

History of the Early Part of the Reign of James the Second eBook

History of the Early Part of the Reign of James the Second by Charles James Fox

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Contents

| | |
|---|--------------------|
| History of the Early Part of the Reign of James the Second eBook..... | 1 |
| Contents..... | 2 |
| Table of Contents..... | 7 |
| Page 1..... | 8 |
| Page 2..... | 9 |
| Page 3..... | 10 |
| Page 4..... | 12 |
| Page 5..... | 13 |
| Page 6..... | 14 |
| Page 7..... | 15 |
| Page 8..... | 16 |
| Page 9..... | 17 |
| Page 10..... | 18 |
| Page 11..... | 19 |
| Page 12..... | 20 |
| Page 13..... | 21 |
| Page 14..... | 22 |
| Page 15..... | 23 |
| Page 16..... | 24 |
| Page 17..... | 26 |
| Page 18..... | 27 |
| Page 19..... | 28 |
| Page 20..... | 29 |
| Page 21..... | 30 |
| Page 22..... | 31 |



[Page 23..... 32](#)

[Page 24..... 33](#)

[Page 25..... 34](#)

[Page 26..... 35](#)

[Page 27..... 36](#)

[Page 28..... 37](#)

[Page 29..... 38](#)

[Page 30..... 39](#)

[Page 31..... 40](#)

[Page 32..... 41](#)

[Page 33..... 42](#)

[Page 34..... 43](#)

[Page 35..... 44](#)

[Page 36..... 45](#)

[Page 37..... 46](#)

[Page 38..... 47](#)

[Page 39..... 48](#)

[Page 40..... 49](#)

[Page 41..... 50](#)

[Page 42..... 51](#)

[Page 43..... 52](#)

[Page 44..... 53](#)

[Page 45..... 54](#)

[Page 46..... 55](#)

[Page 47..... 56](#)

[Page 48..... 57](#)



[Page 49.....58](#)

[Page 50.....59](#)

[Page 51.....60](#)

[Page 52.....61](#)

[Page 53.....62](#)

[Page 54.....63](#)

[Page 55.....64](#)

[Page 56.....65](#)

[Page 57.....66](#)

[Page 58.....67](#)

[Page 59.....68](#)

[Page 60.....69](#)

[Page 61.....71](#)

[Page 62.....72](#)

[Page 63.....73](#)

[Page 64.....74](#)

[Page 65.....75](#)

[Page 66.....76](#)

[Page 67.....77](#)

[Page 68.....78](#)

[Page 69.....79](#)

[Page 70.....80](#)

[Page 71.....81](#)

[Page 72.....82](#)

[Page 73.....83](#)

[Page 74.....84](#)



[Page 75..... 85](#)

[Page 76..... 86](#)

[Page 77..... 87](#)

[Page 78..... 88](#)

[Page 79..... 89](#)

[Page 80..... 90](#)

[Page 81..... 91](#)

[Page 82..... 92](#)

[Page 83..... 93](#)

[Page 84..... 94](#)

[Page 85..... 95](#)

[Page 86..... 96](#)

[Page 87..... 97](#)

[Page 88..... 98](#)

[Page 89..... 99](#)

[Page 90..... 100](#)

[Page 91..... 101](#)

[Page 92..... 102](#)

[Page 93..... 103](#)

[Page 94..... 104](#)

[Page 95..... 105](#)

[Page 96..... 106](#)

[Page 97..... 107](#)

[Page 98..... 108](#)

[Page 99..... 109](#)

[Page 100..... 110](#)



[Page 101..... 111](#)
[Page 102..... 112](#)
[Page 103..... 113](#)
[Page 104..... 114](#)
[Page 105..... 115](#)
[Page 106..... 116](#)
[Page 107..... 117](#)
[Page 108..... 118](#)
[Page 109..... 119](#)
[Page 110..... 120](#)
[Page 111..... 121](#)
[Page 112..... 122](#)
[Page 113..... 123](#)
[Page 114..... 124](#)
[Page 115..... 125](#)
[Page 116..... 126](#)
[Page 117..... 127](#)
[Page 118..... 128](#)
[Page 119..... 129](#)
[Page 120..... 130](#)
[Page 121..... 131](#)



Table of Contents

| Section | Table of Contents | Page |
|--|-------------------|------|
| Start of eBook | | 1 |
| INTRODUCTION. | | 1 |
| A HISTORY OF THE EARLY PART OF THE REIGN OF JAMES II. | | 3 |
| CHAPTER II. | | 33 |
| CHAPTER III. | | 70 |
| FRAGMENTS. | | 120 |



Page 1

INTRODUCTION.

Fox's "History of the Reign of James II.," which begins with his view of the reign of Charles II. and breaks off at the execution of Monmouth, was the beginning of a History of England from the Revolution, upon which he worked in the last years of his life, for which he collected materials in Paris after the Peace of Amiens, in 1802—he died in September, 1806—and which was first published in 1808.

The grandfather of Charles James Fox was Stephen, son of William Fox, of Farley, in Wiltshire. Stephen Fox was a young royalist under Charles I. He was twenty-two at the time of the king's execution, went into exile during the Commonwealth, came back at the Restoration, was appointed paymaster of the first two regiments of guards that were raised, and afterwards Paymaster of all the Forces. In that office he made much money, but rebuilt the church at Farley, and earned lasting honour as the actual founder of Chelsea Hospital, which was opened in 1682 for wounded and superannuated soldiers. The ground and buildings had been appointed by James I., in 1609, as Chelsea College, for the training of disputants against the Roman Catholics. Sir Stephen Fox himself contributed thirteen thousand pounds to the carrying out of this design. Fox's History dealt, therefore, with times in which his grandfather had played a part.

In 1703, when his age was seventy-six, Stephen Fox took a second wife, by whom he had two sons, who became founders of two families; Stephen, the elder, became first Earl of Ilchester; Henry, the younger, who married Georgina, daughter of the Duke of Richmond, and was himself created, in 1763, Baron Holland of Farley. Of the children of that marriage Charles James Fox was the third son, born on the 24th of January, 1749. The second son had died in infancy.

Henry Fox inherited Tory opinions. He was regarded by George II. as a good man of business, and was made Secretary of War in 1754, when Charles James, whose cleverness made him a favoured child, was five years old. In the next year Henry Fox was Secretary of State for the Southern Department. The outbreak of the Seven Years' War bred discontent and change of Ministry. The elder Fox had then to give place to the elder Pitt. But Henry Fox was compensated by the office of Paymaster of the Forces, from which he knew even better than his father had known how to extract profit. He rapidly acquired the wealth which he joined to his title as Lord Holland of Farley, and for which he was attacked vigorously, until two hundred thousand pounds—some part of the money that stayed by him—had been refunded.



Page 2

Henry Fox, Lord Holland, found his boy, Charles James, brilliant and lively, made him a companion, and indulged him to the utmost. Once he expressed a strong desire to break a watch that his father was winding up: his father gave it him to dash upon the floor. Once his father had promised that when an old garden wall at Holland House was blown down with gunpowder before replacing it with iron railings, he should see the explosion. The workmen blew it down in the boy's absence: his father had the wall rebuilt in its old form that it might be blown down again in his presence, and his promise kept. He was sent first to Westminster School, and then to Eton. At home he was his father's companion, joined in the talk of men at his father's dinner-parties, travelled at fourteen with his father to the Continent, and is said to have been allowed five guineas a night for gambling-money. He grew up reckless of the worth of money, and for many years the excitement of gambling was to him as one of the necessities of life. His immense energy at school and college made him work as hard as the most diligent man who did nothing else, and devote himself to gambling, horse-racing, and convivial pleasures as vigorously as if he were the weak man capable of nothing else. The Eton boys all prophesied his future fame. At Oxford, where he entered Hertford College, he was one of the best men of his time, and one of the wildest. A clergyman, strong in Greek, was arguing with young Fox against the genuineness of a verse of the Iliad because its measure was unusual. Fox at once quoted from memory some twenty parallels.

From college he went on the usual tour of Europe, spending lavishly, incurring heavy debts, and sending home large bills for his father to pay. One bill alone, paid by his father to a creditor at Naples, was for sixteen thousand pounds. He came back in raiment of the highest fashion, and was put into Parliament in 1768, not yet twenty years old, as member for Midhurst. He began his political life with the family opinions, defended the Ministry against John Wilkes, and was provided promptly with a place as Paymaster of the Pensions to the Widows of Land Officers, and then, when he had reached the age of twenty-one, there was a seat found for him at the Board of Admiralty.

At once Fox made his mark in the House as a brilliant debater with an intellectual power and an industry that made him master of the subjects he discussed. Still also he was scattering money, and incurring debt, training race-horses, and staking heavily at gambling tables. When a noble friend, who was not a gambler, offered to bet fifty pounds upon a throw, Fox declined, saying, "I never play for pence."

Page 3

After a few years of impatient submission to Lord North, Fox broke from him, and it was not long before he had broken from Lord North's opinions and taken the side of the people in all leading questions. He became the friend of Burke; and joined in the attack upon the policy of Coercion that destroyed the union between England and her American colonies. In 1774, at the age of twenty-five, Fox lost by death his father, his mother, and his elder brother, who had succeeded to the title, and who had left a little son to be his heir. In February of that year Lord North had finally broken with Fox by causing a letter to be handed to him in the House of Commons while he was sitting by his side on the Treasury Bench.

"His Majesty has thought proper to order a new commission of the Treasury to be made out, in which I do not perceive your name. *North.*"

By the end of the year he was member for Malmesbury, and one of the chiefs in opposition. When Lord North opened the session of 1775 with a speech arguing the need of coercion, Fox compared what ought to have been done with what was done, and said that Lord Chatham, the King of Prussia, nay, even Alexander the Great, never gained more in one campaign than Lord North had lost. He had lost a whole continent. When Lord North's ministry fell in 1782, Fox became a Secretary of State, resigning on the death of Rockingham. In coalition with Lord North, Fox brought in an India Bill, which was rejected by the Lords, and caused a resignation of the Ministry. Pitt then came into office, and there was rivalry between a Pitt and a Fox of the second generation, with some reversal in each son of the political bias of his father.

In opposing the policy that caused the American Revolution Fox and Burke were of one mind. He opposed the slave trade. After the outbreak of the French Revolution he differed from Burke, and resolutely opposed Pitt's policy of interference by armed force.

William Pitt died on the 23rd January, 1806. Charles James Fox became again a Secretary of State, and had set on foot negotiations for a peace with France before his own death, eight months later, at the age of fifty-seven.

During the last ten or twelve years of his life Fox had withdrawn from the dissipations of his earlier years. His interest in horse-racing flagged after the death, in 1793, of his friend Lord Foley, a kindly, honourable man, upon whose judgment in such matters Fox had greatly relied. Lord Foley began his sporting life with a clear estate of 1,800 pounds a year, and 100,000 pounds in ready money. He ended his sporting and his earthly life with an estate heavily encumbered and an empty pocket.

H. M.



A HISTORY OF THE EARLY PART OF THE REIGN OF JAMES II.

INTRODUCTORY CHAPTER.



Page 4

Introductory observations—First period, from Henry VII. to the year 1588—Second period, from 1588 to 1640—Meeting of Parliament—Redress of grievances—Strafford's attainder—The commencement of the Civil War—Treaty from the Isle of Wight—The king's execution—Cromwell's power; his character—Indifference of the nation respecting forms of government—The Restoration—Ministry of Clarendon and Southampton—Cabal—Dutch War—De Witt—The Prince of Orange—The Popish plot—The Habeas Corpus Act—The Exclusion Bill—Dissolution of Charles the Second's last Parliament—His power; his tyranny in Scotland; in England—Exorbitant fines—Executions—Forfeitures of charters—Despotism established—Despondency of good men—Charles's death; his character—Reflections upon the probable consequences of his reign and death.

In reading the history of every country there are certain periods at which the mind naturally pauses to meditate upon, and consider them, with reference, not only to their immediate effects, but to their more remote consequences. After the wars of Marius and Sylla, and the incorporation, as it were, of all Italy with the city of Rome, we cannot but stop to consider the consequences likely to result from these important events; and in this instance we find them to be just such as might have been expected.

The reign of our Henry VII. affords a field of more doubtful speculation. Every one who takes a retrospective view of the wars of York and Lancaster, and attends to the regulations effected by the policy of that prince, must see they would necessarily lead to great and important changes in the government; but what the tendency of such changes would be, and much more, in what manner they would be produced, might be a question of great difficulty. It is now the generally received opinion, and I think a probable opinion, that to the provisions of that reign we are to refer the origin, both of the unlimited power of the Tudors and of the liberties wrested by our ancestors from the Stuarts; that tyranny was their immediate, and liberty their remote, consequence; but he must have great confidence in his own sagacity who can satisfy himself that, unaided by the knowledge of subsequent events, he could, from a consideration of the causes, have foreseen the succession of effects so different.

Another period that affords ample scope for speculation of this kind is that which is comprised between the years 1588 and 1640, a period of almost uninterrupted tranquillity and peace. The general improvement in all arts of civil life, and, above all, the astonishing progress of literature, are the most striking among the general features of that period, and are in themselves causes sufficient to produce effects of the utmost importance. A country whose language was enriched by the works of Hooker, Raleigh, and Bacon, could not but experience a sensible change in its manners and in its style of thinking; and even to speak the

Page 5

same language in which Spenser and Shakespeare had written seemed a sufficient plea to rescue the commons of England from the appellation of brutes, with which Henry VIII. had addressed them. Among the more particular effects of this general improvement the most material and worthy to be considered appear to me to have been the frequency of debate in the House of Commons, and the additional value that came to be set on a seat in that assembly.

From these circumstances a sagacious observer may be led to expect the most important revolutions; and from the latter he may be enabled to foresee that the House of Commons will be the principal instrument in bringing them to pass. But in what manner will that house conduct itself? Will it content itself with its regular share of legislative power, and with the influence which it cannot fail to possess whenever it exerts itself upon the other branches of the legislative, and on the executive power; or will it boldly (perhaps rashly) pretend to a power commensurate with the natural rights of the representative of the people? If it should, will it not be obliged to support its claims by military force? And how long will such a force be under its control? How long before it follows the usual course of all armies, and ranges itself under a single master? If such a master should arise, will he establish an hereditary or an elective government? If the first, what will be gained but a change of dynasty? If the second, will not the military force, as it chose the first king or protector (the name is of no importance), choose in effect all his successors? Or will he fail, and shall we have a restoration, usually the most dangerous and worst of all revolutions? To some of these questions the answers may, from the experience of past ages, be easy, but to many of them far otherwise. And he will read history with most profit who the most canvasses questions of this nature, especially if he can divest his mind for the time of the recollection of the event as it in fact succeeded.

The next period, as it is that which immediately precedes the commencement of this history, requires a more detailed examination; nor is there any more fertile of matter, whether for reflection or speculation. Between the year 1640 and the death of Charles II. we have the opportunity of contemplating the state in almost every variety of circumstance. Religious dispute, political contest in all its forms and degrees, from the honest exertions of party and the corrupt intrigues of faction to violence and civil war; despotism, first, in the person of a usurper, and afterwards in that of an hereditary king; the most memorable and salutary improvements in the laws, the most abandoned administration of them; in fine, whatever can happen to a nation, whether of glorious or calamitous, makes a part of this astonishing and instructive picture.



Page 6

The commencement of this period is marked by exertions of the people, through their representatives in the House of Commons, not only justifiable in their principle, but directed to the properest objects, and in a manner the most judicious. Many of their leaders were greatly versed in ancient as well as modern learning, and were even enthusiastically attached to the great names of antiquity; but they never conceived the wild project of assimilating the government of England to that of Athens, of Sparta, or of Rome. They were content with applying to the English constitution, and to the English laws, the spirit of liberty which had animated and rendered illustrious the ancient republics. Their first object was to obtain redress of past grievances, with a proper regard to the individuals who had suffered; the next, to prevent the recurrence of such grievances by the abolition of tyrannical tribunals acting upon arbitrary maxims in criminal proceedings, and most improperly denominated courts of justice. They then proceeded to establish that fundamental principle of all free government, the preserving of the purse to the people and their representatives. And though there may be more difference of opinion upon their proposed regulations in regard to the militia, yet surely, when a contest was to be foreseen, they could not, consistently with prudence, leave the power of the sword altogether in the hands of an adverse party.

The prosecution of Lord Strafford, or rather, the manner in which it was carried on, is less justifiable. He was, doubtless, a great delinquent, and well deserved the severest punishment; but nothing short of a clearly proved case of self-defence can justify, or even excuse, a departure from the sacred rules of criminal justice. For it can rarely indeed happen that the mischief to be apprehended from suffering any criminal, however guilty, to escape, can be equal to that resulting from the violation of those rules to which the innocent owe the security of all that is dear to them. If such cases have existed they must have been in instances where trial has been wholly out of the question, as in that of Caesar and other tyrants; but when a man is once in a situation to be tried, and his person in the power of his accusers and his judges, he can no longer be formidable in that degree which alone can justify (if anything can) the violation of the substantial rules of criminal proceedings.

At the breaking out of the Civil War, so intemperately denominated a rebellion by Lord Clarendon and other Tory writers, the material question appears to me to be, whether or not sufficient attempts were made by the Parliament and their leaders to avoid bringing affairs to such a decision? That, according to the general principles of morality, they had justice on their side cannot fairly be doubted; but did they sufficiently attend to that great dictum of Tully in questions of civil dissension, wherein he declares



Page 7

his preference of even an unfair peace to the most just war? Did they sufficiently weigh the dangers that might ensue even from victory; dangers, in such cases, little less formidable to the cause of liberty than those which might follow a defeat? Did they consider that it is not peculiar to the followers of Pompey, and the civil wars of Rome, that the event to be looked for is, as the same Tully describes it, in case of defeat—proscription; in that of victory—servitude? Is the failure of the negotiation when the king was in the Isle of Wight to be imputed to the suspicions justly entertained of his sincerity, or to the ambition of the parliamentary leaders? If the insincerity of the king was the real cause, ought not the mischief to be apprehended from his insincerity rather to have been guarded against by treaty than alleged as a pretence for breaking off the negotiation? Sad, indeed, will be the condition of the world if we are never to make peace with an adverse party whose sincerity we have reason to suspect. Even just grounds for such suspicions will but too often occur, and when such fail, the proneness of man to impute evil qualities, as well as evil designs, to his enemies, will suggest false ones. In the present case the suspicion of insincerity was, it is true, so just, as to amount to a moral certainty. The example of the petition of right was a satisfactory proof that the king made no point of adhering to concessions which he considered as extorted from him; and a philosophical historian, writing above a century after the time, can deem the pretended hard usage Charles met with as a sufficient excuse for his breaking his faith in the first instance, much more must that prince himself, with all his prejudices and notions of his divine right, have thought it justifiable to retract concessions, which to him, no doubt, appeared far more unreasonable than the petition of right, and which, with much more colour, he might consider as extorted. These considerations were probably the cause why the Parliament so long delayed their determination of accepting the king's offer as a basis for treaty; but, unfortunately, they had delayed so long that when at last they adopted it they found themselves without power to carry it into execution. The army having now ceased to be the servants, had become the masters of the Parliament, and, being entirely influenced by Cromwell, gave a commencement to what may, properly speaking, be called a new reign. The subsequent measures, therefore, the execution of the king, as well as others, are not to be considered as acts of the Parliament, but of Cromwell; and great and respectable as are the names of some who sat in the high court, they must be regarded, in this instance, rather as ministers of that usurper than as acting from themselves.

Page 8

The execution of the king, though a far less violent measure than that of Lord Strafford, is an event of so singular a nature that we cannot wonder that it should have excited more sensation than any other in the annals of England. This exemplary act of substantial justice, as it has been called by some, of enormous wickedness by others, must be considered in two points of view. First, was it not in itself just and necessary? Secondly, was the example of it likely to be salutary or pernicious? In regard to the first of these questions, Mr. Hume, not perhaps intentionally, makes the best justification of it by saying that while Charles lived the projected republic could never be secure. But to justify taking away the life of an individual upon the principle of self-defence, the danger must be not problematical and remote, but evident and immediate. The danger in this instance was not of such a nature, and the imprisonment or even banishment of Charles might have given to the republic such a degree of security as any government ought to be content with. It must be confessed, however, on the other side, that if the republican government had suffered the king to escape, it would have been an act of justice and generosity wholly unexampled; and to have granted him even his life would have been one among the more rare efforts of virtue. The short interval between the deposal and death of princes is become proverbial, and though there may be some few examples on the other side as far as life is concerned, I doubt whether a single instance can be found where liberty has been granted to a deposed monarch. Among the modes of destroying persons in such a situation, there can be little doubt but that that adopted by Cromwell and his adherents is the least dishonourable. Edward II., Richard II., Henry VI., Edward V., had none of them long survived their deposal, but this was the first instance, in our history at least, where, of such an act, it could be truly said that it was not done in a corner.

As to the second question, whether the advantage to be derived from the example was such as to justify an act of such violence, it appears to me to be a complete solution of it to observe that, with respect to England (and I know not upon what ground we are to set examples for other nations; or, in other words, to take the criminal justice of the world into our hands) it was wholly needless, and therefore unjustifiable, to set one for kings at a time when it was intended the office of king should be abolished, and consequently that no person should be in the situation to make it the rule of his conduct. Besides, the miseries attendant upon a deposed monarch seem to be sufficient to deter any prince, who thinks of consequences, from running the risk of being placed in such a situation; or, if death be the only evil that can deter him, the fate of former tyrants deposed by their subjects would by no means encourage him to hope he could avoid even that catastrophe. As far as we can judge from the event, the example was certainly not very effectual, since both the sons of Charles, though having their father's fate before their eyes, yet feared not to violate the liberties of the people even more than he had attempted to do.



Page 9

If we consider this question of example in a more extended view, and look to the general effect produced upon the minds of men, it cannot be doubted but the opportunity thus given to Charles to display his firmness and piety has created more respect for his memory than it could otherwise have obtained. Respect and pity for the sufferer on the one hand, and hatred to his enemies on the other, soon produce favour and aversion to their respective causes; and thus, even though it should be admitted (which is doubtful) that some advantage may have been gained to the cause of liberty by the terror of the example operating upon the minds of princes, such advantage is far outweighed by the zeal which admiration for virtue, and pity for sufferings, the best passions of the human heart, have excited in favour of the royal cause. It has been thought dangerous to the morals of mankind, even in fiction and romance, to make us sympathise with characters whose general conduct is blameable; but how much greater must the effect be when in real history our feelings are interested in favour of a monarch with whom, to say the least, his subjects were obliged to contend in arms for their liberty? After all, however, notwithstanding what the more reasonable part of mankind may think upon this question, it is much to be doubted whether this singular proceeding has not as much as any other circumstance, served to raise the character of the English nation in the opinion of Europe in general. He who has read, and still more, he who has heard in conversation discussions upon this subject by foreigners, must have perceived that, even in the minds of those who condemn the act, the impression made by it has been far more that of respect and admiration than that of disgust and horror. The truth is that the guilt of the action—that is to say, the taking away of the life of the king, is what most men in the place of Cromwell and his associates would have incurred; what there is of splendour and of magnanimity in it, I mean the publicity and solemnity of the act, is what few would be capable of displaying. It is a degrading fact to human nature, that even the sending away of the Duke of Gloucester was an instance of generosity almost unexampled in the history of transactions of this nature.

From the execution of the king to the death of Cromwell, the government was, with some variation of forms, in substance monarchical and absolute, as a government established by a military force will almost invariably be, especially when the exertions of such a force are continued for any length of time. If to this general rule our own age, and a people whom their origin and near relation to us would almost warrant us to call our own nation, have afforded a splendid and perhaps a solitary exception, we must reflect not only that a character of virtues so happily tempered by one another, and so wholly unalloyed with any vices, as that of Washington, is hardly to be found in the

Page 10

pages of history, but that even Washington himself might not have been able to act his most glorious of all parts without the existence of circumstances uncommonly favourable, and almost peculiar to the country which was to be the theatre of it. Virtue like his depends not indeed upon time or place; but although in no country or time would he have degraded himself into a Pisistratus, or a Caesar, or a Cromwell, he might have shared the fate of a Cato, or a De Witt; or, like Ludlow and Sidney, have mourned in exile the lost liberties of his country.

With the life of the protector almost immediately ended the government which he had established. The great talents of this extraordinary person had supported during his life a system condemned equally by reason and by prejudice: by reason, as wanting freedom; by prejudice, as a usurpation; and it must be confessed to be no mean testimony to his genius, that notwithstanding the radical defects of such a system, the splendour of his character and exploits render the era of the protectorship one of the most brilliant in English history. It is true his conduct in foreign concerns is set off to advantage by a comparison of it with that of those who preceded and who followed him. If he made a mistake in espousing the French interest instead of the Spanish, we should recollect that in examining this question we must divest our minds entirely of all the considerations which the subsequent relative state of those two empires suggest to us before we can become impartial judges in it; and at any rate we must allow his reign, in regard to European concerns, to have been most glorious when contrasted with the pusillanimity of James I., with the levity of Charles I., and the mercenary meanness of the two last princes of the house of Stuart. Upon the whole, the character of Cromwell must ever stand high in the list of those who raised themselves to supreme power by the force of their genius; and among such, even in respect of moral virtue, it would be found to be one of the least exceptionable if it had not been tainted with that most odious and degrading of all human vices, hypocrisy.

The short interval between Cromwell's death and the restoration exhibits the picture of a nation either so wearied with changes as not to feel, or so subdued by military power as not to dare to show, any care or even preference with regard to the form of their government. All was in the army; and that army, by such a concurrence of fortuitous circumstances as history teaches us not to be surprised at, had fallen into the hands of a man than whom a baser could not be found in its lowest ranks. Personal courage appears to have been Monk's only virtue; reserve and dissimulation made up the whole stock of his wisdom. But to this man did the nation look up, ready to receive from his orders the form of government he should choose to prescribe. There is reason to believe that, from the general bias of the Presbyterians,

Page 11

as well as of the Cavaliers, monarchy was the prevalent wish; but it is observable that although the Parliament was, contrary to the principle upon which it was pretended to be called, composed of many avowed royalists, yet none dared to hint at the restoration of the king till they had Monk's permission, or rather command to receive and consider his letters. It is impossible, in reviewing the whole of this transaction, not to remark that a general who had gained his rank, reputation, and station in the service of a republic, and of what he, as well as others, called, however falsely, the cause of liberty, made no scruple to lay the nation prostrate at the feet of a monarch, without a single provision in favour of that cause; and if the promise of indemnity may seem to argue that there was some attention, at least, paid to the safety of his associates in arms, his subsequent conduct gives reason to suppose that even this provision was owing to any other cause rather than to a generous feeling of his breast. For he afterwards not only acquiesced in the insults so meanly put upon the illustrious corpse of Blake, under whose auspices and command he had performed the most creditable services of his life, but in the trial of Argyle produced letters of friendship and confidence to take away the life of a nobleman, the zeal and cordiality of whose co-operation with him, proved by such documents, was the chief ground of his execution; thus gratuitously surpassing in infamy those miserable wretches who, to save their own lives, are sometimes persuaded to impeach and swear away the lives of their accomplices.

The reign of Charles II. forms one of the most singular as well as of the most important periods of history. It is the era of good laws and bad government. The abolition of the court of wards, the repeal of the writ De Heretico Comburendo, the Triennial Parliament Bill, the establishment of the rights of the House of Commons in regard to impeachment, the expiration of the Licence Act, and, above all, the glorious statute of Habeas Corpus, have therefore induced a modern writer of great eminence to fix the year 1679 as the period at which our constitution had arrived at its greatest theoretical perfection; but he owns, in a short note upon the passage alluded to, that the times immediately following were times of great practical oppression. What a field for meditation does this short observation from such a man furnish! What reflections does it not suggest to a thinking mind upon the inefficacy of human laws and the imperfection of human constitutions! We are called from the contemplation of the progress of our constitution, and our attention fixed with the most minute accuracy to a particular point, when it is said to have risen to its utmost perfection. Here we are, then, at the best moment of the best constitution that ever human wisdom framed. What follows? A tide of oppression and misery, not arising from external or accidental causes, such as war, pestilence, or

Page 12

famine, nor even from any such alteration of the laws as might be supposed to impair this boasted perfection, but from a corrupt and wicked administration, which all the so much admired checks of the constitution were not able to prevent. How vain, then, how idle, how presumptuous is the opinion that laws can do everything! and how weak and pernicious the maxim founded upon it, that measures, not men, are to be attended to.

The first years of this reign, under the administration of Southampton and Clarendon, form by far the least exceptionable part of it; and even in this period the executions of Argyle and Vane and the whole conduct of the Government with respect to church matters, both in England and in Scotland, were gross instances of tyranny. With respect to the execution of those who were accused of having been more immediately concerned in the king's death, that of Scrope, who had come in upon the proclamation, and of the military officers who had attended the trial, was a violation of every principle of law and justice. But the fate of the others, though highly dishonourable to Monk, whose whole power had arisen from his zeal in their service, and the favour and confidence with which they had rewarded him, and not, perhaps, very creditable to the nation, of which many had applauded, more had supported, and almost all had acquiesced in the act, is not certainly to be imputed as a crime to the king, or to those of his advisers who were of the Cavalier party. The passion of revenge, though properly condemned both by philosophy and religion, yet when it is excited by injurious treatment of persons justly dear to us, is among the most excusable of human frailties; and if Charles, in his general conduct, had shown stronger feelings of gratitude for services performed to his father, his character, in the eyes of many, would be rather raised than lowered by this example of severity against the regicides. Clarendon is said to have been privy to the king's receiving money from Louis XIV.; but what proofs exist of this charge (for a heavy charge it is) I know not. Southampton was one of the very few of the Royalist party who preserved any just regard for the liberties of the people; and the disgust which a person possessed of such sentiments must unavoidably feel is said to have determined him to quit the king's service, and to retire altogether from public affairs. Whether he would have acted upon this determination, his death, which happened in the year 1667, prevents us now from ascertaining.

After the fall of Clarendon, which soon followed, the king entered into that career of misgovernment which, that he was able to pursue it to its end, is a disgrace to the history of our country. If anything can add to our disgust at the meanness with which he solicited a dependence upon Louis XIV., it is, the hypocritical pretence upon which he was continually pressing that monarch. After having passed a law, making it penal to affirm (what was true) that

Page 13

he was a papist, he pretended (which was certainly not true) to be a zealous and bigoted papist; and the uneasiness of his conscience at so long delaying a public avowal of his conversion, was more than once urged by him as an argument to increase the pension, and to accelerate the assistance, he was to receive from France. In a later period of his reign, when his interest, as he thought, lay the other way, that he might at once continue to earn his wages, and yet put off a public conversion, he stated some scruples, contracted, no doubt, by his affection to the Protestant churches, in relation to the popish mode of giving the sacrament, and pretended a wish that the pope might be induced by Louis to consider of some alterations in that respect, to enable him to reconcile himself to the Roman church with a clear and pure conscience.

The ministry known by the name of the Cabal seems to have consisted of characters so unprincipled, as justly to deserve the severity with which they have been treated by all writers who have mentioned them; but if it is probable that they were ready to betray their king, as well as their country, it is certain that the king betrayed them, keeping from them the real state of his connexion with France, and from some of them, at least, the secret of what he was pleased to call his religion. Whether this concealment on his part arose from his habitual treachery, and from the incapacity which men of that character feel of being open and honest, even when they know it is their interest to be so, or from an apprehension that they might demand for themselves some share of the French money, which he was unwilling to give them, cannot now be determined. But to the want of genuine and reciprocal confidence between him and those ministers is to be attributed, in a great measure, the escape which the nation at that time experienced—an escape, however, which proved to be only a reprieve from that servitude to which they were afterwards reduced in the latter years of the reign.

The first Dutch war had been undertaken against all maxims of policy as well as of justice; but the superior infamy of the second, aggravated by the disappointment of all the hopes entertained by good men from the triple alliance, and by the treacherous attempt at piracy with which it was commenced, seems to have effaced the impression of it, not only from the minds of men living at the time, but from most of the writers who have treated of this reign. The principle, however, of both was the same, and arbitrary power at home was the object of both. The second Dutch war rendered the king's system and views so apparent to all who were not determined to shut their eyes against conviction, that it is difficult to conceive how persons who had any real care or regard either for the liberty or honour of the country, could trust him afterwards. And yet even Sir William Temple, who appears to have been one of the most honest, as well as of the most enlightened, statesmen of his



Page 14

time, could not believe his treachery to be quite so deep as it was in fact, and seems occasionally to have hoped that he was in earnest in his professed intentions of following the wise and just system that was recommended to him. Great instances of credulity and blindness in wise men are often liable to the suspicion of being pretended, for the purpose of justifying the continuing in situations of power and employment longer than strict honour would allow. But to Temple's sincerity his subsequent conduct gives abundant testimony. When he had reason to think that his services could no longer be useful to his country he withdrew wholly from public business, and resolutely adhered to the preference of philosophical retirement, which, in his circumstances, was just, in spite of every temptation which occurred to bring him back to the more active scene. The remainder of his life he seems to have employed in the most noble contemplations and the most elegant amusements; every enjoyment heightened, no doubt, by reflecting on the honourable part he had acted in public affairs, and without any regret on his own account (whatever he might feel for his country) at having been driven from them.

Besides the important consequences produced by this second Dutch war in England, it gave birth to two great events in Holland; the one as favourable as the other was disastrous to the cause of general liberty. The catastrophe of De Witt, the wisest, best, and most truly patriotic minister that ever appeared upon the public stage, as it was an act of the most crying injustice and ingratitude, so, likewise, is it the most completely discouraging example that history affords to the lovers of liberty. If Aristides was banished, he was also recalled; if Dion was repaid for his services to the Syracusans by ingratitude, that ingratitude was more than once repented of; if Sidney and Russell died upon the scaffold, they had not the cruel mortification of falling by the hands of the people; ample justice was done to their memory, and the very sound of their names is still animating to every Englishman attached to their glorious cause. But with De Witt fell also his cause and his party; and although a name so respected by all who revere virtue and wisdom, when employed in their noblest sphere, the political service of the public, must undoubtedly be doubly dear to his countrymen, yet I do not know that, even to this day, any public honours have been paid by them to his memory.

On the other hand, the circumstances attending the first appearance of the Prince of Orange in public affairs, were, in every respect, most fortunate for himself, for England, for Europe. Of an age to receive the strongest impressions, and of a character to render such impressions durable, he entered the world in a moment when the calamitous situation of the United Provinces could not but excite in every Dutchman the strongest detestation of the insolent ambition of Louis XIV., and the greatest contempt

Page 15

of an English government, which could so far mistake or betray the interests of the country as to lend itself to his projects. Accordingly, the circumstances attending his outset seem to have given a lasting bias to his character; and through the whole course of his life the prevailing sentiments of his mind seem to have been those which he imbibed at this early period. These sentiments were most peculiarly adapted to the positions in which this great man was destined to be placed. The light in which he viewed Louis rendered him the fittest champion of the independence of Europe; and in England, French influence and arbitrary power were in those times so intimately connected, that he who had not only seen with disapprobation, but had so sensibly felt the baneful effects of Charles's connection with France, seemed educated, as it were, to be the defender of English liberty. This prince's struggles in defence of his country, his success in rescuing it from a situation to all appearance so desperate, and the consequent failure and mortification of Louis XIV., form a scene in history upon which the mind dwells with unceasing delight. One never can read Louis's famous declaration against the Hollanders, knowing the event which is to follow, without feeling the heart dilate with exultation, and a kind of triumphant contempt, which, though not quite consonant to the principles of pure philosophy, never fails to give the mind inexpressible satisfaction. Did the relation of such events form the sole, or even any considerable part of the historian's task, pleasant indeed would be his labours; but, though far less agreeable, it is not a less useful or necessary part of his business, to relate the triumphs of successful wickedness, and the oppression of truth, justice, and liberty.

The interval from the separate peace between England and the United Provinces, to the peace of Nymwegen, was chiefly employed by Charles in attempts to obtain money from France and other foreign powers, in which he was sometimes more, sometimes less successful; and in various false professions, promises, and other devices to deceive his parliament and his people, in which he uniformly failed. Though neither the nature and extent of his connection with France, nor his design of introducing popery into England, were known at that time as they now are, yet there were not wanting many indications of the king's disposition, and of the general tendency of his designs. Reasonable persons apprehended that the supplies asked were intended to be used, not for the specious purpose of maintaining the balance of Europe, but for that of subduing the parliament and people who should give them; and the great antipathy of the bulk of the nation to popery caused many to be both more clear-sighted in discovering, and more resolute in resisting the designs of the court, than they would probably have shown themselves, if civil liberty alone had been concerned.



Page 16

When the minds of men were in the disposition which such a state of things was naturally calculated to produce, it is not to be wondered at that a ready, and, perhaps, a too facile belief should have been accorded to the rumour of a popish plot. But with the largest possible allowance for the just apprehensions which were entertained, and the consequent irritation of the country, it is wholly inconceivable how such a plot as that brought forward by Tongue and Oates could obtain any general belief. Nor can any stretch of candour make us admit it to be probable, that all who pretended a belief of it did seriously entertain it. On the other hand, it seems an absurdity, equal almost in degree to the belief of the plot itself, to suppose that it was a story fabricated by the Earl of Shaftesbury and the other leaders of the Whig party; and it would be highly unjust, as well as uncharitable, not to admit that the generality of those who were engaged in the prosecution of it were probably sincere in their belief of it, since it is unquestionable that at the time very many persons, whose political prejudices were of a quite different complexion, were under the same delusion. The unanimous votes of the two houses of parliament, and the names, as well as the number of those who pronounced Lord Strafford to be guilty, seem to put this beyond a doubt. Dryden, writing soon after the time, says, in his "Absalom and Achitophel," that the plot was

"Bad in itself, but represented wore:"

that

"Some truth there was, but dash'd and brew'd with lies:"

and that

"Succeeding times did equal folly call,
Believing nothing, or believing all."

and Dryden will not, by those who are conversant in the history and works of that immortal writer, be suspected either of party prejudice in favour of Shaftesbury and the Whigs, or of any view to prejudice the country against the Duke of York's succession to the crown. The king repeatedly declared his belief of it. These declarations, if sincere, would have some weight; but if insincere, as may be reasonably suspected, they afford a still stronger testimony to prove that such belief was not exclusively a party opinion, since it cannot be supposed that even the crooked politics of Charles could have led him to countenance fictions of his enemies, which were not adopted by his own party. Wherefore, if this question were to be decided upon the ground of authority, the reality of the plot would be admitted; and it must be confessed, that, with regard to facts remote, in respect either of time or place, wise men generally diffide in their own judgment, and defer to that of those who have had a nearer view of them. But there are cases where reason speaks so plainly as to make all argument drawn from authority of no avail, and this is surely one of them. Not to mention correspondence by post on the subject of regicide, detailed commissions from the pope, silver bullets, &c. &c., and

other circumstances equally ridiculous, we need only advert to the part attributed to the Spanish government in this conspiracy, and to the alleged intention of murdering the king, to satisfy ourselves that it was a forgery.

Page 17

Rapin, who argues the whole of this affair with a degree of weakness as well as disingenuity very unusual to him, seems at last to offer us a kind of compromise, and to be satisfied if we will admit that there was a design or project to introduce popery and an arbitrary power, at the head of which were the king and his brother. Of this I am as much convinced as he can be; but how does this justify the prosecution and execution of those who suffered, since few if any of them, were in a situation to be trusted by the royal conspirators with their designs? When he says, therefore, that that is precisely what was understood by the conspiracy, he by no means justifies those who were the principal prosecutors of the plot. The design to murder the king he calls the appendage of the plot: a strange expression this, to describe the projected murder of a king; though not more strange than the notion itself when applied to a plot, the object of which was to render that very king absolute, and to introduce the religion which he most favoured. But it is to be observed, that though in considering the bill of exclusion, the militia bill, and other legislative proceedings, the plot, as he defines it—that is to say, the design of introducing popery and arbitrary power—was the important point to be looked to; yet in courts of justice, and for juries and judges, that which he calls the appendage was, generally speaking, the sole consideration.

Although, therefore, upon a review of this truly shocking transaction, we may be fairly justified in adopting the milder alternative, and in imputing to the greater part of those concerned in it rather an extraordinary degree of blind credulity than the deliberate wickedness of planning and assisting in the perpetration of legal murders, yet the proceedings on the popish plot must always be considered as an indelible disgrace upon the English nation, in which king, parliament, judges, juries, witnesses, prosecutors, have all their respective, though certainly not equal, shares. Witnesses, of such a character as not to deserve credit in the most trifling cause, upon the most immaterial facts, gave evidence so incredible, or, to speak more properly, so impossible to be true, that it ought not to have been believed if it had come from the mouth of Cato; and upon such evidence, from such witnesses, were innocent men condemned to death and executed. Prosecutors, whether attorneys and solicitors-general, or managers of impeachment, acted with the fury which in such circumstances might be expected; juries partook naturally enough of the national ferment; and judges, whose duty it was to guard them against such impressions, were scandalously active in confirming them in their prejudices and inflaming their passions. The king, who is supposed to have disbelieved the whole of the plot, never once exercised his glorious prerogative of mercy. It is said he dared not. His throne, perhaps his life, was at stake; and history does not furnish us with the example of any monarch with whom the lives of innocent or even meritorious subjects ever appeared to be of much weight, when put in balance against such considerations.



Page 18

The measures of the prevailing party in the House of Commons, in these times, appear (with the exception of their dreadful proceedings in the business of the pretended plot, and of their violence towards those who petitioned and addressed against parliament) to have been, in general, highly laudable and meritorious; and yet I am afraid it may be justly suspected that it was precisely to that part of their conduct which related to the plot, and which is most reprehensible, that they were indebted for their power to make the noble, and, in some instances, successful struggles for liberty, which do so much honour to their memory. The danger to be apprehended from military force being always, in the view of wise men, the most urgent, they first voted the disbanding of the army, and the two houses passed a bill for that purpose, to which the king found himself obliged to consent. But to the bill which followed, for establishing the regular assembling of the militia, and for providing for their being in arms six weeks in the year, he opposed his royal negative; thus making his stand upon the same point on which his father had done; a circumstance which, if events had taken a turn against him, would not have failed of being much noticed by historians. Civil securities for freedom came to be afterwards considered; and it is to be remarked, that to these times of heat and passion, and to one of those parliaments which so disgraced themselves and the nation by the countenance given to Oates and Bedloe, and by the persecution of so many innocent victims, we are indebted for the Habeas Corpus act, the most important barrier against tyranny, and best framed protection for the liberty of individuals, that has ever existed in any ancient or modern commonwealth.

But the inefficacy of mere laws in favour of the subjects, in the case of the administration of them falling into the hands of persons hostile to the spirit in which they had been provided, had been so fatally evinced by the general history of England, ever since the grant of the Great Charter, and more especially by the transactions of the preceding reign, that the parliament justly deemed their work incomplete unless the Duke of York were excluded from the succession to the crown. A bill, therefore, for the purpose of excluding that prince was prepared, and passed the House of Commons; but being vigorously resisted by the court, by the church, and by the Tories, was lost in the House of Lords. The restrictions offered by the king to be put upon a popish successor are supposed to have been among the most powerful of those means to which he was indebted for his success.



Page 19

The dispute was no longer, whether or not the dangers resulting from James's succession were real, and such as ought to be guarded against by parliamentary provisions, but whether the exclusion or restrictions furnished the most safe and eligible mode of compassing the object which both sides pretended to have in view. The argument upon this state of the question is clearly, forcibly, and, I think, convincingly, stated by Rapin, who exposes very ably the extreme folly of trusting to measures, without consideration of the men who are to execute them. Even in Hume's statement of the question, whatever may have been his intention, the arguments in favour of the exclusion appear to me greatly to preponderate. Indeed, it is not easy to conceive upon what principles even the Tories could justify their support of the restrictions. Many among them, no doubt, saw the provisions in the same light in which the Whigs represented them, as an expedient, admirably, indeed, adapted to the real object of upholding the present king's power, by the defeat of the exclusion, but never likely to take effect for their pretended purpose of controlling that of his successor, and supported them for that very reason. But such a principle of conduct was too fraudulent to be avowed; nor ought it, perhaps, in candour to be imputed to the majority of the party. To those who acted with good faith, and meant that the restrictions should really take place and be effectual, surely it ought to have occurred (and to those who most prized the prerogatives of the crown it ought most forcibly to have occurred), that in consenting to curtail the powers of the crown, rather than to alter the succession, they were adopting the greater in order to avoid the lesser evil. The question of what are to be the powers of the crown, is surely of superior importance to that of who shall wear it? Those, at least, who consider the royal prerogative as vested in the king, not for his sake but for that of his subjects, must consider the one of these questions as much above the other in dignity as the rights of the public are more valuable than those of an individual. In this view the prerogatives of the crown are, in substance and effect, the rights of the people; and these rights of the people were not to be sacrificed to the purpose of preserving the succession to the most favoured prince much less to one who, on account of his religious persuasion, was justly feared and suspected. In truth, the question between the exclusion and restrictions seems peculiarly calculated to ascertain the different views in which the different parties in this country have seen, and perhaps ever will see, the prerogatives of the crown. The Whigs, who consider them as a trust for the people—a doctrine which the Tories themselves, when pushed in argument, will sometimes admit—naturally think it their duty rather to change the manager of the trust than to impair the subject of it; while others, who consider them as the right or property of the



Page 20

king, will as naturally act as they would do in the case of any other property, and consent to the loss or annihilation of any part of it, for the purpose of preserving the remainder to him whom they style the rightful owner. If the people be the sovereign and the king the delegate, it is better to change the bailiff than to injure the farm; but if the king be the proprietor, it is better the farm should be impaired—nay, part of it destroyed—than that the whole should pass over to an usurper. The royal prerogative ought, according to the Whigs (not in the case of a popish successor only, but in all cases), to be reduced to such powers as are in their exercise beneficial to the people; and of the benefit of these they will not rashly suffer the people to be deprived, whether the executive power be in the hands of an hereditary or of an elected king, of a regent, or of any other denomination of magistrate; while, on the other hand, they who consider prerogative with reference only to royalty, will, with equal readiness, consent either to the extension or the suspension of its exercise, as the occasional interests of the prince may seem to require. The senseless plea of a divine and indefeasible right in James, which even the legislature was incompetent to set aside, though as inconsistent with the declarations of parliament in the statute book, and with the whole practice of the English constitution, as it is repugnant to nature and common sense, was yet warmly insisted upon by the high church party. Such an argument, as might naturally be expected, operated rather to provoke the Whigs to perseverance than to dissuade them from their measure: it was, in their eyes, an additional merit belonging to the exclusion bill that it strengthened, by one instance more, the authority of former statutes in reprobating a doctrine which seems to imply that man can have a property in his fellow-creatures. By far the best argument in favour of the restrictions, is the practical one that they could be obtained, and that the exclusion could not; but the value of this argument is chiefly proved by the event. The exclusionists had a fair prospect of success, and their plan being clearly the best, they were justified in pursuing it.

The spirit of resistance which the king showed in the instance of the militia and the exclusion bills, seems to have been systematically confined to those cases where he supposed his power to be more immediately concerned. In the prosecution of the aged and innocent Lord Stafford, he was so far from interfering in behalf of that nobleman, that many of those most in his confidence, and, as it is affirmed, the Duchess of Portsmouth herself, openly favoured the prosecution. Even after the dissolution of his last parliament, when he had so far subdued his enemies as to be no longer under any apprehensions from them, he did not think it worth while to save the life of Plunket, the popish Archbishop of Armagh, of whose innocence



Page 21

no doubt could be entertained. But this is not to be wondered at, since, in all transactions relative to the popish plot, minds of a very different cast from Charles's became, as by some fatality, divested of all their wonted sentiments of justice and humanity. Who can read without horror, the account of that savage murmur of applause, which broke out upon one of the villains at the bar, swearing positively to Stafford's having proposed the murder of the king? And how is this horror deepened, when we reflect, that in that odious cry were probably mingled the voices of men to whose memory every lover of the English constitution is bound to pay the tribute of gratitude and respect! Even after condemnation, Lord Russell himself, whose character is wholly (this instance excepted) free from the stain of rancour or cruelty, stickled for the severer mode of executing the sentence, in a manner which his fear of the king's establishing a precedent of pardoning in cases of impeachment (for this, no doubt, was his motive) cannot satisfactorily excuse.

In an early period of the king's difficulties, Sir William Temple, whose life and character is a refutation of the vulgar notion that philosophy and practical good sense in business are incompatible attainments, recommended to him the plan of governing by a council, which was to consist in great part of the most popular noblemen and gentlemen in the kingdom. Such persons being the natural, as well as the safest, mediators between princes and discontented subjects, this seems to have been the best possible expedient. Hume says it was found too feeble a remedy; but he does not take notice that it was never in fact tried, inasmuch as not only the king's confidence was withheld from the most considerable members of the council, but even the most important determinations were taken without consulting the council itself. Nor can there be a doubt but the king's views, in adopting Temple's advice, were totally different from those of the adviser, whose only error in this transaction seems to have consisted in recommending a plan, wherein confidence and fair dealing were of necessity to be principal ingredients, to a prince whom he well knew to be incapable of either. Accordingly, having appointed the council in April, with a promise of being governed in important matters by their advice, he in July dissolved one parliament without their concurrence, and in October forbade them even to give their opinions upon the propriety of a resolution which he had taken of proroguing another. From that time he probably considered the council to be, as it was, virtually dissolved; and it was not long before means presented themselves to him, better adapted, in his estimation, even to his immediate objects, and certainly more suitable to his general designs. The union between the court and the church party, which had been so closely cemented by their successful resistance to the Exclusion Bill, and its authors, had at length acquired such a degree

Page 22

of strength and consistency, that the king ventured first to appoint Oxford, instead of London, for the meeting of parliament; and then, having secured to himself a good pension from France, to dissolve the parliament there met, with a full resolution never to call another; to which resolution, indeed, Louis had bound him, as one of the conditions on which he was to receive a stipend. No measure was ever attended with more complete success. The most flattering addresses poured in from all parts of the kingdom; divine right, and indiscriminate obedience, were everywhere the favourite doctrines; and men seemed to vie with each other who should have the honour of the greatest share in the glorious work of slavery, by securing to the king, for the present, and after him to the duke, absolute and uncontrollable power. They who, either because Charles had been called a forgiving prince by his flatterers (upon what ground I could never discover), or from some supposed connection between indolence and good nature, had deceived themselves into a hope that his tyranny would be of the milder sort, found themselves much disappointed in their expectations.

The whole history of the remaining part of his reign exhibits an uninterrupted series of attacks upon the liberty, property, and lives of his subjects. The character of the government appeared first, and with the most marked and prominent features, in Scotland. The condemnation of Argyle and Weir, the one for having subjoined an explanation when he took the test oath, the other for having kept company with a rebel, whom it was not proved he knew to be such, and who had never been proclaimed, resemble more the acts of Tiberius and Domitian, than those of even the most arbitrary modern governments. It is true, the sentences were not executed; Weir was reprieved; and whether or not Argyle, if he had not deemed it more prudent to escape by flight, would have experienced the same clemency, cannot now be ascertained. The terror of these examples would have been, in the judgment of most men, abundantly sufficient to teach the people of Scotland their duty, and to satisfy them that their lives, as well as everything else they had been used to call their own, were now completely in the power of their masters. But the government did not stop here, and having outlawed thousands, upon the same pretence upon which Weir had been condemned, inflicted capital punishment upon such criminals of both sexes as refused to answer, or answered otherwise than was prescribed to them to the most ensnaring questions.

In England, the city of London seemed to hold out for a certain time, like a strong fortress in a conquered country; and, by means of this citadel, Shaftesbury and others were saved from the vengeance of the court. But this resistance, however honourable to the corporation who made it, could not be of long duration. The weapons of law and justice were found feeble, when opposed to the power of a monarch who was at the head

Page 23

of a numerous and bigoted party of the nation, and who, which was most material of all, had enabled himself to govern without a parliament. Civil resistance in this country, even to the most illegal attacks of royal tyranny, has never, I believe, been successful, unless when supported by parliament, or at least by a great party in one or other of the two houses. The court having wrested from the livery of London, partly by corruption, and partly by violence, the free election of their mayor and sheriffs, did not wait the accomplishment of their plan for the destruction of the whole corporation, which, from their first success, they justly deemed certain, but immediately proceeded to put in execution their system of oppression. Pilkington, Colt, and Oates, were fined a hundred thousand pounds each for having spoken disrespectfully of the Duke of York; Barnardiston, ten thousand, for having in a private letter expressed sentiments deemed improper; and Sidney, Russell, and Armstrong, found that the just and mild principles which characterise the criminal law of England could no longer protect their lives, when the sacrifice was called for by the policy or vengeance of the king. To give an account of all the oppression of this period would be to enumerate every arrest, every trial, every sentence, that took place in questions between the crown and the subjects.

Of the Rye House plot it may be said, much more truly than of the popish, that there was in it some truth, mixed with much falsehood; and though many of the circumstances in Kealing's account are nearly as absurd and ridiculous as those in Oates's, it seems probable that there was among some of those accused a notion of assassinating the king; but whether this notion was over ripened into what may be called a design, and, much more, whether it were ever evinced by such an overt act as the law requires for conviction, is very doubtful. In regard to the conspirators of higher ranks, from whom all suspicion of participation in the intended assassination has been long since done away, there is unquestionably reason to believe that they had often met and consulted, as well for the purpose of ascertaining the means they actually possessed as for that of devising others for delivering their country from the dreadful servitude into which it had fallen; and thus far their conduct appears clearly to have been laudable. If they went further, and did anything which could be fairly construed into an actual conspiracy to levy war against the king, they acted, considering the disposition of the nation at that period, very indiscreetly. But whether their proceedings had ever gone this length, is far from certain. Monmouth's communications with the king, when we reflect upon all the circumstances of those communications, deserve not the smallest attention; nor indeed, if they did, does the letter which he afterwards withdrew prove anything upon this point. And it is an outrage to common-sense



Page 24

to call Lord Grey's narrative written, as he himself states in his letter to James II., while the question of his pardon was pending, an authentic account. That which is most certain in this affair is, that they had committed no overt act, indicating the imagining of the king's death, even according to the most strained construction of the statute of Edward III.; much less was any such act legally proved against them. And the conspiring to levy war was not treason, except by a recent statute of Charles II., the prosecutions upon which were expressly limited to a certain time, which in these cases had elapsed so that it is impossible not to assent to the opinion of those who have ever stigmatised the condemnation and execution of Russell as a most flagrant violation of law and justice.

The proceedings in Sidney's case were still more detestable. The production of papers, containing speculative opinions upon government and liberty, written long before, and perhaps never even intended to be published, together with the use made of those papers, in considering them as a substitute for the second witness to the overt act, exhibited such a compound of wickedness and nonsense as is hardly to be paralleled in the history of juridical tyranny. But the validity of pretences was little attended to at that time, in the case of a person whom the court had devoted to destruction, and upon evidence such as has been stated was this great and excellent man condemned to die. Pardon was not to be expected. Mr. Hume says, that such an interference on the part of the king, though it might have been an act of heroic generosity, could not be regarded as an indispensable duty. He might have said with more propriety, that it was idle to expect that the government, after having incurred so much guilt in order to obtain the sentence, should, by remitting it, relinquish the object just when it was within its grasp. The same historian considers the jury as highly blamable, and so do I; but what was their guilt in comparison of that of the court who tried, and of the government who prosecuted, in this infamous cause? Yet the jury, being the only party that can with any colour be stated as acting independently of the government, is the only one mentioned by him as blamable. The prosecutor is wholly omitted in his censure, and so is the court; this last, not from any tenderness for the judge (who, to do this author justice, is no favourite with him), but lest the odious connection between that branch of the judicature and the government should strike the reader too forcibly; for Jeffreys, in this instance, ought to be regarded as the mere tool and instrument (a fit one, no doubt), of the prince who had appointed him for the purpose of this and similar services. Lastly, the king is gravely introduced on the question of pardon, as if he had had no prior concern in the cause, and were now to decide upon the propriety of extending mercy to a criminal



Page 25

condemned by a court of judicature; nor are we once reminded what that judicature was, by whom appointed, by whom influenced, by whom called upon, to receive that detestable evidence, the very recollection of which, even at this distance of time, fires every honest heart with indignation. As well might we palliate the murders of Tiberius, who seldom put to death his victims without a previous decree of his senate. The moral of all this seems to be, that whenever a prince can, by intimidation, corruption, illegal evidence, or other such means, obtain a verdict against a subject whom he dislikes, he may cause him to be executed without any breach of indispensable duty; nay, that it is an act of heroic generosity if he spares him. I never reflect on Mr. Hume's statement of this matter but with the deepest regret. Widely as I differ from him upon many other occasions, this appears to me to be the most reprehensible passage of his whole work. A spirit of adulation towards deceased princes, though in a good measure free from the imputation of interested meanness, which is justly attached to flattery when applied to living monarchs, yet, as it is less intelligible with respect to its motives than the other, so is it in its consequences still more pernicious to the general interests of mankind. Fear of censure from contemporaries will seldom have much effect upon men in situations of unlimited authority: they will too often flatter themselves that the same power which enables them to commit the crime will secure them from reproach. The dread of posthumous infamy, therefore, being the only restraint, their consciences excepted, upon the passions of such persons, it is lamentable that this last defence (feeble enough at best) should in any degree be impaired; and impaired it must be, if not totally destroyed, when tyrants can hope to find in a man like Hume, no less eminent for the integrity and benevolence of his heart than for the depth and soundness of his understanding, an apologist for even their foulest murders.

Thus fell Russell and Sidney, two names that will, it is hoped, be for ever dear to every English heart. When their memory shall cease to be an object of respect and veneration, it requires no spirit of prophecy to foretell that English liberty will be fast approaching to its final consummation. Their department was such as might be expected from men who knew themselves to be suffering, not for their crimes, but for their virtues. In courage they were equal, but the fortitude of Russell, who was connected with the world by private and domestic ties, which Sidney had not, was put to the severer trial; and the story of the last days of this excellent man's life fills the mind with such a mixture of tenderness and admiration, that I know not any scene in history that more powerfully excites our sympathy, or goes more directly to the heart.

Page 26

The very day on which Russell was executed, the University of Oxford passed their famous decree, condemning formally, as impious and heretical propositions, every principle upon which the constitution of this or any other free country can maintain itself. Nor was this learned body satisfied with stigmatising such principles as contrary to the Holy Scriptures, to the decrees of councils, to the writings of the fathers, to the faith and profession of the primitive church, as destructive of the kingly government, the safety of his majesty's person, the public peace, the laws of nature, and bounds of human society; but after enumerating the several obnoxious propositions, among which was one declaring all civil authority derived from the people; another, asserting a mutual contract, tacit or express, between the king and his subjects; a third, maintaining the lawfulness of changing the succession to the crown; with many others of a like nature, they solemnly decreed all and every of those propositions to be not only false and seditious, but impious, and that the books which contained them were fitted to lead to rebellion, murder of princes, and atheism itself. Such are the absurdities which men are not ashamed to utter in order to cast odious imputations upon their adversaries; and such the manner in which churchmen will abuse, when it suits their policy, the holy name of that religion whose first precept is to love one another, for the purpose of teaching us to hate our neighbours with more than ordinary rancour. If *Much Ado about Nothing* had been published in those days, the town-clerk's declaration, that receiving a thousand ducats for accusing the Lady Hero wrongfully, was flat burglary, might be supposed to be a satire upon this decree; yet Shakespeare, well as he knew human nature, not only as to its general course, but in all its eccentric deviations, could never dream that, in the persons of Dogberry, Verges, and their followers, he was representing the vice-chancellors and doctors of our learned university.

Among the oppressions of this period, most of which were attended with consequences so much more important to the several objects of persecution, it may seem scarcely worth while to notice the expulsion of John Locke from Christ Church College, Oxford. But besides the interest which every incident in the life of a person so deservedly eminent naturally excites, there appears to have been something in the transaction itself characteristic of the spirit of the times, as well as of the general nature of absolute power. Mr. Locke was known to have been intimately connected with Lord Shaftesbury, and had very prudently judged it advisable for him to prolong for some time his residence upon the Continent, to which he had resorted originally on account of his health. A suspicion, as it has been since proved unfounded, that he was the author of a pamphlet which gave offence to the government, induced the king to insist upon his removal



Page 27

from his studentship at Christ Church. Sunderland writes, by the king's command, to Dr. Fell, bishop of Oxford and dean of Christ Church. The reverend prelate answers that he has long had an eye upon Mr. Locke's behaviour; but though frequent attempts had been made (attempts of which the bishop expresses no disapprobation), to draw him into imprudent conversation, by attacking, in his company, the reputation, and insulting the memory of his late patron and friend, and thus to make his gratitude and all the best feelings of his heart instrumental to his ruin, these attempts all proved unsuccessful. Hence the bishop infers, not the innocence of Mr. Locke, but that he was a great master of concealment both as to words and looks; for looks, it is to be supposed, would have furnished a pretext for his expulsion, more decent than any which had yet been discovered. An expedient is then suggested to drive Mr. Locke to a dilemma, by summoning him to attend the college on the first of January ensuing. If he do not appear, he shall be expelled for contumacy; if he come, matter of charge may be found against him for what he shall have said at London or elsewhere, where he will have been less upon his guard than at Oxford. Some have ascribed Fell's hesitation, if it can be so called, in executing the king's order, to his unwillingness to injure Locke, who was his friend; others, with more reason, to the doubt of the legality of the order. However this may have been, neither his scruple nor his reluctance was regarded by a court who knew its own power. A peremptory order was accordingly sent, and immediate obedience ensued. Thus, while without the shadow of a crime, Mr. Locke lost a situation attended with some emolument and great convenience, was the university deprived of, or rather thus, from the base principles of servility, did she cast away the man, the having produced whom is now her chiefest glory; and thus, to those who are not determined to be blind, did the true nature of absolute power discover itself, against which the middling station is not more secure than the most exalted. Tyranny, when glutted with the blood of the great, and the plunder of the rich, will condescend to bent humbler game, and make a peaceable and innocent fellow of a college the object of its persecution. In this instance one would almost imagine there was some instinctive sagacity in the government of that time, which pointed out to them, even before he had made himself known to the world, the man who was destined to be the most successful adversary of superstition and tyranny.

The king, during the remainder of his reign, seems, with the exception of Armstrong's execution, which must be added to the catalogue of his murders, to have directed his attacks more against the civil rights, properties, and liberties, than against the lives of his subjects. Convictions against evidence, sentences against law, enormous fines, cruel imprisonments, were the principal engines employed for the purpose

Page 28

of breaking the spirit of individuals, and fitting their necks for the yoke. But it was not thought fit to trust wholly to the effect which such examples would produce upon the public. That the subjugation of the people might be complete, and despotism be established upon the most solid foundation, measures of a more general nature and effect were adopted; and first, the charter of London, and then those of almost all the other corporations in England, were either forfeited or forced to a surrender. By this act of violence two important points were thought to be gained; one, that in every regular assemblage of the people in any part of the kingdom the crown would have a commanding influence; the other, that in case the king should find himself compelled to break his engagement to France, and to call a parliament, a great majority of members would be returned by electors of his nomination, and subject to his control. In the affair of the charter of London, it was seen, as in the case of ship-money, how idle it is to look to the integrity of judges for a barrier against royal encroachments, when the courts of justice are not under the constant and vigilant control of parliament. And it is not to be wondered at, that, after such a warning, and with no hope of seeing a parliament assemble, even they who still retained their attachment to the true constitution of their country, should rather give way to the torrent than make a fruitless and dangerous resistance.

Charles being thus completely master, was determined that the relative situation of him and his subjects should be clearly understood, for which purpose he ordered a declaration to be framed, wherein, after having stated that he considered the degree of confidence they had reposed in him as an honour particular to his reign, which not one of his predecessors had ever dared even to hope for, he assured them he would use it with all possible moderation, and convince even the most violent republicans, that as the crown was the origin of the rights and liberties of the people, so was it their most certain and secure support. This gracious declaration was ready for the press at the time of the king's death, and if he had lived to issue it, there can be little doubt how it would have been received at a time when

“nunquam libertas gratior extat Quam sub rege pio,”

was the theme of every song, and, by the help of some perversion of Scripture, the text of every sermon. But whatever might be the language of flatterers, and how loud soever the cry of a triumphant, but deluded party, there were not wanting men of nobler sentiments and of more rational views. Minds once thoroughly imbued with the love of what Sidney, in his last moments, so emphatically called the good old cause, will not easily relinquish their principles: nor was the manner in which absolute power was exercised, such as to reconcile to it, in practice, those who had always been averse to it in speculation. The

Page 29

hatred of tyranny must, in such persons, have been exasperated by the experience of its effects, and their attachment to liberty proportionably confirmed. To them the state of their country must have been intolerable: to reflect upon the efforts of their fathers, once their pride and glory, and whom they themselves had followed with no unequal steps, and to see the result of all in the scenes that now presented themselves, must have filled their minds with sensations of the deepest regret, and feelings bordering at least on despondency. To us, who have the opportunity of combining in our view of this period, not only the preceding but subsequent transactions, the consideration of it may suggest reflections far different and speculations more consolatory. Indeed, I know not that history can furnish a more forcible lesson against despondency, than by recording that within a short time from those dismal days in which men of the greatest constancy despaired, and had reason to do so, within five years from the death of Sidney arose the brightest era of freedom known to the annals of our country.

It is said that the king, when at the summit of his power, was far from happy; and a notion has been generally entertained that not long before his death he had resolved upon the recall of Monmouth, and a correspondent change of system. That some such change was apprehended seems extremely probable, from the earnest desire which the court of France, as well as the Duke of York's party in England, entertained, in the last years of Charles's life, to remove the Marquis of Halifax, who was supposed to have friendly dispositions to Monmouth. Among the various objections to that nobleman's political principles, we find the charge most relied upon, for the purpose of injuring him in the mind of the king, was founded on the opinion he had delivered in council, in favour of modelling the charters of the British colonies in North America upon the principles of the rights and privileges of Englishmen. There was no room to doubt (he was accused of saying) that the same laws under which we live in England, should be established in a country composed of Englishmen. He even dilated upon this, and omitted none of the reasons by which it can be proved that an absolute government is neither so happy nor so safe as that which is tempered by laws, and which limits the authority of the prince. He exaggerated, it was said, the mischiefs of a sovereign power, and declared plainly that he could not make up his mind to live under a king who should have it in his power to take, when he pleased, the money he might have in his pocket. All the other ministers had combated, as might be expected, sentiments so extraordinary; and without entering into the general question of the comparative value of different forms of government, maintained that his majesty could and ought to govern countries so distant in the manner that should appear to him most suitable for preserving



Page 30

or augmenting the strength and riches of the mother country. It had been, therefore, resolved that the government and council of the provinces under the new charter should not be obliged to call assemblies of the colonists for the purpose of imposing taxes, or making other important regulations, but should do what they thought fit, without rendering any account of their actions except to his Britannic Majesty. The affair having been so decided with a concurrence only short of unanimity, was no longer considered as a matter of importance, nor would it be worth recording, if the Duke of York and the French court had not fastened upon it, as affording the best evidence of the danger to be apprehended from having a man of Halifax's principles in any situation of trust or power. There is something curious in discovering that even at this early period a question relative to North American liberty, and even to North American taxation, was considered as the test of principles friendly or adverse to arbitrary power at home. But the truth is, that among the several controversies which have arisen there is no other wherein the natural rights of man on the one hand, and the authority of artificial institution on the other, as applied respectively by the Whigs and Tories to the English constitution, are so fairly put in issue, nor by which the line of separation between the two parties is so strongly and distinctly marked.

There is some reason for believing that the court of Versailles had either wholly discontinued, or, at least, had become very remiss in, the payments of Charles's pension; and it is not unlikely that this consideration induced him either really to think of calling a parliament, or at least to threaten Louis with such a measure, in order to make that prince more punctual in performing his part of their secret treaty. But whether or not any secret change was really intended, or if it were to what extent, and to what objects directed, are points which cannot now be ascertained, no public steps having ever been taken in this affair, and his majesty's intentions, if in truth he had any such, becoming abortive by the sudden illness which seized him on the 1st of February, 1685, and which, in a few days afterwards, put an end to his reign and life. His death was by many supposed to have been the effect of poison; but although there is reason to believe that this suspicion was harboured by persons very near to him, and, among others, as I have heard, by the Duchess of Portsmouth, it appears, upon the whole, to rest upon very slender foundations.

With respect to the character of this prince, upon the delineation of which so much pains have been employed, by the various writers who treat of the history of his time, it must be confessed that the facts which have been noticed in the foregoing pages furnish but too many illustrations of the more unfavourable parts of it. From these we may collect that his ambition was directed solely against his subjects, while he



Page 31

was completely indifferent concerning the figure which he or they might make in the general affairs of Europe; and that his desire of power was more unmixed with love of glory than that of any other man whom history has recorded; that he was unprincipled, ungrateful, mean, and treacherous, to which may be added, vindictive and remorseless. For Burnet, in refusing to him the praise of clemency and forgiveness, seems to be perfectly justifiable, nor is it conceivable upon what pretence his partisans have taken this ground of panegyric. I doubt whether a single instance can be produced of his having spared the life of any one whom motives either of policy, or of revenge, prompted him to destroy. To allege that of Monmouth as it would be an affront to human nature, so would it likewise imply the most severe of all satires against the monarch himself, and we may add, too, an undeserved one; for, in order to consider it as an act of meritorious forbearance on his part, that he did not follow the example of Constantine and Philip II., by imbruing his hands in the blood of his son, we must first suppose him to have been wholly void of every natural affection, which does not appear to have been the case. His declaration that he would have pardoned Essex, being made when that nobleman was dead, and not followed by any act evincing its sincerity, can surely obtain no credit from men of sense. If he had really had the intention, he ought not to have made such a declaration, unless he accompanied it with some mark of kindness to the relations, or with some act of mercy to the friends of the deceased. Considering it as a mere piece of hypocrisy, we cannot help looking upon it as one of the most odious passages of his life. This ill-timed boast of his intended mercy, and the brutal taunt with which he accompanied his mitigation (if so it may be called) of Russell's sentence, show his insensibility and hardness to have been such, that in questions where right feelings were concerned, his good sense, and even the good taste for which he has been so much extolled, seemed wholly to desert him.

On the other hand, it would be want of candour to maintain that Charles was entirely destitute of good qualities; nor was the propriety of Burnet's comparison between him and Tiberius ever felt, I imagine, by any one but its author. He was gay and affable, and, if incapable of the sentiments belonging to pride of a laudable sort, he was at least free from haughtiness and insolence. The praise of politeness, which the stoics are not perhaps wrong in classing among the moral virtues, provided they admit it to be one of the lowest order, has never been denied him, and he had in an eminent degree that facility of temper which, though considered by some moralists as nearly allied to vice, yet, inasmuch as it contributes greatly to the happiness of those around us, is in itself not only an engaging but an estimable quality. His support of the queen during the heats raised by the popish plot ought to be taken rather as a proof that he was not a monster than to be ascribed to him as a merit; but his steadiness to his brother, though it may and ought, in a great measure, to be accounted for upon selfish principles, had at least a strong resemblance to virtue.



Page 32

The best part of this prince's character seems to have been his kindness towards his mistresses, and his affection for his children, and others nearly connected to him by the ties of blood. His recommendation of the Duchess of Portsmouth and Mrs. Gwyn, upon his death-bed, to his successor is much to his honour; and they who censure it seem, in their zeal to show themselves strict moralists, to have suffered their notions of vice and virtue to have fallen into strange confusion. Charles's connection with those ladies might be vicious, but at a moment when that connection was upon the point of being finally and irrevocably dissolved, to concern himself about their future welfare and to recommend them to his brother with earnest tenderness was virtue. It is not for the interest of morality that the good and evil actions, even of bad men, should be confounded. His affection for the Duke of Gloucester and for the Duchess of Orleans seems to have been sincere and cordial. To attribute, as some have done, his grief for the loss of the first to political considerations, founded upon an intended balance of power between his two brothers, would be an absurd refinement, whatever were his general disposition; but when we reflect upon that carelessness which, especially in his youth, was a conspicuous feature of his character, the absurdity becomes still more striking. And though Burnet more covertly, and Ludlow more openly, insinuate that his fondness for his sister was of a criminal nature, I never could find that there was any ground whatever for such a suspicion; nor does the little that remains of their epistolary correspondence give it the smallest countenance. Upon the whole, Charles II. was a bad man and a bad king; let us not palliate his crimes, but neither let us adopt false or doubtful imputations for the purpose of making him a monster.

Whoever reviews the interesting period which we have been discussing, upon the principle recommended in the outset of this chapter, will find that, from the consideration of the past, to prognosticate the future would at the moment of Charles's demise be no easy task. Between two persons, one of whom should expect that the country would remain sunk in slavery, the other, that the cause of freedom would revive and triumph, it would be difficult to decide whose reasons were better supported, whose speculations the more probable. I should guess that he who desponded had looked more at the state of the public, while he who was sanguine had fixed his eyes more attentively upon the person who was about to mount the throne. Upon reviewing the two great parties of the nation, one observation occurs very forcibly, and that is, that the great strength of the Whigs consisted in their being able to brand their adversaries as favourers of popery; that of the Tories (as far as their strength depended upon opinion, and not merely upon the power of the crown), in their finding colour to represent the Whigs as republicans. From this observation we may draw a further inference, that, in proportion to the rashness of the crown in avowing and pressing forward the cause of popery, and to the moderation and steadiness of the Whigs in adhering to the form of monarchy, would be the chance of the people of England for changing an ignominious despotism for glory, liberty, and happiness.



Page 33

CHAPTER II.

Accession of James II.—His declaration in council; acceptable to the nation—Arbitrary designs of his reign—Former ministers continued—Money transactions with France—Revenue levied without authority of Parliament—Persecution of Dissenters—Character of Jeffreys—The King's affectation of independence—Advances to the Prince of Orange—The primary object of this reign—Transactions in Scotland—Severe persecutions there—Scottish Parliament—Cruelties of government—English Parliament; its proceedings—Revenue—Votes concerning religion—Bill for preservation of the King's person—Solicitude for the Church of England—Reversal of Stafford's attainder rejected—Parliament adjourned—Character of the Tories— Situation of the Whigs.

Charles II. expired on the 6th of February, 1684-85, and on the same day his successor was proclaimed king in London, with the usual formalities, by the title of James the Second. The great influence which this prince was supposed to have possessed in the government during the latter years of his brother's reign, and the expectation which was entertained in consequence, that his measures, when monarch, would be of the same character and complexion with those which he was known to have highly approved, and of which he was thought by many to have been the principal author, when a subject left little room for that spirit of speculation which generally attends a demise of the crown. And thus an event, which when apprehended a few years before had, according to a strong expression of Sir William Temple, been looked upon as the end of the world, was now deemed to be of small comparative importance.

Its tendency, indeed, was rather to ensure perseverance than to effect any change in the system which had been of late years pursued. As there are, however, some steps indispensably necessary on the accession of a new prince to the throne, to these the public attention was directed, and though the character of James had been long so generally understood as to leave little doubt respecting the political maxims and principles by which his reign would be governed, there was probably much curiosity, as upon such occasions there always is, with regard to the conduct he would pursue in matters of less importance, and to the general language and behaviour which he would adopt in his new situation. His first step was, of course, to assemble the privy council, to whom he spoke as follows:-

"Before I enter upon any other business, I think fit to say something to you. Since it hath pleased Almighty God to place me in this station, and I am now to succeed so good and gracious a king, as well as so very kind a brother, I think it fit to declare to you that I will endeavour to follow his example, and most especially in that of his great clemency and tenderness to his people. I have been reported to be a man for arbitrary power; but that is not the



Page 34

only story that has been made of me; and I shall make it my endeavour to preserve this government, both in Church and State, as it is now by law established. I know the principles of the Church of England are for monarchy, and the members of it have shown themselves good and loyal subjects; therefore I shall always take care to defend and support it. I know, too, that the laws of England are sufficient to make the king as great a monarch as I can wish; and as I shall never depart from the just rights and prerogatives of the crown, so I shall never invade any man's property. I have often heretofore ventured my life in defence of this nation and I shall go as far as any man in preserving it in all its just rights and liberties.”

With this declaration the council were so highly satisfied, that they supplicated his majesty to make it public, which was accordingly done; and it is reported to have been received with unbounded applause by the greater part of the nation. Some, perhaps, there were, who did not think the boast of having ventured his life very manly, and who, considering the transactions of the last years of Charles's reign, were not much encouraged by the promise of imitating that monarch in clemency and tenderness to his subjects. To these it might appear, that whatever there was of consolatory in the king's disclaimer of arbitrary power and professed attachment to the laws, was totally done away, as well by the consideration of what his majesty's notions of power and law were, as by his declaration that he would follow the example of a predecessor, whose government had not only been marked with the violation, in particular cases, of all the most sacred laws of the realm, but had latterly, by the disuse of parliaments, in defiance of the statute of the sixteenth year of his reign, stood upon a foundation radically and fundamentally illegal. To others it might occur that even the promise to the Church of England, though express with respect to the condition of it, which was no other than perfect acquiescence in what the king deemed to be the true principles of monarchy, was rather vague with regard to the nature or degree of support to which the royal speaker might conceive himself engaged. The words, although in any interpretation of them they conveyed more than he possibly ever intended to perform, did by no means express the sense which at that time, by his friends, and afterwards by his enemies, was endeavoured to be fixed on them. There was, indeed, a promise to support the establishment of the Church, and consequently the laws upon which that establishment immediately rested; but by no means an engagement to maintain all the collateral provisions which some of its more zealous members might judge necessary for its security.



Page 35

But whatever doubts or difficulties might be felt, few or none were expressed. The Whigs, as a vanquished party, were either silent or not listened to, and the Tories were in a temper of mind which does not easily admit suspicion. They were not more delighted with the victory they had obtained over their adversaries, than with the additional stability which, as they vainly imagined, the accession of the new monarch was likely to give to their system. The truth is that, his religion excepted (and that objection they were sanguine enough to consider as done away by a few gracious words in favour of the Church), James was every way better suited to their purpose than his brother. They had entertained continual apprehensions, not perhaps wholly unfounded, of the late king's returning kindness to Monmouth, the consequences of which could not easily be calculated; whereas, every occurrence that had happened, as well as every circumstance in James's situation, seemed to make him utterly irreconcilable with the Whigs. Besides, after the reproach, as well as alarm, which the notoriety of Charles's treacherous character must so often have caused them, the very circumstance of having at their head a prince, of whom they could with any colour hold out to their adherents that his word was to be depended upon, was in itself a matter of triumph and exultation. Accordingly, the watchword of the party was everywhere—"We have the word of a king, and a word never yet broken;" and to such a length was the spirit of adulation, or perhaps the delusion, carried, that this royal declaration was said to be a better security for the liberty and religion of the nation than any which the law could devise.

The king, though much pleased, no doubt, with the popularity which seemed to attend the commencement of his reign, as a powerful medium for establishing the system of absolute power, did not suffer himself, by any show of affection from his people, to be diverted from his design of rendering his government independent of them. To this design we must look as the mainspring of all his actions at this period; for with regard to the Roman Catholic religion, it is by no means certain that he yet thought of obtaining for it anything more than a complete toleration. With this view, therefore, he could not take a more judicious resolution than that which he had declared in his speech to the privy council, and to which he seems, at this time, to have steadfastly adhered, of making the government of his predecessor the model for his own. He therefore continued in their offices, notwithstanding the personal objections he might have to some of them, those servants of the late king, during whose administration that prince had been so successful in subduing his subjects, and eradicating almost from the minds of Englishmen every sentiment of liberty.



Page 36

Even the Marquis of Halifax, who was supposed to have remonstrated against many of the late measures, and to have been busy in recommending a change of system to Charles, was continued in high employment by James, who told him that, of all his past conduct, he should remember only his behaviour upon the exclusion bill, to which that nobleman had made a zealous and distinguished opposition; a handsome expression, which has been the more noticed, as well because it is almost the single instance of this prince's showing any disposition to forget injuries, as on account of a delicacy and propriety in the wording of it, by no means familiar to him.

Lawrence Hyde, Earl of Rochester, whom he appointed lord treasurer, was in all respects calculated to be a fit instrument for the purposes then in view. Besides being upon the worst terms with Halifax, in whom alone, of all his ministers, James was likely to find any bias in favour of popular principles, he was, both from prejudice of education, and from interest, inasmuch as he had aspired to be the head of the Tories, a great favourer of those servile principles of the Church of England which had been lately so highly extolled from the throne. His near relation to the Duchess of York might also be some recommendation, but his privity to the late pecuniary transactions between the courts of Versailles and London, and the cordiality with which he concurred in them, were by far more powerful titles to his new master's confidence. For it must be observed of this minister, as well as of many others of his party, that his *high* notions, as they are frequently styled, of power, regarded only the relation between the king and his subjects, and not that in which he might stand with respect to foreign princes; so that, provided he could, by a dependence, however servile, upon Louis XIV., be placed above the control of his parliament and people at home, he considered the honour of the crown unsullied.

Robert Spencer, Earl of Sunderland, who was continued as secretary of state, had been at one period a supporter of the exclusion bill, and had been suspected of having offered the Duchess of Portsmouth to obtain the succession to the crown for her son, the Duke of Richmond. Nay more, King James, in his "Memoirs," charges him with having intended, just at the time of Charles's death, to send him into a second banishment; but with regard to this last point, it appears evident to me, that many things in those "Memoirs," relative to this earl, were written after James's abdication, and in the greatest bitterness of spirit, when he was probably in a frame of mind to believe anything against a person by whom he conceived himself to have been basely deserted. The reappointment, therefore, of this nobleman to so important an office, is to be accounted for partly upon the general principle above-mentioned, of making the new reign a mere continuation of the former, and partly upon Sunderland's extraordinary talents for ingratiating himself with persons in power, and persuading them that he was the fittest instrument for their purposes; a talent in which he seems to have surpassed all the intriguing statesmen of his time, or perhaps of any other.



Page 37

An intimate connection with the court of Versailles being the principal engine by which the favourite project of absolute monarchy was to be effected, James, for the purpose of fixing and cementing that connection, sent for M. de Barillon, the French ambassador, the very day after his accession, and entered into the most confidential discourse with him. He explained to him his motives for intending to call a parliament, as well as his resolution to levy by authority the revenue which his predecessor had enjoyed in virtue of a grant of parliament which determined with his life. He made general professions of attachment to Louis, declared that in all affairs of importance it was his intention to consult that monarch, and apologised, upon the ground of the urgency of the case, for acting in the instance mentioned without his advice. Money was not directly mentioned, owing, perhaps, to some sense of shame upon that subject, which his brother had never experienced; but lest there should be a doubt whether that object were implied in the desire of support and protection, Rochester was directed to explain the matter more fully, and to give a more distinct interpretation of these general terms. Accordingly, that minister waited the next morning upon Barillon, and after having repeated and enlarged upon the reasons for calling a parliament, stated, as an additional argument in defence of the measure, that without it his master would become too chargeable to the French king; adding, however, that the assistance which might be expected from a parliament, did not exempt him altogether from the necessity of resorting to that prince for pecuniary aids; for that without such, he would be at the mercy of his subjects, and that upon this beginning would depend the whole fortune of the reign. If Rochester actually expressed himself as Barillon relates, the use intended to be made of parliament cannot but cause the most lively indignation, while it furnishes a complete answer to the historians who accuse the parliaments of those days of unseasonable parsimony in their grants to the Stuart kings; for the grants of the people of England were not destined, it seems, to enable their kings to oppose the power of France, or even to be independent of her, but to render the influence which Louis was resolved to preserve in this country less chargeable to him, by furnishing their quota to the support of his royal dependant.

The French ambassador sent immediately a detailed account of these conversations to his court, where, probably, they were not received with the less satisfaction on account of the request contained in them having been anticipated. Within a very few days from that in which the latter of them had passed, he was empowered to accompany the delivery of a letter from his master, with the agreeable news of having received from him bills of exchange to the amount of five hundred thousand livres, to be used in whatever manner might be convenient to the king of England's service.



Page 38

The account which Barillon gives, of the manner in which this sum was received, is altogether ridiculous: the king's eyes were full of tears, and three of his ministers, Rochester, Sunderland, and Godolphin, came severally to the French ambassador, to express the sense their master had of the obligation, in terms the most lavish. Indeed, demonstrations of gratitude from the king directly, as well as through his ministers, for this supply were such, as if they had been used by some unfortunate individual, who, with his whole family, had been saved, by the timely succour of some kind and powerful protector, from a gaol and all its horrors, would be deemed rather too strong than too weak. Barillon himself seems surprised when he relates them; but imputes them to what was probably their real cause, to the apprehensions that had been entertained (very unreasonable ones!) that the king of France might no longer choose to interfere in the affairs of England, and consequently that his support could not be relied on for the grand object of assimilating this government to his own.

If such apprehensions did exist, it is probable that they were chiefly owing to the very careless manner, to say the least, in which Louis had of late fulfilled his pecuniary engagements to Charles, so as to amount, in the opinion of the English ministers, to an actual breach of promise. But the circumstances were in some respects altered. The French king had been convinced that Charles would never call a parliament; nay, further perhaps, that if he did, he would not be trusted by one; and considering him therefore entirely in his power, acted from that principle in insolent minds which makes them fond of ill-treating and insulting those whom they have degraded to a dependence on them. But James would probably be obliged at the commencement of a new reign to call a parliament, and if well used by such a body, and abandoned by France, might give up his project of arbitrary power, and consent to govern according to the law and constitution. In such an event, Louis easily foresaw, that, instead of a useful dependent, he might find upon the throne of England a formidable enemy. Indeed, this prince and his ministers seem all along, with a sagacity that does them credit, to have foreseen, and to have justly estimated, the dangers to which they would be liable, if a cordial union should ever take place between a king of England and his parliament, and the British councils be directed by men enlightened and warmed by the genuine principles of liberty. It was therefore an object of great moment to bind the new king, as early as possible, to the system of dependency upon France; and matter of less triumph to the court of Versailles to have retained him by so moderate a fee, than to that of London to receive a sum which, though small, was thought valuable, no as an earnest of better wages and future protection.

Page 39

It had for some time been Louis's favourite object to annex to his dominion what remained of the Spanish Netherlands, as well on account of their own intrinsic value, as to enable him to destroy the United Provinces and the Prince of Orange; and this object Charles had bound himself, by treaty with Spain, to oppose. In the joy, therefore, occasioned by this noble manner of proceeding (for such it was called by all the parties concerned), the first step was to agree, without hesitation, that Charles's treaty with Spain determined with his life, a decision which, if the disregard that had been shown to it did not render the question concerning it nugatory, it would be difficult to support upon any principles of national law or justice. The manner in which the late king had conducted himself upon the subject of this treaty, that is to say, the violation of it, without formally renouncing it, was gravely commended, and stated to be no more than what might justly be expected from him; but the present king was declared to be still more free, and in no way bound by a treaty, from the execution of which his brother had judged himself to be sufficiently dispensed. This appears to be a nice distinction, and what that degree of obligation was, from which James was exempt, but which had lain upon Charles, who neither thought himself bound, nor was expected by others to execute the treaty, it is difficult to conceive.

This preliminary being adjusted, the meaning of which, through all this contemptible shuffling, was, that James, by giving up all concern for the Spanish Netherlands, should be at liberty to acquiesce in, or to second, whatever might be the ambitious projects of the court of Versailles, it was determined that Lord Churchill should be sent to Paris to obtain further pecuniary aids. But such was the impression made by the frankness and generosity of Louis, that there was no question of discussing or capitulating, but everything was remitted to that prince, and to the information his ministers might give him, respecting the exigency of affairs in England. He who had so handsomely been beforehand, in granting the assistance of five hundred thousand livres, was only to be thanked for past, not importuned for future, munificence. Thus ended, for the present, this disgusting scene of iniquity and nonsense, in which all the actors seemed to vie with each other in prostituting the sacred names of friendship, generosity, and gratitude, in one of the meanest and most criminal transactions which history records.

The principal parties in the business, besides the king himself, to whose capacity, at least, if not to his situation it was more suitable, and Lord Churchill, who acted as an inferior agent, were Sunderland, Rochester, and Godolphin, all men of high rank and considerable abilities, but whose understandings, as well as their principles, seem to have been corrupted by the pernicious schemes in which they were engaged. With respect

Page 40

to the last-mentioned nobleman in particular, it is impossible, without pain, to see him engaged in such transactions. With what self-humiliation must he not have reflected upon them in subsequent periods of his life! How little could Barillon guess that he was negotiating with one who was destined to be at the head of an administration which, in a few years, would send the same Lord Churchill not to Paris, to implore Louis for succours towards enslaving England, or to thank him for pensions to her monarch, but to combine all Europe against him in the cause of liberty, to rout his armies, to take his towns, to humble his pride, and to shake to the foundation that fabric of power which it had been the business of a long life to raise, at the expense of every sentiment of tenderness to his subjects, and of justice and good faith to foreign nations. It is with difficulty the reader can persuade himself that the Godolphin and Churchill here mentioned are the same persons who were afterwards one in the cabinet, one in the field, the great conductors of the war of the succession. How little do they appear in one instance! how great in the other! And the investigation of the cause to which this excessive difference is principally owing, will produce a most useful lesson. Is the difference to be attributed to any superiority of genius in the prince whom they served in the latter period of their lives? Queen Anne's capacity appears to have been inferior even to her father's. Did they enjoy in a greater degree her favour and confidence? The very reverse is the fact. But in one case they were the tools of a king plotting against his people; in the other, the ministers of a free government acting upon enlarged principles, and with energies which no state that is not in some degree republican can supply. How forcibly must the contemplation of these men, in such opposite situations, teach persons engaged in political life that a free and popular government is desirable, not only for the public good, but for their own greatness and consideration, for every object of generous ambition!

The king having, as has been related, first privately communicated his intentions to the French ambassador, issued proclamations for the meeting of parliament, and for levying, upon his sole authority, the customs and other duties which had constituted part of the late king's revenue, but to which, the acts granting them having expired with the prince, James was not legally entitled. He was advised by Lord Guildford, whom he had continued in the office of keeper of the great seal, and who upon such a subject, therefore, was a person likely to have the greatest weight, to satisfy himself with directing the money to be kept in the exchequer for the disposal of parliament, which was shortly to meet; and by others, to take bonds from the merchants for the duties, to be paid when parliament should legalise them. But these expedients were not suited to the king's views, who, as



Page 41

well on account of his engagement with France, as from his own disposition, was determined to take no step that might indicate an intention of governing by parliaments, or a consciousness of his being dependent upon them for his revenue, he adopted, therefore, the advice of Jeffreys, advice not resulting so much, probably, either from ignorance or violence of disposition, as from his knowledge that it would be most agreeable to his master, and directed the duties to be paid as in the former reign. It was pretended, that an interruption in levying some of the duties might be hurtful to trade; but as every difficulty of that kind was obviated by the expedients proposed, this arbitrary and violent measure can with no colour be ascribed to a regard to public convenience, nor to any other motive than to a desire of reviving Charles I.'s claims to the power of taxation, and of furnishing a most intelligible comment upon his speech to the council on the day of his accession. It became evident what the king's notions were, with respect to that regal prerogative from which he professed himself determined never to depart, and to that property which he would never invade. What were the remaining rights and liberties of the nation, which he was to preserve, might be more difficult to discover; but that the laws of England, in the royal interpretation of them, were sufficient to make the king as great a monarch as he, or, indeed, any prince could desire, was a point that could not be disputed. This violation of law was in itself most flagrant; it was applied to a point well understood, and thought to have been so completely settled by repeated and most explicit declarations of the legislature, that it must have been doubtful whether even the most corrupt judges, if the question had been tried, would have had the audacity to decide it against the subject. But no resistance was made; nor did the example of Hampden, which a half century before had been so successful, and rendered that patriot's name so illustrious, tempt any one to emulate his fame, so completely had the crafty and sanguinary measures of the late reign attained the object to which they were directed, and rendered all men either afraid or unwilling to exert themselves in the cause of liberty.

On the other hand, addresses the most servile were daily sent to the throne. That of the University of Oxford stated that the religion which they professed bound them to unconditional obedience to their sovereign without restrictions or limitations; and the Society of Barristers and Students of the Middle Temple thanked his majesty for the attention he had shown to the trade of the kingdom, concerning which, and its balance (and upon this last article they laid particular stress), they seemed to think themselves peculiarly called upon to deliver their opinion. But whatever might be their knowledge in matters of trade, it was at least equal to that which these addressers showed in the laws and constitution of their country, since they boldly affirmed the king's right to levy the duties, and declared that it had never been disputed but by persons engaged, in what they were pleased to call rebellion against his royal father. The address concluded with a sort of prayer that all his majesty's subjects might be as good lawyers as themselves, and disposed to acknowledge the royal prerogative in all its extent.



Page 42

If these addresses are remarkable for their servility, that of the gentlemen and freeholders of the county of Suffolk was no less so for the spirit of party violence that was displayed in it. They would take care, they said, to choose representatives who should no more endure those who had been for the Exclusion Bill, than the last parliament had the abhorers of the association; and thus not only endeavoured to keep up his majesty's resentment against a part of their fellow-subjects, but engaged themselves to imitate, for the purpose of retaliation, that part of the conduct of their adversaries which they considered as most illegal and oppressive.

It is a remarkable circumstance, that among all the adulatory addresses of this time, there is not to be found, in any one of them, any declaration of disbelief in the popish plot, or any charge upon the late parliament for having prosecuted it, though it could not but be well known that such topics would, of all others, be most agreeable to the court. Hence we may collect that the delusion on this subject was by no means at an end, and that they who, out of a desire to render history conformable to the principles of poetical justice, attribute the unpopularity and downfall of the Whigs to the indignation excited by their furious and sanguinary prosecution of the plot, are egregiously mistaken. If this had been in any degree the prevailing sentiment, it is utterly unaccountable that, so far from its appearing in any of the addresses of these times, this most just ground of reproach upon the Whig party, and the parliament in which they had had the superiority, was the only one omitted in them. The fact appears to have been the very reverse of what such historians suppose, and that the activity of the late parliamentary leaders, in prosecuting the popish plot, was the principal circumstance which reconciled the nation, for a time, to their other proceedings; that their conduct in that business (now so justly condemned) was the grand engine of their power, and that when that failed, they were soon overpowered by the united forces of bigotry and corruption. They were hated by a great part of the nation, not for their crimes, but for their virtues. To be above corruption is always odious to the corrupt, and to entertain more enlarged and juster notions of philosophy and government, is often a cause of alarm to the narrow-minded and superstitious. In those days particularly it was obvious to refer to the confusion, greatly exaggerated of the times of the commonwealth; and it was an excellent watchword of alarm, to accuse every lover of law and liberty of designs to revive the tragical scene which had closed the life of the first Charles. In this spirit, therefore, the Exclusion Bill, and the alleged conspiracies of Sidney and Russell, were, as might naturally be expected, the chief charges urged against the Whigs; but their conduct on the subject of the popish plot was so far from being the cause of the hatred born to them, that it was not even used as a topic of accusation against them.



Page 43

In order to keep up that spirit in the nation, which was thought to be manifested in the addresses, his majesty ordered the declaration, to which allusion was made in the last chapter, to be published, interwoven with a history of the Rye House Plot, which is said to have been drawn by Dr. Spratt, Bishop of Rochester. The principal drift of this publication was, to load the memory of Sidney and Russell, and to blacken the character of the Duke of Monmouth, by wickedly confounding the consultations holden by them with the plot for assassinating the late king, and in this object it seems in a great measure to have succeeded. He also caused to be published an attestation of his brother's having died a Roman Catholic, together with two papers, drawn up by him, in favour of that persuasion. This is generally considered to have been a very ill-advised instance of zeal; but probably James thought, that at a time when people seemed to be so in love with his power, he might safely venture to indulge himself in a display of his attachment to his religion; and perhaps, too, it might be thought good policy to show that a prince, who had been so highly complimented as Charles had been, for the restoration and protection of the Church, had, in truth, been a Catholic, and thus to inculcate an opinion that the Church of England might not only be safe, but highly favoured, under the reign of a popish prince.

Partly from similar motives, and partly to gratify the natural vindictiveness of his temper, he persevered in a most cruel persecution of the Protestant dissenters, upon the most frivolous pretences. The courts of justice, as in Charles's days, were instruments equally ready, either for seconding the policy or for gratifying the bad passions of the monarch; and Jeffreys, whom the late king had appointed chief justice of England a little before Sidney's trial, was a man entirely agreeable to the temper, and suitable to the purposes, of the present government. He was thought not to be very learned in his profession; but what might be wanting in knowledge he made up in positiveness; and, indeed, whatever might be the difficulties in questions between one subject and another, the fashionable doctrine, which prevailed at that time, of supporting the king's prerogative in its full extent, and without restriction or limitation, rendered, to such as espoused it, all that branch of law which is called constitutional extremely easy and simple. He was as submissive and mean to those above him as he was haughty and insolent to those who were in any degree in his power; and if in his own conduct he did not exhibit a very nice regard for morality, or even for decency, he never failed to animadvert upon, and to punish, the most slight deviation in others with the utmost severity, especially if they were persons whom he suspected to be no favourites of the court.



Page 44

Before this magistrate was brought for trial, by a jury sufficiently prepossessed in favour of Tory politics, the Rev. Richard Baxter, a dissenting minister, a pious and learned man, of exemplary character, always remarkable for his attachment to monarchy, and for leaning to moderate measures in the differences between the Church and those of his persuasion. The pretence for this prosecution was a supposed reference of some passages in one of his works to the bishops of the Church of England; a reference which was certainly not intended by him, and which could not have been made out to any jury that had been less prejudiced, or under any other direction than that of Jeffreys. The real motive was, the desire of punishing an eminent dissenting teacher, whose reputation was high among his sect, and who was supposed to favour the political opinions of the Whigs. He was found guilty, and Jeffreys, in passing sentence upon him, loaded him with the coarsest reproaches and bitterest taunts. He called him sometimes, by way of derision, a saint, sometimes, in plainer terms, an old rogue; and classed this respectable divine, to whom the only crime imputed was the having spoken disrespectfully of the bishops of a communion to which he did not belong, with the infamous Oates, who had been lately convicted of perjury. He finished with declaring, that it was a matter of public notoriety that there was a formed design to ruin the king and the nation, in which this old man was the principal incendiary. Nor is it improbable that this declaration, absurd as it was, might gain belief at a time when the credulity of the triumphant party was at its height.

Of this credulity it seems to be no inconsiderable testimony, that some affected nicety which James had shown with regard to the ceremonies to be used towards the French ambassador, was highly magnified, and represented to be an indication of the different tone that was to be taken by the present king, in regard to foreign powers, and particularly to the court of Versailles. The king was represented as a prince eminently jealous of the national honour, and determined to preserve the balance of power in Europe, by opposing the ambitious projects of France at the very time when he was supplicating Louis to be his pensioner, and expressing the most extravagant gratitude for having been accepted as such. From the information which we now have, it appears that his applications to Louis for money were incessant, and that the difficulties were all on the side of the French court. Of the historians who wrote prior to the inspection of the papers in the foreign office in France, Burnet is the only one who seems to have known that James's pretensions of independency with respect to the French king were (as he terms them) only a show; but there can now be no reason to doubt the truth of the anecdote which he relates, that Louis soon after told the Duke of Villeroy, that if James showed any apparent uneasiness concerning



Page 45

the balance of power (and there is some reason to suppose he did) in his conversations with the Spanish and other foreign ambassadors, his intention was, probably, to alarm the court of Versailles, and thereby to extort pecuniary assistance to a greater extent; while, on the other hand, Louis, secure in the knowledge that his views of absolute power must continue him in dependence upon France, seems to have refused further supplies, and even in some measure to have withdrawn those which had been stipulated, as a mark of his displeasure with his dependant, for assuming a higher tone than he thought becoming.

Whether with a view of giving some countenance to those who were praising him upon the above mentioned topic, or from what other motive it is now not easy to conjecture, James seems to have wished to be upon apparent good terms, at least, with the Prince of Orange; and after some correspondence with that prince concerning the protection afforded by him and the states-general to Monmouth, and other obnoxious persons, it appears that he declared himself, in consequence of certain explanations and concessions, perfectly satisfied. It is to be remarked, however, that he thought it necessary to give the French ambassador an account of this transaction, and in a manner to apologise to him for entering into any sort of terms with a son-in-law, who was supposed to be hostile in disposition to the French king. He assured Barillon that a change of system on the part of the Prince of Orange in regard to Louis, should be a condition of his reconciliation: he afterwards informed him that the Prince of Orange had answered him satisfactorily in all other respects, but had not taken notice of his wish that he should connect himself with France; but never told him that he had, notwithstanding the prince's silence on that material point, expressed himself completely satisfied with him. That a proposition to the Prince of Orange, to connect himself in politics with Louis would, if made, have been rejected, in the manner in which the king's account to Barillon implies that it was, there can be no doubt; but whether James ever had the assurance to make it is more questionable; for as he evidently acted disingenuously with the ambassador, in concealing from him the complete satisfaction he had expressed of the Prince of Orange's present conduct, it is not unreasonable to suppose that he deceived him still further, and pretended to have made an application, which he had never hazarded.

However, the ascertaining of this fact is by no means necessary for the illustration, either of the general history or of James's particular character, since it appears that the proposition, if made, was rejected; and James is, in any case, equally convicted of insincerity, the only point in question being, whether he deceived the French ambassador, in regard to the fact of his having made the proposition, or to the sentiments he expressed upon its being refused.



Page 46

Nothing serves more to show the dependence in which he considered himself to be upon Louis than these contemptible shifts to which he condescended, for the purposes of explaining and apologising for such parts of his conduct as might be supposed to be less agreeable to that monarch than the rest. An English parliament acting upon constitutional principles, and the Prince of Orange, were the two enemies whom Louis most dreaded; and, accordingly, whenever James found it necessary to make approaches to either of them, an apology was immediately to be offered to the French ambassador, to which truth sometimes and honour was always sacrificed.

Mr. Hume says the king found himself, by degrees, under the necessity of falling into an union with the French monarch, who could alone assist him in promoting the Catholic religion in England. But when that historian wrote, those documents had not been made public, from which the account of the communications with Barillon has been taken, and by which it appears that a connection with France was, as well in point of time as in importance, the first object of his reign, and that the immediate specific motive to that connection was the same as that of his brother; the desire of rendering himself independent of parliament, and absolute, not that of establishing popery in England, which was considered as a more remote contingency. That this was the case is evident from all the circumstances of the transaction, and especially from the zeal with which he was served in it by ministers who were never suspected of any leaning towards popery, and not one of whom (Sunderland excepted) could be brought to the measures that were afterwards taken in favour of that religion. It is the more material to attend to this distinction, because the Tory historians, especially such of them as are not Jacobites, have taken much pains to induce us to attribute the violences and illegalities of this reign to James's religion, which was peculiar to him, rather than to that desire of absolute power which so many other princes have had, have, and always will have, in common with him. The policy of such misrepresentation is obvious. If this reign is to be considered as a period insulated, as it were, and unconnected with the general course of history, and if the events of it are to be attributed exclusively to the particular character and particular attachments of the monarch, the sole inference will be that we must not have a Catholic for our king; whereas, if we consider it, which history well warrants us to do, as a part of that system which had been pursued by all the Stuart kings, as well prior as subsequent to the restoration, the lesson which it affords is very different, as well as far more instructive. We are taught, generally, the dangers Englishmen will always be liable to, if, from favour to a prince upon the throne, or from a confidence, however grounded, that his views are agreeable to our own notions of



Page 47

the constitution, we in any considerable degree abate of that vigilant and unremitting jealousy of the power of the crown, which can alone secure to us the effect of those wise laws that have been provided for the benefit of the subject: and still more particularly, that it is in vain to think of making a compromise with power, and by yielding to it in other points, preserving some favourite object, such, for instance, as the Church in James's case, from its grasp.

Previous to meeting his English parliament, James directed a parliament which had been summoned in the preceding reign, to assemble at Edinburgh, and appointed the Duke of Queensbury his commissioner. This appointment is, in itself, a strong indication that the king's views, with regard to Scotland at least, were similar to those which I have ascribed to him in England; and that they did not at that time extend to the introduction of popery, but were altogether directed to the establishment of absolute power as the *end*, and to the support of an episcopal church, upon the model of the Church of England, as the *means*. For Queensbury had explained himself to his majesty in the fullest manner upon the subject of religion; and while he professed himself to be ready (as, indeed, his conduct in the late reign had sufficiently proved) to go any length in supporting royal power and in persecuting the Presbyterians, had made it a condition of his services, that he might understand from his majesty that there was no intention of changing the established religion; for if such was the object, he could not make any one step with him in that matter. James received this declaration most kindly, assured him he had no such intention, and that he would have a parliament, to which he, Queensbury, should go as commissioner, and giving all possible assurances in the matter of religion, get the revenue to be settled, and such other laws to be passed as might be necessary for the public safety. With these promises the duke was not only satisfied at the time, but declared, at a subsequent period, that they had been made in so frank and hearty a manner, as made him conclude that it was impossible the king should be acting a part. And this nobleman was considered, and is handed down to us by contemporary writers, as a man of a penetrating genius, nor has it ever been the national character of the country to which he belonged to be more liable to be imposed upon than the rest of mankind.

The Scottish parliament met on the 23rd of April, and was opened by the commissioner, with the following letter from the king:-



Page 48

“My Lords and Gentlemen,—The many experiences we have had of the loyalty and exemplary forwardness of that our ancient kingdom, by their representatives in parliament assembled, in the reign of our deceased and most entirely beloved brother of ever blessed memory, made us desirous to call you at this time, in the beginning of our reign, to give you an opportunity, not only of showing your duty to us in the same manner, but likewise of being exemplary to others in your demonstrations of affection to our person and compliance with our desires, as you have most eminently been in times past, to a degree never to be forgotten by us, nor (we hope) to be contradicted by your future practices. That which we are at this time to propose unto you is what is as necessary for your safety as our service, and what has a tendency more to secure your own privileges and properties than the aggrandising our power and authority (though in it consists the greatest security of your rights and interests, these never having been in danger, except when the royal power was brought too low to protect them), which now we are resolved to maintain, in its greatest lustre, to the end we may be the more enabled to defend and protect your religion as established by law, and your rights and properties (which was our design in calling this parliament) against fanatical contrivances, murderers, and assassins, who having no fear of God, more than honour for us, have brought you into such difficulties as only the blessing of God upon the steady resolutions and actings of our said dearest royal brother, and those employed by him (in prosecution of the good and wholesome laws, by you heretofore offered), could have saved you from the most horrid confusions and inevitable ruin. Nothing has been left unattempted by those wild and inhuman traitors for endeavouring to overturn your peace; and therefore we have good reason to hope that nothing will be wanting in you to secure yourselves and us from their outrages and violence in time coming, and to take care that such conspirators meet with their just deservings, so as others may thereby be deterred from courses so little agreeable to religion, or their duty and allegiance to us. These things we considered to be of so great importance to our royal, as well as the universal, interest of that our kingdom, that we were fully resolved, in person, to have proposed the needful remedies to you. But things having so fallen out as render this impossible for us, we have now thought fit to send our right trusty and right entirely beloved cousin and councillor, William, Duke of Queensbury, to be our commissioner amongst you, of whose abilities and qualifications we have reason to be fully satisfied, and of whose faithfulness to us, and zeal for our interest, we have had signal proofs in the times of our greatest difficulties. Him we have fully intrusted in all things relating to our service and your own prosperity and happiness, and therefore you are to give him entire trust and

Page 49

credit, as you now see we have done, from whose prudence and your most dutiful affection to us, we have full confidence of your entire compliance and assistance in all those matters, wherein he is instructed as aforesaid. We do, therefore, not only recommend unto you that such things be done as are necessary in this juncture for your own peace, and the support of our royal interest, of which we had so much experience when amongst you, that we cannot doubt of your full and ample expressing the same on this occasion, by which the great concern we have in you, our ancient and kindly people, may still increase, and you may transmit your loyal actions (as examples of duty) to your posterity. In full confidence whereof we do assure you of your royal favour and protection in all your concerns, and so we bid you heartily farewell."

This letter deserves the more attention because, as the proceedings of the Scotch parliament, according to a remarkable expression in the letter itself, were intended to be an example to others, there is the greatest reason to suppose the matter of it must have been maturely weighed and considered. His majesty first compliments the Scotch parliament upon their peculiar loyalty and dutiful behaviour in past times, meaning, no doubt, to contrast their conduct with that of those English parliaments who had passed the Exclusion Bill, the Disbanding Act, the Habeas Corpus Act, and other measures hostile to his favourite principles of government. He states the granting of an independent revenue, and the supporting the prerogative in its greatest lustre, if not the aggrandising of it, to be necessary for the preservation of their religion, established by law (that is, the Protestant episcopacy), as well as for the security of their properties against fanatical assassins and murderers; thus emphatically announcing a complete union of interests between the crown and the Church. He then bestows a complete and unqualified approbation of the persecuting measures of the last reign, in which he had borne so great a share; and to those measures, and to the steadiness with which they had been persevered in, he ascribes the escape of both Church and State from the fanatics, and expresses his regret that he could not be present, to propose in person the other remedies of a similar nature, which he recommended as needful in the present conjuncture.

Now it is proper in this place to inquire into the nature of the measures thus extolled, as well for the purpose of elucidating the characters of the king and his Scottish ministers, as for that of rendering more intelligible the subsequent proceedings of the parliament, and the other events which soon after took place in that kingdom. Some general notions may be formed of that course of proceedings which, according to his majesty's opinion, had been so laudably and resolutely pursued during the late reign, from the circumstances alluded to in the preceding chapter, when it is understood that the sentences

Page 50

of Argyle and Laurie of Blackwood were not detached instances of oppression, but rather a sample of the general system of administration. The covenant, which had been so solemnly taken by the whole kingdom, and, among the rest, by the king himself, had been declared to be unlawful, and a refusal to abjure it had been made subject to the severest penalties. Episcopacy, which was detested by a great majority of the nation, had been established, and all public exercise of religion, in the forms to which the people were most attached, had been prohibited. The attendance upon field conventicles had been made highly penal, and the preaching at them capital, by which means, according to the computation of a late writer, no less remarkable for the accuracy of his facts than for the force and justness of his reasonings, at least seventeen thousand persons in one district were involved in criminality, and became the objects of persecution. After this letters had been issued by government, forbidding the intercommuning with persons who had neglected or refused to appear before the Privy Council, when cited for the above crimes, a proceeding by which not only all succour or assistance to such persons, but, according to the strict sense of the word made use of, all intercourse with them, was rendered criminal, and subjected him who disobeyed the prohibition to the same penalties, whether capital or others, which were affixed to the alleged crimes of the party with whom he had intercommuned.

These measures not proving effectual for the purpose for which they were intended, or, as some say, the object of Charles II.'s government being to provoke an insurrection, a demand was made upon the landholders in the district supposed to be most disaffected of bonds, whereby they were to become responsible for their wives, families, tenants, and servants, and likewise for the wives, families, and servants of their tenants, and, finally, for all persons living upon their estates, that they should not withdraw from the Church, frequent or preach at conventicles, nor give any succour, or have any intercourse with persons with whom it was forbidden to intercommune; and the penalties attached to the breach of this engagement, the keeping of which was obviously out of the power of him who was required to make it, were to be the same as those, whether capital or other, to which the several persons for whom he engaged might be liable. The landholders, not being willing to subscribe to their own destruction, refused to execute the bonds, and this was thought sufficient grounds for considering the district to which they belonged as in a state of rebellion. English and Irish armies were ordered to the frontiers; a train of artillery and the militia were sent into the district itself; and six thousand Highlanders, who were let loose upon its inhabitants, to exercise every species of pillage and plunder were connived at, or rather encouraged, in excesses of a still more atrocious nature.

Page 51

The bonds being still refused, the government had recourse to an expedient of a most extraordinary nature, and issued what the Scotch called a writ of Lawburrows against the whole district. This writ of Lawburrows is somewhat analogous to what we call "swearing the peace" against any one, and had hitherto been supposed, as the other is with us, to be applicable to the disputes of private individuals, and to the apprehensions which, in consequence of such disputes, they may mutually entertain of each other. A government swearing the peace against its subjects was a new spectacle; but if a private subject, under fear of another, hath a right to such a security, how much more the government itself? was thought an unanswerable argument. Such are the sophistries which tyrants deem satisfactory. Thus are they willing even to descend from their loftiness into the situation of subjects or private men, when it is for the purpose of acquiring additional powers of persecution; and thus truly formidable and terrific are they, when they pretend alarm and fear. By these writs the persons against whom they were directed were bound, as in case of the former bonds, to conditions which were not in their power to fulfil, such as the preventing of conventicles and the like, under such penalties as the Privy Council might inflict, and a disobedience to them was followed by outlawry and confiscation.

The conduct of the Duke of Lauderdale, who was the chief actor in these scenes of violence and iniquity, was completely approved and justified at court; but in consequence probably of the state of politics in England at a time when the Whigs were strongest in the House of Commons, some of these grievances were in part redressed, and the Highlanders, and writs of Lawburrows were recalled. But the country was still treated like a conquered country. The Highlanders were replaced by an army of five thousand regulars, and garrisons were placed in private houses. The persecution of conventicles continued, and ample indemnity was granted for every species of violence that might be exercised by those employed to suppress them. In this state of things the assassination and murder of Sharp, Archbishop of St. Andrews, by a troop of fanatics, who had been driven to madness by the oppression of Carmichael, one of that prelate's instruments, while it gave an additional spur to the vindictive temper of the government, was considered by it as a justification for every mode and degree of cruelty and persecution. The outrage committed by a few individuals was imputed to the whole fanatic sect, as the government termed them, or, in other words, to a description of people which composed a great majority of the population in the Lowlands of Scotland; and those who attended field or armed conventicles were ordered to be indiscriminately massacred.

Page 52

By such means an insurrection was at last produced, which, from the weakness, or, as some suppose, from the wicked policy of an administration eager for confiscations, and desirous of such a state of the country as might, in some measure, justify their course of government, made such a progress that the insurgents became masters of Glasgow and the country adjacent. To quell these insurgents, who, undisciplined as they were, had defeated Graham, afterwards Viscount Dundee, the Duke of Monmouth was sent with an army from England; but, lest the generous mildness of his nature should prevail, he had sealed orders which he was not to open till in sight of the rebels, enjoining him not to treat with them, but to fall upon them without any previous negotiation. In pursuance of these orders the insurgents were attacked at Bothwell Bridge, where, though they were entirely routed and dispersed, yet because those who surrendered at discretion were not put to death, and the army, by the strict enforcing of discipline, were prevented from plunder and other outrages, it was represented by James, and in some degree even by the king, that Monmouth had acted as if he had meant rather to put himself at the head of the fanatics than to repel them, and were inclined rather to court their friendship than to punish their rebellion. All complaints against Lauderdale were dismissed, his power confirmed, and an act of indemnity, which had been procured at Monmouth's intercession, was so clogged with exceptions as to be of little use to any but to the agents of tyranny. Several persons, who were neither directly nor indirectly concerned in the murder of the archbishop, were executed as an expiation for that offence; but many more were obliged to compound for their lives by submitting to the most rapacious extortion, which at this particular period seems to have been the engine of oppression most in fashion, and which was extended not only to those who had been in any way concerned in the insurrection, but to those who had neglected to attend the standard of the king, when displayed against what was styled, in the usual insulting language of tyrants, a most unnatural rebellion.

The quiet produced by such means was, as might be expected, of no long duration. Enthusiasm was increased by persecution, and the fanatic preachers found no difficulty in persuading their flocks to throw off all allegiance to a government which afforded them no protection. The king was declared to be an apostate from the government, a tyrant, and an usurper; and Cargill, one of the most enthusiastic among the preachers, pronounced a formal sentence of excommunication against him, his brother the Duke of York, and others, their ministers and abettors. This outrage upon majesty together with an insurrection contemptible in point of numbers and strength, in which Cameron, another field-preacher, had been killed, furnished a pretence which was by no means neglected for new cruelties and executions; but neither death

Page 53

nor torture were sufficient to subdue the minds of Cargill and his intrepid followers. They all gloried in their sufferings; nor could the meanest of them be brought to purchase their lives by a retractation of their principles, or even by any expression that might be construed into an approbation of their persecutors. The effect of this heroic constancy upon the minds of their oppressors was to persuade them not to lessen the numbers of executions, but to render them more private, whereby they exposed the true character of their government, which was not severity, but violence; not justice, but vengeance: for example being the only legitimate end of punishment, where that is likely to encourage rather than to deter (as the government in these instances seems to have apprehended), and consequently to prove more pernicious than salutary, every punishment inflicted by the magistrate is cruelty, every execution murder. The rage of punishment did not stop even here, but questions were put to persons, and in many instances to persons under torture, who had not been proved to have been in any of the insurrections, whether they considered the archbishop's assassination as murder, the rising at Bothwell Bridge rebellion, and Charles a lawful king. The refusal to answer these questions, or the answering of them in an unsatisfactory manner, was deemed a proof of guilt, and immediate execution ensued.

These last proceedings had taken place while James himself had the government in his hands, and under his immediate directions. Not long after, and when the exclusionists in England were supposed to be entirely defeated, was passed (James being the king's commissioner), the famous bill of succession, declaring that no difference of religion, nor any statute or law grounded upon such, or any other pretence, could defeat the hereditary right of the heir to the crown, and that to propose any limitation upon the future administration of such heir was high treason. But the Protestant religion was to be secured; for those who were most obsequious to the court, and the most willing and forward instruments of its tyranny, were, nevertheless, zealous Protestants. A test was therefore framed for this purpose, which was imposed upon all persons exercising any civil or military functions whatever, the royal family alone excepted; but to the declaration of adherence to the Protestant religion was added a recognition of the king's supremacy in ecclesiastical matters, and a complete renunciation in civil concerns of every right belonging to a free subject. An adherence to the Protestant religion, according to the confession of it referred to in the test, seemed to some inconsistent with the acknowledgment of the king's supremacy and that clause of the oath which related to civil matters, inasmuch as it declared against endeavouring at any alteration in the Church or State, seemed incompatible with the duties of a counsellor or a member of parliament. Upon these grounds the Earl of Argyle, in taking the oath, thought fit to declare as follows:-



Page 54

“I have considered the test, and I am very desirous to give obedience as far as I can. I am confident the parliament never intended to impose contradictory oaths; therefore I think no man can explain it but for himself. Accordingly I take it, as far as it is consistent with itself and the Protestant religion. And I do declare that I mean not to bind up myself in my station, and in a lawful way, to wish and endeavour any alteration I think to the advantage of the Church or State, not repugnant to the Protestant religion and my loyalty. And this I understand as a part of the oath.” And for this declaration, though unnoticed at the time, he was in a few days afterwards committed, and shortly after sentenced to die. Nor was the test applied only to those for whom it had been originally instituted, but by being offered to those numerous classes of people who were within the reach of the late severe criminal laws, as an alternative for death or confiscation, it might fairly be said to be imposed upon the greater part of the country.

Not long after these transactions James took his final leave of the government, and in his parting speech recommended, in the strongest terms, the support of the Church. This gracious expression, the sincerity of which seemed to be evinced by his conduct to the conventiclers and the severity with which he had enforced the test, obtained him a testimonial from the bishops of his affection to their Protestant Church, a testimonial to which, upon the principle that they are the best friends to the Church who are most willing to persecute such as dissent from it, he was, notwithstanding his own nonconformity, most amply entitled.

Queensbury's administration ensued, in which the maxims that had guided his predecessors were so far from being relinquished, that they were pursued, if possible, with greater steadiness and activity. Lawrie of Blackwood was condemned for having holden intercourse with a rebel, whose name was not to be found in any of the lists of the intercommuned or proscribed; and a proclamation was issued, threatening all who were in like circumstances with a similar fate. The intercourse with rebels having been in great parts of the kingdom promiscuous and universal, more than twenty thousand persons were objects of this menace. Fines and extortions of all kinds were employed to enrich the public treasury, to which, therefore, the multiplication of crimes became a fruitful source of revenue; and lest it should not be sufficiently so, husbands were made answerable (and that too with a retrospect) for the absence of their wives from church; a circumstance which the Presbyterian women's aversion to the episcopal form of worship had rendered very general.



Page 55

This system of government, and especially the rigour with which those concerned in the late insurrections, the excommunication of the king, or the other outrages complained of, were pursued and hunted sometimes by bloodhounds, sometimes by soldiers almost equally savage, and afterwards shot like wild beasts, drove some of those sectaries who were styled Cameronians, and other proscribed persons, to measures of absolute desperation. They made a declaration, which they caused to be affixed to different churches, importing, that they would use the law of retaliation, and "we will," said they, "punish as enemies to God, and to the covenant, such persons as shall make it their work to imbrue their hands in our blood; and chiefly, if they shall continue obstinately and with habitual malice to proceed against us," with more to the like effect. Upon such an occasion the interference of government became necessary. The government did indeed interfere, and by a vote of council ordered, that whoever owned, or refused to disown, the declaration on oath, should be put to death in the presence of two witnesses, though unarmed when taken. The execution of this massacre in the velvet counties which were principally concerned, was committed to the military, and exceeded, if possible, the order itself. The disowning the declaration was required to be in a particular form prescribed. Women, obstinate in their fanaticism, lest female blood should be a stain upon the swords of soldiers engaged in this honourable employment, were drowned. The habitations, as well of those who had fled to save themselves, as of those who suffered, were burnt and destroyed. Such members of the families of the delinquents as were above twelve years old were imprisoned for the purpose of being afterwards transported. The brutality of the soldiers was such as might be expected from an army let loose from all restraint, and employed to execute the royal justice, as it was called, upon wretches. Graham who has been mentioned before, and who, under the title of Lord Dundee, a title which was probably conferred upon him by James for these or similar services, was afterwards esteemed such a hero among the Jacobite party, particularly distinguished himself. Of six unarmed fugitives whom he seized, he caused four to be shot in his presence, nor did the remaining two experience any other mercy from him than a delay of their doom; and at another time, having intercepted the flight of one of these victims, he had him shown to his family, and then murdered in the arms of his wife. The example of persons of such high rank, and who must be presumed to have had an education in some degree correspondent to their station, could not fail of operating upon men of a lower order in society. The carnage became every day more general and more indiscriminate, and the murder of peasants in their houses, or while employed at their usual work in the fields, by the soldiers, was not only not reprov'd or punished, but deemed a meritorious service by their superiors. The demise of King Charles, which happened about this time, caused no suspension or relaxation in these proceedings, which seemed to have been the crowning measure, as it were, or finishing stroke of that system, for the steady perseverance in which James so much admired the resolution of his brother.



Page 56

It has been judged necessary to detail these transactions in a manner which may, to some readers, appear an impertinent digression from the narrative in which this history is at present engaged, in order to set in a clearer light some points of the greatest importance. In the first place, from the summary review of the affairs of Scotland, and from the complacency with which James looks back to his own share of them, joined to the general approbation he expressed of the conduct of government in that kingdom, we may form a pretty just notion, as well of his maxims of policy, as of his temper and disposition in matters where his bigotry to the Roman Catholic religion had no share. For it is to be observed and carefully kept in mind, that the Church, of which he not only recommends the support, but which he showed himself ready to maintain by the most violent means, is the Episcopalian Church of the Protestants; that the test which he enforced at the point of the bayonet was a Protestant test, so much so indeed, that he himself could not take it; and that the more marked character of the conventicles, the objects of his persecution, was not so much that of heretics excommunicated by the Pope, as of dissenters from the Church of England, and irreconcilable enemies to the Protestant liturgy and the Protestant episcopacy. But he judged the Church of England to be a most fit instrument for rendering the monarchy absolute. On the other hand, the Presbyterians were thought naturally hostile to the principles of passive obedience, and to one or other, or with more probability to both of these considerations, joined to the natural violence of his temper, is to be referred the whole of his conduct in this part of his life, which in this view is rational enough; but on the supposition of his having conceived thus early the intention of introducing popery upon the ruins of the Church of England, is wholly unaccountable, and no less absurd, than if a general were to put himself to great cost and pains to furnish with ammunition and to strengthen with fortifications a place of which he was actually meditating the attack.

The next important observation that occurs, and to which even they who are most determined to believe that this prince had always popery in view, and held every other consideration as subordinate to that primary object, must nevertheless subscribe, is that the most confidential advisors, as well as the most furious supporters of the measures we have related, were not Roman Catholics. Lauderdale and Queensbury were both Protestants. There is no reason, therefore, to impute any of James's violence afterwards to the suggestions of his Catholic advisers, since he who had been engaged in the series of measures above related with Protestant counsellors and coadjutors, had surely nothing to learn from papists (whether priests, jesuits, or others) in the science of tyranny. Lastly, from this account we are enabled to form some notion of the state of Scotland at a time when the parliament of that kingdom was called to set an example for this, and we find it to have been a state of more absolute slavery than at that time subsisted in any part of Christendom.



Page 57

The affairs of Scotland being in the state which we have described, it is no wonder that the king's letter was received with acclamations of applause, and that the parliament opened, not only with approbation of the government, but even with an enthusiastic zeal to signalise their loyalty, as well by a perfect acquiescence to the king's demands, as by the most fulsome expressions of adulation. "What prince in Europe, or in the whole world," said the chancellor Perth, "was ever like the late king, except his present majesty, who had undergone every trial of prosperity and adversity, and whose unwearied clemency was not among the least conspicuous of his virtues? To advance his honour and greatness was the duty of all his subjects, and ought to be the endeavour of their lives without reserve." The parliament voted an address, scarcely less adulatory than the chancellor's speech.

"May it please your sacred majesty—Your majesty's gracious and kind remembrance of the services done by this, your ancient kingdom, to the late king your brother, of ever glorious memory, shall rather raise in us ardent desires to exceed whatever we have done formerly, than make us consider them as deserving the esteem your majesty is pleased to express of them in your letter to us dated the twenty-eighth of March. The death of that our excellent monarch is lamented by us to all the degrees of grief that are consistent with our great joy for the succession of your sacred majesty, who has not only continued, but secured the happiness which his wisdom, his justice, and clemency procured to us: and having the honour to be the first parliament which meets by your royal authority, of which we are very sensible, your majesty may be confident that we will offer such laws as may best secure your majesty's sacred person, the royal family and government, and be so exemplary loyal, as to raise your honour and greatness to the utmost of our power, which we shall ever esteem both our duty and interest. Nor shall we leave anything undone for extirpating all fanaticism, but especially those fanatical murderers and assassins, and for detecting and punishing the late conspirators, whose pernicious and execrable designs did so much tend to subvert your majesty's government, and ruin us and all your majesty's faithful subjects. We can assure your majesty, that the subjects of this your majesty's ancient kingdom are so desirous to exceed all their predecessors in extraordinary marks of affection and obedience to your majesty, that (God be praised) the only way to be popular with us is to be eminently loyal. Your majesty's care of us, when you took us to be your special charge, your wisdom in extinguishing the seeds of rebellion and faction amongst us, your justice, which was so great as to be for ever exemplary, but above all, your majesty's free and cheerful securing to us our religion, when you were the late king's, your royal brother's commissioner, now again



Page 58

renewed, when you are our sovereign, are what your subjects here can never forget, and therefore your majesty may expect that we will think your commands sacred as your person, and that your inclination will prevent our debates; nor did ever any who represented our monarchs as their commissioners (except your royal self) meet with greater respect, or more exact observance from a parliament, than the Duke of Queensbury (whom your majesty has so wisely chosen to represent you in this, and of whose eminent loyalty and great abilities in all his former employments this nation hath seen so many proofs) shall find from

“May it please your sacred majesty, your majesty’s most humble, most faithful, and most obedient subjects and servants, *Perth*, Cancell.”

Nor was this spirit of loyalty (as it was then called) of abject slavery, and unmanly subservience to the will of a despot, as it has been justly denominated by the more impartial judgment of posterity, confined to words only. Acts were passed to ratify all the late judgments, however illegal or iniquitous, to indemnify the privy council, judges, and all officers of the crown, civil or military, for all the violences they had committed; to authorise the privy council to impose the test upon all ranks of people under such penalties as that board might think fit to impose; to extend the punishment of death which had formerly attached upon the preachers at field conventicles only, to all their auditors, and likewise to the preachers at house conventicles; to subject to the penalties of treason all persons who should give or take the covenant, or write in defence thereof, or in any other way own it to be obligatory; and lastly, in a strain of tyranny, for which there was, it is believed, no precedent, and which certainly has never been surpassed, to enact that all such persons as being cited in cases of high treason, field or house conventicles, or church irregularities, should refuse to give testimony, should be liable to the punishment due by law to the criminals against whom they refused to be witnesses. It is true that an act was also passed for confirming all former statutes in favour of the Protestant religion as then established, in their whole strength and tenour, as if they were particularly set down and expressed in the said act; but when we recollect the notions which Queensbury at that time entertained of the king’s views, this proceeding forms no exception to the general system of servility which characterised both ministers and parliament. All matters in relation to revenue were of course settled in the manner most agreeable to his majesty’s wishes and the recommendation of his commissioner.

Page 59

While the legislature was doing its part, the executive government was not behindhand in pursuing the system which had been so much commended. A refusal to abjure the declaration in the terms prescribed, was everywhere considered as sufficient cause for immediate execution. In one part of the country information having been received that a corpse had been clandestinely buried, an inquiry took place; it was dug up, and found to be that of a person proscribed. Those who had interred him were suspected, not of having murdered, but of having harboured him. For this crime their house was destroyed, and the women and children of the family being driven out to wander as vagabonds, a young man belonging to it was executed by the order of Johnston of Westerraw. Against this murder even Graham himself is said to have remonstrated, but was content with protesting that the blood was not upon his head; and not being able to persuade a Highland officer to execute the order of Johnston, ordered his own men to shoot the unhappy victim. In another county three females, one of sixty-three years of age, one of eighteen, and one of twelve, were charged with rebellion; and refusing to abjure the declaration, were sentenced to be drowned. The last was let off upon condition of her father's giving a bond for a hundred pounds. The elderly woman, who is represented as a person of eminent piety, bore her fate with the greatest constancy, nor does it appear that her death excited any strong sensations in the minds of her savage executioners. The girl of eighteen was more pitied, and after many entreaties, and having been once under water, was prevailed upon to utter some words which might be fairly construed into blessing the king, a mode of obtaining pardon not unfrequent in cases where the persecutors were inclined to relent. Upon this it was thought she was safe, but the merciless barbarian who superintended this dreadful business was not satisfied; and upon her refusing the abjuration, she was again plunged into the water, where she expired. It is to be remarked that being at Bothwell Bridge and Air's Moss were among the crimes stated in the indictment of all the three, though, when the last of these affairs happened, one of the girls was only thirteen, and the other not eight years of age. At the time of the Bothwell Bridge business, they were still younger. To recite all the instances of cruelty which occurred would be endless; but it may be necessary to remark that no historical facts are better ascertained than the accounts of them which are to be found in Woodrow. In every instance where there has been an opportunity of comparing these accounts with records, and other authentic monuments, they appear to be quite correct.

The Scottish parliament having thus set, as they had been required to do, an eminent example of what was then thought duty to the crown, the king met his English parliament on the 19th of May, 1685, and opened it with the following speech:-



Page 60

“My lords and gentlemen,—After it pleased Almighty God to take to his mercy the late king, my dearest brother, and to bring me to the peaceable possession of the throne of my ancestors, I immediately resolved to call a parliament, as the best means to settle everything upon these foundations as may make my reign both easy and happy to you; towards which I am disposed to contribute all that is fit for me to do.

“What I said to my privy council at my first coming there I am desirous to renew to you, wherein I fully declare my opinion concerning the principles of the Church of England, whose members have showed themselves so eminently loyal in the worst of times in defence of my father and support of my brother (of blessed memory), that I will always take care to defend and support it. I will make it my endeavour to preserve this government, both in Church and State, as it is by law established: and as I will never depart from the just rights and prerogatives of the crown, so I will never invade any man’s property; and you may be sure that having heretofore ventured my life in the defence of this nation, I will still go as far as any man in preserving it in all its just rights and liberties.

“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 upon a promise so solemnly made, I cannot doubt that I shall fail of suitable returns from you, with all imaginable duty and kindness on your part, and particularly to what relates to the settling of my revenue, and continuing it during my life, as it was in the lifetime of my brother. I might use many arguments to enforce this demand for the benefit of trade, the support of the navy, the necessity of the crown, and the well-being of the government itself, which I must not suffer to be precarious; but I am confident your own consideration of what is just and reasonable will suggest to you whatsoever might be enlarged upon this occasion.

“There is 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 being the first time I speak to you from the throne, I will answer, once for all, that this would be a very improper method to take with me; and that the best way to engage me to meet you often is always to use me well.

“I expect, therefore, that you will comply with me in what I have desired, and that you will do it speedily, that this may be a short session, and that we may meet again to all our satisfactions.

“My lords and gentlemen,—I must acquaint you that I have had news this morning from Scotland that Argyle is landed in the West Highlands, with the men he brought with him from Holland: that there are two declarations published, one in the name of all those in arms, the other in his own. It would be too long for me to repeat the substance of them;

it is sufficient to tell you I am charged with usurpation and tyranny. The shorter of them I have directed to be forthwith communicated to you.



Page 61

“I will take the best care I can that this declaration of their own faction and rebellion may meet with the reward it deserves; and I will not doubt but you will be the more zealous to support the government, and give me my revenue, as I have desired it, without delay.”

The repetition of the words made use of in his first speech to the privy council shows that, in the opinion of the court, at least, they had been well chosen, and had answered their purpose; and even the haughty language which was added, and was little less than a menace to parliament if it should not comply with his wishes, was not, as it appears, unpleasing to the party which at that time prevailed, since the revenue enjoyed by his predecessor was unanimously, and almost immediately, voted to him for life. It was not remarked, in public at least, that the king's threat of governing without parliament was an unequivocal manifestation of his contempt of the law of the country, so distinctly established, though so ineffectually secured, by the statute of the sixteenth of Charles II., for holding triennial parliaments. It is said Lord-keeper Guildford had prepared a different speech for his majesty, but that this was preferred, as being the king's own words; and, indeed, that part of it in which he says that he must answer once for all that the Commons giving such proportions as they might think convenient would be a very improper way with him, bears, as well as some others, the most evident marks of its royal origin. It is to be observed, however, that in arguing for his demand, as he styles it, of revenue, he says, not that the parliament ought not, but that he must not, suffer the well-being of the government depending upon such revenue to be precarious; whence it is evident that he intended to have it understood that if the parliament did not grant, he purposed to levy a revenue without their consent. It is impossible that any degree of party spirit should so have blinded men as to prevent them from perceiving in this speech a determination on the part of the king to conduct his government upon the principles of absolute monarchy, and to those who were not so possessed with the love of royalty, which creates a kind of passionate affection for whoever happens to be the wearer of the crown, the vindictive manner in which he speaks of Argyle's invasion might afford sufficient evidence of the temper in which his power would be administered. In that part of his speech he first betrays his personal feelings towards the unfortunate nobleman, whom, in his brother's reign, he had so cruelly and treacherously oppressed, by dwelling upon his being charged by Argyle with tyranny and usurpation, and then declares that he will take the best care, not according to the usual phrases to protect the loyal and well disposed, and to restore tranquillity, but that the declaration of the factious and rebellions may meet with the reward it deserves, thus marking out revenge and punishment as the consequences of victory, upon which he was most intent.

Page 62

It is impossible that in a House of Commons, however composed, there should not have been many members who disapproved the principles of government announced in the speech, and who were justly alarmed at the temper in which it was conceived. But these, overpowered by numbers, and perhaps afraid of the imputation of being concerned in plots and insurrections (an imputation which, if they had shown any spirit of liberty, would most infallibly have been thrown on them), declined expressing their sentiments; and in the short session which followed there was an almost uninterrupted unanimity in granting every demand, and acquiescing in every wish of the government. The revenue was granted without any notice being taken of the illegal manner in which the king had levied it upon his own authority. Argyle was stigmatised as a traitor; nor was any desire expressed to examine his declarations, one of which seemed to be purposely withheld from parliament. Upon the communication of the Duke of Monmouth's landing in the west that nobleman was immediately attainted by bill. The king's assurance was recognised as a sufficient security for the national religion; and the liberty of the press was destroyed by the revival of the statute of the 13th and 14th of Charles II. This last circumstance, important as it is, does not seem to have excited much attention at the time, which, considering the general principles then in fashion, is not surprising. That it should have been scarcely noticed by any historian is more wonderful. It is true, however, that the terror inspired by the late prosecutions for libels, and the violent conduct of the courts upon such occasions, rendered a formal destruction of the liberty of the press a matter of less importance. So little does the magistracy, when it is inclined to act tyrannically, stand in need of tyrannical laws to effect its purpose. The bare silence and acquiescence of the legislature is in such a case fully sufficient to annihilate, practically speaking, every right and liberty of the subject.

As the grant of revenue was unanimous, so there does not appear to have been anything which can justly be styled a debate upon it, though Hume employs several pages in giving the arguments which, he affirms, were actually made use of, and, as he gives us to understand, in the House of Commons, for and against the question; arguments which, on both sides, seem to imply a considerable love of freedom and jealousy of royal power, and are not wholly unmixed even with some sentiments disrespectful to the king. Now I cannot find, either from tradition, or from contemporary writers, any ground to think that either the reasons which Hume has adduced, or indeed any other, were urged in opposition to the grant. The only speech made upon the occasion seems to have been that of Mr. (afterwards Sir Edward) Seymour, who, though of the Tory party, a strenuous opposer of the Exclusion Bill, and in general supposed



Page 63

to have been an approver, if not an adviser, of the tyrannical measures of the late reign, has the merit of having stood forward singly, to remind the House of what they owed to themselves and their constituents. He did not, however, directly oppose the grant, but stated, that the elections had been carried on under so much court influence, and in other respects so illegally, that it was the duty of the House first to ascertain who were the legal members, before they proceeded to other business of importance. After having pressed this point, he observed that if ever it were necessary to adopt such an order of proceeding, it was more peculiarly so now, when the laws and religion of the nation were in evident peril; that the aversion of the English people to popery, and their attachment to the laws were such, as to secure these blessings from destruction by any other instrumentality than that of parliament itself, which, however, might be easily accomplished, if there were once a parliament entirely dependent upon the persons who might harbour such designs; that it was already rumoured that the Test and Habeas Corpus Acts, the two bulwarks of our religion and liberties, were to be repealed; that what he stated was so notorious as to need no proof. Having descanted with force and ability upon these and other topics of a similar tendency, he urged his conclusion, that the question of royal revenue ought not to be the first business of the parliament. Whether, as Burnet thinks, because he was too proud to make any previous communication of his intentions, or that the strain of his argument was judged to be too bold for the times, this speech, whatever secret approbation it might excite, did not receive from any quarter either applause or support. Under these circumstances it was not thought necessary to answer him, and the grant was voted unanimously, without further discussion.

As Barillon, in the relation of parliamentary proceedings, transmitted by him to his court, in which he appears at this time to have been very exact, gives the same description of Seymour's speech and its effects with Burnet, there can be little doubt but their account is correct. It will be found as well in this, as in many other instances, that an unfortunate inattention on the part of the reverend historian to forms has made his veracity unjustly called in question. He speaks of Seymour's speech as if it had been a motion in the technical sense of the word, for inquiring into the elections, which had no effect. Now no traces remaining of such a motion, and, on the other hand, the elections having been at a subsequent period inquired into, Ralph almost pronounces the whole account to be erroneous; whereas the only mistake consists in giving the name of motion to a suggestion, upon the question of a grant. It is whimsical enough, that it should be from the account of the French ambassador that we are enabled to reconcile to the records and to the forms of the English House of Commons, a relation



Page 64

made by a distinguished member of the English House of Lords. Sir John Reresby does indeed say, that among the gentlemen of the House of Commons whom he accidentally met, they in general seemed willing to settle a handsome revenue upon the king, and to give him money; but whether their grant should be permanent, or only temporary, and to be renewed from time to time by parliament, that the nation might be often consulted, was the question. But besides the looseness of the expression, which may only mean that the point was questionable, it is to be observed, that he does not relate any of the arguments which were brought forward even in the private conversations to which he refers; and when he afterwards gives an account of what passed in the House of Commons (where he was present), he does not hint at any debate having taken place, but rather implies the contrary.

This misrepresentation of Mr. Hume's is of no small importance, inasmuch as, by intimating that such a question could be debated at all, and much more, that it was debated with the enlightened views and bold topics of argument with which his genius has supplied him, he gives us a very false notion of the character of the parliament and of the times which he is describing. It is not improbable, that if the arguments had been used, which this historian supposes, the utterer of them would have been expelled, or sent to the Tower; and it is certain that he would not have been heard with any degree of attention or even patience.

The unanimous vote for trusting the safety of religion to the king's declaration passed not without observation, the rights of the Church of England being the only point upon which, at this time, the parliament were in any degree jealous of the royal power. The committee of religion had voted unanimously, "That it is the opinion of the committee, that this House will stand by his majesty with their lives and fortunes, according to their bounden duty and allegiance, in defence of the reformed Church of England, as it is now by law established; and that an humble address be presented to his majesty, to desire him to issue forth his royal proclamation, to cause the penal laws to be put in execution against all dissenters from the Church of England whatsoever." But upon the report of the House, the question of agreeing with the committee was evaded by a previous question, and the House, with equal unanimity, resolved: "That this House doth acquiesce, and entirely rely, and rest wholly satisfied, on his majesty's gracious word, and repeated declaration to support and defend the religion of the Church of England, as it is now by law established, which is dearer to us than our lives." Mr. Echard, and Bishop Kennet, two writers of different principles, but both churchmen, assign, as the motive of this vote, the unwillingness of the party then prevalent in parliament to adopt severe measures against the Protestant dissenters; but in this notion they are by no means supported



Page 65

by the account, imperfect as it is, which Sir John Reresby gives of the debate, for he makes no mention of tenderness towards dissenters, but states as the chief argument against agreeing with the committee, that it might excite a jealousy of the king; and Barillon expressly says, that the first vote gave great offence to the king, still more to the queen, and that orders were, in consequence, issued to the court members of the House of Commons to devise some means to get rid of it. Indeed, the general circumstances of the times are decisive against the hypothesis of the two reverend historians; nor is it, as far as I know, adopted by any other historians. The probability seems to be, that the motion in the committee had been originally suggested by some Whig member, who could not, with prudence, speak his real sentiments openly, and who thought to embarrass the government, by touching upon a matter where the union between the church party and the king would be put to the severest test. The zeal of the Tories for persecution made them at first give into the snare; but when, upon reflection, it occurred that the involving of the Catholics in one common danger with the Protestant dissenters must be displeasing to the king, they drew back without delay, and passed the most comprehensive vote of confidence which James could desire.

Further to manifest their servility to the king, as well as their hostility to every principle that could by implication be supposed to be connected with Monmouth or his cause, the House of Commons passed a bill for the preservation of his majesty's person, in which, after enacting that a written or verbal declaration of a treasonable intention should be tantamount to a treasonable act, they inserted two remarkable clauses, by one of which to assert the legitimacy of Monmouth's birth, by the other, to propose in parliament any alteration in the succession of the crown, were made likewise high treason. We learn from Burnet, that the first part of this bill was strenuously and warmly debated, and that it was chiefly opposed by Serjeant Maynard, whose arguments made some impression even at that time; but whether the serjeant was supported in his opposition, as the word *chiefly* would lead us to imagine, or if supported, by whom, that historian does not mention; and, unfortunately, neither of Maynard's speech itself, nor indeed of any opposition whatever to the bill, is there any other trace to be found. The crying injustice of the clause which subjected a man to the pains of treason merely for delivering his opinion upon a controverted fact, though he should do no act in consequence of such opinion, was not, as far as we are informed, objected to or at all noticed, unless indeed the speech above alluded to, in which the speaker is said to have descanted upon the general danger of making words treasonable, be supposed to have been applied to this clause as well as to the former part of the bill. That the other clause should have passed without opposition or even observation, must appear still more extraordinary, when we advert, not only to the nature of the clause itself, but to the circumstances of there being actually in the House no inconsiderable number of members who had in the former reign repeatedly voted for the Exclusion Bill.



Page 66

It is worthy of notice, however, that while every principle of criminal jurisprudence, and every regard to the fundamental rights of the deliberative assemblies, which make part of the legislature of the nation, were thus shamelessly sacrificed to the eagerness which, at this disgraceful period, so generally prevailed of manifesting loyalty, or rather abject servility to the sovereign, there still remained no small degree of tenderness for the interests and safety of the Church of England, and a sentiment approaching to jealousy upon any matter which might endanger, even by the most remote consequences, or put any restriction upon her ministers. With this view, as one part of the bill did not relate to treasons only, but imposed new penalties upon such as should, by writing, printing, preaching, or other speaking, attempt to bring the king or his government into hatred or contempt, there was a special proviso added, "that the asserting and maintaining, by any writing, printing, preaching, or any other speaking, the doctrine, discipline, divine worship, or government of the Church of England as it is now by law established, against popery or any other different or dissenting opinions, is not intended, and shall not be interpreted or construed to be any offence within the words or meaning of this Act." It cannot escape the reader, that only such attacks upon popery as were made in favour of the doctrine and discipline of the Church of England, and no other, were protected by this proviso, and consequently that, if there were any real occasion for such a guard, all Protestant dissenters who should write or speak against the Roman superstition were wholly unprotected by it, and remained exposed to the danger, whatever it might be, from which the Church was so anxious to exempt her supporters.

This bill passed the House of Commons, and was sent up to the House of Lords on the 30th of June. It was read a first time on that day, but the adjournment of both houses taking place on the 2nd of July, it could not make any further progress at that time; and when the parliament met afterwards in autumn, there was no longer that passionate affection for the monarch, nor consequently that ardent zeal for servitude which were necessary to make a law with such clauses and provisos palatable or even endurable.

It is not to be considered as an exception to the general complaisance of parliament, that the Speaker, when he presented the Revenue Bill, made use of some strong expressions, declaring the attachment of the Commons to the national religion. Such sentiments could not be supposed to be displeasing to James, after the assurances he had given of his regard for the Church of England. Upon this occasion his majesty made the following speech:-

"My lords and gentlemen,—I thank you very heartily for the bill you have presented me this day; and I assure you, the readiness and cheerfulness that has attended the despatch of it is as acceptable to me as the bill itself.



Page 67

“After so happy a beginning, you may believe I would not call upon you unnecessarily for an extraordinary supply; but when I tell you that the stores of the navy and ordnance are extremely exhausted, that the anticipations upon several branches of the revenue are great and burthensome; that the debts of the king, my brother, to his servants and family, are such as deserve compassion; that the rebellion in Scotland, without putting more weight upon it than it really deserves, must oblige me to a considerable expense extraordinary: I am sure, such considerations will move you to give me an aid to provide for those things, wherein the security, the ease, and the happiness of my government are so much concerned. But above all, I must recommend you to the care of the navy, the strength and glory of this nation; that you will put it into such a condition as may make us considered and respected abroad. I cannot express my concern upon this occasion more suitable to my own thoughts of it than by assuring you I have a true English heart, as jealous of the honour of the nation as you can be; and I please myself with the hopes that by God’s blessing and your assistance, I may carry the reputation of it yet higher in the world than ever it has been in the time of any of my ancestors; and as I will not call upon you for supplies but when they are of public use and advantage, so I promise you, that what you give me upon such occasions shall be managed with good husbandry; and I will take care it shall be employed to the uses for which I ask them.”

Rapin, Hume, and Ralph observe upon this speech, that neither the generosity of the Commons’ grant, nor the confidence they expressed upon religious matters, could extort a kind word in favour of their religion. But this observation, whether meant as a reproach to him for his want of gracious feeling to a generous parliament, or as an oblique compliment to his sincerity, has no force in it. His majesty’s speech was spoken immediately upon, passing the bills which the Speaker presented, and he could not therefore take notice of the Speaker’s words unless he had spoken extempore; for the custom is not, nor I believe ever was, for the Speaker to give beforehand copies of addresses of this nature. James would not certainly have scrupled to repeat the assurances which he had so lately made in favour of the Protestant religion, as he did not scruple to talk of his true English heart, honour of the nation, &c., at a time when he was engaged with France; but the speech was prepared for an answer to a money bill, not for a question of the Protestant religion and church, and the false professions in it are adapted to what was supposed to be the only subject of it.



Page 68

The only matter in which the king's views were in any degree thwarted was the reversal of Lord Stafford's attainder, which, having passed the House of Lords, not without opposition, was lost in the House of Commons; a strong proof that the popish plot was still the subject upon which the opposers of the court had most credit with the public. Mr. Hume, notwithstanding his just indignation at the condemnation of Stafford, and his general inclination to approve of royal politics, most unaccountably justifies the Commons in their rejection of this bill, upon the principle of its being impolitic at that time to grant so full a justification of the Catholics, and to throw so foul an imputation upon the Protestants. Surely if there be one moral duty that is binding upon men in all times, places, and circumstances, and from which no supposed views of policy can excuse them, it is that of granting a full justification to the innocent; and such Mr. Hume considers the Catholics, and especially Lord Stafford, to have been. The only rational way of accounting for this solitary instance of non-compliance on the part of the Commons is either to suppose that they still believed in the reality of the popish plot, and Stafford's guilt, or that the Church party, which was uppermost, had such an antipathy to popery, as indeed to every sect whose tenets differed from theirs, that they deemed everything lawful against its professors.

On the 2nd of July parliament was adjourned for the purpose of enabling the principal gentlemen to be present in their respective counties at a time when their services and influence might be so necessary to government. It is said that the House of Commons consisted of members so devoted to James, that he declared there were not forty in it whom he would not himself have named. But although this may have been true, and though from the new modelling of the corporations, and the interference of the court in elections, this parliament, as far as regards the manner of its being chosen, was by no means a fair representative of the legal electors of England, yet there is reason to think that it afforded a tolerably correct sample of the disposition of the nation, and especially of the Church party, which was then uppermost.

The general character of the party at this time appears to have been a high notion of the king's constitutional power, to which was superadded a kind of religious abhorrence of all resistance to the monarch, not only in cases where such resistance was directed against the lawful prerogative, but even in opposition to encroachments which the monarch might make beyond the extended limits which they assigned to his prerogative. But these tenets, and still more the principle of conduct naturally resulting from them, were confined to the civil, as contra-distinguished from the ecclesiastical polity of the country. In Church matters they neither acknowledged any very high authority in the crown, nor were they willing to submit to any royal



Page 69

encroachment on that side; and a steady attachment to the Church of England, with a proportionable aversion to all dissenters from it, whether Catholic or Protestant, was almost universally prevalent among them. A due consideration of these distinct features in the character of a party so powerful in Charles's and in James's time, and even when it was lowest (that is, during the reigns of the two first princes of the House of Brunswick), by no means inconsiderable, is exceedingly necessary to the right understanding of English history. It affords a clue to many passages otherwise unintelligible. For want of a proper attention to this circumstance, some historians have considered the conduct of the Tories in promoting the revolution as an instance of great inconsistency. Some have supposed, contrary to the clearest evidence, that their notions of passive obedience, even in civil matters, were limited, and that their support of the government of Charles and James was founded upon a belief that those princes would never abuse their prerogative for the purpose of introducing arbitrary sway. But this hypothesis is contrary to the evidence both of their declarations and their conduct. Obedience without reserve, an abhorrence of all resistance, as contrary to the tenets of their religion, are the principles which they professed in their addresses, their sermons, and their decrees at Oxford; and surely nothing short of such principles could make men esteem the latter years of Charles II., and the opening of the reign of his successor, an era of national happiness and exemplary government. Yet this is the representation of that period, which is usually made by historians and other writers of the Church party. "Never were fairer promises on one side, nor greater generosity on the other," says Mr. Echard. "The king had as yet, in no instance, invaded the rights of his subjects," says the author of the Caveat against the Whigs. Thus, as long as James contented himself with absolute power in civil matters, and did not make use of his authority against the Church, everything went smooth and easy; nor is it necessary, in order to account for the satisfaction of the parliament and people, to have recourse to any implied compromise by which the nation was willing to yield its civil liberties as the price of retaining its religious constitution. The truth seems to be, that the king, in asserting his unlimited power, rather fell in with the humour of the prevailing party than offered any violence to it. Absolute power in civil matters, under the specious names of monarchy and prerogative, formed a most essential part of the Tory creed; but the order in which Church and king are placed in the favourite device of the party is not accidental, and is well calculated to show the genuine principles of such among them as are not corrupted by influence. Accordingly, as the sequel of this reign will abundantly show, when they found themselves compelled to make an option, they preferred, without any degree of inconsistency, their first idol to their second, and when they could not preserve both Church and king, declared for the former.



Page 70

It gives certainly no very flattering picture of the country to describe it as being in some sense fairly represented by this servile parliament, and not only acquiescing in, but delighted with the early measures of James's reign; the contempt of law exhibited in the arbitrary mode of raising his revenue; his insulting menace to the parliament, that if they did not use him well, he would govern without them; his furious persecution of the Protestant dissenters, and the spirit of despotism which appeared in all his speeches and actions. But it is to be remembered that these measures were in nowise contrary to the principles or prejudices of the Church party, but rather highly agreeable to them; and that the Whigs, who alone were possessed of any just notions of liberty, were so outnumbered and discomforted by persecution, that such of them as did not think fit to engage in the rash schemes of Monmouth or Argyle, held it to be their interest to interfere as little as possible in public affairs, and by no means to obtrude upon unwilling hearers opinions and sentiments which, ever since the dissolution of the Oxford parliament, in 1681, had been generally discountenanced, and of which the peaceable, or rather triumphant, accession of James to the throne was supposed to seal the condemnation.

CHAPTER III.

Attempts of Argyle and Monmouth—Account of their followers—Argyle's expedition discovered—His descent in Argyleshire—Dissensions among his followers—Loss of his shipping—His army dispersed, and himself taken prisoner—His behaviour in prison—His execution—The fate of his followers—Rumbold's last declaration examined—Monmouth's invasion of England—His first success and reception—His delays, disappointment, and despondency—Battle of Sedgmoor—He is discovered and taken—His letter to the king—His interview with James—His preparations for death—Circumstances attending his execution—His character.

It is now necessary to give some account of those attempts in Scotland by the Earl of Argyle, and in England by the Duke of Monmouth, of which the king had informed his parliament in the manner recited in the preceding chapter. The Earl of Argyle was son to the Marquis of Argyle, of whose unjust execution, and the treacherous circumstances accompanying it, notice has already been taken. He had in his youth been strongly attached to the royal cause, and had refused to lay down his arms till he had the exiled king's positive orders for that purpose. But the merit of his early services could neither save the life of his father, nor even procure for himself a complete restitution of his family honours and estates; and not long after the restoration, upon an accusation of leasing-making, an accusation founded, in this instance, upon a private letter to a fellow-subject, in which he spoke with some freedom of his majesty's Scottish ministry, he was condemned to death.

Page 71

The sentence was suspended and finally remitted, but not till after an imprisonment of twelve months and upwards. In this affair he was much assisted by the friendship of the Duke of Lauderdale, with whom he ever afterwards lived upon terms of friendship, though his principles would not permit him to give active assistance to that nobleman in his government of Scotland. Accordingly, we do not, during that period, find Argyle's name among those who held any of those great employments of State to which, by his rank and consequence, he was naturally entitled. When James, then Duke of York, was appointed to the Scottish government, it seems to have been the earl's intention to cultivate his royal highness's favour, and he was a strenuous supporter of the bill which condemned all attempts at exclusions or other alterations in the succession of the crown. But having highly offended that prince by insisting, on the occasion of the test, that the royal family, when in office, should not be exempted from taking that oath which they imposed upon subjects in like situations, his royal highness ordered a prosecution against him, for the explanation with which he had taken the test oath at the council-board, and the earl was, as we have seen, again condemned to death. From the time of his escape from prison he resided wholly in foreign countries, and was looked to as a principal ally by such of the English patriots as had at any time entertained thoughts, whether more or less ripened, of delivering their country.

James, Duke of Monmouth, was the eldest of the late king's natural children. In the early parts of his life he held the first place in his father's affections; and even in the height of Charles's displeasure at his political conduct, attentive observers thought they could discern that the traces of paternal tenderness were by no means effaced. Appearing at court in the bloom of youth, with a beautiful figure and engaging manners, known to be the darling of the monarch, it is no wonder that he was early assailed by the arts of flattery; and it is rather a proof that he had not the strongest of all minds, than of any extraordinary weakness of character, that he was not proof against them. He had appeared with some distinction in the Flemish campaigns, and his conduct had been noticed with the approbation of the commanders as well as Dutch as French, under whom he had respectively served. His courage was allowed by all, his person admired, his generosity loved, his sincerity confided in. If his talents were not of the first rate, they were by no means contemptible; and he possessed, in an eminent degree, qualities which, in popular government, are far more effective than the most splendid talents; qualities by which he inspired those who followed him, not only with confidence and esteem, but with affection, enthusiasm, and even fondness. Thus endowed, it is not surprising that his youthful mind was fired with ambition, or that he should consider the putting himself at the head of a party (a situation for which he seems to have been peculiarly qualified by so many advantages) as the means by which he was most likely to attain his object.



Page 72

Many circumstances contributed to outweigh the scruples which must have harassed a man of his excellent nature, when he considered the obligations of filial duty and gratitude, and when he reflected that the particular relation in which he stood to the king rendered a conduct, which in any other subject would have been meritorious, doubtful, if not extremely culpable in him. Among these, not the least was the declared enmity which subsisted between him and his uncle, the Duke of York. The Earl of Mulgrave, afterwards Duke of Buckinghamshire, boasted in his "Memoirs," that this enmity was originally owing to his contrivances; and while he is relating a conduct, upon which the only doubt can be, whether the object or the means were the most infamous, seems to applaud himself as if he had achieved some notable exploit. While, on the one hand, a prospect of his uncle's succession to the crown was intolerable to him, as involving in it a certain destruction of even the most reasonable and limited views of ambition which he might entertain, he was easily led to believe, on the other hand, that no harm, but the reverse, was intended towards his royal father, whose reign and life might become precarious if he obstinately persevered in supporting his brother; whereas, on the contrary, if he could be persuaded, or even forced, to yield to the wishes of his subjects, he might long reign a powerful, happy, and popular prince.

It is also reasonable to believe, that with those personal and private motives others might co-operate of a public nature and of a more noble character. The Protestant religion, to which he seems to have been sincerely attached, would be persecuted, or perhaps exterminated, if the king should be successful in his support of the Duke of York and his faction. At least, such was the opinion generally prevalent, while, with respect to the civil liberties of the country, no doubt could be entertained, that if the court party prevailed in the struggle then depending they would be completely extinguished. Something may be attributed to his admiration of the talents of some, to his personal friendship for others among the leaders of the Whigs, more to the aptitude of a generous nature to adopt, and, if I may so say, to become enamoured of those principles of justice, benevolence, and equality, which form the true creed of the party which he espoused. I am not inclined to believe that it was his connection with Shaftesbury that inspired him with ambitious views, but rather to reverse cause and effect, and to suppose that his ambitious views produced his connection with that nobleman; and whoever reads with attention Lord Grey's account of one of the party meetings at which he was present, will perceive that there was not between them that perfect cordiality which has been generally supposed; but that Russell, Grey, and Hampden, were upon a far more confidential footing with him. It is far easier to determine generally, that he



Page 73

had high schemes of ambition, than to discover what was his precise object; and those who boldly impute to him the intention of succeeding to the crown, seem to pass by several weighty arguments, which make strongly against their hypothesis; such as his connection with the Duchess of Portsmouth, who, if the succession were to go to the king's illegitimate children, must naturally have been for her own son; his unqualified support of the Exclusion Bill, which, without indeed mentioning her, most unequivocally settled the crown, in case of a demise, upon the Princess of Orange; and, above all, the circumstance of his having, when driven from England, twice chosen Holland for his asylum. By his cousins he was received, not so much with the civility and decorum of princes, as with the kind familiarity of near relations, a reception to which he seemed to make every return of reciprocal cordiality. It is not rashly to be believed, that he, who has never been accused of hardened wickedness, could have been upon such terms with, and so have behaved to, persons whom he purposed to disappoint in their dearest and best grounded hopes, and to defraud of their inheritance.

Whatever his views might be, it is evident that they were of a nature wholly adverse, not only to those of the Duke of York, but to the schemes of power entertained by the king, with which the support of his brother was intimately connected. Monmouth was therefore, at the suggestion of James, ordered by his father to leave the country, and deprived of all his offices, civil and military. The pretence for this exile was a sort of principle of impartiality, which obliged the king, at the same time that he ordered his brother to retire to Flanders, to deal equal measure to his son. Upon the Duke of York's return (which was soon after), Monmouth thought he might without blame return also; and persevering in his former measures and old connections, became deeply involved in the cabals to which Essex, Russell, and Sidney fell martyrs. After the death of his friends, he surrendered himself; and upon a promise that nothing said by him should be used to the prejudice of any of his surviving friends, wrote a penitentiary letter to his father, consenting, at the same time, to ask pardon of his uncle. A great parade was made of this by the court, as if it was designed by all means to goad the feelings of Monmouth: his majesty was declared to have pardoned him at the request of the Duke of York, and his consent was required to the publication of what was called his confession. This he resolutely refused at all hazards, and was again obliged to seek refuge abroad, where he had remained to the period of which we are now treating.



Page 74

A little time before Charles's death he had indulged hopes of being recalled; and that his intelligence to that effect was not quite unfounded, or if false, was at least mixed with truth, is clear from the following circumstance: —From the notes found when he was taken, in his memorandum book, it appears that part of the plan concerted between the king and Monmouth's friend (probably Halifax), was that the Duke of York should go to Scotland, between which, and his being sent abroad again, Monmouth and his friends saw no material difference. Now in Barillon's letters to his court, dated the 7th of December, 1684, it appears that the Duke of York had told that ambassador of his intended voyage to Scotland though he represented it in a very different point of view, and said that it would not be attended with any diminution of his favour or credit. This was the light in which Charles, to whom the expressions, "to blind my brother, not to make the Duke of York fly out," and the like, were familiar, would certainly have shown the affair to his brother, and therefore of all the circumstances adduced, this appears to me to be the strongest in favour of the supposition, that there was in the king's mind a real intention of making an important, if not a complete, change in his councils and measures.

Besides these two leaders, there were on the continent at that time several other gentlemen of great consideration. Sir Patrick Hume, of Polworth, had early distinguished himself in the cause of liberty. When the privy council of Scotland passed an order, compelling the counties to pay the expense of the garrisons arbitrarily placed in them, he refused to pay his quota, and by a mode of appeal to the court of session, which the Scotch lawyers call a bill of suspension, endeavoured to procure redress. The council ordered him to be imprisoned, for no other crime, as it should seem, than that of having thus attempted to procure, by a legal process, a legal decision upon a point of law. After having remained in close confinement in Stirling Castle for near four years, he was set at liberty through the favour and interest of Monmouth. Having afterwards engaged in schemes connected with those imputed to Sidney and Russell, orders were issued for seizing him at his house in Berwickshire; but having had timely notice of his danger from his relation, Hume of Ninewells, a gentleman attached to the royal cause, but whom party spirit had not rendered insensible to the ties of kindred and private friendship, he found means to conceal himself for a time, and shortly after to escape beyond sea. His concealment is said to have been in the family burial-place, where the means of sustaining life were brought to him by his daughter, a girl of fifteen years of age, whose duty and affection furnished her with courage to brave the terrors, as well superstitious as real, to which she was necessarily exposed in an intercourse of this nature.



Page 75

Andrew Fletcher of Saltoun, a young man of great spirit, had signalised himself in opposition to Lauderdale's administration of Scotland, and had afterwards connected himself with Argyle and Russell, and what was called the council of six. He had, of course, thought it prudent to leave Great Britain, and could not be supposed unwilling to join in any enterprise which might bid fair to restore him to his country, and his countrymen to their lost liberties, though, upon the present occasion, which he seems to have judged to be unfit for the purpose, he endeavoured to dissuade both Argyle and Monmouth from their attempts. He was a man of much thought and reading, of an honourable mind, and a fiery spirit, and from his enthusiastic admiration of the ancients, supposed to be warmly attached, not only to republican principles, but to the form of a commonwealth. Sir John Cochrane of Ochiltree had fled his country on account of the transactions of 1683. His property and connections were considerable, and he was supposed to possess extensive influence in Ayrshire and the adjacent counties.

Such were the persons of chief note among the Scottish emigrants. Among the English, by far the most remarkable was Ford, Lord Grey of Wark. A scandalous love intrigue with his wife's sister had fixed a very deep stain upon his private character; nor were the circumstances attending this affair, which had all been brought to light in a court of justice, by any means calculated to extenuate his guilt. His ancient family, however, the extensive influence arising from his large possessions, his talents, which appear to have been very considerable, and above all, his hitherto unshaken fidelity in political attachments, and the general steadiness of his conduct in public life, might in some degree countervail the odium which he had incurred on account of his private vices. Of Matthews, Wade, and Ayloff, whose names are mentioned as having both joined the preliminary councils, and done actual service in the invasions, little is known by which curiosity could be either gratified or excited.

Richard Rumbold, on every account, merits more particular notice. He had formerly served in the republican armies; and adhering to the principles of liberty which he had imbibed in his youth, though nowise bigoted to the particular form of a commonwealth had been deeply engaged in the politics of those who thought they saw an opportunity of rescuing their country from the tyrannical government of the late king. He was one of the persons denounced in Keeling's narrative, and was accused of having conspired to assassinate the royal brothers in their road to Newmarket, an accusation belied by the whole tenor of his life and conduct, and which, if it had been true, would have proved him, who was never thought a weak or foolish man, to be as destitute of common sense as of honour and probity. It was pretended that the seizure of the princes was to take place at a farm called



Page 76

Rye House, which he occupied in Essex, for the purposes of his trade as maltster; and from this circumstance was derived the name of the Rye House Plot. Conscious of having done some acts which the law, if even fairly interpreted and equitably administered, might deem criminal, and certain that many which he had not done would be both sworn and believed against him, he made his escape, and passed the remainder of Charles's reign in exile and obscurity; nor is his name, as far as I can learn, ever mentioned from the time of the Rye House Plot to that of which we are now treating.

It is not to be understood that there were no other names upon the list of those who fled from the tyranny of the British government, or thought themselves unsafe in their native country, on account of its violence, besides those of the persons above mentioned, and of such as joined in their bold and hazardous enterprise. Another class of emigrants, not less sensible probably to the wrongs of their country, but less sanguine in their hopes of immediate redress, is ennobled by the names of Burnet the historian and Mr. Locke. It is difficult to accede to the opinion which the first of these seems to entertain, that though particular injustices had been committed, the misgovernment had not been of such a nature as to justify resistance by arms. But the prudential reasons against resistance at that time were exceedingly strong; and there is no point in human concerns wherein the dictates of virtue and worldly prudence are so identified as in this great question of resistance by force to established government. Success, it has been invidiously remarked, constitutes in most instances the sole difference between the traitor and the deliverer of his country. A rational probability of success, it may be truly said, distinguishes the well-considered enterprise of the patriot, from the rash schemes of the disturber of the public peace. To command success is not in the power of man; but to deserve success, by choosing a proper time, as well as a proper object, by the prudence of his means, no less than by the purity of his views, by a cause not only intrinsically just, but likely to insure general support, is the indispensable duty of him who engages in an insurrection against an existing government. Upon this subject the opinion of Ludlow, who, though often misled, appears to have been an honest and enlightened man, is striking and forcibly expressed. "We ought," says he, "to be very careful and circumspect in that particular, and at least be assured of very probable grounds to believe the power under which we engage to be sufficiently able to protect us in our undertaking; otherwise I should account myself not only guilty of my own blood, but also, in some measure, of the ruin and destruction of all those that I should induce to engage with me, though no cause were never so just." Reasons of this nature, mixed more or less with considerations of personal caution, and in some, perhaps, with dislike and distrust of the leaders, induced many, who could not but abhor the British government, to wait for better opportunities, and to prefer either submission at home, or exile, to an undertaking which, if not hopeless, must have been deemed by all hazardous in the extreme.

Page 77

In the situation in which these two noblemen, Argyle and Monmouth, were placed, it is not to be wondered at if they were naturally willing to enter into any plan by which they might restore themselves to their country; nor can it be doubted but they honestly conceived their success to be intimately connected with the welfare, and especially with the liberty of the several kingdoms to which they respectively belonged. Monmouth, whether because he had begun at this time, as he himself said, to wean his mind from ambition, or from the observations he had made upon the apparently rapid turn which had taken place in the minds of the English people, seems to have been very averse to rash counsels, and to have thought that all attempts against James ought at least to be deferred till some more favourable opportunity should present itself. So far from esteeming his chance of success the better, on account of there being in James's parliament many members who had voted for the Exclusion Bill, he considered that circumstance as unfavourable. These men, of whom, however, he seems to have over-rated the number, would, in his opinion, be more eager than others to recover the ground they had lost, by an extraordinary show of zeal and attachment to the crown. But if Monmouth was inclined to dilatory counsels, far different were the views and designs of other exiles, who had been obliged to leave their country on account of their having engaged, if not with him personally, at least in the same cause with him, and who were naturally enough his advisers. Among these were Lord Grey of Wark, and Ferguson; though the latter afterwards denied his having had much intercourse with the duke, and the former, in his "Narrative," insinuates that he rather dissuaded than pressed the invasion.

But if Monmouth was inclined to delay, Argyle seems, on the other hand, to have been impatient in the extreme to bring matters to a crisis, and was of course anxious that the attempt upon England should be made in cooperation with his upon Scotland. Ralph, an historian of great acuteness as well as diligence, but who falls sometimes into the common error of judging too much from the event, seems to think this impatience wholly unaccountable; but Argyle may have had many motives which are now unknown to us. He may not improbably have foreseen that the friendly terms upon which James and the Prince of Orange affected at least to be, one with the other, might make his stay in the United Provinces impracticable, and that, if obliged to seek another asylum, not only he might have been deprived, in some measure, of the resources which he derived from his connections at Amsterdam, but that the very circumstance of his having been publicly discountenanced by the Prince of Orange and the states-general, might discredit his enterprise. His eagerness for action may possibly have proceeded from the most laudable motives, his sensibility to the horrors which his countrymen

Page 78

were daily and hourly suffering, and his ardour to relieve them. The dreadful state of Scotland, while it affords so honourable an explanation of his impatience, seems to account also, in a great measure, for his acting against the common notions of prudence, in making his attack without any previous concert with those whom he expected to join him there. That this was his view of the matter is plain, as we are informed by Burnet that he depended not only on an army of his own clan and vassals, but that he took it for granted that the western and southern counties would all at once come about him, when he had gathered a good force together in his own country; and surely such an expectation, when we reflect upon the situation of those counties, was by no means unreasonable.

Argyle's counsel, backed by Lord Grey and the rest of Monmouth's advisers, and opposed by none except Fletcher of Saltoun, to whom some add Captain Matthews, prevailed, and it was agreed to invade immediately, and at one time, the two kingdoms. Monmouth had raised some money from his jewels, and Argyle had a loan of ten thousand pounds from a rich widow in Amsterdam. With these resources, such as they were, ships and arms were provided, and Argyle sailed from Vly on the 2nd of May with three small vessels, accompanied by Sir Patrick Hume, Sir John Cochrane, a few more Scotch gentlemen, and by two Englishmen, Ayloff, a nephew by marriage to Lord Chancellor Clarendon, and Rumbold, the maltster, who had been accused of being principally concerned in that conspiracy which, from his farm in Essex, where it was pretended Charles II. was to have been intercepted in his way from Newmarket, and assassinated, had been called the Rye House Plot. Sir Patrick Hume is said to have advised the shortest passage, in order to come more unexpectedly upon the enemy; but Argyle, who is represented as remarkably tenacious of his own opinions, persisted in his plan of sailing round the north of Scotland, as well for the purpose of landing at once among his own vassals, as for that of being nearer to the western counties, which had been most severely oppressed, and from which, of course, he expected most assistance. Each of these plans had, no doubt, its peculiar advantages; but, as far as we can judge at this distance of time, those belonging to the earl's scheme seemed to preponderate; for the force he carried with him was certainly not sufficient to enable him, by striking any decisive stroke, to avail himself even of the most unprepared state in which he could hope to find the king's government. As he must, therefore, depend entirely upon reinforcements from the country, it seemed reasonable to make for that part where succour was most likely to be obtained, even at the hazard of incurring the disadvantage which must evidently result from the enemy's having early notice of his attack, and, consequently, proportionable time for defence.



Page 79

Unfortunately this hazard was converted into a certainty by his sending some men on shore in the Orkneys. Two of these, Spence and Blackadder, were seized at Kirkwall by the bishop of the diocese, and sent up prisoners to Edinburgh, by which means the government was not only satisfied of the reality of the intended invasion, of which, however, they had before had some intimation, but could guess with a reasonable certainty the part of the coast where the descent was to take place, for Argyle could not possibly have sailed so far to the north with any other view than that of making his landing either on his own estate, or in some of the western counties. Among the numberless charges of imprudence against the unfortunate Argyle, charges too often inconsiderately urged against him who fails in any enterprise of moment, that which is founded upon the circumstance just mentioned appears to me to be the most weighty, though it is that which is the least mentioned, and by no author, as far as I recollect, much enforced. If the landing in the north was merely for the purpose of gaining intelligence respecting the disposition of the country, or for the more frivolous object of making some few prisoners, it was indeed imprudent in the highest degree. That prisoners, such as were likely to be taken on this occasion, should have been a consideration with any man of common sense is impossible. The desire of gaining intelligence concerning the disposition of the people was indeed a natural curiosity, but it would be a strong instance of that impatience which has been often alleged though in no other case proved to have been part of the earl's character, if, for the sake of gratifying such a desire, he gave the enemy any important advantage. Of the intelligence which he sought thus eagerly, it was evident that he could not in that place and at that time make any immediate use; whereas, of that which he afforded his enemies, they could and did avail themselves against him. The most favourable account of this proceeding, and which seems to deserve most credit, is, that having missed the proper passage through the Orkney Islands, he thought proper to send on shore for pilots, and that Spence very imprudently took the opportunity of going to confer with a relation at Kirkwall; but it is to be remarked that it was not necessary for the purpose of getting pilots, to employ men of note, such as Blackadder and Spence, the latter of whom was the earl's secretary; and that it was an unpardonable neglect not to give the strictest injunctions to those who were employed against going a step further into the country than was absolutely necessary.



Page 80

Argyle, with his wonted generosity of spirit, was at first determined to lay siege to Kirkwall, in order to recover his friends; but, partly by the dissuasions of his followers, and still more by the objections made by the masters of the ships to a delay which might make them lose the favourable winds for their intended voyage, he was induced to prosecute his course. In the meantime the government made the use that it was obvious they would make of the information they had obtained, and when the earl arrived at his destination, he learned that considerable forces were got together to repel any attack that he might meditate. Being prevented by contrary winds from reaching the Isle of Islay, where he had purposed to make his first landing, he sailed back to Dunstafnage in Lorn, and there sent ashore his son, Mr. Charles Campbell, to engage his tenants and other friends and dependants of his family to rise in his behalf; but even there he found less encouragement and assistance than he had expected, and the laird of Lochniel, who gave him the best assurances, treacherously betrayed him, sent his letter to the government, and joined the royal forces under the Marquis of Athol. He then proceeded southwards, and landed at Campbelltown in Kintyre, where his first step was to publish his declaration, which appears to have produced little or no effect.

This bad beginning served, as is usual in such adventures, rather to widen than to reconcile the differences which had early begun to manifest themselves between the leader and his followers. Hume and Cochrane, partly construing, perhaps too sanguinely, the intelligence which was received from Ayrshire, Galloway, and the other Lowland districts in that quarter, partly from an expectation that where the oppression had been most grievous, the revolt would be proportionably the more general, were against any stay, or, as they termed it, loss of time in the Highlands, but were for proceeding at once, weak as they were in point of numbers, to a country where every man endowed with the common feelings of human nature must be their well-wisher, every man of spirit their coadjutor. Argyle, on the contrary, who probably considered the discouraging accounts from the Lowlands as positive and distinct, while those which were deemed more favourable appeared to him to be at least uncertain and provisional, thought the most prudent plan was to strengthen himself in his own country before he attempted the invasion of provinces where the enemy was so well prepared to receive him. He had hopes of gaining time, not only to increase his own army, but to avail himself of the Duke of Monmouth's intended invasion of England, an event which must obviously have great influence upon his affairs, and which, if he could but maintain himself in a situation to profit by it, might be productive of advantages of an importance and extent of which no man could presume to calculate the limits. Of these two contrary opinions it



Page 81

may be difficult at this time of day to appreciate the value, seeing that so much depends upon the degree of credit due to the different accounts from the Lowland counties, of which our imperfect information does not enable us to form any accurate judgment. But even though we should not decide absolutely in favour of the cogency of these reasonings which influenced the chief, it must surely be admitted that there was, at least, sufficient probability in them to account for his not immediately giving way to those of his followers, and to rescue his memory from the reproach of any uncommon obstinacy, or of carrying things, as Burnet phrases it, with an air of authority that was not easy to men who were setting up for liberty. On the other hand, it may be more difficult to exculpate the gentlemen engaged with Argyle for not acquiescing more cheerfully, and not entering more cordially into the views of a man whom they had chosen for their leader and general; of whose honour they had no doubt, and whose opinion even those who dissented from him must confess to be formed upon no light or trivial grounds.

The differences upon the general scheme of attack led, of course, to others upon points of detail. Upon every projected expedition there appeared a contrariety of sentiment, which on some occasions produced the most violent disputes. The earl was often thwarted in his plans, and in one instance actually over-ruled by the vote of a council of war. Nor were these divisions, which might of themselves be deemed sufficient to mar an enterprise of this nature, the only adverse circumstances which Argyle had to encounter. By the forward state of preparation on the part of the government, its friends were emboldened; its enemies, whose spirit had been already broken by a long series of sufferings, were completely intimidated, and men of fickle and time-serving dispositions were fixed in its interests. Add to all this, that where spirit was not wanting, it was accompanied with a degree and species of perversity wholly inexplicable, and which can hardly gain belief from any one whose experience has not made him acquainted with the extreme difficulty of persuading men who pride themselves upon an extravagant love of liberty, rather to compromise upon some points with those who have in the main the same views with themselves, than to give power (a power which will infallibly be used for their own destruction) to an adversary of principles diametrically opposite; in other words, rather to concede something to a friend, than everything to an enemy. Hence, those even whose situation was the most desperate, who were either wandering about the fields, or seeking refuge in rocks and caverns, from the authorised assassins who were on every side pursuing them, did not all join in Argyle's cause with that frankness and cordiality which was to be expected. The various schisms which had existed among different classes of Presbyterians were still fresh in their memory. Not even the persecution



Page 82

to which they had been in common, and almost indiscriminately subjected, had reunited them. According to a most expressive phrase of an eminent minister of their church, who sincerely lamented their disunion, the furnace had not yet healed the rents and breaches among them. Some doubted whether, short of establishing all the doctrines preached by Cargill and Cameron, there was anything worth contending for; while others, still further gone in enthusiasm, set no value upon liberty, or even life itself, if they were to be preserved by the means of a nobleman who had, as well by his serviced to Charles the Second as by other instances, been guilty in the former parts of his conduct of what they termed unlawful compliances.

Perplexed, no doubt, but not dismayed, by these difficulties, the earl proceeded to Tarbet, which he had fixed as the place of rendezvous, and there issued a second declaration (that which has been mentioned as having been laid before the House of Commons), with as little effect as the first. He was joined by Sir Duncan Campbell, who alone, of all his kinsmen, seems to have afforded him any material assistance, and who brought with him nearly a thousand men; but even with this important reinforcement, his whole army does not appear to have exceeded two thousand. It was here that he was over-ruled by a council of war, when he proposed marching to Inverary; and after much debate, so far was he from being so self-willed as he is represented, that he consented to go over with his army to that part of Argyleshire called Cowal, and that Sir John Cochrane should make an attempt upon the Lowlands; and he sent with him Major Fullarton, one of the officers in whom he most trusted, and who appears to have best deserved his confidence. This expedition could not land in Ayrshire, where it had at first been intended, owing to the appearance of two king's frigates, which had been sent into those seas; and when it did land near Greenock, no other advantage was derived from it than the procuring from the town a very small supply of provisions.

When Cochrane, with his detachment, returned to Cowal, all hopes of success in the Lowlands seemed, for the present at least, to be at an end, and Argyle's original plan was now necessarily adopted, though under circumstances greatly disadvantageous. Among these, the most important was the approach of the frigates, which obliged the earl to place his ships under the protection of the castle of Ellengreg, which he fortified and garrisoned as well as his contracted means would permit. Yet even in this situation, deprived of the co-operation of his little fleet, as well as of that part of his force which he left to defend it, being well seconded by the spirit and activity of Rumbold, who had seized the castle of Ardkinglass, near the head of Loch Fin, he was not without hopes of success in his main enterprise against Inverary, when he was called back to Ellengreg, by intelligence of fresh discontents having broken out



Page 83

there, upon the nearer approach of the frigates. Some of the most dissatisfied had even threatened to leave both castle and ships to their fate; nor did the appearance of the earl himself by any means bring with it that degree of authority which was requisite in such a juncture. His first motion was to disregard the superior force of the men of war, and to engage them with his small fleet; but he soon discovered that he was far indeed from being furnished with the materials necessary to put in execution so bold, or, as it may possibly be thought, so romantic a resolution. His associates remonstrated, and a mutiny in his ships was predicted as a certain consequence of the attempt. Leaving, therefore, once more, Ellengreg with a garrison under the command of the laird of Lochness, and strict orders to destroy both ships and fortification, rather than suffer them to fall into the hands of the enemy, he marched towards Gareloch. But whether from the inadequacy of the provisions with which he was to supply it, or from cowardice, misconduct, or treachery, it does not appear, the castle was soon evacuated without any proper measures being taken to execute the earl's orders, and the military stores in it to a considerable amount, as well as the ships which had no other defence, were abandoned to the king's forces.

This was a severe blow; and all hopes of acting according to the earl's plan of establishing himself strongly in Argyleshire were now extinguished. He therefore consented to pass the Leven, a little above Dumbarton, and to march eastwards. In this march he was overtaken, at a place called Killerne, by Lord Dumbarton, at the head of a large body of the king's troops; but he posted himself with so much skill and judgment, that Dumbarton thought it prudent to wait, at least, till the ensuing morning, before he made his attack. Here, again Argyle was for risking an engagement, and in his nearly desperate situation, it was probably his best chance, but his advice (for his repeated misfortunes had scarcely left him the shadow of command) was rejected. On the other hand, a proposal was made to him, the most absurd, as it should seem, that was ever suggested in similar circumstances, to pass the enemy in the night, and thus exposing his rear, to subject himself to the danger of being surrounded, for the sake of advancing he knew not whither, or for what purpose. To this he could not consent; and it was at last agreed to deceive the enemies by lighting fires, and to decamp in the night towards Glasgow. The first part of this plan was executed with success, and the army went off unperceived by the enemy; but in their night march they were misled by the ignorance or the treachery of their guides and fell into difficulties which would have caused some disorder among the most regular and best-disciplined troops. In this case such disorder was fatal, and produced, as among men circumstanced as Argyle's were, it necessarily must, an almost general dispersion.



Page 84

Wandering among bogs and morasses, disheartened by fatigue, terrified by rumours of an approaching enemy, the darkness of the night aggravating at once every real distress, and adding terror to every vain alarm; in this situation, when even the bravest and the best (for according to one account Rumbold himself was missing for a time) were not able to find their leaders, nor the corps to which they respectively belonged; it is no wonder that many took this opportunity to abandon a cause now become desperate, and to effect individually that escape which, as a body, they had no longer any hopes to accomplish.

When the small remains of this ill-fated army got together, in the morning, at Kilpatrick, a place far distant from their destination, its number was reduced to less than five hundred. Argyle had lost all authority; nor, indeed, had he retained any, does it appear that he could now have used it to any salutary purpose. The same bias which had influenced the two parties in the time of better hopes, and with regard to their early operations, still prevailed now that they were driven to their last extremity. Sir Patrick Hume and Sir John Cochrane would not stay even to reason the matter with him whom, at the onset of their expedition, they had engaged to obey, but crossed the Clyde, with such as would follow them to the number of about two hundred, into Renfrewshire.

Argyle, thus deserted, and almost alone, still looked to his own country as the sole remaining hope, and sent off Sir Duncan Campbell, with the two Duncansons, father and son—persons, all three, by whom he seemed to have been served with the most exemplary zeal and fidelity—to attempt new levies there. Having done this, and settled such means of correspondence as the state of affairs would permit, he repaired to the house of an old servant, upon whose attachment he had relied for an asylum, but was peremptorily denied entrance. Concealment in this part of the country seemed now impracticable, and he was forced at last to pass the Clyde, accompanied by the brave and faithful Fullarton. Upon coming to a ford of the Inchanon they were stopped by some militia-men. Fullarton used in vain all the best means which his presence of mind suggested to him to save his general. He attempted one while by gentle, and then by harsher language, to detain the commander of the party till the earl, who was habited as a common countryman, and whom he passed for his guide, should have made his escape. At last, when he saw them determined to go after his pretended guide, he offered to surrender himself without a blow, upon condition of their desisting from their pursuit. This agreement was accepted, but not adhered to, and two horsemen were detached to seize Argyle. The earl, who was also on horseback, grappled with them till one of them and himself came to the ground. He then presented his pocket pistols, on which the two retired, but soon after five more came up, who fired without effect, and he thought



Page 85

himself like to get rid of them, but they knocked him down with their swords and seized him. When they knew whom they had taken they seemed much troubled, but dared not let him go. Fullarton, perceiving that the stipulation on which he had surrendered himself was violated, and determined to defend himself to the last, or at least to wreak, before he fell, his just vengeance upon his perfidious opponents, grasped at the sword of one of them, but in vain; he was overpowered, and made prisoner.

Argyle was immediately carried to Renfrew, thence to Glasgow, and on the 20th of June was led in triumph into Edinburgh. The order of the council was particular: that he should be led bareheaded in the midst of Graham's guards, with their matches cocked, his hands tied behind his back, and preceded by the common hangman, in which situation, that he might be more exposed to the insults and taunts of the vulgar, it was directed that he should be carried to the castle by a circuitous route. To the equanimity with which he bore these indignities, as indeed to the manly spirit exhibited by him throughout, in these last scenes of his life, ample testimony is borne by all the historians who have treated of them, even those who are the least partial to him. He had frequent opportunities of conversing, and some of writing, during his imprisonment, and it is from such parts of these conversations and writings as have been preserved to us, that we can best form to ourselves a just notion of his deportment during that trying period; at the same time a true representation of the temper of his mind in such circumstances will serve, in no small degree, to illustrate his general character and disposition.

We have already seen how he expresses himself with regard to the men who, by taking him, became the immediate cause of his calamity. He seems to feel a sort of gratitude to them for the sorrow he saw, or fancied he saw in them, when they knew who he was, and immediately suggests an excuse for them, by saying that they did not dare to follow the impulse of their hearts. Speaking of the supineness of his countrymen, and of the little assistance he had received from them, he declares with his accustomed piety his resignation to the will of God, which was that Scotland should not be delivered at this time, nor especially by his hand; and then exclaims, with the regret of a patriot, but with no bitterness of disappointment, "But alas! who is there to be delivered! There may," says he, "be hidden ones, but there appears no great party in the country who desire to be relieved." Justice, in some degree, but still more that warm affection for his own kindred and vassals, which seems to have formed a marked feature in this nobleman's character, then induces him to make an exception in favour of his poor friends in Argyleshire, in treating for whom, though in what particular way does not appear, he was employing, and with some hope of success, the



Page 86

few remaining hours of his life. In recounting the failure of his expedition it is impossible for him not to touch upon what he deemed the misconduct of his friends; and this is the subject upon which of all others, his temper must have been most irritable. A certain description of friends (the words describing them are omitted) were all of them without exception, his greatest enemies, both to betray and destroy him; and . . . and . . . (the names again omitted) were the greatest cause of his rout, and his being taken, though not designedly, he acknowledges, but by ignorance, cowardice, and faction. This sentence had scarce escaped him when, notwithstanding the qualifying words with which his candour had acquitted the last-mentioned persons of intentional treachery, it appeared too harsh to his gentle nature, and declaring himself displeased with the hard epithets he had used, he desires they may be put out of any account that is to be given of these transactions. The manner in which this request is worded shows that the paper he was writing was intended for a letter, and as it is supposed, to a Mrs. Smith, who seems to have assisted him with money; but whether or not this lady was the rich widow of Amsterdam, before alluded to, I have not been able to learn.

When he is told that he is to be put to the torture, he neither breaks out into any high-sounding bravado, any premature vaunts of the resolution with which he will endure it, nor, on the other hand, into passionate exclamations on the cruelty of his enemies, or unmanly lamentations of his fate. After stating that orders were arrived that he must be tortured, unless he answers all questions upon oath, he simply adds that he hopes God will support him; and then leaves off writing, not from any want of spirits to proceed, but to enjoy the consolation which was yet left him, in the society of his wife, the countess being just then admitted.

Of his interview with Queensbury, who examined him in private, little is known, except that he denied his design having been concerted with any persons in Scotland; that he gave no information with respect to his associates in England; and that he boldly and frankly averred his hopes to have been founded on the cruelty of the administration, and such a disposition in the people to revolt as he conceived to be the natural consequence of oppression. He owned, at the same time, that he had trusted too much to this principle. The precise date of this conversation, whether it took place before the threat of the torture, whilst that threat was impending, or when there was no longer any intention of putting it into execution, I have not been able to ascertain; but the probability seems to be that it was during the first or second of these periods.

Page 87

Notwithstanding the ill success that had attended his enterprise, he never expresses, or even hints, the smallest degree of contrition for having undertaken it: on the contrary, when Mr. Charteris, an eminent divine, is permitted to wait on him, his first caution to that minister is, not to try to convince him of the unlawfulness of his attempt, concerning which his opinion was settled, and his mind made up. Of some parts of his past conduct he does indeed confess that he repents, but these are the compliances of which he had been guilty in support of the king, or his predecessors. Possibly in this he may allude to his having in his youth borne arms against the covenant, but with more likelihood to his concurrence, in the late reign, with some of the measures of Lauderdale's administration, for whom it is certain that he entertained a great regard, and to whom he conceived himself to be principally indebted for his escape from his first sentence. Friendship and gratitude might have carried him to lengths which patriotism and justice must condemn.

Religious concerns, in which he seems to have been very serious and sincere, engaged much of his thoughts; but his religion was of that genuine kind which, by representing the performance of our duties to our neighbour as the most acceptable service to God, strengthens all the charities of social life. While he anticipates, with a hope approaching to certainty, a happy futurity, he does not forget those who have been justly dear to him in this world. He writes, on the day of his execution, to his wife, and to some other relations, for whom he seems to have entertained a sort of parental tenderness, short, but the most affectionate letters, wherein he gives them the greatest satisfaction then in his power, by assuring them of his composure and tranquillity of mind, and refers them for further consolation to those sources from which he derived his own. In his letter to Mrs. Smith, written on the same day, he says, "While anything was a burden to me, your concern was; which is a cross greater than I can express" (alluding probably to the pecuniary loss she had incurred); "but I have, I thank God, overcome all." Her name, he adds, could not be concealed, and that he knows not what may have been discovered from any paper which may have been taken; otherwise he has named none to their disadvantage. He states that those in whose hands he is, had at first used him hardly, but that God had melted their hearts, and that he was now treated with civility. As an instance of this, he mentions the liberty he had obtained of sending this letter to her; a liberty which he takes as a kindness on their part, and which he had sought that she might not think he had forgotten her.



Page 88

Never, perhaps, did a few sentences present so striking a picture of a mind truly virtuous and honourable. Heroic courage is the least part of his praise, and vanishes as it were from our sight, when we contemplate the sensibility with which he acknowledges the kindness, such as it is, of the very men who are leading him to the scaffold; the generous satisfaction which he feels on reflecting that no confession of his has endangered his associates; and above all, his anxiety, in such moments, to perform all the duties of friendship and gratitude, not only with the most scrupulous exactness, but with the most considerate attention to the feelings as well as to the interests of the person who was the object of them. Indeed, it seems throughout to have been the peculiar felicity of this man's mind, that everything was present to it that ought to be so; nothing that ought not. Of his country he could not be unmindful; and it was one among other consequences of his happy temper, that on this subject he did not entertain those gloomy ideas which the then state of Scotland was but too well fitted to inspire. In a conversation with an intimate friend, he says that, though he does not take upon him to be a prophet, he doubts not but that deliverance will come, and suddenly, of which his failings had rendered him unworthy to be the instrument. In some verses which he composed on the night preceding his execution, and which he intended for his epitaph, he thus expresses this hope still more distinctly

“On my attempt though Providence did frown,
His oppressed people God at length shall own;
Another hand, by more successful speed,
Shall raise the remnant, bruise the serpent's head.”

With respect to the epitaph itself, of which these lines form a part, it is probable that he composed it chiefly with a view to amuse and relieve his mind, fatigued with exertion, and partly, perhaps, in imitation of the famous Marquis of Montrose, who, in similar circumstances, had written some verses which have been much celebrated. The poetical merit of the pieces appears to be nearly equal, and is not in either instance considerable, and they are only in so far valuable as they may serve to convey to us some image of the minds by which they were produced. He who reads them with this view will, perhaps, be of opinion that the spirit manifested in the two compositions is rather equal in degree than like in character; that the courage of Montrose was more turbulent, that of Argyle more calm and sedate. If, on the one hand, it is to be regretted that we have not more memorials left of passages so interesting, and that even of those which we do possess, a great part is obscured by time, it must be confessed, on the other, that we have quite enough to enable us to pronounce that for constancy and equanimity under the severest trials, few men have equalled, none ever surpassed, the Earl of Argyle. The most powerful of all tempters, hope, was not



Page 89

held out to him, so that he had not, it is true, in addition to his other hard tasks, that of resisting her seductive influence; but the passions of a different class had the fullest scope for their attacks. These, however, could make no impression on his well-disciplined mind. Anger could not exasperate, fear could not appal him; and if disappointment and indignation at the misbehaviour of his followers, and the supineness of the country, did occasionally, as surely they must, cause uneasy sensations, they had not the power to extort from him one unbecoming or even querulous expression. Let him be weighed never so scrupulously, and in the nicest scales, he will not be found, in a single instance, wanting in the charity of a Christian, the firmness and benevolence of a patriot, the integrity and fidelity of a man of honour.

The Scotch parliament had, on the 11th of June, sent an address to the king wherein, after praising his majesty, as usual, for his extraordinary prudence, courage, and conduct, and loading Argyle, whom they styled an hereditary traitor, with every reproach they can devise—among others, that of ingratitude for the favours which he had received, as well from his majesty as from his predecessor—they implore his majesty that the earl may find no favour and that the earl's family, the heritors, ringleaders, and preachers who joined him, should be for ever declared incapable of mercy, or bearing any honour or estate in the kingdom, and all subjects discharged under the highest pains to intercede for them in any manner of way. Never was address more graciously received, or more readily complied with; and, accordingly, the following letter, with the royal signature, and countersigned by Lord Melford, Secretary of State for Scotland, was despatched to the council at Edinburgh, and by them entered and registered on the 29th of June.

“Whereas, the late Earl of Argyle is, by the providence of God, fallen into our power, it is our will and pleasure that you take all ways to know from him those things which concern our government most, as his assisters with men, arms, and money, his associates and correspondents, his designs, *etc.* But this must be done so as no time may be lost in bringing him to condign punishment, by causing him to be demeaned as a traitor, within the space of three days after this shall come to your hands, an account of which, with what he shall confess, you shall send immediately to us or our secretaries, for doing which this shall be your warrant.”

When it is recollected that torture had been in common use in Scotland, and that the persons to whom the letter was addressed had often caused it to be inflicted, the words, “it is our will and pleasure that you take all ways,” seem to convey a positive command for applying of it in this instance; yet it is certain that Argyle was not tortured. What was the cause of this seeming disregard of the royal injunctions does not appear. One would hope,



Page 90

for the honour of human nature, that James, struck with some compunction for the injuries he had already heaped upon the head of this unfortunate nobleman, sent some private orders contradictory to this public letter; but there is no trace to be discovered of such a circumstance. The managers themselves might feel a sympathy for a man of their own rank, which had no influence in the cases where only persons of an inferior station were to be the sufferers; and in those words of the king's letter which enjoin a speedy punishment as the primary object to which all others must give way, they might find a pretext for overlooking the most odious part of the order, and of indulging their humanity, such as it was, by appointing the earliest day possible for the execution. In order that the triumph of injustice might be complete, it was determined that, without any new trial, the earl should suffer upon the iniquitous sentence of 1682. Accordingly, the very next day ensuing was appointed, and on the 13th of June he was brought from the castle, first to the Laigh Council-house, and thence to the place of execution.

Before he left the castle, he had his dinner at the usual hour, at which he discoursed, not only calmly, but even cheerfully, with Mr. Charteris and others. After dinner he retired, as was his custom, to his bed-chamber, where it is recorded that he slept quietly for about a quarter of an hour. While he was in his bed, one of the members of the council came and intimated to the attendants a desire to speak with him: upon being told that the earl was asleep, and had left orders not to be disturbed, the manager disbelieved the account, which he considered as a device to avoid further questionings. To satisfy him, the door of the bed-chamber was half opened, and he then beheld, enjoying a sweet and tranquil slumber, the man who, by the doom of him and his fellows, was to die within the space of two short hours! Struck with this sight, he hurried out of the room, quitted the castle with the utmost precipitation, and hid himself in the lodgings of an acquaintance who lived near, where he flung himself upon the first bed that presented itself, and had every appearance of a man suffering the most excruciating torture. His friend, who had been apprised by the servant of the state he was in, and who naturally concluded that he was ill, offered him some wine. He refused, saying, "No, no, that will not help me: I have been in at Argyle, and saw him sleeping as pleasantly as ever man did, within an hour of eternity. But as for me—." The name of the person to whom this anecdote relates is not mentioned, and the truth of it may therefore be fairly considered as liable to that degree of doubt with which men of judgment receive every species of traditional history. Woodrow, however, whose veracity is above suspicion, says he had it from the most unquestionable authority. It is not in itself unlikely; and who is there that

Page 91

would not wish it true? What a satisfactory spectacle to a philosophical mind, to see the oppressor, in the zenith of his power, envying his victim! What an acknowledgment of the superiority of virtue! What an affecting and forcible testimony to the value of that peace of mind which innocence alone can confer! We know not who this man was; but when we reflect that the guilt which agonised him was probably incurred for the sake of some vain title, or, at least, of some increase of wealth, which he did not want, and possibly knew not how to enjoy, our disgust is turned into something like compassion for that very foolish class of men whom the world calls wise in their generation.

Soon after his short repose Argyle was brought, according to order, to the Laigh Council-house, from which place is dated the letter to his wife, and thence to the place of execution. On the scaffold he had some discourse, as well with Mr. Annand, a minister appointed by government to attend him, as with Mr. Charteris. He desired both of them to pray for him, and prayed himself with much fervency and devotion. The speech which he made to the people was such as might be expected from the passages already related. The same mixture of firmness and mildness is conspicuous in every part of it. "We ought not," says he, "to despise our afflictions, nor to faint under them. We must not suffer ourselves to be exasperated against the instruments of our troubles, nor by fraudulent, nor pusillanimous compliances, bring guilt upon ourselves; faint hearts are ordinarily false hearts, choosing sin rather than suffering." He offers his prayers to God for the three kingdoms of England, Scotland, and Ireland, and that an end may be put to their present trials. Having then asked pardon for his own failings, both of God and man, he would have concluded; but being reminded that he had said nothing of the royal family, he adds that he refers, in this matter, to what he had said at his trial concerning the test; that he prayed there never might be wanting one of the royal family to support the Protestant religion; and if any of them had swerved from the true faith, he prayed God to turn their hearts, but, at any rate, to save His people from their machinations. When he had ended, he turned to the south side of the scaffold, and said, "Gentlemen, I pray you do not misconstrue my behaviour this day; I freely forgive all men their wrongs and injuries done against me, as I desire to be forgiven of God." Mr. Annand repeated these words louder to the people. The earl then went to the north side of the scaffold, and used the same or the like expressions. Mr. Annand repeated them again, and said, "This nobleman dies a Protestant." The earl stepped forward again, and said, "I die not only a Protestant, but with a heart-hatred of popery, prelacy, and all superstition whatsoever." It would perhaps have been better if these last expressions had never been uttered, as there appears certainly



Page 92

something of violence in them unsuitable to the general tenor of his language; but it must be remembered, first, that the opinion that the pope is Antichrist was at that time general among almost all the zealous Protestants in these kingdoms; secondly, that Annand being employed by government, and probably an Episcopalian, the earl might apprehend that the declaration of such a minister might not convey the precise idea which he, Argyle, affixed to the word Protestant.

He then embraced his friends, gave some tokens of remembrance to his son-in-law, Lord Maitland, for his daughter and grandchildren, stripped himself of part of his apparel, of which he likewise made presents, and laid his head upon the block. Having uttered a short prayer, he gave the signal to the executioner, which was instantly obeyed, and his head severed from his body. Such were the last hours, and such the final close, of this great man's life. May the like happy serenity in such dreadful circumstances, and a death equally glorious, be the lot of all whom tyranny, of whatever denomination or description, shall in any age, or in any country, call to expiate their virtues on the scaffold!

Of the followers of Argyle, in the disastrous expedition above recounted, the fortunes were various. Among those who either surrendered or were taken, some suffered the same fate with their commander, others were pardoned; while, on the other hand, of those who escaped to foreign parts, many after a short exile returned triumphantly to their country at the period of the revolution, and under a system congenial to their principles, some even attained the highest honours of the State. It is to be recollected that when, after the disastrous night-march from Killerne, a separation took place at Kilpatrick between Argyle and his confederates, Sir John Cochrane, Sir Patrick Hume, and others, crossed the Clyde into Renfrewshire, with about, it is supposed, two hundred men. Upon their landing they met with some opposition from a troop of militia horse, which was, however, feeble and ineffectual; but fresh parties of militia as well as regular troops drawing together, a sort of scuffle ensued, near a place called Muirdyke; an offer of quarter was made by the king's troops, but (probably on account of the conditions annexed to it) was refused; and Cochrane and the rest, now reduced to the number of seventy took shelter in a fold-dyke, where they were able to resist and repel, though not without loss on each side, the attack of the enemy. Their situation was nevertheless still desperate, and in the night they determined to make their escape. The king's troops having retired, this was effected without difficulty; and this remnant of an army being dispersed by common consent, every man sought his own safety in the best manner he could. Sir John Cochrane took refuge in the house of an uncle, by whom, or by whose wife, it is said, he was betrayed. He was, however, pardoned; and from



Page 93

this circumstance, coupled with the constant and seemingly peevish opposition which he gave to almost all Argyle's plans, a suspicion has arisen that he had been treacherous throughout. But the account given of his pardon by Burnet, who says his father, Lord Dundonald, who was an opulent nobleman, purchased it with a considerable sum of money, is more credible, as well as more candid; and it must be remembered that in Sir John's disputes with his general, he was almost always acting in conjunction with Sir Patrick Hume, who is proved, by the subsequent events, and indeed by the whole tenor of his life and conduct, to have been uniformly sincere and zealous in the cause of his country. Cochrane was sent to England, where he had an interview with the king, and gave such answers to the questions put to him as were deemed satisfactory by his majesty; and the information thus obtained whatever might be the real and secret causes, furnished a plausible pretence at least for the exercise of royal mercy. Sir Patrick Hume, after having concealed himself some time in the house, and under the protection of Lady Eleanor Dunbar, sister to the Earl of Eglington, found means to escape to Holland, whence he returned in better times, and was created first Lord Hume of Polwarth, and afterwards Earl of Marchmont. Fullarton, and Campbell of Auchinbreak, appear to have escaped, but by what means is not known. Two sons of Argyle, John and Charles, and Archibald Campbell, his nephew, were sentenced to death and forfeiture, but the capital part of the sentence was remitted. Thomas Archer, a clergyman, who had been wounded at Muirdyke, was executed, notwithstanding many applications in his favour, among which was one from Lord Drumlanrig, Queensbury's eldest son. Woodrow, who was himself a Presbyterian minister, and though a most valuable and correct historian, was not without a tincture of the prejudices belonging to his order, attributes the unrelenting spirit of the government in this instance to their malice against the clergy of his sect. Some of the holy ministry, he observes, as Guthrie at the restoration, Kidd and Mackail after the insurrections at Pentland and Bothwell Bridge, and now Archer, were upon every occasion to be sacrificed to the fury of the persecutors. But to him who is well acquainted with the history of this period, the habitual cruelty of the government will fully account for any particular act of severity; and it is only in cases of lenity, such as that of Cochrane, for instance, that he will look for some hidden or special motive.

Ayloff, having in vain attempted to kill himself, was, like Cochrane, sent to London to be examined. His relationship to the king's first wife might perhaps be one inducement to this measure, or it might be thought more expedient that he should be executed for the Rye House Plot, the credit of which it was a favourite object of the court to uphold, than for his recent acts of rebellion in Scotland. Upon



Page 94

his examination he refused to give any information, and suffered death upon a sentence of outlawry, which had passed in the former reign. It is recorded that James interrogated him personally, and finding him sullen, and unwilling to speak, said: "Mr. Ayloff, you know it is in my power to pardon you, therefore say that which may deserve it:" to which Ayloff replied: "Though it is in your power, it is not in your nature to pardon." This, however, is one of those anecdotes which are believed rather on account of the air of nature that belongs to them, than upon any very good traditional authority, and which ought, therefore when any very material inference with respect either to fact or character, is to be drawn from them, to be received with great caution.

Rumbold, covered with wounds, and defending himself with uncommon exertions of strength and courage, was at last taken. However desirable it might have been thought to execute in England a man so deeply implicated in the Rye House Plot, the state of Rumbold's health made such a project impracticable. Had it been attempted he would probably, by a natural death, have disappointed the views of a government who were eager to see brought to the block a man whom they thought, or pretended to think, guilty of having projected the assassination of the late and present king. Weakened as he was in body, his mind was firm, his constancy unshaken; and notwithstanding some endeavours that were made by drums and other instruments, to drown his voice when he was addressing the people from the scaffold, enough has been preserved of what he then uttered to satisfy us that his personal courage, the praise of which has not been denied him, was not of the vulgar or constitutional kind, but was accompanied with a proportionable vigour of mind. Upon hearing his sentence, whether in imitation of Montrose, or from that congeniality of character which causes men in similar circumstances to conceive similar sentiments, he expressed the same wish which that gallant nobleman had done; he wished he had a limb for every town in Christendom. With respect to the intended assassination imputed to him, he protested his innocence, and desired to be believed upon the faith of a dying man; adding, in terms as natural as they are forcibly descriptive of a conscious dignity of character, that he was too well known for any to have had the imprudence to make such a proposition to him. He concluded with plain, and apparently sincere, declarations of his undiminished attachment to the principles of liberty, civil and religious; denied that he was an enemy to monarchy, affirming, on the contrary, that he considered it, when properly limited, as the most eligible form of government; but that he never could believe that any man was born marked by God above another, "for none comes into the world with a saddle on his back, neither any booted and spurred to ride him."



Page 95

Except by Ralph, who, with a warmth that does honour to his feelings, expatiates at some length upon the subject, the circumstances attending the death of this extraordinary man have been little noticed. Rapin, Echard, Kennet, Hume, make no mention of them whatever; and yet, exclusively of the interest always excited by any great display of spirit and magnanimity, his solemn denial of the project of assassination imputed to him in the affair of the Rye House Plot is in itself a fact of great importance, and one which might have been expected to attract, in no small degree, the attention of the historian. That Hume, who has taken some pains in canvassing the degree of credit due to the different parts of the Rye House Plot, should pass it over in silence, is the more extraordinary because, in the case of the popish plot, he lays, and justly lays, the greatest stress upon the dying declarations of the sufferers. Burnet adverts as well to the peculiar language used by Rumbold as to his denial of the assassination; but having before given us to understand that he believed that no such crime had been projected, it is the less to be wondered at that he does not much dwell upon this further evidence in favour of his former opinion. Sir John Dalrymple, upon the authority of a paper which he does not produce, but from which he quotes enough to show that if produced it would not answer his purpose, takes Rumbold's guilt for a decided fact, and then states his dying protestations of his innocence, as an instance of aggravated wickedness. It is to be remarked, too, that although Sir John is pleased roundly to assert that Rumbold denied the share he had had in the Rye House Plot, yet the particular words which he cites neither contain nor express, nor imply any such denial. He has not even selected those by which the design of assassination was denied (the only denial that was uttered), but refers to a general declaration made by Rumbold, that he had done injustice to no man—a declaration which was by no means inconsistent with his having been a party to a plot, which he, no doubt, considered as justifiable, and even meritorious. This is not all: the paper referred to is addressed to Walcot, by whom Rumbold states himself to have been led on; and Walcot, with his last breath, denied his own participation in any design to murder either Charles or James. Thus, therefore, whether the declaration of the sufferer be interpreted in a general or in a particular sense, there is no contradiction whatever between it and the paper adduced; but thus it is that the character of a brave and, as far as appears, a virtuous man, is most unjustly and cruelly traduced. An incredible confusion of head, and an uncommon want of reasoning powers, which distinguish the author to whom I refer, are, I should charitably hope, the true sources of his misrepresentation; while others may probably impute it to his desire of blackening, upon any pretence, a person whose name is more or less connected with



Page 96

those of Sidney and Russell. It ought not, perhaps, to pass without observation, that this attack upon Rumbold is introduced only in an oblique manner: the rigour of government destroyed, says the historian, the morals it intended to correct, and made the unhappy sufferer add to his former crimes the atrocity of declaring a falsehood in his last moments. Now, what particular instances of rigour are here alluded to, it is difficult to guess: for surely the execution of a man whom he sets down as guilty of a design to murder the two royal brothers, could not, even in the judgment of persons much less accustomed than Sir John to palliate the crimes of princes, be looked upon as an act of blameable severity; but it was thought, perhaps, that for the purpose of conveying a calumny upon the persons concerned, or accused of being concerned, in the Rye House Plot, an affected censure upon the government would be the fittest vehicle.

The fact itself, that Rumbold did, in his last hours, solemnly deny the having been concerned in any project for assassinating the king or duke, has not, I believe, been questioned. It is not invalidated by the silence of some historians: it is confirmed by the misrepresentation of others. The first question that naturally presents itself must be, was this declaration true? The asseverations of dying men have always had, and will always have, great influence upon the minds of those who do not push their ill opinion of mankind to the most outrageous and unwarrantable length; but though the weight of such asseverations be in all cases great, it will not be in all equal. It is material therefore to consider, first, what are the circumstances which may tend in particular cases to diminish their credit; and next, how far such circumstances appear to have existed in the case before us. The case where this species of evidence would be the least convincing, would be where hope of pardon is entertained; for then the man is not a dying man in the sense of the proposition, for he has not that certainty that his falsehood will not avail him, which is the principal foundation of the credit due to his assertions. For the same reason, though in a less degree, he who hopes for favour to his children, or to other surviving connections, is to be listened to with some caution; for the existence of one virtue does not necessarily prove that of another, and he who loves his children and friends may yet be profligate and unprincipled; or, deceiving himself, may think that while his ends are laudable, he ought not to hesitate concerning the means. Besides these more obvious temptations to prevarication, there is another which, though it may lie somewhat deeper, yet experience teaches us to be rooted in human nature: I mean that sort of obstinacy, or false shame, which makes men so unwilling to retract what they have once advanced, whether in matter of opinion or of fact. The general character of the man is also in this, as in all other human testimony, a circumstance of the greatest moment. Where none of the above-mentioned objections occur, and where therefore the weight of evidence in question is confessedly considerable, yet is it still liable to be balanced or outweighed by evidence in the opposite scale.



Page 97

Let Rumbold's declaration, then, be examined upon these principles, and we shall find that it has every character of truth, without a single circumstance to discredit it. He was so far from entertaining any hope of pardon, that he did not seem even to wish it; and indeed if he had had any such chimerical object in view, he must have known that to have supplied the government with a proof of the Rye House assassination plot, would be a more likely road at least, than a steady denial, to obtain it. He left none behind him for whom to entreat favour, or whose welfare or honour was at all affected by any confession or declaration he might make. If, in a prospective view, he was without temptation, so neither, if he looked back, was he fettered by any former declaration; so that he could not be influenced by that erroneous notion of consistency to which it may be feared that truth, even in the most awful moments, has in some cases been sacrificed. His timely escape in 1683 had saved him from the necessity of making any protestation upon the subject of his innocence at that time; and the words of the letter to Walcot are so far from containing such a protestation, that they are quoted (very absurdly, it is true) by Sir John Dalrymple as an avowal of guilt. If his testimony is free from these particular objections, much less is it impeached by his general character, which was that of a bold and daring man, who was very unlikely to feel shame in avowing what he had not been ashamed to commit, and who seems to have taken a delight in speaking bold truths, or at least what appeared to him to be such, without regarding the manner in which his hearers were likely to receive them. With respect to the last consideration, that of the opposite evidence, it all depends upon the veracity of men who, according to their own account, betrayed their comrades, and were actuated by the hope either of pardon or reward.

It appears to be of the more consequence to clear up this matter, because if we should be of opinion, as I think we all must be, that the story of the intended assassination of the king, in his way from Newmarket, is as fabulous as that of the silver bullets by which he was to have been shot at Windsor, a most singular train of reflections will force itself upon our minds, as well in regard to the character of the times, as to the means by which the two causes gained successively the advantage over each other. The Royalists had found it impossible to discredit the fiction, gross as it was, of the popish plot; nor could they prevent it from being a powerful engine in the hands of the Whigs, who, during the alarm raised by it, gained an irresistible superiority in the House of Commons, in the City of London, and in most parts of the kingdom. But they who could not quiet a false alarm raised by their adversaries, found little or no difficulty in raising one equally false in their own favour, by the supposed detection of the intended assassination.



Page 98

With regard to the advantages derived to the respective parties from those detestable fictions, if it be urged, on one hand, that the panic spread by the Whigs was more universal and more violent in its effects, it must be allowed, on the other, that the advantages gained by the Tories were, on account of their alliance with the crown, more durable and decisive. There is a superior solidity ever belonging to the power of the crown, as compared with that of any body of men or party, or even with either of the other branches of the legislature. A party has influence, but, properly speaking, no power. The Houses of Parliament have abundance of power, but, as bodies, little or no influence. The crown has both power and influence, which, when exerted with wisdom and steadiness, will always be found too strong for any opposition whatever, till the zeal and fidelity of party attachments shall be found to increase in proportion to the increased influence of the executive power.

While these matters were transacting in Scotland, Monmouth, conformably to his promise to Argyle, set sail from Holland, and landed at Lyme in Dorsetshire, on the 11th of June. He was attended by Lord Grey of Wark, Fletcher of Saltoun, Colonel Matthews, Ferguson, and a few other gentlemen. His reception was, among the lower ranks, cordial, and for some days at least, if not weeks, there seemed to have been more foundation for the sanguine hopes of Lord Grey and others, his followers, than the duke had supposed. The first step taken by the invader was to issue a proclamation, which he caused to be read in the market-place. In this instrument he touched upon what were, no doubt, thought to be the most popular topics, and loaded James and his Catholic friends with every imputation which had at any time been thrown against them. This declaration appears to have been well received, and the numbers that came in to him were very considerable; but his means of arming them were limited, nor had he much confidence, for the purpose of any important military operation, in men unused to discipline, and wholly unacquainted with the art of war. Without examining the question whether or not Monmouth, from his professional prejudices, carried, as some have alleged he did, his diffidence of unpractised soldiers and new levies too far, it seems clear that, in his situation, the best, or rather the only chance of success, was to be looked for in counsels of the boldest kind. If he could not immediately strike some important stroke, it was not likely that he ever should; nor indeed was he in a condition to wait. He could not flatter himself, as Argyle had done, that he had a strong country, full of relations and dependants, where he might secure himself till the co-operation of his confederate or some other favourable circumstance might put it in his power to act more efficaciously. Of any brilliant success in Scotland he could not, at this time, entertain any hope, nor, if he had,



Page 99

could he rationally expect that any events in that quarter would make the sort of impression here which, on the other hand, his success would produce in Scotland. With money he was wholly unprovided; nor does it appear, whatever may have been the inclination of some considerable men, such as Lords Macclesfield, Brandon, Delamere, and others, that any persons of that description were engaged to join in his enterprise. His reception had been above his hopes, and his recruits more numerous than could be expected, or than he was able to furnish with arms; while, on the other hand, the forces in arms against him consisted chiefly in a militia, formidable neither from numbers nor discipline, and moreover suspected of disaffection. The present moment, therefore, seemed to offer the most favourable opportunity for enterprise of any that was likely to occur; but the unfortunate Monmouth judged otherwise, and, as if he were to defend rather than to attack, directed his chief policy to the avoiding of a general action.

It being, however, absolutely necessary to dislodge some troops which the Earl of Feversham had thrown into Bridport, a detachment of three hundred men was made for that purpose, which had the most complete success, notwithstanding the cowardice of Lord Grey, who commanded them. This nobleman, who had been so instrumental in persuading his friend to the invasion, upon the first appearance of danger is said to have left the troops whom he commanded, and to have sought his own personal safety in flight. The troops carried Bridport, to the shame of the commander who had deserted them, and returned to Lyme.

It is related by Ferguson that Monmouth said to Matthews, "What shall I do with Lord Grey?" To which the other answered, "That he was the only general in Europe who would ask such a question;" intending, no doubt, to reproach the duke with the excess to which he pushed his characteristic virtues of mildness and forbearance. That these virtues formed a part of his character is most true, and the personal friendship in which he had lived with Grey would incline him still more to the exercise of them upon this occasion; but it is to be remembered also that the delinquent was, in respect of rank, property, and perhaps too of talent, by far the most considerable man he had with him; and, therefore, that prudential motives might concur to deter a general from proceeding to violent measures with such a person, especially in a civil war, where the discipline of an armed party cannot be conducted upon the same system as that of a regular army serving in a foreign war. Monmouth's disappointment in Lord Grey was aggravated by the loss of Fletcher of Saltoun, who, in a sort of scuffle that ensued upon his being reproached for having seized a horse belonging to a man of the country, had the misfortune to kill the owner. Monmouth, however unwilling, thought himself obliged to dismiss him; and thus, while a fatal concurrence of circumstances forced him to part with the man he esteemed, and to retain him whom he despised, he found himself at once disappointed of the support of the two persons upon whom he had most relied.



Page 100

On the 15th of June, his army being now increased to near three thousand men, the duke marched from Lyme. He does not appear to have taken this step with a view to any enterprise of importance, but rather to avoid the danger which he apprehended from the motions of the Devonshire and Somerset militias, whose object it seemed to be to shut him up in Lyme. In his first day's march he had opportunities of engaging, or rather of pursuing, each of those bodies, who severally retreated from his forces; but conceiving it to be his business, as he said, not to fight, but to march on, he went through Axminster, and encamped in a strong piece of ground between that town and Chard in Somersetshire, to which place he proceeded on the ensuing day. According to Wade's narrative, which appears to afford by far the most authentic account of these transactions, here it was that the first proposition was made for proclaiming Monmouth king. Ferguson made the proposal, and was supported by Lord Grey, but it was easily run down, as Wade expresses it, by those who were against it, and whom, therefore, we must suppose to have formed a very considerable majority of the persons deemed of sufficient importance to be consulted on such an occasion. These circumstances are material, because if that credit be given to them which they appear to deserve, Ferguson's want of veracity becomes so notorious, that it is hardly worth while to attend to any part of his narrative. Where it only corroborates accounts given by others, it is of little use; and where it differs from them, it deserves no credit. I have, therefore, wholly disregarded it.

From Chard, Monmouth and his party proceeded to Taunton, a town where, as well from the tenor of former occurrences as from the zeal and number of the Protestant dissenters, who formed a great portion of its inhabitants, he had every reason to expect the most favourable reception. His expectations were not disappointed.

The inhabitants of the upper, as well as the lower classes, vied with each other in testifying their affection for his person, and their zeal for his cause. While the latter rent the air with applauses and acclamations, the former opened their houses to him and to his followers, and furnished his army with necessaries and supplies of every kind. His way was strewn with flowers; the windows were thronged with spectators, all anxious to participate in what the warm feelings of the moment made them deem a triumph. Husbands pointed out to their wives, mothers to their children, the brave and lovely hero who was destined to be the deliverer of his country. The beautiful lines which Dryden makes Achitophel, in his highest strain of flattery, apply to this unfortunate nobleman, were in this instance literally verified:

“Thee, saviour, thee, the nation's vows confess,
And, never satisfied with seeing, bless.
Swift unbespoken pomps thy steps proclaim,
And stammering babes are taught to lisp thy name.”



Page 101

In the midst of these joyous scenes twenty-six young maids, of the best families in the town, presented him in the name of their townsmen with colours wrought by them for the purpose, and with a Bible; upon receiving which he said that he had taken the field with a design to defend the truth contained in that Book, and to seal it with his blood if there was occasion.

In such circumstances it is no wonder that his army increased; and, indeed, exclusive of individual recruits, he was here strengthened by the arrival of Colonel Bassett with a considerable corps. But in the midst of these prosperous circumstances, some of them of such apparent importance to the success of his enterprise, all of them highly flattering to his feelings, he did not fail to observe that one favourable symptom (and that too of the most decisive nature) was still wanting. None of the considerable families, not a single nobleman, and scarcely any gentleman of rank and consequence in the counties through which he had passed, had declared in his favour. Popular applause is undoubtedly sweet; and not only so, it often furnishes most powerful means to the genius that knows how to make use of them. But Monmouth well knew that without the countenance and assistance of a proportion, at least, of the higher ranks in the country, there was, for an undertaking like his, little prospect of success. He could not but have remarked that the habits and prejudices of the English people are, in a great degree, aristocratical; nor had he before him, nor indeed have we since his time, had one single example of an insurrection that was successful, unaided by the ancient families and great landed proprietors. He must have felt this the more, because in former parts of his political life he had been accustomed to act with such coadjutors; and it is highly probable that if Lord Russell had been alive, and could have appeared at the head of one hundred only of his western tenantry, such a reinforcement would have inspired him with more real confidence than the thousands who individually flocked to his standard.

But though Russell was no more, there were not wanting, either in the provinces through which the duke passed, or in other parts of the kingdom, many noble and wealthy families who were attached to the principles of the Whigs. To account for their neutrality, and, if possible, to persuade them to a different conduct, was naturally among his principal concerns. Their present coldness might be imputed to the indistinctness of his declarations with respect to what was intended to be the future government. Men zealous for monarchy might not choose to embark without some certain pledge that their favourite form should be preserved. They would also expect to be satisfied with respect to the person whom their arms, if successful, were to place upon the throne. To promise, therefore, the continuance of a monarchical establishment, and to designate the future monarch, seemed to be necessary



Page 102

for the purpose of acquiring aristocratical support. Whatever might be the intrinsic weight of this argument, it easily made its way with Monmouth in his present situation. The aspiring temper of mind which is the natural consequence of popular favour and success, produced in him a disposition to listen to any suggestion which tended to his elevation and aggrandisement; and when he could persuade himself, upon reasons specious at least, that the measures which would most gratify his aspiring desires would be, at the same time, a stroke of the soundest policy, it is not to be wondered at that it was immediately and impatiently adopted. Urged, therefore, by these mixed motives, he declared himself king, and issued divers proclamations in the royal style; assigning to those whose approbation he doubted the reasons above adverted to, and proscribing and threatening with the punishment due to rebellion such as should resist his mandates, and adhere to the usurping Duke of York.

If this measure was in reality taken with views of policy, those views were miserably disappointed; for it does not appear that one proselyte was gained. The threats in the proclamation were received with derision by the king's army, and no other sentiments were excited by the assumption of the royal title than those of contempt and indignation. The commonwealthsmen were dissatisfied, of course, with the principle of the measure: the favourers of hereditary right held it in abhorrence, and considered it as a kind of sacrilegious profanation; nor even among those who considered monarchy in a more rational light, and as a magistracy instituted for the good of the people, could it be at all agreeable that such a magistrate should be elected by the army that had thronged to his standard, or by the particular partiality of a provincial town. Monmouth's strength, therefore, was by no means increased by his new title, and seemed to be still limited to two descriptions of persons; first, those who, from thoughtlessness or desperation, were willing to join in any attempt at innovation; secondly, such as, directing their views to a single point, considered the destruction of James's tyranny as the object which, at all hazards, and without regard to consequences, they were bound to pursue. On the other hand, his reputation both for moderation and good faith was considerably impaired, inasmuch as his present conduct was in direct contradiction to that part of his declaration wherein he had promised to leave the future adjustment of government, and especially the consideration of his own claims, to a free and independent parliament.



Page 103

The notion of improving his new levies by discipline seems to have taken such possession of Monmouth's mind that he overlooked the probable, or rather the certain, consequences of a delay, by which the enemy would be enabled to bring into the field forces far better disciplined and appointed than any which, even with the most strenuous and successful exertions, he could hope to oppose to them. Upon this principle, and especially as he had not yet fixed upon any definite object of enterprise, he did not think a stay of a few days at Taunton would be materially, if at all, prejudicial to his affairs; and it was not till the 21st of June that he proceeded to Bridgewater, where he was received in the most cordial manner. In his march, the following day, from that town to Glastonbury, he was alarmed by a party of the Earl of Oxford's horse; but all apprehensions of any material interruptions were removed by an account of the militia having left Wells, and retreated to Bath and Bristol. From Glastonbury he went to Shipton-Mallet, where the project of an attack upon Bristol was communicated by the duke to his officers. After some discussion, it was agreed that the attack should be made on the Gloucestershire side of the city, and with that view to pass the Avon at Keynsham Bridge, a few miles from Bath. In their march from Shipton-Mallet, the troops were again harassed in their rear by a party of horse and dragoons, but lodged quietly at night at a village called Pensford. A detachment was sent early the next morning to possess itself of Keynsham, and to repair the bridge, which might probably be broken down to prevent a passage. Upon their approach, a troop of the Gloucestershire horse-militia immediately abandoned the town in great precipitation, leaving behind them two horses and one man. By break of day, the bridge, which had not been much injured, was repaired, and before noon, Monmouth, having passed it with his whole army, was in full march to Bristol, which he determined to attack the ensuing night. But the weather proving rainy and bad, it was deemed expedient to return to Keynsham, a measure from which he expected to reap a double advantage; to procure dry and commodious quarters for the soldiery, and to lull the enemy, by a movement, which bore the semblance of a retreat, into a false and delusive security. The event, however, did not answer his expectation, for the troops had scarcely taken up their quarters, when they were disturbed by two parties of horse, who entered the town at two several places. An engagement ensued, in which Monmouth lost fourteen men, and a captain of horse, though in the end the Royalists were obliged to retire, leaving three prisoners. From these the duke had information that the king's army was near at hand, and, as they said, about four thousand strong.



Page 104

This new state of affairs seemed to demand new councils. The projected enterprise upon Bristol was laid aside, and the question was, whether to make by forced marches for Gloucester, in order to pass the Severn at that city, and so to gain the counties of Salop and Chester, where he expected to be met by many friends, or to march directly into Wiltshire, where, according to some intelligence received ["from one Adlam"] the day before, there was a considerable body of horse (under whose command does not appear) ready, by their junction, to afford him a most important and seasonable support. To the first of these plans a decisive objection was stated. The distance by Gloucester was so great, that, considering the slow marches to which he would be limited, by the daily attacks with which the different small bodies of the enemy's cavalry would not fail to harass his rear, he was in great danger of being overtaken by the king's forces, and might thus be driven to risk all in an engagement upon terms the most disadvantageous. On the contrary, if joined in Wiltshire by the expected aids, he might confidently offer battle to the royal army; and, provided he could bring them to an action before they were strengthened by new reinforcements, there was no unreasonable prospect of success. The latter plan was therefore adopted, and no sooner adopted than put in execution. The army was in motion without delay, and being before Bath on the morning of the 26th of June, summoned the place, rather (as it should seem) in sport than in earnest, as there was no hope of its surrender. After this bravado they marched on southward to Philip's Norton, where they rested; the horse in the town, and the foot in the field.

While Monmouth was making these marches, there were not wanting, in many parts of the adjacent country, strong symptoms of the attachment of the lower orders of people to his cause, and more especially in those manufacturing towns where the Protestant dissenters were numerous. In Froome there had been a considerable rising, headed by the constable, who posted up the duke's declaration in the market-place. Many of the inhabitants of the neighbouring towns of Westbury and Warminster came in throngs to the town to join the insurgents; some armed with fire-arms, but more with such rustic weapons as opportunity could supply. Such a force, if it had joined the main army, or could have been otherwise directed by any leader of judgment and authority, might have proved very serviceable; but in its present state it was a mere rabble, and upon the first appearance of the Earl of Pembroke, who entered the town with a hundred and sixty horse and forty musketeers, fell, as might be expected, into total confusion. The rout was complete; all the arms of the insurgents were seized; and the constable, after having been compelled to abjure his principles, and confess the enormity of his offence, was committed to prison.



Page 105

This transaction took place the 25th, the day before Monmouth's arrival at Philip's Norton, and may have, in a considerable degree, contributed to the disappointment, of which we learn from Wade, that he at this time began bitterly to complain. He was now upon the confines of Wiltshire, and near enough for the bodies of horse, upon whose favourable intentions so much reliance had been placed, to have effected a junction, if they had been so disposed; but whether that Adlam's intelligence had been originally bad, or that Pembroke's proceedings at Froome had intimidated them, no symptom of such an intention could be discovered. A desertion took place in his army, which the exaggerated accounts in the Gazette made to amount to near two thousand men. These dispiriting circumstances, added to the complete disappointment of the hopes entertained from the assumption of the royal title, produced in him a state of mind but little short of despondency. He complained that all people had deserted him, and is said to have been so dejected, as hardly to have the spirit requisite for giving the necessary orders.

From this state of torpor, however, he appears to have been effectually roused by a brisk attack that was made upon him on the 27th, in the morning, by the Royalists, under the command of his half-brother, the Duke of Grafton. That spirited young nobleman (whose intrepid courage, conspicuous upon every occasion, led him in this, and many other instances, to risk a life, which he finally lost in a better cause), heading an advanced detachment of Lord Feversham's army, who had marched from Bath, with a view to fall on the enemy's rear, marched boldly up a narrow lane leading to the town, and attacked a barricade, which Monmouth had caused to be made across the way, at the entrance of the town. Monmouth was no sooner apprised of this brisk attack, than he ordered a party to go out of the town by a by-way, who coming on the rear of the Grenadiers while others of his men were engaged with their front, had nearly surrounded them, and taken their commander prisoner, but Grafton forced his way through the enemy. An engagement ensued between the insurgents and the remainder of Feversham's detachment, who had lined the hedges which flanked them. The former were victorious, and after driving the enemy from hedge to hedge, forced them at last into the open field, where they joined the rest of the king's forces, newly come up. The killed and wounded in these encounters amounted to about forty on Feversham's side, twenty on Monmouth's; but among the latter there were several officers, and some of note, while the loss of the former, with the exception of two volunteers, Seymour and May, consisted entirely of common soldiers.



Page 106

The Royalists now drew up on an eminence, about five hundred paces from the hedges, while Monmouth, having placed, of his four field-pieces, two at the mouth of the lane, and two upon a rising ground near it on the right, formed his army along the hedge. From these stations a firing of artillery was begun on each side, and continued near six hours, but with little or no effect. Monmouth, according to Wade, losing but one, and the Royalists, according to the Gazette, not one man, by the whole cannonade. In these circumstances, notwithstanding the recent and convincing experience he now had of the ability of his raw troops to face, in certain situations at least, the more regular forces of his enemy, Monmouth was advised by some to retreat; but upon a more general consultation, this advice was over-ruled, and it was determined to cut passages through the hedges and to offer battle. But before this could be effected the royal army, not willing again to engage among the enclosures, annoyed in the open field by the rain which continued to fall very heavily, and disappointed, no doubt, at the little effect of their artillery, began their retreat. The little confidence which Monmouth had in his horse—perhaps the ill opinion he now entertained of their leader—forbade him to think of pursuit, and having stayed till a late hour in the field, and leaving large fires burning, he set out on his march in the night, and on the 28th, in the morning, reached Froome, where he put his troops in quarter and rested two days.

It was here he first heard certain news of Argyle's discomfiture. It was in vain to seek for any circumstance in his affairs that might mitigate the effect of the severe blow inflicted by this intelligence, and he relapsed into the same low spirits as at Philip's Norton. No diversion, at least no successful diversion, had been made in his favour: there was no appearance of the horse, which had been the principal motive to allure him into that part of the country; and what was worst of all, no desertion from the king's army. It was manifest, said the duke's more timid advisers, that the affair must terminate ill, and the only measure now to be taken was, that the general with his officers should leave the army to shift for itself, and make severally for the most convenient sea-ports, whence they might possibly get a safe passage to the Continent. To account for Monmouth's entertaining, even for a moment, a thought so unworthy of him, and so inconsistent with the character for spirit he had ever maintained—a character unimpeached even by his enemies—we must recollect the unwillingness with which he undertook this fatal expedition; that his engagement to Argyle, who was now past help, was perhaps his principal motive for embarking at the time; that it was with great reluctance he had torn himself from the arms of Lady Harriet Wentworth, with whom he had so firmly persuaded himself that he could be happy in the most obscure retirement,



Page 107

that he believed himself weaned from ambition, which had hitherto been the only passion of his mind. It is true, that when he had once yielded to the solicitations of his friends so far as to undertake a business of such magnitude, it was his duty (but a duty that required a stronger mind than his to execute) to discard from his thoughts all the arguments that had rendered his compliance reluctant. But it is one of the great distinctions between an ordinary mind and a superior one, to be able to carry on without relenting a plan we have not originally approved, and especially when it appears to have turned out ill. This proposal of disbanding was a step so pusillanimous and dishonourable that it could not be approved by any council, however composed. It was condemned by all except Colonel Venner, and was particularly inveighed against by Lord Grey, who was perhaps desirous of retrieving, by bold words at least, the reputation he had lost at Bridport. It is possible, too, that he might be really unconscious of his deficiency in point of personal courage till the moment of danger arrived, and even forgetful of it when it was passed. Monmouth was easily persuaded to give up a plan so uncongenial to his nature, resolved, though with little hope of success, to remain with his army to take the chance of events, and at the worst to stand or fall with men whose attachment to him had laid him under indelible obligations.

This resolution being taken, the first plan was to proceed to Warminster, but on the morning of his departure hearing, on the one hand, that the king's troops were likely to cross his march, and on the other, being informed by a quaker, before known to the duke, that there was a great club army, amounting to ten thousand men, ready to join his standard in the marshes to the westward, he altered his intention, and returned to Shipton-Mallet, where he rested that night, his army being in good quarters. From Shipton-Mallet he proceeded, on the 1st of July, to Wells, upon information that there were in that city some carriages belonging to the king's army, and ill-guarded. These he found and took, and stayed that night in the town. The following day he marched towards Bridgewater in search of the great succour he had been taught to expect; but found, of the promised ten thousand men, only a hundred and sixty. The army lay that night in the field, and once again entered Bridgewater on the 3rd of July. That the duke's men were not yet completely dispirited or out of heart appears from the circumstance of great numbers of them going from Bridgewater to see their friends at Taunton, and other places in the neighbourhood, and almost all returning the next day according to their promise. On the 5th an account was received of the king's army being considerably advanced, and Monmouth's first thought was to retreat from it immediately, and marching by Axbridge and Keynsham to Gloucester, to pursue the plan formerly rejected, of penetrating into the counties of Chester and Salop.



Page 108

His preparations for this march were all made, when, on the afternoon of the 5th, he learnt, more accurately than he had before done, the true situation of the royal army, and from the information now received, he thought it expedient to consult his principal officers, whether it might not be advisable to attempt to surprise the enemy by a night attack upon their quarters. The prevailing opinion was, that if the infantry were not entrenched the plan was worth the trial; otherwise not. Scouts were despatched to ascertain this point, and their report being that there was no entrenchment, an attack was resolved on. In pursuance of this resolution, at about eleven at night, the whole army was in march, Lord Grey commanding the horse, and Colonel Wade the vanguard of the foot. The duke's orders were, that the horse should first advance, and pushing into the enemy's camp, endeavour to prevent their infantry from coming together; that the cannon should follow the horse, and the foot the cannon, and draw all up in one line, and so finish what the cavalry should have begun, before the king's horse and artillery could be got in order. But it was now discovered that though there were no entrenchments, there was a ditch which served as a drain to the great moor adjacent, of which no mention had been made by the scouts. To this ditch the horse under Lord Grey advanced, and no farther; and whether immediately, as according to some accounts, or after having been considerably harassed by the enemy in their attempts to find a place to pass, according to others, quitted the field. The cavalry being gone, and the principle upon which the attack had been undertaken being that of a surprise, the duke judged it necessary that the infantry should advance as speedily as possible. Wade, therefore, when he came within forty paces of the ditch, was obliged to halt to put his battalion into that order, which the extreme rapidity of the march had for the time disconcerted. His plan was to pass the ditch, reserving his fire; but while he was arranging his men for that purpose, another battalion, newly come up, began to fire, though at a considerable distance; a bad example, which it was impossible to prevent the vanguard from following, and it was now no longer in the power of their commander to persuade them to advance. The king's forces, as well horse and artillery as foot, had now full time to assemble. The duke had no longer cavalry in the field, and though his artillery, which consisted only of three or four iron guns, was well served under the directions of a Dutch gunner, it was by no means equal to that of the royal army, which, as soon as it was light, began to do great execution. In these circumstances the unfortunate Monmouth, fearful of being encompassed and made prisoner by the king's cavalry, who were approaching upon his flank, and urged, as it is reported, to flight by the same person who had stimulated him to his fatal enterprise, quitted the field accompanied by Lord Grey and some others. The left wing, under the command of Colonel Holmes and Matthews, next gave way; and Wade's men, after having continued for an hour and a half a distant and ineffectual fire, seeing their left discomfited, began a retreat, which soon afterwards became a complete rout.



Page 109

Thus ended the decisive battle of Sedgmoor; an attack which seems to have been judiciously conceived, and in many parts spiritedly executed. The general was deficient neither in courage nor conduct; and the troops, while they displayed the native bravery of Englishmen, were under as good discipline as could be expected from bodies newly raised. Two circumstances seem to have principally contributed to the loss of the day; first, the unforeseen difficulty occasioned by the ditch, of which the assailants had had no intelligence; and secondly, the cowardice of the commander of the horse. The discovery of the ditch was the more alarming, because it threw a general doubt upon the information of the spies, and the night being dark they could not ascertain that this was the only impediment of the kind which they were to expect. The dispersion of the horse was still more fatal, inasmuch as it deranged the whole order of the plan, by which it had been concerted that their operations were to facilitate the attack to be made by the foot. If Lord Grey had possessed a spirit more suitable to his birth and name, to the illustrious friendship with which he had been honoured, and to the command with which he was entrusted, he would doubtless have persevered till he found a passage into the enemy's camp, which could have been effected at a ford not far distant: the loss of time occasioned by the ditch might not have been very material, and the most important consequences might have ensued; but it would surely be rashness to assert, as Hume does, that the army would after all have gained the victory had not the misconduct of Monmouth and the cowardice of Grey prevented it. This rash judgment is the more to be admired, as the historian has not pointed out the instance of misconduct to which he refers. The number of Monmouth's men killed is computed by some at two thousand, by others at three hundred—a disparity, however, which may be easily reconciled, by supposing that the one account takes in those who were killed in battle, while the other comprehends the wretched fugitives who were massacred in ditches, corn-fields, and other hiding-places, the following day.

In general, I have thought it right to follow Wade's narrative, which appears to me by far the most authentic, if not the only authentic account of this important transaction. It is imperfect, but its imperfection arises from the narrator's omitting all those circumstances of which he was not an eye-witness, and the greater credit is on that very account due to him for those which he relates. With respect to Monmouth's quitting the field, it is not mentioned by him, nor is it possible to ascertain the precise point of time at which it happened. That he fled while his troops were still fighting, and therefore too soon for his glory, can scarcely be doubted; and the account given by Ferguson, whose veracity, however, is always to be suspected, that Lord Grey urged him to the measure, as well by persuasion



Page 110

as by example, seems not improbable. This misbehaviour of the last-mentioned nobleman is more certain; but as, according to Ferguson, who has been followed by others, he actually conversed with Monmouth in the field, and as all accounts make him the companion of his flight, it is not to be understood that when he first gave way with his cavalry, he ran away in the literal sense of the words, or if he did, he must have returned. The exact truth, with regard to this and many other interesting particulars, is difficult to be discovered; owing, not more to the darkness of the night in which they were transacted, than to the personal partialities and enmities by which they have been disfigured, in the relations of the different contemporary writers.

Monmouth with his suite first directed his course towards the Bristol Channel, and as is related by Oldmixon, was once inclined, at the suggestion of Dr. Oliver, a faithful and honest adviser, to embark for the coast of Wales, with a view of concealing himself some time in that principality. Lord Grey, who appears to have been, in all instances, his evil genius, dissuaded him from this plan, and the small party having separated, took each several ways. Monmouth, Grey, and a gentleman of Brandenburg, went southward, with a view to gain the New Forest in Hampshire, where, by means of Grey's connections in that district, and thorough knowledge of the country, it was hoped they might be in safety, till a vessel could be procured to transport them to the Continent. They left their horses, and disguised themselves as peasants; but the pursuit, stimulated as well by party zeal as by the great pecuniary rewards offered for the capture of Monmouth and Grey, was too vigilant to be eluded. Grey was taken on the 7th in the evening; and the German, who shared the same fate early on the next morning, confessed that he had parted from Monmouth but a few hours since. The neighbouring country was immediately and thoroughly searched, and James had ere night the satisfaction of learning that his nephew was in his power. The unfortunate duke was discovered in a ditch, half concealed by fern and nettles. His stock of provision, which consisted of some peas gathered in the fields through which he had fled, was nearly exhausted, and there is reason to think that he had little, if any other sustenance, since he left Bridgewater on the evening of the 5th. To repose he had been equally a stranger; how his mind must have been harassed, it is needless to discuss. Yet that in such circumstances he appeared dispirited and crestfallen, is, by the unrelenting malignity of party writers, imputed to him as cowardice and meanness of spirit. That the failure of his enterprise, together with the bitter reflection that he had suffered himself to be engaged in it against his own better judgment, joined to the other calamitous circumstances of his situation, had reduced him to a state of despondency, is evident; and in this frame of mind, he wrote, on the very day of his capture, the following letter to the king:



Page 111

“Sir,—Your majesty may think it the misfortune I now lie under makes me make this application to you; but I do assure your majesty, it is the remorse I now have in me of the wrong I have done you in several things, and now in taking up arms against you. For my taking up arms, it was never in my thought since the king died: the Prince and Princess of Orange will be witness for me of the assurance I gave them, that I would never stir against you. But my misfortune was such as to meet with some horrid people, that made me believe things of your majesty, and gave me so many false arguments, that I was fully led away to believe that it was a shame and a sin before God not to do it. But, sir, I will not trouble your majesty at present with many things I could say for myself, that I am sure would move your compassion; the chief end of this letter being only to beg of you, that I may have that happiness as to speak to your majesty; for I have that to say to you, sir, that I hope may give you a long and happy reign.

“I am sure, sir, when you hear me, you will be convinced of the zeal I have of your preservation, and how heartily I repent of what I have done. I can say no more to your majesty now, being this letter must be seen by those that keep me. Therefore, sir, I shall make an end in begging of your majesty to believe so well of me, that I would rather die a thousand deaths than excuse anything I have done, if I did not really think myself the most in the wrong that ever a man was, and had not from the bottom of my heart an abhorrence for those that put me upon it, and for the action itself. I hope, sir, God Almighty will strike your heart with mercy and compassion for me, as he has done mine with the abhorrence of what I have done: wherefore, sir, I hope I may live to show you how zealous I shall ever be for your service; and could I but say one word in this letter, you would be convinced of it; but it is of that consequence, that I dare not do it. Therefore, sir, I do beg of you once more to let me speak to you; for then you will be convinced how much I shall ever be, your majesty’s most humble and dutiful

“Monmouth.”

The only certain conclusion to be drawn from this letter, which Mr. Echard, in a manner perhaps not so seemly for a Churchman, terms submissive, is, that Monmouth still wished anxiously for life, and was willing to save it, even at the cruel price of begging and receiving it as a boon from his enemy. Ralph conjectures with great probability that this unhappy man’s feelings were all governed by his excessive affection for his mistress and that a vain hope of enjoying, with Lady Harriet Wentworth, that retirement which he had so unwillingly abandoned, induced him to adopt a conduct, which he might otherwise have considered as indecent. At any rate it must be admitted that to cling to life is a strong instinct in human nature, and Monmouth might reasonably enough satisfy himself, that when his death could not by any possibility benefit either the public or his friends, to follow such instinct, even in a manner that might tarnish the splendour of heroism, was no impeachment of the moral virtue of a man.



Page 112

With respect to the mysterious part of the letter, where he speaks of one word which would be of such infinite importance, it is difficult, if not rather utterly impossible, to explain it by any rational conjecture. Mr. Macpherson's favourite hypothesis, that the Prince of Orange had been a party to the late attempt, and that Monmouth's intention, when he wrote the letter, was to disclose this important fact to the king, is totally destroyed by those expressions, in which the unfortunate prisoner tells his majesty he had assured the Prince and Princess of Orange that he would never stir against him. Did he assure the Prince of Orange that he would never do that which he was engaged to the Prince of Orange to do? Can it be said that this was a false fact, and that no such assurances were in truth given? To what purpose was the falsehood? In order to conceal from motives, whether honourable or otherwise, his connection with the prince? What! a fiction in one paragraph of the letter in order to conceal a fact, which in the next he declares his intention of revealing? The thing is impossible.

The intriguing character of the Secretary of State, the Earl of Sunderland, whose duplicity in many instances cannot be doubted, and the mystery in which almost everything relating to him is involved, might lead us to suspect that the expressions point at some discovery in which that nobleman was concerned, and that Monmouth had it in his power to be of important service to James, by revealing to him the treachery of his minister. Such a conjecture might be strengthened by an anecdote that has had some currency, and to the truth of which, in part, King James's "Memoirs," if the extracts from them can be relied on, bear testimony. It is said that the Duke of Monmouth told Mr. Ralph Sheldon, one of the king's chamber, who came to meet him on his way to London, that he had had reason to expect Sunderland's co-operation, and authorised Sheldon to mention this to the king: that while Sheldon was relating this to his majesty, Sunderland entered; Sheldon hesitated, but was ordered to go on. "Sunderland seemed, at first, struck" (as well he might, whether innocent or guilty), "but after a short time said, with a laugh, 'If that be all he (Monmouth) can discover to save his life, it will do him little good.'" It is to be remarked, that in Sheldon's conversation, as alluded to by King James, the Prince of Orange's name is not even mentioned, either as connected with Monmouth or with Sunderland. But, on the other hand, the difficulties that stand in the way of our interpreting Monmouth's letter as alluding to Sunderland, or of supposing that the writer of it had any well-founded accusation against that minister, are insurmountable. If he had such an accusation to make, why did he not make it? The king says expressly, both in a letter to the Prince of Orange, and in the extract, from his "Memoirs," above cited, that Monmouth made no discovery of consequence,



Page 113

and the explanation suggested, that his silence was owing to Sunderland the secretary's having assured him of his pardon, seems wholly inadmissible. Such assurances could have their influence no longer than while the hope of pardon remained. Why, then, did he continue silent, when he found James inexorable? If he was willing to accuse the earl before he had received these assurances, it is inconceivable that he should have any scruple about doing it when they turned out to have been delusive, and when his mind must have been exasperated by the reflection that Sunderland's perfidious promises and self-interested suggestions had deterred him from the only probable means of saving his life.

A third, and perhaps the most plausible, interpretation of the words in question is, that they point to a discovery of Monmouth's friends in England, when, in the dejected state of his mind at the time of writing, unmanned as he was by misfortune, he might sincerely promise what the return of better thoughts forbade him to perform. This account, however, though free from the great absurdities belonging to the two others, is by no means satisfactory. The phrase, "one word," seems to relate rather to some single person, or some single fact, and can hardly apply to any list of associates that might be intended to be sacrificed. On the other hand, the single denunciation of Lord Delamere, of Lord Brandon, or even of the Earl of Devonshire, or of any other private individual, could not be considered as of that extreme consequence which Monmouth attaches to his promised disclosure. I have mentioned Lord Devonshire, who was certainly not implicated in the enterprise, and who was not even suspected, because it appears, from Grey's narrative, that one of Monmouth's agents had once given hopes of his support; and therefore there is a bare possibility that Monmouth may have reckoned upon his assistance. Perhaps, after all, the letter has been canvassed with too much nicety, and the words of it weighed more scrupulously than, proper allowance being made for the situation and state of mind of the writer, they ought to have been. They may have been thrown out at hazard, merely as means to obtain an interview, of which the unhappy prisoner thought he might, in some way or other, make his advantage. If any more precise meaning existed in his mind, we must be content to pass it over as one of those obscure points of history, upon which neither the sagacity of historians, nor the many documents since made public, nor the great discoverer, Time, has yet thrown any distinct light.

Monmouth and Grey were now to be conveyed to London, for which purpose they set out on the 11th, and arrived in the vicinity of the metropolis on the 13th of July. In the meanwhile, the queen dowager, who seems to have behaved with a uniformity of kindness towards her husband's son that does her great honour, urgently pressed the king to admit his nephew to an audience. Importuned, therefore, by entreaties,



Page 114

and instigated by the curiosity which Monmouth's mysterious expressions, and Sheldon's story, had excited, he consented, though with a fixed determination to show no mercy. James was not of the number of those, in whom the want of an extensive understanding is compensated by a delicacy of sentiment, or by those right feelings, which are often found to be better guides for the conduct than the most accurate reasoning. His nature did not revolt, his blood did not run cold, at the thoughts of beholding the son of a brother whom he had loved embracing his knees, petitioning, and petitioning in vain, for life; of interchanging words and looks with a nephew, on whom he was inexorably determined, within forty-eight short hours, to inflict an ignominious death.

In Macpherson's extract from King James's "Memoirs," it is confessed that the king ought not to have seen, if he was not disposed to pardon the culprit; but whether the observation is made by the exiled prince himself, or by him who gives the extract, is in this, as in many other passages of those "Memoirs," difficult to determine. Surely if the king had made this reflection before Monmouth's execution, it must have occurred to that monarch, that if he had inadvertently done that which he ought not to have done, without an intention to pardon, the only remedy was to correct that part of his conduct which was still in his power, and since he could not recall the interview, to grant the pardon.

Pursuant to this hard-hearted arrangement, Monmouth and Grey, on the very day of their arrival, were brought to Whitehall, where they had severally interviews with his majesty. James, in a letter to the Prince of Orange, dated the following day, gives a short account of both these interviews. Monmouth, he says, betrayed a weakness which did not become one who had claimed the title of king; but made no discovery of consequence.

Grey was more ingenuous (it is not certain in what sense his majesty uses the term, since he does not refer to any discovery made by that lord), and never once begged his life. Short as this account is, it seems the only authentic one of those interviews. Bishop Kennet, who has been followed by most of the modern historians, relates, that "This unhappy captive, by the intercession of the queen dowager, was brought to the king's presence, and fell presently at his feet, and confessed he deserved to die; but conjured him, with tears in his eyes, not to use him with the severity of justice, and to grant him a life, which he would be ever ready to sacrifice for his service. He mentioned to him the example of several great princes, who had yielded to the impressions of clemency on the like occasions, and who had never afterwards repented of those acts of generosity and mercy; concluding, in a most pathetic manner, 'Remember, sir, I am your brother's son, and if you take my life, it is your own blood that you will shed.' The king asked him several questions, and made him



Page 115

sign a declaration that his father told him he was never married to his mother: and then said, he was sorry indeed for his misfortunes; but his crime was of too great a consequence to be left unpunished, and he must of necessity suffer for it. The queen is said to have insulted him in a very arrogant and unmerciful manner. So that when the duke saw there was nothing designed by this interview but to satisfy the queen's revenge, he rose up from his majesty's feet with a new air of bravery, and was carried back to the Tower."

The topics used by Monmouth are such as he might naturally have employed, and the demeanour attributed to him, upon finding the king inexorable, is consistent enough with general probability, and his particular character; but that the king took care to extract from him a confession of Charles's declaration with respect to his illegitimacy, before he announced his final refusal of mercy, and that the queen was present for the purpose of reviling and insulting him, are circumstances too atrocious to merit belief, without some more certain evidence. It must be remarked also, that Burnet, whose general prejudices would not lead him to doubt any imputations against the queen, does not mention her majesty's being present. Monmouth's offer of changing religion is mentioned by him, but no authority quoted; and no hint of the kind appears either in James's Letters, or in the extract from his "Memoirs."

From Whitehall Monmouth was at night carried to the Tower, where, no longer uncertain as to his fate, he seems to have collected his mind, and to have resumed his wonted fortitude. The bill of attainder that had lately passed having superseded the necessity of a legal trial, his execution was fixed for the next day but one after his commitment. This interval appeared too short even for the worldly business which he wished to transact, and he wrote again to the king on the 14th, desiring some short respite, which was peremptorily refused. The difficulty of obtaining any certainty concerning facts, even in instances where there has not been any apparent motive for disguising them, is nowhere more striking than in the few remaining hours of this unfortunate man's life. According to King James's statement in his "Memoirs," he refused to see his wife, while other accounts assert positively that she refused to see him, unless in presence of witnesses. Burnet, who was not likely to be mistaken in a fact of this kind, says they did meet, and parted very coldly, a circumstance which, if true, gives us no very favourable idea of the lady's character. There is also mention of a third letter written by him to the king, which being entrusted to a perfidious officer of the name of Scott, never reached its destination; but for this there is no foundation. What seems most certain is, that in the Tower, and not in the closet, he signed a paper, renouncing his pretensions to the crown, the same which he afterwards delivered on the scaffold; and that he was inclined to make this declaration, not by any vain hope of life, but by his affection for his children, whose situation he rightly judged would be safer and better under the reigning monarch and his successors, when it should be evident that they could no longer be competitors for the throne.



Page 116

Monmouth was very sincere in his religious professions, and it is probable that a great portion of this sad day was passed in devotion and religious discourse with the two prelates who had been sent by his majesty to assist him in his spiritual concerns. Turner, bishop of Ely, had been with him early in the morning, and Kenn, bishop of Bath and Wells, was sent, upon the refusal of a respite, to prepare him for the stroke, which it was now irrevocably fixed he should suffer the ensuing day. They stayed with him all night, and in the morning of the 15th were joined by Dr. Hooper, afterwards, in the reign of Anne, made bishop of Bath and Wells, and by Dr. Tennison, who succeeded Tillotson in the see of Canterbury. This last divine is stated by Burnet to have been most acceptable to the duke, and, though he joined the others in some harsh expostulations, to have done what the right reverend historian conceives to have been his duty, in a softer and less peremptory manner. Certain it is, that none of these holy men seem to have erred on the side of compassion or complaisance to their illustrious penitent. Besides endeavouring to convince him of the guilt of his connection with his beloved lady Harriet, of which he could never be brought to a due sense, they seem to have repeatedly teased him with controversy, and to have been far more solicitous to make him profess what they deemed the true creed of the Church of England, than to soften or console his sorrows, or to help him to that composure of mind so necessary for his situation. He declared himself to be a member of their Church, but, they denied that he could be so, unless he thoroughly believed the doctrine of passive obedience and non-resistance. He repented generally of his sins, and especially of his late enterprise, but they insisted that he must repent of it in the way they prescribed to him, that he must own it to have been a wicked resistance to his lawful king, and a detestable act of rebellion. Some historians have imputed this seemingly cruel conduct to the king's particular instructions, who might be desirous of extracting, or rather extorting, from the lips of his dying nephew such a confession as would be matter of triumph to the royal cause. But the character of the two prelates principally concerned, both for general uprightness and sincerity as Church of England men, makes it more candid to suppose that they did not act from motives of servile compliance, but rather from an intemperate party zeal for the honour of their Church, which they judged would be signally promoted if such a man as Monmouth, after having throughout his life acted in defiance of their favourite doctrine, could be brought in his last moments to acknowledge it as a divine truth. It must never be forgotten, if we would understand the history of this period, that the truly orthodox members of our Church regarded monarchy not as a human, but as a divine institution, and passive obedience and non-resistance, not as political maxims, but as articles of religion.



Page 117

At ten o'clock on the 15th Monmouth proceeded in a carriage of the lieutenant of the Tower to Tower Hill, the place destined for his execution. The two bishops were in the carriage with him, and one of them took that opportunity of informing him that their controversial altercations were not yet at an end, and that upon the scaffold he would again be pressed for more explicit and satisfactory declarations of repentance. When arrived at the bar which had been put up for the purpose of keeping out the multitude, Monmouth descended from the carriage, and mounted the scaffold, with a firm step, attended by his spiritual assistants. The sheriffs and executioners were already there. The concourse of spectators was innumerable; and if we are to credit traditional accounts, never was the general compassion more affectingly expressed. The tears, sighs, and groans, which the first sight of this heartrending spectacle produced, were soon succeeded by a universal and awful silence; a respectful attention and affectionate anxiety to hear every syllable that should pass the lips of the sufferer. The duke began by saying he should speak little; he came to die, and he should die a Protestant of the Church of England. Here he was interrupted by the assistants, and told, that if he was of the Church of England, he must acknowledge the doctrine of non-resistance to be true. In vain did he reply that if he acknowledged the doctrine of the Church in general it included all: they insisted he should own that doctrine, particularly with respect to his case, and urged much more concerning their favourite point, upon which, however, they obtained nothing but a repetition in substance of former answers. He was then proceeding to speak of Lady Harriet Wentworth, of his high esteem for her, and of his confirmed opinion that their connection was innocent in the sight of God, when Goslin, the sheriff, asked him, with all the unfeeling bluntness of a vulgar mind, whether he was ever married to her. The duke refusing to answer, the same magistrate, in the like strain, though changing his subject, said he hoped to have heard of his repentance for the treason and bloodshed which had been committed; to which the prisoner replied, with great mildness, that he died very penitent. Here the Churchmen again interposed, and renewing their demand of particular penitence and public acknowledgment upon public affairs, Monmouth referred them to the following paper, which he had signed that morning:

“I declare that the title of king was forced upon me, and that it was very much contrary to my opinion when I was proclaimed. For the satisfaction of the world, I do declare that the late king told me he was never married to my mother. Having declared this, I hope the king who is now will not let my children suffer on this account. And to this I put my hand this fifteenth day of July, 1685.

“Monmouth.”



Page 118

There was nothing, they said, in that paper about resistance; nor, though Monmouth, quite worn-out with their importunities, said to one of them, in the most affecting manner, "I am to die—pray my lord—I refer to my paper," would those men think it consistent with their duty to desist. There were only a few words they desired on one point. The substance of these applications on the one hand, and answers on the other, was repeated over and over again, in a manner that could not be believed, if the facts were not attested by the signatures of the persons principally concerned. If the duke, in declaring his sorrow for what had passed, used the word invasion, "Give it the true name," said they, "and call it rebellion." "What name you please," replied the mild-tempered Monmouth. He was sure he was going to everlasting happiness, and considered the serenity of his mind in his present circumstances as a certain earnest of the favour of his Creator. His repentance, he said, must be true, for he had no fear of dying; he should die like a lamb. "Much may come from natural courage," was the unfeeling and stupid reply of one of the assistants. Monmouth, with that modesty inseparable from true bravery, denied that he was in general less fearful than other men, maintaining that his present courage was owing to his consciousness that God had forgiven him his past transgressions, of all which generally he repented with all his soul.

At last the reverend assistants consented to join with him in prayer, but no sooner were they risen from their kneeling posture than they returned to their charge. Not satisfied with what had passed, they exhorted him to a true and thorough repentance. Would he not pray for the king, and send a dutiful message to his majesty to recommend the duchess and his children? "As you please," was the reply; "I pray for him and for all men." He now spoke to the executioner, desiring that he might have no cap over his eyes, and began undressing. One would have thought that in this last sad ceremony, the poor prisoner might have been unmolested, and that the divines would have been satisfied that prayer was the only part of their function for which their duty now called upon them. They judged differently, and one of them had the fortitude to request the duke, even in this stage of the business, that he would address himself to the soldiers then present, to tell them he stood a sad example of rebellion, and entreat the people to be loyal and obedient to the king. "I have said I will make no speeches," repeated Monmouth, in a tone more peremptory than he had before been provoked to; "I will make no speeches. I come to die." "My lord, ten words will be enough," said the persevering divine; to which the duke made no answer, but turning to the executioner, expressed a hope that he would do his work better now than in the case of Lord Russell. He then felt the axe, which he apprehended was not sharp enough, but being assured that it was of proper sharpness and weight, he laid down his head. In the meantime many fervent ejaculations were used by the reverend assistants, who, it must be observed, even in these moments of horror, showed themselves not unmindful of the points upon which they had been disputing, praying God to accept his imperfect and general repentance.



Page 119

The executioner now struck the blow, but so feebly or unskilfully, that Monmouth, being but slightly wounded, lifted up his head, and looked him in the face as if to upbraid him, but said nothing. The two following strokes were as ineffectual as the first, and the headsman, in a fit of horror, declared he could not finish his work. The sheriffs threatened him; he was forced again to make a further trial, and in two more strokes separated the head from the body.

Thus fell, in the thirty-sixth year of his age, James, Duke of Monmouth, a man against whom all that has been said by the most inveterate enemies both to him and his party amounts to little more than this, that he had not a mind equal to the situations in which his ambition, at different times, engaged him to place himself. But to judge him with candour, we must make great allowances, not only for the temptations into which he was led by the splendid prosperity of the earlier parts of his life, but also for the adverse prejudices with which he was regarded by almost all the contemporary writers, from whom his actions and character are described. The Tories, of course, are unfavourable to him; and even among the Whigs, there seems, in many, a strong inclination to disparage him; some to excuse themselves for not having joined him, others to make a display of their exclusive attachment to their more successful leader, King William. Burnet says of Monmouth, that he was gentle, brave, and sincere: to these praises, from the united testimony of all who knew him, we may add that of generosity; and surely those qualities go a great way in making up the catalogue of all that is amiable and estimable in human nature. One of the most conspicuous features in his character seems to have been a remarkable, and, as some think, a culpable degree of flexibility. That such a disposition is preferable to its opposite extreme, will be admitted by all who think that modesty, even in excess, is more nearly allied to wisdom than conceit and self-sufficiency. He who has attentively considered the political, or, indeed, the general concerns of life, may possibly go still further, and rank a willingness to be convinced, or in some cases even without conviction, to concede our own opinion to that of other men, among the principal ingredients in the composition of practical wisdom. Monmouth had suffered this flexibility, so laudable in many cases, to degenerate into a habit which made him often follow the advice, or yield to the entreaties, of persons whose characters by no means entitled them to such deference. The sagacity of Shaftesbury, the honour of Russell, the genius of Sydney, might, in the opinion of a modest man, be safe and eligible guides. The partiality of friendship, and the conviction of his firm attachment, might be some excuse for his listening so much to Grey; but he never could, at any period of his life, have mistaken Ferguson for an honest man. There is reason to believe

Page 120

that the advice of the two last-mentioned persons had great weight in persuading him to the unjustifiable step of declaring himself king. But far the most guilty act of this unfortunate man's life was his lending his name to the declaration which was published at Lyme, and in this instance Ferguson, who penned the paper, was both the adviser and the instrument. To accuse the king of having burnt London, murdered Essex in the Tower, and, finally, poisoned his brother, unsupported by evidence to substantiate such dreadful charges, was calumny of the most atrocious kind; but the guilt is still heightened, when we observe, that from no conversation of Monmouth, nor, indeed, from any other circumstance whatever, do we collect that he himself believed the horrid accusations to be true. With regard to Essex's death in particular, the only one of the three charges which was believed by any man of common sense, the late king was as much implicated in the suspicion as James. That the latter should have dared to be concerned in such an act, without the privacy of his brother, was too absurd an imputation to be attempted, even in the days of the popish plot. On the other hand, it was certainly not the intention of the son to brand his father as an assassin. It is too plain that, in the instance of this declaration, Monmouth, with a facility highly criminal, consented to set his name to whatever Ferguson recommended as advantageous to the cause. Among the many dreadful circumstances attending civil wars, perhaps there are few more revolting to a good mind than the wicked calumnies with which, in the heat of contention, men, otherwise men of honour, have in all ages and countries permitted themselves to load their adversaries. It is remarkable that there is no trace of the divines who attended this unfortunate man having exhorted him to a particular repentance of his manifesto, or having called for a retraction or disavowal of the accusations contained in it. They were so intent upon points more immediately connected with orthodoxy of faith, that they omitted pressing their penitent to the only declaration by which he could make any satisfactory atonement to those whom he had injured.

FRAGMENTS.

The following detached paragraphs were probably intended for the fourth chapter. They are here printed in the incomplete and unfinished state in which they were found.

While the Whigs considered all religious opinions with a view to politics, the Tories, on the other hand, referred all political maxims to religion. Thus the former, even in their hatred to popery, did not so much regard the superstition, or imputed idolatry of that unpopular sect, as its tendency to establish arbitrary power in the State, while the latter revered absolute monarchy as a divine institution, and cherished the doctrines of passive obedience and non-resistance as articles of religious faith.



Page 121

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To mark the importance of the late events, his majesty caused two medals to be struck; one of himself, with the usual inscription, and the motto, *Aras et scepra tuemur*; the other of Monmouth, without any inscription. On the reverse of the former were represented the two headless trunks of his lately vanquished enemies, with other circumstances in the same taste and spirit, the motto, *Ambitio malesuada ruit*; on that of the latter appeared a young man falling in the attempt to climb a rock with three crowns on it, under which was the insulting motto, *Superi risere*.

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With the lives of Monmouth and Argyle ended, or at least seemed to end, all prospect of resistance to James's absolute power; and that class of patriots who feel the pride of submission, and the dignity of obedience, might be completely satisfied that the crown was in its full lustre.

James was sufficiently conscious of the increased strength of his situation, and it is probable that the security he now felt in his power inspired him with the design of taking more decided steps in favour of the popish religion and its professors than his connection with the Church of England party had before allowed him to entertain. That he from this time attached less importance to the support and affection of the Tories is evident from Lord Rochester's observations, communicated afterwards to Burnet. This nobleman's abilities and experience in business, his hereditary merit, as son of Lord Chancellor Clarendon, and his uniform opposition to the Exclusion Bill, had raised him high in the esteem of the Church party. This circumstance, perhaps, as much, or more than the king's personal kindness to a brother-in-law, had contributed to his advancement to the first office in the State. As long, therefore, as James stood in need of the support of the party, as long as he meant to make them the instruments of his power, and the channels of his favour, Rochester was, in every respect, the fittest person in whom to confide; and accordingly, as that nobleman related to Burnet, his majesty honoured him with daily confidential communications upon all his most secret schemes and projects. But upon the defeat of the rebellion, an immediate change took place, and from the day of Monmouth's execution, the king confined his conversations with the treasurer to the mere business of his office.