furious a ferment against him." He bade them take notice how his predictions had come to pass; and urged upon them that the least duty they owed to the church, of which they professed themselves true sons, to the service of their sovereign, and "as some amends for the harm they had done him by their petition, and their behaviour after it," was to declare their dislike of the invasion, and show their loyalty both in the pulpits and out of them. He was going, he said, to head his army against the invader; and assured them that, if it pleased God to give him success and victory over his enemies, he would keep his promise; "and, though he had little reason to be satisfied with many of them, yet it should not hinder him from standing to the engagement he had always made of supporting them in the enjoyment of their religion and possessions. . . . But," continues James, "notwithstanding all the king could say, and all he had done to give them satisfaction, he could not prevail with the archbishop, nor the majority of them, to declare their dislike of the invasion, though the bishop of Winchester, and some others, were for doing it."

Some writers have thought it strange that James should not accept the compromise of a verbal disavowal, to be published by himself. Neither the compiler nor the king, in the passage cited from his Memoirs, alludes to any offer of a verbal expression of dislike. The only concession mentioned as coming from the bishops is the declaration that "they would never own any other king while his majesty lived." This expression is ascribed only to the archbishop by the apologist, and by Sancroft himself. That prelate kept his word. He wanted force of character; but he redeemed previous weaknesses by descending from the throne of Canterbury, with his principles and con-

the prince of Orange, under their hands, the sentence which they were ready to pronounce with their lips? Were the question purely temporal, and the recusants laymen, an answer would obviously suggest itself—that the verbal abhorrence was offered because it might be pleaded as a merit to James, if he maintained himself on the throne, or repudiated as a calumny, if fortune declared for the prince.

It was urged by the bishops upon the king, that the temporal peers were equally implicated with themselves, and should be subjected to the same scrutiny. Up to the recent publication of the Life of James, the bishops only were supposed to have been put to the test. The compiler of the Life states that the king summoned, among others, lords Halifax, Nottingham, Abingdon, Clarendon, and Burlington, and received from them a disclaimer, with all imaginable protestations of loyalty.* This statement is borne out by the Dutch ambassador. †

William, meanwhile, lay at Helvoetsluys, repairing the damage suffered by his fleet. When all was repaired, his expedition was doomed to a new mishap. For some weeks it had blown a continual gale. The Dutch men-of-war rode out at sea. On the 27th of October the fleet was exposed to a storm during six hours. The propitious, or, as it was called in England, the protestant east wind, came at last; and on the 1st of November (old style) the prince of Orange sailed out a second time from Helvoetsluys with an evening tide. Lord Dartmouth, meanwhile, had arrived from the Nore, off Harwich, full of confidence, with the English fleet. ‡

science, to poverty and obscurity. Supposing, however, the verbal disavowal offered, the king acted prudently in rejecting it. It would be asked by the ignorant public, and by the better informed enemies of James, why the disavowal, if authentic, was not put forth by the bishops themselves. The answer would be, that this was another pious or popish fraud; and a new wreath would be added to the crown of martyrdom of the bishops, who, after having, it would be said, suffered in their persons, now suffered, with the same christian meekness, the sacrifice of their reputations.

* Life of James II. p. 210. † MS. Letters of Van Citters, Nov. 16. 1688.

‡ Letter of lord Dartmouth to the King. Dal. App. 321.

On Saturday, the 3d of November, his scouts discovered, at break of day, 13 sail of the Dutch fleet; and he sent out three frigates, which captured only a fly-boat without her rudder, having on board four companies of English troops. He had, he said, made ready to sail with his fleet on Saturday; *but the sea came so heavy, and the tide fell so cross*, that he was unable to sail until the following morning.

This delay of lord Dartmouth, which he imputes to the wind and tide, but which others have variously ascribed to weakness, incapacity, the treachery of his officers, and his own, proved decisive of the fortunes of the prince of Orange and king James.*

Lord Dartmouth should not be rashly condemned.† He had a reputation for professional services and personal honour; and he died, two years afterwards, a jacobite prisoner in the tower. He has been both acquitted and condemned by James.‡ Lord Dartmouth was surrounded by disaffected officers. The numerical majority of them were faithful; but the most considerable were in the interests of the prince of Orange, and caballed on board.§

The impossibility of his giving chase on the 3d, with a contrary wind and lee tide, is asserted by lord Torrington, one of the disaffected officers||, who further

* The unfortunate commander was sensible of its importance. He sums up his difficulties and disappointments by these words to the king:—“Thus I have given your majesty a true account of all my proceedings, which are so far from the vain hopes I had that I take myself for the most unfortunate man living; though I know your majesty is too just to expect more than wind and weather will permit.” (Letter of lord Dartmouth to the King. Dal. App.) Finding, he says, that the Dutch sailed by Dover on Saturday, had a fresh gale that night, and a fair wind next day, he despaired of coming up to them before a landing was effected; declines, with the unanimous advice of the flag-officers, the hazard of attacking a fleet superior to his own, with the advantage of being discharged of its convoy; “is at a stand what to do;” and waits his majesty’s further pleasure.

† Sir W. Booth told me lord Dartmouth certainly connived at the passing of the Dutch fleet. Halifax MS.

‡ He acquits, in his answer to lord Dartmouth’s mournful dispatch (Dal. App.), and condemns in his memoirs; but it would be scarcely reasonable to expect fairness or consistency in his after judgment of a failure which had a great share in depriving him of three kingdoms.

§ MS. Mem. of Byng, lord Torrington, cited in Dal. App. 314.

|| Id. *ibid.*

states, that, when the fleet sailed after the Dutch next day, there was a meeting of the captains inclined to the prince, of whom some declared that, if lord Dartmouth attacked the Dutch, they were "bound in honour to do their duty; but eventually it was agreed to desert him."*

The duke of Grafton, piqued by the appointment of lord Dartmouth in preference to himself, went down to the fleet, before the prince of Orange had yet sailed, and not only gained over several of the commanders †, but attempted to inveigle the admiral, under pretence of an invitation to dinner, on board the ship of captain Hastings, in order there to seize his person, and assume his command. ‡ Lord Dartmouth was apprised of the design, declined the invitation, and did not venture to institute an inquiry. His mind and energy were further distracted between his fidelity as a subject and his conscience as a protestant.

Lord Torrington states §, that, in a council of war called by lord Dartmouth, off Harwich, it was proposed by the officers in the interest of the prince that they should stand over to the Dutch coast, and wait the coming out of the Dutch fleet; but that this proposition was overruled by the majority still faithful to James. It appears from a letter of lord Dartmouth that he was cautioned against such a course by the king himself.|| Judging by the uniform practice of the British navy in more recent wars of defence, the course thus advised by the one party, and rejected by the other, would have been the most adverse to the former, and the wisest for the latter. The science of maritime war and seamanship has, it is true, been since advanced; but the essential want was that of naval enterprise. Had Blake been in the place of lord Dartmouth, the Dutch fleet would not have come out of Helvoetsluys, and passed the straits of Dover, without a battle.

* Dal. App. *ibid.*

† MS. Mem. of King James, cited in *Life*, &c. ii. 208.

‡ MS. Mem. of Byng, lord Torrington, *ibid.* MS. Mem. of James *Life*, ii. 208.

§ Dal. App. 315.

|| *Ibid.*

Lords Lumley and Danby had undertaken to head an insurrection in favour of the prince, if he landed in the north. William accordingly steered northwards the first day and night; but finding the wind veering to the west, or being informed that the king had a sufficient force to oppose him in the north, he changed his course, and sailed down mid channel between Calais and Dover, on Saturday, 3d of November, about noon.

The spectacle was magnificent. * The opposite shores of France and England were lined with multitudes, who gazed with strong and opposite emotions, for several hours, upon the vast armament, moving in a line twenty miles in extent, and charged with the rival fortunes of princes, nations, and religions.

The Dutch fleet was in sight of the Isle of Wight by the evening. The prince of Orange wished to land next day, which would be the anniversary of his birth and marriage; but his friends preferred landing under the auspices of Guy Fawkes and the gunpowder treason, the next day but one. †

Torbay was judged the best harbour for so large a fleet. The pilot, who steered in the van, had orders to sail short of Dartmouth during the night. He misreckoned, and found himself, in the morning, beyond it. The wind still blew east, and it seemed necessary to sail on to Plymouth, the governor of which, lord Bath, had given the prince but vague assurances. This error of the pilot was regarded as disastrous. ‡ On a sudden the wind veered to the south;

* Rapin, who was on board.

† Burnet, iii. 326.

‡ Admiral Russell, according to Burnet, was in the utmost disorder, and bade the divine "go to his prayers; for all was lost;" but, on a sudden, "to the wonder of all present," the wind changed, and they landed. "I made," continues the bishop, "what haste I could to the place where the prince was, who took me heartily by the hand, and asked me if I would not now believe predestination" (iii. 328, 329.). The fears of admiral Russell, and the excitement with which the prince of Orange referred to the doctrine of predestination, as if he had just escaped some extreme hazard, bear strong internal evidence of exaggeration. There is a key to the latter which may be applied also to the former. "Dr. Burnet," says a historian of the period (see Cunningham's *Hist. of England*, i. 28., and note in Burnet, iii. 328.), "who understood but little of military affairs, asked the prince of Orange which way he intended to march, and

and, after four hours' sail, the whole fleet got into Torbay. The prince landed with marshal Schomberg, and viewed the ground for his encampment.

when ; and desired to be employed by him in whatever service he should think fit. The prince only asked him what he thought of predestination ; and advised him, if he had a mind to be busy, to consult the canons." If this be true, both the prince and Russell amused themselves by playing upon the fears, ignorance, and conceit of Burnet.

CHAP. V.

1688.

PREPARATIONS OF JAMES AGAINST WILLIAM. — DISHEARTENING PROSPECTS OF THE PRINCE. — EXETER ASSOCIATION. — DESERTIONS FROM JAMES — HIS CONSTERNATION — HE JOINS THE ARMY. — PERFIDY OF LORD CHURCHILL AND OTHERS. — RETREAT OF JAMES. — UNFILIAL CONDUCT OF ANNE. — MEETING OF PEERS. — NEGOTIATION WITH WILLIAM. — CONDUCT OF HALIFAX. — SPURIOUS DECLARATION. — THE PRINCE OF WALES SENT TO PORTSMOUTH AND BROUGHT BACK. — FLIGHT OF THE QUEEN. — FIRST FLIGHT OF THE KING. — RIOTS IN LONDON. — FALSE ALARM. — ARREST AND RETURN OF THE KING. — HIS SECOND AND FINAL DEPARTURE. — WILLIAM ENTERS LONDON. — MEETING OF PEERS. — THE KING AND QUEEN IN FRANCE.

THE first intelligence of the landing of the prince of Orange was brought to James by an officer, who had ridden with such speed that, before finishing his account, he fell exhausted at the king's feet. The landing at Torbay, without an encounter with lord Dartmouth, excited consternation. James denounced the prince as an unchristian and unnatural invader in the gazette; and published, with a commentary, the prince's declaration, — which could no longer be suppressed.

William's declaration was, accordingly, published by the king, with a preface, a running commentary on the text, and a subjoined reply, entitled *Animadversions*. The declaration, as it came from the hands of Fagel, is described by bishop Burnet as long and dull. In passing through the hands of the bishop, as translator, it may, as he says, have been reduced in length, but it seems to have retained its dulness. The king's advocates, especially the author of the *Animadver-*

sions, supposed to be Stuart, have the superiority in argument.

James appeared to rally his energies. He selected Salisbury Plain as his chief place of rendezvous. Lord Feversham commanded in chief, until the king should arrive to lead his army in person. Colonels Fenwick and Lanier occupied Malborough and Warminster, with each a body of cavalry. His design was to march still further westward, for the purpose of preventing risings in favour of the prince of Orange, until the troops on their way from the north, — the Scotch cavalry, not yet arrived, — the Irish dragoons just arrived, but so fatigued as to demand rest, — and the train of artillery, should be available.

There appears in James's preparatory measures no want of prudence or resolution. His confidence was such that, upon some suggestion of negotiating with the prince, he declared in council that he should regard as his enemy any one who advised him to treat with the invader of his kingdom.* He proclaimed in the gazette a detailed statement of the invading force, both naval and military. It has been charged upon him that he endeavoured to delude the people and himself, by representing the army of the prince of Orange as contemptible.† But his representation agrees fairly enough with the vote of the states ‡; and contemptible it certainly would have been against a man of courage and capacity, who possessed the throne, the capital, the whole kingdom — except an undefended town near the coast, which might be occupied momentarily by a pirate, — and a regular army of 32,000 men.

Meanwhile the progress of the prince of Orange was far from encouraging. His march of only twenty miles, from Torbay to Exeter, took two days of hardship and privations.§

* MS. Mem., cited in *Life, &c.*, ii. 209.

† Rapin.

‡ Secret Delib. of the States Gen. MS.

§ Burnet, whose account of the expedition is the great staple of most succeeding narratives, says nothing of this. He seems to have thought only of the "immediate hand of Heaven," which had conducted them

He was coldly received ; the people stood aloof ; and the authorities, both temporal and spiritual, either made a show of resistance, or fled from the perilous contagion. An officer named Hicks, whom he had sent forward to Exeter with a commission to announce his arrival, was apprehended by a warrant from the mayor. Lord Mordaunt and Dr. Burnet came next with a few troops of horse. The gates were closed against them on their approach ; but opened upon lord Mordaunt's summons, on pain of death. It was a defenceless town, and had not a single soldier. The mayor would neither acknowledge nor hold communication with the prince of Orange. This took place on the third day after the landing.

The prince himself made his entry next morning, and was no better received than his representatives. The bishop, Dr. Lamplugh, proceeded directly to court, to pay his duty, he said, to the king, and receive his majesty's further commands ; "which prudence, or timorousness," says Kennet, "the king took for loyalty, and immediately gave him the archbishopric of York."

On Sunday, the 11th, when the prince had been in Exeter two days, Burnet proceeded to the cathedral ; took possession of the vacant pulpit ; preached a long sermon upon the 107th Psalm, to show that the prince had on his side "the loving kindness of the Lord ;" and proceeded to read his highness's declaration. No sooner had he commenced it, than the canons, the choristers, and the greater part of the congregation fled. Ferguson, who accompanied the prince, made a similar experiment upon the dissenters, with still less success : he could obtain entrance into the meeting-house only by

from Helsvoetsluys to Torbay ; and the divine, doubtless, enjoyed his comforts on the march. But Rapin, one of the huguenot officers who accompanied the prince, describes what he suffered : — the drenching rain, the roads ankle deep ; the officers without a change of clothes, without horses, without bread, sleeping on the bare earth, in heavy November rains ; the men, scarcely recovered from the effects of the sea, carrying three days' provisions, and their tents.

forcing the door. This disinclination of the people is generally ascribed to the recollection of the cruelties which followed the invasion of Monmouth. It must have been the want of passion. Popular zeal does not reason or reflect; and the severities of one rebellion deposit the seeds of another.

The prince of Orange rested nine days at Exeter, without being joined by one person of distinction or influence. He had given commissions to lord Mordaunt, sir John Guise, and sir Robert Peyton, to raise three regiments. The levy did not proceed. He began to turn his eyes to his mast heads. It is stated that he held a council of war, and "suffered it to be proposed to him" that he should reimbark.* He suspected that he was betrayed; and threatened, upon his return to Holland, to publish the names of those who had invited him, "as a just return for their treachery, folly, and cowardice."†

The king, from the want of activity or means, was unable to take advantage of this desperate position of the prince. There was, possibly, an error in James's system of defence. He should perhaps have covered the capital with one division of his force, and held another movable army in a central station, ready to march where the enemy should present himself. Such was the defence of Elizabeth against the armada. James had, it is true, neither her able and faithful servants, nor her force of character, nor, in short, any thing of hers, except her example, — which was thrown away upon such a man. It is strange, if any thing were strange in his conduct, that he did not execute his own intention of pressing close on the prince of Orange with the garrison and other troops immediately disposable, without waiting the arrival of the troops from the north. While the prince was thus exposed, the king made war upon him only with extraordinary gazettes.

Such men as James are made to be unfortunate. The

* Rapin.

† Lord Dartmouth, note in Burnet, iii. 331., and Dal. App.

gentlemen of the south-western counties, encouraged by the supineness of the king, and shamed by the presence and perseverance of the prince, began to come in. Major Barrington is named as the first gentleman who joined the prince. He was followed by sir Edward Seymour, at whose suggestion a bond of association was drawn up, to be signed by all those lords and gentlemen who joined. "Without this," he said, "the prince's friends might drop off when they pleased: they were but as a rope of sand." The prince, notwithstanding, suspected Seymour, and ordered an officer to watch his movements.*

The engagement, thus signed, bound the parties before God and man to support one another in defence of the laws and liberties of England, Scotland, and Ireland, the protestant religion, and the prince of Orange.

The prince rebuked them for their backwardness. "We expected," said he, "you, that dwelt so near the place of our landing, would have joined us sooner: not," he continues, "that we want your military assistance, so much as your countenance and presence, to justify our declared pretensions, rather than to accomplish our good and gracious designs." †

* Hal. MSS.

† He then proceeds in a tasteless and hollow strain of more than regal pomp:—"Though we have brought a good fleet and army to render these kingdoms happy, by rescuing all protestants from popery, slavery, and arbitrary power, by restoring them to their rights and properties established by law, and by promoting of peace and trade, which is the soul of government, and the very life-blood of a nation, yet we rely more on the goodness of God, and the justice of our cause, than on any human force and power whatever. Yet, since God is pleased we shall make use of human means, and not expect miracles for our preservation and happiness, let us not neglect making use of this gracious opportunity, but, with prudence and courage, put in execution our so honourable purposes. Therefore, gentlemen, friends, and fellow protestants, we bid you and all your followers most heartily welcome to our court and camp. Let the whole world judge now if our pretensions are not just, generous, sincere, and above price, since we might have even a bridge of gold to return back; but it is our principle and resolution rather to die in a good cause than live in a bad one: well knowing that virtue and true honour is its own reward, and the happiness of mankind our great and only design." It should be observed here, that the prince makes very light of both the previous "invitation" and present "countenance" of his English friends, compared with his own "pretensions," and the good and gracious obligations which he was conferring upon the three kingdoms. He departed, in addressing the English, from the manly simplicity of demeanour and language with which he was ac-

The defection now began in a fatal quarter—the king's army. The example was set by lord Colchester, eldest son of lord Rivers, and a lieutenant in lord Dover's troop of lifeguards. He could seduce but four privates of his regiment; but was accompanied by colonel Godfrey, Mr. How, who had gone over upon a secret mission to the prince*, and about sixty other horsemen. Wharton, son of lord Wharton, Russell, brother of the sacrificed lord, and lord Abingdon, joined the prince. But the defection which most deeply wounded James was that of lord Cornbury, son of the earl of Clarendon, and nephew of the first duchess of York. Lord Cornbury, finding himself the senior officer at Salisbury in the absence of Lanier, ordered out his own regiment of dragoons, the king's, and St. Albans; the two latter commanded respectively by lieutenant-colonels Compton and

customed to address the Hollanders. This derogates from the unostentatious and real greatness of his character. But perhaps he thought it prudent to rise above the Dutch republican level in addressing English royalists of whom he aspired to become king.

The English people, as if by a tacit understanding, are never named: none are recognised beneath the condition of gentlemen, unless by the feudal and contemptuous denomination of followers. It is a distinctive trait of the revolution of 1688, that the people are not parties to it, even by name, as a decent formality.

Among the "gentlemen, friends, and fellow protestants," who joined the prince of Orange at Exeter, was the noted intriguer named Speke, who, in the title-page of his *Secret History of the Revolution*, designates himself "the principal transactor in it." Speke, it will be remembered, had been prosecuted and fined in the late reign for a libel, charging upon the government, or rather upon James, then duke of York, the assassination of lord Essex in the Tower; and, by his own account, had purchased his peace afterwards by the payment of 5000*l*. From being thus obnoxious, he was, he states, received into the royal favour, and offered by the king a bribe of 10,000*l*. if he introduced himself as a spy into the camp of the prince of Orange. To win the king's confidence, he declined the reward; set out with three passes, signed by lord Feversham, "for all hours, times, and seasons, without interruption or denial;" proceeded to Exeter; gave his passes to Bentinck, "who made no little use of them;" obtained the confidence of the prince of Orange, to whom he was devoted "from principle;" and wrote letters, at the prince's dictation, to the king, calculated to work upon his fears, and excite his distrust of those around him, by pretending that his chief officers but waited the opportunity to desert him. The information of the spy was as true as his motives were treacherous; and, unfortunately for James, it failed to make him suspicious. He rejected the advice of lord Melfort and other leading catholics, to seize the persons of those suspected, even after the news of the landing of the prince.—*Letters of Bar. in Dal. App.*

* Dal. App.

Langston ; and marched them by Blandford and Dorchester towards Honiton. The rapidity and distance of his march excited the suspicions of the officers. His own major (Clifford) demanded a sight of his orders. He said he was commanded to attack an enemy's post ; and, on arriving at Axminster, ordered out sixty dragoons, under pretence of falling upon the enemy. Major Littleton and other officers now questioned him so closely, that he fled with several officers, and only the sixty troopers.

Lord Cornbury is said to have lost his presence of mind at the critical moment *, and to have been a person of mean understanding.† The officers who suspected him must have also wanted promptitude, or they would have secured him at such a crisis, alive or dead.

Langston, who was in the secret, followed with his regiment to Honiton. He was met there by colonel Tallmache, whom the prince of Orange had sent forward with three regiments of foot. Langston now told the regiment that he brought them, not to fight the Dutch, but to serve the prince. The major (Norton) and several subalterns refused obedience. They were dismounted, disarmed, plundered ; “and,” adds the king, “with much ado, got liberty to return on foot to the army.” The two other regiments, which had not yet come up, seeing themselves betrayed, fled back in great disorder. Most of the troopers, even of Langston's regiment, “returned,” says the king, “as they found opportunity ; which showed greater honour and fidelity in the common men than in the generality of the officers, who usually value themselves so much for these qualifications.” ‡

Lord Clarendon was in despair at the conduct of his son, and ran “to throw himself at the king's feet.” § James received him with kindness ; said he pitied him ;

* Burnet.

† State of Europe, cited in Ralph.

‡ Life of James, ii. 207.

§ He exclaims, in his diary, “Oh God ! that my son should be a rebel.”

— and was soon deserted by the father still more meanly than by the son.

This desertion was, in itself, of trifling moment. Some advantage might even be drawn from it, as a proof of the fidelity of most of the officers, and all the privates. Yet was it, by the king's own account, almost decisive of his fate. It broke, he says, his measures; disheartened the other troops; created jealousies; made each man distrust his neighbour; sent the country gentlemen to the camp of the prince of Orange; and neutralised the capture of lord Lovelace.*

This nobleman, advancing with about seventy horsemen to join the prince, was attacked at Cirencester by the militia, and made prisoner, with thirteen of his companions. Lord Lovelace had beaten his footman, who, in consequence, took out a warrant against him. He refused to obey it, on the ground of its being signed by a popish justice, and figured as an aggrieved peer in the declaration of the prince of Orange. His mishap gave great satisfaction at court; its importance was exaggerated; and the counterpoise of the desertion of lord Cornbury was the more felt.

The arrival of lord Feversham at Salisbury, and his incapacity, aggravated or completed this disaster. He took up, without inquiry, the first loose rumour that reached him of the desertion of three regiments to a man; imagined the prince of Orange ready to crush his outposts; commanded his advanced guards to fall back upon Salisbury from Warminster and Marlborough; and ordered the infantry, which were on their march towards his head quarters, to halt about Windsor and Staines. These orders could not fail to dispirit the troops.

James should have been by this time with his army. He was still at court, surrounded by trembling priests and servants, who were either treacherous or incapable. The news filled the court with surprise and despair, exaggerated as the desertion must have been by lord

* Life of James, ii. 207.

Feversham. The king, who was just going to dine, called for a piece of bread and a glass of wine, and proceeded to hold a council. The result was that he should not risk his person with the army for two or three days.*

Such, in substance, is the account cited by the compiler from the king's manuscript memoirs. That of Barillon is more particular. Father Petre, who, he says, was now consulted in every thing, opposed the king's leaving London; reminded James that his father had lost his crown and his head by not remaining in the capital; and advised him to send his son to France, — not only for the child's safety, but to menace parties and the nation with the prospect of a long war.†

James was at the same time haunted with visions of treachery and desertion about his person. He now professed to Barillon that his views were changed respecting the effect of a French alliance upon his fortunes. French aid in troops and money would, he said, serve him in public opinion. Barillon replied that this was too vague; and James said that lord Melfort should confer with him on the extent to which he would act in concert with Louis against the states-general.

The French ambassador ascribes the king's previous slowness to the change of his ministers on the removal of Sunderland, and to his distrust of Godolphin, who advised a compromise with the prince of Orange, and who was trusted with the secret of the French pension only because it could not be kept from him as head of the treasury.‡

The king, on the next day, after holding the above-mentioned council, summoned all the general officers and colonels that remained in town, and addressed to them a remarkable speech, of which the substance is recorded by himself. He told them that, if any amongst them were not willing to serve him, he gave them leave to surrender their commissions, and go where they pleased;

* MS. Memoirs, cited in *Life, &c.*, 219.

† Bar. au Roi, 25th Nov. 1668. Fox MSS.

‡ Bar. au Roi, 22 Nov. 1668. Fox MSS.

that he believed them men of too much honour to imitate lord Cornbury ; but that he was willing to spare them, if they desired it, the discredit of so base a desertion. " They all," continued the king, " seemed to be moved at the discourse ; and vowed they would serve him to the last drop of their blood. The duke of Grafton and my lord Churchill were the first that made their attestation."

The emotion and assurances of those superior officers, and news from the head quarters that lord Cornbury had carried over but a small number, restored the confidence of the king. He resolved once more to place himself at the head of the army ; sent the infant prince of Wales to Portsmouth, for the purpose of being conveyed to France ; recommended the city to the care of the lord mayor ; and appointed, as a council, the chancellor (Jeffreys), lord Bellasis, lord Arundel, and lord Godolphin, preparatory to his departure for the army next day, the 17th of November.

Meanwhile, father Petre, having been removed from the king's council*, made his escape to France in the suite of lord Waldegrave, who went over as ambassador in the room of Skelton ;—and a petition to the king for a parliament was prepared by certain lords, spiritual and temporal.

This petition originated with lord Clarendon and several prelates assembled at Lambeth palace. It proposed two measures,—the calling a free parliament,—and using means to prevent the effusion of christian blood ; in other words, treating with the prince of Orange.†

* Letter of Van Citters, 16 Nov. (O. S.)

† The version of what preceded and followed the presentation of it, extracted from the king's memoirs, differs essentially from that hitherto before the world. (Derived originally from "the History of the Desertion." State Tracts, vol. i.) According to the latter, the duke of Norfolk, and lords Halifax, Oxford, Nottingham, and Carbery, proposed that those peers who had joined the prince of Orange should be allowed to sit in the proposed parliament ; and, upon the rejection of this suggestion by a large majority, withdrew their names. The king merely says that, "the night before he went down to Salisbury, they (the bishops) waited on him again with further proposals, about assembling a parliament, and treating with the prince of Orange ; and had got some temporal lords to join with them,

The king left London, accompanied by Barillon, and reached the head-quarters of his army, at Salisbury, on the 19th of November.

It was now judged too late to execute the first intention, of pushing forward strong detachments of cavalry, in order to intimidate the country gentlemen, and enclose the prince of Orange in the peninsula between the Bristol and English channels. The prince

as the dukes of Grafton and Ormond; but the marquis of Halifax, the earl of Nottingham, and several others, positively refused." It was presented by the archbishops of Canterbury and York, and the bishops of Rochester and Ely, on the evening of the 16th, according to the king (*Life, &c.*), on the morning of the 17th, according to others. (*Life of Sancroft, vol. i. p. 384.*) Both the petition and the king's answer were immediately published, and debated with all the fury of religious party spirit. The petitioners were called by the king's friends traitors in disguise. The king's promise of a parliament, when the prince of Orange should have quitted the realm, was spurned, on the other side, as a popish vow, which would not be kept with heretics. (*Some Reflections on the humble Petition, &c. Modest Vindication, &c. Ralph, i. 1041—1043.*)

The petition contains but the two points already mentioned, and demands no further reference. But the king's answer, as given by himself (*MS. Mem. cited in Life, &c.*), differs remarkably in tone and temper from the previously known version. Both are short, and should, perhaps, be placed side by side. In the one the king is made to say, "My lords, what you ask of me I most passionately desire; and I promise you, upon the word of a king, that I will have a parliament, and such an one as you ask for, as soon as ever the prince of Orange has quitted the realm. For how is it possible a parliament should be free in all its circumstances, as you petition for, whilst an enemy is in the kingdom, and can make a return of near one hundred voices?" Such is the answer made public at the time. The following is cited by the compiler from the king's *Memoirs*:—"All the king could say to it (the petition) was, that it was too late, being then ten at night, and he to set out next morning to Salisbury, and, *therefore, could not give them an answer in writing*; that it was not a time fit to call a parliament when armies were in the field, nor proper for him to treat with the prince of Orange, who had invaded him without any provocation, against all the laws of God and man, and against the duty he owed to him as a nephew and son-in-law; and that it would much better become them, who were bishops of the church of England, to perform their obligation by instructing the people in their duty to God and the king, than to be presenting petitions, and giving rules for government, and fomenting that rebellious temper they had already begot in the nation, instead of declaring against the invasion, which he found they could not be prevailed upon to do."

This variance may be accounted for by supposing that the king afterwards found it expedient to give "an answer in writing." From such a diplomatic piece as the latter, nothing, not even the purpose of evasion, can be distinctly inferred. The verbal answer, on the other hand, is conclusive of his thoughts and temper. The stern despotism of his rebuke proves that his confidence was restored; and that he would never call any parliament but such as he could mould to his purposes. The extent of those purposes is another question. But granting him the benefit of his own declarations, that he designed not the restoration of the church of Rome to its ancient and exclusive sway, but the universal emancipation of religious conscience, it is clear that, even in conferring liberty, he would still be a tyrant.

was advanced to Axminster. A small party of his cavalry encountered, and, according to Burnet, and all those who have followed him, routed double the number of the king's troops at Wincanton. The commanding officer of the king's party, on the other hand, claims a decided success, in an official account addressed to lord Churchill.* This paltry skirmish would not deserve mention if the campaign were not so utterly inglorious. The artillery, a part of the infantry, and the Scotch and Irish dragoons, were not yet come up.

Such was the state in which the king found his army and the enemy. To encourage his troops, he announced that he should visit next morning his advanced post at Warminster, commanded in chief by Kirk, who had under him Trelawney and Maine. On the preceding night he was seized with a bleeding at the nose; and he says that it happened to him, in this instance, "providentially." Anxiety of mind and fatigue of body would sufficiently account for this unusual bleeding to a man of stronger health and better governed imagination. He proceeds to give his reason for believing it providential. "It was," he says, "generally believed, afterwards," that lord Churchill, Kirk, Trelawney, and some others, had formed a design to seize his person on his way to or from Warminster, and place him in the hands of the prince of Orange.†

The king, sinking both in body and mind, (the loss of blood co-operating with his disappointment,) a prey

* Col. Maine's relation of a skirmish, &c.. MS. Preston Papers.

† Barillon merely says that the suspicions entertained of Churchill were general and strong. (Bar. au Roi, 9th Dec. 1688. Fox MSS.) Father Orleans makes the charge more confidently. That jesuit wrote under the eye of the king. Some coincidences of expression would make it appear that he drew from James's Memoirs. Sir John Reresby mentions the plot as generally believed; and refers to the flight of lord Churchill, on its failure, as circumstantial proof. Rapin, on the other side, rejects it, as inconsistent with lord Churchill's "respectful letter" to the king; whilst the biographers of the duke of Marlborough treat it with disdain. The simplicity of Rapin, in this instance, is unusual to him; but the character and intrigues of Marlborough were not yet disclosed; and the French refugee was carried away by his religious and party sympathies with the commander of the allies against Louis XIV. Archdeacon Coxe, with recent and better information, should have remembered that his hero was the last person in whose case a charge of perfidy and meanness could be treated with contempt.

to two passions which take away all force of soul and faculty—distrust and fear,—called round him a council of general officers, and asked them what was to be done. Lord Feversham, his brother, the count de Roy, and lord Dunbarton, advised a retreat towards London. Lord Churchill urged the king's maintaining his post at Salisbury. James, having, he says, now more confidence in the former, adopted their advice. It was too late, he observes, to pursue his first design of advancing upon the enemy. This circumstance is so frequently mentioned by him, that his fatal delay in joining the army must, even after a considerable lapse of time, when he wrote this portion of the Memoirs, have weighed upon his mind.*

The king, at the same time, suspected, without distinction, the chief officers of his army. His distrusts were soon realised. Kirk, who commanded the advanced posts, disobeyed an order to fall back upon Devizes, made a frivolous excuse, was placed in arrest, and, from James's lenity, as he asserts †, but, more probably, from his want of resolution, was soon released. Trelawney, the next in command, deserted from Warminster with colonel Charles Churchill, colonel Lewson, a captain, and a few subalterns.

Lord Churchill, on the night of the day on which he had sat and advised the king in a council of war, deserted,

* It is stated in almost all the accounts of the revolution, that the officers, including those who abhorred the desertion of lord Cornbury but a day or two before, and offered James the last drop of their blood, now waited on lord Feversham to say they could not in conscience fight against a prince whose only purpose was to secure the protestant religion by a free parliament; though his majesty might still, as before, command their lives. This circumstance is not stated, nor even remotely alluded to, either in the extracts from the king's Memoirs, or by the compiler; and neither the compiler nor the king could have any motive for suppressing it. The absence of any reference goes a great way in negating its truth. The various writers who have mentioned it may have merely echoed the History of the Desertion, and each other. Barillon, who could scarcely have failed to know and communicate so important an incident, had it really occurred, merely says that the temper of the troops did not inspire confidence; that Churchill, Grafton, and Kirk made no secret of their disaffection; that the privates knew the disinclination of the superior officers, but that James was still glad of having joined the army, because he would have been importuned to call a parliament, had he remained in London.

† MS. Memoirs, cited in Life, ii. 224.

with the duke of Grafton, colonel Berkley, and some officers of his own regiment of dragoons.

It has been said repeatedly for lord Churchill that he betrayed no post, and seduced no persons to desert. To betray a post was not in his power, — the enemy was too distant. But his advice in the council of war, considering that he had long before placed his honour, as he expressed it, in the hands of the prince of Orange, must have been perfidious; and the inference is irresistible, that he urged the king's remaining at Salisbury, with the hope of being able to betray his post, the army, and his sovereign. The second allegation in his favour is against fact: he carried over the officers of his regiment, and, with still deeper treachery, the counsels of his trusting master.

Lord Churchill left behind him his well-known letter to king James, — a flimsy pleading, yet so far above his known vocabulary and style that no doubt can remain of its having been written for him. It begins by asserting, with remarkable hardihood, that he acted contrary to his interests; and the same pretence was revived, several years after the revolution, by his wife.* Was it a sacrifice of interest to desert from a prince, on the brink of ruin, to his successful enemy, who aspired to his crown? Lord Churchill confesses his obligations to James, but pleads “a higher principle” — his religion. With this higher principle he should have been long since in the court or camp of the prince of Orange, not of king James.

It would be rash to assume that conscience was a mask worn by such men as lord Churchill, or even the atrocious Kirk. At this period, as Burnet expressed it, a man might be a bad Englishman, a worse christian, and yet a good protestant. Religion, in 1688, was not a rational conviction, or a sentiment of benevolence and charity, but one of the malignant passions, and a cause of quarrel.

Lord Churchill is said to have been received at the quarters of the prince of Orange with a compliment

* Conduct of the duchess of Marlborough, &c.

more appropriate than probable:—"My lord Churchill," said marshal Schomberg, "is the first lieutenant-general I have ever heard of that deserted his colours.*"

The historians of the revolution have propagated as a fact, from one generation to another, that the treachery of this base favourite and celebrated warrior overwhelmed James, and precipitated what has been called his abandonment of his army. Motives of action and states of mind are among the most tempting matters of history, and the most fallacious. The king's consternation, so called, has been exaggerated, and the circumstances of his retreat have been misrepresented. He was warned of lord Churchill's treachery, and advised to send him and the duke of Grafton prisoners to Portsmouth.† His adviser is stated by some to have been lord Feversham, by others lord Melfort. Barillon, who was with the king, names Melfort, and, further, observes that James was never brought to take a resolution until it was too late to be of service to him.‡ James himself says that this counsel, "though he thought not fit to act upon it," took away his confidence in lord Churchill §, — whose desertion, therefore, did not take him by surprise, and could not have overwhelmed him.

Lord Peterborough told lord Halifax that it was proposed afterwards to the king to take the lives of the duke of Grafton, lord Churchill, and Kirk, "but that he could not resolve it."||

But did James really desert his army, according to historical common fame? His own testimony, in the extracts from his Memoirs, has the best title to confidence, in this and most other instances, on the grounds of personal veracity, opportunity, and internal evidence. He appears to narrate without any idea of refutation or defence. According to him, the retreat was advised by lord Feversham, the count de Roy, and lord Dumbarton. The motives which he assigns are, that it was

* Life of King James, from his MS. Memoirs.

† MS. Mem. cited in Life, &c. ‡ Lett. of Bar. Dec. 1. 1688. Fox MSS.

§ MS. Mem. cited in Life, &c.

|| Halifax MS.

now too late to execute the first design of occupying the posts beyond Blandford, and closing upon the prince of Orange; that the suspected treachery or actual defection of so many of the chief officers rendered it imprudent to await or approach the enemy at the hazard of an engagement; that he accordingly adopted the course of retiring behind the Thames, and taking the river for his line of operations.

Other conspiring causes have been assigned by various writers*; — among these are, a false alarm of the approach of marshal Schomberg; the risings in favour of the prince of Orange, headed by lord Delamere in Cheshire, by lord Lumley and lord Danby in the north, by the earl of Devonshire at Derby; the declaration in favour of the prince of Orange and a free parliament at Nottingham; a letter from the queen, conveying her earnest advice, in concert with the chief catholics, that he should immediately return to the capital, and retire to France. The kingdom, according to this alleged letter, would be in such confusion that he might expect to be soon recalled by the nation on his own terms.

The operation of a false alarm is not only not mentioned by the king but incompatible with the circumstances of his retreat. The local insurrections, for the most part distant, could not have affected his military counsels at Salisbury, and were really unimportant in themselves. A victory over the prince of Orange, — even a vigorous check, — with the proclamation of a general pardon, and, perhaps, without it, would soon have left the tardy courage of those lords without followers. It is observed by one of themselves†, that they discreetly limited their demands to a free parliament; that at York, where lord Danby was the leader, the prince of Orange was not named; “and thus,” he adds, “they left it in the king’s power to oblige them to put up their swords as soon as he pleased.” Lord Danby even

* Hist. of Deser. Burnet. Rapin. Kennet. Echard.

† Lord Delamere’s letter, &c.

declared that he was "for *the king* and a free parliament."*

No letter from the queen† or the catholics is mentioned by the king; but the fact of his sending the prince of Wales to Portsmouth shows that, before he had yet joined the army, he contemplated the possibility of his own flight to France.

The retreat of king James before the prince of Orange to be fairly judged would require a minute and perhaps military view of the resources, material and moral, which he still possessed. It is a startling fact, at the very threshold, in its justification, that Kirk and Churchill were opposed to it. Lord Churchill, in his endeavour to keep the king at Salisbury, could have consulted only the interests of the prince of Orange.

The prince, on the other hand, approached the king with a slow and timid step. Upon the news of the king's arrival at Salisbury, he advanced only to Axminster, a short march from Exeter, along the coast, in sight of his ships. "I have been well informed," says speaker Onslow, "that had he (James) shown any courage and spirit on the occasion his army would have fought the prince of Orange."†

Had James manifested the requisite energy, activity, and resolution to overawe the false and inspire the

* Reresby's Memoirs.

† The compiler from the King's Memoirs describes the afflictions and anxieties of the queen, left unprotected and alone, in the midst of a mutinous city; her infant son sent away, as she supposed, to a foreign country; her husband gone upon a dangerous expedition, not knowing whom to trust.—"It is not," says he, "to be wondered, if she begged the king to be cautious what steps he made in such suspected company; not knowing but the ground on which he thought to stand with most security might sink from under his feet." (Life, &c.) In such a state of mind, the queen most probably urged his return. This advice would naturally be suppressed by the compiler and the king. The queen was reproached, by the unfortunate followers of James, with having induced him to withdraw himself from the kingdom (ibid.); and the husband may be excused for withholding such a fact, in tenderness to one who, whatever her faults as a queen, deserved all his affection as a woman. There appear no grounds for supposing that she was joined by the leading catholics: there is even evidence of the contrary. Barillon, writing on the 13th of December, states that some catholic lords were among those who advised the king to concede the required securities to the protestants. (Barillon, Dec 13. Fox MSS) Father Petre, it may be added, had, before this time, withdrawn himself.

† Note in Burnet, iii. 333.

faithful, his army would, doubtless, have fought and conquered. But, to do this, he must have changed his nature, and become another man.

The fatal and unpardonable error of James, and the most deeply felt by himself, appears to have been committed in a preceding stage. He might, and therefore should, have joined the troops before the desertions began. His presence in the camp would have prevented the desertion of lord Cornbury. Had he even placed himself at the head of the troops immediately upon that event his presence might have maintained or restored the tone of the army. But, after three days' delay in London, and three days more of inaction and faintness, from anxiety and loss of blood, in the camp, his fortunes, to a man of his capacity and temper, were perhaps irretrievable.

In the morning after the first night's halt at Andover the king was informed that prince George of Denmark had deserted in the night. "He was shocked," says the compiler, "by the unnaturalness of the action," but observed, that the loss of a good trooper had been of greater consequence* ; and, instead of showing the least resentment, ordered his servants and equipage to follow the prince.† According to others, he treated the flight and character of his son-in-law with contemptuous pleasantry. The prince, upon every new instance of defection, exclaimed, with feigned or foolish wonder, "*Est il possible ?*" "So," said the king, "*Est il possible* is gone too."

Prince George left behind him a letter to the king, bearing so close a resemblance to that of lord Churchill that both may be presumed to have come from the same pen.‡ These pieces of flimsy rhetoric and transparent hypocrisy are undeserving of notice, and too well known to be cited even as curious. It may be remarked, in passing, that prince George says he is forced to tear himself from his benefactor and father-in-law, first,

* Life, ii. 225

† See letters in Kennet.

‡ MS. Mem., cited *ibid.*

by his conscience, and, next, by the king's being leagued with the cruel zeal and prevailing power of Louis XIV. against all the protestant princes of Europe. He forgot that his protestant brother, the king of Denmark, was, at the time, the ally of the king of France.

This prince affords one of the many proofs of the fact that the meanest faculties suffice to practise knavery with success. He and the princess Anne, his wife, entirely governed by lord and lady Churchill, were engaged in favour of the designs of the prince of Orange before the expedition left Holland.* Fagel, who died during the crisis of the revolution, declared on his death-bed that the prince of Orange had obtained the sanction of the prince and princess of Denmark before he resolved upon the enterprise. † "The prince," says the princess Anne, writing to the prince of Orange, "went yesterday with the king towards Salisbury, intending to go from thence to you as soon as his friends thought it proper." ‡ Thus it appears that he accompanied the king from London with the intention to desert him; and, though so weak-minded as to require and submit to the tutelage of lord Churchill, he yet had enough of cunning to live unsuspected at the king's table up to the last moment of supping with him at Andover. §

He was accompanied in his flight by the duke of Ormond, lord Drumlanrig, sir George Hewet, and some others of meaner rank, but not of meaner conduct. The young duke of Ormond was one of the noblemen who figured in the gazette as volunteering their services, and accepting commissions to raise troops against the invader. He was, at the same time, deep in the intrigues of the prince of Orange, for corrupting the faith not only of the army, but of the fleet.|| Lord Drumlanrig, son of the duke of Queensberry, was also a young man. It is not easy to reconcile with the frankness of youth the treachery with which these noblemen abused, up to the

* Mem. of lord Balcarras, Som. Tr. vol. ix.

† Letter of D'Albeville to lord Preston, 16 Dec. 1688. Preston Papers.

‡ Princess Anne to prince of Orange, 18 Nov. Dal. App.

§ Rer. Mem.

|| Byng's Mem. in Dal. App.

last moment, the favour, confidence, and hospitality of the unfortunate king.

But the vigour and virtue of the English nation and character had dwindled from the restoration of the Stuarts. A degenerate race of whigs and tories succeeded the republicans and cavaliers. The aristocracy seem to have been born without that sense which is supposed to be their peculiar distinction—the sense of honour.

The king left Andover on the morning of the 25th, repassed the Thames with the greater part of the infantry, and arrived in London on the 26th of December. His first shock was the flight of his daughter, the princess Anne. He was overwhelmed at once as a sovereign and a father. “God help me,” said he, bursting into tears, “my own children have forsaken me.”* Her justification was that the father whom she deserted was a papist, and she was a protestant. It has long availed her in the pages of historians, who have propagated falsehood, and slurred over truth; but would hardly avail her in the second quarter of the nineteenth century.

The princess, like prince George and lord Churchill, her confederate predecessors in desertion, left a letter. It was addressed to the queen. In this letter truth and nature are alike outraged. “Madam,” she writes to the queen, “I beg your pardon, if I am so deeply affected with the surprising news of the prince’s being gone as not to be able to see you, but to leave this paper, to express my humble duty to the king and yourself, and to let you know that I am gone to absent myself to avoid the king’s displeasure, which I am not able to bear to the prince or myself. . . . Never was any one in so unhappy a condition, so divided between duty and affection to a father and a husband.”

This dutiful and affectionate daughter and wife was, it has been observed already, in correspondence with her father’s enemy, was a party to her husband’s de-

* According to the compiler of the *Life, &c.*, he exclaimed, with David, “Oh! if mine enemies had only cursed me, I could have borne it,” &c.

sersion, was long resolved upon her own, and fled to the prince of Orange!

The princess Anne, like her eldest sister, was brought up by protestant divines of mean capacity * and intolerant zeal. She was taught to look upon the church as grievously ill used in being deprived of the pleasure of crushing or worrying papists and dissenters. "It is," says she, with the characteristic vulgarity of her language and understanding, "a melancholy prospect that all we of the church of England have. All the sectaries may now do what they please. Every one has the free exercise of their religion, on purpose, no doubt, to ruin us, which, I think, to all impartial judges is very plain." † She was, doubtless, a sincerely devout person; but her devotion consisted mainly in abhorring the religion of her father. "I abhor," says she, "the principles of the church of Rome as much as it is possible for any one to do. And certainly there is the strongest reason in the world to do so; for the doctrine of the church of Rome is wicked and dangerous, and directly contrary to the Scriptures; and their ceremonies, most of them, plain downright idolatry." ‡

Such was the confession of faith of the princess Anne. She was taught, moreover, to identify the principles of the church of Rome, in their most odious colours, with her own father;—to believe that he had imposed between her and the throne a supposititious papist heir. § The only question, if, indeed, it be a question, is whether her abhorrence went only to his religion, and did not extend to his person.

Yet never had daughter a more kind and indulgent father. || With all his bigotry, he rarely spoke to her

* Burnet, vol. iii. Conduct of the duchess of Marlborough.

† Dal. App. 302.

‡ The princess Anne to the princess of Orange, April 20. 1688. Dal. App. § Sheffield, duke of Buckingham; Account of the Revolution.

|| "It is indeed singular," says one of the most philosophic of historians, "that a prince, whose chief blame consisted in imprudences and misguided principles, should be exposed, from religious antipathy, to such treatment even as Nero, Domitian, or the most enormous tyrants that have disgraced the records of history, never met with from their friends and family." — *Hume*, sub ann. 1688.

on the subject of religion. One occasion was that of her talking loud to the person next her, while a priest said grace, at the king's table. This solitary interference, which appears to have been mild, and the outrage to common decorum, as well as filial respect, which provoked it, are recorded by herself.*

The letter of the princess Anne, said to have been left by her on her toilet, was not delivered. This failure might have proved fatal to the queen. The servants of the princess, alarmed by her not appearing two hours later than her usual time in the morning, went into her bed-room, found her bed empty,—ran screaming to lord Dartmouth's,—and told lady Dartmouth their mistress was murdered by the priests. They next went to the queen, and asked her what she had done with the princess. The queen answered very gravely, that she supposed their mistress was where she liked to be; assured them she knew nothing of her; and said she had no doubt they would soon hear of her.† “Her nurse and my lady Clarendon,” says the king, “ran about like people out of their senses, crying out the papists had murdered her; and, when they met any of the queen's servants, asked them what they had done with the princess; which, considering the ferment the people were in, and how susceptible they were of any ill impressions against the queen, might have made her be torn in pieces by the rabble.”

The duchess of Marlborough asserts that Anne's flight was unpremeditated. The main facts, stated by herself, prove the contrary. The sudden news, she says, of the desertion of prince George and return of the king so frightened the princess, that she said “rather than see her father she would jump out at the window.”‡

* Her letter to the princess of Orange, Dec. 22. 1686. Dal. App.

† Lord Dartmouth, note in Burnet, iii. 335.

‡ A note had been sent, very opportunely, a little before, to lady Churchill, mentioning where the bishop of London might be found, “if the princess wanted a friend.” The bishop, who, according to the duchess of Marlborough, “had absconded at this critical moment,” was commanded to attend at a given time and place. The princess went to bed sa

Her flight was, doubtless, caused, in one sense, by the news of her husband's desertion. It was the signal for which she waited. But her preparations were made. She had absented herself some time, under the pretence of bad health and pregnancy, from the apartments of the king and queen* ; and she caused the very stairs by which she escaped to be made for the purpose, under pretence of having more easy access to lady Churchill.

If the flight of his daughter wounded the heart of James as a father, other calamities encompassed and pressed upon him more fatally as a sovereign. Insurrections multiplied and spread. The prince of Orange was advancing unopposed. Lord Bath, the governor of Plymouth, declared for him. This lord had been some time waiting to ascertain the stronger side, and added another example of intrigue and ingratitude.† Lord Shrewsbury took undisputed possession of Bristol.

usual to prevent suspicion ; soon rose ; escaped by a back staircase, with lady Churchill and Mrs. Berkeley, into the street ; and was borne off by the bishop in a hackney coach, at midnight, — first to his own house in Aldersgate ; then to lord Dorset's, at Cophall ; next to Northampton, where he took the command of an armed escort of volunteer cavalry ; and thence to Nottingham. Here the earl of Devonshire appears to have superseded the gallant bishop in his command (MS. Memoirs, cited in *Life*, &c.), and conducted the princess to the prince her husband, at Oxford, on her way to join the prince of Orange.

* It is stated that Mulgrave, the lord chamberlain, had orders to apprehend lady Churchill and lady Fitzharding (Mrs Berkeley ;) that the princess induced him to defer the execution of his orders until she should have spoken to the queen next day ; and that, in the meantime, she and her two attendant ladies fled. This version is incorrect. Sheffield, duke of Buckingham, then earl Mulgrave, says, in his *Memoirs of the Revolution*, that the king, upon the desertion of lord Churchill, sent immediate orders to seize his papers at Whitehall, without having first secured either his lady or the princess ; "which," he adds, "was only frightening the one, and disobliging the other." (*Works*, ii. 76.) It is thus clear that no such orders were sent to the chamberlain : warrants of arrest and seizure were, however, really sent up by the king. Lord Middleton, who accompanied James, despatched from Andover, on the morning of the 25th, to lord Preston, secretary of state, an order to seize the goods and furniture of lord Churchill, and arrest the clerk of his troop, as a security for the military chest in his hands. (Letter of lord Middleton to lord Preston, Andover, 25th Nov. Preston Papers.) In the evening of the same day, lord Middleton sent lord Preston, from Hartley Row, the king's order to confine lady Churchill to the apartments of her sister, lady Tyrconnel ; and Mrs. Berkeley, wife of the fugitive colonel, to her father's house. (The same to the same ; Hartley Row, 25th Nov., 7 in the evening. *Ibid.*) The resolutions of James were generally, his measures always, too late.

† MS. Memoirs, cited in *Life*, ii. 230.

The university of Oxford, that citadel of divine right and passive obedience, sent its adhesion to the prince of Orange. Doctor Finch, warden of All Souls, on the part of certain heads of houses, invited the prince to Oxford, and offered him their plate. The midland and northern counties, from Northampton to Newcastle, were in the occupation of lords and gentlemen armed for the prince of Orange and a free parliament. Hull was seized, in the name of the prince, by the lieutenant-governor, Copley, who disarmed the catholic soldiers, and arrested the catholic governor, lord Langdale, in bed. York was seized by lord Danby, who confined the governor, sir John Reresby, on his own parole, to his house. This governor was utterly destitute of means of defence. James, by a rare exception, notices with some bitterness the conduct of lord Devonshire. He had, he says, remitted the fine of 30,000*l.*, to which that nobleman was condemned for having struck colonel Culpepper in the king's apartment.*

Rustic levies at the heels of their landlords would have been of little account against a handful of disciplined troops under competent and faithful officers. James had troops; but his officers were incompetent or unfaithful.

Among the king's chief sources of peril and distress was the state in which he found the capital. His council had been ill chosen: Jeffreys was odious for his character; lords Bellasis and Arundel for their religion. Lord Godolphin alone possessed any share of the public confidence, and he had long been in correspondence with the prince of Orange. During the king's absence London was agitated by party spirit and sinister rumours. The populace, after plundering some catholic chapels, threatened to massacre the catholics themselves.†

* See Reresby's Memoirs. But Ralph states as a fact, communicated to him personally by one of the Cavendish family, which detracts from the grace of this remission by the king. The earl's mother, after a long absence from court, appeared at the drawing-room, and, kneeling to the king, presented to him a written acknowledgment of debt to that amount, by the king his father, to the father of the earl.

† Blood appears to have been shed. Oldmixon records with compla-

Never was a prince more in want of counsel, or in a state which rendered counsel more difficult. Barillon writes to his master that, seeing the king and his ministers day and night, he yet could neither learn the force nor the progress of the prince of Orange; that they had been in the same state of ignorance at Salisbury; that the king's resolutions perpetually changed; that he was again eager to meet and fight the prince of Orange, contrary to the opinion of the general officers, who said the prince might decline a general battle if he chose; that the difficulties and disappointments hourly presenting themselves would embarrass persons more conversant with public business and the art of war.*

Sunderland, after his disgrace, still haunted the king. He met James at Windsor, on his way to Salisbury, and was well received.† On the king's return to London, Sunderland again appeared at court, but was now harshly spoken of by James.‡

The conviction that his position was desperate forced itself upon the king at last. It is said that he consulted with a few catholics only, who unanimously advised him to fly to France.§ According to others, he applied himself to a few lords of known zeal as protestants, but who still adhered to him; in other words, who performed the work of the prince of Orange within the laws.|| They declined the responsibility of advising him; but suggested that he should summon all the lords, spiritual and temporal, within his reach. This course was adopted by him reluctantly, and with little hope of advantage. "He assembled them," he says, "to deprive them of the right to say that, if they had been

cency the protestant feat of a goldsmith's apprentice, who, meeting a priest carrying away a silver candlestick, cut off the priest's hand, with the candlestick, at a single blow.

* Bar. au Roi, 9 Dec. 1688. Fox MSS.

† Ibid. 1st December, 1688. Ibid.

‡ "Le roi s'explique durement sur son compte." — Bar. au Roi. 9 Dec. Fox MSS.

§ Sheffield, duke of Buckingham; Account of the Revolution, Barillon, in Mazure, iii. 218.
|| Ralph, 1049.

called by the king, they would have done wonders for him." *

There were present thirty or forty temporal and nine spiritual lords.† According to the general current of authorities‡, they advised him to call a parliament; to treat with the prince of Orange; to proclaim a general pardon; to remove all catholics from office. He asked one night for deliberation; and next morning adopted their counsel, with the exception of that part which related to the removal of catholics. This he reserved for the decision of a free parliament.

The king states that, having shortly addressed them on the occasion of their being assembled, he told them he had ordered writs for calling a parliament, and desired their advice; that lords Halifax and Nottingham, especially the latter, spoke in a tone of great respect, and seeming concern; that lord Clarendon railed indiscreetly and seditiously, declaiming against popery, and blaming the personal conduct of the king; that the general opinion was in favour of treating with the prince of Orange; and that lords Halifax, Nottingham, and Godolphin were appointed commissioners.

The calling of a parliament would thus appear to have originated with James. It seems probable, if for no other reason than that, like all his compliances, it came too late to be of the least service to him.

In point of fact, writs were issued the day after (November 28th) for calling a parliament on the 15th of January; and, on the 30th, proclamation was made, both of the intended meeting of parliament, and of a general pardon to all his majesty's subjects "for any act or part in favour of the prince of Orange since or before his landing."

The language charged upon lord Clarendon by the

* MS. Mem. cited in Life, &c. Barillon, however, says it was only to gain time, — now the object of all his proceedings. See Mazure.

† MS. Mem. cited in Life, &c.

‡ The chief if not only original sources appear to be the History of the Desertion, and Henry lord Clarendon's Diary.

king is mentioned by others. Burnet describes it as indecent, insolent, and generally condemned. There is something curiously inconsistent in this lord's party influence and pretensions. He was a person of mean understanding, and still meaner conduct. After invoking God, in his despair, upon the calamity of beholding his son a rebel*, he wrote a letter to the princess Anne, complimenting her upon her unfilial desertion. † Finding that neither he nor his brother Rochester were likely to be appointed to treat on behalf of James with the prince of Orange, he indulged in pedant wisdom ‡ and ungenerous reproaches against the unhappy king; deserted next day to the prince; was received by him without confidence or respect §; had the baseness, it will be seen, to suggest that James should be sent to the Tower; continued to be neglected or despised by William; and ended in making profession of conscience, loyalty, and jacobitism.

The king was embarrassed in the choice of commissioners to treat for him.* His service was still an object of intrigue or ambition. This is not to be ascribed to the inherent magic of court favour, and, least of all, to disinterested fidelity. James was no longer worth serving;—but much might be made of the opportunity to betray him.

Rochester at this period was sworn of the privy council, and took his seat.|| The strife was principally between him and Halifax. With their mutual animosities they could not be joined in the commission. Halifax had superior talents, with the support of the dissenters; and was preferred. To conciliate the high church party, of which Rochester was the chief, Nottingham, also of that party, and of high consideration in it, was joined with lord Halifax. The king appointed, as third commissioner, lord Godolphin, who had the dexterity, or dishonesty ¶, to possess at the same

* Diary of Henry earl of Clarendon.

† Conduct of the duchess of Marlborough, p. 19.

‡ Lord Dartmouth, note in Bur. iii. 340.

§ Bur. *ibid.*

|| Narc. Lutt. Diary.

¶ Sheffield, d. of Buck. ii. 7.

time the confidence of James and of the prince of Orange.

On the 30th of November a trumpeter was sent to the prince, requesting passes for commissioners to treat with him on the part of the king. The commissioners themselves set out on the 2d of December. Amesbury was appointed as the place of meeting. Upon arriving there, they were informed that they should find his highness at Hungerford; they accordingly faced about and came to Hungerford, — where they had a fresh appointment.

The circuitous journey from Reading, by Amesbury, to Hungerford, was sufficiently contemptuous to the representatives of one who was still the king of England. On their arrival, the prince would not see them, and appointed lords Oxford and Clarendon to treat with them. The choice of negotiators was another instance of contempt and artifice. Lord Clarendon was disregarded at all times by the prince of Orange*; he was the known enemy of lord Halifax, whom he was to meet; and lord Oxford, besides his singularities of character, had not the slightest acquaintance with business. †

The king's flag had met the prince's on the way to Oxford. Time and ground were gained by William in the change of rendezvous. The king's commissioners were moreover called upon to give in their overtures in writing. This was both evasion and insult, — and they complied. Their memorial, if it may be so called, was given in on the 8th, and the prince's answer returned on the 9th of December.

It would be idle to remark on delays and evasions, when the negotiation itself was, on the prince's part, a mockery. He now aimed at that which could not be obtained by any negotiation or compromise — the possession of the crown. His engines had for some days been in full operation; and his means were unworthy of the real grandeur of his character.

* Dal. App. and Hal. MS.

† Burnet names lord Shrewsbury, while lord Clarendon, in his Diary, mentions marshal Schomberg as the third negotiator on behalf of the prince.

William found his chief agent in one of the king's commissioners, lord Halifax. That nobleman was among the most accomplished persons of his day. He spoke and wrote with surpassing wit, grace, and eloquence; his style had, by anticipation, the polished ease of the age of Anne, with more vivacity and imagination. Such a man should have stood forward, for the honour of superior talents and cultivated tastes, a proud exception to the general prevalence of political perfidy and court intrigue. His reputation needs, on the contrary, all the indulgence that can be derived from the example of universal degeneracy. His uncle Shaftesbury was a more daring, Sunderland was a more corrupt, but neither was a more versatile, intriguer.

Shortly before the invasion, probably when Sunderland was tottering in his place, lord Halifax had private meetings with James, and even negotiated with the priests for his return to court.* He was no sooner appointed commissioner by the king than he entered into communication with a confidential agent of the prince of Orange in London. He told this agent that he received his appointment with alarm, lest it should bring him into suspicion with the prince. The agent replied, that he had reason to be alarmed; that his being the king's commissioner would subject him to "unhappy suspicions" of wishing to impede the designs of his highness by a delusive negotiation, at a moment when nothing of that sort would be endured; when there was no room for trust, and every thing must be *built upon new foundations and a total change of persons.*† Halifax gave his assurance to act in such a manner as not to incur censure.

The pretence of a free parliament was now thrown aside; and to prepare for the "new foundations" and "total change of persons," it was circulated, in print and conversation, that the king would not adhere to his engagements; that popish treaties were not to be relied

* Reresby's Memoirs.

† Unsigned letter, in Dal. App.

on * ; that it would be the greatest folly to graft any thing on the old stock.†

No party means were left untried to render the religion and friends of James odious, and, what is perhaps more fatal, ridiculous. A hue and cry after father Petré was hawked through the metropolis, and the famous Lillibullero was sung by men, women, and children, in private houses, in taverns, and in theatres. Lord Dorset is supposed to have been the author.‡

A spurious manifesto, entitled "Third Declaration of the Prince of Orange," was a more unwarrantable artifice. A moment's reflection would have shown that it did not proceed from the prince. But vulgar zeal, religious party spirit, and the populace, do not reflect ; and it was soon found too useful to be contradicted. It proclaimed that all papists found with arms in their houses, or on their persons, or in any office or employment, should be treated as robbers, freebooters, and banditti, refused quarter, and delivered up to summary execution. It set forth that great numbers of armed papists were assembled in London and Westminster, to destroy the protestant inhabitants by fire or massacre ; it commanded all authorities, civil and military, to disarm and secure papists, especially in London and Westminster ; it finally declared that all magistrates and others, who should fail to act as required, would be treated by his highness as the most criminal and infamous of men, betrayers of their religion and country.

This terrible denunciation was circulated on all sides. The meaner and therefore more furious champions of the protestant religion and of the prince of Orange called upon magistrates to carry its contents into execution. The catholics, the courtiers, the king himself, were panicstruck for their lives. There was the utmost danger of a massacre.

* Letter from a gentleman in York to a friend in the prince of Orange's camp, cited in Ralph, i. 1051.

† Unsigned letter to the prince of Orange, Dal. App. 337.

‡ It is unworthy of him : without any lyric merit, it hit the popular humour ; and would be forgotten by this time, even to its name, if that were not preserved in the nondescript romance of Sterne.

The forgery was ascribed to Samuel Johnson, already named. With all his animosity to papists, he appears to have been incapable of such wickedness; and the authorship of it was claimed, after a lapse of years, by Speke the spy, who was at this time, by his own account, not in the camp, but in the court of the prince.

It has been said in vindication of the prince of Orange, that he knew nothing of the concoction of this villanous fabrication, and that he contradicted it as soon as its existence was made known to him. Speke, on the other hand, asserted,—but when the prince was no longer alive to contradict him,—that he showed it to the prince at Sherborne castle; that William was somewhat surprised, but upon consideration was not displeased with the thing; and that his highness and those about him afterwards acknowledged that it did great service.

Speke is unworthy of credit: but it appears, even upon the showing of the friends of the prince, that his disavowal was verbal, and confined to those about him. The prince of Orange had already the reputation of being not only a phlegmatic, but an unscrupulous politician. His policy was charged by some with tolerating, by others with sharing, the practices which stimulated the populace of the Hague to massacre the patriot brothers De Witt, and give him undivided sway over the republic.* The profit which he made of this impudent and atrocious fabrication leaves another stain upon his character.

The king and his counsellors must have been infatuated or appalled, when they made no effort to punish those who had been guilty of circulating and of attempting to carry into execution the contents of a paper, in which the prince appeared not only to command massacre, but to usurp the powers of the crown.

The ill news from every quarter of the kingdom, which hour by hour reached the king; the turbulent

* See Vol. VII. pp. 109. 111.

spirit of his enemies ; the panic terror of his friends around him in the capital ; the inauspicious delays ; the insulting evasions to which his commissioners were subjected by the prince of Orange ; the advance of the prince direct upon London,—made him not only meditate but prepare for his escape from the kingdom. His first step was to order the prince of Wales to be carried over to France. The child had been sent down to Portsmouth, when the king left London for the camp at Salisbury. Lord Dover, who succeeded the duke of Berwick in the command of the garrison, had dormant orders for him and lord Dartmouth to take the infant over in a yacht.

It is stated by the king that lord Dartmouth readily undertook to execute this service, when the orders were first shown to him ; that he afterwards changed his own mind and that of lord Dover ; and finally refused to let the prince be carried out of the country.* “ ’T is my son they aim at,” says James to lord Dartmouth, “ and ’t is my son I must endeavour to preserve, whatever becomes of me. Therefore I conjure you to assist lord Dover in getting him away in the yacht.” †

The king faltered in his purpose, suspended his orders, and repeated them the following day.

Lord Dartmouth, at some length, and with apparent emotion, vindicates his refusal to convey, or even to permit the conveyance, of the heir apparent out of the kingdom ; on the ground, first, of the strictness of the law against it ; next, of the disastrous consequences to the nation, and to the king himself.‡ He accounts for his apparent acquiescence at first, when the orders of lord Dover were shown to him, by his hope that the king would see cause to change his mind.

His conduct may be differently and much more probably accounted for. Lord Dartmouth appears in a constant struggle to conceal from the king,—and perhaps from

* MS. Mem. cited in *Life, &c.*, ii. 233.

† Dal. App. 326.

‡ See his letter, Dal. App. 328.

himself,—the mastery obtained over him by the officers who were in the interest of the prince of Orange. Byng brought a letter from several officers of the fleet to the prince at Sherborne, and took back a letter from him to lord Dartmouth *, urging the latter to go over, and offering to continue him in the command, with an assurance that Herbert should not be advanced above his head. “This letter,” says Byng, “had some effect on him. From that time he seemed inclinable to the prince’s party.”

The letter was laid privately, by the captain of his own ship, on his toilet. An admiral who wanted energy or authority to investigate a plot to seize his person abstained, as might be expected, from instituting any inquiry respecting a letter which was a direct provocation to treason and desertion.

Lord Dartmouth, after the Dutch fleet had escaped him, was, as he expressed it, “at a stand what to do,” and wrote to the king for further orders. James ordered him to attack the Dutch, even after they had landed their convoy. A more enterprising officer would have done this without waiting orders. Lord Dartmouth, when he received the orders, was unable to execute them, and put into Portsmouth with his fleet disabled by the weather. The officers who were engaged to the prince of Orange having discovered the arrival of the prince of Wales at Portsmouth, for the purpose of being taken to France, obliged lord Dartmouth to send out armed boats to intercept him, and themselves kept watch.†

This appears to be the true solution of the change of mind and peremptory refusal of lord Dartmouth. He refuses to do that which was no longer in his power.

The king, under these circumstances, not only despaired of getting away the prince, but thought him no longer safe at Portsmouth. He accordingly had the child brought back to London with the utmost secrecy.

It is said, that the infant prince narrowly escaped a

* Dal. App. 328.

† Byng, in Dal.

party sent by the prince of Orange to intercept him in New Forest.*

On the evening of the 9th the king received, he says, the answer of the prince. The king's propositions, and the prince's answer, are not merely preliminaries, but pretences, to cover their respective designs, — the king to abandon †, the prince's to mount, the throne. ‡

* Life of James, ii. 235, 236.

† "Ses plus affectionnés serviteurs," says Barillon (Mazure, iii. 216.), "lui conseillent de mettre sa personne en sûreté, parce que s'il diffère, cela ne sera plus en son pouvoir." The ambassador adds: "Il m'a répété qu'il ne se laissera aller à rien qui soit contraire aux intérêts de votre majesté."

‡ The king's commissioners were instructed in substance to acquaint the prince that his majesty had observed that his highness seemed to refer all matters of complaint to a free parliament; that his majesty had sometime resolved to call a parliament, and deferred it only till the times were more composed; that his majesty, however, observing the desire of his people for a parliament, had put forth his writs and proclamation for immediately calling one; that his majesty had authorised his three commissioners to consent to every requisite arrangement for the security and freedom of its deliberations; that in the meantime the respective armies should be restricted within such limits, and at such a distance from London, as would remove all apprehensions for its freedom. The king's commissioners were privately and particularly instructed by him to insist, as the first condition, that the army of the prince of Orange should not come nearer London than thirty or forty miles; being determined, he says, if this was refused, to abandon all further negotiation, and take his measures accordingly. (MS. Mem. cited in Life, ii. 240.)

The answer of the prince was conveyed in the following seven articles. 1. That all papists, and all such persons as are not qualified by law, be disbanded and removed from all employments, civil and military. 2. That all proclamations which reflect upon us, or any that have come to us or declared for us, be recalled; and, that if any persons for having so assisted have been committed, they be forthwith set at liberty. 3. That for the security and safety of the city of London, the custody and government of the tower be immediately put into the hands of the said city. 4. That if his majesty shall think fit to be at London during the sitting of the parliament, that we may be there also, with an equal number of our guards; or if his majesty shall please to be in any place from London, at whatever distance he thinks fit, that we may be at a place of the same distance; and that the respective armies do remove from London thirty miles, and that no more foreign forces be brought into the kingdom. 5. That, for the security of the city of London and their trade, Tilbury Fort be put into the hands of the said city. 6. That to prevent the landing of French or other foreign troops, Portsmouth may be put into such hands as by your majesty and us shall be agreed upon. 7. That some sufficient part of the public revenue be assigned us for the maintaining of our forces until the meeting of a free parliament.

Bishop Burnet states in his history that the lords commissioners were satisfied with the answer of the prince. He asserts further, in the preface to a volume of his sermons, that the terms were acknowledged, even by the king, to be better than he expected; and on this foundation, assuming both facts as true, historians have praised the moderation of the prince of Orange. It is astonishing that they should not rather have judged by the document itself before their eyes. The prince not only arrogates the regal style, but demands, under the name of securities, an extent of substantive



“Strange counsels,” says bishop Burnet, “were now suggested to the king and the queen; the priests, and violent papists saw a treaty was now opened, and they knew they must be the sacrifice.” Here the bishop is placed between the alternatives of being deficient in veracity or destitute of information. He must have known, if he knew any thing of the designs and operations of the prince of Orange, that the treaty on foot was a mockery on his part; and that nothing would satisfy him and his friends short of “new foundations,” and a “total change of persons;” — that is, setting aside the king.

The pernicious counsels of papists to James II. are hackneyed to very disgust, — without authority or evidence. It would seem as if, when popery was the culprit, proof were superfluous. Popery was, moreover, a sort of devoted victim, upon which the protestant minions of James’s tyranny would charge all their sins. Sunderland and Mulgrave*, who worshipped at the altar of this very popery, the one publicly, the other privately, would have it supposed that they were always opposed to its counsels; and they are among the authorities upon which papists are made responsible in history for all the misdeeds of James.

The ill-fated James appears to have been distracted by the various and conflicting opinions around him. The duke of Hamilton proposed that he should retire to Scotland, — but with the condition of his abandoning the chancellor Perth and the papists. Tyrconnel engaged to defend his person and maintain his cause in Ireland, if he were supplied with arms and ammunition.† Barillon having found it impossible to persuade the king to accept

power which would have placed him on the throne, with the king seated as a mere cipher by his side. The answer was viewed in this light by the king. He was confirmed in his resolution of sending away the queen and prince of Wales to France, and following them in twenty-four hours; “for now,” says he, “things were come to that extremity, by the general defection of the nobility, gentry, and clergy; by the scandalous desertion of the chief officers and others in the army; as gave little reason to trust those who remained; so that no other counsel could reasonably be embraced, but to quit the kingdom with as much secrecy as he (the king) possibly could.

* Sheffield, duke of Buckingham; Account of the Revolution.

† Bar. au roi, Dec. 13, and 15. Fox MSS.

French aid in time*, pressed him to take refuge in France: but Louis, in reply to the dispatch of his ambassador, describing the situation of James, declines advising him in his desperate fortune; and instructs Barillon to attend the king in his retreat to Ireland or Scotland,—having first secured, by the promise of liberal payment, the services of a lord or commoner who should convey secret information of what was passing among the members of either or both houses.†

The king appears to have been determined by the advice, not of the queen, the catholics, or Barillon, but of lords Godolphin and Halifax, his protestant commissioners. This is one of the meanest and most characteristic intrigues of the revolution. Lord Godolphin, whilst on his mission to the prince of Orange, wrote to the king his advice to withdraw for the present, assuring him that his subjects would, before a year, invite him back on their knees.‡ This is precisely the advice charged by others upon the catholics and the queen. It could not have been given in good faith by lord Godolphin. His judgment was too clear, and, it may be hoped, his patriotism and humanity too strong, to hazard the disorganisation of society and government upon his speculative opinion, that a restoration would be adopted as a refuge from anarchy. It has been observed, that he long before was charged with disclosing the counsels of James to the prince of Orange. His object, then, must have been to remove the king out of the path of the prince.

Lord Halifax played his part with deeper perfidy.§

* So late as the 25th of November (N.S.) that minister informed James that an auxiliary force of French troops was ready at Dunkirk and Calais to sail for England. Bar. au roi, 25th Nov. 1688. Fox MSS.

† Le roi à Bar. 20 Dec. Fox MSS.

‡ Lord Dartmouth; note in Bur. iii. 345.

§ This opinion is expressed without reference to the strange statement of bishop Burnet, which seems, indeed, too inconsistent to be true. "The marquis of Halifax," says he (on the arrival of the commissioners at Hungerford,) "sent for me. But the prince said, that though he would suspect nothing from our meeting, others might; so I did not speak with him in private, but in the hearing of others. Yet he took occasion to ask me, so as nobody observed it, if we had a mind to have the king in our hands. I said, by no means, for we would not hurt his person. He asked next, what

Sir John Reresby, of whom that lord was the political and private friend, states, on the authority of a court lady, since known to have been lady Oglethorpe, and of the acquiescence of lord Halifax himself, that "after having conferred with his highness, his lordship sent the king a private letter, intimating an ill design against his person, and that this was the real cause of his majesty's flight, and the departure of the queen.*

The king has himself recorded his fears for his life. In one passage of his memoirs he says, that well remembering how his father and several of his predecessors had been used, he saw no security where he was †; in another, that if he did not go out of the kingdom, the prince of Orange "would probably find other means to send him out of it, and the world too, by another way."‡

The account of the queen's departure by father Orleans was, up to the recent publication of the "Life of King James," the only circumstantial one. That of the compiler from the king's memoirs mainly agrees with it. Both probably are derived from the same source.

The noted Lauzun had come over to England, and offered his military services to king James. He is represented by some as a special envoy of Louis XIV. That prince knew better how to choose his envoys. Lauzun, a frivolous courtier, sought only an escape

if he had a mind to go away. I said nothing was so much to be wished for; this I told the prince, and he approved of both my answers."

Is it credible that lord Halifax started an overture of the blackest guilt, in a room with others, in mere conversation with a mere subaltern of no credit or discretion, and whilst he had, it has been shown, more suitable vehicles of communication with the prince of Orange? Such a step outrages all probability, when imputed to a statesman noted for his adroitness. But why should Burnet invent and dramatise such a scene? It may be accounted for by his distinctive character. He appears throughout his history a subaltern partisan, conscious of his inferiority, and struggling to convince others and himself that he was a person of the first pretension. Such a man, whose vanity, moreover, was notoriously unscrupulous, having heard of the intrigue of lord Halifax, would seize and mould it to his purpose, as a proof of his importance, and as an episode in his history.

* *Rer. Mem.*

† *MS. Mem.* cited in *Life*, ii. 249.

‡ *Ibid.* 268.

from court disgrace. James, having no longer occasion for his military service*, selected him to conduct the escape of the queen. Disguised to pass for an Italian lady returning to her country, she crossed the river from Whitehall to Lambeth, in an open boat, on a dark December night, in a storm of wind and rain, with her infant, a nurse, Lauzun, and two persons more; stood shivering near an old church wall for an hour, until a hackney coach came up; was fortunate enough to reach Gravesend undiscovered; and there went on board a yacht, which conveyed her in safety, with a fair wind, to France.

The sufferings of the queen in her escape have been arrayed in the rhetorical graces of pathos and the picturesque. Her circumstances might well excite pity; but the notion that physical sufferings or privations are keenly felt in a great reverse is vulgar and unfounded. When thought of at all by those who have fallen from the utmost heights, they are felt only as the accessories and signs of a reverse of fortune, not as evils in themselves.

The king promised to follow his wife and son in twenty-four hours; not, it has been said on behalf of the queen, because she advised or desired his leaving the kingdom, but because she made it a condition that he should follow her,—unless he allowed her to remain and share his fortunes.† From the moment of his receiving the answer of the prince of Orange he appears to have been impatient to quit the field,—leaving behind him the sceptre of three kingdoms, to be taken up by one impatient to grasp it.

Other circumstances added to his anxieties and fears. From treachery or oversight, a suspension of arms appears not to have been proposed or thought of by the king's commissioners,—and the prince of Orange continued his march direct upon the capital. The king's troops, upon a false alarm of the advance of the Dutch, were ordered to fall back from Reading to Maidenhead. The error

* Life, ii. 244.

† Life, &c., ii. 245.

being discovered, they were ordered to resume their posts next day. Meanwhile the inhabitants of Reading sent notice to the prince's advanced posts, with the request that a detachment should be ordered forward to occupy their town. The king's troops arrived first. Colonel Lanier posted a party of Irish dragoons to defend the bridge against the Dutch, who were advancing, and ordered a Scotch regiment of horse to draw up in the market-place. He at the same time sent to lord Feversham for a reinforcement. The Irish dragoons having once discharged their carbines, wheeled round and fled. The Scotch followed their example. The Irish said, in their justification, that while they defended the bridge against the Dutch, they were fired upon by the inhabitants from the houses. This again was denied by the inhabitants. But they who invited the king's enemies would not scruple to fire upon the king's troops from under cover.

The Scotch and Irish, in their flight, were met by the general-in-chief, lord Feversham, coming up with a reinforcement. Instead of rallying them, he conducted their retreat to Maidenhead.

The behaviour of the king's troops, if their enemies have written truth of them, was here still more ignominious than at Reading. The inhabitants, it is said, beat a Dutch march during the night, as an artifice to get rid of them, and the experiment was so successful that his majesty's forces fled without their cannon. It is difficult to reconcile this ridiculous incident with the most ordinary military precautions in what may be called a hostile post, and in momentary expectation of the enemy.

The desertion of Douglas's regiment of Scotch cavalry disappointed and grieved the king. It was one of the regiments upon whose fidelity he particularly relied.*

A man of more shrewdness and sagacity than James would have been deceived by the same perfidious arts; firmer nerves than his would have given way under his

* Bar. au roi, Dal. App.

disappointments. He was no sooner informed, by a French messenger from Lauzun, that his wife and son were under sail with a fair wind, than he prepared with the utmost secrecy for his own flight.

It is stated, that on the 10th he summoned a council of the peers, upon whose advice he had treated with the prince of Orange; that he addressed himself as follows to the old earl of Bedford:—"My lord, you are a good man, and have great influence; you can do much for me at this time;" that the earl replied, "I am an old man, and can do but little; but (with a sigh) I had once a son that could now be very serviceable to your majesty." The king is described as struck dumb and pale by this bitter reminiscence, and the situation in which he stood.

There are few scenes in history or fiction so morally dramatic. The answer assigned to the father of lord Russell would seem the retribution of Heaven, in its justice, for patriot blood. But there is no good evidence that a council was held on that day; the earl of Bedford, sinking under his years and sorrows, had retired from public affairs; and lord Russell, were he alive, would assuredly have been found in the camp of the prince of Orange, an open enemy of James, not a thankless traitor or deserter.

The statement, that to divert suspicion from his intended departure on the night of the 10th, the king summoned an extraordinary council to meet on the morning of the 11th, is more probable, and better attested. It is said that with the same view he declared publicly his intention to return to the head of his army, and that his guards had orders to meet him at Uxbridge. The intrigue of lord Halifax had put him in such fear for his life, that he concealed with the utmost jealousy the very movement which his enemies most desired he should make.

All can be wise and brave after the event. The fears of James for his personal safety should be estimated with a reference to his actual position. His life may be

imagined in peril from two quarters,—those who had invited or adhered to the prince of Orange,—and that prince himself. If it became a question with the former, whether they should be prosecuted in the king's name, under the 25th of Edward III., or the king should be prosecuted in the name of the nation, according to the precedent made in the case of his father, it can hardly be supposed that even the bishop of London would not have found reasons for preferring the alternative. If the existence of James presented itself as a bar to the ambition of the prince of Orange, can it be supposed for a moment that the most aspiring of politicians, and most phlegmatic of Dutchmen, would have seen in his wife's father any thing but a political unit of human life?

The princess of Orange, indeed, is said to have obtained from her husband, when setting out upon his expedition, a promise that he would respect the life of her father. This promise might easily be evaded,—it may even never have been given or asked; and the daughter of James, in writing to her husband respecting the fate of her unfortunate father after the battle of the Boyne, could find no kinder or more filial designation for him than that of “the late king.”

A man in James's position, who was both prudent and brave, would, like him, have seen his danger; but, unlike him, would have faced it. It is mentioned as a proof of the violence of his distrusts and fears, that he concealed his purpose from lord Dover, a catholic;—but lord Dover, by his want of success, or of fidelity, in the affair of carrying the prince of Wales to France, had lost his confidence.

Lord Mulgrave came into the king's apartment just as he was stepping into bed. The king, who, according to the chamberlain, would not trust so sound a protestant, whispered him that “he had a very hopeful account of some good accommodation with the prince of Orange.” Lord Mulgrave asked, in reply, whether the king's army halted or advanced. The king owned they still marched on; upon which the chamber-

lain, by his own account, shook his head with a dejected countenance.* All this may be true; but the courtiers were soon as eager to repudiate as they had hitherto been to obtain the confidence of the king.

On the morning of the 11th the king's antechamber was crowded with lords and gentlemen waiting to attend his levee. The duke of Northumberland, lord in waiting, opened the door at the usual hour, and the company rushed in. To their astonishment and consternation the king's chamber was empty. He had gone away by a private passage at one o'clock in the morning, leaving orders with the duke not to open his door before the usual time.

The duke of Northumberland was more a protestant than the lord chamberlain †; and his brother, the duke of Grafton, had deserted; yet James trusted him. It is the only instance in which his confidence was not betrayed by his own kindred, excepting his natural son, the celebrated duke of Berwick. His orders were obeyed, and his secret kept. It can hardly be charged upon the duke of Northumberland as desertion, that in the course of that very day he tendered his services to the prince of Orange.

The king, to embarrass his enemy, while he abandoned the field, cancelled the patents for the new sheriffs ‡, with the writs issued for calling a parliament, and took away the great seal.§ He vainly imagined that there was some inherent power, not only in his person, but in the symbol of his will. Kings seldom reflect that their seals are but so much wax, and

* Sheffield, duke of Buckingham; Account of the Revolution.

† Mulgrave pretended to be a secret convert to the king's religion. He openly professes deism in his works.

‡ Lutt. Diary.

§ He gave father Petré's vacated apartments to the chancellor Jeffreys, according to Barillon (Mazure iii. 219.), in order to have the great seal within his reach at a moment's notice. "Son intention en cela est d'avoir auprès de lui le grand sceau, pour l'emporter au besoin. Par les lois d'Angleterre on ne peut rien faire sans le grand sceau; et avec le grand sceau, le roi peut empêcher beaucoup de choses que ses ennemis voudroient faire. On croit par ce moyen jeter du trouble et de la division dans le gouvernement qu'il faudra établir."

their persons but ciphers, when no longer supported by the will of a nation or by hireling force.

He addressed a letter at the same time to lord Feversham, announcing his departure from the kingdom ; declaring, that if he could have relied on his troops, he would have had “ at least one blow for it ;” reminding that lord, that he and the other general officers had told him it was nowise advisable that he should venture himself at the head of the army ; thanking all those who had remained faithful to him ; informing them that he no longer expected they should expose themselves by resisting a foreign army and poisoned nation ; and expressing his hope that, till better times, they would persevere in their fidelity. The letter was read at the head of about 4000 men, whom lord Feversham had under his command at Uxbridge, and is said to have been heard by them with tears.

Two courses were open to lord Feversham, — to disband the king’s troops, or to bring them over to the prince of Orange. Having submitted the king’s letter to a council of war, he adopted the former, and provoked the displeasure of the prince by so rare and mischievous an example of military honour. He addressed a letter to the prince of Orange, stating his having disbanded the troops by the king’s command. The prince took no other notice of this letter, than observing to those about him, that he was not to be so dealt with.

It may be said that lord Feversham should have disarmed as well as disbanded them ; and this is the only offence with which he his chargeable. He may have designed to serve king James and embarrass the prince of Orange ; or he may have thought it, as it would have been, inhuman to dismiss, not only without means to sustain, but without arms to defend their lives, men who were odious, — some for their religion, others for their country, and all for their fidelity, — in what may be called an enemy’s country. Again, is it likely that the officers and men would surrender their arms, and for the use of the prince of Orange ?

The troops might complain, of being dismissed, without pay or provision for their subsistence;—the people, of having armed destitute and ungoverned men let loose upon them;—but the prince had as yet no right to command obedience, and threaten the penal justice of the realm. It is true the nation allowed itself to be disposed of by a handful of Dutchmen: but even conquest did not give him the right to punish lord Feversham for obeying the orders of one who was still his sovereign.

The report of the king's flight was no sooner spread through London, than the rabble attacked and plundered catholic chapels, the houses of catholics, and the residences of catholic ambassadors. That of the Florentine envoy was sacked and burned. Even the residence of the Spanish minister, Ronquillo, a known friend of the prince of Orange, was not spared. He, however, received an honourable reparation. Lord Mulgrave, though the king his master was gone, and his staff of chamberlain laid aside, thought it for the honour of the nation to order the ambassador apartments and a table at Whitehall, with great pomp of attendance; and was thanked for this bold exercise of discretion, by both the prince of Orange and the king.* The prince, after his accession, obtained the Spaniard a grant of 17,000*l.* to reimburse his losses,—or as a gratification for his share in obtaining the recognition of king William by the whole house of Austria.†

The chief sufferers were the more opulent catholics. They had placed their valuable effects for safety under the protection of the foreign ministers. The residence of the Spanish minister would have been respected, if it were not known to the mob that the plate of the royal chapel was deposited there.‡ Van Citters, in his correspondence with the states, alleges another motive. Don Pedro Ronquillo, he says, was obnoxious to the populace from his being in debt to everybody, and paying

* Sheffield, duke of Buckingham; Account of the Revolution.

† *Id.* *ibid.*

‡ MS. Mem. cited in *Life*, &c.

nobody.* The French and Venetian ministers were protected by a military guard.

No blood appears to have been shed, though the rioters professed to be actuated by religious zeal:—the reason may be, that they were really instigated by the milder love of plunder.

Several persons, variously obnoxious, for their virtues, their religion, their subserviency to the court, or their crimes, were seized by the populace and dragged before magistrates. Among them were William Penn, judge Jenner, Graham and Burton, court lawyers, the catholic bishops Leyburn and Gifford, the jesuit Fulton, and the convert doctor Obadiah Walker. Lord Melford, as well as father Petré, had already reached France, and lord Sunderland was seized at Rotterdam, disguised in woman's clothes.

Of those obnoxious for their crimes, Jeffreys alone fell into the hands of the rabble. The rest had either concealed themselves, or atoned, like Kirke, for their guilty services to James, by betraying and deserting him.

The inhuman Jeffreys was seized in the disguise of a sailor, with his eyebrows shaved, at Wapping. A scrivener, whom he had once made feel the terrors of his power and his visage, recognised him in his disguise, whilst looking out of a window, according to some, — whilst drinking in a public house, according to others. Jeffreys cried piteously for mercy; and, though frightened and maltreated, obtained more mercy from the populace in its fury, than he had ever shown to the innocent from the bench. He was first dragged before the lord mayor, — who is said to have died of the shock of beholding him, — and then committed to the Tower. Here he soon closed his horrid life by drunkenness, or through a chronic disease.

Lords Peterborough and Salisbury, converts to the church of Rome, were seized and committed to the

* Lett. of Van Citt., Terr. Dec. 7. MS.

Tower. Bills of indictment were found against the latter for the crime of high treason, in turning papist. The papal nuncio was discovered at Gravesend, escaping in disguise behind the carriage of the minister of Savoy. Lord Winchelsea, with his authority of lord lieutenant of the county, could not rescue him from the mob, and sent notice of his peril to the Spanish ambassador. That minister sent an express to the prince of Orange, who, being roused from his sleep at midnight, sent back such a passport as enabled the nuncio to depart in the train of the minister of the duke of Savoy.

One of the most awful and most groundless instances of panic terror on record now took momentary possession of men's imaginations. A cry was raised that the disbanded Irish soldiers were destroying all before them by fire and sword. Drums were beat through the streets of London and Westminster, to give notice of the coming enemy; lights were placed in the windows the better to descry them; the people in each quarter imagined the next in flames or streaming with blood. The ringing of bells carried the news with telegraphic rapidity to the furthest corners of Great Britain. The inhabitants of each town or village imagined the Irish burning the houses and cutting the throats of their next neighbours. Pregnant women were frightened to premature childbirth; aged and infirm persons died of terror; the protestants everywhere stood armed upon their guard, and resolved upon the first attack or danger to destroy all papists and Irish within their reach.

Happily no accidental or imaginary circumstance suggested the idea of immediate attack, and the nation escaped a crime which would rank in atrocity, if not in malice, with the massacre of Paris on St. Bartholomew's eve.

It is doubtful, even to this day, whether the alarm was accidental or contrived; where it began, and on what day it was spread in London. The dates of the 11th, 12th, and the 13th of December, are variously assigned.*

* By Oldmixen Echard, *Hist. of Deser.*, and Kennet.

A manuscript letter of the time assigns the night of the 12th.* Its source is equally mysterious. The most common account is, that it began at Westminster with some peasants who had just come in from the country. The accidental firing of a cottage by half a dozen starving Irish soldiers in a fray with some country people, is mentioned as its origin.

According to others, it originated in the cabinet of the prince of Orange; and the peasants who brought it to Westminster were sent by marshal Schomberg, with the purpose of exciting an alarm of danger, rendering James, his religion, and his adherents still more odious, and thus preparing for the more popular reception of the prince.†

Finally, the notorious Speke, who appropriated the spurious declaration in the name of the prince of Orange, had the hardihood also to claim the nefarious authorship of this rumour.‡ The claim made by Speke proves nothing more than his own infamy.

Political rancour and zeal for the unfortunate king naturally charged an odious contrivance upon the prince of Orange, and contemporary calumny has been echoed without scruple by jacobites in succeeding times. There appears not the slightest ground for this particular imputation upon the marshal or the prince; and the probability is, that the rumour was purely accidental. Two circumstances have been relied on as proofs that it was premeditated; the inadequacy of the accidental cause assigned—that is, the burning of a cottage,—and the astonishing rapidity with which it travelled over the island. But the lightest cause will agitate masses of men, where their minds are predisposed and their passions excited; and the popular imagination would circulate its chimeras with a velocity far exceeding all systematic contrivance.

This crisis of the revolution is instructive. When contemplated from the present day, there cannot be a better

* Sawyer's News Letters, &c.

† Sheffield, duke of Buckingham; Account of the Revolution.

‡ Hist. of Revolution, in Somers's Tracts, xi.

standard of the advance of popular intelligence and independence. There was then, even in the capital, no public spirit, no democracy, no people, no magistracy worthy or conscious of its mission. All power was divided between the aristocracy and the rabble. When, upon the king's flight, the populace began the work of plunder and devastation, the citizens and their magistrates were alike supine. No association was formed; no meeting was held; no individual, either in a private or a magisterial capacity, stood forward to rally the industrious and orderly classes for self-protection, upon the sudden dissolution of the government, and of society itself.

It is easy to imagine what would now take place in London upon a similar emergency. A municipal government would start up in perfect vigour before an hour's lapse.

It was not so in 1688. The city might have been fired and pillaged, if the lords spiritual and temporal had not stepped into the breach and restored order. They met at Guildhall, with the intention of consulting with the lord mayor and other magistrates. Finding these civic functionaries unequal to the emergency and to their station, this extraordinary council commanded instead of consulting them. By a still more resolute assumption of power, it sent off orders to the army and to the fleet, and its commands in every instance produced submission and peace.*

The Tower was in possession of Skelton, appointed governor by the king. He was invited to attend at Guildhall; and upon his compliance with this artful manœuvre, was deprived of his command. The lieutenancy was given to lord Lucas, who happened to be quartered there with his company.

To remove the fears and to complete the security of the citizens, the council took the further precaution of disarming all papists, and issuing warrants to appre-

* Sheffield, duke of Buckingham; Account of the Revolution.

hend all popish priests and jesuits within the limits of London and Westminster.

But the most important and memorable act of this self-constituted government was a declaration, by which, without verifying or inquiring into facts and motives, it virtually renounced king James, and applied to the prince of Orange. In this declaration, the lords and bishops impute the king's flight to popish counsels, and unanimously resolve to resort to the prince; who they say, "out of pure kindness incurred vast expense and much hazard to his person, in order to rescue them from popery and slavery."

It will be remembered, that lords Godolphin and Halifax, and not the papists, were the chief authors of the king's flight.

The declaration, though unanimous, was not carried without warm debate. Archbishop Sancroft was present and signed it; but absented himself from all the subsequent meetings which were held at Whitehall.*

The prince meanwhile was at Henley, receiving addresses and issuing his decrees. No doubt was entertained that the king was by this time withdrawn beyond the realm. In the prince of Orange's army, says Sheffield duke of Buckingham, "the nation was looked upon as their own." The prince himself assumed the tone of supreme chief of the state. †

The declaration of the council of peers at Guildhall

* D'Oyley's Life of Sancroft.

† On the 13th of December, before the manifesto of the council of peers at Guildhall had yet reached him, he issued the following sovereign order "from his court at Henley," under the name and disguise of a declaration:—"Whereas we are informed, that divers regiments, troops, and companies have been encouraged to disperse themselves in an unusual and unwarrantable manner, whereby the public peace is very much disturbed; we have thought fit hereby to require all colonels and commanders-in-chief of such regiments, troops, and companies, by beat of drum, or otherwise, to call together the several officers and soldiers belonging to their respective regiments, troops, and companies, in such places as they shall find most convenient for their rendezvous, and there to keep them in good order and discipline. And we do likewise direct and require all such officers and soldiers forthwith to repair to such places as shall be appointed for that purpose by the respective colonels and commanders-in-chief, whereof special notice is to be given unto us for our further orders." The prince, it will be observed, by describing the disbanded troops as "encouraged to disperse themselves," &c. disputes the authority of the king's orders.

was forwarded to him by a deputation of four of its members, earl Pembroke, viscount Weymouth, lord Culpepper, and the bishop of Ely.

This was followed by a fulsome address from the city of London, — returning the deepest thanks of the citizens to the Divine Majesty for his miraculous success, and beseeching him to vouchsafe to repair to their capital city.

The adhesions of courtiers, military officers, and country gentlemen, crowded upon him. The highways were thronged with persons coming to tender their services and solicit his commands.

It is said that he took umbrage because the lords at Guildhall did not directly invite him to assume the powers of government, instead of proposing, as they did, to support and co-operate with him. He, however, chose to understand it in the former sense; and bishop Burnet, to justify him, had the boldness to call it, “an invitation to him to come and take the government of the nation into his hands.” On the 14th the prince moved his court from Henley to Windsor.

James, like all tyrants and most kings, considered the nation as made for his use; he therefore did not scruple to leave his people in a state of anarchy, with the selfish purpose of embarrassing his rival, and deriving advantage from public confusion. There were now two self-constituted provisional governments, — the lords at Whitehall, and the prince of Orange, with his conclave of lords and gentlemen, at Windsor. They acted without subordination, concert, or collusion. An unexpected incident soon interfered with their functions, and gave a new turn to their proceedings. News came that the king was still in England, — a prisoner in the hands of the rabble of a small fishing town within a short distance of his capital.

There are various narratives, by professed eye-witnesses and others, of the first flight of James II., his detention at Feversham, and his return to Whitehall in momentary triumph. His own account of his adven-

tures, from his first flight to his final escape, is circumstantial, and may be regarded as authentic. It exists in MS. in the French archives, as given with his own hand to the community of nuns founded at Chaillot near Paris, by queen Henrietta, his mother.* There is in his narrative little bitterness, and no apparent exaggeration. He rather understates, as compared with other accounts, the outrages offered to him, and negatives by implication the theatric recognitions of his person; the sudden transitions from gross ribaldry to genuflexions and tears; and the royal munificence with which he has been represented to have allowed his plunderers to retain 400 guineas, of which they had robbed him, — demanding only the restitution of his jewels.

The king chose sir Edward Hales for the companion of his flight. They left Whitehall at one in the morning of Tuesday the 11th of December (O. S.), and crossed in a small boat from Privy Gardens to Vauxhall, as the queen had done. The king, whilst crossing over, threw the great seal into the Thames.† Sheldon, one of the king's equerries, having provided relays of horses, they reached Feversham about ten in the morning, and embarked in a custom-house hoy, which sir Edward Hales had hired to take them to France. The king, Hales, and Sheldon went on board. The wind was fair, but it blew so strong a gale, that the master of the vessel would not venture to sea without more ballast. The king, himself a good seaman, agreed with the master, and they ran ashore for the purpose of taking in ballast at the western end of Sheppey, intending to get under weigh at half flood. The commander of the hoy all this time knew not whom he had on board. About eleven at night the vessel was afloat once more, and about to sail away, when a band of between fifty and sixty

* It appears to be an extract from the King's MS. Memoirs, translated into French for the use of his nuns. A great portion of it is cited by the compiler of the Life of James I.

† It was found by a waterman, soon after the Revolution.

freebooters approached them, in three Feversham fishing-boats.

All protestants were allowed to chase priests and papists, as their proper prey, by sea and land. It was taken up as a sort of trade, especially by the fishermen on the river, and in the ports opposite France. A Feversham party of this description boarded the king's hoy. Their captain, named Ames, jumped into the cabin and seized the king, with his two companions, as suspected papists. Sir Edward Hales put fifty guineas into his hand, and whispered him that he should have a hundred more if he procured them an opportunity to escape. He took the money, promised to do what was required of him, said he should go ashore for the purpose, and when leaving the vessel, advised them to give him their money and other valuable effects, as his comrades were persons very capable of rifling them whilst he was away. They accordingly gave him their money and watches.

He failed to come back, and his comrades justified his opinion of them. A party of them rushed into the cabin, said that their prisoners had not given all to the captain, insisted on searching, and did search them, especially, according to the account of an eye-witness, the unfortunate king, with the utmost rudeness and ribaldry.* One called him "a hatchet-faced jesuit," and another said he knew him, by his lank jaws, to be father *Petré*.

The captain returned on the morning of the 13th, and then, not to contrive their escape, but to take them before a magistrate. Sir Edward Hales was now recognised for the first time, but the king was still unknown. A hackney coach having been brought to the water-side, they were conveyed in it to an inn. The king states, that finding he was known, notwithstanding his plain coat and black wig, soon after he arrived at the inn, he took no further trouble to conceal

* Private letter in Tindall's "Continuation, &c."

himself. But his state of mind may be presumed to have been such as to render him incapable of recording or remembering with exactness his own demeanour or what was passing around him.

According to the letter before cited, he tried every art to conceal himself; he called for the commonest refreshments, to give the idea of his being but a common man; but he soon found that he was recognised, and was terrified to distraction by the rude clamour of the populace. Having obtained pen, ink, and paper, he wrote, tore, and wrote again; and at last addressed a note to lord Winchelsea, the lord lieutenant of the county. The writer of the letter professes to have had a conversation with him on his arrival at the inn. According to him, the king complained of groundless fears and jealousies, and of "the ill offices done him by the black coats," insisted on the honesty of his intentions, the purity of his conscience, his readiness to suffer and die; declared that he read and found comfort in the scriptures; that he never meant to oppress conscience, or destroy the subject's liberty; and asked the person whom he addressed, what errors he had committed,—what he had done, to bring him to his actual situation. He next charged the prince of Orange with seeking not only his crown, but his life; and entreated "every churchman and layman in the room" to get him a boat, and let him escape, or "his blood would be upon their heads."

The populace became still more outrageous, from the fear of his prevailing with those about him to procure his liberty. He then tried to obtain his release from the rabble themselves, by addressing them one moment in a tone of abject entreaty, the next moment in the language of reproach and authority as their king. During three hours he went through a melancholy round of remonstrating, threatening, promising, and imploring in all the infirmity of distress and fear; and was at last treated by the very populace with such familiar scorn, that some of the more respectable persons present requested sir Edward Hales to divert him from a course

of language and demeanour which exposed him to contempt.

Lord Winchelsea came in haste, and had some difficulty to prevail on the multitude to permit the king's removal from the inn to a private house. He was conducted, or dragged, on foot through the dirty streets of Feversham, with the rabble shouting in his ears, and pressing upon his person. On his arrival, he at one moment wept; the next he was cheerful; he talked of the virtues of St. Winifred's well, and of his having lost a piece of the wood of the true cross, which had belonged to Edward the confessor. His mind was evidently broken down.*

Next morning two captains of militia, named Dixwell and Ovendon, came with their respective companies, not to release him from the hands of the populace, but to recommend themselves to the prince of Orange by securing his person. The fishermen, who constituted the greater part of his rabble guard, confined him with still more rigour, and made his apartment their guard-room. None approached him but with their permission, and unarmed.

After an unaccountable lapse of time, the news of his situation reached the two provisional governments. The militia captains sent a lawyer named Nappleton to acquaint the prince of Orange with the service which they were rendering him, and to receive his commands. He was referred to Dr. Burnet, on his arrival at Windsor, late in the night. "Why," said the doctor, with much displeasure, "did not you let him go?" Nappleton replied, "Would you have him torn in pieces by the mob?" The prince was in bed, Bentinck awoke him, "and Zuylistein," says bishop Burnet, "was ordered by the prince to go immediately to Feversham, and to see the king safe, and at full liberty to go whithersoever he pleased."

* "She (a great lady) further imparted to me, that the king was so terribly possessed of his danger, and so deeply affected when the princess Anne went away, that it disordered him in his understanding, but that he recovered pretty well on his return." — *Reresby's Memoirs*.

It will presently appear that Zuylistein was not sent, as stated by the bishop ; and that the prince of Orange was disturbed in his sleep to no purpose.

The king at the same time contrived to send the news of his distress to London. His messenger, a poor countryman, came to Whitehall, and waited long at the council chamber door before any person would attend to him.* Halifax was president of the council of peers. Upon learning the arrival of a letter from the king, announcing his detention, that lord is accused of instantly adjourning the meeting†; but Mulgrave, being also secretly informed, implored the lords to resume their seats for a moment, and hear a communication of the last importance, admitting of no delay. The want of time to concert an evasion, joined with a sense of shame, made them hear what he had to say, and call in the messenger.

The poor countryman delivered a letter without address, which James charged him to give to any person who would come forward to save him, and described, with tears, the wretched situation of the king. The letter merely acquainted the reader, whoever it might be, with his captivity in the hands of an insolent rabble at Feversham. Mulgrave impressed upon the lords the barbarity of conniving at the rabble's tearing in pieces one who, with all his popery, was still their sovereign. They ordered lord Feversham with 200 of the guards to rescue him, and to protect his retreat, if he persisted in his resolution.

Such is, in substance, the version of what passed at the council given by lord Mulgrave, who was himself a chief actor in the scene. According to other accounts, the council deputed lords Feversham, Aylesbury, Yarmouth, and Middleton to invite him back.‡

On Saturday morning, the 15th of December, lord Feversham arrived and informed the king that he had left his detachment at Sittingbourne. The troops re-

* Sheffield, duke of Buckingham ; Account of the Revolution.

† Ibid.

‡ History of the Desertion ; Life of King William ; Echard, Kennet, Reresby.

mained behind, to prevent a collision with the armed mob of fishermen, who had sworn vengeance against the guards, lord Feversham, and other persons, whom they disliked, if they should present themselves. *

The king, having arrived at Rochester, sent forward lord Feversham with a credential letter to the prince of Orange, proposing an interview in London on the following Monday, to settle, as he expressed it, the distractions of the nation, and inviting his highness to occupy the palace of St. James's. Lord Feversham had orders to execute his commission so expeditiously as to meet the king at Whitehall the following day.

James next morning continued his journey to town, passed through the city, and, to his surprise, was received with every demonstration of popular enthusiasm. Crowds of people and acclamations of joy, it has been said, attended upon him to his very bedchamber at Whitehall.

That he was received with popular shouts is proved by many concurrent testimonies. There is nothing extraordinary in the fact. It may have been a compassionate reaction in favour of a criminal but fallen king. The popular humour is variable to a proverb; and the rabble, a monster with many heads, has also many voices.

Whitehall was never more crowded than on the return of James. His household officers and domestics resumed their badges of service and their duties; his apartments were filled with courtiers impatient to do him homage. †

* Letter before cited.

† "Even the papists," says bishop Burnet, "crept out of their lurking holes, and appeared at court with much assurance." (Bur. iii. 353.) The palace, according to others, was crowded with priests, jesuits, and Irishmen. (Hist. of Desertion.) It was doubtless a very criminal assurance in these proscribed castes, to think they might breathe the air of the court and of freedom, and very presumptuous in the disbanded Irish officers to tender their service and their swords once more to their lawful sovereign. But the assertion seems exaggerated, if not groundless. A priest is said, indeed, to have imperiously required the chamberlain, lord Mulgrave, to refit his apartments in the palace. (Hist. of Desertion; Oldmixon, &c.) Neither this assertion, nor the general allegation which it is meant to illustrate, receives the slightest countenance from the chamberlain himself;

The shouts of the populace, and the homage of the courtiers, both equally treacherous, raised the spirits of the king, and made him rebuke those of his friends who had sat in the Whitehall council of government.* But his courage and his hopes soon vanished. He was not long at Whitehall, when, instead of being met, as he expected, by lord Feversham, count Zuylistein came to him with a letter from the prince of Orange. The prince acknowledged the receipt of the king's letter, brought by lord Feversham; said the contents, and the verbal propositions brought by that lord, were of too much consequence to be then replied to; and expressed his desire that the king should remain at Rochester. The king answered, with all humility, that if he had received the prince's message at Rochester, he would have remained there; but as it happened otherwise, he hoped the prince would come next day to St. James's, in order that they might confer together on the subject of his communication through lord Feversham. Zuylistein replied, that he was well assured the prince would not come to London until the king's troops were all withdrawn; and the king "seeing," says the compiler of the Life, "that the prince's messages now assumed the air of commands, not of requests," placed his answer to the prince's letter in the hands of Zuylistein.

But Zuylistein had no sooner left the king's presence than the count de Roy came in to say that lord Feversham, upon presenting the king's letter, was imprisoned at Windsor castle by the prince of Orange. The

(Sheffield, duke of Buckingham; Account of the Revolution;) and no one priest, papist, or Irishman, is named. The unhappy spirit of protestant bigotry, contumely, and calumny, with which the catholics are treated in the contemporary and subsequent histories of the Revolution, can hardly be perused by protestants at the present day without a compound feeling of shame and disgust. It was made a crime in the king himself, that "he began to take heart." (Bur. iii. 353.) His discharging from Newgate, and from the warrant of the rabble, the popish bishop Leyburn, whose only crime was his popery and priesthood, has been urged as decisive proof of his inveterate purpose to force popery upon the consciences of his protestant subjects."

* Sheffield, duke of Buckingham; Account of the Revolution.

king immediately ordered Zuylistein to be called back ; expressed to him the surprise with which he learned that lord Feversham, a public envoy, had been imprisoned in violation of the law and practice of nations ; and said he hoped the prince, out of consideration for him as well as respect for public faith, would release his minister. The prince of Orange neither released lord Feversham nor took any other notice of the letter of the king.*

The scene at Whitehall soon began to shift. The king dates the change from the arrival of Zuylistein.† Confiding in the applause which had greeted him on his passage through the city, he sent a message to two aldermen, Stamp and Lewis, offering to place himself in the hands of the aldermen and common council, until he should have given satisfaction and security to his people for their religion and liberties, in a free parliament, upon their guaranteeing on their part the safety of his person. His proposal was rejected, through the influence of Clayton, on the ground that the city could not give the guarantee required. ‡

The king summoned a privy council in the evening ;

* It should be observed that no step was really taken by the prince of Orange upon the communication made by Nappleton, of the king's detention at Feversham, and the peril of his life ; that count Zuylistein was not sent until lord Feversham had arrived with the king's letter at Windsor, and that the transaction seriously compromises the credit of bishop Burnet, and the humanity of William III. According to all the historians of the revolution, Zuylistein lost his way, and thus missed the king. One account says that he overtook the king at Somerset House. (Gr. Br. Just Complaint, by sir J. Montgomery.) But it seems much more probable that Zuylistein, instead of losing his way, had come direct from Windsor, when he met the king in the Strand. Lord Feversham must have travelled all Saturday night to reach Windsor from Rochester on Sunday morning. Zuylistein, therefore, who did not leave Windsor until the king's letter and lord Feversham had arrived there, instead of losing his way in Kent, had barely time to meet the king on his arrival on Sunday in the capital. As to the imprisonment of lord Feversham, his coming without a pass is a weak pretence. He was accredited by the king ; his real crime was his obeying the king's order, by disbanding the army without asking leave of the prince of Orange, and his share in the embarrassing return of his unfortunate master. This imprisonment was not a simple exercise of the right of conquest ; it was tyrannical.

† " Mais le roi n'y fut pas long-temps sans voir changer la scène car incontinent apres son arrivée M. de Zuylistein lui apporta une lettre du prince d' Orange." (Narrative of his flight given by James to the nuns of Chaillot, MS. in the French archives.)

‡ Gr. Br. Just Complaint. Life of James, ii. 271.

eight members attended it. These were, the duke of Hamilton, lords Craven, Berkeley, Middleton, Preston, and Godolphin, Trevor (master of the rolls), and Titus. The only result was a proclamation for suppressing tumultuary outrages. It appeared in the gazette, and was king James's last act of sovereignty in England. Thus it has been said the last breath of James's expiring power was given to popery and papists. It should be added, that he protected them only from violence and plunder.

But his protection was vain; his authority began to be despised. The officers of the exchequer would not honour his draughts, unless countersigned by the prince of Orange. Lord Bellasis refused to lend him a thousand pounds*, and he was reduced to the humiliation of borrowing a hundred guineas of lord Godolphin, for, among other purposes, that of touching for the king's evil.†

It may be said, that the man who would employ time and money for so foolish a purpose was unfit to rule a nation. But reigning princes are not selected for their wisdom or their virtues, or selected at all. James II. was one of the less despicable princes of his time; and the mass of the people in all countries were as low in the scale of reason and knowledge as their sovereigns.

Windsor castle, meanwhile, was the scene of fear and ferment. The shouts of joy and show of welcome, which attended the king, startled his enemies.‡ The prince of Orange, astonished by the sudden change, and alarmed by the inconstant genius of the English people§, desired the advice of the principal persons around him.|| Harsh and violent measures were proposed. One proposition was, to send the king a prisoner to Breda. Lord Clarendon is accused of having strongly urged his being confined there, as a hostage for the safety of the Irish

* Hal. MS.

† State Trials, vol. i.

‡ Sheffield, duke of Buckingham; Account of the Revolution.

§ Life of James.

|| Sheffield, duke of Buckingham. Bur. iii. 354.

protestants and submission of Tyrconnel. According to others, that jacobite lord advised sending king James to the Tower* ; and, "hinted at something further." †

The prince of Orange, according to Burnet, allowed that those councils might be "good and wise," but rejected them from deference to the princess, his wife, — and also on the ground that they might have a bad effect upon the parliament. The spirit of party and of religion must surely have made Rapin belie his knowledge of the character of William, when he says that prince rejected them with indignation. That prince preferred holding the king to his avowed purpose of withdrawing from the realm. Burnet's words are so frankly or unwittingly characteristic of a transaction which proved one of the great hinges of the revolution; that they should be cited: — "It was thought necessary," says he, "to stick to the point of the king's deserting his people, and not to give up that by entering upon any treaty with him;" in other words, it was determined to drive the king by artful menace and the display of force into a desertion of his people, and dethrone him for that forced desertion, as for his voluntary act, inspired by the popery of his counsellors, and his own.

James II., by assuming a power above the laws, assuredly incurred the penalty of forfeiture of the throne; but he should have been unkinged by an ingenuous, just, and national proceeding, upon principles worthy of a nation exercising the most sacred of its rights; — not upon false pretences, and by perfidious arts. Tyrants, like other criminals, should be heard before they are judged. ‡

The news of the king's arrival in the capital no sooner reached Windsor, than count Solms was commanded to advance upon London with the prince's Dutch guards. His first orders are said to have been

* Conduct of the duchess of Marlborough.

† Sheffield, duke of Buckingham.

‡ See note at the end of the volume.

to take post that night at Chelsea and Kensington. The result of the deliberations at Windsor was, that he received fresh orders to strike a more decisive and reckless blow at the crown and heart of James.

Towards night the king was informed that Solms was coming to take the posts at Whitehall with the Dutch guards of the prince of Orange. No previous intimation of this extreme proceeding had been given by the prince to the unfortunate king. To act upon the king's fears and his imagination was part of the system of tactics settled at Windsor. The king said he could not believe it. He supposed the Dutch troops were come to occupy the posts at St. James's, in pursuance of his invitation to the prince. Towards eleven at night, when the king was going to bed, lord Craven, the commanding officer on duty, came to tell him that the Dutch horse and foot were marching through the park in order of battle to take possession of Whitehall. "The stout earl of Craven," says the duke of Buckingham, "resolved to be cut in pieces, rather than resign his post at Whitehall to the prince's guards, but the king prevented that unnecessary bloodshed, with a great deal of care and kindness."

James sent for count Solms, told him there must be some mistake, and suggested that his orders only applied to St. James's palace. The count removed all doubt, by producing his written orders from the prince. The king commanded lord Craven to withdraw his men, bade count Solms "do his office," and went to bed in his own palace, in the heart of his kingdom, the prisoner of a handful of Dutchmen.

This was but the prelude to a scene of darker hue, and more profound contrivance. Lord Middleton, who acted as the lord in waiting upon the king, soon entered his bedchamber. He found James so fast asleep, that drawing the curtain did not awake him.* It was necessary to speak loud in his ear, upon which he started, but, recovering himself, asked lord Middleton, who was

* Life, &c. p. 263.

kneeling at his bedside, what was the matter. That lord told him, that lords Shrewsbury, Delamere, and Halifax were come with a message from the prince of Orange, which they insisted upon communicating immediately, even at that unseasonable hour. The king desired that they should be called in. Upon being introduced, they presented to him the following warrant:—

“We desire you, the lord marquis of Halifax, the earl of Shrewsbury, and the lord Delamere, to tell the king that it is thought convenient, for the greater quiet of the city, and the greater safety of his person, that he do remove to Ham, where he shall be attended by his guards, who will be ready to preserve him from any disturbance. Given at Windsor the 17th of December, 1688.
“W. PRINCE OF ORANGE.”

Lord Halifax added, that the prince designed to enter London at noon next day; that the king must be ready to set out at nine in the morning; that he might take his own servants; but that the prince of Orange would provide him with a guard. The king bowed with submission to this imperious mandate. He merely requested that Ham might be changed for Rochester, the place named already by the prince, objecting to the house at Ham, as ill furnished for a winter residence. It is not improbable that he also thought it too near the Tower. The commissioners undertook to transmit his request, and left him in a state to make not only the king, but the tyrant pitied.

The prince of Orange had by this time come to Sion House. He readily acceded to a request which forwarded his designs; and his consent was communicated at eight in the morning to the three lords by Bentinck. Lords Halifax, Shrewsbury, and Delamere were punctual to their appointment at nine with the king. His arrangements were already made, without yet knowing what should be his destination. Upon being informed by them that he might proceed under a Dutch guard to Rochester, he requested, for he could no longer com-

mand, that his carriages, his horses, and the Dutch guards might go over London bridge, and meet him at Gravesend, whither he should proceed by water in his barge. Lord Halifax objected that the passage of the king's train and guards through the city might move compassion, and excite disorder, and preferred their crossing the river by Lambeth ferry. The king replied, that the wind was high, and much time would be lost: "My lord Halifax," says he, "was very unreasonable in his arguing, not to give it a worse name; but my lord Shrewsbury was fair and civil, and agreed to what his majesty said."* Eventually it was arranged, that the king's train should pass by the bridge, and that the king should go down the river in his barge, with the Dutch guards in small boats as his escort.†

So much time had been lost about the Dutch escort, that the tide was missed, and it was seven in the evening before they reached Gravesend. The king slept there that night, strictly guarded, and proceeded to Rochester next morning.

The two politic experiments thus successfully hazarded upon the king demand a moment's pause. First, a foreign and hostile force is marched, by surprise, with guns charged and matches lighted ‡, to dispossess his guards of their post, and hold him prisoner in his palace. Next, and before his nerves were recovered from the first shock, his fears are refreshed, and his imagination scared by a warrant brought at midnight, while he slept, to remove him from his home and hearth.

* MS. Mem. cited in *Life*, &c.

† From the king's account, in the MSS. of Chaillott, and in the printed extracts from his *Memoirs*, the hardships of his departure appear to have been exaggerated, and the distress and pathos of the scene heightened. He states, in his *Memoirs*, that the foreign ministers, and several lords and gentlemen, who came to take leave of him at the waterside, could not refrain from shedding tears. (MS. Mem. cited in *Life*, &c., 267.) In the MSS. of Chaillott, this is omitted. Among those who attended him in the barge, he names lord's Arran, Dunbarton, Litchfield, and Aylesbury, sir John Fenwick, sir John Talbot, and colonels Southville and Sutherland, who had thrown up their commissions in the army. A party of the foot guards of the prince of Orange went in boats before and behind the king's barge.

‡ Rapin.

The chief odium of this black transaction should not fall on the prince of Orange. The king stood in the way of the prince, and William would doubtless have thought it a puerile weakness, or still more puerile morality, to let the ties of kindred interfere with a ruling passion and great designs.

There is less excuse, or rather no excuse, for the three English noblemen or lords who descended to become his instruments. They should have left a foreign mandate to be delivered to a king of England, in bad French, by some Dutch minion of the prince of Orange. James, with all his popery, as the duke of Buckingham justly observed, was still their king; and he is no true patriot who does not feel that the independence, and honour, and liberty of his country are wounded in the person of its sovereign.

The conduct of lord Halifax was indescribably base. He went to the prince of Orange as the commissioner of the king, secretly betrayed his trust, and, adding open shame to hidden perfidy, now came back to the king as a commissioner, or something worse, from the prince.*

The king had not yet left Whitehall, when preparations began for the entry of the prince into London. They seemed the precautions of a victorious invader entering a conquered capital. The Tower was occupied by a regiment of his guards, and the rest of the Dutch army was quartered in and near London, upon the inhabitants†. The English guards, and other native soldiers, were ordered away from London, to distances not less than twenty miles.‡ Tilbury Fort, which commanded the river, had been occupied for him two days

* It is stated that William could not help smiling—he who smiled so rarely—at the willingness with which lord Halifax consented to play so mean a part. (Sheffield, duke of Buckingham; Account of the Revolution.) He was nominated, it appears, by the prince, as “an easy trial” (Id. *ibid.*) of his new faith, and as an expiation of his refusal to join those who invited the deliverer. Perhaps William had already resolved to employ him, and thought the dishonoured peer would be so much the more useful minister.

† Reresby's Memoirs.

‡ *Ibid.*

before, upon the flight of the king. The duke of Grafton was appointed to execute this service.*

The prince of Orange having taken possession of London by his troops, entered it in person with a numerous and splendid train of friends and followers, about two o'clock, in an open carriage, with only marshal Schomberg, a foreign soldier of fortune, his lieutenant-general, seated by his side. † The mob, or, as denominated by most writers, the rabble, acted its proper part, — crowding and shouting round him, as round king James. ‡ St. James's palace, in which he

* He had orders to dislodge a party of Irish stationed there for king James. But the Irish had already evacuated the Fort, upon the king's flight, not, as is generally stated, without orders, but in pursuance of orders from the lords at Guildhall. (Lutt. Diary.)

Finding themselves abandoned by their sovereign, and placed out of the pale of society and humanity, (*Tanquam aqua et igni interdicti*, are the words of Van Citters, in a dispatch to the States General,) they seized a merchant vessel in the river, endeavoured to escape by it, ran it aground at Gravesend, were attacked from shore, and, after the loss of some lives on both sides, were disarmed, and sent prisoners to the Isle of Wight. The life of the duke of Grafton, meanwhile, is stated to have been attempted, as he rode at the head of his regiment through the Strand — by an Irish trooper, according to some — by an Irish officer, according to others; and this attempt at assassination was put forward as the chief reason for turning king James and his guards out of Whitehall and the capital. How much more likely, it was said, that some of the king's soldiers would attempt the life of the prince, if both the king and his soldiers were not sent away before the prince made his entry. (Rapin.)

Was the life of the duke of Grafton really attempted? It is so transmitted in the annals of the revolution, without a suggestion of doubt; although the flagrant improbability alone might have suggested distrust. Why should an assassin choose one of those moments in which his escape was impossible? Why single out a commonplace victim, whose death could neither gratify vengeance nor serve a cause?

But this attempted assassination, thus confidently handed down as an undisputed fact, was not only questionable, but questioned. According to private and confidential letters of the day, written from London, by persons evidently well informed, some asserted that the duke's life was attempted, but others said that the trooper's horse, having become restive, brought him into contact with the duke's soldiers; that without aiming at any person in particular, he drew his pistol upon receiving several blows; but either his pistol missed fire, or he did not even try to discharge it; and that both he and his horse were instantly killed by the soldiers of the duke. (Sawyer's News Letters, last six months, 1688. MS.) If the unfortunate trooper was innocent of the intention to assassinate, he was also innocent of the crime of being an Irishman. The latter was merely presumed from the former; and continuing the fallacy in what logicians call a vicious circle, his being an Irishman was given back as proof of his being an assassin. To give the double crime of Irishry and assassination an air of importance, some historians have promoted the trooper to an officer. This incident merits notice only as an instance of the want of care or conscience with which imputation is handed down for fact, and obloquy for truth, when it serves a purpose or flatters a prejudice.

† Lutt. Diary.

‡ Sheffield, duke of Buckingham. Reres. Mem.

took up his residence, was thronged to do him homage, — as Whitehall had been to do homage to king James the day before. He rather avoided than courted the shouts and cheers of the populace, — disgusted, perhaps, with their versatility. But he had equal reason to be disgusted with the mob of the court. Upon the departure of the king, Whitehall became a desert. Those who had flocked to him on his re-appearance, rushed to St. James's to make their eager court.*

The archbishop of Canterbury and several bishops had waited upon the king immediately on his return to Whitehall.† All the bishops in or near London, with the single exception of the archbishop, waited on the prince of Orange at St. James's the day after he arrived.‡ On the next day but one, the bishop of London, with the clergy of his diocese and a heterodox mixture of some dissenting ministers, waited in a body on the prince.§

Those of the non-conformist ministers who had not appeared in the train of the bishop, came after a few days, about ninety in number, with their congratulations, and met with a gracious reception. || But the public body most early and most eager in its congratulations was the city of London, remembering, and justly, the lawless abrogation of its charter by king James. The aldermen and sheriffs went out on horseback to meet the prince on his way to the capital; and next day the aldermen, deputies, and common-councilmen came to congratulate him at St. James's. ¶

The lawyers came headed by the time-serving veteran

* It should instruct, not surprise, the student of the revolution of 1688, to find among them a man of the reputation of Evelyn. He went to see the king dine in public on the 17th; saw him take barge, under a Dutch guard, for Rochester on the 18th; proceeded directly from this "sad sight," as he calls it, to St. James's, where he saw the prince and his "greate suite;" and has himself ingenuously recorded all this in his Diary. (vol. i. pp. 619, 620.) This trait should be viewed as characterising the revolution and the age, not as degrading Evelyn.

† Life of Sancroft, 396.

‡ Ibid., 409. Burnet.

§ "Some account of the application of the pious and noble prelate, Henry bishop of London, &c." 6th Coll. State Papers.

|| Ralph, 1073.

¶ The lord mayor, sir John Chapman, was at the moment on his death-

serjeant Maynard, who was then near ninety, and said, according to bishop Burnet, the liveliest thing which the occasion produced. William, with his accustomed want of wit and grace, could imagine no better compliment to the old lawyer than that of his having outlived all the lawyers of his time ; — to which he replied, that he would have survived the law itself, but for the arrival of his highness.*

The 18th (from the prince's arrival at two o'clock †), the 19th, and the 20th, having been passed in public ceremonials, and the more important business of secret arrangement with persons who had to stipulate terms for the future and recompence for the past ‡, the prince of Orange summoned the lords spiritual and temporal, to consider the actual state of the nation and the government, on the 21st of December.

There was in this proceeding an air of good faith and magnanimity. He was in the position of a conqueror, with the nation at his feet.

It has been observed, that the seven lords and gentlemen who signed the invitation stipulated no conditions for their country. The lords who formed themselves into a provisional government at Guildhall, without

bed, from the shock of beholding the lord chancellor Jeffreys, in a sailor's jacket, with his eyebrows shaved, brought before him as a criminal in the hands of the populace. Sir George Trely, who had been sworn recorder shortly before (Lutt. Diary), headed the cavalcade, and addressed the prince of Orange in a speech worth reference only as a curiosity. Speaking of the prince's ancestors, he says, "they have long enjoyed a title singular and transcendent, viz. to be the champions of Almighty God, sent forth in several ages," &c. And then coming to the prince himself, he continues : "To this divine commission our nobles, our gentry, and among them our brave English soldiers, rendered themselves and their arms, upon your appearing. Great sir, when we look back to the last month, and contemplate the swiftness and fulness of our present deliverance, astonished, we think it miraculous. Your highness, led by the hand of Heaven," &c. But enough of this fustian, which would be profane, if it were not foolish.

* In this, as in other epigrams, there was more wit than truth. The laconic and characteristic remark of Swift upon it is, "He was an old rogue, for all that." (Note in Burnet, iii. 361.) Passing over the character of serjeant Maynard, it might be suggested in rejoinder, that the chief destroyers of the law were the lawyers, its own offspring, by their iniquitous judgments, their corrupt pleadings, and their sycophant petitions.

† Lutt. Diary.

‡ Sheffield, duke of Buckingham; Account of the Revolution.

formally dissolving themselves, met no more after he entered the capital.

Undivided and discretionary power was thus unequivocally abandoned to him. Further, the lawyers, especially the whig Pollexfen*, advised that he should declare himself king, after the precedent of Henry VII. It will be matter of regret to find that Holt concurred with him.† The prince rejected their counsel, under the better advice of others, his own good sense, and the apprehension that a direct exercise of the right of conquest would not be without danger.

The lords spiritual and temporal having assembled accordingly at St. James's, were met by the prince of Orange, and addressed by him in the following speech:—

“ My lords, I have desired you to meet here to advise the best manner how to pursue the ends of my declaration in calling a free parliament, for the preservation of the protestant religion, the restoring the rights and liberties of the kingdom, and settling the same, that they may not be in danger of being again subverted.”

Having delivered this speech, he immediately withdrew, leaving the peers to deliberate. They are stated to have been in number between sixty and seventy. Five lawyers — Maynard, Atkins, Holt, Pollexfen, and Bradbury — were appointed to advise their lordships in matters of law. The appointment of those lawyers is ascribed to the absence of the proper guides in such matters — the judges; but the character of many of the latter is more likely to have produced it.

By way of preliminary, the lords ordered the reading of the prince's first declaration, which was followed by a vote of thanks to him for coming over to deliver the three kingdoms. A more trying proposition was next made — that all present should put their names to the Exeter engagement or association, by which the subscribers bound themselves before God and man to each other, and to the prince of Orange. Four temporal

* Speaker Onslow. Note in Burnet, iii. 361.

† Hal. MS.

peers and all the prelates present, except the bishop of London, refused their signatures. The recusant lords temporal were, the duke of Somerset, and lords Pembroke, Nottingham, and Wharton.

The Exeter associators, who had been so tardy in joining the prince, and whom he suspected and accused of treachery, folly, and cowardice, engaged, to Almighty God and to his highness, among other things, "that whereas his person was exposed to the desperate and cursed designs of papists and other bloody men," they would pursue all such, their adherents, and all whom they found in arms against his highness, "with the utmost severity of just revenge, to their ruin and destruction."

The bishops are stated to have objected to the word "revenge," as unchristian; but to have signed it upon the substitution of the word "punishment." * This, it is to be hoped, is an error. The sentiment or the deed would remain the same; and men whose consciences capitulated upon such easy terms as the mere choice of a word, would have no right to reproach jesuits with equivocation or duplicity.

Lords Nottingham and Pembroke are said to have refused because Finch, the son of the former, and sir Robert Sawyer, the father-in-law of the latter, were not appointed counsel to advise the lords. Lord Wharton is stated to have declared that, having signed so many associations which came to nothing, he was resolved to sign no more. †

Compton, bishop of London, appears to have been a thoroughgoing partisan, ready to say or do any thing required of him by his party, his ambition, or his safety. He signed the invitation to the prince of Orange; and in the presence of king James forswore, in the worst form, that of an equivocation, his knowledge and his deed.

It is now time to return to the fugitive king. He arrived at Rochester on the morning of the 19th, and lingered there until the night of the 22d or morning of

* Echard.

† Oldmixon.

the 23d of December, — distracted between his promise to the queen and his own fears on the one side, the advice of his friends, the intelligence which reached him, and some poor remains of reason and resolution, on the other. James had resistless evidence that his withdrawing himself out of the kingdom was the very thing desired most by the prince of Orange. Arrived at Rochester, he found himself negligently guarded.* His friends in London, and among them some of the bishops, tried to dissuade him from leaving the kingdom.

Dr. Brady, one of his physicians, came to him with a memorial containing reasons against his departure. † Lord Littleton, who accompanied and adhered to him, strongly urged his remaining. Lord Dartmouth, though he had already received and submitted to the commands of the lords at Guildhall, and written to the prince of Orange, yet ventured to assure king James, upon the news of his first flight, that his “fleet would unanimously defend his sacred person from unhallowed hands.” The fact, obvious to himself and admitted by him ‡, that by deserting his kingdom he was playing the game of his enemy, would alone have fixed the resolution of another man: it only made James hesitate.

There was in London a reaction in his favour, after the first excitement had subsided, and men began to reflect. Both reason and humanity seemed to take their turn. Bells rang and bonfires were lighted on the night of the arrival of the prince; but thinking men in the city, says sir John Reresby, considered the king hardly treated. Even Burnet says it was called unnatural, that the king should be roused from his sleep, ordered to leave his palace, and made a prisoner at a moment when he submitted at discretion to the nation and to the prince. It was remembered as the saying of his father, that the prisons of kings were not far from their graves, and the enterprise of the prince of Orange was looked on as a disguised and designed usurpation. §

* Chaillot MS.

‡ Ibid.

† Ibid.

§ Burnet, iii. 359.

The aspect of London could hardly fail to strike and shock Englishmen worthy of the name. The English guards, who adorned the royal palaces by the gallantry of their persons and equipments, had given way to the slovenly and grotesque Dutch guards of the prince of Orange. "The streets swarmed," says sir John Reresby, "with ill-favoured and accoutred Dutchmen, and other foreigners of the prince's army:" the national uniform and standard had disappeared, and the inhabitants soon began to feel it an inconvenience that their deliverers should be quartered upon their houses.*

But the chief hope of James was from the bishops, and especially from some of those whom he had sent to the tower. It appears that several prelates were strongly possessed, as their adversaries expressed it, with an unsafe project of accommodation between the king and the prince. They contemplated reducing James, by act of parliament, and with his previous consent, to the state of a duke of Venice †; — the prerogatives of peace and war, and the appointment to all offices, civil and ecclesiastical, being vested in the prince of Orange.

The bishops, on the other hand, who adhered to the prince, were as strongly possessed with the project of construing the flight of James into a cession of the crown. Reasons may easily be imagined, for the disinclination of the former prelates to set aside king James. The prince of Orange, on his arrival, is said to have startled the clergy of the church of England by the favour which he manifested to the protestant nonconformists. ‡ He soon discovered his mistake, and sided with the stronger party. On Sunday, the 30th of December, having heard Dr. Burnett read prayers and the bishop of St. Asaph preach, he received the sacrament from the hands of the bishop of London.

The bishops abandoned so much only of the doctrine of passive obedience as was necessary to maintain the

* Lutt. Diary.

† Letter of Lloyd, bishop of St. Asaph, Dal. App. ‡ Reresby, 301.

supremacy of the church, and would naturally strive to preserve the indefeasible title and succession to the crown. They may have conscientiously believed the deprivation of a legitimate king, contrary to the creed and principles of the church of England. They, however, wanted power or resolution, or were too much afraid of the inveterate popery of James to act upon their principles and openly defend his right.

The king, whilst he still lingered on the verge of his kingdom, sent a message to the archbishop of Canterbury and bishop of Winchester, offering to place himself in their hands, if they undertook for his personal safety. According to one account, "they neither accepted the motion nor rejected it *;" but other authorities, including the king himself, state that they could not undertake to protect him against the ambitious designs and foreign troops of the prince of Orange.†

He even proposed going to the north and throwing himself into the arms of lord Danby. That lord offered to protect him with his life, "if he came with a considerable party, and left his papists behind him."‡ The king "would not part with his Romans §," and did not come. But to fulfil the condition proposed by lord Danby, was no longer in the king's power: he could bring "no considerable party," nor indeed any accession whatever to the raw and few levies of that leader.

James finally made up his mind to depart; determined, according to bishop Burnet, by a vehement and imperious letter from the queen, "This letter," says he, "was intercepted: I had an account of it from one that read it. The prince ordered it to be conveyed to the king, and that determined him." There was, at least, as much of the barbarian as of the politician in breaking that most sacred seal, and forwarding the letter to the king. According to the narrative of James himself, he was de-

* Reresby, 312.

† Chaillot MS. "Great Britain's just complaint," &c.

‡ Reresby, 325., and Halifax MS

§ Reresby Mem.

cided by the meeting of the lords at Westminster on the 22d of December.

The rear of the house occupied by the king at Rochester was left designedly unguarded. Sentinels were placed at the front door, rather as a guard of honour than for safe keeping. The Dutch soldiers, for the most part catholics, went devoutly to the king's mass, and treated him with more respect than his own guards.*

The king sent from Rochester to the treasury for 1500*l.*, and received only 300*l.*†, of which he allotted 100*l.* to the captain, 50*l.* to the lieutenant, and the residue to the noncommissioned officers and privates of his Dutch escort. He drew up a short but elaborate and affecting statement of his reasons for withdrawing himself a second time. Having made these arrangements, he retired secretly between twelve and one o'clock in the morning of the 23d of December, with his natural son, the duke of Berwick; was conducted on board a smack by two captains of the navy, — Macdonald, an Irishman, and Trevanion, an Englishman; suffered some ordinary hardships and delays, but met not a single ship under sail; escaped the ships lying in the Downs; and on the morning of the 25th landed in France at Ambleuse.

The queen, after waiting twenty-four hours at Calais for the king, had gone to Boulogne; heard there of the king's captivity and danger; resolved to send forward the prince of Wales to the court of France, and return herself to share her husband's fate; was dissuaded by those about her and by more favourable accounts from England; and, on the king's arrival in France, was already installed at St. Germain.

Louis XIV. received queen Mary of Este and James II. in their distress, not only with that gorgeous mag-

* The reply of one of those soldiers, according to bishop Burnet, greatly pleased king James. The king asked him how he, a catholic, could take part in an expedition for the destruction of his religion; he replied, that his soul belonged to God, and his sword to the prince of Orange. This partition of duties might suit a tyrant, but seems to have been regarded with unsuitable complacency by the divine.

† Lutt. Diary.

nificence which is called grandeur in tyrants, but with a certain elevation of sentiment. Upon hearing that the queen of England was in France, he sent his carriages and an escort to conduct her to his court. Preparations were made for her reception at every stage. Men were employed to clear her route of the snow, which had fallen to a great depth. The French king himself advanced a league from St. Germain to give her welcome. He took the infant prince of Wales in his arms, and promised him protection and succour in a formal harangue.* His first words to the queen were, — “ I render you, madam, a sad service ; but I hope to render you sooner a greater and more fortunate.” † Arrived at St. Germain, she was served with all the state and splendour of a queen of France. Presents in silver, gold, rich wardrobes, and jewels, awaited her acceptance ; and she found a purse containing 10,000 louis on her toilet.

It must have been a lively satisfaction to James, who had both domestic virtues and kind affections, to find his wife and child surrounded with magnificence and respect. Louis XIV. received him with the utmost compassion and generosity ; but he was an object of derision to the French courtiers, including the prelates of the church of France. “ There,” said the archbishop of Rheims, brother of Louvois, to the courtiers in James’s own antechamber at St. Germain, “ there is a good soul, who has given up three kingdoms for a mass.” ‡ From Rome they sent him indulgences and pasquinades. §

* Life of King James, ii. 248.

† Volt. Siècle de Louis XIV. Lett. de Mad. Sévig. Mém. de Mad. de la Fayette.

‡ Voilà un bon homme, qui a quitté trois royaumes pour une messe. This pleasantry in the future tense has also been ascribed to Charles II. The following epigram, ascribed to Fontenelle, also circulated at the French court : —

Quand je veux rimer à Guillaume,
Je trouve aisément un royaume,
Qu’il a su mettre sous ses loix.
Mais quand je veux rimer à Jacques,
J’ai beau rêver. Mordre mes doigts.
Je trouve qu’il a fait ses paques.

§ Siècle de Louis XIV.

His subsequent life, with the exception of his unhappy expedition to Ireland,—if that exception should be made,—was passed in such a manner as to justify these contemptuous pleasantries. He visited the jesuits in their monastery at Paris, and disclosed to them the fact, that, whilst duke of York, he was made a brother of their order. He visited, and had spiritual communings, of some days together, with the monks of La Trappe. He touched for the king's evil at the convent of Chaillot; passed many hours of his life in edifying discourse upon grace, faith, heresy, and salvation with the nuns,—and bequeathed to them his penitentiary discipline and girdle of iron.

The grateful nuns preserved not only the manuscript already cited, the discipline, and girdle, but some relics, precious in their eyes, of his life and conversation.* One fact stated by them is of some importance to history. King James, they say, when placing in their hands the narrative of his flight from England, declared “that he was taken by surprise; that, if the thing were to be done over again, he would act differently; and that, even overwhelmed and surprised as he was, if he had had time to collect himself he would have taken other measures.”

The paper containing his motives for withdrawing himself, which he left behind him at Rochester, in the charge of lord Middleton, to be printed in London, though somewhat trite, should yet, in justice to him, and for its pregnant brevity, not be withheld.

“The world,” says he, “cannot wonder at my withdrawing myself now this second time. I might have expected somewhat better usage after what I writ to the prince of Orange by my lord Feversham, and the instructions I gave him; but, instead of an answer such as I might have hoped for, what was I to expect, after the usage I received, by making the said earl a prisoner against the practice and law of nations; the sending his

* MS. of Chaillot, in the French archives.

own guards at eleven at night to take possession of the posts at Whitehall, without advertising me in the least manner of it; the sending to me at one o'clock, after midnight, when I was in bed, a kind of an order, by three lords, to be gone out of my own palace before twelve that same morning? After all this, how could I hope to be safe, so long as I was in the power of one who had not only done this to me, and invaded my kingdoms without any just occasion given him for it, but that did, by his first declaration, lay the greatest aspersion upon me that malice could invent, in that clause of it which concerns my son? I appeal to all that know me, nay, even to himself, that, in their consciences, neither he nor they can believe me in the least capable of so unnatural a villany, nor of so little common sense, as to be imposed on in a thing of such a nature as that. What had I, then, to expect, from one who, by all arts, hath taken such pains to make me appear as black as hell to my own people, as well as to all the world besides? What effect that hath had at home all mankind have seen, by so general a defection in my army, as well as in the nation, amongst all sorts of people. I was born free, and desire to continue so; and though I have ventured my life very frankly on several occasions for the good and honour of my country, and am as free to do it again, (and which I hope I shall yet do, as old as I am, to redeem it from the slavery it is like to fall under,) yet I think it not convenient to expose myself to be so secured as not to be at liberty to effect it; and for that reason do withdraw, but so as to be within call whenever the nation's eyes shall be opened, so as to see how they have been abused and imposed upon by the specious pretences of religion and property. I hope it will please God to touch their hearts, out of his infinite mercy, and to make them sensible of the ill condition they are in, and bring them to such a temper that a legal parliament may be called; and that, amongst other things which may be necessary to be done, they will agree to liberty of conscience to all protestant dissenters;

and that those of my own persuasion may be so far considered, and have such a share of it, as they may live peaceably and quietly, as all Englishmen and Christians ought to do, and not to be obliged to transplant themselves, which would be very grievous, especially to such as live in their own country; and I appeal to all men, who are considering men, and have had experience, whether any thing can make this nation so great and flourishing as liberty of conscience? Some of our neighbours dread it. I could add much more to confirm what I have said, but now is not the proper time."

CHAP. VI.

1688.

A CONVENTION. — THE ADMINISTRATION OF GOVERNMENT VESTED IN THE PRINCE. — SCOTLAND. — IRELAND. — INTRIGUE OF TYRCONNEL. — THE ENGLISH NAVY — AND ARMY. — ACTS OF WILLIAM. — STATE OF PARTIES — IN THE LORDS AND COMMONS. — CONFERENCES. — “ABDICATION” OF JAMES. — “VACANCY” OF THE THRONE. — REFLECTIONS. — FORFEITURE OF THE CROWN. — DISCONTENT OF WILLIAM. — SETTLEMENT. — DECLARATION OF RIGHTS. — ARRIVAL AND BEHAVIOUR OF MARY. — THE REVOLUTION ACCOMPLISHED. — ITS CHARACTER.

THE assembly of lords spiritual and temporal resumed business, on the 22d, at Westminster. Their removal from St. James's to their own house gave, by a certain association of ideas, an air of independence and authority to their proceedings. The archbishop of Canterbury, who presided, as head of the peerage, over the assembly of peers at Guildhall, absented himself from their subsequent consultations. Dr. Lamplugh, raised suddenly by king James to the archbishopric of York, as a reward for his flight from Exeter to court, on the approach of the prince of Orange, was passed over. Lord Halifax was appointed on the motion of lord Mulgrave, who bore him little good will.* Their first order was that all papists should remove to a distance not less than ten miles from London, — with the exception of housekeepers of three years' standing, the servants of the queen dowager, the

* According to the Halifax MS. the duke of Buckingham moved that lord Halifax should leave the woolsack — declaring, at the same time, that he meant nothing personal: possibly, the latter motion was made in a subsequent stage of proceeding.

foreign servants of foreign ambassadors, and foreign merchants. * This appears to have been the chief, if not the sole, business transacted on the 22d. They adjourned over Sunday to Monday, the 24th of December.

On the 22d the lords had deliberated and made orders without reference to the authority or existence of the king, who was still within the realm. They were informed, on the morning of the 24th, that he had deserted his crown and kingdom, leaving behind him a paper containing the reasons of his flight. Some of the persons who had been the king's servants, but whose names have not come down, moved that his paper of reasons should be read. The motion was negatived; and this decision put an end to any hopes which James may have entertained from the lords.†

It has been remarked as a matter of wonder, hardly credible to future ages, that an assembly of peers, about ninety in number, and comprising many of the old court and council, should so readily set aside their king, without even reading his letter, which might be reckoned the last words of a dying sovereign.‡ The conduct of the old courtiers should not add to the surprise. That courtiers should be ungrateful is nothing strange nor uncommon.

The lords, moreover, appear to have exercised a sound discretion in putting aside the letter of the king. His removal once resolved, there were two modes of proceeding to effect it, — a fair and full trial, — or a sentence against him upon the notoriety of his acts. For the former there was not enough of exalted justice and superior reason in the realm; and, the latter process alone remaining, the king's letter could only produce barren or mischievous commiseration.§

* Lutt. Diary.

† Sheffield, duke of Buckingham; Account of the Revolution.

‡ Id. *ibid.*

§ The king had the benefit of his letter by publicity in print. Burnet replied to it by command. That accommodative divine, under the name of chaplain to the prince of Orange, appears to have resembled the *mediastines* of a Roman household: he was always within call, to be employed

The next was Christmas-day. The lords thought it right to transact business in so urgent a public crisis. They passed two most important resolutions: the first, that the prince of Orange should be requested to take upon him the administration of public affairs, civil and military, and the disposal of the public revenue, for the preservation of their religion, rights, laws, liberties, and properties, for the peace of the nation, and for the security of Ireland, until the following 22d of January.

The reference to Ireland was reluctantly acquiesced in by the friends of the prince.* An address to the same effect, respecting Ireland, had been presented to him three days before by lords and gentlemen having Irish estates†; and the neglect, real or supposed, of the state of Ireland, afterwards subjected king William to suspicion and unpopularity.

The second resolution of the lords was that the prince should be requested to issue letters of summons for electing members, *as* for parliament, to assemble as a convention on the 22d of January, in order to consider and settle the state of the nation. Addresses, founded respectively on both resolutions, and signed by all the lords spiritual and temporal present‡, were presented to the prince of Orange on the same day.

This offer of a temporary dictatorship is stated to have embarrassed the prince; and credit is given to his advisers for having extricated him with adroitness.§ His embarrassment is described as lying between the peril of dallying with so tempting an offer on the one side, and accepting it from the lords only, without consulting

in miscellaneous and inferior services, whether of the antechamber or the closet. James, in his letter, made out no case as between him and the nation; but as against the prince of Orange, his case was unanswerable. Burnet accordingly failed to answer it, and charged his failure upon the excess and delicacy of his respect for the king's name. No respect for the king's misfortune, for christian charity or for truth, could yet restrain the bishop, in his history, from insinuating that the king's flight was the effect of his consciousness of some black crime (meaning the imposition of a spurious heir), and asserting that his withdrawing himself out of the kingdom was an unforced and voluntary act.

* Sheffield, duke of Buckingham.

† Lutt. Diary.

‡ Kennet.

§ Sheffield, duke of Buckingham; Account of the Revolution.

the commons, on the other. The expedient said to have been suggested to him was to postpone his answer, and summon, in the mean time, such persons, then in town, as had served in any of the parliaments of Charles II., — with the aldermen*, and fifty common councilmen, of London.

It seems incredible that the prince of Orange, having by his side two such expert advisers as lords Halifax and Danby, should be unprepared for the resolution of the lords; and the question is set at rest by the dates. The commons, or those whom he was pleased to treat with as such, did not, it is true, meet him at St. James's palace until the 26th; but his summons requiring their attendance is dated the 23d†, and the lords voted their address on the 25th, of December.

To discard the parliament of James was a measure of daring policy. It branded by implication the authority both of the parliament and the king as illegitimate, — and thus outraged both party passion and public reason. But it relieved him of a house of commons of approved subserviency to toryism, and the high church; and enabled him to wield, for his purposes, an assembly of which many members had been partisans of the exclusion bill.

The persons thus nominated by the prince of Orange to represent the commons of England waited on him, at St. James's, on the 26th. William, in a short speech, said he had summoned them to advise on the best mode of carrying into effect the ends of his declaration.

Those spurious and motley representatives of the English people took possession of the house of commons with much less warrant than the lords had taken possession of their accustomed place of meeting; but whether on the 26th or the following day seems doubtful.‡

* The lord mayor was on his death-bed.

† London Gazette.

‡ According to Narcissus Luttrell's MS. diary, "they went to the house of commons, and debated the matters (referred to them by the prince) two or three daies; then they agreed on an address to the prince as the lords had done." To admit even of *two* sittings, they must have deliberated on the 26th, as their address was presented on the 27th.

The printed records of their debates are scanty. Their first act was to vote Mr. Powle into the chair. He was one of the whig pensioners of Louis XIV. in the preceding reign. The first question, and very naturally, was by what authority they were assembled. It was resolved that the summons of the prince of Orange was a sufficient warrant. The next question was that of disposing of the powers of government. No doubt seems to have arisen as to the person. Sir Robert Sawyer said he could not conceive how it was possible for the prince of Orange to take upon him the administration without some distinguishing name or title. Serjeant Maynard replied that they should wait long, and lose much time, if they waited till sir Robert Sawyer conceived how that was possible. There was some reason in this sarcasm. It would have been vain to look for regularity in a sudden and unprecedented crisis, when all was irregular.

Having determined that the administration should be vested in the prince, they next debated the duration of the trust. A proposition was made that the period should be a year. This was over-ruled, as a matter to be decided by the intended convention.

It was proposed that those present should, like the lords, sign the Exeter engagement. This proposition was negatived; but a copy was laid upon the table, to be signed or not at their individual pleasure. The only difference between their address and that of the lords was that it opened with their thanks to the prince for coming over with such great hazard to his person, for the purpose of rescuing them from popery and slavery. He had already been thanked for this favour, upon another occasion, by the peers.

The address of the commons was presented to the prince of Orange, through their speaker, Mr. Powle, on the 27th. He told them their request was a matter of weight which required consideration, and he would let them know his decision next day.

The prince had not yet given his answer to the

address of the lords. On the morning of the 28th he informed their lordships that he had considered their advice, accepted their charge, and would act accordingly. In the evening he gave an answer, nearly in the same terms, to the commons.

The prince of Orange thus affected to confer the obligation of taking upon him a laborious trust, when he was invested with sovereign power over the English nation,—the first object of his ambition and his life. Religious party spirit blinds men strangely to the real character of their idol; yet it is scarcely possible that such affectation could have imposed even on the common-councilmen.

The prince did not interfere personally to produce this result;—but the expedition and unanimity of both lords and commons were ascribed, not only to influence, but to force and fear. “Both houses,” says the duke of Buckingham, “might well concur in all, since influenced, I might have said enforced, by the same causes; which last expression I make use of, both on account of the prince’s army here, commanded by a famous general, the maréchal de Schomberg, and also of a murmur which went about, that the city apprentices were coming down to Westminster in a violent rage against all who voted against the prince of Orange’s interest.”

There appears to be no ground to suppose that the prince directly suspended over their deliberations the terrors of his army or of the populace. But it is far from equally probable that these terrors were not felt on that and employed on other subsequent occasions. The fury of the rabble was soon regarded as a familiar engine of policy to promote the objects or interests of William. It was associated with his policy, both in Holland and in England, by an odious by-word, so well understood to be employed in a document, signed by five prelates.* Referring to the author of a libel upon them, they say, “he (the author) barbarously endeavours to raise in the

* The archbishop of Canterbury, and the bishops of Norwich, Ely, Peterborough, and Bath and Wells. D’Oyley’s *Life of Sancroft*, ii. 455.

English nation such a fury as may end in *De Witting* us ; — a bloody word (they add), but too well understood.”*

On Saturday, the 29th of December, the prince of Orange issued his letters of summons for the memorable convention ; on Sunday, the 30th, he received the sacrament, as already stated, according to the rites of the church of England ; on Monday, the 31st, he made a visit to the widow of Charles II. at Somerset-house, and granted to her the liberty of her chamberlain, lord Feversham. According to some she solicited this favour † ; others state that she obtained it indirectly, by an ingenious reply to one of the dull common-places which made up the conversation of this famous prince. He asked her how she passed her time, and whether she played at basset. The queen dowager replied that she had not played at that game since she was deprived of her chamberlain, who kept the bank. He took the hint, and, on the 2d of January, the chamberlain resumed his service. Such a proceeding might be called gallantry at Paris and Versailles ; it was despotism at Somerset-house. The imprisonment of lord Feversham was the act, and his release the courtesy, of a tyrant, not of a prince who was the first magistrate of a republic,

* It is generally asserted or implied, by historians of the revolution, that the prince of Orange did not take upon him the executive functions of the state until they were vested in him by unanimous resolutions of the lords and commons ; and that he tolerated the intrigues of Barillon, after the king's flight, until his new charge authorised him to send that minister out of the kingdom. But it is manifest that, even whilst the king was still within the realm, the prince assumed and exercised sovereign power ; and the very instance given of his forbearance is, in point of fact, an instance of the contrary. Barillon was ordered by the prince to depart in forty-eight hours, according to some, in twenty-four hours, according to others. He requested further time, was peremptorily refused, and left London on the 24th, four days before the prince formally assumed the administration. (Lutt. Diary. Sawyer's News Letters.)

The French ambassador was escorted by a party of the prince's Dutch guards, under the command of a French refugee. This turn of fortune was one of the most extraordinary, and is said to have produced between them, on their route, the following question and reply : — “ Would you have believed it, sir, had you been told a year ago, that a French refugee would be charged to escort you out of England ? ” “ Cross over with me to Calais, sir,” said the ambassador, “ and I will give you an answer.” The reply is ambiguous : if Barillon spoke as a Frenchman, he doubtless meant that he would answer with his sword ; if as the representative of Louis XIV., he must have hinted at the revocation of the edict of Nantes.

† Lutt. Diary.

and aspired to the constitutional throne of a nation jealous of its liberties.

The prince, to secure the freedom of election, issued an order, on the 2d of January, 1689, for the removal of the military from the places in which the elections should be held ;—and, leaving his interest in the returns to be managed by his partisans, applied himself to interests and intrigues more immediately within the range of his executive trust.

He was not yet invested with the administration of Scotland. The privy-council of that kingdom, early in December, had despatched lord Balcarras with a letter to the king, setting forth the state of affairs, and requesting his further orders. On the arrival of their envoy, the king had just withdrawn himself, for the first time, from Whitehall. Lord Balcarras had also a letter to the duke of Hamilton, and, in the absence of the king, thought it advisable to consult with the duke and other Scotch privy-counsellors then in London. Among them was Dundee. A copy of the letter to the king was given to the duke of Hamilton. He insisted upon having the original ; and, upon the refusal of lord Balcarras, discovered, in the fury of his passion, that his object was to lay it as a matter of accusation before the provisional council of lords, then sitting at Whitehall.

The king unexpectedly returned from Feversham ; and the duke of Hamilton — mean now as he was insolent before — made abject excuses to Balcarras, Dundee, and the other privy-counsellors ; offered them his friendship and his services ; was among the most eager to do homage to the king on his return ; sat in king James's last privy-council at Whitehall ; and, upon the king's final departure, was among the first to wait on the prince of Orange at St. James's.

The marquis of Athol and the populace had already produced at Edinburgh a revolution in favour of the presbytery and the prince. Protestant episcopacy and popery were alike odious to the Scotch. The former should, in reason, have been the more odious of the two ;

but verbal dogmas and disputes in matters of religion produce as virulent animosities as oppression and persecution.

Athol came from Scotland to obtain the reward of his services from the prince, — or prevent his being supplanted by Hamilton. The Scotch party of the prince of Orange in London became divided. The duke, however, obtained the ascendant and the confidence of the prince by superior address, or because lord Athol had given offence in prematurely leaving his post.

The second flight of the king placed the Scotch lords and gentlemen in London at the disposition of the prince of Orange. So dexterous was the management of the prince and the duke of Hamilton, that about thirty peers of Scotland, including Dundee and Balcarras, both strenuous jacobites, waited on the prince at St. James's, on the 8th of January. He addressed to them a few words, substantially the same as those addressed by him to the English lords and commons, and they adjourned to deliberate in the council-chamber at Whitehall.

The duke of Hamilton was unanimously appointed to preside. They debated and adjourned without coming to any resolution, and assembled again next day. A resolution, vesting in the prince of Orange the administration of the government, and disposal of the revenue of the kingdom of Scotland, was drawn up, and about to be agreed to, when lord Arran, son of the duke of Hamilton, astonished all present by pronouncing, from a written paper, a short and stirring speech for the recal of the king.*

* "My lords," said he, "I have all the honour and deference for the prince of Orange imaginable. I think him a brave prince, and that we owe him great obligations in contributing so much for our delivery from popery; but, while I pay him those praises, I cannot violate my duty to my master. I must distinguish between his popery and his person. I dislike the one, but have sworn and do owe allegiance to the other, which makes it impossible for me to sign away that which I cannot forbear believing is the king, my master's, right; for his present absence from us, by being in France, can no more affect our duty than his longer absence from Scotland has done all this while."

The duke in the chair frowned upon his son ; the proposition of lord Arran was not seconded ; and the meeting abruptly separated.

A third meeting took place next day. Sir Patrick Hume declared the proposition of lord Arran "inimicous" to the declaration of the prince of Orange and the protestant religion ; asked whether any one present was prepared to second it ; received no answer ; and moved "that it should be stigmatised as adverse and inimicous," &c. by the assembly. This motion, seconded by lord Cardross, was withdrawn at the suggestion of the duke of Hamilton ; and the prince of Orange was charged with the government of Scotland, until the states of that kingdom should be assembled, pursuant to the prince's letters, in Edinburgh, on the 14th of the following March.*

The address of the Scotch was a bolder proceeding than that of the English. King James left England without a government ; but, in Scotland, the regency and whole machinery of administration remained. The English supplied the want, but the Scotch set aside the authority, of an executive government.

The administration of Great Britain was now in the hands of the prince of Orange. Edinburgh castle was still held by the duke of Gordon, a catholic, for king James. But that duke's religion could only secure his fidelity, — if even that ; — it could not make up for his want of capacity and character. He occupied an important fortress for some months with little molestation and

" My lords, the prince, in his paper, desires our advice : mine is, that we should move his highness to desire his majesty to return and call a free parliament, for the securing our religion and property, according to the known laws of that kingdom, which, in my humble opinion, will at last be found the best way to heal our breaches."

* The opposition between the duke of Hamilton and his son has been variously accounted for. Lord Arran was one of those who attended king James to Rochester : his regiment was, in consequence, taken from him to be given to lord Oxford ; and hence, it has been stated, his zeal for the king. By others it is supposed that the father and son took opposite sides, in order that, whatever party succeeded, the family estates should not become forfeit ; a frequent precaution in the civil wars of Scotland.

no credit ; and surrendered, it will appear, still more ingloriously, on the first demonstration of a serious attack.

Ireland was the strong hold of James. There the protestants were the minority ; and Tyrconnel, the lord deputy, devoted to the king, to popery, and to Ireland, had put himself in a formidable posture of defence.

It is here necessary to glance back to his administration. He had an interview with the king, during his autumnal progress in 1687, at Chester, and returned to Ireland with James's sanction of his great design to abrogate the act of settlement.

The king calculated that it would take five years to carry into effect all the measures necessary for securing Ireland as an asylum for the catholics, in case his successor should be a protestant. Tyrconnel urged the practicability and prudence of a shorter period ; obtained from the king a supply of arms and ammunition ; and made to the French envoy, Bonrepos, a proposal worthy of the intrepid and intriguing genius of Shaftesbury. He had allowed an expression to escape him, some time before, that the Irish would be madmen or fools if they submitted to be governed by the grand-daughter of a pettifogger (Clarendon), as the slaves of England, when they might become an independent nation under the protection of France.* Such sallies of indiscretion, perhaps seeming, not real, escaped Cromwell, one of the deepest and ablest of men.

Tyrconnel opened himself to Bonrepos through " a friend (not named) enjoying the highest court favour." His proposition was to take with France such measures as should deprive the daughters and son-in-law of James of the succession to the crown of Ireland, on the contingency of the king's death without male issue,—and that Bonrepos should confer with him secretly at Chester. The French envoy declined a meeting ; but engaged to forward the overture to his court, and to keep it secret, as Tyrconnel required, from Barillon, through whom

* This project was entertained by cardinal Richelieu. See Mazure, vol. iii. App. 3.

he feared it might reach Sunderland. The French minister, Seignelai, to whom Bonrepos addressed his despatches, replied that the French king approved the project; that Tyrconnel might count on succour, which should be ready at Brest; that Bonrepos was authorised to negotiate the particulars directly with Tyrconnel; and that Barillon should not possess the secret.

James, upon the birth of his son, was not less inclined to perpetuate, than he was before to sever, the connection with Ireland*; but Tyrconnel cherished his project after it was abandoned by the king.†

Such was the leading view with which Tyrconnel proposed to overthrow the act of settlement — in other words, to make the protestants disgorge the confiscated estates of the catholics.

This measure has been uniformly charged by historians upon his impetuous bigotry and want of understanding. It should be judged as the means to an end, and with a double reference to its justice and its policy. The catholics were despoiled by conquest. An act of parliament of Charles, to which they were not parties, affirmed, but could not consecrate, spoliation. There was not that lapse of time which gives to original and remote iniquity the colour of right by prescription. The new possessors had not, like the purchasers of national property in France at the Revolution, paid a due

* This intrigue was suspected, if not known, by the prince of Orange.

“J’ai su par le marquis d’Albeville que la plus grande inquietude du prince d’Orange est que l’Irlande ne se mette en état, avant la mort du roi d’Angleterre, de se soustraire à sa domination lorsque il viendra à la couronne. Je sais bien certainement que l’inclination du roi d’Angleterre est de faire perdre ce royaume à son successeur.” — *Bonrepos à Seignelai*, 4 Sept. 1687, *Fox MSS.*

† This intrigue was made public, for the first time, by M. Mazure, whose citations, from the MS. archives of France throw a strong and new light on this period of English history. It is to be regretted that he has fallen into mistakes in treating the domestic affairs of England, and that he pins his faith implicitly upon Burnet. It is also unaccountable and inexcusable that, in referring to the Life of James, he holds the king responsible for all, instead of distinguishing the citations literally extracted, from the compiler’s narrative. It may be added, that the intrigue of Tyrconnel and Bonrepos was known before M. Mazure’s book appeared — and more fully — by such as had seen the Fox MSS., in which the extracts are more copious.

and legal consideration to the state. There was, then, no violation of equity in compelling the restitution, and the only question remaining is its expediency. The end which Tyrconnel proposed to himself was the erection of Ireland into an independent catholic state under the protection of France. Was the overthrow of the settlement in Ireland, by a man who had this end in view, the counsel of a rash bigot,—or of one who pursued a daring project by daring means, and with suitable resolution?

Tyrconnel had, by this time, disarmed the protestants, and raised an army of 40,000 men, chiefly catholics. Those lords and gentlemen who were connected with that kingdom frequently called the attention of the prince to the perilous state of the protestant interest — and their estates — in Ireland. He gave them general assurances, and did nothing. His extraordinary supineness has been ascribed to various causes. Tyrconnel sent several messages to the prince of Orange, offering to deliver up Ireland if such a force were sent over as would give him a decent pretence for surrendering; and the prince, it has been stated, acting upon the advice of lord Halifax, disregarded his offers.

Lord Halifax suggested to him that, if Ireland submitted, there would be no pretext for maintaining an army; and, so changeable was the genius of the English people, that, without the support of a strong military force, he would be turned out as easily as he had been brought in.* By others, it was supposed that the prince neglected Ireland under the influence and advice of persons who expected to profit by new confiscations in that devoted land. The character of Tyrconnel, and his subsequent conduct, leave no doubt that his offered submission was but an artifice to gain time.

Others, again, have accounted for the prince's neglect of Ireland by his distrust of the English soldiery, his entire dependence in England upon his Dutch troops, and the impossibility of reinforcements from Holland, already

* Burnet, iii. 369, 370. Dart. note, *ibid.*

at war with Louis XIV.* The only step taken by him favours this last supposition. He determined, upon the advice of his council, to make a formal call upon Tyrconnel to submit, with an offer that the Irish catholics should be secured in the condition in which they stood at the period of 1684.

Sarsfield, the most distinguished of the Irish officers, who had been brought over to England on the eve of the invasion, was requested to be the bearer of the prince's summons to Tyrconnel. He had the virtue to reply, that he was ready to serve the prince of Orange against the king of France, but that he would not be instrumental in depriving his lawful sovereign of one of his kingdoms.

Hamilton, another Irish officer, recommended, it has been stated, by the son of sir William Temple, was less delicate, though, it would appear, not less faithful to James. He accepted the service, and undertook to overcome, by his influence, any reluctance on the part of Tyrconnel. Arrived in Dublin, he is represented to have combated, instead of encouraging, any disposition to submit, and did not return to give an account of his mission.

Tyrconnel had already executed his dexterous manœuvre of an embassy to king James. In his overtures to the prince of Orange, and in his communications with the leading Irish protestants, he affected to think himself bound in honour to ask the sanction of the king before he submitted. Lord Mountjoy was the person most trusted by the protestants. His influence was unbounded in the north of Ireland, where the majority were presbyterians, devoted to the prince of Orange. Tyrconnel summoned him to Dublin under pretence of consultation in so delicate a crisis. Mountjoy came, and earnestly recommended submission. Tyrconnel affected to be convinced by his reasons, but said he could not, in honour, submit, without first communicating to king James the moral impossibility of defending Ireland, and added a

* Life of James.

suggestion, that Mountjoy himself should proceed, for this purpose, to France. Mountjoy made objections. The protestants warned him against the mission as an artifice of the lord deputy to be relieved from his presence. Tyrconnel, on the other hand, says archbishop King, swore solemnly, that he was in earnest; that he knew the court of France would oppose him with all its powers, for that court minded nothing but its own interest, and "would not care if Ireland were sunk to the pit of hell*", so it gave the prince of Orange three months' diversion;" that if the king consented to ruin Ireland, merely to oblige France, he would look upon such consent as dictated by the French court, and act accordingly. Mountjoy believed a man who protested and swore with so much vehemence, and who argued for the purpose of deceit with perfect truth.†

One objection of Mountjoy appears, by implication, to have been, that the report of a protestant might be distrusted by the king. Tyrconnel overcame the objection, and completed his own machinery by associating with Mountjoy chief baron Rice, who had James's entire confidence.

The two envoys left Ireland about the 10th of January. Rice had his separate and secret instructions. Immediately on their arrival he informed the king that their embassy was a device of the loyal lord

* Tyrconnel's very words. "Life of James," &c.

† Mountjoy, before his departure, had obtained from Tyrconnel the following pledges for the security of the protestants: — that no more soldiers should be raised; that no more troops should be sent into the north; that no person should be questioned for past conduct; that soldiers should not be quartered upon private houses. The unlucky envoy, upon reaching Paris, was shut up in the Bastille; and he had no sooner left Ireland than Tyrconnel, dextrously and by degrees pulling off the mask, violated so much of his engagements as he found expedient; disarmed the protestants of Dublin under pretence of maintaining tranquillity, added to the military force, and still made show of a disposition to submit, *salvo honore*.

It is stated by archbishop King, that Mountjoy went to France without the privity of the prince of Orange, and that this was urged by him as a reason why his leaving Ireland could not compromise the safety of the protestants. The prince, who was no party to it, would, he said, be at liberty to act as he chose at any moment for their protection. But it appears from the circular letter of Mountjoy himself to the protestants, that his mission was known in England, and so much relied on that no forces were or would be sent over to Ireland. It may be suspected, if not inferred, from this variance, that the prince of Orange had that sort of privity which he might acknowledge or disavow as it suited his convenience.

deputy to rid himself of Mountjoy, whom he recommended to a lodging in the Bastile,—and to let the king know that he had put Ireland in such a posture of defence as to hold out until succours should arrive from France.

Such were the proceedings of Tyrconnel, whilst it was generally supposed in England, and believed by many in Ireland, that he wanted nothing but a decent pretence, a sufficient bribe, and the influence of Hamilton, to make him deliver up his sword. When some of the Irish privy counsellors pressed him to surrender, he is said to have asked them, in a tone of pleasantry and derision, whether they would have him throw the sword of state over the castle walls, when there was nobody to take it up. His conduct appears to have been, upon the whole, a masterpiece of its kind. It seems more likely that Hamilton was gained over by him, than he by Hamilton; — but the most probable supposition is, that neither required the other's persuasion or influence.

Hamilton had little reason to be grateful for his own treatment, or that of the Irish whom he commanded, by the English nation and the prince of Orange. The prince, says bishop Burnet, kept Hamilton as “a sort of prisoner of war;” and after having confined the Irish soldiers for some time in the Isle of Wight, “gave them to the emperor.” These donative Irish defeated the liberality of the prince to his ally by deserting from Germany to France.

Meanwhile, and pending the elections for the approaching convention, the prince of Orange was actively employed in the administration. His first want was that of money. He applied for a loan of 200,000*l.* by letter to the aldermen and common council,—stating the necessity of an immediate supply to meet the charges of the navy, pay off part of the army, and secure the protestant interest in Ireland.

Subscription to the loan was regarded as a test of feeling towards the new order. One citizen, sir Thomas Dashwood, subscribed 60,000*l.*; and the whole

200,000*l.* was collected by a deputation of four aldermen and eight common councilmen in four days.* The sum thus raised was not applied in the manner, at least not in the proportions, contemplated by the lenders. The charge of Hamilton's mission was all that went to the protestant interest in Ireland.

Lord Dartmouth, upon the flight of the king, submitted with the fleet; first by acknowledging the orders of the lords assembled at Guildhall; next by a letter to the prince of Orange.† Narcissus Luttrell states that "the English fleet regulated themselves, and turned out all papists from amongst them." Lord Dartmouth informs the king that the Roman catholic officers were removed in pursuance of the orders above mentioned.‡

The fleet partitioned by lord Dartmouth, between sir John Bury and himself, was stationed, one division in the Downs the other at Spithead, in an unserviceable condition. Lord Dartmouth intimates that it was in a bad state on the king's flight§; and an order, issued by the prince of Orange on the 16th of January, proved that the crews were afterwards thinned by desertion.||

The English people have never shown jealousy of the naval force as dangerous to their freedom. The sums

* Luttrell's Diary.

† See his letter to King James, on his flight, in Dal. App.

‡ *Id. ubi supra.*

§ *Id. ubi supra.*

|| Gazette, 16th January, 1688-9. The prince in his proclamation sets forth, that certain groundless reports, touching the uncertainty of the seamen, had produced discontents and disorders in the fleet; that many had, in consequence, left their ships without leave; that all wages and arrears should be paid, even to the absentees, if they returned to their duty within fifteen days; but if they did not return, they would not only forfeit their claims, but be proceeded against as deserters with the utmost rigour of the laws of the sea. This proclamation was censured. It was regarded as a hardship that the wages of past service to their lawful sovereign should be made dependent upon the continuance of the men in the service of another master. But there is no record of any punishment or deprivation; and to render the navy efficient, was, at the time, not only one of the first interests of the prince of Orange, as chief of the league of Augsburg, but one of his first obligations as administrator of the three kingdoms. The fleets of Louis XIV. were beginning to be as formidable as his armies. His absolute authority and vast resources, the skill and valour of his admirals, D'Estrées, Château-Renaud, and Tourville, the activity and genius of his minister of marine, Seignelai, enabled him, soon after, to wrest for a moment, from the English and Dutch, the empire of the sea.

employed by the prince in equipping and increasing the navy produced no murmur. His conduct, with reference to the military force, was differently judged. An order issued by him to the army was condemned for the tone in which he, a provisional administrator for a period of only three weeks, anticipated the sovereignty to which he aspired; and it was made a ground of charge against him, both by the tories* and the whigs†, that he new-modelled instead of paying off the army of king James.

The censure of his proclamation seems to have been just. He proposed rewards, threatened punishments, and assumed the legal style of "our service," as if the sovereign power were already vested in him.

There was, perhaps, in this tone more of policy than usurpation. Having made up his mind to be nothing less than king, he was apprehensive of associating with his person, in the public mind, the idea of his governing otherwise than in his own right at the moment when the question of his being appointed regent, in the name and during the life of king James, was already agitated.

The whole army was brought together and reviewed for the supposed purpose of being paid off and discharged to a large extent; — the prince merely dismissed some officers of doubtful fidelity, drafted the privates into other corps, appointed his favourites and followers to the vacant commissions, and bestowed regiments upon the general officers who had accompanied him from Holland, or joined him before the flight of the king.

The Scotch regiment of lord Dunbarton, 1500 strong, given, much against its inclination, to marshal Schomberg, mutinied some time after, upon being ordered to Holland. Both sons of the duke of Hamilton, notwithstanding the services of their father, were deprived of their regiments; lord Arran's was given to lord Oxford,

* Ralph, ii. 10.

† Anon. letter to King William, ascribed to Wharton, in Dal. App.

and lord Selkirk's was bestowed on colonel Godfrey, the brother-in-law of lord Churchill. That lord's brother, colonel Churchill, received the regiment of Oglethorpe, whom the prince tried in vain to attach to his service.

The Jacobites charged the prince with one of the very grievances which he had in his declaration urged against the king—maintaining a standing army, without consent of parliament, in time of peace. The whigs condemned much more sincerely the course pursued by him, because the formation of a wholly new army would have enlarged the field of military patronage. But the new modelling, rather than disbanding of the troops, appears to have been a measure of prudence and good intention, with reference not only to foreign war but to the defence of the country. The French fleet had already begun to capture English merchant ships, and Louis XIV. made no secret of his design to attempt the restoration of king James by an invasion of the British dominions.

The new organisation, however, failed. The army of king James, when the prince landed, was 32,000 strong, exclusive of officers.* In January, it was reduced to 15,000; in February, after the prince became king, to 10,000 by desertion†, and the officers appear to have been no less dissatisfied than the privates.‡

Other objects, of more immediate interest and more secret management, occupied the prince. The convention, which would disappoint or crown the ambition of his soul, was about to meet. The elections had taken, or rather received, such a direction as promised him a majority of the commons§, but he was threatened with a formidable opposition from the lords. Various parties had sprung up: the princess of Orange, the princess Anne, the prince of Wales, the forlorn king, the still more forlorn republic, had their respective pretensions and partisans. All places of public resort and convers-

* Preston MS.

† Prince's proclamation.

‡ Lutt. Diary.

§ Sheffield, duke of Buckingham.

ation echoed, and the press teemed, with speculative schemes of government and practical settlements of the nation.

The more uncompromising high churchmen and tories would have the king invited back, upon conditions which should secure the protestant establishment.* Adda, who accompanied James as nuncio to St. Germain, writes to his court on the 31st of January, that according to letters from England brought to the king by a page of lord Arran, this party comprised the bishops, or, as the nuncio calls them, "pretended bishops;" † the men of note of the church party; and some great lords, among whom were the duke of Somerset and lords Nottingham and Pembroke.‡ The recal of the king would, of course, establish the succession of the prince of Wales.

Others would appoint the prince of Orange regent in the name and during the life of the king. A third party would crown the princess of Orange as next heir, to the exclusion of the pretended prince of Wales. Others, again, would place the prince and princess of Orange conjointly on the throne. A fourth party would place the crown on the head of the prince. The republicans would have a commonwealth, with the prince of Orange its first magistrate, invested with powers similar to those exercised by him as stadtholder in Holland.§

The two extreme parties, of which one would recal the king, the other establish a republic, appear to have been unrepresented in the convention. Their sole organ was the press, and they made active if not efficient use of it.||

Few of those ephemeral and, for the most part, anonymous pamphlets are worth citation or notice at the present day. The science of government and the popular

* Adda. Evelyn.

† Letters of D'Adda.

‡ The curious in such matters will find a mass of pamphlets to which the controversy gave rise, in "Somers Tracts," and the State Tracts, temp. James II. and William III.

† Pseudo-vescovi.

§ Adda. Evelyn.

reason have outgrown the notions of 1688. Those principles of liberty which were launched then as bold truths, would now be received as common-places. The monarchical principles then defended as essential and sacred, have become exploded absurdities. There was, indeed, much sophistry, and subtlety, and self-interest; but these are of every age.

Sherlock, dean of St. Paul's, was, for his honour, the Coryphæus of those who would recal the king. His "Letter to a Member of the Convention" was a sort of manifesto of the party. Burnet received orders to reply to it, and published his "Inquiry." The high church doctor afterwards took the oaths to king William, and was galled and stung with a general discharge of pasquinades and pamphlets for his apostacy.*

The most effectual weapons against an adversary are his own words. These were employed with skill and effect against the prince of Orange. The pensionary's letter to Stuart on the subject of the test abounded with expressions of affection, gratitude, and duty on the part of the prince and princess to the king. They declared, through Fagel, that they were resolved to continue in the same sentiments of affection and duty to his majesty, or to increase them, if possible. The passages expressing these unalterable or increasing sentiments of love and duty were selected and reprinted, with commentaries insidiously respectful, and the following memorandum appended by way of note:—"These singular expressions of affection and duty to the king, their father, were sent *after* those irregular and offensive measures of *quo warranting* charters, the dispensing power, closeting, the ecclesiastical commission, and

* A single and short passage in his "Letter" is historically of some importance. It shows that the clergy were now ready to brand as an imposture what they had before received and repeated as a proved fact—the existence of a treaty between Louis XIV. and James, for the destruction of the protestants. "There is," says he, "one thing more that I would beg of you, that the story of a French league to cut protestants' throats in England, may be well examined, for this did more to drive the king out of the nation than the prince's army. And if it should prove a sham, as some, who pretend to know, say it is, it seems at least half an argument to invite the king back again."

Magdalen College were practised." It is scarcely necessary to add, that these were leading grievances urged by the prince in justification of his enterprise.

The prince of Orange had his full proportion of pamphleteers in the field, and he was, personally, a sort of idol whom none dared to attack,—to whom all parties offered homage, from inclination, interest, or fear. Yet the prince and his whig advisers, who had printed in Holland and circulated in England the most scandalous libels upon the king, issued a search-warrant worthy of James II., the Charleses, and the Star Chamber, "after authors, printers, and sellers of unauthorised books and pamphlets."* But the proofs are numberless and the fact indubitable, that the men of the revolution of 1688 were as little disposed as their adversaries, whether tories or papists, to concede the free exercise of either human reason or religious conscience.

The general tenour of Sherlock's pamphlet shows that a breach occurred very early between the bishops and the prince of Orange. No specific cause is assigned, and none probably existed. The clergy and church party had the simplicity to expect that the prince really came over to crush popery and deliver up the king, bound hand and foot, to the high church,—and having thus accomplished his mission, to go back to Holland. They soon discovered their mistake. Sancroft is said to have perceived for the first time, when he attended the meeting of peers at Guildhall, the existence of a project to set aside king James.† That prelate, in

* "Whereas there are divers false, scandalous, and seditious books, papers of news, and pamphlets, daily printed and dispersed, containing idle and mistaken relations of what passes, with malicious reflections upon persons, to the disturbance of the public peace, which are published without any authority, contrary to the laws in that case provided: His highness the prince of Orange has thought fit to order and require the master and wardens of the Company of Stationers, and Robert Stephens, late messenger of the press, to make diligent search in all printing houses and other places, and to apprehend all such authors, printers, booksellers, hawkers, and others, as shall be found to print and disperse the same, and to have them before the next justice of peace, to the intent that they may be proceeded against according to law; for the due execution whereof all mayors, justices of the peace, and other officers are required to be aiding and assisting them."—*London Gazette*.

† D'Oyley's Life of Archbishop Sancroft.

consequence, absented himself from their subsequent meetings, waited on the king when he returned from Feversham to Whitehall, made the feeble effort already stated to prevent the king's withdrawing himself from the realm, and held private consultations with other prelates, leading divines, and tory lords and gentlemen.

The idea of bringing back James was soon abandoned. An assembly of bishops, lay lords, and gentlemen, at Lambeth, on the 16th of January, unanimously determined upon a regency in the king's name.* Lloyd, bishop of St. Asaph, merely insinuated his favourite word "cession †," which lord Clarendon, who was present at the meeting, ascribes to the influence exercised over him by Burnet. But it has been shown that Lloyd was much earlier a secret agent of the prince of Orange, and attempted in that capacity to sound and tamper with the bishop of Ely. This prelate was now a false brother in the councils of the bishops. He appears, moreover, to have been a man of sagacity and talent far above Burnet, and restrained by as few scruples.‡

The bishops contemplated laying before the convention a paper containing their reasons against setting aside king James, or interfering with the succession. Sancroft, a man of much industry and erudition, was charged with preparing it. From, perhaps, his constitutional timidity and neutral conduct, it was not presented.

The bishops, clergy, and high tories, it has been observed, adopted a regency, in the king's name, as preferable to his recal. Some, probably, supported the appointment of a regent, not only as more congenial to

* Evelyn's Diary. Clar. Diary.

† Clar. Diary.

‡ Conversing on public affairs with Wharton, chaplain to the archbishop of Canterbury, in June 1688, he predicted that popery would not survive the year in England, that a great catastrophe was at hand, that the common people, in their indignation, would probably rise in arms, drive all papists out of England, and get rid of the king himself by banishment or by taking his life. Wharton, recording the conversation in his Latin Diary, throws in a parenthesis, "*quod factum nolumus*," with reference to the king. But the deprecatory present tense must apply to the time of writing, not to that at which the conversation was held; and he makes the bishop begin his prophecy with the prospect of unclouded good fortune in the past tense, — "*Is fausta omnia sperare jussit*."

the doctrines of the tories and the church, but as affording the only hope of ultimately re-establishing the king. This design was imputed to them expressly in the convention ; and Burnet goes the length of asserting that the scruples of the more conscientious were satisfied by secret orders from king James to proceed in this manner.*

The republicans, despairing of their cause, joined those who would vest the royal authority, to all intents, in the prince of Orange. By appointing or electing a king out of the line of succession, they conceived that they had made a breach in the doctrine of hereditary indefeasible right, and a step in advance towards the sovereignty of the people. They also expected that, having a crown to bestow in one hand, and the terms on which it should be given in the other, they might limit and modify the regal power, and extend and strengthen the frontiers of popular liberty.† They were deceived and overpowered by their whig allies, the Dutch favourites of the prince of Orange, and the prince himself.

There still remained three parties to dispute and determine the settlement of the government in the convention. These are specified with so much precision and authority by archbishop Sancroft, that it may be advisable to cite his words. The following three ways were, he says, proposed for legally and securely settling the government : —

“ 1. To declare the commander of the foreign force king, and solemnly to crown him.

“ 2. To set up the next heir of the crown, after the king's death, and crown her ; who being the wife of the said commander, he will hereby have an interest in the conduct of the government in her right.

“ 3. To declare the king, by reason of such his principles, his resolutions to act accordingly, incapable of the government with which such principles and reso-

* Burnet, iii. 383. “ Malice.” Swift, note, *ibid.*

† Pamphlet, cited in Ralph.

lutions are inconsistent and incompatible ; and to declare the commander *custos regni*, who shall carry on the government in the king's right and name."

The prince of Wales and his rights were thus repudiated or passed over in these projected settlements. The republicans discarded him for his very claim of succession. The respective partisans of the prince and princess of Orange, who saw in him a dangerous competitor, branded the helpless infant in his cradle, not only with the disqualification of popery at the age of six months, but with that of spurious blood.

The imposture of a false heir figured prominently in the declaration of the prince of Orange ; and he pledged himself to prove it in a free parliament. The purpose of redeeming this pledge was entertained. Burnet was ordered to collect evidence in support of what may be called the case against the pretended prince.* That accommodating divine undertook and executed one of the most unbecoming acts in the wide range of his miscellaneous services. The unfortunate king, conscious of his innocence, offered to assist the investigation by sending over those witnesses of the birth of the child who had accompanied him to France. †

It was thought prudent to abandon the inquiry, either from the conclusive force of the evidence already put on record by the king, or from the flimsiness of the case got up by Burnet. The bishop says it was abandoned because a failure in the proof would have produced the worst consequences. ‡ It was opposed, he adds, by the republicans, for a different reason. They affected to treat the succession with contemptuous indifference, and thought the existence of a pretender would keep the reigning princes upon their good behaviour to the people. §

The bishop, to turn his labour to some account, introduced as a historian the evidence on one side thus raked together by him as a purveying advocate.

* Burnet, iii. 387.

‡ Burnet, iii. 388.

† Life of James.

§ Ibid. p. 389.

To express astonishment at this would, perhaps, argue a want of due acquaintance with human nature and with Burnet; but it is inconceivable how he came to make the avowal.* The high church and tory party, who contended for a regency, left the claims of the prince of Wales dormant.

The convention of lords and commons met on the 22d of January, the day fixed for its assembling. Mr. Powle was re-elected to fill the chair of the commons without opposition. The lords elected lord Halifax in preference to lord Danby. This was a good omen for the prince.

His very courtiers were divided as to the settlement of the crown. One party, chiefly composed of his Dutch followers, the English republicans, and those whigs who either accompanied him from Holland or calculated upon his favour, sought to place him on the throne. It is stated, that some English companions of the prince, before they left Holland, bound themselves by a secret oath not to lay down their arms until they had made him king.† The other, consisting of those whigs who either were more scrupulous about the succession, or calculated that the princess would outlive a husband of infirm health exposed to the hardships and hazards of war, sought to vest the royal authority in the princess as queen regnant, whilst the prince should be but a titular king. The former, or prince's party, was led by lord Halifax; the latter by lord Danby.

The convention being thus duly constituted in both houses, a letter in duplicate was placed in the hands of the respective speakers. It proved to be a letter addressed by king James from St. Germain, to the lords and others of his privy council in England. The exiled king repeated the compulsory motives of his flight; complained of fraud, cruelty, and calumny on the part of the prince of Orange; renewed his promises of satisfaction to his people and to the church; and only pro-

* Burnet, iii. 390.

† Letter of D'Albeville to lord Preston. Preston Papers.

voked a result which seemed to cut him off from all hope. His letter was rejected, unopened, by both houses.

The prince opened the session with a letter to the lords and commons, equivalent to a king's speech from the throne. He had endeavoured, he told them, to execute his trust to the best of his power, and it now depended upon themselves to secure their religion, liberties, and laws. He recommended a spirit of peace and union, and warned them against delay in their consultations at a moment of great urgency at home and abroad, — when the protestants in Ireland needed immediate succour, and the states of Holland might require English aid, and the return of their own troops to defend them against France.

The two houses immediately and unanimously voted an address, thanking him for his services, and requesting him to continue his administration. It will be remembered that the prince's authority expired with the meeting of the convention.

The address was voted not only with unanimity, but with enthusiasm, by the commons. Powle harangued them from the chair upon the everlasting topic of the protestant interest in Ireland, the insatiable ambition and popish animosity of Louis XIV., the necessity of subduing him, the glorious project of making the conquest of France a second time, by English valour—at least of recovering Normandy and Aquitaine, the rightful inheritance of English kings.*

The rhetoric of the speaker was designed to serve the prince of Orange, without naming him — for those visions of glory could be accomplished only by the prince as their king. The assembly was transported, and the house rang with applause.

The lords were more tranquil, from a sense of dignity, or from secret disinclination.

Both houses, having voted, with the same unanimity, a day of thanksgiving to Almighty God, who had

* Ralph, ii. 27.

made his highness the glorious instrument of deliverance from popery and slavery, adjourned, and presented, the same day, in a body, a joint address, setting forth, in substance, that they thanked his highness, next under God, for their deliverance, and most humbly desired he would continue his administration of public offices and disposal of the revenue till further application.

The representatives of the commons, and of the lords spiritual and temporal of the realm, thus sanctified, by their unanimous vote, the enterprise of the prince of Orange, and re-invested him with the executive government by a more formal title than he yet possessed. He delayed answering them until the next day, and his answer then was laconic and ungracious. "My lords and gentlemen," said he, "I am glad that what I have done hath pleased you ; and as you desire me to continue the administration of affairs, I am willing to accept it. I must recommend to you the consideration of affairs abroad, which maketh it fit for you to expedite your business, not only for making a settlement at home upon a good foundation, but for the safety of Europe."

The tone of indifference with which he spoke on this and other occasions, previous and subsequent, could not have been sincere, and was scarcely politic. His ambition, his genius, his whole life, the notoriety of his vast designs, must have made his affectation palpable. The moroseness of his temper, however, may have had its influence, and he is said to have been disgusted not only with the opposition of the churchmen and tories, but with those of his own party, who supported the rights of the princess his wife.*

The two houses, upon receiving the report of this answer, adjourned over to the 26th, and again, without entering upon public business, from the 26th to the 28th. The only motion of any interest in the house of commons on the former day, was, that their votes should be printed. The rejection of it is a distinctive trait in

* Sheffield, duke of Buckingham ; Account of the Revolution.

the character of this so-called popular assembly, and of the Revolution.

A lively sensation is said to have been created for a moment, this day, in the house of lords. Pemberton, Sawyer, and Finch were proposed, among the lawyers who should be appointed to advise in matters of law. Lords Mordaunt and Delaware declared, with great warmth and vehemence, "that they would have none of those who had been instruments in the late reign: upon which," says the narrator*, "a damp seized all the lords, as if they had been attacked in flank and rear, with cannons and mortars, or with the thunder of Mount Sinai."

The lawyers appointed were, chief baron Montague, sir Robert Atkins, sir William Dolben, sir Creswel Levinz, sir John Holt, sir Edward Neville, Messieurs Whitlock, Bradbury, and Petit.

This inaction of six days in the convention, notwithstanding the suggestion of the prince and the real urgency of public affairs, could have proceeded from no slight cause. The most probable is, that parties and their chiefs had not yet come to an understanding with the prince or with each other.

Extraordinary activity and excitement prevailed in the interval. It seemed to be known or felt that the settlement of the government was still an open question. The press was put in requisition with new industry and zeal.

The republicans appealed, in the last resort, to the prince of Orange, by the memory and example of Andrew Doria and his own illustrious ancestor. They should have recollected that he came over, not to play the part of Doria, but to prevent his being put aside either by popery or a republic.

The succession of the princess was strenuously maintained as essential to the monarchy.

Those who defended the interests of the exiled king

* Ralph, ii. 28. *note.*

told the prince, his honour lay in the strict redemption of the pledges in his first declaration ; and that, by acting the part of a disinterested generous deliverer, he would show himself great without ambition — a hero inspired with the Roman genius, which prized liberty above empire.

The advocates of his own claims proclaimed that the divine designation of a ruler of the people by a signal deliverance, was never more manifest in the theocracy of the Jews.*

Such were the flying sheets and half sheets which issued from the press, like ephemera, to flutter, for their hour, full of life and activity, and in every variety of hue. The extent to which measures were concerted, and party arrangements made, will be best collected from the proceedings of the convention.

Hitherto the lords had taken the lead. It was now taken by the commons, or given to them by the prince. He was naturally anxious to commence operations where he had most strength. The commons, on the 28th of January, entered upon the momentous question of the state of the nation, in a committee of the whole house. The sphere of discussion was thus vastly extended, for the members in a committee were not limited as to the number of their speeches. Hampden, grandson of the celebrated patriot, was placed in the chair. Dolben, son of the late archbishop of York, struck the first direct blow at the authority of king James. "I tell you freely my opinion," said he, "that the king is demised, and that James II. is no longer king of England." He argued that the king's withdrawing himself was a demise of the crown ; and moved a resolution to that effect.

This was a bold step, but did not satisfy the majority of the commons. Either the princess of Orange or the prince of Wales, upon a demise, would succeed as next heir. It was necessary to render the throne vacant

* For those tracts and pamphlets, see "State Tracts, temp. William III.," and "Somers's Tracts," vol. x.

before it could be occupied by the prince. Sir Richard Temple recounted the misdeeds of king James, and maintained that they created a vacancy of the throne. Sir Richard Musgrave, a leading tory, asked the lawyers, whether, by the law of England, the king could be deposed. He was followed, not answered, by Wharton, and made a second appeal to the long robe, which called up serjeant Maynard. This Nestor of the lawyers answered that the question at issue was not, whether they could depose king James, but whether king James had not deposed himself. He threw in inflammatory and irrelevant topics against the king, with the bad faith of the meanest pettifogger. "The king," he said, "was a tyrant; he gave up Ireland to Irish hands (alluding, doubtless, to Tyrconnel). Was this to be endured? The late rebellion in Ireland was the work of jesuits and priests, and 200,000 protestants were massacred in it! This would happen in England if the king were recalled. There was not a popish prince in Europe who would not destroy all protestants; and the gallant prince don Carlos, because he inclined to protestantism, was destroyed by the inquisition, and his own father, in Spain!"

It would be superfluous to expose these monstrous falsifications. A member very pertinently reminded him that he was not pleading at *nisi prius*.

Somers, since called the great lord Somers, cited, as a precedent, the case of Sigismund king of Sweden; and concluded that James II., by violating the original contract between king and people, and placing himself in the hands of a foreign and hostile power, absolved the people from their allegiance.

Finch, son of lord Nottingham, denied the possibility of a vacancy of the throne, without first supposing a state of nature; suggested the appointment of a regent; and disclaimed any desire to call back the king.

"I have heard," says sir Robert Howard, "that the king has his crown by divine right: we, the people, have a divine right too." He concluded with the opinion,

that king James, by violating the laws, had abdicated the government, and the throne was vacant.

Sir Edward Seymour, a tory, but one of the first men of influence who joined the prince at Exeter, argued with great warmth against the king's alleged abdication, and the vacancy of the throne.

After a vain effort by the tories to adjourn the debate, the committee came to the following memorable resolution:—“That king James II., having endeavoured to subvert the constitution of the kingdom by breaking the original contract between king and people, and, by the advice of jesuits and other wicked persons, having violated the fundamental laws, and having withdrawn himself out of this kingdom, has *abdicated* the government, and that the throne is thereby become vacant.”

This resolution, having been reported to the house and agreed to, was placed in the hands of Hampden, chairman of the committee, to be by him carried up to the lords.

The next day the state of the nation was resumed in a committee of the whole house, and the following resolution carried:—“That it hath been found by experience to be inconsistent with the safety and welfare of this protestant kingdom to be governed by a popish prince.” King James and his son were now disposed of by the commons.

Wharton, the same whose character as lord lieutenant of Ireland, was afterwards drawn with a pen of iron by Swift, threw out a suggestion of the happy prospects of the nation, with the prince and princess of Orange raised to the throne. “It concerns us,” says lord Falkland, a tory, in reply, “to take care, that as the prince of Orange has secured us from popery, we may secure ourselves from arbitrary power. Before we consider whom we shall set upon the throne, I would consider what powers we ought to give the crown.”

Serjeant Maynard deprecated the loss of time; was apprehensive of their undertaking too much,—“of over-

loading their horses,"—and talked sneeringly of a new Magna Charta. Pollexfen said their first duty was to fill the throne ; the proposed resolution to secure their liberties would but prepare for the return of king James ; those who proposed it were their worst enemies ; and if the noise of their binding the prince were to go beyond sea, it would create confusion.

Those abandoned whig lawyers never ceased to urge the right of conquest and the act of Henry VII.,—as if the English, like the Samnites, had passed under the yoke. "Will you," says Seymour, a tory member for St. Mawes, "establish the crown, and not secure yourselves? What care I for what is done abroad, if we must be slaves in England to this or that man's power? If people are drunk and rude below, as was complained of, must that stop proceedings in parliament?"

This last question appears to have reference to the turbulent movements of the populace, in support of the prince of Orange.

The scantiness and uncertainty of the parliamentary history, at this period, is a matter of deep regret. The whigs and tories appear to have changed places. The former became of a sudden strangely insensible to the importance of securing the rights and privileges of the nation. They were satisfied with deposing James and enthroning William, — and would impose the triumph of their party, and their idol, as the triumph of the people. The tories took the higher ground of securing the nation in its liberties.

Both parties were actuated by the same motive springs. The whigs, excluded from the court, had fallen back upon the people ; but, having now open to them the prospect of court favour, place, and power, were ready to kick the people as a footstool from beneath their feet. The tories, having lost the court, took up the cause of liberty and the people, as a refuge and resource against their adversaries. It will be found the main object of the whigs to place the prince of Orange on the throne ; of the tories to impose re-

strictions on the power of the Usurper: — and to the tories, whatever their motives, belongs the chief merit of the declaration of rights. It was sir Christopher Musgrave, a tory, who moved a committee to prepare a declaration of rights and liberties.

Meanwhile the resolution sent up by the commons was taken into consideration by the lords. They, too, resolved themselves into a committee of the whole house, with lord Danby in the chair. Lord Nottingham appeared as leader of the opposition. The only record of the debate is that left by Burnet; it is merely a general view of the arguments on both sides without the names of the speakers. The negligent or perfidious hardihood of his language renders him a dangerous guide.

The chief supporters of lord Nottingham were the brothers Clarendon and Rochester. It has been observed with what ungenerous zeal lord Clarendon joined and counselled the prince of Orange against the falling or fallen king. He was now as strenuously opposed to the prince. Conscience, however mistaken, should be an object of respect; but this merit was denied to lord Clarendon. His relapse was ascribed to his being disappointed in the hope of returning to the chief government of Ireland. Tyrconnel, in his feigned overtures of surrender, made it a condition that he should not be succeeded by his enemy, whom he had displaced. The prince was in consequence deaf to lord Clarendon's suggestions and hopes.

Those lords and their party maintained, that if, upon any pretence, the nation might depose its king, the crown would become elective and precarious; the right of judging the king would be acknowledged in the people; and the government would ultimately become republican.

Lord Nottingham is said to have nearly carried with him a majority of the house by citing and arguing on the recent appointment of a regency in Portugal. This is scarcely credible. It was the case of a mere court revolution produced by court intrigue in a despotic monarchy. A precedent for the settlement of the British

government might as well have been taken from Moscow or Constantinople.*

Lords Halifax and Danby were the chief speakers on the other side. Differing in their ultimate views, they had a common interest in resisting the appointment of a regent. They maintained that a regency, which implied the right to deprive the king of all power, and on the admitted ground of his misgovernment, involved that of appointing another sovereign in his place; that the government of a regent, in the name of king James, would perplex the mind and compromise the tranquillity of the nation, by presenting to it the anomaly of two kings, — one with the right without the exercise, — the other with the exercise without the right. The question was decided in favour of a king, and against a regent, on a division of fifty-one against forty-nine.

This was a close and alarming minority. The scale was turned by the absence of three peers, lords Churchill, Huntingdon, and Mulgrave. Indisposition was the cause publicly assigned for the absence of lord Churchill; others accounted for it in a different manner.†

* The queen of Portugal, a French princess, was disgusted with the brutality of her husband, king Alphonso; loved his brother, Don Pedro; conceived the bold project of divorcing and dethroning the one, and making the other her husband, and regent of the kingdom; and succeeded, by means of a dispensation from the pope, and her own dexterous and daring arts.

† The prince of Orange, according to the duke of Buckingham, had come to an understanding with the princess Anne, by a good bribe to the husband of lady Churchill, her favourite, and an engagement to procure the settlement of a large pension by parliament upon herself. (Sheffield duke of Buckingham; Account of the Revolution.) The duchess of Marlborough, however, in the vindication of her life, which she published several years later, declares that, after having for a short time counselled the princess Anne to maintain against the prince of Orange her place in the succession, she saw that opposition would be vain, advised the princess to accept the pension, and took this step in the most disinterested spirit, with the sanction of lady Russell and Dr. Tillotson. Sheffield duke of Buckingham cast imputations upon his acquaintance and contemporaries with little scruple, and the duchess had some credit for veracity; but avarice and venality were the vices of the duke of Marlborough. *Henry lord Clarendon*, in his *Diary*, January 17., gives a conversation on this subject with the princess. "In the afternoon I was with the princess of Denmark. I told her of the discourses of the town, that the prince of Orange and her sister were to be crowned king and queen . . . and that it was said, she had consented to it, that it should be so: to which she said . . . she was sure, she had given no occasion to have it said, *that she had consented to any thing . . . and she would never consent to any thing, that should be to the prejudice of herself, or her children.* She added, that she knew very well, *the commonwealth party was very busy; but she hoped the honest party would be most prevalent in the convention,*

Of the prelates, Compton, of London, and Trelawny, of Bristol, were the only voters in the majority. The general opposition of the spiritual peers has been ascribed to their horror of the doctrine of deposing kings, "as an art and part of popery," and this rash assertion is echoed by churchmen at the present day.* The popes, it is true, claimed a deposing power — but as their spiritual and exclusive privilege; and both the pope and church of Rome would regard a rival pretension, on the part of the lay people, with as much devout horror as the bishops and clergy of the church of England. The attempt to identify two principles opposite as the poles, only shows that theologians will break through all restraints of good faith and discretion in their eagerness to defame a rival creed.

The lords, with more method and perspicuity, resolved the encumbered resolution of the commons into several distinct propositions. On the 30th of January they put the question, whether there was an original contract between king and people, and decided in the affirmative by a majority of fifty-three to forty-six. The number present upon this division was thus less than on the former by three; and the majority gained an accession of six, — among whom are reckoned the dukes of Ormond, Grafton, and Northumberland.

It was next voted that the original contract had been violated by king James, and apparently without a division. The question on both resolutions, but particularly on the former, was the beaten one between the divine right of kings and the natural right of the people.

The next day, January 31st, was that appointed for a solemn thanksgiving. Lloyd, bishop of St. Asaph, had been appointed to preach before the lords; and Burnet, as chaplain to the prince, before the commons. The

and would not suffer wrong to be done her. . . . I asked her, if she thought her father could justly be deposed? to which she said, those were too great points for her to meddle with; that she was very sorry, the king had brought things to the pass they were at; but she was afraid it would not be safe for him ever to return again. I asked her, what she meant by that? to which she replied nothing."

* See D'Oyley's *Life of Sancroft*.

bishop excused himself, on the pretence, it is called, of indisposition ; and the honour was so little desired, that it came down to Dr. Gee, another of the prince's chaplains. According to sir John Reresby, the demonstrations of joy were languid. Other contemporaries state that the day was strictly kept, that sermons were preached in all the churches, and that there were bonfires and ringing of bells in the evening.*

The lords, after the service of thanksgiving, immediately resumed their deliberations, and voted two most important amendments to the resolution of the commons: the first, the substitution of the word "deserted" for the word "abdicated;" the second, that the words "and that the throne is thereby become vacant" should be left out. These amendments were not carried without vehement debate, no traces of which remain beyond the loose and general terms of bishop Burnet. The majority was eleven.

The king having been thus declared to have deserted the throne, and the throne declared not vacant, either the prince of Wales or the princess of Orange must of necessity have succeeded as next heir. A motion was made—by whom does not appear—for an inquiry into the birth of the pretended prince of Wales, and rejected with indignation.†

It was now moved that the prince and princess of Orange should be declared king and queen. This motion was negatived by a majority of five.

The court party, as that of the prince of Orange was already called, looked upon their cause—or what was either the same thing, or touched them more nearly, their interests and their safety—in fearful hazard. A petition, palpably designed to intimidate the house of lords, was got up in the city. It was carried from house to house, presented to persons in the streets and other public places for signature, and borne or escorted by the mob to the very doors of the convention. The prayer, or rather admonition, of the petitioners was in substance, that the protestant interest was in extreme peril, and

* Narcissus Luttrell's Diary.

† Burnet, iii. 338.

could be secured only by the immediate elevation of the prince and princess of Orange to the throne.

Notwithstanding the means taken to obtain signatures, this petition was presented to the lords unsigned, and, on that ground only, rejected by them as informal. The commons more frankly rejected it as a violation of the freedom of their deliberations.

The prince and his friends were suspected and accused of having contrived this turbulent movement of the populace to overawe the lords.* They vindicated themselves by the lord mayor's prohibition, issued in pursuance of orders from the prince. This defence was insufficient; the petition was carried up on the 31st of January; and the lord mayor's proclamation, dated the 4th of February†, begins with stating that the prince's pleasure had been signified to him that day. A tardy prohibition, which allowed the terror of being "De Witted" to operate five days upon the imaginations of the refractory lords and almost all the bishops, either favours the charge or proves nothing. But there is no direct evidence to implicate the prince or those about him, and movements of the populace are easily and most frequently produced by their own passions.

A motion was made on the 1st of February, that the amendments should be sent down to the commons. This produced a second and vehement debate, and the division of the preceding day in the affirmative. Forty peers, at the head of whom were the rival politicians Halifax and Danby, recorded their protests.

The vote of the commons, declaring popery a disqualification for the throne, was at the same time agreed to unanimously; and it was ordered with the same unanimity, that the anniversary of the accession of king James, on the 6th of February, should not be observed.

The two last motions neither propitiated the commons, nor screened the majority of the lords from the suspicion and express charge of secretly designing to bring back the king.‡

* Reresby, 310.

† Lutt. Diary.

‡ Parl. Hist. vol. v. Interreg.

On the 2d of February the amendments of the lords were brought down to the commons. After a short discussion, they were severally rejected, and a committee appointed to prepare reasons for this vote to be submitted in a conference with the upper house. The commons then adjourned over from Saturday the 2d, to Monday the 4th, of February. Hampden, chairman of the committee, reported the reasons, which embody in the most compact and authentic form an abstract of the arguments of the commons.*

A conference having been proposed and accepted, the members of the same committee were appointed to manage it. Hampden, next day, reported to the house that the conference had taken place, that the lords persisted in their amendments, and that lord Nottingham stated their reasons to the following effect:—“ That the lords did insist upon the first amendment of the

* “ To the first amendment,” says the report, “ proposed by the lords to be made to the vote of the commons of the 28th of January, instead of the word ‘ abdicated,’ to insert the word ‘ deserted,’ the commons do not agree, because the word ‘ deserted’ did not fully express the conclusion necessarily inferred from the premises to which your lordships have agreed; for your lordships have agreed that king James II. hath endeavoured to subvert the constitution of the kingdom by breaking the original contract between king and people, and hath violated the fundamental laws, and withdrawn himself out of the kingdom. Now the word ‘ deserted’ respects only the withdrawing, but the word ‘ abdicated’ respects the whole, for which purpose the commons made choice of it. The commons do not agree to the second amendment, to leave out the words ‘ and that the throne is thereby vacant.’ Because they conceive that as they may well infer from so much of their own vote as your lordships have agreed unto, that king James II. had ‘ abdicated’ the government, and that the throne is thereby vacant; so that, if they should admit your lordships’ amendment, that he hath only deserted the government, yet even thence it would follow that the throne is vacant as to king James II.; deserting the government being in true construction deserting the throne. 2. The commons conceive they need not prove unto your lordships, that as to any other person the throne is also vacant; your lordships (as they conceive) have already admitted it, by your addressing to the prince of Orange, the 25th of December last, to take upon him the administration of public affairs, both civil and military; and to take into his care the kingdom of Ireland, till the meeting of this convention. In pursuance of such letter, and by your lordships renewing the same address to his highness (as to public affairs and the kingdom of Ireland) since you met, and by appointing days of public thanksgivings to be observed throughout the whole kingdom, all which the commons conceive do imply, that it was your lordships’ opinion that the throne was vacant, and to signify so much to the people of this kingdom. 3. It is from those who are upon the throne of England (when there are any such) from whom the people of England ought to receive protection; and to whom, for that cause, they owe the allegiance of subjects; but there being none now from whom they expect regal protection and to whom, for that cause, they owe the allegiance of subjects, the commons conceive the throne is vacant.”

vote of the house of commons of the 28th of January last, instead of the word 'abdicated,' to have the word 'deserted.' 1. Because the lords do not find that the word 'abdicated,' is a word known to the common law of England ; and the lords hope that the commons will agree to make use of such words only, whereof the meaning may be understood according to law, and not of such as will be liable to doubtful interpretations. 2. Because, in the most common acceptation of the civil law, abdication is a voluntary express act of renunciation, which is not in this case, and doth not follow from the premises that king James II., by having withdrawn himself, after having endeavoured to subvert the constitution of the government, by breaking the original contract between king and people, and having violated the fundamental laws, may be more properly said to have abdicated than deserted." He said the lords did insist on the second amendment, to leave out the words "and that the throne is vacant," for this reason, "for that although the lords have agreed that the king has deserted the government, and therefore have made application to the prince of Orange to take upon him the administration of the government, and thereby to provide for the peace and safety of the kingdom, yet there can be no other inference drawn from thence, but only that the exercise of government by king James II. is ceased, so as the lords were and are willing to secure the nation against the return of the said king into this kingdom ; but not that there was either such an abdication by him, or such a vacancy in the throne, as that the crown was thereby become elective, to which they cannot agree:—1. Because, by the constitution of the government, the monarchy is hereditary, and not elective. 2. Because no act of *the king alone* can bar or destroy the right of his heirs to the crown ; and therefore, in answer to the third reason alleged by the commons, if the throne be vacant of king James II., allegiance is due to such person as the right of succession doth belong to."

The commons again put the question upon the lords' amendment, and rejected the first, substituting "desertion" for "abdication" without a division; the second, denying the vacancy of the throne, by a majority of 282 to 151. The dissentient tories in the house of commons had allowed the amendments to be rejected without dividing, when sent down on the preceding Saturday. It may be presumed they employed the Sunday's recess in concerting their operations and rallying their force, and the result was the above minority.

The commons now desired a free conference with the lords on the subject-matter of the last conference, and appointed managers. The lords acceded, and appointed managers on their behalf. No conference on record has involved, before or since, matters of such moment. A direct rupture between the two great orders of the state and of the community, an executive power irregular or usurped, civil war with the aggravation of foreign troops already lodged in the bosom of the country,—these were among the consequences to be apprehended from its failure. Both houses selected from their respective majorities, the members most dexterous in debate, or who had most weight of character. Many of them were eminent persons in their day; but there are very few names truly historic. The chief speakers were, on behalf of the commons, Hampden, Somers, Holt, Maynard, Pollexfen, Temple (sir Richard), Howard (sir Robert), Treby (sir George), Sacheverel; on the side of the lords, Nottingham, Clarendon, Rochester, Turner bishop of Ely, Pembroke.

The discussion was opened by Hampden. He maintained the propriety of using the term "abdicated," as more comprehensive than "deserted;" and called upon the lords to admit the vacancy of the throne, *or declare who filled it*. Somers, who came next, confined himself to the word "abdicated." He cited jurists and lexicographers, Grotius, Brisonius, Budæus, Spigelius, and the Code, to prove that desertion was an abandonment

admitting the right to return and assume—abdication, an absolute irrevocable renunciation; and therefore the more proper word; first, as a consequence from the king's violation of the original contract, which the lords had voted; next, as effectually shutting out king James, — which object the lords professed.

Holt took the same views, with less of verbal criticism, and upon broader principles. He denied that to abdicate implied an express voluntary act of renunciation, and maintained that, both by the common law of England and the civil law, there may be a renunciation by acts done without any express voluntary deed or document. The government and the magistracy were, he said, a trust, and to act in a manner inconsistent with or subversive of that trust was the most decisive disclaimer of it.

Both these eminent lawyers maintained that the non-use of the term "abdication" in the law-books was no objection, for it was a word of known signification used by the best authors, and neither was the word "desertion" known to the common law.

Lord Nottingham, interposing, narrowed the discussion, and brought it to its true bearing. The main objection, he said, of the lords to the term "abdicated," lay in the consequence which the commons appeared to draw from it,—that the throne was thereby vacant. "Whether," said he, "do you mean that the throne is so vacant as to null the succession in the hereditary line, which, we say, will make the crown elective?"

Serjeant Maynard, instead of meeting the question, indulged in vague commonplaces and the analogies of vulgar advocacy at the bar. "Supplying a present defect in the government would not," he said, "make the crown elective. The commons apprehended there was such a defect, and a present necessity to supply it. If," said he, "the attempting the utter destruction of the subject and subversion of the constitution be not as much an abdication as the attempting of a father to cut his son's throat, I know not what is."

It may be remarked in passing, that the lords admitted all this ; and, according to his own analogy, proposed to appoint a regent in the one case, as a guardian would have been appointed in the other.

He urged, in conclusion, " that the commons did not mean to say the crown of England was *always* and *perpetually* elective ;" and thus left it to be understood, by implication, that the commons did mean the crown of England to be elective for that time.

Turner, bishop of Ely, in reference to what had fallen from Somers, admitted that, according to Grotius, there might be an abdication by mere overt acts ; but said that Grotius interposed this caution — provided there be no yielding to the times ; no forsaking merely for the present, with the purpose of returning ; nothing of force or just fear. " I speak not," said he, " of mal-administration now ; of that hereafter."

The bishop referred to Somers individually. It would be expected that the latter should have risen to vindicate his own argument ; but the point was taken up by Maynard, who threw aside the argument and authorities of his junior colleague, with a presumption which may excite a smile at this day upon a retrospect of the two men. " We have indeed," says he, " for your lordships' satisfaction, shown its meaning in foreign authors ; but we are not, I hope, going to learn English from foreign authors. It is an English word, and we can, without their aid, tell the meaning of our own tongue." Then, returning to the expressly excepted question of mal-administration, he illustrates it once more by a pettifogging analogy : — " If two of us," said he, " make an agreement to help and defend each other from any one that should assault us in a journey, and he that is with me turns upon me and breaks my head, he has undoubtedly abdicated my assistance, and revoked the said agreement."

Turner resumed, and discussed the question upon broad principles in a tone of good faith, which contrasted very perceptibly and favourably with the man-

ner of the commons. He cited and adopted the distinction of Grotius between a right and the exercise of it; admitted that the exercise of the right may be vacated in two ways,—the one, natural in capacity, such as lunacy, infancy, doting old age, or disease which excluded human intercourse—the other, moral, such as “a full and irremoveable persuasion in a false religion contrary to the doctrines of Christianity.”

It may be asked in passing, how this incapacity of “a false religion” is to be determined and agreed on? Popery is a false religion, and contrary to Christianity, in the conviction of protestants; protestantism the same, in the conviction of catholics; and episcopacy, whether popish or protestant, is, or then was, antichrist to the presbyterians.

But the bishop afterwards meets the objection in some measure by using the phrase “contrariety of religion,”—meaning, contrariety to that of the great mass of the nation. He contended that, in a hereditary monarchy, the vacant exercise of the government resulting from either of those incapacities, moral or physical, should be supplied, by vesting the exercise, and that only, in another person, and leaving the line of succession and right inviolate.

“If, however,” said the bishop, in conclusion, “it be declared ‘that this abdication of James II. reaches no further than himself, and the right line of succession shall be continued,’ that, I hope, will make all of one mind in this important affair.”

To appreciate this last suggestion, it should be remembered that the two daughters of James were bred up in the belief that the word “church” embraced not only the established religion, but the state and constitution, and even all the public virtue in the realm. The princess Anne designated the church or tory by the name of the honest party. The bishops and church party would have willingly capitulated with the commons, if the succession were declared in the princesses of Orange and Denmark, to the exclusion of the Cal-

vinist or conforming prince of Orange ;— but this did not suit the views of the whig commons, and the overture of the bishop of Ely was not even noticed in the conference.

Lord Clarendon maintained that no act of the king alone could bar or destroy the right of his heir ; and observed, in reply to serjeant Maynard, that if they broke through the line of succession, then others coming after them might take the same liberty, with the further justification of an express precedent.

Lord Nottingham proposed that the question of abdication should be postponed, and that of vacancy disposed of first. It was urged by sir George Treby, that this would be passing over the premise, to discuss the conclusion.

Lord Nottingham rejoined, that he understood the “ abdication ” to be itself a conclusion drawn from the first proposition, that the king had violated the original contract, and that the vacancy of the throne was merely joined with it by a copulative, as a second conclusion from the same premises. He suggested that some third term, which would limit the vacation of the throne to king James, might be found, and thus the two houses might agree on the supposition which he made ; and the commons, he supposed, would admit that it was not their intention to break the line of descent.

The commons were deaf to this overture ; and sir George Treby, whilst he contended for the word “ abdicated,” was obliged to admit to lord Nottingham, “ that it was in the nature of,” as he expressed it, “ a double conclusion.” This dispute arose from the confused and illogical language of the resolution.

Sir George Treby, having referred to the abdication of Charles V., was interrupted by lord Pembroke with the remark, that the abdication of that prince was an express and solemn act.

This is all that is assigned here to lord Pembroke by the “ Parliamentary History ;” but it appears from another authority, that he compared the king’s flight to that of

a man who ran out of his house because it was on fire, or that of a merchant who threw his goods overboard in a storm to save his life; — neither of which could be construed an absolute renunciation.*

Lord Nottingham urged the maxim, so called, of the constitution, that the king can do no wrong,—a pernicious ambiguity calculated to delude kings; and lord Clarendon said that the expression of breaking the original contract was new in that place, and not to be found in their law-books or records.

The commons admitted that the king's ministers and officers, not himself, were responsible, *but only where the instances of misgovernment were slight and few*; and reminded lord Clarendon, with something near sarcastic triumph, that he was concluded by the vote of the lords affirming the existence and the breach of the original contract. Lord Rochester repeated the suggestion, that if the lords declared their meaning to be that king James had abdicated only for himself, both sides might concur. A pause followed, and Hampden proposed that they should proceed to the second amendment. No peer objected, and the commons acted upon this as a tacit assent.

A long and laboured discussion now followed upon the vacancy of the throne. The same arguments were repeated and reiterated with a fatiguing monotony. Sacheverel said, that if king James had merely lost the exercise, and continued in the office and was still king, all the acts hitherto done by the convention in both houses were unwarrantable, and the nation could not relieve itself. Pollexfen, in an argument at once subtle and perplexed, contended that the power and the exercise of the power were the same; that to deprive king James of the exercise of his power, was to deprive him of his kingship, which the lords therefore had already done by vesting the administration in the prince of Orange.

Lord Clarendon asked whether the throne, in their

* Burnet, iii. 386. ; note of lord Dartmouth.

sense, was vacant as to king James only, or also as to him, his heirs and successors? Pollexfen, instead of answering, put another question—Whether, as they denied the vacancy of the throne, they would be pleased to state who filled it?

Lord Pembroke made a good reply, — that, admitting the existence of an heir, the throne was not the less full, because they could not, at the moment, name that heir between two or more persons.

Serjeant Maynard answered this, by urging the maxim of law, that no man has an heir while he lives*—thus applying rigorously a legal maxim, having reference rather to other descents than those of the crown, and in an unforeseen and unprecedented emergency for which the law, by his own admission, did not provide.

The lords urged with more soundness and fairness, that their business was to adhere to the spirit of the law where the letter was wanting, and to regard the king's desertion of the government as a civil death, by which, as by his natural death, the crown should descend to the next heir. The case of Richard II., in which the throne was declared vacant, as appeared on the face of the record, was cited by Somers. Rochester and Clarendon replied, that Richard II. had resigned the crown by a formal instrument. Neither side could gain much by this precedent. Fraud and violence silenced right and law in almost every part of the transaction. Sir Robert Howard found in it a precedent of election: for the earl of March he said, not Henry IV., was the next heir; cited the maxim, "*Salus populi suprema lex esto;*" asked those who were so scrupulous about the lineal succession, whether they had not already broken it by excluding a popish heir, and whether they should not resort to election, if no protestant heir remained.

The earl of Nottingham recapitulated the case of the lords. "You seem," said he to the commons, "to understand your own words to mean less than they really import. You would not make the kingdom

* *Nemo est hæres viventis.*

elective, and yet you talk of supplying the vacancy by the lords and commons. You do not say that the king has abdicated the crown for himself and his heirs, yet you speak of a vacancy and say nothing of a succession. You do not tell us what you mean. If you mean by abdication and vacancy, only that the king has left the government, and it is devolved on the next heir, we may agree; any government is better than none. I desire earnestly we may enjoy our ancient constitution." Temple, Foley, and Eyre spoke on behalf of the commons, and the discussion terminated.

The subject-matter and debates in this memorable conference have been declared pedantic and puerile by bishop Burnet, and other writers who have followed him; and the bishop further says, that, according to the sense of the whole nation, the commons had the advantage. The comparative merits should not be judged from the glimpse here given of the arguments—but those who read the debate* carefully and impartially will hardly agree with either opinion.†

* Parl. Hist. v. 5.

† The following is the judgment of Mr. Hallam:—"In this conference, however, if the whigs had every advantage on the solid grounds of expediency, or rather political necessity, the tories were as much superior in the mere argument, either as it regarded the common sense of words, or the principles of our constitutional law. Even should we admit that an hereditary king is competent to abdicate the throne in the name of all his posterity, this could only be intended of a voluntary and formal cession, not such a constructive abandonment of his right by misconduct, as the commons had imagined. The word 'forfeiture' might better have answered this purpose; but it had seemed too great a violence on principles which it was more convenient to undermine than to assault. Nor would even forfeiture bear out by analogy the exclusion of an heir, whose right was not liable to be set aside at the ancestor's *pleasure*. It was only by recurring to a kind of paramount, and what I may call hyper-constitutional law, a mixture of force and regard to the national good, which is the best sanction of what is done in revolutions, that the vote of the commons could be defended. They proceeded not by the stated rules of the English government, but the general rights of mankind. They looked not so much to Magna Charta, as the original compact of society, and rejected Coke and Hale for Hooker and Harrington."—(*Hallam's Const. Hist.* v. iii. p. 133-4.)

It is denied by Mr. Hallam, that "even 'forfeiture' would bear out by analogy the exclusion of an heir, whose right was not liable to be set aside at the ancestor's *pleasure*." In the first place, "forfeiture" and "the ancestor's pleasure," are essentially different; in the next place, "forfeiture" is not the mere act of the ancestor; but the act combined with the judgment of the competent authority pronounced upon it, in the nature of an attainder. Accordingly the Scotch convention, it will presently appear, declared that James had "*forfaulted*" both the crown and the lineal succession to it.

There was much of verbal criticism in the discussion, but the subject-matter consisted of two antagonist principles—passive obedience and indefeasible succession on the one side ; the natural right of the community to resist, control, modify, or elect its government, on the other. Both parties had their reservations, and placed themselves in what is somewhat affectedly, but very intelligibly, called a false position. The high church and tory lords abandoned more than they avowed of their professed doctrines ; the whigs acted, to a much greater extent than they avowed, upon the principle since called the sovereignty of the people ;—but the lords were, of the two, the more ingenuous and consistent in their principles and arguments.

The resolution of the commons was so deficient in perspicuity and logic, that one of their managers, after, it has been observed, calling the abdication a premise, admitted it to be a conclusion, and then sought refuge in the solecism of a double conclusion. The substance of it in a logical form may stand thus :—The king, by violating the original contract, abdicated ; and by abdicating, vacated the throne. It was a sort of *sorites*, in which the abdication was intended to be a conclusion as to what goes immediately before, and a premise as to what immediately follows. But in point of fact or logic, it was neither the one nor the other. It is of the essence of abdication that it should be free. Every abdication recorded in Roman history, from the first dictatorship down to the abdication of Sylla, is voluntary. Grotius says it must be voluntary and free, whether done by inconsistent overt-act or by express renunciation.

The commons said that king James had, even in this sense of the term, abdicated, because he, of his free will, committed those violations of the original contract, of which his abdication, so called, was the consequence.

Now, if this be admitted, and king James voluntarily deposed himself, it will follow that the judicial execution of a criminal is a suicide,—for the criminal

voluntarily committed the crime by which his life became forfeit.

Here the language of the law and of the community suggests the proper word "forfeiture," which should have been applied to James II. Forfeiture, not abdication, is the true conclusion from the violation of the original contract as a premise.

To take abdication as a premise :— Did king James, by abdicating (suppose for a moment that he did abdicate), thereby vacate the throne? Grotius, in the very citation of Somers, says, "*Jure naturali quisque suum potest abdicare.*" But a life-right only was vested in king James, who therefore could *abdicate* only the life-right, and not the inheritance. Abdication, therefore, was not a premise from which the vacancy of the throne would follow as a consequence. Let the word "forfeiture" be substituted, and the vacancy will follow as a resistless conclusion.

The whigs of 1688 took a narrow view of the national emergency and their mission. They should have achieved the revolution as a great original transaction, and sought precedents to justify it among similar transactions in the annals of mankind. Grotius, whose authority was often quoted and implicitly respected on both sides, would have supplied a historic precedent of more weight than his abstractions. *Philippo ob violatas leges imperium abrogatum*, says he, speaking of the Dutch revolution.

It appears that the republicans in the interest of the prince of Orange proposed that a formal sentence of forfeiture should be pronounced against James II., and that the prince should be as formally elected king. But this, says Burnet, was overruled in the beginning.*

The word "forfeiture" was thrown out in the debate, but by whom does not appear.† The whigs of 1688 were secretly as jealous as the tories of admitting, whilst for their purposes they acted upon, the

* Burnet, iii. 397.

† Parl. Hist. v. 61.

natural, inherent and inalienable right of the community over its government. Hence their adoption of the poor quibble, that James II. had deposed himself. Bishop Burnet, the historian of the party, said they meanly used the ambiguous word "abdication," for its very ambiguity.* It would appear that Burnet himself, at least in verbal discussion, maintained the forfeiture. "Dr. Burnet is to maintain his notion of a forfeiture," says Turner, bishop of Ely, writing to archbishop Sancroft, respecting an expected meeting at Ely-house.†

The commons, upon the termination of the conference, adjourned to the next day, leaving the lords to debate once more whether they should abandon or persevere in their amendments. It is necessary, meanwhile, to cast a retrospective glance over the proceedings without doors.

The prince of Orange, whilst the pending settlement of the crown was disputed with heat, strife, and dubious success, lived in seclusion at St. James's, seeking no popularity, courting no party, difficult of access, hearing what was said by those whom he admitted, and never opening his mind.‡

This conduct was great if he was sincere, wise even if he was not, according to a high authority.§ Personal temper and particular disgusts probably had their share in it.

Two persons only are said to have possessed his entire confidence, and but one of them his affection. These were, Bentinck, afterwards lord Portland, his countryman; and colonel Henry Sidney, afterwards lord Romney, his chief agent in the affairs and intrigues of England before the revolution.

Sidney, though abandoned to adventures of gallantry

* Burnet, Hist. iii. 386. The passage is printed for the first time among the additions in the Oxford edition. "The word abdicate," he says, "had a meanness in it, because of the dubious sense of it, and it was used for that reason."

† Letter dated Jan. 11. 1688-89. D'Oyley's Life of Sancroft, p. 424

‡ Burnet, iii. 394.

§ Speaker Onslow; note in Burnet, *ibid.*

and dissipation in the licentious court of Charles II., had some portion of his brother's love of liberty, without being, like him, a republican ; obtained the political confidence of the prince of Orange ; and repented his share in raising him to the throne.*

Bentinck, of more accordant temper and character, had both his confidence and friendship. Lords Danby, Shrewsbury, Devonshire, Mordaunt, and Delamere partook the hazards of his enterprise ; and lord Halifax atoned for his earlier backwardness by his influence as a party leader, his adroitness and services as an intriguer, and the minor recommendation of his talents. All these shared at this critical moment the counsels of the prince, with little of personal liking or public trust on either side.

Upon the prolongation of the debates, the prince's ambition became impatient, or he was alarmed for the result. He summoned lords Halifax, Danby, Shrewsbury, and some others, who are not named † ; informed them that he had been hitherto silent, lest he should interfere with the deliberations of the two houses ; that as to the appointment of a regency, he had no objection, but they must look out for some other regent than himself ; that as to placing the princess on the throne, and making him king by courtesy as her husband, he esteemed her exceedingly, but would not hold by her apron-strings ; that if he was to be king, it must be for his own life, not for her's only ; that he would, however, yield precedence in the succession to the issue of the princess of Denmark over his own by another marriage ; — but if they thought it for their interest to make a different settlement, he should go contentedly back to Holland, — in fine, that, whatever others might suppose, he set little value on a crown. ‡

The prince of Orange had real grandeur of character.

* " Sidney told me he repented a hundred times embarking in the revolution."—*Hal. MS.*

† Burnet, iii. 395.

‡ *Ibid.* 395, 396.

Whilst first magistrate of a simple, frugal, and free commonwealth, he found himself the chosen leader of a great confederacy of sovereign princes, to check and humble the most powerful monarch of his time. He may, therefore, have really looked down with indifference upon the mere title of a king, and seen in a crown nothing more than a bauble. But he was ambitious, and could not, therefore, have been indifferent to power; he had great designs, and could not have been indifferent to the crown of England, without which he could not achieve them; and he well knew that the Hollanders would be grievously disappointed if he went back. The more jealous republicans would have preferred his ruin to his return. The establishment of his ascendancy in England, to the exclusion of a catholic successor on the one side, and of a republic on the other, was the great object of common and deep interest to the States-general and to himself, which he held out to the States, as a motive for placing at his disposal their army, their fleet, and their funds. His expressed willingness to leave the English to settle their own affairs has been justly regarded as a covert menace.* It is stated that he even directly threatened that he would depart with his army, and leave his friends to the justice of king James.†

This threat, though the most effective that could be employed by him, had not an immediate or an entire success. He insisted that his queen should be a mere queen consort. This was conveyed through Bentinck. Some of his friends were indignant on finding his love of power so insatiable.‡ Lord Halifax alone went the whole length with him. The rival leader, lord Danby, insisted on the right of the princess as next heir. In the course of a warm dispute between them on the subject, during a party consultation at the

* Sheffield duke of Buckingham; Account of the Revolution.

† Life of James, ii. 306.

‡ Sheffield duke of Buckingham; Account of the Revolution.

house of lord Devonshire, Fagel was called upon to declare the sentiments of the prince. He, with some reluctance in seeming, gave it merely as his own notion, that the prince of Orange would not like to be his wife's gentleman-usher. Lord Danby said he hoped they all knew enough now ;—for his part, he knew too much ;—and the consultation ended.*

Herbert, brother of the admiral, described as an interested courtier, upon hearing that the prince refused all participation in the throne to the princess otherwise than as queen consort, rose out of bed in a fit of gout, and declared, with vehemence, that if he had expected this, he never would have drawn his sword for the prince of Orange.†

The murmurs of his party made the prince somewhat less exacting. Those who supported the interests of the princess were, at the same time, not only not encouraged, but sharply rebuked by her. Lord Danby had sent over a letter, informing her of the proceedings in the convention, and offering to obtain her, if she chose, the undivided sovereignty. She replied that she was the prince's wife, and would be nothing more ; that she should not regard as her friend any person who would create division between them ; and proved that these were not idle words, by sending lord Danby's letter to her husband. It is added by Burnet, that the prince, with his usual phlegm, used not the slightest expostulation with lord Danby, continued to employ and trust him, and made him successively a marquess and a duke.

The prince of Orange viewed men without confidence, and human nature without respect. He was, doubtless, too much of a politician to quarrel with lord Danby at the crisis of his fortunes ; and king William employed

* Burnet, iii. 394. Note of lord Dartmouth ; also in Dall. App. It may be observed that the Fagel named by lord Dartmouth could not have been the pensionary, who not only did not accompany the prince, but died in Holland on December 15., 1688. N. S. — "Fagel" may have been written by mistake for "Bentinck," in a cursory note.

† Sheffield duke of Buckingham ; Account of the Revolution.

and advanced him and others whom he disliked, distrusted, and used as mere instruments of his policy and government in war and peace.

The result of all this was a compromise. Bentinck brought a conciliatory message * from the prince. He conceded that the princess should be named with him in all acts of government and administration; and the supporters of the princess agreed that the prerogatives of the crown and the administration of public affairs should be vested solely in him. †.

The prince thus obtained the substance, conceded but the shadow, and might have retained the shadow too were it worth disputing. The nation was at his mercy in every sense. There was nothing to oppose him, if he spoke the language of command. The mass of the nation, with its fanatical intolerance of popery and fears for protestantism, would have supported, in any usurpation, one who could appeal to them as protestants with the supreme power of the state in his hands, and a foreign army at his back. If, again, he retired with his Dutch troops to Holland, there was no known leader endowed with the requisite superiority of genius, virtue, or ambition, to take his place, and, either as a patriot or usurper, protect parties and the people against the restoration, tyranny, and vengeance of the king. Lord Halifax, whose accomplishments and sagacity form so deplorable a contrast with his mean intrigues, told him, most truly, on his arrival at St. James's, that he might be what he pleased, for nobody knew what to do with him or without him. ‡

* Sheffield duke of Buckingham; Account of the Revolution.

† Bishop Burnet performed one of his accustomed services. It will be remembered that, by his account, he sounded the princess on the subject of the prince's situation, if she succeeded to the crown; or rather, that he settled with her, of his own authority, the contingent exercise of the executive power. That conversation was not to be disclosed without leave of the princess. The bishop states, that having consulted the prince, and being left by him to his own discretion, he ventured, under the circumstances, to disclose it in violation of his pledge; that the disclosure amazed, but fully satisfied, many people, who said the princess was either a very good or very weak woman, and that she on her arrival fully approved his conduct.

‡ Burnet, iii. 396; note of lord Dartmouth.

Arrangements, it has been stated, were made with the princess Anne for the ceding of her place in the line of succession. Her friends complained and murmured, but bishop Burnet states that she disavowed them. According to others, she was disappointed and perplexed.* But the prince had the game completely in his hands, and all opposition, even that of the lords, gave way.

The managers of the lords having made their report, the abdication and vacancy were discussed with renewed ardour on both sides. Lords Halifax and Danby joined in recommending the simple adoption of the resolution of the house of commons. The amendments were abandoned, and the resolution agreed to by a majority of only two or three, according to some †; of four, according to others.‡

It is a distinctive trait in the conduct of parties and individuals in the revolution to atone for defeated or unprofitable virtue by sudden and servile transitions to compliance. The lords, having voted the throne vacant, took the initiative in filling it. They resolved by a majority of sixty-five to forty-five, that the prince and princess of Orange should be declared king and queen of England, and all the dominions thereunto belonging, and framed a new oath of allegiance. These resolutions were passed on the 6th of February.

Next day it was moved, that the concurrence of the lords with the commons, the filling the throne, and the form of the oath, all voted by the lords, should be sent down to the lower house. The motion was carried, but the minority, that is, the uncompromising residue of the former majority, entered a protest. It would appear that they did not sign their protest on the journals, but their names have been preserved in the collection of lord Somers.§

The lords who went over to the prince of Orange, or

* Reresby's Mem. Clar. Diary.

† Burnet, iii. 398.

‡ Montague's letter to King William, Dal. App.

§ Somers's Tracts, vol. xi.



designedly absented themselves, in order to leave him a majority, were influenced by various motives. The prince's proclaimed determination to return to Holland, rather than accept a regency or titular kingship, is said to have had its effect.* Almost all had cause to fear the return of the king. A tyrant jealous of his power, however he dissembled for a day, would not forgive the rejection of his letters unopened, and the unanimous votes vesting the administration in the prince of Orange. The great majority of each house had compromised their fortunes and lives. Others shrank from the contemplation of a civil war.† Some consoled themselves with the hope that the princess would survive the prince.‡

There were some, also, that changed sides from motives more selfish and mercenary.§ Among them was the court-serving bishop of Durham. He made his peace by voting for the new settlement, at a moment when he was negotiating the resignation of his bishopric in favour of Burnet, for a life annuity to support him in exile.||

The votes of the lords were on the 7th sent down to the commons. The latter did not immediately proceed to consider them. So eager and precipitate was the house of peers in its new zeal, that it voted the throne to the prince and princess of Orange, without defining their respective shares in the sovereignty; or settling the succession; or proposing any security for the rights and liberties of the nation.

The commons began with reviving their committee to prepare securities for the public rights and liberties. This was opposed by some whigs, especially the whig lawyers ¶, from avidity to reach the emoluments of court favour and preferment under the king elect.* They urged the consumption of three weeks already in

* Burnet, iii. 396.

† Ibid. iii. 406.; note of lord Dartmouth.

‡ Ibid. 396., note.

§ Sheffield duke of Buckingham.

|| Burnet, iii. 399; note of lord Dartmouth.

¶ See Parliamentary History, January 9. 1689.]

* Sheffield duke of Buckingham.;

debate ; the impossibility of drawing up a declaration upon matters so important and delicate at the moment : the prudence of first filling the throne, and then enacting securities.*

The Tories were foremost in exposing these flimsy pretences, and urging that the first object in the order of time, of importance, and of public duty, was to guard the public liberties, whoever should be king.†

It is charged upon the prince, that he murmured against the limitation of his power, and sent two confidential agents to the leading lords and commoners, threatening, that if they insisted on restrictions of the prerogative, he would leave them to their fate, and to king James's mercy. This rests only upon the authority of declared partisans of the king.‡

There are some scanty records of the debate on this subject, when the committee was appointed on the 29th of January, but none of the more interesting discussion of the 7th of February. The report brought up by sir George Treby, and divided into two branches—the one declaratory of ancient rights, the other introducing new securities§, was agreed to. It was further voted that the crown should not descend to any person who was or had been a papist. The vote of the peers for filling the throne was next taken into consideration ; and, after a conflict of opinion, was disposed of by an adjournment to the next day.

On the 8th the subject was resumed. During the intervening adjournment from the 7th to the 8th, a great change came over the counsels of the commons. They voted the omission of that part of the declaration which proposed the enactment of new securities, and retained only the part declaratory of ancient rights.|| Whether this was the result of menace and impatience on the part of the prince, or of influence and intrigue

* Burnet, iii. 399.

† Parl. Hist.

‡ Great Britain's Just Complaint, &c.

§ Ralph, ii. 52. Com. Journ. Feb. 7.

|| See Com. Journ., for the report containing both the declaratory and new guarantees of public liberty.

employed with the commons, seems a matter which it would be vain to examine.

The sovereignty and succession were next disposed of. The vote of the lords was adopted, with this addition, that all acts of government should pass in the joint names of the prince and princess, but that the exercise of the regal power and prerogative should be vested solely in him ;—that he should be king for his life, but with precedence to the issue of the princess Anne over his issue by another marriage ;—in short, the settlement was arranged according to the demands already stated to have been made by the prince.

The form of the oath of allegiance to the intended king and queen was the subject of much discussion. It was reduced to the ancient simplicity of bearing “true allegiance to their majesties king William and queen Mary,” omitting the words “rightful and lawful sovereigns.”

The oath was worded, and very wisely, in this simple and comprehensive form, to leave an opening for real, or an excuse for capitulating, scruples of conscience. It gave rise to the distinction of a king *de facto* and a king *de jure*, which troubled the succeeding reign ;—and if bishop Burnet may be believed, it introduced gross equivocation in taking the oath among the clergy, to the great scandal, he says, of the church, and the increase of the growing atheism of the age.

The lawyers recommended the omission of the words “rightful” and “lawful” on the ground that the people were to submit to the king in possession, without examining into his title.* Such was the revolting principle by which Pollexfen and Maynard would legalise the revolution. The statute of Henry VII. was perpetually in the mouths of these whig lawyers ; and the prince of Orange, had he listened to them, would have directly usurped the crown†, in violation, not of the forfeited rights of James, but of the original and inherent rights of the people.

* Burnet, iii. 402.

† Id.—Parl. Hist.

Whilst the lawyers thus attempted to legalise, a bishop took upon him to consecrate, by a principle still more revolting, the title of the prince. Lloyd, of St. Asaph, maintained that all the rights of king James were transferred to the prince by conquest,—which was a divine right—for the war of the prince upon the king, was an appeal to God, and his success the decision of Heaven.

As the sages of law cited the statute of Henry VII., so the divine and his followers quoted those passages of scripture in which God is named as disposing of kingdoms by pulling down one and setting up another. The former would legalise successful usurpation, and the latter would sanctify brute force rather than admit the true principle—the supremacy of the people, in the last resort.*

The lords modified by counter-amendments the amendments sent up by the commons. The 9th, 10th, and 11th of February were passed in conferences and debates, of which no record is left,—and on the 12th, both houses had voted the final settlement, including the “declaration of rights.”

The revolution was now accomplished. Nothing remained but ceremonials and pageantries. A glance at the subjoined extract† from the boasted “declaration

* This principle is well laid down by speaker Onslow. “The prince of Orange came over by invitation from the body of the nation, expressed or implied; had no other right to do it; and whatever was done against king James and for the prince and princess of Orange, was, in fact, and could have no other foundation of justice, done in virtue, only, of the rights of the people. No act of a king of this country, be the act what it will, can transfer, or be the cause of transferring, the crown to any other person; no, not even to the heir apparent, without the consent of the people, properly given. The interest of government is, then, sovereigns are the trustees of it, and can forfeit only to those who have intrusted them; nor can conquest, of itself, give any right to government; there must be a subsequent acquiescence or composition on the part of the people for it, and that implies contract. If this be so with regard to the conquest of a whole nation, it is more strongly, that when the conquest is over the king only of a country, and the war not against the kingdom.” (Note in Burnet, iii. 415.)

† After reciting in detail the misgovernment of the late reign, it declares: “The pretended power of suspending of laws, or the execution of laws, by regal authority, without consent of parliament, is illegal; that the pretended power of dispensing with laws, or the execution of laws, by regal authority, as it hath been assumed and exercised of late, is illegal; that the commission for erecting the late court of commissioners for ecclesiastical causes, and all other commissions and courts of the like nature, are

of rights," will enable the English reader of the present day to pronounce without prejudice, whether the authors of the revolution of 1688 achieved all that was to be expected of men pretending to liberate their country and establish its freedom. It cannot fail to be observed that some of the most precious rights — even to the electing and holding of parliament itself — are asserted in mere generalities, when they should have been guarded by strictly prescribed process and limitation; that there is not even a suggestion of such a change of the elective franchise as should produce between the house of commons and the people that real not nominal relation, without which representative government is a mockery*; that the dispensing power itself is declared illegal only "as it hath been assumed and exercised of late;" that they trust to "their entire confidence in the prince of Orange," when they should

illegal and pernicious; that levying of money for or to the use of the crown, by pretence of prerogative, without grant of parliament, for longer time or in any other manner than the same is or shall be granted, is illegal; that it is the right of the subjects to petition the king, and all commitments and prosecutions for such petitioning are illegal; that the raising or keeping a standing army within the kingdom, in time of peace, unless it be with the consent of parliament, is against law; that the subjects, which are protestants, may have arms for their defence, suitable to their condition, and as allowed by law; that elections of members of parliament ought to be free; that the freedom of speech and debates, or proceedings in parliament, ought not to be impeached or questioned in any court or place out of parliament; that excessive bail ought not to be required nor excessive fines imposed, nor cruel and unusual punishments inflicted; that jurors ought to be duly empannelled and returned; and jurors which pass upon men in trials of high treason, ought to be freeholders; that all grants and promises of fines and forfeitures of particular persons before conviction are illegal and void; and that for redress of all grievances, and for the amending, strengthening, and preserving of laws, parliaments ought to be held frequently, and they do claim, demand, and insist upon all and singular the premises as their undoubted rights and liberties; and no declarations, judgments, doings, or proceedings, to the prejudice of the people in any of the said premises, ought in any wise to be drawn hereafter into consequence or example. To which demand of their rights they are particularly encouraged by the declaration of his highness the prince of Orange, as being the only means for obtaining a full redress and remedy therein. Having, therefore, an entire confidence that his said highness the prince of Orange," &c.

* The omission is made by them at a time when they had experience of packed court parliaments, and when they had for their guidance that admirable scheme of constituent reform, planned by Ireton and other founders of the commonwealth, upon which the reform act has been modelled, both in structure and principle, after the lapse of nearly two centuries.

have bound him by express and solemn compact:— in fine, the new securities* for law and liberty, entered on the commons' journals, remain an accusing memorial against the whigs, who abandoned them in their impatience to make and kneel before a king.

The princess of Orange arrived from Holland on the night of the 12th, when the settlement was already concluded. The freezing of the Dutch ports, in the first instance, and contrary winds when the ice gave way, were alleged as the causes of her not having arrived sooner. The jacobites ascribed it to the prince, who feared that her presence might impede his designs upon the crown. She appears to have been so submissive a wife, that her presence would rather have been useful to him. Perhaps he dreaded the influence which the bishops might exercise over a woman, who dethroned her father out of zeal for the church.

The princess's gaiety on arriving at Whitehall gave scandal. The excuse made for her is, that the prince had sent her orders to put on cheerful looks, lest it should be said she did approve the revolution;— and that she overacted the part thus assigned to her by her husband.† But this will not account for the conduct imputed to her by the duchess of Marlborough, writing as an eye-witness:— “I was,” says she, “one of those who had the honour to wait on her to her own apartment. She ran about, looking into every closet and conveniency, and turning up the quilts upon the bed as people do when they come to an inn, and with no other sort of concern in her appearance, but such as they express; a behaviour which, though at the time I was caressed by her, I thought very strange; for whatever necessity there was of deposing king James, he was still her father who had been so lately driven from that chamber and that bed.”‡ The duchess may have been

* See Journals of Commons. Feb 1680.

† Burnet, iii. 406.

‡ Conduct of the Duchess of Marlborough, pp. 26, 27.

harsh and hostile, but there appears no ground for questioning her account of the behaviour of the princess, or the cause to which she ascribes it — “that queen Mary wanted bowels.” Evelyn says of her, “She came into Whitehall laughing and jolly, as to a wedding, so as to seem quite transported.”*

On the morning of the 13th of February the two houses, preceded by their respective speakers, lord Halifax and Mr. Powle, came to Whitehall, and stationed themselves, the lords on the right, the commons on the left, of the banqueting house, to await the coming of the prince and princess of Orange. Their highnesses, having entered by an opposite door, stood upon a step under a canopy of state, and the lords and commons were introduced. Lord Halifax stated that a declaration had been agreed upon by both houses, and requested that it might be read. The declaration of rights was accordingly read by the clerk of parliament†, and lord Halifax, in the name of the two houses, made a solemn tender of the crown to the prince and princess of Orange.

There are two versions of the answer of the Prince, and material variances between them. An entry in the commons’ journal of the 13th states, “that he thanked them heartily for their great kindness to him and confidence in him ; that he accepted of the crown on the conditions mentioned in the declaration ; and that, as he came hither for the defence of the protestant religion, so he would ever study to preserve it ; together with the laws of the land, and the liberties and properties of the people.” On the 14th, the speaker acquainted the commons that he should procure a copy of the prince’s speech by the next day ; and, accordingly, the following appears on the journals, under the date of the 15th, as the answer of the prince : — “My lords and gentlemen, this is certainly the greatest proof of the trust you have in us ;

* Diary, pp. 2. 6.

† Kennet (Gen. Hist.) says “the clerk of the crown.”

which is the thing which makes us value it the more, and we thankfully accept what you have offered to us ; and as I had no other intention in coming hither than to preserve your religion, laws, and liberties, so you may be sure that I shall endeavour to support them, and shall be willing to concur in anything that shall be for the good of the kingdom, and to do all that is in my power to advance the welfare and glory of the nation." In the latter answer it will be observed, there is no express acceptance of the declaration of rights as the condition upon which the crown was tendered to him.

The new king and queen were proclaimed on the same day, with the usual ceremonies and demonstrations of joy.

The revolution of 1688 has, amongst its advantages, the signal one of having been bloodless ; — but whilst other great changes of government have been achieved by resolute spirits from motives of ambition, vengeance, love of liberty, or love of country, it will be found that, in the fall of James and elevation of William, the dominant elements were intrigue, perfidy, self-interest, and religious intolerance.

Viewing the revolution at this distance of time, and with the lights of the present day, it is impossible to deny James a certain superiority in the comparison of abstract principles. His standard bore the nobler inscription. He proclaimed religious liberty, impartial and complete ; and had he not sought to establish it by his own lawless will, — had his proceedings been but worthy of his cause, — posterity might regard him, not as a tyrant justly uncrowned ; but as a beneficent prince who became the victim of an intolerant faction, an overweening hierarchy, and a besotted multitude.

James, it may be said, only wore the mask of liberality in order to destroy protestantism and enthrone popery in its ancient and exclusive supremacy. To suppose him sincere in all that he professed would be credulity, not charity or candour. He doubtless had at

heart the establishment of the catholic religion, with that of absolute power. But did he, directly in the teeth of his reiterated professions, from his address, when duke of York, to the magistrates of Amsterdam in 1679, to the second declaration of indulgence in 1688, contemplate the extirpation of protestantism by fraud and force? A sincere and sanguine religionist, may he not have been under the impression, that what he believed to be truth, above all, sacred truth, must triumph over error by argument and persuasion, if but allowed to take the field on equal terms? The philosophic observer, weighing the influence of passion, prejudice, and a social system vicious to the core, would have less confidence. His calculations would, perhaps, incline the other way. But James was no philosopher. The question is one which each student of human nature and of James's reign and character will decide for himself.

Let it, however, be assumed for a moment, and for the argument, that James II. cherished in secret the treacherous after-thought of proscribing protestantism and re-establishing popery;—still religious liberty was not the less beneficent and sacred because it came from him. It is strange that at the threshold of the eighteenth century, not one of the whigs of the revolution, those boasted champions of freedom and protestantism, appears to have been on a level with the true principle of either. As moralists and politicians they should have known, that the motive could not vitiate the right or materially change its operation;—that liberty is a weapon, which, employed for his purposes by a tyrant, would recoil upon himself;—that it was a solecism to suppose the unchaining of religious conscience a process to establish religious slavery. As Englishmen they should have remembered, that if popery was in possession of the throne, protestantism had on its side the great mass of the nation,—and was therefore unconquerable. But the real secret, if it be

any longer a secret, is, that the whigs of 1688 had no notion of freedom beyond their sect or party; — that with liberty on their lips, monopoly and persecution were in their hearts.

There are two light traits which decide the character of the revolution of 1688 — it proscribed Ludlow and pensioned Oates.

CHAP. VII.

1689.

THE NEW GOVERNMENT. — PARLIAMENT. — SETTLEMENT OF THE REVENUE. — DISGUST OF THE KING. — HIS MEASURES OF RELIGIOUS INDULGENCE, AND INDEMNITY. — DEFEATED. — CONDUCT OF THE TORIES AND WHIGS. — A CONVOCATION. — SETTLEMENT OF SCOTLAND. — JAMES IN IRELAND. — HE HOLDS A PARLIAMENT THERE. — PARLIAMENT OF ENGLAND. — BILL OF RIGHTS. — WILLIAM DISMISSES THE WHIGS AND EMPLOYS TORIES. — THE BILL OF RECOGNITION. — ABJURATION OF JAMES. — BATTLE OF THE BOYNE. — SIEGE OF LIMERICK, — BATTLE OF AUGHRIM. — ARTICLES OF LIMERICK.

GREAT revolutions, when successful, are followed by periods of vigorous, staminal development. The revolution of 1688 was not great; and the reign of William developed no principle, perfected no institution, of free government.* The only principle of the revolution, which appeared vital and rampant, was religious intolerance, which, happily, was kept in check by the king. Faction, plotting, and intrigue are the great domestic staple of this reign. These, at once transient and mean, are not the materials of civil history.

England, it is true, began to reassert the ancient honours of her military prowess, under the guidance of a warlike prince, the constituted chief of a grand European alliance; — but this belongs to the historian

* It will perhaps be said that this reign was distinguished by the appropriation of the revenue; the triennial act; the 7th of William, allowing full defence by counsel, and other benefits in trials for treason. But these were either imperfect adoptions of the reforms of the long parliament and the commonwealth, or minor improvements of minor merit. The limitations of the royal power in the act of settlement, were suggested by the experience of William's reign, and were so many indirect censures of his government.

of the melancholy art and annals of mutual destruction. In the succeeding pages, therefore, the reign of king William will be treated very compendiously.

The position of the new queen was that of queen-consort in all but the association of her name with acts of state and government. She will accordingly be passed over as such, with the exception of those absences of her husband, during which she was invested with the regency.

William's first proceeding was to announce that it had pleased God to call him to the throne, and that all protestants in office on the 1st of December should continue therein until he should have further signified his royal pleasure. In four days after (Feb. 17.), a list of privy councillors appeared in the Gazette, with prince George of Denmark at their head. The list was made up of the leading actors in producing the revolution, with two exceptions—the archbishop of Canterbury and lord Nottingham. William thought it prudent to make this concession, or hold out this temptation, to the church and the tories.

The whig claimants were so rapacious and numerous, that he found it necessary to put the treasury*, the admiralty†, and the chancery‡ itself, into commission. This did not give satisfaction. Mordaunt, earl of Monmouth, afterwards earl of Peterborough, complained of sitting only as first commissioner at the treasury board. The same complaint was made, with more sordid resentment, by admiral Herbert; and lord Danby, who hoped to recover the treasurer's staff, accepted, with a bad grace, the presidency of the council.§ Halifax, who had played a part so equivocal,—so unworthy

* The commissioners of the treasury were lord Mordaunt (first commissioner), who, according to Burnet (iv. 7.), bestowed the subordinate places freely on persons tainted with republicanism; lord Delamere (who, according to the same authority (ibid.), sold everything); Godolphin, Hampden, and sir Henry Capel.

† Admiral Herbert was made first commissioner of the admiralty with Vaughan, Wharton, Lee, Lowther, and Sacheverell, commissioners.

‡ Maynard, Keck, and Rawlinson were made commissioners of the great seal. Sir John Holt was made chief justice.

§ He was, however, soon created marquis of Carmarthen.

of his capacity and accomplishments,— was reinstated in his office of lord privy seal, by a prince who expected from his ministers subservient agency, not independent counsel. The two secretaries of state were Shrewsbury and Nottingham, who must have recoiled from each other with all the antipathy of adverse partisans. Lords Devonshire, Montague, Dorset, Newport, Lovelace, Oxford, Lumley, and Churchill received appointments in the household, and three of the king's Dutch followers, Bentinck, Auverquerque, and Zuylistein, were placed by him about his person,— with a disdain, not of the prejudices, but of the feelings, of the nation, which might have recalled to mind his Norman predecessor. Schomberg, a German soldier of fortune, who had served in most armies, and been naturalised in most countries of Europe*, was appointed master-general of the ordnance, to the great disappointment of lord Churchill.

The next measure was to give the new settlement of the crown a legal sanction. It might be done in two ways:—by an act declaring the convention retrospectively a parliament; or, by issuing the king's writs for a new parliament, which should confirm the acts of the convention. The despicable precedent of that convention which restored the Stuarts was in favour of the latter, and was rejected;— but not because it was to be despised. The whig majority of the council, with the king himself, naturally preferred continuing as an instrument the convention which had been elected when William was already lord of the ascendant. The Tories as naturally wished for the chances of a new parliament.

On the 18th of February the king addressed both houses, for the first time since his accession; or, as the Jacobites said, his usurpation; recommended to them the pressing demands of his allies abroad, particularly the Dutch; the protestant interest and the state of Ireland; all admitting of no delay.

* Dangeau's Memoirs, in Lemontey, Monarchie de Louis XIV.

The tories, including Seymour, Musgrave, Clarges, and Sawyer, argued that the king's writ was essential to a parliament. The whigs, among whom were Hampden, Howard, Godolphin, Capel, and Lee, maintained that the king's presence and assent sufficed. Maynard went the length of saying, they were already a parliament from the moment William became king. Eventually, a bill declaring the convention, to all intents, a parliament, passed both houses, and received the royal assent. The tories, or jacobites, were thus required to digest a parliament as well as a king *de facto*, not *de jure*.

The 1st of March was appointed for taking the new oaths of allegiance and supremacy to William and Mary; and several lords and commoners went into the country on various pretences, some with, others without leave of their respective houses. The consciences of many capitulated, many were contumacious, and the class or party of nonjurors began. Among them were the earls of Clarendon, Litchfield, Exeter; the spiritual lords, Sancroft* of Canterbury, Turner of Ely, Lake of Chichester, Ken of Bath and Wells, White of Peterborough, Lloyd of Norwich, Thomas of Worcester, and Frampton of Gloucester,—including, it will be observed, five of the seven prelates who had disobeyed and been prosecuted by king James.

The revenue, a necessary part of the new settlement, was taken up, the next day after the convention had been declared a parliament. William, eager to lead in person the war against Louis XIV., looked impatiently for the revenue as granted to former kings. The majority of the commons soon manifested the purpose of making a new settlement of the revenue as well as of the crown. For the king, it was maintained, that the revenue passed to him with the crown, according to some, for his life; according to others, for the natural

* Sancroft had refused his blessing to queen Mary until she should first have had her father's; and refused to crown king William. See D'Oyley's Life.

life of James—the period for which it was granted. On the other side, it was argued that the revenue expired with the abdication, that is, the civil death of the late king. The only step taken for the present was, to order an account of the state of the revenue ; but this, coupled with the suggestions thrown out, that it should be granted either from year to year, or for periods only of three years, left no doubt of the result.

The credit of this change has been given to the whigs. It is obvious, from the records of the speeches, that the lawyers, whig and tory, as Pollexfen and Treby, and even Holt, supported the king's claims. Somers himself contends only that the settlement should be by enactment whether for life or years.* But the other leading members, tory as well as whig, were earnest for limiting and controlling the revenue. "I would not," said Howe, "have Westminster Hall dispose of our purses." — "We may date our misery," said sir Edward Seymour, "from our bounty here. If king Charles II. † had not had that bounty from you, he had never attempted what he had done."

The king tried to stimulate the commons by a message, that the late king (James) had sailed from Brest with French troops for Ireland. They answered by a temporary vote of 420,000*l.*, to be levied monthly ; and an address, jointly with the lords, to support him against king James with their lives and fortunes. This, however, was not all. A second message, brought by Hampden from the king, announced, that his majesty had secured several persons on credible information of their plotting against the government. The commons immediately proceeded to suspend the habeas corpus act ; and the lords, disdaining a formal enactment, called upon his majesty to take upon him, in this conjuncture, a dictatorship. ‡

* Parl. Hist. v. 138. *et seq.* The notes preserved are scanty and obscure.

† There would be more consistency in Seymour's referring to James II. than to Charles ; and the one name may have been recorded for the other.

‡ They "humbly advised and desired his majesty to take extraordinary

This is the first precedent for suspending the habeas corpus act, — not suspended, be it remembered, by James when Monmouth and Argyle were in arms and James's first parliament sitting.

Only two persons of name were secured, lord Arran, son of the duke of Hamilton, and sir Robert Hamilton; — and even these were not brought to trial. It would appear, however, that the new order was threatened, and from the most dangerous quarter—the bosom of its own counsels. Lords Halifax and Danby were already discontented with the revolution, and, contemplating the return of James, were preparing to save, if not recommend, themselves.*

The army, reformed as it was, could not be depended upon. Two Scottish regiments, disgusted by an order to supply in Holland the place of the Dutch troops whom the king kept in England, — in particular, that of lord Dunbarton, which had been transferred to marshal Schomberg †, — marched in open mutiny, with drums beating and colours flying, towards Scotland, but were soon overtaken by general Ginckle with a superior force, and surrendered to him at discretion.

William wisely, if not generously, pardoned them, both men and officers ‡; and parliament passed that act for punishing mutiny and desertion, which has become the safeguard of Englishmen against standing armies, — a result which its authors little imagined.

William, to conciliate the parliament and the nation, had recommended the abolition of that odious hearth-tax, which was enacted “for ever,” and received the thanks of both houses. But the commons were not the

care of the government in this conjuncture, by securing all disaffected persons,” &c.—*Ralph*, ii. 63. The Roman dictator's charge was *caveat ne quid respublica detrimenti caperet*.

* Reresby's Memoirs, 325. 334. “If king James,” says Danby, “would quit his priests, he might still retrieve his affairs.”—“Wise men,” says Halifax, “must not venture too far.” These men must have wanted not merely principle, but force of character, and masculine ambition. It is however premature to notice here the baseness with which the authors of the revolution intrigued with James II. against William.

† Dal. i. 278. Lords' Jour. March, 1689.

‡ Council books, cited in Dalrymple. *Ibid.*

less jealous and parsimonious. It appeared, from the statement of the revenue furnished by order of the house, that the average expenditure of the late reign (from 1685 to 1689), was 1,700,000*l.* a year. They voted William 1,200,000*l.* for the current year, — one half to be charged as a civil list. They reduced the king's demand of compensation to the States-general, for the service of their fleet and army in the revolution, from 700,000 to 600,000*l.*; the navy estimates, from 1,100,000 to 700,000*l.*; and made only six months' provision for the army, which should defend Ireland against James and the French king.*

The king, with his impassive temper, was irritated by these proceedings. They were not only injurious to the credit of his government, but personally humiliating to himself. He was refused a loan by the capitalists of London †, and a small advance by the custom-house of Chester.‡ His resentment overcame his habitual reserve; and he declared, that "without a settled revenue he was but a pageant king." It would appear that he held a limited monarchy in disrespect, from his experience of it in England. "I understand," said he to Burnet, if the bishop may be relied on, "the good of a commonwealth as well as of a kingly government — *and it is not easy to determine which is best*; — but I am sure, the worst of all governments is, that of a king without treasure and without power." § This prince was above the affectation of a glittering phrase; and a predilection, at least theoretical, for republics, is in keeping with his character. A mind conscious of its superiority, would naturally incline to that arena in which pre-eminence is the symbol at least, if not the result, of superior prowess.||

* Com. Jour. March and April, 1689. Parl. Hist. v. 150. 171. 175. 191. 193. 206. 235.

† Reresby, 341.

‡ See Dalrymple, i. 312., and notes † and §, *ibid.*

§ Burnet, iv. p.

|| Napoleon never wholly forgot the republican citizen in the imperial despot: — "I understand liberty — I was brought up in it; the popular fibre responds to mine," were his expressions to Benjamin Constant. It is also observable in his unvarying respect for the character, and confidence in the principles, of Carnot.

William soon forgot, in the monarch, the obligations and sympathies—if, indeed, he ever knew them—of the party chief. The whigs had placed him on the throne; the tories tolerated, rather than recognised his authority; but confidence in his own faculties, with the consciousness that English interests were but secondary in his vast designs, made him seek not counsellors but instruments of government;—and he soon manifested his bias to a tory ministry.

He, at the same time, abated no jot of the elevation of his character. He proposed to relieve both parties by a bill of comprehension—the removal of the sacramental test which disqualified protestant dissenters;—an indemnity to the tories who had compromised themselves in the late reign;—and a dispensation to such of the clergy as scrupled taking the new oaths. This prince, with his contempt of human nature, set little value on tests of conscience; and, where his ambition did not interfere, he was liberal and just. These measures were congenial to his character in every respect. His intentions were defeated by the arts and interests of religious and political party.

William, in a speech to both houses, soon after his accession, recommended the removal of the sacramental test,—that bulwark of the church which he had himself maintained so strenuously against the late king. But his ambition was now crowned; and the danger to protestantism, it should be added, was no longer the same.

Halifax and Hampden are said to have been the only persons to whom, in the first instance, he communicated his intention. He hoped to gain the assent of the church party by a provision in the bill, that the clergy should be obliged to take the oath,—when tendered by the king in council. This qualification would give him a dispensing power, which he could exercise legally, and assuredly would exercise liberally. The church party, in the house of lords, twice rejected, by large majorities, the clause for the removal of the

test against protestant dissenters; and seized the boon offered to the clergy—though the king had privately intimated to the high church leaders, that the one was offered as the condition or consideration of the other. The clause relieving dissenters, was strenuously supported by several of the whig lords, including lord Halifax, who affected a whig leadership, and yet did not join Lovelace, Delamere, Grey, Vaughan, Stamford, Wharton, Paget, and Mordaunt, in their protest against the rejection of it.*

The whig majority of the commons retaliated upon the lords, by rejecting the clause which favoured the clergy, and inserting in its stead a provision peremptorily enjoining them to take the oaths before the 1st of August, on pain of immediate suspension, and after six months contumacy, of deprivation. The whigs were doubtless influenced by a twofold motive in making the taking of the oaths absolute, not dependent upon their being tendered by the king in council; they were no less anxious to sanctify his title than to restrict his power.

Conferences ensued between the two houses. The result was a compromise, by which the king was empowered to grant during his pleasure, to any twelve non-juring and deprived clergymen a third of their respective benefices.

The disappointment of the king's hopes of a comprehension was more complete. It is strange that a prince, who must have well understood the spirit of sects and factions, their keen self-interest and rancorous antipathies, should have been so sanguine. He was probably misled by the advances of the church to cultivate the friendship of the dissenters in the late reign.† But popery was then at the church door, and the bishops found it their interest to lay aside their

* Lords' Jour. March 15, 16, 23. Barnet, iv. Parl. Hist. v. 196, 198.

† The seven bishops expressed their wishes for a comprehension in their petition to the king; and the draft of a scheme, for that purpose, has been found in the papers of archbishop Sancroft. (See Gutch's Misc. cur., and D'Oyley's Life of Sancroft).

orthodox hatred of the conventicle. The measure was introduced in the house of lords by lord Nottingham ; and, after several keen discussions, and nearly balanced divisions, passed that house.*

The proposed exemption of dissenters from kneeling at the communion, was vehemently disputed. A proviso was offered, that the commission, charged with preparing the terms of comprehension, should comprise laymen as well as churchmen. This important clause was pressed with great earnestness, by several temporal lords†, and rejected by a small majority, according to one account‡;—by the usage of the house, that, where the votes are equal, the question is carried in the negative, according to another.§ Bishop Burnet, who now appeared conspicuously as a lord spiritual in debate, ascribes the result to his own eloquence. It is probable, that he was eager to recommend himself to his order, which received him with aversion, and was moreover inspired with the zeal of one newly promoted. His self-conceit, doubtless, exaggerated his influence.

The high church party, in rejecting this provision, disregarded the precedents of those acts of Henry VIII. and Edward VI., the very hinges of the reformation, which directed, that a joint commission of clergy and laity, should prepare the scheme of church reform;—and they set up, at least by implication, the pretention of the spiritual order of the church of Rome, to be divinely inspired and infallible in consistories and councils.||

* Lords' Jour. end of March and beginning of April. Parl. Hist. Burnet.

† Burnet, iv. 17.

‡ Id. *ibid.*

§ Lords' Jour. Ap. 4. Parl. Hist. v. 212, 213.

|| There is on the journals a vigorous protest against the rejection, in the names of lords Winchester, Mordaunt, and Lovelace, which says (Parl. Hist. v. 213, 214.), "3. Because, though, upon Romish principles, the clergymen have a title alone to meddle in matters of religion, yet with us they cannot, where the church is acknowledged and defined to consist of clergy and laity; and so those matters of religion which fall under human determination, being properly the business of the church, belong equally to both; for in what is of Divine institution, neither clergy nor laity can make any alteration at all. . . . 5. Because the commission being intended

It might be expected, that the king's views would be earnestly supported in the house of commons. The bill, on the contrary, was there scouted by the high church party, faintly adopted by the whigs, and viewed with indifference, if not alienation, even by the community of dissenters out of doors. The reason was that the leaders of the dissenting body were not disposed to weaken or dissolve it, and that the body itself recoiled from merging in the dominant church.* The proceed-

for the satisfaction of dissenters, it would be convenient that laymen of different ranks, nay, perhaps of different opinions too, should be mixed in it, the better to find expedients for that end, rather than clergymen alone of our church, who are generally observed to have very much the same way of reasoning and thinking. 7. Because such a restrained commission lies, liable to this great objection, that it might be made use of to elude repeated promises and the present general expectation of compliance with tender consciences, when the providing for it is taken out of the ordinary course of parliament, to be put into the hands of those alone who were latest in admitting any need of it, and who may be thought the more unfit to be the sole composers of our differences, when they are looked upon by some as parties. Lastly. Because, after all, this carries a dangerous supposition with it, as if the laity were not a part of the church, nor had any power to meddle in matters of religion; a supposition directly opposite to the constitution both of church and state, which will make all alterations utterly impossible, unless the clergy alone be allowed to have power to make laws in matters of religion, since what is established by law cannot be taken away or changed, but by consent of laymen in parliament, the clergy themselves having no authority to meddle in this very case, in which the laity are excluded by this vote, but what they derive from lay hands."

* The following remarks occur in a curious tract of the time, entitled, "Dangers of a Comprehension." "Many reasons lead me to oppose a *comprehension*; and the first of them is, the very reason I perceive which others have given for it, *That it fortifies the Church of England against Dissenters*; for since our fear was of popery, to translate it so early against protestants of other communions, is to tell them, that having rid ourselves of papists we are making new levies against them, and that we only halt awhile to recruit our numbers; and, when in a posture to attack them, they shall not fail to feel the weight of our power and comprehension. By this means, of very good friends against popery, we shall grow parties and enemies; and if this be not to be most carefully avoided in our present condition, I am mistaken both in my religion and politics. But, secondly, What need is there of a comprehension which carries in it a variation of the old and settled methods of the church, only to *let in* so many men to church benefices; for, when all is done, that must be the mark they aim at, that press it on the side of the presbyterian, since an *Act of Indulgence* would else answer that gentleman as well: and if it were a conscientious desire on the other side to *enlarge* the church, it would become a duty with her to fling off all the rest that others scruple, upon as good grounds, and which cannot be said to be essential to faith or worship; and so make but one work of it for this age. Since conscience, therefore, does not seem to be the ground of this comprehension on either side, it must needs have but an ill bottom to stand upon.

* * * * *

It has something in it of irreverence and levity, for two churches to bargain about faith and worship, to take or leave, add or diminish, and both parties to show themselves stiff or careless about the same things, as humour or interest govern them; which, in men pretending to religion, cannot fail to scandalise those that are not so believing or zealous as they ought to be.*

ing ended only in a vote of thanks to the king for his care of the church; an address, in which the lords joined, for a convocation of "the clergy*;" and the passing of a meagre and imperfect toleration bill, from which papists were expressly excluded.

The temper of William was arbitrary; but he sought power to make a generous use of it. Even where ambition governed him, there is for the most part so much of the comprehensive and grand in his designs, that the selfish and the personal vanish;—party spirit, religious and political, whig and tory, retarded the advance of religious charity and human reason, by frustrating the designs of the king.† The relief of the

* The tone of parties at the time, is set forth, as follows, by *Ralph* (ii. 72.), "But however cordial his majesty's endeavours ought to be esteemed, the two parties accuse each other mutually of insincerity. It was said on one side, 'The dissenters desired no such favour, if they could but get rid of the test, whereby they hoped to be put into a condition of disputing those points in another manner.'" Another writer of the time observes, "that those who moved for the bill, and afterwards brought it into the house, acted a very disingenuous part; for while they studied to recommend themselves by this show of moderation, they set on their friends to oppose it; and such as were sincerely and cordially for it, were represented as the enemies of the church, who intended to subvert it."—*Caveat*, part II. p. 38. "The clergy," says *Ralph*, "began now to show an implacable hatred to the nonconformists, and seemed to wish an occasion to renew old severities against them." To balance which, the advocates of the clergy alleged, "That the nonconformist ministers (and among the rest their mufti, *Baxter*), as silent as they were all the reign of king *James*, in relation to the church of *Rome*, were pleased now to waste their ink in bespattering the church of *England*. So little thought they of an accommodation, which they rendered yet more desperate, by ordaining, at this very juncture, near fifty young students into their ministry, although the point of ordination was the most difficult to be adjusted of the matters in dispute." And yet the religion they both taught was, self-denial, humility, brotherly-love, and charity. To the disgrace of that religion, indeed, they were rivals for power and dominion: these had an opportunity to aspire, which they were resolved to use; and those had possession, and the laws to protect them in it; which they were resolved never to part with. It is no wonder, therefore, that the laity laboured in vain to join them; and that every attempt of that kind should only make the breach wider than ever."

† The following is the opinion of speaker *Onslow*, a high authority on this profoundly interesting matter:—"By the constitution of the church of *England* it is, that the supreme legislative power of the church is in king, lords, and commons in parliament. And it is the same with regard to the king's supremacy, whose ecclesiastical jurisdiction and authority is an essential part of our church constitution, renewed and confirmed by parliament, as the supreme legislature of the church, which has the same extent of true power in the church of *England* as any church legislature ever had; and may therefore censure, excommunicate, deprive, degrade, &c., or may give authoritative directions to the officers of the church to perform any of them; and may also make laws and canons to bind the whole church, as they shall judge proper, not repugnant to the laws of God or nature. Nay, the laity in *England* cannot otherwise be bound but by parliament, who

dissenters from the tests; of the jacobite clergy, from stringent oaths; a comprehension founded upon the removal of barriers of mere ceremonial, which dissociate men holding substantially a common faith, would have rendered the dominion of religious intolerance less mischievous and of much shorter duration than it has proved. If the toleration bill did not prove an imperfect protection to the dissenters, and a direct instrument of persecution against the proscribed catholics, it is to be ascribed to the personal superiority of William over the parties and parliaments of his time.

Among the measures recommended, it has been observed, to the two houses by the king, was an act of indemnity to those compromised in the transactions of the late reign. Exceptions were proper, where so many agents of tyranny had not merely executed but exceeded the lawless will of the tyrant. But the Whigs, in both houses, engrafted upon the bill exceptions so wide and general, not alone of individual criminals but of classes of crime, that its rejection could not be the subject of just regret.

have a right (when they think proper) to the advice and assistance of the convocations, or the true parliamentary meetings of the clergy, by the *præmunientes* clause in the parliamentary writs to the bishops, if the one or the other, or both, should be then assembled. See the Journals of the House of Commons of the 13th—16th of April, 1689, 1st of March, 1710, 1712, 1713. The legislature of the primitive church was in the whole body, and afterwards had many variations in its constituents, and may still vary with the consent of the several communities. If this distinction of legislature in the parliament be true (and I am not the first who has mentioned it), the church of England is freed from the imputation of being a creature *only* of the state, which by some sects of christians has been often and much objected to, and makes it to be agreeable to Mr. Locke's notion, indeed demonstration, 'that matters of mere religion are absolutely independent of the civil magistrate, as such.' Where ecclesiastical jurisdictions have cognizance of temporal matters, they are thus far civil courts; and so *vice versâ*. The king is said in our law to be *mixta persona*, as it regards his supremacy in the execution of all civil and ecclesiastical jurisdiction; and so is the parliament a mixed legislature. As to which or what is the best church constitution, I say nothing here. But this may be said, that no church power, whatsoever or wheresoever placed, legislative or otherwise, can have any right to the sanction of civil punishments; nor ought they to be, or any temporal disadvantages. All religions ought to have their free course, where they interfere not with the peace and rights of human society: of such, *the civil power is to endow one, and to protect all*. See Mr. Locke's Treaties of Government and Toleration. The convocation can by their canons bind only their own body. They are in the nature of *by-laws*; and this is now fully settled by a solemn determination in the King's Bench, made in my lord Hardwick's time there." — O. — *Burnet*, iv. pp. 17, 18.

The king was subjected to disappointment, embarrassment, and obloquy, not merely by the parliament, but by the convocation. He found it necessary to adjourn* both houses, after seven months' sitting, from the 20th of August to the 20th of September; and, after enduring with phlegmatic, or enlightened, or contemptuous patience, the proceedings of a convocation, which, instead of healing and uniting, divided and exasperated—in a spirit, not of christian charity, but of temporal interest, ambition and intolerance—he dissolved that assembly also soon after the close of the year.

He was, in consequence, thwarted and maligned by both factions. The high church party, lay and spiritual, denounced him as the enemy of the church, because he would relieve the dissenters by repealing the sacramental test. Archbishop Sancroft had refused to assist at the coronation of the king and queen, which took place on the 11th of April; and eight bishops, with some hundreds of the inferior clergy, denied his title by refusing the new oaths. It was a sort of rallying cry of the high church, that the church was now in more peril from the dissenters, than in the late reign from the papists:—in other words, the clergy having one foot firmly upon the papists, would place the other upon the necks of the dissenters. The whigs said, his motive in shielding the tories by an act of indemnity and oblivion, was to qualify, for his own service, the drilled satellites of arbitrary power in the two last reigns.†

The bill of rights was introduced, discussed, and made the subject of conference between the two houses, under the title of a “Bill of Rights and Succession;” but was not passed until the next year and second session of the first parliament of William and Mary. The attainders of lord Russell and Algernon Sidney were reversed, in this session, by act of parliament. The sentence upon

* He signified “his pleasure that both houses should *adjourn* themselves,” in the ambiguous, if not unconstitutional language of Charles II. See Parl. Hist. v. 402.

† Burnet, iv. 27.

them was declared iniquitous; and its execution, murder. There is not another act of the revolution so fully ratified by the sympathy of the brave and free.

The only measure of the session which fully answered the wishes of the king, was the address of both houses, to support him in a declaration of war against France. "This is the first day of my reign," was his expression to one of his Dutch confidants, when the address was agreed to.* In reply to the address, he merely observed, that the measures of France were equivalent to a declaration of war; and war on the part of England was a matter of necessity, not choice.†

This was the simple truth — James, with an armament, military and naval, equipped by the king of France, was already landed in Ireland; whilst his party in Scotland, acting in concert with him, opposed the revolutionary settlement of that kingdom — the intriguers by congenial acts — the fewer in number and more generously devoted, with their votes in the convention, or their swords in the field.

The duke of Hamilton, the marquis of Athol, and lord Stair, took the lead in the interest of the prince of Orange, and the revolution in Scotland. Hamilton and Stair, ambitious, selfish, and unprincipled, threw themselves, without reserve, into the scheme of the new settlement of the crown; whilst Athol, with more conscience or less courage, vacillated between the two adverse parties. The chief friends of James were, the duke of Gordon, who held the castle of Edinburgh, lord Balcarras, described as a person of "that delicacy of sentiment, which the love of letters is calculated to inspire,"‡ and the gallant Dundee.

The Scottish convention met on the 14th of March. Hamilton was appointed president by a majority of 40, in a meeting of 150 voters. This was a majority

* Dal. i. 283. Sir W. Scott, in the advertisement to lord Balcarras's Memoirs, printed in vol. x. of his edition of Somer's Tracts.

† Other jacobites had retired from the convention; but the greater number appears to have gone over to the stronger side.

‡ Dal. i. 292.

of whigs, over both the jacobites and waverers. The latter were determined by it; and on the next and decisive resolution,—that king James, by his evil deeds, had “forfaulted” the crown, there were only five dissentients.* This vote was followed by a resolution, passed unanimously, that the throne of Scotland should be filled by the prince and princess of Orange; and commissioners were deputed to invest them with the royal authority.

The whigs of Scotland,—distracted, intriguing, and corrupt as the councils of that kingdom had so often appeared,—yet achieved their revolution with a manifest superiority over those of England. They built it upon the “forfeiture” of his rights by the late king, and they accompanied the offer of the crown with a “declaration of rights,” more clear and comprehensive than that of the English convention,—embracing the misdeeds not only of James, but of Charles. Argyle, the son of him who had been sentenced in the reign of Charles, by an iniquitous tribunal, and executed in that of James, under that flagrant sentence, by men who seemed to love iniquity for itself; Dalrymple, the son of Stair; and Montgomery, afterwards a renegade or relapsed jacobite, proceeded as the deputies of the Scotch convention, to tender the crown.

The coronation oath of Scotland was administered with marked solemnity—and contained a clause, binding those who took it, “to root out all heretics and enemies to the true worship of God.” William stopped at these words, and protested against being understood to oblige himself to become a persecutor. The commissioners denied any such intent or meaning; and the king said, “then let me be understood to take it in that sense.”

* His “forfault” or forfeiture, would have embraced all his children, if a proviso had not been made to limit it to “the pretended prince of Wales.” (Dal. i. 289.). “In,” says *Ralph*, “the recapitulation of this vote, inserted in the *Instrument of Rights*, where these words again occur, instead of saying, the *right of the crown*, they both say the *rights of the crown*; which do not convey the same idea. And there is so much the more necessity to be particular in this circumstance, because it shows, that the *Scottish* nation thereby renounced this family *root and branch*, though some of them have so often since endeavoured to restore them.”—*Ralph*, i. 25. note n.

“Whether,” says a Scotch historian, “this scruple was the effect of affectation or of delicacy, is immaterial. It became a king, and pleased the people.” This is pregnant with slanderous fallacy. William assuredly was influenced by his abhorrence of religious persecution; the question between abhorrence of persecution and only the affectation of it, is far from immaterial in the history of a prince; and if “it pleased the people,” it was assuredly not the presbyterian people of Scotland, whose fanaticism had dictated the obnoxious clause. It became a king, and it was no less certainly the honest sense of king William.

James had addressed to the Scotch, a letter similar in form to that addressed by him to the English convention. Here again the Scotch revolutionists have greatly the advantage. They did not, like the English, shrink from the contents; they fearlessly opened it; voted that it was no stay to their proceedings; and returned no answer. They at the same time opened, and answered with grateful respect, a letter addressed to them by William, already king of England.

This was a conclusive indication of the result in the convention; and the friends of James despaired, with the exception of the brave Dundee.

The duke of Gordon was proclaimed a traitor, under the walls of the castle which he held for James*; and Dundee, who had hitherto prevented his capitulating, contrived to hold a conference with him by climbing a precipice to a postern gate of the castle. He tried, in vain, to persuade the duke to leave the command to the lieutenant-governor, and retire with him to their highland clans, galloped through Edinburgh with only fifty horsemen, and raised the standard of James in the Highlands. His reply to a friend, who asked him whither he was going, was gallant, but ill-omened: “Wherever,” said he, “the spirit of Montrose shall direct me.”

* He answered with a spirit, which his subsequent conduct belied, “that the heralds ought not to proscribe the king’s governor with the king’s coat on their backs.”

The highlanders soon rallied round him, to the number of 6000—of a race of men, at that time, among the most singular in the world—a compound of savageness and chivalry; ignorant, but undebased; crafty and enthusiastic; devoted to their chiefs and their mountains, in a spirit of patriot freedom, and trained and armed* for mountain warfare from their childhood. Dundee shared their enthusiastic temperament, unsubdued by his acquaintance with literature, and with the military service and social manners of most nations of Europe. He exercised over the sympathies of the highlanders, the same magical influence with his ancestor and model, Montrose. †

Dundee, with his highlanders, avoided for some time, by order of James, encountering the enemy, received at last from him permission to engage, with a reinforcement of only 500 inefficient men; and on the 16th of July encountered general Mackay, who commanded the army of William, at the pass of Killikranky, near Dunkeld. His dispositions were admirable. He allowed the enemy to march through a fearful mountain pass, into the plain, unmolested; descended in separate, compact, and co-operating bodies, upon the enemy's regular and thinner line, broke it at every point of attack;—and, in the moment of victory, was mortally wounded by a musket shot. Mackay, taking advantage of this incident, succeeded in rallying his men, and soon overcame the highlanders, no longer actuated by the spirit of their chief.

Meanwhile the duke of Gordon had surrendered the castle of Edinburgh on terms of capitulation for the garrison,—at discretion as to himself: and the island of Great Britain was wholly under the sway of William. The resistance of Ireland was more protracted and disastrous.

* "Their arms" says Dalrymple (i. 351.), "were a broad sword, a dagger, called a dirk, a target, a musket, and two pistols."

† Both are reproached with barbarous cruelties. The question is no longer interesting, unless in their biographies. It is scarcely necessary to say, that the Claverhouse of Scott was Dundee.

Louis XIV., it has been observed, received his out-cast brother-tyrant with generous kindness, and installed him as a monarch at St. Germain, with gorgeous hospitality. He did more. In the beginning of the spring of 1689, a French squadron of thirteen sail was fitted out at Brest, to convey James to Ireland. The military part of the expedition, chiefly French, but comprising some English and Irish, was placed under the command of the French general de Rosen; and D'Avaux was appointed to accompany him, as ambassador of France. Louis XIV., at parting, presented James with his own cuirasse—valueless even as an omen, for Louis was a conqueror, without being a soldier,—and embraced him, saying “the best thing I can wish you is, that I may never see you again.”

A well turned phrase gives additional grace to substantial kindness, and the behaviour of the French king contrasts honorably with that of the pope and the emperor. James solicited the aid of both. The holy father answered his pious son with a civil denial: the emperor wrote him a letter of harsh refusal; told him plainly he had no one to blame but himself; and published James's letter and his own.

James left St. Germain on the 1st of February; continued at Brest from the 5th to the 17th; landed in Ireland, at Kinsale, on the 12th of March; and proceeded, without opposition, to Dublin, which he entered with ceremonial pomp, religious and regal. It will be remembered that Tyrconnel had disarmed the protestants, and raised a catholic army, 40,000 strong, whilst the state of Ireland appeared to be unaccountably neglected by William.*

* “At his majesty's landing, there was a great deal of goodwill in the kingdom, but little means to execute it, which made the prince of Orange slight it to the degree he did; but, as soon as he heard of the king's being gone thither (who, he imagined, would not come unprovided with what they most wanted), was hugely surprized; on which occasion the princess of Orange (as the king was informed from a very good hand) seeing her husband in great trouble at the news, told him, he might thank himself for it, by letting the king go as he did.”—*Life of James II.*, ii. 328.) The latter part professes to be a literal extract from the king's MS. Memoirs. Lord Dartmouth has made the following note on bishop Burnet's assertion, that queen Mary took a tender interest in the safety of her father:—

Meanwhile admiral Herbert sailed with the purpose of meeting the French fleet. After having passed, if not wasted, a considerable time off the coast of France, he steered for that of Ireland, and found the French fleet greatly reinforced in Bantry Bay. The French admiral, Chateau Renaud, who had sailed from Brest with a second squadron soon after James*, and joined the first, came out of Bantry Bay with a fleet of about twenty-eight ships of the line †, engaged Herbert, fought him the whole day, in a style which proved the improvement of the French, or the deterioration of the English navy, and claimed a victory.

In the evening the English bore off upon Scilly; the French upon Ireland. It is said, that D'Avaux ran exultingly to James with the news of the defeat of the English by the French fleet; and that the unfortunate king had the spirit to reply — "It is the first time." ‡

James's career in Ireland was marked, not only by the defects of his capacity and character, but by the disastrous fatalities of his life. His operations in detail do not come within the scope of these pages. He summoned, or rather packed, a parliament in Dublin; nominally, without distinction of creed, but substantially catholic. It is to be observed, however, that, of the protestants some were in arms against him; others had left the kingdom; and the great bulk was hostile to him.

"I have," says he, in his opening speech, "always been for liberty of conscience, and against invading any man's right or liberty; having still in mind that saying of holy writ, *Do as you would be done to, for this is the*

"This great tenderness appeared plainly afterwards, by a warrant found amongst the earl of Torrington's papers, wrote all in the earl of Nottingham's own hand, and signed by the king, authorising lord Torrington, if he could seize king James's person, to deliver him to the states of Holland, to be disposed of as they should think proper." — D. — *Burnet*, iv. 85.

* Voltaire *Siècle de Louis XIV.*

† Campbell's *Lives of the Admirals* — Life of Herbert, Lord Torrington, Dalrymple, i. 331.

‡ It is told in Higgon's (a jacobite) "Short View," &c., and repeated by Dalrymple, i. 332.

law and the prophets. It was this liberty of conscience I gave, which my enemies, both at home and abroad, dreaded to have established by law in all my dominions, and made them set themselves up against me, though for different reasons; seeing, that if I had once settled it, my people, in the opinion of the one, would have been too happy, and, in the opinion of the other, too great.*

Among the first acts of James's Irish parliament was one, establishing unbounded freedom of religious, or at least Christian conscience. This has been called a mockery; for he assented to bills passed by the same parliament repealing the act of settlement, allotting the tithes of protestants and papists to their respective clergy, and confiscating the estates of protestants who had fled from justice or their allegiance.

Volumes of controversial and party history have been put forth upon these measures of James and his parliament. They may here be passed over undisturbed. It should be observed, however, that the repeal of the act of settlement, a measure fraught with hardship and confusion, was forced upon him by the catholics, upon whom alone he could depend †; and, it may be added, that the submission of the catholics to an act which despoiled them of their estates in their native land, at a

* James addressed a letter from Dublin to cardinal Ottoboni, afterwards pope, soliciting his interest with Innocent XI.; and a passage in this letter, extant in MS., has been cited to prove against him, by his own avowal, the intention to establish popery as the dominant religion in England. The following is the passage: "Nous en (the cardinal's elevation) esperons encore des avantages pour nos affaires qui ne sont autres que celles de l'Angleterre, nos ennemis n'ayant rien à nous reprocher que notre religion, et tous nos sujets eussent été très satisfaits de notre gouvernement, n'étant la crainte que nous eussions introduits la foi orthodoxe, comme effectivement nous y travaillions quand cette tempête s'est élevée et que nous avons fait dans notre royaume d'Irlande."—In the first place, a diplomatic letter soliciting favour should not be strictly construed; and secondly, the reference to what he had already (15th February, 1690, is the date of the letter,) done in Ireland limits the sense and meaning simply to establishing liberty of conscience.

† It has been, up to a recent period, ascribed to D'Avaux, as the means of detaching Ireland from England and annexing her to France; and among the profligate fabrications in the interest of William and the revolution, was a pretended treaty, in nine articles, by which James sold Ireland to Louis XIV. The reader will recollect, that the repeal of the settlement was the work of Tyrconnell in pursuance of his intrigue with Bonrepaux.

moment when they had the power to reinstate themselves, would have been a sacrifice which no one, capable of rising above the arrogant bigotries of sect and party, to the contemplation of human action and human motive, could reasonably expect.

There remains to be mentioned another act for which the Irish, whether protestant or catholic, at least such as desire the liberty of their country, should hold the memory of this parliament and of James in respect: it was an act repealing Poyning's law, that is, the subordination of the Irish to the English parliament, — thus anticipating Grattan, Flood, and the Irish parliament of 1782. The worst measure of James was an exercise of prerogative, by which he issued and enforced an utterly debased currency by proclamation.

James, on his arrival in Ireland, encountered the chief resistance to him among the protestants of the north, whose strength consisted mainly in the garrison and walls of Londonderry. That town shut its gate against him; deposed the governor, Lundy, from suspicion of his courage or his faith; and appointed a major named Baker, and a clergyman named Walker, joint governors. The works were defended, or repaired, and the besiegers repulsed with such courage and perseverance, that James proceeded to hold the parliament, already referred to, in Dublin, leaving the conduct of the siege to the French general, Rosen. That officer, brought up in the French school of war which twice and memorably desolated the palatinate, indulged in menaces the most ferocious, and measures less barbarous only in extent. * Kirk,

* James has been unfairly charged with tolerating Rosen's cruelties: his position was difficult at every step, whether in policy or war, and he did all that could reasonably be expected of him. He rebuked Rosen, and requested Louis to recall him. Macpherson has published, in his "Original Papers" (i. 207.), the following letter, which the king addressed to Rosen: — "James, R. Trusty and well-beloved: We have received your project, and we wish we had seen it before you had issued any orders to put it in execution. We are thoroughly persuaded that you have seen none of the declarations in which we have promised our protection, not only to those who chuse to submit to us and live peaceably at home, but also to all those who chuse to return to their habitations, and behave as good subjects for the future; as we are convinced that, in that case, you would not have issued orders so contrary to our intentions and promises. It is positively

a soldier equally inhuman, arrived with succour from England, forced a boom which opposed his passage, and relieved the heroic garrison in the extremity of distress. Rosen, at last, raised the siege, and the defence of Londonderry is still named with deserved honour. The town of Enniskillen made a gallant, but less memorable, resistance.

On the 12th of August, marshal Schomberg landed at Carrickfergus with 16000 men; took the command in chief; entered upon the conquest of Ireland; took Belfast, Newry, and Dundalk with little resistance; encamped near the last-named place, with an unhappy choice of ground; remained there through the autumn in a state of inactivity; was approached and challenged by Rosen, and would not hazard a battle.

A general of his experience and reputation, unless, as it was said, advanced age had impaired the vigour and ardour of his mind, must have had good reasons for such conduct. The result, however, was unfortunate. The insalubrity of the ground, the severity of the weather, and the scarcity of provisions, visited his army with the two scourges of famine and disease.

our wish that you do not put your project in execution, as far as it regards the men, women, and children, of whom you speak; but, on the contrary, that you send them back to their habitations without any injury to their persons. But with regard to your project of pillaging and ravaging the neighbourhood of Londonderry, in case you are obliged to raise the siege, we approve of it, as necessary to distress our enemies. We believe your presence so necessary for the success of our arms before Londonderry, that it is our pleasure you remain there till further orders. Given at our court at Dublin Castle, this third day of July, 1689." In James's instructions to lord Dover (also given by Macpherson), on his being sent to France, the marquis de Rosen's conduct at Londonderry is noticed as follows (Macpherson i. 312.): — "You are to endeavour, with all the softness imaginable, to have our dearest brother recall the marquis de Rosen, as one, after having done what he did at Londonderry, incapable to serve us usefully. You are to inform, if need be, of his contemning our protections, by ordering to drive in and starve not only those who lived peaceably at home, but likewise those who were protected by us; so that no promises will be believed from him, nor, indeed, from our officers, till the truth of this affair be known by the rebels. At Inniskillen they are become more numerous by much, every body running there for shelter from so unjust a violence. You shall show how he required to be recalled, if this his project was not followed, and how he offered himself garant of the treaty with the town, and that, if any violation of it happened, he would put himself on their side; the which procedure of his there was nothing but the consideration of his most Christian majesty could have made us suffer from him; and, therefore, since we will not vindicate our justice by punishing of him, we must show our dislike of his procedure by having him recalled."

Rosen did not venture to attack him, and both armies went into winter quarters. The only operation worth notice, on the side of James, was the taking of Sligo by the brave Sarsfield, afterwards called lord Lucan.

On the 19th of October, William opened the second session of his first parliament with a speech which was universally commended. It is said to have been written by himself in French, and translated by the council into English. One of the first measures of the session was to proscribe, as an attainted traitor, Ludlow, who had returned from Switzerland to England under the ægis of the revolution. This was to be expected of a parliament and government which had already redressed and pensioned Titus Oates, as an immaculate martyr to protestantism.

The conversion of the declaration of rights into a statute deserves more grave and honourable mention. It will be remembered that the dispensing power was slurred over in the declaration.* It was explicitly declared illegal in the bill; and the chief merit and distinction of that vainly boasted statute belongs to the tories at least equally with the whigs,—if not in a higher degree. “I find,” said sir Edward Seymour, “a power in the king of dispensing, &c. If that be admitted, all the rest is nothing.”† To the exclusion of papists from the succession, the lords added, such as should marry papists; in which cases the parliament took upon itself to absolve the subjects from their allegiance,—an enactment of profound and vast consequence in the abstract. The bill, with the two exceptions stated, merely enacted the declaration of rights. “Except,” says a distinguished organ of whiggism‡, “in the article of the dispensing prerogative, we cannot say, on comparing the bill of rights with what is proved to be the law by statutes, or generally esteemed to be such on the authority of our best writers, that it took away any

* It was condemned as illegal only so far “as it hath been assumed and exercised *of late* ;” that is, in favour of popery and toleration.

† Parl. Hist. v. 411.

‡ Hallam, iii. 143.

legal power of the crown, *or enlarged the limits of popular and parliamentary privilege.*"

Why is it that not one of the new securities entered upon, but abandoned during the process of the revolution, was now thought of? A reason is assigned by lord Bolingbroke. That person, whose meditations were as sagacious as his conduct was eccentric, after observing that "he who thinks it (the constitution) perfected, and not begun merely, at the revolution, or perfected since, will find himself grievously mistaken," accounts for the fact as follows: — "We proceeded," says he, "for some time after that, like the Jews in rebuilding their temple. We carried on the holy work with one hand, and held the sword in the other to defend it." It is one thing to admit the fact, but a very different thing to acknowledge the excuse assigned by a tory culprit in a treatise dedicated to a whig prime minister.* The real, and now almost naked, reason was, that party interests, religious and political, were the governing springs of the revolution, and not the establishment and security of public liberty.

1690. The selfishness of party spirit was still more apparent in the corporation bill, introduced by the whigs. The tories had, by this time, supplanted them in the favour, rather than the confidence, of William, and suggested to him that a dissolution of the existing parliament would fortify the prerogatives of the crown. An election was looked to, and the whigs, to complete their ascendant in the corporate towns, their chief strength, brought in a bill for the restoration of corporate rights and privileges, which, by a sweeping disqualification of those, directly or indirectly concerned in the *quo warranto* †

* The "Dissertation on Parties," dedicated by him to sir Robert Walpole.

† There is in the Oxford edition of Burnet a curious note of speaker Onslow on the *quo warranto* against the corporation of London, and the character of Holt as a constitutional lawyer. "Holt," says he, "was always of opinion that the judgment upon the *quo warranto* against the City of London was legal, and accepted of being made recorder there by the king under that judgment. He was turned out, or forced to resign, at the latter end of king James's reign, for not expounding the statute of 2 and 3 Edward VI. against desertion, to affect deserters from king James's army. I have been since told hat, although Holt was of opinion that a corporation might be forfeited,

proceedings, under which charters were surrendered to the crown, placed the franchise at their disposal. The combined power and influence of the tories and the court, modified it in the house of commons, and still further in the house of lords ; but so distasteful was it still to William, and so alienated was he from the whigs, that he summoned the commons to attend him in the house of lords on the 27th of January ; announced to both houses his intention of proceeding to Ireland ; and prorogued the parliament, in disgust, to the 2d of April. A dissolution followed on the 6th of February, by proclamation.

If bishop Burnet may be relied on, the king was so disgusted, that it required the influence and eloquence of the marquis of Caermarthen (Danby), and the earl of Shrewsbury, to dissuade him from abandoning the government to the queen, and retiring to Holland. It is most probable that he could not always conceal his scorn of both factions ; — but that a person whose character had so much force, whose temper was so phlegmatic, who had but entered upon the execution of his vast and long-cherished views, should abandon all in a moment of weak and transient passion, is incredible on the authority of a historian so conceited and negligent. He, however, dismissed lords Monmouth (Peterborough) and Warrington, and even the conforming Godolphin, from the treasury, Torrington (Herbert) from the admiralty ; committed the chief conduct of his government to lords Caermarthen and Nottingham ; made sir John Lowther, a creature of Caermarthen, earl of Lonsdale and first commissioner of the treasury ; in short, discarded the whigs, adopted the tories, and opened the new parliament on the 20th of March.

The choice of sir John Trevor as speaker proved

and that the franchises of a corporation might be seized into the hands of the crown, yet he thought the judgment in this case, of seising into the hands of the crown the *corporate capacity* was not right. See Modern Reports, iv. 52, &c." — O. — *Burnet*, iv. 69.

that the tories had carried the elections. Trevor had been speaker and master of the rolls under James ; had given way to Powle on the accession of William ; and now supplanted in his turn the man who had displaced him. He is described as bold and dexterous ; a tory in principle, and the first who initiated William in the art of " buying off men." * The first trial of the strength of parties in the house of lords was made on two bills, introduced by the whigs ; one for recognising William and Mary as " rightful and lawful sovereigns," and declaring the acts of the convention parliament " good and valid ;" the other, introduced by them in the house of commons, for obliging all public functionaries, civil, military, and ecclesiastical, to abjure on oath the late king.

Both were severe tests of the creed and conscience of the tories. They were ready to swear allegiance to William as king *de facto*, but would not abjure James. The whigs carried the first bill in the lords through the three first stages ; lost it by six votes on the report ; and recovered it by one of the most frank and fearless protests on the journals of that house. † The declaratory clauses were restored, with the exception of the words " rightful and lawful," rejected as unnecessary. ‡

The tories, including lord Nottingham, now at the height of court favour, and bishops Compton and Lloyd, now strenuous tories, protested in their turn against the validity of the acts of the late parliament, as not called by the king. They had the mortification to see their protest expunged by a resolution of the house. The bill of recognition, so called, passed with less difficulty through the house of commons, where it would appear both whigs and tories were more disposed to conform. The abjuration bill was more vehemently resisted, and thrown out in the commons, through the united power of the tories and the court, by a majority of 192 to 178. In

* Burnet, iv. 76.

† It is signed Bolton, Macclesfield, Stamford, Newport, Bedford, Herbert, Suffolk, Monmouth, Delamere, and Oxford.

‡ Bishop Burnet inaccurately states that these words were retained. They are not to be found in the act.

the house of lords, it was opposed not only by all the tories, but by some of the whigs. Neither the journals nor the parliamentary history contain any record of the debate; but this want has been recently supplied by the following graphic and curious sketch:—

“The king,” says lord Dartmouth, “was present during the whole debate in the house of lords. Lord Wharton said he was a very old man, and had taken a multitude of oaths in his time, and hoped God would forgive him if he had not kept them all, for truly they were more than he could pretend to remember; but should be very unwilling to charge himself with more at the end of his days. The earl of Macclesfield, who had been an old cavalier, and came over with the prince from Holland, said he was much in the same case with lord Wharton, though they had not always taken the same oaths; but he never knew them of any use but to make people declare against the government, that would have submitted quietly to it, if they had been let alone. The truth was, he had made very free with his oath of allegiance to king James, but should be loath to be under the temptation of breaking more. The earl of Marlborough said he was surprised to hear that lord say what he did, for he was sure there was no man in England that had more merit in bringing the late happy revolution to effect than his lordship. The earl of Macclesfield said he had spoken his mind with more freedom, because he was sure he should not be misrepresented; but his lordship did him too much honour in thinking he had so great a share in the revolution: there were others that had gone much greater lengths than he either could or would have done; for he had been only a rebel, and should be always ready to venture his head, whenever he thought the laws and liberties of his country required it. This cast so strong a damp upon the debate, that the house adjourned presently after, and the king seemed as little pleased as the earl of Marlborough. The bishop of London made a long speech against the multiplying of

oaths, but the conclusion set them all a laughing ; for he desired not to be misunderstood : he did not speak for himself ; there was not, nor could be made, an oath to the present government that he would not take.”*

The tories, following up their victory, brought in, first, a bill restoring the charter of the city of London, with provisos of indemnity so favourable to themselves, that it was opposed by the whigs, and deprecated by the corporation ; next, a bill to enforce the penalty of 500*l.* against such persons as had acted in any official capacity, civil or military, without having qualified themselves by law in the late reign. The latter was aimed at the non-conformists who had taken the benefit of James’s declaration of indulgence ; and both were carried, in spite of the keenest opposition of the whigs, in the lords and commons.

The session closed on the 21st of May, with an act of grace, which the king had announced in his opening speech. It passed the lords unanimously, and with such favour, that the whole house stood up uncovered during the vote on the first reading. Thirty-one persons were expressly excepted ; among them were lords Powis, Melfort, Sunderland, Dover, and Castlemaine ; the bishops of Durham and St. Davids, the judges Herbert, Withens, Jenner, and Holloway, father Petre, and “ George lord Jeffreys, deceased.”

William left London for Ireland on the 4th of June, landed at Belfast on the 14th, and was met there by marshal Schomberg, whose operations, since he had begun the year’s campaign, scarcely merit mention. William, with his own force and that already in Ireland, was at the head of 36,000 men. He soon expressed, by implication, his censure of the inactivity of Schomberg, by declaring that “ he did not come to Ireland to let the grass grow under his feet ;” used various arts to restore the spirit and confidence of Schomberg’s troops, and marched directly against James.

* Note of lord Dartmouth, in Burnet, iv. 77. 80:

The late king took no advantage of posts where William might have been resisted with advantage; abandoned to him Newry, Dundalk, and Ardee; crossed the Boyne on the 29th of June, and encamped on what is described as well-chosen ground on that river. He now held a council of war, the result of which was, that he should retire behind the Shannon, and protract the war. James rejected this opinion, and resolved to hazard a battle.

On the morning of the 30th of June, William encamped on the opposite bank, with the resolution to pass the river, and engage James next day. Whilst reconnoitring the enemy's position, a spent ball grazed his shoulder; and the report of his being killed, circulating electrically in both camps, caused dismay in the one, and exultation in the other. Both were soon disabused.*

Next morning William proceeded to pass the Boyne at three different points. James's Irish troops, placed in the centre, which was the chief post of strength and danger, are reproached with cowardice. The passage of the river, however, must have been not ill disputed, from the carnage on both sides, and the death of superior officers, including marshal Schomberg. Hamilton was taken prisoner in a furious charge with his Irish cavalry, and conducted to William, who asked him whether he thought James's army would make further resistance: "Upon my honour," said he, "I think they will." "Your honour!" rejoined William, contemptuously, in reference to Hamilton's mission to Ireland.† The army of James effected its retreat without

* The report reached Paris at midnight; upon which the populace of that city lighted bonfires, and the governor of the Bastille fired his guns. The French court was unjustly reproached with this base proceeding. "Cette fausse nouvelle," says Voltaire (Siècle de Louis XIV.), "fut reçue à Paris avec une joie indécente et honteuse. Quelques magistrats subalternes encouragèrent les bourgeois et le peuple à faire des illuminations. On sonna les cloches; on brula dans plusieurs quartiers des figures d'osier qui représentèrent le prince d'Orange, comme on brule le pape dans Londres; on tira le canon de la Bastille, non par ordre du roi, mais par le zèle inconsidéré d'un commandant.

† Hamilton's breach of diplomatic faith to the prince of Orange, an enemy and invader, might be called virtue in comparison with the desertion

considerable loss, towards Athlone, on the Shannon, and the unfortunate king himself proceeded first to Dublin, and thence to Waterford, where he embarked for France.*

William, meanwhile, pursued the fugitive army of James. One body of his army invested Athlone, but, on the approach of Sarsfield, raised the siege. Limerick was a still stronger place; and the jacobites had concentrated their force there with a strong garrison of French and Irish. The king, in person, invested that city on the 9th of August. The attack and defence were conducted with great resolution. A breach was at length effected; the king ordered an assault; the assailants were repulsed, with the loss of 1200 chosen troops; and in two days after William raised the siege.

The defence of Limerick, if it did not rival that of Londonderry, was signalised by a memorably gallant exploit of Sarsfield. He went out of the town at night, with a body of cavalry; passed William's lines unobserved; lay in wait for a train of artillery and ammunition on its way to the king; cut the escorting force in pieces, spiked the guns, blew up the ammunition, and returned triumphant into the town. This enterprise is said to have reduced William to the necessity of raising the siege. The besieging army retired upon Clonmell, and the king sailed for England, leaving the command in chief to count Solms.

The king, at his departure, appointed lord Sidney and sir Thomas Coningsby lord justices. The command of the army soon passed from Solms to Ginckel, another Dutchman, and the conquest of Ireland proceeded.

Churchill, now earl of Marlborough, unemployed, ambitious, and impatient of the king's favour to his countrymen, offered the queen regent to conduct an

of Churchill and others from James in the field. Whig historians waste a great deal of virtuous indignation against Hamilton, and as exaggerated praises of the rejoinder of William.

* There is in the "Life of James," a detailed account of the battle of the Boyne, extracted from his Memoirs, but substantially the same as the account of Macpherson.

expedition from England against Cork and Kinsale, the chief keys of communication with France. He obtained easily the consent of the regent, with some difficulty* the sanction of the king, then on the eve of his return; and anchored before Cork at the close of summer, with 5000 troops from England. He was joined on landing by 4000 Danish mercenaries, under the command of the duke of Wirtemberg; and the town, bombarded from the sea, and breached from the land side, surrendered at discretion. Kinsale, after a more vigorous resistance, capitulated at discretion, and the earl of Marlborough returned to England in triumph.

It is said that he was generously complimented by the king, and that the public remarked with jealous pride the fact of his having achieved more in a month than the king's Dutch favourites in two campaigns. His achievement, however, has been exaggerated. Cork, instead of being a place of strength, as described by contemporary and succeeding writers, was so far from a condition to sustain a siege, that the governor had continued there, in disobedience of the orders of the duke of Berwick to burn the town and retire with the garrison.† The duke of Grafton, one of the natural sons of Charles II., was killed at this siege.

On the approach of winter, the state of Ireland became most deplorable. Jealousy and discord soon broke out between the Irish and French upon the departure of James, whose presence had been some check upon them. The Irish themselves were divided. A violent party grew up against Tyrconnel, who held the commission of lord-lieutenant of Ireland from James. Louis XIV. recalled his troops; and Tyrconnel, to solicit succour, or defend himself against complaints which his adversaries had sent to St. Germain's, accompanied them to France.‡ The duke of Berwick also retired

* See Ralph, ii. 243.

† Life of James, ii. 419.

‡ The following artful manoeuvre of Tyrconnel, on his arrival in France, is told in the "Life of James." "My lord Tyrconnell, indirectly indeed, had

from Ireland in disgust. The unarmed or disarmed inhabitants were harassed and despoiled between the contending parties; the stock, not merely of corn, but of cattle, was prematurely consumed or destroyed; and they were exposed at once to famine and the inclemency of the season.

1691. William had proclaimed an amnesty after the battle of the Boyne; and, had it been worthy of a generous conqueror, and of his own character, it would most likely have brought the Irish, at this crisis, to submit. It excepted "the desperate leaders of the present rebellion." The amnesty was thus devoured by the exception. Every man, of the least influence, thought himself a proscribed victim; and the remains of the army of James, now under the command of Sarsfield, resolved to brave the worst. That officer, admired for his recent exploit during the siege of Limerick, proclaimed a traitor, and eager for distinction and revenge, continued the war by

contributed to this change (a more favourable disposition on the part of Louvois), by a certain contrivance, intended only to secure his own credit; but had this good effect besides: it seems, when he and M. de Lausune returned together from Ireland, my lord Tyrconnell told him, at their arrival at Brest, that, seeing they had both many enemies, their conduct would infallibly be censured to a great degree, and they both run the hazard of being ruined if they stuck not to one another, and justifyd each other's actions. This appeared too reasonable not to be readily embraced by the count de Lausune, who stood most in need of a support in this case; so, then, he told him that, on account of his own age and infirmity, he could not travel fast; that, on the other hand, delays might be dangerous; so desired the count not to stay for him, but make what expedition he could to court; where, when he arrived, according to the plan already agreed betwixt them, he justified the duke of Tyrconnell's conduct in every particular, which so prepared the way for him, that he found a very gracious reception (as was sayd) at his arrival; but, when it came to his turn to answer certain questions concerning M. de Lausune's behaviour, he sayd, indeed he believed he meant well and did his best, but could not excuse certain failures, which were too manifest to be palliated. When M. de Lausune heard this, he was in a mighty rage, but there was no retracting what he had sayd in my lord Tyrconnell's justification, who little valued his resentment, having so dexterously made use of him to establish his own credit with the minister, who was charmed to find the blame cast upon a person he affected so little; and the king might have reaped no small benefit too from this contrivance, had not fortune ever crossed to his expectation; for, as the king had lost that minister by the *chois* he had formerly made of Lausune, so he gained him in some measure again by this accidental humiliation; but M. de Louvois's suddain death, soon after, put an end to those hopes; whereas his son, who succeeded in his employment, inherited his father's harsh and imperious temper, and averseness to his majesty and his interest." — *Life of James*, ii. 437.

surprises and skirmishes, fierce and bloody, however indecisive.

In the spring, William's army had been reinforced by him from England and Scotland. Wholly absorbed in his eagerness to appear on the great theatre of Europe at the head of the allied armies against Louis XIV., he instructed Ginckel to bring the war in Ireland to a close.

The Irish, at the same time, were reinforced from France. Tyrconnel returned with the patent of earl of Lucan for Sarsfield, his adversary; and, to prevent collision, the command in chief of the army, both Irish and French, was given to a distinguished French officer, St. Ruth.

The first operation worth mention was the siege of Athlone. The town had strong defences, and was further protected by the army of St. Ruth, posted within a few miles. It was built on both banks of the Shannon, one called the English, the other the Irish side, communicating by a stone bridge, which was protected by a strong fort. The English town, so called, had imperfect and weak defences, and was taken by Ginckel, after a vigorous resistance. The bridge was broken, and the Irish town could be approached only by fording the river. After various attempts had been made in vain, with great labour and loss of lives, this desperate resource was adopted in a council of war:—Sarsfield, who was in the town, discerned the intentions of Ginckel from his movements, and apprised St. Ruth. That officer, with the presumptuous levity which is regarded as a trait of French character, rejoined, "They dare not, and I so near." "You do not know the English," rejoined Sarsfield. A strong detachment plunged into the river, amidst shouts from the whole army, and proceeded, under a heavy fire from the Irish batteries. They were protected at the same time by more guns, and a more effective fire, from their own side. The Irish batteries were breached almost to ruins, and they gained the opposite bank; more troops were passed over by hastily

constructed bridges of boats and planks ; the Irish fled in consternation ; and, within less than an hour, the town was carried.

St. Ruth moved too late ; attempted to retake the place ; made but little impression ; and retired to Aughrim, and a stronger position, about twelve miles distant.

The new position of St. Ruth was defended by hills, morasses, rivulets, and the strong castle of Aughrim. Ginckel having personally reconnoitred, made up his mind to attack it, after a week's rest for his troops. On the morning of Sunday, the 12th of July, he attacked St. Ruth in his lines, passed a morass, ascended a rising ground beyond, and was driven back with precipitation and serious loss. " Now," exclaimed St. Ruth, " will I drive the English back to the gates of Dublin." He was under a fatal delusion : the English renewed the attack with increased numbers. St. Ruth advanced in person to meet them ; and a random shot, by which he fell, decided the victory.

His death spread consternation among the French and Irish. Sarsfield, second in command, to whom, from personal jealousy, he had not communicated his dispositions for the day, was unable to rally them, and they abandoned their position in a state of rout. The loss of the English is stated to have been only 700, whilst that of the Irish was 7000. Many of the latter were doubtless slaughtered in the retreat,—for the English stained their victory by not giving quarter.*

The Irish retreated upon Limerick, and Ginckel, having taken Galway, after only two days' resistance, proceeded to the siege of that town, and invested it on the 26th of August. Tyrconnel had died there of what is called a broken heart, ten days before, and the conduct of the defence fell to Sarsfield.

Limerick, like Athlone, stood on both sides of the Shannon, and Ginckel had yet invested it only on one.

* Dal. i. 478.

He brought up all the reinforcements he could command, military and naval; and, after several bloody but obscure engagements, which may be passed over as commonplaces in the carnage of war, entered into terms of capitulation with the garrison. The result was that capitulation of Limerick, which has been the object of such frequent reference and contentious dispute for near a century and a half. William was now the monarch of three kingdoms in fact as well as in name.

NOTE.

(See pages 226. and 245.)

It was maintained in some of the tracts and pamphlets to which the Revolution gave occasion, that a deposing power by judicial process was constitutionally vested in the great councils or parliaments of the kingdom. — The following is an extract from one of the most curious of those tracts. — After tracing and commenting on the ancient oath of fealty, and the more modern oaths of allegiance and supremacy, from their earliest periods respectively, the writer proceeds: —

“So that the oaths of supremacy and allegiance not having altered the terms of allegiance, due from the people of England to their princes, if their princes by ancient laws of the realm, and by the practice of our forefathers, were liable to be deposed by the great councils of the nation, for mal-administration, oppressions, and other exorbitancies, for not keeping their coronation-oaths, for insufficiency to govern, &c., then they continue still liable to be deposed in like manner, the said oaths, or any obligation contracted thereby, notwithstanding.

For the practice of former times, I shall begin with a very ancient precedent in the kingdom of the West Saxons; viz. —

Cudred, king of West-Saxony, being dead, Sigebert, his kinsman, succeeded him in that kingdom, and held it but a small time; for being puffed up with pride by the successes of king Cudred his predecessor, he grew insolent, and became intolerable to his people. And when he evil entreated them all manner of ways, and either wrested the laws for his own ends, or eluded them for his own advantage, Cumbra, one of his chief officers, at the request of the whole people, intimated their complaints to the savage king. And because he persuaded the king to govern his people more mildly, and that, laying aside his barbarity, he would endeavour to appear acceptable to God and man, the king immediately

Cudredo rege West-Saxiæ defuncto, Sigebertus cognatus ejus sibi in eodem regno successit; brevi tamen tempore regnum tenens; nam ex Cudredi regis precessoris sui eventibus tumefactus, et insolens intolerabilis suis fuit cum autem eos modis omnibus male tractaret, legesque vel ad commodum suum depravaret, vel pro commodo suo devitaret, Cumbra consul ejus nobilissimus prece totius populi regi fero eorum querimonias intimavit. Et quia ipse regi suaserat, ut lenius populum suum regeret, et inhumanitate depositâ Deo et hominibus amabilis appareret, rex eum impiâ nece mox interfici jubens, populo sævior et intolerabilior quàm prius suam tyrannidem augmentavit, unde in principio secundi anni regni

commanded him to be put to death, and increasing his tyranny, became more cruel and intolerable than before: whereupon, in the beginning of the second year of his reign, because he was arrived to an incorrigible pitch of pride and wickedness, the nobles and the people of the whole kingdom assembled together, and, upon mature deliberation, did, by unanimous consent

of them all, drive him out of the kingdom. In whose stead they chose Kenwolph, an excellent youth and of the royal blood, to be king over the people and kingdom of the West Saxons. — *Collect.* p. 769, 770., *ibid.* p. 795, 796.

This deposition of king Sigebert appears to have been done in a formal and orderly manner; viz. in a convention of the *proceres* and the *populus totius regni*; and it was done *providâ deliberatione et unanimi omnium consensu*, and consequently was not an act of heat, rebellion, or tumultuary insurrection of the people; but was what the whole nation apprehended to be legal, just, and according to the constitution of their government, and no breach of their oaths of allegiance.

Nor have we any reason to wonder that the English nation should free themselves in such a manner from oppression, if we consider, that by an ancient positive law enacted in king Edward the Confessor's time, and confirmed by William the Conqueror, the kings of England are liable to be deposed, if they turn tyrants.

The king, because he is the vicar of the Supreme King, is constituted to this end and purpose, that he may govern his earthly kingdom and the people of the Lord, and especially to govern and reverence God's holy church, and defend it from injuries, and root out, destroy, and wholly to extirpate all wrongdoers. Which if he do not perform, he shall not retain so much as the name of a king. And a little after; The king must act all things according to law, and by the judgment of the *proceres regni*. For right and justice ought to reign in the realm rather than a perverse will. It is the law that makes right; but wilfulness, violence, and force is not right. The king ought, above all things, to fear and love God, and to keep his commandments throughout his kingdom. He ought also to

sui cum incorrigibilis superbiæ et nequitia esset, congregati sunt proceres et populus totius regni et eum providâ deliberatione à regno unanimi consensu omnium expellebant, cujus loco Kenwolfum juvenem egregium de regiâ stirpe oriundum, in regem super populum et regnum West Saxiæ elegerunt. — *Collect.* p. 769, 770., *ibidem*, p. 795, 796.

Rex autem, quia vicarius summi Regis est, ad hoc est constitutus, ut regnum terrenum et populum Domini, et super omnia sanctam veneretur ecclesiam ejus et regat, et ab injuriis defendat, et maleficos ab eâ evellat et destruat, et penitus disper. Quod nisi fecerit, nec nomen regis in eo constabit. Et pauld post; Debet rex omnia ritè facere in regno, et per judicium procerum regni. Debet enim jus et justitia magis regnare in regno, quàm voluntas prava. Lex est semper quod jus facit, voluntas autem, violentia et vis, non est jus. Debet verò rex Deum timere super omnia et diligere, et mandata ejus per totum regnum suum servare. Debet etiam sanctam ecclesiam regni sui cum omni integritate et libertate juxta constitutiones patrum et prædecessorum servare, fovere, manutenerere,

preserve, to cherish, maintain, govern, and defend, against its adversaries, the church within his kingdom entirely and in all freedom, according to the constitutions of the fathers and of his predecessors, that God may be honoured above all things, and always be had before men's eyes. He ought also to set up good laws and approved customs, and to abolish evil ones, and put them away in his kingdom. He ought to do right judgment in his kingdom, and maintain justice by advice of the *proceres regni sui*.

All these things the king, in proper person, looking upon and touching the holy gospels, and upon the holy and sacred reliques, must swear in the presence of his people and clergy to do, before he be crowned by the archbishops and bishops of the kingdom. — *Lamb. of the Ancient Laws of England*, p. 142.

Another instance of the deposition of a king of England, subsequent to this law, we find in king John's time, whose oppressions and tyrannical government our histories are full of; of which take this following account out of a very ancient historian.

Whereas, the said John had sworn solemnly at his coronation, as the manner is, that he would preserve the rights and usages of the church and realm of England, yet, contrary to his oath, he subjected, as far as in him lay, the kingdom of England, which has always been free, and made it tributary to the pope, without the advice and consent of his barons; subverting good customs, and introducing evil ones, endeavouring by many oppressions, and many ways, to enslave both the church and the realm, which oppressions you know better than I, as having felt them by manifold experience. For which causes, when after many applications made, war was waged against him by his barons, at last, amongst other things, it was agreed, with his express consent, that in case the said John should return to his former villanies, the barons should

regere, et contra inimicos defendere, ita ut Deus præ cæteris honoretur, et præ oculis semper habeatur. Debet etiam bonas leges et consuetudines approbatas erigere, pravas autem delere, et omnes à regno deponere. Debet iudicium rectum in regno suo facere, et justitiam per consilium procerum regni sui tenere. Ista verò debet omnia rex in propria persona, inspectis et tactis sacrosanctis evangeliiis, et super sacras et sanctis reliquias coram regno et sacerdotio et clero jurare antequam ab archiepiscopis et episcopis regni coronetur.—*Lamb. de Priscis Anglorum Legibus*, p. 142.

Cum præfatus Johannes in coronatione suâ solennitèr prout moris est jurasset, se jura et consuetudines ecclesiæ et regni Angliæ conservaturum, contra juramentum suum absque consilio vel consensu baronum suorum, idem regnum, quod semper fuit liberum, quantum in ipso fuit, domino pape subjecit, et fecit tributarium, bonas consuetudines subvertens, malas inducens, tam ecclesiam quam regnum multes oppressionibus multesque modes studens ancillare, quas oppressiones vos meliùs nostis, quam nos, ut qui eas familiari sensestis experimento. Pro quibus, cum post multas requisitiones guerra mota esset contra ipsum a baronibus suis, tandem, inter cætera de ejus expresso consensu ita convenit, ut si idem Johannes ad flagitia prima rediret, ipse barones ab ejus fidelitate recederent, nunquam ad eum post modum reversuri. Verùm ipse nihilo-

be at liberty to recede from their allegiance to him, never to return to him more. But he, after a few days, made his latter end worse than his beginning, endeavouring not only to oppress his barons, but wholly to exterminate them; who, therefore, in a general assembly, and with the approbation of all the realm, adjudging him unworthy to be king, chose us for their lord and king. — *Collect.* p. 1868, 1869; *Chron. W. Thorn.*

minus paucis diebus evolutis, fecit novissima sua pejora prioribus, studens barones suos non tantum opprimere, sed potius penitus exterminare. Qui de communi regni consilio et approbatione ipsum regno judicantes indignum, nos in regem et dominum elegerunt. — *Collect.* 1868, 1869; *Chron. W. Thorn.*; *Lewis his Letter to the Abbot of St. Austin's, Canterbury.*

The next instance shall be that of king Edward II. : the record of whose deposition, if it were extant, would probably disclose all the legal formalities that were then accounted proper for the deposing an unjust, oppressive king: but they were cancelled and embezzled (as is highly probable from Rastall's Stat. p. 170, 171., compared with the articles exhibited in parliament against king Richard II., of which hereafter) in king Richard II.'s time, and by his order; yet the articles themselves are preserved in the *Collect.*, and are as followeth; viz —

Accorde est que Sire Edward, fitz aîsnè du roy, ait le government du royaume et soit roy couronne, pur les causes que s' ensuent.

1. Pur ceo que la person le roy n' est pas suffisant de gouverner: car en tout son temps il ad estre mene et gouverne per auters que ly ont mavaisement conseillez, à deshonour de ly et destruction de saint esglise, et de tout son peuple, sanz ceo que il le vousist veer ou conuster lequel il fust bon ou mauveys, ou remedie mettre, ou faire le vousist quant il fuit requis par les grants et sages de son royaume, ou souffrir que amende fuist faite.

2. Item, Par son temps, il ne se voloit doner à bon conseil, ne le croire, ne à bon government de son royaume, mes se ad done tous jours as ouvrages et occupations nient convenables, enterlessant l'exploit des besoignes de son royaume.

3. Item, Par default de bon government ad il perdu le royaume d'Escoce

It is accorded that prince Edward, the king's eldest son, shall have the government of the kingdom, and be crowned king for the causes following.

1. For that that the person of the king is insufficient to govern: for that during his whole reign he has been led and governed by others, who have given him evil counsel, to his dishonour and the destruction of holy church, and of all his people; he being unwilling to consider or know what was good or evil, or to provide remedy even when it was required of him by the great and wise men of his realm, or suffer any to be made.

2. Also, During all his time, he would neither hearken to, nor believe good counsel, nor apply himself to the good government of his realm, but hath always given himself over to things and occupations altogether inconvenient, omitting in the mean time the necessary affairs and business of the kingdom.

3. Also, For want of good government, he hath lost the kingdom of

et auters terres et seigneuries en Gascoyne et Hyrland, les queux son pere le leisa en pees et amistè du roy de France, et dets mults des auters grants.

4. Item, Par sa fiertè, et qualte, et par mauveys counsel, ad il destruit saint esglise, et les persons de saint esglise tenus en prison les uns et les auters en distresse. Et auxynt plusors grants et nobles de sa terre mys à honteuse mort, enprisones, exulets, et desheritez.

5. Item, Là ou il est fenus par son serment à faire droit à toute il ne l'ad pas volu faire, pur son propre proffitt et covetise de ly, et de ces maveis consailires, que ount este pres de ly, ne ad garde les auters points del serment qu' il fist à son coronement, si come il fuest tenus.

6. Item, Il deguerpist son royaume, et fist tant come en ly fust que son royaume et son people fust perduz, et que pys est, pur la cruaute de ly et defaute de sa personne il est trove incorrigible saunz esperance de amendment, les queux choses sont si notoires, qu' ils ne pount este desdits.

For these causes, De consilio et assensu omnium prælatorum, comitum et baronum et totius communitatis regni amotus est à regimine regni.—[*Apolog. Ade de Orleton, Collect. p. 2765, 2766.*]

These proceedings against king Edward II. are no where extant but in that author. Which is the less to be wondered at, if we consider, that in king Richard II.'s time, the king's parasitical court favourites so influenced the judges, that to the question, How he was to be punished, that moved in the parliament, that the statute should be sent for, whereby Edward, the son of king Edward, was another time indicted in the parliament; they answered, That as well he that moved, as the other who by force of the same motion brought the said statute into the parliament-house, be as criminal and traitors worthy to be punished.—*V. Rastall's Statutes, p. 170, 171.* (Though for that and other extravagant, pernicious, and treasonable

Scotland, and other lands and territories in Gascoyn and Ireland, which his father left him in peace and friendship with the French king, and with many other grantees.

4. Also, By his pride and arrogance and evil counsel, he hath destroyed holy church; imprisoning some persons thereof, and put others in distress. And also he hath put to a shameful death, imprisoned, and disinherited many of the great men, and nobles of the land.

5. Also, Whereas he is bound by his oath to administer justice to all, he would not do it, through his own covetousness, and that of evil counsellors that were about him; neither hath he kept the other points of the oath which he took at his coronation, as he was bound.

6. Also, He hath wasted his kingdom, and did what in him lay, that his realm and people should be destroyed; and, which is worse, by his cruelty and personal failings or defects, he is found to be incorrigible, and past all hopes of amendment. All which things are so notorious, that they cannot be denied.

For these causes, by advice and assent of all the prelates, earls, and barons, and of the whole commonalty of the kingdom, he was deposed from the government.—[*Apology of Adam de Orleton, Collect. p. 2765, 2766.*]

opinions delivered, those judges were severely punished, as is notoriously known.) And also, that it was afterwards one article of impeachment against king Richard II., that he had cancelled and razed sundry records.

In king Richard II.'s time many animosities arose from time to time betwixt him and his parliaments; insomuch, that in the 11th year of his reign—the parliament then sitting at London—the king absented himself from them, and staid at Eltham, refusing to come at them, and join with them in the public affairs: upon which occasion the lords and commons sent messengers to him with an address; which the historian H. Knighton sets forth at large, and which I will here give the reader a transcript of at large, because it will afford many useful inferences and observations.

Salubri igitur usi consilio miserunt, de communi assensu totius parliamenti dominum Thomam de Wodestoke, ducem Glocestrie, et Thomam de Arundell, episcopum Elyensem, ad regem apud Eltham, qui salutarent eum ex parte procerum et communium parliamenti sui, sub tali sensu verborum ei referentes vota eorum.

Domine Rex, Proceres et domini atque totus populus communitatis parliamenti vestri, cum humilimã subjectione se commendant excellentissimo regalis dignitatis vestræ, cupientes prosperum iter invincibilis honoris vestri contra inimicorum potentiam, et validissimum vinculum pacis et dilectionis cordis vestri erga subditos vestros, in augmentum commodi vestri, erga Deum, et salutem animæ vestræ, et ad inedicibilem consolationem totius populi vestri quem regitis; ex quorum parte hæc vobis intimamus; Quod ex antiquo statuto habemus, et consuetudine laudabili et approbata, cujus contrarietati dici non valebit, quod rex noster convocare potest dominos et proceres regni atque communes semel in anno ad parliamentum suum, tanquam ad summam curiam totius regni, in quã omnis æquitas relucere deberet absque qualibet scrupulositate vel nota, tanquam sol in ascensu meridiei, ubi pauperes et divites pro refrigerio tranquillitatis et pacis, et repulsione injuriarum

Wherefore taking wholesome advice, they sent, by common assent of the whole parliament, the lord Thomas de Woodstock, duke of Gloucester, and Thomas de Arundell, bishop of Ely, to the king, to Eltham, to salute him on behalf of the lords and commons of his parliament, who expressed their desires to the king to this effect.

Sir, The lords and all the commons of your parliament have themselves commended to your most excellent majesty, desiring the success of your invincible honour against the power of your enemies, and a most firm bond of peace and love in your heart towards your subjects, for your good Godwards, and the good of your soul, and to the unspeakable comfort of all your people whom you govern: on whose behalf we intimate these things to you; That it appears to us, by an ancient statute, and by laudable and approved usage, which cannot be denied, that our king can call together the peers of the realm and the commons once a-year to his parliament, as to the supreme court of the whole kingdom, in which all right and justice ought to shine forth without any doubt or stain, as the sun at noon-day, where poor and rich may find an infallible refuge, to enjoy the refreshments of tranquillity and peace, and for repelling of injuries; where also errors in government are to be reform-

refugium infallibile quærere possent; ac etiam errata regni reformare, et de statu et gubernatione regis et regni cum sapientiori consilio tractare; et ut inimici regis et regni intrinseci et hostes extrinseci destruantur et repellantur, quomodò convenientius et honorificentius fieri poterit cum salubri tractatu in eo disponere et prævidere; qualiter quæque onera incumbentia regi et regno levius ad ediam communitatis supportari poterunt. Videtur etiam iis, quod ex quo onera supportant incumbentia, habent etiam supervidere qualiter et per quos eorum bona et catalla expendantur. Dicunt etiam, quod habent ex antiquo statuto, quod si rex à parlamento suo se alienaverit suâ sponte, non aliquâ infirmitate, aut aliquâ aliâ de causâ necessitatis, sed per immoderatam voluntatem protervè se subtraxerit per absentiam temporis quadraginta dierum, tanquam de vexatione populi sui et gravibus eorum expensis non curans, extunc licitum omnibus et singulis eorum absque domigerio regis redire ad propria, et unicuique eorum in patriam suam remeare; et jam vos ex longiore tempore absentastis, et quâ de causâ nesciunt, venire renuistis. Ad hæc rex, Jam planè consideramus, quod populus noster atque communes intendunt resistere, atque contra nos insurgere moliantur; et in tali infestatione melius nobis non videtur, quin cognatum nostrum regem Franciæ, et ab eo consilium et auxilium petere contra insidiantes, et nos ei submittere potiùs quàm succumbere subditis nostris. Ad hæc illi responderunt, Non est hoc vobis sanum consilium, sed magis ducens ad inevitabile detrimentum; nam rex Franciæ capitalis inimicus vester est, et regni vestri adversarius permaximus; et si in terram

ed, and the state and government of king and kingdom treated upon by sage advice; and the destroying and repelling of both intestine and foreign enemies to the king and kingdom, with most convenience and honour, may be debated upon and provided for; as also in what manner the charges incumbent upon the king and kingdom may be borne with most ease to the commonalty. They conceive likewise, that since they bear the incumbent charges, it concerns them to inspect how and by whom their goods and chattels are expended. They say also, that it appears to them by an ancient statute, that if the king absent himself from his parliament, voluntarily, not by reason of sickness, or for any other necessary cause, but through an inordinate will shall wantonly absent himself by the space of forty days, as not regarding the vexation of his people, and their great expenses, it shall then be lawful to all and singular of them to return to their own homes without the king's leave: and you have now been longer absent, and have refused to come to them, for what cause they know not. Then said the king, I now plainly see that my people and the commons design to oppose me with force, and are about to make an insurrection against me: and if I be so infested, I think the best course I can take will be to my cousin the king of France, and ask his advice, and pray in aid of him against those that waylay me, and rather to submit myself to him, than be foiled by my own subjects. To which they replied, That counsel is not for your good, but will inevitably tend to your ruin; for the king of France is your capital enemy, and the greatest adversary that your kingdom has; and if he should set his foot within your

regni vestri pedem figeret potius, vos spoliare laboraret et regnum vestrum invadere, vosque à sublimitate regalis solii expellere, quam vobis aliquatenus manus adjutrices cum favore apponere; si, quod absit, ejus suffragio quandoque indigeretis. Ad memoriam igitur revocetis, qualiter avus vester Edwardus tertius rex, et similiter pater Edwardus [princeps nomine ejus in sudore et angustiis in omni tempore suo per innumerabiles labores in frigore et calore certaverunt indefessè pro conquisitione regni Franciæ, quod eis jure hæreditario attinebat, et vobis per successionem pòst eos. Reminiscamini quoque qualiter domini regni et proceres quate communes innumerabiles tam de regno Angliæ quam Franciæ, reges quoque et domini de aliis regnis, atque populi innumerabiles in guerrâ illâ mortem et mortis periculum sustinuerunt; bona quoque et catalla inæstimabilia, et thesauros innumerabiles pro sustentatione hujus guerræ, communes regni hujus indefesse effuderunt. Et quod gravius dolendum est, jam in diebus vestris tanta onera iis imposita pro guerris vestris sustinendis, supportaverunt, quod ad tantam pauperiem incredibilem deducti sunt, quod nec redditus suos pro suis tenementis soluere possunt, nec regi subvenire, nec vitæ necessaria sibi ipsis ministrare, et depauperatur regia potestas, et dominorum regni, et magnatum infelicitas adducitur, atque totius populi debilitas. Nam rex depauperari nequit, qui divitem habet populum; nec dives esse potest, qui pauperes habet communes. Et mala hæc omnia redundant non solum regi, sed et omnibus et singulis dominis et proceribus regni, unicuique in suo gradu. Et hæc omnia eveniunt per iniquos ministros regis, qui malè gubernaverunt regem et reg-

kingdom, he would rather endeavour to prey upon you, and invade your realm, and to depose you from your royal dignity, than afford you any assistance, if, which God forbid, you should stand in need of his help. Call to mind therefore, how your grandfather, king Edward III. and your father, prince Edward, for him, fought indefatigably in sweat and sorrow all their days, and went through innumerable hardships of cold and heat, to acquire the kingdom of France, which by hereditary right appertained to them, and does now to you by succession after them. Remember likewise, how innumerable lords and commons of both realms, and kings and gentlemen of other kingdoms, and people innumerable, perished, or hazarded perishing, in that war; and that the commons of this realm poured out goods of inestimable value, and innumerable sums of money, for the carrying on of that same war; and, which is more to be lamented, they have now in your days undergone such heavy taxes towards the maintaining of your wars, that they are reduced to such incredible poverty that they cannot so much as pay their rents for their farms, nor aid the king, nor afford themselves necessities; and the king himself is impoverished, and the lords become uneasy, and all the people faint; for a king cannot become poor that has a rich people; nor can he be rich whose people are poor. And all these mischiefs redound not to the king only, but also to all and singular the peers of the realm, in proportion: and all these mischiefs happen by means of the king's evil ministers, who have hitherto misgoverned both the king and kingdom; and if some course be not taken, the kingdom of England will be miserably diminished sooner than we are aware. But

num usque in præsens. Et nisi manus citius apponamus adjutrices, et remedii fulcimentum adhibeamus, regnum Angliæ dolorose attenuabitur tempore, quo minus opinamur. Sed et unum aliud de nuncio nostro superest nobis ex parte populi vestri vobis intimare. Habent enim ex antiquo statuto, et de facto non longè retroactis temporibus, experienter quod dolendum est habito, si rex ex maligno consilio quocunque, vel ineptâ contumaciâ, aut contemptu, seu protervâ voluntate singulari, aut quovis modo irregulari, se alienaverit à populo suo, nec voluerit per jura regni et statuta ac laudabiles ordinationes cum salubri consilio dominorum et procerum regni gubernari et regulari, sed capitosè in suis insanis consiliis propriam voluntatem suam singularem proterve exercere, extunc licitum est iis, cum communi assensu et consensu populi regni ipsum regem de regali solio abrogare, et propinquiorem aliquem de stirpe regiâ loco ejus in regni solio sublimare.—*H. Knighton, Coll. p. 2681.*

there remains yet another part of our message, which we have to impart to you on the behalf of your people. They find in an ancient statute, and it has been done in fact not long ago, that if the king, through any evil counsel, or foolish contumacy, or out of scorn, or some singular petulant will of his own, or by any other irregular means, shall alienate himself from his people, and shall refuse to be governed and guided by the laws of the realm, and the statutes and laudable ordinances thereof, together with the wholesome advice of the lords and great men of his realm, but persisting headstrong in his own hare-brained counsels, shall petulantly prosecute his own singular humour, that then it shall be lawful for them, with the common assent and consent of the people of the realm, to depose that same king from his regal throne, and to set up some other of the royal blood in his room.—*H. Knighton, Coll. p. 2681.*

No man can imagine that the lords and commons in parliament would have sent the king such a message, and have quoted to him an old statute for deposing kings that would not govern according to law, if the people of England had then apprehended that an obedience, without reserve, was due to the king, or if there had not been such a statute in being. And though the record of that excellent law be lost, as the records of almost all our ancient laws are; yet is the testimony of so credible an historian, who lived when these things were transacted, sufficient to inform us, that such a law was then known and in being, and consequently that the terms of English allegiance, according to the constitution of our government, are different from what some modern authors would persuade us they are.

This difference betwixt the said king and his parliament ended amicably betwixt them, in the punishment of many evil counsellors, by whom the king had been influenced to commit many irregularities in government.

But the discontents of the people grew higher by his after-management of affairs, and ended in the deposition of that king, and setting up of another, who was not the next heir in lineal succession.

The articles against king Richard II. may be read at large in *H. Knighton's Collect. pp. 2746, 2747, &c.*, and are yet extant upon record. An abridgment of them is in *Cotton's Records, pp. 386—388.*, out of whom I observe these few, there being in all thirty-three.

The first was, His wasting and bestowing the lands of the crown upon

unworthy persons, and overcharging the commons with exactions. And that whereas certain lords spiritual and temporal were assigned in parliament to intend the government of the kingdom, the king, by a conventicle of his own accomplices, endeavoured to impeach them of high treason.

Another was, For that the king by undue means procured divers justices to speak against the law, to the destruction of the duke of Gloucester, and the earls of Arundel and Warwick at Shrewsbury.

Another, For that the king, against his own promise and pardon at a solemn procession, apprehended the duke of Gloucester and sent him to Calais, there to be choked and murdered, beheading the earl of Arundel, and banishing the earl of Warwick and the lord Cobham.

Another, For that the king's retinue, and a rout gathered by him out of Cheshire, committed divers murders, rapes, and other felonies, and refused pay for their victuals.

Another, For that the crown of England being freed from the pope and all other foreign power, the king, notwithstanding, procured the pope's excommunication on such as should break the ordinances of the last parliament, in derogation of the crown, statutes, and laws of the realm.

Another, That he made men sheriffs, who were not named to him by the great officers, the justices and others of his council; and who were unfit, contrary to the laws of the realm, and in manifest breach of his oath.

Another, For that he did not repay to his subjects the debts that he had borrowed of them.

Another, For that the king refused to execute the laws, saying, that the laws were in his mouth and breast, and that himself alone could make and alter the laws.

Another, For causing sheriffs to continue in office above a year, contrary to the tenor of a statute-law, thereby incurring notorious perjury.

Another, For that the said king procured knights of the shires to be returned to serve his own will.

Another, For that many justices, for their good counsel given to the king, were with evil countenance and threats rewarded.

Another, For that the king passing into Ireland, had carried with him, without the consent of the estates of the realm, the treasure, reliques, and other jewels of the realm, which were used safely to be kept in the king's own coffers from all hazard; and for that the said king cancelled and razed sundry records.

Another, For that the said king appeared by his letters to the pope, to foreign princes, and to his subjects, so variable, so dissembling, and so unfaithful and inconstant, that no man could trust him that knew him; inso-much, that he was a scandal both to himself and the kingdom.

Another, That the king would commonly say amongst the nobles, that all subjects' lives, lands, and goods, were in his hands without any forfeiture; which is altogether contrary to the laws and usages of the realm.

Another, For that he suffered his subjects to be condemned by martial law, contrary to his oath and the laws of the realm.

Another, For that whereas the subjects of England are sufficiently bound to the king by their allegiance, yet the said king compelled them to take new oaths.

These articles, with some others, not altogether of so general a concern, being considered, and the king himself confessing his defects, the same

seemed sufficient to the whole estates for the king's deposition, and he was deposed accordingly.

The substance and drift of all is, that our kings were anciently liable to, and might lawfully be deposed for oppression and tyranny, for insufficiency to govern, &c., in and by the great council of the nation, without any breach of the old oath of fealty, because (to say nothing of the nature of our constitution) express and positive laws warranted such proceedings; and therefore, the frame of our government being the same still, and the terms of our allegiance being the same now that they were then, without any new obligations superinduced by the oaths of allegiance and supremacy, a king of England may legally at this day, for sufficient cause, be deposed by the lords and commons assembled in a great council of the kingdom, without any breach of the present oaths of supremacy or allegiance. *Quod erat demonstrandum.*"



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